

AGENDA

PLANNING COMMITTEE MEETING



Date: Thursday 17 March 2016
Time: 6.00 p.m.
Venue: Town Hall, High Street,
Maidstone

Membership:

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

Page No.

1. Apologies for Absence
2. Notification of Substitute Members
3. Notification of Visiting Members
4. Items withdrawn from the Agenda
5. Date of Adjourned Meeting - 24 March 2016

Continued Over/:

Issued on Wednesday 9 March 2016

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

| | | |
|-----|---|-----------|
| 6. | Any business the Chairman regards as urgent including the urgent update report as it relates to matters to be considered at the meeting | |
| 7. | Disclosures by Members and Officers | |
| 8. | Disclosures of lobbying | |
| 9. | To consider whether any items should be taken in private because of the possible disclosure of exempt information. | |
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| 27. | Chairman's Announcements | |

PLEASE NOTE

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

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

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

Agenda Item 10

MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON 25 FEBRUARY 2016

Present: Councillor English (Chairman) and Councillors Ash, Butler, Clark, Harper, Harwood, Hemsley, Munford, Paterson, Perry, Round, Vizzard and J A Wilson

Also Present: Councillors Mrs Blackmore, McLoughlin, Pickett and Thick

282. APOLOGIES FOR ABSENCE

It was noted that apologies for absence had been received from Councillors Cox, Paine and Mrs Stockell.

283. NOTIFICATION OF SUBSTITUTE MEMBERS

The following Substitute Members were noted:

Councillor Butler for Councillor Mrs Stockell
Councillor Vizzard for Councillor Cox
Councillor J A Wilson for Councillor Paine

284. NOTIFICATION OF VISITING MEMBERS

Councillor McLoughlin indicated his wish to speak on the report of the Head of Planning and Development relating to application 15/505971.

Councillor Pickett indicated his wish to speak on the report of the Head of Planning and Development relating to application 15/504311.

Councillor Thick indicated his wish to speak on the reports of the Head of Planning and Development relating to applications 15/505974 and 15/507424.

It was noted that Councillor Mrs Blackmore had indicated her wish to speak on the reports of the Head of Planning and Development relating to applications 15/505971 and 15/505974.

285. ITEMS WITHDRAWN FROM THE AGENDA

The Chairman advised the Committee that, due to the receipt of a substantive intervention from a consultee that required consideration, it was recommended that agreement be given to the withdrawal of applications 11/0511 and 11/0512 relating to Wierton Place, Wierton Road, Boughton Monchelsea from the agenda.

RESOLVED: That agreement be given to the withdrawal of applications 11/0511 and 11/0512 from the agenda to enable consideration to be given to a substantive intervention received from a consultee.

The Chairman then drew the Committee's attention to a late request from Headcorn Parish Council for application 15/507424 to be withdrawn from the agenda. The Chairman advised the Committee that he had discussed the points raised by the Parish Council with the Development Manager, but they were not considered to be substantive or substantial, and it was not proposed to ask the Committee to agree to the withdrawal of the application from the agenda.

286. URGENT ITEMS

The Chairman stated that, in his opinion, the update reports of the Head of Planning and Development should be taken as urgent items as they contained further information relating to the applications to be considered at the meeting.

287. DISCLOSURES BY MEMBERS AND OFFICERS

With regard to the reports of the Head of Planning and Development relating to applications 11/0511, 11/0512 and 15/507259, Councillor Munford stated that he was the Chairman of Boughton Monchelsea Parish Council which had made representations. However, he had not participated in the Parish Council's discussions on the applications, and he had not pre-determined.

Noting that applications 11/0511 and 11/0512 had been withdrawn from the agenda, Councillor Munford stated that the applicant in respect of application 15/507259 was known to him, but the majority of the residents of Boughton Monchelsea were known to him, and he intended to speak and vote when the application was discussed.

288. EXEMPT ITEMS

RESOLVED: That the item on Part II of the agenda be taken in public, but the information contained therein should remain private.

289. MINUTES (PARTS I AND II) OF THE MEETING HELD ON 4 FEBRUARY 2016 ADJOURNED TO 11 FEBRUARY 2016

RESOLVED: That the Minutes (Parts I and II) of the meeting held on 4 February adjourned to 11 February 2016 be approved as a correct record and signed.

290. PRESENTATION OF PETITIONS

There were no petitions.

291. DEFERRED ITEMS

14/504109 - ADVERTISEMENT CONSENT FOR THE INSTALLATION OF 2 NO. NON-ILLUMINATED METAL POLE MOUNTED SIGNS (RETROSPECTIVE APPLICATION) - HUNTON C OF E PRIMARY SCHOOL, BISHOPS LANE, HUNTON, KENT

15/504345 - CHANGE OF USE OF BUILDING FROM LIVE/WORK USE (SUI GENERIS) TO A MIXED BUSINESS (USE CLASS B1A, B OR C) AND RESIDENTIAL USE (USE CLASS C3) (RETROSPECTIVE) - AMERICAN OAST, TUTSHAM FARM, WEST FARLEIGH, KENT

15/507194 - CONSTRUCTION OF A DETACHED HOUSE AND A PAIR OF SEMI-DETACHED HOUSES WITH ASSOCIATED PARKING - LAND ADJ ULCOMBE C OF E PRIMARY SCHOOL, THE STREET, ULCOMBE, KENT

The Head of Planning and Development advised Members that he had nothing further to report in respect of these applications at present, other than he hoped to be in a position to report applications 15/504345 and 15/507194 back to the Committee in the near future.

292. 11/0511 - CHANGE OF USE OF EXISTING NIGHTCLUB AND APARTMENTS TO 1 DWELLING AND 6 APARTMENTS, INCLUDING EXTENSIONS; CONVERSION OF THE EXISTING BALLROOM TO 2 DWELLINGS, INCLUDING EXTENSIONS; DEMOLITION OF EXISTING GARAGE BLOCK AND ERECTION OF 4 TERRACED PROPERTIES; CONVERSION OF EXISTING GLASSHOUSES TO 4 DWELLINGS, INCLUDING EXTENSIONS; AND THE ERECTION OF 5 DETACHED DWELLINGS TO THE NORTH AND SOUTH OF THE ACCESS TRACK, TOGETHER WITH ASSOCIATED ACCESS AND LANDSCAPE WORKS - WIERTON PLACE, WIERTON ROAD, BOUGHTON MONCHELSEA, MAIDSTONE, KENT

See Minute 285 above.

293. 11/0512 - AN APPLICATION FOR LISTED BUILDING CONSENT FOR INTERNAL ALTERATIONS AND EXTENSIONS TO FACILITATE THE CHANGE OF USE OF EXISTING NIGHTCLUB AND APARTMENTS TO 1 DWELLING AND 6 APARTMENTS, INCLUDING EXTENSIONS AND INTERNAL WORKS; CONVERSION AND EXTENSION OF THE EXISTING BALLROOM TO 2 DWELLINGS; DEMOLITION OF EXISTING GARAGE BLOCK AND ERECTION OF 4 TERRACED PROPERTIES; CONVERSION AND EXTENSION OF EXISTING GLASSHOUSES TO 4 DWELLINGS; AND THE ERECTION OF 5 DETACHED DWELLINGS TO THE NORTH AND SOUTH OF THE ACCESS TRACK, TOGETHER WITH ASSOCIATED ACCESS AND LANDSCAPE WORKS - WIERTON PLACE, WIERTON ROAD, BOUGHTON MONCHELSEA, MAIDSTONE, KENT

See Minute 285 above.

294. 15/505974 - CONSTRUCTION OF A SOLAR FARM TO INCLUDE THE INSTALLATION OF SOLAR PANELS TO GENERATE ELECTRICITY WITH TWO INVERTER STATIONS, SUBSTATION, CONTROL ROOM, GENERAL

STORAGE, SECURITY FENCING AND CAMERAS AND ASSOCIATED
TEMPORARY ACCESS TRACK AND SITE COMPOUND - GREAT TONG FARM,
GREAT TONG, HEADCORN, KENT

All Members stated that they had been lobbied.

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

Mrs Prendergast, an objector, Councillor Andrew of Headcorn Parish Council (against), Councillor Mrs Lovegrove of Ulcombe Parish Council (against), Councillor Ireland of East Sutton Parish Council (against), Mr Richardson, for the applicant, and Councillors Mrs Blackmore and Thick (Visiting Members) addressed the meeting.

Contrary to the recommendation of the Head of Planning and Development, the Committee agreed to refuse permission. In making this decision, Members considered the proposed development to be unacceptable by virtue of its adverse effect on the character of the landscape and the visual amenity of the Special Landscape Area, contrary to the aims and objectives of the National Planning Policy Framework (2012), the National Planning Practice Guidance (2014), Saved Policies ENV6, ENV28 and ENV34 of the Maidstone Borough-Wide Local Plan (2000), the Council's Planning Policy Advice Notice (2014), the Maidstone Landscape Character Assessment (2012, amended 2013) and the Maidstone Landscape Capacity Study: Sensitivity Assessment (2015). The planning harm that had been identified would not be outweighed by the planning benefits of the development.

Members also felt that the proposed development would result in harm to the setting of designated heritage assets such that the harm would outweigh the public benefits of the proposed scheme contrary to Paragraphs 126, 128-129, 131, 132 and 134 of the National Planning Policy Framework 2012 and the National Planning Practice Guidance 2014.

RESOLVED: That permission be refused for the following reasons:

1. The proposed development is considered to be unacceptable by virtue of its adverse effect on the character of the landscape and the visual amenity of the Special Landscape Area, contrary to the aims and objectives of the National Planning Policy Framework (2012), the National Planning Practice Guidance (2014), Saved Policies ENV6, ENV28 and ENV34 of the Maidstone Borough-Wide Local Plan (2000), the Council's Planning Policy Advice Notice (2014), the Maidstone Landscape Character Assessment (2012, amended 2013) and the Maidstone Landscape Capacity Study: Sensitivity Assessment (2015). The planning harm that has been identified would not be outweighed by the planning benefits of the development.
2. The proposed development would result in harm to the setting of designated heritage assets such that the harm would outweigh the public benefits of the proposed scheme contrary to Paragraphs 126,

128-129, 131, 132 and 134 of the National Planning Policy Framework 2012 and the National Planning Practice Guidance 2014.

Voting: 8 – For 3 – Against 2 – Abstentions

Note: Councillor Harwood requested that his dissent be recorded.

295. 15/507424 - OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT OF UP TO 62 DWELLINGS (INCLUDING A MINIMUM OF 40% AFFORDABLE HOUSING), PLANTING AND LANDSCAPING, INFORMAL OPEN SPACE, SURFACE WATER ATTENUATION, VEHICULAR ACCESS POINT FROM MILL BANK AND ASSOCIATED ANCILLARY WORKS (WITH THE EXCEPTION OF MEANS OF ACCESS ALL OTHER MATTERS RESERVED FOR FUTURE CONSIDERATION) - LAND WEST OF MILL BANK, MAIDSTONE ROAD, HEADCORN, KENT

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

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

Mrs Lloyd-Jones, an objector, Councillor Andrews of Headcorn Parish Council (against) and Councillor Thick (Visiting Member) addressed the meeting.

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

- The provision of 40% affordable residential units within the application site (25 affordable units);
- A contribution of £323,809.54 towards the second phase of permanently expanding Headcorn Primary School from 1FE to 2FE;
- A contribution of £54,138.20 towards the cost of acquiring additional land to accommodate the expansion of Headcorn Primary School;
- A contribution of £141,588 towards the first phase of expanding Maidstone Grammar School in Barton Road, Maidstone;
- A contribution of £1,903.40 towards community learning to be used towards the cost of commissioning adult and community learning classes within Headcorn, including rental of space and equipment required;
- A contribution of £523.28 towards equipment to expand the range of youth focused activities able to take place at the Headcorn Village Hall, to address the demand from the development towards youth services locally and to be used by KCC's commissioned youth worker;

- A contribution of £2,977.24 towards new book stock to be supplied to Headcorn Library to address the demand from the development; and
- A contribution towards the upgrading/resurfacing of PRoW KH591 within the site (the details to be finalised by the Head of Planning and Development acting under delegated powers),

the Head of Planning and Development be given delegated powers to grant outline permission subject to the conditions and informative set out in the report and the following additional informative:

A development delivery group, comprising Ward Members and representatives of the Parish Council with an invitation to the Planning Committee Chairman and Political Group Spokespersons, should be established to discuss the detailed scheme prior to submission of reserved matters.

Voting: 7 – For 6 – Against 0 – Abstentions

Note: Councillor Harwood left the meeting after consideration of this application (8.20 p.m.).

296. 15/505971 - CONSTRUCTION OF A SOLAR FARM TO INCLUDE INSTALLATION OF SOLAR PANELS TO GENERATE UP TO 5MW OF ELECTRICITY WITH SWITCH ROOM, DEER FENCING AND CAMERAS, LANDSCAPING AND ASSOCIATED WORKS, TOGETHER WITH MEASURES TO PROMOTE BIODIVERSITY - LAND AT WIDEHURST FARM, THORN ROAD, MARDEN, KENT

All Members stated that they had been lobbied.

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

Mrs Thorpe, for objectors, Mr Richardson, for the applicant, and Councillors Mrs Blackmore and McLoughlin (Visiting Members) addressed the meeting.

RESOLVED: That subject to no new material planning issues being raised in response to the advertisement of the development as a departure from the Development Plan, the Head of Planning and Development be given delegated powers to grant permission subject to the conditions and informative set out in the report with the addition of the following reason for condition 15:

To ensure that the principles of sustainable drainage are incorporated into this proposal and to ensure ongoing efficiency of the drainage provisions. These details are required prior to commencement because they are fundamental to the acceptability of the proposal overall.

Voting: 6 – For 5 – Against 1 - Abstention

297. 15/504311 - DEMOLITION OF EXISTING DETACHED DWELLING, ERECTION OF FOUR STOREY BLOCK OF EIGHT 2 BEDROOM FLATS WITH NEW ACCESS AND ASSOCIATED CAR PARKING - CHRISTMAS LODGE, LONDON ROAD, MAIDSTONE, KENT

The Chairman and Councillor Harper stated that they had been lobbied.

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

Mr Gittings, for the applicant, and Councillor Pickett (Visiting Member) addressed the meeting.

Contrary to the recommendation of the Head of Planning and Development, the Committee agreed to refuse permission. In making this decision, Members felt that the proposed development by reason of its design, bulk, massing and poor articulation fails to promote or reinforce local distinctiveness and fails to improve local character in this prominent and high profile location on the approach to Maidstone Town Centre and as a result fails to achieve good design contrary to Paragraphs 60 and 64 of the National Planning Policy Framework 2012 and Policy H21 of the Maidstone Borough-Wide Local Plan 2000.

RESOLVED: That permission be refused for the following reason:

The proposed development by reason of its design, bulk, massing and poor articulation fails to promote or reinforce local distinctiveness and fails to improve local character in this prominent and high profile location on the approach to Maidstone Town Centre and as a result fails to achieve good design contrary to Paragraphs 60 and 64 of the National Planning Policy Framework 2012 and Policy H21 of the Maidstone Borough-Wide Local Plan 2000.

Voting: 12 – For 0 – Against 0 – Abstentions

298. 15/507259 - ERECTION OF A NEW SINGLE STOREY, CONTEMPORARY RESIDENTIAL DWELLING WITH ASSOCIATED LANDSCAPING, PARKING AND ACCESS - LAND ADJACENT ROCK HOUSE, BOUGHTON LANE, BOUGHTON MONCHELSEA, KENT

All Members except Councillors Butler, Vizzard and J A Wilson stated that they had been lobbied.

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

Councillor Evans of Boughton Monchelsea Parish Council (in support) and Mr Hawkins, for the applicant, addressed the meeting.

Contrary to the recommendation of the Head of Planning and Development, the Committee agreed that subject to no new material planning issues being raised in response to the advertisement of the

development as a departure from the Development Plan, the Head of Planning and Development be given delegated powers to grant permission subject to conditions to be finalised by the Head of Planning and Development; the conditions to include, inter alia, the retention of trees and the protection of the landscaping in perpetuity.

In making this decision, Members considered that the site was in a sustainable location and no landscape harm would result, such that the proposal would be in accordance with the sustainable principles of the NPPF as set out in Paragraphs 7 and 14 and Policies ENV28 and ENV35 of the Maidstone Borough-Wide Local Plan 2000.

RESOLVED: That subject to no new material planning issues being raised in response to the advertisement of the development as a departure from the Development Plan, the Head of Planning and Development be given delegated powers to grant permission subject to conditions to be finalised by the Head of Planning and Development; the conditions to include, inter alia, the retention of trees and the protection of the landscaping in perpetuity.

Voting: 9 – For 0 – Against 3 – Abstentions

299. APPEAL DECISIONS

The Chairman announced that the report of the Head of Planning and Development relating to appeal decisions received since the last meeting would be carried forward to the next ordinary meeting of the Committee scheduled to be held on 17 March 2016.

300. S106 CONTRIBUTIONS

The Chairman announced that the report of the Head of Planning and Development relating to S106 contributions would be carried forward to the next ordinary meeting of the Committee scheduled to be held on 17 March 2016.

301. CHAIRMAN'S ANNOUNCEMENTS

There were no announcements on this occasion.

302. DURATION OF MEETING

6.00 p.m. to 10.28 p.m.

Agenda Item 12

MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

17 MARCH 2016

REPORT OF THE HEAD OF PLANNING AND DEVELOPMENT

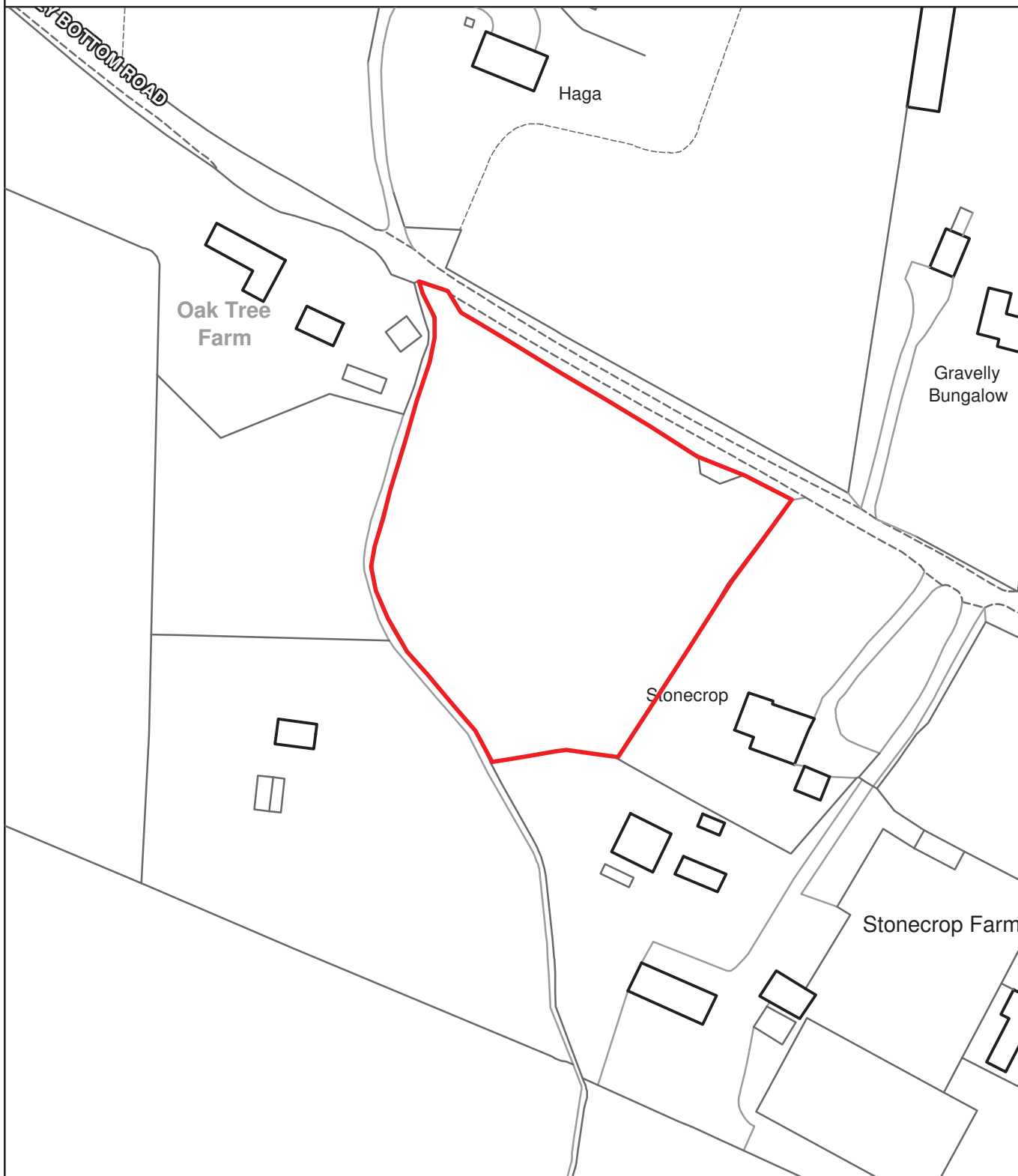
The following applications stand deferred from previous meetings of the Planning Committee. The Head of Planning and Development will report orally at the meeting on the latest situation.

| APPLICATION | DATE DEFERRED |
|--|---|
| <p><u>14/504109 - ADVERTISEMENT CONSENT FOR THE INSTALLATION OF 2 NO. NON-ILLUMINATED METAL POLE MOUNTED SIGNS (RETROSPECTIVE APPLICATION) - HUNTON C OF E PRIMARY SCHOOL, BISHOPS LANE, HUNTON, KENT</u></p> <p>Deferred to enable the Officers to negotiate movement of the signage to locations that are less visually intrusive.</p> | 14 January 2016 |
| <p><u>15/504345 - CHANGE OF USE OF BUILDING FROM LIVE/WORK USE (SUI GENERIS) TO A MIXED BUSINESS (USE CLASS B1A, B OR C) AND RESIDENTIAL USE (USE CLASS C3) (RETROSPECTIVE) - AMERICAN OAST, TUTSHAM FARM, WEST FARLEIGH, KENT</u></p> <p>Deferred to enable the Officers to hold discussions with the applicant to establish any traffic management measures that could be introduced to prevent commercial traffic using Mill Lane.</p> | 4 February 2016 adjourned to 11 February 2016 |
| <p><u>15/507194 - CONSTRUCTION OF A DETACHED HOUSE AND A PAIR OF SEMI-DETACHED HOUSES WITH ASSOCIATED PARKING - LAND ADJ ULCOMBE C OF E PRIMARY SCHOOL, THE STREET, ULCOMBE, KENT</u></p> <p>Deferred to enable the Officers to request further guidance from the Highways Officer in relation to the adequacy of the vehicle access to the houses in terms of highway safety and the potential conflict with drivers and pedestrians using the adjacent school.</p> | 4 February 2016 adjourned to 11 February 2016 |

THE MAIDSTONE BOROUGH COUNCIL

Oaklands
Gravelly Bottom Road
Kingswood, Maidstone
ME17 3NS

MBC Ref: 14/0668



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Rob Jarman
Head of Planning

REPORT SUMMARY

| | | |
|---|--|---|
| REFERENCE NO - 14/0668 | | |
| APPLICATION PROPOSAL Retrospective application for the change of use of land from agricultural to residential involving the stationing of one mobile home and the laying of hard surfacing | | |
| ADDRESS Oaklands, Gravelly Bottom Road, Kingswood, Maidstone, Kent, ME17 3NS | | |
| RECOMMENDATION | | |
| SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL 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 planning consent. | | |
| REASON FOR REFERRAL TO COMMITTEE It is contrary to views expressed by Broomfield & Kingswood Parish Council | | |
| WARD Leeds | PARISH/TOWN COUNCIL Broomfield & Kingswood | APPLICANT Mr Eldridge AGENT |
| DECISION DUE DATE 22/07/14 | PUBLICITY EXPIRY DATE 22/07/14 | OFFICER SITE VISIT DATE Initially 18/7/14 |

SPECIAL FACTORS

The Committee of 27/11/2015 considered an urgent update report from the Head of Planning and Development recommending that this application be withdrawn from that agenda. It was noted that Officers needed to investigate information received late the previous day regarding the gypsy status of the applicant.

It was resolved that agreement be given to the withdrawal of application MA/14/0668 from the agenda to enable the Officers to investigate information received relating to the applicant's submissions on gypsy status.

RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):

There is planning application history and enforcement investigation history concerning the application site and also application history from when it fell under a wider parcel of land. There is also a history of formal enforcement action relating to this wider land including the site.

Most recently, in April 2014, the stationing of a caravan and the construction of areas of hardstanding on the land resulted in enforcement investigations which led to the subject application.

Under MA/11/0224 a full application was submitted for a change of use of the application site from agricultural to residential and the erection of a four bedroom dwelling. This was withdrawn in 2011.

MA/07/1024 (application site only) had been previously refused for the demolition of four agricultural sheds and the formation of a driveway to form access to the rear (south) of the site and construction of barn style chalet dwelling with associated triple garage. This was refused in 2007 on the grounds that the development would be visually prominent and would represent an unjustified addition to sporadic development in the countryside, harmful to its character and appearance.

MA/03/2066 (application site only) applied for the use of the land for the keeping of horses and the erection of a stable block. This was refused in 2003 as it was considered there would be inadequate supervision/security arrangements for the horses as the application site is physically remote from the owner's dwelling.

MA/94/1196 (application site only) applied for the erection of a single storey building to provide three stables, foodstore and agricultural store. This was refused in 1994 on the grounds that it would be intrusive development detrimental to visual amenity and that there was no proven agricultural need.

MA/94/0389 (application site only) applied for a certificate of lawful development for the use of the land for leisure purposes and the stationing of two containers. This was refused in 1994 for the reasons that the use was not immune and the containers were not permitted development.

MA/92/1239 (application site only) was an outline application for the erection of

a bungalow which was refused in 1992 on the grounds that it would be outside any built up area without any exception, and it would be visually prominent and intrusive.

Under MA/91/0514 (majority of application site) permission was conditionally granted in 1991 for a block of stables with a fodder store.

MA/89/0512 (majority of application site) applied for a stables, office and bungalow, and this was refused in 1989 on the grounds that it would be outside any built up area without any exception, and that it would be visually obtrusive.

MA/87/0389 (majority of application site) was for a dwelling. This was refused in 1987 for the reasons that the site was in a rural area intended to remain undisturbed and that the use would therefore be undesirable; that there was no agricultural need; that it would be detrimental to visual amenity; that the new access would be onto a classified road; and that the approach road was unsuitable.

Under MA/84/0681 (majority of application site) permission was granted in 1984 for the demolition of agricultural sheds and erection of a double stable block with ancillary storage. However, it appears this permission was never implemented.

In 1982 an enforcement notice was served against the change of use of land known as Stonecrop Farm, which at that time included land now forming the application site, to a mixed use for the purposes of a caravan site; for the storage of caravans; for the storage, spraying, repair and maintenance of motor vehicles and motor vehicle parts; and for the purposes of a workshop for the manufacture and storage of timber items. This notice was issued on the grounds that the site was in a rural area intended to remain undisturbed, and that the uses were intrusive and undesirable for the countryside and therefore detrimental to the amenities of the area. It appears this notice was complied with.

MAIN REPORT

1.0 DESCRIPTION OF SITE

1.01 The site is within the countryside. It is on the south side of the rural Gravelly Bottom Road which provides links to the villages of Kingswood

and Langley and the primary roads to Maidstone. There is sporadic ribbon development on both sides of Gravelly Bottom Road, mostly on large plots, and a mix of uses including agricultural, commercial and residential.

- 1.02 The application site itself was previously the north-west part of the adjacent farm complex and land which includes a dwelling still located immediately to the east. There is also a dwelling on the other side of the public footpath KH311 which runs along the western boundary of the site. There are also three large residential plots on the other side of Gravelly Bottom Road. Generally tree cover is heavy in this area of the road. There is ancient woodland at the rear of the site. There is also tree cover generally, some very mature, in and around the site. The mobile home applied for is on site in the position shown on the plans in the south-east part of the site, and the roadway and hardsurfacing also subject to the application have been constructed. There is close-boarded fencing on the rear and front boundaries of the site, and also in double-gate form on the front. The rear fencing is part of the neighbouring site and does not appear to form part of the application, although the front element is described in the submitted Design & Access Statement. The site rises gently towards the rear.

2.0 PROPOSAL

- 2.01 The application is retrospective for the use of land for the stationing of a mobile home for the applicant's gypsy/traveller family, with hardsurfacing for a driveway and parking, and with alterations to the existing access from Gravelly Bottom Road including the erection of fencing and gates. A septic tank and soakaway are also included. The application site is shown on the submitted details as around 100 metres across the frontage and around 80 metres at its deepest, which is a fair representation of the actual size of the plot.
- 2.02 The mobile home is shown on the submitted details to be fairly central on the plot and that is a fair representation of where it is actually positioned, with the fairly limited hardsurfacing around it also as shown. The driveway is also as shown on the plans, leading direct to the mobile home from the highway access. The septic tank is shown on the plans as being close to the north-west of the mobile home.
- 2.03 Amended details have been submitted that show existing trees and shrubbery on the site that are to be retained and the front fencing and gates around the entrance.
- 2.04 Additional details have also been submitted in the form of a Design & Access Statement; Ecological Survey; and Tree Survey.

3.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Development Plan 2000: ENV6, ENV28

:

4.0 LOCAL REPRESENTATIONS

4.01 **Letters of objection** were originally received from **eleven** local residents. **Three** of these were in respect of both the original and amended/additional details and **one** followed the amended/additional details submitted. The following summarises all the grounds of objection raised:-

- It is a rural location
- Have doubts that ecology suggestions in survey can be carried out
- Is a retrospective application, showing disregard for planning regulations
- Hardsurfacing for parking one car is applied for but there is two cars on site
- There is previous enforcement still active against caravans on the land
- Was previously a field with a farm gate
- Clearance of trees and bushes
- Previously no drive and now a sweeping one through land and a hardstanding which is imposing and out of character for rural nature of area
- Effect on property value
- Disregard shown for habitat and biodiversity
- Gravelly Bottom Road (GBR) is actually a single track road with limited passing which is dangerous
- Access is dangerous
- Access has actually been altered by removal of hedge and is now out of character with others on GBR
- No Environmental Impact Assessment submitted despite bordering ancient woodland
- A mobile home is out of place and unsightly for this residential area
- Doubts that applicant is a gypsy, has lived in a dwelling
- Only development on GBR has been replacement of existing properties or re-use of
- Was no existing buildings on land, only an iron shed demolished in mid-1980's
- Reduction in wildlife has already occurred
- Septic tank and soakaway done without permission
- Currently no permanent mobile homes in GBR
- Potential for further gypsy development on site if permission granted
- Ample sites with vacancies nearby
- Area is grassland and woodland of historic and biodiverse significance
- Effect on outlook of other properties due to raised location of site
- Visible from public footpath
- Does not blend in with rural landscape
- Could set precedent for developments elsewhere on GBR
- Overlooking of adjacent properties

- 4.02 Since the additional information received on the nomadic lifestyle of the applicant, there have been further similar representations from **two** of the local residents.

5.0 CONSULTATIONS

- 5.01 **Broomfield & Kingswood Parish Council** have commented both on the original submissions, on the later amended/additional details submitted, and on the further information received regarding the nomadic lifestyle of the applicant. A planning expert has also latterly written on their behalf in addition.

Original submission comments: "Councillors wish this application to be refused, and wish it to be referred to the Planning Committee for the following reasons:-

- 1) The application is inaccurate
 - S6 – states that there is no proposal for a new or altered access to or from the public highway also no new or altered pedestrian access proposed to or from the public highway. The applicant has answered no but significant damage to hedgerow and agricultural land has been carried out in creating access and laying hard standing to a previously overgrown agricultural plot.
 - S13 – Councillors believe that the nature of Oaklands which borders ancient woodland will have been critically damaged by the works that have been carried out and that in all likelihood there may have been protected and priority species, important habitats or other biodiversity features and possibly features of geological conservation importance, that have received critical damage and harm.
 - S14 – The site has been redundant for many years as previous enforcement notices has prevented any activity.
 - S15 – Trees and hedges have already been removed and are having a negative influence for neighbouring properties and have already affected the character of the local landscape.
- 2) The applicants supporting statement says
 - a) The site is not within any protected area of countryside when the property is surrounded on two sides by ancient woodland.
 - b) There has not been any additional developments in Gravelly Bottom Road for several years, only extensions and improvements or rebuilds.
 - c) Siting a caravan as a permanent residence in a rural area and in full view of the highway, where other dwellings are scattered along the road and most not visible from the road, would be detrimental to the general aesthetics of the area.
 - d) Gravelly Bottom Road is a single track road with passing places. There have been many road traffic accidents at exactly the location of Oaklands and Oak Tree Farm (an immediate neighbour) in recent years due to excessive speed on the blind bend. It is a busy road as one of the main accesses to the village of Kingswood.

- 3) Councillors consider that giving permission for this application will be setting a dangerous precedent. The applicant admitted to owning the land since last year, thereby allowing plenty of time for submission of a planning application before work had commenced which can only suggest a complete intention at flouting of planning regulations”.

Amended/additional details comments: “Councillors reviewed the amended application at a planning meeting held on 1st September and concluded that the application should be **refused** for the following additional reasons:-

1. Application states that the applicant is claiming gypsy status with no evidence to support the statement.
2. There has been no robust evidence base to establish need for a traveller site in this location.
3. Ecology report states that the site is considered to be of moderate to high ecological value based on the habitats on site and the wooded areas in close proximity. Recent works have created disturbance with the creation of hard standings etc., which will prevent the return of indigenous species.
4. MBC has recently reviewed planning policy for gypsy and traveller sites as part of their emerging Local Plan and with agreement with this parish MBC has already concluded that there are too many traveller sites within the parish and in the immediate vicinity, therefore no more sites would be required or needed. MBC have currently identified appropriate sites for development for travellers which has not included Broomfield & Kingswood
5. Broomfield & Kingwood’s emerging Neighbourhood Plan has also recognized that there are sufficient traveller sites within the parish and in the immediate surrounding parishes and has therefore not included additional traveller sites within the plan. Nine sites already been identified in situ which are all of significant sizes
6. “Planning decisions must be made in accordance with the development plan.... Identifies (allocates) sites for development..... aims to protect landscape areas” Maidstone Borough Local Plan training workshop - 27/08/2014
7. Government’s policy aim – to ensure fair and effective provision of authorized sites for travellers to facilitate the traditional and nomadic way of life..... whilst respecting the interests of the settled community.
8. Planning policy for traveller sites – make an assessment of needs, work collaboratively, identification of land for sites, protect the green belt, reduce unauthorized development & encampments whilst protecting local amenities and environment.
9. The Parish Council wish to see the site returned to its prior condition

Councillors wish this application to be reported to the Planning Committee”

Comments made in respect of further information received on the nomadic lifestyle of the applicant; “With reference to planning application 14/0668 – Oaklands, Gravelly Bottom Road, Kingswood and the additional information that has been provided by the application in response to your request to clarify his traveller status.

Councillors remain concerned that the information previously provided by the applicant has only been provided to mislead to enable planning permission to be granted. As you are already aware sufficient information has been provided to adequately determine that the applicant has never lived a traveller lifestyle but only ever lived in settled accommodation as both adult and a minor.

The additional information now supplemented by the applicants agent on the 23rd November in that "Now that he has reconciled his relationship with his former wife he has agreed to give his youngest son a more permanent home for the duration of his education", this latest information can also be considered to be used to mislead officers in their determination of this application as it has been publicly advertised that the applicants ex-wife is now engaged to be married (and not to the applicant) also Councillors have been provided with information of a court order taken out through the Medway courts preventing the applicant having contact with the son, reference ME13P01187 this court order has not been rescinded.

For all the previous objections and additionally the reasons outlined above Councillors still wish this application to be refused and the site returned to its previous agricultural nature at the earliest".

The planning expert appointed recently on their behalf has also made the following comments: "I have been retained by Broomfield with Kingswood Parish Council (BKPC) to represent their views with regard to the application.

The first issue which has to be dealt with is whether or not the applicant is indeed a member of the travelling community and therefore eligible to have his application considered under planning policies for gypsies and travellers. Recently you will have received an email from Gail Gosden, BKPC's parish clerk, which appears to undermine the truth of the applicant's claims in this respect. Therefore it is important that MBC undertakes a thorough investigation.

According to the Planning and Compulsory Purchase Act 2004, s.38: If regard is to be had to the development plan for the purpose of any determination to be made under the Planning Acts, *the determination must be made in accordance with the plan unless material considerations indicate otherwise.*

Clearly the Maidstone Local Plan 2000 must be considered to be a historic document. The Draft Local Plan 2014 does not cite Oaklands in the list of potential sites under policy GT1. It does admit that there is a shortfall in provision. However, when BKPC were in discussions with MBC over their local plan it was agreed that no more gypsy and travellers sites would be allocated within the parish because there are already more than enough. As an experienced planning officer you will know that to allow this site could set a precedent for further development in the future, given that permission runs with the land. This is true to the experience of BKPC on

other sites within the parish, and the reason why an enforcement order was imposed on the wider site, then known as Stonecrop Farm, in 1982. As a planning professional I appreciate the fact there is nothing illegal in applying for retrospective planning permission. However the applicant has shown a cavalier attitude towards the sensitivities of this site by destroying or damaging extant flora and fauna. Given the long list of refused applications of an agricultural nature on this site, it would be a derogation of duty to permit this one. I submit therefore that this application be refused. No doubt you are aware of the public concern pertaining to this matter.

- 5.02 **MBC Landscape Section** have confirmed that the Tree Condition Survey submitted is acceptable in principle. They also confirm that on the basis of this survey, and also that the application is retrospective, no objections are raised on aboricultural grounds subject to a landscape condition including the replacement hedge planting as proposed in the survey. They also confirm that they have no comments to make in respect of the additional information received on the nomadic lifestyle of the applicant.
- 5.03 **Natural England** have raised no objections to both the original and later submissions, as they advise the proposal is unlikely to affect any statutorily protected sites or landscapes , and have pointed to its published "Standing Advice" on protected species. They also confirm that they have no comments to make in respect of the additional information received on the nomadic lifestyle of the applicant.
- 5.04 **KCC Ecology** originally commented that as no ecological information had been submitted then the development has the potential to result in ecological impacts. Following the later submission of that information they then commented as follows:

"We have reviewed the ecological information which has been submitted and we require no additional information to be provided prior to determination of the planning application.

The application is for a retrospective planning application and it is very disappointing that the works were implemented prior to ecological survey being carried out. The ecological survey has detailed that the boundary and surrounding area is of moderate to high ecological value – as such it suggests that before the development works were carried out the whole site may have contained suitable habitat for protected/notable species.

The applicant is proposing to seed/turf the bare ground areas and to compensate for the loss of habitat we suggest that it is seeded with a species rich grassland seed mix and the areas of grassland adjacent to the scrub/woodland is managed as a wild flower meadow.

Details of how the site will be managed must be submitted for comments as a condition of planning permission, if granted.

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 recommend that bat and bird boxes (as detailed within the ecological survey) are erected within the boundary of the site."

They have also added that they have no comments to make on the additional information received on the nomadic lifestyle of the applicant.

- 5.05 **KCC Highways** comment that "the proposal is to use an existing access onto Gravelly Bottom Road which is of a sufficient width and provides good visibility. The proposal will not significantly increase traffic along Gravelly Bottom Road. The previous use of the site was agricultural, therefore the change of use will result in smaller vehicles using the site, which will increase highway safety. There is sufficient parking and turning space within the site to allow vehicles to enter and leave in a forward gear. For these reasons there would be no ground for an objection with regards to highway concerns, subject to conditions". These conditions concern the access and its gradient; the set back distance of the of gates; the retention of the parking space; and the bound surface.

6.0 Principle of Development

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

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

- 6.02 Policy ENV28 then outlines the types of development that can be permitted. This does not include gypsy development as this was previously covered under housing policy H36 of the MBWLP but this is not a 'saved' policy. Policy ENV34 (Special Landscape Area) affords greater protection of is designed to control the spread of inappropriate development.
- 6.03 A key consideration in the determination of this application is central Government guidance contained with 'Planning Policy for Traveller Sites' (PPTS) amended in August 2015. This places an emphasis on the need to provide more gypsy sites, supporting self-provision and acknowledging that sites are likely to be found in rural areas.
- 6.04 In determining whether persons are "gypsies and travellers" for the purposes of the PPTS, consideration should be given to the following:
- a) whether they previously led a nomadic habit of life
 - b) the reasons for ceasing their nomadic habit of life
 - c) whether there is an intention of living a nomadic habit of life in the future, and if so, how soon and in what circumstances.

6.05 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). Whilst this work is set to be revisited in light of the changes to the PPTS, at this time it has not commenced and this information does remain the current need figure. The GTAA concluded the following need for pitches over the remaining Local Plan period:

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

6.06 These figures were agreed by Cabinet on the 13th March 2013 as the pitch target and were included in the consultation version of the Local Plan. The current GTAA provides the best evidence of needs available at this point of time and the decision needs to be based on evidence at the time of the decision.

6.07 Accommodation for Gypsies and Travellers is 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 for the latter half of 2017.

6.08 Issues of need are dealt with below but in terms of broad principles Development Plan Policy and Central Government Guidance allows for gypsy sites to be located in the countryside as an exception to the general theme of restraint.

7.0 Need for Gypsy sites

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

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

| | | |
|-------------------------|---|-------------|
| Oct 2011 – March 2016 | - | 105 pitches |
| April 2016 – March 2021 | - | 25 pitches |
| April 2021 – March 2026 | - | 27 pitches |
| April 2026 – March 2031 | - | 30 pitches |

Total: Oct 2011 – March 2031 - 187 pitches

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

- 79 Permanent non-personal permissions
- 10 Permanent personal permissions
- 3 Temporary non-personal permissions
- 33 Temporary personal permissions

7.04 Therefore a net total of 89 permanent pitches have been granted since 1st October 2011. As such a shortfall of 17 pitches remains outstanding.

7.05 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.

8.0 Gypsy Status

8.01 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, but excluding members of an organised group of travelling show people or circus people travelling together as such."

8.02 It has been raised in representations made that there should be doubts over the gypsy status of the applicant as it is thought that he has lived in housing. It is a key consideration whether the applicant, as the intended occupant, complies with the definition of a gypsy and has a site based housing need. In this respect, it is claimed in the submitted documents that the applicant Mr Eldridge is of gypsy descent and from the gypsy community. The below information has been provided to back this up.

8.03 The applicants' grandmother was a Romany gypsy married to his travelling gypsy grandfather. They both came from the South Wales area and travelled all over South & North Wales but were primary based in Herefordshire, making a living by selling fine lace and paper flowers, which my grandmother made, as well as working on farms. Between them they had ten children of which seven of them continued the travelling lifestyle with the remaining three marrying non gypsy travellers. The applicants' mother also married a travelling man who was not a gypsy but took that way of life, and travelled with the family until the grandparents died. They then travelled with the rest of the family and eventually some of the family based themselves in Kent & some in Hampshire. They lived on various sites, but mainly farmland picking hops and fruit, while the men concentrated on wood cutting and tool sharpening. Throughout the

summer they shared a site in Watlingbury, Kent with the Smith family, and yearly they would meet up at Appleby where they would join relatives from Wales and Hampshire.

- 8.04 The applicant states that he was born in Pembury, Kent, at a time when his parents were based on a farm in East Malling, Kent. He states that he lived in two trailers with his family until the age of 20 years, travelling throughout Kent but mainly based in Medway at Greenacres. He then married at the age of 21 and continued to live in a trailer with his non traveller wife until the age of 23, by which time they had two children. They decided that it would be better to settle in a house for the benefit of the children's education and to give them stability, and they went on to have a further two children. He then returned to the travelling lifestyle four years ago when the marriage broke down and lived on his brother's land in a trailer in Northampton. He then returned to Kent and lived on a site in Cuxton, Kent, before moving onto a plot owned by another travelling family until the purchase of the application site. Two of his children have taken the travelling lifestyle, his daughter is currently living on a site in Marden, Kent with another travelling family by the name of Beany, and his son is on a site in Hampshire.
- 8.05 The applicant has confirmed that he has now temporarily stopped travelling in order to provide a home for his son during his secondary education at a school nearby to the application site, and that thereafter his intention is to once again adopt the nomadic life.
- 8.06 From this I consider there is sufficient evidence that the applicant and intended occupant Mr David Eldridge is from the travelling community, that he re-commenced that lifestyle around what would now be five years ago, and that he has now again temporarily given up that lifestyle for the sake of his son's education. He therefore complies with the definition of a gypsy as outlined in the latest Government guidance in Planning Policy for traveller sites.

9.0 Visual Impact

- 9.01 Guidance in the PPTS states that Local Planning Authorities should strictly limit new traveller development in the countryside 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 also clearly under Local Plan policy ENV28 which seeks to prevent harm to the character and appearance of the countryside.
- 9.02 The application site is largely screened from Gravelly Bottom Road by the dense, and in places mature, tree cover and shrubbery both around the frontage and within the site. The mobile home itself is also set back some 40 metres into the site and therefore also benefits even further from tree and shrub cover within the site, despite being in a slightly elevated position in comparison to the frontage and highway. Further, the tree and shrub cover on the west boundary of the site with the adjacent public

footpath also result in a good screen from that direction. There is also good tree cover provided by the woodland to the rear, and trees and planting around the boundary with the residential property of Stonecrop to the east. The front fence and gates included in the application, whilst being minimalistic, also help to screen, as does fencing around the rear of the site. The hardstanding is also considered minimal in the context of the size of the site. I therefore consider this is not visually harmful development to the surrounding area and landscape, and that the level of harm is low to the character and appearance of the countryside. The development is only visible from short range views when next to site. Nonetheless, boundary treatment and landscaping conditions should still be imposed to enhance and secure the appearance of these enclosures, secure the existing trees and planting; and also required planting around those enclosures. This would ensure further softening/screening of the development, and would also define the curtilage and what land/planting is in the applicants' control.

10.0 Residential amenity

10.01 There are residential dwellings either side of the application site, however, the tree and shrub screens, in places dense, on and around both side boundaries mean that there is no overlooking resulting either to or from the application development. The distances between either of these dwellings and the application mobile home are, in any case, at least some 50 metres. I do not consider there to be any significant impact on their residential amenities.

11.0 Highway safety implications

11.01 The access to the site is from Gravelly Bottom Road. It has been raised in representations made that this is a single track road with limited passing that is dangerous. However, it is not considered that the utilisation of this existing access with alterations for this use leads to any further detriment to highway safety creation. Any increase in traffic that results from this development would be minimal. The gates are also set back adequately from the highway. Appropriate conditions can also secure this matter. Indeed, Kent Highways have raised no objections subject to suggested conditions concerning the access, and I agree with those they suggest in respect of the "set back" distance of the gates and the bound surface.

12.0 Landscape and biodiversity implications

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

12.02 In terms of any impact on ecology, the applicant is proposing to seed/turf the bare ground areas. To compensate for the loss of habitat, conditions can therefore ensure that it is seeded with a species rich grassland seed mix, and the areas of grassland adjacent to the scrub/woodland are managed as a wild flower meadow. Details of how the site will be managed must also be submitted through condition. The bat and bird

boxes detailed within the ecological survey to be erected within the boundary of the site can also be secured by condition.

12.03 No objections have been raised by KCC on the grounds that that there would be any impact on the ancient woodland. This is, in any case, separated from the application site by public footpath KH311. The built development on site is also some 30 metres distance from the ancient woodland. It is also intended through condition to secure significant landscaping in the back part of the site to ensure a buffer zone between the use and the ancient woodland. This will ensure there will be no negative impact on the woodland.

12.04 The Tree Condition Survey submitted is acceptable in principle. On the basis of this survey, and as the application is retrospective, no objections are raised on aboricultural grounds subject to a landscape condition including the replacement hedge planting as proposed in the survey.

12.05 A landscaping scheme will also be ensured by way of condition to ensure new planting will be native species.

13.0 Other considerations

13.01 There are other gypsy sites in the area and this has been raised in objections. Guidance in Planning Policy for traveller sites states that sites should not dominate the nearest settled community. I consider that this site, when combined with other gypsy sites in the vicinity, would not dominate the settled community.

13.02 Although it is indicated that foul sewage would be dealt with by a septic tank, no detail other than its location and a drain run has been submitted. A condition should therefore be imposed requiring further details to be submitted. Further conditions can also secure details of the storage and disposal of waste; the provision of potable water supplies; and details of facilities for the storage of refuse.

13.03 Resultant effect on property value, being a matter raised in objections made, is not a planning concern.

13.04 Although the site is within the countryside, I do not consider that it is so remote from services to warrant a refusal on sustainability grounds. Other gypsy sites have been found to be acceptable, and are similar distances from facilities. In addition, the wider considerations of sustainability within the Planning Policy for traveller sites document include the advantages of providing a settled base for the occupiers.

13.05 I do not recommend any conditions restricting occupancy to the applicant on the basis that the site and development are considered acceptable for all the reasons above. In the case of this specific site, there is no reason to object to a permanent unrestricted use as a gypsy site.

13.06 An environmental impact assessment is also not required.

14.0 Conclusion

- 14.01 The site is located within the countryside, however, gypsy sites can be acceptable in the countryside. It is considered that the applicant is a gypsy and complies with the definition contained within the Planning Policy for traveller sites document.
- 14.02 The visual impact of the development is minimal. There is good tree and planting cover in and around the site and also enclosures. Nonetheless, boundary treatment and landscaping conditions should still be imposed to enhance and secure the appearance of these enclosures, secure the existing trees and planting; and also the required planting around those enclosures.
- 14.03 The application development, when combined with other gypsy sites in the vicinity, and in relation to the existing authorised development, does not dominate the settled community.
- 14.04 In the context of gypsy and traveller accommodation, the application site is considered to be in a sustainable location that is not so remote from services and facilities to justify a refusal.
- 14.05 The application development does not have any adverse impact on residential amenity.
- 14.06 The application development does not lead to any increased risk to highway safety.
- 14.07 In terms of ecological issues, appropriate conditions can compensate for the loss of habitat.
- 14.08 There are no other significant planning issues that would warrant refusal of the application.
- 14.09 I therefore consider the development is acceptable and recommend an unrestricted permanent permission.

RECOMMENDATION – GRANT Subject to the following conditions:

1. 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.

2. No more than 1 static caravan or 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 site at any time;

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

3. 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.

4. Within 2 months of the date of this decision, details of all fencing, walling and other boundary treatments must be submitted to the Local Planning Authority for approval in writing, and the approved details shall thereafter be implemented within 2 months of the date of any subsequent approval and maintained thereafter;

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

5. Within 2 months of the date of this decision there shall be submitted to the Local Planning Authority for approval in writing 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, including the significant planting expected in the southern area of the site to provide a buffer zone between the use and the adjacent ancient woodland;

- ii) Native hedge planting along the northern boundary of the site.

Reason: In the interests of visual amenity and biodiversity.

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 date of the approval; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation;

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

7. Details on the proposed method of foul sewage treatment, along with details regarding the provision of potable water and waste disposal, must be submitted within one month of the date of this decision for approval by the LPA. 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).

Reason: in order to meet the advice and requirements contained within the NPPF 2012.

8. Prior to the commencement of the development, details of satisfactory facilities for the storage of refuse on the site shall be submitted to and approved in writing by the LPA and the approved facilities shall be provided before the first occupation of the building(s) or land and maintained thereafter.

Reason: to protect residential amenity

9. Within 2 months of the date of this decision, details of an ecological management plan for the site must be submitted to the Local Planning Authority for approval in writing; the approved details must be fully implemented and maintained thereafter;

Reason: in the interests of ecology and biodiversity.

10. Within 2 months of the date of this decision, bat and bird boxes shall be erected within the boundary of the site as detailed in the ecological survey and thereafter maintained.

Reason: in the interests of ecology.

11. Within 1 month of the date of this decision, a bound surface shall have been created for the first 5 metres of the approved access back from the edge of the highway and thereafter maintained to the satisfaction of the LPA;

Reason: in the interests of highway safety and to meet the advice and requirements of the NPPF 2012.

12. Within 1 month of the date of this decision, the front gates must be set to open away from the highway and to be set back a minimum of 5.5 metres from the edge of the carriageway to prevent waiting on the highway.

Reason: in the interests of highway safety and to meet the advice and requirements of the NPPF 2012

INFORMATIVES

- 1 The applicant is advised that it will be necessary to make an application for a Caravan Site Licence under the Caravan Sites and the Control of

Development Act 1960 within 21 days of planning consent having been granted. Failure to do so could result in action by the Council under the Act as caravan sites cannot operate without a licence.

Case Officer: Jon Lawrence

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.



15/503884 Land at Pullen Farm
Scale: 1:5000
Printed on: 9/3/2016 at 10:27 AM

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REPORT SUMMARY

| | | |
|--|---|--|
| REFERENCE NO - 15/503884/FULL | | |
| APPLICATION PROPOSAL Use of the land to provide a solar farm and its enclosure by fencing; with the erection of solar panels, along with the provision of associated transformers, switch gear housing and a substation. | | |
| ADDRESS Land At Pullen Farm Staplehurst Road Frittenden Kent | | |
| RECOMMENDATION Permit | | |
| SUMMARY OF REASONS FOR RECOMMENDATION <ol style="list-style-type: none"> 1. The principle of the development would be acceptable on Planning Policy grounds. 2. Lack of suitable sites; land classification of site is Grade 3b/4 which is not 'Best and Most Versatile' agricultural land. 3. The visual impact on the landscape and landscape character is considered to be moderate subject to conditions. 4. Ecological mitigation measures could be successfully implemented, subject to conditions. 5. There would be no significant impact on heritage assets. 6. The development is acceptable in terms of flooding and drainage issues, subject to conditions. 7. Potential harm caused by the development would be outweighed by the benefits of a significant contribution to renewable energy generation. | | |
| REASON FOR REFERRAL TO COMMITTEE <p>The recommendation is contrary to the views of Staplehurst Parish Council and Headcorn Parish Council and committee consideration has been requested.</p> <p>The development is a departure from the Development Plan.</p> | | |
| WARD Staplehurst Ward | PARISH/TOWN COUNCIL Staplehurst | APPLICANT Novus Solar Developments Ltd AGENT Corylus Planning & Environmental Ltd |
| DECISION DUE DATE 29/09/15 | PUBLICITY EXPIRY DATE 29/09/15 | OFFICER SITE VISIT DATE 16/11/15 |
| RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites): <p>A screening opinion for this application was adopted and issued on 8 March 2016 based on the originally submitted plans and documentation; as amended by amended details received on 22/12/15. The opinion took into account all material considerations that had</p> | | |

arisen throughout the consideration period. This concluded that an Environmental Impact Assessment was not required. In view of the characteristics of the proposal, including the site's location outside any especially sensitive areas and removed from areas of dense population, the likely low height of the installation compared with surrounding features in the landscape, lack of pollution and wider impacts on the surrounding area, whilst clearly Schedule 2 development it was considered that the development would not be likely to have significant effects on the environment by virtue of factors such as its nature, size or location and that an EIA was not required. Overall, it was not considered that the development on its own or cumulatively would have significant effects upon the environment to warrant an EIA. It was considered that the development would not be of more than local importance and would not involve unusually complex and potentially hazardous environmental effects.

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.1 This planning application relates to two irregularly-shaped agricultural fields with a combined area of approx. 20ha, located around 2.5km east of Staplehurst village. The two fields are separated by a relatively narrow corridor that is outside the application site. All of the land that would accommodate the solar farm itself is within Maidstone Borough; however, all of the 'construction access' and construction compound is within Tunbridge Wells Borough area. The more northerly of the fields involved is within Staplehurst Parish, whilst the southernmost is largely within Headcorn Parish.
- 1.2 This is land in the open countryside as designated in the Maidstone Borough-Wide Local Plan 2000. The southernmost field is within the Low Weald Special Landscape Area. The site is located within Landscape Character Area 44, Staplehurst Low Weald, as defined in the Maidstone Landscape Character Assessment, which is nested within the Low Weald landscape type.
- 1.3 In general terms these fields occupy a relatively remote position and form part of a tract of predominantly agricultural land between Chickenden Lane (to the north) and Staplehurst Road (to the south).
- 1.4 There is a scattering of residential properties along the country lanes that criss-cross this area. The main concentrations being those along Chickenden Lane to the north, Place Farm (off Water Lane) to the north east and Pullen Farm to the south.
- 1.5 The proposed solar farm development would be located within a low lying and gently undulating landscape. Whilst there are some long views to the Greensand Ridge to the north and the High Weald to the south, intervening vegetation encloses many immediate views across the gently undulating landform. The solar arrays would be sited within two fields; the northern field is bounded on the east by a meandering watercourse (the Maplehurst Stream) which also forms the western boundary of the southern field. Whilst the corridor that the watercourse winds through is fairly open in character the other field boundaries are generally characterised by hedgerow with scattered hedgerow trees and small blocks of trees or shaws. These give a degree of visual separation in a landscape that otherwise has a sense of being open and remote in nature. The landscape is fairly typical of the character of the area in which the site is located and, over the years, the original smaller scale field pattern has been opened up to form the larger arable fields which are now the subject of this application.

- 1.6 There are no Tree Preservation Orders (TPOs) protecting trees on, or adjacent to, this site and it is not located within a Conservation Area.

2.0 PROPOSAL

- 2.1 Full planning permission is sought for the construction of a solar farm on the aforementioned fields with a combined site area of approx. 20ha, although the fenced area would be approx. 15ha. This would be for a period of 35 years after which the development would be decommissioned. The construction and decommissioning phases would be likely to last for a period of up to 3 months each.
- 2.2 The plant is rated at 10MWp. It is estimated that the development would generate electricity equivalent to the annual needs of around 3029 houses. In relation to connection to the grid the indicative grid connection point is not indicated in this application. The exact connection route would need to be subject to a separate application under Section 37 of the Electricity Act 1989 if it utilises a new overhead line or an application for planning permission (or use of a permitted development order by a statutory undertaker) for an underground connection.
- 2.3 It would comprise photovoltaic panels mounted on lightweight metal frames anchored into the ground. The panels would be inclined to face south and would allow for sheep grazing under and around the frames. The maximum height of the arrays above ground level would be 2.5m. The panels would be of a non-reflective blue/black colour.
- 2.4 There would also be ancillary works involving a substation off the east side of the access track at the southern end of the land, with structures to house transformers and switch gear housing at various points around the two fields. All of these are small, container-style structures with flat (or near-flat) roofs with a height range of approx. 2-3m. There would also be underground cabling; access tracks; security fencing and gates; security cameras on poles; and a temporary construction compound. All of the access tracks are located on the western margins of the site with 'operational access' to Staplehurst Road to the south via the existing farm track that leads through Pullen Farm.
- 2.5 The panels and the associated structures would be enclosed by a 2m (approx.) tall open mesh fence on wooden posts. A CCTV security system would be installed, with cameras supported on posts of up to 4m high at regular intervals around the perimeter fencing: details have not been fixed but they are normally placed on corners and positions to reflect any major changes of angle of the perimeter fence. Internal access tracks would be akin to farm tracks. No floodlighting or similar is proposed.
- 2.6 A range of landscape initiatives and biodiversity mitigation measures are proposed and are described within this report.
- 2.7 A temporary construction compound is proposed for the construction and decommissioning phases. This would be used for the storage of materials, an office, welfare facilities and parking. It would be surfaced in rolled hardcore and would be removed after construction/decommissioning. The construction compound would be located at an existing gate off the east side of Staplehurst Road, approx. 0.5km west of the Pullen Farm buildings. A temporary construction road would lead eastwards from the compound to join the Pullen Farm access track to the north of the farm

buildings: this is therefore the 'construction access' and is deemed necessary as the Pullen Farm track is relatively narrow and passes close to housing.

- 2.8 In terms of more general access arrangements, construction traffic would use the M20, then the A229, then Staplehurst Road.

3.0 POLICY AND OTHER CONSIDERATIONS

- 3.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 and Section 70(2) of the Town and Country Planning Act 1990, requires that applications for planning permission must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

- 3.2 In this case, the Development Plan for Maidstone Borough consists of the saved policies of the Maidstone Borough-Wide Local Plan (2000). The following policies are relevant:

- ENV6 - Landscaping, Surfacing and Boundary Treatment
- ENV28 - Development in the Countryside
- ENV34 - Special Landscape Areas
- ENV41 - Ponds, Wetlands and Marshlands

- 3.3 Whilst for Tunbridge Wells Borough it is the Tunbridge Wells Borough Local Plan (2006) which has the following relevant policies:

- LBD1 - Development outside limits of built development
- EN1 - Development control criteria
- EN13 - Tree and woodland protection
- EN18 - Flood risk
- EN25 - Development affecting rural landscape

And the Core Strategy (2010):

- CP1 - Delivery of development
- CP4 - Environment
- CP5 - Sustainable design and construction
- CP14 - Development in rural areas

- 3.4 Material considerations relevant to this planning application include:

- The National Planning Policy Framework (2012) (NPPF)
- The National Planning Practice Guidance (2014) (NPPG)
- The National Policy Statement for Energy (EN-1) (2011)

- The National Policy Statement for Renewable Energy Infrastructure (EN-3) (2011)
- The UK Renewable Energy Roadmap (2011) and its subsequent updates in 2012 and 2013
- The UK Solar PV Strategy Part 1 (2013) and Part 2 (2014)
- The Maidstone Landscape Character Assessment (2012) (amended 2013), Landscape Capacity Study (2015) and Landscapes of Local Value (2015)
- Maidstone Borough Council Planning Policy Advice Note: Large Scale (>50KW) Solar PV Arrays (2014)
- Planning update March 2015 by The Rt Hon Sir Eric Pickles MP to the House of Commons dated 25th March 2015.
- Letter from The Rt Hon Gregory Barker MP to all Local Planning Authorities dated 22nd April 2014 regarding the Government's solar PV strategy.
- Safer Places, The Planning System and Crime Prevention.

3.5 The Maidstone Borough Local Plan will provide a framework for development until 2031. It plans for homes, jobs, shopping, leisure and the environment, and will plan infrastructure to support these. The Local Plan is emerging and its policies are material to the consideration of this application and whilst it is progressing to a submission, at this time its policies cannot be afforded full weight. Regulation 19 consultation commenced on 5/2/16 and will expire on 18/3/16. Following consideration of the need to make any modifications to the Plan it is anticipated that the plan will be submitted to the Secretary of State in May 2016 with the Examination in Public commencing in September 2016. The following policies are relevant:

- SP17 - The Countryside
- DM1 - Principles of good design
- DM3 - Historic and natural environment
- DM28 - Renewable and low carbon energy schemes
- DM34 - Design principles in the countryside

3.6 The Headcorn Parish Neighbourhood Plan (2015) has Policy HNP28 on 'Commercial energy generation in Headcorn' and The Staplehurst Neighbourhood Plan (2015) has Policy PW3 on renewable energy projects. However, both are currently at Regulation 17 stage (awaiting examination): their policies can therefore only be afforded very little weight at this time.

3.7 Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 requires that decision makers pay special regard to the desirability of preserving listed structures potentially affected by the scheme or their settings or any features of special architectural or historic interest that they may possess. Such special regard has been paid in the assessment of this planning application.

4.0 LOCAL REPRESENTATIONS

4.1 Amended details were submitted for this application on 22/12/15: all parties were re-consulted/re-notified. They cover a range of issues, principally: drainage; landscape; and ecology.

4.2 On the original submission **Staplehurst Parish Council** stated:

“Staplehurst Parish Council recommend this application be REFUSED for the following reasons: access for construction would be disruptive and difficult; authorities should look to brownfield sites and public buildings before even considering greenfield areas; the parish councils position should be consistent with its opposition to the Great Pagehurst proposal; reservations were expressed about the adequacy of proposed security and the discussion of wildlife in the application; the proposed natural screening would not be effective for 8-10 years given the length of time taken for hedging to grow; the proposals would effectively industrialise the countryside in contravention of MBC policy ENV28 and could open the door to further development.

The Parish Council REQUEST that this application be reported to MBC Planning Committee.”

On the amended details:

“Councillors voted that the revised details did not change their recommendation of REFUSAL and for the application to be referred to MBC Planning Committee.”

4.3 On the original submission **Headcorn Parish Council** states:

“It was noted that this application actually affected three parishes, Staplehurst, Frittenden & Headcorn. The area proposed for development is around 19.8 hectares, which is somewhat smaller area than was first discussed. The scheme makes provision to include a Community Investment scheme, subject to agreement and investment by the local communities. If this does not go ahead all the site will be developed for commercial purposes. The commercial element of the proposed scheme includes a community pay back element which will be paid to the Parish Councils concerned.

The land is noted as being agricultural Grade 3 & 2 and not just arable land.

The Neighbourhood plan HNP 30 outlines the views of the Parishioners about solar energy and in summary no development shall:-

- should exceed 5 hectares in size
- require installation of new pylons
- development must be a minimum of 0.5 miles from any dwellings
- screening and landscaping must screen the development

The proposal has no detail on the connection to the national grid. Visual impact is a consideration as the proposed development would be visible from Green Sand Ridge. Positives of development were acknowledged, need for renewable energy, credit due to developers for consultation/design. Concern was raised regarding the “storage” of the energy produced.

Parish Council wish to see the application refused given that:-

- It is a blot on the rural landscape
- This is another development intruding on the nature of the village

- The development is 3 times larger than the HNP policy
- Land is better grade than originally stated and can be used in food production
- This is a greenfield site

The Council wish to see the matter referred to the Planning Committee and note that if Maidstone Borough Council are minded to approve the Council wish to see the following conditions applied:-

- Mature planting, consistent with local species & maintained for the lifetime of the Project
- Connection to the grid must be by underground cabling only
- Funding must be made available for decommissioning
- Ground anchors must be easily removed i.e. no cement rafts deployed
- Land should be classified as agricultural throughout the life of the project and afterwards
- Lighting at the site must be infrared and not susceptible to false triggers
- Any CCTV must be selected and sited with a view to minimal visual impact.”

4.4 On the original submission, **Frittenden Parish Council** stated:

“Councillors agreed to remain NEUTRAL on this application. However, they did wish to raise their concerns regarding increased traffic movement on Staplehurst Road and Frittenden Road during the construction stage.”

On the amended details:

“Councillors agreed to remain NEUTRAL. However, they wished to reiterate their previously raised concerns regarding the increase in traffic movement on Staplehurst Road and Frittenden Road during the construction stage.”

4.5 Letters of objection have been received from 9 local dwellings and local residents group ‘Protect Our Weald’. The following (summarised) points are raised (on both the original and amended details):

a) The development would be contrary to Development Plan Policy, Central Government Guidance, various guidance notes and the Headcorn Neighbourhood Plan.

b) This development is an industrial form of development that would not be acceptable in the countryside. The development would be harmful to the character and appearance of the Low Weald Special Landscape Area. There would be a cumulative impact with other similar schemes. The site would be visible from rights of way, heritage assets and the Greensand Ridge. New planting would take years to mature and would not be effective.

c) In terms of ecology, there would be an adverse impact on fauna and flora, particularly great crested newts, birdlife and other protected species. There is a need for proper survey work to be carried out as the submitted studies are inadequate.

d) On flooding issues, this area is prone to flooding and the development would make this worse. The development would increase run-off and cause flooding downstream. There would be erosion and silting from run-off. The River Beult may be contaminated.

e) The conclusions in the application documentation that the agricultural land quality is poor are disputed: the land is better quality than that. It is questioned whether

sheep would actually be able to graze the site once the solar farm is established. Good quality agricultural land does not need to be used for such development: other land is more appropriate, for example on industrial estates.

f) The development proposed would have significant negative impacts on the setting of listed buildings in the vicinity of the site. The historic landscape would be adversely affected.

g) The solar farm would encourage criminal activity.

h) The amenities of local residents would be harmed by noise during construction.

i) Traffic generated, particularly by HGVs during construction, would cause increased danger and inconvenience on local roads. There would be conflicts between vehicles and cyclists, horses, pedestrians, etc. Local roads and the proposed access arrangements are not suitable for this development. Local roads floods and would be hazardous to construction vehicles.

k) Technology is poor and solar farms are not efficient producers of electricity. There is no indication as to the proposed connection to the grid, nor is there sufficient information to conclude that decommissioning would occur in a proper manner.

l) There is significant local opposition to this development and it would have no benefit to the community.

m) The submission of additional material late in the day should mean that the application is invalid and should be resubmitted.

5.0 CONSULTATIONS

5.1 Amended details were submitted for this application on 22/12/15: all parties were re-consulted/re-notified. They cover a range of issues, principally: drainage; landscape; and ecology.

5.2 On the original submission, **Kent Police** stated:

“We have noticed from the weekly planning lists an increase in the number of solar farm array planning applications around the whole County. However, we are unfortunately not always being specifically requested to provide comments from a policing aspect, in order to design out crime at the planning stage. We have also been made aware that there are at least another 60 of these planning applications in the process of being submitted to a number of Borough and District Planning Departments.

Such sites may attract unwanted attention from metal thieves and/or become targets for vandalism and criminal damage. As such, can we kindly request that your planning team inform us if they receive any future solar farm array planning applications, in order to help us ensure that we do not miss sight of such applications and the chance to comment. We will be writing to all of the Counties Planning Departments requesting the same.

When considering such applications, we would respectfully request that the following general crime prevention advice is considered in regard to crime prevention and Crime Prevention Through Environmental Design (CPTED) matters, in accordance

with the ODPM (CLG) / Home Office guide – Safer Places, The Planning System and Crime Prevention.

We appreciate that the majority of the following recommendations may be considered as planning detail, however the general site security, particularly of the boundaries, including fencing, gates and hedging etc is very important.

The site should be fully enclosed within a minimum 2m security fencing system (or higher) It is however, important that the gap between the base of any fencing and the ground is minimal, so that any equipment, such as the PV panels themselves or copper cable, cannot be easily passed underneath by thieves.

Additional defensive planting of natural hedging can also be considered around the boundary as an added layer of security.

All inverter, substation, transformer and control buildings/cabinets should be fully alarmed with a monitored system and covered by CCTV.

Appropriate security locks and devices should be installed on all equipment cabinets and associated buildings. Locking device screws/bolts should not be easily accessible when closed, to deter by-passing of the locks themselves by a determined offender. One way security clutch head security bolts/screws or similar can also be utilised to prevent easy removal.

Hinge pins for equipment cabinets, associated buildings and gates should be hidden when closed and/or fitted with anti-lift devices.

We recommend that all photovoltaic (PV) solar panels are individually security marked and all serial numbers recorded within a site inventory.

We recommend that the PV's are installed using one way security clutch head security bolts/screws or similar, as an added layer of security and in order to make removal more difficult for thieves.

Copper cable; transformers; inverters; switch gear and any other equipment of high value should be security marked. This can be achieved by using unique identifiers, such as serial numbers on the insulation sheathing and / or with the use of forensic marking solutions. A full equipment inventory should be kept.

Appropriate crime prevention/security signage warning of the use of CCTV and forensic marking solutions should be installed on the exterior face of the security fencing and any gates.

Given the amounts of equipment and copper cable likely to be on site during construction, it is essential that the site is secured and appropriate temporary alarm and CCTV systems are installed, particularly if a security guard is not to be employed during construction. Any plant and associated fuel bowsers should also be secured, alarmed and immobilised at the end of each working day.

We would also highly recommend that the developer meet with us to discuss security measures for any solar farm array applications.

We also suggest and recommend that a planning condition be applied when planning

consent is given in this way it will ensure that the developer will comply with minimum security, when it comes to Designing out of Crime as per the protocol dated April 2013 Kent Design Initiative (KDI).

We would suggest a condition worded something similar to the below:

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

Reason; In the interest of security and crime prevention and to accord with Policies of (Which ever Council/District) Draft Core Strategy Plan.”

On amended details: no further comment.

5.3 On the original submission, **Rural Planning Ltd.** stated:

“As you will be aware, the NPPF states (para. 112) that local planning authorities should take into account the economic and other benefits of the "best and most versatile" agricultural land (Grades 1, 2 and 3a). 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 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 (para. 2.35).

On 06 March 2014 the Government's National Planning Practice Guidance advised, in respect of proposed large scale solar farms, that the planning authority will need to consider (inter alia) where such a proposal involves greenfield land whether (i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and (ii) the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays.

The Secretary of States' statement to Parliament a year later (25 March 2015) confirmed the advice against the use of any BMV land for solar farms, rather than poorer quality land, unless "justified by the most compelling evidence".

The soils in the proposed site area are typically derived from the underlying Weald Clay, and tend to be subject to naturally high ground water, being seasonally wet with impeded drainage in the winter and a propensity to set hard in the summer, restricting cultivation and yield potential, and limiting flexibility of cropping choice. Furthermore the application submissions for this particular site include a detailed agricultural land classification study, which shows the site to be very largely Grade 3b, with some land of poorer quality (Grade 4). The land quality is limited mainly by the interaction of soil type and wetness class. The land is not within the "best and most versatile" category.

Therefore, having regard to the NPPF and the NPPG, I do not consider this particular solar farm proposal represents a significant development of agricultural land. Should

it be considered necessary to use greenfield land for this development (not a matter within my remit), the proposal does comply, in essence, with the criteria as to poorer quality land being used in preference to higher quality land, and for the land to be continued in some form of agricultural use through grazing sheep.”

On amended details: no further comment.

5.4 On the original submission, **KCC Highways and Transportation** stated:

“Thank you for inviting me to comment on this application. I am grateful for the work that has been undertaken within the construction management plan with respect to measuring traffic speeds, designing an appropriate access and undertaking swept path analyses to demonstrate its suitability. I am also grateful for the expected trip generation forecasts included for both HGV and staff movements. I consider that this work has been systematically and comprehensively undertaken.

I write to confirm on behalf of the highway authority that, subject to construction of this proposal being undertaken according to the Construction Traffic Management Plan, Revision D ref: ADL/AMC/H987/05A dated March 2015, I have no objection to this proposal. Of particular note in this document with respect to appropriate facilities and measures are those listed on page 6. I would add from paragraph 5.3 that a metalled surface should be provided from Staplehurst Road to the new gate proposed in order to reduce the migration of loose materials onto the highway and provide an appropriate interface. Collectively the access works will require further checking and authorisations from this authority to implement the proposed temporary construction access. This will most likely be done under a S278 agreement. I would be grateful, should this application be approved, if these points could be included in any approval notice.”

On the amended details: no additional comment.

5.5 On the original submission, **The KCC Public Rights of Way and Access Service** stated:

“There are several public rights of way in the vicinity, including Public Footpaths WC247, WC246 and KM327, but none cross the site or are immediately adjacent to the site.

From the information supplied I do not believe the proposals will affect the public rights of way which are some distance from the site.”

On amended details: no further comment.

5.6 On the original submission, **The KCC Senior Archaeological Officer** stated:

“The site lies within the Weald of Kent which is very much farming and rural landscape of Kent. The limited nature of the HER probably reflects the lack of formal archaeological investigations rather than a lack of archaeology and some recent investigations of such areas in Kent have revealed more intensive use of the land during the Bronze Age and Iron Age. The early OS maps suggest this area was subject to farming and horticultural from the post medieval period if not earlier.

The application is supported by a thorough Deskbased Assessment by Oxford Archaeology. This provides a good baseline assessment of the archaeological potential and I have no major comments on the report. In view of the number of

discoveries of Iron Age activity in these more rural areas, I suggest there is potential for prehistoric and post medieval remains and as such I recommend the following condition is placed on any forthcoming consent:

AR1 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: Pursuant to Articles 35 (1) and (2) of the Town and Country Planning (Development Management Procedure) (England) Order 2015, the Local Planning Authority is satisfied that the requirements of this condition (including the timing of compliance) are so fundamental to the development permitted that such details must be submitted prior to the works, other than demolition works, commencing on site. This is because, at the time of granting permission, full details were not yet available but this information is necessary to ensure appropriate assessment of the archaeological implications of any development proposals and the subsequent mitigation of adverse impacts through preservation in situ or by record."

5.7 On the original submission, **The MBC Conservation Officer** stated:

"The site lies relatively close to the Grade II listed Chickenden Farmhouse. However, I am in agreement with the conclusion to the Cultural Heritage Assessment carried out by Oxford Archaeology and submitted with the application that the development is unlikely to significantly affect its setting because of topography and screening."

5.8 On the original submission, **The Environment Agency** stated:

"Thank you for consulting us on the above. We have no objection to the principle of the construction of a solar array at this location, however we do have the following comments to make.

Flood Risk

The flood risk assessment fails to fully address the impact of surface runoff from the proposed development and so there is a risk of increased runoff from the site. Consequently, the proposed development could result in increased flood levels downstream unless adequate drainage measures are also included.

Since April 2015, management of surface runoff from new developments is now a matter for Kent County Council (KCC) as Lead Local Authority. We therefore recommend you seek advice from KCC. We have no further comments to make on this proposal."

and later:

"Further to our letter to you dated 4 August 2015, the planning agent has contacted us for clarification on our response. Although we stated we had no objection to the application, we mentioned that we had some concerns with the Flood Risk Assessment (FRA). We recommended that you consult the Lead Local Flood Authority (Kent County Council) for their views, as these matters were within their remit rather than ours.

Our "no objection" position has not changed. However, for clarity, we have provided some comments below elaborating on our previous letter. We have made these

comments in discussion with KCC, and it will be for them to determine how they wish to pursue these points. We do not envisage that we will need to make any further comments on this application, however if you wish to discuss this further, please do not hesitate to contact us.

Detailed comments on the Flood Risk Assessment (FRA) by Hydro-Logic Services LLP ref QT7268/pr dated 13th March 2015:

P12. The first paragraph suggests the proposed ground cover will result in less runoff than the existing site, but no substantial evidence has been provided to support this statement.

There are three issues to be considered from development of solar farms on Greenfield sites which are:

- i. Increased surface area of impermeable surfaces resulting in increased rates of runoff;
- ii. Displacement of flood flows;
- iii. Soil erosion leading to reduced capacity of watercourse channels downstream.

Increased surface area

A grassland system would likely attenuate the runoff from solar panels but owing to the concentration of runoff beneath each structure, the runoff volume would be higher than that compared against rainfall over natural grassland. Research in the United States by Cook & McCuen (Hydrologic Response of Solar Farms." *J. Hydrol. Eng.*, 18(5), 536–541), suggested this increase would not be great but is an increase nonetheless. Other studies quantified this increase ranging from 1.5% to 8.6%, depending on site specific parameters.

For this site, taking a worst case increase in runoff of 8.5%, the additional runoff would admittedly be low but our preliminary calculations from 6.4ha of solar panels, would suggest a maximum attenuation storage of 290 m³ could be required. It is important to note there are hundreds of properties downstream at risk of flooding from the River Beult. A few properties are at risk from less than a 10 yr return period flow event. It is therefore important to ensure there is no increase in rates of runoff or risk of reduced conveyance, as a result of any new development.

Displacement of flood flows

We have no concern regarding displacement of flood flows or loss of flood storage arising from this development.

Soil erosion

As for i), potential increased runoff is may be caused by concentrating the runoff along the base of each row of panels. Ultimately, this could lead to soil erosion, a subsequent increase in runoff and transportation of silt into the river system. This in turn will reduce the conveyance capacity of the receiving watercourse. Measures are therefore required to minimize the risk of soil erosion beneath each row of panels and to convey the concentrated surface runoff to the storage areas.

Specific comments in response to the FRA (please note, at the time of writing this section the planning portal was not working, therefore it was not possible to cross reference with the FRA. If there are any inaccuracies below, this is due to our not being able to refer back to the FRA.)

The applicant has proposed swales to attenuate additional runoff. It appears these “swales” may actually be retention ponds as they do not appear to have an outlet. If this is correct, drainage of the “swales” will be via infiltration. In the absence of a ground investigation, an estimated infiltration rate of 1mm per hour is reasonable for this site. What is not clear at present is whether there is an outfall to a receiving watercourse or whether infiltration will be the only mechanism for disposal of excess runoff. If reliance is only on infiltration, the swales are likely to fill following direct rainfall, thereby reducing the storage capacity. Once the ground becomes saturated, as it does during most winters, the rate of infiltration will reduce, subsequently reducing storage capacity. Infiltration structures should normally be designed with a half drain time of less than 24hrs.

A peak runoff of 75l/s has been estimated for the critical 6hr 100yr rainfall event (including an allowance for climate change). This is reasonable based on assumptions within the Wallingford (IoH124) method. However, the volume of runoff has not been identified, neither has the capacity of the retention ponds. We do not understand why an estimate of only “5mm excess runoff” has been used when a number of methods are available to estimate the total runoff. We would normally expect the drainage strategy to estimate the total volume of runoff following the critical event, which would then be used to design the capacity of the attenuation or infiltration structures.

It is not therefore clear whether the proposed “swales” will be of the correct size. They should have an outfall to a receiving watercourse in the likely event that infiltration will not be sufficient to provide adequate drainage.

In general, further detail needs to be provided but we believe a feasible drainage solution can be developed. In terms of fluvial flood risk, we have no objection to make and would be satisfied for these details to be provided by condition. However, conditions regarding means of surface water drainage should be a matter for Kent County Council to consider.”

On the amended details:

“I note that the site is partially in flood zones 2 and 3 and our only concern was related to surface water drainage which I am aware is managed by KCC. We have no comments to make.”

5.9 On the original submission, **The KCC Flood Risk Project Officer** stated:

“As stated within the Environment Agency’s letter of 27th August, applications for development such as solar farms and polytunnels present three main risks to flood risk management:

- Increased surface area of impermeable surfaces resulting in increased rates of runoff;
- Displacement of flood flows;
- Soil erosion leading to reduced capacity of watercourse channels downstream.

In this instance we are generally satisfied with the conclusions of the accompanying FRA and the recommendations within, especially in light of the applicant’s consultant’s response to the concerns raised by the Environment Agency. However, we would recommend that further investigation is undertaken to establish the permeability of the ground beneath the areas where the proposed swales will be located (to ensure they are able to function as proposed). If they are unable to drain

naturally or quickly enough, they will most likely fill and remain saturated during periods of prolonged wet weather, offering none of the designed benefit.

To avoid the requirement for outfall structures, we would recommend that it is demonstrated that 50% of their available capacity is available within 24 hours of the calculated critical storm for the site, inclusive of the predicted effects of climate change.

Condition:

(i) Development shall not begin until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall be based on the recommendations within the reports prepared by Hydro-Logic Services, and shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100yr storm) can be accommodated and disposed of through open infiltration features located within the curtilage of the site.

(ii) Development shall not begin until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details.

Those details shall include:

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

Reason:

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

Condition:

No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority (in consultation with the Environment Agency); this may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reason:

To protect vulnerable groundwater resources and ensure compliance with the National Planning Policy Framework.

Please note:

Any feature on this site capable of conveying water can be considered to fall under the definition of an 'ordinary watercourse' (unless it shown by the EA's mapping to be a designated 'main river'); we would urge the applicant to contact us prior to undertaking any works that may affect any watercourse/ditch/stream or any other feature which has a drainage or water conveyance function.

Any works that have the potential to affect the watercourse or ditch's ability to convey water will require the formal written consent of either KCC or the Upper Medway Internal Drainage Board (depending on location - including temporary works, culvert removal, access culverts and outfall structures)."

On the amended details:

“We have reviewed the submitted addendum to the previously submitted flood risk assessment and are generally satisfied with its analysis and associated recommendations.

However, we would recommend that the main Condition we initially requested is still attached to any permission that your Authority may be minded to grant to this proposal; this is to ensure that all concerned parties are similarly content, and to ensure that the modular attenuation described within the addendum are subject to review and approval prior to installation.

For ease of reference, our previously recommended condition is as follows (slightly amended to reflect the findings of the latest report):

Condition:

(i) Development shall not begin until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall be based on the recommendations within the reports prepared by Hydro-Logic Services, and shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100yr storm) can be accommodated and disposed of to the receiving network at an agreed rate that does not exceed the rate of runoff from the existing site.

(ii) Development shall not begin until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:

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

Reason:

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

Please note:

The watercourse running between and alongside the parcels of land falls under the jurisdiction of the Upper Medway Internal Drainage Board. Any works whatsoever in, under, over or within 8m of the banks of the watercourse will require their full, formal written Consent. They can be contacted at enquiries@medwayidb.co.uk.

Any works that have the potential to affect any other watercourse or ditch's ability to convey water will require the formal written consent of either KCC or the Upper Medway Internal Drainage Board (depending on location - including temporary works, culvert removal, access culverts and outfall structures).”

5.10 On the original submission, **The Upper Medway Internal Drainage Board** stated:

“The site of the above proposal is within the Upper Medway Internal Drainage Board’s district and directly borders a considerable length of Maplehurst Stream (IDB10) which is managed and maintained by the Board. Any works proposed within 8 metres of this watercourse, including any fencing or planting, require the formal written consent of the Board (a copy of the Board’s byelaws is attached).

These developments can increase surface water runoff rates and cause channelling and soil erosion, which increases downstream flood risk. I note that the applicant proposes to manage runoff by introducing swales and berms. Should the Council be minded to approve this application it is requested that details of drainage be made subject to a planning condition requiring post-development runoff to be restricted to that of the pre-developed site for a range of event up to and including the 1 in 100 year event +CC, with details to be agreed in direct consultation with KCC’s Flood Risk Management Team. I would also be grateful to be consulted on the details of drainage in due course.”

- 5.11 On the original submission, **Natural England** provided a response essentially raising no objection and directing the Council to its standing advice on such matters as protected species.

On amended details: no further comment.

- 5.12 On the original submission, **The KCC Biodiversity Officer** stated:

“The ecological information submitted with the planning application has detailed that as the footprint of the proposed development site is arable it has limited suitability for protected/notable species. However as ponds were present within and adjacent to the proposed development there was concern that GCN may be present within the site during the construction period resulting in GCN being killed or injured.

As such great crested newt survey has been carried out and the survey concluded that two meta populations of GCN were present within the survey area.

The report has concluded that the proposed site is only likely to be used by commuting GCN as the habitats on site have negligible value as places of permanent shelter both during the spring/summer/autumn active period and winter hibernation period.

Upon completion of the construction of the proposed development GCN will be able to continue to commute across the site but as GCN are protected species (under the Wildlife and Countryside Act and the Habitat Regulations) there is a need to ensure that the proposed development does not result in GCN being killed or injured during the construction period.

To minimise the risk the proposed development has been designed to avoid a 50metres buffer from the edge of any ponds containing GCN and the ecologist has proposed to erect fencing around the site to prevent GCN from accessing the proposed development site during the construction period.

We did have concerns with this approach as the erection of fencing can require an EPS licence and the ecologist was proposing to carry out the works unlicensed. We queried this with the ecologist who stated the following:

In my view an EPS licence is not needed because the land directly impacted by construction is unlikely to be used by GCN for permanent shelter. All key

infrastructure has been off-set 50m from known GCN ponds (most newts will be found occupying suitable terrestrial habitats within 50m of their ponds) and is also located on agricultural that is subject to regular disturbance under the plough or by grazing animals i.e. land that is ordinarily unsuitable for GCN. In summary, the risk of construction adversely impacting GCN in their terrestrial life phases is very low.

Based on the submitted information and the additional information by the ecologist we are satisfied with the proposed precautionary mitigation.

Currently it is unknown when the proposed development, if granted, will be implemented. We advise that if planning permission is granted an updated mitigation strategy (incorporating the timings) is submitted as 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”*.

The ecological scoping survey has recommended that the following ecological enhancements are incorporated in to the site:

- Enhancing the water-bodies as part of a management enhancement package for the benefit of wildlife by removal of scrub and silt.
- Ensuring appropriate buffer areas of rough grassland are created and managed around the water-bodies, as well as the stream, hedgerows and trees.

We advise that if planning permission is granted details of the proposed enhancements and how they will be implemented over the life time of the development is implemented as a condition of planning permission.”

On the amended details:

“A revised layout has been submitted demonstrating that a 50metre buffer will be located around all of the ponds within and adjacent to the site.

Our comments dated September 2015 were based on the assumption that a 50m buffer would be in place around the ponds. As such we have no additional comments to make.”

5.13 On the amended details, **The MIDKENT Env. Health Officer** stated:

“There are few dwellings in the immediate vicinity and the site is approximately 2.5km from the three nearest major settlements Staplehurst, Headcorn and Frittenden.

Regarding potential light nuisance - A landscape and visual appraisal carried out by a Chartered Landscape Architect found no existing views of the site from settlements or public roads in the locality. The topography of the site is essentially flat and solar panels are designed to absorb rather than reflect solar radiation so glint and glare should be similar or less than local bodies of water.

Regarding noise, air quality & congestion issues from construction traffic - The existing narrow access off Staplehurst Road will not be used for construction

purposes because it passes very close to houses. The access route proposed is M20, A229 and Staplehurst Road then through an existing gateway into a purpose built entrance compound; so that construction vehicles should not be queuing on the highway. Arrivals will be scheduled to avoid morning school and work times. A Construction Traffic Management Plan (CTMP) is to be used to help minimise the impact of construction traffic. The site is outside the Maidstone Town Air Quality Management Area and I do not consider the scale of this development and/or its site position warrant an air quality assessment or requires an Air Quality Emissions Reduction condition applied to it.

The solar panels will be anchored in the ground and although the site has historically been used for agricultural purposes, I do not consider that a contaminated land condition would be appropriate in this particular case. The Maidstone Planning Policy Advice note regarding large scale (>50KW) Solar PV Arrays states (section 3.23), that top and sub-soil should be stripped from any temporary compound and stored on site for replacement, following completion of construction works; (in order to minimise soil damage and provide optimal conditions for site restoration). A methodology for soil stripping, storage and replacement should be provided.

The nearest dwellings are around 200m to the South of the site - inverters, switch gear, substations, transformers and control buildings/cabinets will have potential to produce low frequency noise which can travel quite far and so appropriate noise conditions should be attached to any planning permission granted.

RECOMMENDATIONS:

No objection, subject to comments above plus conditions and informatives below.

REQUESTED CONDITIONS:

LOW FREQUENCY NOISE

Prior to the first use of the electricity substation an acoustic report assessing the impact shall be submitted to and approved in writing by the Local Planning Authority. The report shall address the issue of noise (including low frequency noise) and vibration from the station to ensure that there is no loss of amenity to residential or commercial properties. For residential accommodation, the scheme shall ensure that the low frequency noise emitted from the substation is controlled so that it does not exceed the Low Frequency Criterion Curve for the 10 to 160Hz third octave bands inside residential accommodation as described in The DEFRA Proposed Criteria for the Assessment of Low Frequency Noise Disturbance 2011. The equipment shall be maintained in a condition so that it complies with the levels and mitigation measures specified in the approved acoustic report, whenever it is operating. After installation of the approved plant no new plant shall be used without the written consent of the local planning authority.

RATING LEVEL – NIGHT

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 : 2014 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 23:00 - 07:00 hours as covering the night time period.

INFORMATIVES:

Construction

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.

Soil stripping

The Maidstone Planning Policy Advice note regarding large scale (>50KW) Solar PV Arrays advises, that top and sub-soil should be stripped from any temporary compound and stored on site for replacement, following completion of construction works. In order to minimise soil damage and provide optimal conditions for site restoration, a methodology for soil stripping, storage and replacement of soil in any compound areas, temporary access roads and cable trenching, should be provided.”

5.14 **UK Power Networks and Southern Water** have no objection.

5.15 **The MBC Landscape Officer** stated:

“The proposed solar development is located within a low lying and gently undulating landscape. Whilst there are some long views to the Greensand Ridge to the north and the High Weald to the south, intervening vegetation encloses many immediate views across the gently undulating landform. The solar arrays are sited within two fields; the northern field is bounded on the east by a meandering watercourse which also forms the western boundary of the southern field. Whilst the corridor that the watercourse winds through is fairly open in character the other field boundaries are generally characterised by hedgerow with scattered hedgerow trees and small blocks of trees or shaws. These give a degree of visual separation in a landscape that otherwise has a sense of being open and remote in nature.

The landscape is fairly typical of the character of the area in which the site is located and, over the years, the original smaller scale field pattern has been opened up to form the larger arable fields which this are now the subject of this application.

There are no Tree Preservation Orders (TPOs) protecting trees on, or adjacent to, this site and it is not located within a Conservation area.

The site is located within landscape character area 44, Staplehurst Low Weald, as defined in the Maidstone Landscape Character Assessment, which is nested within the Low Weald landscape type. The landscape guideline for this area is conserve.

In terms of the Maidstone Landscape Capacity Study (LCS) sensitivity assessment 2015, Staplehurst Low Weald is assessed as being of high overall landscape sensitivity and is sensitive to change. The assessment states that development could be considered to support existing rural enterprises and existing commercial parks, although extensive, large scale or visually intrusive development would be inappropriate. It describes the character area as follows:

Key Characteristics:

- Low lying gently undulating clay landscape of the Low Weald
- Small fields with orchards, pasture, ponds and watercourses enclosed by thick native hedgerows create an intimate atmosphere

- Dominance of mature oak trees as imposing hedgerow trees and sometimes within fields where hedgerows have been lost
- Large scale open fields where hedgerows have been removed for intensive arable cultivation
- Sparse scattered small woodlands
- Winding roads with wide verges bounded by ditches and mixed native hedgerows
- Historic buildings scattered through the landscape and in the historic cores of Staplehurst and Marden

Landscape Character Sensitivity: High

The coherent pattern of elements include the low lying landform, small fields with mature oaks, orchards, pasture, ponds, watercourses and the enclosure provided by thick native hedgerows. However the A229, large barns, large arable fields, static caravan developments, horse grazing paddocks and stables detract slightly. The ecological integrity is relatively strong because hedgerows, verges, ditches and watercourses provide a strong and well connected network. The cultural integrity is also good although the land use has changed in some areas to more extensive arable cultivation and hop gardens have been lost. Although many scattered farmhouses and hamlets respect the local vernacular and provide a very strong sense of place, recent and indistinct development at Staplehurst and Marden dilutes this slightly.

Visual Sensitivity: Moderate

Whilst there are occasionally some long views to the Greensand Ridge to the north and the High Weald to the south, intervening vegetation encloses many immediate views across the gently undulating landform, except where hedgerow removal has created large open fields. Overall visibility is moderate.

Population is concentrated within the key settlements of Staplehurst and Marden, along with scattered properties and farmsteads throughout the area. This means there are relatively low numbers of people in residential properties with potential views of the landscape. Marden Meadow Nature Reserve and the network of footpaths are likely to attract moderate numbers of people with potential views.

Guidelines and Mitigation:

- Consider the generic guidelines for the Low Weald in the Maidstone Landscape Character Assessment 2012
- New development should respect the local vernacular in scale, density and materials
- 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
- Conserve the pastoral land and orchards and resist conversion to arable land
- Conserve and enhance the small scale field pattern and sense of enclosure, encouraging restoration and management of historic field boundaries
- Conserve the landscape setting of historic settlements
- Conserve the largely undeveloped rural landscape and the remote quality of isolated farmsteads and hamlets
- Resist further linear development and intrusive elements along the A229
- Soften the visual prominence of large agricultural barns through native planting and encourage native hedgerows around commercial and housing developments

- Enhance habitat opportunities around water bodies and ditches by promoting and managing a framework of vegetation in these areas.

The Landscape and Visual Appraisal (LVA) prepared by Corylus follows the general principles of current guidelines. It assesses the baseline qualities and value of the existing landscape resource and the visual amenity of the site and its surrounding area and describes the outline development proposals, predicting the landscape and visual effects arising from the proposal. It is considered that an appropriate methodology has been used and that there is sufficient information within the appraisal to enable consideration of the potential effects caused by the development proposal. It is concluded that the broad principles and overall summary of anticipated landscape and visual effects are generally reasonable.

Whilst there are some long distance views from the site to the higher Greensand Ridge escarpment to the north and the High Weald to the south, the distance and intervening vegetation is such that views into the site from these areas only form a small part of the wider landscape and therefore the development proposal would cause a negligible visual change. The site becomes more visible in medium range views from public viewpoints. However, views of the arrays from the network of country lanes around the site are generally obscured, or at least, heavily filtered by field boundaries in this gently undulating landscape. There are only distant and heavily filtered views from footpath WC247 to the east of the site. To the north east of the site, views from KH260 (near Place farm) are again distant and heavily filtered. To the north, views from KM298 (near the end of Chickenden Lane) are more open and uninterrupted, as are views from KM327 to the north west and WC246 from the west and south west. Views from the south, in the vicinity of Staplehurst Road, are effectively interrupted by buildings and field boundaries.

However, it is clear from the revised Landscape Planting Plan that the applicant recognises the openness of the site in terms of medium range views from the north and west and have proposed new native hedgerow and small blocks of woodland planting (shaws) and the gapping up of hedgerows in the area south of the head of Chickenden Lane to mitigate the effects. The locations of new hedgerow and woodland planting to the northwest of the site have been designed to reflect the lines of historic hedgerows and to maximise ecological connectivity. Further south new hedgerow planting and woodland shaw planting has also been proposed to help screen views from the nearest footpaths.

No arboricultural information has been submitted by the applicant but the layout is such that there is no proposal to remove any trees or hedgerows and there are unlikely to be any incursions into root protection areas. Therefore the details of tree protection can be dealt with by a pre commencement condition should the application be permitted. Likewise, implementation details for the landscape scheme, a maintenance programme and long term management plan, which extends up to and beyond the period of reinstatement once the solar farm ceases to function, can also be incorporated into the conditions.

Whilst the applicant's Landscape Masterplan schedules shrubs and trees that are consistent with our Landscape Character Guidelines for the Staplehurst Low Weald landscape character area, I would suggest that a larger proportion of evergreen shrubs (Holly) and species which retain their leaves for a large proportion of the year (Hornbeam) should form part of the hedgerow planting to maximise the screening effect without compromising existing landscape character. I would recommend slightly larger sizes are specified than indicated in our landscape guidelines, to ensure a more immediate impact, but the successful establishment of these

hedgerows will be dependent upon appropriate ground preparation and maintenance regimes. The amended landscape details can be secured through a pre commencement condition which also covers amended implementation details and a long term management plan, extending up to and beyond the period of reinstatement once the solar farm ceases to function.

The proposed plant specification is as follows:

Hedgerow shrubs (90-120cm whips or equivalent):

Carpinus betulus (Hornbeam) 30%
Crataegus monogyna (Hawthorn) 10%
Corylus avellana (Hazel) 35%
Euonymus europaeus (Spindle) 5%
Ilex aquifolium (Holly) 15%
Salix caprea (Goat Willow) 5%

Hedgerow standard trees (Nursery standard size, 8-10cm, 2.7-3m):

Sorbus torminalis (Wild Service Tree) 5%
Quercus robur (Oak) 95%

Woodland Planting Mix (90-120cm whips or equivalent):

Acer campestre (Field Maple) 10%
Alnus glutinosa (Alder) 20%
Carpinus betulus (Hornbeam) 20%
Corylus avellana (Hazel) 20%
Ilex aquifolium (Holly) 10%
Quercus robur (Oak) 10%
Salix fragilis (Willow) 10%

Hedgerows shall be planted in double or triple rows in groups of species. Plants shall be approximately 45cm apart in staggered rows which are 30cm apart. Hedgerow standard trees shall be planted at irregular intervals individually or in small groups as appropriate to reflect the landscape character.”

6.0 APPRAISAL

6.1 The main planning considerations relevant in the determination of this application are:

- The acceptability of the principle of development.
- The visual impact of the development on the landscape.
- The impact of the development on biodiversity.
- The impact of the development on heritage assets.
- The impact in terms of flooding and drainage issues.
- The impact of the development on living conditions at neighbouring properties.
- The impact of construction and operational traffic on the local highways network.
- Crime Prevention.

6.2 These matters are discussed in the detail in the following sections of this report:

Principle of Development

- 6.3 Energy use in buildings accounted for nearly half of UK carbon dioxide emissions in 2005 and more than a quarter of these came from the energy used to heat, light and run homes. The Government has set a legally binding target to reduce greenhouse gas emissions by 80% by 2050 based on 1990 levels and Government guidance for planning policy and Building Regulations reflect this target.
- 6.4 The Government's Renewable Energy Strategy was published in July 2009. This sets a legally binding target to ensure that 15% of our energy comes from renewable sources by 2020. The Strategy suggests that renewables could provide around 30% of our electricity consumption by 2020 (compared to around 5% today).
- 6.5 The National Policy Statement for Energy (EN-1) (2011), published by the Department of Energy and Climate Change sets out an overarching national policy for energy. Whilst it relates principally to those energy projects that are of national significance (this development would not fall within that category), it is material because it describes the national approach to energy provision. It states that energy is vital to economic prosperity and social well-being and so it is important to ensure that the UK has secure and affordable energy. Producing the energy the UK requires and getting it to where it is needed necessitates a significant amount of infrastructure, both large and small scale set out in paragraph 2.1.2.
- 6.6 At paragraph 2.2.8, it states that to avoid the most dangerous impacts of climate change, the increase in average global temperatures must be kept to no more than 2°C, and that means global emissions must start falling as a matter of urgency. To drive the transition needed the Government has put in place the world's first ever legally binding framework to cut emissions by at least 80% by 2050, that will deliver emission reductions through a system of five year carbon budgets that will set a trajectory to 2050.
- 6.7 The National Policy Statement for Renewable Energy Infrastructure (EN-3) (2011) provides further, specific advice relating to renewable energy.
- 6.8 The UK Renewable Energy Roadmap (2011) and its subsequent updates in 2012 and 2013 make clear the Government's commitment to increase the amount of renewable energy deployed in the UK. It says that this will make the UK more energy secure, will help protect consumers from fossil fuel price fluctuations, will help drive investment in new jobs and businesses in the renewable energy sector, as well as keep us on track to meet our carbon reduction objectives for the coming decades.
- 6.9 Specifically on the role that PV has to play in helping to deliver those objectives, the 2013 Update identifies it as one of the key renewable energy technologies that can help to create a balanced UK energy mix. There are significant advantages with solar PV, it says; it is versatile and scalable, with deployment possible in a wide range of locations including domestic and commercial buildings and where appropriate on the ground; solar projects can be developed and installed very quickly; and the fuel, solar radiation is free [para 179].
- 6.10 In April 2014, the then Minister for Energy and Climate Change wrote a letter to all Local Planning Authorities regarding the Government's solar PV strategy. Whilst reinforcing the drive towards renewable and solar energy, it explains that the focus should be on delivering solar energy on domestic and commercial roof space and on

previously developed land. It states that there is still a place for larger-scale field-based solar in the UK's energy mix but need to be sensitively placed.

- 6.11 A Planning Update dated March 2015 by the then Secretary of State for Communities and Local Government, Eric Pickles to the House of Commons stated that the National Planning Policy Framework includes strong protection for the natural and historic environment and is quite clear that local councils when considering development proposals should take into account the economic and other benefits of the best and most versatile agricultural land. Yet, some local communities have genuine concerns that when it comes to solar farms insufficient weight has been given to these protections and the benefits of high quality agricultural land. As the solar strategy noted, public acceptability for solar energy is being eroded by the public response to large-scale solar farms which have sometimes been sited insensitively.
- 6.12 It goes on to set out that meeting our energy goals should not be used to justify the wrong development in the wrong location and this includes the unnecessary use of high quality agricultural land. When the Government published new planning guidance in support of the framework, they set out the particular factors relating to large scale ground mounted solar photovoltaic farms that a local council will need to consider. These include making effective use of previously developed land and, where a proposal involves agricultural land, being quite clear this is necessary and that poorer quality land is to be used in preference to land of a higher quality.
- 6.13 The National Planning Policy Framework (NPPF) sets out an approach that is proactive towards renewable energy developments, is clearly supportive of proposals which generate renewable energy and it recognises the role which planning must play if the reduction in greenhouse gas emissions and renewable energy targets are to be met.
- 6.14 Paragraph 14 of the NPPF states that there is a presumption in favour of sustainable development. In considering the issue of sustainability the NPPF requires due regard to be had to the three dimensions of sustainable development: economic, social and environmental. An economic role contributes to building a strong responsive and competitive economy including the provision of infrastructure; a social role relates to supporting strong, vibrant and healthy communities; and an environmental role by contributing to protecting and enhancing the natural, built and historic environment, and mitigating and adapting to climate change by moving to a low carbon economy.
- 6.15 In terms of the social aspect, the development would provide a sustainable source of energy for communities into the future. In terms of the economy, the development could be seen as a form of farm diversification, providing both additional income and economic investment into the wider infrastructure enhancement whilst providing job opportunities during its construction and operational phase. In terms of environmental it is considered that the development would not have a significant impact on the wider landscape, and in promoting a major renewable energy source, would help to mitigate the impact of climate change and contribute to a low carbon economy. The application of the presumption in favour of sustainable development is addressed in the conclusion section.
- 6.16 Paragraph 93 indicates that planning plays a key role in helping to secure radical reductions in greenhouse gas emissions and providing resilience to the impacts of climate change. Paragraph 98 states that local authorities should not require applicants for energy development to demonstrate the overall need for renewable or

low carbon energy. It goes on to state that applications for renewable energy should be approved if impacts are, or can be, made acceptable.

- 6.17 Paragraph 112 states that 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.
- 6.18 The NPPF also, as one of its core principles advises that local authorities should proactively drive and support sustainable economic development to deliver, amongst other things, infrastructure. In paragraph 19, it also indicates that the planning system should do everything it can to support sustainable economic growth and significant weight should be placed on the need to support economic growth through the planning system. In terms of supporting a prosperous rural economy, local plans should promote the diversification of agricultural rural businesses.
- 6.19 The National Planning Policy Guidance states that particular factors a local planning authority will need to consider in relation to solar farms include:
- encouraging the effective use of land by focussing large scale solar farms on previously developed and non-agricultural land, provided that it is not of high environmental value;
 - where a proposal involves greenfield land, whether (i) the proposed use of any agricultural land has been shown to be necessary and poorer quality land has been used in preference to higher quality land; and (ii) the proposal allows for continued agricultural use where applicable and/or encourages biodiversity improvements around arrays.
 - that solar farms are normally temporary structures and planning conditions can be used to ensure that the installations are removed when no longer in use and the land is restored to its previous use.
- 6.20 The Council's Supplementary Planning Policy Advice Note dated January 2014 relating to large scale arrays sets out that such development should ideally utilise previously developed land, contaminated land, industrial land or brownfield sites and should avoid landscapes 'designated' for their natural beauty and/ or sites of acknowledged/recognised ecological/archaeological importance/interest.
- 6.21 Saved Policy ENV28 of the Maidstone Borough Wide Local Plan (2000) states that in the countryside, planning permission will not be given for development which harms the character and appearance of the area and development will be confined to a range of development types that do not include renewable energy projects (mainly because these were not prevalent at the time of adoption in 2000). There are no saved policies that relate specifically to solar energy in the Plan. Policy ENV28 is not entirely consistent with the policies contained within the NPPF because the former does not allow for solar farms in the countryside whereas the latter does, in certain circumstances. This reduces the weight that should be given to any conflict identified with saved Policy ENV28.
- 6.22 Part of this site is within the Low Weald Special Landscape Area and therefore saved Policy ENV34 applies: in such an area particular attention should be given to the protection and conservation of the scenic quality and distinctive character of the area and priority should be given to the landscape over other planning considerations.

Again, this policy was written in the context of renewable energy projects not being prevalent at that time and the aims of the policy need to be balanced against guidance that promotes renewable energy projects in the right circumstances.

- 6.23 Policy DM28 of the emerging Maidstone Borough Local Plan (Renewable and low carbon energy schemes) provides general support for renewable energy development, subject to compliance with various criteria (with an acceptance that “parts of the natural landscape features and resources mean that there is a technical suitability” for such schemes - para 17.155 in the pre-amble). The Local Plan is emerging and has reached Regulation 19 stage and therefore is carrying more weight, but cannot be afforded full weight.
- 6.24 The application site is ‘greenfield’ land, in agricultural use but is not a designated site of natural beauty or designated ecological importance. However, this on its own does not automatically make the principle of development acceptable. Studies for other solar farm sites have concluded that there are no other suitable/available sites of a similar size in an appropriate location. The application site comprises land falling outside the definition of ‘best and most versatile’ agricultural land as set out by the Ministry of Agriculture, Fisheries and Food Guidelines for Agricultural Land Classification (1988). As such, it is considered that the site is appropriate for the proposed development.
- 6.25 In addition, agriculture would continue at the site, albeit that sheep grazing represents a much reduced intensity in use, and there would be biodiversity improvements that are described later in this report. The development would be temporary (although not short term) and a planning condition could ensure that the development was removed at the end of a 35 year period.
- 6.26 As stated above in the ‘history’ section, a screening opinion was adopted and issued on 8 March 2016 concluding that an Environmental Impact Assessment was not required for this project.
- 6.27 Overall having considered the matters set out above and the developer’s submission the view is that there is no in principle reason why the site should not be suitable for development as a solar farm. However, it is necessary to analyse detailed impacts and these are set out below.

Agricultural Land Quality

- 6.28 The National Planning Policy Framework (2012) requires the presence of best and most versatile agricultural land (defined as land in grades 1, 2 and 3a of the agricultural land classification) to be taken into account alongside other sustainability considerations. The framework expresses a preference for development to be directed to land outside of this classification (3b, 4 and 5).
- 6.29 Objectors make the point that previously developed land and land in less sensitive attractive locations should be utilised in preference to ‘greenfield’ sites such as this one. The NPPF and NPPG require sequential assessments for other types of development such as retail uses proposed outside of shopping areas, or where vulnerable uses are proposed in areas at risk of flooding. In those cases, the requirement is explicit and the methodology is clearly described. That is not the case here. If a sequential approach to site selection was required, the Framework and/or the Practice Guidance would be clear about that but it is not.

- 6.30 The applicants are required to demonstrate that the use of agricultural land is necessary, which is a different and less onerous test. The applicants point out that the Council's Planning Policy Advice Note recognises that it is likely that agricultural land will need to be utilised for solar arrays of significant scale. That guidance states:

"Ideally large scale solar PV arrays should be directed towards previously developed land (PDL)/brownfield sites, contaminated land, industrial land. There are few sites of appropriate status and size in Maidstone Borough. Large scale solar PV arrays should avoid landscapes designated for their natural beauty, sites of acknowledged/recognised ecological/archaeological importance/interest. It is therefore likely that such development will look to land currently in use agricultural use"

- 6.31 The applicants have not submitted a specialised report on the potential for alternative sites but have concluded that there is insufficient 'brownfield' land to provide a 10MWh scheme within the appropriate radius of the grid connection point. However, the Council is aware from recent reports into the Great Pagehurst and Great Tong proposals that the use of agricultural land is necessary in the case of proposed large scale solar farms in this general area as alternative 'brownfield sites' would not be as suitable. The principle reasons for discounting being the inadequate size of such sites, inadequate expanses of roof on which to place equipment, wrong orientation of roof slopes, acquisition difficulties (in terms of the complexity of landowner/leasing arrangements); and in some cases conflicts with adopted policies. Clearly, other sites that constitute high quality agricultural land would conflict with guidance.
- 6.32 Having reviewed previous reports and the applicants' submissions, it is concluded that there is sufficient evidence to demonstrate that the use of 'greenfield', agricultural land for the development is appropriate in this case. Consequently, it is necessary to determine the quality of the agricultural land. An assessment has been carried out by the applicants in to the quality of the application site as agricultural land. It found the site to be very largely Grade 3b, with some land of poorer quality (Grade 4) as set out by the Ministry of Agriculture, Fisheries and Food Guidelines for Agricultural Land Classification (1988). The Council's independent consultant has scrutinised the submitted assessment and agrees that Grade 3b/4 is the appropriate classification for this site and thus does not constitute 'Best and Most Versatile Land' (where grades 1, 2 and 3a are). As such, it is considered that the site does not constitute the 'higher quality' land that planning policy seeks to protect. Objectors question the accuracy of the applicants' conclusions on this matter but the reports have been independently reviewed and there is no significant evidence that this land constitutes higher quality agricultural land.
- 6.33 It is therefore considered that the applicants have made a sustainable case that a rural location is required and that this is not best and most versatile land. The application site, therefore, is considered suitable for the proposed development.

Landscape and Visual Impact

- 6.34 In my view this is the most important issue for consideration with this application.
- 6.35 Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes. The intrinsic character and beauty of the countryside should be recognised.
- 6.36 The NPPG acknowledges that the deployment of large-scale solar farms can have a negative impact on the rural environment, particularly in undulating landscapes.

However, the visual impact of a well-planned and well-screened solar farm can be properly addressed within the landscape if planned sensitively.

- 6.37 The Council's Planning Policy Advice Note 2014 relating to large scale solar farms indicates that the landscape/visual impact of a solar farm is likely to be one of the most significant impacts of such a development.
- 6.38 Saved Policy ENV6 of the Maidstone Borough-Wide Local Plan (2000) states that in appropriate cases, the Council will require a landscape scheme, including surfacing and boundary treatments, to be carried out as part of development proposals. Where required, such schemes should:
- .. Incorporate the retention of existing trees, woodlands, hedgerows, natural and man-made features which contribute to the landscape character or quality of the area; and
 - .. Provide a scheme of new planting of trees, hedgerows or shrubs as appropriate, using native or near native tree species, and wherever possible, native or near native shrub species.
- 6.39 Saved Policy ENV28 states that in the countryside, planning permission will not be given for development which harms the character and appearance of the area and development will be confined to a range of development types that do not include renewable energy projects (as at the time of adoption of the 2000 Local Plan renewable energy projects were not high on the planning agenda). There are no saved policies that relate specifically to solar energy in the Plan. Policy ENV28 is not entirely consistent with the policies contained within the NPPF because the former does not allow for solar farms in the countryside whereas the latter does in certain circumstances. This reduces the weight that should be given to any conflict identified with Policy ENV28.
- 6.40 The application site is partly within the Low Weald Special Landscape Area. Saved Policy ENV34 of the 2000 Local Plan covers Special Landscape Areas and states:
- “In the North Downs, Greensand Ridge, Low Weald and High Weald Special Landscape Areas, as defined on the proposals map, particular attention will be given to the protection and conservation of the scenic quality and distinctive character of the area and priority will be given to the landscape over other planning considerations.”
- 6.41 The site is located within landscape character area 44, Staplehurst Low Weald, as defined in the Maidstone Landscape Character Assessment, which is nested within the Low Weald landscape type. The landscape guideline for this area is conserve.
- 6.42 In terms of the Maidstone Landscape Capacity Study (LCS) sensitivity assessment 2015, Staplehurst Low Weald is assessed as being of high overall landscape sensitivity and is sensitive to change. The assessment states that development could be considered to support existing rural enterprises and existing commercial parks, although extensive, large scale or visually intrusive development would be inappropriate. Landscape character sensitivity is deemed to be high, and visual sensitivity moderate.
- 6.43 The applicant has submitted a Landscape and Visual Appraisal (LVA) with the planning application. This assesses the effects of the proposed development upon the wider landscape resource as well as the effects on visual amenity.
- 6.44 The Landscape and Visual Appraisal (LVA) prepared by Corylus follows the general principles of current guidelines. It assesses the baseline qualities and value of the

existing landscape resource and the visual amenity of the site and its surrounding area and describes the outline development proposals, predicting the landscape and visual effects arising from the proposal. It is considered that an appropriate methodology has been used and that there is sufficient information within the appraisal to enable consideration of the potential effects caused by the development proposal. It is concluded that the broad principles and overall summary of anticipated landscape and visual effects are generally reasonable.

- 6.45 The Council's Case Officer and the Landscape Officer have carried out their own analysis of the landscape and visual effects of this development proposal. This has included examining the site from potential short and medium range views from the public right of way and road network around the site. In terms of long range views, the nature of the terrain hereabouts and intervening obstructions to views mean that the only potential for significant long range views is from the Greensand Ridge to the north. The distance is such (over 5km) that, in the opinion of your officers, views from the ridge (and in other long range views) would be so distant, and the development would form such a small part of the wider landscape, that the development proposal would cause a negligible visual change.
- 6.46 At shorter range, the site becomes more visible from public vantage points. However, views of the arrays from the network of country lanes around the site are generally obscured, or at least, heavily filtered by field boundaries in this gently undulating landscape. Closer in, the network of public rights of way presents medium range views. To the east of the site, WC247 runs roughly north/south but presents only distant and heavily filtered views. To the north east of the site, views from KH260 (near Place farm) are again distant and heavily filtered. To the north, views from KM298 (near the end of Chickenden Lane) are more open and uninterrupted; as are views from KM327 to the north west and WC246 from the west and south west. Views from the south, in the vicinity of Staplehurst Road, are effectively interrupted by buildings and field boundaries.
- 6.47 Whilst the corridor that the watercourse winds through is fairly open in character the other field boundaries are generally characterised by hedgerow with scattered hedgerow trees and small blocks of trees or shaws. These give a degree of visual separation in a landscape that otherwise has a sense of being open and remote in nature. The landscape is fairly typical of the character of the area in which the site is located and, over the years, the original smaller scale field pattern has been opened up to form the larger arable fields which this are now the subject of this application.
- 6.48 The applicants recognise the openness of the site in medium range views from the north and west and landscape mitigation is proposed. The main features of this are new hedgerow and woodland shaw planting to the north west of the site; and the gapping up of hedgerows in the area south of the head of Chickenden Lane to further filter views from KM327. Also in that area new hedgerows would be created closer to the northern field of arrays to help restore lost boundaries and to provide further screening. Further south new hedgerow planting and woodland shaw planting would take place to the west of the southern field to help screen views from KM327 and WC246. Finally a new woodland shaw would be created off the north east corner of the site. Whilst the applicant's Landscape Masterplan schedules shrubs and trees that are consistent with the Council's Landscape Character Guidelines for the Staplehurst Low Weald landscape character area, the Landscape Officer suggests that a larger proportion of evergreen shrubs (Holly) and species which retain their leaves for a large proportion of the year (Hornbeam) should form part of the hedgerow planting to maximise the screening effect without compromising existing landscape character: this is reflected in the conditions recommended below.

- 6.49 With regard to 'glint and glare', glint is known as specular reflection and is the result of direct reflection of the sun. Glare is a continuous source of brightness from diffused light; a reflection of the bright sky around the sun that is less intense than glint.
- 6.50 The whole concept of efficient solar power is to absorb as much light as possible while reflecting as little as possible. Studies which have measured the intensity of reflections from solar panels show that the reflections produced by panels are of intensity similar to or less than those produced from still water and significantly less than reflections from glass and steel. Against this background, and given position, size and design of the development I am not convinced that any glint and glare would be significantly harmful to the character of the countryside as to withhold permission. Also on the glint and glare issue, there is an aerodrome located within 15km of the site, Headcorn Aerodrome, which is located approximately 3km to the east. The applicants state that "no significant detrimental impact has been identified which may affect the safe operations of aircraft from the Lashenden (Headcorn) Airfield." It is not considered that the proposed development would pose a risk to aircraft.
- 6.51 As stated above, landscape and visual impact is the most important issue for consideration with this application. In my consideration, there would be medium range views into the development from the Public Right of Way network to the north, north west and west of the site. Developments of this nature must cause harm to the character of the countryside, particularly in the short term (ie before the proposed new planting reaches maturity) but, given the mitigation proposed I consider the harm would be moderate. Having considered the applicants' submissions on the issue, the views of the Council's Landscape Officer and the representations of consultees, local residents, etc. I conclude that overall, taking into account the proposed landscaping mitigation measures, there would be moderate but localised harm to the landscape quality of the locality and moderate but localised harm to visual amenity. There would be significant harm from the construction phase of this development as the compound and haul road would be clearly visible from local roads and the public footpath network. However, that would clearly be a temporary situation which would be rectified once construction was completed.
- 6.52 The potential cumulative impact of this site with the existing solar farm at Lenham Heath and other prospective sites the subject of applications has been considered, the nearest being the (refused) applications at Great Tong Farm to the north east and Great Pagehurst Farm to the west. Due to the significant distances involved and the inability to view the sites together from a fixed vantage point without the need for an observer to turn their head, it is considered that, even if other applications were approved, there would be no cumulative visual impact on the landscape. Planning Practice Guidance states that in the case of ground-mounted solar panels it should be noted that with effective screening and appropriate land topography the area of a zone of visual influence could be zero. Screening mitigation is proposed for the proposed development to minimise any visual impact on the landscape, its character and visual amenity.
- 6.53 Screening opinions have been sought for solar farms elsewhere. However, these have not materialised into submitted planning applications and thus cannot be taken into consideration as they may never come forward as applications.

Biodiversity Impact

- 6.54 The Conservation of Habitat and Species Regulations 2010 (as amended) contain certain prohibitions against activities affecting European Protected Species, such as bats. These include prohibitions against the deliberate capturing, killing or

disturbance and against the damage or destruction of a breeding site or resting place of such an animal. The Habitats Directive and Regulations provides for the derogation from these prohibitions in certain circumstances. Natural England is the body primarily responsible for enforcing these prohibitions and is responsible for a separate licensing regime that allows what would otherwise be an unlawful act to be carried out lawfully.

- 6.55 The Council as local planning authority is obliged in considering whether to grant planning permission to have regard to the requirements of the Habitats Directive and Habitats Regulations in so far as they may be affected by the grant of permission. Where the prohibitions in the Regulations will be offended (for example where European Protected Species will be disturbed by the development) then the Council is obliged to consider the likelihood of a licence being subsequently issued by Natural England and the “three tests” under the Regulations being satisfied. Natural England will grant a licence where the following three tests are met:
- There are “imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment”;
 - there is no satisfactory alternative; and
 - the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range
- 6.56 The Supreme Court has clarified that it could not see why planning permission should not ordinarily be granted unless it is concluded that the proposed development is unlikely to be issued a license by Natural England. The fact that Natural England is not objecting to the application is not determinative of this issue as Natural England has referred to its generic Standing Advice for protected species.
- 6.57 Section 40 of the Natural Environment and Rural Communities Act (2006) states that ‘Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity’. Section 40(3) of the same Act also states that ‘conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat’.
- 6.58 Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environmental by minimising the impacts on biodiversity where possible, contributing to the Government’s commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are most resilient to current and future pressures.
- 6.59 Paragraph 118 of the NPPF states that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity. Where development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated or compensated for, then planning permission should be refused. Development proposals where the primary objective is to conserve or enhance biodiversity should be permitted. Opportunities to incorporate biodiversity in and around developments should be encouraged.
- 6.60 Saved Policy ENV28 of the Maidstone Borough-Wide Local Plan (2000) states that proposals should include measures for habitat restoration and creation to ensure that

there is no net loss of wildlife resources. Saved Policy ENV41 states that development will not be permitted which would lead to the loss of ponds, or which would harm their visual and wildlife functions.

- 6.61 In order for the development to be acceptable in biodiversity terms, the development should not cause unacceptable harm to biodiversity and should ensure that opportunities to incorporate and enhance biodiversity at the site had been taken advantage of.
- 6.62 Natural England has directed the Local Planning Authority towards its Standing Advice on protected species, which is material in the assessment of this application. Due weight has been given to it.
- 6.63 The applicants have submitted specialist reports on the subject of ecology. These involve an 'Extended Phase 1 Habitat Survey' (January 2014); a 'Protected Species Report' (April, 2015); and a 'Great Crested Newt Assessment' (April 2015).
- 6.64 The reports found that the application site principally involves fields that have been used as grassland (cattle pasture) and arable use which are of negligible value for protected species. As may be expected, the general results provided by the ecology reports conclude the site is of low ecological value. However, ponds on the periphery of the site and associated scrub, woodland buffers, the stream, hedgerows and mature trees are of greater habitat value and should be retained and protected. The main impact from the proposed development would be the impact on great crested newts (GCN) during the construction and decommissioning period.
- 6.65 The GCN assessment makes it clear that it was not possible to survey all of the ponds in the study area. Access for survey purposes was not made available for all ponds identified. These ponds are identified within the assessment. However, the assessors consider that sufficient information has been obtained through the work undertaken to properly assess the GCN population status in the study area and the likely impacts of development which may come forward within the application site.
- 6.66 The GCN assessment concluded that two meta populations of GCN were present within the survey area. The report has concluded that the proposed site is only likely to be used by commuting GCN as the habitats on site have negligible value as places of permanent shelter both during the spring/summer/autumn active period and winter hibernation period.
- 6.67 Upon completion of the construction of the proposed development GCN will be able to continue to commute across the site but as GCN are protected species there is a need to ensure that the proposed development does not result in GCN being killed or injured during the construction period. To minimise the risk the proposed development has been designed to provide a 50m buffer from the edge of any ponds containing GCN and the ecologist has proposed to erect fencing around the site to prevent GCN from accessing the proposed development site during the construction period.
- 6.68 The applicants' ecologist is of the view that an EPS licence is not needed because the land directly impacted by construction is unlikely to be used by GCN for permanent shelter. All key infrastructure would be off-set 50m from known GCN ponds and is also located on agricultural land that is subject to regular disturbance under the plough or by grazing animals i.e. land that is ordinarily unsuitable for GCN. In summary, the risk of construction adversely impacting GCN in their terrestrial life phases is considered very low.

- 6.69 The assessment proposes a GCN mitigation strategy, principally concerning suitable education and preparation pre-construction; and a precautionary approach to working during the construction phase with supervision from an ecologist. Amphibian-proof fencing would be erected around the construction compound/haul road and around ponds to protect GCN during the construction phase. Post construction the land would be managed as grassland for the grazing of sheep.
- 6.70 The reports state that the presence of skylark cannot be discounted therefore the Council has to take the view that the proposed development would be likely to result in a loss of ground nesting bird habitat. However there are buffer areas between the solar panels and the hedgerow/ditches/ponds and this area could be managed to create a rough grassland area. Although this would not provide suitable nesting habitat for ground nesting birds it would provide increased foraging habitat for nesting birds within the surrounding area. This could be addressed within the management and enhancement plans.
- 6.71 One of the principles of the National Planning Policy Framework is that “opportunities to incorporate biodiversity in and around developments should be encouraged”. In my view the change in regime from intensively managed farmland to sheep-grazed grassland; with new hedgerows and woodland shaws to be put in place represents an ecological enhancement of the land. In addition to that the submitted ecology reports indicate the enhancing of water-bodies as part of a management enhancement package for the benefit of wildlife by removal of scrub and silt; and ensuring appropriate buffer areas of rough grassland are created and managed around the water-bodies, as well as the stream, hedgerows and trees.
- 6.72 Currently it is unknown when the proposed development, if granted, would be implemented. The County ecologist advises that if planning permission is granted a detailed mitigation strategy should be submitted as a condition of any planning permission. Also that if planning permission is granted, details of the proposed enhancements and how they would be implemented over the life time of the development should form the basis of a condition.
- 6.73 The application, including specialist reports on ecology, has been fully considered by the KCC Biodiversity Officer: her comments are reproduced above. She is satisfied that subject to the various measures described in this report being controlled by planning conditions, no unmitigated harm would be caused to local biodiversity, including GCN, and that opportunities to enhance local biodiversity at the site would be appropriately taken up. Objectors are critical of the survey work but the Biodiversity Officer has examined all relevant matters and concludes that the survey work carried out is adequate and that, given the characteristics of the site, the only specialist survey on particular species that is required is that of GCN.
- 6.74 Overall it is considered that subject to conditions, the proposed development would enhance the ecological value of the site, increasing biodiversity by improving habitat and increasing foraging potential. Conditions are listed below in the ‘recommendation section’.

Highways Impact

- 6.75 Paragraph 32 of the NPPF states that all development that generates significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Decisions should take account of whether:

- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
 - safe and suitable access to the site can be achieved for all people; and
 - improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- 6.76 The applicants have submitted a 'Construction Traffic Management Plan' that includes an assessment of traffic generation and highways impacts. The temporary construction access would be via an existing 'field gate' access onto Staplehurst Road, albeit substantially widened and with improved visibility. The construction compound would be created inside that with a haul road leading off eastwards towards the site.
- 6.77 The applicants state that during the construction phase of the proposed development, access to and from the site would be via the A229 to Staplehurst and then along Frittenden Road/Staplehurst Road to the site. Delivery of components would be made using HGVs to the compound with onward delivery along the haul road via tractor and trailer. The estimated number of HGV movements during the construction phase is 118. Once operational, the proposed development would not generate any significant traffic movements, with security and maintenance staff the only likely visitors. I understand that these visits would typically be made by small vans and/or 4x4 type vehicles and the frequency of visits is expected to be approximately 10 to 12 trips per year.
- 6.78 Once the solar farm was completed and operational the volume of traffic to maintain and operate it would, in my view, be negligible. The significant highways issues centre on the traffic (particularly HGVs) generated by the construction and decommissioning phases. I note there are no substantive objections from the highway or public rights of way officers.
- 6.79 On that basis, subject to conditions, the proposed development would not have a significant highways impact on the local road network and would not cause significant danger to vehicles and pedestrians. There is likely to be inconvenience, but the NPPF sets a high test and requires highways impacts to be 'severe' before a decision maker can justifiably withhold planning permission on those grounds. It is considered that the potential impacts of the proposed development would not amount to 'severe'.

Impact on Heritage Assets

- 6.80 Sections 66(1) and 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 requires that decision makers pay special regard to the desirability of preserving heritage assets potentially affected by the scheme or their settings or any features of special architectural or historic interest that they may possess. Such special regard has been paid in the assessment of this planning application.
- 6.81 Paragraph 131 of the NPPF states that in determining planning applications, local planning authorities should take account of:

- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - the desirability of new development making a positive contribution to local character and distinctiveness.
- 6.82 Paragraph 132 sets out that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.
- 6.83 Paragraph 133 states that where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:
- the nature of the heritage asset prevents all reasonable uses of the site; and
 - no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
 - conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
 - the harm or loss is outweighed by the benefit of bringing the site back into use.
- 6.84 Paragraph 134 states that where a development proposal 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, including securing its optimum viable use.
- 6.85 The NPPG states that great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting. As the significance of a heritage asset derives not only from its physical presence, but also from its setting, careful consideration should be given to the impact of large scale solar farms on such assets. Depending on their scale, design and prominence, a large scale solar farm within the setting of a heritage asset may cause substantial harm to the significance of the asset.
- 6.86 The planning application is accompanied by a 'Cultural Heritage Desk-Based Assessment' which assesses the impact of the development on the setting of listed buildings and archaeology. The report points out that there are no scheduled monuments or registered parks and gardens within the site or the wider study area.

There are no listed buildings on the site but there are eight Grade 2 listed buildings in the wider study area. The report concludes that the development would be unlikely to significantly affect the setting of the Grade 2 listed Chickenden Farmhouse (located approx. 300m to the north west of the intended site for the arrays). I am in agreement with the heritage assessment and the views of the MBC Conservation Officer that the development is unlikely to significantly affect the setting of that house (or any other listed building) because of topography and screening; particularly so, given that much of the proposed new planting is in that intervening area between that Chickenden Farmhouse and the arrays.

- 6.87 On archaeology, the report concludes that the potential for prehistoric, Roman and early medieval archaeological features to occur within the site is low. I see that the The KCC Senior Archaeological Officer raises no objection but recommends a condition requiring a programme of works in advance of development: in my view that would adequately address the issue of potential impact on archaeological remains.
- 6.88 With regard to the historic landscape, it seems to me that there will be no physical effects on the existing boundaries, surviving field systems, or any identified historic landscape features. It is also noted that this is a temporary development and, following the decommissioning of the solar scheme, the landscape would be restored to its existing state.
- 6.89 Overall, I conclude that there would be no significant harm to heritage assets, archaeology or the historic landscape as a result of the development.

Flood Risk and Drainage

- 6.90 Paragraph 100 of the NPPF states that inappropriate development in areas at risk of flooding should be avoided by directing development away from areas at highest risk, but where development is necessary, making it safe without increasing flood risk.
- 6.91 The applicant has submitted a Flood Risk Assessment (FRA) and a subsequent Addendum to deal with comments raised by consultees.
- 6.92 Much of the application site falls within Flood Zone 1, although significant areas of the site that border the Maplehurst Stream are within Zones 2 and 3.
- 6.93 As confirmed by consultees, applications for development such as solar farms present three main risks to flood risk management:
- Increased surface area of impermeable surfaces resulting in increased rates of runoff;
Displacement of flood flows; and
Soil erosion leading to reduced capacity of watercourse channels downstream.
- 6.94 On the runoff issue, the amended FRA states that the land at Pullen Farm is of gentle gradient and therefore it is believed that there is no significant risk of increased runoff as a result of the siting of the panels. However, as a precautionary measure, an allowance has been made for a 10% increase in runoff, with a further 20% allowance for the effects of climate change on rainfall and flow over the lifetime of the solar farm. Mitigation is required to address this precautionary approach and that would take the form of narrow lines of shallow 'swales' and 'berms' to be located on the margins of the arrays that border the stream (ie the south east side of the north field and the north west/west side of the southern field). The swales would be laid to grass

and would be approx. 0.3m 'deep' and, when necessary, the swales would drain to the stream through a series of orifices. The detail of this is expected to be covered by condition. I do not consider the swales, etc. would cause any significant harm to the character of the countryside.

- 6.95 With regard to the second issue, the Environment Agency have commented that it has no concerns regarding displacement of flood flows or loss of flood storage arising from this development. The FRA states that the site is outside of Zones 2 and 3 and does not encroach on any flood conveyance route: consequently there would be no displacement of flood flow. The issue of soil erosion and silting would be dealt with by the aforementioned proposed arrangement of swales and berms which effectively trap any displaced silt.
- 6.96 Looking at the latest responses received from the relevant consultees, there is now no substantive objection from The Environment Agency, The KCC Flood Risk Project Officer or The Upper Medway Internal Drainage Board. I consider there to be sufficient evidence here to conclude that the development would not lead to significant flood or drainage-related problems, in terms of increased run-off, obstruction of flood flows or soil erosion/silting. Given the nature of the development proposed I do not consider that there would be a significant risk of pollution to the River Beult (into which the stream eventually flows). I consider that the detail of the drainage system can be dealt with by condition as recommended by The KCC Flood Risk Project Officer.

Impact on Surrounding Residential Amenity

- 6.97 The NPPF sets out that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.
- 6.98 Paragraph 123 of the NPPF states that planning decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development.
- 6.99 Saved Policy ENV28 of the Maidstone Borough-Wide Local Plan (2000) states that in the countryside, planning permission will not be given for development which harms the amenities of surrounding occupiers.
- 6.100 Noise from the plant and machinery associated with a solar farm is not generally considered to be a significant problem, not least as a solar farm has no moving parts. The only noise generating equipment on site would be within the substation and inverter stations and the nearest residential property is over 200m from the nearest such station. The Council's Environmental Health Officer is satisfied that noise is unlikely to be problematic, but consider that conditions controlling noise should be attached to any planning permission to ensure that no harm is caused to nearby neighbours of the site.
- 6.101 Noise from the construction works is a consequence of development and thus a condition is recommended limiting work between 0730 and 1800 Monday to Friday and 0800 and 1300 on Saturdays. There would undoubtedly be noise and disturbance to local residents during construction/decommissioning but this would be for limited periods and I am satisfied that the problems would not be so great as to warrant refusal. The construction compound and haul road have been specifically located to avoid more direct impacts.

6.102 The whole concept of efficient solar power is to absorb as much light as possible while reflecting as little as possible. I am satisfied that glint and glare would not have an adverse impact on the residential amenities of local residents. Subject to planning conditions, no serious harm would be caused to living conditions at neighbouring properties and this aspect of the development would be acceptable and compliant with relevant planning policies and guidelines.

Crime Prevention

6.103 A development like that proposed would clearly include a number of high value components and is relatively exposed. Kent Police has been consulted and has confirmed that such sites may attract unwanted attention from metal thieves and/or become targets for vandalism and criminal damage.

6.104 Kent Police raises no objection but advises that a number of crime prevention measures should be considered by the developers and these include fencing, defensive planting, appropriate alarms, CCTV, etc.

6.105 Clearly, the applicants would not benefit from an insecure site and they are experienced in operating sites like this. A number of the measures recommended by the Police would already be incorporated in to the scheme. Details of some have not been provided, although the application clearly provides the more basic features like fencing and CCTV.

6.106 Representations raise issues over site security and an increase in criminal activity and I consider it appropriate to impose a condition requiring full details of all security/crime prevention measures. Subject to this condition I do not consider there to be any sound reason to object on the issue of crime prevention.

Decommissioning

6.107 National and local policy require that local planning authorities take in to account the normally temporary nature of the solar farms and the fact that planning conditions can require the removal of installations when they are no longer required. In this case, planning permission is sought for a period of 35 years, after which the site would be decommissioned, removed from site and the site returned to its former condition and use.

6.108 A planning condition securing the removal of the solar farm in line with a decommissioning strategy would be enforceable and would run with the site, rather than the current owner.

6.109 In addition, if electricity production from the solar array has permanently ceased for more than six months during the anticipated 35 year period, a condition is recommended that the array and all associated structures shall be removed and the ground reinstated to its original condition.

Other Matters

6.110 Some objectors make the point that the application lacks detail and that too much detail is left to conditions. I am satisfied that sufficient information has been submitted to regard the application as valid and to allow proper consideration. Where relevant, consultees have submitted comments indicating that they have had sufficient information on which to base their judgements and that conditions are an appropriate means of securing detail.

6.111 This application has been advertised on the basis that ‘the proposed development does not accord with the provisions of the development plan in force in the area in which the land to which the application relates is situated.’ The publicity period will expire before the application is discussed at Planning Committee.

7.0 THE PLANNING BALANCE AND CONCLUSIONS

7.1 The proposal conflicts in some respects with some relevant saved policies of the adopted Local Plan and the starting point is to determine the application in accordance with the development plan unless material considerations indicate otherwise. However, there are a number of material considerations in this case, several of which should be given significant weight, and which when considered cumulatively indicate that permission should be granted.

- Significant weight should be afforded to the delivery of the amount of renewable energy being proposed here.
- Significant weight should be placed on the economic growth that the proposal would bring, especially in this rural area and to the employment creation.
- Notwithstanding that the site is not previously-developed land and is agricultural land of grade 3b/4, the development of this site for a solar farm would be acceptable in principle.
- In my assessment of landscape and visual impact I concluded that overall, even with mitigation, there would be moderate but localised harm caused to the landscape character and moderate but localised harm to visual amenity and that would weigh against planning permission being granted. This makes this case balanced in terms of the benefits of renewable energy weighed against this harm to the countryside generally and the Special Landscape Area.
- Whilst great weight should be given to the conservation of heritage assets, there would be no significant harm to the setting of listed buildings.
- The development would be acceptable in terms of biodiversity, heritage impacts, the impact on neighbours’ living conditions, highways, flood risk and crime prevention, subject to appropriate planning conditions, which are recommended. In relation to biodiversity, taking into account mitigation measures, in my view there would be likely to be an improvement and enhancement of the ecological value of the site.
- The relevant Parish Councils and some local residents have objected to this application. It is the nature, rather than the amount of objections that should be considered.
- Overall, applying the s.38(6) test, I consider that, on balance, the planning benefits which are likely to arise from this proposal outweigh the disbenefits and adverse impacts. For that reason, I recommend that permission be granted. However, furthermore, I also conclude that the three dimensions of sustainable development are met in this case and the presumption in favour of sustainable development should be applied in this case. I consider that the adverse impacts of granting permission for this proposal are significantly and demonstrably outweighed by the benefits of the proposal when assessed against the policies in the NPPF taken as a whole. I recommend therefore that planning permission should be granted subject to conditions.

8.0 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 decision.

Reason: In accordance with Section 91 of the Town and Country Planning Act 1990 as amended.

2. Except as set out in these conditions, the development hereby permitted shall not be carried out except in accordance with the following approved plans:

1070/01/V4 (Application Plan) received 27/5/15
1070/10-1/A (Panels) received 27/5/15
1070/10-2/A (Cabinets) received 27/5/15
1070/10-03/A (Transformers) received 27/5/15
1070/10-04/A (Switchgear/Substations) received 27/5/15
1070/10-5/A (CCTV) received 27/5/15
1070/10-6/A (Fencing) received 27/5/15
1070/12-1/V2 (Pond Offsets) received 22/12/15
1070/15/V3 (Landscaping) received 22/12/15
1070/16 (Layout Plan) received 22/12/15
Email from Corylus dated 7/3/16

Reason: For the avoidance of doubt and in the interests of proper planning.

3. The planning permission hereby granted is for a period of 35 years from the date of first export of electricity from the development to the grid (the 'first export date'), after which the development hereby permitted shall be removed. Written notification of the first export date shall be given to the Local Planning Authority no later than 14 days after the event.

Reason: To ensure that the impacts of the development exist only for the lifetime of the development.

4. Not less than 12 months before the expiry of this permission, a Decommissioning Method Statement and a Decommissioning Biodiversity Management Plan shall be submitted to and approved in writing by the Local Planning Authority. The submitted information shall include details of the removal of the arrays, cables, fencing, tracks and buildings together with the repair of damage that may have occurred, restoration of the site, management of traffic during the decommissioning process, a decommissioning timetable, an ecological scoping survey, recommended specific species surveys and detailed mitigation strategies. The development shall be decommissioned in accordance with the approved details.

Reason: To ensure that the impacts of the development exist only for the lifetime of the development, in the interests of the amenity of the area and neighbouring living conditions.

5. If any of the individual solar panels hereby permitted ceases to export electricity to the grid for a continuous period of 6 months the Local Planning Authority shall be notified in writing by the operator of the panels. Within 3 months of that written notification, a Decommissioning Method Statement and Decommissioning Biodiversity Plan for the removal of the solar panel(s) and associated equipment and the reversion of that part (or parts) of the site to agricultural use, as set out in condition 4, shall be submitted in writing to the Local Planning Authority. Within 6 months of the written approval of those details from the Local Planning Authority, the approved details shall be fully implemented.

Reason: To ensure that the impacts of the development exist only for the lifetime of the development, in the interests of the amenity of the area and neighbouring living conditions.

6. Full details of the external finishes of all cabinets, transformers, switchgear housings/substations, and perimeter fencing/gates; details of the proposed surfacing of access tracks; and details of the locations and external appearance of security cameras (and their supporting poles) shall be submitted to and approved in writing by the Local Planning Authority before any of that development is constructed. The development shall thereafter be implemented in accordance with the approved details.

Reason: In the interests of visual amenity.

7. Unless the Local Planning Authority gives its consent in writing to any variation, the development shall be constructed in accordance with the submitted 'Construction Traffic Management Plan: Revision D' (March 2015). Prior to the commencement of the development a Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority. That Plan shall include timetabling for the removal of the compound and haul road and the restoration of the land to agricultural land. The development shall be constructed in accordance with the submitted Plan unless the Local Planning Authority gives its consent in writing to any variation;

Reason: In the interests of highway safety, residential amenity and visual amenity. These details are required prior to commencement because they are fundamental to the acceptability of the proposal overall.

8. No works associated with the development shall take place at the site and no vehicles associated with the development shall enter or leave the site, on Sundays or Public Holidays or outside of the following hours: between 0730 and 1800 Monday to Friday and 0800 and 1300 on Saturdays.

Reason: To protect the living conditions of dwellings in the locality.

9. Prior to the first export of electricity from the site, 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 development shall be carried out in accordance with the approved details. The scheme shall ensure that the noise generated at the boundary of any noise sensitive property shall not exceed Noise Rating Curve NR35 (*in areas of low background sound levels a target of NR30 shall be achieved*) as defined by BS8233: 2014 Guidance on sound insulation and noise reduction for buildings 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. 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: To protect the living conditions of dwellings in the locality. These details are required prior to commencement because they are fundamental to the acceptability of the proposal overall.

10. 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 : 2014 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 23:00 – 07:00 hours as covering the night time period.

Reason: To protect the living conditions of dwellings in the locality.

11. Prior to the first use of any electricity substation an acoustic report assessing the impact of noise shall be submitted to and approved in writing by the Local Planning Authority. The report shall address the issue of noise (including low frequency noise) and vibration from the station to ensure that there is no loss of amenity to residential or commercial properties. For residential accommodation, the scheme shall ensure that the low frequency noise emitted from the substation is controlled so that it does not exceed the Low Frequency Criterion Curve for the 10 to 160Hz third octave bands inside residential accommodation as described in The DEFRA Procedure for the assessment of low frequency noise complaints 2011 (NANR45). The equipment shall be maintained in a condition so that it complies with the levels and mitigation measures specified in the approved acoustic report, whenever it is operating. After installation of the approved plant no new plant shall be used without the written consent of the local planning authority.

Reason: To protect the living conditions of dwellings in the locality. These details are required prior to commencement because they are fundamental to the acceptability of the proposal overall.

12. No external lighting shall be used at the site unless otherwise agreed beforehand in writing by the Local Planning Authority.

Reason: In the interests of minimising the landscape impact of the development and the amenity of neighbouring residents.

13. No development shall take place at the site before 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 development shall be carried out in accordance with the approved details.

Reason: To ensure that features of archaeological interest are properly examined and recorded. These details are required prior to commencement because they are fundamental to the acceptability of the proposal overall.

14. No development shall take place until a scheme of measures to minimise the risk of crime that shall include details of the location and design of security cameras has been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented before the development is first brought in to use and thereafter retained and maintained for the lifetime of the development.

Reason: In the interest of security and crime prevention. These details are required prior to commencement because they are fundamental to the acceptability of the proposal overall.

15. Development shall not begin until a detailed sustainable surface water drainage scheme for the site has been submitted to, and approved in writing by, the Local Planning Authority. The detailed drainage scheme shall be based on the recommendations within the application reports prepared by Hydro-Logic Services, and shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100yr storm) can be accommodated and disposed of to the receiving network at an agreed rate that does not exceed the rate of runoff from the existing site. The scheme shall include details of proposed implementation, maintenance and management and shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include a timetable for its implementation; and 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. The scheme shall take full account of any existing land drains on and around the site;

Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and to ensure ongoing efficacy of the drainage provisions. These details are required prior to commencement because they are fundamental to the acceptability of the proposal overall.

16. Prior to the commencement of development 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 shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines. Notwithstanding the detail submitted thus far, the implementation details shall provide for a long term management plan, extending up to and five years beyond the period of reinstatement once the solar farm equipment has been removed from the site; whilst the scheme shall include the following specification for new landscaping:

The proposed plant specification is as follows:

Hedgerow shrubs (90-120cm whips or equivalent):

Carpinus betulus (Hornbeam) 30%

Crataegus monogyna (Hawthorn) 10%

Corylus avellana (Hazel) 35%

Euonymus europaeus (Spindle) 5%

Ilex aquifolium (Holly) 15%

Salix caprea (Goat Willow) 5%

Hedgerow standard trees (Nursery standard size, 8-10cm, 2.7-3m):

Sorbus torminalis (Wild Service Tree) 5%

Quercus robur (Oak) 95%

Woodland Planting Mix (90-120cm whips or equivalent):

Acer campestre (Field Maple) 10%

Alnus glutinosa (Alder) 20%

Carpinus betulus (Hornbeam) 20%

Corylus avellana (Hazel) 20%

Ilex aquifolium (Holly) 10%

Quercus robur (Oak) 10%

Salix fragilis (Willow) 10%

Hedgerows shall be planted in double or triple rows in groups of species. Plants shall be approximately 45cm apart in staggered rows which are 30cm apart. Hedgerow standard trees shall be planted at irregular intervals individually or in small groups as appropriate to reflect the landscape character.

Reason: To ensure a satisfactory setting and external appearance to the development. These details are required prior to commencement because they are fundamental to the acceptability of the proposal overall.

17. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the building(s) 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 setting and external appearance to the development.

18. No development shall take place until details of tree protection in accordance with the current edition of BS 5837 have been submitted to and approved in writing by the local planning authority. The development shall thereafter take place only in accordance with the approved details. All trees to be retained must be protected by barriers and/or ground protection. No equipment, machinery or materials shall be brought onto the site prior to the erection of approved barriers and/or ground protection except to carry out pre commencement operations approved in writing by the local planning authority. These measures 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 protected areas. No alterations shall be made to the siting of barriers and/or ground protection, nor ground levels changed, nor excavations made within these areas without the written consent of the Local Planning Authority.

Reason: In the interests of tree protection. These details are required prior to commencement because they are fundamental to the acceptability of the proposal overall.

19. No development shall commence until a Construction Environment Management Plan (CEMP) has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the approved details. The CEMP should incorporate measures to protect habitat features (and the species supported by these habitats) during the construction of solar panels, buildings and ancillary development. The Plan shall include full details of construction methodology and details of the timetable for construction (including the time of year when construction will take place). The Plan shall also include details of a species mitigation strategy (with particular emphasis on Great Crested Newts) and shall incorporate measures to ensure that no construction traffic/activities will adversely impact on field boundaries.

Reason: In the interests of ecology; particularly the protection of Great Crested Newts. These details are required prior to commencement because they are fundamental to the acceptability of the proposal overall.

20. No development shall commence at the site before details of a scheme of biodiversity enhancements reflecting those set out in the submitted 'Extended Phase 1 Habitat Survey' (January 2014); 'Protected Species Report' (April, 2015); and 'Great Crested Newt Assessment' (April 2015) have been submitted to and approved in writing by the Local Planning Authority. The details shall include a timetable for implementation and how land will be managed during the life of the development. These shall include (but not be limited) to the following:

- The enhancement of water bodies, including the removal of scrub and de-silting.
- The establishment of rough grassland around waterbodies, hedgerows and other boundary features.

Planning Committee Report

- The gapping up of existing hedgerows and the creation of new hedgerows and shaws of trees.
- Monitoring of the successfulness of the various measures proposed.

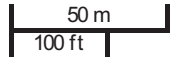
The scheme shall be carried out in accordance with the approved details and implemented for the lifetime of the development.

Reason: In the interests of protecting and enhancing biodiversity in and around the site. These details are required prior to commencement because they are fundamental to the acceptability of the proposal overall.

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 15



15/504345 Tutsham Farm

Scale: 1:2500

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REPORT SUMMARY

| | | |
|---|--|--|
| REFERENCE NO - 15/504345/FULL | | |
| APPLICATION PROPOSAL Change of use of building from live/work use (sui generis) to a mixed business (Use Class B1a, b or c) and residential use (Use Class C3) (retrospective) | | |
| ADDRESS American Oast Tutsham Farm West Farleigh Kent ME15 0NE | | |
| RECOMMENDATION GRANT PLANNING PERMISSION subject to planning conditions. | | |
| SUMMARY OF REASONS FOR RECOMMENDATION The business element of the development complies with the provisions of policy ENV44 of the adopted local plan and reflects Government Guidance set out in the NPPF. Independent residential use is considered acceptable in this instance after taking into account the following: (a) the guidance on rural development set out in the NPPF (b) the fact that there is greater flexibility in the use of agricultural buildings with the introduction of the prior approval system (c) the fact that the exterior of the building has not changed and (d) it was not possible to implement the approved live/work use. There are no highway or parking objections. There are no objections on residential amenity grounds. | | |
| REASON FOR REFERRAL TO COMMITTEE Contrary to the views of West Farleigh and Teston Parish Councils | | |
| WARD Coxheath And Hunton Ward | PARISH/TOWN COUNCIL West Farleigh | APPLICANT Ferns Property Development Limited AGENT DHA Planning |
| DECISION DUE DATE 17/07/15 | PUBLICITY EXPIRY DATE 17/07/15 | OFFICER SITE VISIT DATE 18 th June 2016 |

MAIN REPORT

1.0

- 1.01 This application was considered by the Planning Committee at its meeting on the 4th February 2016 (report attached as **Appendix 1**) where it was resolved that consideration of the application be deferred to enable Officers to hold discussions with the applicant to establish any traffic management measures that could be introduced to prevent commercial traffic using Mill Lane.

1.02 These discussions having taken place the applicant advises he will provide a sign on the existing pole on highways land to Kent Highways specification (the indicative proposed sign is attached to this report as **Appendix 2**) at the junction of Mill Lane and Teston Road seeking to deter commercial traffic from using Mill Lane. The applicant also intends to provide information to visitors to the site to the effect that access will be from Hunt Street only.

2.0 APPRAISAL

2.01 Members are reminded at the outset that it is not considered commercial traffic generated by the use of the American Oast, (which has become the key consideration in determining the highway impacts of this application) causes demonstrable harm on highway safety or amenity grounds justifying further traffic management measures in addition to the signage already being displayed as part of the previous S106 Legal Agreement.

2.02 It is reiterated that commercial traffic in connection with the ground floor business use of the building will not materially increase as no floorspace increase has taken place. The key change arises from employees who would have lived on site as part of the live/work use now being replaced by those now having to travel to the site. The principal additional impact is therefore the additional car traffic generated by employees coming to the site, as currently operating, compared to the committed use of the site as a live/work use.

2.02 Notwithstanding the above, the applicant has nevertheless offered up the additional traffic management measures set out, including an additional sign to be displayed at the junction of Mill Lane and Teston Road to discourage commercial traffic using Mill Lane. Should Members consider this sign to be justified, it must be stressed that its restrictions will not be capable of enforcement by the Council under its planning powers for the reasons set out above.

9.0 RECOMMENDATION – GRANT PLANNING PERMISSION subject to the conditions appended to the report attached as **Appendix 1**.

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 the receipt of further information the application was considered 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.

REPORT SUMMARY

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|---|--|--|
| REFERENCE NO - 15/504345/FULL | | |
| APPLICATION PROPOSAL Change of use of building from live/work use (sui generis) to a mixed business (Use Class B1a, b or c) and residential use (Use Class C3) (retrospective) | | |
| ADDRESS American Oast Tutsham Farm West Farleigh Kent ME15 0NE | | |
| RECOMMENDATION Grant planning permission subject to planning conditions | | |
| SUMMARY OF REASONS FOR RECOMMENDATION The business element of the development complies with the provisions of policy ENV44 of the adopted local plan and reflects Government Guidance set out in the NPPF. Independent residential use is considered acceptable in this instance after taking into account the following: (a) the guidance on rural development set out in the NPPF (b) the fact that there is greater flexibility in the use of agricultural buildings with the introduction of the prior approval system (c) the fact that the exterior of the building has not changed and (d) it was not possible to implement the approved live/work use. There are no highway or parking objections. There are no objections on residential amenity grounds. | | |
| REASON FOR REFERRAL TO COMMITTEE Contrary to the views of West Farleigh and Teston Parish Councils | | |
| WARD Coxheath And Hunton Ward | PARISH/TOWN COUNCIL West Farleigh | APPLICANT Ferns Property Development Limited AGENT DHA Planning |
| DECISION DUE DATE 17/07/15 | PUBLICITY EXPIRY DATE 17/07/15 | OFFICER SITE VISIT DATE 18 th June 2016 |

MAIN REPORT

- 1.0** This application was originally to be considered by the Planning Committee at its meeting on the 12th November 2016. However site and press notices did not expire until the 20th November 2015 and it was understood that further responses were being prepared by objectors to the application. It was therefore considered appropriate to withdraw the application from the agenda.

2.0 SITE DESCRIPTION

- 2.01 The application site lies within a complex of commercial and residential buildings that for development plan purposes are located in open countryside with the site also lying within the Medway Valley Area of Local Landscape Importance (ALLI).
- 2.02 The application building is three storeys high with a pitched roof and known as American Oast. The building is located centrally within a group of farm buildings and on the east side of the main Tutsham Farm complex.
- 2.03 The application building is surrounded by hard standing and there are agricultural buildings to the south, east and west with a oast house converted to provide a single residential dwelling located immediately to the north. Further west is Tutsham Hall; a Grade II listed building as well as other residential buildings.
- 2.04 The vehicle access to the site is from Teston Road to the north (via a private road) and from Hunt Street to the south via a surfaced access drive. Public footpath KM16 is 35m south of the site and runs from east to west and then northwards along the west boundary of the site. Footpath KM22 heads north eastwards from the site along Mill Lane.

3.0 RELEVANT HISTORY

- 3.01 MA/13/0235: Retrospective application for conversion of stable to a single live/work unit –APPROVED-16th October 2013.
- 3.02 MA/12/0107 Application to discharge conditions relating to MA/10/0839 (Conversion of Oast House to 5 live-work units, and external alterations, associated garaging, parking and landscaping) - submission of details received on 24th January 2012 pursuant to conditions 4, 5, 7, 9, 12, 13, 14, 17 & 18. Approved 1st March 2013
- 3.03 MA/10/0839: Conversion of Oast House to 5. live-work units, and external alterations, associated garaging, parking and landscaping - APPROVED -8th June 2011 subject to a S106 legal agreement requiring, amongst other things, implementation of a traffic management scheme to control access routes to and from the development –(overturned officer recommendation to refuse planning permission)
- 3.04 MA/07/1439 Conversion of American oasthouse to form one dwelling, conversion/restoration of twin oasthouse to form annexe accommodation and garaging and conversion of small barn to pool house – REFUSED (APPEAL DISMISSED). Planning permission was refused for the following reasons:
- (1) The large extent of the area proposed for the domestic curtilage, representing a change of use from agricultural land to domestic garden, would be detrimental to the character and appearance of the countryside, being

contrary to policy SP1, EN1 and QL1 of the Kent and Medway Structure Plan 2006 and policies ENV28 and H31 of the Maidstone Borough-Wide Local Plan 2000.

(2) The 1935 Oast house is of insufficient architectural and / or historic merit to justify its retention and the conversion of this building to residential use would therefore be detrimental to the character and appearance of the countryside and the Area of Local Landscape Importance, contrary to policies SP1, EN1, QL1, and HP5 of the Kent and Medway Structure Plan 2006 and policies ENV28, ENV35, and ENV45 of the Maidstone Borough-Wide Local Plan 2000.

4.0 PROPOSAL

- 4.01 An earlier planning permission for the change of use of the application building into five live/work units (MA/10/0839) has been partially implemented with the completion of the physical works linked to the change of use. The living space as part of the approved live/work units would have provided 3 two bedroom and 2 three bedroom flats.
- 4.02 Instead of the approved live/work units the building (total floorspace of 760 square metres) is currently occupied as separate self-contained residential and business floorspace. The current planning application seeks to regularise the use of the building and the completed works.
- 4.03 The ground floor of the building, covering 312 square metres, is currently in use as a single office unit (use class B1). The office unit is occupied by a construction company called Fern Surfacing. There are 10-14 staff employed by Fern Surfacing in this building, with over 200 other staff employed on other company sites elsewhere in the South East, East Anglia and the Midlands.
- 4.04 Whilst not themselves requiring the benefit of planning permission, minor internal works to the ground floor business floorspace have been carried out that were not shown on the earlier approved planning drawings. These changes have provided a staff kitchen, internal partitions and a new internal door.
- 4.05 The external alterations to the building were approved as part of the earlier permission and there have been no further changes carried out and there are no further changes proposed.
- 4.06 The current application seeks to remove the link between the live and work elements, which are between the ground floor business use and the approved living space at first and second floor levels.
- 4.07 The previously approved live/work layout provided separate ground floor entrances and staircases to this living space and there are no alterations proposed externally or to the size or internal layout of the living spaces. The current application seeks to retain 5 self-contained flats (3 two bedroom flats and 2 three bedroom flats).

4.08 The following information has also been submitted in support of the application:

- The policy background against which the original application was determined has changed significantly with the NPPF coming into force in March 2012.
- The NPPF seeks to promote alternative uses for rural buildings including commercial use and residential use.
- Paragraph 55 of the NPPF supports the reuse of existing rural buildings 'where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting'.
- The NPPF does not provide a preference for the reuse of rural buildings. In this case the proposal is for a mixed use of the building for business and residential use and on this basis it is entirely consistent with the NPPF.
- The building is not isolated being within a group of residential and other buildings.
- The scheme has brought about a viable economic use for this previously vacant building, providing new rural work opportunities and the provision of 5 residential units with the appearance of the building and site also being improved in accordance with paragraph 55 of the NPPF..
- Mixed use of the building would generate approximately 81 two-way vehicular movements per week day along with fewer HGV/goods vehicle trips as it is likely that one occupying business will generate less traffic than 5 or 6 smaller units.

4.09 The applicants also advise of the following:

- The planning permission for the live work use was issued on the 8 June 2011.
- The development began in September 2013 just as the economy began to grow following the recession of 2009 – 2011.
- It became clear in September 2013 that the applicant Ferns Surfacing had a need for new premises to accommodate its expanding office based workforce. The new office based staff could not be accommodated at the company's other premises and no other suitable accommodation was available.
- There was uncertainty in respect of the ability to let the approved live/work units and their viability and with the need for office accommodation for the building was used instead for this alternative use.
- The overall amount of commercial floor space and both the number and size of the residential units have not changed as a result of the amendments that are currently being considered.

- The commercial floor space is occupied by a local business employing local people and the company helps to support the overall Maidstone economy.
- Whilst without the benefit of planning permission the applicant has confirmed that full Council Tax and business rates have been paid for both the residential and commercial uses.

4.10 In response to further objections received to the proposal on highway grounds the applicant has submitted a rebuttal statement which is summarised as follows:

Traffic generated by existing use:

- The original Transport Statement (TS) stated that the existing farm buildings have the ability to generate approximately 40 two-way vehicle trips per weekday.
- This figure was derived from the assumption that, for the size of the site and the ability of the site to harvest hops, that up to 10 full time staff could be employed, which would comprise of management, administration and farm hands.
- These employees would generate approximately 16 trips across the day (8 in and 8 out). To this was added the operational trips by larger 4X4 vehicles and tractors, for which it was considered reasonable that 16 trips per day could be undertaken, comprising 2 trips per hour across the working day.
- In addition deliveries of plant fertilizer (4 HGV movements a day) and the outbound trips as a result of the sales (4 trips) were also taken into account .
- When aggregated this gave a total of 40 movements per day which could increase during the harvest period.
- Objectors advised that the farm is predominantly used for the rearing of pigs and cattle, with the hop farming being only a minor aspect with limited production and variable seasonality. As such this would only generate 10 two-way trips per weekday.
- In transport planning terms, the current use of the agricultural buildings is not relevant only the potential uses of the farm within its agricultural use class need be considered.
- Given this the farm can shift to hop farming which is a more labour intensive without planning permission.
- It is considered that regardless of the current use of the site, the site has the potential to generate 40 two-way trips which should be taken into account in assessing the proposal.

Traffic generation of proposed use:

- Acknowledge that the live/work premises not being used as anticipated with persons working in the offices living off site.
- The original assessment for the live/work scheme as approved was that it would generate a total of 31 two-way trips per weekday.

- As the office use now generates independent vehicle movements in addition to the residential traffic it was necessary to assess the office use. It is concluded the office use produces a total daily two-way trip generation of 20 vehicular trips. When this and the residential use are aggregated this produces 51 two-way trips per day which is 11 additional trips in excess of existing agricultural use of the site.
- Even using higher trip estimates a total of 57 two-way trips is forecast representing an additional 17 two-way vehicle trips per day and 17 in excess of the existing agricultural use of the site
- The above represents just over one additional vehicle movement per hour across a 12 hour day (0700-1900) compared to the existing agricultural use. This is not considered material in its impact on the local highway network.
- Objectors to the proposal cite traffic generation figures of 81 two way vehicle movement as being more accurate which is only offset by 10 two way movements based on the existing agricultural use of the site equating to 71 two-way vehicle trips across the 12 hour day (0700-1900)
- However when these figures are taken into account this equates 6 additional trips per hour or one additional trip every 10 minutes which in transport terms cannot be considered as 'severe'.
- Regarding the type of vehicle accessing the proposed development relative to the previous agricultural use of the site, the existing agricultural use would have involved a number of HGVs and tractors which would also have used the local highway network. Such vehicles are by their very nature larger and slower than private cars and would therefore have a significantly greater impact on local highway and residential amenity.
- Whilst additional vehicles will be added to the local road network their impact would not be as great as those associated with the previous agricultural use and thus in overall terms, represent a net benefit to highway safety and amenity.

5.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF 2012)
 National Planning Practice Guidance (NPPG 2014)
 Development Plan: ED2, ENV28, ENV35, ENV44 and ENV45

6.0 LOCAL REPRESENTATIONS

- 6.01 In addition to a site notice, 6 adjacent properties have been notified of the application – 5 objections have been received that are summarised as follows:
- Proposal directly conflicts with the original approval granted for this building along with failure to comply with the legal agreement that was imposed.

- Traffic still using Mill Lane despite a legal agreement being in force to preclude such use.
- No action has been taken to prevent current illegal use of the building.
- Traffic has increased in volume along Mill Lane and granting planning permission for separate business use will make situation even worse.
- Need to get developers to agree to close Mill Lane as was the case with the previous application.
- Use site has changed from farm to livery purposes with planning permission granted under ref: MA/11/1228 providing evidence for this. Consider traffic generated by this use which has 20 horses in livery will result between 45 and 60 vehicle movements per day which should be taken into account in assessing overall vehicle movements.
- That the outcome of the outstanding complaint to the Ombudsman should be known before the current application is determined.
- Do not accept the findings of the transport rebuttal submitted by the applicant.
- Maintain view that sole access to the farm should be from Hunt Street and that measures to be put in place to secure this have never been carried out.
- Parish Council erected a sign at the junction of Mill Lane with Teston Bridge to the effect that all traffic for the farm should enter the site via Hunt Street but which has since been removed.
- Traffic movements in connection with the use of the farm have increased substantially over the years in excess of the levels set out by the applicant giving rise to unacceptable impacts on local residents.
- If the Council see fit to grant planning permission this should be on the basis of signs being erected that site access to Tutsham Farm should only be gained via Hunt Street, installation of an electronic gate at the entrance of Tutsham farm to Mill Lane, that the Tutsham farm postcode be altered to discourage access to site via Mill Lane and that repairs should be carried out to Mill Lane due to its use as a site access to Tutsham Farm.

6.02 In addition one objection received (summarised below) setting out historic traffic generation of the site.

- Have lived in West Farleigh since 1970 visiting Tutsham Farm when it was producing hops, fruit and livestock.
- Traffic figures set out in rebuttal are grossly exaggerated and incorrect as traffic and transport in the 1970's is totally different from today.
- Majority of employees lived in tied cottages within walking or cycling distance of the site.
- In hop picking season workers, mainly from London, were met at Watringury Station and transported by farm vehicles to farm across fields and not using public roads.
- Once on site pickers walked to local facilities.
- Part of statement referring to pigs is incorrect as their movement only took place within the site not using public roads.
- During hop and fruit seasons HGV's only accessed the site via Hunt Street which at the time was the main entrance to the farm.

6.03 **Mill Cottage Residents Association** (on behalf of the residents of 1-7 Mill Cottages): Objections are summarised below:

- Will substantially affect traffic flow in immediate vicinity of Mill Lane and represent the further urbanisation of Tutsham Farm.
- Application should only be considered on the basis of a full traffic survey of farm traffic using Mill Lane and Hunt Street and that use of the site should be subject to a traffic management scheme to address the concerns raised.
- That the outcome of the outstanding complaint to the Ombudsman should be known before the current application is determined.
- Do not accept the findings of the transport rebuttal submitted by the applicant.
- Maintain view that sole access to the farm should be from Hunt Street and that measures be put in place to secure this have never been carried out.
- Parish Council erected a sign at the junction of Mill Lane with Teston Bridge to the effect that all traffic for the farm should enter the site via Hunt Street which has since been removed.
- Traffic movements in connection with the use of the farm have increased substantially over the years in excess of the levels set out by the applicant giving rise to unacceptable impacts on local residents.
- If the Council see fit to grant planning permission this should be on the basis of signs being erected that site access to Tutsham Farm should only be gained via Hunt Street, installation of an electronic gate at the entrance of Tutsham farm to Mill Lane, that the Tutsham farm postcode be altered to discourage access to site via Mill Lane and that repairs should be carried out to Mill Lane caused by its use as a site access to Tutsham Farm.

7.0 CONSULTATIONS

7.01 **West Farleigh Parish Council:** Object on the following grounds:

- Given the past site history we would like to know what changes in legislation give support to the current application.
- No highway report has been submitted relating to the suitability of either Hunt Street or Mill Lane to take further traffic as a result of the work units not being used by persons living on the site.
- There is a concern that the existing legal agreement will not be enforceable in connection with the current application and a new legal agreement should be put in place to ensure that all vehicle access is via Hunt Street.

Have assessed additional highway information submitted by the applicants but maintain its objections to the proposal on the above grounds.

7.02 **Teston Parish Council:** Object on the following grounds:

- Teston Lane and Hunt Street are both narrow country lanes and not capable of taking additional traffic.
- The development has not complied with the previous legal agreement or provided a turning circle which has resulted in vehicles leaving the site via Hunt Street, which is public right of way not suitable for this traffic.

- There is a concern about additional lighting and the harmful impact that this will have on the night time environment.

7.03 **Highways Authority (Kent County Council):** No objection as it is not expected there will be a significant increase in trip generation from that which was generated from the previously approved application MA/10/0839 or from the previous use of the site. There is sufficient space on site for the parking of vehicles associated with both uses.

In response to the further information submitted by the applicants advise that the predicted trip generations are not of a level justifying a highway objection. In addition the personal injury crash record at the junction of Mill Lane and Teston Lane reveals there have been no injury crashes here for at least 10 years leading to the conclusion that this junction operates safely. As such continue to raise **no objection** based on effect on the highway network.

7.04 **Kent PROW:** No objection but public footpath KM22 is currently used by some vehicular traffic from the Tutsham Hall farm site. There is insufficient width to delineate traffic from pedestrians. Also the route exits onto Teston Lane which has limited width and sight lines. If vehicular access to the development site is expected to further increase consideration should be given within the planning application to traffic management in relation to this footpath

6.05 **MBC Conservation Officer:** The application building has little *architectural or historic merit and as a result it is not considered a non-designated heritage asset.*

7.0 APPRAISAL

7.01 The key issues are considered to be assessing the loss of the approved live/work units; the retention of the separate employment and residential uses; impact on the general character of the area; the impact on residential amenity and the impact on car parking and traffic generation.

Loss of the live/work units

7.02 The earlier planning permission for the conversion of the application building into live/work units has been implemented with the completion of the ancillary physical works. As a result the lawful use of the application building is for 5 live/work units and the building could revert back to this use without the need for further planning permission.

7.03 The applicant has stated that after gaining planning permission it was found there was uncertainty in letting the approved live/work units bringing their viability into question. With the separate need for office accommodation, the ground floor of the building was used instead for this alternative employment use and the residential space on the upper floors also occupied separately.

- 7.04 There is no adopted planning policy seeking provision of, or retention of live/work space, and there is no evidence available of local need for this type of accommodation. On this basis the loss of the originally approved live/work units are considered acceptable in principle subject to assessing other matters such as amenity and traffic impacts.

Provision of separate employment floorspace

- 7.05 The NPPF seeks to promote a prosperous rural economy advising at paragraph 28 that “Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. Planning policies should support sustainable growth and expansion of all types of business and enterprise in rural areas, including through the conversion of existing buildings and should promote the development and diversification of agricultural and other land-based rural businesses.
- 7.06 The principle of providing an element of office floorspace within the application building has been established by the earlier implemented planning permission for live/work space, with the live/work space currently the lawful use of the building. It is also highlighted that a change of use from the original oast house building to the current office use (rather than a live/work use) is unlikely to have required planning permission.
- 7.07 Saved Local Plan policy ENV44 sets out various matters that need to be assessed as part of a proposal to convert rural buildings to commercial uses. Whilst the policy is not directly applicable to the current proposal, the provision of self-contained office floorspace is considered in line with the requirements of policy ENV44. The provision of self-contained office floorspace within the application building and local employment this generates is supported and the proposal is considered in line with the guidance in the NPPF.
- 7.08 In other cases gaining planning permission for live/work space has been used as a route to achieving a purely residential use, however in this case the originally approved work floorspace has been retained and is currently occupied and providing employment. The proposal also now provides residential accommodation in the form of 5 flats.

Provision of separate residential floorspace

- 7.09 Following the granting of planning permission for the live/work floorspace the applicant was unable to find tenants for the individual units that were approved. The building was instead brought into beneficial use providing separate office and residential uses. The office floorspace currently provides employment for 10 to 14 people and the five residential units are also occupied.
- 7.10 Policy ENV45 of the Local Plan states that the reuse or adaption of rural buildings for residential purposes will not be permitted unless various exceptions are present. These include ensuring reasonable attempts have been made to secure alternative business use; if appropriate, it contributes to

the setting of a listed building, the building is of sound construction; general design of the building is in keeping with its surroundings; any conversion work respects local building styles and materials; traffic can be safely accommodated; there is sufficient land around the building to provide a reasonable level of outdoor space, there is sufficient room in the curtilage of the building for car parking and where associated fences, walls or other structures would harm the visual amenity of the countryside.

- 7.11 As it involves self-contained residential units now occupied independently from the live and work space, the current application has been assessed against policy ENV45. The submitted proposal, including the separate residential accommodation, is considered acceptable and in line with all the exceptions set out in policy ENV45.
- 7.12 In April 2015 planning legislation came into force introducing greater flexibility in the use of buildings. This legislation brought in a prior approval system removing the requirement for planning permission in certain cases and restricts the matters that can be considered. If the original agricultural use had been retained, the change of use to residential use would have been considered under this prior approval system and there would be no requirement for full planning permission.

Impact on the general character of the area

- 7.13 Tutsham Hall is a grade II listed building and as such new development needs to respect the setting of this building. With a distance of 60 metres separating the application building from Tutsham Hall it is considered there would be no impact on the setting of this listed building and this view is supported by Conservation Officer.
- 7.14 The application building is located in the Medway Valley Area of Local Landscape importance. Policy ENV 35 states that in these areas particular attention will be given to the maintenance of open space and the character of the landscape and encouragement will be given to improvements in public access. Policy ENV28 states that in the countryside planning permission will not be given for development which harms the character and appearance of the area. Policies ENV44 and ENV45 state that work to convert rural buildings for commercial use should be of a form, bulk and general design which is in keeping with its rural surroundings; and any alterations proposed as part of the conversion are in keeping with the rural character of the building.
- 7.15 The current proposal does not include any alterations to the external appearance of the application building. The provision of landscaping on the site was approved as part of the earlier planning permission and the subsequent discharge of planning conditions. The Conservation Officer has stated that the application building has little architectural or historic merit and as a result it is not considered a non-designated heritage asset. After this assessment it is considered that the proposal is in line with policies ENV28, ENV 35, ENV44 and ENV45.

Standard of residential accommodation

- 7.16 The application building is considered to provide a good standard of residential accommodation with a good internal layout with separate ground floor entrances and adequate natural light and outlook to living spaces.

Impact on residential amenity

- 7.17 The current application does not include any external changes to the existing building or changes to the layout or location of living space from that previously approved. It is considered that there is adequate separation distance between the building and other nearby residential uses.
- 7.18 The ground floor of the application building is occupied by an office use that is within planning use class B1. The definition of a B1 use is one which can be carried out in a residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit. In these circumstances it is not considered that the ground floor employment use will harm the amenities of residential occupiers on the upper floor levels.

Impact on car parking and traffic generation.

- 7.19 Vehicle access to the application site is currently provided from the north along Teston Road via a private road and from Hunt Street to the south via an access drive. The lawful use of the application building is as live/work units and it is considered that the separation of the live and work elements will have only resulted in a minimal increase in overall vehicle trips. The pattern of vehicle trips associated with the separated uses will also have changed with employees travelling to the site, and residents traveling away from the site.
- 7.20 A restriction attached to the planning permission for the live/work units sought to prevent commercial vehicle access to the application site from the north along Teston Road. This restriction was put in place as the private road to the north was not considered suitable for commercial vehicles. The applicant has stated that this restriction on commercial vehicles will be maintained and a planning condition is recommended to require the submission and approval of a Traffic Management Plan.
- 7.21 In support of the planning application the applicant has provided information on traffic and car parking within the submitted planning statement. In response to objectors concerns regarding traffic generation this has been supplemented by an additional statement which has been the subject of further consultation with Kent Highways, Parish Councils and local residents.
- 7.22 It is considered that this information is sufficient to assess the traffic impacts of the development.
- 7.23 It is considered that the vehicle trips associated with the separated residential and office floorspace can be easily and safely accommodated on the local road network. Kent Highways have assessed the application both as originally

submitted and amplified by the additional information relating to traffic generation and maintains its view that there is no sustainable objections based on harm to the free flow of traffic or highway safety in the locality.

- 7.24 The proposal provides a total of 15 car parking spaces including 5 garages and 5 visitor spaces. This provision is considered sufficient for the office and residential floor space and will ensure that car parking is accommodated on the application site. As highways authority Kent County Council have assessed the application and have stated that they have no objection to the application in relation to car parking.

8.0 OTHER MATTERS

- 8.01 Reference is made to an outstanding complaint to the Ombudsman, it being contended that no decision should be made on this application until the outcome of this is known.

- 8.02 Members are advised that a response has been received from the Ombudsman into complaints that:

- A condition was appended to planning application ref:MA/10/0839 requiring implementation of a traffic management scheme;
- The traffic management scheme has not been put in place by the developer;
- The Council have not enforced this condition and as a consequence the applicant has applied for retrospective planning permission and;
- The plans were only passed because of the traffic management scheme.

- 8.02 The Ombudsman states that investigation into the above matters was discontinued due to the late nature of the complaint. Notwithstanding this statement, an assessment of the above was nevertheless carried out where the following conclusions were drawn:

- The legal agreement covered the oast house site only and not any other properties within the farm estate.
- The Council took legal advice on the enforcement of the traffic management scheme and decided it was not appropriate to take action.
- This is a decision the Council is entitled to make and the professional view of officers cannot be criticised where there has been no administrative fault.
- In addition planning permission has been granted in relation to another property on the estate and though the Council sought to encourage access to the site via certain routes no agreement was required.
- As such were investigations to continue it is unlikely that an appropriate remedy would be recommended.

- 8.03 Regarding reference to the livery use of the site, this a separate matter that is being considered under application ref:13/0226. The use of land for livery purposes is therefore currently unlawful and cannot be taken into account assessing the traffic generating impacts of the current application.

9.0 CONCLUSIONS

- 9.01 The business element of the development complies with the provisions of policy ENV44 of the adopted local plan and reflects Government Guidance set out in the NPPF.
- 9.02 Independent residential use is considered acceptable in this instance after taking into account (a) the guidance on rural development set out in the NPPF (b) the fact that there is greater flexibility in the use of agricultural buildings with the introduction of the prior approval system (c) the fact that the exterior of the building has not changed and (d) it was not possible to implement the approved live/work use.
- 9.03 There are no highway or parking objections to the development. There are no objections to the development on residential amenity grounds.
- 9.04 As such though the building is not being used in accordance with the original planning permission it is considered,, that retrospective planning permission should be granted.

9.0 RECOMMENDATION – GRANT PERMISSION Subject to the following conditions

- (1) 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 7 Class H (external alterations to industrial building) to that Order shall be carried out without the permission of the Local Planning Authority;

Reason: In the interests of amenity.

- (2) The ground floor of the building shall only be occupied for offices purposes falling within Class B1 of the Town and Country Planning (Use Classes) Order 1987 (as amended) and for no other purpose and shall only take place in the area shown on drawing no: DHA/10732/02. The 1st and 2nd of the building shall only be used as dwellings falling within Class C3 of the Town and Country Planning (Use Classes) Order 1987 (as amended) and for no other purpose.

Reason: To retain control over the development and in the interests of amenity.

- (3) No open storage of plant, materials, products, goods for sale or hire or waste shall take place on the land.

Reason: In the interests of visual amenity.

- (4) No external lighting shall be placed on any part of the building or within the associated curtilage until details have first been submitted and approved in writing by the Local Planning Authority. The development shall thereafter be

carried out in accordance with the approved details and no additional lighting shall be installed unless agreed in writing with the Local Planning Authority.

Reason: To ensure a satisfactory appearance and to safeguard the nighttime rural environment.

- (5) The parking/turning areas as shown on the approved plans shall be kept available for such use at all times. No development, whether permitted by the Town and Country Planning (General Permitted Development) Order 2015 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: In the interests of highway safety and the free flow of traffic.

- (6) A traffic management plan shall be submitted to and approved in writing by the local planning authority within 6 months of the approval of planning permission and once approved shall be implemented in accordance with the terms and timescales set. The plan shall include agreed measures to restrict vehicle access to the application site from the south via Hunt Street only.

Reason: In the interests of highway safety and the free flow of traffic.

INFORMATIVE

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 the receipt of further information the application was considered 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.

Reference number: 15/504345

Attention is drawn to condition 6 requiring submission of a traffic management plan which shall include measures to restrict commercial vehicle access to the site to the south via Hunt Street only.

However signage is already in place to this effect, being the traffic management measures secured in connection with planning permission ref:MA/10/0839 (being the application permitting live/work use of this building). As such condition 6 is not necessary for this reason. Notwithstanding this, any traffic on Mill Lane is not considered to be objectionable on highway safety or amenity grounds, and as this is a private lane, this is a civil matter.

In addition, it is not reasonable to expect the applicant to be able to control the routes taken by drivers of commercial traffic to and from the site, and the applicant does not have the power to stop use of Mill Lane. Any condition to control traffic would therefore not pass the test for planning conditions laid out in Government guidance.

Policy ENV45:

The report states the application is in line with all the exceptions set out in policy ENV45 of the adopted local plan. However this is not strictly correct as no evidence has been provided of attempts to find a commercial reuse of the flats nor does the building have acknowledged heritage merit.

Notwithstanding the above, as the exterior of the building is as originally approved, updated guidance on rural development set out in the NPPF postdating policy ENV45, that agricultural buildings can now be used for a variety of purposes (including residential) as permitted development and that it was not possible to secure a live/work use as approved, it is considered appropriate to recommend approval for the application even though all the requirements of policy ENV45 are not met.

Recommendation remains unchanged subject to the removal of condition 6.



Agenda Item 16



15/505441 Tovil Quarry
Scale: 1:2500
Printed on: 9/3/2016 at 10:18 AM

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REPORT SUMMARY

| | | | |
|---|---|---|----------------------|
| REFERENCE NO - 15/505441/FULL | | | |
| APPLICATION PROPOSAL Outline application for the erection of upto 108 dwellings with all matters reserved for future consideration except for the means of access (from Straw Mill Hill) to be determined at this stage.. | | | |
| ADDRESS Tovil Quarry Site Straw Mill Hill Tovil Kent ME15 6FL | | | |
| RECOMMENDATION- Approval subject to conditions | | | |
| SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL The proposed development does not conform to policy ED2 of the Maidstone Borough-Wide Local Plan 2000, however given the committee resolution to grant planning permission in 2012 under reference MA/12/2022, lack of interest in employment redevelopment and the immediately adjacent residential development, a departure from that policy would be likely to result in only minor harm. In this instance, the provision of housing is considered to be an overriding benefit to justify departure from this policy of the Development Plan, subject to appropriate conditions. | | | |
| REASON FOR REFERRAL TO COMMITTEE It is a departure from the Development Plan as the site is a designated employment site under Policy ED2 of the Maidstone Borough-wide Local Plan 2000. Cllr Derek Mortimer has asked that this application to be taken to planning committee if it is recommended for approval. | | | |
| WARD South Ward | PARISH COUNCIL Tovil | APPLICANT Mr Kevin Clark AGENT DHA Planning | |
| DECISION DUE DATE 14/10/15 | PUBLICITY EXPIRY DATE 14/10/15 | OFFICER SITE VISIT DATE 1/03/2016 | |
| RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites): | | | |
| App No | Proposal | Decision | Date |
| 12/2022 | Outline application for the demolition of existing buildings and the erection of residential development with associated parking and landscaping together with the extinguishment of the existing access to Straw Mill Hill and the formation of a new access from Straw Mill Hill/Stockett Lane. | 19 September 2013 members resolved to grant planning permission subject to a s106 legal agreement and planning conditions | No decision issued |
| MA/10/0167 | An Article 10 Consultation with Maidstone Borough Council by Kent County Council for the development of a Materials Recycling Facility and Transfer Station for waste recovery: | Refused by KCC & Appeal dismissed on | 18/03/10 10/10/11 |
| MA/05/2293 | Outline application for residential development with means of | Withdrawn | 13/02/2006 |

| | | | |
|------------|---|----------|------------|
| | access to be considered at this stage and all other matters reserved for future consideration | | |
| MA/88/1338 | Alteration of approved ground floor weighbridge office extension (ref MA/86/1675N) and first floor extension over | APPROVED | 30/10/1988 |
| MA/86/1675 | Industrial waste paper processing building with ancillary office and weighbridge office extension | APPROVED | 02/02/1987 |
| MA/83/0048 | Change of use of part to conversion of waste paper | APPROVED | 25/03/1983 |

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The application site amounts to just under 2.4ha in area. It is located on the west side of Straw Mill Hill Tovil some 30m south of its junction with Cave Hill. It is within the urban area of Maidstone as defined by the Maidstone Borough wide Local Plan (MBWLP) 2000. It is allocated as an employment site under saved policy ED2 (vi) of the MBWLP 2000 as suitable for Development within Use Classes B1 and B2.
- 1.02 It is a former quarry with a lawful use as a waste- paper recycling centre. The last use on this site has stopped and all associated buildings have been demolished and the land levelled. A sunken access track currently leads off south-westward from Straw Mill Hill leading to the base of the former quarry.
- 1.03 The north western and western site boundary is marked by extensive banking/quarry face in excess of 8m in height that separates the site from the 'PJ Burke site' which has outline planning permission for a new housing development (reference MA/01/0686 and MA/01/0686/01), that was renewed on 22 November 2012 under ref MA/10/0256. The adjacent site has a right of way through the current application site to Straw Mill Hill.
- 1.04 Land levels within the site, as a former quarry, are also approximately some 10m lower than Straw Mill Hill/Stockett Lane which runs along the eastern site boundary and also along the adjoining land to the south. There are trees on the banked areas around the quarry floor.
- 1.05 Land on the east side of Straw Mill Hill/Stockett Lane lies within the Loose Valley Area of Local Landscape Importance (MBWLP policy ENV35). The land associated with 'Godlands' (the HQ of the Kent Fire & Rescue Service) and the former cricket ground to its south, on the eastern side of the above mentioned road, are within the Loose Valley Conservation Area. Tovil Scout Hut is located on higher land to the east side of the site (accessed from Straw Mill Hill/Stockett Lane) and is not visible from the site due to height of quarry face and trees.
- 1.06. Straw Mill Hill/Stockett Lane in the vicinity of the site are narrow roads with a rural character and appearance and are enclosed in part by ragstone walls on both sides of the road, although the wall bounding the application site has been repaired/re-built

in the past and includes bricks and cement render over some of its length. A significant breach in the wall to provide access to 'Godlands' exists on the east side of Straw Mill Hill.

2.0 PROPOSAL

- 2.01 This is an outline application for the development of upto 108 dwellings with all matters reserved for future consideration except for the means of vehicular access from Straw Mill Hill/Stockett Lane that is to be determined at this stage. This application originally started as a full application but has recently been amended to an outline application; therefore all plans are for illustrative purposes, except for those referred to in this report.
- 2.02 Given the topography of the land and high quarry face enclosing the site construction of the vehicular access would involve the creation of an opening with appropriate sightlines in the eastern boundary of the site on to Straw Mill Lane/Stockett Lane.

3.0 SUMMARY INFORMATION

| | Existing | Proposed | Change (+/-) |
|--------------------------|----------|----------|-------------------|
| Site Area (ha) | 2.4 ha | 2.4ha | No change |
| No. of Residential Units | 0 | 108 | 108 new dwellings |
| No. of Affordable Units | 0 | 0 | No change |

4.0 PLANNING CONSTRAINTS

Potential Archaeological Importance
 Tree with Preservation Order
 Near Loose Valley Conservation area

5.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)
 National Planning Practice Guidance (NPPG)
 Development Plan:
 Maidstone Borough Wide Local Plan 2000 Policies ENV6, ENV35, ENV49, ED2(vi), T13, T23, CF1, CF16
 MBC Affordable Housing DPD and Open space DPD 2006
 Maidstone Borough Local Plan Regulation 19 2016

6.0 LOCAL REPRESENTATIONS

Two letters of representation have been received raising concern about the following points:-

- impact on the character of the local landscape, Medway tributary Green wedge and the Loose Valley Conservation Area
- The site is suitable for low density development with high proportion of green space.
- Impact of additional traffic on this country lane.
- Proposed access way would destroy part of a substantial Ragstone wall feature.
- Hazardous waste used to infill the quarry
- Lack of sustainable drainage and connection to foul sewage system

- Any new developments at either end of the Loose valley will only exacerbate the use of Hayle Mill Road and Stocket Lane as rat runs at peak times by people trying to avoid traffic on the main roads.
- This is a conservation area and a very beautiful part of Maidstone but walking or cycling on these roads is already an unpleasant experience due to the volume and speed of the traffic. Any further housing will only make this worse.
- If this application is approved then some provision must be made to try and at the least slow the traffic on these roads but preferably to try and reduce the number of cars and to provide some infrastructure to separate pedestrians and motor vehicles.

7.0 CONSULTATIONS

Tovil Parish Council

- 7.01 Recommends approval subject to further consideration of highways issues. TPC is engaging a consultant to assist the council concerning the highways issues and the council would be very grateful if we could add TPC's comments on highways issues at a later date. In addition, it is requested that the developer replace the boundary fence of the Tovil Scout HQ site and move the water stop cock used by the Scout HQ to the Scout site.

Loose Parish Council

- 7.02 Loose Parish Council wishes to see the application refused for the reasons below and for the application to be referred to the MBC Planning Committee:
- a) This proposal would increase the traffic, creating a further rat run to Coxheath and Linton via narrow country lanes. These lanes are already ill equipped to cope with the current volume of traffic let alone more.
 - b) The access route in and out of the site into Stockett Lane is dangerous. This would additionally create problems at the Cave Hill and Tovil Road junctions where there is already limited visibility. Although this application is outside of its boundary, Loose Parish Council feels that there would be sufficient implications for Loose and hope that the Planning Officer will take its views into account.

Kent police

- 7.03 Has stated that the scale of the proposed development at this site means that there is limited existing policing infrastructure to cater for the increased demand for policing services and interventions generated by the proposal. As, there would be a considerable population increase within the Borough (Circa 9,400) between now and 2031 to which this development will contribute. This would impair policing services elsewhere in the Borough/County if the necessary policing infrastructure were not provided.

The requirement for additional policing resources at patrol the developments has been identified as a key mitigation measure owing to the potential adverse impact arising from the proposed developments.

The contribution requested as a pro rata basis to the proposed dwelling developments within the Borough between 2015 and 2031. As shown above, Kent police has calculated that the contribution required for this development is £136X91 Market dwellings +£12,376.

The financial contribution sought in this case is not to resolve existing deficiencies in Police Infrastructure provision nor does Kent Police seek to provide a higher level of service. The impact of the development on the capacity of Kent Police to provide an efficient and effective service in the context of the Government agenda for the delivery of safe communities is a material planning consideration and the

contribution/infrastructure sought are appropriate to the impact. The requirement for a Planning Obligation to deliver a financial contribution and secure the provision of the additional infrastructure requirements which are a direct result of the proposed development is therefore reasonable in all respects.

Natural England

7.04 *Local wildlife sites*

If the proposal site is on or adjacent to a local wildlife site, eg Site of Nature Conservation Importance (SNCI) or Local Nature Reserve (LNR) the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local wildlife site, and the importance of this in relation to development plan policies, before it determines the application.

7.05 *Biodiversity enhancements*

This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the National Planning Policy Framework. Additionally, we would draw your attention to Section 40 of the Natural Environment and Rural Communities Act (2006) which states that '*Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity*'. Section 40(3) of the same Act also states that '*conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat*'.

7.06 *Landscape enhancements*

This application may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment; use natural resources more sustainably; and bring benefits for the local community, for example through green space provision and access to and contact with nature. Landscape characterisation and townscape assessments, and associated sensitivity and capacity assessments provide tools for planners and developers to consider new development and ensure that it makes a positive contribution in terms of design, form and location, to the character and functions of the landscape and avoids any unacceptable impacts.

Environmental Agency

- 7.07 We have reviewed the document ' Geo-environmental Site Assessment' by RSK (reference 27693 R01 (00) dated July 2015). The document reported some contaminants present but these are not at concentrations likely to represent a risk to Controlled Waters and associated remedial measures are not required.

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

Reason: To protect the underlying groundwater from the risk of pollution. There is always the potential for unexpected contamination to be identified during development ground works. We should be consulted should any contamination be

identified that could present an unacceptable risk to Controlled Waters (the site is located over a Principal Aquifer).

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

Reason: To protect the underlying groundwater from the risk of pollution. Infiltrating water has the potential to cause remobilisation of contaminants present in shallow soil/made ground which could ultimately cause pollution of groundwater.

Condition: Piling or any other foundation designs using penetrative methods shall not be 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 groundwater. The development shall be carried out in accordance with the approved details.

Reason: To protect the underlying groundwater from the risk of pollution. The developer should be aware of the potential risks associated with the use of piling where contamination is an issue. Piling or other penetrative methods of foundation design on contaminated sites can potentially result in unacceptable risks to underlying ground waters. We recommend that where soil contamination is present, a risk assessment is carried out in accordance with our guidance 'Piling into Contaminated Sites'. We will not permit piling activities on parts of a site where an unacceptable risk is posed to Controlled Waters.

Flood Risk

The site is located in Flood Zone 1, defined by the National Planning Policy Framework (NPPF) as having a low probability of flooding. We recommend you consult and liaise with the Lead Local Flood Authority (LLFA) regarding the surface water aspects of this site as this now falls within their remit.

Upper Medway IDB

- 7.08 Confirms that this location is outside of the IDB's district and the proposal is unlikely to affect IDB interests.

Southern Water

- 7.09 There is currently in adequate capacity in the local network to provide foul and surface water 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 sewers, or improvements to existing sewers will be required to provide sufficient capacity to service the development. Section 98 of the Water Industry Act 1991 provides a legal mechanism through which the appropriate infrastructure can be requested (by the developer) and provided to drain to a specific location. Should this application receive planning approval, please 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 (Tel: 0330 303 0119) or www.southernwater.co.uk".

Condition

- 7.10 Construction of the development shall not commence until details of 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 Gas:

- 7.11 There is not a Gas line close to the application site. No objection

KCC Heritage Environment, Planning and Enforcement

- 7.12 The site of the application lies within an area of archaeological potential associated with early prehistoric activity, Roman activity and post medieval industrial heritage. The site lies within an area of Hythe Beds which in certain areas can contain remnants of Pleistocene deposits which may contain palaeolithic remains. To the north of the site lies the recorded location of a Romano-British cemetery and associated remains may survive in unquarried areas nearby. This quarry was part of a network of quarrying which developed during the post medieval period and possibly before. Although this quarry itself seems to be part of the later 20th century expansion, there may be elements of local industrial heritage which need consideration.

In view of the above archaeological interest, I recommend the following condition is placed on any forthcoming consent:

AR1 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.

Kent Wildlife Trust

- 7.13 Kent Wildlife Trust would recommend that Maidstone Borough Council ensures that the peripheral features of the quarry are retained and enhanced as much as possible; and that a conservation management and monitoring plan with corresponding financial provision for this green infrastructure is submitted prior to approval and supported by condition.
- I would also strongly recommend that the invertebrate survey work that appears to be outstanding and the detail for mitigation measures for reptiles (including any translocation details) are submitted in advance of determining this planning application. There is a lack of information regarding avoidance of disturbance to bats; a mitigation plan that provides lighting detail and how foraging corridors will be retained around the edges of the site is particularly important.
- In conclusion, Kent Wildlife Trust makes no objection to this planning application, subject to the above recommendations.

KCC Economic Development

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

The Planning Act 2008 and the Community Infrastructure Levy Regulations 2010 (the CIL Regulations) (Regulation 122) require that requests for development contributions of various kinds must comply with three specific legal tests:

1. Necessary,
2. Related to the development, and
3. Reasonably related in scale and kind

These tests have been duly applied in the context of this planning application and give rise to the following specific requirements.

- Primary: £2360.96 per 'applicable' house, and £590.24 per 'applicable' flat – 'Applicable' excludes 1 bed units of less than 56 sqm GIA
- Secondary : £2359.80 per 'applicable' house, and £589.85 per 'applicable' flat

- Community learning @ £28.71 per dwelling – 'dwelling' means all residential units on the site
- Library bookstock @ £48.02 per dwelling

- Adult Social Care – delivery of 2 Wheelchair Adaptable Homes as part of the Affordable homes delivery for the site
- Superfast Broadband by Planning Condition

Environmental Health

- 7.14 The previous application for this site, 12/2022, was given a resolution to approve at planning committee in 2013 (but there was no resolution on 106's so there is no current valid planning permission). Environmental Health noted and accepted the conclusions of a Phase 1 Contamination report submitted with this previous application, which concluded that gas monitoring should be carried out in boreholes along with intrusive investigation regarding potential contaminants. It was also noted that "A new development of this size will have a noticeable adverse impact on local air quality due the increased number of vehicles that will now be present. Therefore, an air quality assessment should be submitted showing what this impact is likely to be and what measures should be put in place to minimise it. I do not anticipate there being a noise issue on this site from traffic on or off the site, or from any remaining industrial activities in the vicinity." A Geo-environmental report has been submitted with the current application and I note that the Environment Agency have reviewed the Geo-environmental Site Assessment by RSK (reference 27693 R01 (00) dated July2015), and state that although the document reported some contaminants present; these were not at concentrations likely to represent a risk to controlled waters. I also note that RSK document reports that the results from the 5 boreholes they used for gas monitoring, leads to the conclusion that the site is suitable for residential development, but that a further 12 monitoring visits are recommended to be carried out over the next 12 months. In addition analysis of samples from the 16 trial pits indicated a hotspot of localised contamination in the vicinity of TP1 and asbestos was detected in two stockpiles on site, so it's been concluded that there are potentially significant risks to end users of the proposed development. Parts 1 and 2 of our standard land contamination condition have therefore already been satisfied, but 3 and 4 have not. A remediation method statement is required and subsequent remediation verification should also be submitted. The site is in an urban area, but traffic noise is unlikely to be a significant problem for this particular site. The site is within the Maidstone Town Air Quality Management Area, and approximately 1km from the nearest Air Quality hotspot; I consider the scale of this development and its site position warrant an air quality assessment plus requires an Air Quality Emissions

Reduction condition applied to it. (No Air Quality assessment appears to have been submitted with this current application.) There is no indication of any significant chance of high radon concentrations for this site. The application form states that it is unknown how foul sewage will be dealt with and I note that Southern water state there is currently inadequate capacity in the local network to provide foul and surface water sewage disposal for the proposed development but the Section 98 of the Water Industry Act 1991 provides a legal mechanism through which the appropriate infrastructure can be requested by the developer. [I also note that there are no known Private Water Supplies in the vicinity.] Any demolition or construction activities may have an impact on local residents and so the usual informatives should apply in this respect. Any buildings being demolished should be checked for the presence of asbestos and any found should only be removed by a licensed contractor.

RECOMMENDATIONS: No objection, subject to comments above plus conditions and informatives below.

The development shall not be commenced until a report, undertaken by a competent person in accordance with current guidelines and best practice, has been submitted to the local planning authority for approval. The report shall contain and address the following:

1) An assessment of air quality on the application site and of any scheme necessary for the mitigation of poor air quality affecting the residential amenity of occupiers of this development.

2) An assessment of the effect that the development will have on the air quality of the surrounding area and any scheme necessary for the reduction of emissions giving rise to that poor air quality. The assessment should, where possible, quantify what measures or offsetting schemes are to be included in the development which will reduce the transport related air pollution of the development during construction and when in occupation. The developer should have regard to the DEFRA guidance from the document Low Emissions Strategy -using the planning system to reduce transport emissions January 2010. Any scheme of mitigation set out in the subsequently approved report shall be implemented prior to the first occupation of the building and maintained thereafter.

PUBLICLY ACCESSIBLE EV CHARGING POINTS

1 EV "rapid charge" point per 10 residential dwellings and/or 1000m² of commercial floor space should be provided. Where this is not practicable, contribution towards the installation at nearby locations should be considered.

LAND CONTAMINATION

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

1) A preliminary risk assessment which has identified: - all previous uses - potential contaminants associated with those uses - a conceptual model of the site indicating sources, pathways and receptors - potentially unacceptable risks arising from contamination at the site.

2) A site investigation, based on

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

3) A remediation method statement (RMS) based on the site investigation results and the detailed risk assessment

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

4) A Closure Report is submitted upon completion of the works. The closure report shall include full verification details as set out in 3. This should include details of any post remediation sampling and analysis, together with documentation certifying quantities and source/destination of any material brought onto or taken from the site. Any material brought onto the site shall be certified clean; any changes to these components require the express consent of the local planning authority. The scheme shall thereafter be implemented as approved.

LAND CONTAMINATION

If during construction/demolition works evidence of potential contamination is encountered, works 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.

Landfill Gas

To safeguard the future occupants of the site, a detailed scheme for the investigation, recording and remediation of gas shall be carried out. Such a scheme to comprise:

1. A report to be submitted to and approved by the Local planning authority. The report shall include a risk assessment and detail how on site monitoring during the investigation took place. The investigation shall be carried out by a suitably qualified and accredited consultant/contractor in accordance with a methodology that complies with current best practice, and these details reported.

2. Detailed proposals in line with current best practice for gas protection measures (the 'Gas Protection Proposals') have been submitted to and approved by the Local Planning Authority. The Proposals shall detail sources of best practice employed.

3. Approved works shall be carried out in full on site prior to first occupation.

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 scheme; CODE OF CONSTRUCTION PRACTICE (MAJOR SITES) Prior to the commencement of the development a Code of Construction Practice shall be submitted to and approval in writing by the Local Planning Authority. The construction of the development shall

then be carried out in accordance with the approved Code of Construction Practice and BS5228 Noise Vibration and Control on Construction and Open Sites and the Control of dust from construction sites (BRE DTi Feb 2003). unless previously agreed in writing by the Local Planning Authority. The code shall include:

- An indicative programme for carrying out the works
- Measures to minimise the production of dust on the site(s)
- Measures to minimise the noise (including vibration) generated by the construction process to include the careful selection of plant and machinery and use of noise mitigation barrier(s)
- Maximum noise levels expected 1 metre from the affected façade of any residential unit adjacent to the site(s)
- Design and provision of site hoardings
- Management of traffic visiting the site(s) including temporary parking or holding areas
- Provision of off road parking for all site operatives
- Measures to prevent the transfer of mud and extraneous material onto the public highway
- Measures to manage the production of waste and to maximise the re-use of materials
- Measures to minimise the potential for pollution of groundwater and surface water
- The location and design of site office(s) and storage compounds
- The location of temporary vehicle access points to the site(s) during the construction works
- The arrangements for public consultation and liaison during the construction works

INFORMATIVES Construction 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.

Noise and Vibration Transmission between properties (informative). Attention is drawn to Approved Document E Building Regulations 2010 “Resistance to the Passage of Sound” – as amended in 2004 and 2010. It is recommended that the applicant adheres to the standards set out in this document in order to reduce the transmission of excessive airborne and impact noise between the separate units in this development and other dwellings.

Asbestos

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. Any redundant materials removed from the site should be transported by a registered waste carrier and disposed of at an appropriate legal tipping site.

7.15 **MBC Landscape and Conservation**

There is an area of woodland to the northeast which is protected by TOP No18 of 1996 but there are no protected trees on the application site. The submitted report on Inspection of Trees produced by Broad Oak Tree Consultants, dated 11th May 2015 and detailed Landscaping proposal plan and Landscaping design Statement, Produced by Mark Hanton Studio are considered to be acceptable in principle. Whilst as a group, the trees adjacent to the proposed new access contribute to the verdant nature of Straw Mill Hill they do not in themselves form a constraint to the proposal. It is however important to enhance the landscape character of the narrow, enclosed land by ensuring that new planting is provided to mitigate the loss of removed trees and those that are retained are appropriately managed. This can be dealt with by way of a detailed landscape proposal together with an implementation specification and long term management plan in accordance with the principles set out in the AIA

In Conclusion, there are insufficient arboricultural grounds to justify refusal of this application and I therefore, raise no objection subject to landscaping condition addressing the above issues.

8.0 BACKGROUND PAPERS AND PLANS

| | |
|--|-----------------------|
| Site location | 21156B_001 Revision A |
| Exiting site layout | 21156B_002 Revision A |
| Proposed site entrance survey | 21156B_005 Revision A |
| Proposed site entrance sections | 1156B_006 Revision A |
| Proposed site entrance | 21156B_007 Revision A |
| Boundary investigations | 0123/1195/01 |
| Proposed site access and off site Improvements- survey | T0208-01 Revised P1 |
| Proposed site access and off site Improvements- survey | T0208-02 Revised P1 |
| Proposed access road long section | T0208-04 Revised P1 |
| Typical access section | T0208-05 Revised P1 |
| Ecology Appraisal by Lloydbore landscape and ecology | Jan 2013 |
| Ecology Addendum by JFA Environmental | July 2013 |
| Phase 1 habitat survey by Bureau Veritas Limited | November 2009 |
| Flood Risk Assessment & Surface Water Drainage Strategy by RSK | June 2015 |
| Geo-environmental site assessment Part (1) by RSK | July 2015 |
| Geo-environmental Final Borehole Log by RSK | July 2015 |
| Tree report by Broad Oak Tree Consultants Limited | May 2015 |
| Transport Assessment Report and related appendices by DHA | June 2015 |
| Planning statement by DHA | July 2015 |

9.0 APPRAISAL

Background

- 9.01 In November 2012 the Planning Committee resolved to grant outline planning permission under ref 12/2022 for upto 113 dwellings with all matters reserved except for the means of access subject to a section 106 legal agreement and planning conditions to secure affordable housing and developer's contributions. The section 106 has not been signed and no planning permission has been granted.
- 9.02 The current application was originally submitted as a full application, this has been revised to an outline application with all matters reserved except for the means of access.

Principle of Development

- 9.03 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.
- 9.04 In terms of location, Development Plan policy and Central Government 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; and according to the NPPF, "Housing applications should be considered in the context of the presumption in favour of sustainable development". The site is within a sustainable location.
- 9.05 The site is designated as an employment site under saved policy ED2 of the MBWLP. However, it should be noted that employment use of this site ceased many years ago and the site has been cleared of any buildings or structure.

- 9.06 The Tovil area has undergone a significant change in character in recent years with a move away from industrial and employment use towards a more residential character with a resultant decrease in demand for employment sites. A number of other sites in the area have either been developed for residential purposes or have consent for residential development.
- 9.07 In terms of the emerging Maidstone Borough Local Plan, the proposal site has not been designated as an Economic Development Area under emerging policy DM18; and it has not been identified as a site for future employment development in emerging policy EMP1 of the draft Local Plan. Furthermore, Government guidance in the paragraph 22 of NPPF directs that "...planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose"; and so in this context and in view of the considerable time that has elapsed with no apparent market interest in implementing the employment allocation, it is considered that the employment use of this site can be set aside in this case.
- 9.08 As mentioned above in November 2012 the Planning committee approved the principle of development of this land for residential purposes under ref 12/2022. It is considered that residential use had already been accepted in principle on this allocated employment land and there has not been any material change in the nature of the proposal or circumstances of the site since 2012. Also the emerging local plan has not allocated this site for employment purposes, as such it would be unreasonable to conclude at this time that the site should be retained for employment purposes. On these grounds therefore it is considered appropriate in this instance to depart from policy in this instance. It is therefore considered that a development of this nature on this brown field site would be acceptable in principle and there is no objection to the loss of allocated employment land to residential use.

Visual Impact

- 9.09 The main part of the site is set well down from surrounding land levels (in excess of 10m). It is well contained in terms of visibility from public viewpoints due to the lower land levels. The existing landscaping around the site boundaries and physical separation of the site from public vantage points would ensure that 3 or 4 storey buildings on this site would not generally be visible from the surrounding area.
- 9.10 As this application is in outline and details of design, scale and external appearance are reserved for future consideration, the submitted drawings are for illustrative purposes only, but they do show a range of building heights and density that indicate the site is capable of accommodating this type/form of development without impacting significantly on the locality.
- 9.10 It is considered therefore that given the separation from Straw Mill Hill together with the intervening and retained existing landscape cover and the site's topography, the proposed development would not be unacceptably or visually intrusive, with possibly only glimpses of the roofscape of some of the buildings within the development being likely. As such It is considered that residential development on this site will not per-se have a significant impact on the surrounding area or the character of the nearby Loose Valley Conservation Area.
- 9.11 The greatest visual impact will occur from the change to the retaining wall along Straw Mill Hill as a result of the construction of the proposed site access. Currently the walls are tight to the carriageway on both sides although there is a significant gap at the entrance to the Kent Fire and Rescue Service HQ.

- 9.12 The proposals for the access point to the site are exactly the same as what was accepted under the 2012 outline application for this site. The proposals as submitted show the wall to be set back behind the new visibility splay at the site access and it returning into the site. The proposed footpath from the site access road along Straw Mill Hill will be located to the front of the wall. The wall itself is not in its original condition having been poorly repaired in the past with the introduction of bricks and cement render in places. The affected wall is not within the Conservation Area but lies opposite to it.
- 9.13 Whilst the moving of the wall will reduce the current sense of enclosure it is being retained except for the extent of the access point. To ensure adequate sight lines and visibility are provided, part of the wall will be set back and reconstructed using ragstone, thus helping to create an appearance similar to the present street scene situation.
- 9.14 The rebuilding of the wall will ensure that poor repairs that were carried out in the past that resulted in the use of bricks and cement render are replaced by ragstone, thus improving the appearance of the wall and the setting of conservation area. To ensure that this objective is achieved, it would be appropriate for a sample panel showing the bond and mortar mix/detailing of the new section of wall to be provided on site and agreed prior to any rebuilding work for the wall commencing. This can be secured by an appropriate condition.
- 9.15 It is therefore considered that with appropriate detailing and a sample panel being provided and approved, the alterations to the wall will not cause such an adverse visual impact so as to warrant a ground of refusal and that no objections are raised to the visual impact of the development.
- 9.16 The Landscape officer has no objection to the proposal subject to a landscaping and protection of the trees to be retained during the construction period.
- 9.17 It is also considered that although the proposed access opening would impact on the setting of the nearby Loose Valley conservation area, on balance this would not be significant or sever that would warrant a refusal of the application given the 2012 resolution of the Planning Committee, the Council's position with regard to five years housing land supply and the improvement to the wall that will result from use of ragstone and restoration and repair of the damaged areas.

Residential Amenity

- 9.18 The development of the site will not have any adverse impact on residential amenity as there are no dwellings in close proximity to the site that would be affected.
- 9.19 An appropriate level of residential amenity for the future occupier of this site can be secured through detailed design consideration at reserved matters application stage.
- 9.20 Whilst the development itself is likely to lead overall to an increase in traffic compared to the worst case scenario of the potential use of the existing lawful use of the site (as a waste recycling site), there would be a slight reduction in morning peak traffic together with a slight increase in evening peak traffic. There is therefore no objection to the proposal for amenity reason.

Highways

- 9.21 The proposed development is for upto 108 dwelling and KCC highway authority has considered the proposal and has not raised any objection on the ground of impact of the proposal on the local road network or highway safety. The proposed alterations

and provision of the footway improvement along Straw Hill have been subject to an initial safety audit and are considered acceptable.

- 9.22 The proposed development is likely to result in 154 daily additional trips compared to the worst case scenario of the lawful use of the site as a waste recycling site. However, there would be 20 fewer trips during the morning peak hour and 19 additional trips in the evening peak hour. The proposal would however result in significantly less HGV goods vehicle trips.
- 9.23 Improvements to the junction of Straw Mill Hill and Farleigh Hill have also been agreed and secured as well as improvement of the existing bus shelter at that location. These measures are necessary and appropriate in safety and increasing modal choice and will be deliverable through an appropriate agreement under s278 of the Highways Act.
- 9.24 Appropriate levels of car parking provision can be secured at reserved matters stage.
- 9.25 Having regard to the above there is no objection to this development on highway grounds.
- 9.26 The long term objective is to create the opportunity for pedestrian and vehicular access links between the application site and the land to the north to provide permeability. It is anticipated that the reserved matter application will address this issue in the housing estate layout and road network design.

Landscaping

- 9.27 The application has been supported by appropriate arboricultural and ecological survey reports.
- 9.28 The MBC Landscape Officer has stated that whilst the trees adjacent to the proposed access contribute to the verdant nature of Straw Mill Hill they do not in themselves form a constraint to the proposal. If permission is to be granted it would be important to enhance the landscape character of the narrow, enclosed lane by ensuring that new planting is provided to mitigate the loss of removed trees and those that are retained are appropriately managed. This can be dealt with by way of a detailed landscaping proposal together with implementation and management specification pursuant to reserved matter application and planning conditions.
- 9.29 It is considered that subject to use of ragstone and appropriate landscaping at the access point to the site the impact of the proposal on the Loose Valley Conservation area would not be significant or severe and as such is considered acceptable.

Ecology issues

- 9.30 The application includes an ecology appraisal and phase 1 habitat survey. These are the same documents that were submitted with the 2012 application. It is important to mention that since the appraisal and surveys were carried out the buildings on site have been demolished.
- 9.31 The KCC ecology officer has considered the ecological reports submitted and raise no objection provided the tree line around the site perimeter is retained, an and appropriately designed lighting scheme to minimise harmful impact on bats is installed and a range of native flowering and berry species to trees and hedges and shrubs as well as imposition of a planning condition requiring inclusion of the followings:-
- The provision of bat bricks/boxes, birds nest and swift bricks.

- The retention of a proportion of the cordwood within the site.
- The provision of refugia and hibernacula.
- The provision of wildlife- friendly drainage gullies.
- The retention within the site as undeveloped of the area where reptiles have been recorded.

Planning Obligations and Financial Viability

- 9.32 Planning applications should be determined in accordance with the provisions of the Development Plan (Council policies) and the government guidance unless material considerations indicate otherwise. Members should not depart from the Council's policies unless material considerations are proven to be of enough weight to justify departure.
- 9.33 The National Planning Policy Framework states that evidence of viability issues will be a material consideration in some cases. Where the deliverability of a development may be compromised by the scale of planning obligations, tenure requirements or other costs, a viability assessment may be necessary. Where viability is a material consideration, it will be just one of a number of factors to be weighted in the decision making process. Just because viability is a consideration does not mean it is the only determining matter.
- 9.34 Adopted Development Plan Document 2006 Policy AH1 seeks 40% Affordable housing and policy DM13 of Maidstone Borough Local Plan Regulation 19 Consultation 2016 seeks 30% affordable for previously developed land in the urban area. Also policy ID1 (Infrastructure delivery) of Reg 19 gives a list of Council's priorities. These policies also recognise that the capacity of a site to deliver a level of affordable housing that can be supported financially will be determined by individual site economic viability analysis. If an applicant suggests that a development cannot afford to be policy compliant, they will be expected to submit a development appraisal as justification.

Adopted local plan and emerging Local plan policies state that the Council will seek to secure affordable housing and developer's contributions.

- 9.35 These policies require that if an applicant suggests that a development cannot afford to bear the expected charge, they will be required to submit a development viability appraisal as justification to demonstrate the case. The applicant has stated that due to the cost associated with bringing this ex- land fill site to an acceptable standard for residential development and the low values of properties in Tovil, this site cannot afford to provide any affordable housing and make contributions toward infrastructure and community facilities.
- 9.36 A viability report has been submitted by the applicant. As is standard practice, the Council has instructed an independent appraisal of the applicant's viability report. This report has been assessed by an independent viability assessor who has generally concurred with the findings of the viability report submitted. Although the detailed values and costs within the report are commercially sensitive the report concludes that the contribution towards affordable housing and infrastructure/community facilities would unacceptably reduce profit levels and thus jeopardise delivery of the scheme at this time. The applicant has stated the reason for the lack of progress with the 2012 outline application has been the required affordable housing and s106 contributions.

Other Issues

- 9.37 History of this site and the adjoining land show that these were once landfill sites and the issues of contamination and potential gas migration would need to be properly managed. It is relevant to mention that the cost associated with restoration of the land to make it suitable for human habitation and construction of dwelling on this site influenced the viability argument.
- 9.38 Contamination and gas mitigation (from the nearby former landfill site) and air quality issues raised in the comments of the Environmental Health and Environmental Agency can be addressed by means of suitable conditions.

10.0 CONCLUSION

- 10.01 Whilst a departure from the Development Plan as the proposal is not employment development, it is considered that the principle of residential development on this site is acceptable, given the lack of interest in the land for employment use and the Council's resolution to grant a similar proposal under 2012/2022 application.
- 10.02 The development proposes the reuse of a brownfield site which should also be balanced in favour of allowing the development. The current shortfall in the five years housing land supply is also a factor that weighs heavily in favour of allowing a departure from the development plan in this instance.
- 10.03 The proposed access and highway improvements are considered to be acceptable and will result in improved pedestrian safety along Straw Mill Hill. Appropriate improvements at the junction of Straw Mill Hill and Farleigh Hill have also been secured.
- 10.04 It is considered that the alterations to the existing ragstone wall on Straw Mill Hill would not be so harmful to the character of adjacent Conservation Area as to warrant a ground of refusal when judged against the re-sue of a brownfield site.
- 10.05 Appropriate design and landscaping for the development can be secured at reserved matters stage.

11.0 RECOMMENDATION – GRANT Subject to the following conditions:

CONDITIONS

1. The development shall not commence until approval of the following reserved matters has been obtained in writing from the Local Planning Authority: - a. Layout b. Scale c. Appearance d. Landscaping Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of 2 years from the date of this permission.

The landscaping reserved matters details shall be designed using the principle's established in the Council's adopted Landscaping charter Assessment 2012 and using indigenous species which shall include indications of all existing trees on the land and details of any to be retained.

The development hereby permitted shall be begun before the expiration of 2 years from the date of approval of the last of the reserved matters to be approved;

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

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

(i) Details of all trees to be retained and any to be removed together with detailed Root Protection Plans in accordance with the recommendations of BS5837:2012 'Trees in relation to design demolition and construction-recommendations'.

(ii) A detailed arboricultural method statement that includes assessment of the works relating to the provision of the new site access road.

(iii) A long term landscape management plan for the site in conjunction with the ecological mitigation and enhancement measures to be provided on the site pursuant to condition 3 below.

(iv) Measures to prevent parking on any landscaped verges along the site access roads. (v) A detailed planting and landscaping schedule for the re-instatement of the section of the existing site access road to be stopped-up.

(vi) Details of tree, hedgerow and appropriate under-storey planting for the proposed new access road. Reason: No such details have been submitted and to ensure a satisfactory appearance to the development.

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

3. Prior to the commencement of the development written details and samples of the materials to be used in the construction of the external surfaces of any buildings shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved materials.

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

4. The development shall be carried out in accordance with the recommendations of the ecological survey report dated July 2013 and shall include;

(i) the provision of bat bricks/boxes, bird nesting boxes and swift bricks.

(ii) the retention of a proportion of the cordwood within the site.

(iii) the provision of refugia and hibernacula.

(iv) the provision of 'wildlife-friendly' drainage gullies.

(v) the retention within the site as undeveloped of the area where reptiles have been recorded.

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

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

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

6. No part of the development shall be occupied until details of the proposed lighting scheme have been submitted to and approved by the local planning authority. The details submitted for approval shall include;
- i) the submission of lighting contour plots showing the site and adjoining development;
 - ii) sufficient detail to demonstrate that the proposed scheme complies with the recommendations of the Institute of Lighting Engineers 'Guidance Notes for reduction of Obtrusive Light' for sites located in Environmental Zone E2 and;
 - iii) measures to demonstrate that light spillage into the proposed landscaped areas and undeveloped areas around the site has been minimised. The development shall be carried out in accordance with the subsequently approved details and maintained thereafter.

Reason: In the interests of the character of the area and ecology/biodiversity.

7. The development shall not commence until a details 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. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

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

8. Details of all fencing, walling and other boundary treatments shall be submitted for approval in conjunction with the details of the reserved matter of landscaping submitted pursuant to condition 1 above. The development shall be carried out in accordance with the subsequently approved details before the first occupation of the buildings or land and maintained thereafter. The submitted details shall show inter-alia;
- (i) Large scale drawings of the re-built ragstone wall to the Straw Mill Hill frontage.

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

9. There shall be no occupation of the dwellings hereby permitted until the provision by way of a Section 278 Agreement between the applicant and Kent Country Council Highways, of the works identified in the application and agreed with the applicant and Highway Authorities until the following works have been constructed and completed.
- i) The provision of the highway works and footpath on Straw Mill Hill as shown on drawing no. 21156B_007 revA
 - ii) The provision of improvements to the existing bus stop in Farleigh Hill including the provision of a bus shelter, bus boarders and bus information,
 - iii) The provision of a junction warning sign on the northeast bound approach to Straw Mill Hill on Farleigh Hill together with a 'slow' carriage marking and amendment of the radius kerbing on the southwest side of this junction to bring the 'give way' line forward.

Reason: In the interests of highway and pedestrian safety.

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:

i. 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.

ii. 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.

iii. Approved remediation works have been 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.

iv. 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 taken 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.

12. To safeguard the future occupants of the site the development shall not commence until, a detailed scheme for the investigation, recording and remediation of gas has been carried out. Such a scheme shall comprise:

i. A report to be submitted to and approved by the local planning authority. The report shall include a risk assessment and detail how on site monitoring during the investigation took place. The investigation shall be carried out by a suitably qualified and accredited consultant/contractor in accordance with a methodology that complies with current best practice, and these details reported.

ii. Detailed proposals in line with current best practice for gas protection measures (the 'Gas Protection Proposals') have been submitted to and approved by the Local Planning Authority. The Proposals shall detail sources of best practice employed.

iii. Approved works shall be carried out in full on site prior to first occupation.

iv. 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 scheme;

Reason: To prevent harm to human health and pollution of the environment.

13. The development shall not be commenced until a report, undertaken by a competent person in accordance with current guidelines and best practice, has been submitted to the local planning authority for approval. The report shall contain and address the following:

i) An assessment of air quality on the application site and of any scheme necessary for the mitigation of poor air quality affecting the residential amenity of occupiers of this development.

ii) An assessment of the effect that the development will have on the air quality of the surrounding area and any scheme necessary for the reduction of emissions giving rise to that poor air quality. The assessment should, where possible, quantify what measures or

offsetting schemes are to be included in the development which will reduce the transport related air pollution of the development during construction and when in occupation.

The developer should have regard to the DEFRA guidance from the document Low Emissions Strategy -using the planning system to reduce transport emissions January 2010.

Any scheme of mitigation set out in the subsequently approved report shall be implemented prior to the first occupation of the building and maintained thereafter

Reason: To prevent harm to human health and pollution of the environment.

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

Reason: To protect the underlying groundwater from the risk of pollution.

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

Reason: To protect the underlying groundwater from the risk of pollution.

16. Piling or any other foundation designs using penetrative methods shall not be 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 groundwater. The development shall be carried out in accordance with the approved details.

Reason: To protect the underlying groundwater from the risk of pollution.

17. The details of layout submitted pursuant to condition 1 above shall inter-alia include the provision of an appropriately sized, designed, located and equipped children's' play area.

Reason: No such details have been submitted and to ensure a satisfactory environment for the occupiers of the development.

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

| | |
|--|-----------------------|
| Site location | 21156B_001 Revision A |
| Exiting site layout | 21156B_002 Revision A |
| Proposed site entrance survey | 21156B_005 Revision A |
| Proposed site entrance sections | 21156B_006 Revision A |
| Proposed site entrance | 21156B_007 Revision A |
| Boundary investigations | 0123/1195/01 |
| Proposed site access and off site Improvements- survey | T0208-01 Revised P1 |
| Proposed site access and off site Improvements- survey | T0208-02 Revised P1 |

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Proposed access road long section T0208-04 Revised P1
Typical access section T0208-05 Revised P1
Ecology Appraisal by Lloydbore landscape and ecology Jan 2013
Ecology Addendum by JFA Environmental July 2013
Phase 1 habitat survey by Bureau Veritas Limited November 2009
Flood Risk Assessment & Surface Water Drainage Strategy by RSK June 2015
Geo-environmental site assessment Part (1) by RSK July 2015
Geo-environmental Final Borehole Log by RSK July 2015
Tree report by Broad Oak Tree Consultants Limited May 2015
Transport Assessment Report and related appendices by DHA June 2015
Planning statement by DHA July 2015

Reason: To ensure the quality of the development is maintained and to prevent harm to the character of the surrounding area.

19. The reconstruction of the ragstone wall as shown on drawing no. 21156B_007 revA shall not be commenced until a sample panel of the ragstone to be used that clearly demonstrates the proposed bond, mortar mix and pointing method has been provided on site for approval by the local planning authority. The development shall thereafter be implemented in accordance with the approved details and the sample panel retained on site as a reference until works to rebuild the ragstone wall have been completed.

Reason: To ensure a satisfactory visual appearance to the site in the interests of the visual amenity and character of the area.

20. The development shall not commence until, details of the proposed slab levels of the buildings and the existing and proposed 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 having regard to the topography of the site and in the interests of the visual amenity of the area.

21. The approved details of the parking/turning area shall be completed before the commencement of the occupation of the dwellings hereby permitted and shall thereafter be kept available for such a 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: In the interests of highway safety.

22. The details of layout submitted pursuant to condition 1 above shall inter-alia include the provision of an appropriately designed and located potential pedestrian and vehicle link between the application site and the land to the north.

Reason: In the interest of permeability and greater integration with future development of the land to the north.

Reason: In the interest of pollution control and sustainability.

Informatives set out below

1- The layout plan, elevational drawings and the design and access statement submitted with the full application are not consider acceptable for follow up submission of reserved

matters application(s). Applicant is advised to discuss the design of the layout design of the housing estate and elevational design of any flat blocks and houses. The layout design should make provision for a play area for children.

2- Attention is drawn to Sections 60 and 61 of the Control of Pollution Act 1974 and to the Associated British Standard Code of practice BS5228:1997 for noise control on construction sites. Statutory requirements are laid down for control of noise during works of construction and demolition and you are advised to contact the Environmental Health Manager regarding noise control requirements.

3- 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.

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

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

6- The importance of notifying local residents in advance of any unavoidably noisy operations, particularly when these are to take place outside the normal working hours, cannot be stressed enough. Where possible, the developer shall provide the Council and residents with a name of a person and maintain dedicated telephone number to deal with any noise complaints or queries about the work, for example scaffolding alarm misfiring late in the night/early hours of the morning, any over-run of any kind.

7- 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.

8- Any redundant materials removed from the site should be transported by a registered waste carrier and disposed of at an appropriate legal tipping site.

9- The developer may be required to produce a Site Waste Management Plan in accordance with Clean Neighbourhoods and Environment Act 2005 Section 54. As per the relevant act and the Site Waste Management Regulations 2008, this should be available for inspection by the Local Authority at any time prior to and during the development.

10 To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Atkins Ltd. Anglo Street James House, 39A Southgate Street, Winchester, SO23 9EH

11- When designing the lighting scheme for the proposed development pursuant to condition 6 above, the recommendations by the Bat Conservation Trust must be considered (where applicable)

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.

12- The developer shall implement a scheme for the use of wheel cleaning, dust laying and road sweeping, to ensure that vehicles do not deposit mud and other materials on the public highway in the vicinity of the site or create a dust nuisance.

13- Construction traffic and worker's vehicles in association with the development should only park within the application site and not on surrounding roads in the interests of highway safety.

14- The use of piling where contamination is an issue. Piling or other penetrative methods of foundation design on contaminated sites can potentially result in unacceptable risks to underlying ground waters. We recommend that where soil contamination is present, a risk assessment is carried out in accordance with our guidance 'Piling into Contaminated Sites'. We will not permit piling activities on parts of a site where an unacceptable risk is posed to Controlled Waters.

15- Attention is drawn to Approved Document E Building Regulations 2010 "Resistance to the Passage of Sound" – as amended in 2004 and 2010. It is recommended that the applicant adheres to the standards set out in this document in order to reduce the transmission of excessive airborne and impact noise between the separate units in this development and other dwellings.

Case Officer: Majid Harouni



REPORT SUMMARY

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| REFERENCE NO - 15/507194/FULL | | |
| APPLICATION PROPOSAL Construction of a detached house and a pair of semi-detached houses with associated parking as shown on drawing numbers 2018-100 Rev E; received 4.01.2016 and 2018-103 Rec A and 2018-104 Rev A; received 11.09.2015. | | |
| ADDRESS Land Adj Ulcombe C Of E Primary School The Street Ulcombe Kent ME17 1DU | | |
| RECOMMENDATION Permission | | |
| SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL The proposed development is located within the village envelope of Ulcombe and the principle of sustainable residential development is accepted in accordance with policy H27 of the Local Plan 2000 and the aims and objectives of the NPPF. | | |
| REASON FOR REFERRAL TO COMMITTEE Ulcombe Parish Council wish to see the application refused and request the application is heard at planning committee. | | |
| WARD Headcorn | PARISH/TOWN COUNCIL Ulcombe | APPLICANT Mr Lee Selling AGENT Ray Rhodes Associates |
| DECISION DUE DATE 04/11/15 | PUBLICITY EXPIRY DATE 04/11/15 | OFFICER SITE VISIT DATE 17/09/2015 |
| RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites): 15/505524/FULL - Divert public right of way – Pending consideration. This application is currently being processed by the council legal department. 15/504762/REM - Approval of Reserved Matters for the erection of two semi-detached houses and one detached house with access road to associated parking and landscaping. (all matters being sought) – Withdrawn by the applicant. The outline planning permission (11/1339) had expired before the reserved matters application was submitted. The applicant was advised to submit a full planning application. 11/1339 - An outline application with all matters reserved for future consideration for a residential development of two semi-detached houses and one detached house with access road to associated parking and landscaping – Permitted under delegated powers. 10/1320 – Outline application for the construction of 4no. two storey semi-detached houses with parking, garages and landscaping with all matters reserved for future consideration – Refused due to overdevelopment of the site. 11/1339 was submitted as a response to overcome the reasons for refusal. | | |

1.0 BACKGROUND INFORMATION

- 1.1 This item was deferred by Members at Planning Committee on 4 February 2016. Members deferred the item due to concerns over the vehicle access, with particular concerns regarding the relationship with the adjacent school site, child safety and visibility onto The Street. Members also requested that a representative from KCC Highways be present when the application is reconsidered at Planning Committee.

- 1.2 This report acts as an addendum to the original report (attached as an appendix) and addresses highways safety issues, only.

2.0 DESCRIPTION OF SITE

2.1 The application site is located on the west side of The Street within the bounds of Ulcombe village. The site is within the Greensand Ridge Special Landscape Area. The site involves an overgrown disused play area previously associated with Ulcombe Primary school which is located adjacent the site to the south. There are a number of trees on the site; one of which is a TPO Dawn Redwood. Residential properties lie to the north and opposite the site, and farmland to the west.

2.2 In practice Public Right of Way (PROW) KH320 runs along the southern edge of the site, but from the council records and previous applications on this site, the legal route runs diagonally across a section in the western part of the application site. The KCC PROW Officer raises no objection to the development but notes the footpath (in its present location) should be kept free during construction and once the development is complete. It is therefore assumed that the proposed development would not affect the PROW.

3.0 PROPOSAL

3.1 The application proposes the erection of three houses. One detached two storey house is proposed toward the front of the site aligned east/west and a pair of semi-detached two storey houses further back into the site aligned north/south. The houses are a simple cottage style with half hipped roofs, formed of facing bricks, tile hanging, and tiled roofs. Two parking spaces are proposed for each dwelling with the access road running along the southern edge of the site. The development would share the existing vehicle layby/access from The Street with the school, with a separate entrance into the site set back from the road frontage. The proposed vehicle access would incorporate the PROW running east to west..

4.0 POLICY AND OTHER CONSIDERATIONS

- Maidstone Borough-Wide Local Plan 2000: H27, ENV6, ENV26, ENV34, T13
- The National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)

5.0 CONSULTATIONS (Highways only)

5.1 KCC Highways:

5.2 Initial response received on 14 September 2015:

'The proposals will share the existing access to the school, which has no history of injury crashes in at least the latest 10 year period. Sufficient parking is provided, and it is not expected that the proposals will lead to a significant increase in traffic accessing the site. For these reasons I do not wish to raise objection on behalf of the local highway authority subject to the following conditions:

- *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 measures to prevent the discharge of surface water onto the highway.*

- *Provision of wheel washing facilities prior to commencement of work on site and for the duration of construction.*
- *Provision and permanent retention of the vehicle parking spaces shown on the submitted plans prior to the use of the site commencing.*
- *Provision and maintenance of 2 metres by 2 metres pedestrian visibility splays on both sides of each vehicle parking area, with no obstructions over 0.6m above footway level, prior to the use of the site commencing'.*

5.3 Following the deferral of this item from 4 February 2015 committee meeting KCC were advised of Members concerns regarding the vehicle access and asked to provide further comment on the proposed vehicle access. KCC Highways provided the following additional response on the 25 February 2015:

'I attended a meeting at the school regarding the above with Emma Hickling (head teacher), John Hoadly (chair of Governors), Keith Hollidge (KCC Property) Jared Nehra (KCC Education) and Jenny Whittle. I am emailing to confirm to you that there are no highway grounds on which to sustain an objection to the application for the 3 additional houses on land adjacent to the school.

The safety concern that Emma Hickling had raised was not in respect of the road running past the school, but in relation to the lack of a physical barrier between the school parking and the adjacent driveways shown on the original planning application. I believe Keith Hollidge is writing to you to clarify this detailed matter.

Whilst visiting I took the opportunity to observe road conditions through Ulcombe. The Street has a 30mph limit and is relatively narrow and consequently traffic speeds are low, particularly at school times when the additional on street parking further reduces speeds in the vicinity of the school. There is a school crossing patrol and flashing warning signs to either side. I spoke at length to the school crossing patrol lady who has been helping children cross the road for the past 25 years. She confirmed my observations of vehicle speeds and safety.

The proposed access point from the 3 new houses is an existing access onto The Street and the additional movements generated by the 3 houses will not be significant in terms of creating additional delay or road safety risks. I spoke about this at the meeting and the school representatives and all those present were in agreement with my comments which I said I would forward on to you.

I trust what I have sent you is sufficient additional information to enable MBC to form a view over this application'.

6.0 HIGHWAYS APPRAISAL

- 6.1 The proposal has been reassessed by KCC Highways. KCC have confirmed that there is no sustainable highway safety or parking ground to object to the proposed development.
- 6.2 The existing boundary hedge along the southern boundary of the site and adjacent to the school would be retained, separating the school from the application site.
- 6.3 The proposed vehicle access through the southern side of the site would share the current route of the PROW and the KCC PROW officer has not raised any objections to the proposed development in terms of the impact on the PROW providing the route remains clear during construction. An application is currently with the council legal department to formalise the diversion of the PROW to its current route.

6.3 Overall it is therefore considered that the proposed development would not result in any unacceptable highways safety or parking issues which would warrant refusal of the application.

7.0 CONCLUSION

7.1 The proposed development is located within the village envelope of Ulcombe and the principle of sustainable residential development is accepted in accordance with policy H27 of the Local Plan 2000 and the aims and objectives of the NPPF, and there are no overriding material considerations to indicate a refusal.

8.0 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) Prior to the commencement of development above damp proof course level, written details and samples of the materials to be used in the construction of the external surfaces of any buildings and hard surfaces shall be submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the approved materials;

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

Reason: To ensure a satisfactory appearance to the development and to preserve the setting of nearby listed buildings.

- (3) Prior to the commencement of development above damp proof course level, details of the cycle and refuse storage shall be submitted to, and approved in writing by, the Local Planning Authority. The approved facilities shall be provided before the first occupation of the buildings hereby permitted and maintained thereafter.

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

- (4) The development shall not commence until details of the proposed slab levels of the building(s) 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 having regard to the topography of the site and neighbouring buildings.

- (5) Prior to the commencement of development above damp proof course level, details of all fencing, walling and other boundary treatments shall be submitted to and approved in writing by the Local Planning Authority and the development shall be

carried out in accordance with the approved details before the first occupation of the building(s) or land and maintained thereafter;

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

- (6) Prior to the commencement of development above damp proof course level, 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, shall be submitted to and approved in writing by the Local Planning Authority

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:

- Landscaping adjacent the vehicle access and details of the landscaping along the east and west boundary of the site.
- Retention of the hedge along the southern boundary of the site.

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

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

- (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 details of a scheme of foul and surface water drainage for the site have been submitted to an approved by the local planning authority. The development shall thereafter be carried out in accordance with the subsequently approved details.

Reason: To ensure adequate drainage arrangements.

- (9) 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

Reason: In the interest of highways safety.

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

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

- (11) No development shall take place until a method statement detailing the materials and construction of the hard surfaces in accordance with the principles set out in the current edition of BS 5837 and other current best practice guidance, has been submitted to and approved in writing by the local planning authority.

Reason: To protect the RPA of retained trees on the site.

- (12) The development shall not commence until details of how decentralised and renewable or low-carbon sources of energy will be incorporated into the development hereby approved have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details and all features shall be maintained thereafter;

Reason: To ensure an energy efficient form of development.

- (13) Prior to the commencement of development above damp proof course level, details of the provision and maintenance of 2 metres by 2 metres pedestrian visibility splays on both sides of each vehicle parking area, with no obstructions over 0.6m above footway level, shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details before the first occupation of the building(s) or land and maintained thereafter.

Reason: In the interests of highways safety.

- (14) The approved parking spaces 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 parking areas indicated or in such a position as to preclude vehicular access to them;

Reason: To ensure adequate parking is provided.

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

2018-100 Rev E; received 4.01.2016 and 2018-103 Rev A and 2018-104 Rev A; received 11.09.2015.

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

INFORMATIVES

(1) 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

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:

Amendments were received.

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.

REPORT SUMMARY

| | | |
|--|--|---|
| REFERENCE NO - 15/507194/FULL | | |
| APPLICATION PROPOSAL Construction of a detached house and a pair of semi-detached houses with associated parking as shown on drawing numbers 2018-100 Rev E; received 4.01.2016 and 2018-103 Rec A and 2018-104 Rev A; received 11.09.2015. | | |
| ADDRESS Land Adj Ulcombe C Of E Primary School The Street Ulcombe Kent ME17 1DU | | |
| RECOMMENDATION Permission | | |
| SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL The proposed development is located within the village envelope of Ulcombe and the principle of sustainable residential development is accepted in accordance with policy H27 of the Local Plan 2000 and the aims and objectives of the NPPF. | | |
| REASON FOR REFERRAL TO COMMITTEE Ulcombe Parish Council wish to see the application refused and request the application is heard at planning committee. | | |
| WARD Headcorn | PARISH/TOWN COUNCIL Ulcombe | APPLICANT Mr Lee Selling AGENT Ray Rhodes Associates |
| DECISION DUE DATE 04/11/15 | PUBLICITY EXPIRY DATE 04/11/15 | OFFICER SITE VISIT DATE 17/09/2015 |
| RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites): 15/505524/FULL - Divert public right of way – Pending consideration. This application is currently being processed by the council legal department. 15/504762/REM - Approval of Reserved Matters for the erection of two semi-detached houses and one detached house with access road to associated parking and landscaping. (all matters being sought) – Withdrawn by the applicant. The outline planning permission (11/1339) had expired before the reserved matters application was submitted. The applicant was advised to submit a full planning application. 11/1339 - An outline application with all matters reserved for future consideration for a residential development of two semi-detached houses and one detached house with access road to associated parking and landscaping – Permitted under delegated powers. 10/1320 – Outline application for the construction of 4no. two storey semi-detached houses with parking, garages and landscaping with all matters reserved for future consideration – Refused due to overdevelopment of the site. 11/1339 was submitted as a response to overcome the reasons for refusal. | | |

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.1 The application site is located on the west side of The Street within the bounds of Ulcombe village. The site is within the Greensand Ridge Special Landscape Area. The site involves an overgrown disused play area previously associated with

Ulcombe Primary school which is located adjacent the site to the south. There are a number of trees on the site; one of which is a TPO Dawn Redwood. Residential properties lie to the north and opposite the site and farmland to the west.

- 1.2 In practice Public Right of Way (PROW) KH320 runs along the southern edge of the site, but from the council records and previous applications on this site, the legal route runs across the application site. The KCC PROW Officer raises no objection to the development but notes the footpath (in its present location) should be kept free during construction and once the development is complete. It is therefore assumed that the proposed development would not affect the PROW.

2.0 PROPOSAL

- 2.1 The application proposes the erection of a detached two storey house toward the front of the site aligned east/west and a pair of semi-detached two storey houses further back into the site aligned north/south. The houses are a simple cottage style with half hipped roofs, formed of facing bricks, tile hanging, and tiled roofs. Two parking spaces are proposed for each dwelling with the access road running along the southern edge of the site. The development would share the existing vehicle access from The Street with the school, with a separate entrance into the site set back from the road frontage.

3.0 AMENDMENTS

- 3.1 An amended block plan (ref: 2018-100 Rev E) was received on 4 January 2015 altering the layout of the three proposed dwellings and indicating the root protection area (RPA) of the TPO Dawn Redwood. The revised layout seeks to retain the Dawn Redwood on site. Additional consultation was undertaken for 14 days, including consultation with the Council Arborist.

4.0 POLICY AND OTHER CONSIDERATIONS

- Maidstone Borough-Wide Local Plan 2000: H27, ENV6, ENV26, ENV34, T13
- The National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)

5.0 LOCAL REPRESENTATIONS

- 5.1 One letter of objection has been received from neighbouring properties. Comments are summarised as follows:

- Overdevelopment of the site.
- Highways safety in relation to the vehicle access onto The Street.
- Planning permission has not been granted for the removal of the substation.
- Removal of trees.
- Correspondence from past application should be reviewed when determining this application.

- 5.2 **Ulcombe Parish Council:** Objects to the proposal on the following (summarised) grounds:

- Highways highway safety / vehicle access.
- Overdevelopment of the site.

6.0 CONSULTATIONS

- 6.1 **KCC Highways:** Raise no objections subject to conditions.
- 6.2 **MBC Environmental Health:** No objections subject to informatives.
- 6.3 **MBC Landscape / Tree Officer:** No objections to the amended layout which would allow for the retention of the Dawn Redwood on site. The revised layout is acceptable in RPA terms providing the new hard surfacing is no-dig construction and that the whole construction of the driveway will need to be permeable with suitable load spreading mechanisms. The distance from the tree to the properties is probably the best that can be achieved on this site and that shadowing of the properties and gardens is unlikely from the tree. The tree is likely to get significantly larger than its current size, so there is the chance of future pressure for inappropriate works/future occupiers being apprehensive about the possibility of failure in adverse weather.
- 6.4 **Southern Water:** No objections. Request an informative is attached.

7.0 APPRAISAL

Principle of Development

- 7.1 The site is located within the defined village envelope of Ulcombe where the principle of additional housing is accepted in accordance with the Local Plan and NPPF. The site is identified as appropriate for minor residential development as set out in Policy H27. Outline permission for broadly the same development was approved on this site in 2011.
- 7.2 The site was previously owned by the school and formed part of a play area with play equipment. KCC previously obtained outline planning permission for three dwellings on this site (11/1339 – lapsed permission) and the land is therefore deemed surplus to the requirements of the school and not required for educational purposes.
- 7.3 I consider the key issues to be the impact upon the character and appearance of the area, the impact upon neighbour amenity, highways safety and parking congestion and impact on trees.

Visual Impact

- 7.4 The application site is located within Ulcombe village envelope. The site is also located in a Special Landscape Area, although given that that the site is within the village envelope the principle of additional residential development is accepted and less weight is therefore afforded to rural policies.
- 7.5 Lapsed outline permission 11/1339 demonstrated that 3 residential units could be successfully accommodated on the application site. This application proposes a semi-detached pair and a detached house in broadly the same location and footprint as the indicative layout / design as the outline consent and, I have no reason to come to a different conclusion than before and therefore consider that the three houses could be accommodated on the site without having a detrimental impact on the character of the wider village or immediate streetscape. Plot 1 would be set back from The Street with the principle elevation fronting onto and connecting with the streetscene. Plots 2 and 3 would be located toward the rear of the site and views from The Street would largely be screened by Plot 1. All three plots have spacious gardens, including a large front garden at Plot 1 and the application site would not

appear overly cramped as a result. The immediate section of The Street to the north of the application site is characterised by a number of backland developments such that the proposed layout would not appear out of keeping with the surrounding pattern of development. In addition, the development would not project further west than the school buildings located to the south.

- 7.6 The proposed palette of materials, form, scale and design is considered acceptable for this location and would be in keeping with character of the village and surrounding residential development. A simple unobtrusive residential design is proposed and the half hipped roofs would help reduce the overall scale of the houses. A condition will be attached to ensure a high standard of building materials are used to compliment the surrounding residential area.
- 7.7 The internal room sizes and private outdoor amenity space proposed is considered to offer an acceptable standard of living accommodation for future occupants.
- 7.8 Overall the design, scale, layout and palette of material proposed are considered to be in keeping with the character of the surrounding residential area.

Residential Amenity

- 7.9 Ulcombe School is located to the south of the application site and farmland is located to the west. Properties to the north are separated from the application site by The Street, a public highway.
- 7.10 A detached property known as Waterside, with a long rear garden, is located to the north of the application site. The first floor rear windows of the semi-detached pair of houses would afford views towards the rear garden of Waterside. However, views would not be toward the private outdoor amenity areas directly at the rear of the neighbouring property and there would be no direct view into habitable rooms. Additionally levels of overlooking into the rear garden area of Waterside would not be significantly worse than current levels of mutual overlooking between neighbouring residential properties in a residential area such as this. Given the separation distance from the neighbouring boundary and limited views into the rear garden area I do not consider that the proposed development would result in an unreasonable loss of privacy. Further, given the separation distances between Waterside and the proposed development I do not considered there would be an unreasonable loss of outlook or light to any neighbouring properties.

Highways

- 7.11 The proposal includes two off-street parking spaces for each property in accordance with the Councils parking standards.
- 7.12 Objections from the Parish Council and local residents have been raised with regard to highways safety in relation to the proposed access onto The Street. In this regard it is noted that an existing access onto The Street would be utilised and shared with the adjacent school. KCC Highways Authority is not a statutory consultee for developments of this size (less than 5 units) but has nevertheless been consulted. KCC Highways Authority has not raised any objections in terms of highways safety on the grounds that the development would not result in a significant increase in vehicle movements and would utilise an existing vehicle access onto The Street. Objections on highways safety grounds could therefore not be sustained.

- 7.13 The proposed vehicle access through the site southern side of the site would share the current route of the PROW and the KCC PROW officer has not raised any objections to the proposed development in terms of the impact on the PROW providing the route remains clear during construction. An application is currently with the council legal department to formalise the diversion of the PROW to its current route.
- 7.14 A condition will be attached to secure cycle parking and refuse storage as part of the development to promote sustainable modes of travel and protect the visual amenity of the area. I am of the opinion that sufficient space could be provided on site.

Landscaping and ecology

- 7.15 No ecology survey has been submitted and no survey was deemed necessary during the previous permissions on this site. It is acknowledge that the site is somewhat overgrown, however, the site is within a built up area and is partially managed by the electricity company for access to the substation and, in my view, is unlikely to constitute a significant habitat. In coming to this conclusion I have had regard to the previous applications on this site and the fact that protected species and their habitat are protected by other legislation.
- 7.16 The application involves the removal of a number of trees on the site but a revised layout showing the RPA and the retention of the TPO Dawn Redwood have been submitted. The Tree officer does not object to the removal of trees on the site and is of the view that the Redwood has significant amenity value and has confirmed that the revised layout is acceptable with regards to the RPA and over shadowing of the proposed properties. The Tree Officer raises concern about future pressure to undertake works to the tree when at full size, which does weigh against the proposal. Notwithstanding this any future works to the tree would require consent from the Council and any requests to remove the tree at a later date would most likely require a replacement specimen to be replanted. In this instance there is a need to come to a balanced view regarding the proposed development and the potential impact on the TPO Dawn Redwood. To my mind the public benefits arising from the additional three houses in a sustainable village location are significant and given the TPO status of the Dawn Redwood any future tree works could be closely controlled by the Council to ensure long term protection of the tree.
- 7.17 The proposal includes an element of soft landscaping at the front of the houses which is considered to enhance the character and appearance of the area. A condition will be attached to ensure native species are planted. Boundary treatment is shown on the site plan, however, further details will be requested by condition to ensure the boundary treatment along The Street is not too high or dominant.

Other Matters

- 7.18 The issues regarding the relocation of the electricity sub-station are matters for the electricity supplier and not the planning system. The substation would be relocated outside the site. If the size of the relocated substation falls within the GPDO permitted size then it will be carried out by the electricity company as a Statutory Undertaker, otherwise it would be subject to another planning application for the LPA to consider.

8.0 CONCLUSION

8.1 The proposed development is located within the village envelope of Ulcombe and the principle of sustainable residential development is accepted in accordance with policy H27 of the Local Plan 2000 and the aims and objectives of the NPPF.

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

CONDITIONS to include

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

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

- (2) Prior to any works above dpc level, written details and samples of the materials to be used in the construction of the external surfaces of any buildings and hard surfaces have been submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the approved materials;

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

Reason: To ensure a satisfactory appearance to the development and to preserve the setting of nearby listed buildings.

- (3) Prior to any works above dpc level, details of the cycle and refuse storage have been submitted to, and approved in writing by, the Local Planning Authority. The approved facilities shall be provided before the first occupation of the buildings hereby permitted and maintained thereafter.

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

- (4) The development shall not commence until details of the proposed slab levels of the building(s) 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 having regard to the topography of the site and neighbouring buildings.

- (5) Prior to any works above dpc level, 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.

- (6) Prior to any works above dpc level, 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, shall be submitted to and approved in writing by the Local Planning Authority

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:

- Landscaping adjacent the vehicle access and details of the landscaping along the east and west boundary of the site.

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

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

- (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 details of a scheme of foul and surface water drainage for the site have been submitted to and approved by the local planning authority. The development shall thereafter be carried out in accordance with the subsequently approved details.

Reason: To ensure adequate drainage arrangements.

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- i. the parking of vehicles of site operatives and visitors
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- 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

Reason: In the interest of highways safety.

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

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

- (11) No development shall take place until a method statement detailing the materials and construction of the hard surfaces in accordance with the principles set out in the current edition of BS 5837 and other current best practice guidance, has been submitted to and approved in writing by the local planning authority.

Reason: To protect the RPA of retained trees on the site.

- (12) The development shall not commence until details of how decentralised and renewable or low-carbon sources of energy will be incorporated into the development hereby approved have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details and all features shall be maintained thereafter;

Reason: To ensure an energy efficient form of development.

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

2018-100 Rev E; received 4.01.2016 and 2018-103 Rec A and 2018-104 Rev A; received 11.09.2015.

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

INFORMATIVES

- (1) 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

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:

Amendments were received.

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

Planning Committee Report

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

Agenda Item 18



15/508756 Land off Plain Rd
Scale: 1:2500
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REPORT SUMMARY

| | | | |
|--|--|--|--------------|
| REFERENCE NO - 15/508756/REM | | | |
| APPLICATION PROPOSAL Approval of Reserved Matters for the erection of 85 residential units, open space and allotments and access from Plain Road and Napoleon Drive (Appearance, landscaping, Layout and Scale being sought) Pursuant to Outline Permission MA/13/1585. | | | |
| ADDRESS Land Off Plain Road Marden Kent TN12 9EH | | | |
| RECOMMENDATION - Permit | | | |
| SUMMARY OF REASONS FOR RECOMMENDATION The details of the reserved matters are considered to comply with the policies of the Development Plan, where relevant, and the National Planning Policy Framework, and there are no overriding material considerations to indicate a refusal of planning consent. | | | |
| REASON FOR REFERRAL TO COMMITTEE The delegation to the Head of Planning and Development to determine any reserved matters application pursuant to outline permission MA/13/1585 has been withdrawn and this application for the approval of the reserved matters must be reported to Planning Committee. | | | |
| WARD Marden And Yalding Ward | PARISH COUNCIL Marden | APPLICANT Millwood Designer Homes Ltd | AGENT |
| DECISION DUE DATE 31/03/16 | PUBLICITY EXPIRY DATE 08/02/16 | OFFICER SITE VISIT DATE 18/11/15 | |
| RELEVANT PLANNING HISTORY: | | | |
| App No | Proposal | Decision | Date |

- MA/13/1585 - Outline application for 85 residential units, with access considered and all other matters (appearance, landscaping, layout and scale) reserved for future consideration - Approved

MAIN REPORT

1.0 Site description

- 1.01 The application site is an irregular shaped parcel of land to the south of the village of Marden, which extends some 5.4 hectares and is currently arable farm land with hedges and trees to its boundaries. The north-western area of the site contains an existing pond, water course and existing mature trees and hedgerows; and beyond this lies a large area of Orchard which benefits from outline planning permission for 144 dwellings (The Parsonage – MA/13/0693). The south-western corner of the site also contains an existing pond and mature trees with a hedgerow to the open fields beyond. The site has existing drainage ditches to the northern and southern boundaries which link to the ponds within the site. A further pond is located to the northern boundary of the site adjacent to Napoleon Drive, however, this is located outside the ownership of the applicant.
- 1.02 The application site is bound by residential development to the north, east and south-east by residential development, with the south-western boundary of the site abutting open fields. The western boundary of the site contains mature trees and hedgerows alongside which a public footpath runs proving access to the village centre to the north of the site via the recreation ground.

- 1.03 Access to the site is available via the existing agricultural access at Napoleon Drive and there are three public footpaths which run through the site. Footpath KM281 enters the site from Albion Road from the east, crossing the site and linking with footpath KM283 which runs from Plain Road from the south. The third footpath (KM280) connects with this path giving access to the recreation ground and the village centre beyond (to the north).

2.0 Background history

- 2.01 Planning application MA/13/1585 was reported to Planning Committee on the 20th August 2015, where it was resolved that the Head of Planning and Development be given delegated powers to grant planning permission subject to conditions and the prior completion of a S106 legal agreement.

3.0 Proposal

- 3.01 This reserved matters application relates to outline planning permission MA/13/1585 which was for 85 residential units. Access was for approval under the outline application with all other matters reserved for future consideration. As such, this application is now only assessing the appearance, landscaping, layout and scale of the development that has already been approved.
- 3.02 The approved vehicle access for the site is from both Plain Road and Napoleon Drive, with a 50/50 split of houses served by each access (42 from Plain Road and 43 from Napoleon Drive); and there are 131 allocated parking spaces, 83 garage spaces, and 23 visitor spaces.
- 3.03 The proposal scheme is relatively loose knit and ununiformed in terms of layout with mostly detached properties spaced out within the southern half of the site, with the smaller properties towards the northern end of the site where the density does become higher. The affordable housing is located within the northern-most corner of the site, closest to the village centre; and a large area of undefined open space is located in the north-western edge of the site, which includes a new wooded area, and the retention of the ponds.
- 3.04 The site area is some 5.4ha, and its boundaries have been kept soft on the whole, with existing planting retained and enhanced. The open space to the north-west of the site; the centrally located triangular green; and the good number of front gardens, also allows for a landscape-led approach through-out the site.
- 3.05 In terms of surfacing, the applicant has also confirmed that different colours of permeable paving would be used to all access roads, shared access ways and private roads. Tarmac would be used for the new footpaths through the site, with sections of the existing rights of way being left as grass. The house types vary, but all are 2 storey in height; and in terms of external building materials, the following palette will be used:
- *Facing stock brick*
 - *Vertical plain tile cladding*

- Plain tiled roofs
- Open timber eaves/barges
- Weatherboarding cladding
- Slate roofs

3.06 As established under the outline permission and Section 106 agreement, there is 40% affordable housing provided (with tenure split of 65% rental & 35% shared ownership); and the KCC Education, healthcare and Marden station improvement contributions have been agreed.

4.0 Policies and other considerations

- Maidstone Borough-Wide Local Plan 2000: ENV6, ENV28, ENV49, T1, T2, T3, T13, T23, CF1, CF3
- National Planning Policy Framework (2012)
- National Planning Practice Guidance (2014)
- Affordable Housing DPD (2006)
- Open Space DPD (2006)
- Draft Maidstone Borough Local Plan
- Marden's Neighbourhood Plan area - agreed by Council 14/01/13
- Marden Village Design Statement

5.0 Consultee responses

5.01 **Marden Parish Council:** Wish to see the application approved;

"Several members of the public were in attendance and the majority of their comments have been incorporated in the Cllrs response. Cllrs feel that the access distribution is a compromise. Cllrs welcome the overprovision of parking overall. The provision of parking, including visitor parking, is not adequate in the affordable housing area, bearing in mind this site is a rural location this is likely to generate more car ownership Cllrs recommend that parking restrictions are put in place at the Roundel Way/Albion Road Junction.

Cllrs welcome the provision of open space but recommend that it is safeguarded and be maintained through legal agreement and the Parish Council wishes to have the right to be consulted on the use, for the future. Cllrs would hope to see the provision of suitable play equipment in the public open space.

Cllrs state allotments are referred to in the Plan Description but are unable to find site or detail of proposed allotments. Should MBC be minded to approve the allotment provision Marden Parish Council will not manage them.

Cllrs are happy that the public footpath is accessible. Cllrs support the connectivity of the site through various footpaths (KM281 & KM283) and roads, but query the fact that the public footpath that runs north/south past plots 62 and 63, and 84 and 85, appears to cross a private drive and need assurance that the footpath will be retained.

Cllrs like the sympathetic use of materials and design. The vernacular is pleasing and in keeping with the local style. Cllrs would like to see prior to approval, a full and robust surface water management plan incorporating SUDS and the maintenance thereof.

Cllrs appreciate the balanced split within the site but wish to reiterate again that they are concerned about road safety in Roundel Way and Napoleon Drive and at the southern access from Plain Road and ask that a robust traffic management

plan is put into place for access to both north and south accesses which is fully implemented prior to the development commencing. Cllrs unanimously approve this application."

And after reconsultation:

"Marden Parish Council had not objection however wished for the following to be noted and/or for clarification on:

- (a) Essential to soften the PROW boundary adjacent to plots 65, 69, 71 and 75;*
- (b) The Parish Council requests that they are consulted when the diversion order for the PROW is submitted;*
- (c) The difference in colour of the roadways was noted however there was no key indicating the reasons. Clarification was requested on the classification of the roadways and the private drive indicated adjacent to plot 84;*
- (d) That no gated areas for vehicles be permitted on the development;*
- (e) The additional tree planting on the Proposed Site Plan (Drawing No. 2242-111A) is not detailed on the Landscape Planting Plant 04 (Drawing No. 2791_DR_007)."*

- 5.02 **KCC Highways:** Raises no objection.
- 5.03 **Landscape Officer:** Has no further comments to make.
- 5.04 **Biodiversity Officer:** Raises no objection.
- 5.05 **Conservation Officer:** Raises no objection on heritage grounds.
- 5.06 **Housing Team:** Have raised comments.
- 5.07 **Environmental Health Officer:** Has no further comments to make.
- 5.08 **KCC Public Rights of Way Officer:** Raises no objection.
- 5.09 **Environment Agency:** Wishes to make no further comment.
- 5.10 **Southern Water:** Has no further comments to make.
- 5.11 **KCC SUDS:** Raise no objection.
- 5.12 **KCC Archaeology Officer:** Raises no objection.
- 5.13 **Upper Medway IDB:** States condition 6 (foul and surface water drainage) should not be discharged.
- 5.14 **Kent Police:** Recommend condition to be imposed requesting details of measures to minimise the risk of crime to be incorporated into the development.
- 5.15 **Parks and Open Space:** Have requested contribution of £384 per dwelling, giving a total of £32,640 which would be utilised on improving the existing play areas at Napoleon Road and Marden Playing Fields.

6.0 Neighbour responses

- 6.01 13 representations received raising concerns over:
- Pressure on local infrastructure/services
 - Highway safety/impact on local road network/access
 - Split of houses served by the 2 accesses
 - No allotments proposed
 - Loss of privacy
 - Potential damage to properties
 - Flood risk/surface water drainage
 - What street lighting is proposed/pollution
 - Location and density of affordable housing

7.0 Principle of development

- 7.01 The principle of 85 dwellings on this location (with access considered) has already been accepted under outline application MA/13/1585, the decision to which was issued in September 2015. This reserved matters application is therefore only concerned with the details of the development.
- 7.02 Policy H1(45) of the Regulation 19 draft Local Plan allocates this site for residential development, and it states that access will be taken from Plain Road only. However, access has already been approved under MA/13/1585 and no highway safety issues have been raised. This matter is not for consideration under this current reserved matters application.

8.0 Layout, appearance and scale

- 8.01 No design codes or scale, layout and appearance parameters were set under the outline permission, except for ensuring that there is no development above two storeys in height. This was to protect the setting of the adjacent Grade II listed Jewel/Bishop House, and no building within the site is greater than 2 storeys. Prominent corner plot buildings have dual aspects, providing good levels of visual interest; there is an informal feel to the development when entering the site from both entrances, given the set back and orientation of buildings and the planting proposed; the higher density development is rightfully positioned in the northern corner of the site, closest to the village centre; the buildings are of a traditional design, in keeping with the village setting; and the road network does not dominate the scheme, with the layout defined by the position of the houses. In addition, the proposed layout has retained a large area of open space and enhanced woodland area; and the loose-knit and landscape lead approach is well suited to the site's edge of village location. The soft landscaped edges of the southern and western boundaries also help the transition from the built form of the development into the countryside beyond; and the public footpaths have been well integrated and add interest and security to the development.
- 8.02 The applicant has confirmed that the buildings would have a mixed palette of stock brick, tile hanging; open timber eaves and barges; plain roof tiles; weatherboarding cladding; stock brick plinths; and slate roof tiles; and the style of buildings are traditional in design. I am satisfied with

this choice and variation of vernacular and consider it appropriate for the site's edge of village location. For clarification, details and samples of external materials to be used are required under the outline permission and this will ensure a satisfactory appearance to the development.

- 8.03 In terms of hardstanding, the proposal would largely use block paving (Brett Alpha Flow: 'Charcoal' for access roads, 'Brindle' for shared access ways and 'Autumn Gold' for private drives), with tarmac kept to a minimum and used for the pavements. I am satisfied that this detailing is appropriate and it would ensure a satisfactory appearance to the development.
- 8.04 A plan has been submitted that details boundary treatments to be used and where. Garden areas are largely to be enclosed by 1.8m high close boarded fencing; and 1.2m high estate railings and post and rail stockproof fencing would be used through-out the site. Importantly, the more visually prominent plots would make use of 1.8m high brick walling, such as corner plots and the properties adjacent the footpath to the south of the open space. I am also satisfied that the mix of walling and low level estate railings along the southern boundary of the open space would provide an attractive edge. For clarification purposes, I am satisfied that the submitted details allows for condition 3 (boundary treatments) of MA/13/1585 to be fully discharged. Furthermore, and in the interests of amenity, outstanding pre-commencement conditions 12 and 15 of the outline permission require details of a lighting plan and finished floor levels. Pursuant to the matter of appearance, a condition will also be imposed requesting details of how renewable energy will be incorporated into the scheme.
- 8.05 The proposed layout would also provide acceptable living conditions (both internally and externally) for future occupants of the proposed development, in terms of privacy, outlook, light, and outdoor amenity space. In addition, given the existing and enhanced levels of boundary planting shown; the appropriate use of boundary treatments; the orientation and fenestration detail of the new dwellings; and the separation distances between the development and existing properties, I am satisfied that the proposal would not have a detrimental impact upon the residential amenity of local residents. Whilst the development is satisfactory in terms of its scale, design and layout, I consider it reasonable to remove each property's permitted development rights to extend in order preserve the character of the development and to ensure that the appearance of the scheme and the amenity of future occupants are respected.
- 8.06 The proposal would contribute to the character and appearance of the surrounding area and it is sufficiently varied in terms of its design to provide vitality and interest; and it would not appear out of character with the surrounding area. I therefore raise no objection to the development in terms of its scale, appearance and layout.

9.0 Landscape/arboricultural implications

- 9.01 This application includes a landscape Maintenance Schedule, a soft landscape specification, and a detailed landscape/planting scheme; and the assessment has been based on the detailed Lloydbore planting plans and not the proposed site layout. I am satisfied that the proposed landscape details fulfil condition 11 (landscaping scheme) of the outline permission in that 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 of maintenance have been submitted and accepted; and that a woodland area (along the northern boundary of the site) has been provided to enhance biodiversity within the site.
- 9.02 It should also be noted that through further negotiations with the applicant, the planting along the eastern boundary has been enhanced to provide a softer buffer for the adjacent Grade II listed Jewel/Bishop House; the woodland area to the north of the public open space has been noticeably enlarged; and the south-western boundary planting (opposite plots 74-78) now includes larger and more beneficial areas of meadow planting.
- 9.03 On review of the Lloydbore detailed planting plans, the Landscape Officer raises no objection to the proposal on arboricultural/landscaping terms; and whilst the species selection is not totally in accordance with the species list for the area in the Council's landscape guidelines, on the whole appropriate native species have been proposed. In particular, given the proportion of Oaks planted within the scheme overall, the Landscape Officer views this as acceptable and does not consider it necessary to have this amended. On this basis, I raise no objection and would consider it unreasonable to request further changes to what I consider to be a high quality landscaping scheme, or to refuse this application on these grounds alone.

10.0 Highway implications

- 10.01 Access was considered and approved under the outline permission, and for clarification purposes the Plain Road access would serve 42 dwellings and the Napoleon Drive access would serve 43 dwellings (which is a 50/50 split).
- 10.02 The submitted plans have also shown acceptable parking and turning areas within the site; and the Highways Officer has also raised no objection in terms of parking provision, turning areas and impact on the local road network. I therefore raise no objection in terms of highway safety or parking provision. For clarification purposes, I am satisfied that the submitted details allows for condition 5 (parking/turning areas) of MA/13/1585 to be fully discharged.
- 10.03 Highway works, as requested by KCC Highways, have been dealt with by way of condition under the outline permission; the transport contributions for the upgrade works of Marden Station have been dealt with in the agreed Section 106 agreement; and the development cannot commence

until a Sustainable Travel Statement has been submitted to and approved in writing by the local planning authority.

Public rights of way

10.04 Following further negotiations with the KCC Rights of Way Officer, the applicant has amended the layout as follows:

- *The houses for plots 65 & 84 have been repositioned off the line of the north-south route of KM283.*
- *Plots 66 & 85 currently remain unaltered allowing for diversion order under the Town & Country Planning Act*
- *The driveway in front of plots 9 – 12 has been altered to fully accommodate footpath KM281. KCC have asked the applicant to look at applying to divert this route onto the line of the new footpath in front of plots 13, 14, 64 & 63 in due course, although this would need to be done under the Highways Act.*
- *The houses for plots 72 & 73 have also been slightly repositioned to avoid the east – west route of footpath KM283.*

10.05 The KCC Public Rights of Way Officer has worked with the applicant to reach this position and has raised no objections to the layout, or to have the footpaths diverted in the future. There is no reason to discuss the details of future applications for footpath diversions and I am therefore satisfied that the application can proceed on this basis.

11.0 Biodiversity implications

11.01 Under MA/13/1585, an Extended Phase 1 Habitat Survey was submitted along with Great Crested Newt (GCN) surveys and a report relating to Protected Species Mitigation Measures for Great Crested Newts, Bats and Farmland birds, and no objections were raised by the Biodiversity Officer.

11.02 It was identified that a medium population of GCN were present within the site. The GCN mitigation has helped to inform the detail of the landscaping scheme, which incorporates a vegetated buffer strip around the whole of the site and the enhancement of existing hedgerows which retains connectivity for GCN within the development (particularly along western boundary). The Biodiversity Officer is satisfied with the details of the incorporated buffer strip, and raises no objection in this respect. As well as the ecological buffer, the submitted details also show wildflower meadow planting; enhanced woodland planting; additional native planting within the site; log/brush piles; hibernaculas; and indicative locations of bird and bat boxes (to be agreed under condition 18 of the outline permission). Furthermore outstanding pre-commencement conditions 12, 13 and 18 of the outline permission, require details of a lighting plan (to consider impact upon bats), kerb stone/crossing points which shall be of a wildlife friendly design and bird nesting boxes and swift bricks to be incorporated into the development, which will secure adequate ecological enhancement.

11.03 On review of the amended Landscape and Environmental Management Plan (LEMP) and the Landscape Maintenance Schedule (LMS), the Biodiversity Officer is satisfied that they have provided a good understanding of how the site will be managed, who will undertake the

management of it, and how this will be secured. The management of the site will be implemented as detailed within the LEMP and the LMS, as secured by condition. For clarification purposes, I am satisfied that the submitted details allows for condition 8 (details of a LEMP) of MA/13/1585 to be fully discharged.

- 11.04 The Biodiversity Officer has also commented that a walk over of the site must be carried out at the same time as the GCN monitoring surveys to ensure that the management is being carried out as agreed. It is reasonable to secure this by way of condition, as it is related to the proper carrying out of the monitoring as required under condition 8 (LEMP) of the outline permission.

12.0 Heritage implications

- 12.01 The proposed scheme is limited to 2 storey buildings only (as secured by condition 21 of MA/13/1585); additional tree planting has been negotiated along where the eastern boundary adjoins the rear boundary of the grade II listed Jewel/Bishop House; and no building would be within 15m of this section of eastern boundary. I am therefore satisfied that this proposal would not cause detrimental harm to the setting of the grade II listed property Jewel/Bishop House, and the Conservation Officer also raises no further objection.

- 12.02 As considered under the outline permission, the development would not adversely affect the character, appearance or setting of Marden Conservation Area; and the issue of archaeology has been dealt with under the outline permission, through the imposition of a suitable condition. I therefore have no further comments to make on these issues.

13.0 Community infrastructure and affordable housing

Open space

- 13.01 Under the outline application, the illustrative masterplan showed a large area of open space at the north-western corner of the site containing an equipped children's play area and allotments as well as an informal grassed area and other areas of open space spread throughout the site. By including open space within the site, and the Parks and Leisure Team advised that they would not require a financial contribution if the open space were to be provided as shown on the illustrative plans. As layout was not for consideration at the outline stage, it was considered appropriate to agree the exact open space provisions at the reserved matters stage once this detailed design was known. As such, no contributions were sought at the outline application stage.
- 13.02 The allotments and play area previously shown have been omitted from this reserved matters application. However, the development will continue to provide the same level of on-site open space, just in a less specific capacity; and it should also be noted that neither the allotments nor the play area were secured by condition or required under the agreed Section 106 legal agreement.

- 13.03 A new play area is not considered essential given that there is an established play area less than 200m away to the north of the site which will be easily accessed from the development site through the existing footpath network; and I do not consider it reasonable to refuse the application on the grounds of there being no play area.
- 13.04 In terms of the allotments, the applicant is of the view there will be little demand for them, based on previous uptake on another development; and as the site's future management company will be responsible for the management and maintenance of all of the open space, the management of vacant allotments will only add to the management charges for each resident. There has been no substantial objection from Marden Parish Council regarding the allotments not coming forward, and they have also made it clear they would not want to take on their management. The Parks and Open Space Team have also raised no objection in this respect and would not adopt the allotments either. So whilst the Green Spaces Strategy states there is an under provision of allotments and community gardens in Marden and Yalding of 0.12ha per 1000 population, in this instance I do not consider there to be grounds to refuse the application on this issue alone.
- 13.05 This reserved matters application has now removed the play area and allotments from the scheme, and so it is considered highly likely by the Parks and Leisure Team that residents of the new development would now seek formal aspects of play in the surrounding areas, and so an off-site financial contribution is now being requested in lieu of it being provided on-site.
- 13.06 Taking into account the provision of other categories of open space on site the Parks and Leisure Team would not seek the full amount of £1575 per dwelling. Instead, a contribution of £384 per dwelling (giving a total of £32,640) is sought. This money would be utilised on improving the existing play areas at Napoleon Road and Marden Playing Fields. I agree that a development of this nature is likely to place extra demands on local facilities and it is important to ensure that the development can be assimilated within the local community, in accordance with policy CF1 of the Local Plan.
- 13.07 These play areas are within a 1 mile radius of the proposal site, and I am satisfied that the use of the contributions proposed would be related to this development and there is a good indication as to how the money will be spent. Moreover, the Council's Open Space DPD requires applicants to provide open space on site, and when open space cannot be provided on site, off-site contributions are sought to improve the facilities within the locality, to ensure that the additional strain placed upon open spaces is addressed. I am therefore satisfied that the contribution request would be policy compliant in this respect, and would be in accordance with Regulation 122 and 123 of the Act. The applicant has also agreed to meet this contribution.

Affordable housing

13.08 In terms of the affordable housing, the proposed development would provide:

- 1 bed flats – 12 units
 - 2 bed flats & flats over garages (FOGs) – 8 units
 - 2 bed houses – 3 units
 - 3 bed houses – 7 units
 - 4 bed houses – 4 units
- TOTAL: 34 dwellings (40%)*

13.09 The Council’s Housing Team are satisfied that this represents an acceptable range of unit sizes, and it is acknowledged that the applicant has listened to their original comments and incorporated more 1 bed units in to the development. The following tenure split has also been proposed (65% rented and 35% shared ownership as stated in the legal agreement):

| Size | Total Units | Rental | Shared Ownership |
|--------------|-------------|-----------|------------------|
| 1-bed | 12 | 8 | 4 |
| 2-bed | 11 | 7 | 4 |
| 3-bed | 7 | 4 | 3 |
| 4 -bed | 4 | 3 | 1 |
| Total | 34 | 22 | 12 |

13.10 On this issue of tenure split, the Housing Team state that it is very near to what they are offering, but that the one issue would be for the provision of a 4-bed shared ownership property as there is no identified need for this in the area and there is also the issue of affordability for a property of this size. It is preferable to the Housing Team that this unit becomes an affordable rent unit and in turn one of the 2-bed affordable rent units becomes shared ownership to keep the tenure split the same.

13.11 The applicant is reluctant to alter the proposed tenure split and have confirmed that they have received positive responses from Registered Social Landlords they have approached, confirming a need for such a sized property. It should also be noted that the applicant has made considerable changes in the proposed affordable housing provision from the outline application stage based on the previous advice of the Housing Team. I therefore raise no objection with the proposed tenure split and would consider it unreasonable to refuse this application on these grounds alone.

13.12 The Housing Team did raise concerns with the affordable units being placed in one area of the site as developments should be, as far as is reasonably possible, tenure blind and incorporated better into a scheme. In response, the applicant explained a number of reasons why the scheme has been laid out in this way. In summary:

- *To fully meet mix of affordable units (particularly the number of 1 & 2 bed flats), it is necessary to create viable blocks of flats and a relatively high density of development, which is logical to locate closest to the village.*
- *Affordable housing is served by both access points (50/50 split), meaning these 2 areas have no relationship with each other in this sense.*

- *The location of affordable housing enables the delivery of all units as part of the first phase which could see all of it being delivered within 18 months of development.*
- *Negotiations with registered housing providers over transferring these units to them have started and they are supportive of approach.*
- *Care has been taken with design of properties, and there will be no distinction between materials used on private and affordable units.*

13.13 Whilst the Housing Team comment this situation is not ideal, given the specific issues and circumstances of this proposed development, they can understand the reasoning and no objection has been raised on this matter.

14.0 Other considerations

14.01 In terms of flood risk, no objection was raised under the outline permission and a condition was imposed requesting full details of surface water drainage system to be submitted for approval. Under this application, the applicant has also confirmed that the proposed SUDS scheme would include the use of permeable surfacing; the soil investigations have illustrated that there is reasonable permeability on the site in the northern part with more limited in the south towards Plain Road; any remaining storm water will be linked to 2 balancing ponds; and the ponds will then be linked to the existing adjoining watercourses in both Napoleon Drive and Plain Road. The KCC Flood Risk Project Officer raises no objections in terms of determining this application based on this information, and is satisfied that the detailed scheme can be dealt with by way of the already imposed surface water drainage condition. This is also as recommended by the Upper Medway Internal Drainage Board. Discharge of foul systems to serve the development has been dealt with by a submission of details condition imposed under the outline permission.

14.02 The Kent Police Crime Prevention Design Advisor has requested details of measures to minimise risk of crime to be incorporated within the scheme. However, the proposal is considered acceptable and I do not consider the need to incorporate crime prevention measures outweighs the benefits of this application. It should also be noted that this detail was not secured at the outline stage and so cannot now be insisted upon, in accordance with the NPPG which states that only conditions which can be imposed when the reserved matters are approved are conditions which directly relate to those reserved matters.

14.03 The application has demonstrated that there would be satisfactory facilities for the storage of refuse on the site and so I raise no objection in this respect. For clarification purposes, I am satisfied that the submitted details allows for condition 4 of MA/13/1585 to be fully discharged. The Environmental Health Officer has raised no objection to the proposal in terms of noise and air quality; and the issue of land contamination has been dealt with under the outline permission. No further objections are therefore raised on these issues.

14.04 With regards to the Marden Parish Council and neighbour representations received, the issues of pressures on local infrastructure/services; access; highway safety; Flood risk/surface water drainage; and lighting were considered under the outline application. The other issues raised (no allotments; open space provision; footpath access; loss of privacy; and location and density of affordable housing) have been considered in the main body of this report. I would also add that potential damage to neighbouring properties is not material planning consideration, and the application cannot be refused on these grounds alone; and parking restrictions (which are also outside the site) cannot be considered under this planning application. The applicant has also confirmed that there is no intention of adding any gates to 'private' drives; and that all roads will be unadopted and be the responsibility of the management company.

15.0 Conclusion

15.01 The issues raised by the local residents and Marden Parish Council have been addressed in the main body of this report. For the reasons outlined, I am of the view that this sustainably located proposal would not cause any demonstrable harm to the character and setting of the surrounding area; it would not harm the amenities of existing or future residents; it would not result in adverse highway safety conditions; and no ecological, flood risk or sewerage disposal objections are raised. It is considered 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 subject to a legal agreement as set out below.

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

- *Contribution of £384 per dwelling to be used on improving the existing play areas at Napoleon Road and Marden Playing Fields*

THE HEAD OF PLANNING AND DEVELOPMENT BE GIVEN DELEGATED POWERS TO APPROVE SUBJECT TO THE FOLLOWING CONDITIONS SET OUT BELOW:

- (1) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extension to any property shall be carried out without the permission of the Local Planning Authority;

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

- (2) 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) (Amendment) (England) Order 2015 (or any order revoking and re-enacting that Order, with or without modification) or not, shall be carried out on the areas indicated or in such a position as to preclude vehicular access to them;

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

- (3) Pursuant to condition 8 of MA/13/1585, a walk over of the site must be carried out at the same time as the Great Crested Newt monitoring surveys to ensure that the management is being carried out as agreed; and if required the walk over survey and GCN monitoring surveys must inform updates of the site management plan;

Reason: To safeguard and improve natural habitats and features within the site and to mitigate against the loss of natural habitats, with particular reference to those species protected under the Wildlife and Countryside Act 1981.

- (4) The development shall not commence until details of how decentralised and renewable or low-carbon sources of energy will be incorporated into the development hereby approved have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details and all features shall be maintained thereafter;

Reason: In the interests of visual amenity and to ensure an energy efficient form of development.

- (5) The development hereby permitted shall be carried out in accordance with the following documents and approved plans: 2242A-201, 202, 203, 206, 207, 208, 211, 213, 214, 215, 216, 2019, 222, 224, 227, 229, 230, 231, 232, 233, 236, 237, 239, 241, 242, 243, 244, 245, 246, 248, 249, 250, 251, 253, 254, 257; and 2242-258, 259, 260, 261 Rev A, 262, 263 and 264 received 23/10/15; Soft Landscape Specification received 27/10/15; 2242A-200A, 204A, 205A, 209A, 210A, 212A, 217A, 218A, 220A, 221A, 223, 226A, 228A, 234A (plots 60, 61 & 62), 238A, 240A, 247A, 252A, 255A and 256A received 05/11/05; 2242A-100 Rev A and 225A received 09/11/15; 2242A-112 Rev C, 113 Rev C, 114 Rev C, 115 Rev C and 116 Rev C received 05/02/16; received 08/02/16; 2791_DR_004 Rev C, 005 Rev C, 006 Rev C, 006 Rev C, 007 Rev C and 008 Rev D received 09/02/16; and 2242-111A received 10/02/16; and 2791_DR_009 Rev D, Landscape and Ecological Management Plan and Landscape Maintenance Schedule received 25/02/16;

Reason: To ensure the quality of the development is maintained and to prevent harm to highway safety.

INFORMATIVES

- (1) For the avoidance of doubt, conditions 2, 6, 7, 12, 13, 15, 16, 18, 20, 23 and 24 remain outstanding and details still need to be submitted for approval to the local planning authority.
- (2) The applicant is advised to provide construction vehicle loading/unloading and turning facilities prior to commencement of work on site and for the duration of construction; parking facilities for site personnel and visitors prior to commencement of work on site and for the duration of construction; measures to prevent the discharge of surface water onto the highway; and wheel washing facilities prior to commencement of work on site and for the duration of construction.
- (3) The applicant is advised to discuss the details of the surface water drainage strategy with the KCC Flood Risk Project Officer before seeking to discharge condition 6 of MA/13/1585.
- (4) The applicant is advised to submit a public footpath diversion under the Town and Country Planning Act before works commence on the houses that will affect the relevant Public Right of Way.

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.

REPORT SUMMARY

| | | | |
|---|--|---|-------------|
| REFERENCE NO - 15/509067/FULL | | | |
| APPLICATION PROPOSAL Erection of a single dwelling. | | | |
| ADDRESS 2 Stone Cottages Maidstone Road Headcorn Kent TN27 9RR | | | |
| RECOMMENDATION – PERMIT SUBJECT TO CONDITIONS | | | |
| SUMMARY OF REASONS FOR RECOMMENDATION | | | |
| <ul style="list-style-type: none"> • The proposal relates to infill development in open countryside, outside the village confines of Headcorn and so it is a departure from the Local Plan. However, paragraph 49 of the NPPF states that relevant policies for the supply of housing should not be considered up to date if the Council cannot demonstrate a five year housing land supply. • Proposal will make contribution to housing supply, albeit a small one. • Will meet personal needs of applicant. • Site is surrounded by built development. • NPPF seeks to promote sustainable development in rural areas by locating housing where it will enhance or maintain vitality of rural communities • Although outside village confines, the application site is located within a substantial stretch of ribbon development that is linked to the village of Headcorn by a footpath. • The proposal is well designed and will not harm the character and appearance of the area or the amenities of surrounding occupiers, therefore, it is not considered to raise any conflict with Policy ENV28 of the Local Plan. • Proposal is supported by Parish Council. | | | |
| REASON FOR REFERRAL TO COMMITTEE | | | |
| DEPARTURE FROM LOCAL PLAN | | | |
| WARD Headcorn | PARISH/TOWN COUNCIL Headcorn | APPLICANT Mrs S Grant AGENT Mr Peter Court | |
| DECISION DUE DATE 30/12/15 | PUBLICITY EXPIRY DATE 30/12/15 | OFFICER SITE VISIT DATE Various | |
| RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites): | | | |
| App No | Proposal | Decision | Date |
| 04/2348 | Erection of a detached dwelling at Field View, on land adjacent 1 Stone Cottage. | Approved. | 18.03.2005 |
| Summarise Reasons: Approved under infill policy H29 of the Local Plan. | | | |
| 09/0673 | Erection of a detached two storey dwelling on land adjacent to 2 Stone Cottage. | Dismissed at appeal. | 17.05.2010 |
| Summarise Reasons: Refused as infill Policy H29 was no longer a saved policy of the Local Plan. | | | |

MAIN REPORT

1.0 DESCRIPTION OF SITE

1.01 The site is located outside the defined village confines of Headcorn in open countryside. It is also within the Low Weald Special Landscape Area and the

proposed Low Weald Landscape of Local Value of the emerging Local Plan. It is part of a stretch of ribbon development of residential properties that runs on both sides of the A274 Maidstone Road. This ribbon development is located approximately 380 metres or 0.24 miles from the defined village boundary. The property is bordered on three sides by residential housing. A large, modern, agricultural building is located to the rear of the site and a nursery site is adjacent to this. Therefore, the site is bordered on all four sides by built development.

2.0 PROPOSAL

- 2.01 The proposal is for the erection of a detached, two storey dwelling. It will have three bedrooms, one of which is on the ground floor with en-suite facilities to allow Mrs. Grant to remain in her own home with relatives to assist her.
- 2.02 The front wall of the proposed dwelling will be constructed of stonework in order to match the existing front elevation of 2 Stone Cottages. The side and rear elevations will be brickwork. The two storey roof will have clay tiles, again to match 2 Stone Cottages. The single storey rear projection will have a slate roof, in keeping with the adjacent 1 Rosemead Gardens.
- 2.03 No. 2 Stone Cottages and 1 Rosemead Gardens have a staggered building line and the proposed dwelling has been sited to sit between them with gaps of 2 metres and 2.8 metres to the side elevations respectively. The proposed rear projection is single storey and will not extend as far as the rear building line of 1 Rosemead Gardens. No first floor windows are proposed in either of the side elevations of the proposed dwelling.
- 2.04 No. 2 Stone Cottages and 1 Rosemead Gardens have a staggered building line and the proposed dwelling has been sited to sit between them with gaps of 2 metres and 2.8 metres to the side elevations respectively. The proposed rear projection is single storey and will not extend as far as the rear building line of 1 Rosemead Gardens. No first floor windows are proposed in either of the side elevations of the proposed dwelling.
- 2.05 The existing parking spaces and turning area for 2 Stone Cottages will be retained. Two parking spaces are proposed on the front of the site for the proposed dwelling and the existing access and turning area will be shared between the two properties. The garden area is to be enclosed by a 1.8 metre high timber closeboarded fence, with a low level fence at the front of the site.

3.0 SUMMARY INFORMATION

| | Proposed |
|------------------------------------|-----------------|
| Site Area | 0.03 Ha |
| Car parking spaces (inc. disabled) | 2 |
| No. of storeys | 2 |
| Max height | 6.55m |
| Max eaves height | 4.5m |
| No. of residential units | 1 |
| No. of bed spaces | 3 |

4.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)
 National Planning Practice Guidance (NPPG)
 Development Plan: Maidstone Borough-Wide Local Plan, 2000; Maidstone Borough Local Plan Publication (Regulation 19) February 2016
 Supplementary Planning Documents: Draft Headcorn Neighbourhood Plan

5.0 LOCAL REPRESENTATIONS

| | COMMENTS RECEIVED | OFFICER RESPONSE |
|------------------------|--|--|
| Parish/Town Council | Wish to see the application approved. Development in the curtilage of an existing dwelling, will provide specially adapted home for applicant's needs. Addition of dwelling in an existing gap will not exacerbate current infrastructure issues. It is not development in open countryside and is supported by emerging Neighbourhood Plan. | Parish Council only requested that proposal go to committee if it was to be refused. |
| Residential Objections | No comments received. | |
| Number received: | 0 | |
| Residential Support | No comments received. | |
| Number received: | 0 | |

6.0 CONSULTATIONS

Headcorn Aerodrome

6.01 No objection subject to the fact that the applicant's attention is drawn to the fact that the proposed development is close to the Aerodrome and within the area covered by the Safeguarding map.

KCC Highways

6.02 The Highways Officer commented that the access is existing with a good crash record and adequate parking and turning facilities are proposed within the site. The Officer commented that the local highway authority raises no objection to the proposal, subject to the following conditions/informatives:

- *“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 the commencement of work on site and for the duration of the construction;*
- *Provision and permanent retention of the vehicle parking 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.*

Informative: It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly

established in order to avoid any enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site”.

Environmental Health Officer

6.03 The Environmental Health Officer raises no objections to the proposal, subject to the applicant adhering to the details set out in the Noise Impact Assessment report. No conditions are requested to be imposed. The following informative is suggested:

“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”.

7.0 BACKGROUND PAPERS AND PLANS

7.01 The application comprises the following documents:

- Planning Application Form;
- Planning Statement;
- MRL Acoustics Noise Impact Assessment;
- Drawing No. 1234-01: Existing Plans and Site Location Plan;
- Drawing No. 1234-10: Proposed Floor Plans;
- Drawing No. 1234-11: Proposed Site Layout & Elevations.

8.0 APPRAISAL

8.01 In terms of the details for the proposed dwelling, the siting, design, appearance and layout are considered to be acceptable. The building line for the adjacent properties is staggered and the proposed dwelling is sited between these two properties. The orientation of the plot from east to west will ensure that No. 2 Stone Cottage on the southern boundary will not lose any daylight or sunlight. The set back of No.1 Rosemead further into its plot than the proposed dwelling, will also ensure that this dwelling will not suffer from any loss of sunlight or daylight in its west facing rear garden. The new dwelling will not result in any adverse impact in terms of overlooking or loss of privacy. No side windows are proposed at first floor level and the only window that would have an oblique view of the rear of No.2 Stone Cottage is the front en-suite window at first floor level. However, this is proposed to be obscure glazed and a condition will be imposed to ensure this.

8.02 The design and use of materials reflects No.2 Stone Cottage, with the use of stone and brick, with a clay tiled hipped roof. The single storey element at the rear will be constructed of brick with a slate roof to match the adjacent No.1 Rosemead. Overall, the design of the dwelling is attractive and in keeping with the character and appearance of the surrounding dwellings.

8.03 The existing driveway and access are to be retained. Two parking spaces are proposed for the existing No.2 Stone Cottage and also for the new dwelling, with adequate turning areas retained to allow exiting the driveway in a forward movement. The Highways Officer raised no objection to the proposal, subject to the imposition of various conditions.

- 8.04 The Noise Impact Assessment that accompanies the proposal confirms that the development would be exposed to moderate levels of road traffic noise. The proposed mitigation scheme has been considered by the EHO to provide sufficient noise attenuation to meet the required internal acoustic criteria. The external noise within the proposed rear garden area has been demonstrated to be well below the upper limit guideline noise value outlined in both BS8233 and the WHO Guidelines due to the effective screening provided by the new dwelling itself. As a result, it is considered that the proposal will not suffer from any adverse noise impact, subject to the proposed development being undertaken in accordance with the approved MRL Acoustics Noise Impact Assessment. A condition has been imposed to this effect.
- 8.05 The application site is bordered on three sides by residential housing, with a large modern agricultural building located to the rear and a nursery site adjacent to this. There is a long stretch of ribbon development along this particular part of Headcorn Road, which the application site is part. The site is very much viewed within the context of the substantial residential development in this location that surrounds the site. As a result, there are no long distance views of the site from the surrounding countryside or the Low Weald SLA (or the Low Weald Local Landscape Area of the emerging Local Plan) and no conflict with Policy ENV34 of the adopted Local Plan or Policy SP17 of the emerging Regulation 19 Local Plan, which seek to protect and conserve these areas of landscape value.
- 8.06 Policy H29 of the Maidstone Borough-Wide Local Plan relates to infill development, but it is not a Saved Policy and so is unable to provide support to the proposal. The planning history for the area indicates that planning permission was granted for an infill dwelling in 2004 on land adjacent to No.1 Stone Cottage and that this permission was implemented. However, planning permission for an infill development on the application site was refused in 2010 at appeal as infill policy H29 was no longer a Saved Policy of the development plan.
- 8.07 The proposal has been advertised as a Departure from the Local Plan due to Policy H29 no longer being a Saved Policy. Since the 2010 appeal decision on the application site, there have been a number of appeal decisions over recent years where Inspectors have given weight to the lack of harm to the surrounding countryside and Special Landscape Area and also assessed the sustainability of the site. One such example is an appeal decision on land adjacent to Fancy Row Cottages and Claymore, Thurnham Lane (reference no. 14/500927). As such, it is considered that infill development can be acceptable in certain circumstances.
- 8.08 Policy ENV28 seeks to ensure that any development in the countryside will not harm the character and appearance of the area or the amenities of surrounding occupiers. It is considered that the proposal will not harm the character and appearance of the area due to its good design, siting and location within an existing stretch of ribbon development. It is also considered that it will not result in any loss of privacy or other adverse impact on the amenities of surrounding occupiers for the reasons set out above. As a result, the proposal is considered to raise no conflict with Policy ENV28 of the Local Plan.
- 8.09 The emerging Regulation 19 Local Plan sets out in Policy SP17 on The Countryside that 'development in the countryside will retain the setting of and separation of individual settlements'. It is considered that the proposal will raise no conflict with this policy due to its siting with an existing and substantial strip of ribbon development.

- 8.10 Since the last 2009 appeal decision for the site, paragraph 49 of the NNPF has also become relevant and states that “relevant policies for the supply of housing should not be considered to be up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites”. The Council cannot demonstrate a five year housing land supply and the proposal would provide for a new dwelling, although the proposal would only make a small contribution to the housing supply. This is dealt with in more detail below, as part of ‘Other Matters’.
- 8.11 Paragraph 55 in the Framework seeks to promote sustainable development in rural areas by locating housing where it will enhance or maintain the vitality of rural communities. The proposal is located within a substantial stretch of ribbon development that has a single footpath that runs into the nearby village of Headcorn. The village of Headcorn is a large rural settlement with a variety of shops and services and also a railway station. Although the railway station is the other side of Headcorn, the shops and local School are within walking distance. Therefore, the site is in a location where day-to-day journeys would not necessarily be reliant on the use of motor vehicles. It is considered that the proposal is in accordance with paragraphs 55 of the NPPF.
- 8.12 In this instance, there are also personal circumstances to be considered, as the proposal is intended to provide specialist accommodation for the applicant. The proposal includes a ground floor bedroom with en-suite facilities, with the upper bedrooms providing accommodation for her relatives who are proposing to look after her at home.
- 8.13 The Parish Council supports the proposal and wishes to see the application approved. The Parish Council states that it is not development in open countryside and is supported by emerging Neighbourhood Plan. The Consultation Period for Headcorn’s Regulation 16 Neighbourhood Plan has just closed. The Neighbourhood Plan advises that new development in the countryside should reflect existing settlement patterns within the parish, avoiding where possible the use of isolated settings and open countryside and development should be small scale. It is considered that the proposal is small scale and will not extend into the open, undeveloped countryside, being located within an existing area of development (albeit outside the village boundary. Overall, therefore, it is considered to raise no conflict with the Headcorn Neighbourhood Plan.

Other Matters – Housing Land Supply

- 8.14 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;’*
- 8.15 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 (OAN) 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. Since that date revised household projection figures have been published by the Government and as a result the SHMA has been re-assessed. At the meeting of the Strategic Planning, Sustainability and Transport Committee on 9 June 2015, Councillors agreed a new OAN figure of 18,560 dwellings.

8.16 The new Local Plan has advanced and is out to Regulation 19 publication being the Plan that the Council considers is ready for examination. The Plan is scheduled for submission to the Planning Inspectorate for examination in May 2016, with the examination expected to follow in September. The Plan allocates housing sites considered to be in the most appropriate locations for the Borough to meet the OAN figure, and will enable the Council to demonstrate a 5 year supply of deliverable housing sites when it is submitted to the Inspectorate in May. Clearly the Local Plan is gathering weight as it moves forward, but it is not considered to have sufficient weight to rely solely on to refuse or approve a planning application.

8.17 Notwithstanding this, it remains the case the most recently calculated supply of housing, which assesses extant permissions and expected delivery, is from April 2015. This demonstrates a 3.3 year supply of housing assessed against the OAN of 18,560 dwellings. A desk based review of housing supply undertaken in January 2016 to support the Regulation 19 Local Plan housing trajectory suggests that there remains a clear and significant shortfall of supply against the five year requirements. The Council's five year supply position will be formally reviewed in April/May in order to support the submission of the Local Plan to examination in May. Before the Local Plan is submitted however, the Council will remain unable to demonstrate a 5 year supply of deliverable housing sites.

9.0 CONCLUSION

9.01 In conclusion, it is considered that although there is no longer an infill policy within the Local Plan, the proposal is not in conflict with other policies of the development plan and it is also in accordance with the NPPF. It is considered that the proposal will not cause any adverse impacts on the residential amenities of adjacent properties or on the character and appearance of the area. The site is surrounded by built development, within an existing stretch of ribbon development and the proposal will not be visible from the wider countryside. It will make a contribution to the housing supply, albeit only a small one. It will also meet the personal needs of the applicant, although this would not be sufficient on its own to justify the granting of planning permission, if I did not already consider that the proposal was acceptable.

10.0 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 permitted is first occupied, the following window 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 subsequently be maintained as such:

The proposed first floor 'en-suite' window on the front (east) elevation of the approved dwelling.

Reason: To safeguard the privacy of existing and prospective occupiers.

(3) Before the development hereby permitted is first occupied, the vehicle parking and turning facilities shall be implemented as shown on the approved plans and permanently retained thereafter.

Reason: In the interests of highway safety.

(4) Before the development hereby permitted is first occupied, a bound surface shall be provided for the first 5 metres of the access from the edge of the highway.

Reason: In the interests of highway safety.

(5) The proposed development shall be undertaken in accordance with the approved MRL Acoustics Noise Impact Assessment.

Reason: To ensure the quality of the development is maintained and to protect the residential amenity of future occupants.

(6) No building works above ground level shall commence until written details and samples of the materials to be used in the construction of the external surfaces of the buildings and hard surfaces hereby permitted have been submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the approved materials;

Reason: To ensure a satisfactory appearance to the development.

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

- Drawing No. 1234-01: Existing Plans and Site Location Plan;
- Drawing No. 1234-10: Proposed Floor Plans;
- Drawing No. 1234-11: Proposed Site Layout & Elevations.

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

(8) 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, Classes A, B, C, D, E, F, G, H shall be carried out without the permission of the Local Planning Authority;

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

INFORMATIVES

(1) As the development involves demolition and/or construction, the applicant should refer to the Mid Kent Environmental Code of Development Practice. Broad compliance with this document is expected.

(2) Clearance and burning of rubbish must be carried without nuisance from smoke etc. to nearby residential properties. Advice on minimising any potential nuisance is available from the EHM.

(3) 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.

(4) 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.

(5) 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

(6) Provision shall be made for construction vehicle loading/unloading and turning facilities prior to commencement of work on site and for the duration of construction.

(7) Provision shall be made for parking facilities for site personnel and visitors prior to commencement of work on site and for the duration of construction.

(8) Provision shall be made of wheel washing facilities prior to the commencement of work on site and for the duration of the construction.

(9) The applicant should be aware of the proximity of Headcorn Aerodrome and the fact that the application site is within the Safeguarding map

Case Officer: Diane Chaplin

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 20



15/509288 Land North of Lenham Road

Scale: 1:5000

Printed on: 9/3/2016 at 13:01 PM

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REPORT SUMMARY

| | | |
|---|--|---|
| REFERENCE NO - 15/509288/OUT | | |
| APPLICATION PROPOSAL | | |
| <p>Outline application for the erection of up to 57No dwellings including 40% affordable housing, associated public open space, ecological mitigation land and new vehicular access from Lenham Road.</p> <p>With the exception of means of access all other matters are reserved for future consideration. Indicative plan ref BRS.6203_04E1 submitted shows single vehicular access from Lenham Road to both residential and public open space areas and areas along the southern and western boundaries are identified for residential development and the remaining land to the north and east is identified as public open space and ecology area.</p> <p>Proposal involves retention existing Public Right of Way no KH587.</p> | | |
| ADDRESS Land to the North Of Lenham Road Headcorn Kent TN27 9TU | | |
| RECOMMENDATION Delegated authority to Head of Planning and Development to approve subject to conditions and legal agreement. | | |
| SUMMARY OF REASONS FOR RECOMMENDATION | | |
| <p>The development does not comply with policy ENV28 of the Maidstone Local Plan 2000. 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> | | |
| REASON FOR REFERRAL TO COMMITTEE | | |
| <ul style="list-style-type: none"> ● It is contrary to views expressed by the Parish Council ● It is a departure from the Development Plan as the site is located outside the defined settlement boundary of Headcorn ● It is a major development | | |
| WARD Headcorn | PARISH/TOWN COUNCIL Headcorn | APPLICANT A Cheale Estates AGENT Pegasus PlanningGroup Ltd |
| DECISION DUE DATE 12/02/16 | PUBLICITY EXPIRY DATE 23/12/15 | OFFICER SITE VISIT DATE 2/12/2015 |
| RELEVANT PLANNING HISTORY (including relevant history on adjoining sites): | | |
| 14/503960/OUT: Erection of 13no dwellings with associated amenity space. Members at 12 November 2015 Planning Committee resolved to grant planning permission subject to a s106 legal agreement and planning conditions. | | |
| 14/ 505162FULL: Erection of 48 dwellings together with provision of associated landscaping and access. Permission granted 07/12/2015 | | |

MAIN REPORT

1.0 DESCRIPTION OF SITE:

- 1.01 The application site is 6.07 hectares of farm land with no vehicular access to Lenham Road and hedgerow along the southern, western and northern boundaries. There is a public right of way along the western boundary that extends in an east, northeast direction.
- 1.02 The site is situated along the north side of Lenham Road and northern and eastern boundary of Headcorn village. From the west it is enclosed by the recently granted planning permission for housing under ref 14.505162.

- 1.03 On the south side of Lenham Road is land the subject of a recently granted permission for a two storey house and farm land.
- 1.04 The character of the area is one of village fringe comprising farm land, with low density residential properties on the northeastern edge of the village.
- 1.05 Headcorn is a Rural Service Centre with a good level of basic services comprising shops, pub, restaurant, school, doctor surgery and good public transport link to major towns by railway and bus services.
- 1.06 Definitive Public Right of Way KH587 runs along the western boundary and then continues eastwards through the site. A non-definitive path has also been created which runs at 45⁰ angle to the definitive path.
- 1.07 It has been established that the site is Agricultural Land Classification grade 3b which means moderate quality agricultural land).

2.0 PROPOSAL

- 2.01 The application seeks outline planning permission for the erection of 57 dwellings with associated vehicular access, car parking, garaging, landscaping and amenity space in 6.07ha.
- 2.03 The proposal comprise 40% (equates to 23 dwellings) affordable housing and 34 market sale houses.
- 2.04 The indicative plan submitted shows less than a ¼ (1.34ha) of the land would be developed for housing and associated road and on the south western corner of the site, the remaining ¾ (4.73ha) would be set aside as public open space and ecology area.
- 2.05 The density of this development within the application site would be about 9.5 dwellings per hectare. This would increase to 56 dwellings per hectare if the housing focuses on the south west corner of the site that has been identified for residential development.
- 2.06 The proposal also involves a large amenity open space and SUDS attenuation storage water pond.

3.0 SUMMARY INFORMATION

| | Proposed |
|---------------------------------|--------------|
| Site Area (ha) | 6.07Ha |
| Overall Housing Density | 9.5dph |
| No. of Market Residential Units | 34 dwellings |
| No. of Affordable Units | 23 = 40% |

4.0 PLANNING CONSTRAINTS

- 4.01 Tree Preservation Order Reference: 6401/TPO; outside the northern boundary.

5.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF) 2012

National Planning Practice Guidance (NPPG)

Development Plan - Maidstone Borough-wide Local Plan (2000). Relevant policies - ENV28, ENV34, T13 and T23.

Supplementary Planning Document Affordable Housing DPD 2006 and Open space development draft local plan 2006.

Regulation 19 Consultative documents policies for development SS1, SP3, H2, DM2, DM3, DM11, DM12, DM13, DM23, DM24, ID1

Regulation 16 Headcorn Neighbourhood Plan development is at advance stage and has yet to go through, an independent examination and finally a referendum.

6.0 LOCAL REPRESENTATIONS

This application was advertised by Site notice and in the press. Also adjoining neighbours were notified by letter.

26 letters have been received objecting to the application for the following reasons:-

- The site is in a flood plain and the development would exacerbate flooding in the village by building more houses.
- The proposal will change the form and character of Headcorn from a village.
- Roads in Headcorn cannot cope with increase in traffic generation from the additional houses in this village.
- Additional pressure on the public transport and railway station from more houses in Headcorn.
- More pressure on the existing infrastructure (school, doctor surgery, etc).
- Existing sewerage system cannot cope.
- Not in compliance with Headcorn neighbourhood plan.
- Impact of the development on the local ecology
- Social housing does not enhance a community especially when outsiders are housed as priority.
- Increase in noise levels with so many extra people living nearby and coming and going of cars and of children playing.
- The owner of the adjoining field to the north is concerned about being overlooked, trespass on their land and small holding.

7.0 CONSULTATIONS

7.01 Headcorn Parish Council

The Council wish to see this application refused on the following grounds:-

- a) This Application is contrary to the definition of sustainability contained within the National Planning Policy Framework (NPPF), as well as the NPPF's policy on building in rural area
- b) The Application is not supported by the Maidstone Borough Local Plan 2000, nor is it supported by the emerging Headcorn Neighbourhood Plan, which was supported by 93.9% of respondents in the recent Regulation 14 consultation.
- c) This application is contrary to the housing policies under the existing Local Development Plan (H27, H28, and ENV28); it has not been allocated as part of Maidstone's emerging local plan (because the URS analysis of the site for MBC suggested it was unsustainable); and it is contrary to Headcorn's emerging Neighbourhood Plan (for example it is too big (HNP6); goes against the policy on phasing designed to ensure housing comes forward when needed (HNP7); does not meet the policy on affordable homes (HNP9); and would go ahead before the requirement to solve the sewerage problems in Headcorn had been addressed (HNP11)).
- d) Therefore the only reason to consider this site is because MBC cannot demonstrate that it has a 5-year land supply, which means that developments that meet the definition of sustainability within the NPPF can go ahead if decision-makers feel that material considerations do not rule them out. In other words, because paragraph 49 of the NPPF applies. However, this paragraph only applies where developments are considered sustainable under the definition of sustainability within the NPPF. This is not the case.
- e) This planning application is contrary to the definition of sustainability within the NPPF and in particular does not meet the requirement to be in the right place, and is also not at the right time.
- f) This development cannot be considered as incremental, particularly on top of the existing planning permissions in Headcorn. It is not needed to meet the needs of emerging households within Headcorn.

- g) The application is not consistent with the NPPF's policy on development in rural areas, which is unsurprisingly very similar to the government's rural productivity policy, namely that:
 "In rural areas, exercising the duty to cooperate with neighbouring authorities, local planning authorities should be responsive to local circumstances and plan housing development to reflect local needs, particularly for affordable housing, including through rural exception sites where appropriate.
- h) Development in Headcorn will result in a significant increase in commuting over long distances, based on observed patterns of behaviour the majority of this commuting will be by car. Census data show that between 2001 and 2011 200 new houses were built in Headcorn, but only 2 extra people now take the train - an increase of 1 person per 100 households. Further development will lead to further increase in travel and it means that the application would not address the need for environmental sustainability and the need to minimise the need to travel and promote sustainable modes of transport embedded in the NPPF.
- i) It is not just jobs where Headcorn's location would disadvantage potential residents in this proposed development. The same is true for access to both hospitals and secondary schools.
- j) In Headcorn, MBC have already committed to building more housing than can be justified by jobs growth, both locally and within the MBC area.
- k) There is limited demand for social rented housing amongst emerging households in Headcorn and this demand can be entirely met from within the existing housing stock.
- l) Foul drainage is a significant issue for all development within Headcorn, a subject that has been emphasized on every application seen in Headcorn. The current drainage network is already stretched to the limit and further development will just exacerbate this.
- m) The proposed development is very close to the current flood plain and it would be essential to understand what affect this development would have of the current plain. This would seem to be topically very important given recent happenings in the UK.
- n) This development will add vehicular burden onto the Kings Road/Ulcombe Road junction (see traffic survey for HNP) from there it is on to the school, or the one way section of Ulcombe Road, or turn on down Forge Lane/ Oak Lane both of which have very narrow difficult turnings on to the A274 restricted either side by housing. Traffic going the other way will have to pass through the narrow almost one way only section in Grafty Green then via the one way section on Liverton Hill. Furthermore, the link to the M20 motorway referred to is through the village of Leeds, via the B2163. Problems with traffic congestion on the A274 and the need to create a Leeds-Langley relief road feature heavily in KCC objections to any further housing allocations or planning permissions being granted that would impact the A274
- o) The proposed development obstructs a PROW.

Furthermore HPC would like to point out that the fact that the planning statement accompanying this contains a large number of factual errors and embellishments. It is important therefore that all information provided by the applicant should be **subject to strict scrutiny and not taken at face value.....** for example

- a) The planning statement states that as at 2011 Headcorn Parish had a population of 5,155 and 2,111 households. This is factually incorrect. At the time of the 2011 Census, Headcorn Parish had 3,387 people living in the Parish, as part of 1,459 households. Therefore all the statements about the relative size of this development, or other developments, provided in their report are incorrect and should be roughly doubled to obtain the actual increase in the size of Headcorn village that would result from the applications.
- b) Paragraph 2.13 of the planning statement refers to the A274 (the main road in Headcorn) as "a strategic highway". Not only is the A274 not part of the Strategic Road

Network (which are roads owned by the Secretary of State for Transport), it is not even part of the Primary Road Network.

- c) The quote provided in paragraph 5.66 that relates to the High Court Case [2015] EWHC 2729 (Admin), has been taken completely out of context. The quote states that “the Inspector was not required to refer to the draft Neighbourhood Plan in her Decision since ... it was at a very early stage of development and she was entitled to accept the view of Council that minimal weight should be accorded to it as planning policy”. What is not made clear is that the version of the Neighbourhood Plan the Inspector had been given was an early draft of the Plan that was significantly revised between that version and the version submitted for consultation under Regulation 14. In other words, it was a much earlier draft than the Regulation 14 draft. More importantly, as the full text of the High Court ruling makes clear, the draft she was given was not relevant to her decision, because it did not cover the site in question, or indeed the issue of primary school expansion.

7.02 KCC Economic Development

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

The Planning Act 2008 and the Community Infrastructure Levy Regulations 2010 (the CIL Regulations) (Regulation 122) require that requests for development contributions of various kinds must comply with three specific legal tests:

1. Necessary,
2. Related to the development, and
3. Reasonably related in scale and kind

These tests have been duly applied in the context of this planning application and give rise to the following specific requirements.

Request Summary

| | Per Pupil | Total | Project |
|---------------------|------------------------|-------------|---|
| Primary Education | £19,047.62 (16 pupils) | £304,761.92 | Towards the second phase of permanently expanding Headcorn PS from 1FE to 2FE |
| Primary Land | £3,184.60 | £50,953.60 | Towards the cost of acquiring additional land to accommodate the expansion of Headcorn PS |
| Secondary Education | £11,799 (11 pupils) | £129,789.00 | Towards the second phase of expanding Maidstone Grammar School |

| | Per Dwelling (x57) | Total | Project |
|--------------------|-------------------------|------------|--|
| Community Learning | £30.70 | £1749.70 | Towards the cost of commissioning adult and community learning classes within the village, including rental of space and equipment required. |
| Youth Service | £8.49 | £483.66 | Towards equipment to expand the range of youth focused activities able to take place at the Village Hall, to be utilised by KCC's commissioned youth worker. |
| Libraries | £48.02 | £2736.90 | Towards bookstock to be supplied to Headcorn Library |
| Social Services | 1 Wheelchair Accessible | 170 | |

| | | | |
|--|--|--|--|
| | Home as part of the Affordable Homes delivery on this site | | |
|--|--|--|--|

7.03 NHS Properties

I can confirm that on this occasion we will not be seeking S106 contributions against this development. As the local surgeries have the capacity to cope with the additional patients anticipated as a result of these dwellings being built.

7.04 Kent Archaeology

The application site lies within a small valley with the stream running along the northern boundary. Such river valleys were favourable areas for prehistoric activity and there is some potential for prehistoric settlement. An isolated Neolithic flint artefact is recorded to the north and further remains may survive on site. The application site also lies adjacent to the historic farm complex of *Oak Farm*, which is identifiable on the 1st Ed OS map but is noted as being of 17th century origin. Remains associated with the farm would be of local heritage interest. There is also recorded the crash site of a Messerschmitt Bf109E. It crashed on Oak Farm land but the precise location is not known, however, "surface wreckage" has been recorded.

The application is supported by a rather brief DBA by CgMs. This DBA does not seem to mention the WWII crash site or Oak Farm in detail and the analysis of the data is too simple. As such the proposed mitigation is inadequate. WWII sites are considered to be very sensitive and need to be considered carefully, so unless there is more detailed information on the Messerschmitt crash site, some investigation work on this site would be needed to be undertaken.

In addition, I consider there is some potential for prehistoric and post medieval remains to survive on site and as such 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.

7.05 Environmental Agency:

We have reviewed the information submitted and have no objections to the proposed based on findings of Flood Risk Assessment by Clive Onions dated 4th November 2015 V2 and Indicative Layout Drawing BRS.6203_04D.

Informatives

Waste

We have no objection to the construction of ponds in flood zone 3, however spoil should be removed appropriately to flood zone 1 to avoid loss of flood plain storage.

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. Under the Code of Practice:

- excavated materials that are recovered via a treatment operation can be re-used on-site providing they are treated to a standard such that they fit for purpose and unlikely to cause

pollution

- treated materials can be transferred between sites as part of a hub and cluster project
- some naturally occurring clean material can be transferred directly between sites.

Contaminated soil that is, or must be disposed of, is waste. Therefore, its handling, transport, treatment and disposal is subject to waste management legislation, which includes:

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

Foul drainage

We note the application states foul drainage is to go to mains. Should this change, we would wish to be consulted.

Pollution Prevention

Please note that all precautions must be taken to avoid discharges and spills to the ground both during and after construction. For advice on pollution prevention– General guide to prevention of pollution”, which can be found at:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/290124/LIT_1404_8bdf51.pdf

7.06 KCC Ecology Officer

We have reviewed the ecological information which has been submitted with the planning application and we are satisfied with the conclusions of the submitted report and we advise that sufficient information has been provided to determine the planning application.

Great Crested Newts

No specific GCN surveys were carried out as part of this planning application – instead the ecologists reviewed the existing GCN data (surveyed 2008 to 2014) to assess the impact on GCN from the proposed development. The submitted information has concluded that it is likely that GCN are present within the site and an EPS licence will be required to carry out the works.

The finalised mitigation strategy must be informed by updated GCN surveys. Ideally the surveys should have been updated as part of this planning application – however we accept the ecologists reasoning about why, for this application, this is an appropriate approach. The reasons are as follows:

- The regular surveys carried out since 2008 provide a good understanding of the GCN population within the area
- The site is mostly arable – which provides limited foraging habitat
- The ponds will be retained and a large area of the proposed development site will be enhanced to provide optimum GCN habitat.

In addition to the information submitted with this planning application we have also re-reviewed the ecological survey information submitted with planning application 14/503960/OUT. The survey results confirm the conclusions of the ecological survey submitted with this planning application.

If there was not such good understanding of GCN population within the surrounding area and the site contained optimum GCN habitat we advise that this approach would not be acceptable.

We advise that if planning permission is granted a detailed GCN mitigation strategy must be submitted as a condition of planning permission.

Bats

The existing survey data has been reviewed and assessed that bats are likely to forage along the boundaries within the proposed development site. The housing area is located

along the southern and western boundary and it is this area where foraging bats are likely to experience the greatest impact due to an increase in lighting.

The lighting for the development must be designed to ensure that the impact on foraging and commuting bats is minimal.

A large area of open space is proposed as part of the proposed development and we agree with the conclusions of the proposed report that it is likely to benefit foraging /commuting bats -we recommend that this area has minimal lighting (if at all).

We recommend that if planning permission is granted a detailed lighting scheme (with input from their ecologist) is submitted as a condition of planning permission.

Three trees were identified within the survey as having suitable features for roosting bats – as the trees will not be lost as a result of the development and not be impacted by the proposed construction works we are satisfied with the conclusion that emergence surveys are not required.

Breeding Birds

The survey was carried out during 1 visit in October 2015. As such we don't think that the submitted report can assess from one visit that farmland birds are not present within the site.

However we have reviewed the information submitted by the applicant and we accept that there is no requirement for specific breeding bird survey to be carried out.

The proposed development will result in an increase in nesting habitat for some breeding birds (in particular those which nest in hedges etc) but we recommend that the finalised landscaping scheme is designed to increase foraging habitat for any ground nesting birds within the surrounding area.

Badgers/Reptiles

The report has made some precautionary mitigation to minimise the potential for the proposed works to avoid impacting reptiles/badgers.

The precautionary mitigation detailed within the report must be incorporated into the construction management plan to ensure that it is implemented.

Enhancements

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

An area of open space is proposed to be created if planning permission is granted and it has been designed to ensure that it creates ecological enhancements.

If planning permission is granted we would expect a detailed management plan to be produced as a condition of planning permission – the management plan must include the following:

- Details of how it will be established
- Long term management
- Monitoring and reviewing.

This response was submitted following consideration of the following document(s):

Ecological Appraisal; Aspect Ecology; November 2015

Preliminary Ecological Appraisal, Dormouse, reptile and Amphibian Survey; Flag Ecology; 12th September 2014

Bats and Lighting in the UK

Bat Conservation Trust and Institution of Lighting Engineers

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.

7.07 Kent Wildlife Trust

I have no objection in principle to the development proposals. However, planning permission should not be granted unless and until the applicant has confirmed a commitment to draw up and implement a detailed and fully-funded management plan (and monitoring programme) for all undeveloped habitats on the site.

The applicant's submission should incorporate a statement of objectives for the management plan that demonstrate a principal function of the undeveloped areas being to enhance local biodiversity.

I object to the grant of planning permission in the absence of such a commitment.

7.08 KCC Highway Services

The applicant has now undertaken a cumulative assessment of all committed development in Headcorn and I write to confirm that I am satisfied that signal control of the Kings Road/North Street/Moat Road/Mill Bank crossroads will operate satisfactorily for a scenario entailing all committed development at a forecast year of 2019. The junction simulation analysis indicates that the junction would operate at a 61% degree of saturation with maximum average queue lengths of less than 4 passenger carrying units (pcu's) per arm in the peak hour periods.

The committed development traffic adds 68 morning peak movements northbound onto the A274 at Mill Bank with this development adding a further 9 movements. In the evening peak the northbound movements on Mill Bank are 33 movements added from committed development and a further 4 movements added from this proposal. The National Planning Policy Framework (NPPF) states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. Whilst this is a relatively small site, and located remotely from South East Maidstone, your Members should be made aware that this site will contribute to the cumulative growth in traffic on the A274 corridor. However, given the low numbers quoted, (estimated 9 additional vehicles in the am peak hour and 4 additional vehicles in the pm peak hour), I am not able to conclusively prove that it will result in a net impact on congestion that could be described as "severe". It is not considered therefore that the highway authority would be able to sustainably object to this proposal in terms of trip generation.

Significant further work has also been undertaken regarding the necessary visibility splays for a safe access to the site. The transport consultant's drawing number 617221/SK08 shows a visibility splay of 97m to the right when emerging which I consider is adequate and commensurate to the vehicle speeds measured. The alignment of the road and position of the proposed access is such that visibility to the left when emerging is amply beyond what is needed. Construction of the access will require the applicant to enter into a section 278 agreement with this authority. I note that the base of drawing 617221/SK08 is a topographical survey and I am confident therefore that only minor trimming of the boundary hedge will be required to obtain an appropriate unobstructed view to approaching traffic.

This application will extend the boundary of the built up area of Headcorn on Lenham Road (beyond that of other applications opposite) and it is considered that the 30mph speed limit should be appropriately extended to signify this change in environment. From a study of the speed survey readings it is also considered that installation from this development of an interactive speed limit sign would be helpful as an initial reminder (when activated) of the speed limit to westbound traffic approaching Headcorn on Lenham Road. Should this application be approved it would be helpful if a condition could be included requiring the applicant to undertake this work (to its best endeavours) through the County Council's procedures for implementing traffic orders by 3rd parties.

Adoption of the internal roads will of course require the applicant to enter into a section 38 agreement with this authority.

7.09 **MBC Park and Leisure**

A development of this size should provide a LEAP and a LAP as guided by the Fields in Trust. It is noted that the development provides a considerable area of open space however there is a distinct lack of formal open space.

When we make requests for financial contributions towards offsite open space the standard amount is £1575 per dwelling. This is based on there being no onsite provision whatsoever and where this is some provision made then the financial request per dwelling is reduced accordingly and is based on 5 types of open space being provided.

In this instance we are looking at the shortfall in provision of a LEAP. The estimated cost for a high quality LEAP is £160,000 – this is based on the cost to install the LEAP at Giddyhorn Play Area.

The £160,000 cost is based on per 1000 population and so would reduce to £160 per individual or £384 per dwelling (*2.4)

We would therefore request a financial contribution of $£384 * 57 = £21,888$

We would request that any offsite contribution be utilised towards improving and replacing the play area equipment and associated facilities situated at Hoggs Green.

7.10 MBC Heritage and Landscaping

There are significant trees on this site and a number of individual trees are protected by TPO No.11 of 1982.

It should be noted that the submitted Landscape Appraisal is essentially an assessment of internal and short distance viewpoints, rather than a more detailed landscape and visual impact assessment.

In terms of the landscape capacity study guidance it is considered that the following mitigation requirements apply:

- Retain and strengthen hedgerow boundaries
- Retain mature collection of trees with TPO status on an open space within any further development
- Retain and utilise ponds to create open space and landscape
- Consider views from, and the character of, public footpath running through site and strengthen connectivity via public rights of way with Headcorn centre
- Redefine settlement edge and create sensitive urban/rural interface
- Strengthen public right of way links to Headcorn centre.

Whilst the current layout is indicative, the proposed density of development and landscape masterplan is acceptable in principle subject to landscape details. I therefore raise no objection on arboricultural grounds.

7.11 Environmental Health

Given the sensitivity around flooding in the area, the sustainable drainage system should be required as a condition as should its continued use.

REQUESTED CONDITIONS: HOURS OF WORKING (CONSTRUCTION)

No construction activities shall take place, other than between 0800 to 1800 hours (Monday to Friday) and 0800 to 1300 hours (Saturday) with no working activities on Sunday or Bank Holiday.

In addition to these hours of working the Local Planning Authority may approve in writing a schedule of activities where it is necessary to conduct works outside the hours specified in this condition where road closure or similar is needed or for safety reasons.,

LAND CONTAMINATION

The development hereby permitted shall not be commenced until the following 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) Further work is needed to determine the area impacted by the potential arsenic contamination and to produce a remediation method statement (RMS) and carry out a site investigation, the risk to all receptors that may be affected, including those off site and those involved in the development of the site. This is to take into account the proposed development and potential soil movement during the development phase.

2) The RMS 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 3. This should include details of any post remediation sampling and analysis, together with documentation certifying quantities and source/destination

of any material brought onto or taken from the site. Any material brought onto the site shall be certified clean;

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

7.12 Kent Police Crime Prevention

I have considered the planning application detailed above with regards to Crime Prevention Through Environmental Design (CPTED) matters, in accordance with the DCLG Planning Practice

Guidance March 2014 (Paragraphs 10 & 11) – Crime Prevention and the Kent Design Initiative (KDI) –

Design For Crime Prevention document dated April 2013.

(DCLG circular 01/06) sets out what needs to be included in a design and access statement. Statements should consider design issues and how development can create accessible and safe environments, including addressing crime and disorder and fear of crime.

The applicant/agent has taken into considered crime prevention (see D&AS Section3 page 39 NPPF para58 point 5 and page 45 Section5 Crime Prevention) I was pleased to see that they had incorporated the principles of CPTED into their design and layout, the disappointing fact is that they have not consulted with us so we cannot fully address crime prevention and designing out for crime at this time.

As they have not consulted with us we suggest that an informative would be a suitable way to address and remind the applicant/agent that prior to the submission of an application for the reserved matters that it may be necessary for them to consult with Kent Police

Note: If an informative is used we suggest something similar to the below

Prior to the submission of any reserved matters application, the applicant, agents, or successors in title, are encouraged to undertake pre-application (reserved matters) discussion with the local Planning Authority. As part of this pre-application discussion, it may well be necessary to consult with external bodies such as Kent Police Crime Prevention Design Advisors (CPDAs) to ensure that a comprehensive approach is taken to Crime Prevention and Community Safety.

The contact details of the Kent Police CPDAs are; John Grant & Adrian Fromm, Kent Police Headquarters, Sutton Road, Maidstone ME15 9BZ email: pandcr@kent.pnn.police.uk Tel No- 01622 653209/3234.

7.13 KCC Public Right of Way

The development is crossed by Public Right Of Way(PROW) Footpath KH587. The location of this footpath is indicated on the attached map extract. The existence of the right of way is a material consideration.

The Definitive Map and Statement provide conclusive evidence at law of the existence and alignment of Public Rights of Way. While the Definitive Map is the legal record, it does not preclude the existence of higher rights, or rights of way not recorded on it.

I note that the indicative plans show the PROW recorded in the wrong place on plans attached to the application. There is a path recorded on some base mapping which may have caused this confusion. I note that page 22 of the design and access guide gives a PROW location that is closer to that shown on my attached map than the other documents. As it appears the current legal line of the PROW is not to be obstructed then I do not object to the application.

7.14 MBC Housing

The development is for up to 57 dwelling units with the applicant proposing 40% affordable housing which equates to up to 23 dwellings.

The outline application is for a total of 57 dwellings, with 23 of the units being proposed as affordable which equates to 40%

The applicants have submitted an Affordable Housing Statement as part of their application. In this they acknowledge that:

- In accordance with extant Local Plan Policy AH1 (Affordable Housing), the proposal includes 40% on site affordable housing, equating to up to 27 no. dwellings.
- The provision of affordable housing will be secured through the inclusion of relevant clauses within the S106 Agreement.
- The proposed size split of the affordable units will be agreed at Reserved Matters Stage, informed by the latest evidence of housing needs.
- In accordance with the Affordable Housing DPD, 40% of the affordable housing will be intermediate housing. The remaining 60% will be social rented.
- Appearance is a reserved matter for later determination. House types will therefore be agreed at a later stage; nevertheless, the affordable units will be designed so as not to be visually discernible from the market dwellings.
- Layout is a reserved matter for later determination; however the site is of a size which will allow the affordable housing to be distributed across the site in small clusters so as to create a sustainable and integrated community.

Housing acknowledge that several matters, including the layout, size and tenure mix of the affordable units will be reserved for future determination and would encourage the applicants to contact us so a suitable mix for all parties can be agreed.

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 (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 | 7 | 5 | 2 |
| 2 Bedroom | 9 | 5 | 4 |
| 3 Bedroom | 6 | 3 | 3 |
| 4 Bedroom | 1 | 1 | 0 |
| Total | 23 | 14 | 9 |

There is currently no identified need for 4 bed, shared ownership units.

In terms of unit sizes, we would be looking for a range of 2-bed 3 and 4 person dwellings, as well as 3-bed 5 and 6 person dwellings, with preference for the 4 and 6 person dwellings to help maximise occupancy, in accordance with need.

The affordable units should ideally be spaced throughout the development.

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.

7.15 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 sewers, or improvements to existing sewers, will be required to provide sufficient capacity to service the development.

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).”

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 arrangements 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).

7.16 Agricultural Advisor:

The site is mainly Grade 3b (moderate quality) and therefore outside the "best and most versatile" category.

7.17 UK Power Networks: Has no objection to the proposed works.

7.18 Natural England: Has no comments to make on this application.

7.19 KCC Flood Risk Project Officer

Kent County Council as Lead Local Flood Authority are pleased to note the inclusion of open drainage features to provide treatment, conveyance and storage of surface water run-off, prior to a controlled discharge off-site. We also note the inclusion of source control features such as areas of permeable pavements for additional source control.

We have no objection to the development provided the discharge rate to the receiving ordinary watercourse within the site is no higher than the greenfield run-off rate (for all storms up to and including 1in100yr + CC) and is capped at a maximum of 7l/s/ha as per guidance from the UMIDB. Please note that any works affecting the ordinary watercourses on site (such as for the site access and construction of outfall features) may require consent from KCC as LLFA.

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

(i) Development shall not begin until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall be based on the submitted flood risk assessment and drainage strategy, and shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100yr storm) can be accommodated and disposed of without increase to on-site or off-site flood risk. The discharge from the development to the ordinary watercourse should be no higher than greenfield run-off rate up to a maximum of 7l/s/ha as required by the UMIDB.

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

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

Reason:

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

7.20 Southern Gas Network
There is no gas pipe line in front of this site.

BACKGROUND PAPERS AND PLANS

The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing no BRS.6203_04F 1; Landscap Master Plan 2169/15/B/4 Rev Landscape Appraisal 2169/15/B/3 Access Design 617221/SK04 Rev.....; Site Location Plan BRS.6203_05A; Context Plan BRS. 6203_01C; Agricultural Land Consideration November 2015 by Kernon, Transport Assessment October 2015 by MLM; Ecology Appraisal by aspect ecology November 2015; Affordable housing Statement November 2015; Flood Risk Assessment November 2015 by Clive Onions, Tree Survey November 2015 by LaDellwood; Planning Statement by Pegasus Group November 2015, 2015Design and Access Statement November 2015

8.0 APPRAISAL

Principle of Development

8.01 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.”

- 8.02 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.
- 8.03 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.
- 8.04 In terms of other material considerations, the National Planning Policy Framework (NPPF) is a key consideration, particularly with regard to housing land supply. Paragraph 49 of the NPPF states that:-
“Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five years supply of deliverable housing sites.”
- 8.05 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 (OAN) 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. Since that date revised household projection figures have been published by the Government and as a result the SHMA has been re-assessed. At the meeting of the Strategic Planning, Sustainability and Transport Committee on 9 June 2015, Councillors agreed a new OAN figure of 18,560 dwellings.
- 8.06 The new Local Plan has advanced and is out to Regulation 19 publication being the Plan that the Council considers is ready for examination. The Plan is scheduled for submission to the Planning Inspectorate for examination in May 2016, with the examination expected to follow in September. The Plan allocates housing sites considered to be in the most appropriate locations for the Borough to meet the OAN figure, and will enable the Council to demonstrate a 5 year supply of deliverable housing sites when it is submitted to the Inspectorate in May. Clearly the Local Plan is gathering weight as it moves forward, but it is not considered to have sufficient weight to rely solely on to refuse or approve a planning application.
- 8.07 Notwithstanding this, it remains the case the most recently calculated supply of housing, which assesses extant permissions and expected delivery, is from April 2015. This demonstrates a 3.3 year supply of housing assessed against the OAN of 18,560 dwellings. A desk based review of housing supply undertaken in January 2016 to support the Regulation 19 Local Plan housing trajectory suggests that there remains a clear and significant shortfall of supply against the five year requirements.
The Council's five year supply position will be formally reviewed in April/May in order to support the submission of the Local Plan to examination in May. Before the Local Plan is submitted however, the Council will remain unable to demonstrate a 5 year supply of deliverable housing sites.
- 8.08 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.”

- 8.09 In respect of the circumstances of the specifics of this case, the proposal site is located to the north east corner of Headcorn village and less than 600m walking distance from the centre of Headcorn, which is identified as a Rural Service Centre (RSC) in the Regulation 19 Local Plan under policy SP3. Headcorn provides a diverse range of key services including a primary school, shops, restaurants, doctors surgery which are easily accessible on foot or by cycle as well as availability of good public transport including rail link and bus service. These facilities would require improvement or upgrade commensurate with any increase in population.
- 8.10 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. They have been identified as such for their accessibility, potential for growth and role as a service centre for surrounding areas. They act as a focal point for trade and services by providing a concentration of public transport networks, employment opportunities and community facilities that minimise car journeys". The application site is therefore considered to be in a sustainable location in terms of the NPPF..
- 8.11 Regulation 19 has identified a number of sites for housing development in Headcorn and this site is not one of them. However, In the light of the above mentioned shortfall of five year housing land supply, bringing forward development on this sustainably located site immediately adjacent to a rural service centre would assist in helping to meet the shortfall and it is considered this to be a strong material consideration in favour of the development Notwithstanding that this site has not been identified in the Regulation 19 for housing, 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.
- 8.13 Headcorn Parish Council has objected to this application and stated that it should be refused as it is in conflict with the emerging Neighbourhood Plan. Whilst this statement is correct and the NP is at fairly advanced stage, it has just come out of 6 weeks Regulation 16 consultation process and yet to go through the independent examination stage and referendum process. Therefore there are still a number of key stages for NP to go through. It is therefore considered that although Headcorn NP is a material consideration, in its current stage it is not grounds to refuse planning permission. Moreover the Council cannot meet its 5 years housing land supply and some of its housing supply policies are out of date, similarly the same applies to the NP policies.
- 8.14 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)*
- 8.15 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.

- 8.16 Having regard to the above ground, it is considered that the policy principle of residential development at this sustainable 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. Below the key planning issues pertaining to this case comprising visual/landscape impact, residential amenity, access/highway safety, infrastructure, drainage/flood risk, ecology are assessed.

Design and layout

- 8.17 The application is in outline with all matters reserved save for the access. As such the drawings in term of layout that have been submitted are illustrative in form and designed to show how a development of 57 dwellings could be accommodated on the site, Public open space is provided and existing public right of way on site are safe guarded.
- 8.18 The indicative plan proposes an area of public open space to the north and east of the site which covers about 4.73ha and would provide amenity space, LEAP, attenuation basin and ponds. The existing hedgerow along the southern, northern and eastern boundaries would be retained and where necessary enhanced with additional trees and hedgerow planting and ecology mitigation added.
- 8.19 The proposed houses would be clustered along the south and west corner of the site adjacent to the recently approved houses to the west under ref 14/505162 and as such would not represent a linear development along Lenham Road frontage. Also the plan shows that the houses would be set well away from the hedgerow along the southern boundary thus minimising the visual impact of the development when viewed from the road and from the south as well as from long and medium distance views. It is proposed that the building heights would be 2 storey across the site, the exact details of which will be determined at the reserved matters stage and slab levels will also be considered in conjunction with these details. In general terms the arrangement of houses is considered acceptable and the indicative layout demonstrates the number of dwellings can be accommodated on site with legible routes throughout.
- 8.20 Moreover the proposed 4.73 ha of public open space amenity area to the north and east would help to ensure a soft and clear edge to this development and this corner of the village and would enhance the amenity provision for the residents of the development and the village.
- 8.21 The proposal shows the position of vehicular access to this site to be towards the south eastern corner of the site with pedestrian access and PROW from the south western corner of the site. This would provide good connectivity for those wishing to access the residential area and /public open space and the PROW. Moreover, given the pedestrian access point to the site from the south west corner, it is considered that the lack of pavement on either side of Lenham Road along the application site frontage with Lenham Road would enhance the site permeability to pedestrians and cyclists.
- 8.22 The NPPF attaches great importance to the design issues of the built environment and considers good design to be a key aspect of sustainable development. The proposed development has been designed to maximise the use of existing features, like trees, edges and water pond to complement and enhance the environmental quality of the development.
- 8.23 It is considered that the proposed development would not appear incongruous when viewed from the road, public footpath and the surrounding area and a detailed layout, design and landscaping would be fully assessed under a reserved matter application(s) to ensure an appropriate appearance, house design, finished materials and landscaping is achieved to facilitate good connectivity and integration with the built up area and wider countryside.
- 8.24 The proposed layout involves a single access starting along the south east part of the site moving west and northward with all residential development to the south and west of the proposed road and access to the properties would be either directly from the main road or via a series of informal private drives or spur roads providing access to the houses.
- 8.25 The houses along the frontage with Lenham Road would be set well back behind the existing substantial hedging thus giving the development established soft landscaped frontage and maintain the rural character of this section of Lenham Road.

- 8.26 It is considered that there will inevitably be some visual impact as the openness of part of the site will be replaced by the proposed houses and will change from grazing use to a residential one. However it is considered that the development would not appear visually prominent or intrusive in the wider landscape due to domestic scale of the development against the backdrop of the similar scale housing to the west and south and substantial public open space and landscaping area to the east and north. Furthermore a landscaping condition would ensure additional landscaping to be carried out within the site and around the site boundaries in order to further soften the impact of the development.
- 8.27 The proposed layout shows a substantial sized water feature and amenity areas along the eastern and northern part of the site. It is considered that this aspect of the proposal together with existing trees and hedging would bring about a visual enhancement and an attractive living environment and finished edge to the development. It is further considered that this arrangement would encourage habitat for diverse ecology of the locality. It is therefore important to ensure that native plants are used in the landscaping of the gardens of the dwellings and the public amenity area in order to ensure that ecologically balanced and sustainable habitats are created for enjoyment of the residents and users of the footpath, public open space and wildlife.
- 8.28 In conclusion, it is considered that the scale and particular location of the proposal are such that its impact are likely to be limited to the immediate surroundings. Furthermore, the impact of the development could be mitigated significantly 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 rural surroundings. A landscaping condition and a condition requiring the submission of external finished materials to secure these are recommended.

Landscaping and Visual Impact

- 8.29 Landscaping is a matter reserved for future consideration. However the indicative plan submitted shows the proposal seeks to retain the existing boundary hedgerows, save for the location of the access route into the site and where necessary additional native trees and hedgerows will be planted to plug the gaps and complement the development and wider landscape.
- 8.30 The site is currently a green field and its development for residential would have some visual impact. It is important to assess the impact in its setting and wider surrounding context. The existing boundary hedgerow along the southern, eastern and northern parts of the site will be retained and enhanced with further planting of native species to mitigate ecological impact as well as visual. The indicative layout plan shows a large public open space to the north and east of the site and housing development to the south and west and those along the Lenham Road would be set back from the road so that less visual intrusion occurs. Additional landscaping would be secured as part of reserved matters.
- 8.31 It is acknowledged that there will be some impact from the development on the rural character of part of PROW which runs through the site and part of the path will be hemmed in by proposed houses. However this will be very limited as there will not be any diversion to the route of the path and the proposal would ensure the path retains its open character when it runs through the proposed public open space to the north and east.
- 8.32 The provision of public open space to the north and east of the site is considered to provide a strong landscape buffer between the proposed residential part of the site and the surrounding countryside and would aid to limit the visual impact of the development on the open countryside.
- 8.33 The application site is located within the Special Landscape Area and this policy seeks to protect and conserve the scenic quality and character of the SLA. As stated above the proposal will have some impact on the character of the area, however, it is considered that this impact would be limited having regard to the residential development to the west and south, the retention of existing hedgerows to the south, west and north, allocation of over 4.07ha public open space to the north and east, and the introduction of additional landscaping. On balance it is considered that the development would not appear as an intrusive form of development in this location, moreover, at reserve matter stage it would be necessary to fully

assess the scale, external appearance and landscaping to ensure the development integrate well with its wider surrounding.

- 8.34 Overall it is considered that the proposal would cause a low level of visual harm and conflict with policy ENV34. However, the proposal would seek to enhance the existing landscape by retention of the existing hedgerows, trees and ponds on site and by designation of 4.07 ha of land to the north and east as a public open space. The measures proposed would help to provide an attractive interface between the settlements urban and rural areas. On balance, it is considered that the development is acceptable in landscape terms and that with a suitably worded landscape management strategy and secured through the s106 legal agreement, the proposal would be acceptable.

Impact on local Ecology

- 8.35 The NPPF, Local Plan and emerging plan all seek to protect and enhance the natural environment. Applications that adversely affect the natural assets and for which mitigation measures appropriate to the scale and nature of the impact cannot be achieved will not be permitted.
- 8.36 The application has been supported by an Ecological appraisal report. Ecological surveys have been carried out including species surveys for bats, GCN, reptiles, and aquatic invertebrates. Surveys confirmed the site is arable limited presence of GCN. The proposals will not harm any ecological designations, habitat of nature conservation interest or any protected species. The proposal will enhance biodiversity in the area by creation of wetland and wild flower, grassland and bolstering of existing hedgerows which will benefit the local Great Crested Newts population as well as wildlife.
- 8.37 The KCC Ecology officer has confirmed that there is no objection to the development subject to conditions regarding Ecological Design Strategy and a Landscape and Ecological Management Plan. It is also expected that the applicant demonstrates funding arrangement for the implementation, up keep and management of the designated ecology schemes as stated in the Ecological Appraisal report submitted with the application. The issue of funding and long term management will be addressed through long term maintenance and management of the landscaped areas, SUDS, ponds and swales. Funding for long term management of these areas will be secured by an appointed management company through a levy against each dwelling on site. This can be secure via s106.
- 8.38 It is important to note that this application is in outline and landscaping, appearance and design are reserved matters and will be subject to planning conditions for submission later. It is considered that a planning condition would be imposed regarding swift brick and ecological protection measures.

Drainage and flood Risk

- 8.39 The Parish and local residents have raised the issue of foul water drainage in the village and Southern water has stated that the proposal would increase flows to the public sewerage system, and as a result additional off site sewers, or improvements to existing sewers, will be required to provide sufficient capacity to service the development.
- 8.40 The applicant discussed this proposal with Southern Water and the proposed foul water flow in this development would be gathered in a conventional gravity drained system, and conveyed to a pumping station in a suitable location on the site and from the pumping station to a manhole point of connection. Manhole TQ83445503 which is near the application site has been identified as the connection point. It is expected that the proposal would add a small increase in output to the Moat Road pumping station that Southern Water to offset the additional foul flow.
- 8.41 The Surface Water Strategy and the Flood Risk Assessment submitted have been considered by the KCC SUDs officer; who is pleased to note the inclusion of open drainage features to provide treatment, conveyance and storage of surface water run-off, prior to a controlled discharge off-site and the inclusion of source control features such as areas of permeable

pavements for additional source control. The KCC officer therefore has no objection to the proposal subject to the conditions recommended

- 8.42 The Environmental Agency also has assessed the environmental implication of this development and are not opposing the construction of a pond on this site and do not object to the development provided an informative dealing with the issues of waste and pollution is imposed.
- 8.43 Section 98 of the Water Industry Act 1991 provides a legal mechanism through which the appropriate infrastructure can be requested. Southern Water requests that an informative setting out the need for the applicants to enter into formal agreement with them should be attached to any formal grant of planning consent. Also to ensure that the necessary foul water infrastructure measures are in place before the proposed dwellings are occupied it is considered appropriate to add a planning condition accordingly.

Heritage issues

- 8.44 There is no listed building or heritage asset on or adjacent to the application site, however Kent County Council archaeological officer has referred to potential archaeology on this site and has recommended that a condition be imposed in this regard.

Residential Amenity

- 8.45 Residential properties to the west would be separated from the application site by the existing boundary hedge and the public right of way and from south by the boundary hedge, width of Lenham Road and the set-back of the houses from the site boundary. It is considered that these separation distances and the fact the building height would not exceed 2 storey's that the proposed development would not cause any detrimental harm to the outlook, privacy, day light or sunlight of the adjoining properties.
- 8.46 This application is in out line and details regarding amenities of the future occupiers and adjoining properties will be fully considered at the reserved matter stage.

Affordable Housing

- 8.47 Affordable housing on this site would be 40% (23 dwellings) of the development. Council Housing section has not raised any objection. Although no detail regarding the location and external design of these dwellings have been submitted policy AH1 of Maidstone Council Affordable Housing Development Plan Document 2006 and policy DM13 of Regulation 19 require that affordable housing provision be appropriately integrated within the site. Such matters will be assessed at the reserves matters stage.

Highways

- 8.48 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.
- 8.49 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.
- 8.50 Concern has been expressed with regard to the impact on the existing road network. Local residents are concerned that the proposal will increase the risks on the public highway. The submitted highway report has been assessed by KCC Highway Services and their views have been reported in this report.
- 8.51 The proposal would provide a single vehicular access to the site from Lenham Road. KCC Highway Services is satisfied that adequate sightlines can be achieved without loss of the boundary hedge. It is also considered that an extension to the speed limit in Lenham Road further east to be acceptable. It is considered that the 30mph speed limit should be appropriately extended to signify this change in environment. From a study of the speed sur~~186~~ readings it is also considered that installation from this development of an interactive speed limit sign would be helpful as an initial reminder (when activated)

of the speed limit to westbound traffic approaching Headcorn on Lenham Road. These works will require the applicant to enter into a Section 278 agreement with the highway authority.

- 8.52 Having regard to the above it is considered that the proposal to be acceptable with regard to highway safety.

Planning Infrastructure Contribution

- 8.53 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.

- 8.54 Section 123 of the Community Infrastructure Levy (CIL) Regulations 2010 came into force on 6th April 2015 and means that planning obligations are limited on their pooling 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.

- 8.55 The following contributions have been sought.

- The provision of 40% affordable housing equates to 23 dwellings within the application site of which 1 dwelling to be Wheelchair Accessible Home.
- Primary Education @ £19,047.62 x (16 pupils) = £304,761.92 towards the second phase of permanently expanding Headcorn PS from 1FE to 2FE.
- Primary Land @£3,184.60x(16 pupils)= £50,953.60 towards the cost of acquiring additional land to accommodate the expansion of Headcorn PS
- Secondary education @ £11,799x (11 pupils)= £129,789.00 towards the expansion of the second phase of Maidstone Grammar School
- Libraries £2736.90 - towards bookstock for the new residents of this development to Headcorn Library.
- Youth service £483.66 towards equipment to expand the range of youth focused activities able to take place at the Village Hall, to be utilised by KCC's commissioned youth worker.
- Community Learning £1749.70 towards the cost of commissioning adult and community learning classes within the village, including rental of space and equipment required.
- MBC Park and Leisure has requested a financial contribution I contribution of £384 x 57 = £21,888 based on a shortfall towards improving and replacing the play area equipment and associated facilities situated at Hoggs Green.

- 8.56 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

Other Benefits

- 8.57 Paragraph 47 of the Framework highlights the need for the supply of housing to be boosted significantly. It is accepted that the Council cannot demonstrate a five-year supply of deliverable housing sites and that there is a significant and serious shortfall of housing when tested against the Council's proposed housing target. There is also a rising and substantial need for affordable housing in the Borough. Against this background, the provision of up to 57 houses, with up to 40% (23 houses) of those affordable homes, is a matter that attracts significant weight in favour of the proposal.

- 8.58 Moreover, paragraphs 18 and 19 of the NPPF are very clear that the Government is committed to securing economic growth in order to create jobs and prosperity and to ensuring the planning system does everything it can to support sustainable economic growth. The proposal will generate construction jobs and economic activity. In the longer term, as the site is occupied, residents will add to local spending levels and help to boot local economy.

The Balancing Exercise

- 8.59 The proposed development would put additional pressure on the existing facilities, but this would be mitigated by the various measures set out above.
- 8.60 The proposal would have some adverse impact in landscape terms. It is considered that the provision of 4.07 ha of public open space, wetland and ecology area together with retention of existing hedgerows and trees would substantially help to offset the harm arising.
- 8.61 The provision of new open-market and affordable houses and the associated economic activity are very weighty matters in economic and social terms. In my view, the adverse impacts of the proposal, considered in their totality, do not significantly and demonstrably outweigh the benefits, when assessed against the policies of the Framework considered as a whole. On that basis, the proposal benefits from the presumption in favour of sustainable development

9.0 CONCLUSION

- 9.01 Whilst the proposed development conflicts with Local Plan Policy ENV28, it is important to note that the Council cannot at present demonstrate a 5 years supply of deliverable housing land supply. For the reasons set out above it is considered that the proposal is acceptable in the context of its surrounding in this large village and in compliance with NPPF.
- 9.02 The site is situated in a sustainable location adjoining the settlement boundary of Headcorn in the Local Plan, which offers a good range of facilities and services, and public transport links. The proposed public open space onsite would represent a natural edge to this part of the village with very limited localised visual protrusion into open countryside.
- 9.03 There are no highway objections and contributions would be secured to mitigate the impacts by providing signal control at the A274 crossroads junction in Headcorn. Also appropriate infrastructure would be provided and affordable housing. There are no ecology or amenity issues that cannot be mitigated by planning conditions.
- 9.04 The indicative layout design is considered to be of a good quality and the landscaping provision within the development site would create an attractive environment for future occupiers.
- 9.05 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.
- 9.06 This is a proposal that would deliver significant infrastructure improvement. 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.

10.0 RECOMMENDATION –

The Head of Planning and Development be given DELEGATED POWERS TO GRANT permission subject to the conditions and informatives set out in the below 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 followings:

- A Secure the following developer's conditions:

- The provision of 40% affordable housing equates to 23 dwellings within the application site of which 1 dwelling to be Wheelchair Accessible Home.
- Primary Education @ £19,047.62 x (16 pupils) = £304,761.92 towards the second phase of permanently expanding Headcorn PS from 1FE to 2FE.
- Primary Land @£3,184.60x(16 pupils)= £50,953.60 towards the cost of acquiring additional land to accommodate the expansion of Headcorn PS
- Secondary education @ £11,799x (11 pupils)= £129,789.00 towards the expansion of the second phase of Maidstone Grammar School
- Libraries £2736.90 - towards bookstock for the new residents of this development to Headcorn Library.
- Youth service £483.66 towards equipment to expand the range of youth focused activities able to take place at the Village Hall, to be utilised by KCC's commissioned youth worker.
- Community Learning £1749.70 towards the cost of commissioning adult and community learning classes within the village, including rental of space and equipment required.
- MBC Park and Leisure has requested a financial contribution / contribution of £384 x 57 = £21,888 based on a shortfall towards improving and replacing the play area equipment and associated facilities situated at Hoggs Green
- Secure long term Landscape, Ecology, Management, Maintenance of the public amenity area and on site play facility measuring 4.73 hectares.

B Conditions

- (1) No development shall take place until approval of the following reserved matters has been obtained in writing from the Local Authority:

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

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

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

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

- (3) Prior to the commencement of any works above damp proof course level, shall take place until schedule/samples of the materials (which shall include ragstone plinths on the properties fronting Lenham Road and the use of natural slate and timber boarding on the elevations of key buildings) and finishes to be used in the construction of the external walls, roofs, windows and doors of the development hereby permitted have been submitted to and approved in writing by the LPA. Development shall be carried out in accordance with the approved details.

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

Reason: To ensure a satisfactory appearance to the development.

- (4) Prior to the commencement of any works above damp proof course level, details of the proposed materials to be used in the surfacing of all access roads, parking and turning areas and pathways, and

the design of kerb-stones/crossing points which shall be of a wildlife friendly design, relating to the detailed element, shall be submitted to and approved by the local planning authority and the development shall be carried out in accordance with the approved details before the first occupation of the dwellings or as agreed in writing with the Local Planning Authority and maintained thereafter.

Reason: To ensure a high quality external appearance to the development.

- (5) Prior to the commencement of any works above damp proof course level, details of all fencing, walling and other boundary treatments shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details before the first occupation of the dwellings 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.

- (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 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 provide for the following:

- (i) Retention and enhancement of boundary trees and vegetation with new native tree and hedge planting and details of their protection (with temporary or permanent fencing) before and during the course of development.
- (ii) The provision of a native landscape buffer along the northern and eastern boundaries of the site to include tree planting.
- (iii) Native landscape planting between any boundary treatments and the site boundary.
- (iv) Native tree planting along streets within the site.
- (v) Details of the double hedge along the southern and western boundary.
- (vi) Native trees and landscaping for the public open space amenity area.
- (vii) Details of boundary treatments to include gaps to provide movement for hedgehogs.
- (viii) Details of wildlife friendly drainage.

Reason: To ensure a high quality design, appearance and setting to the development and in the interest of biodiversity.

- (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) 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.

- (9) Cordwood above 20cm in diameter from the site should be retained and placed within the site in locations and quantities to be agreed with the local planning authority prior to any tree felling take place.

Reason: In the interests of biodiversity and ecological enhancement in compliance with NPPF

- (10) No development shall take place until an Ecological Design and Management Strategy (EDMS) has been submitted to and approved in writing by the local planning authority. The EDMS shall detail the habitat creation and enhancement measures and the long-term management of habitats on the site and shall include the following:
- a) Purpose and conservation objectives for the proposed works;
 - b) Detailed design to achieve stated objectives;
 - c) Aims and measurable objectives of management;
 - d) Appropriate management prescriptions for achieving aims and objectives;
 - e) Preparation of a work schedule (including an annual work plan capable of being rolled forward over the duration of the Plan);
 - f) Procedure for the identification, agreement and implementation of contingencies and/or remedial actions where the objectives are not being met;
 - g) Details of the body/ies or organisation/s responsible for implementation of the plan.

The EDS shall 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.

- (11) No development shall take place (including any ground works, site clearance) until an Ecological Mitigation Strategy, addressing the ecological impacts identified in the Ecological Appraisal (FPCR, November 2015), has been submitted to and approved in writing by the local planning authority. The content of the strategy shall include the:

- a) Purpose and objectives for the proposed works;
- b) Detailed design(s) and/or working method(s) necessary to achieve stated objectives;
- c) Extent and location of proposed works, including receptor site creation, shown on appropriate scale maps and plans;
- d) Timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
- e) Persons responsible for implementing the works, including times when specialist ecologists need to be present on site to oversee works;;
- f) Ongoing monitoring provision.

The works shall be carried out strictly 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.

- (12) 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: For tree protection and to ensure a satisfactory external appearance to the development.

- (13) 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.

- (14) No development shall take place until a sustainable surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 100yr critical storm (including an allowance for climate change) will not exceed the run-off from the undeveloped site following the corresponding rainfall event, and so not increase the risk of flooding both on- or off-site.

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

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

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

- (15) The development shall not commence until details of foul water drainage, which shall include details of any necessary off-site improvements to the local network, have been submitted to and approved in writing with 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: To ensure that foul and surface water is satisfactorily managed and disposed off from the site and in the interests of protection of local wildlife.

- (16) 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.

- (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 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: In the interests of highway safety.

- (18) No external lighting equipment shall be placed or erected within the site until details of such equipment 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 the interests of biodiversity. The development shall thereafter be carried out in accordance with the subsequently approved details.

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

- (19) The details submitted pursuant to condition 1 shall show no buildings over a height of 2 storeys.

Reason: To ensure a satisfactory appearance to the development in its context.

- (20) The development shall not commence until detailed plans identifying road and footway widths, shared surface arrangements, junction layouts and parking and turning areas have been submitted and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of highway safety.

- (21) 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 to the satisfaction of the Local planning Authority. 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.

- (22) 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.

- (23) 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.

- (24) 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.

- 25) 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- installation from this development of an interactive speed limit sign.

iii-Construction of appropriate visibility sightlines on to Lenham Road prior to the commencement of the construction of dwellings.

iv- New dropped kerb crossings with the new vehicular access Road.

Reason: In the interests of highway safety.

- (26) None of the dwellings hereby permitted shall be occupied until underground ducts have been 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

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

Drawings: Location plan BRS.6203_05A1, BRS.6203_04F1 15/02/2016, access detail drawing 617221/SKL08 dated 03/03/2016; Landscape and Visual Appraisal drawing 2169/15/B/3 and the following supporting documents: Affordable Housing Statement by Pegasus Group dated November 2015, Tree Survey report by LaDellwood November 2015; Flood Risk Assessment and Surface Water Drainage Strategy November 2015; Ecology Appraisal Aspect November 2015; Transport Assessment by MLM October 2015.

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.

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 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.

4) Fuel, Oil and Chemical Storage

All precautions must be taken to avoid discharges and spills to the ground both during and after construction. For advice on pollution prevention, the applicant should refer to our guidance "PPG1 – General guide to prevention of pollution", which can be found at:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/290124/LIT_1404_8bdf51.pdf

5) Bats and Lighting in the UK

Bat Conservation Trust and Institution of Lighting Engineers

Summary of requirements

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

i. **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.

ii. **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) emits a minimal UV component.

- High pressure Sodium Lamps (SON) emits 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 location.

Case Officer: Majid Harouni



15/509684 Yonder Cottage

Scale: 1:1250

Printed on: 8/3/2016 at 20:10 PM

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REPORT SUMMARY

| | | | |
|---|--|--|---|
| REFERENCE NO - 15/509684/FULL | | | |
| APPLICATION PROPOSAL Replacement dwelling and proposed detached garage with office above. | | | |
| ADDRESS Yonder Cottage St Faiths Lane Bearsted Kent ME14 4JN | | | |
| RECOMMENDATION GRANT PERMISSION subject to planning conditions | | | |
| SUMMARY OF REASONS FOR RECOMMENDATION | | | |
| <ul style="list-style-type: none"> - There is no objection in principle to a replacement dwelling within this village settlement located within the Maidstone urban area. - The proposal would not result in any significant harm to the St Faiths Lane and Yeomans Lane street scenes or to the character and appearance of the area. - The proposal would not significantly harm the residential amenity of neighbouring occupiers. - The development would be acceptable in highway and parking terms. | | | |
| REASON FOR REFERRAL TO COMMITTEE | | | |
| Called in by Cllr Springett in order to enable residents to present their objections and to fully assess the impact on neighbouring amenity, the use of the garage and traffic and safety implications of the development. | | | |
| WARD Bearsted | PARISH/TOWN Bearsted | COUNCIL | APPLICANT Mr And Mrs Matt And Lucy Palmer AGENT Mr Paul Fowler |
| DECISION DUE DATE 12/01/16 | PUBLICITY EXPIRY DATE 09/02/16 | OFFICER SITE VISIT DATE 02/12/15 | |
| RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites): | | | |
| App No | Proposal | Decision | Date |
| No recent planning history | | | |

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.1 St Faith's Lane is a quiet no-through road in the centre of Bearsted, running parallel to Yeoman's Lane. The plot area in question is approximately 0.16ha in total. The site currently has a brick built bungalow set back from St Faith's Lane by approximately 30m, at an elevated position. To the rear, the bungalow is approximately 47m from Yeoman's Lane and the plot slopes down towards the road with a tree-lined boundary.
- 1.2 The front of the house has a tarmac drive with space for at least 4 cars. It also has a separate garage building to the right of the bungalow. Adjacent to the road, at the front of the plot, is an area of low level planting. This is overlooked by the adjacent property, Westways, a large 2 storey detached house to the north, which is approximately 11m from the boundary and set nearly 20m closer to the road than Yonder Cottage. Downs View is directly adjacent to Yonder Cottage to the south and is located approximately 2.5m from the boundary. This building is set approximately 9m in front of Yonder Cottage and is a chalet bungalow with white painted brick elevations.

1.3 The surrounding area is residential in character but the building scale is varied along the road with a mix of chalet bungalows and two storey houses. The design is equally varied with some properties built to the local vernacular of tile hung elevations and others being much more modern, particularly at St Faith's Court to the north east.

1.4 The existing bungalow on the application site has an approximate ridge height of 5.2m, but is barely visible from the road due to its low height and the steep boundary at the entrance. There is very little vehicular traffic along the road itself due to lack of connectivity.

2.0 PROPOSAL

2.1 The proposal is for the demolition of the existing single storey bungalow and garage and replacement with a 2-storey dwelling (with accommodation in the roof) and a new detached garage the front of the site with an office in the roofspace.

2.2 The dwelling would be double fronted, with a large extent of glazing in the front and rear elevations. A balcony would be created at roof level, this would be set into the roof with a glazed balustrade and bi-fold doors leading from the second floor accommodation.

2.3 The proposal would result in the extension to the existing driveway.

2.4 The new garage would be set into existing ground levels by between 0.5-1m. It would have a footprint of approximately 10.9m in width and 7.1m in depth (including external staircase and log store). It would have a pitched barn hipped roof with an approximate eaves height of 2.3m and a maximum height of 6.4m (taking Ameasurement to the front of the garages). There would be three rooflights in the south-east facing building elevation, facing towards the dwelling itself.

2.5 Additional planting would be provided along the front boundary.

3.0 SUMMARY INFORMATION

| | Existing | Original Proposal | Amended scheme | Change Existing compared to amended scheme(+/-) |
|---|---------------|---|---|---|
| Car parking spaces | 5 | 7 | 7 | +2 |
| No. of storeys | Single storey | 2 storey (with accommodation in the roof) | 2 storey (with accommodation in the roof) | + 1 storey |
| Max height (measurement taken at front of property) | 5.4m | 10.7m | 8.9m | +3.5m |
| Max eaves height (measurement taken at front of property) | 2.5m | 5.2m | 5.2m | +2.7m |
| Max width (measurement taken at front of property) | 16.4m | 14.9m (excluding chimney) | 14.9m (excluding chimney) | -1.5m |
| Max depth (measurement taken at front of property) | 11.7m | 16m (including single storey rear projection) | 16m (including single storey rear projection) | +4.7m |
| No. of residential units | 1 | 1 | 1 | No change |
| No. of bedrooms | 2 | 4 | 4 | +2 |

4.0 PLANNING CONSTRAINTS

Within the settlement boundary of Bearsted and within the Maidstone urban area

St Faiths Lane is a Public Right of Way

5.0 POLICY AND OTHER CONSIDERATIONS

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

Development Plan:
Maidstone Borough-Wide Local Plan 2000
Policy H18: Extensions to Residential Properties
Policy T13: Parking Standards

Supplementary Planning Documents:
Residential Extensions SPD

Other documents:
Kent Design Guide Review: Interim Guidance Note 3 : Residential Parking

6.0 LOCAL REPRESENTATIONS

6.01 Bearsted Parish Council

Original consultation : Recommend refusal

- The proposed application is an overdevelopment for the site.

Re-consultation: No comments received

6.02 Adjoining neighbours were notified of the application as originally submitted and notified again on receipt of amended plans. A site notice was also put up at the site. 4 objections have been received in response to the original consultation (including two sets of objections that have been received from two households, total of 6 letters) these are summarised as follows:

- Concerns regarding the office operating as a business.
- Impact on St Faiths Lane (privately owned)
- Discrepancies between plans and difficult to understand
- 50% of height of the building would consist of the 3rd Floor
- Dwelling would be significantly higher than the existing dwelling and neighbouring properties
- Property would be visible to large section of the village
- Significant amount of parking to be provided
- St Faiths lane is used as an access route

5 further letters have been received following re-consultation, and in summary add the following:

- There is no material change to the scheme and continue to object
- Reference is made to applications recently refused in the area
- Increase in traffic
- Concerns that a business would operate from the property
- Impact on residential amenity

- 6.03 A letter has been received from the Bearsted and Thurnham Society concurring that they agree with the objections raised by residents.

7.0 CONSULTATIONS

- 7.01 No other consultees

8.0 BACKGROUND PAPERS AND PLANS

- 8.01 Application form
Design and Access and Planning Statement
Site Location Plan
Existing Site Plan
Existing Elevations
Existing Elevation and Floor Plan
Drg No. 15/615/02A (Proposed Plans & Elevations Replacement Dwelling)
Drg No. 15/615/03 (Proposed Plans & Elevations Garage)

9.0 APPRAISAL

Principle of development

- 9.01 The site falls within the urban area of Maidstone and therefore unlike sites found in the countryside there are no specific policies in the Local Plan that relate to the rebuilding of existing dwellings. The principle of a replacement dwelling in this location is considered acceptable subject to all other material considerations being satisfactory.
- 9.02 The main considerations are:
- The appearance of the streetscene and the character of the area.
 - The amenities of neighbouring residential occupiers and amenities of future occupiers.
 - Highways considerations

The appearance of the streetscene and the character of the area

- 9.03 Paragraph 17 of the NPPF sets out core planning principles, which include the following: *'always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.'*

Paragraph 56 sets out that: *'Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.'*

Paragraph 57 continues: *'It is important to plan positively for achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.'*

Paragraph 58 includes that planning policies and decisions should aim to ensure that developments: *'Establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit ; Respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation; Are visually attractive as a result of good architecture and appropriate landscaping.'*

Paragraph 64 set out that: *'Permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality of an area and the way it functions.'*

Policy H18 of the Local Plan relates principally to extensions to residential properties. Whilst the proposed scheme would be for a replacement dwelling, as the proposal effectively relates to the enlargement of the dwelling it is considered that a number of the points in the policy are pertinent. The policy states that proposals should be: *'Of a scale and design which does not overwhelm or destroy the character of the original property; and 'will complement the street scene and adjacent existing buildings and the character of the area.'*

- 9.04 There are no landscape designations associated with the site. The site is outside any conservation area, and there are no listed buildings in close proximity. The site is within the settlement boundary of Bearsted and in a sustainable location in the Maidstone urban area.

Replacement dwelling

- 9.05 With the size of the application site and the size of other properties on the road, it is considered that the principle of a larger building on the site is acceptable. It is highlighted that whilst the proposal would see the footprint of the building increase in size, there would be an overall decrease in the width of the dwelling. It is considered that the main issues relate to the design of the dwelling and whether the increase in height and bulk would be acceptable.
- 9.06 Firstly turning to design, it is noted that elements of vernacular architecture have been incorporated into the proposals; particularly the hung tiles and the local brick. As this road is already varied in its design, there is no one particular style that present would need to be recreated and it is considered that the principle of the overall design concept is appropriate.
- 9.07 The replacement dwelling would have an increased height to enable accommodation to be provided on three floors. In seeking to reduce the overall height the new dwelling would be set into the existing ground level by approximately 0.5m to the front of the property (reducing with the existing ground levels which fall rearwards). The scheme has been amended to lower the overall ridge height by approximately 1.8m.
- 9.08 The consequence of the lowered height and the retention of the original footprint is that a section of flat roof would be provided to the centre of the proposed main roof. The flat roof section is considered acceptable in this instance as it would be obscured from view by the set back from the front elevation, with the proposed projecting two storey elements to the front providing the greater visual focus to the front elevation.
- 9.09 On plan the front elevation of the proposed building would remain behind the front elevation of neighbouring properties. The applicant has also provided a proposed streetscene drawing that shows the height of the proposed building in comparison with the two neighbouring properties. The streetscene drawing shows that height of the building is appropriate for this location. Whilst the building is slightly higher than the building at Downs View the proposed building will be lower than the second adjoining building called Westways. In this context it is considered that the height of the building provides a transition between the buildings and is in keeping with the local area and with the streetscene.

9.10 When compared to St Faiths Road, Yeoman's Lane, to the rear of the property is a much more heavily used road, however due to the tree lined rear boundary and the gradient of the site it is considered that views from the rear would be limited. This is especially the case as the distance from the rear elevation to this boundary would remain largely unchanged from the existing property.

9.11 Concerns have been raised by the Parish Council and local residents that the proposed scheme would represent an overdevelopment of the application site. As outlined above the overall footprint of the proposed replacement dwelling is considered acceptable, the site represents a large plot and the proposed building is considered an appropriate scale for the size of the plot. It is considered that the cumulative size of the new house and garage is acceptable and the application site could accommodate this level of development without compromising the contribution the site makes to the character of the street scene and the overall context of the site.

Garage/office building

9.12 The Council's Residential Extensions SPD advises that in order to protect the street scene outbuildings should not normally be located in front of the building line. Whilst in this case the outbuilding is in front of the proposed house, with the staggered layout of neighbouring buildings the garage will still be located behind the front elevation of the neighbouring property at Westways. With the nature and layout of the site, the limited volume of traffic and the site levels, it is considered that the location of the proposed garage would be acceptable.

9.13 An outline landscaping plan has been provided which shows additional planting along the front boundary, this new planting coupled with existing planting would significantly screen the garage building from the road. It is recommended that further details of this landscaping be requested through a planning condition.

Overall

9.14 The application proposal relates to the replacement of a single dwellinghouse, with another single dwelling. There will be no increase in density on the site. Whilst the proposed dwelling and garage would be larger in overall scale than the existing bungalow, this is considered acceptable due to the modest nature of the existing dwelling and the scale of adjacent properties. The street scene has some existing variation in building design, size and appearance and the proposed building will add to this existing local character.

9.15 It has been demonstrated that further landscaping could be provided to enhance the site (especially fronting St Faiths Lane). The ground levels would be re-graded to allow the dwelling and garage to be set into the site. It is considered that these level changes can be accommodated without the need for significant retaining structures and in a manner that would be in keeping with the surrounding street scene.

9.16 Overall it is considered that the proposed replacement dwelling would be acceptable in terms of design and visual amenity and in relation to the impact on the street scene.

Amenities of neighbouring residential occupiers and amenities of future occupiers.

9.17 The nearest neighbouring properties are to the north-east and south-west of the application site. Other neighbouring properties are considered a significant distance

from the application site such that they would be unaffected by the proposed development.

- 9.18 Westways to the north of the application site is an existing detached two storey dwelling, sited to the northern corner of a large curtilage. This neighbouring building is sited further forward towards the site frontage than Yonder Cottage on the application site. The siting of the replacement dwelling would be closer to the neighbouring boundary; however a 2m separation distance would be maintained. The new dwelling includes side elevation windows facing towards Westways. The first floor side windows would be obscure glazed (and could be conditioned as such). It is considered that the new dwelling is acceptable in relation to residential amenity.
- 9.19 The proposed garage is sited approximately in line with the existing neighbouring building at Westways with approximately one metre separation from the boundary at the closest point. This boundary would be planted with a replacement hedge as part of the proposal. Due to the orientation of the garage, the side elevation of this building would face towards Westways. With the barn-hipped roof sloping away from the boundary it is considered that the proposed garage would be acceptable in terms of neighbour amenity.
- 9.20 Downs View is an existing chalet bungalow located to the south of the application site. The property benefits from a large footprint and curtilage. The dwelling is sited with a greater gap to the front of the property than the rear, and a minimum distance of 2m maintained between this property and the boundary with the application site. There are existing windows to the side elevation facing towards the application site, most notably a large picture window serving a dining room. The replacement dwelling would be sited 3.4m from the boundary with Downs View and located to the side of this adjacent dwelling.
- 9.21 After considering the orientation of the buildings, the relationship of the two sites (Yonder Cottage is to the north of Downs View), the separation distance from boundaries and the varied roof heights of the replacement dwelling it is considered that the proposal is acceptable in relation to the impact on the neighbours amenity. Particular concern has been raised by the neighbour regarding the impact on the side window of Downs View. The replacement dwelling would have an impact, however due to the window being recessed and the orientation of the site, light to this room is currently restricted and the proposed dwelling would not significantly cause additional loss of light or outlook due to the orientation, separation distance, boundary hedge and roof design.
- 9.22 The rear elevation of the proposed building would have a substantial amount of glazing with bi-fold doors and a glazed conservatory at ground floor, two sets of patio style doors at first floor (with Juliet balconies) and bi-fold doors at roof level serving an external, recessed balcony. A representation received from a neighbour has raised concerns regarding the impact of these windows in terms of overlooking and loss of privacy.
- 9.23 The quantity of glazing that is proposed is not uncommon on a house of this type and style which has a traditional design with a pitched roof and is less than that which is commonly provided in a more contemporary design. The front and rear elevations of the new building are orientated to the front and rear of the site to match neighbouring properties and the windows at first floor to the side elevation are fitted with obscured glass. The window openings to the rear elevation and recessed design at roof level would restrict views to the side.

- 9.24 The bi-fold doors at roof level would be set into the existing roof, set back from the eaves by approximately 3.2m, thus limiting the impact of this set of doors. The balcony itself would give rise to greater overlooking from a higher level, A planning condition is recommended requesting the submission details of further screening of the external area at roof level and to ensure that the flat roof at first floor level is not used as an external amenity space.
- 9.25 The development would provide an acceptable standard of accommodation for future occupiers. Overall it is considered that the proposed replacement dwelling would not cause significant harm to neighbouring residential amenity such that the application should be refused.

Highways considerations

- 9.26 Policy T13 of the Local Plan outlines that proposals should accord with adopted parking standards. These parking standards are contained in the Interim Guidance Note 3: Residential Parking. This sets out that in village locations for 4 bedroomed properties a minimum standard of 2 parking spaces shall be provided, it should be noted that garages are excluded from this provision.
- 9.27 The application site currently benefits from a large hardstanding area to the front of the property, accommodating parking for approximately 5 cars (as stated on the application form) and currently has an overprovision of parking from that set out in the guidance note for 2 bedroomed dwellings (set as a minimum of 1.5 spaces).
- 9.28 The driveway would be extended as part of the proposal to allow access to the proposed garage, however this extension would not in itself allow for a significant increase in parking provision. The existing garage would be replaced by a double garage, equating to a net increase of only one garage.
- 9.29 A local representation is highlighted regarding the increase in parking provision. In response it is considered that the increase is proportionate to the size of the replacement dwelling and would not significantly increase the existing parking provision.
- 9.30 The proposed access would re-use the existing access onto St Faiths Lane and is considered acceptable. There would remain adequate space in front of the property for vehicle parking and turning. The proposal would not result in significantly more vehicle movements in or out of the property, and therefore it is not considered that objection could be raised on highways ground.

Other issues

- 9.31 A representation that has been received raised concerns regarding the potential use of the home office above the garage for business use.
- 9.32 It is confirmed that the application does not propose any business or non residential use. The application relates to a replacement dwelling and does not include any alternative use. The annotation on the submitted drawing indicates that space would be used for an office in connection with the residential use.

10.0 CONCLUSION

10.01 The principle of the replacement dwelling is acceptable and the proposed design and appearance of the building would not harm the character or context of the site. The replacement dwelling subject to planning conditions will not cause harm to neighbouring amenity. It is considered that the proposed replacement dwelling would be in accordance with current policy and guidance.

11.0 RECOMMENDATION – GRANT PERMISSION Subject to the following conditions:

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

Reason: To comply with the requirements 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:

Drg No. 15/615/02A (Proposed Plans & Elevations Replacement Dwelling)
Drg No. 15/615/03 (Proposed Plans & Elevations Garage)

Reason: To clarify which plans have been approved.

(3) Prior to any works above damp proof course level, written details and samples of the materials to be used in the construction of the external surfaces of any buildings and hard surfaces shall be submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the approved materials. The submitted details and samples of the external facing materials shall include details of bird and/or bat bricks incorporated into the eaves of the proposed dwelling.

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

(4) Before the first occupation of the building hereby permitted the first floor windows in the side (north-east and south-west facing) elevations; shall be fitted with glass that has been obscured to Pilkington level 3 or higher (or equivalent) and shall be non-opening up to a maximum height of 1.7m above internal floor level. Both the obscured glazing and the non-opening design shall be an integral part of the manufacturing process and not a modification or addition made at a later time. The windows shall thereafter be retained as such.

Reason: In the interests of protecting the residential amenities of adjacent dwellings

(5) The area shown on drg No. 15/615/02A as vehicle parking space, garages and turning shall be provided, surfaced and drained before occupation and shall be retained for the use of the occupiers of, and visitors to, the development, and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order), shall be carried out on that area of land so shown or in such a position as to preclude vehicular access to this reserved parking space.

Reason: Development without provision of adequate accommodation for the parking of vehicles is likely to lead to parking inconvenient to other road users.

- (6) The detached garage hereby permitted and shown on Drg No. 15/615/03 shall solely be used for purposes ancillary to the residential use of Yonder Cottage.

Reason: To prevent the use of the space for commercial or business operations.

- (7) Prior to commencement of development full surveyed details of existing and proposed levels shall be submitted to and approved by the Local Planning Authority. These details shall include sections, details of retaining walls/structures and finish floor levels.

Reason: Details are required prior to commencement to ensure that the development is constructed at the correct levels and to ensure a satisfactory appearance of the completed development and ensure the development is constructed in accordance with the lowered levels shown on the submitted plans.

- (8) Prior to any works above damp proof course level, 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, shall be submitted to and approved in writing by the Local Planning Authority

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 enhancement of planting along the boundary fronting St Faiths Lane, in particular the northern corner of the site.
- Details of tree, shrub and hedge planting along the front northern and southern boundaries.

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

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

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

- (10) Prior to first occupation of the dwelling hereby permitted screening of the roof terrace shall be in place that is in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority. The approved screening shall be retained for the lifetime of the development.

Reason: To safeguard the amenities and privacy of the occupiers of adjoining properties.

- (11) Access to the flat roof of the development hereby permitted shall be for maintenance or emergency purposes only, and the flat roof shall not be used as a roof garden, terrace, patio or similar amenity area

Reason: To safeguard the amenities and privacy of the occupiers of adjoining properties.

- (12) Prior to the commencement of development a working method statement shall have been submitted to and approved in writing by the Local Planning Authority to accommodate:

- (i) Parking of vehicles of site workers and visitors;
- (ii) Loading and unloading of plant and materials;
- (iii) Storage of construction plant and materials;

(iv) Wheel cleaning facilities
(v) Control of dust, smell and other effluvia;
(vi) Control of surface water run-off.
No development shall be carried out except in full accordance with the approved method statement.

Reason: To ensure the safety of pedestrians and vehicles and the amenities of the surrounding area. This information is required prior to commencement as any construction work has the potential to cause the nuisance that this condition seeks to limit.

INFORMATIVES

- (1) Your attention is drawn to the following working practices which should be met in carrying out the development:
- Your 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: if necessary you should contact the Council's environmental health department regarding noise control requirements.
 - 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 Council's environmental health department.
 - It is recommended that plant and machinery used for demolition and construction should 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.
 - It is recommended that vehicles in connection with the construction of the development should 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.
 - The importance of notifying local residents in advance of any unavoidably noisy operations, particularly when these are to take place outside the normal working hours is advisable. Where possible, the developer shall provide residents with a

name of a person and maintain dedicated telephone number to deal with any noise complaints or queries about the work.

- It is recommended that the developer produces a Site Waste Management Plan in order to reduce the volumes of waste produced, increase recycling potential and divert materials from landfill. This best practice has been demonstrated to both increase the sustainability of a project and maximise profits by reducing the cost of waste disposal.
- The applicant is advised of separate legislation in relation to the removal of asbestos. The legislation requires adequate and suitable measures to be in place 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.

If relevant, the applicant must consult the Environmental Health Manager regarding an Environmental Permit under the Environmental Protection Act 1990.

Case Officer: Rachael Elliott

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

REPORT SUMMARY

| | | | |
|---|--|--|-------------|
| REFERENCE NO - 15/509836/FULL | | | |
| APPLICATION PROPOSAL Erection of one new dwelling. | | | |
| ADDRESS Land Adjoining 1 Fancy Row Thurnham Lane Thurnham Kent ME14 4PL | | | |
| RECOMMENDATION: Grant subject to conditions | | | |
| SUMMARY OF REASONS FOR RECOMMENDATION: | | | |
| <ul style="list-style-type: none"> The proposal relates to infill development in open countryside, outside the village confines of Bearsted and so it is a departure from the Local Plan. However, paragraph 49 of the NPPF states that relevant policies for the supply of housing should not be considered up to date if the Council cannot demonstrate a five year housing land supply. Proposal will make a contribution to housing supply, albeit a small one. Site is surrounded on three sides by built development. NPPF seeks to promote sustainable development in rural areas by locating housing where it will enhance or maintain vitality of rural communities. Although outside village confines, the application site is located within an existing stretch of ribbon development that is within easy walking distance to the railway station and Bearsted village. The proposal is well designed and will not harm the character and appearance of the area or the amenities of surrounding occupiers, therefore, it is not considered to raise any conflict with Policy ENV28 of the Local Plan. A recent appeal decision allowing a detached house on land adjacent to 8 Fancy Row is a material consideration. | | | |
| REASON FOR REFERRAL TO COMMITTEE | | | |
| Departure from Local Plan | | | |
| WARD Detling And Thurnham Ward | PARISH/TOWN COUNCIL Thurnham | APPLICANT Mr R Bentley AGENT Consilium Town Planning Services Ltd | |
| DECISION DUE DATE 29/01/16 | PUBLICITY EXPIRY DATE 29/01/16 | OFFICER SITE VISIT DATE | |
| RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites): | | | |
| App No | Proposal | Decision | Date |
| 81/0743 | Extensions at rear of 1 Fancy Row to provide inside toilets and bathrooms. | Permitted. | |
| Summarise Reasons: | | | |
| 03/0416 | Erection of two storey side extension at 1 Fancy Row. | Permitted. | |
| Summarise Reasons: | | | |
| 14/500927 | Erection of detached house on land adjacent to 8 Fancy Row. | Allowed at appeal. | 16.03.2015 |
| Summarise Reasons: The site is a sustainable one and considerable weight therefore arises in favour of the scheme. I have noted that there would be only limited harm to the countryside | | | |

in terms of the character and appearance of the area. In accordance with paragraph 14 of the Framework, this does not significantly and demonstrably outweigh the benefits. Taking the three dimensions together, the balance of consideration therefore lies in allowing the appeal.

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The application site is located on the eastern side of Thurnham Lane, which follows a north south alignment and is approximately 400 metres from the centre of Bearsted Green. Thurnham Lane has a semi-rural character with linear development along the eastern side comprising a group of terraced dwellings (Fancy Row) and then numerous detached and semi-detached dwellings. The application site lies at the southern end of the row of terrace of cottages, on land between 1 Fancy Row and a detached dwelling known as Thurnham House. This is a large detached property and within its grounds is a large outbuilding/garage that is located adjacent to the shared driveway for the Fancy Row cottages.
- 1.02 On the northern side of the Fancy Row terrace, between 8 Fancy Row and Claymore, planning permission was recently allowed at appeal for the erection of a detached dwelling (reference 14/500927).
- 1.03 Opposite the application site, on the western side of Thurnham Lane, is the Old School House and the School Yard. The School site has planning permission for a new detached dwelling on the site and conversion and enlargement of the Old School House to a single dwelling. This work (reference 14/1265) is underway and nearing completion.
- 1.04 The application site comprises the side garden of 1 Fancy row, which is an end of terrace property. It has a garden to the side and to the rear. Properties on Fancy Row have a shared access driveway which runs to the rear of the terrace leading off Thurnham Lane, providing car parking for each dwelling. This private driveway borders the application site to the east and to the south.
- 1.05 The application site has a site area of approximately 0.05 Hectares. It has a frontage on Thurnham Lane of approximately 22 metres and a depth of approximately 24 metres. The site is screened by a mature hedgerow along the southern boundary. Along Thurnham Lane there is a low hedge line and a fence forming the boundary. To the rear there is a row of Willow trees, located to the east of the access road that runs along the rear of the site.
- 1.06 The site is located in open countryside, but it is within walking distance of the railway station and the services and facilities in nearby Bearsted. The site also lies within a Special Landscape Area.

2.0 PROPOSAL

- 2.01 The proposal is for a two storey, four bedroom, detached dwelling with associated works. The proposed dwelling measures 9.5 metres in width and is approximately 12.7 metres in depth. The eaves are 5 metres with an overall ridge height of 9 metres. The property has a stepped or staggered footprint arrangement at the front and rear.

- 2.02 The front elevation is stepped back from the front of Fancy Row Cottage in order to retain the view or vista of Fancy Row approaching from the direction of Bearsted. There is also a Southern Water Services sewer pipeline to the front of the property that needs to be retained with an adequate margin either side for any future maintenance.
- 2.03 The proposed elevations will be brickwork to match the type of clay brickwork on adjoining properties with tile hanging to the front and part side elevation. The roof material will be plain concrete tiles. There will be a brick plinth on all four elevations with soldier coursework. The roof is fully pitched with an apex ridgeline. There is a gable protruding on the front elevation with a tiled roof over the front doorway and study window.
- 2.04 A detached garage is proposed to be located on the southern side of the dwelling, which will measure approximately 3.2 metres by 6 metres. It will be able to accommodate one car with storage space to the side and the rear. The garage will be of brick construction with a pitched and tiled roof. Tile hanging is proposed on the front gable end of the garage, above the garage door. Two car parking spaces will be located in the front of the property with space for turning.
- 2.05 The central area of the application site is mostly open and so the only trees that are to be removed are those that are identified as being poor specimens and the two small cherry trees that are located on the proposed turning area. The existing laurel hedge on the southern boundary will be retained. The field maples on the frontage of Thurnham Lane are to be retained. The tree boundary to the east of the access road will be retained. New beech hedges are proposed on both the eastern and western boundaries of the site. The property will have a large rear garden of over 160 sq.m.

3.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Development Plan: Maidstone Borough Wide Local Plan 2000, Maidstone Borough Local Plan (Regulation 19) Feb 2016
Supplementary Planning Documents: Bearsted Neighbourhood Plan

4.0 LOCAL REPRESENTATIONS

- 4.01 The applicant has a right of access over the side access road that serves the development. The owner of the access road commented that they are prepared to assist the applicant with his proposed development regarding the issues of access over the road. The appropriate Notice was served in the Kent Messenger to notify any owners of the access road. No comments have been received from the Parish Council.

5.0 CONSULTATIONS

KCC Highways

- 5.01 KCC Highways commented that *“the access road off Thurnham Lane is existing with a good crash history. The parking provision proposed is adequate for the size of the dwelling and there are turning facilities within the site. For these reasons, I raise no objection on behalf of the local highway authority”*.

5.02 KCC Highways recommended the following Informative:

“It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every respect 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”.

KCC Biodiversity Officer

5.03 KCC commented that *“we have reviewed the ecological information which has been submitted with the planning application and we are satisfied that there is no requirement for additional specific species surveys to be carried out as part of the application. The submitted survey has detailed that as the site is regularly mown there is limited suitable habitat for protected/notable species present within the site. However, the survey has highlighted that breeding birds may be present within the site and the possibility of GCN occasionally commuting across the site cannot be ruled out. We advise that if planning permission is granted, details of precautionary mitigation is submitted as a condition of planning permission”.*

5.04 The KCC Biodiversity Officer also commented that *“bats may be present foraging/commuting within or adjacent to the site and lighting can be detrimental to roosting, foraging and commuting bats. We recommend that any external lighting proposal is designed to minimise impact on bats. We suggest that the Bat Conservation Trust’s Bats and Lighting in the UK guidance is adhered to in the lighting design”.* Key requirements for this are set out as Informatives at the end of the report.

5.05 The comments continue to state that *“one of the principles of the National Planning Policy Framework is that “opportunities to incorporate biodiversity in and around developments should be encouraged. The submitted report has made a number of recommendations to incorporate ecological enhancements to the site and we advise that a selection of them are incorporated in to the site if planning permission is granted”.*

6.0 BACKGROUND PAPERS AND PLANS

6.01 The application comprises the following plans:

- Planning Application Form;
- Site Location Plan, received 4th December 2016;
- Drawing No. 25/45/01A: Floor Plans;
- Drawing No. 25/45/02A: Elevations;
- Site Layout Plan, received 25th November 2016;
- Planning Statement, received 25th November 2016;
- Preliminary Ecological Appraisal, received 25th November 2016;
- Tree Survey, dated January 2016.

7.0 APPRAISAL

- 7.01 The application site is bordered to the north, east and south by residential housing. There is a long stretch of ribbon development along the eastern side of Thurnham Lane and also a small group of residential development opposite the site, on the western side of Thurnham Lane. The site is very much viewed within the context of the existing residential development in this location. Long distance views of the site from the surrounding countryside, the Low Weald SLA (or the Low Weald Local Landscape Area of the emerging Local Plan) are limited by the existing development and by the tree belt located to the west of the site. As a result, it is considered that no conflict is raised with Policy ENV34 of the adopted Local Plan or Policy SP17 of the emerging Regulation 19 Local Plan, which seek to protect and conserve areas of landscape value.
- 7.02 Policy ENV28 seeks to ensure that any development in the countryside will not harm the character and appearance of the area or the amenities of surrounding occupiers. It is considered that the proposal will not harm the character and appearance of the area due to its good design, siting and location within an existing stretch of ribbon development. The design of the dwelling reflects that of the dwellings opposite the site, as does the use of hanging tiles and the dormer style window on the front elevation. It is also considered that it will not result in any loss of sunlight, privacy or other adverse impact on the amenities of surrounding occupiers. The proposed dwelling is located over 6 metres from the flank wall of 1 Fancy Row and it will have no side windows apart from one obscure glazed, landing window. It is located over 30 metres from Thurnham House to the south. As a result, the proposal is considered to raise no conflict with Policy ENV28 of the Local Plan.
- 7.03 The emerging Regulation 19 Local Plan sets out in Policy SP17 on The Countryside that 'development in the countryside will retain the setting of and separation of individual settlements'. It is considered that the proposal will raise no conflict with this policy due to its siting within an existing area of ribbon development.
- 7.04 Policy H29 of the Maidstone Borough-Wide Local Plan relates to infill development, but it is not a Saved Policy and so is unable to provide support to the proposal. The proposal has been advertised as a Departure from the Local Plan due to Policy H29 no longer being a Saved Policy. However, planning permission was allowed at appeal, in March 2015, for the erection of a detached house on land adjacent to 8 Fancy Row (reference 14/500927) and this is a material consideration in relation to this proposal. The Inspector determined that *"the site is a sustainable one and considerable weight therefore arises in favour of the scheme. I have noted that there would be only limited harm to the countryside in terms of the character and appearance of the area. In accordance with paragraph 14 of the Framework, this does not significantly and demonstrably outweigh the benefits. Taking the three dimensions together, the balance of consideration therefore lies in allowing the appeal"*. As such, it is considered that infill development can be acceptable in certain circumstances.
- 7.05 As the application site is located in such close proximity to the appeal site (within 40 metres), the same arguments relating to the sustainability of the site and the limited environmental impact will apply. In fact, the appeal site was only surrounded by ribbon development on two sides (north and south) as it faced the golf course land to the west. The application site is bordered on three sides and is well screened on the eastern side, further reducing any visual harm to the surrounding countryside. The application site is obviously also located 40 metres nearer to the railway station

than the appeal site and it is within close proximity to the facilities within Bearsted Village.

- 7.06 Paragraph 49 of the NPPF states that “*relevant policies for the supply of housing should not be considered to be up-to-date if the local planning authority cannot demonstrate a five year supply of deliverable housing sites*”. The Council cannot demonstrate a five year housing land supply and the proposal would provide for a new dwelling, although the proposal would only make a small contribution to the housing supply. This is dealt with in more detail below, as part of ‘Other Matters’.
- 7.07 Paragraph 55 in the Framework seeks to promote sustainable development in rural areas by locating housing where it will enhance or maintain the vitality of rural communities. The proposal is located within an existing stretch of ribbon development that is within easy walking distance of Bearsted. The village of Bearsted has a variety of shops and services and also a railway station. Therefore, the site is in a location where day-to-day journeys would not have to be reliant on the use of motor vehicles. These issues were also considered by the Planning Inspector in relation to the appeal on land adjacent to 8 Fancy Row and were considered to be acceptable. Therefore, it is considered that the proposal is in accordance with paragraphs 55 of the NPPF.

Other Matters – Housing Land Supply

- 7.08 In terms of other material considerations, the National Planning Policy Framework (NPPF) is a key consideration, particularly with regard to housing land supply. Paragraph 47 of the NPPF states that Councils should;
- ‘identify and update annually a supply of specific deliverable sites sufficient to provide five years’ worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land;’*
- 7.09 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 (OAN) 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. Since that date revised household projection figures have been published by the Government and as a result the SHMA has been re-assessed. At the meeting of the Strategic Planning, Sustainability and Transport Committee on 9 June 2015, Councillors agreed a new OAN figure of 18,560 dwellings.
- 7.10 The new Local Plan has advanced and is out to Regulation 19 publication being the Plan that the Council considers is ready for examination. The Plan is scheduled for submission to the Planning Inspectorate for examination in May 2016, with the

examination expected to follow in September. The Plan allocates housing sites considered to be in the most appropriate locations for the Borough to meet the OAN figure, and will enable the Council to demonstrate a 5 year supply of deliverable housing sites when it is submitted to the Inspectorate in May. Clearly the Local Plan is gathering weight as it moves forward, but it is not considered to have sufficient weight to rely solely on to refuse or approve a planning application.

- 7.11 Notwithstanding this, it remains the case the most recently calculated supply of housing, which assesses extant permissions and expected delivery, is from April 2015. This demonstrates a 3.3 year supply of housing assessed against the OAN of 18,560 dwellings. A desk based review of housing supply undertaken in January 2016 to support the Regulation 19 Local Plan housing trajectory suggests that there remains a clear and significant shortfall of supply against the five year requirements. The Council's five year supply position will be formally reviewed in April/May in order to support the submission of the Local Plan to examination in May. Before the Local Plan is submitted however, the Council will remain unable to demonstrate a 5 year supply of deliverable housing sites.

8.0 CONCLUSION

- 8.01 In conclusion, it is considered that although there is no longer an infill policy within the Local Plan, the proposal is not in conflict with other policies of the development plan and it is also in accordance with the NPPF. It is considered that the proposal will not cause any adverse impacts on the residential amenities of adjacent properties or on the character and appearance of the area. The site is surrounded by built development on three sides, within an existing stretch of ribbon development and the proposal will not be visible from the wider countryside. It will make a contribution to the housing supply, albeit only a small one. The recent appeal decision on land adjacent to 8 Fancy Row is also a material consideration, demonstrating that the site is in a sustainable location and that considerable weight arises in favour of the scheme.

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 permitted is first occupied, the following window 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 subsequently be maintained as such:

The proposed first floor 'stairwell' window on the side (north) elevation of the approved dwelling.

Reason: To safeguard the privacy of existing and prospective occupiers.

- (3) Before the development hereby permitted is first occupied, the vehicle parking and turning facilities shall be implemented as shown on the approved plans and permanently retained thereafter.

Reason: In the interests of highway safety.

(4) Before the development hereby permitted is first occupied, a bound surface shall be provided for the first 5 metres of the access from the edge of the highway.

Reason: In the interests of highway safety.

(5) No building works above ground level shall commence until written details and samples of the materials to be used in the construction of the external surfaces of the buildings and hard surfaces hereby permitted have been submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the approved materials;

Reason: To ensure a satisfactory appearance to the development.

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

- Site Location Plan, received 4th December 2016;
- Drawing No. 25/45/01A: Floor Plans;
- Drawing No. 25/45/02A: Elevations;
- Site Layout Plan, received 25th November 2016;
- Preliminary Ecological Appraisal, received 25th November 2016;
- Tree Survey, dated January 2016.

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

(7) 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, Classes A, B, C, D, E, F, G, H shall be carried out without the permission of the Local Planning Authority;

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

(8) 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. The scheme shall be designed using the principles established in the Councils adopted Landscape Character Assessment and Landscape Guidelines. The details shall include all trees and hedgerows to be retained on the site and additional proposed planting.

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

(9) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following 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 setting and external appearance to the development.

(10) The development shall be undertaken in accordance with the recommendations set out in the approved Preliminary Ecological Appraisal, received on 25th November 2015.

Reason: To ensure appropriate mitigation and protection of species.

(11) No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority a scheme of biodiversity enhancements for the site. The scheme shall be based on the recommendations of the Preliminary Ecological Appraisal, received on 25th November 2015.

Reason: No such details have been submitted and to ensure appropriate mitigation and protection of species.

(12) No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority an Arboricultural Method Statement in accordance with BS5837:2012, which shall include details on the root protection areas of all retained trees and details on method of root protection.

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

INFORMATIVES

(1) As the development involves demolition and/or construction, the applicant should refer to the Mid Kent Environmental Code of Development Practice. Broad compliance with this document is expected.

(2) Clearance and burning of rubbish must be carried without nuisance from smoke etc. to nearby residential properties. Advice on minimising any potential nuisance is available from the EHM.

(3) 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.

(4) 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.

(5) 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

(6) Provision shall be made for construction vehicle loading/unloading and turning facilities prior to commencement of work on site and for the duration of construction.

- (7) Provision shall be made for parking facilities for site personnel and visitors prior to commencement of work on site and for the duration of construction.
- (8) Provision shall be made of wheel washing facilities prior to the commencement of work on site and for the duration of the construction.
- (9) The following recommendations (from the Biodiversity Officer) should be considered (where applicable) when designing any 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 infiltrations 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 (150W) 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.
- (10) As part of the preparation of the Arboricultural Method Statement required by condition 12, it is advised that a site meeting be arranged with the Arboriculturist, the site Manager and the Council's Landscape Officer to discuss the issues relating to the tree protection areas of the retained trees.

Case Officer: Diane Chaplin

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.



15/509962 Fant Farm
 Scale: 1:5000
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Planning Committee Report 17 March 2016

REPORT SUMMARY

| | | | |
|---|---|---|--------------|
| REFERENCE NO: - 15/509962/OUT | | | |
| APPLICATION PROPOSAL: Outline application for development of up to 225 dwellings (including affordable homes). Provision of public open space (including children's play area and landscaping) associated infrastructure and necessary demolition and earthworks. The formation of new vehicular access from Gatland Lane and secondary pedestrian and cycle access from Gatland Lane to be considered at this stage. All other matters (appearance, landscaping, layout and scale) are reserved for future consideration. | | | |
| ADDRESS: Land at Fant Farm, Gatland Lane, Fant, Maidstone, Kent | | | |
| RECOMMENDATION: REFUSE OUTLINE PLANNING PERMISSION with powers delegated to the Head of Planning and Development on the basis that no new material planning issues arise from the departure notices that expire on the 18 March 2016. | | | |
| SUMMARY OF REASONS FOR REFUSAL: | | | |
| <ul style="list-style-type: none"> The proposed development, in this prominent location on the upper slopes of the Medway Valley and in an area recognised as having landscape value, would result in significant and pronounced harm to both local character and the appearance and openness of the wider countryside, failing to respond adequately to the site context and contrary to policies ENV28, ENV35 of the Maidstone Borough Wide Local Plan 2000, the NPPF 2012 and the NPPG 2014. In the absence of an appropriate legal mechanism to secure planning obligations in relation to the site acquisition and construction of a primary education facility, towards additional capacity in secondary education, for community learning, towards youth services, towards library book stock, towards social care, to increase capacity in three local surgery premises and for the mitigation of highways impacts, the development would be detrimental to existing infrastructure and therefore contrary to policy CF1 of the Maidstone Borough Wide Local Plan (2000), and central government planning policy as set out in the National Planning Policy Framework. The applicant has failed to demonstrate through the submission and independent verification of a financial development viability appraisal that the proposal cannot support 40% affordable housing provision in accordance with the adopted Local Plan and the subsequent evidence base supporting the draft Local Plan and in the absence of a legal undertaking securing this provision the development is contrary to the Affordable Housing DPD (2006) and central government planning policy as set out in the National Planning Policy Framework. | | | |
| REASON FOR REFERRAL TO COMMITTEE: | | | |
| <ul style="list-style-type: none"> The proposal constitutes a departure from the Local Plan (December 2000). Call in from Councillor Stephen Paine on the basis of particular concern about prematurity, visual harm on the landscape of local value and greater pressure on the already stretched local road network. Call in from Councillor Paul Harper to allow review and full debate as the site is not designated for development in the draft local plan, the local concern about highway impact, the impact on the local environment and the Medway Valley and sustainability issues regarding schools, GP surgeries, shops etc. Call in from Councillor Matt Boughton on the basis that the site is not designated in the Local Plan as suitable for development, the visual impact on the Medway Valley, the capacity of local doctors surgeries and schools, the lack of assessment on designing out crime; measures to prevent crime; the capacity of the medieval Farleigh Bridge to take additional traffic and the capacity of the local road network to take the additional traffic. | | | |
| WARD: Fant Ward | PARISH/TOWN COUNCIL: N/A | APPLICANT: Gleeson Developments Ltd AGENT: Barton Willmore | |
| DECISION DUE DATE: 07/03/16 extended till 18/03/2016 | PUBLICITY EXPIRY DATE: 18/03/16 | OFFICER SITE VISIT DATE: 16/01/2015 | |
| RELEVANT PLANNING HISTORY: | | | |
| App No: | Proposal: | Decision: | Date: |
| 15/501734/ENVSCR | Screening Opinion on the need for an Environmental Impact Assessment (EIA). | EIA Not Required | 27.03.2015 |

SUMMARY OF REASONS FOR RECOMMENDATION

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.1 The application site covering an area of 14.47 hectares is located on Gatland Lane to the south west of Maidstone Town Centre and on the north side of the Medway Valley. The site is currently arable farmland forming part of Fant Farm and subject to a short-term agricultural tenancy. The site is in open countryside and outside but directly adjacent the boundary of Maidstone urban centre.
- 1.2 The application site is of an irregular shape, with around half the width of the application site provided with a Gatland Lane frontage (220 metres). To the south of the Gatland Lane frontage, the site doubles in width (440 metres) and extends to the rear of nearby two storey residential properties in Gatland Lane. The site also extends to the south of residential properties in Cowdrey Close and up to the western boundaries of properties in Pitt Road. To the south of these residential properties, the remainder of the eastern site boundary is shared with open agricultural land forming part of Fant Farm. The site tapers to a width of 160 metres on the southern boundary.
- 1.3 The northern boundary of the application site is in Gatland Lane. The site frontage extends westwards along Gatland Lane to a point opposite the junction with Terminus Road. After a further 100 metres, Gatland Lane joins Farleigh Lane at a 'T' junction. Tonbridge Road (A26) is the nearest classified road to the application site, with Tonbridge Road located 380 metres to the north of the application site. Access from the application site to Tonbridge Road is provided from Terminus Road (traveling west) or by Farleigh Lane. Gatland Lane has existing traffic calming measures in the form of speed cushions along its length and a road width restriction to the west of the application site close to the junction with Farleigh Lane.
- 1.4 Running east to west the East Farleigh to Maidstone West railway line and the River Medway are located to the south, separated by distances of 260 metres and 290 metres respectively from the southern application site boundary. Maidstone West Railway Station is 1.4 miles and East Farleigh Railway Station 0.4 miles from the application site. There are bus stops immediately adjacent to the site in Gatland Lane providing a limited service. More regular bus services are available on the A26 Tonbridge Road a distance of 650 metres from the centre of the application site
- 1.5 The properties at 39 and 41 Gatland Lane are adjacent to the eastern site boundary. These properties are set back from the main road with access provided by a tarmac track (80 metres long) located to the side of the property fronting the main road at 37 Gatland Lane. The first part of a public footpath (KB17) running from Gatland Lane follows the route of this access track with the footpath then continuing as a grassed path further to the south. Public footpath KB17 is orientated north to south and divides the main part of the application site into two parts. Within the application site, high hedging separates the footpath from the adjacent arable farmland on both sides located within the application site.
- 1.6 Public footpath KB17 continues past the southern extent of the application site providing (via footpath KB12) a link to either Hackney Road to the east, or to Farleigh Lane in the west. Footpath KB12 joins Farleigh Lane just to the north of East Farleigh Railway Station. Public footpath KB13 is located outside the application site but runs along part of the southern boundary, providing a second more northerly link from footpath KB12 to Farleigh Lane. At the eastern end of footpath KB12, Unicomes

Lane provides a link from footpath KB12 to the Medway Valley towpath, with the towpath also accessible from Farleigh Lane in the west. Unicomes Lane although metalled and used by vehicles it is not a public right of way or a highway.

- 1.7 The western boundary of the application site is separated from Farleigh Lane by a linear strip of land of between 70 and 200 metres wide that runs in a north to south direction. This strip of land is predominately wooded but includes buildings associated with a plant nursery called Homeward Orchard Nursery and a residential property also called Homeward. Ribbon residential development extends a short distance along Farleigh Lane to the south of the junction with Glebe Lane.
- 1.8 Gatland Recreation Ground is located opposite the application site on the north side of Gatland Lane. This public open space can be accessed from Woodford Road, Elmstone Road and Gatland Lane. Gatland House which is in use by Jubilee School is to the east of this open space, with residential properties in Terminus Road to the west. There is a fall in ground level from Gatland Recreation Ground towards Gatland Lane with a belt of mature trees separating Gatland Lane from this public open space. Telecommunication equipment is located adjacent to this belt of trees at the back edge of the pavement in Gatland Lane. The fall in ground level from Gatland Recreation Ground to the north continues across the application site towards the River Medway in the south. This fall amounts to a fall in ground level of 25 metres across the application site, with this level change more pronounced across the southern end of the application site.

2.0 PROPOSAL

- 2.1 The current application is for outline planning permission for a development of up to 225 dwellings on land currently forming part of Fant Farm. The applicant has requested that the Council only consider means of 'access' at this stage. This assessment of access includes accessibility for all routes to, and within the site, as well as the way they link up to other roads and pathways outside the site.
- 2.2 The proposed main new vehicular access to the development site is located 78 metres from the south eastern end of the Gatland Lane site frontage and opposite the existing mobile phone telecommunications equipment in Gatland Lane. The access arrangements include a new pedestrian emergency vehicle access located opposite 56 Gatland Lane. A third proposed access point from Gatland Lane is for pedestrians only and located 12 metres from the access to the public right of way that runs adjacent to 37 Gatland Road.
- 2.3 Whilst appearance, landscaping, layout and scale are reserved matters the applicant has submitted indicative summary information on these matters. The applicant has stated that the building heights will not exceed two storeys and the roof ridge height of buildings will not exceed 9.2 metres. The residential density of the proposal will vary across the site to reflect the surrounding area with an average net density of 30 dwellings per hectare. It is proposed that the development will accommodate a mixture of dwelling types and sizes that will respond to design and market considerations at the reserved matters stage. The indicative dwelling mix is 28 one bedroom, 75 two bedroom, 88 three bedroom, and 34 four bedroom houses.

3.0 SUMMARY INFORMATION

- 3.1 The current application is in outline form with the information available summarised in the following table:

Table 1: Summary development information

| | |
|-----------------------------------|----------------|
| Site area (hectares) | 14.47 hectares |
| Ridge height (metres) | 9.2 metres |
| Depth (metres) | Not known |
| Width (metres) | Not known |
| No. of storeys | 2 storeys |
| Net floor area | Not known |
| Parking spaces | Not known |
| Total number of residential units | 225 |

4.0 PLANNING CONSTRAINTS

- 4.1 The application site is not located within a conservation area. The nearest conservation area is East Farleigh Conservation Area which is located 670 metres to the south west.
- 4.2 There are no statutorily or locally listed buildings located on the application site. In the local area the following buildings and wall are on the statutory list of historically important buildings (Grade II): Fant House; the Oasthouse at Fant Farm and the wall to the north east of Fant House. The closest of these structures is the Oasthouse that is located 375 metres to the east of the application site.
- 4.3 A number of Public Rights of Way either cross the application site, or are located on adjacent land. These Public Rights of Way (PROW) include:
- PROW KB13: located adjacent to the southern site boundary, connecting Farleigh Lane from the west to PROW KB12;
 - PROW KB12: located to the south of the site beyond PROW KB13, linking Farleigh Lane with Hackney Road to the east, via the southern curtilage of Fant Farm;
 - PROW KB17: dissects the site from north to south, connecting Gatland Lane to PROW KB12;
 - PROW KB11: forms part of the Medway Valley Walk, located to the south of the site and adjacent to the River Medway, connecting Station Road to the residential areas of Tovil and Upper Fant.
- 4.4 The site is not located within the strategic gap or an area designated for its biodiversity value.
- 4.5 The site is in flood risk zone 1. Flood risk zone 1 has a low probability of flooding with less than 1 in 1,000 year's annual probability of river or sea flooding.
- 4.6 A section of the application site adjacent to the northern site boundary is within an Air Quality Management Area (AQMA).
- 4.7 A number of trees and landscape features are located around the boundary of the application site. These features do not have any statutory protection with no tree preservation orders in place.
- 4.8 The application site is located within the following landscape character areas at a national, county and borough level:
- National Character Area Profile: 120 Wealden Greensand (Natural England 2013).
 - The Landscape Assessment of Kent 2004: Greensand Fruit Belt - Watlingbury county level landscape character area.

- Maidstone Landscape Character Assessment 2012 – amended 2013: Fant Orchards, a detailed landscape character sub-set of the East Barming Orchards: locally known as Medway Valley Orchards) borough wide landscape character area.

4.9 The application site is within an area of local landscape importance as designated by the adopted Local Plan (December 2000). Within the draft Local Plan the application site is designated as a site of Local Landscape Value.

5.0 POLICY AND OTHER CONSIDERATIONS

The Development Plan

5.1 The Development Plan consists of the saved policies of the Maidstone Borough Wide Local Plan (2000). The following Local Plan saved policies are relevant:

- ENV6: Landscaping, surfacing and boundary treatment;
- ENV22: Urban open space;
- ENV28: Development in the countryside;
- ENV35: Areas of local landscape importance;
- ENV49: External lighting;
- CF1: Seeking new community facilities;
- T1: Integrated transport strategy;
- T13: Parking standards;
- T23: Need for highway or public transport Improvements.

5.2 The following adopted documents support the Local Plan:

- Affordable housing DPD (December 2006),
- Open space (December 2006);
- SPG 4: Kent vehicle parking standards (July 2006);
- Kent design guide Review: Interim Guidance Note 3 Residential Parking

5.3 Other material considerations relevant to this planning application include:

- National planning policy framework (2012);
- National planning practice guidance (launched 2014);
- National character area profile (landscape)(2014);
- The landscape assessment of Kent: Greensand Fruit Belt (2004);
- Maidstone landscape character assessment (2012, amended 2013);
- Maidstone landscape capacity study: sensitivity assessment (2015);
- Maidstone landscape capacity study: site assessments (2015);
- Agricultural land classification study (2015);
- Local biodiversity action plan (2009);
- Strategic flood risk assessment (2008);
- Strategic housing and economic development land availability assessment (2014 and 2015);
- Strategic housing market assessment (2014) and implications of 2012 based household projections (June 2015).

Emerging planning policy

5.4 Paragraph 216 of the NPPF states that from the day of publication, decision-takers may give weight to relevant policies in emerging plans. The weight to be attached is relative to the following factors:

- 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 the 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 the weight that may be given).
- 5.5 The new Maidstone Borough Local Plan will provide a framework for development until 2031. It plans for homes, jobs, shopping, leisure and the environment, and will plan infrastructure to support these. The new Local Plan is emerging and whilst policies within it are material to the consideration of this application the Local Plan including the allocation of housing sites and the 'landscapes of local value' designation cannot be afforded full weight whilst the Local Plan is progressing towards adoption.
- 5.6 The current public consultation on the Local Plan (Regulation 19) will expire on 18 March 2016. Following the consideration of consultation responses it is anticipated that the plan will be submitted to the Secretary of State in May 2016, with the Examination in Public commencing in September 2016.
- 5.7 The following policies within the draft local plan are considered relevant to the current planning application:
- SP17: The countryside (including landscapes of local value);
 - DM1: Principles of good design;
 - DM2: Sustainable design;
 - DM3: Historic and natural environment;
 - DM5: Air quality;
 - DM7: External lighting;
 - DM11: Housing mix;
 - DM12: Density of housing development;
 - DM13: Affordable housing
 - DM22: Publicly accessible open space and recreation;
 - DM23: Community facilities;
 - DM24: Sustainable transport;
 - DM27: Parking standards;
 - DM34: Design principles in the countryside;
 - ID1: Infrastructure delivery
- Housing land allocation within the draft local plan.
- 5.8 At the meeting of the Planning, Transport and Development Overview and Scrutiny Committee, on the 18 February, 2014 members agreed the recommendation to Cabinet to remove land (46.6 hectares) that included the application site, from the housing allocations that were to be put forward as part of the local plan preparation. This decision was made on the basis that the application site was grade 1 agricultural land. This action was subsequently agreed by Cabinet on the 24 February 2014.
- 5.9 At the meeting of the Planning, Transport and Development Overview and Scrutiny Committee, on the 20 January 2015 proposed amendments were considered to the sites identified for housing (Policy H1) in the Regulation 18 Maidstone Borough Local Plan. These amendments followed the public consultation on the draft Plan that took place between March and May 2014.
- 5.10 These amendments included considering again the inclusion of the application site as part of a housing allocation site. After the land was considered again it was agreed

that the committee recommendation to Cabinet would be to remove the land from the allocated housing sites. At the Cabinet meeting in February 2015 it was agreed that the application site be removed from the allocated sites for housing. The committee recommendation to the Cabinet was made on the following grounds:

- Further housing in this area would have a severe impact on the already congested junctions in the area which cannot be mitigated
- It would erode the unique pattern of development;
- It will have a detrimental impact on the Medway Valley landscape quality, and;
- The land is classed as 'best and most valuable' agricultural land as defined in the National Planning Policy Framework.

Designation as a landscape of local value within the draft local plan

- 5.11 At the meeting on the 18 August 2015 it was agreed by the Strategic Planning, Sustainability and Transportation Committee that the Medway Valley would be put forward as a designated landscape of local value within the draft local plan. The proposed area of landscape of local value designation extends from Gatland Lane southwards and includes the entire current application site.
- 5.12 The draft local plan states that development proposals within areas designated as a landscape of local value should, through their siting, scale, mass, materials and design, seek to contribute positively to the conservation and enhancement of the protected landscape.
- 5.13 The recommended designation as an area of local landscape value was on the basis that the land was considered to meet 5 of the 7 relevant criteria as set out in the draft plan. The areas which satisfied at least four of the criteria were regarded as suitable for inclusion in the draft Local Plan as landscapes of local value. The assessment for the Medway Valley is set out in the table below:

Table 2: Medway Valley - Landscapes of local value assessment criteria.

| Criteria | Met |
|---|------------|
| Part of a contiguous area of high quality landscape. | No |
| Significant in long distance public views and skylines. | Yes |
| Locally distinctive in their field patterns, geological and other landscape features. | No |
| Ecologically diverse and significant | Yes |
| Preventing the coalescence of settlements which would undermine their character | Yes |
| Identified through community engagement | Yes |
| Providing a valued transition from town to countryside | Yes |

Current status of the draft Local Plan

- 5.14 The new Local Plan has advanced and is out to Regulation 19 publication, being the plan that the Council considers is ready for examination. The plan is scheduled for submission to the Planning Inspectorate for examination in May 2016, with the examination expected to follow in September 2016.
- 5.15 Whilst the Local Plan is gathering weight as it moves forward, it is not considered to have sufficient weight to rely solely on to refuse, or to approve a planning application. This situation is considered further at paragraphs 9.20 and 9.21 of this report.
- 5.16 As a result of the current position in plan preparation, the proposed designation as a landscape of local value and the proposed housing allocations on land elsewhere in

the borough can only be given limited weight in the consideration of the current planning application.

6.0 LOCAL REPRESENTATIONS

Pre-application public consultation by the applicant

6.1 Prior to the submission of the current planning application the applicant carried out a public consultation with local stakeholders. This public consultation included the following:

- Distribution of an introductory leaflet (October 2014);
- Kent Messenger press release (October 2014);
- Public Exhibition (31 October – 1 November 2014);
- Leaflet requesting feedback distributed to 2,500 addresses (7 – 21 October 2015).

6.2 The proposal at this time consisted of 270 new homes on an area of 9 hectares in the northern part of the site with the remaining 38 hectares shown as a country park (current application is for 225 dwellings on a total site area of 14.47 hectares).

6.3 The applicant has stated that 62 responses were received back to the consultation in October 2015 and these responses raised the following issues:

- Principle of development;
- Traffic and access;
- Local infrastructure;
- Landscape and visual impact;
- Layout and content;
- Loss of agricultural land;
- Other developments in the area;
- Loss of open space;
- Loss of a greenfield site;
- Loss of graded agricultural land.

6.4 In response to the consultation carried out by the applicant the following changes were made to the proposal:

- Reduced from 270 homes to 225 homes;
- Removal of the proposed country park;
- Revised red line site boundary to reflect the historic field patterns;
- Amendment to the layout to provide for a stronger design in respect of landscape;
- The extension of built development further to the south of the site with housing separated by areas of landscaping.

Statutory planning application public consultation

6.5 The submitted planning application was publicised by means of a site notice, press notices (departure from the development plan and 'major' development) and individual consultation letters sent to 190 neighbouring properties. As a result of this consultation 92 responses and a petition with 1279 signatures (received 15.02.2016) have been received objecting to the proposal on the following grounds:

6.6 Pre-application consultation, timing and need

- There has been insufficient meaningful local consultation by the developers;
- The whole exercise smacks of trying to rush through the application before publication of the Local Plan;

- The Local Plan is close to agreement and it does not include Fant Farm as an area for development;
- The developers are attempting to circumvent democratic agreement but submitting their application before the Local Plan is agreed;
- The developers have chosen the holiday period to submit their plan and people will naturally be distracted from responding to consultations;
- There is no demonstrated need for this land to be used for housing. The draft Local Plan has identified enough areas for housing development;
- There is no demonstrated need for large houses. There is only a demonstrable need for truly affordable homes which need to be close to public transport links and jobs;
- People who already live in an area need other things beside more houses to surround them. They need fresh air and some connection to the land, and something beautiful to contemplate;
- In February 2015 MBC's Cabinet unanimously deleted Fant Farm from the draft local plan following the Planning, Transport and Development Overview and Scrutiny Committee earlier and unanimous recommendation for its removal. The developer, and the landowner, seemingly have no respect for local democracy or the opinions of local residents.

6.7 Land use

- Any such development on Fant Farm would remove valuable agricultural land that is historically renowned for fruit orchards and ideally suited due to the soils structure and southerly sloping aspect;
- Short lease terms currently provided by the current landowner, Richard Watts Charity, mean that tenant farmers cannot invest long term and for example replant the land as orchards;
- There will be an increasing need for farm land in the future and this land must be used to support food production;
- The developer has deliberately downgraded the land by grubbing up the orchards;
- Rather than destroy areas of natural beauty, vacant office buildings in Maidstone town centre should be used for affordable and accessible housing;
- Development should be on brown field sites only;
- A CPRE report in 2014 found 89 hectares of unused brownfield land in the Maidstone area;
- If this development goes ahead it will mean a further loss of natural green space and a loss of habitat for plants and wildlife.
- It is unclear what will happen to the large area to the south of the site which was originally going to be the 'country park';
- Without any protection of adjacent land, this application may well be the "thin end of a wedge" leading to more future harmful impact;
- The development will substantially alter the sustainability or viability of the remaining agricultural land including removal of access for farm vehicles.
- The current application could be seen as a cynical attempt to make the undeveloped area of the farm unprofitable for agriculture in an attempt to develop the entire site for housing;
- Planning permission for housing on several local sites that would have significantly less impact have been allowed to lapse by developers;
- Why doesn't the local landowner wish to farm anymore? Is it purely greed or is there a crisis in farming? We need to grow more food, not to concrete farmland;

- To take land from Homewood Nurseries in Farleigh Lane and uproot beautiful cherry, plum and greengage orchards, replacing these with ornamental trees to preserve the local orchard "character" is utter madness.

6.8 Landscape

- Inclusion of the application site in the Medway LLV (Landscapes of Local Value) seemed to indicate that common sense was to prevail;
- The views and landscape features of the entire area have been classified as having local value and therefore should be protected;
- The Landscape Character Assessment (2012) recognises the application site is important for its views to the south and recommends that the Fant Farm area is restored and improved;
- We must keep one little piece of Kent green. Just so future generations can see what it looks like;
- Nobody in the area wants this currently beautiful landscape scarred by housing.
- The area in question is a landscape asset in a part of town whose semi-rural character is greatly valued by residents;
- The significance of its positive influence on the quality of life of local residents cannot be stressed highly enough;
- The area is loved for its unspoiled beauty and the locality would be indescribably and irrevocably the poorer for its loss;
- William Cobbett admired the beauty of the Medway Valley and we need to protect it, not cram in houses;
- Whilst the proposal involves fewer houses, the development will have a greater visual impact and will obscure views of the Medway Valley;
- East Farleigh is a beautiful village that needs protection;
- The proposal will lead to the destruction of ancient woodland;
- Fant Farm provides local residents with open countryside overlaid with a network of well-used footpaths linking the area to the river path, the railway and walks into Maidstone or to Teston Country Park;
- Fant farm is currently a source of local employment which this development would take away;
- This development will spoil an area of special agricultural significance, which is of significant;
- The area in question is a landscape of local value and is certainly valued by local residents for its "green belt" character. If the proposed development is allowed the whole built-up area of Maidstone will be altered and detrimental. The local footpaths are well used.

6.9 Ecology

- Every square metre of land, every plant, bush or tree that is removed, takes away habitat and feeding grounds for wildlife;
- We must protect wildlife and its natural place in the environment;
- Too much development and hardscaping is destroying the equilibrium of wildlife;
- This is an area of incredible beauty and rare wildlife;
- Slow worms and a diverse range of bird species live on the site;
- It is important that we keep areas like this free to help promote natural diversity;
- The detrimental effect to the flora and fauna will locally devastating;
- More information is required on what trees are to be lost;
- There are a large number of wild animals and insects that currently live on the farm that will be harmed by the development and on which spraying has no impact.

- 6.10 Urban sprawl
- The development will be highly visible from the valley itself, and will infill the green gap between Barming and East Farleigh with loss of uniqueness and character;
 - Gleesons representative at the first consultation meeting said '*it would be criminal to build further down into the valley*' but this is now proposed.
 - With Fant already being one of the most densely populated areas in the Borough, I fail to see how we need any more.
- 6.11 Highways, traffic and car parking
- The pressure on the local road network has been increased by Jubilee School and will be made worse by development in and around Hermitage Lane;
 - In the morning or evening peak or at a weekend morning when people are using the park for football training, Gatland Lane is gridlocked lined with parked cars and making it difficult for two cars to pass;
 - With an additional 750 daily vehicle movements the development will place additional strain on an already stretched road network including small village roads and the medieval bridge crossing the river at East Farleigh;
 - Most of the traffic will use Farleigh Lane and the crossroads here is already very dangerous and very congested during peak times;
 - There is extremely poor public transport from Fant Farm to Maidstone (and to other destinations);
 - There is no cycle path from Fant Farm;
 - Walking to town is possible but takes around 1 hour;
 - There are many near fatal crashes at the junction of Gatland lane, Glebe lane and Farleigh Lane, the risk of accidents along Gatland lane with the school children and the elderly crossing the road at different bus stops, and a dangerous bend;
 - The submitted traffic assessment does not appear to offer an accurate assessment of the situation once all the proposed developments have been implemented.
 - It is foreseeable that someone attending Accident and Emergency at Maidstone Hospital could die as a direct result of traffic density.
 - The roads that lead to the main Tonbridge Road A26 are Farleigh Lane, Terminus Road are not suitable at present without the added burden of additional cars and it is well documented that cars parked on pavements currently cause major delays daily;
 - There is no transport strategy associated with this plan, all traffic will feed on to Gatland Lane;
 - Farleigh Lane is already breaking up as a result of the constant traffic which thunders down the centre of the road, wildly ignoring the 30mph limit, and using the centre of the road due to thoughtless drivers parking partly on the pavement on Farleigh Lane northbound.
 - On Monday 4 January 2016 there was an accident in Hermitage Lane which resulted in gridlocked traffic in Hermitage Lane, Fountain Lane, Farleigh Lane, Tonbridge Road and probably other local roads in Fant. Even access to Maidstone Hospital was restricted;
 - The current parking for residents has reached its maximum;
 - The development does not provide adequate space for cars to park nor any potential visitor's vehicles;
 - The parking overspill into Gatland Lane and the local area will cause further issues on the roads;
 - In addition to the traffic and pollution problems that the development will cause;

- Expanding the Jubilee Free School further has already been ruled out due to the inadequacy of the local traffic infrastructure;
- The reduction in the number of houses by 45 will not be sufficient to significantly reduce impact especially with regard to traffic problems;
- Although the developer is proposing a secondary access on to Gatland Lane, this would only be for pedestrian and cycle traffic;
- The development would be on the edge of the main built-up area, so not really within easy walking/cycling distance of many facilities;
- is difficult to see how the second access would ease congestion caused by vehicles being used the majority of the time, all having to enter and exit the site via the one access on to Gatland Lane.

6.12 Impact on amenity

- The noise of additional traffic during the peak hours will cause disturbance;
- Due to the location of the proposed site the pollution would hang over the valley and condense until dispersed by the wind;
- Additional housing on Fant Farm would cause local residents to feel uneasy about using the area for their own leisure and recreational use;
- The next generation will also have to suffer from the pollution and lack of jobs that overpopulation causes;

6.13 Flooding

- With the gradient on the site and the fall in levels to adjoin properties there is doubt that surface water runoff can be adequately dealt with on the site;
- Paving over “new” land will just add to the problems of flooding and exacerbates the impact of intense rain storms;
- Surface water run-off into the River Medway will increase and with it the frequency of flooding in the town centre will increase. This will be exacerbated by wetter winters due to climate change.

6.14 Infrastructure

- The facilities in the area cannot cope with any more housing;
- It is the council’s responsibility to grant permission for housing where it is safe and the access and amenities are of sufficient standard to accept them;
- Increasing the local population where registering with a GP and schools is at best a challenge;
- It would also put additional pressure on the already overstretched Maidstone Hospital nearby, as well as the local schools and dentist/doctors surgeries;
- Our local schools are 'Good' or 'Outstanding', and we would like to keep them that way. Stretching their resources will only damage the education of the next generation;
- There are insufficient local services to sustain this development. There is already insufficient parking for local shops and other business, eg in Hartnup St and Tonbridge Rd.

Consultation on additional information

6.15 Following the submission of additional information by the applicant (see paragraph 8.2) further public consultation was carried out in February 2016. In response to this consultation six further letters have been received repeating points that have already been outlined above.

- This landscape has not changed, since ALLI designation so if it was once worthy of such a designation, I fail to understand why the same does not apply now;
- Although landscape designation is not of national importance like an AONB, as the name suggests it is still important locally;

- It is unclear how an additional 45 second delay in traffic movements can be predicted accurately;
- With levels of current congestion even this seemingly minimal time added to their journeys will have a big impact;
- The air quality assessment indicates that the further impact on air quality in our area would be considered to be negligible;
- Any increase in traffic flow will be adding to the already high level of traffic fumes and will decrease the quality of air in our area further;
- As a resident of the Fant Ward, I respectfully urge the deciding committee to please consider the vast numbers of public objections already raised, as well as the 84 page petition lodged;
- To enable them to come to the right decision which would be to reject this planning application;
- Most households these days have at least 2 cars, so we could be looking at 450 extra cars, meaning 900 extra car movements per day;
- At the bottom of Hermitage Lane the Council have allowed the old Alms Houses to be pulled down and shops and a McDonalds to be built. What is more important houses or McDonalds;
- Greenbelt land is needed to grow food on, as we import too much already;
- You do not have a mandate to destroy more of our precious countryside;
- No amount of fiddling about with white lines or altering traffic light sequences is going to lessen the impact of the huge amounts of traffic;
- Residents have no confidence in KCC highways projections of vehicular movements in this area;
- Fant Farm must not be viewed as a standalone application but be considered with the accumulative effect of over 1300 homes already approved in this area.

Save Fant Farm Community Group

6.16 There is an objection to the application on the following grounds:

Prematurity.

6.17 This site has been found unsuitable for housing development on many occasions during the preparation of the Local Plan to 2035. The site is not required to meet the 5 year housing supply.

Highways impact

6.18 The local road network does not have the capacity to accommodate the volumes of traffic that would be generated. This includes the mediaeval bridge over the River Medway that does not have a suitable means to control existing traffic levels. The methods of reducing the traffic impact put forward by the developer in the transport assessment will not work, and this includes s106 obligations as there is insufficient capacity to make the necessary improvements.

Loss of agricultural land.

6.19 The application site is grades 2 and 3a and has recently produced a good yield as part of a viable agricultural entity. The use for agriculture is important to the 'future welling being of the nation' and to remove the damaging impact of transporting goods.

Visual impact and air pollution

6.20 In August 2014 the whole River Medway Valley was designated by the Council as the "Medway Valley landscape of local value" area. The development is contrary to the NPPF that says that building work must "*enhance the locality for future generations*". Whilst no one is entitled to a view, the development would disrupt air flows, 'remove

an essential lung' and lead to air pollution generated by 'central heating fumes, car fumes and living generally'.

Infill development

- 6.21 The applicants have referred to the proposal as 'infill' development. This is contrary to planning case law with inspectors stating that infill can only be a maximum of 2 houses.

Sustainability

- 6.22 The development will be unsustainable as none of the essential services, such as schools and doctors in the area, can support the proposed increase in population. Maidstone hospital is running at full stretch now.

Consultation response on additional information

- 6.23 In response to further consultation a further letter was received from the 'Save Fant Farm group making the following points:

- 6.24 Reference is made to the recent decision of the Secretary of State in relation to the planning application MA/13/2197.

- 6.25 The proposed development will be contrary to the NPPF and a policy statement from the planning minister reported on the 8 September 2014 that said that "*Councils should be using their powers and the support that is available from the government to prioritise development on brownfield sites, work with the local community and defend our valuable countryside against urban sprawl*".

- 6.26 The development will be contrary to policy ENV32 which serves to protect coalescing within the urban community. (*Officer comment: Policy ENV32 is not relevant to the current application as this policy only relates to areas within the Southern Anti-Coalescence Belt and the current application site is outside this area*).

- 6.27 NPPF 32 recites "where residual cumulative transport impacts are identified as severe, development should be refused". The cumulative impact from local developments will result in severe impact and the application should be refused on this basis.

- 6.28 NPPF 35 urges "a safe and secure development to minimise conflict between traffic and cyclists and pedestrians. Gatland Lane is an improved "LANE" constructed for agricultural use and widened to a carriage width of 6.0 metres. Gatland Lane is also a bus route serving services 8 and 86. Gatland Lane is currently used as a "rat run" to avoid the Fountain cross roads and has been further congested by the planning permission granted to the Jubilee School. In these circumstances, where near misses are now frequent, it is difficult to imagine how NPPF could in any way be considered to be adhered to.

Ward Councillor – Cllr. Paul Harper

- 6.29 The application is called in for committee determination to allow review and full debate for the following reasons:

- The site is not designated for development in the draft local plan;
- The extent of local concern about local highway impact;
- The impact on the local environment and Medway Valley; and
- Sustainability issues regarding schools, GP surgeries, shops etc.

Ward Councillor – Cllr. Stephen Paine

- 6.30 There is an objection to the planning application for the following reasons:
- 6.31 This application is premature. The draft Local Plan that is at an advanced stage has allocated sufficient sites to accommodate Maidstone's objectively assessed housing need with a sufficient number of positively planned and tested alternatives.
- 6.32 The area has recently been classed as a landscape of local value (LLV). The landscape character assessment identifies views to the south as a key landscape feature of this site - development of the quantum proposed will jeopardise these views and, therefore, the integrity of the LLV. The illustrative plan provided by Gleeson suggests that housing could stretch as far down the valley as Homewood Orchard - meaning the visual harm to the landscape will affect key vantage points from public footpaths on both sides of the valley.
- 6.33 Whilst an outline application the cumulative traffic impact needs to be considered of 270 homes plus the new one-form entry primary school (Jubilee Free School) at Gatland House. Traffic mitigation is proposed at the Fountain Lane crossroads to accommodate the impact of development on Hermitage Lane, but the cumulative impact of development off Gatland Lane will render the improvements redundant.
- 6.34 Unlike Hermitage Lane, development on Fant Farm is likely to cause severe traffic pressure (including junction failure) in some of Fant's Victorian streets - such as Hartnup Street, Hackney Road, Upper Fant Road and Douglas Road. Speedy rat running could get worse on Glebe Lane, and East Farleigh Bridge (already over design capacity) will be placed under even more pressure.

Ward Councillor – Cllr. Matt Boughton

- 6.35 The application is called in for committee determination for the following reasons:
- The site is not designated in the emerging Local Plan as suitable for Development.
 - There would be a considerable visual impact on the Medway Valley from all sides of the development, including the south side of the River Medway and local footpaths.
 - I am concerned about the ability of local GP surgeries in the area to cope. I note that NHS England Property Services believe the current proposals will require an extra £132,256.80 in s106 money to make the necessary improvements to their surgeries within a 1 mile radius. Considering the large amount of money which needs to be spent, I would like to see this point scrutinised further.
 - With the Jubilee Free School on Gatland Line only taking 240 pupils, I am unconvinced by the availability of school places in the local vicinity to be able to take the extra pupils from this development. This point applies to Primary School places, Boys Grammar places, Girls Grammar places and Secondary Modern places.
 - I note that Kent Police highlight that there has been no assessment in the development to apply the seven attributes of the CPTED (Crime Prevention Through Environmental Design). Until this is completed, any approval should not be put forward due to the potential for the development to increase crime and anti-social behaviour both there and on existing local roads.
 - Farleigh Bridge is a medieval structure which is already over capacity, which would be increased with this development on its doorstep.
 - The Fountain Crossroad improvements will be redundant due to the combined pressure from developments at Fant Farm and Hermitage Lane.

- With only 1 entrance/exit on to Gatland Lane, many vehicles will follow the bus route along Fant Lane-Hackney Street-Upper Fant Road-Douglas Road-Westree Road. Has an assessment been made on these roads ability to cope with increased traffic congestion, and the availability of car parking in the area with local shops en route? Furthermore, pressure on the junctions of the A26 with Westree Road/ St Michaels Road/ Hartnup Street/ Fant Lane/ Terminus Road/ Farleigh Lane/ Glebe Lane should be made as possible exit routes for vehicles from this development.

Kent County Council - Cllr Rob Bird - Member for Maidstone Central.

- 6.36 Objection to this application on the following grounds:
- 6.37 Maidstone Borough Council has recognised the value of this area to the local environment and has agreed to designate part of the Medway Valley area including this site as Land of Local Landscape Importance.
- 6.38 This site is not deemed appropriate for development on the scale proposed and should be maintained as green space.
- 6.39 The applicant's traffic modelling is based on July 2014 survey data. This is already out of date and as July is not a normal month the data is likely to understate existing traffic levels. The traffic modelling fails to recognise that many of the local roads are already close to, or at design capacity.
- 6.40 Significant further development has already been approved for the Hermitage Lane area and limited mitigation measures have been agreed - notably at the Fountain/Spice Fusion junction. However, there is no scope for further increasing the capacity at this junction. I do not accept that an additional 50 vehicle movements per hour at this junction would not have a significant impact; they could easily be the tipping point leading to total gridlock. Furthermore, the additional 45 second delay would be a major impact for all motorists at this junction and would lead to significantly higher levels of air pollution.
- 6.41 The traffic assessment fails to take into account the impact of additional flows on narrow residential streets such as Hackney Road and Hartnup Street which are already frequently clogged through a combination of traffic and parked vehicles. In addition in Spring 2015 c 500 vehicles were recorded passing over Farleigh Bridge in just 1/2 hour during the morning peak, despite the level crossing being closed twice during this period. How is this narrow single file ancient bridge expected to cope with yet more traffic?
- 6.42 Additional traffic will inevitably make junctions such as Gatland Lane/ Glebe Lane/ Farleigh Lane and Hartnup Street/ Tonbridge Road more dangerous but no mitigation measures are proposed. This is not acceptable.
- 6.43 The Air Quality Assessment conclusion is incorrect. There are already hotspots in Fountain Lane and at the bottom of Farleigh Lane. Any additional traffic, especially whilst vehicles are queuing, is likely to push this pollution above acceptable levels. The Addendum to the Air Quality Assessment includes extremely spurious traffic data in table 2.1. It is totally unrealistic to assume that this proposed development will have a zero traffic impact on the A26 (both directions), Hackney Road (East) and Upper Fant Road. I would expect MBC to insist that this work be undertaken again using meaningful traffic data.

7.0 CONSULTATIONS

East Farleigh Parish Council

7.1 Objection to the application for the following reasons:

- This development wasn't in Maidstone Borough Council's original call for sites.
- The development would take up useful agricultural land.
- There is no infrastructure to support this number of houses
- Surrounding roads, lanes and East Farleigh Bridge are already at saturation point and cannot absorb potentially 450 more cars (assuming 2 per household).

MBC Landscape Consultant

7.2 In assessing landscape effects the applicant highlights the benefits arising from the implementation of the landscape proposals associated with the application scheme. It is acknowledged that the layout of the application scheme appears to be well considered and appropriate in landscape terms and that the landscape proposals would partly mitigate adverse landscape effects and assist in integrating the development into the local area. It is also acknowledged that the creation of orchards and other planting proposals would complement the wider existing landscape character and comply with some of the aspirations for landscape improvements expressed in the published landscape character studies relevant to the area.

7.3 It is acknowledged that the soft landscape proposals associated with the application scheme would provide some screening and softening of the development and assist in integrating it into the landscape. A rather stylised graphic has however, been used for the proposed tree planting in the photomontage images and their scale appears slightly exaggerated, particularly in terms of spread. In addition the orchards are indicated at 5m height at Year 20. In practice orchards are generally managed at lower heights to facilitate ease of fruit picking. The result is that the screening provided by the proposed trees appears somewhat over emphasised. In addition, while the scale of the built forms in the views is assumed to have been correctly modelled the flat grey tones used for the building finishes are more visually recessive than would actually be the case.

7.4 In reality the different colours of various building finishes, shadow-lines and reflective glazing (particularly that which is south facing) etc. are likely to make the new buildings more conspicuous than those illustrated in the photomontages. This is apparent from the comparative appearance of existing settlement areas in the views. Some of the visual effects appear also to be understated for key visual receptors.

7.5 Despite positive aspects of the landscape proposals however, the application scheme would still fundamentally change the landscape character of the site from open rural countryside to residential development and ultimately result in some adverse landscape effects that would remain in the long term. It would remove rural countryside separating existing development at Cowdrey Close/Gatland Lane and Terminus Road/Farleigh Lane, encroach into a highly visible part of the designated Medway Valley area of local landscape importance and represent the loss of a rural landscape amenity resource currently experienced, albeit it indirectly, by local residents and users of numerous local roads and PRow on both sides of the Medway Valley. In addition the semirural character of Gatland Lane adjacent to the site, with its open rural views looking south, would become urbanised.

7.6 Overall the applicant understates the adverse landscape effects that would result from the application scheme. The low value attributed to the majority of the site, results in its sensitivity being understated. The magnitude of effect at Year 20 is

described as small and the conclusion is that there would be a minor beneficial significance of effect in this timescale. In practice the loss of open rural countryside would result in a large magnitude of effect, even in the long term allowing for the establishment of the landscape proposals, and significant adverse landscape effects would remain at Year 20.

- 7.7 Lighting arising from proposed houses, street lights and vehicles within the application site would also contribute to the adverse landscape effects with the introduction of new light sources into the countryside, albeit it set against a backdrop of some lighting in existing settlement areas.
- 7.8 The applicant's landscape and visual impact assessment (LIVA) states that Gatland Lane to the east of Terminus Road is characterised by a well vegetated structure of mature trees. This may apply to the north side of Gatland Road. The south side of this road is however, only sporadically vegetated and attractive open views across the site to the south side of the Medway Valley are possible from the road. Photographs within the LIVA demonstrate the open nature of the arable fields to the east of the application site and the extensive views of the proposed development that would be available from PRow KB12, KB13 and localised parts of KB17 where adjacent hedgerows are punctuated on both sides of the route by field openings.
- 7.9 While existing residential properties are visible to the north and east, these are relatively unobtrusive and the dominant characteristic of the views is that of pleasant open rural countryside. Site context photographs within the LIVA illustrate clear views towards the site from publically accessible locations on the south side of the Medway Valley. The photomontage images demonstrate that the application scheme would be very visible from key viewpoints on the south side of the Medway Valley and result in visible coalescence between the existing development at Cowdrey Close/Gatland Lane and Terminus Road/Farleigh Lane.
- 7.10 In the submitted Planning Statement the applicant states that the proposed development responds to a number of key landscape and visual sensitivities including *"To retain the character of views from Gatland Lane across to the southern aspect of the valley, open space is located in the central part of the Site"*. The fact is that the character of views from Gatland Lane would be profoundly changed and curtailed by the application scheme with the southern aspect of the valley being largely screened.

MDC Heritage

- 7.11 No objection to the development on heritage grounds.
- 7.12 The conservation officer is in agreement with the findings of the submitted Heritage Statement that the development (if carried out in line with the illustrative layout submitted with the application) would have no adverse impact on the settings of the heritage assets that have been outlined. The conservation officer is satisfied that there are no other heritage assets likely to be affected which are not identified.

MDC Tree Officer

- 7.13 No objection subject to planning conditions that identify areas for open space and new planting and require the submission, approval and implementation of a tree protection plan prior to any site preparation works taking place. This root protection plan is to ensure that root and soil damage does not take place within the Root Protection Areas of the retained trees and hedges.

- 7.14 There are no individual trees or groups of trees on the site that are considered of a quality that their long term retention within a development scheme should be a constraint to development. It is noted that the some of the hedges on the site mark lines of historic field boundaries and any detailed proposal should seek to retain these within the scheme.

MDC Transport Planning

- 7.15 Whilst there is no objection to the proposal, it is considered that the measures to encourage public transport use should be advanced further.

MBC Parks and Open Spaces

- 7.16 No objection to the development subject to a planning obligation requiring a financial contribution of £400 per dwelling to mitigate the increase in usage of facilities at the site known as Gatland Lane recreation ground as well as any others within a one mile radius of the development. The offsite contribution would be used for the improvement, maintenance, refurbishment and replacement of facilities within this area.

Mid Kent Environmental Health – Air Quality

- 7.17 No objection to the development subject to a planning condition requesting on site air quality mitigation measures. These measures should be to a level that adequately mitigates the harm that has been identified by the applicants submitted emissions mitigation and damage cost assessment

Mid Kent Environmental Health - Contaminated land and noise.

- 7.18 No objection to the development subject to planning conditions relating to contaminated land and an informative highlighting the Mid Kent Environmental Code of Development Practice.

Natural England

- 7.19 No objection to the development.

Kent Wildlife Trust

- 7.20 No objection subject to planning conditions being attached to any approval seeking a survey of all breeding birds on the site, a mitigation strategy with detailed provision for all birds, the submission and approval of all external lighting and a bat mitigation plan.

Kent County Council – Highways

- 7.21 No objection to the proposal subject to a planning obligation and planning conditions to secure off site highway improvements. The planning obligations should seek all of the off-site improvements proposed by the applicant including bus stop improvements either via a Section 278 Agreement or by appropriate financial contributions towards the delivery of highway improvements at the A20/Hermitage Lane junction.
- 7.22 The Transport Assessment Addendum submitted by the applicant has provided additional information that enables KCC Highways to remove the holding objections previously raised in respect of this planning application. The following comments are made on site access, sustainable travel Traffic Impact and Mitigation: A26/Fountain Lane/Farleigh Lane Junction; Traffic Impact and Mitigation: A20 and Hermitage Lane Corridors

Site access

- The proposed provision of hard surfacing on the existing Public Right of Way (PRoW) that runs through the site is welcomed as this will afford improved scope for it to be used by pedestrians in all weather conditions.
- The absence of a proposal to provide lighting along the PRoW is understood to be influenced by the desire of the Borough Council to retain its rural character. This may deter some users from using it during hours of darkness.

Sustainable travel

- The Addendum has presented further information regarding the proximity and availability of various local facilities.
- This supports the view that there will be scope for some local journeys to be undertaken by walking, cycling and public transport.
- KCC Highways accept that such opportunities will exist, and that the proposed improvements to pedestrian facilities and bus stops will help to encourage journeys of this nature.

Traffic impact and mitigation: A26/Fountain Lane/Farleigh Lane junction

- An additional capacity improvement has been proposed by the applicant to address the objection previously raised regarding worsening delays on the Fountain Lane arm of the A26 junction.
- The improvement involves the lengthening of the two lane approach on Fountain Lane to provide additional queuing capacity. This will, to some extent, formalise and extend the side-by-side queuing that already takes place at this location through the alteration and addition of road markings.
- The Addendum includes capacity modelling that demonstrates how this modification, coupled with the other previously proposed improvements to the junction, will mitigate the impact of the additional development traffic on peak period operating conditions.
- When viewed in totality, the improvements to this junction also provide scope for the existing SCOOT (Split Cycle Offset Optimisation Technique) capability to be co-ordinated with the nearby Fountain Lane/Heath Road/Hermitage Lane/St. Andrews Road traffic signals. This would also assist traffic flow conditions and will need to be accounted for in any detailed design.
- The proposed new pedestrian crossing on the A26 will also need to be cabled linked to the junction for co-ordination purposes and, at detailed design stage, will need to be a minimum of 3.2m wide rather than the 2.4m shown in the layout drawing.
- Subject to a Section 278 Agreement to secure the junction improvements, the holding objection raised regarding the worsening of congestion at this location has been satisfactorily resolved.

Traffic impact and mitigation: A20 and Hermitage Lane corridors

- Further analysis has been presented in the Addendum to provide a clearer understanding of the impact that the additional development traffic would have on operating conditions on the Hermitage Lane/A20 approach to M20 J5. This seeks to address the objection previously raised regarding the potential worsening of congestion on this part of the network.
- Capacity modelling has been presented for the A20/Hermitage Lane and A20/Coldharbour Lane junctions, taking account of recently collated traffic data and other committed developments in the locality.
- The modelling indicates that the junctions will operate at levels close to or above theoretical capacity. The additional development will result in a marginal worsening of queuing and delays at both junctions.

- The modelling also indicates that improvements to both junctions would be likely to realise sufficient capacity for this impact to be accommodated, although such improvements are not proposed in support of the development proposal.
- Having regard to the modelling findings, KCC Highways has some concerns over the additional local congestion this development would create. The National Planning Policy Framework (NPPF) states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. That can only be judged on a case by case basis, taking account of all material factors.
- KCC Highways has considered the traffic assessment and the current and likely future conditions on the local highway network. This shows that the situation is likely to be worsened, but KCC Highways are not able to conclude that it will result in conditions that could be described as a severe impact on congestion or safety. However, Members should be made aware that the residual impact of this development is likely to be characterised by additional local traffic generation and some consequent increase in congestion, which the applicant cannot fully mitigate, that may cause a worsening in local air quality.
- Subject to a financial contribution towards the improvement of the A20/Hermitage Lane junction forming part of the identified Maidstone Integrated Transport Package, the holding objection raised regarding the worsening of congestion on this part of the network is removed.

Kent County Council - Public Rights of Way

- 7.23 No objection following receipt of further information in the Transport Assessment Addendum.
- 7.24 Several Public Rights of Way are found within and bordering the proposed development including Public Right of Way footpath KB17 and KB13. The existence of the right of way is a material consideration.
- 7.25 It is noted that the development mentions upgrading and improving the Public Rights of Way network to encourage new residents to use sustainable transport. The Area Public Rights of Way Officer fully supports any network improvements subject to any changes to the surface, status or public access to the Public Rights of Way being agreed before construction. It should also be noted that any cycle tracks must be constructed and dedicated under the Cycle Track Act to be considered a Cycle Link.
- 7.26 The applicant should be made aware that the granting of planning permission confers on the developer no other permission or consent or right to close or divert any Public Right of Way at any time without the express permission of the Highway Authority.

Kent County Council – Biodiversity and Ecology

- 7.27 No objection subject to the provision of additional information on breeding birds including ground nesting birds and planning conditions requiring the following:
- submission of a detailed reptile mitigation strategy (including updated reptile survey, details of the proposed receptor site, translocation methodology and timings of the proposed works);
 - details of the ecological enhancements,
 - details of the management for the open space areas and
 - measures to ensure that lighting does not impact upon bats.

Kent County Council – Archaeology

- 7.28 No objection however due to the general potential for prehistoric and Roman remains any approval should be subject to a planning condition seeking further assessment.

The planning condition should secure and implement archaeological field evaluation works in accordance with an approved specification and written timetable. The site lies within the valley of the River Medway to the west of Maidstone built environment. This is an area which would have been favourable for prehistoric and Roman activity and there are Roman villas known in this general area.

Kent County Council – Infrastructure provision

- 7.29 No objection subject to securing planning obligations to mitigate the impact of the proposed development on the following local infrastructure: the delivery of local Education and Community Services (including Libraries, Youth, Community Learning and Social Care), the provision of five wheelchair accessible homes as part of the on-site affordable homes delivery, and a planning condition and informative relating to broadband provision.

Kent County Council - Local Lead Flood Authority

- 7.30 No objection subject to conditions and an informative. The conditions should require the submission of a detailed sustainable surface water drainage scheme (including implementation, maintenance and management), a restriction on the infiltration of surface water drainage into the ground and an informative urging the developer to contact the Flood Risk Protection Officer prior to undertaking any works that may affect any watercourse/ditch/stream or any other feature which has a drainage or water conveyance function.

Upper Medway Internal Drainage Board

- 7.31 No objection subject to the planning condition requesting details of drainage and requiring runoff to be restricted to that of the greenfield site. Details of the sustainable urban drainage system and its future maintenance should be agreed with KCC's drainage and flood risk team.
- 7.32 Whilst the site of the above proposal is outside of the Upper Medway IDB's district, it does have the potential to affect Internal Drainage Board interests, in particular local flood risk. The comments made by KCC's drainage and flood risk team are supported.

Southern Water

- 7.33 No objection subject to conditions in relation to foul and surface water disposal and a sustainable urban drainage system and an informative advising the developer to contact Southern Water.
- 7.34 Southern Water cannot accommodate the needs of this application without the development providing additional local infrastructure. The proposed development would increase flows into the foul and surface water system and as a result increase the risk of flooding in and around the existing area, contrary to paragraph 109 of the National Planning Policy Framework.
- 7.35 Section 98 of the Water Industry Act 1991 provides a legal mechanism through which the appropriate infrastructure can be requested by the developer to accommodate the above mentioned proposal.

Kent Police - Crime Prevention Design Advisor

- 7.36 No objection subject to the following informatives attached to any decision:
- The applicant is advised of the Kent Design Initiative (KDI), which seeks to assist developers in relation to Crime Prevention and Community Safety.
 - To ensure that a comprehensive approach is taken to crime prevention, and 'Designing out for Crime and Community Safety' it is recommended that Kent

Police Crime Prevention Design Advisors (CPDAs) are involved in the preparation of the reserved matters submission.

NHS Property Services Ltd

- 7.37 No objection to the development subject to planning obligations to accommodate the extra pressure on the local primary and community health service that will result from the proposed development. This includes the need to invest in a number of local surgery premises (Blackthorn Medical Centre, College Practice (Barming), and Lockmeadow Clinic).
- 7.38 The NHS West Kent formulae for calculating s106 contributions has been used for some time and are considered as fair and reasonable. NHS Property Services will not apply for contributions if the units are identified for affordable/social housing. Using the NHS West Kent formulae to calculate the cost per person needed to enhance healthcare needs within the NHS services NHS Property Services Ltd seeks a healthcare contribution of £132,256, plus support for our legal costs in connection with securing this contribution. It is confirmed that there are no more than 5 pooled contributions for the sites listed above; therefore our request meets with CIL regulation.

Scotia Gas Networks

No objection subject to informatives advising the developer of the following: The developer is advised that Safe digging practices, in accordance with HSE publication HSG47 "Avoiding Danger from Underground Services" must be used to verify and establish the actual position of mains, pipes, services and other apparatus on site before any mechanical plant is used. It is the developers responsibility to ensure that this information is provided to all relevant people (direct labour or contractors) working for you on or near gas plant. Damage to Scotia Gas Networks pipes can be extremely dangerous for the developers employees and the general public. The cost to repair our pipelines following direct or consequential damage will be charged to the developer.

UK Power Networks

- 7.39 No objection to the proposed development.

Ambulance Service

- 7.40 No response.

8.0 BACKGROUND PAPERS AND PLANS

- 8.1 The planning application was originally submitted with the following information:
- Design and Access Statement;
 - Planning Statement (including M12 parameters plan and M13 Illustrative Masterplan ;
 - Ecological Assessment;
 - Landscape and Visual Impact Assessment (including a Landscape and Biodiversity Management Strategy);
 - Flood Risk Assessment;
 - Foul Water Drainage Strategy;
 - Utilities Statement;
 - Heritage Statement;
 - Archaeological Desk Based Assessment;
 - Agricultural Land Classification;
 - Transport Assessment;

- Framework Travel Plan;
- Air Quality Assessment;
- Sustainability Statement;
- Statement of Community Involvement;
- Arboricultural Survey;
- Parameters Plan (Dwg No. M-12 Rev D);
- Proposed Site Access Arrangement and Off Site Highway Works (Dwg No. ITB10344- GA-001 Rev B);
- Illustrative Masterplan (Dwg No. M-13 Rev B)

8.2 Following submission of the application the following further information was received

- Letter from applicant dated 15 December 2015;
- Landscape and Visual Impact Assessment Addendum (received 15.12.2015);
- Agricultural Land Classification report (received 15.12.2015);
- Addendum to the Air Quality Assessment (received 15.12.2015).
- Transport Assessment Addendum received 08.02.2016;
- Letter from applicant dated 26 January responding to Ecology comments;
- Letter from applicant dated 10 February (updates).

9.0 **APPRAISAL**

Background

9.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that all planning applications must be determined in accordance with the development plan unless other material considerations indicate otherwise.

Development Plan

9.2 In this case the development plan comprises the Maidstone Borough Wide Local Plan 2000. The starting point for consideration of the current proposal are Local Plan policies ENV28 and ENV35. Policy ENV28 relates to development within the open countryside stating:

“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:

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

9.3 The current proposal has been assessed against the exceptions listed in policy ENV28 and none were found present. Policy ENV35 states that in areas of local landscape importance particular attention will be given to the maintenance of open space and the character of the landscape and encouragement will be given to improvements in public access.

9.4 The application site is currently in agricultural use with public access restricted to the public rights of way which cross the site (PROW KB17) and run along the southern boundary (PROW KB13). The current proposal will provide various areas of new open space and it appears that there will be public access to this land. Notwithstanding improved access to open space, the development is considered contrary to policy ENV35, due to the quantity of proposed development and the impact that this will have on the character of the existing landscape.

9.5 In line with Section 38(6) of the Planning and Compulsory Purchase Act 2004 and after acknowledging the departure from the plan it then needs to be considered whether material considerations are present that suggest that such a departure would be justified. The key material planning consideration outside the development plan is national planning policy set out in the National Planning Policy Framework 2012.

National Planning Policy Framework

9.6 The National Planning Policy Framework (NPPF) places great weight on the requirement to achieve sustainable development. At paragraph 14 the NPPF states that a “...*presumption is favour of sustainable development...should be seen as a golden thread running through...decision making*”. Paragraph 186 advises local planning authorities to approach decision making in a positive way to foster the delivery of sustainable development.

9.7 The NPPF at paragraphs 7 and 8 states that the three dimensions to sustainable development require the planning system to perform an economic role, a social role and environmental role. The NPPF states that these three roles should not be seen in isolation as they are mutually dependent. These three roles are considered below in relation to the current planning application.

● Economic role

9.8 In support of the application the applicant has highlighted the additional jobs that will be generated within the construction phase and the benefits that will arise from the additional labour force that will occupy the new houses.

9.9 Using published data the applicant estimates that spending by future residents on convenience goods, comparison goods and expenditure on leisure goods and services in the local area will generate £4.6 million per annum. The applicant highlights that the Council will gain income from the New Homes Bonus Scheme and through Council Tax.

9.10 New Homes Bonus payments recognise the efforts made by authorities to bring forward residential development. The New Homes Bonus payments however are a redistributive benefit and not a net benefit and considered to have limited weight in the determination of this application. Whilst the other economic benefits that the applicant has highlighted are also acknowledged, these benefits are considered to have moderate weight in the overall consideration of the planning application.

● Social role

9.11 The NPPF states that the social role involves support for strong, vibrant and healthy communities, by providing the supply of housing required to meet the needs of present and future generations.

9.12 The current application will help meet this social role by offering new housing and local housing choice. The indicative housing mix provides a mix of one (28), two (75), three (88) and four bedroom (34) dwellings. The provision also includes affordable housing units to assist those not able to compete in the general housing market.

9.13 With the current lack of a five year housing land supply in the borough, the provision of 225 houses that includes affordable housing units needs to be given significant weight in the determination of the current planning application. This is in the context of the limited weight that can be attached to the housing allocations in the Regulation 19 publication as set out the in paragraph 9.21 of this report.

- Environmental role
- 9.14 The proposed development is located on an open field that is outside the defined urban area. The site is in a prominent location and in an area where landscape value has been recognised by both adopted and emerging policy. In this context there is significant weight attached to the environmental impact from the proposed development.
- 9.15 In conclusion the determination of the current planning application requires the relative social and economic benefits that the proposal will bring, in the supply of new housing, additional employment to be assessed against the adverse environmental impacts. In assessing this impact the report includes consideration of housing land supply, the loss of the existing agricultural land, the visual impact on the local area, the impact on ecology and impacts in relation to traffic generation.

Housing land supply

- 9.16 The National Planning Policy Framework (NPPF) at paragraph 47 states that local planning authorities should identify and update annually a supply of specific deliverable sites sufficient to meet the local need for housing over a period of five years. An additional buffer of 5% should be provided to ensure choice and competition in the market for land. This buffer should be increased to 20% where there is a record of persistent under delivery to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land.
- 9.17 The Council has undertaken a Strategic Housing Market Assessment (SHMA) which was completed in January 2014. This work was commissioned jointly with Ashford Borough Council and Tonbridge and Malling Borough Council. 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 an objectively assessed need for some 19, 600 additional new homes over this period. This figure was agreed by Cabinet in January 2014.
- 9.18 Following the publication of updated population projections by the Office of National Statistics in May 2014, the Council along with Ashford Borough Council and Tonbridge and Malling Borough Council commissioned an addendum to the Strategic Housing Market Assessment. The outcome of this focused update in August 2014, is a refined objectively assessed need figure of 18,600 dwellings. This revised figure was agreed by Cabinet in September 2014.
- 9.19 Since Cabinet agreed to the objectively assessed need figure of 18,600 dwellings in September 2014, revised household projection figures have been published by the Government and as a result the Strategic Housing Market Assessment has also been reassessed. At the meeting of the Strategic Planning, Sustainability and Transport Committee on 9 June 2015, Councillors agreed a new objectively assessed need figure of 18,560 dwellings (reduction of 40 dwellings).
- 9.20 The new Local Plan has now advanced and is out to Regulation 19 publication, the Council considers this version of the Plan is ready for examination. The Plan is scheduled for submission to the Planning Inspectorate for examination in May 2016, with the examination expected to follow in September 2016.
- 9.21 The Plan allocates housing sites considered to be in the most appropriate locations for the Borough to meet the objectively assessed need figure. The plan will enable the Council to demonstrate a 5 year supply of deliverable housing sites when it is submitted to the Inspectorate in May. Clearly the Local Plan is gathering weight as it

moves forward, but it is not considered to have sufficient weight to rely solely on to refuse or approve a planning application.

- 9.22 Notwithstanding the progress of the Local Plan, it remains the case that the most recently calculated supply of housing, which assesses extant permissions and expected delivery, is from April 2015. This demonstrates a 3.3 year supply of housing assessed against the objectively assessed need of 18,560 dwellings. A desk based review of housing supply undertaken in January 2016 to support the Regulation 19 Local Plan housing trajectory suggests that there remains a clear and significant shortfall of supply against the five year requirements. The Council's five year supply position will be formally reviewed in April or May 2016 in order to support the submission of the Local Plan to examination in May 2016. Before the Local Plan is submitted however, the Council will remain unable to demonstrate a 5 year supply of deliverable housing sites.
- 9.23 In circumstances where a five year supply of deliverable housing sites cannot be demonstrated and in relation to decision making, the NPPF at paragraph 49 states that *"relevant policies for the supply of housing should not be considered up-to-date..."*.
- 9.24 The National Planning Policy Framework (NPPF) states at paragraph 14 that where a development plan is absent, silent, or relevant policies are out of date, planning permission should be granted for development unless the *"...adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole; or specific policies in this Framework indicate development should be restricted"*.
- 9.25 In accordance with paragraph 14 of the NPPF it needs to be considered whether the benefits arising from the proposed development of land at Fant Farm in terms of housing supply outweigh the adverse impacts. In making this assessment and as set out below, the key issues are considered to be the loss of the existing agricultural land, whether the proposal represents sustainable development, assessing potential impact on the pattern of development, landscape, traffic and transport.

Loss of agricultural land.

- 9.26 The current application site is an arable field covering an area of 14.47 hectares and in public consultation responses it has been highlighted that the land appears to produce a high yield. Within the application site boundary the submitted proposal includes residential development on 7.24 hectares (net) of land with the remaining areas of land on the site providing open space, servicing and access areas.
- 9.27 The National Planning Policy Framework (NPPF) at paragraph 112 states that where it has been demonstrated that the significant development of agricultural land is necessary, *"...local planning authorities 'should seek to use' areas of poorer quality land in preference to that of a higher quality"*.
- 9.28 The Agricultural Land Classification puts land in one of the five grades (grade 1, 2, 3a, 3b or 4). The NPPF defines the best and most versatile agricultural land as land classified in grades 1, 2 and 3a. The framework expresses a preference for development to be directed to land outside of these classification grades (towards grades 3b, 4 and 5).
- 9.29 An Agricultural Land Classification survey of the application site has been conducted on behalf of the applicant. The survey, that included laboratory soil analysis, concluded that 30% of the land within the application site was grade 2 agricultural

land, 58% was grade 3a and 12% was grade 3b. The application site does not include any land within the highest land classification (grade 1) however 78% of the site is in grades 2 and 3a which is considered the best and most versatile agricultural land

- 9.30 The economic and other benefits that come from the best and most versatile agricultural land are acknowledged however in assessing the current proposal the test set out in paragraph 14 of the NPPF needs to be applied. This test is to consider whether the “...*adverse impacts...would significantly and demonstrably outweigh the benefits*”.
- 9.31 In public consultation responses it has been stated that the potential to use the land for food production should be given greater preference than the need for new housing. It is considered that the social benefits that will arise from the development of 225 new houses in meeting local housing need would in this case outweigh the adverse impact from the loss of this ‘*best and most versatile agricultural land*’.

Visual impact

- 9.32 Paragraph 17 of the NPPF sets out core planning principles, these include the need to: ‘*take account of the different roles and character of different areas...recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it contribute to conserving and enhancing the natural environment.*’ Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.
- 9.33 The NPPF at paragraph 113 makes a distinction between the hierarchy of international, national and locally designated sites stating that protection should be commensurate with their status. The NPPF permits the protection of locally valued landscapes through the application of criteria and the local analysis of landscape character and sensitivities.
- 9.34 The application site is not located in an area with nationally designated landscape protection (SSSI, AONB, National Park etc.). The site is however recognised as having local landscape value designated as an area of local landscape importance in the adopted local plan and as a landscape of local value in the draft local plan.
- 9.35 As set out earlier in this report (paragraph 4.8) the application site is located within landscape character areas at a national, county and borough level. The borough level assessment is provided within the Maidstone Landscape Character Assessment 2012 (amended 2013). The landscape character assessments highlight the rural nature of the area with mixed agriculture including, fruit growing and orchards. The assessment refers to the valley topography, with views and the influence of the adjacent urban areas. The actions recommended by the assessment are to improve the landscape such as reinstating hedgerows, maintaining well managed field boundaries and reintroducing orchards.
- 9.36 In January 2015 the Maidstone Landscape Capacity Study: Site Assessments report was published. The assessment and report was commissioned by the Council to help provide a “*robust evidence base to the Local Plan and will be used to inform the Sustainability Appraisal of any land allocation proposals*”. The assessment considered the capacity of the landscape to accommodate either housing, mixed use, employment or economic development on a number of sites throughout Maidstone Borough.

- 9.37 The sites assessed as part of the Landscape Capacity Study are those that were provided in the draft local plan, together with those highlighted as part of the 2014 'call for sites' exercise. The land included as part of the current application site straddles two of these land plots. Site HO-95 (Farleigh Lane and Gatland Lane) is the northern part of the application site on the highest ground and to the west of existing built development in Cowdrey Close and Pitt Road. The overall landscape sensitivity of this land was found to be moderate with a moderate capacity to accommodate new housing.
- 9.38 The second part of the application site located to the south of existing built development in Cowdrey Close and Pitt Road is assessed as site HO-74 (Fant Farm). The overall landscape sensitivity of this second area of land was found to be high with a low capacity to accommodate housing. The assessment highlighted the sloping valley side "*that promotes extensive views to and from the landscape on the opposite valley side, including from East Farleigh Conservation Area*". The assessment concluded that there was "*very limited scope for mitigating potential visual impacts*" due to the prominence of the site and the "*high number of visual receptors*".
- 9.39 With the sensitive position of the site on the upper slopes of the Medway Valley and the local landscape designation, the applicant has submitted a full Landscape and Visual Impact Assessment (LVIA) in support of this outline planning application. The LVIA states that the indicative design and layout of the proposed development has been landscape led.
- 9.40 The Council's Design Surgery recently considered the submitted proposal. The surgery welcomed the analysis of the wider area that had been included as part of the application. The terracing strategy "*a sandwich approach of landscape and housing*" was also considered a good approach the site if it is to be an allocated housing site. It was considered that there were failings within the Landscape and Visual Impact Assessment lets them down including in relation to the extent that trees would provide screening in the in early years. It was considered by the surgery that the view across the valley is very sensitive and that the development would cause harm. The surgery considered that it would be hard to argue the harm is insignificant stating that going from a field to houses cannot be disguised with a hedge.
- 9.41 The surgery considered that there was a good opportunity to provide adequate links to the station and the details to make it safe and secure will be important. The surgery considered that the masterplan uses the topography well, picks up significant links and has the potential to achieve a soft edge. It was considered that there was a rational edge to the existing town. If a wider perspective is taken which logically follows topography, this suggests the housing on the lower slopes ought to be omitted.
- 9.42 In terms of the pattern of local development, the application site and adjoining land provide a break in the existing built development to the south of Gatland Lane and an open aspect providing views across the Medway Valley. This open area along Gatland Lane extends from the property at 39 Gatland Lane in the east to Farleigh Lane in the west. The open land along Gatland Lane together with land stretching to the southern side of the Medway Valley is designated within the Local Plan as having local landscape importance.
- 9.43 The application site and adjoining open piece of land are bordered to the east by residential development in a number of minor roads (including Cowdrey Close, Pitt

Road, Burns Road and Shelly Road). The layout of development on plan in these minor roads, and development further to the east of Hackney Road, form a defined, but staggered boundary edge between built development, and the open countryside. This staggered edge of the urban area steps northwards towards Gatland Lane providing a transition from the urban nature of Maidstone Town Centre located to the north east making reference to the route of the railway line and the River Medway located further to the south.

- 9.44 The open land along Gatland Lane extends to the west ending with ribbon residential development on the west side of Farleigh Lane. This ribbon residential development extends from Glebe Lane southwards, into the area designated as having local landscape importance.
- 9.45 The proposed built development will extend from Gatland Lane down the northern slope of the Medway Valley, to a point level with the Homeward Orchard plant nursery in Farleigh Lane. The applicant has stated that this layout will reflect the '*topographic position*' of the existing settlement pattern in Cowdrey Close and Pitt Road. The applicant sets out that the alignment of the built form reflects the linear and stepped edge of the existing settlement pattern adjacent to the site.
- 9.46 Whilst the defined stepped layout of neighbouring development is acknowledged, the current layout steps northwards allowing the open space to widen as you get further away from the dense urban character of the town centre. The proposed development will extend significantly further southwards into the open space of the Medway Valley past existing built development including houses in Cowdrey Close. It is considered that this layout and the extent of development will result in harm to the character of this northern edge of this area of local landscape importance and the character of the area generally.
- 9.47 Whilst the existing ribbon housing along Farleigh Lane is acknowledged, the area to the south of this housing has an open character with only sporadic existing development. In this area there is currently an agricultural building, a single residential property called Homewood and buildings associated with Homeward Orchard plant nursery.
- 9.48 The position of Homeward Orchard plant nursery and natural ground levels are used by the applicant as justification for the proposed extent of built development down the northern side of the Medway Valley into this area with an existing open character. It is considered that this justification for the extent of built development is arbitrary and that the proposed development will harm the character and appearance of this area. It is considered that development of this nature will consolidate the existing ribbon development located in Farleigh Lane and unnecessarily encroach into this area with landscape value and designated as having local landscape importance.
- 9.49 The views to the south from Gatland Lane are considered to be a key landscape feature of this area, and this is recognised in the published landscape character assessment. It is considered that due to the level of proposed development this landscape feature will be significantly damaged.
- 9.50 The applicant has stated that the layout of the development is based upon a framework of open spaces and tiered structural planting. It is acknowledged that this proposed layout with open space between areas of housing with tiered planting would provide a level of mitigation with screening of short term views. The benefit of this layout would however be insignificant when compared to the visual harm that would result from the development as a whole. It is considered that the provision of

orchards and other landscaping would also complement the existing landscape character; but again this benefit would not outweigh the negative overall impact on landscape character.

- 9.51 In conclusion it is considered that the proposed development will significantly change the character and cause visual harm to the appearance of this local area with the introduction of new housing in this visually prominent location in open countryside and on the side of the Medway Valley. It is therefore considered that the development is contrary to policies ENV28 and ENV35 of the Local Plan (2000).

Heritage and archaeology

- 9.52 Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 requires that decision makers pay special regard to the desirability of preserving listed structures potentially affected by the scheme or their settings or any features of special architectural or historic interest that they may possess. Such special regard has been paid in the assessment of this planning application.
- 9.53 The National Planning Policy Framework (NPPF) advises that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal. At paragraph 134 the NPPF states that where a development proposal 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, including securing its optimum viable use.
- 9.54 The application site is not located within a conservation area. East Farleigh Conservation Area is the closest to the application site located 670 metres to the south west. There are no statutorily or locally listed buildings located on the application site. Outside the application site boundary are Fant House; the Oasthouse at Fant Farm and the wall to the north east of Fant House which are all on the statutory list of historically important buildings (Grade II). The closest of these structures is the Oasthouse that is located 375 metres to the east of the application site.
- 9.55 It is considered that the beneficial impact of the proposed landscape screening has been exaggerated as part of the applicant's submission and as a result the potential impact on the setting of nearby heritage assets not fully considered. This reduced level of screening has been considered by the Council's Conservation Officer and he is satisfied that the proposed development will not harm the setting of any local heritage assets. It is considered that this assessment is correct and no harm will arise to the setting of these heritage assets.
- 9.56 The NPPF at paragraph 128 states that "Where a site on which development is proposed includes or has the potential to include heritage assets with archaeological interest, local planning authorities should require developers to submit an appropriate desk-based assessment and, where necessary, a field evaluation.
- 9.57 In support of the planning application the applicant has submitted an archaeological desk based assessment. This assessment reports that the application site is likely to have been utilised for orchards or arable cultivation from the mediaeval period and ploughing and tree planting is likely to have had a widespread negative impact on any archaeology remains present. The assessment concludes that the site can be

considered to have a low to moderate potential for below ground archaeological deposits associated with the Prehistoric and Roman periods. For all other periods the assessment concludes that there is a low potential for below ground archaeological deposits.

- 9.58 The submitted assessment has been considered by Kent County Council Archaeology. It is advised that this is an area which would have been favourable for prehistoric and Roman activity and there are Roman villas known in this general area. There is no objection to the development subject to a planning condition requiring further assessment of the potential for prehistoric and Roman remains. The planning condition should secure and implement archaeological field evaluation works in accordance with an approved specification and written timetable.

Ecology

- 9.59 Under the Natural Environment and Rural Communities Act (2006), *'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'*. In order to comply with this 'Biodiversity Duty', planning decisions must ensure that they adequately consider the potential ecological impacts of a proposed development.
- 9.60 The National Planning Policy Framework at paragraph 109 states that *'the planning system should contribute to and enhance the natural and local environment by...minimising impacts on biodiversity and delivering net gains in biodiversity where possible.'*
- 9.61 Paragraph 99 of Government Circular (ODPM 06/2005) Biodiversity and Geological Conservation - Statutory Obligations and their Impact within the Planning System states that: *"It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted otherwise all relevant material considerations may not have been addressed in making the decision."*
- 9.62 The application site consists of an arable field with hedgerows, scattered deciduous trees, tall ruderal vegetation, rough semi-improved grassland and some areas of scrub with hedgerows, grassland and scrub. The site has no statutory ecology designation and is not recognised for being of any notable importance in relation to ecology.
- 9.63 Whilst the application site is not covered by a statutory ecology designation there are several statutory designated sites within 10 kilometres of the site. These sites include areas of ancient woodland and two sites designated as a Special Area of Conservation (Peters Pit and North Downs Woodlands). The submitted ecological report concludes that the proposed development is not likely to result in significant impact on these areas.
- 9.64 Whilst the habitats provided on the site are common and widespread throughout the UK, the land does have the potential to support reptiles and breeding birds. As a result and in support of the current application the applicant has submitted the conclusions of an extended phase 1 habitat survey; a walk over survey, badger survey, bat activity surveys and a reptile survey.

Reptiles

- 9.65 A reptile survey of the site found the only species present were slow worms. With the majority of the site arable land, the reptile population is restricted to the areas of hedgerow/rough grassland around the field boundaries.

- 9.66 The submitted report states that the proposed Sustainable Urban Drainage area is likely to provide the reptile receptor site. As part of this outline submission KCC Ecology have confirmed that this location is likely to be acceptable however it would need to be demonstrated at the detailed design stage through a planning condition that the area has sufficient carrying capacity.
- 9.67 KCC Ecology have confirmed that the submitted survey provides sufficient information to determine the application and if planning permission is approved a planning condition would be necessary to ensure that adequate mitigation is provided.

Breeding Birds

- 9.68 The information submitted as part of the planning application has demonstrated that the application site has suitable habitat for breeding birds, including ground nesting birds.
- 9.69 The information provided by the applicant advises that the ecologists monitored for breeding birds during the bat, reptile and phase 1 surveys. KCC Ecology have advised that the survey method for breeding birds is inadequate due to the different timing of breeding bird surveys, the size of the site and the loss of the habitat.
- 9.70 In response, to the concerns of KCC Ecology the applicant has instructed that a specific breeding bird survey be conducted. It has been advised that the results of this survey will not be available prior to the determination of the current planning application. In the event that planning permission is approved it is recommended that the decision is not issued until the results of this survey have been received and evaluated.

Bats

- 9.71 The bat activity surveys conducted by the applicant recorded low numbers of common and soprano pipistrelles foraging within the application site. Whilst this survey work would ideally have covered the whole of the application site, the survey information is considered sufficient by KCC Ecology to determine the planning application. This conclusion is based on the habitats that are present and due to the low numbers of bats that were recorded during the survey work.
- 9.72 With the adverse impact from external lighting on foraging or roosting bats, the design of lighting should be in accordance with the Bat Conservation Trust's Bats and Lighting in the UK guidance. In the event that planning permission is approved a planning condition is recommended seeking details of external lighting.

Badgers, Newts, Dormice and Invertebrates.

- 9.73 The survey work did not find any evidence of badgers, newts, dormice on the application site and the applicant considers that the site is likely to support "a low biomass of invertebrates".

Biodiversity enhancements

- 9.74 As part of the environmental role to achieving sustainable development the National Planning Policy Framework (NPPF) at paragraph 7 states that the planning system needs to contribute to protecting and enhancing the natural environment and to help improve biodiversity. At paragraph 118 the NPPF states that, local planning authorities should aim to conserve and enhance biodiversity when determining planning applications and take opportunities to incorporate biodiversity in and around developments.

- 9.75 Policy ENV6 of the Local Plan states that the council will require a landscape scheme to be carried out as part of development proposals. This landscape scheme should include the retention of existing trees, woodlands, hedgerows, natural and man-made features which contribute to the landscape character or quality of the area. The landscape scheme should provide a scheme of new planting of trees, hedgerows or shrubs, using native or near native tree species, and wherever possible native or near native shrub species.
- 9.76 The applicant has recommended biodiversity enhancements in the form of a 3 metre wildlife buffer to the existing boundary hedges and the creation of specific new habitats within the open areas of the development. The current application is in outline form and is considering access arrangements with all other matters reserved for future consideration. In the event that planning permission is approved a planning condition should seek the submission of biodiversity enhancements including new habitats for breeding birds for approval and implementation prior to first occupation of the proposed houses.
- 9.77 It is considered that the subject to the implementation of acceptable mitigation measures, and planning conditions relating to control of external lighting, the management of open areas and ecological enhancement the proposed development would be acceptable in terms of the ecological impact.

Access and highway safety

- 9.78 Paragraph 32 of the NPPF states that decisions taken on planning applications should take account of whether all people have safe and suitable access to the site. Policy T1 of the Local Plan states that all new development will require to be safely and securely related either to existing or to improved movement networks.
- 9.79 The current application has been submitted in outline form with access arrangements to be considered at this stage with all other matters reserved for future consideration.
- 9.80 The application site is currently undeveloped and there is no existing direct vehicle access to the public highway. At the eastern end of the Gatland Lane frontage (adjacent to 37 Gatland Lane) there is an existing vehicular access road to the properties at 39 and 41 Gatland Lane. The first part of a public footpath (KB17) running from Gatland Lane follows the route of this access track with the footpath then continuing as a grassed path further to the south. Public footpath KB17 is orientated north to south and divides the main part of the application site into two parts.
- 9.81 Public footpath KB17 continues past the southern extent of the application site. The footpath provides (via footpath KB12) a link to either Hackney Road to the east or to the west joining Farleigh Lane just to the north of East Farleigh Railway Station. Public footpath KB13 is located outside the application site but runs along part of the southern boundary providing a second more northerly link from footpath KB13 to Farleigh Lane.
- 9.82 The proposed main new vehicular access to the development site in the form of a 'T' junction which is located 78 metres from the south eastern end of the Gatland Lane site frontage and opposite the existing telecommunications equipment in Gatland Lane. The main vehicle access will join a 5.5 metre wide access road that goes through the site with 2 metre wide footways on each side.
- 9.83 The access that will require the relocation of an existing lighting column includes sightlines in both directions of 2.4 metres by 59 metres. These sightlines are

considered appropriate for this location and the speed of vehicles travelling past the application site. As part of the application swept path analysis has been submitted and it is considered that this adequately illustrates that the new junction can accommodate the turning manoeuvres associated with large vehicles including refuse vehicles.

- 9.84 The access arrangements include a new pedestrian emergency vehicle access located opposite 56 Gatland Lane. A third and final proposed access point from Gatland Lane is for pedestrians only and located 12 metres from the access to the public right of way that runs adjacent to 37 Gatland Road.
- 9.85 A Stage 1 Road Safety Audit of the proposed access has concluded that there are no fundamental safety hazards associated with the junction layout design and pedestrian facilities. The audit recommended that dropped kerbs and tactile paving should be provided on either side of the site access and this has been addressed within the submitted proposals. The results of the capacity modelling undertaken on the new site access with Gatland Lane demonstrate that this access would operate satisfactorily.
- 9.86 An analysis of five year road crash incidents has not identified any prevalent trends although isolated incidents involving turning vehicles and vulnerable road users have been recorded.

Trip generation and traffic impact

- 9.87 At paragraph 32, the NPPF states that development should only be prevented, or refused on transport grounds where the residual cumulative impacts of development are 'severe'.
- 9.88 In support of the submitted application the applicant has submitted a Transport Assessment. The trip generation forecasts for the proposed development show that the development will generate 111 vehicle trips in the AM peak hour and 130 vehicle trips in the PM peak hour. The forecasts have been derived through reference to comparable completed developments that are provided within the industry standard Trip Rate Information Computer System (TRICS) database.
- 9.89 The assessment of traffic impact has been based on surveys in July 2014 of the Farleigh Lane, Gatland Lane, Glebe Lane staggered crossroads and the traffic signalled Tonbridge Road, Farleigh Lane, Fountain Lane crossroads. A survey of the junction 5 of the M20 undertaken in September 2014 has also been used. These surveys have provided recent data on each of the main junctions that are considered relevant to the current proposal.

Farleigh Lane, Gatland Lane, Glebe Lane staggered crossroads

- 9.90 KCC highways have confirmed that the results of the capacity modelling undertaken on the staggered priority crossroads demonstrate that all parts of this junction would operate satisfactorily following completion of the proposed development.

Tonbridge Road (A26), Farleigh Lane, Fountain Lane crossroads

- 9.91 Following concerns expressed by the highways officer, the applicant has submitted details of additional capacity improvements to this junction. These measures seek to address the potential for worsening delays on the Fountain Lane section of the junction with Tonbridge Road.
- 9.92 The improvement involves the lengthening of the two lane approach on Fountain Lane which will provide additional queuing capacity through the alteration and

addition of road markings. Other mitigation includes modifications to the eastbound Tonbridge Road junction section, including an adjustment to the stop line and the extension of the right turn lane.

- 9.93 It is considered that the proposed works to this junction will mitigate the impact of the additional traffic generated by the development during peak periods. The KCC Highways have confirmed that there is no objection to the proposal subject to the applicant entering into a Section 278 Agreement to secure the junction improvements put forward by the applicant including those set out above. In the event that planning permission is approved this would be secured through a planning condition.

A20 and Hermitage Lane corridors

- 9.94 After initial concerns were expressed to the applicant about traffic impact, further analysis has been submitted relating to the potential impact of the development on the Hermitage Lane, A20 approach to junction 5 of the M20. The information that has been received includes capacity modelling for the A20, Hermitage Lane and A20, Coldharbour Lane junctions.
- 9.95 This modelling has considered recently collated traffic data and other committed developments in the locality. The modelling indicates that the junctions will operate at levels close to, or above capacity. The proposed additional development will result in a marginal worsening of queuing and delays at both junctions.
- 9.96 KCC Highways has considered the traffic assessment and the current and likely future conditions on the local highway network. This shows that whilst the current development is likely to make the existing congestion worse, KCC highways have confirmed that it is not possible to conclude that the potential impact on the highway network could be described as a 'severe' in relation to congestion or safety.
- 9.97 The National Planning Policy Framework (NPPF) states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are 'severe'. Whether the impact is severe can only be judged on a case by case basis, taking account of all material factors.
- 9.98 It is considered that the improvement of the A20, Hermitage Lane junction (forming part of the identified Maidstone Integrated Transport Package) secured through a financial contribution as part of a planning obligation would reduce the highways impact from the development to a more acceptable level. Whilst it is acknowledged that there will be greater congestion on this part of the network. KCC highways have confirmed that subject to the completion of these highways works no objection can be made to the proposal.

Sustainable travel

- 9.99 Paragraph 29 of the NPPF states that: *'Transport policies have an important role to play in facilitating sustainable development.....The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel.....opportunities to maximise sustainable transport solutions will vary from urban to rural areas.'*
- 9.100 Policy T21 of the Local Plan states that in order to ensure that new development proposed outside the appropriate designated or allocated areas, as defined on the proposals map, is well related to the existing transport network and has opportunities to afford transport choices. Development especially those which are likely to generate a high level of visitors should have good access to existing public transport access points, make provision for ease of access by cyclists and should be well

related to existing development which can be reached along safe footpaths that follow pedestrians' preferred routes.

- 9.101 One of the core planning principles set out at paragraph 17 of the NPPF that should underpin decision making is that planning 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*”. At paragraph 32 the NPPF states that decisions should take account of whether the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure.
- 9.102 New access arrangements from Gatland Lane include a new pedestrian emergency vehicle access located opposite 56 Gatland Lane and a proposed access point from Gatland Lane. This second access is for pedestrians only and located 12 metres from the access to the public right of way that runs adjacent to 37 Gatland Road.
- 9.103 The applicant has put forward measures that seek to provide sustainable travel options for future residents in relation to walking and cycling. These measures include off site improvements in the form of tactile paving and dropped kerbs at side road junctions. The applicant also proposes to convert the pedestrian refuge that is positioned outside 539 Tonbridge Road (to the east of the Terminus Road junction) to a controlled puffin crossing.
- 9.104 It is proposed to retain the section of existing footway that runs along the northern site boundary on Gatland Lane and to widen this path to achieve a continuous width of 2 metres. The existing footpath (PROW KB17) that crosses the application site will be retained as part of the proposal and it will not be diverted or closed. Improvements to the existing Public Right of Way in terms of hard surfacing and access from within the site are proposed to facilitate the use of this footpath. The improvements to the footpath are welcome for internal circulation; however these measures will have limited benefit on sustainable travel outside the site.
- 9.105 As part of the submitted Transport Assessment the applicant has carried out an investigation of the availability and ease of public transport, cycling and walking access in the area surrounding the application site.
- 9.106 East Farleigh railway station is recognised as being within reasonable walking distance to the south of the application site. Whilst East Farleigh railway station offers the simplest and quickest route to access the rail network, there is no scope to improve the existing public footpaths to the south of the site as these are across private land.
- 9.107 There are bus stops immediately adjacent to the site in Gatland Lane. These bus stops provide an hourly Monday to Saturday daytime service to Downswood (no 8.) and Senacre Wood (no.86) both via Maidstone Town Centre. In the opposite direction these services go to Maidstone Hospital via either Beverley Road shops (no.8) or via Fountain Lane (no.86). More regular bus services are available 650 metres from the centre of the application site on the A26 Tonbridge Road.
- 9.108 The submitted Transport Assessment submitted indicates that bus stop improvements are proposed by the applicant. As a minimum, these improvements would need to include the provision of a bus shelter, timetable information and raised kerbing at the bus stops within reasonable walking distance.

- 9.109 A draft travel plan has been submitted in support of the planning application. The travel plan seeks to provide an ongoing basis for encouraging sustainable travel patterns and reducing vehicle trips over time.
- 9.110 The travel plan includes measures, initiatives and targets that are associated with achieving a 10% reduction in single occupancy car journeys over a five year period. In the event that planning permission is approved a planning condition would be necessary to secure the provision and implementation of an agreed travel plan and planning condition or planning obligation towards the off site bus improvement works

Car parking

- 9.111 The Councils off street car parking standards are set out in the Kent Design Guide Review: Guidance Note 3 (November 2008) on residential parking. The current site is considered to fall in the 'suburban edge, village, rural' category within these parking standards. In 'suburban edge, village, rural' areas one and two bedroom houses require 1.5 spaces per unit, three and four bedroom houses require 2 spaces per unit and 0.2 % is required for on street visitors parking.
- 9.112 The current proposal is in outline form considering access only and as a result it is not possible to confirm the number and size of dwellings at this time. As part of the submission from the applicant, indicative information shows provision of 28 one bedroom units, 75 two bedroom units, 88 three bedroom units and 34 four bedroom units.
- 9.113 The applicant intends to provide off street car parking and on street visitor parking in dedicated lay-bys. It is considered that there is sufficient space on the site for the provision of adequate on-site parking that will reduce the potential for any overspill parking on existing adjacent roads. The applicant has stated that it is intended that the detailed design will fully comply with adopted parking standards and there is nothing currently available that would suggest that this could not be achieved.
- 9.114 In conclusion the access arrangements that have been outlined as part of the application demonstrate that the proposed access to the application site can be achieved in a satisfactory manner with no adverse impact on highway safety. In relation to trip generation and traffic impact it is concluded that the Farleigh Lane, Gatland Lane, Glebe Lane staggered crossroads will operate satisfactorily following completion of the proposed development.
- 9.115 The traffic impact on the Tonbridge Road A26, Fountain Lane, Farleigh Lane junction can be satisfactory mitigated by junction improvements secured through a section 278 agreement and a planning condition. The mitigation achieved through highway improvements that can be secured as part of a planning obligation will reduce the impact to an acceptable level on the A20 and Hermitage Lane Corridors. It is considered whilst the proposals do not maximise the opportunities available to encourage sustainable travel choices, in the event that planning permission is approved this can be resolved through a planning obligation or planning condition.

Air quality

- 9.116 Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing development from contributing to or being put at unacceptable risk from, or being adversely affected by unacceptable levels of soil, air, water or noise pollution.

- 9.117 The application site is located next to an Air Quality Management Area which follows the Maidstone urban area boundary. In support of the application the applicant has submitted the conclusions of an air quality assessment.
- 9.118 The assessment found that the air quality at the application site is generally better than other parts of Maidstone that have higher traffic levels. Whilst it is acknowledged that the proposed development will change vehicle movements on local roads, it was found that this would not ‘...*significantly affect sensitive receptors located close to these roads*’. It was also found that air quality for future residents would be acceptable. The assessment concluded that the proposed development was acceptable in terms of its impact on, and sensitivity to, local air quality.
- 9.119 The potential impact of the development on local air quality has also been assessed by the environmental health officer with reference to the submitted air quality assessment. After assessing this impact the environmental health officer concluded that there were no grounds to object to the development subject to a planning condition requiring on site air quality mitigation measures.
- 9.120 The Department of the Environment Food and Rural Affairs (DEFRA) have developed a formula to calculate the monetary harm from air pollution called the emissions mitigation and damage cost assessment. In the event that planning permission is approved it is recommend that a planning condition be used to secure on site air pollution mitigation measures to reflect the result from the DEFRA cost assessment.

Residential amenity and standard of new accommodation

- 9.121 Paragraph 17 of the NPPF sets out the 12 core principles of planning, and in terms of design these include: ‘always seeking to secure high quality design and a good standard of amenity for all existing and all future occupants of land and buildings.’
- 9.122 The current application seeks outline planning permission with only access arrangements considered at this time. In these circumstances the current submission does not include full details of the scale, design and internal layouts of the proposed development. The submission does provide an illustrative site layout which seeks to demonstrate that the site could adequately accommodate the housing numbers proposed and show that they will be of an acceptable standard.
- 9.123 Existing residential properties in Gatland Lane, Cowdrey Close and Pitt Road adjoin the application site to the north east, with further residential properties on the opposite side of Gatland Lane looking towards the western part of the site frontage. The illustrative site layout shows that the number of dwellings proposed can be accommodated on the application site whilst maintaining the amenities of existing adjacent residents. This assessment has been made in relation to privacy, daylight, sunlight and outlook.
- 9.124 The illustrative site layout demonstrates that the site can accommodate the number of dwellings proposed and provide these to a suitable standard including in terms of outdoor space and privacy. The development also provides a quantity of open space covering over 6 hectares which is significantly above the Council’s minimum requirement of 2.91 hectares.

Open space

- 9.125 Policy OS1 of the Council’s Open Space Development Plan Document outlines the requirement for on site open space provision within new development. Planning Guidance from the Fields in Trust recommend that for a development of the size

proposed there should be a local area for play (LAP), a local equipped area for play (LEAP); a multi-use games area (MUGA) and financial contribution towards a neighbourhood area equipped for play (NEAP).

- 9.126 Whilst it is acknowledged that the area of open space shown on the indicative layout is above the Council's normal standards, it is unclear what type of open space is proposed. The submitted Design and Access Statement refers to areas of pocket play which suggests that the space will provide LAPs. After assessment of the submitted proposal by the Parks and Recreation section it is considered that the development should be served by the provision of one or two LEAP's complemented by an additional one or two LAP's. This would offer a broader range of activities for children covering a wider age range.
- 9.127 It is considered that the development will also lead to increased pressure on other local areas of open space. It is considered that there would be an increase in usage of facilities at the site known as Gatland Lane recreation ground as well as any others within a one mile radius of the development. In order to mitigate this impact and in the event that planning permission is approved a planning obligation is recommended seeking an additional off-site financial contribution for surrounding open space in particular in terms of equipped play areas for the teenage demographic and outdoor sports facilities. The financial contribution would be towards 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 and installation of a MUGA.

Flooding and drainage

- 9.128 The application site falls within flood zone 1 and therefore is considered to be at low risk of flooding from all sources. In the event that planning permission is approved planning conditions would be recommended to seek further details of a sustainable urban drainage system and its future management.
- 9.129 The Environment Agency, Southern Water, Upper Medway Internal Drainage Board and the Local Lead Flood Authority (KCC) have all been consulted on the current outline planning application. All of these consultees have confirmed that they have no objection to the development subject to conditions attached to any approval of permission. It is considered subject to the use of necessary conditions that the proposed development is acceptable in relation to flooding and drainage issues.

Environmental Impact Assessment

- 9.130 With the proposed development including more than 150 houses and the overall area of the development exceeding 5 hectares, the proposed development falls within the scope of Schedule 2 of The Town and Country Planning (Environmental Impact Assessment) (Amendment) Regulations 2015 as an urban development project.
- 9.131 In this context and as set out in the planning history section of this report a screening opinion was issued on the 27 March 2015 (MBC ref: 15/501734/ENVSCR) that concluded that an Environmental Impact Assessment was not required as part of the proposed development.

Planning obligations

- 9.132 Under the terms of section 122 of the CIL Regulations all planning obligations sought must be 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.

- 9.133 Since 6th April 2015, section 123 of the CIL Regulations additionally requires that all contributions being sought by way of s106 agreements should relate to the funding or provision of an infrastructure project or type of infrastructure, and that seeks to limit the number of separate planning obligations (calculated back to April 2010) that can contribute towards the funding or provision of a project or type of infrastructure (“the pooling restriction”). As such, the scope of contributions that can be sought in respect of new development is restricted. Affordable housing is excluded from this restriction.
- 9.134 Policy CF1 of the Local Plan states: *‘Residential development which would generate a need for new community facilities or for which spare capacity in such facilities does not exist, will not be permitted unless the provision of new, extended or improved facilities (or a contribution towards such provision) is secured by planning conditions or by planning obligations.*

Affordable housing and wheelchair accessible homes

- 9.135 Kent County Council have identified a need for five wheelchair accessible homes as part of the proposed on site affordable homes provision.
- 9.136 In support of an offer of 30% affordable housing provision, the applicant’s planning statement highlights emerging policy CS10 and other recently approved strategic housing schemes such as the site known as Land East of Hermitage Lane. Draft policy CS10 was included in the version of the draft Local Plan published in March 2013.
- 9.137 The Council’s Affordable Housing DPD was adopted in December 2006 and seeks 40% affordable housing provision on sites across the borough. Following research as part of evidence base for the draft Local Plan (Viability Evidence Base (CIL Viability Study July 2015; and Viability Addendum Report 07 August 2015) draft policy DM13 seeks 30% affordable housing provision within the Maidstone urban area and 40% in the countryside, rural service centres and larger villages. The site known as land East of Hermitage Lane is located within the urban area and the current application site located outside this area in the countryside.
- 9.138 In accordance with 173 of the NPPF it is acknowledged that a local planning authority has to consider financial viability as part of the decision making process, however it is considered that the evidence submitted with the planning application is insufficient to justify a reduction to 30% affordable housing provision.
- 9.139 In order to consider this reduction in provision a financial viability appraisal would be required and for this appraisal to be independently verified at the applicant’s expense. In the absence of this it is recommended that planning permission is refused on the basis that the applicant has failed to demonstrate that the development cannot support 40% affordable housing provision.

Education

- 9.140 Kent County Council has identified an additional need for primary school and secondary school capacity and community learning that will be generated from the proposed development. It is considered that this need can be met through financial contributions and the following planning obligations are recommended:
- Primary education: contribution of £4,000 per house (and if proposed £1,000 per flat) towards Hermitage Lane Primary School Phase 2 construction
 - Primary education: contribution of £374.25 per house (and if proposed £93.56 per flat) towards Hermitage Lane Primary School site acquisition

- Secondary education: contribution of £2359.80 per house (and if proposed £589.95 per flat) towards the second phase of expanding Maplesden Noakes School (secondary education);
- Community Learning: contribution of £30.70 per dwelling towards Portable equipment purchase namely: mobile projector, projector screen, laptops and Licences to enable additional flexible course delivery across multiple sites in Maidstone to provide additional capacity for the attendees from this development.

Youth services

9.141 Kent County Council has identified additional demands on the youth service that will be generated from the proposed development. It is considered that this need can be met through a financial contribution and the following planning obligation is recommended:

- Youth Service: contribution of £8.49 per dwelling towards additional equipment required to support the additional attendees supplied to the Maidstone Youth Service.

Library service

9.142 Kent County Council has identified an additional demand on the library service that will be generated from the proposed development. It is considered that this need can be met through a financial contribution and the following planning obligation is recommended:

- Library service: book stock contribution of £48.02 towards additional book stock required to mitigate the impact of the new borrowers from this development.

Social care

9.143 Kent County Council has identified an additional demand on social care services that will be generated from the proposed development. It is considered that this need can be met through a financial contribution and the following planning obligation is recommended:

- Social Care: contribution of £53.88 towards accessibility improvements to community buildings where social care services are delivered by KCC or a third party

Healthcare

9.144 NHS Property Services Ltd has identified additional pressures on the local primary and community health service that will result from the proposed development. It is considered that these pressures can be mitigated through a financial contribution and the following planning obligation is recommended:

- Healthcare: total contribution of £132,256 towards improvements within primary care in order to provide the required capacity by way of extension, refurbishment and/or upgrade to the following local surgery premises:
 - Blackthorn Medical Centre, St Andrews Road, ME16 9AN
 - College Practice (Barming), Marigold Way, ME16 0ZJ
 - Lockmeadow Clinic, 54-56 Tonbridge Road, ME16 8SE

Open space

9.145 As a result of the development, surrounding open space is likely to see an increase in usage and in particular in terms of equipped play areas for the teenage demographic and outdoor sports facilities. In order to mitigate this impact the Councils Parks and Recreation department seek an off-site financial contribution as a planning obligation. The contribution would be for the improvement, maintenance, refurbishment and replacement of facilities within these areas.

- 9.146 Facilities would include but not be restricted to pavilions, play equipment and play areas, ground works, outdoor sports provision and facilities and the consideration of a MUGA with Gatland Recreation Ground the likely location. This contribution would £400 per proposed dwelling.

Highway impact mitigation

- 9.147 In order to mitigate the impact of the development on the local highway network a planning obligation is considered necessary to request a financial contribution towards highway improvements. These improvements will reduce the impact to an acceptable level on the A20 and Hermitage Lane corridors. Based on the traffic increase of up to 4.3% that is identified in the applicant's Transport Assessment Addendum a financial contribution of £24,950 is requested.

CIL Regulations compliance

- 9.148 The planning obligations that have been set out above have been considered against the restrictions set out the CIL regulations and they were found to be compliant.

10.0 CONCLUSION

- 10.1 The National Planning Policy Framework at paragraph 14 states that a *"...presumption is favour of sustainable development...should be seen as a golden thread running through...decision making"*. The NPPF at paragraphs 7 and 8 lists the three dimensions to sustainable development that require the planning system to perform an economic role, a social role and environmental role.
- 10.2 The economic benefits that the submitted proposal would bring are acknowledged, however for reasons that have been set out in this report these benefits are considered to have moderate weight in the overall consideration of the current development. The proposed development will help meet the social role set out in the NPPF by offering new housing, local housing choice and affordable housing. With the current lack of a five year housing land supply in the borough, the provision of 225 houses needs to be given significant weight in the determination of the current planning application.
- 10.3 In relation to the environmental role the site is in a prominent location in an area where landscape value has been recognised by both adopted and emerging policy. It is considered that the submitted proposal will result in substantial change to the character of this area.
- 10.4 In accordance with paragraph 14 of the NPPF the assessment of this proposal needs to consider whether the *"...adverse impacts" of granting planning permission "...would significantly and demonstrably outweigh the benefits.*
- 10.5 The application site is in a prominent location on the upper slopes of the Medway Valley and just outside the Maidstone urban area. The area is recognised in both adopted and emerging policy as having local landscape value. Whilst the layout and landscaping scheme will provide a degree of mitigation, even in the long term the proposal will have a significant adverse impact upon the character and appearance of the local area with the change from open rural countryside to residential built development.
- 10.6 The application site is significant in long distance public views including those from across and along the Medway Valley; the site provides a valuable transition from Maidstone urban area and the countryside and prevents coalescence of the urban

area with nearby settlements. In this context significant weight should be attached to the environmental impact from the proposed development. For the reasons set out in this report including the adverse environmental impact on the character and appearance of the local area are considered to significantly and demonstrably outweigh the benefits of supplying new housing. It is recommended that planning permission is refused for the reasons set out below:

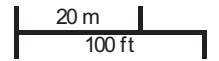
11.0 RECOMMENDATION – REFUSE OUTLINE PLANNING PERMISSION for the following reasons with powers delegated to the Head of Planning and Development on the basis that no new material planning issues arise from the departure notices that expire on the 18 March 2016:

- 1) The proposed development in this prominent location on the upper slopes of the Medway Valley and in an area recognised as having landscape value would result in significant and pronounced harm to both local character and the appearance and openness of the wider countryside, failing to respond adequately to the site context and contrary to policies ENV28, ENV35 of the Maidstone Borough Wide Local Plan 2000, the NPPF 2012 and the NPPG 2014.
- 2) In the absence of an appropriate legal mechanism to secure planning obligations in relation to the site acquisition and construction of a primary education facility, towards additional capacity in secondary education, for community learning, towards youth services, towards library book stock, towards social care, to increase capacity in three local surgery premises and for the mitigation of highways impacts, the development would be detrimental to existing infrastructure and therefore contrary to policy CF1 of the Maidstone Borough Wide Local Plan (2000), and central government planning policy as set out in the National Planning Policy Framework.
- 3) The applicant has failed to demonstrate through the submission and independent verification of a financial development viability appraisal that the proposal cannot support 40% affordable housing provision in accordance with the adopted Local Plan and the subsequent evidence base supporting the draft Local Plan and in the absence of a legal undertaking securing this provision the development is contrary to the Affordable Housing DPD (2006) and central government planning policy as set out in the National Planning Policy Framework.

Case Officer: Tony Ryan

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

Agenda Item 24



15/510613 White Horse Cottage
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REPORT SUMMARY

| | | | |
|---|--|---|-------------|
| REFERENCE NO - 15/510613/FULL | | | |
| APPLICATION PROPOSAL Erection of one dwelling in part garden | | | |
| ADDRESS White Horse Cottage Honey Lane Otham Kent ME15 8RJ | | | |
| RECOMMENDATION: Refuse | | | |
| SUMMARY OF REASONS FOR REFUSAL The proposed development would amount to unsustainable development in the countryside as a result of the car reliance and would therefore be contrary to the National Planning Policy Framework. In addition, the proposal, by virtue of its size and prominence on the bend would result in an unacceptable level of harm to the open countryside. This is contrary to ENV28 of the Maidstone Borough Wide Local Plan 2000 and the provisions of the National Planning Policy Framework. | | | |
| REASON FOR REFERRAL TO COMMITTEE This application has been called in by Councillor Newton if recommended for refusal. | | | |
| WARD Downswood & Otham | PARISH/TOWN COUNCIL Otham | APPLICANT Mr Daniel Quirke AGENT Bob Britnell - Planning Consultancy | |
| DECISION DUE DATE 10/03/16 | PUBLICITY EXPIRY DATE 10/03/16 | OFFICER SITE VISIT DATE 29/1/16 | |
| RELEVANT PLANNING HISTORY: | | | |
| App No | Proposal | Decision | Date |
| 15/506258 | Erection of a new dwelling | Refused | 1/10/15 |
| 1.0 | This proposal would amount to unsustainable development in the countryside as a result of the car reliance and would therefore be contrary to the National Planning Policy Framework. | | |
| 2.0 | The proposal, by virtue of its size and prominence on the bend, would result in an unacceptable level of harm on the open countryside. Furthermore, the design of the proposed house includes an incompatible mixture of styles that has not taken influence from the immediate local character. This is contrary to ENV28 of the Maidstone Borough Wide Local Plan 2000 and the provisions of the National Planning Policy Framework. | | |

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.1 This site is located on the inside corner of Stoneacre Lane and Honey Lane. It falls within the garden of White Horse Cottage, which itself is large detached property with red brick lower storey and black weatherboard to the upper storey. This property is located directly on the road and is, in part, built into the roadside ragstone wall.
- 1.2 The site is roughly rectangular in its shape and access is obtained through an existing gate on to Honey Lane. There is currently a double garage building and

gravel driveway near the entrance to the site. The remainder is largely well kept lawn with landscaped terracing to the rear to take account of the changes in land levels. The boundary of the site is heavily wooded with an established tree line to the north and east. The land slopes down in the north west corner of the site towards the large pond located outside the site boundary.

- 1.3 The site falls outside of any settlement as is therefore, by definition, considered to be open countryside. There are no TPO trees and no listed buildings in the immediate vicinity of the site.
- 1.4 The site is located approximately 200m east of Otham, which is a small rural collection of houses approximately 1km east of Maidstone urban area. Otham is not defined as a settlement on the adopted Maidstone Borough Wide Local Plan 2000 Proposals Map, and the nearest settlement boundary would be Maidstone urban area, approximately 1km to the west. With the exception of a public house, Otham does not offer anything in terms of facilities. It has no village shop, local school, doctors' surgery or any other community facilities.

2.0 PROPOSAL

- 2.1 This application seeks planning permission for a 4 bedroom detached house. It would have an approximate ridge height of 8.5m and an approximate eaves height of 5m and would be set approximately 1m below the road level. The house would be a maximum width of 17.5m and a depth of 14.2m. The ground floor elevations would be brick and flint and the upper storey would be rendered.
- 2.2 The south elevation would be the principal elevation, incorporating a hipped roof and a gable end for the main entrance. This elevation is fenestrated with evenly spaced windows.
- 2.3 The west elevation demonstrates the double pitched roof and the chimney stack. It also demonstrates that the upper storey of the gable end on the front elevation extends out above the ground floor. This west elevation is highly fenestrated, including a patio door at ground floor. There would be a single storey 3.5m high element on this elevation, which extends 1.5m from the main building.
- 2.4 The north elevation would have a steeply pitched roof with a low eaves height on the right of this elevation. It would also incorporate a patio door at ground floor and only two windows at upper storey. The east elevation would demonstrate the double pitched roof and would have minimal fenestration.
- 2.5 Vehicular access to the site would remain unchanged and the existing garage on this building would provide the car parking for the proposed dwelling. An additional gate for pedestrian access is proposed.
- 2.6 Since the previous refused application, the scale and bulk of the proposed development has been reduced moderately. The width of the proposed development has been reduced by 0.7m. The gable end to the entrance is now proposed to be hipped in order to reduce the bulk from the east and west elevations. In addition, the balcony has been removed from the west elevation.

3.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)
Maidstone Borough Wide Local Plan 2000: ENV28

4.0 LOCAL REPRESENTATIONS

Site notice displayed at the entrance to the site with a deadline for comments of 29/1/16

| | COMMENTS RECEIVED |
|------------------------|--|
| Parish/Town Council | No objections |
| Residential Objections | None received |
| Number received: 0 | |
| Residential Support | We are directly opposite the new proposed dwelling. We have no objection to new building and think that the design is sympathetic to other properties in the area. |
| Number received: 1 | |

5.0 CONSULTATIONS

5.1 **MBC Heritage and Conservation Officer**

I raise no objections to this application on heritage grounds subject to conditions re samples of materials and removal of all PD rights.

5.2 **KCC Archaeology**

The site of the application seems to be part of a former post medieval quarry site, identifiable on the 1st Ed OS map. Remains associated with this local historic industrial activity may survive on the site and as such I recommend the following condition is placed on any forthcoming consent:

Prior to the commencement of development the applicant, or their agents or successors in title, will secure and implement:

- i) archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and*
- ii) further archaeological investigation, recording and reporting, determined by the results of the evaluation, in accordance with a 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.

6.0 APPRAISAL

6.1 *The key issues for this application are the principle of development in the open countryside, the visual impact and design of the proposals and residential amenity.*

6.2 A similar application was refused in October 2015 for the following reasons:

- *This proposal would amount to unsustainable development in the countryside as a result of the car reliance and would therefore be contrary to the National Planning Policy Framework.*
- *The proposal, by virtue of its size and prominence on the bend, would result in an unacceptable level of harm on the open countryside. Furthermore, the design of the proposed house includes an incompatible mixture of styles that*

has not taken influence from the immediate local character. This is contrary to ENV28 of the Maidstone Borough Wide Local Plan 2000 and the provisions of the National Planning Policy Framework.

- 6.3 This previous refused application is a material consideration and it is therefore necessary to assess whether the previous reasons for refusal have been addressed by this amended application.

Principle of Development

- 6.4 This site is located outside of any defined settlement and therefore is considered to be within the open countryside, as defined by the Maidstone Borough-Wide Local Plan 2000. This means that saved Local Plan Policy ENV28 is of relevance, which seeks to protect the character and appearance of the area. It states that development in these areas will be confined to:

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

- 6.5 The site is not previously developed and the proposal does not fall within the above criteria. Therefore the principle of this development would be contrary to MBC policy unless material considerations can indicate otherwise.
- 6.6 According to Paragraph 55 of the National Planning Policy Framework, local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances. I would not consider this proposal would fall within any of the exceptions cited and it would therefore be contrary to the provisions of the NPPF.
- 6.7 There are very few facilities and local amenities within walking distance of the site, which would therefore result in the reliance on the car. The nearest bus stop is over 200m away to the south and this would involve walking along a narrow country lane with no footpath. For these reasons, I do not consider the location of this proposal to be in accordance with the requirements of the NPPF, irrespective of five year housing land supply in Maidstone Borough.
- 6.8 The applicant has referred to approved planning application 14/0302, which was for a four bedroom bed and breakfast accommodation approximately 400m to the west of this application site. This application was for a tourist use, which amounts to a different type of development, and therefore different policies were relevant when determining the application.

Visual Impact and Design

- 6.9 Whilst the proposed property would incorporate elements of the local vernacular, including local materials and styles, I do not consider the overall massing of the building is appropriate in this prominent bend location. The ridge height of 8.5m would be imposing in this location, and this is demonstrated by the photomontage produced by the applicant. This photomontage confirms that the proposed development would be visually harmful to the character and appearance of the open countryside and would therefore be contrary to Policy ENV28 of the adopted Local Plan.

- 6.10 I acknowledge that the proposed house would be lower than the road level, but it would still be visible at the bend in the road when travelling the north. As result, I consider that it would have a negative impact on the openness of this bend. A public footpath also runs directly adjacent to the site, along Stoneacre Lane, which would mean that the site would be visible by walkers taking this route, as well as road users along Honey Lane. It would appear inappropriate at the end of this unmade track and for these reasons would have a visible detrimental impact on the openness of the countryside.
- 6.11 I would consider that the revised simplified design of the dwelling has addressed the previous reason for refusal, which related to the incompatible mixture of styles in the design.

Residential Amenity

- 6.12 The proposed house would be over 40m from the nearest property and I do not consider, therefore, that there would be a negative impact on the residential amenity of the surrounding properties as a result of overlooking or loss of light.

Other matters

- 6.13 The proposed house would use the existing double garage and gravel drive, which I consider to be adequate for a 4 bedroom property.
- 6.14 KCC Highways have raised no objections and therefore I consider the access arrangements to be acceptable.

Conclusion

- 6.15 On balance I consider that the harm to the open countryside would outweigh any benefits associated with the provision of one house in the Borough. This is not a sustainable location as a result of the reliance on the car and it would amount to development in the back garden of an existing property. I consider the scale and massing to be imposing in this location, which would be visible by road users and walkers. This application would therefore be contrary to saved Maidstone Borough Wide Local Plan policies and the NPPF.

RECOMMENDATION –REFUSE for the following reasons:

1. This proposal would amount to unsustainable development in the countryside as a result of the car reliance and isolated location and would therefore be contrary to the National Planning Policy Framework.
2. The proposal, by virtue of its size and prominence on the bend, would result in an unacceptable level of harm on the open countryside. This is contrary to ENV28 of the Maidstone Borough Wide Local Plan 2000 and the provisions of the National Planning Policy Framework.

Case Officer: Flora MacLeod

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

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

THE MAIDSTONE BOROUGH COUNCIL
PLANNING COMMITTEE – 17th March 2016

APPEAL DECISIONS:

- 1. 15/503143** Two storey rear and side extension and rear extension of single storey garage workshop.
- APPEAL: Allowed with Conditions**
- 35 Bodsham Crescent, Bearsted, ME15 8NL
- (Delegated)
-
- 2. 15/504365** Steel fabricated structure with fabric roof covering.
- APPEAL: Dismissed**
- Round Oak Farm, Heniker Lane, Sutton Valence, Kent, ME17 3ED
- (Delegated)
-
- 3. 14/505131** Demolition of existing structure and erection of detached house with associated parking
- APPEAL: Dismissed**
- The Piggeries, The Quarries, Boughton Monchelsea, Kent, ME17 4NJ
- (Delegated)
-
- 4. 14/505113** Erection of single storey detached dwelling with associated car parking.
- APPEAL: Dismissed**
- Beresford Farm, The Quarries, Boughton Monchelsea, Kent, ME17 4NJ
- (Delegated)
-
- 5. 15/505482** Outline application for erection of 3/4 storey building containing 10 flats, and access to car park with 6 car spaces, bin and cycle stores
- APPEAL: Dismissed**

Regal House, Rear of 11 to 13, Albion Place,
Maidstone, ME14 5DY

(Delegated)

6. 15/500646

Prior Notification for the change of use of an agricultural building and land within its curtilage to provide 1 dwelling house falling within class C3.

APPEAL: Dismissed

The Barn, Hoppers Field, Tonbridge Road,
Barming, ME16 9NH

(Delegated)

7. 15/500326

Change of use of land to 7 no. gypsy/traveller pitches and associated works including 7 no. static caravans, 7 no. touring caravans, package treatment plant and hardstanding.

APPEAL: Allowed with Conditions

Land Adj Vine Cottage, Pye Corner, Ulcombe,
Kent

(Delegated)

8. 15/505390

Advertisement consent for 1x hoarding sign.

APPEAL: Dismissed

Land at Junction of New Cut Road and Bearsted Road, Weaving, Kent

(Delegated)

9. 15/502144

Construction of a two bedroom detached dwelling

APPEAL: Dismissed

Land Adj 19 Kerry Hill Way, Maidstone, Kent,
ME14 2GZ

(Delegated)

10. 15/503458/TPO

TPO application to crown reduce 1 Oak tree by 1-1.5m, remove two lowest limbs of 1 Hornbeam, crown reduction of 1 Pear tree by 3-4ft.

APPEAL: Dismissed

8 Travertine Road, Boxley, Kent, ME5 9LQ

(Delegated)

11. 15/503928

**Outline (access and layout not reserved) –
Development of 9 detached dwellings,
garaging and new highway access plus
other ancillary works**

APPEAL: Dismissed

Land To East Of The Lodge, Vicarage Road,
Yalding, Kent, ME18 6DX

Dismissed

MAIDSTONE BOROUGH COUNCIL S.106 CONTRIBUTIONS SECURED & HELD (JANUARY 2016) TOWARDS:

| | |
|---|----------------------|
| PUBLIC OPEN SPACE AND RECREATION | £ 2, 046, 117 |
| CAR PARK WORKS | £ 24,062 |
| KENT COUNTY COUNCIL COMMUNITIES | £ 700,037 |
| CYCLE STORE | £ 15,095 |
| KENT COUNTY COUNCIL HIGHWAYS | £ 31,963 |
| TOWN CENTRE | £ 100, 795 |
| PUBLIC ART | £ 10,000 |
| HEALTHCARE | £ 554,563 |
| WILDLIFE | £ 823 |

MBC S106 Contributions Held List (January 2016)

| S106 | Public Open Space & Recreation | Education | Adult Ed/Community Learning | Adult Social Services | Library | Youth & Community | Transport/Highways | Healthcare | Public Art/Town Centre | Spend By Date |
|---|---|-----------|-----------------------------|-----------------------|---------|-------------------|--------------------|---|------------------------|---|
| Land off Button Lane (Bearsted) 95/1341 | £35,819.20 Towards Mallards Way play area | | | | | | | | | No date |
| Linden Homes St Andrews Park (Heath) 96/0630 | £4,124.50 Lighting repairs | | | | | | | | | No date |
| 11 Buckland Hill 06/1661 & 07/0463 | £3801.25 Towards enhancement of Brenchley Gardens | | | | | | | | | No date |
| Hadlow College, Oakwood Park 10/0485 | £80,556.18 Towards Oakwood Park Open Space | | | | | | | | | No date |
| Pested Bars Road Boughton Monchelsea 01/0727 | £4,801.70 towards BMC Parish Council for tree works | | | | | | | | | No date |
| Kent Frozen Foods, Land at Ware Street (Bearsted) 01/1297 | £59,275.55 Towards Peveral Drive play area | | | | | | | | | May 2016 Is to be spent within time Parks & Leisure working with Parish Council |
| Land West of Sandling Place (North) 03/0886 | £30,000 upgrade within 5 mile radius | | | | | | | | | No date |
| Land at Depot Site, George Street (High Street) 12/0590 | £51,975 Collis Millennium Green, South Park Mote Park | | | | | | | | | February 2023 |
| St Faiths Lane (Bearsted) 04/1608 | £6,663.01 Bearsted PC Lighting Scheme | | | | | | | £1,307.47 (Residue) Wallis Ave, Mote Medical Practice & Marden Medical Centre NHS England are aware of the spend date | | April 2016 Is to be spent within time Jan 2016 Parish Council contacted MBC advising small delay on scheme due to ecology report |
| Westree Works, Hart Street (Fant) 05/0492 | £53,000 to Mote Park Improvement Project £14,192.49 to Mote Park play area | | | | | | | | | No date |
| Land at 390-408 Loose Road (South) 06/0273 | £15,530 Towards enhancing & upgrading outdoor amenity space & play equipment at South Park | | | | | | | | | Oct 2019 |

| S106 | Public Open Space & Recreation | Education | Adult Ed/Community Learning | Adult Social Services | Library | Youth & Community | Transport/Highways | Healthcare | Public Art/Town Centre/Misc | Spend By Date |
|--|--|-----------|-----------------------------|-----------------------|---------|-------------------|--|------------|--|--|
| Convent of Mercy Bicknor Road (Parkwood) 06/1044 | £6,412.51 For Parkwood recreation Ground | | | | | | | | | No date |
| Land At Waterside, Fairmeadow 05/0211 | £30,027.15 Towards landscaping and enhancing Brenchley Gardens | | | | | | | | | No date |
| Former Kent Police Workshops site Sutton Road (Park Wood) 06/1116 | £13,113.14 Improvements to off site play area | | | | | | | | | No date |
| Furfield Quarry (Boughton Monchelsea) 01/1904 | £34,000 improvement repair and enhancement of the Parkwood Play area including Parkwood Rec | | | | | | £19,013.04 Shared cycle route & bus shelter | | | Sept 2022 |
| Beaconsfield Road (Cartem Site) South 05/0335 | £30,000 off site POS drainage works at Woodbridge Drive & resurfacing play area at Bridge Mill Way | | | | | | | | £10,000 Public Art (on the site) | Oct 2016 Parks & leisure are iworking with Parish Cllrs and are aware of the spend date |
| Brook Cottage, Headcorn 03/2029 | | | | | | | £12,950 Towards construction of additional culvert under Hoggs Bridge | | | No date |
| Victoria Court 17-21 Ashford Road (High Street) 94/0156 | | | | | | | | | £24,062.80 Car Park works to serve the town | No date |
| Fintonaugh House (Providence Park) Fintonaugh Drive Penenden Heath 05/1101 | £12,076 Penenden Heath Play Area resurfacing | | | | | | | | | December 2023 |
| Former Leonard Gould Factory (Loose) 04/1363 | £530 Allocated for King George playing fields & Loose POS | | | | | | | | | June 2020 Completed |
| Brunswick Street (High Street) 08/2477 | £175.75 Collis Millenium Green | | | | | | | | | Feb 2021 Completed |
| Land at Oakwood Park Oakwood Road (Heath) 07/2328 | £31,500 Off site renewal, improvement, replacement or maintenance of local play areas and public spaces within one mile of the site (Gatland Lane?) | | | | | | | | | Feb 2020 |

| S106 | Public Open Space & Recreation | Education | Adult Ed/ Community Learning | Adult Social Services | Library | Youth & Community | Transport/ Highways | Healthcare | Public Art/ Town Centre | Spend By Date |
|---|---|-----------|------------------------------|-----------------------|---------|-------------------|---------------------|--|-------------------------|---|
| 46 Sittingbourne Road (East) 08/0108 | £22,050 Improve Existing POS Within one mile radius of site | | | | | | | | | June 2021 |
| Former Trebor Basset Site (Bridge) 99/1363 | £105,676.80 Allocated to high level bridge & other improvements | | | | | | | | | No date |
| 58-64 Sittingbourne Road (East) 09/0996 | £17,325 Towards Off site open space and parks within the vicinity of the development | | | | | | | £6,327 (towards Northumberland Court Surgery) | | No date |
| Senacre College Site (Parkwood) 10/1413 & 0846 | £300,000 towards 1. MUGA in Parkwood 2. In Shepway North & South 3. Within a 3 km radius of the central point of land 4. Elsewhere in the borough | | | | | | | | | April 2022 |
| Threeways Depot (Headcorn) 06/0389 | £71,515.07 Provision of open space within one mile of site (for Headcorn PC) | | | | | | | | | May 2023 |
| 115 Tonbridge Road (Fant) 08/2323 | £13,912.81 Towards replacement repair or maintenance of open space within one mile radius of site | | | | | | | £5,980 Towards the provision of facilities Within one mile radius | | Feb 2018 |
| Cedarwood, Queens Road (Bridge) 07/0415 | £22,254.16 Upgrading off-site existing outdoor & amenity space within one mile of site | | | | | | | | | Nov 2022 |
| Parisfield, Headcorn Road (Staplehurst) 07/0629 | £18,900 Enhancement & provision of outdoor/ amenity space facilities within the parish of Staplehurst (Surrenden Road play area) | | | | | | | | | Nov 2017 Parks & leisure are working with Parish Council and are aware of the spend date |
| Ecclestone Road (High Street) 10/1478 | £55,214.38 Improvement of river walk/ Woodbridge drive play area or provision of a community facility in a 2km radius | | | | | | | | | No date |
| Land adj 27 Hartnup St (Fant) 06/0767 | £17,325 Open space to meet needs arising from the site | | | | | | | £9,900 Towards facilities in Maidstone Borough | | No date |
| Astley Road (Kent Music School) Hastings Road (High Street) 10/0594 | £39,554.79 Towards improvements to Mote Park play area and any unexpended sums on improvements to the Len Valley Nature Reserve | | | | | | | £21,240 improve existing healthcare facilities to the surgery sited at King Street NHS England are aware of the spend date | | Dec 2022 (POS) Dec 2017 (PCT) |

| S106 | Public Open Space & Recreation | Education | Adult Ed/ Community Learning | Adult Social Services | Library | Youth & Community | Transport/ Highways | Healthcare | Public Art/ Town Centre /misc | Spend By Date |
|--|---|-----------|---|--|---|--|---------------------|---|---|--|
| Eclipse Park (Next Store) (Boxley) 12/2314 | | | | | | | | | £100,794.87 Town Centre development Town Team projects | Dec 2018 |
| Wallis Avenue (Parkwood) 12/1051 | £20,081.30 Parkwood Recreation Ground Outdoor Gym & Skate Park | | | | | | | | | March 2024 |
| Rear of 48-54 Buckland Road (Bridge) 07/2477 | | | | | | | | £15,120 towards provision of primary healthcare services or facilities within a 3 mile radius of the land | | Mar 2019 |
| Land at James Whatman Way 09/0863 | | | | | | | | £ 81,370 Use within a 5 mile radius | | August 2019 |
| 13 Tonbridge Road (Fant) 11/1078 & 12/0774 DOV | £16,092.61 Improvement , repair, refurbishment and renewal of the off site play area or open space within 2 KM radius of site | | £1,267.85 Ad Ed courses at new library & archive centre | £823.35 Towards Telecare facilities | £1,267.85 Towards new library & archive centre | | | £11,088 Towards Vine Medical Centre | | July 2023 (POS) July 2023(KCC) July 2020 (PCT) |
| 59 Wheeler Street/Sherway Close (Headcorn) 06/1940 | £ 22,503.18 Off Site towards the refurbishment upgrading and improvement at Days Green and Hoggs Bridge Recreational grounds or any other such play areas within the Parish of Headcorn | | | | | | | | | Sept 2023 |
| Land to rear of 125 Tonbridge Road (Fant) 12/0381 | £3,349.54 Towards Allotments adjacent to Bower St. Rocky Hill & Buckland Hill | | | | | | | £3,177.28 within one mile radius of the site | | Nov 2018 |
| The Willows, Church Green, (Marden & Yalding) 10/0562 | £16,770.60 Improvement works to the open space south of the development known as The Cockpit | | | | | | | | | Nov 2020 |
| The Hollies, Land at Hook Lane (Harrietsham) 11/0592 | | | | £99,088.31 Care of elderly & physical /learning disabilities | £18,728.60 Local libraries Maidstone Central and mobile library service | £61,834.28 Towards youth services in Harrietsham | | £56,099.17 Upgrade/ improve doctors surgery in Harrietsham to serve development | Wildlife Sum £823.48 towards management of receptor sites identified for the translocation of any relevant wildlife from the site | Nov 2024 |

| S106 | Public Open Space & Recreation | Education | Adult Ed/ Community Learning | Adult Social Services | Library | Youth & Community | Transport/ Highways | Healthcare | Public Art/ Town Centre /misc | Spend By Date |
|---|--|-----------|--|--|---|-------------------|---------------------|---|-------------------------------|----------------|
| Former Rose PH, Farleigh Hill, Tovil (South) 12/0367 | £22,306.31 Green spaces & Play Areas in Tovil Parish and South ward for improvements to play equipment and ancillary items and access to Woodbridge Drive play area and secondly required tree works along the footpath at Hudsons Quarry | | | | | | | | | Feb 2024 |
| Former BP Garage 531 Tonbridge Road 12/0825 | £22,443.50 Toward enhancement, maintenance, repairing and renewal of play areas and green spaces within 1 mile of the Land, specifically at Gatland Lane Park | | | | | | | £12,012 Towards the provision of primary healthcare services and facilities within a five mile radius of the land | | March 2020 |
| Land at Hillbeck Res Home, (Bearsted) 12/1012 | | | | | | | | £5,850.03 For upgrading and improving up to 3 local surgeries known as Bearstead Medical Practice, Downswood Surgery and Grove Green Surgery, all within 2 miles of the Property | | No date |
| Former Car Sales Site, Ashford Road (Harrietsham) 11/2154 | £15,750 Improvements to play areas at Glebe Field Harrietsham | | | | | | | £10,080 upgrading facilities at Glebe/ Sutton Valance/ Cobtree/ New Grove Green Medical Centres/ surgery | | September 2019 |
| Land South of Wallis Avenue (Park Wood) 12/1051 | £20,081.30 Provision of a skate park within 2 mile radius of the Land | | | | | | | | | March 2024 |
| Hayle Place Hayle Mill Road 11/0580 | £168,834 Towards off-site open space South Park, Armstrong Road | | | | | | | £25,015.58 within a two mile radius of the land | | Nov 2019 |
| The Old School 92A Melville Road (High Street) 11/2108 | | | £431.76 Towards additional equipment, staff and classes at Maidstone Adult Learning Centre & Outreach | £755.59 Capital improvements works Telecare | £2,456.72 Towards provision of book stock, staff & extended hours at Kent History & Library Centre Whatman Way | | | £3,634.18 Towards all or any of the medical centres; Marsham St, St Lukes, Holland Rd, Brewer St and Grove Park | | June 2025 |

| S106 | Public Open Space & Recreation | Education | Adult Ed/ Community Learning | Adult Social Services | Library | Youth & Community | Transport/ Highways | Healthcare | Public Art/ Town Centre /misc | Spend By Date |
|--|---|--|--|---|--|--|---|---|-------------------------------|---------------|
| Land at Oliver Road (Staplehurst) 12/2106 | £20,165.70 (50%) Towards provision of allotments and outdoor sports facilities and for improving, enhancing and replacing the play area equipment at Surrenden Road play area | | | | | | | £18,920.75 (50%) Towards new healthcare services and facilities within the Parishes of Staplehurst and Marden | | March 2025 |
| The MAP Depot Site, Goudhurst Road, Marden 13/0115 | £88,000 Towards the cost of upgrading Marden Playing Fields | | | | | | £15,095.60 Towards the provision of Cycle Stores at Marden rail Station, library and post office | £27,321.58 Towards expansion works at Marden Medical Practice | | June 2025 |
| Westree Court Rowland Close 13/0718 | £57,602.87 Refurbishment, enhancement, maintenance and repair including play equipment of POS within 1 mile radius of the Land, equal priority given to Cornwallis Park, Clare Park, Whatman Park, Mote Park or allotment sites at Rocky Hill and Buckland Hill | | | | | | | | | May 2025 |
| Land at Oakapple (Former Nurses Home) Hermitage Lane 14/500412/FUL | £108,675 Towards open space/equipped play and outdoor sports facilities within one mile radius of site | | | | | | | | | June 2022 |
| Westwood Grange Ham Lane Lenham 09/0315 (planning condition not S106) | £29, 925 towards parks and open space, improvements to the play equipment and open space within the locality of the development (Lenham Parish) | | | | | | | | | No date |
| Land North Sutton Road, (Imperial Park) Maidstone 13/0951 | £134, 545.19 Towards improvements, refurbish and replacement of facilities inc pavilions, play equipment and play areas ground works and facilities at Senacre Recreation Ground or Park Wood Recreation Ground or any other MBC open space within 2 miles of the Land | £427,066.14 For costs of purchasing land for the new primary school | Community Learning £5709.23 For new small adult learning classes at adult education and outreach community learning facilities in the Borough | Adult Social Care £18,301.91 Towards Assistive Telecare technology within the dev, additional changing place facility within Maidstone and integrated dementia care within the Park Wood area of Maidstone | £24,169.21 For additional service capacity and book stock at Shepway Library, Kent History and Library Centre and Mobile Library Services visiting the land | Youth Services £1578.79 For additional capacity at centre based youth services within 3 miles of the dev and outreach services serving the Land | | £133,919.97 For extension, refurbishment and/or upgrade at the 4 doctors surgeries at Wallis Avenue, Orchard Langley, The Mote and Cobtree | | January 2026 |

| S106 | Public Open Space & Recreation | Education | Adult Ed/Community Learning | Adult Social Services | Library | Youth & Community | Transport/Highways | Healthcare | Public Art/Town Centre/misc | Spend By Date |
|---|--|-----------------------|-----------------------------|-----------------------|-----------|-------------------|--------------------|--|-----------------------------|---------------|
| Land at Northland and Groom Way, Old Ashford Road, Lenham 12/1777 | £17,593.39 To be used for enhancing, maintaining, repairing and renewing amenity areas and green spaces within a 1 mile radius of dev | | | | | | | | | No date |
| Land at Langley Park, Sutton Road 13/1149 | | | | | | | | £106,200 (50%) Towards improvements to health care provision within the locality of the development | | November 2025 |
| 22-26 Tonbridge Road 13/0941 | £60,096.09 Not identified in S106 | £30,397.50 Primary | £1,095.41 | £1,767.16 | £3,298.01 | | | | | November 2025 |