

AGENDA

PLANNING COMMITTEE MEETING



Date: Thursday 14 January 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 Items withdrawn from the Agenda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 - 21 January 2016

Continued Over/:

Issued on 6 January 2016

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Alison Broom

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

6. Any business the Chairman regards as urgent including the urgent update report as it relates to matters to be considered at the meeting
7. Disclosures by Members and Officers
8. Disclosures of lobbying
9. To consider whether any items should be taken in private because of the possible disclosure of exempt information.
10. Minutes of the meeting held on 10 December 2015 1 - 7
11. Presentation of Petitions (if any)
12. 12/0986 - Land Rear Of Police Headquarters, Sutton Road, Maidstone, Kent 8 - 50
13. 12/0987 - Land To Rear Of Kent Police Training School, Off St Saviours Road, Maidstone, Kent 51 - 92
14. 13/1979 - Land North Of Heath Road, Coxheath, Maidstone, Kent 93 - 151
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18. 15/505938 - Peas Place, Green Lane, Chart Sutton, Kent 195 - 206
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23. Chairman's Announcements

PLEASE NOTE

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

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

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

MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON 10 DECEMBER 2015

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

Also Present: Councillors Daley and Mrs Robertson

207. APOLOGIES FOR ABSENCE

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

208. NOTIFICATION OF SUBSTITUTE MEMBERS

The following Substitute Members were noted:

Councillor Butler for Councillor Ash
Councillor J A Wilson for Councillor Mrs Stockell

209. NOTIFICATION OF VISITING MEMBERS

Councillors Daley and Mrs Robertson indicated their wish to speak on the report of the Head of Planning and Development relating to application 15/505942.

210. ITEMS WITHDRAWN FROM THE AGENDA

There were none.

211. URGENT ITEMS

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

212. DISCLOSURES BY MEMBERS AND OFFICERS

With regard to the report of the Head of Planning and Development relating to application 15/507703, Councillor J A Wilson said that he knew the applicant, but this would have no bearing on his approach to consideration of the application, and he intended to speak and vote when it was discussed.

213. EXEMPT ITEMS

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

214. MINUTES OF THE MEETING HELD ON 12 NOVEMBER 2015

RESOLVED: That the Minutes of the meeting held on 12 November 2015 be approved as a correct record and signed.

215. PRESENTATION OF PETITIONS

There were no petitions.

216. DEFERRED ITEM

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

The Development Manager advised Members that he hoped to be in a position to report this application back to the Committee in January 2016.

217. 14/503411 - RESIDENTIAL DEVELOPMENT COMPRISING ERECTION OF 23 DWELLINGS - THE PADDOCK, GROVE HOUSE, OLD ASHFORD ROAD, LENHAM, KENT

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

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

- The provision of 40% affordable housing;
- A primary education contribution of £2,360.96 per applicable house (x19) and £590.24 per applicable flat towards the second phase of expansion of Harrietsham Primary School (total £44,858.24);
- A contribution of £1,104.36 to provide additional book stock and equipment at Lenham Library to address the demand from the development;
- A healthcare contribution of £14,796 to be invested in the Len Valley and The Glebe practices which are within a 2 mile radius of The Paddock and which will be directly related to supporting the improvements within primary care by way of extension, refurbishment and/or upgrade in order to provide the required capacity; and

- An off-site open space contribution of £36,225 the calculation for which is 23 units @ £1,575 per unit towards enhancing, maintaining, repairing and renewing amenity areas and green spaces within a one mile radius of the proposed development (e.g. William Pitt Field and Play Area and Ham Lane Play Area),

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

Voting: 13 – For 0 – Against 0 – Abstentions

218. 15/503579 - ERECTION OF 24 RESIDENTIAL UNITS TOGETHER WITH ASSOCIATED PARKING AND LANDSCAPING ON LAND LOCATED TO THE EAST OF TOVIL GREEN - LAND EAST OF TOVIL GREEN, TOVIL, MAIDSTONE, KENT

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

RESOLVED: That permission be granted subject to the conditions and informatives set out in the report as amended by the urgent update report.

Voting: 11 – For 1 – Against 1 – Abstention

219. 15/505942 - REDEVELOPMENT OF THE EXISTING PETROL FILLING STATION TO INCLUDE NEW SALES BUILDING, CANOPY, FUEL PUMPS, CAR WASH, BOUNDARY TREATMENTS, SERVICE COMPOUND, HARD AND SOFT LANDSCAPING AND ANCILLARY REARRANGEMENTS TO THE FORECOURT - TUDOR GARAGE, LONDON ROAD, MAIDSTONE, KENT

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

Mrs Thomas-Davies, for the applicant, and Councillors Daley and Mrs Robertson (Visiting Members) addressed the meeting.

RESOLVED: That consideration of this application be deferred (a) for further discussions with the applicant on traffic/highway safety grounds as to whether the egress onto London Road could be reconfigured to deter drivers turning right when leaving the site and (b) for further negotiations to secure an improved landscaping scheme (including mixed native hedge planting along the southern and western boundaries), in accordance with the Council's adopted Landscape Character Assessment and Landscape Guidelines.

Voting: 7 – For 6 – Against 0 – Abstentions

220. 15/506037 - DEMOLITION OF EXISTING COMMERCIAL BUILDINGS, HARDSTANDING AND WOODFORD COACH HOUSE AND THE ERECTION OF A REPLACEMENT DWELLING FOR WOODFORD COACH HOUSE AND 9

DWELLINGS WITH PARKING AND LANDSCAPING - WOODFORD FARM,
MAIDSTONE ROAD, STAPLEHURST, KENT

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

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

Councillor Buller of Staplehurst Parish Council (against) and Mr Blythin, for the applicant, addressed the meeting.

Contrary to the recommendation of the Head of Planning and Development, and the advice of the Development Manager that the third proposed reason for refusal would not be sustainable at appeal, the Committee agreed to refuse permission. In making this decision Members felt that:

The development was poorly located in terms of access to services and future occupants would be heavily reliant on the private car. The proposals would therefore constitute unsustainable development contrary to the National Planning Policy Framework;

The proposals would introduce a development of a scale and intensity that would be out of character with the pattern of residential development in the locality and which would be harmful to the character and appearance of the area contrary to policy ENV28 of the Maidstone Borough-Wide Local Plan 2000 and the National Planning Policy Framework; and

The development would result in the loss of an employment site which provides sustainable employment for the rural area. Its loss would be contrary to the aims of the National Planning Policy Framework to promote retention of local services.

RESOLVED: That permission be refused for the following reasons:

1. The development is poorly located in terms of access to services and future occupants would be heavily reliant on the private car. The proposals would therefore constitute unsustainable development contrary to the National Planning Policy Framework.
2. The proposals would introduce a development of a scale and intensity that would be out of character with the pattern of residential development in the locality and which would be harmful to the character and appearance of the area contrary to policy ENV28 of the Maidstone Borough-Wide Local Plan 2000 and the National Planning Policy Framework.
3. The development would result in the loss of an employment site which provides sustainable employment for the rural area. Its loss would be contrary to the aims of the National Planning Policy Framework to promote retention of local services.

Voting: 12 – for 1 – Against 0 – Abstentions

221. TPO NO. 5052/2015 - 1-16 DANEFIELD COURT, CHURCH LANE, BEARSTED, KENT

The Committee considered the report of the Head of Planning and Development concerning Tree Preservation Order No. 5052/2015 which was made to protect one Lime tree and one Sycamore tree located in the grounds of Danefield Court, Church Lane, Bearsted, a site lying within the Bearsted (Holy Cross) conservation area.

It was noted that the making of the Tree Preservation Order was considered to be an appropriate response to proposed pollarding works to the trees which would leave very little foliage, create very large topping wounds on the main stems and have a significant detrimental effect on the contribution that the trees made to amenity and local landscape quality. An objection to the making of the Tree Preservation Order had been received from the Danefield Court Residents' Association. However, it was considered that the grounds for objection did not raise any issues or provide any new evidence to suggest that it was inappropriate to make the trees the subject of a Tree Preservation Order or that they should not continue to benefit from ongoing protection.

Mrs Horne of the Danefield Court Residents' Association and Mrs Trodd, an individual objector, addressed the meeting.

RESOLVED: That Tree Preservation Order No. 5052/2015 be confirmed without modification.

Voting: 13 – For 0 – Against 0 – Abstentions

222. 15/507189 - ERECTION OF A NEW DETACHED FOUR BEDROOM DWELLING, ERECTION OF A SINGLE GARAGE AND CREATION OF NEW VEHICULAR ACCESS - WARMLAKE FARMHOUSE, MAIDSTONE ROAD, SUTTON VALENCE, KENT

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

Councillor Stancombe of Sutton Valence Parish Council (against) and Mr Bedford, for the applicant, addressed the meeting.

RESOLVED: That subject to the application being advertised as a departure from the Development Plan and no new material issues being raised, the Head of Planning and Development be given delegated powers to grant permission subject to the conditions and informatives set out in the report and the additional conditions set out in the urgent update report.

Voting: 9 – For 1 – Against 3 – Abstentions

223. 14/503309 - CONVERSION OF 3 NO. AGRICULTURAL BARNs FOR RESIDENTIAL USE AND ERECTION OF 3 NO. NEW DWELLINGS WITH ASSOCIATED CAR BARNs AND LANDSCAPING - TANYARD FARM, OLD ASHFORD ROAD, LENHAM, KENT

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

RESOLVED: That permission be granted subject to the conditions and informatives set out in the report as amended by the urgent update report.

Voting: 13 – For 0 – Against 0 – Abstentions

224. 15/507703 - LOFT CONVERSION WITH 3 NO. ROOFLIGHTS TO FRONT ELEVATION AND SMALL PITCHED ROOF DORMER WITH 2 NO. ROOFLIGHTS TO REAR ELEVATION - 3 THE BUNGALOWs, CHURCH STREET, TESTON, KENT

The Chairman and Councillors Harper, Hemsley, Munford, Paine, Perry and J A Wilson stated that they had been lobbied.

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

Councillor Levett of Teston Parish Council (against) and Mr Older, the applicant, addressed the meeting.

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

Voting: 12 – For 1 – Against 0 – Abstentions

225. 14/506183 - PLACEMENT OF 2 NO MOBILE HOMES, UTILITY BLOCK, TOURING CARAVANS AND STABLES AND OPEN PADDOCK AREA - STILEBRIDGE PADDOCK, STILEBRIDGE LANE, LINTON, KENT

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

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

Councillor Firmin of Linton Parish Council (against) addressed the meeting.

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

Voting: 9 – For 3 – Against 0 – Abstentions

Note: Councillor J A Wilson left the meeting during consideration of this application (9.07 p.m.).

226. APPEAL DECISIONS

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

RESOLVED: That the report be noted.

227. CHAIRMAN'S ANNOUNCEMENTS

There were no announcements on this occasion.

228. DURATION OF MEETING

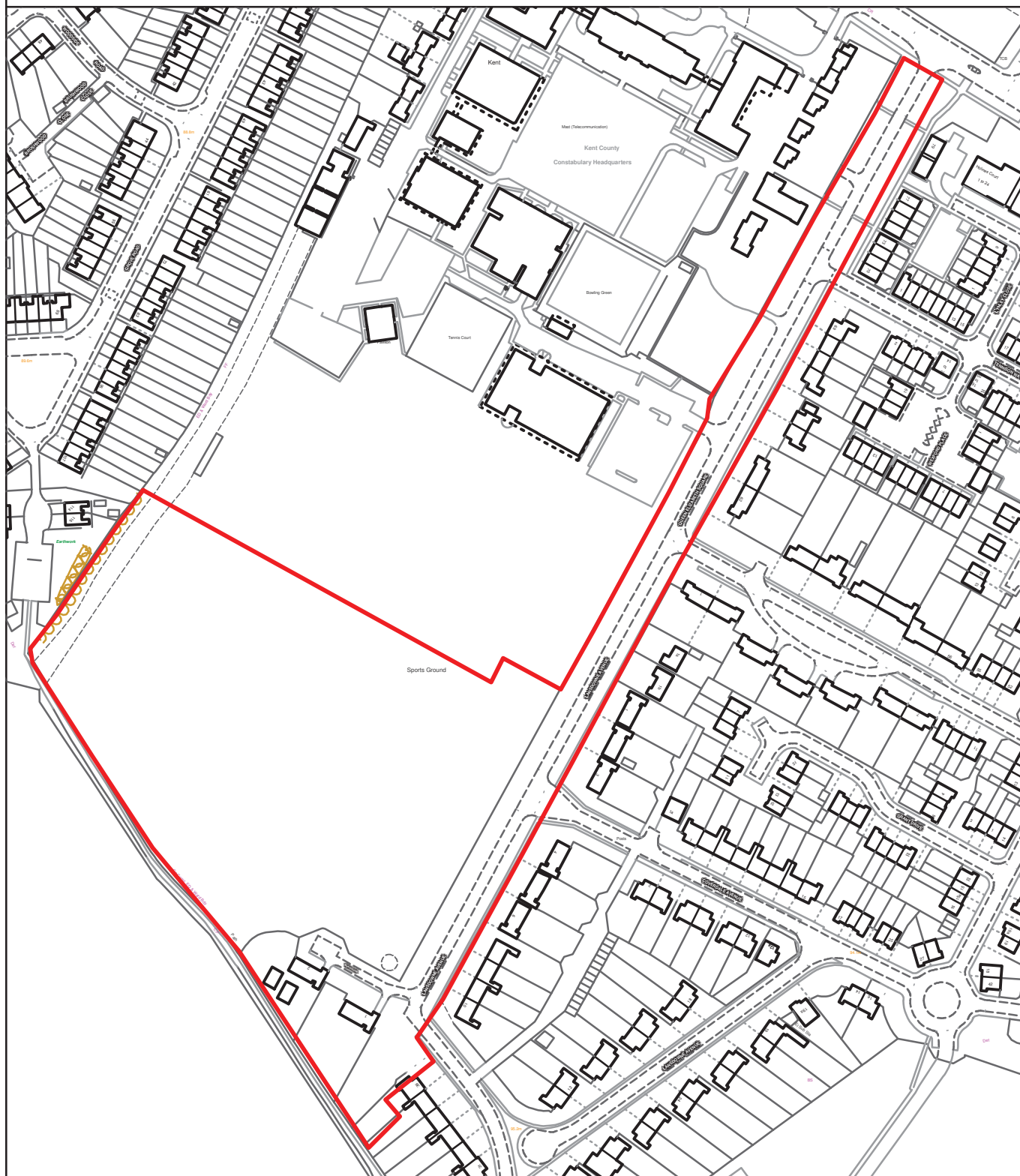
6.00 p.m. to 9.25 p.m.

Agenda Item 12

THE MAIDSTONE BOROUGH COUNCIL

Land Rear Of Police Headquarters
Sutton Road
Maidstone
Kent

MBC Ref: 12/0986



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Rob Jarman
Head of Planning

REPORT SUMMARY

REFERENCE NO - 12/0986		
APPLICATION PROPOSAL Outline application for residential development for up to 112 dwellings with associated development, including demolition of existing dwellings/police building in Weald Close with all matters reserved for future consideration.		
ADDRESS Land Rear Of Police Headquarters, Sutton Road, Maidstone, Kent		
RECOMMENDATION Amend S106 contributions and conditions as set out in report		
REASON FOR REFERRAL TO COMMITTEE To seek the agreement of Members of the Planning Committee to amend the S106 contributions being sought and make minor amendments to conditions.		
WARD Shepway South Ward	PARISH/TOWN Maidstone	APPLICANT Kent Police Authority AGENT DHA Planning
DECISION DUE DATE 20/01/14	PUBLICITY EXPIRY DATE 20/01/14	OFFICER SITE VISIT DATE Various
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):		

MA/12/0987 Land to rear of Kent Police Training School off St Saviours Road, Maidstone – outline application for a residential development of up to 90 dwellings with associated development with all matters reserved for future consideration – currently under consideration, and included separately on this agenda

MA11/0234 An application for a screening opinion for a residential development comprising up to 115 dwellings – environmental statement is not required

MAIN REPORT

1.0 BACKGROUND

1.1 The current outline proposal for the erection of up to 112 dwellings was reported to the Planning Committee meeting on 16th October 2014. Members resolved to give the Head of Planning and Development delegated powers to grant planning permission subject to conditions and the prior completion of a S106 legal agreement. The agreed heads of terms for the legal agreement as recorded in the committee minutes were as follows:

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

- A contribution of up to £3,00.00 per dwelling towards highway capacity improvements at the Loose Road/Sutton Road junction (such as a roundabout or highway reconfiguration with physical traffic signal alterations and pedestrian and cycle connections to the town centre) and approaches to the Town Centre Bridge gyratory traffic signal junctions, necessary to mitigate against the severe impact of the development on congestion and highway safety at these junctions; and
 - A contribution of £4,000.00 per 'applicable' house and £1,000.00 per applicable flat towards the build cost, and £2,701.63 per applicable house and £675.41 per applicable flats towards land costs, of the construction of a new primary school; and
 - A contribution of £2,359.80 per 'applicable' house and £589.95 per applicable flat towards the extension of a secondary school within Maidstone; and
 - A contribution of £1,575.00 per dwelling towards improvements to Mangravet Recreation Ground, Queen Elizabeth Square play area, sports facilities at Parkwood Recreation Ground or Mote Park Adventure Zone; and
 - A contribution of £56,440 based on an average occupancy of 2.34 persons per dwelling towards improvements at the named surgeries of Grove Park Surgery, Mote Medical Centre, Northumberland Court Surgery, Wallis Avenue Surgery, Boughton Lane Surgery, College Practice, Bearsted Medical Practice, Marsham Street Surgery and the Vine Surgery all of which are within 2 miles of the site; and
 - A contribution of £145.73 per dwelling to provide expansion of library services in Maidstone and additional book stock and equipment; and
 - A contribution of £30.70 per dwelling towards community learning for adult learning classes or outreach adult learning in Maidstone; and
 - A contribution of £8.44 per dwelling towards youth services and the provision of staff and equipment for Maidstone Borough youth outreach services in the area; and
 - A contribution of £53.88 per dwelling towards adult social services being the provision of health linked care needs and assessment suite, the enhancement of local community facilities to ensure full DDA access to clients, a specialist changing place facility to enable clients with multiple needs to integrate and use everyday facilities and to provide assistive technology (Telecare) to enable clients to live as independently and secure as possible.
- 1.2 The earlier committee report, urgent update to the committee report and relevant minutes are attached as Appendix A to this report.
- 2.0 REASON FOR REFERRAL BACK TO PLANNING COMMITTEE**
- 2.1 As Members will be aware, section 123 of the Community Infrastructure Levy (CIL) Regulations were amended on 6th April 2015.
- 2.2 Prior to the 6th April 2015 all contributions within a s106 agreement, had to tested be under the terms of section 122 of the CIL Regulations in respect of being necessary to make the application acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development.

- 2.3 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 no more than five separate planning obligations (calculated back to April 2010) can contribute towards the funding or provision of a project or type of infrastructure (“the pooling restriction”). As such, the scope of contributions that can be sought in respect of new development is restricted. Affordable housing is excluded from the pooling restriction on contributions.

- 2.4 A number of minor changes to the approved planning conditions are also proposed.

3.0 MATTERS RELATING TO THE COMING INTO EFFECT OF THE CIL REGS

- 3.1 In the circumstances of this case, the amendment of s123 directly effects and changes the Heads of Terms of the s106 agreement in respect of the quantum of contributions requested in respect of libraries. Kent County Council has reassessed its requests in light of the amendment to the CIL Regulations and this contribution has accordingly been reduced to £48.02 per dwelling. It has been specified that this money will be used to fund additional library stock at Shepway Library.
- 3.2 Further clarification of the projects to which the monies would contribute has been received in relation to primary and secondary school education; parks and open spaces; health services; libraries; community services; youth services; and adult social services.
- 3.3 Kent County Council have also provided further details of the projects to which contributions would be made in respect of primary and secondary education (Langley Park Phase 1 and Cornwallis Secondary School, respectively); community services (purpose built work areas and equipment for the St Faiths jewellery studio); youth services (equipment at Fusion Café, Parkwood); and adult social services (an adult changing place facility in central Maidstone), confirming that these requests satisfy the tests in relation to pooling set out in S123 of the CIL Regulations.
- 3.4 The county contributions (as amended in relation to the sum sought towards library services) are therefore now considered to be in compliance with the CIL Regulations and remain in place.
- 3.5 Policy T2 of the Maidstone Borough Wide Local Plan 2000 seeks improvements to Bus and Hackney Carriage Corridor access along Sutton Road. As discussed at the previous Planning Committee, monies have been secured through other routes towards such works and Kent County Council no longer consider that the provision of a bus lane is an appropriate solution and would not seek to request further contributions in this respect. Alternative measures to relieve highway pressures are considered as more effective solutions. As such Kent County Council have confirmed that the contribution sought in relation to highway improvements would remain unchanged (£3,000 per dwelling) and the projects upon which the funds would be spent, namely highway capacity improvements at the Loose Road/Sutton Road junction.
- 3.6 In terms of healthcare provision, the NHS Property Services team have confirmed that the contribution would be a Phase 1 extension, refurbishment and improvement of the Mote Medical Practice. This request is considered to be CIL Regulation compliant.

- 3.7 The Heads of Terms as set out below have been amended in accordance with updates that have become available, including specific reference to the destination of the contributions, as set out in paragraphs 3.2 – 3.6 above.

4.0 AMENDMENTS TO CONDITIONS

- 4.1 As Councillors will be aware, the Ministerial Statement of 25th March 2015 precludes Local Planning Authorities from imposing conditions requiring compliance with technical housing standards in cases where there are no relevant existing policies, and withdrawing the Code for Sustainable Homes from the scope of planning control.
- 4.2 As such, conditions can no longer be imposed on planning permissions seeking compliance with the Code for Sustainable Homes and other technical housing standards, and these matters dealt with under Building Regulations. It is therefore proposed to delete condition 14.
- 4.3 It is also proposed to delete condition 12 (foul and surface drainage) due to duplication as these matters are dealt with more robustly under condition 6.
- 4.4 The deletion of two conditions (conditions 12 and 14) will result in the renumbering of subsequent conditions.
- 4.5 Minor rewording of conditions is also proposed in the case of conditions 9 (Great Crested Newt mitigation), 19 (visibility splays) and 22 (accesses) to refer to the appropriate documentation submitted in support of the application.
- 4.6 There are also a small number of very minor amendments to the precise wording of conditions to update them in respect of references to legislation and ensure consistency and best practice in drafting.

5.0 PROCEDURAL MATTERS

- 5.1 This planning application has been considered in the context of the Town and Country Planning (Consultation) (England) Direction 2009. It is considered that the neither the current or previous uses of the site would necessitate that application being referred to the Secretary of State.

6.0 RECOMMENDATION

- 6.1 The recommendation, as amended in respect of the Heads of Terms as described in full above, the deletion of conditions 12 and 14, and the re-numbering and/or amendment of conditions as appropriate for the reasons set out above, is set out in full below for the purposes of clarity.
- 6.2 **GRANT OUTLINE PLANNING PERMISSION subject to the following amended s106 heads of terms and amended planning conditions:**

s106 heads of terms

- The provision of 40% affordable residential units within the application site; and
- A contribution of £3000.00 per dwelling towards highway capacity improvements at the Loose Road/Sutton Road junction (such as a roundabout or highway reconfiguration with physical traffic signal alterations and pedestrian and cycle connections to the town centre), and approaches to the Town Centre Bridge gyratory traffic signal junctions.

- A contribution of £4,000.00 per applicable house and £1,000.00 per applicable flat towards the build cost, and £2701.63 per applicable house and £675.41 per applicable flats towards land costs, of the construction of a new primary school;
- A contribution of £2359.80 per applicable house and £589.95 per applicable flat towards the Phase 1 expansion of Cornwallis Academy
- A contribution of £48.02 per dwelling to be used to address the demand from the development towards additional book stock at Shepway Library; and
- A contribution of £30.70 per dwelling to be used to address the demand from the development towards community learning for adults through the funding for improvements to the St Faiths Jewellery Studio to provide purpose built work areas and equipment; and
- A contribution of £8.44 per dwelling to be used to address the demand from the development towards youth services through the funding for equipment for the Fusion Café, Parkwood, Maidstone; and
- A contribution of £53.88 per dwelling to be used to address the demand from the development towards adult social services through funding for adult changing place facilities in Central Maidstone
- A contribution of £56,440 to be used to address the demand from the development towards healthcare provision through funding for the Phase 1 extension, refurbishment and improvement to Mote Medical Centre
- A contribution of £1,575.00 per dwelling towards improvements to Mangravet Recreation Ground; and

Planning 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) Access; e) Landscaping. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved;

Reason: 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. Retention of the tree screens along the western boundary and south western boundary; and
 - ii. Provision of a landscaped buffer to supplement the tree screens along the western boundary and south western boundary; and
 - iii. Retention of the trees along Lansdowne Road where possible and the planting of suitable replacements if any trees have to be removed; and
 - iv. An updated arboricultural implications assessment and tree protection plan to reflect the proposed details of layout; and
 - v. A detailed arboricultural method statement.

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

3. The details of layout as required under condition 1 shall show housing addressing Lansdowne Road and replicating the pattern of existing properties;

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

4. The reserved matters application(s) shall be accompanied by updated ecological surveys including any required mitigation and enhancement measures (including within the fabric of the buildings) to improve biodiversity;

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

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

Reason: To ensure a satisfactory appearance to the development.

6. The development shall not commence until a detailed surface water drainage scheme for the site following the principles established in the flood risk assessment and drainage strategy, based on sustainable drainage principles, has been submitted to, and approved in writing by, the Local Planning Authority. The details shall include, inter alia, a long term management and maintenance plan for the SUDS included in the approved scheme. The scheme shall subsequently be implemented in strict accordance with the approved details before the development is completed;

Reason: To prevent the increased risk of flooding and to ensure the long term management/maintenance of the SUDS. This information is required prior to commencement to ensure that any necessary groundworks have been completed before other work starts.

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

Reason: In the interest of pollution and flood prevention. This information is required prior to commencement to ensure that any necessary groundworks have been completed before other work starts.

8. No part of the development shall be occupied until the following works have been constructed and completed:
 - i. The widening of Lansdowne Road to 5.5 metres in accordance with the transport assessment; and
 - ii. Controlled access restrictions at the Pested Bars Road private police access;

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

9. No development shall commence until a scheme detailing and where possible quantifying 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 report should be submitted to, and approved in writing by, the Local Planning Authority and the development shall be carried out in strict accordance with the approved details;

Reason: In the interests of air quality. This information is required prior to commencement to ensure that any impact on air quality during the construction phase is considered.

10. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of:-
- 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. Following on from the evaluation, any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a specification and timetable which has been submitted to, and approved in writing by, the Local Planning Authority;

Reason: 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. This information is required prior to commencement to ensure that there is no damage through construction work to any archaeological remains on the site.

11. No part of the development shall be occupied until the sports pitches are laid out and available for use as shown on the layout plan.

Reason: In the interests of adequate sports provision.

12. 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: There is always the potential for unexpected contamination to be identified during development groundworks.

INFORMATIVES

1. The applicant's attention is drawn to Sections 60 & 61 of the COPA 1974 and to the Associated British Standard COP BS 5228: 2009 for noise control on construction sites. Statutory requirements are laid down for control of noise during works of construction and demolition and you are advised to contact the Environmental Health Manager regarding noise control requirements.
2. The applicant is advised to consider nearby residential occupiers when carrying out clearance work and burning of existing woodland or rubbish. Advice on minimising any potential nuisance is available from the Environmental Health Manager.
3. The applicant is advised to consider nearby residential occupiers when operating plant and machinery used for demolition and construction and it is suggested that

plant and machinery only be operated 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. The applicant is advised to consider nearby residential occupiers in terms of deliveries and it is suggested that deliveries are restricted so they 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. The applicant is advised to ensure that there is adequate and suitable provision of dust protection in the form of water sprays in order to reduce dust from the site.
6. The applicant is advised of legislation that relates to the control of asbestos that requires adequate and suitable measures to be in place 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.
7. The applicant is advised that they will be required to produce a Site Waste Management Plan in accordance with Clean Neighbourhoods and Environment Act 2005 Section 54. This should be available for inspection by the Local Authority at any time prior to, and during the development.
8. The applicant is advised to contact the environment agency in the event that they wish to install direct discharge to groundwater, a controlled water. The applicant is advised of the requirement to maintain an unsaturated zone throughout the year between the base of soakaways and the water table.
9. The applicant is advised to build in on site renewable energy in to any subsequent reserved matters application(s) or application for full planning permission.

Case Officer: Nikolas Smith

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 - 12/0986			
APPLICATION PROPOSAL Outline application for residential development for up to 112 dwellings with associated development, including demolition of existing dwellings/police building in Weald Close with all matters reserved for future consideration.			
ADDRESS Land Rear Of Police Headquarters, Sutton Road, Maidstone, Kent			
RECOMMENDATION – DELEGATED POWERS TO APPROVE			
SUMMARY OF REASONS FOR RECOMMENDATION The development of the site for residential would represent sustainable development and accord with the emerging housing allocation. The loss of sports pitches would be mitigated to an acceptable level given the alternative provision proposed and available in the locality.			
REASON FOR REFERRAL TO COMMITTEE Contrary to Statutory Consultee – Sport England			
WARD Shepway South Ward		PARISH COUNCIL N/A Maidstone	APPLICANT Kent Police Authority AGENT DHA Planning
DECISION DUE DATE 20/01/14		PUBLICITY EXPIRY DATE 20/01/14	OFFICER SITE VISIT DATE
RELEVANT PLANNING HISTORY			
App No	Proposal	Decision	Date
MA/11/0234	An application for a screening opinion for a residential development comprising up to approximately 115 No. dwellinghouses	Environmental Statement is Not Required	11 March 2011
Summarise Reasons – The development will not be likely to have significant effects on the environment by virtue of factors such as its nature, size or location and that EIA is not required.			
MA/12/0987	Land to Rear Of Kent Police Training School off St Saviours Road, Maidstone – Outline application for residential development for up to 90 dwellings with associated development with all matters reserved for future consideration.	On this agenda	
Summarise Reasons – To be determined; recommendation for delegated powers to approve.			

MAIN REPORT**1.0 DESCRIPTION OF SITE**

- 1.01 The application site relates to an area of land approximately 4 hectares in area located to the rear of the Kent Police headquarters buildings that front onto Sutton Road. The site itself is on the west side of Lansdowne Avenue and is open in nature and has private sports pitches laid out. The site is within the urban area of Maidstone and Park Wood ward although adjacent to both Shepway North and South wards. The site is an allocated site in the emerging Maidstone Borough Local Plan H1(21).

- 1.02 Although the site is laid out as sports pitches in planning terms I do not consider the use to be recreation. The site is part of the operational land of Kent Police and if used in connection with the existing HQ use e.g. vehicle parking or storage there would be no change of use.
- 1.03 The police HQ is a collection of significant buildings that are conspicuous from Sutton Road and due to their character and set back from the road provide an attractive addition to this part of the street scene. Other than the Kent Police buildings the majority of the surrounding area is characterised by residential development. The properties on Lansdowne Avenue, Coverdale Avenue and Queen Elizabeth Square are generally two storey properties with a mix of detached, semi detached and small rows of terraced properties. A similar style and mix of properties continues east through the estate roads towards the Morrisons food store. To the north west of the site the area of Grove Road and Camp Way are characterised by residential properties in rows of 6 terraced properties together.
- 1.04 There is a row of trees running along the edge of Lansdowne Road and these are protected by a tree preservation order that was served in 2013. The south western and the north western boundaries are characterised by substantial tree lined boundaries.
- 1.05 There is a registered public right of way KB27 that runs along the south western boundary linking Pested Bars Road with Grove Road and this would be unaffected by the development.
- 1.06 The site is not within flood zone 2 or 3 and there are no areas of ancient woodland in the immediate vicinity of the site.

2.0 PROPOSAL

- 2.01 The application is in outline form and for residential development up to 112 dwellings with all matters reserved for future consideration. The indicative layout shows two vehicular access points from Lansdowne Avenue and the mix of properties show 28 flats and 6 coach houses with the remainder of the development being predominantly family housing of three, four and five bedroom houses. There are 214 car parking spaces shown across the development including 20 to be used for the football pitches. The density of the development would equate to 39 dwellings per hectare across the developable part of the site.
- 2.02 The scheme includes the demolition of buildings within Weald Close and the rationalisation of the playing fields in the northern part of the site to provide one adult football pitch and two other pitches for U11/U12 and a combined pitch for use by U9/U10 and U13/U14. Whilst these pitches would provide a similar facility for the use of private clubs and the Police they would not be available for general public use.
- 2.03 The residential element is shown in indicative form to replicate the general pattern of the surrounding area with larger detached dwellings fronting onto Lansdowne Avenue and clusters of development within the site.
- 2.04 The design and access statement submitted includes how a typical residential development can achieve Code for Sustainable Homes level 3. At this stage there is no formal assessment due to the fact that there is no house builder on board and no detailed design of the dwellings.

- 2.05 There is an area set aside for a toddler play area but again at this outline stage there are no further details in relation to the size or type of equipment or the number of pieces.
- 2.06 The agent has indicated that Kent Police are willing to enter into a Section 106 agreement to secure a justified level of affordable housing and the justified financial contributions. However, they do state that any request for contributions would impact on the ability of Kent Police to invest the capital receipts from the site into the service. It is stated that they would be happy to accept a clause requiring the investment into Maidstone of any amount that is reduced from other community requirements.

3.0 SUMMARY INFORMATION

	Existing	Proposed	Change (+/-)
Site Area (ha)	4	4	0
No. of Storeys	0	2 – 4	2 – 4
Parking Spaces	0	214	214
No. of Residential Units	0	112	112
No. of Affordable Units	0	42 (40%)	42

4.0 PLANNING CONSTRAINTS

TPO 5 of 2013 Group of Trees - G2 - Consisting of 11 Maple, 15 Lime and 4 Sycamore

Urban Area Air Quality Management Area

5.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Maidstone Borough-Wide Local Plan (2000): ENV6, ENV24, T2, CF1, CF6, CF8
Affordable Housing DPD (2006)
Open Space DPD (2006)
Maidstone Borough Local Plan Regulation 18 Consultation 2014: SS1, SP2, H1(21), DM2, DM4, DM10, DM12, DM14, DM16, DM23, DM24, ID1

6.0 LOCAL REPRESENTATIONS

- 6.1 25 letters of objection have been received on the following summarised grounds:-

- The density is too high to provide a suitable layout with private space.
- Impact on the access road and increased traffic throughout the estate and onto Sutton Road.
- Loss of trees.
- Inadequate infrastructure to cope with the development including medical facilities and education facilities.
- Insufficient parking and impact on, on street parking that is already high due to Police and Morrisons employees.
- Loss of open space and sporting facilities.
- Impact on wildlife and biodiversity.
- The development would be a security risk being close to the police headquarters buildings.

- Overlooking and loss of privacy impacting on residential amenity.
- There is too much affordable housing in the area.

7.0 CONSULTATIONS

7.01 **Sport England** have objected to the application stating:-

“It is understood that the development is likely to prejudice the use, or lead to the loss of use, of land being used as a playing field; or is on land that forms part of, or constitutes a playing field, as defined in the Town and Country Planning (Development Management Procedure) (England) Order 2010 (SI 2010/2184) Schedule 5. Sport England responds to this application as a statutory consultee on the basis that the land has been used as a playing field at any time in the last five years and remains undeveloped; or has been allocated for use as a playing field in a development plan; or involves replacement of the grass surface of a playing pitch on a playing field with an artificial surface.”

They are critical of the assessment of playing fields stating:-

“The assessment area is restricted to Parkwood and the surrounding wards. Therefore this only gives an overview of the demand and supply for pitches in a particular part of the Borough. The assessment is not a borough wide one and therefore does not examine demand and supply in other parts of the Borough where there may be shortages of pitches. The Assessment itself under paragraph 1.39 states that Sport England may also request a full Local Authority Playing Pitch Assessment to be carried out.

There does not appear to be any evidence that the Assessment has been led by a steering group which includes representation from all relevant Local Authority departments and key partners, who can check and challenge the data collection and the findings.

The data collection relating to the supply of pitches seems to be mainly website based. There has been no consultation with local clubs to examine their access requirements, access barriers, latent demand, accessibility to pitches and the quality of the existing pitches that they use, for example, are they over played or underplayed. The assessment is based on quantitative data and not qualitative. Without undertaking club surveys and site assessments to understand club's accessibility issues and the quality of the existing supply of pitches and their playability, the assessment is not considered robust.

The findings of the assessment that there are sufficient playing pitches (for all sports) in the Parkwood Ward area, without using the existing playing pitches on the Police Head Quarters Site and the Police College site (with the exception of the mini soccer pitch on the Police College site) is at variance to the comments of The Football Association. If the assessment was robust and the conclusions accurate, then The Football Association would agree that the site is surplus to sporting requirements.”

As such Sport England cannot consider that the application/assessment meets the exception of

“A carefully quantified and documented assessment of current and future needs has demonstrated to the satisfaction of Sport England that there is an excess of playing

field provision in the catchment, and the site has no special significance to the interests of sport.”

The objection states:-

“that the proposed development would result in a deficiency in the provision of playing fields in the area of the local authority concerned;”

- 7.02 **MBC Parks and Open Space Team** raise no objections to the application stating that they are satisfied that the assessment of pitch provision is adequate and that the loss of private pitches would not result in a deficiency in the provision of playing fields in the area. Parkwood Recreation ground, the closest pitches MBC have to the Police sites have got two senior and one junior pitch and the senior pitches are not in use at all.

They have requested a sum of £1575 per dwelling, a total of £176,000 to be spent at improvements to play areas and open space at Mangravet Recreation Ground which is a short distance away from the development and specifically has a gap in play provision for 5 to 9 year olds. It is also envisaged that with a large increase in families moving into the area that the rest of this park will see an increase in usage and so toddler and teen provision will also need further addressing. Also the play area at Queen Elizabeth Square, which is in need of improvement would have money directed to it from this development. In terms of sports pitches this should be directed to improvements to sports pitches at Park Wood recreation ground. In addition, Mote Park is a destination park that is visited by residents from all over the borough of Maidstone. The Adventure Zone play area in Mote Park is heavily used and is in constant need of updating and replacing equipment.”

- 7.03 **Kent Highway Services** raise no objections to the application subject to seeking contributions as follows:-

In addition to this information being provided and subject to this being satisfactory I would recommend that the following highway improvements/contributions are made:-

1. A contribution of £3000 per dwelling is required towards the provision of a bus lane along the A274 Sutton Road. This scheme has been identified in the Maidstone Integrated Transport Strategy and will serve to provide reliable journey times and maintain bus frequency without adding to congestion. These planning applications will increase the demand for such a service as these sites are significant in size and are located some distance from the town centre.

2. Controlled access restrictions at the Pested Bars Road private police access. (This has been suggested by the applicant).

3. Improvements to linkages with the local public rights of way network, including new footway/cycleway alongside Lansdowne Avenue – this would improve access to New Line Learning. (This has been suggested by the applicant).

4. Existing on street parking along Lansdowne Avenue/ Queen Elizabeth Square is likely to lead to problems of congestion/obstruction this should be addressed in a manner which would not lead to vehicles being able to speed along this straight stretch of road.

5. Consideration should be given to the provision of a toucan crossing on the A274 to the east of the junction of Queen Elizabeth Square and modifications to the existing

footway along the eastern side of Molehill Copse Primary School between Sutton Road and Middlesex Road in order to link the proposed footway/ cycleway along Lansdowne Avenue/Queen Elizabeth Square with the existing cycle route along Middlesex Road.

- 7.04 **Environment Agency** originally raised objections on the grounds that there was no Flood Risk Assessment submitted. However, following submission of this document comments received raise no objections to the development and recommend conditions in relation to contaminated land and surface water drainage.
- 7.05 **MBC Environmental Health Manager** has no objections, subject to a condition relating to air quality and informatives. In addition, the mitigation measures suggested in the acoustic assessment submitted by Loven Acoustics, dated 24th April 2012, should be followed implicitly.
- 7.06 **MBC Housing** raise no objection to the application subject to the provision of 40% affordable housing.
- 7.07 **Kent County Council** are seeking the following contributions:-
- Primary – there is a need right across the Town for Primary. This is being mitigated by the building of new Primary School(s) and monies are being collected towards the build and land costs. These amount to £4000 per applicable house & £1000 per applicable flat towards build cost, and £2701.63 per applicable house and £675.41 per applicable flat towards land costs. Applicable meaning all units except 1 bed units of less than 56sqm GIA.
 - Secondary – KCC require contributions towards additional places by extending existing secondary Schools in the Town at a cost of £2359.80 per applicable house & £589.95 per applicable flat. Any s106 Agreement would include a provision for these developments only (due to the historic date of the applications), that should the developments be built out prior to March 2018, the Secondary contribution alone will be refunded. The s106 will need to include the Secondary contribution, as there is no guarantee of build out dates.
 - Community Learning – £30.70 per dwelling to provide additional classes through dedicated Adult Education centres and through outreach Community learning facilities local to the development
 - Youth service – £8.44 per dwelling to provide centre based youth services locally
 - Libraries – £145.73 per dwelling towards expansion of Library services locally and additional bookstock & equipment
 - Social Care – £53.88 per dwelling towards:-
 - improvement works to enhance local community facilities to ensure full DDA access to clients to participate in community activities and groups, and provision of additional capacity to core social care facilities and centres locally for all Social Care clients (Older Persons, and also clients with Learning or Physical Disabilities); plus
 - Assistive Technology (also referred to as Telecare): installation of technology items in homes (including: pendants, fall sensors, alarms, etc.) to enable existing & future clients to live as independently and secure as possible in their own homes.

Whilst Kent Police may be arguing for a reduction, police funding is a Home Office issue, not a planning issue; and we trust MBC and their Members will consider this matter appropriately under relevant Planning legislation.

7.08 **KCC Ecology** state:-

“Much of the site comprises amenity grassland of limited ecological value. However, there are areas of potential ecological interest:-

- Suitable habitat for reptiles is present in the southern corner of the site;
- A compost heap and grass cutting pile present opportunities for grass snake egg laying and hibernation in the western corner of the site;
- Trees with potential to provide bat roosting opportunities are present along the north-western boundary, in the southern corner of the site and adjacent to the south-western boundary;
- Badger use of the southern corner of the site has been confirmed.”

7.09 **KCC Archaeology** raise no objections to the application stating:-

“The site of the application lies within an area of archaeological potential associated with Iron Age and Romano British activity. Recent archaeological work in this area has located several Iron Age and Roman-British settlement and activity sites nearby and the course of a Roman road runs along the south western boundary.

Earthworks which may be associated with this activity were recorded to the north west and south. Although some of these earthworks have probably been destroyed underneath the housing estate, some could well survive. If these earthworks survive and can be directly associated with the Iron Age and Romano-British activity, they would be considered to be important remains.”

A condition is recommended to be attached to any approval to ensure that archaeological evaluation works are undertaken and if necessary preservation works.

7.10 **Southern Water** do not raise objections but state that there is inadequate capacity in the local network to provide foul sewage and that 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 appropriate infrastructure. An informative is requested to be attached to any approval.

7.11 **UK Power Networks** raises no objections to the proposed works.

7.12 **Kent Police Architectural Liaison Officer** raises no objections to the application and recommends a condition to ensure the reduction of crime within the scheme.

8.0 **APPRAISAL**

Background

8.01 The application was submitted in May 2012. However, this was without a Flood Risk Assessment and this was not submitted until the end of November 2013 along with additional transport data and information relating to sports pitch use and provision.

- 8.02 Following the receipt of this information a re-consultation exercise was undertaken in early 2014. The application was then awaiting the confirmation of the highway improvements from the three strategic sites further along Sutton Road.

Principle of Development

- 8.03 The application site is a greenfield site within the designated urban area. There are a number of nearby facilities including doctor's surgeries, schools and retail facilities. There are bus routes nearby into Maidstone and I consider that the site is in a sustainable location. In terms of the National Planning Policy Framework, whilst the content encourages the use of brownfield sites the main thread through the NPPF is for sustainable development and the development of sites such as this within the urban area are examples of sustainable development.
- 8.04 A number of sites have been considered as part of the Council's initial call for sites and this site was included and forms part of the housing allocations in the Regulation 18 Consultation 2014, site H1(21). The settlement hierarchy of the emerging local plan seeks to direct development to the urban area in the first instance followed by Rural Service Centres and then larger villages. Therefore, the development of this site for residential purposes would conform with the Council's approach to the location of development.
- 8.05 It is certainly the Council's view that in general terms the site is appropriate for residential development. It is clear from the allocations and recent decisions on major housing schemes that there is insufficient brownfield land to meet the Borough's housing need and the fact that the Council does not have a 5 year land supply means that some housing on greenfield sites is inevitable.
- 8.06 The number of dwellings proposed of 112 would be able to be accommodated on the site with a variety of layouts possible the density of approximately 39 dwellings per hectare would not be harmful to the character of the area.
- 8.07 Therefore, I consider that the general principle of residential development on the site to be acceptable. The key considerations are the impact on highways and junction capacity and the visual impact on the area.

Loss of Sports Pitches

- 8.08 Across the two sites, the headquarters site and the training school site, there are two senior football pitches (HQ site) and 1 mini football pitch (Under 10), 1 Junior pitch (Under 11 boys under 12 girls) and 1 larger Junior pitch (under 12, 13, 14, 15 and 18 boys teams and under 16 girls). The proposed pitches to be located on part of the HQ site would result in one adult football pitch and two other pitches for U11/U12 and a combined pitch for use by U9/U10 and U13/U14. Therefore, there would be a net loss of pitches if consent were to be granted for residential development on these sites.
- 8.09 Sport England have objected to the application on the grounds that the proposal would result in the loss of sports pitches. The land is currently laid out as sports pitches and is in use for such purposes to certain private clubs. However, the site is operational land of Kent Police and can be used for any purpose in connection with the use of the site as the Kent Police Headquarters, which may include sport, storage, parking, etc.

- 8.10 The sports pitches are therefore not designated for this purpose in planning terms and are not secured for such a use through any agreement (planning or otherwise). The site is available to some private clubs through arrangements with Kent Police but is not available for use by the general public and therefore has limited public benefit. Furthermore, the arrangements with Kent Police could cease at any time and the facility withdrawn from use. Therefore, whilst the pitches exist and are in use I do not consider that they are available to the general public and cannot be secured in any way due to the planning status of the land.
- 8.11 The application proposes the creation of pitches in a rationalised way, making better use of the land and would be available for private clubs in a similar arrangement that currently exists. This arrangement would result in the replacement of pitches from both this site and the accompanying site at the training school; however, there would be a net loss in terms of the numbers of pitches available. Kent Police do not wish to commit to the public provision of these pitches for the future due to security concerns and potential future operational changes. They would however, be available in a similar way to the current pitches.
- 8.12 The application is accompanied by an assessment of playing field provision and the Council's Parks and Open Spaces team have considered the submissions and the application. It has been demonstrated that the sports pitches in the area are underused and have capacity and therefore the loss of these private pitches would not harm the general provision of sporting provision in the surrounding area. The Council's Parks and Open Spaces team confirm the under use of the Council facilities and state that the senior pitches at Park Wood recreation ground do not have any teams booking them as their home pitch. Given this situation and the provision of some replacement pitches the section do not object to the application and the applicant's agent has stated that money towards the improvement of Council facilities could be secured through a section 106 agreement.
- 8.13 Overall, whilst I note that there is an objection from Sport England on the loss of the pitches I have considered the fact that they are private pitches and not secured in any way, the capacity and provision in the local areas, the fact that private pitches are being relocated and provided in the site and the consultation response raising no objections from the Council's Parks and Open Spaces team, which is based on local knowledge, and have concluded that the loss of these sports pitches is not sufficient to warrant a refusal. Furthermore, had it been considered that the loss of the pitches was unacceptable this would have had to be balanced against the fact that the Council does not have a 5 year land supply and this would have weighed heavily in the favour of approval of the application.

Visual Impact

- 8.14 The site is a greenfield site and its development for residential and other development would clearly have an impact visually on the site. It is important to assess the impact with regard to the coverage of the development proposed, even though it is in outline form.
- 8.15 The proposed residential portion of the site would be surrounded by other residential properties on two sides (north west and south east), the playing fields and the police site to the north east and the footpath and fields to the south west.
- 8.16 The introduction of development into this part of the site would not in itself cause significant harm to the character of the area but the detail and the pattern and heights of the development would need careful consideration at the reserved matters stage.

- 8.17 The key boundaries are the heavily tree lined boundaries on the north west and south west boundaries and it will be important in any reserved matters application that these are supplemented and in the case of the south west boundary are respected as a softer edge to the development due to the open areas of countryside that lie beyond. I consider that a suitably worded condition could be imposed to ensure that this landscaped edge is secured.
- 8.18 The site is clearly visible from Lansdowne Road and there would be short and medium views of the site from locations along the road. There would be some views through the trees along footpath KB27 that runs along the south west boundary of the site. There would be no long range views of the site that would cause significant harm.
- 8.19 Views of the new development would be seen primarily against the backdrop of other built development. This would be either the Mangravet estate of Grove Road and Camp Way, the development along Lansdowne Road, Coverdale Avenue and Queen Elizabeth Square or the operational buildings within the HQ site.
- 8.20 Any trees that would be lost through the creation of the access or due to the layout of the development will have to be assessed at the reserved matters stage with appropriate assessments at that time.
- 8.21 Therefore I consider that the visual impact of the development whilst it would change the character of the site there would not be any significant wider visual harm that would be harmful to the character and appearance of the area. I consider that the general principle of development of this site to be acceptable in relation to the visual change to the site. The detailed impacts of the dwellings and their scale and design will be considered in the reserved matters application.

Highways

- 8.22 The application was submitted with an accompanying transport assessment that included a traffic survey and trip generations in accordance with the TRICS database. The assessment also attaches a no trip 'off-set' value against the existing use of the site and I consider this to be the correct approach.
- 8.23 Lansdowne Road itself is a private road owned and maintained by Kent Police. It is a concrete carriageway measuring approximately 5.0 metres wide, with a footway on the eastern side set back behind a grass verge. Lansdowne Avenue and the northern section of Queen Elizabeth Square currently provide access to Kent Police operational uses to the west, plus residential development to the east. In order that an appropriate level of highway infrastructure is provided to support existing and proposed development, Lansdowne Avenue would require minor modification to bring it up to the standards prescribed in Kent Design (2006), and the geometric standards for a Major Access Road set out therein. Such a class of access can provide for the equivalent of 300 houses.
- 8.24 Assuming a Major Access Road requirement, Lansdowne Avenue will need to undergo minor widening to bring the carriageway from 5.0 metres wide to 5.5 metres wide along the length prior to the proposed accesses, including provision of footways and possibly cycleways adjacent to the carriageway on the west side as a minimum.
- 8.25 The surrounding road network is such that the majority of vehicle movements would be onto Sutton Road. The assessment concludes that the development would impact

on the strategic junctions along the A274 up to 1.7%. The A274 Sutton Road has been identified as requiring improvement and the provision of an additional lane with bus priority measures along the A274 Sutton Road. This scheme has been identified in the Maidstone Integrated Transport Strategy and will serve to provide reliable journey times and maintain bus frequency at peak times without adding to congestion. Contributions to this scheme have been secured from recent planning permissions on the strategic housing allocations following their traffic assessments that also considered the traffic impact of the two Kent Police sites. This planning application will increase the demand for such a service as these sites are significant in size and are located some distance from the town centre.

- 8.26 The improvements sought have been identified in the emerging policy in the emerging Maidstone Borough Local Plan H1(21). In addition, policy T2 of the adopted Maidstone Borough-Wide Local Plan (2000) seeks to secure in areas identified as bus and hackney carriage corridors as defined on the proposals map dedicated bus lanes, priority to buses at junctions, prioritisation within traffic management schemes and enhanced waiting facilities for passengers. The Sutton Road corridor is one such designated corridor. The part funding of the scheme has been secured through the section 106 agreements for the strategic housing allocations in the south east of Maidstone with the completed Unilateral Undertaking under Section 106 defining the highway improvement scheme as:-

Mitigation works to the A274 Sutton Road comprising the widening of the inbound carriageway of the A274 Sutton Road between the junctions of Wallis Avenue and Loose Road, incorporating bus prioritisation measures from the Willington Street junction to the Wheatsheaf junction. In addition the provision of two new bus stops, serving the eastbound and westbound services on the A274 between the two junctions as described, comprising of new shelters, bus boards and real time bus information.

- 8.27 The scheme has been costed and is apportioned to developments at a level of £3000 per dwelling. The contribution to the improvements are justified in accordance with policy T2 of the Maidstone Borough-Wide Local Plan (2000) and emerging policy H1(21) and I consider it appropriate that this is secured from the proposed development.
- 8.28 Concern has been raised by residents regarding the level of on street car parking particularly from the employees of Kent Police and Morrisons and the fact that it will get worse from the development. The indicative layout shows an adequate level of parking to accommodate the needs of the new development and whilst there appears to be a matter of inconvenience that occurs due to on street parking there is no evidence that it impacts on highway safety.

Heads of Terms

- 8.29 The consultees have requested a number of contributions to be secured through the application. It is important that any contributions that are secured through a Section 106 agreement would meet the requirements of the three tests of Regulation 122 of the CIL Regulations 2010 and paragraph 204 of the NPPF 2012. These are set out below:-
- 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.

- 8.30 The NHS have requested £94,348 based on an average occupancy of 2.34 persons per dwelling towards improvements at the named surgeries of Grove Park Surgery, Mote Medical Centre, Northumberland Court Surgery, Wallis Avenue Surgery, Boughton Lane Surgery, College Practice, Bearsted Medical Practice, Marsham Street Surgery and The Vine Surgery all of which are within 2 miles of the site. It is clear that the proposed development of up to 112 dwellings would result in additional demand placed on the health facilities and I consider that it would be appropriate if approving the application to secure the appropriate level of contribution.
- 8.31 The contributions towards highway improvements and bus service have been outlined in section 9.19 - 9.21 above and are deemed to meet the required tests of the CIL Regulations.
- 8.32 The Council's Parks and Open request £1575 per dwelling to cover the improvement of open space in the vicinity of the site and have identified Mangravet Recreation Ground being a short distance away from the development and specifically has a gap in play provision for 5 to 9 year olds. It is also envisaged that with a large increase in families moving into the area that the rest of this park will see an increase in usage and so toddler and teen provision will also need further addressing. Also the play area at Queen Elizabeth Square, which is in need of improvement would have money directed to it from this development. In terms of sports pitches this should be directed to improvements to sports pitches at Park Wood recreation ground. In addition, Mote Park is a destination park that is visited by residents from all over the borough of Maidstone. The Adventure Zone play area in Mote Park is heavily used and is in constant need of updating and replacing equipment. It is clear that the proposed development of 112 dwellings would result in additional demand placed on the sports facilities and I consider that it would be appropriate if approving the application to secure the appropriate level of contribution. This level of contribution could be re-examined at reserved matters stage depending on whether any open space is proposed on site.
- 8.33 There are requests made by Kent County Council as the Local Education Authority towards primary school education contributions that amount to £4000 per applicable house & £1000 per applicable flat towards build cost, and £2701.63 per applicable house and £675.41 per applicable flat towards land costs. The new school will be constructed on the Langley Park site a short distance from the application site. There will be a greater demand placed on the local schools from the occupants of the new 112 dwellings and information submitted by County shows that these are at capacity and as such the contribution is considered justified and appropriate.
- 8.34 In addition to a new primary school Kent County Council as the Local Education Authority require contributions towards additional secondary school places by extending existing secondary Schools in the Town at a cost of £2359.80 per applicable house & £589.95 per applicable flat. There will be a greater demand placed on the local schools from the occupants of the new 112 dwellings and information submitted by County shows that these are at capacity and as such the contribution is considered justified and appropriate.
- 8.35 Kent County Council have sought contributions of £30.70 per dwelling towards community learning, which would be £3,438.40 for 112 dwellings. The contribution would be used to pay for adult learning classes or Outreach Adult Learning in Maidstone. It is clear that the proposed development of 112 dwellings would result in additional demand placed on the health facilities and I consider that it would be

appropriate if approving the application to secure the appropriate level of contribution.

- 8.36 There is a request of £8.44 per dwelling sought by Kent County Council, which would be £945.28 for 112 dwellings. This contribution would pay towards the provision of staff and equipment for Maidstone Borough Youth Outreach services in the area. It is clear that the proposed development of 112 dwellings would result in additional demand placed on the youth facilities available in the area and I consider that it would be appropriate if approving the application to secure the appropriate level of contribution.
- 8.37 There is a request from Kent County Council to provide £145.73 per dwelling which would be £16,321.76 for 112 dwellings. This would be used to provide for expansion of Library services locally and additional bookstock & equipment to deal with the addition usage from this development. It is clear that the proposed development of 112 dwellings would result in additional demand placed on the bookstock at Maidstone library and I consider that it would be appropriate if approving the application to secure the appropriate level of contribution.
- 8.38 Kent County Council has sought contributions of £53.88 per dwelling, which would be £6,034.56 for 112 dwellings towards adult social services. The projects identified include the provision of health linked care needs and assessment suite, the enhancement of local community facilities to ensure full DDA access to clients, a specialist changing place facility to enable clients with multiple needs to integrate and use everyday facilities and to provide assistive technology (Telecare) to enable clients to live as independently and secure as possible. It is clear that the proposed development of 112 dwellings would result in additional demand placed on the social services provided by Kent County Council and I consider that it would be appropriate if approving the application to secure the appropriate level of contribution.
- 8.39 The applicant's agent has stated that they consider the appropriate level of affordable housing provision to be 30% in accordance with emerging policy DM24. However, the Council's adopted DPD (2006) requires the provision of 40% affordable housing. There is no housebuilder on board and there are no options on the land. Therefore, there has been no viability information submitted as part of the application. In the absence of a viability justification the consideration falls to the adopted development plan being that of the 40% level. The Peter Brett study undertaken on behalf of the Council indicated the level of 30% to be appropriate if dwellings were constructed to level 4 of the Code for Sustainable Homes. Therefore I consider the appropriate level of affordable housing to be 40%.
- 8.40 The agents for Kent Police have stated that they are seeking to maximise the revenue received for the site to allow the police to invest more money into the service. Therefore, consideration should be given to whether any of the requested contributions should be set aside and an equivalent amount secured through the Section 106 to be spent on the police service within the Borough of Maidstone. I have considered the possibility of diverting monies from the above requests to Kent Police. Within the emerging Local Plan policy ID1 relates to the delivery of infrastructure. This policy includes a list of infrastructure priorities for residential development, the list is as follows:-

- 1 Affordable Housing
- 2 Transport
- 3 Open Space
- 4 Public realm

- 5 Health
- 6 Education
- 7 Social Services
- 8 Utilities
- 9 Libraries
- 10 Emergency Services

- 8.41 I consider that on the basis of the above priority list and in the absence of any adopted policy or priority list that there should be no redirection of the contributions requested from the other services that have requested monies to Kent Police.

Other Matters

- 8.42 The closest residential properties would be those on the opposite side of Lansdowne Road and those backing onto the site from Grove Road. The properties in Grove Road are positioned with their rear gardens adjacent to the application site and those in Lansdowne Road are separated by the road itself. The distances between these existing dwellings and the application site are such that the development can be designed in a way to ensure that the amenity levels of the occupiers are maintained without any harmful levels of loss of privacy, loss of light, overwhelming impact or light pollution. I do not consider that the erection of new dwellings would result in a particular noise generator that would lead to disturbance of residents.
- 8.43 The applicant is not proposing level 4 on the Code for Sustainable Homes but instead is proposing to achieve level 3. It is disappointing that the applicant has not sought to achieve Code level 4 as sought through Policy DM2 of the Maidstone Borough Local Plan Regulation 18 Consultation 2014. However, this application was submitted prior to level 4 being the normally requested level by the Council and as there are no detailed designs a detailed assessment cannot be undertaken. After consideration, I propose a condition securing a minimum of level 3 of the Code for Sustainable Homes and informatives encouraging the detailed elements to reach level 4 and to incorporate renewable energy generation in the construction.
- 8.44 An ecological survey has been submitted as part of the outline application and this demonstrates that a significant portion of the site is low quality in terms of its ecological value by virtue of the fact that it is playing fields. However, it does highlight the fact that suitable habitat for reptiles is present in the southern corner of the site and there are trees with potential to provide bat roosting opportunities present along the north-western boundary, in the southern corner of the site and adjacent to the south-western boundary. Furthermore, badger use of the southern corner of the site has been confirmed. These matters need to be addressed in any reserved matters application and should be protected and enhanced through any layout.
- 8.45 The flood risk assessment that was submitted has demonstrated that there would be no significant flood risk to the development and also that through the integration of sustainable drainage systems that there would be no significant surface water run off problems from the site. The Environment Agency have raised no objections to the application on this basis.
- 8.46 Concern has been raised by the residents that the dwellings would be too close to the headquarters building and represent a security risk. I do not see the correlation between these properties and a risk given the high number of residential properties that exist in the immediate vicinity of the Kent Police site.

- 8.47 There have been representations stating that there is adequate affordable housing in the area and no more is required. This is contrary to the established development plan policies that seek further provision and the comments of the Council's Housing department that require 40% to be provided.

9.0 CONCLUSION

- 9.01 The application site is a greenfield site within the urban area in easy reach of a number of services and facilities as well as a well used bus route. The development of this site for residential purposes would represent an example sustainable development and would conform to the aspirations of the NPPF. Furthermore, the site, being within the urban area of Maidstone, would be in conformity with the Council's hierarchy of development which seeks to direct development to the urban area of Maidstone in the first instance followed by Rural Service Centres and then larger villages. Therefore, the development of this site for residential purposes would conform with the Council's approach to the location of development.
- 9.02 The development of the site would result in the loss of sports pitches and whilst there would be some replacement on the HQ site there would be a net loss. This has drawn an objection from Sport England who consider that the assessment undertaken does not justify the loss of pitches. However, the Council's parks and open space team consider that the small loss of these private pitches that cannot be secured for provision in any way is not unacceptable due to the fact that a number of the nearby sports pitches are underused with 2 pitches in park wood recreation ground not used at all. Therefore, on balance it is considered that this matter would not warrant refusal. Furthermore if the net loss of pitches was considered unacceptable this would have to be balanced against the fact that the Council does not have a 5 year supply of housing and this would weigh heavily in favour of the grant of permission.
- 9.03 The matters of detail are for the reserved matters stage. However, the general densities and indicative house types and layout are similar to the pattern and type of the surrounding residential area and in any case a refusal on detail could not be sustained at this outline stage.
- 9.04 The demand on the surrounding education, health and community facilities generated by the occupants of the proposed dwellings would be mitigated by contributions towards these services. The Council requires the provision of 40% affordable housing in accordance with the 2006 adopted DPD and the road widening scheme with bus prioritisation measures along Sutton Road has been costed and contributions secured in legal agreements from other sites along Sutton Road. All of these requirements for inclusion within a legal agreement are justified and meet the required legislative tests. The applicant has sought to set aside some community contributions with an equivalent amount secured through the Section 106 to be spent on the police service within the Borough of Maidstone. I have considered the possibility of diverting monies from the above requests to Kent Police. However, I consider that on the basis of the priority list contained in the emerging policy ID1 and in the absence of any adopted policy or priority list that there should be no redirection of the contributions requested from the other services that have requested monies to Kent Police.
- 9.05 It is therefore considered that the development of the site for residential purposes is acceptable and it is recommended that subject to the completion of a section 106 agreement planning permission is granted.

10.0 RECOMMENDATION

Subject to the prior completion of a legal agreement in such terms as the Head of Legal Services advises to secure the following:-

- The provision of 40% affordable housing.
- £3000 per dwelling towards Mitigation works to the A274 Sutton Road comprising the widening of the inbound carriageway of the A274 Sutton Road between the junctions of Wallis Avenue and Loose Road, incorporating bus prioritisation measures from the Willington Street junction to the Wheatsheaf junction. In addition the provision of two new bus stops, serving the eastbound and westbound services on the A274 between the two junctions as described, comprising of new shelters, bus boards and real time bus information.
- £4000 per applicable house & £1000 per applicable flat towards build cost, and £2701.63 per applicable house and £675.41 per applicable flat towards land costs towards the construction of a new primary school.
- £2359.80 per applicable house & £589.95 per applicable flat towards the extension of a secondary school within Maidstone.
- £1575 per dwelling towards improvement to Mangravet recreation ground, Queen Elizabeth Square play area, sports facilities at parkwood recreation ground or Mote park Adventure Zone.
- £94,348 based on an average occupancy of 2.34 persons per dwelling towards improvements at the named surgeries of Grove Park Surgery, Mote Medical Centre, Northumberland Court Surgery, Wallis Avenue Surgery, Boughton Lane Surgery, College Practice, Bearsted Medical Practice, Marsham Street Surgery and The Vine Surgery all of which are within 2 miles of the site.
- £30.70 per dwelling towards community learning for adult learning classes or Outreach Adult Learning in Maidstone.
- £8.44 per dwelling towards youth services and the provision of staff and equipment for Maidstone Borough Youth Outreach services in the area.
- £145.73 per dwelling to provide expansion of Library services in Maidstone and additional bookstock & equipment.
- £53.88 per dwelling towards adult social services being the provision of health linked care needs and assessment suite, the enhancement of local community facilities to ensure full DDA access to clients, a specialist changing place facility to enable clients with multiple needs to integrate and use everyday facilities and to provide assistive technology (Telecare) to enable clients to live as independently and secure as possible.

GRANT PLANNING PERMISSION SUBJECT TO THE FOLLOWING CONDITIONS:

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

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

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

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

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

2. The details of landscaping submitted pursuant to condition 1 above shall provide for the following:
- (i) Retention of the tree screens along the western boundary and south western boundary.
 - (ii) Provision of a landscaped buffer to supplement the tree screens along the western boundary and south western boundary.
 - (iii) Retention of the trees along Lansdowne Road where possible and the planting of suitable replacements if any trees have to be removed.
 - (iv) An updated arboricultural implications assessment and tree protection plan to reflect the proposed details of layout.
 - (v) A detailed arboricultural method statement.

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

3. The details of layout as required under condition 1 shall show housing addressing Lansdowne Road and replicating the pattern of existing properties.

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

4. The reserved matters application(s) shall be accompanied by updated ecological surveys including any required mitigation and enhancement measures to improve biodiversity;

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

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

Reason: To ensure a satisfactory appearance to the development.

6. The development shall not commence until a detailed surface water drainage scheme for the site following the principles established in the flood risk assessment and drainage strategy, based on sustainable drainage principles, has been submitted to and approved in writing by the Local Planning Authority. The details shall include, inter alia, a long term management and maintenance plan for the SUDS included in the approved scheme. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: To prevent the increased risk of flooding and to ensure the long term management/maintenance of the SUDS.

7. The development shall not commence until details of foul water drainage have been submitted to and approved by the local planning authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: In the interest of pollution prevention.

8. No part of the development shall be occupied until the following works have been constructed and completed:

- (i) The widening of Lansdowne Road to 5.5m in accordance with the transport assessment.
- (ii) Controlled access restrictions at the Pested Bars Road private police access.

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

9. The dwellings shall achieve at least Level 3 of the Code for Sustainable Homes. No dwelling shall be occupied until a final Code Certificate has been issued for it certifying that Code Level 3 has been achieved.

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

10. No development shall commence until a scheme detailing and where possible quantifying 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 report should be submitted to and approved by the Local planning authority and the development shall be carried out in accordance with the approved details.

Reason: In the interests of air quality.

11. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of:-
- 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 following on from the evaluation, any safeguarding measures to ensure preservation *in situ* of important archaeological remains and/or further archaeological investigation and recording in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority

Reason: To ensure appropriate assessment of the archaeological implications of any development proposals and the subsequent mitigation of adverse impacts through preservation *in situ* or by record.

12. No part of the development shall be occupied until the following works have been constructed and completed:

- (i) The sports pitches are laid out and available for use as shown on the layout plan.

Reason: In the interests of adequate sports provision.

13. 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: There is always the potential for unexpected contamination to be identified during development groundworks.

INFORMATIVES

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

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

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.

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

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

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.

The developer will be required to produce a Site Waste Management Plan in accordance with Clean Neighbourhoods and Environment Act 2005 Section 54. This should be available for inspection by the Local Authority at any time prior to and during the development.

There must be no direct discharge to groundwater, a controlled water. An unsaturated zone must be maintained throughout the year between the base of soakaways and the water table.

Case Officer: Peter Hockney

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.

Item no. 13 & 14

Page no. 6 & 26

Address:

Reference no. MA/12/0986

Land r/o Police Headquarters, Sutton Road, M/S

MA/12/0987

Land to r/o Police Training School, St Saviours Rd, M/S

Following further discussions with Kent Highway Services the proposed Head of Term in relation to the highways contribution on the recommendation of both applications is to be altered as set out below. This would be as recommended in the Boughton Lane application.

"Highway capacity improvements at the Loose Road/Sutton Road junction (such as a roundabout or highway reconfiguration with physical traffic signal alterations and pedestrian and cycle connections to the town centre), and approaches to the Town Centre Bridge gyratory traffic signal junctions, necessary to mitigate against the severe impact of the development on congestion and highway safety at these junctions."

Following further consideration of conditions I propose the following slight amendment to condition 4 of MA/12/0986 and condition 3 of MA/12/0987 to read:-

The reserved matters application(s) shall be accompanied by updated ecological surveys including any required mitigation and enhancement measures (including within the fabric of the buildings) to improve biodiversity;

Concern has been raised in relation to the scheme only achieving level 3 on the Code for Sustainable Homes rather than level 4. There is no adopted policy in the Maidstone Borough-Wide Local Plan (2000) relating to Code for Sustainable Homes and whilst the emerging policy carries some weight, I consider that in this particular case, bearing in mind the application is proposing 40% affordable housing in accordance with the adopted DPD rather than the 30% in the emerging policy, that level 3 is acceptable.

In relation to other contributions the NHS have revised their requests to only request contributions in relation to the market portion and exclude the affordable housing element of the developments as opposed to the whole scheme. Therefore the Heads of Terms should be amended as follows:-

MA/12/0986

£56,440 based on an average occupancy of 2.34 persons per dwelling towards improvements at the named surgeries of Grove Park Surgery, Mote Medical Centre, Northumberland Court Surgery, Wallis Avenue Surgery, Boughton Lane Surgery, College Practice, Bearsted Medical Practice, Marsham Street Surgery and The Vine Surgery all of which are within 2 miles of the site.

MA/12/0987

£45,489 based on an average occupancy of 2.34 persons per dwelling towards improvements at the named surgeries of Mote Medical Centre, Wallis Avenue Surgery, Grove Park Surgery, Northumberland Court Surgery, Boughton Lane Surgery and the College Practice all of which are within 2 miles of the site.

Representations

One letter has been received indicating that the time between notification of the committee and the committee itself is insufficient to make arrangements and a month would be more appropriate. The committee letters are always sent out approximately a week before the committee date and is considered sufficient time for speakers to make arrangements and register.

MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON 16 OCTOBER 2014

Present: Councillor English (Chairman) and
Councillors Butler, Chittenden, Cox, Edwards-Daem,
Garland, Harwood, Hogg, Moriarty, Paine, Paterson
and J.A. Wilson

Also Present: Councillors Mrs Blackmore, Burton, Ells,
McLoughlin, D Mortimer, Newton, Round,
Springett and de Wiggondene

132. APOLOGIES FOR ABSENCE

It was noted that apologies for absence had been received from
Councillors Ash, Collins, Greer and Mrs Robertson.

133. NOTIFICATION OF SUBSTITUTE MEMBERS

The following Substitute Members were noted:

Councillor Butler for Councillor Collins
Councillor Chittenden for Councillor Mrs Robertson
Councillor Garland for Councillor Greer

134. NOTIFICATION OF VISITING MEMBERS

Councillors Burton and McLoughlin indicated their wish to speak on the
reports of the Head of Planning and Development relating to applications
MA/13/1928 and 14/501895.

Councillor D Mortimer indicated his wish to speak on the report of the
Head of Planning and Development relating to application 14/500261.

Councillors Newton and Springett indicated their wish to speak on the
report of the Head of Planning and Development relating to application
14/501895.

Councillors Ells and Round attended the meeting as observers.

It was noted that Councillor Mrs Blackmore had indicated her wish to
speak on the report of the Head of Planning and Development relating to
application MA/13/1928 and Councillor de Wiggondene had indicated his
wish to speak on the report of the Head of Planning and Development
relating to application 14/501895.

135. ITEMS WITHDRAWN FROM THE AGENDA

There were none.

136. URGENT ITEM

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

137. DISCLOSURES BY MEMBERS AND OFFICERS

Councillor Harwood stated that he was a Member of Boxley Parish Council, but he had not participated in the Parish Council's discussions relating to application 14/501240, and intended to speak and vote when it was considered.

With regard to the report of the Head of Planning and Development relating to application 14/501895, Councillor Edwardes-Daem stated that her son had applied for work experience at Scarab Sweepers, a potential occupier of the development, but this would not influence her decision on the application.

138. EXEMPT ITEMS

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

139. MINUTES OF THE MEETING HELD ON 25 SEPTEMBER 2014

RESOLVED: That the Minutes of the meeting held on 25 September 2014 be approved as a correct record and signed.

140. PRESENTATION OF PETITIONS

There were no petitions.

141. DEFERRED ITEMS

MA/07/2133 - DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF A FIVE STOREY RESIDENTIAL DEVELOPMENT COMPRISING OF 52 STUDIO APARTMENTS AND 24 ONE-BED FLATS WITH 38 UNDERCROFT PARKING SPACES AND 22 EXTERNAL PARKING SPACES WITH VEHICULAR AND PEDESTRIAN ACCESS FROM HART STREET TOGETHER WITH LANDSCAPING - LAGUNA MOTORCYCLES SITE, HART STREET, MAIDSTONE

The Interim Development Manager advised Members that a revised viability assessment was awaited.

MA/12/2255 – OUTLINE PLANNING PERMISSION FOR THE ERECTION OF 53 RESIDENTIAL UNITS WITH ALL MATTERS RESERVED FOR FUTURE CONSIDERATION – NURSES HOME, HERMITAGE LANE, MAIDSTONE, KENT

The Interim Development Manager advised Members that the applicant and the VOA had commented on the additional information provided and that it was hoped to report the application back to the next meeting of the Committee.

142. 14/501895 - HYBRID (PART OUTLINE/PART DETAILED) APPLICATION FOR RE-GRADING OF THE SITE TO FORM DEVELOPMENT PLATFORMS INCLUDING THE CREATION OF NEW BUNDS AND BATTERS; THE DEVELOPMENT OF A NEW INDUSTRIAL ESTATE COMPRISING UP TO 45,528M2 OF B1 LIGHT INDUSTRIAL, B2 GENERAL INDUSTRIAL AND B8 STORAGE AND DISTRIBUTION USES WITH ANCILLARY OFFICES; ANCILLARY CAFE AND CRECHE FACILITIES; CREATION OF A NEW ACCESS TO THE A20; NEW INTERNAL ACCESS ROADS; PARKING, INTERNAL DRAINAGE, STRUCTURAL LANDSCAPING AND THE DIVERSION OF THE EXISTING PUBLIC FOOTPATH. DETAILED PERMISSION SOUGHT FOR ERECTION OF NEW WAREHOUSE BUILDING (21,990M2) AND ASSOCIATED OFFICES (2,995M2) WITH ACCESS, SERVICE YARD, PARKING AND LANDSCAPING - WATERSIDE PARK M20 J8, ASHFORD ROAD, HOLLINGBOURNE, KENT

All Members stated that they had been lobbied.

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

Dr White, an objector, Councillor Bennett, on behalf of Hollingbourne Parish Council (against), Councillor Spooner, on behalf of Bearsted Parish Council (against), Councillor Horne, on behalf of Leeds and Thurnham Parish Councils (against), Ms Spicer and Mr Buckwell, on behalf of the applicants, and Councillors Newton, Springett, de Wiggondene, Burton and McLoughlin (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 felt that the proposed development, by reason of its overall scale and the mass and design of the proposed buildings, together with the changes to the topography and landform of the site, would be detrimental to the character and appearance of the countryside hereabouts in general, the setting of nearby heritage assets to the south of the site and to the setting of the Kent Downs Area of Outstanding Natural Beauty in particular. To permit the development in the absence of any overriding quantitative need for employment development in this location, would be contrary to policy ENV28 of the Maidstone Borough-Wide Local Plan 2000 and the advice in the National Planning Policy Framework 2012.

RESOLVED: That permission be refused for the following reason:

The proposed development, by reason of its overall scale and the mass and design of the proposed buildings, together with the changes to the topography and landform of the site, would be detrimental to the character and appearance of the countryside hereabouts in general, the setting of nearby heritage assets to the south of the site and to the setting of the Kent Downs Area of Outstanding Natural Beauty in particular. To permit the development in the absence of any overriding quantitative need for employment development in this location, would be contrary to policy ENV28 of the Maidstone Borough-Wide Local Plan 2000 and the advice in the National Planning Policy Framework 2012.

Voting: 7 – For 5 – Against 0 – Abstentions

143. MA/13/1928 - ERECTION OF 124 DWELLINGS WITH PARKING, VEHICULAR AND PEDESTRIAN ACCESS, AND ASSOCIATED HARD AND SOFT LANDSCAPING - MARDEN CRICKET & HOCKEY CLUB, STANLEY ROAD, MARDEN, KENT

All Members stated that they had been lobbied.

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

Mr McCarthy, an objector, Councillor Mannington of Marden Parish Council (against), Mr Kennedy, for the applicant, and Councillor Mrs Blackmore (Visiting Member) addressed the meeting.

Councillors Burton and McLoughlin did not exercise their right to speak on this application.

RESOLVED:

1. That subject to the prior completion of a S106 legal agreement in such terms as the Head of Legal Services may advise to secure the following:
 - The provision of 40% affordable residential units within the development;
 - A contribution of £2,360.96 per 'applicable' house and £590.24 per 'applicable' flat towards the build costs of extending Marden Primary School;
 - A contribution of £2,359.80 per 'applicable' house and £589.95 per 'applicable' flat towards the extension of secondary school buildings used by residents of Marden;
 - A contribution of £30.70 per dwelling to be used to address the demand from the development towards the provision of new/expanded facilities and services both through dedicated adult education centres and through outreach community learning facilities local to the development;

- A contribution of £8.44 per dwelling to be used to address the demand from the development towards youth services locally;
- A contribution of £100.79 per dwelling to be used to address the demand from the development towards additional book stock and services at local libraries serving the development;
- A contribution of £15.95 per dwelling to address the demand from the development for adult social services to be used towards the provision of new/expanded facilities and services both on site and local to the development including assistive technology and enhancement of local community facilities to ensure full DDA access;
- A contribution of £18,628.35 towards the extension of and works to the Marden Medical Centre;
- A contribution of £78,120.00 towards the provision of offsite outdoor sports facilities, children's and young people's equipped play areas, and allotment and community gardens;
- A contribution of £7,762.50 towards the improvement of public footpath KM276;
- A contribution of £25,956.92 towards improvement works to Marden Station; and
- The full build out, so as to be functional and available for public use, of the replacement sports facility already granted outline planning permission under MA/13/0358 or any further/replacement planning permission relating to the replacement sports facility prior to commencement of the development hereby being permitted,

the Head of Planning and Development be given delegated powers to grant permission subject to the conditions and informatives set out in the report, as amended by the urgent update report, the additional informatives set out in the urgent update report, and the amendment of condition 16 as follows:

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

Reason: In the interest of pollution and flood prevention.

2. That the details to be submitted pursuant to conditions 2 and 3 must be considered in consultation with Ward Members and the Parish Council.

Voting: 6 – For 3 – Against 3 – Abstentions

144. 14/500261 - ERECTION OF TWO SEMI-DETACHED BUNGALOWS AND ASSOCIATED ACCESS, CAR PARKING AND LANDSCAPING - LAND REAR OF 3 CRIPPLE STREET AND FRONTING MELROSE CLOSE, MAIDSTONE, KENT

Councillors Chittenden, Hogg, Moriarty, Paine and J. A. Wilson stated that they had been lobbied.

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

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

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

Additional Condition

The development shall not commence until a Tree Protection Plan, which shall include details of all trees to be retained on and adjacent to the site and the proposed measures of protection, undertaken in accordance with BS 5837 (2012) 'Trees in Relation to Design, Demolition and Construction - Recommendations', has been submitted to and approved in writing by the Local Planning Authority. The development will thereafter be undertaken in strict accordance with the approved details.

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

Additional Informatives

Vehicles in connection with the construction phase 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. Deliveries and other construction traffic should avoid arriving or leaving the site between 0800 and 0915 and 1430 and 1600 on school days.

As an initial operation on site, adequate precautions shall be taken during the progress of the works to guard against the deposit of mud and similar substances on the public highway. Such measures shall include washing facilities by which vehicles will have their wheels, chassis and bodywork effectively cleaned and washed free of mud and similar substances.

Voting: 6 – For 1 – Against 5 – Abstentions

145. MA/14/0475 - ERECTION OF 14 DETACHED DWELLINGS INCLUSIVE OF GARAGING/CAR BARNs AND OPEN AMENITY LAND TO THE NORTHERN BOUNDARY - LAND ADJACENT TO 103 EYHORNE STREET, HOLLINGBOURNE, KENT

The Chairman and Councillors Butler, Chittenden, Hogg and J. A. Wilson stated that they had been lobbied.

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

Mr Bedford, for objectors, Councillor Bennett of Hollingbourne Parish Council (against) and Mr Norton, for the applicant, addressed the meeting.

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

- A contribution of £2,360.96 per 'applicable' house ('applicable' meaning all dwellings, excluding 1 bed units of less than 56sqm GIA), towards the build costs of additional school accommodation to ensure provision of sufficient pupil spaces;
- A contribution of £116.71 per household towards libraries and archives to address the demand from the development;
- A contribution of £30.70 per household to address the demand from the development towards the provision of new/expanded facilities and services both through dedicated adult education centres and through outreach community learning facilities within 3 miles of the application site;
- A contribution of £8.44 per household towards youth services to address the demand from the development;
- A contribution of £15.94 per household towards adult social care to address the demand from the development;
- A contribution of £360/occupancy rate of 58 persons=£20,880 towards service provision at three doctors' surgeries within a 2.5 mile radius of the application site; and
- A contribution of £1,575 per dwelling towards improvements to Hollingbourne Recreation Ground and Cardwell Play Area,

the Head of Planning and Development be given delegated powers to grant permission subject to the conditions and informatives set out in the report, the additional condition set out in the urgent update report and the following additional condition:

No development shall take place until details of all fencing, walling and other boundary treatments, which shall include, inter alia, gaps to allow

passage of wildlife (including hedgehogs), have been submitted to the Local Planning Authority and approved in writing. The development shall be carried out in accordance with the approved details before the first occupation of the development hereby permitted and maintained thereafter.

Reason: To ensure a satisfactory appearance to the development, provide biodiversity mitigation, and safeguard the setting of the neighbouring Grade II* listed building.

Voting: 10 – For 1 – Against 1 – Abstention

Note: Councillor Garland left the meeting after consideration of this application (9.55 p.m.).

146. MA/12/0986 - OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT FOR UP TO 112 DWELLINGS WITH ASSOCIATED DEVELOPMENT, INCLUDING DEMOLITION OF EXISTING DWELLINGS/POLICE BUILDING IN WEALD CLOSE WITH ALL MATTERS RESERVED FOR FUTURE CONSIDERATION - LAND REAR OF POLICE HEADQUARTERS, SUTTON ROAD, MAIDSTONE, KENT

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

Mr Collins addressed the meeting on behalf of the applicant.

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

- The provision of 40% affordable housing;
- A contribution of £3,000 per dwelling towards highway capacity improvements at the Loose Road/Sutton Road junction (such as a roundabout or highway reconfiguration with physical traffic signal alterations and pedestrian and cycle connections to the town centre) and approaches to the Town Centre Bridge gyratory traffic signal junctions, necessary to mitigate against the severe impact of the development on congestion and highway safety at these junctions;
- A contribution of £4,000 per applicable house and £1,000 per applicable flat towards build cost, and £2,701.63 per applicable house and £675.41 per applicable flat towards land costs towards the construction of a new primary school;
- A contribution of £2,359.80 per applicable house and £589.95 per applicable flat towards the extension of a secondary school within Maidstone;

- A contribution of £1,575 per dwelling towards improvements to Mangravet Recreation Ground, Queen Elizabeth Square play area, sports facilities at Parkwood Recreation Ground or Mote Park Adventure Zone;
- A contribution of £56,440 based on an average occupancy of 2.34 persons per dwelling towards improvements at the named surgeries of Grove Park Surgery, Mote Medical Centre, Northumberland Court Surgery, Wallis Avenue Surgery, Boughton Lane Surgery, College Practice, Bearsted Medical Practice, Marsham Street Surgery and The Vine Surgery all of which are within 2 miles of the site;
- A contribution of £30.70 per dwelling towards community learning for adult learning classes or outreach adult learning in Maidstone;
- A contribution of £8.44 per dwelling towards youth services and the provision of staff and equipment for Maidstone Borough youth outreach services in the area;
- A contribution of £145.73 per dwelling to provide expansion of library services in Maidstone and additional book stock and equipment; and
- A contribution of £53.88 per dwelling towards adult social services being the provision of health linked care needs and assessment suite, the enhancement of local community facilities to ensure full DDA access to clients, a specialist changing place facility to enable clients with multiple needs to integrate and use everyday facilities and to provide assistive technology (Telecare) to enable clients to live as independently and secure as possible,

the Head of Planning and Development be given delegated powers to grant outline permission subject to the conditions and informatives set out in the report, as amended by the urgent update report, with the amendment of condition 7 and an additional informative as follows:

Condition 7 (amended)

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

Reason: In the interest of pollution and flood prevention.

Additional Informative

On site renewable energy sources should be built in to any subsequent reserved matters application(s) or application for full planning permission.

Voting: 10 – For 1 – Against 0 – Abstentions

147. MA/12/0987 - OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT FOR UP TO 90 DWELLINGS WITH ASSOCIATED DEVELOPMENT WITH ALL MATTERS RESERVED FOR FUTURE CONSIDERATION - LAND TO REAR OF KENT POLICE TRAINING SCHOOL, OFF ST SAVIOURS ROAD, MAIDSTONE, KENT

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

RESOLVED:

1. That subject to the prior completion of a S106 legal agreement in such terms as the Head of Legal Services may advise to secure the following:
 - The provision of 40% affordable housing;
 - A contribution of £3,000 per dwelling towards highway capacity improvements at the Loose Road/Sutton Road junction (such as a roundabout or highway reconfiguration with physical traffic signal alterations and pedestrian and cycle connections to the town centre) and approaches to the Town Centre Bridge gyratory traffic signal junctions, necessary to mitigate against the severe impact of the development on congestion and highway safety at these junctions;
 - A contribution of £4,000 per applicable house and £1,000 per applicable flat towards build cost, and £2,701.63 per applicable house and £675.41 per applicable flat towards land costs towards the construction of a new primary school;
 - A contribution of £2,359.80 per applicable house and £589.95 per applicable flat towards the extension of a secondary school within Maidstone;
 - A contribution of £1,575 per dwelling towards improvements to Mangravet Recreation Ground, Queen Elizabeth Square play area, sports facilities at Parkwood Recreation Ground or Mote Park Adventure Zone;
 - A contribution of £45,489 based on an average occupancy of 2.34 persons per dwelling towards improvements at the named surgeries of Mote Medical Centre, Wallis Avenue Surgery, Grove Park Surgery, Northumberland Court Surgery, Boughton Lane Surgery and the College Practice all of which are within 2 miles of the site;
 - A contribution of £30.70 per dwelling towards community learning for adult learning classes or outreach adult learning in Maidstone;

- A contribution of £8.44 per dwelling towards youth services and the provision of staff and equipment for Maidstone Borough youth outreach services in the area;
- A contribution of £145.73 per dwelling to provide expansion of library services in Maidstone and additional book stock and equipment; and
- A contribution of £53.88 per dwelling towards adult social services being the provision of health linked care needs and assessment suite, the enhancement of local community facilities to ensure full DDA access to clients, a specialist changing place facility to enable clients with multiple needs to integrate and use everyday facilities and to provide assistive technology (Telecare) to enable clients to live as independently and secure as possible,

the Head of Planning and Development be given delegated powers to grant outline permission subject to the conditions and informatives set out in the report, as amended by the urgent update report, with the amendment of condition 6 and an additional informative as follows:

Condition 6 (amended)

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

Reason: In the interest of pollution and flood prevention.

Additional Informative

On site renewable energy sources should be built in to any subsequent reserved matters application(s) or application for full planning permission.

2. That the Heritage, Landscape and Design Team be requested to consider the making of a Tree Preservation Order to protect trees along the northern edge of the site.
3. That the Parks and Open Spaces Team be requested to discuss with Ward Members the precise allocation of S106 funds for parks and open spaces as outlined in the proposed Heads of Terms of the S106 legal agreement.

Voting: 10 – For 1 – Against 0 – Abstentions

148. LONG MEETING

Prior to 10.30 p.m., following consideration of the report of the Head of Planning and Development relating to application MA/12/0987, the Committee considered whether to adjourn at 10.30 p.m. or to continue until 11.00 p.m. if necessary.

RESOLVED: That the meeting should continue until 11.00 p.m. if necessary.

149. 14/501240 - DEMOLITION OF EXISTING GARAGES TO ALLOW FOR ERECTION OF DETACHED DWELLING AND ASSOCIATED WORKS - LAND ADJACENT 1 BAKERY COTTAGES, CHATHAM ROAD, SANDLING, KENT

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

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

Voting: 11 – For 0 – Against 0 – Abstentions

150. 14/500825 - PROPOSED CAR SHOWROOM EXTENSION TO FRONT OF BUILDING AND PROPOSED 3 STOREY CAR STORAGE EXTENSION TO REAR OF BUILDING - CAVALLINO BUILDING, BOXMEND INDUSTRIAL ESTATE, BIRCHOLT ROAD, MAIDSTONE, KENT

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

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

Voting: 11 – For 0 – Against 0 – Abstentions

151. REPORT OF THE HEAD OF PLANNING AND DEVELOPMENT - APPEAL DECISIONS

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

RESOLVED: That the report be noted.

152. UPDATE ON MATTERS REFERRED TO CABINET MEMBERS

It was noted that there was nothing to report at present.

153. CHAIRMAN'S ANNOUNCEMENTS

The Chairman announced that:

- Peter Hockney, Interim Development Manager, would be leaving the employment of the Council to take up a new position elsewhere. On behalf of the Committee, he would like to thank Mr Hockney for his services over the years and to wish him every success in the future.
- He wished to reiterate that whilst it was desirable for Members and Parish Councils to provide a material planning reason when requesting that an application be referred to the Planning Committee rather than dealt with under delegated powers, it was not a requirement to do so, and Officers would be reminded.

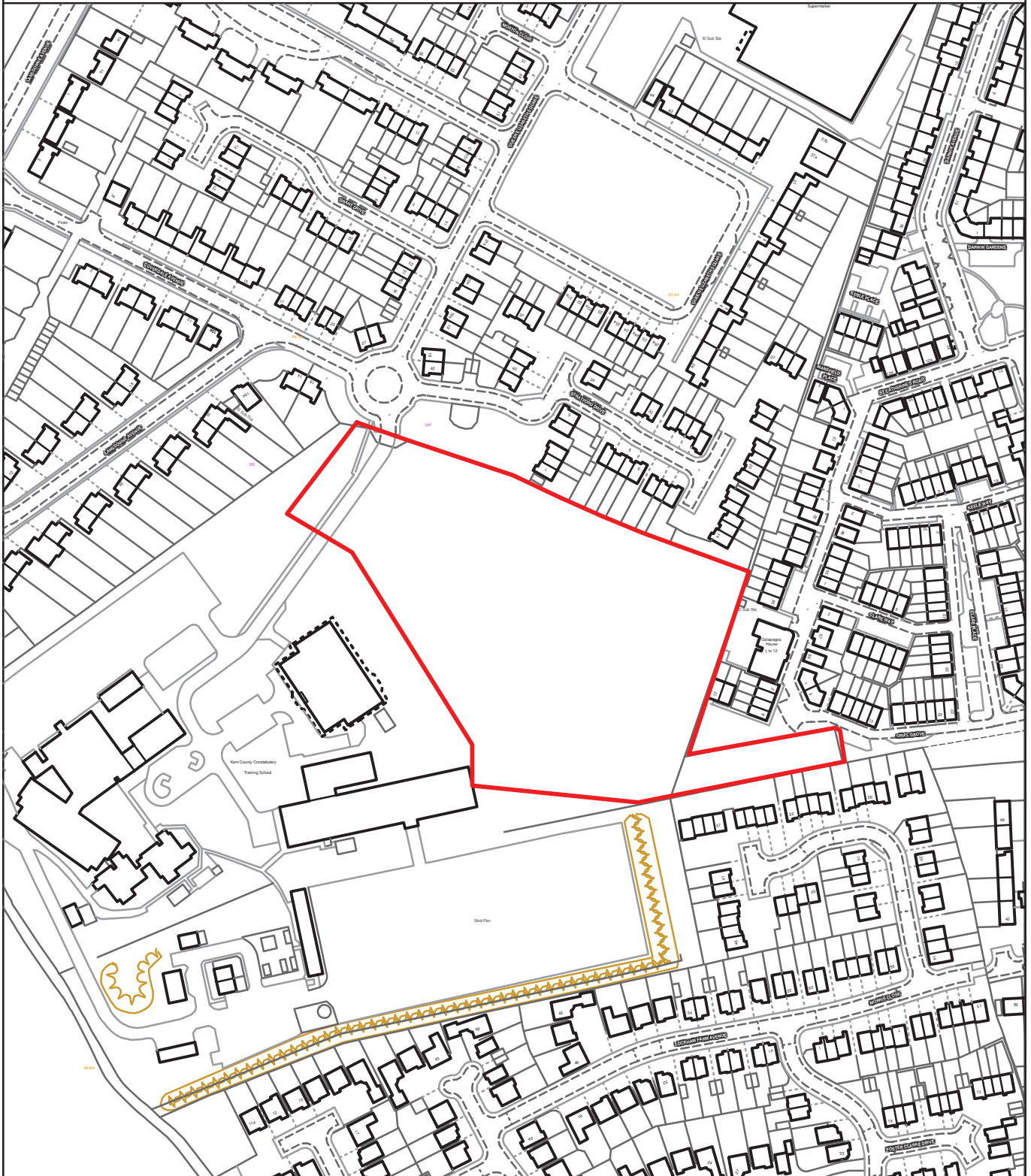
154. DURATION OF MEETING

6.00 p.m. to 10.40 p.m.

THE MAIDSTONE BOROUGH COUNCIL

Land To Rear Of Kent Police Training School
Off St Saviours Road
Maidstone
Kent, ME15 9DW

MBC Ref: 12/0987



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Rob Jarman
Head of Planning

REPORT SUMMARY

REFERENCE NO - 12/0987		
APPLICATION PROPOSAL Outline application for residential development for up to 90 dwellings with associated development with all matters reserved for future consideration.		
ADDRESS Land to rear of Kent Police Training School off, St Saviours Road, Maidstone, Kent, ME15 9DW		
RECOMMENDATION Amend S106 contributions and conditions as set out in report		
REASON FOR REFERRAL TO COMMITTEE To seek the agreement of Members of the Planning Committee to amend the S106 contributions being sought and make minor amendments to conditions.		
WARD Shepway South Ward	PARISH/TOWN Maidstone	COUNCIL APPLICANT Kent Police Authority AGENT DHA Planning
DECISION DUE DATE 20/01/14	PUBLICITY EXPIRY DATE 20/01/14	OFFICER SITE VISIT DATE Various
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):		

MA/12/0986 Land Rear of Police Headquarters, Sutton Road, Maidstone– Outline application for residential development for up to 112 dwellings with associated development, including demolition of existing dwellings/police building in Weald Close with all matters reserved for future consideration.– currently under consideration, and included separately on this agenda

MA/ 11/0235 An application for a screening opinion for a residential development comprising up to approximately 99 No. dwellinghouses – environmental statement is not required

MAIN REPORT

1.0 BACKGROUND

1.1 The application was reported to the Planning Committee meeting held on 16th October 2014. Members resolved to give the Head of Planning and Development delegated powers to grant planning permission subject to conditions and the prior completion of a S106 legal agreement. The agreed s106 head of terms as set out in the committee minutes are as follows:

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

- A contribution of up to £3,00.00 per dwelling towards highway capacity improvements at the Loose Road/Sutton Road junction (such as a roundabout or highway reconfiguration with physical traffic signal alterations and pedestrian and cycle connections to the town centre) and approaches to the Town Centre Bridge gyratory traffic signal junctions, necessary to mitigate against the severe impact of the development on congestion and highway safety at these junctions; and
- A contribution of £4,000.00 per 'applicable' house and £1,000.00 per applicable flat towards the build cost, and £2,701.63 per applicable house and £675.41 per applicable flats towards land costs, of the construction of a new primary school; and
- A contribution of £2,359.80 per 'applicable' house and £589.95 per applicable flat towards the extension of a secondary school within Maidstone; and
- A contribution of £1,575.00 per dwelling towards improvements to Mangravet Recreation Ground, Queen Elizabeth Square play area, sports facilities at Parkwood Recreation Ground or Mote Park Adventure Zone; and
- A contribution of £56,440 based on an average occupancy of 2.34 persons per dwelling towards improvements at the named surgeries of Grove Park Surgery, Mote Medical Centre, Northumberland Court Surgery, Wallis Avenue Surgery, Boughton Lane Surgery, College Practice, Bearsted Medical Practice, Marsham Street Surgery and the Vine Surgery all of which are within 2 miles of the site; and
- A contribution of £145.73 per dwelling to provide expansion of library services in Maidstone and additional book stock and equipment; and
- A contribution of £30.70 per dwelling towards community learning for adult learning classes or outreach adult learning in Maidstone; and
- A contribution of £8.44 per dwelling towards youth services and the provision of staff and equipment for Maidstone Borough youth outreach services in the area; and
- A contribution of £53.88 per dwelling towards adult social services being the provision of health linked care needs and assessment suite, the enhancement of local community facilities to ensure full DDA access to clients, a specialist changing place facility to enable clients with multiple needs to integrate and use everyday facilities and to provide assistive technology (Telecare) to enable clients to live as independently and secure as possible.

1.2 The Committee report, urgent update to the Committee report and relevant minutes are attached as Appendix A to this report.

2.0 REASON FOR REFERRAL BACK TO PLANNING COMMITTEE

2.1 As Members will be aware, section 123 of the Community Infrastructure Levy (CIL) Regulations were amended on 6th April 2015. Prior to this date, all contributions subject to a s106 agreement were required, under the terms of s122 of the CIL Regulations, to be tested in respect of being necessary to make the application acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development. Since 6th April 2015, s123

of the CIL Regulations additionally requires all contributions being sought by way of s106 agreements to relate to the funding or provision of an infrastructure project or type of infrastructure, and further that no more than five separate planning obligations (calculated back to April 2010) can contribute towards the funding or provision of a project or type of infrastructure ("the pooling restriction"). As such, the scope of contributions that can be sought in respect of new development is restricted, although affordable housing is excluded from the pooling restriction on contributions.

- 2.2 A number of minor changes to planning conditions are also proposed.

3.0 MATTERS RELATING TO THE COMING INTO EFFECT OF THE CIL REGS

- 3.1 In the circumstances of this case, the amendment of s123 directly effects and changes the Heads of Terms of the s106 agreement in respect of the quantum of contributions requested in respect of libraries. Kent County Council has reassessed its requests in light of the amendment to the CIL Regulations. This contribution has accordingly been reduced to £48.02 per dwelling, and it has been specified that this will be used to fund additional library stock at Shepway Library.
- 3.2 Further clarification of the projects to which the monies would contribute has been received in relation to the contributions sought in respect of primary and secondary school education; parks and open spaces; health services; libraries; community services; youth services; and adult social services.
- 3.3 Kent County Council have also provided further details of the projects to which contributions would be made in respect of primary and secondary education (Langley Park Phase 1 and Cornwallis Secondary School, respectively); community services (purpose built work areas and equipment for the St Faiths jewellery studio); youth services (equipment at Fusion Café, Parkwood); and adult social services (an adult changing place facility in central Maidstone), confirming that these requests satisfy the tests in relation to pooling set out in S123 of the CIL Regulations.
- 3.4 The county contributions (as amended in relation to the sum sought towards library services) are therefore now considered to be in compliance with the CIL Regulations and remain in place.
- 3.5 Policy T2 of the Maidstone Borough Wide Local Plan 2000 seeks improvements to Bus and Hackney Carriage Corridor access along Sutton Road. As discussed at the previous Planning Committee, monies have been secured through other routes towards such works and Kent County Council no longer consider that the provision of a bus lane is an appropriate solution and would not seek to request further contributions in this respect. Alternative measures to relieve highway pressures are considered as more effective solutions. As such Kent County Council have confirmed that the contribution sought in relation to highway improvements would remain unchanged (£3,000 per dwelling) and the projects upon which the funds would be spent, namely highway capacity improvements at the Loose Road/Sutton Road junction.
- 3.6 In terms of healthcare provision, the project towards which the contribution would put, the NHS Property Services team have confirmed that this would be a Phase 1 extension, refurbishment and improvement of the Mote Medical Practice. This request is considered to be CIL Regulation compliant.

- 3.7 The Heads of Terms as set out below have been amended in accordance with the changes to the requests, including specific reference to the destination of the contributions, as set out in paragraphs 3.2 – 3.6 above.

4.0 AMENDMENTS TO CONDITIONS

- 4.1 As Councillors will be aware, the Ministerial Statement of 25th March 2015 precludes Local Planning Authorities from imposing conditions requiring compliance with technical housing standards in cases where there are no relevant existing policies, and withdrawing the Code for Sustainable Homes from the scope of planning control.
- 4.2 As such, conditions can no longer be imposed on planning permissions seeking compliance with the Code for Sustainable Homes and other technical housing standards, and these matters will henceforth be dealt with under Building Regulations. It is therefore proposed to delete condition 6. The deletion of condition 6 will result in the renumbering of subsequent conditions.
- 4.3 There are also a small number of minor amendments to the wording of conditions to update them in respect of references to legislation and ensure consistency and in line with best practice.

5.0 PROCEDURAL MATTERS

- 5.1 This planning application has been considered in the context of the Town and Country Planning (Consultation) (England) Direction 2009. It is considered that the neither the current or previous uses of the site would necessitate that application being referred to the Secretary of State.

6.0 RECOMMENDATION

- 6.1 The recommendation, as amended in respect of the Heads of Terms as described in full above, the deletion of condition 6 and minor redrafting of other conditions and the re-numbering and/or amendment of conditions as appropriate for the reasons set out above, is set out in full below for the purposes of clarity.
- 6.2 **GRANT OUTLINE PLANNING PERMISSION subject to the following amended s106 heads of terms and amended planning conditions:**

s106 heads of terms

- The provision of 40% affordable residential units within the application site; and
- A contribution of £3000.00 per dwelling towards Highway capacity improvements at the Loose Road/Sutton Road junction (such as a roundabout or highway reconfiguration with physical traffic signal alterations and pedestrian and cycle connections to the town centre), and approaches to the Town Centre Bridge gyratory traffic signal junctions.
- A contribution of £4,000.00 per applicable house and £1,000.00 per applicable flat towards the build cost, and £2701.63 per applicable house and £675.41 per applicable flats towards land costs, of the construction of a new primary school;
- A contribution of £2359.80 per applicable house and £589.95 per applicable flat towards the Phase 1 expansion of Cornwallis Academy

- A contribution of £48.02 per dwelling to be used to address the demand from the development towards additional book stock at Shepway Library; and
- A contribution of £30.70 per dwelling to be used to address the demand from the development towards community learning for adults through the funding for improvements to the St Faiths Jewellery Studio to provide purpose built work areas and equipment; and
- A contribution of £8.44 per dwelling to be used to address the demand from the development towards youth services through the funding for equipment for the Fusion Café, Parkwood, Maidstone; and
- A contribution of £53.88 per dwelling to be used to address the demand from the development towards adult social services through funding for adult changing place facilities in Central Maidstone
- A contribution of £45,489 to be used to address the demand from the development towards healthcare provision through funding for the Phase 1 extension, refurbishment and improvement to Mote Medical Centre
- A contribution of £1,575.00 per dwelling towards improvements to Mangravet Recreation Ground; and

Planning 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) Access; e) Landscaping. Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved;

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

2. The details of landscaping submitted pursuant to condition 1 above shall provide for the following:
 - i. Retention of the tree screen along the northern boundary.
 - ii. Provision of a landscaped buffer to supplement the tree screens along the northern boundary.
 - iii. An updated arboricultural implications assessment and tree protection plan to reflect the proposed details of layout.
 - iv. A detailed arboricultural method statement.

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

3. The reserved matters application(s) shall be accompanied by updated ecological surveys including any required mitigation and enhancement measures to improve biodiversity;

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

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

Reason: To ensure a satisfactory appearance to the development.

5. The development shall not commence until a detailed surface water drainage scheme for the site following the principles established in the flood risk assessment and drainage strategy, based on sustainable drainage principles, has been submitted to and approved in writing by the Local Planning Authority. The details shall include, inter alia, a long term management and maintenance plan for the SUDS included in the approved scheme. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: To prevent the increased risk of flooding and to ensure the long term management/maintenance of the SUDS. This information is required prior to commencement to ensure that any necessary groundworks have been completed before other work starts.

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

Reason: In the interest of pollution and flood prevention. This information is required prior to commencement to ensure that any necessary groundworks have been completed before other work starts.

7. No development shall commence until a scheme detailing and where possible quantifying 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 report should be submitted to and approved by the Local planning authority and the development shall be carried out in accordance with the approved details.

Reason: In the interests of air quality. This information is required prior to commencement to ensure that any impact on air quality during the construction phase is considered.

8. 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. This information is required prior to commencement to ensure that there is no damage through construction work to any archaeological remains on the site.

9. No part of the development shall be occupied until the following works have been constructed and completed:

The sports pitches are laid out and available for use as shown on the layout plan of application MA/12/0986.

Reason: In the interests of adequate sports provision.

10. If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing 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: There is always the potential for unexpected contamination to be identified during development groundworks.

INFORMATIVES

1. The applicant's attention is drawn to Sections 60 & 61 of the COPA 1974 and to the Associated British Standard COP BS 5228: 2009 for noise control on construction sites. Statutory requirements are laid down for control of noise during works of construction and demolition and you are advised to contact the Environmental Health Manager regarding noise control requirements.
2. The applicant is advised to consider nearby residential occupiers when carrying out clearance work and burning of existing woodland or rubbish. Advice on minimising any potential nuisance is available from the Environmental Health Manager.
3. The applicant is advised to consider nearby residential occupiers when operating plant and machinery used for demolition and construction and it is suggested that plant and machinery only be operated 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. The applicant is advised to consider nearby residential occupiers in terms of deliveries and it is suggested that deliveries are restricted so they 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. The applicant is advised to ensure that there is adequate and suitable provision of dust protection in the form of water sprays in order to reduce dust from the site.
6. The applicant is advised of legislation that relates to the control of asbestos that requires adequate and suitable measures to be in place 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.
7. The applicant is advised that they will be required to produce a Site Waste Management Plan in accordance with Clean Neighbourhoods and Environment Act 2005 Section 54. This should be available for inspection by the Local Authority at any time prior to, and during the development.
8. The applicant is advised to contact the environment agency in the event that they wish to install direct discharge to groundwater, a controlled water. The applicant is

advised of the requirement to maintain an unsaturated zone throughout the year between the base of soakaways and the water table.

9. The applicant is advised to build in on site renewable energy in to any subsequent reserved matters application(s) or application for full planning permission.

Case Officer: Nikolas Smith

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 - 12/0987			
APPLICATION PROPOSAL Outline application for residential development for up to 90 dwellings with associated development with all matters reserved for future consideration.			
ADDRESS Land To Rear Of Kent Police Training School Off, St Saviours Road, Maidstone, Kent, ME15 9DW			
RECOMMENDATION – DELEGATED POWERS TO APPROVE			
SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL The development of the site for residential would represent sustainable development and accord with the emerging housing allocation. The loss of sports pitches would be mitigated to an acceptable level given the alternative provision proposed and available in the locality.			
REASON FOR REFERRAL TO COMMITTEE Contrary to Statutory Consultee – Sport England			
WARD Park Wood Ward	PARISH COUNCIL N/A Maidstone	APPLICANT Kent Police Authority AGENT Dha Planning	
DECISION DUE DATE 20/01/14	PUBLICITY EXPIRY DATE 20/01/14	OFFICER SITE VISIT DATE	
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
MA/ 11/0235	An application for a screening opinion for a residential development comprising up to approximately 99 No. dwellinghouses	Environmental Statement is Not Required	11 March 2011
<i>Summarise Reasons – The development will not be likely to have significant effects on the environment by virtue of factors such as its nature, size or location and that EIA is not required.</i>			
MA/12/0986	Land Rear of Police Headquarters, Sutton Road, Maidstone– Outline application for residential development for up to 112 dwellings with associated development, including demolition of existing dwellings/police building in Weald Close with all matters reserved for future consideration.	On this agenda	
<i>Summarise Reasons – To be determined; recommendation for delegated powers to approve.</i>			

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The application site relates to an area of land approximately 2.1 hectares in area located at the Kent Police training centre that is accessed from a roundabout at the junction of Coverdale Avenue, Queen Elizabeth Square and Stratford Drive. The training centre buildings are west and south of the application site beyond which is

the countryside to the west and the 'Pested Bras Road' housing development to the south. The site itself is on the east side of the access road into the training centre and is open in nature and has private sports pitches laid out. The site is within the urban area of Maidstone and Park Wood ward although close to the boundary with Boughton Monchelsea and Chart Sutton ward. The site is an allocated site in the emerging Maidstone Borough Local Plan H1(22).

- 1.02 Although the site is laid out as sports pitches in planning terms I do not consider the use to be recreation. The site is part of the operational land of Kent Police and if used in connection with the existing HQ use e.g. vehicle parking or storage there would be no change of use.
- 1.03 The police training centre is a collection of significant buildings that are set back from Queen Elizabeth Square. They are functional in their appearance and do not positively enhance the character of the surrounding area but due to their set back cause little harm either. Other than the Kent Police buildings the majority of the surrounding area is characterised by residential development. The properties on Coverdale Avenue, Stratford Drive and Queen Elizabeth Square are generally two storey properties with a mix of detached, semi detached and small rows of terraced properties. A similar style and mix of properties continues north through the estate roads towards the Morrisons food store.
- 1.04 There is a row of trees running along the northern edge of the site adjacent to the rear gardens of properties in Stratford Drive. These provide a good screen but are not protected by a tree preservation order. There is a group of trees beyond the eastern boundary of the site in the former Senacre school site which are covered by TPO 3 of 2008 Group of Trees consisting of 19 Oak and 27 Pine.
- 1.05 The site is not within flood zone 2 or 3 and there are no areas of ancient woodland in the immediate vicinity of the site. There are no public footpaths in the vicinity of the application site.

2.0 PROPOSAL

- 2.01 The application is in outline form and for residential development up to 90 dwellings with all matters reserved for future consideration. The indicative layout shows a vehicular access from the existing access road into the Kent Police training centre. The mix of properties show 12 flats and 6 coach houses with the remainder of the development being predominantly family housing of three and four bedroom houses. There are 165 car parking spaces shown across the development. The density of the development would equate to 43 dwellings per hectare across the developable part of the site.
- 2.02 The residential layout is shown in indicative form to replicate the general pattern of the surrounding area with dwellings located on the perimeter of the site so that rear gardens would back onto rear gardens of existing properties. There would be clusters of development within the site with properties addressing the entrance areas.
- 2.03 The design and access statement submitted includes how a typical residential development can achieve Code for Sustainable Homes level 3. At this stage there is no formal assessment due to the fact that there is no house builder on board and no detailed design of the dwellings.
- 2.04 There is no on site designated public open space shown on the indicative layout although there is a nearby play area within Queen Elizabeth Square.

- 2.05 The agent has indicated that Kent Police are willing to enter into a Section 106 agreement to secure a justified level of affordable housing and the justified financial contributions. However, they do state that any request for contributions would impact on the ability of Kent Police to invest the capital receipts from the site into the service. It is stated that they would be happy to accept a clause requiring the investment into Maidstone of any amount that is reduced from other community requirements.

3.0 SUMMARY INFORMATION

	Existing	Proposed	Change (+/-)
Site Area (ha)	2.1	2.1	0
No. of Storeys	0	2 – 2.5	2 – 2.5
Parking Spaces	0	165	165
No. of Residential Units	0	90	90
No. of Affordable Units	0	36 (40%)	36

4.0 PLANNING CONSTRAINTS

(adjacent to site) TPO 3 of 2008 Group of Trees - G2 - Consisting of 19 Oak and 27 Pine

Urban Area Air Quality Management Area

5.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)
 National Planning Practice Guidance (NPPG)
 Maidstone Borough-Wide Local Plan (2000): ENV6, ENV24, T2, CF1, CF6, CF8
 Affordable Housing DPD (2006)
 Open Space DPD (2006)
 Maidstone Borough Local Plan Regulation 18 Consultation 2014: SS1, SP2, H1(21), DM2, DM4, DM10, DM12, DM14, DM16, DM23, DM24, ID1

6.0 LOCAL REPRESENTATIONS

- 6.1 25 letters of objection have been received on the following summarised grounds:-

- Impact on the access road and increased traffic throughout the estate and onto Sutton Road.
- Loss of trees.
- Inadequate infrastructure to cope with the development including medical facilities and education facilities.
- Insufficient parking and impact on, on street parking that is already high due to Police and Morrisons employees.
- Impact on wildlife and biodiversity.
- Overlooking, loss of privacy and light pollution from the dwellings impacting on residential amenity.
- There is too much affordable housing in the area.
- Noise during construction and from occupiers of new housing.
- Loss of a view.
- Consideration should be given to the use of the land as allotments.

7.0 CONSULTATIONS

7.01 **Boughton Monchelsea Parish Council** raise no objections to the application but would like to see a condition preventing access onto Pested Bars Road.

7.02 **Sport England** have objected to the application stating:-

“It is understood that the development is likely to prejudice the use, or lead to the loss of use, of land being used as a playing field; or is on land that forms part of, or constitutes a playing field, as defined in the Town and Country Planning (Development Management Procedure) (England) Order 2010 (SI 2010/2184) Schedule 5. Sport England responds to this application as a statutory consultee on the basis that the land has been used as a playing field at any time in the last five years and remains undeveloped; or has been allocated for use as a playing field in a development plan; or involves replacement of the grass surface of a playing pitch on a playing field with an artificial surface.”

They are critical of the assessment of playing fields stating:-

“The assessment area is restricted to Parkwood and the surrounding wards. Therefore this only gives an overview of the demand and supply for pitches in a particular part of the Borough. The assessment is not a borough wide one and therefore does not examine demand and supply in other parts of the Borough where there may be shortages of pitches. The Assessment itself under paragraph 1.39 states that Sport England may also request a full Local Authority Playing Pitch Assessment to be carried out.

There does not appear to be any evidence that the Assessment has been led by a steering group which includes representation from all relevant Local Authority departments and key partners, who can check and challenge the data collection and the findings.

The data collection relating to the supply of pitches seems to be mainly website based. There has been no consultation with local clubs to examine their access requirements, access barriers, latent demand, accessibility to pitches and the quality of the existing pitches that they use, for example, are they over played or underplayed. The assessment is based on quantitative data and not qualitative. Without undertaking club surveys and site assessments to understand club's accessibility issues and the quality of the existing supply of pitches and their playability, the assessment is not considered robust.

The findings of the assessment that there are sufficient playing pitches (for all sports) in the Parkwood Ward area, without using the existing playing pitches on the Police Head Quarters Site and the Police College site (with the exception of the mini soccer pitch on the Police College site) is at variance to the comments of The Football Association. If the assessment was robust and the conclusions accurate, then The Football Association would agree that the site is surplus to sporting requirements.”

As such Sport England cannot consider that the application/assessment meets the exception of

“A carefully quantified and documented assessment of current and future needs has demonstrated to the satisfaction of Sport England that there is an excess of playing

field provision in the catchment, and the site has no special significance to the interests of sport.”

The objection states:-

“that the proposed development would result in a deficiency in the provision of playing fields in the area of the local authority concerned;”

- 7.03 **MBC Parks and Open Space Team** raise no objections to the application stating that they are satisfied that the assessment of pitch provision is adequate and that the loss of private pitches would not result in a deficiency in the provision of playing fields in the area. Parkwood Recreation ground, the closest pitches MBC have to the Police sites have got two senior and one junior pitch and the senior pitches are not in use at all.

They have requested a sum of £1575 per dwelling, a total of £176,000 to be spent at improvements to play areas and open space at Mangravet Recreation Ground which is a short distance away from the development and specifically has a gap in play provision for 5 to 9 year olds. It is also envisaged that with a large increase in families moving into the area that the rest of this park will see an increase in usage and so toddler and teen provision will also need further addressing. Also the play area at Queen Elizabeth Square, which is in need of improvement would have money directed to it from this development. In terms of sports pitches this should be directed to improvements to sports pitches at Park Wood recreation ground. In addition, Mote Park is a destination park that is visited by residents from all over the borough of Maidstone. The Adventure Zone play area in Mote Park is heavily used and is in constant need of updating and replacing equipment.”

- 7.04 **Kent Highway Services** raise no objections to the application subject to seeking contributions as follows:-

In addition to this information being provided and subject to this being satisfactory I would recommend that the following highway improvements/contributions are made:-

1. A contribution of £3000 per dwelling is required towards the provision of a bus lane along the A274 Sutton Road. This scheme has been identified in the Maidstone Integrated Transport Strategy and will serve to provide reliable journey times and maintain bus frequency without adding to congestion. These planning applications will increase the demand for such a service as these sites are significant in size and are located some distance from the town centre.

2. Controlled access restrictions at the Pested Bars Road private police access. (This has been suggested by the applicant).

3. Improvements to linkages with the local public rights of way network, including new footway/cycleway alongside Lansdowne Avenue – this would improve access to New Line Learning. (This has been suggested by the applicant).

4. Existing on street parking along Lansdowne Avenue/ Queen Elizabeth Square is likely to lead to problems of congestion/obstruction this should be addressed in a manner which would not lead to vehicles being able to speed along this straight stretch of road.

5. Consideration should be given to the provision of a toucan crossing on the A274 to the east of the junction of Queen Elizabeth Square and modifications to the existing

footway along the eastern side of Molehill Copse Primary School between Sutton Road and Middlesex Road in order to link the proposed footway/ cycleway along Lansdowne Avenue/Queen Elizabeth Square with the existing cycle route along Middlesex Road.

- 7.05 **Environment Agency** originally raised objections on the grounds that there was no Flood Risk Assessment submitted. However, following submission of this document comments received raise no objections to the development and recommend conditions in relation to contaminated land and surface water drainage.
- 7.06 **MBC Environmental Health Manager** has no objections, subject to a condition relating to air quality and informatives. In addition, the mitigation measures suggested in the acoustic assessment submitted by Loven Acoustics, dated 24th April 2012, should be followed implicitly.
- 7.07 **MBC Housing** raise no objection to the application subject to the provision of 40% affordable housing.
- 7.08 **Kent County Council** are seeking the following contributions:-
- Primary – there is a need right across the Town for Primary. This is being mitigated by the building of new Primary School(s) and monies are being collected towards the build and land costs. These amount to £4000 per applicable house & £1000 per applicable flat towards build cost, and £2701.63 per applicable house and £675.41 per applicable flat towards land costs. Applicable meaning all units except 1 bed units of less than 56sqm GIA.
 - Secondary – KCC require contributions towards additional places by extending existing secondary Schools in the Town at a cost of £2359.80 per applicable house & £589.95 per applicable flat. Any s106 Agreement would include a provision for these developments only (due to the historic date of the applications), that should the developments be built out prior to March 2018, the Secondary contribution alone will be refunded. The s106 will need to include the Secondary contribution, as there is no guarantee of build out dates.
 - Community Learning – £30.70 per dwelling to provide additional classes through dedicated Adult Education centres and through outreach Community learning facilities local to the development
 - Youth service – £8.44 per dwelling to provide centre based youth services locally
 - Libraries – £145.73 per dwelling towards expansion of Library services locally and additional bookstock & equipment
 - Social Care – £53.88 per dwelling towards:-
 - improvement works to enhance local community facilities to ensure full DDA access to clients to participate in community activities and groups, and provision of additional capacity to core social care facilities and centres locally for all Social Care clients (Older Persons, and also clients with Learning or Physical Disabilities); plus
 - Assistive Technology (also referred to as Telecare): installation of technology items in homes (including: pendants, fall sensors, alarms, etc.) to enable existing & future clients to live as independently and secure as possible in their own homes.

Whilst Kent Police may be arguing for a reduction, police funding is a Home Office issue, not a planning issue; and we trust MBC and their Members will consider this matter appropriately under relevant Planning legislation.

7.09 **KCC Archaeology** raise no objections to the application stating:-

“The site of the application lies within an area of archaeological potential associated with Iron Age and Romano British activity. Recent archaeological work in this area has located several Iron Age and Roman-British settlement and activity sites nearby and the course of a Roman road is located a few metres to the south. This application is supported by an Archaeological Deskbased Assessment by CgMs which provides good baseline data on the heritage resource here.”

A condition is recommended to be attached to any approval for the submission of a programme of archaeological work.

7.10 **Southern Water** do not raise objections but state that there is inadequate capacity in the local network to provide foul sewage and that 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 appropriate infrastructure. An informative is requested to be attached to any approval.

7.11 **UK Power Networks** raises no objections to the proposed works.

7.12 **Kent Police Architectural Liaison Officer** raises no objections to the application and recommends a condition to ensure the reduction of crime within the scheme.

8.0 APPRAISAL

Background

8.01 The application was submitted in May 2012. However, this was without a Flood Risk Assessment and this was not submitted until the end of November 2013 along with additional transport data and information relating to sports pitch use and provision.

8.02 Following the receipt of this information a re-consultation exercise was undertaken in early 2014. The application was then awaiting the confirmation of the highway improvements from the three strategic sites further along Sutton Road.

Principle of Development

8.03 The application site is a greenfield site within the designated urban area. There are a number of nearby facilities including doctor's surgeries, schools and retail facilities. There are bus routes nearby into Maidstone and I consider that the site is in a sustainable location. In terms of the National Planning Policy Framework, whilst the content encourages the use of brownfield sites the main thread through the NPPF is for sustainable development and the development of sites such as this within the urban area are examples of sustainable development.

8.04 A number of sites have been considered as part of the Council's initial call for sites and this site was included and forms part of the housing allocations in the Regulation 18 Consultation 2014, site H1(21). The settlement hierarchy of the emerging local plan seeks to direct development to the urban area in the first instance followed by Rural Service Centres and then larger villages. Therefore, the development of this site for residential purposes would conform with the Council's approach to the location of development.

- 8.05 It is certainly the Council's view that in general terms the site is appropriate for residential development. It is clear from the allocations and recent decisions on major housing schemes that there is insufficient brownfield land to meet the Borough's housing need and the fact that the Council does not have a 5 year land supply means that some housing on greenfield sites is inevitable.
- 8.06 The number of dwellings proposed of 112 would be able to be accommodated on the site with a variety of layouts possible the density of approximately 39 dwellings per hectare would not be harmful to the character of the area.
- 8.07 Therefore, I consider that the general principle of residential development on the site to be acceptable. The key considerations are the impact on highways and junction capacity and the visual impact on the area.

Loss of Sports Pitches

- 8.08 Across the two sites, the headquarters site and the training school site, there are two senior football pitches (HQ site) and 1 mini football pitch (Under 10), 1 Junior pitch (Under 11 boys under 12 girls) and 1 larger Junior pitch (under 12, 13, 14, 15 and 18 boys teams and under 16 girls). The proposed pitches to be located on part of the HQ site would result in one adult football pitch and two other pitches for U11/U12 and a combined pitch for use by U9/U10 and U13/U14. Therefore, there would be a net loss of pitches if consent were to be granted for residential development on these sites.
- 8.09 Sport England have objected to the application on the grounds that the proposal would result in the loss of sports pitches. The land is currently laid out as sports pitches and is in use for such purposes to certain private clubs. However, the site is operational land of Kent Police and can be used for any purpose in connection with the use of the site as the Kent Police Headquarters, which may include sport, storage, parking, etc.
- 8.10 The sports pitches are therefore not designated for this purpose in planning terms and are not secured for such a use through any agreement (planning or otherwise). The site is available to some private clubs through arrangements with Kent Police but is not available for use by the general public and therefore has limited public benefit. Furthermore, the arrangements with Kent Police could cease at any time and the facility withdrawn from use. Therefore, whilst the pitches exist and are in use I do not consider that they are available to the general public and cannot be secured in any way due to the planning status of the land.
- 8.11 The application for the development at the police headquarters site proposes the creation of pitches in a rationalised way, making better use of the land and would be available for private clubs in a similar arrangement that currently exists. This arrangement would result in the replacement of pitches from both this site and the accompanying site at the training school; however, there would be a net loss in terms of the numbers of pitches available. Kent Police do not wish to commit to the public provision of these pitches for the future due to security concerns and potential future operational changes. They would however, be available in a similar way to the current pitches.
- 8.12 The application is accompanied by an assessment of playing field provision and the Council's Parks and Open Spaces team have considered the submissions and the application. It has been demonstrated that the sports pitches in the area are underused and have capacity and therefore the loss of these private pitches would

not harm the general provision of sporting provision in the surrounding area. The Council's Parks and Open Spaces team confirm the under use of the Council facilities and state that the senior pitches at Park Wood recreation ground do not have any teams booking them as their home pitch. Given this situation and the provision of some replacement pitches the section do not object to the application and the applicant's agent has stated that money towards the improvement of Council facilities could be secured through a section 106 agreement.

- 8.13 Overall, whilst I note that there is an objection from Sport England on the loss of the pitches I have considered the fact that they are private pitches and not secured in any way, the capacity and provision in the local areas, the fact that private pitches are being relocated and provided in the site and the consultation response raising no objections from the Council's Parks and Open Spaces team, which is based on local knowledge, and have concluded that the loss of these sports pitches is not sufficient to warrant a refusal. Furthermore, had it been considered that the loss of the pitches was unacceptable this would have had to be balanced against the fact that the Council does not have a 5 year land supply and this would have weighed heavily in the favour of approval of the application.

Visual Impact

- 8.14 The site is a greenfield site and its development for residential and other development would clearly have an impact visually on the site. It is important to assess the impact with regard to the coverage of the development proposed, even though it is in outline form.
- 8.15 The proposed residential development would be located between the existing residential development of Stratford Drive and the former Senacre school site on two sides and the training centre buildings. Therefore, there would be no encroachment of development into an open area or indeed any views of the development from the countryside or in the foreground of views to the countryside.
- 8.16 The introduction of development into this part of the site would not in itself cause significant harm to the character of the area but the detail and the pattern and heights of the development would need careful consideration at the reserved matters stage.
- 8.17 The tree lined boundary with Stratford Drive is an important feature within the application site and should be retained and enhanced through any reserved matters application. I consider that a suitably worded condition could be imposed to ensure that this landscaped edge is secured.
- 8.18 The site is clearly visible from the entrance road and the roundabout area and there would be short range views of the site from this location. There would be limited medium range views of the site and there would be no long range views of the site that would cause significant harm.
- 8.19 Views of the new development would be seen primarily against the backdrop of other built development. This would be either the existing housing estates of Queen Elizabeth Square or the former Senacre school or the operational buildings within the training centre site.
- 8.20 Any trees that would be lost through the creation of the access or due to the layout of the development will have to be assessed at the reserved matters stage with appropriate assessments at that time.

- 8.21 Therefore I consider that the visual impact of the development whilst it would change the character of the site there would not be any significant wider visual harm that would be harmful to the character and appearance of the area. I consider that the general principle of development of this site to be acceptable in relation to the visual change to the site. The detailed impacts of the dwellings and their scale and design will be considered in the reserved matters application.

Highways

- 8.22 The application was submitted with an accompanying transport assessment that included a traffic survey and trip generations in accordance with the TRICS database. The assessment also attaches a no trip 'off-set' value against the existing use of the site and I consider this to be the correct approach.
- 8.23 The transport assessment concludes that there are no works required to the geometry of the roads serving the training school site. The road network between the site and Sutton Road is such that the additional traffic movements can be accommodated. Kent Highways raise no objections to the application and consider these roads to be appropriate for the additional traffic.
- 8.24 The surrounding road network is such that the majority of vehicle movements would be onto Sutton Road. The assessment concludes that the development would impact on the strategic junctions along the A274 up to 1.7%. The A274 Sutton Road has been identified as requiring improvement and the provision of an additional lane with bus priority measures along the A274 Sutton Road. This scheme has been identified in the Maidstone Integrated Transport Strategy and will serve to provide reliable journey times and maintain bus frequency at peak times without adding to congestion. Contributions to this scheme have been secured from recent planning permissions on the strategic housing allocations following their traffic assessments that also considered the traffic impact of the two Kent Police sites. This planning application will increase the demand for such a service as these sites are significant in size and are located some distance from the town centre.
- 8.25 The improvements sought have been identified in the emerging policy in the emerging Maidstone Borough Local Plan H1(22). In addition, policy T2 of the adopted Maidstone Borough-Wide Local Plan (2000) seeks to secure in areas identified as bus and hackney carriage corridors as defined on the proposals map dedicated bus lanes, priority to buses at junctions, prioritisation within traffic management schemes and enhanced waiting facilities for passengers. The Sutton Road corridor is one such designated corridor. The part funding of the scheme has been secured through the section 106 agreements for the strategic housing allocations in the south east of Maidstone with the completed Unilateral Undertaking under Section 106 defining the highway improvement scheme as:-

Mitigation works to the A274 Sutton Road comprising the widening of the inbound carriageway of the A274 Sutton Road between the junctions of Wallis Avenue and Loose Road, incorporating bus prioritisation measures from the Willington Street junction to the Wheatsheaf junction. In addition the provision of two new bus stops, serving the eastbound and westbound services on the A274 between the two junctions as described, comprising of new shelters, bus boards and real time bus information.

- 8.26 The scheme has been costed and is apportioned to developments at a level of £3000 per dwelling. The contribution to the improvements are justified in accordance with policy T2 of the Maidstone Borough-Wide Local Plan (2000) and emerging policy

H1(22) and I consider it appropriate that this is secured from the proposed development.

- 8.27 Concern has been raised by residents regarding the level of on street car parking particularly from the employees of Kent Police and Morrisons and the fact that it will get worse from the development. The indicative layout shows an adequate level of parking to accommodate the needs of the new development and whilst there appears to be a matter of inconvenience that occurs due to on street parking there is no evidence that it impacts on highway safety.

Heads of Terms

- 8.28 The consultees have requested a number of contributions to be secured through the application. It is important that any contributions that are secured through a Section 106 agreement would meet the requirements of the three tests of Regulation 122 of the CIL Regulations 2010 and paragraph 204 of the NPPF 2012. These are set out below:-
- 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.
- 8.29 The NHS have requested £75,816 based on an average occupancy of 2.34 persons per dwelling towards improvements at the named surgeries of Mote Medical Centre, Wallis Avenue Surgery, Grove Park Surgery, Northumberland Court Surgery, Boughton Lane Surgery and the College Practice all of which are within 2 miles of the site. It is clear that the proposed development of up to 90 dwellings would result in additional demand placed on the health facilities and I consider that it would be appropriate if approving the application to secure the appropriate level of contribution.
- 8.30 The contributions towards highway improvements and bus service have been outlined in section 9.19 - 9.21 above and are deemed to meet the required tests of the CIL Regulations.
- 8.31 The Council's Parks and Open request £1575 per dwelling to cover the improvement of open space in the vicinity of the site and have identified Mangravet Recreation Ground being a short distance away from the development and specifically has a gap in play provision for 5 to 9 year olds. It is also envisaged that with a large increase in families moving into the area that the rest of this park will see an increase in usage and so toddler and teen provision will also need further addressing. Also the play area at Queen Elizabeth Square, which is in need of improvement would have money directed to it from this development. In terms of sports pitches this should be directed to improvements to sports pitches at Park Wood recreation ground. In addition, Mote Park is a destination park that is visited by residents from all over the borough of Maidstone. The Adventure Zone play area in Mote Park is heavily used and is in constant need of updating and replacing equipment. It is clear that the proposed development of 90 dwellings would result in additional demand placed on the sports facilities and I consider that it would be appropriate if approving the application to secure the appropriate level of contribution. This level of contribution could be re-examined at reserved matters stage depending on whether any open space is proposed on site.

- 8.32 There are requests made by Kent County Council as the Local Education Authority towards primary school education contributions that amount to £4000 per applicable house & £1000 per applicable flat towards build cost, and £2701.63 per applicable house and £675.41 per applicable flat towards land costs. The new school will be constructed on the Langley Park site a short distance from the application site. There will be a greater demand placed on the local schools from the occupants of the new 90 dwellings and information submitted by County shows that these are at capacity and as such the contribution is considered justified and appropriate.
- 8.33 In addition to a new primary school Kent County Council as the Local Education Authority require contributions towards additional secondary school places by extending existing secondary Schools in the Town at a cost of £2359.80 per applicable house & £589.95 per applicable flat. There will be a greater demand placed on the local schools from the occupants of the new 90 dwellings and information submitted by County shows that these are at capacity and as such the contribution is considered justified and appropriate.
- 8.34 Kent County Council have sought contributions of £30.70 per dwelling towards community learning, which would be £3,438.40 for 90 dwellings. The contribution would be used to pay for adult learning classes or Outreach Adult Learning in Maidstone. It is clear that the proposed development of 90 dwellings would result in additional demand placed on the health facilities and I consider that it would be appropriate if approving the application to secure the appropriate level of contribution.
- 8.35 There is a request of £8.44 per dwelling sought by Kent County Council, which would be £945.28 for 90 dwellings. This contribution would pay towards the provision of staff and equipment for Maidstone Borough Youth Outreach services in the area. It is clear that the proposed development of 90 dwellings would result in additional demand placed on the youth facilities available in the area and I consider that it would be appropriate if approving the application to secure the appropriate level of contribution.
- 8.36 There is a request from Kent County Council to provide £145.73 per dwelling which would be £16,321.76 for 90 dwellings. This would be used to provide for expansion of Library services locally and additional bookstock & equipment to deal with the addition usage from this development. It is clear that the proposed development of 90 dwellings would result in additional demand placed on the bookstock at Maidstone library and I consider that it would be appropriate if approving the application to secure the appropriate level of contribution.
- 8.37 Kent County Council have sought contributions of £53.88 per dwelling, which would be £6,034.56 for 90 dwellings towards adult social services. The projects identified include the provision of health linked care needs and assessment suite, the enhancement of local community facilities to ensure full DDA access to clients, a specialist changing place facility to enable clients with multiple needs to integrate and use everyday facilities and to provide assistive technology (Telecare) to enable clients to live as independently and secure as possible. It is clear that the proposed development of 90 dwellings would result in additional demand placed on the social services provided by Kent County Council and I consider that it would be appropriate if approving the application to secure the appropriate level of contribution.
- 8.38 The applicant's agent has stated that they consider the appropriate level of affordable housing provision to be 30% in accordance with emerging policy DM24. However, the Council's adopted DPD (2006) requires the provision of 40% affordable housing.

There is no housebuilder on board and there are no options on the land. Therefore, there has been no viability information submitted as part of the application. In the absence of a viability justification the consideration falls to the adopted development plan being that of the 40% level. The Peter Brett study undertaken on behalf of the Council indicated the level of 30% to be appropriate if dwellings were constructed to level 4 of the Code for Sustainable Homes. Therefore I consider the appropriate level of affordable housing to be 40%.

- 8.39 The agents for Kent Police have stated that they are seeking to maximise the revenue received for the site to allow the police to invest more money into the service. Therefore, consideration should be given to whether any of the requested contributions should be set aside and an equivalent amount secured through the Section 106 to be spent on the police service within the Borough of Maidstone. I have considered the possibility of diverting monies from the above requests to Kent Police. Within the emerging Local Plan policy ID1 relates to the delivery of infrastructure. This policy includes a list of infrastructure priorities for residential development, the list is as follows:-

- 1 Affordable Housing
- 2 Transport
- 3 Open Space
- 4 Public realm
- 5 Health
- 6 Education
- 7 Social Services
- 8 Utilities
- 9 Libraries
- 10 Emergency Services

- 8.40 I consider that on the basis of the above priority list and in the absence of any adopted policy or priority list that there should be no redirection of the contributions requested from the other services that have requested monies to Kent Police.

Other Matters

- 8.41 The closest residential properties would be those in Stratford Drive, St Catherines Road, and Morris Close. These properties are generally positioned with their rear gardens adjacent to the application site, although a few are flank onto the site. The distances between these existing dwellings and the application site are such that the development can be designed in a way to ensure that the amenity levels of the occupiers are maintained without any harmful levels of loss of privacy, loss of light, overwhelming impact or light pollution. I do not consider that the erection of new dwellings would result in a particular noise generator that would lead to disturbance of residents.
- 8.42 The applicant is not proposing level 4 on the Code for Sustainable Homes but instead is proposing to achieve level 3. It is disappointing that the applicant has not sought to achieve Code level 4 as sought through Policy DM2 of the Maidstone Borough Local Plan Regulation 18 Consultation 2014. However, this application was submitted prior to level 4 being the normally requested level by the Council and as there are no detailed designs a detailed assessment cannot be undertaken. After consideration, I propose a condition securing a minimum of level 3 of the Code for Sustainable Homes and informatives encouraging the detailed elements to reach level 4 and to incorporate renewable energy generation in the construction.

- 8.43 An ecological survey has been submitted as part of the outline application and this demonstrates that the majority of the site is low quality in terms of its ecological value by virtue of the fact that it is playing fields. However, it does highlight the fact that suitable habitat for reptiles is present in the south east corner of the site. However, this part of the site is not proposed to be developed and will be maintained as part of the training centre and continued to be separated from the proposed residential site by fencing. The matters of enhancements need to be addressed in any reserved matters application and should be brought forward through any layout.
- 8.44 The flood risk assessment that was submitted has demonstrated that there would be no significant flood risk to the development and also that through the integration of sustainable drainage systems that there would be no significant surface water run off problems from the site. The Environment Agency have raised no objections to the application on this basis.
- 8.45 There have been representations stating that there is adequate affordable housing in the area and no more is required. This is contrary to the established development plan policies that seek further provision and the comments of the Council's Housing department that require 40% to be provided.
- 8.46 The matters raised by residents in relation to noise during construction, the loss of a view and the consideration of an alternative use of the site are not matters that can be given any weight in the consideration of this application.

9.0 CONCLUSION

- 9.01 The application site is a greenfield site within the urban area in easy reach of a number of services and facilities as well as a well used bus route. The development of this site for residential purposes would represent an example sustainable development and would conform to the aspirations of the NPPF. Furthermore, the site, being within the urban area of Maidstone, would be in conformity with the Council's hierarchy of development which seeks to direct development to the urban area of Maidstone in the first instance followed by Rural Service Centres and then larger villages. Therefore, the development of this site for residential purposes would conform with the Council's approach to the location of development.
- 9.02 The development of the site would result in the loss of sports pitches and whilst there would be some replacement on the HQ site there would be a net loss. This has drawn an objection from Sport England who consider that the assessment undertaken does not justify the loss of pitches. However, the Council's parks and open space team consider that the small loss of these private pitches that cannot be secured for provision in any way is not unacceptable due to the fact that a number of the nearby sports pitches are underused with 2 pitches in park wood recreation ground not used at all. Therefore, on balance it is considered that this matter would not warrant refusal. Furthermore if the net loss of pitches was considered unacceptable this would have to be balanced against the fact that the Council does not have a 5 year supply of housing and this would weigh heavily in favour of the grant of permission.
- 9.03 The matters of detail are for the reserved matters stage. However, the general densities and indicative house types and layout are similar to the pattern and type of the surrounding residential area and in any case a refusal on detail could not be sustained at this outline stage.

- 9.04 The demand on the surrounding education, health and community facilities generated by the occupants of the proposed dwellings would be mitigated by contributions towards these services. The Council requires the provision of 40% affordable housing in accordance with the 2006 adopted DPD and the road widening scheme with bus prioritisation measures along Sutton Road has been costed and contributions secured in legal agreements from other sites along Sutton Road. All of these requirements for inclusion within a legal agreement are justified and meet the required legislative tests. The applicant has sought to set aside some community contributions with an equivalent amount secured through the Section 106 to be spent on the police service within the Borough of Maidstone. I have considered the possibility of diverting monies from the above requests to Kent Police. However, I consider that on the basis of the priority list contained in the emerging policy ID1 and in the absence of any adopted policy or priority list that there should be no redirection of the contributions requested from the other services that have requested monies to Kent Police.
- 9.05 It is therefore considered that the development of the site for residential purposes is acceptable and it is recommended that subject to the completion of a section 106 agreement planning permission is granted.

10.0 RECOMMENDATION

Subject to the prior completion of a legal agreement in such terms as the Head of Legal Services advises to secure the following:-

- The provision of 40% affordable housing.
- £3000 per dwelling towards Mitigation works to the A274 Sutton Road comprising the widening of the inbound carriageway of the A274 Sutton Road between the junctions of Wallis Avenue and Loose Road, incorporating bus prioritisation measures from the Willington Street junction to the Wheatsheaf junction. In addition the provision of two new bus stops, serving the eastbound and westbound services on the A274 between the two junctions as described, comprising of new shelters, bus boards and real time bus information.
- £4000 per applicable house & £1000 per applicable flat towards build cost, and £2701.63 per applicable house and £675.41 per applicable flat towards land costs towards the construction of a new primary school.
- £2359.80 per applicable house & £589.95 per applicable flat towards the extension of a secondary school within Maidstone.
- £1575 per dwelling towards improvement to Mangravet recreation ground, Queen Elizabeth Square play area, sports facilities at parkwood recreation ground or Mote park Adventure Zone.
- £75,816 based on an average occupancy of 2.34 persons per dwelling towards improvements at the named surgeries of Mote Medical Centre, Wallis Avenue Surgery, Grove Park Surgery, Northumberland Court Surgery, Boughton Lane Surgery and the College Practice all of which are within 2 miles of the site.
- £30.70 per dwelling towards community learning for adult learning classes or Outreach Adult Learning in Maidstone.
- £8.44 per dwelling towards youth services and the provision of staff and equipment for Maidstone Borough Youth Outreach services in the area.
- £145.73 per dwelling to provide expansion of Library services in Maidstone and additional bookstock & equipment.
- £53.88 per dwelling towards adult social services being the provision of health linked care needs and assessment suite, the enhancement of local community facilities to ensure full DDA access to clients, a specialist changing place facility to enable clients

with multiple needs to integrate and use everyday facilities and to provide assistive technology (Telecare) to enable clients to live as independently and secure as possible.

GRANT PLANNING PERMISSION SUBJECT TO THE FOLLOWING CONDITIONS

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

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

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

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

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

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

(i) Retention of the tree screen along the northern boundary.

(ii) Provision of a landscaped buffer to supplement the tree screens along the northern boundary.

(iii) An updated arboricultural implications assessment and tree protection plan to reflect the proposed details of layout.

(iv) A detailed arboricultural method statement.

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

3. The reserved matters application(s) shall be accompanied by updated ecological surveys including any required mitigation and enhancement measures to improve biodiversity;

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

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

Reason: To ensure a satisfactory appearance to the development.

5. The development shall not commence until a detailed surface water drainage scheme for the site following the principles established in the flood risk assessment and drainage strategy, based on sustainable drainage principles, has been submitted to and approved in writing by the Local Planning Authority. The details shall include, inter alia, a long term management and maintenance plan for the SUDS included in

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

Reason: To prevent the increased risk of flooding and to ensure the long term management/maintenance of the SUDS.

6. The development shall not commence until details of foul water drainage have been submitted to and approved by the local planning authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: In the interest of pollution prevention.

7. The dwellings shall achieve at least Level 3 of the Code for Sustainable Homes. No dwelling shall be occupied until a final Code Certificate has been issued for it certifying that Code Level 3 has been achieved.

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

8. No development shall commence until a scheme detailing and where possible quantifying 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 report should be submitted to and approved by the Local planning authority and the development shall be carried out in accordance with the approved details.

Reason: In the interests of air quality.

9. 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.

10. No part of the development shall be occupied until the following works have been constructed and completed:

- (i) The sports pitches are laid out and available for use as shown on the layout plan of application MA/12/0986.

Reason: In the interests of adequate sports provision.

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

Reason: There is always the potential for unexpected contamination to be identified during development groundworks.

INFORMATIVES

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

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

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.

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

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

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.

The developer will be required to produce a Site Waste Management Plan in accordance with Clean Neighbourhoods and Environment Act 2005 Section 54. This should be available for inspection by the Local Authority at any time prior to and during the development.

There must be no direct discharge to groundwater, a controlled water. An unsaturated zone must be maintained throughout the year between the base of soakaways and the water table.

Case Officer: Peter Hockney

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.

Item no. 13 & 14

Page no. 6 & 26

Address:

Reference no. MA/12/0986

Land r/o Police Headquarters, Sutton Road, M/S

MA/12/0987

Land to r/o Police Training School, St Saviours Rd, M/S

Following further discussions with Kent Highway Services the proposed Head of Term in relation to the highways contribution on the recommendation of both applications is to be altered as set out below. This would be as recommended in the Boughton Lane application.

"Highway capacity improvements at the Loose Road/Sutton Road junction (such as a roundabout or highway reconfiguration with physical traffic signal alterations and pedestrian and cycle connections to the town centre), and approaches to the Town Centre Bridge gyratory traffic signal junctions, necessary to mitigate against the severe impact of the development on congestion and highway safety at these junctions."

Following further consideration of conditions I propose the following slight amendment to condition 4 of MA/12/0986 and condition 3 of MA/12/0987 to read:-

The reserved matters application(s) shall be accompanied by updated ecological surveys including any required mitigation and enhancement measures (including within the fabric of the buildings) to improve biodiversity;

Concern has been raised in relation to the scheme only achieving level 3 on the Code for Sustainable Homes rather than level 4. There is no adopted policy in the Maidstone Borough-Wide Local Plan (2000) relating to Code for Sustainable Homes and whilst the emerging policy carries some weight, I consider that in this particular case, bearing in mind the application is proposing 40% affordable housing in accordance with the adopted DPD rather than the 30% in the emerging policy, that level 3 is acceptable.

In relation to other contributions the NHS have revised their requests to only request contributions in relation to the market portion and exclude the affordable housing element of the developments as opposed to the whole scheme. Therefore the Heads of Terms should be amended as follows:-

MA/12/0986

£56,440 based on an average occupancy of 2.34 persons per dwelling towards improvements at the named surgeries of Grove Park Surgery, Mote Medical Centre, Northumberland Court Surgery, Wallis Avenue Surgery, Boughton Lane Surgery, College Practice, Bearsted Medical Practice, Marsham Street Surgery and The Vine Surgery all of which are within 2 miles of the site.

MA/12/0987

£45,489 based on an average occupancy of 2.34 persons per dwelling towards improvements at the named surgeries of Mote Medical Centre, Wallis Avenue Surgery, Grove Park Surgery, Northumberland Court Surgery, Boughton Lane Surgery and the College Practice all of which are within 2 miles of the site.

Representations

One letter has been received indicating that the time between notification of the committee and the committee itself is insufficient to make arrangements and a month would be more appropriate. The committee letters are always sent out approximately a week before the committee date and is considered sufficient time for speakers to make arrangements and register.

MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON 16 OCTOBER 2014

Present: Councillor English (Chairman) and
Councillors Butler, Chittenden, Cox, Edwards-Daem,
Garland, Harwood, Hogg, Moriarty, Paine, Paterson
and J.A. Wilson

Also Present: Councillors Mrs Blackmore, Burton, Ells,
McLoughlin, D Mortimer, Newton, Round,
Springett and de Wiggondene

132. APOLOGIES FOR ABSENCE

It was noted that apologies for absence had been received from
Councillors Ash, Collins, Greer and Mrs Robertson.

133. NOTIFICATION OF SUBSTITUTE MEMBERS

The following Substitute Members were noted:

Councillor Butler for Councillor Collins
Councillor Chittenden for Councillor Mrs Robertson
Councillor Garland for Councillor Greer

134. NOTIFICATION OF VISITING MEMBERS

Councillors Burton and McLoughlin indicated their wish to speak on the
reports of the Head of Planning and Development relating to applications
MA/13/1928 and 14/501895.

Councillor D Mortimer indicated his wish to speak on the report of the
Head of Planning and Development relating to application 14/500261.

Councillors Newton and Springett indicated their wish to speak on the
report of the Head of Planning and Development relating to application
14/501895.

Councillors Ells and Round attended the meeting as observers.

It was noted that Councillor Mrs Blackmore had indicated her wish to
speak on the report of the Head of Planning and Development relating to
application MA/13/1928 and Councillor de Wiggondene had indicated his
wish to speak on the report of the Head of Planning and Development
relating to application 14/501895.

135. ITEMS WITHDRAWN FROM THE AGENDA

There were none.

136. URGENT ITEM

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

137. DISCLOSURES BY MEMBERS AND OFFICERS

Councillor Harwood stated that he was a Member of Boxley Parish Council, but he had not participated in the Parish Council's discussions relating to application 14/501240, and intended to speak and vote when it was considered.

With regard to the report of the Head of Planning and Development relating to application 14/501895, Councillor Edwardes-Daem stated that her son had applied for work experience at Scarab Sweepers, a potential occupier of the development, but this would not influence her decision on the application.

138. EXEMPT ITEMS

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

139. MINUTES OF THE MEETING HELD ON 25 SEPTEMBER 2014

RESOLVED: That the Minutes of the meeting held on 25 September 2014 be approved as a correct record and signed.

140. PRESENTATION OF PETITIONS

There were no petitions.

141. DEFERRED ITEMS

MA/07/2133 - DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF A FIVE STOREY RESIDENTIAL DEVELOPMENT COMPRISING OF 52 STUDIO APARTMENTS AND 24 ONE-BED FLATS WITH 38 UNDERCROFT PARKING SPACES AND 22 EXTERNAL PARKING SPACES WITH VEHICULAR AND PEDESTRIAN ACCESS FROM HART STREET TOGETHER WITH LANDSCAPING - LAGUNA MOTORCYCLES SITE, HART STREET, MAIDSTONE

The Interim Development Manager advised Members that a revised viability assessment was awaited.

MA/12/2255 – OUTLINE PLANNING PERMISSION FOR THE ERECTION OF 53 RESIDENTIAL UNITS WITH ALL MATTERS RESERVED FOR FUTURE CONSIDERATION – NURSES HOME, HERMITAGE LANE, MAIDSTONE, KENT

The Interim Development Manager advised Members that the applicant and the VOA had commented on the additional information provided and that it was hoped to report the application back to the next meeting of the Committee.

142. 14/501895 - HYBRID (PART OUTLINE/PART DETAILED) APPLICATION FOR RE-GRADING OF THE SITE TO FORM DEVELOPMENT PLATFORMS INCLUDING THE CREATION OF NEW BUNDS AND BATTERS; THE DEVELOPMENT OF A NEW INDUSTRIAL ESTATE COMPRISING UP TO 45,528M2 OF B1 LIGHT INDUSTRIAL, B2 GENERAL INDUSTRIAL AND B8 STORAGE AND DISTRIBUTION USES WITH ANCILLARY OFFICES; ANCILLARY CAFE AND CRECHE FACILITIES; CREATION OF A NEW ACCESS TO THE A20; NEW INTERNAL ACCESS ROADS; PARKING, INTERNAL DRAINAGE, STRUCTURAL LANDSCAPING AND THE DIVERSION OF THE EXISTING PUBLIC FOOTPATH. DETAILED PERMISSION SOUGHT FOR ERECTION OF NEW WAREHOUSE BUILDING (21,990M2) AND ASSOCIATED OFFICES (2,995M2) WITH ACCESS, SERVICE YARD, PARKING AND LANDSCAPING - WATERSIDE PARK M20 J8, ASHFORD ROAD, HOLLINGBOURNE, KENT

All Members stated that they had been lobbied.

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

Dr White, an objector, Councillor Bennett, on behalf of Hollingbourne Parish Council (against), Councillor Spooner, on behalf of Bearsted Parish Council (against), Councillor Horne, on behalf of Leeds and Thurnham Parish Councils (against), Ms Spicer and Mr Buckwell, on behalf of the applicants, and Councillors Newton, Springett, de Wiggondene, Burton and McLoughlin (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 felt that the proposed development, by reason of its overall scale and the mass and design of the proposed buildings, together with the changes to the topography and landform of the site, would be detrimental to the character and appearance of the countryside hereabouts in general, the setting of nearby heritage assets to the south of the site and to the setting of the Kent Downs Area of Outstanding Natural Beauty in particular. To permit the development in the absence of any overriding quantitative need for employment development in this location, would be contrary to policy ENV28 of the Maidstone Borough-Wide Local Plan 2000 and the advice in the National Planning Policy Framework 2012.

RESOLVED: That permission be refused for the following reason:

The proposed development, by reason of its overall scale and the mass and design of the proposed buildings, together with the changes to the topography and landform of the site, would be detrimental to the character and appearance of the countryside hereabouts in general, the setting of nearby heritage assets to the south of the site and to the setting of the Kent Downs Area of Outstanding Natural Beauty in particular. To permit the development in the absence of any overriding quantitative need for employment development in this location, would be contrary to policy ENV28 of the Maidstone Borough-Wide Local Plan 2000 and the advice in the National Planning Policy Framework 2012.

Voting: 7 – For 5 – Against 0 – Abstentions

143. MA/13/1928 - ERECTION OF 124 DWELLINGS WITH PARKING, VEHICULAR AND PEDESTRIAN ACCESS, AND ASSOCIATED HARD AND SOFT LANDSCAPING - MARDEN CRICKET & HOCKEY CLUB, STANLEY ROAD, MARDEN, KENT

All Members stated that they had been lobbied.

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

Mr McCarthy, an objector, Councillor Mannington of Marden Parish Council (against), Mr Kennedy, for the applicant, and Councillor Mrs Blackmore (Visiting Member) addressed the meeting.

Councillors Burton and McLoughlin did not exercise their right to speak on this application.

RESOLVED:

1. That subject to the prior completion of a S106 legal agreement in such terms as the Head of Legal Services may advise to secure the following:
 - The provision of 40% affordable residential units within the development;
 - A contribution of £2,360.96 per 'applicable' house and £590.24 per 'applicable' flat towards the build costs of extending Marden Primary School;
 - A contribution of £2,359.80 per 'applicable' house and £589.95 per 'applicable' flat towards the extension of secondary school buildings used by residents of Marden;
 - A contribution of £30.70 per dwelling to be used to address the demand from the development towards the provision of new/expanded facilities and services both through dedicated adult education centres and through outreach community learning facilities local to the development;

- A contribution of £8.44 per dwelling to be used to address the demand from the development towards youth services locally;
- A contribution of £100.79 per dwelling to be used to address the demand from the development towards additional book stock and services at local libraries serving the development;
- A contribution of £15.95 per dwelling to address the demand from the development for adult social services to be used towards the provision of new/expanded facilities and services both on site and local to the development including assistive technology and enhancement of local community facilities to ensure full DDA access;
- A contribution of £18,628.35 towards the extension of and works to the Marden Medical Centre;
- A contribution of £78,120.00 towards the provision of offsite outdoor sports facilities, children's and young people's equipped play areas, and allotment and community gardens;
- A contribution of £7,762.50 towards the improvement of public footpath KM276;
- A contribution of £25,956.92 towards improvement works to Marden Station; and
- The full build out, so as to be functional and available for public use, of the replacement sports facility already granted outline planning permission under MA/13/0358 or any further/replacement planning permission relating to the replacement sports facility prior to commencement of the development hereby being permitted,

the Head of Planning and Development be given delegated powers to grant permission subject to the conditions and informatives set out in the report, as amended by the urgent update report, the additional informatives set out in the urgent update report, and the amendment of condition 16 as follows:

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

Reason: In the interest of pollution and flood prevention.

2. That the details to be submitted pursuant to conditions 2 and 3 must be considered in consultation with Ward Members and the Parish Council.

Voting: 6 – For 3 – Against 3 – Abstentions

144. 14/500261 - ERECTION OF TWO SEMI-DETACHED BUNGALOWS AND ASSOCIATED ACCESS, CAR PARKING AND LANDSCAPING - LAND REAR OF 3 CRIPPLE STREET AND FRONTING MELROSE CLOSE, MAIDSTONE, KENT

Councillors Chittenden, Hogg, Moriarty, Paine and J. A. Wilson stated that they had been lobbied.

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

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

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

Additional Condition

The development shall not commence until a Tree Protection Plan, which shall include details of all trees to be retained on and adjacent to the site and the proposed measures of protection, undertaken in accordance with BS 5837 (2012) 'Trees in Relation to Design, Demolition and Construction - Recommendations', has been submitted to and approved in writing by the Local Planning Authority. The development will thereafter be undertaken in strict accordance with the approved details.

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

Additional Informatives

Vehicles in connection with the construction phase 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. Deliveries and other construction traffic should avoid arriving or leaving the site between 0800 and 0915 and 1430 and 1600 on school days.

As an initial operation on site, adequate precautions shall be taken during the progress of the works to guard against the deposit of mud and similar substances on the public highway. Such measures shall include washing facilities by which vehicles will have their wheels, chassis and bodywork effectively cleaned and washed free of mud and similar substances.

Voting: 6 – For 1 – Against 5 – Abstentions

145. MA/14/0475 - ERECTION OF 14 DETACHED DWELLINGS INCLUSIVE OF GARAGING/CAR BARNs AND OPEN AMENITY LAND TO THE NORTHERN BOUNDARY - LAND ADJACENT TO 103 EYHORNE STREET, HOLLINGBOURNE, KENT

The Chairman and Councillors Butler, Chittenden, Hogg and J. A. Wilson stated that they had been lobbied.

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

Mr Bedford, for objectors, Councillor Bennett of Hollingbourne Parish Council (against) and Mr Norton, for the applicant, addressed the meeting.

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

- A contribution of £2,360.96 per 'applicable' house ('applicable' meaning all dwellings, excluding 1 bed units of less than 56sqm GIA), towards the build costs of additional school accommodation to ensure provision of sufficient pupil spaces;
- A contribution of £116.71 per household towards libraries and archives to address the demand from the development;
- A contribution of £30.70 per household to address the demand from the development towards the provision of new/expanded facilities and services both through dedicated adult education centres and through outreach community learning facilities within 3 miles of the application site;
- A contribution of £8.44 per household towards youth services to address the demand from the development;
- A contribution of £15.94 per household towards adult social care to address the demand from the development;
- A contribution of £360/occupancy rate of 58 persons=£20,880 towards service provision at three doctors' surgeries within a 2.5 mile radius of the application site; and
- A contribution of £1,575 per dwelling towards improvements to Hollingbourne Recreation Ground and Cardwell Play Area,

the Head of Planning and Development be given delegated powers to grant permission subject to the conditions and informatives set out in the report, the additional condition set out in the urgent update report and the following additional condition:

No development shall take place until details of all fencing, walling and other boundary treatments, which shall include, inter alia, gaps to allow

passage of wildlife (including hedgehogs), have been submitted to the Local Planning Authority and approved in writing. The development shall be carried out in accordance with the approved details before the first occupation of the development hereby permitted and maintained thereafter.

Reason: To ensure a satisfactory appearance to the development, provide biodiversity mitigation, and safeguard the setting of the neighbouring Grade II* listed building.

Voting: 10 – For 1 – Against 1 – Abstention

Note: Councillor Garland left the meeting after consideration of this application (9.55 p.m.).

146. MA/12/0986 - OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT FOR UP TO 112 DWELLINGS WITH ASSOCIATED DEVELOPMENT, INCLUDING DEMOLITION OF EXISTING DWELLINGS/POLICE BUILDING IN WEALD CLOSE WITH ALL MATTERS RESERVED FOR FUTURE CONSIDERATION - LAND REAR OF POLICE HEADQUARTERS, SUTTON ROAD, MAIDSTONE, KENT

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

Mr Collins addressed the meeting on behalf of the applicant.

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

- The provision of 40% affordable housing;
- A contribution of £3,000 per dwelling towards highway capacity improvements at the Loose Road/Sutton Road junction (such as a roundabout or highway reconfiguration with physical traffic signal alterations and pedestrian and cycle connections to the town centre) and approaches to the Town Centre Bridge gyratory traffic signal junctions, necessary to mitigate against the severe impact of the development on congestion and highway safety at these junctions;
- A contribution of £4,000 per applicable house and £1,000 per applicable flat towards build cost, and £2,701.63 per applicable house and £675.41 per applicable flat towards land costs towards the construction of a new primary school;
- A contribution of £2,359.80 per applicable house and £589.95 per applicable flat towards the extension of a secondary school within Maidstone;

- A contribution of £1,575 per dwelling towards improvements to Mangravet Recreation Ground, Queen Elizabeth Square play area, sports facilities at Parkwood Recreation Ground or Mote Park Adventure Zone;
- A contribution of £56,440 based on an average occupancy of 2.34 persons per dwelling towards improvements at the named surgeries of Grove Park Surgery, Mote Medical Centre, Northumberland Court Surgery, Wallis Avenue Surgery, Boughton Lane Surgery, College Practice, Bearsted Medical Practice, Marsham Street Surgery and The Vine Surgery all of which are within 2 miles of the site;
- A contribution of £30.70 per dwelling towards community learning for adult learning classes or outreach adult learning in Maidstone;
- A contribution of £8.44 per dwelling towards youth services and the provision of staff and equipment for Maidstone Borough youth outreach services in the area;
- A contribution of £145.73 per dwelling to provide expansion of library services in Maidstone and additional book stock and equipment; and
- A contribution of £53.88 per dwelling towards adult social services being the provision of health linked care needs and assessment suite, the enhancement of local community facilities to ensure full DDA access to clients, a specialist changing place facility to enable clients with multiple needs to integrate and use everyday facilities and to provide assistive technology (Telecare) to enable clients to live as independently and secure as possible,

the Head of Planning and Development be given delegated powers to grant outline permission subject to the conditions and informatives set out in the report, as amended by the urgent update report, with the amendment of condition 7 and an additional informative as follows:

Condition 7 (amended)

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

Reason: In the interest of pollution and flood prevention.

Additional Informative

On site renewable energy sources should be built in to any subsequent reserved matters application(s) or application for full planning permission.

Voting: 10 – For 1 – Against 0 – Abstentions

147. MA/12/0987 - OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT FOR UP TO 90 DWELLINGS WITH ASSOCIATED DEVELOPMENT WITH ALL MATTERS RESERVED FOR FUTURE CONSIDERATION - LAND TO REAR OF KENT POLICE TRAINING SCHOOL, OFF ST SAVIOURS ROAD, MAIDSTONE, KENT

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

RESOLVED:

1. That subject to the prior completion of a S106 legal agreement in such terms as the Head of Legal Services may advise to secure the following:
 - The provision of 40% affordable housing;
 - A contribution of £3,000 per dwelling towards highway capacity improvements at the Loose Road/Sutton Road junction (such as a roundabout or highway reconfiguration with physical traffic signal alterations and pedestrian and cycle connections to the town centre) and approaches to the Town Centre Bridge gyratory traffic signal junctions, necessary to mitigate against the severe impact of the development on congestion and highway safety at these junctions;
 - A contribution of £4,000 per applicable house and £1,000 per applicable flat towards build cost, and £2,701.63 per applicable house and £675.41 per applicable flat towards land costs towards the construction of a new primary school;
 - A contribution of £2,359.80 per applicable house and £589.95 per applicable flat towards the extension of a secondary school within Maidstone;
 - A contribution of £1,575 per dwelling towards improvements to Mangravet Recreation Ground, Queen Elizabeth Square play area, sports facilities at Parkwood Recreation Ground or Mote Park Adventure Zone;
 - A contribution of £45,489 based on an average occupancy of 2.34 persons per dwelling towards improvements at the named surgeries of Mote Medical Centre, Wallis Avenue Surgery, Grove Park Surgery, Northumberland Court Surgery, Boughton Lane Surgery and the College Practice all of which are within 2 miles of the site;
 - A contribution of £30.70 per dwelling towards community learning for adult learning classes or outreach adult learning in Maidstone;

- A contribution of £8.44 per dwelling towards youth services and the provision of staff and equipment for Maidstone Borough youth outreach services in the area;
- A contribution of £145.73 per dwelling to provide expansion of library services in Maidstone and additional book stock and equipment; and
- A contribution of £53.88 per dwelling towards adult social services being the provision of health linked care needs and assessment suite, the enhancement of local community facilities to ensure full DDA access to clients, a specialist changing place facility to enable clients with multiple needs to integrate and use everyday facilities and to provide assistive technology (Telecare) to enable clients to live as independently and secure as possible,

the Head of Planning and Development be given delegated powers to grant outline permission subject to the conditions and informatives set out in the report, as amended by the urgent update report, with the amendment of condition 6 and an additional informative as follows:

Condition 6 (amended)

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

Reason: In the interest of pollution and flood prevention.

Additional Informative

On site renewable energy sources should be built in to any subsequent reserved matters application(s) or application for full planning permission.

2. That the Heritage, Landscape and Design Team be requested to consider the making of a Tree Preservation Order to protect trees along the northern edge of the site.
3. That the Parks and Open Spaces Team be requested to discuss with Ward Members the precise allocation of S106 funds for parks and open spaces as outlined in the proposed Heads of Terms of the S106 legal agreement.

Voting: 10 – For 1 – Against 0 – Abstentions

148. LONG MEETING

Prior to 10.30 p.m., following consideration of the report of the Head of Planning and Development relating to application MA/12/0987, the Committee considered whether to adjourn at 10.30 p.m. or to continue until 11.00 p.m. if necessary.

RESOLVED: That the meeting should continue until 11.00 p.m. if necessary.

149. 14/501240 - DEMOLITION OF EXISTING GARAGES TO ALLOW FOR ERECTION OF DETACHED DWELLING AND ASSOCIATED WORKS - LAND ADJACENT 1 BAKERY COTTAGES, CHATHAM ROAD, SANDLING, KENT

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

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

Voting: 11 – For 0 – Against 0 – Abstentions

150. 14/500825 - PROPOSED CAR SHOWROOM EXTENSION TO FRONT OF BUILDING AND PROPOSED 3 STOREY CAR STORAGE EXTENSION TO REAR OF BUILDING - CAVALLINO BUILDING, BOXMEND INDUSTRIAL ESTATE, BIRCHOLT ROAD, MAIDSTONE, KENT

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

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

Voting: 11 – For 0 – Against 0 – Abstentions

151. REPORT OF THE HEAD OF PLANNING AND DEVELOPMENT - APPEAL DECISIONS

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

RESOLVED: That the report be noted.

152. UPDATE ON MATTERS REFERRED TO CABINET MEMBERS

It was noted that there was nothing to report at present.

153. CHAIRMAN'S ANNOUNCEMENTS

The Chairman announced that:

- Peter Hockney, Interim Development Manager, would be leaving the employment of the Council to take up a new position elsewhere. On behalf of the Committee, he would like to thank Mr Hockney for his services over the years and to wish him every success in the future.
- He wished to reiterate that whilst it was desirable for Members and Parish Councils to provide a material planning reason when requesting that an application be referred to the Planning Committee rather than dealt with under delegated powers, it was not a requirement to do so, and Officers would be reminded.

154. DURATION OF MEETING

6.00 p.m. to 10.40 p.m.



13/1979 - Land North of Heath Road

Scale: 1:2500

Printed on: 6/1/2016 at 9:51 AM

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REPORT SUMMARY

REFERENCE NO - 13/1979		
APPLICATION PROPOSAL Outline planning application for up to 55 residential dwellings with 40% affordable housing. All matters reserved.		
ADDRESS Land North Of Heath Road (Olders Field), Coxheath, Maidstone, ME17 4TB		
RECOMMENDATION Permission granted subject to legal agreement		
SUMMARY OF REASONS FOR RECOMMENDATION <p>The site lies outside the built up extent of Coxheath village as defined in the adopted Maidstone Borough-wide Local Plan 2000 and is contrary to policies ENV28 and ENV32. However, the proposed development is considered to be in a sustainable location and would not result in significant planning harm.</p> <p>In this context, and given the current shortfall in the required five year housing land supply, the low adverse impacts of the proposal are considered to be outweighed by the benefits of the scheme. As such the development is considered to be in compliance with the National Planning Policy Framework, and this represents sufficient grounds for a departure from the adopted Local Plan.</p> <p>The application was previously reported to planning committee on 18/12/2014 and was recommended for refusal on the basis that the proposals would form an undesirable expansion of the settlement into open countryside and would erode the gap between Coxheath and East Farleigh, contrary to policies ENV28, ENV32, and H1 of the adopted Local Plan. It was resolved to defer consideration to seek 40% affordable housing with appropriate viability evidence if not achievable, further ecological surveys of the site and additional details of surface water drainage to address Environment Agency comments.</p> <p>Further information has been submitted in accordance with the earlier committee resolution. The applicant is has agreed to provide 40% affordable housing and to enter into a legal agreement to ensure that justified contributions are met. A revised Flood Risk Assessment and additional ecological information have also been submitted.</p>		
REASON FOR REFERRAL TO COMMITTEE Contrary to adopted MBWLP (2000) - (policies ENV28 and ENV32)		
WARD Coxheath And Hunton Ward	PARISH COUNCIL Coxheath	APPLICANT Mr M J Older AGENT Christopher Atkinson
DECISION DUE DATE 17/02/14	PUBLICITY EXPIRY DATE 17/02/14	OFFICER SITE VISIT DATE 15/10/14 & 4/9/15
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):		
MK/3/71/385 - Planning permission granted 1972 for petrol filling station and showroom with caretaker's flat fronting Heath Road. The development was commenced and a lawful development certificate was granted in 1999 (99/0771) which confirmed that the permission remained valid. 75/1182 - Petrol filling station, showrooms and workshops, ancillary offices and managers flat - refused - April 1976.		

79/1745 - Residential development with public playing fields and other community facilities - refused - 18/12/1979.

88/2135 - Discontinuance of scrap yard use and erection of small industrial/warehousing units refused 25/4/1989.

96/0233 - Outline application for residential development with all details reserved for subsequent approval except means of access involving new access - refused 2/5/1996.

13/1999 - Land south of Pleasant Valley Lane - Change of use to public open space - Permission granted 19/12/14

MAIN REPORT

1.0 DESCRIPTION OF SITE

1.1 The relevant background is that the application was reported to the planning committee on 18/12/14 with a recommendation for refusal, (copy of report attached, Appendix 1). The basis of the previous recommendation was that the proposals would form an undesirable expansion of the settlement into open countryside and would erode the gap between Coxheath and East Farleigh, contrary to policies ENV28, ENV32, and H1 of the adopted Local Plan.

1.2 However the committee considered that the principle of development should be supported and it was resolved to defer consideration for the following reasons to seek:

1. 40% affordable housing with appropriate viability evidence if not achievable,
2. further ecological surveys of the site,
3. additional details of surface water drainage to address the Environment Agency comments.

Further information has been submitted in accordance with the earlier committee resolution. The applicant has agreed to provide 40% affordable housing and to enter into a legal agreement to ensure that justified contributions are met. Additional ecological information and a revised Flood Risk Assessment have also been submitted.

1.3 Since the application was reported to the planning committee on 18/12/14 the site has been approved for inclusion in the Regulation 18 Consultation at Strategic Planning, Sustainability and Transportation Committee on 18/8/15 for inclusion in the Draft Maidstone Borough Local Plan as a proposed housing allocation H1(75).

1.4 The site lies on the western side of Coxheath beyond the present built-up extent of the settlement as defined in the adopted Local Plan. It adjoins the built-up areas of Adbert Drive and Fairhurst Drive to the west and Whitebeam Drive to the east. The area to the north towards Pleasant Valley Lane is coppice woodland and permission was granted in December 2014 for change of use to open space (13/1999).

- 1.5 The application site has a frontage to Heath Road (B2163) of approx. 130m and an area of 2.15 ha. The main village centre is situated within walking distance approx. 600m to the east. The site is generally flat with no major topographical features but slopes gently northwards from Heath Road to Pleasant Valley Road.
- 1.6 There is an extant permission for a petrol filling station and car showroom on the front part of the site which was granted in 1972. A Lawful Development Certificate was subsequently granted in 1999 on the basis that the development had commenced although there remains little visible evidence due to the current overgrown condition of the site.
- 1.7 To the north of the site, the area is characterised by sweet chestnut woodland. The site itself is regenerating with heathland plants such as broom with sweet chestnut and silver birch trees on the previously more open areas. In the centre of the site is an open grassed area beyond a bund feature. The established woodland adjacent to the site is not being actively managed as coppiced woodland.
- 1.8 From much of the site the dwellings at Whitebeam Drive/Lynden Road and Wakehurst Close to the east are visible forming a clearly defined western edge to the village. The majority of this boundary is defined by close-boarded fencing and the houses are on slightly higher land than much of the site. There is evidence along the eastern boundary of the dumping of household garden waste in some cases. Approximately halfway into the site to the west, the dwellings at Adbert Drive/Fairhurst Drive are visible which were built on the site of a former scrap metal yard.
- 1.9 Beyond the woodland to the north of the application site in its north east corner, is an existing playing field accessed from Lynden Road which is enclosed by palisade fencing. The area is crossed by a network of informal footpaths running north-south and east-west through the woodland. A public right of way (KM46) runs along the western boundary of the site from Heath Road towards Pleasant Valley Lane which is also a PROW (KM44), part of which is surfaced and serves a number of dwellings and grazing land.

2.0 PROPOSAL

- 2.1 The application was submitted in outline with all matters reserved for subsequent approval except means of access. An illustrative layout was submitted showing 55 dwellings served by a proposed new access from Heath Road at the mid-point of the site frontage. Two alternative means of access were initially proposed in the form of a roundabout and a conventional T-junction. The application has subsequently been amended to reserve all matters including access for subsequent approval. The application was accompanied by a detailed Transport Assessment prepared by the applicants consulting engineers.

3.0 PLANNING CONSTRAINTS

The site lies outside the built-up extent of Coxheath as defined in the adopted Local Plan (2000) and is within the countryside (policy ENV28). It is also within the Southern anti-coalescence belt (policy ENV32).

The site is within Flood Risk Zone 1

Public Rights of way – KM46 - runs along the site's western boundary northwards from the Heath Road towards Pleasant Valley Lane which is also a PROW (KM44).

4.0 POLICY AND OTHER CONSIDERATIONS

- 4.1 National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Development Plan - Maidstone Borough-wide Local Plan (2000) – outside built up extent of Coxheath. The relevant policies are:
ENV28 – resists development which harms the character and appearance of the countryside
ENV32 – resists development which extends the defined urban area to avoid coalescence between the southern villages and the Maidstone Urban Area.
T13 – Seeks to ensure appropriate parking provision.

Affordable Housing DPD 2006: Policy AH1
Open Space DPD 2006: Policy OS1

Draft Maidstone Borough Local Plan - 2014 & 2015 Reg. 18 Consultation
Draft policies SS1, SP4, DM2, DM4, and DM11, DM12, DM13, DM30, H1(75).

Draft Coxheath Neighbourhood Plan (submitted 2014): Policy H4 – identifies ‘Older’s Field’ as a potential housing site of approx 4.5 acres of land (approx 55 dwellings) for market housing for sale & rent plus approx 10.5 acres of land for public open space and allotments

5.0 LOCAL REPRESENTATIONS

There have been 18 objections to the application for the following main reasons:

1. Encroachment of village into open countryside.
2. Loss of trees and woodland habitat
3. Additional traffic congestion on overloaded road system
4. Overloaded local services
5. Loss of amenity – overlooking, loss of privacy, overshadowing.
6. Loss of play area, walks etc.
7. More suitable sites available elsewhere.

6.0 CONSULTATIONS

- 6.1 Coxheath Parish Council: (previous comments dated 4/3/14, 12/3/14 and 11/4/14 – set out in previous committee report dated 19/12/14 (Appendix 1).

Further comments dated 23/12/15:

“There are a number of points which the Parish Council wishes to make. Firstly, and perhaps most importantly, we are concerned at Maidstone Borough Council's stance over the inclusion of 40% affordable housing. Whilst we have no problem in principle with the need for affordable housing, we are unhappy at the prospect of accepting 40% when there are logical arguments for reducing the percentage to 35% or better still 25%. Coxheath has already had to endure unacceptably high levels of development over and above those anticipated in the Coxheath Neighbourhood Plan and each of the planning approvals to date has incorporated high levels of affordable housing to the detriment of community benefits. If we read the paperwork correctly, then this would add to 'the tale of woe'.

Secondly, we are very grateful for the fact that the applicant is still proposing to gift land (under planning approval MA/13/1999), as already negotiated, and to lease land to the Parish Council to the west and north of this site for a period of 25 years. Clearly, the Parish Council would wish to see a legal mechanism to enshrine these points. presumably tied to the planning permission. You may wish to note that it is our intention

to manage the gifted land as part of a wildlife corridor linking with ancient woodland to the south, as an integral part of our Neighbourhood Plan.

Thirdly, and linked to both the above issues, it is unclear what effect the inclusion of 40% affordable housing will have on other Section 106 contributions. In previous discussions and negotiations the Parish Council was under the impression that financial contributions would be made towards open green space management, health facilities, local education and transport improvements. There is now no mention of these and if we are facing a situation where they are lost because of Maidstone Borough Council's insistence upon 40% affordable housing, then we would not be very happy. Perhaps someone could clarify this situation for us.

Fourthly, and perhaps for discussion at a later date, we fail to understand why Maidstone Borough Council appears not to be in favour of a small roundabout at the entrance to the site. This would be helpful on a number of counts and we would not wish to rule it out when the detailed application is brought forward."

6.2 KCC Highways – No objection subject to the following conditions:

1. The access to the site be provided in accordance with the submitted drawing number 615478_(SK02 Rev B) with modifications where required to incorporate the safety audit comments.
2. The existing 30mph speed limit along Heath Road to be extended to the west past the new site access.
3. A new footway to be provided along Heath Road to link the existing footway from the village centre with the site access and to extend to the new speed limit terminal signs along the northern side of Heath Road in order to emphasise the change from rural to residential environment. A link should also be provided with the existing public footpath on the northern side of Heath Road to the west of the site access. (additional improvements may be required to the public footpaths subject to consultation with our Public Rights of Way team).
4. Improvements to the existing bus stops on Heath Road and Dean Street by providing bus boarders at the stops and also a shelter at the westbound bus stop on Heath Road and the northbound bus stop on Dean Street.

All the above named highway works are required under a Section 278 Agreement and the design should encompass any necessary modifications required resulting from the implementation of the KCC highway improvements scheme along Heath Road in Coxheath which is due to be implemented during 2014.

5. Parking provision within the site to be in accordance with IGN3 for village locations.
6. Completion and maintenance of the access shown on the submitted plans prior to the use of the site commencing.
7. The proposed roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, driveway gradients, car parking and street furniture to be laid out and constructed in accordance with details to be submitted to and approved by the Local Planning Authority.

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.

6.3 KCC - Infrastructure contributions

Review of original comments dated 25/8/15 –

“Following the review, the KCC requirements for this development are now:

- **Primary Education** @ £2360.96 per applicable house and £590.24 per applicable flat (applicable excludes 1 bed units of less than 56sqm GIA and sheltered accommodation - towards the enhancement of Coxheath Primary School.
- **Secondary education** @ £2359.80 per applicable house and £589.95 per applicable flat - towards the Cornwallis second phase of expansion
- **Library bookstock:** there is an assessed shortfall in provision: bookstock for Coxheath Library at 831 per 1000 population is below the County average of 1134 and both the England and total UK figures of 1399 and 1492 respectively. Additional Library bookstock is required to meet the additional demands of this development costed at £2640.87 (see attached) - project: additional bookstock to mitigate the impact of the new borrowers from this development supplied to Coxheath Library
- **Youth equipment** £466.69 - required for the new residents of this development supplied to Youth Workers and organisations covering Coxheath
- **Community learning** £1688.32 – project: St Faiths Adult Education Centre
- **Social Care** £3495.80 – project: Changing Places Facility in central Maidstone.

As set out in the original request letter, KCC would request: a Condition be included for the provision of Superfast Fibre Optic Broadband, namely:

“Before development commences details shall be submitted (or as part of reserved matters) for the installation of fixed telecommunication infrastructure and High Speed Fibre Optic (minimal internal speed of 100mb) connections to multi point destinations and all buildings including residential, commercial and community. This shall provide sufficient capacity, including duct sizing to cater for all future phases of the development with sufficient flexibility to meet the needs of existing and future residents. The infrastructure shall be laid out in accordance with the approved details and at the same time as other services during the construction process.

INFORMATIVE – The BT GPON system is currently being rolled out in Kent by BDUK. This is a laid fibre optical network offering a single optical fibre to multi-point destinations i.e. fibre direct to premises.”

6.4 KCC Ecology –

No objection subject to conditions to secure ecological enhancement and to mitigate the impact of the proposals on biodiversity.

‘The *Extended Phase 1 Habitat & Protected Species Assessment* and the *Protected Species and Mitigation Report* have been submitted in support of this application. We are satisfied that the surveys have been undertaken to an adequate standard. The proposed development has potential to impact on a range of protected species which will need to be adequately mitigated to ensure that Maidstone BC has had adequate regard to the potential harm in taking the decision and that the potential for offences against protected species has been minimised.

The bat surveys did not identify any potential roosts on the site and the level of foraging and commuting bats indicate that the site habitats are of low quality for bats. Two mature trees with potential for roosting bats are outside of the red-line boundary for this application and even though no bats were recorded roosting within these trees, we advise that these should be retained for their potential value.

The areas of the site with the most bat activity were along the road to the south of the site adjacent to the ancient woodland and along the edge of the chestnut coppice to the north of the site. We query whether the proposed creation of the new roundabout will lead to increased levels of lighting along the road adjacent to the ancient woodland and if so advise that further information is sought as to what the likely impact of this will be on bat use of the woodland edge for roosting, foraging and commuting. While we acknowledge that recommendations for bat sensitive lighting have been provided within the ecological report, Maidstone BC needs to understand that these measures are feasible and can be implemented effectively to minimise impacts where they have been identified.

Slow worms and viviparous lizards have been confirmed as being present on the site and broad mitigation proposals are provided. It is proposed to relocate reptiles from the proposed development site to a receptor site on land within the applicants control to the north of the site.

The survey report states that reptiles were recorded "*throughout the survey area*". We advise that confirmation is sought regarding the extent (i.e. hectares) of habitat loss and that proposed for creation to ensure that there is sufficient habitat retained to compensate for that loss, in terms of area and/or quality of habitat.

This area of the site was assessed as being well used by walkers with potential for disturbance and we advise that confirmation is sought to ascertain how the use of this part of the site for recreational activities will be managed to ensure that the welfare of the translocated animals can be ensured and that an adequate amount of good quality habitat will be available for reptiles.

As the proposed area for the reptile receptor site is outside of the red-line boundary for the application it will not be possible to secure the use of this area by planning condition. A planning obligation will be necessary to ensure that the receptor site is retained and managed appropriately for reptiles.

Once satisfied on the appropriateness of the proposed receptor site, we advise that the broad mitigation proposals are acceptable. Maidstone BC will need to be satisfied that the receptor site can be secured from future potential development and the submission for approval and implementation of a detailed mitigation strategy will need to be secured by planning condition, if permission is granted.

An active badger sett was identified on the site and mitigation will be required to ensure that no badgers are harmed. A licence will also be required to allow the sett to be closed. Little information is provided regarding the use of the site by foraging badgers and no other setts have been identified nearby. We advise that further information is sought to provide more context to the use of the on-site sett. There is also potential for additional setts to be created on the site and monitoring for this should be ongoing.

Notwithstanding our advice that some additional information is sought, should planning permission be granted we advise that planning conditions will be necessary to secure detailed ecological mitigation strategies, sensitive lighting, ecological enhancement

measures and ensure that Maidstone BC has had adequate regard to the potential ecological impacts.'

Further information has submitted by the applicant in response to the above comments and the following additional advice has been received from KCC Ecology:

Comments in response to additional information dated 31/3/15 -

The Letter states that Heath Road is "already heavily illuminated by multiple high street lights". This is not our evaluation of the road alongside the proposed site frontage; the street lighting begins with the Coxheath 30mph zone, approximately half way along the southern boundary of the site.

While we are not lighting engineers we consider it likely that, as suggested in the Letter, a modern road lighting column will have less of an impact than an older style one, though we have no evidence with which we can agree that old-design street lights are "much higher than current highways standards". We also have no information regarding how many additional lighting columns will be required for the proposed new roundabout, extension of the 30mph zone and entrance to the site; due to this uncertainty we are not able to agree with the conclusion that "the proposals should not bring any significant increase to the local lighting levels".

We consider there to be some potential for increased lighting as a result of the proposed development to result in impacts to bats. If Maidstone BC is minded to grant planning permission, we advise that there will be a need to consider the potential impact of increased lighting levels alongside the mitigation hierarchy: the need for lighting appears adequately demonstrated for highway safety reasons so cannot be avoided in this part of the site; minimising the impacts is demonstrated in the Letter through the use of modern design lighting columns; compensation can be sought in the creation and enhancement of dark corridors and foraging habitat within and around the development site itself.

These details could be secured by condition, if planning permission is granted. Further information regarding the reptile receptor site has been provided, including the stated intention to lease the land to Coxheath Parish Council as public open space; the Letter concludes that the management of this area for public access and wildlife will "ensure the long-term viability of the reptile population is protected". We are able to accept this in principle but advise that Maidstone BC will need to secure an appropriate habitat management plan for this area, in addition to a detailed mitigation strategy for reptiles. Given that this area is outside of the red-line boundary Maidstone BC will need to consider how best to ensure that the habitat management plan is secured, including a demonstration of adequate funding to enable Coxheath Parish Council to implement the management for the creation and maintenance of reptile habitat.

As previously advised, planning conditions and/or obligations will be necessary to secure the receptor site, detailed ecological mitigation strategies, sensitive lighting and on-site ecological enhancement measures.

The following conditions are recommended to safeguard biodiversity:

1. Before development commences, a Habitat Management Plan shall be submitted to and approved in writing by the local planning authority. The Habitat Management Plan shall include details of the creation, maintenance and management of the reptile receptor site on land to the north of the application site. The Habitat Management Plan shall also include details of the legal and funding

mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body responsible for its delivery. The Management Plan shall be implemented in accordance with the approved details.

Reason: In the interests of biodiversity

2. Before development commences, an Ecological Mitigation Strategy shall be submitted to and approved in writing by the local planning authority. The Protected Species and Mitigation Report, Habitat Survey and Protected Species Assessment and shall include:

1. details of the reptile receptor site;
2. method statements that ensure ecological impacts will be avoided, mitigated and/or compensated for;
3. details of the on-site ecological enhancement measures

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

Reason: In the interests of biodiversity

The alternative to a condition would be for the management plan to be attached to the S106 that provides funding for the long-term management though I would expect the habitat creation to be carried out by the ecological consultants that do the mitigation”.

6.5 **MBC Housing:** No objections.

The Housing Officer initially raised objections on the basis that no provision was made for any affordable housing contrary to the Council’s adopted policy AH1. However the applicant has subsequently agreed to provide 40% affordable housing in full compliance with Policy AH1 of the DPD.

“This site was first identified over 5 years ago as a potential site for a local needs housing development. The need for such development was initially highlighted following an affordable housing needs survey undertaken at the time in connection with the local parish Council. I understand that the landowner of the site was keen for private housing to be included in the original development which meant that the suggested local needs housing could not progress on this site.

“There needs in my view to be further discussion and agreement on an appropriate private and affordable mix to base the appraisal on, with consideration given to how changes of unit types/sizes can improve things from a financial and viability perspective, if it helps to increase affordable provision. For information, the affordable mix adopted for this appraisal is acceptable, but Housing are happy to be flexible on considering an alternative mix if it helps with viability.”

Further comments dated 23-12-15:

“I can confirm that we have no objections to the amended application if they are providing 40% affordable housing in compliance with Policy AH1.

The viability study has used the following unit sizes and tenure:

Size	Total Units	Rental	Shared Ownership
1 Bedroom	13	8	5
2 Bedroom	6	4	2

3 Bedroom	1	1	0
4 Bedroom	2	1	1
Total	22	14	8

The 33 private units are made up of 26, 3 bed units and 7, 4 bed units.

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	8	4	4
3 Bedroom	6	3	3
4 Bedroom	1	1	0
Total	22	13	9

Therefore we would ideally be looking at increasing the 3 bed affordable provision and decreasing the 1 bed affordable provision, compared to what was stated in the viability assessment of February 2015. However, as this is an outline application and no full details have yet been submitted, we are unsure of how the units will be located on a site plan at this stage and are also unsure if the numbers for the whole site used in the viability assessment will be the same as when the developer submits fuller details. It should be noted that in the viability appraisal there was a 4 bed shared ownership unit. We would not be looking any of this size unit for shared ownership provision as there is no proven local need for this.

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.”

6.6 **UK Power Networks:** No objections

6.7 **Environment Agency:**

The EA Initially objected to the application on the grounds that flood risk had not been satisfactorily addressed. The EA advised that to overcome the objection an FRA must be submitted that addresses the deficiencies and demonstrates that the development will not increase risk elsewhere and where possible reduces flood risk overall.

A revised FRA was submitted in July 2015 in accordance with the previous planning committee resolution in December 2014. The EA advised on 27/7/15:

“We have no objection to the proposed scheme subject to the following condition being applied to the planning permission.

Condition: No development shall commence until a sustainable surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water runoff generated up to and including the 100 year critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event and should not increase the risk of flooding both on or off the site.

The scheme shall be fully implemented and subsequently maintained, in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority. Reason: To prevent flooding by ensuring the satisfactory storage of and disposal of surface water from the site.”

Further comments dated 29/12/15:

“Thank you for consulting us on the above revised FRA. We note the site lies in flood zone 1. We recommend you consult Kent County Council on the discharge of the drainage conditions as they are the Lead Local Flood Authority.

Bylaw Margin

If surface water is discharged to the River Medway, and a discharge outfall is proposed to be installed, the applicant should be made aware that under the terms of the Water Resources Act 1991 and associated bylaws, the prior written consent of the Agency is required for any works in, over, under or adjacent to “main river”. This is termed **Flood Defence Consent**. The bylaw margin for non-tidal “main river” is eight metres from the top of the bank or landward toe of flood defence embankment or wall.

Details of the application procedure and requirements for any proposed works within eight metres from the top of river bank can be obtained from:

PSO.WestKent@environment-agency.gov.uk

Additional information and informatives

Fuel, Oil and Chemical Storage

Any facilities for the storage of oils, fuels or chemicals shall be provided with secondary containment that is impermeable to both the oil, fuel or chemical and water, for example a bund, details of which shall be submitted to the local planning authority for approval. The minimum volume of the secondary containment should be at least equivalent to the capacity of the tank plus 10%. If there is more than one tank in the secondary containment the capacity of the containment should be at least the capacity of the largest tank plus 10% or 25% of the total tank capacity, whichever is greatest. All fill points, vents, gauges and sight gauge must be located within the secondary containment.

The secondary containment shall have no opening used to drain the system. Associated above ground pipework should be protected from accidental damage. Below ground pipework should have no mechanical joints, except at inspection hatches and either leak detection equipment installed or regular leak checks. All fill points and tank vent pipe outlets should be detailed to discharge downwards into the bund.

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”.

Waste

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

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

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

6.8 NHS Property Services:

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

- Stockett Lane surgery
- Orchard surgery at Coxheath

All of the above surgeries are within a 0.5 mile radius of the development at Heath Road, Coxheath. This contribution will be directly related to supporting the improvements within primary care by way of extension, refurbishment and/or upgrade in order to provide the required capacity.

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

Predicted Occupancy rates

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

For this particular application the contribution has been calculated as such:
 $55 \text{ units} \times 2.34 \text{ person per unit} = 128.7 \text{ assumed occupancy}$
 $128.7 @ £360 \text{ per person} = £46,332$

NHS Property Services Ltd therefore seeks a contribution of £46,332.†

6.9 KCC PROW Officer:

'The proposed development site is bordered to the west by Public Right of Way KM46 and to the north by Public Right of Way KM44. The location of these footpaths is indicated on the attached map extract. The existence of the right of way is a material consideration.

As a general comment, KCC's Public Rights of Way and Access Service are keen to ensure that their interests are highlighted within the local districts policy frameworks. The team is committed to working with the Borough Council to achieve the aims contained within the Countryside and Coastal Access Improvement Plan and Bold Steps for Kent. These relate to quality of life, supporting the rural economy, tackling disadvantage and safety issues and providing sustainable transport choices.

Firstly I note that this development has a direct effect on Public Right of Way KM46. As the land adjacent to the path is due to be developed, the character and usage of the path will change from a rural to an urban environment. The development will have a direct effect on increasing the usage of the footpath by pedestrians. I would suggest that the applicant would need to fund a new tarmacked surface here with a minimum width of 2.5 metres to make this path fit for the increased usage. It would also be a good opportunity to rationalise any furniture on the path such as gates, as these were originally authorised for rural land usage. The funding of more appropriate urban furniture may be necessary to prevent illegal vehicular use. The exact surface specification and furniture plan will need to be agreed with the PROW and Access service by the applicant.

Consideration should also be given at this point to upgrading the route of KM46 to a shared footway/cycle route. If the path was to become a cycle route then any surface specification, widths and legal status for this would need to be agreed with the Kent Highways Officer.

Secondly the potential for increased pedestrian usage of KM44 needs to be considered also as a major access route to the development. Currently this footpath runs along an access road with residents presumably having private vehicular access rights along here. Consideration should be given to increasing safety to pedestrians and cyclists using this route. This would include repairing potholes and perhaps delineating vehicles from walkers. Again consideration for improving cycle access along here would also be appropriate in discussion with the Kent Highways Officer.

Funding for these proposed surface and furniture improvements and any status upgrade for PROWs KM46 and KM44 should be agreed through Section 106 agreements.

Comments are made in reference to the following planning policy;

- National Policy Framework Section 75, states that planning policies should look to protect and enhance public rights of way and access.
- NPF 35, Plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people. Therefore, developments should be located and designed where practical to
 - give priority to pedestrian and cycle movements, and have access to high quality public transport facilities;
 - create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians, avoiding street clutter and where appropriate establishing home zones

Please also make sure that the applicant is 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.'

- 6.10 **Southern Gas Networks:** Have provided a plan showing a low-medium pressure gas-main connecting Adbert Drive running north from Heath Road along the west side

of the coppice woodland to the west of the current site.

6.11 **Natural England:**

The development will not impact on any statutory Nature Conservation Sites and have advised that in terms of protected species reference should be made to their standing advice.

MBC Landscape Officer (30/11/15):

“The part of the site where dwellings are proposed in this application is predominantly natural regeneration, succeeding to woodland. An area in the southwest corner has been cleared in the past and is dominated by bramble, with no trees of any significance present. I have visited the site and carried out a walkover survey, looking at the larger trees present where I could access them.

My general impression is that although visually this presents as woodland from Heath Road, it does not contain trees of particularly good individual quality. The age structure of the ‘woodland’ is semi-mature trees including Oak, Ash, Mountain Ash, Goat Willow, Silver Birch, Sweet Chestnut, Holly, Apple, Cherry, Hazel and Field Maple with an understorey consisting of young volunteers of these species, and bramble.

No evidence of any woodland management was noted. There is much evidence of previous activity with dumping of soil, rubble and other flytipping having historically taken place, including evidence of garden waste having being tipped quite recently, with some alien species having escaped into the woodland as a result. It is clearly used for recreation, with many informal paths through it in addition to the public footpath on the western edge.

I do not consider that the woodland is likely to have any historical value, it is clearly not of any forestry/timber value and has few trees of any individual merit. Unsurprisingly, it has not been identified as Ancient Woodland in the current inventory. As a group, the trees’ contribution to visual amenity is increased, simply due to their visual presence as a semi natural block adjacent to an area of housing, acting as a screen and foil to built form. The woodland may provide a contribution to local biodiversity and may have some ecological interest, but I defer to the views of the Council’s ecologist on these issues.

We have received requests to consider the woodland for protection by a Tree Preservation Order. At this time, it is not considered expedient to assess the woodland for protection. As the subject of a current application, with no evidence of pre-emptive felling having taken place, the threat of this taking place is considered low. The assessment for potential TPO protection may be reconsidered following decision on the planning application, but for the reasons set out above, I consider it unlikely that it will be of sufficient quality to merit protection, particularly as surrounding tree cover is high, with better quality woodland present to the north and south, including Ancient Woodland to the southwest.”

MBC Parks and Leisure (open space):

“Having looked at the amount of open space being provided for the Parish Council as part of the development and the apparent agreement from the Parish to take on this open space then I would be inclined to say that what is provided is sufficient and as such no extra off-site financial contributions would be required.”

7.0 BACKGROUND PAPERS AND PLANS

- 7.1 An indicative layout has been submitted (1208/2) showing 55 houses and an area of open space to the north between Fairhurst Drive and Whitebeam Drive.
- 7.2 The application includes the following documents:
Transport Statement,
Flood Risk Assessment,
Protected Species and Mitigation Report,
Habitat Survey and protected Species Assessment,
Preliminary Arboricultural Report,
Draft S106 Agreement.
- 7.3 The agent has provided the following supporting information:

“You will recall that this application was reported to Planning Committee at its meeting on 18th December last but was deferred to:

- (1) Seek additional details of surface water drainage (to address Environment Agency comments);
- (2) Seek 40% affordable housing with appropriate viability evidence to demonstrate if this is not achievable; and
- (3) Seek further ecological surveys of the site.

With regard to items (1) and (3), the Environment Agency has raised no objection in principle following submission of a revised FRA recommending the use of deep bore soakaway drainage and the KCC Ecologist has raised no objection following clarification of a number of points.

The use of deep bore soakaways has a significant effect on site development costs and this, coupled with the revised contributions request recently received from KCC means that viability is no longer an issue for my client.

Accordingly, I confirm that my client is willing to proceed on the basis of the provision of 40% affordable housing and the payment of financial contributions sought by KCC and others.

Furthermore the site has recently been identified as an additional housing allocation for inclusion within the forthcoming Regulation 18 consultation. In the light of this, and the fact that the matters raised by the Committee when it previously considered this application have been resolved satisfactorily, I shall be grateful if this application can be reported to the next available meeting of the Planning Committee.”

8.0 APPRAISAL

Principle of Development

- 8.1 The site has an extensive planning history since the early 1970s as summarised above. There have been a number of applications for residential development on the site since the 1970s all of which have been refused.
- 8.2 There is an extant permission on the site for a petrol filling station which dates from 1972 (MK/3/71/385). The applicant has cited this as a fallback position for consideration in the determination of the current application, although over 40 years

since the permission was granted it is claimed that this form of development would now be inappropriate in this location. Evidence of the work undertaken at the time to commence the development resulted in the grant of a certificate of lawfulness in 1999 (99/0771). The limited extent of the works which have been carried out is now concealed by the extensive natural regeneration which has taken place on the site. Furthermore, given the passage of time where no attempt has been made to implement the extant permission, it is questioned whether significant weight can be given to the fall-back position as a material consideration.

- 8.3 It is considered that the probability of the fall back development in this case being resumed is highly unlikely and that as a consequence only limited weight should be given to the 1971 permission. Nevertheless it has previously been accepted that there is an extant permission for commercial development on the site resulting in the grant of a certificate of lawfulness which remains a material consideration in an assessment of the development potential of the site.
- 8.4 The suitability of the site for housing was considered at the Local Plan Inquiry in 1998 when the Inspector concluded that housing would materially harm the character and appearance of the area. Although the site is not covered by any landscape designation he considered that housing would be an urban intrusion into the rural setting of the village. He also concluded that the shortage of housing land did not justify release of the land at that time. The previous Local Plan Inspector concluded that the harm resulting from the proposed development of the site was of sufficient weight not to allocate the site for housing.
- 8.5 Since the previous Local Plan inquiry in 1998 circumstances have materially changed following the introduction of the NPPF and in particular the need to meet in full an Objectively Assessed Housing Need (OAN) as well as emphasis on a deliverable 5year supply of housing land. In 2014 the Council had only a 2.2 year supply of housing land increasing to 3.3 years in April 2015. Although the evidence suggests that the housing land supply situation is improving there remains a shortfall which must be addressed.
- 8.6 In this context the advice in the NPPF (para. 49) carries significant weight :
- “Relevant policies for the supply of housing should not be considered up to date if the LPA cannot demonstrate a five year supply of deliverable housing sites”*
- 8.7 Due to the current lack of a 5 year supply the existing Local Plan which was adopted in 2000 may therefore be considered to be out of date and this has provided a significant impetus to the need to prepare a new Draft Local Plan that is NPPF compliant with a view to being adopted in 2017. The identification of additional sites for new housing to provide a 5 year supply and meet the OAN has therefore been one of the main objectives in the preparation of the Draft Local Plan.
- 8.8 When the current application was previously considered by the planning committee on 18/12/14 the principle of residential development was generally considered to be acceptable and it was resolved to defer consideration for the 3 main reasons outlined above. The site had not previously been identified as a possible housing allocation in the Draft Local Plan and in the light of the committee resolution it was decided to review its status, culminating in a report to SPST Committee on 18/8/15.
- 8.9 The Committee considered a number of potential housing sites, (including Olders Field), in the context of a challenging objectively assessed housing need and resolved that the draft policy for Land North of Heath Road (Older’s Field), Coxheath should be

approved for Regulation 18 public consultation. Draft policy H1(75) identifies the site as having a capacity of 55 dwellings with 2.34ha strategic open space.

- 8.10 The site lies outside the built-up extent of Coxheath village as defined in the adopted Local Plan and the proposal is contrary to policy ENV28 of the Maidstone Borough-wide Local Plan 2000. However the site is considered to be in a sustainable location, immediately adjoining the western extent of the built-up extent of Coxheath with good access to the local shops and services in the village centre.
- 8.11 The visual impact of the proposed development of the site was considered at the Local Plan examination in 1998. However, circumstances have materially changed in that the current shortfall in the required five-year housing supply has significant weight and the housing policies in the adopted Local Plan are therefore out of date.
- 8.12 When the matter was considered at SPST Committee in August 2015 the report set out the reasons for the recommendation. Policy H1(75) in the Regulation 18 Consultation Draft – Land North of Heath Road (Olders Field) Coxheath - was approved for public consultation. A copy of the draft policy is attached (Appendix 2). The Policy sets out the criteria for development, including design and layout, landscape/ecology, flood risk and drainage, community facilities, open space and highways.
- 8.13 However it should be emphasised that the Draft Policy is only at Regulation 18 stage in the Local Plan process and has not yet been subject to examination. It should therefore be given only limited weight in the determination of this application.
- 8.14 The application site has also been identified in the emerging Coxheath Neighbourhood Plan as a proposed housing allocation. However, as with the Draft Local Plan, the Neighbourhood Plan has not been subject to public examination and can therefore only be given limited weight.

Visual Impact

- 8.15 From much of the application site, the nearby residential development at Whitebeam Drive/Lynden Road to the west and Wakehurst Close to the east is visible. The western extent of the village is defined by the boundaries of the rear gardens in Whitebeam Drive which is on slightly higher land than much of the application site. At the rear of the site, to the west, the isolated residential enclave at Adbert Drive/Fairhurst Drive is visible. These houses were built on the site of a former scrap metal yard where the main justification in granting permission was to remove an unsightly but lawful commercial use in the countryside.
- 8.16 It is acknowledged that a proposed development of this scale will have some visual impact on the surrounding area particularly when viewed from Heath Road. The extension of the village on its western side and development of this currently open land will extend the built-up area into the surrounding open area. The open land to the north of the site will continue to make a contribution to preventing coalescence between Dean Street and Coxheath. Any form of road junction and access into the site from Heath Road will open up the site frontage. Access is a reserved matter but illustrative details have been submitted showing a T-junction centrally located on the frontage to Heath Road.
- 8.17 Balanced against the visual impact of the proposed development on the character and appearance of the area, the main justification for the proposed development is the continuing need to provide additional land for housing to meet the shortfall in the 5 year supply of housing land. In addition, the proposed density is relatively low – up to 55

dwellings on 2.25ha. (24 dwellings per hectare) with approx. 2.24ha. of open space, although the applicant owns approx. 7 ha, of land between Heath Road and Pleasant Valley Lane. The scale and density of the proposed development is considered to be an appropriate for a location on the edge of the village and reflects the density of the existing development on either side. The area of woodland to the west and the open land to the north of the site will be maintained as open space to provide a buffer including a receptor site for reptiles between the proposed development and the surrounding area.

- 8.18 Permission has been granted on land to the north of the application site and south of Pleasant Valley Lane for change of use to public open space (13/1999). This will assist in retaining a buffer between Fairhurst Drive and the western built-up confines of the village. Extensive landscaping will be required between the proposed dwellings and the frontage to Heath Road. It will therefore be essential to seek a comprehensive landscaping scheme on the site to assimilate the development into the surrounding landscape and safeguard the character and appearance of the area, particularly along the southern boundary to Heath Road and along the eastern boundary to Wakehurst Close.
- 8.19 It is acknowledged that when the application was previously reported to committee there were concerns relating to expansion beyond the defined settlement boundary, consolidation of the gap between the settlements of Coxheath and Dean Street and the impact on the visual amenities of the area. However, having reviewed the relevant considerations, it is now considered that the benefits of the proposed development and in particular the need to provide additional housing in sustainable locations outweigh any planning harm which may result.

Impact on Residential Amenity

- 8.20 The proposed development is unlikely to have a significant impact on the amenities of adjoining occupiers in Whitebeam Drive to the east and Fairhurst Drive to the west of the site. There is an isolated detached dwelling to the west with a frontage to Heath Road, which is separated from the site by orchard land. Landscaping is a reserved matter and appropriate levels of privacy could be secured by condition through details to be submitted at a later stage. Similarly, appropriate levels of amenity within the site would also be secured through details submitted at reserved matters stage. No objections are therefore raised to the development on the grounds of impact on residential amenity subject to satisfactory details of siting, design and landscaping.

Highways

- 8.21 KCC Highways raise no objections to the proposed development. The application was supported by a transport assessment, which was taken into account in reaching this conclusion. It is recommended that the 30mph limit on the B2163 Heath Road is moved westwards beyond the site boundary and that a footway is provided from the point where the existing footway on the north side of Heath Road ceases to the point where the new 30mph limit would start.
- 8.22 As with other development sites in Coxheath, the highway authority has requested a contributions towards funding improvements to Linton Crossroads (junction of the B2163 and A229). This is on the basis that further development in Coxheath will result in the junction being at over-capacity to the extent that mitigation works will be required. A contribution of £1500/dwelling is therefore requested.

- 8.23 Access is reserved for subsequent approval but an indicative layout has been submitted showing a proposed T-junction to serve the new development from Heath Road. The Highway Authority has confirmed that there are no highway objections to a proposed access at this location.

Landscaping and ecology

- 8.24 The vegetation on the site has undergone significant regeneration over the past 30-40 years and has been re-colonised by a number of heathland plants and trees including broom, sweet chestnut and silver birch. Clearance of some existing vegetation would impact on the openness of the surrounding area and also result in reduced connectivity with the woodland areas further west and to the south of Heath Road, some of which is designated as ancient woodland in the 2012 inventory and as a Local Wildlife Site. However the existing tree cover is not considered to be of sufficient quality to justify protection by TPOs or designated ancient woodland.
- 8.25 It is estimated that the proposals would result in the loss of approx.1.2ha. of reptile habitat with 0.65ha retained immediately to the north of the application site and enhanced to provide a reptile receptor site on land within the applicants ownership and control. The applicants indicate that this area would be fenced off and information boards erected to explain its sensitivity.
- 8.26 KCC Ecology initially advised that insufficient information had been submitted to demonstrate that the receptor site is adequate and free from possible public incursion. This is particularly pertinent since the site has been regularly accessed by members of the public over a number of years. The proposed receptor site on land to the north of the application site is proposed to be managed by the Parish Council in such a way as to enhance its ecological value.
- 8.27 The potential impact of additional lighting along Heath Road on the protection of bats and in particular in relation to the proposed road junction will be controlled by an appropriate condition.
- 8.28 With regard to the existing trees on the site the Landscape Officer has assessed their quality but considers that few trees are of individual merit. The trees have not been identified as Ancient Woodland in the current inventory. However as a group, it is acknowledged that the trees make a contribution to visual amenity due to their visual presence when viewed from Heath Road and as a semi-natural block adjacent to an area of housing, acting as a barrier and foil to the built form on the western side of the village.
- 8.29 The existing woodland has been considered for protection by a Tree Preservation Order but at present it is not considered expedient to assess the woodland for protection. As the subject of a current application, with no evidence of pre-emptive felling having taken place, the threat to the trees is considered to be low. However the assessment for potential TPO protection may be reconsidered following a decision on the planning application, but for the reasons set out above, it is concluded that the existing tree cover is not of sufficient quality to merit protection, particularly as the surrounding woodland is of higher quality, to the north and south of the site including Ancient Woodland to the southwest.

Flood Risk Assessment

- 8.30 A revised Flood Risk Assessment been submitted to which the Environment Agency have raised no objection and they are now satisfied that the development would not

result in increased flood risk. The revised FRA concludes that based on the soakaway tests, the infiltration rates in the upper 1m of the ground surface do not vary greatly across the site due to the consistency of the nature of the soil across the site. The other soils found in the area also have a high content of clays and silts which will also slow the infiltration rate. The permeability of the underlying sandstone is also evidently very low and it is expected that this is because any fissures or discontinuities are clay filled. A condition requiring implementation of a sustainable surface water drainage scheme is recommended. The EA has recommended that Kent County Council should be consulted on the discharge of the drainage conditions as Lead Local Flood Authority.

Affordable Housing

- 8.31 The Council's Housing section initially objected to the proposals on the grounds that no affordable housing was proposed. This was later revised to 15% affordable housing which did not comply with adopted policy AH1. Although a viability appraisal was prepared in support of a lower proportion of affordable housing the applicant subsequently agreed to increase the affordable housing provision to 40% which fully complies with development plan policy AH1. Similar levels of affordable housing have been secured on other sites in Coxheath in accordance with the adopted DPD policy.

9.0 INFRASTRUCTURE

- 9.1 A development of this scale will place extra demand on local services and facilities and it is important to ensure that the development can be assimilated within the local community. Appropriate contributions to make the development acceptable in planning terms may be sought in line with policy CF1 of the Local Plan and the Council's Affordable Housing and Open Space DPDs.
- 9.2 Policy ID1 of the emerging Draft Local Plan relates to infrastructure delivery and its preamble sets out the Council's moves towards developing its Community Infrastructure Levy (CIL). Where there are competing demands for developers' contributions towards the delivery of infrastructure for new development proposals, the Council will prioritise these demands as follows – affordable housing, transport, open space, public realm, education, social services, utilities, libraries and emergency services.
- 9.3 Any request for contributions needs to be scrutinised in accordance with Regulations 122 and 123 of the Community Infrastructure Levy (CIL) Regulations 2010. This has strict criteria that any obligation must meet the following requirements:
(a) Necessary to make the development acceptable in planning terms;
(b) Directly related to the development; and
(c) Fairly and reasonably related in scale and kind to the development
- 9.4 The applicant has agreed to provide 40% affordable housing in full compliance with adopted Policy AH1. In addition, contribution requests have been received from Kent County Council for primary education, community learning, youth, social services, libraries and also a highways contribution, NHS Property Services for expansion/improvements to the Stockett Lane and Orchard surgeries in Coxheath.
- 9.5 The KCC request for infrastructure contributions has been reviewed as follows:

- **Primary Education** @ £2360.96 per applicable house and £590.24 per applicable flat (applicable excludes 1 bed units of less than 56sqm GIA and sheltered accommodation - towards the enhancement of Coxheath Primary School.
- **Secondary education** @ £2359.80 per applicable house and £589.95 per applicable flat - towards the Cornwallis second phase of expansion
- **Libraries:** there is an assessed shortfall in provision: bookstock for Coxheath Library at 831 per 1000 population is below the County average of 1134 and both the England and total UK figures of 1399 and 1492 respectively. Additional Library bookstock is required to meet the additional demands of this development costed at £2640.87 (see attached) - project: additional bookstock to mitigate the impact of the new borrowers from this development supplied to Coxheath Library
- **Youth equipment** £466.69 - required for the new residents of this development supplied to Youth Workers and organisations covering Coxheath
- **Community learning** £1688.32 – project: St Faiths Adult Education Centre
- **Social Care** £3495.80 – project: Changing Places Facility in central Maidstone.

- 9.6 KCC Highways has requested a contribution of £1500/dwelling towards improvements at the Linton Crossroads junction of the B2163 Heath Road and the A229 Linton Road. This is considered to be justified due to the cumulative impact that development in Coxheath will have on the junction rendering it beyond designed capacity to the point where mitigation is necessary. The proposed contribution requested would apportion the mitigation fairly across the development sites.
- 9.7 NHS Property Services have requested a contribution of £46,332 towards expansion and improved service provision at the Stockett Lane and Orchard Surgeries in Coxheath. The request meets the relevant tests and will mitigate the additional impact on service provision likely to be generated by the development.
- 9.8 With regard to open space the Parks and Leisure Officer has advised that having regard to the existing and proposed open space to the north and west of the application site (amounting to more than 4ha) and the Parish Council's intention to manage this open space then he considers what is provided is sufficient and as such no additional off-site financial contributions would be required. However, part of the land to the north of the site is to be safeguarded for ecological enhancements as a reptile receptor site and in the event of the recent permission for open space to the south of Pleasant Valley Lane (13/1999) not being implemented it is considered that there should be a safeguard written into the legal agreement for a financial contribution towards existing public open space for additional off-site open space provision.

10.0 CONCLUSION

- 10.1 Following consideration of the application at the planning committee on 18/12/14 when Members supported the principle of residential development on the site additional information has been submitted to address the reasons for deferral. The initial recommendation that permission should be refused has been reviewed in the context of the continued shortfall in the 5 year supply of housing land and the need to identify additional sustainable potential sites for housing.
- 10.2 The application site adjoins the presently defined extent of the built-up area in the adopted local plan and is within the countryside. In accordance with the National Planning Policy Framework (para.49) and the lack of a 5 year supply of housing land the housing control policies in the current Local Plan adopted in 2000 are regarded as being out of date. Significant weight has been given to the lack of a 5 year housing land supply and the release of this site for residential development will contribute towards meeting this target. On balance it is considered that this will outweigh any

harm to the character and appearance of the area through erosion of the gap between the settlements of Coxheath and Dean Street.

- 10.3 The site is considered to be in a sustainable location with good access to the village centre, local shops and facilities. A new vehicle access would be required from Heath Road to which the highway authority raises no objections. Improved pedestrian links from the site are proposed to be secured as part of the development.
- 10.3 The site has recently been identified as a potential housing allocation in the Draft Local Plan Regulation 18 Consultation 2015 which was agreed by Committee on 18/8/15 for public consultation. The site has also been identified as a potential housing allocation in the draft Coxheath Neighbourhood Plan.
- 10.4 The provision of 40% affordable housing within the scheme accords with adopted policy AH1 and such provision will assist in meeting identified housing needs in the locality. Other infrastructure contributions will be secured as part of the development including education, health care and highway improvements.

11.0 RECOMMENDATION –

Subject to a legal agreement in such terms as the Head of Legal Services may advise to provide the following:

- **Affordable housing** - 40% (22 affordable units)
- **Primary Education** @ £2360.96 per applicable house and £590.24 per applicable flat (applicable excludes 1 bed units of less than 56sqm GIA and sheltered accommodation) towards the enhancement of Coxheath Primary School.
- **Secondary education** @ £2359.80 per applicable house and £589.95 per applicable flat towards the Cornwallis School second phase of expansion
- **Libraries:** £2640.87 towards additional bookstock to mitigate the impact of the new borrowers from this development supplied to Coxheath Library.
- **Youth equipment** £466.69 - required for the new residents of this development supplied to Youth Workers and organisations covering Coxheath
- **Community learning** £1688.32 towards St Faiths Adult Education Centre enhancements
- **Social Care** £3495.80 towards Changing Places Facility in central Maidstone
- **Highways** - £1500 per dwelling towards improvements to Linton Crossroads.
- **Health care** – a contribution of £46,332 directly related to supporting the improvements within primary care by way of extension, refurbishment and/or upgrade in order to provide the required capacity at Stockett Lane and Orchard surgeries.
- **Open space** – In the event of permission ref. 13/1999 not being implemented an off-site financial contribution of £1575 per dwelling towards additional off-site open space in the locality.

the Head of Planning and Development be delegated power to grant permission subject to the following conditions:

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

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

Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of 2 years from the date of this permission. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved;

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

2. Before development commences an arboricultural implications assessment shall be carried out in accordance with BS5837: 2012, including tree protection details, and a landscape scheme using predominantly indigenous species in accordance with the Council's adopted Landscape Character Assessment and Landscape Guidelines.

Reason: No details have been submitted and in the interests of the visual amenities of the area

3. The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans, and the supporting documents relating to Transport Statement, revised Flood Risk Assessment, Protected Species and Mitigation Report, Habitat Survey and protected Species Assessment and Preliminary Arboricultural Report.

Reason: To ensure that the development conforms to the submitted plans

4. No occupation shall occur until the following highway works resulting from the implementation of the highway improvements scheme along Heath Road in Coxheath and shall include the following :

(1). The existing 30mph speed limit along Heath Road to be extended to the west past the new site access.

(2). A new footway to be provided along Heath Road to link the existing footway from the village centre with the site access and to extend to the new speed limit terminal signs along the northern side of Heath Road in order to emphasise the change from rural to residential environment. A link should also be provided with the existing public footpath on the northern side of Heath Road to the west of the site access.

(3). Improvements to the existing bus stops on Heath Road and Dean Street by providing bus boarders at the stops and also a shelter at the westbound bus stop on Heath Road and the northbound bus stop on Dean Street.

(4). The proposed roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, driveway gradients, car parking and street furniture to be laid out and constructed in accordance with details to be submitted to and approved by the Local Planning Authority.

Reason: in the interests of highway safety

5. The existing Public Rights of Way adjoining the application site - KM46 and KM44 - shall be improved and upgraded subject to further consultation with the Public Rights of Way team, KCC) prior to the first occupation of the dev hereby permitted.

Reason: in the interests of pedestrian safety

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

Reason: To ensure a satisfactory appearance to the development.

7. A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens, shall be submitted to and approved by the local planning authority prior to the occupation of the development or any phase of the development, whichever is the sooner, for its permitted use. The landscape management plan shall be carried out as approved.

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

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

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

9. All planting, seeding or turfing approved pursuant to condition 1 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. No development shall take place until details of slab levels of the buildings and existing site levels have been submitted to and approved by the LPA and the details shall be completed in accordance with the approved levels.

Reason: To ensure a satisfactory form of development.

11. 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

Reason: In the interests of safeguarding water supplies and to reduce the risk of flooding

12. No dwellings shall be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the local planning authority. Before these details are submitted an assessment shall be carried out of the potential for disposing of surface water by means of a sustainable drainage system in accordance with the principles set out in the NPPF and NPPG Flood Risk) and the results of the assessment provided to the local planning and highway authorities.

Where a sustainable drainage scheme is to be provided, the submitted details shall:

- i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site and the measures taken to prevent pollution of the receiving groundwater and/or surface waters;
- ii) include a timetable for its implementation; and provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason: In the interests of safeguarding water supplies and to reduce the risk of flooding.

13. Before development commences, a Habitat Management Plan shall be submitted to and approved in writing by the local planning authority. The Habitat Management Plan shall include details of the creation, maintenance and long term management of the reptile receptor site on land to the north of the application site. The Habitat Management Plan shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body responsible for its delivery. The Management Plan shall be implemented in accordance with the approved details.

Reason : in the interests of biodiversity

14. Before development commences, an Ecological Mitigation Strategy shall be submitted to and approved in writing by the local planning authority. The ecological mitigation strategy shall be in accordance with the principles outlined in the Protected Species and Mitigation Report, Habitat Survey and Protected Species Assessment and, in addition to details of the reptile receptor site, referred to in condition 13 shall include:

1. method statements that ensure ecological impacts will be avoided, mitigated and/or compensated for;
2. details of the on-site ecological enhancement measures.

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

Reason : in the interests of biodiversity

15. No external lighting shall be installed until details of a lighting scheme which is sensitive to biodiversity has been submitted to and approved by the LPA before development commences.

Reason in the interests of biodiversity

16. The details submitted pursuant to condition 1 should incorporate a set back of a minimum of 15m from the edge of the highway in Heath Road.

Reason: in the interests of visual amenity

INFORMATIVES

1. It is the responsibility of the applicant to ensure before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.
2. Southern Water has advised that a formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, Please contact:

Southern Water,
Sparrowgrove House,
Sparrowgrove ,
Otterbourne,
Hampshire S021 2SW

(Tel: 0330 3030119) or www.southernwater.co.uk".

3. **Bylaw Margin**

If surface water is discharged to the River Medway, and a discharge outfall is proposed to be installed, the applicant should be made aware that under the terms of the Water Resources Act 1991 and associated bylaws, the prior written consent of the Agency is required for any works in, over, under or adjacent to "main river". This is termed **Flood Defence Consent**. The bylaw margin for non-tidal "main river" is eight metres from the top of the bank or landward toe of flood defence embankment or wall.

Details of the application procedure and requirements for any proposed works within eight metres from the top of river bank can be obtained from
PSO.WestKent@environment-agency.gov.uk

4. **Additional information and informatives**

Fuel, Oil and Chemical Storage

Any facilities for the storage of oils, fuels or chemicals shall be provided with secondary containment that is impermeable to both the oil, fuel or chemical and water, for example a bund, details of which shall be submitted to the local planning authority for approval. The minimum volume of the secondary containment should be at least equivalent to the capacity of the tank plus 10%. If there is more than one tank in the secondary containment the capacity of the containment should be at least the capacity of the largest tank plus 10% or 25% of the total tank capacity, whichever is greatest. All fill points, vents, gauges and sight gauge must be located within the secondary containment.

The secondary containment shall have no opening used to drain the system. Associated above ground pipework should be protected from accidental damage. Below ground pipework should have no mechanical joints, except at inspection hatches and either leak detection equipment installed or regular leak checks. All fill points and tank vent pipe outlets should be detailed to discharge downwards into the bund.

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".

Waste

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

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

- vi. Duty of Care Regulations 1991
- vii. The Waste (England and Wales) Regulations 2011
- viii. Hazardous Waste (England and Wales) Regulations 2005
- ix. Pollution Prevention and Control Regulations (England and Wales) 2000
- x. Environmental Permitting (England and Wales) Regulations 2010"

Case Officer: Tim Bloomfield

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

Appendix 1 – Previous report to Planning Committee 18/12/14

REPORT SUMMARY

REFERENCE NO - 13/1979		
APPLICATION PROPOSAL Outline planning application for up to 55 residential dwellings with means of access. All other matters reserved.		
ADDRESS Land North Of Heath Road, Coxheath, Maidstone, Kent, ME17 4TB		
RECOMMENDATION: Permission Refused		
SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL Contrary to relevant saved policies in adopted Local Plan (2000) and emerging Draft Maidstone Borough Local Plan (2014)		
REASON FOR REFERRAL TO COMMITTEE Contrary to the views of Coxheath Parish Council		
WARD Coxheath And Hunton Ward	PARISH COUNCIL Coxheath	APPLICANT Mr M J Older AGENT Christopher Atkinson
DECISION DUE DATE 17/02/14	PUBLICITY EXPIRY DATE 17/02/14	OFFICER SITE VISIT DATE 3/6/2014 and 15/10/14
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):		
<p>13/1999 Land south of Pleasant Valley Lane, East Farleigh: Change of use to public open space – UNDETERMINED</p> <p>Previous planning history is as follows:</p> <p>Planning permission was granted in 1972 (MK/3/71/385) for a petrol filling station and showroom with caretaker's flat on a site fronting Heath Road. The development was commenced and an application for a lawful development certificate, demonstrating that the permission remained valid, was granted in 1999 (99/0771).</p> <p>96/0233 - Outline application for residential development with all details reserved for subsequent approval except means of access involving new access was refused on 2/5/1996.</p> <p>88/2135 - Discontinuance of scrap yard use and erection of small industrial/warehousing units was refused on 25/4/1989.</p> <p>79/1745 - Residential development with public playing fields and other community facilities was refused on 18/12/1979.</p> <p>75/1182 - Petrol filling station, showrooms and workshops, ancillary offices and managers flat was refused in April 1976.</p>		

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MAIN REPORT

2.0 DESCRIPTION OF SITE

- 1.1 The site lies on the western side of Coxheath beyond the existing built-up extent of the settlement. It adjoins the built-up areas of Adbert Drive to the west and Whitebeam Drive to the east. The area to the north, beyond the coppice woodland is open countryside in agricultural use.
- 1.2 The site has a frontage to the B2163 Heath Road of 130m and an area of 2.15 ha. The village centre is situated approx. 600m to the east. It is generally flat with no major topographical features but slopes gently northwards from Heath Road.
- 1.3 There is an extant permission for a petrol filling station and car showroom on the front part of the site which was granted in 1972. A Lawful Development Certificate was subsequently granted in 1999 on the basis that the development had commenced although there remains little visible evidence due to the current overgrown condition of the site.
- 1.4 To the north of the site, the area is characterised by sweet chestnut woodland. The site itself is regenerating with heathland plants such as broom with sweet chestnut/silver birch trees on previously more open areas. In the centre of the site is an open grassed area beyond a bund feature. The established woodland adjacent to the site is not being actively managed as coppice woodland.
- 1.5 From much of the site the dwellings at Whitebeam Drive/Lynden Road and Wakehurst Close to the east are visible. There is a clearly defined western edge to the village. The majority of this boundary is close-boarded fencing and the houses are on slightly higher land than much of the site. The boundary edge is used for dumping of household garden waste in some cases. Approximately halfway into the site to the west, the dwellings at Adbert Drive/Fairhurst Drive are visible. These were built on the site of a former scrap metal yard.
- 1.6 Beyond the woodland located to the north of the site in its north east corner, is an existing playing field marked out as football pitches accessed from Lynden Road which is fenced by steel palisade fencing. The whole area is criss-crossed by a network of informal footpaths running north-south and east-west through the woodland. PROW KM46 runs along the western side of the site from Heath Road towards Pleasant Valley Lane which is also a PROW (KM44) part of which is surfaced and serves a number of dwellings and also grazing land.

2.0 PROPOSAL

- 2.1 The application was submitted in outline with all matters except means of access reserved for subsequent approval. An illustrative layout has been submitted showing 55 dwellings with access from a proposed new roundabout in Heath Road.
- 2.2 The details of means of access show a new roundabout in Heath Road in the mid- point of the site frontage. The application is accompanied by a detailed Transport Assessment prepared by the applicants consulting engineers.
- 2.3 A second related application (ref. 13/1999) has been submitted for change of use to public open space on land in Pleasant Valley Lane, to the north of the proposed residential development site. This application is reported elsewhere on this agenda.

3.0 PLANNING CONSTRAINTS

The site is within the Southern anti-coalescence belt under MBWLP 2000 policy ENV32.

Rights of way – PROW KM46 runs along the site's western boundary northwards from the B2163 Heath Road towards Pleasant Valley Lane

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) – outside built up extent of Coxheath. Relevant policies -

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

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

T13 – Seeks to ensure appropriate parking provision.

Affordable Housing DPD 2006: Policy AH1

Reg. 18 Consultation draft Maidstone Borough Local Plan 2014.

The site is not proposed to be allocated for development.

SS1, SP4, DM2, DM4, DM11, DM12, DM13, DM30

5.0 LOCAL REPRESENTATIONS

There have been 14 individual objections to the application for the following main reasons:

1. Encroachment of village into open countryside.
2. Loss of trees and woodland habitat
3. Additional traffic congestion on overloaded road system
4. Overloaded local services
5. Loss of amenity – overlooking, loss of privacy, overshadowing.
6. Loss of play area, walks etc.
7. More suitable sites available elsewhere.

6.0 CONSULTATIONS

6.1 Coxheath Parish Council: Initial comments dated 4 March 2014

“Coxheath Parish Council has considered this application in considerable detail but, as you know, we were anxious to see the amended draft Section 106 agreement, before committing our views to paper. The documentation that has been presented is now generally in accord with the Coxheath Neighbourhood Plan, which was lodged with Maidstone Borough Council on 27th January 2014, in accordance with national planning procedures. This application meets a number of aspirations of the community of Coxheath and to this end the Parish Council would make the following points:-

The application is in accordance with the Coxheath Neighbourhood Plan; This application has to be considered in conjunction with Application MA/13/1999, which provides additional public open space for the village of Coxheath on the same plot of land. We are desperately short of green public open space for a village with a population of almost 4,000 residents. The combination of these applications would,

therefore, help to redress that balance. In addition they would provide anti-coalescence protection in perpetuity.

The Section 106 agreement anticipates financial contributions towards the management of public open space, health facilities and education/library services, all of which we would support, providing the benefits accrue to Coxheath;

We have encountered no major points of contention in the Transport Statement;

The access to the proposed development envisages the construction of a roundabout at the junction with Heath Road, designed to current Kent County Council standards. This, together with a projected gateway facility, would provide an additional traffic calming feature at the western approach to the village, which the Parish Council feels is of paramount importance;

These benefits are regarded as sufficient to meet many of the objectives of the Coxheath Neighbourhood Plan. We would support the argument, therefore, that it would be unnecessary to incorporate any element of affordable social housing on this site on the basis that other important community benefits are achieved and that local needs affordable housing is planned elsewhere in the village.

All in all, the Parish Council is happy to support this outline planning application, subject to seeing and approving the detailed application in due course and providing that we have the opportunity to have some input into the Section 106 agreement before it is finalised.”

Further Parish Council comments dated 12 March 2014

“Further to our letters of 4th and 6th March 2014, we are writing to confirm our total and unreserved support for the above applications.

Coxheath Parish Council has been in negotiation with the landowner for two years or more, seeking an outcome that would bring forward this parcel of land for a development to include a substantial element of community benefit. The focus of the community benefit was to achieve additional public open space given that we are considerably below the standard set for a community of our size. Furthermore, the Parish Council and the community do not want the site to be developed for commercial use.

In summary, therefore, Coxheath Parish Council supports these applications for the following reasons:-

- Commercial development is not suitable for this site, neither is it required;
- Residential development, as proposed, will provide significant acreage for amenity use to be transferred freehold and leasehold to the Parish Council;
- The additional amenity land is strategically located adjacent to other amenity land already controlled by the Parish Council;
- Acquisition of the additional land will protect the anti-coalescence belt in this part of our parish;
- The development, as proposed, will enhance this area of our community;
- The proposed roundabout, which forms part of this development, is supported and has been encouraged by the Parish Council since it provides a significant improvement in the traffic management of Heath Road;
- The site development, as proposed, is included in the Coxheath Neighbourhood Plan and is supported by the community;

- The community benefit from the proposed development is judged to be hugely significant.

Our sustainability assessment for this site is contained in the document headed 'Coxheath Neighbourhood Plan – Sustainability Appraisal'. We have assessed this site against others that have been proposed and confirm that it has high sustainability.

Hence this parcel of land, put forward in accordance with the above planning applications, is totally supported by the Parish Council and is strategically important to Coxheath

Additional comments dated 11 April 2014:

"Our stance remains unchanged The Parish Council Wishes to stress its support for these applications and re-confirms the points made In our earlier correspondence We have noted the detail contained In the ecological, flood risk and transportation/access reports We continue to support the introduction of a roundabout at the access point to the proposed site off Heath Road We feel that providing the footways are extended to the end of the proposed new 30 mph speed restriction zone a crossing point is introduced to enable residents to cross Heath Road In the vicinity of the new development and that an enhanced Village gateway is constructed to warn motorists approaching Coxheath from the west then the Introduction of a roundabout is far preferable to a standard 'T-Junction' at the access point.

As far as the ecological study is concerned Coxheath Parish Council is also keen to ensure that a suitable habitat is provided for the small reptiles that have been Identified as living on the site The suggested policy of constructing bespoke hlbemacula and log piles within the area is acceptable to us providing this does not adversely affect public access to the area of open space to the north of the proposed settlement.

The most Important aspect of these applications from our point of view is that we achieve a substantial area of open green space/amenity land which will remain In public ownership In perpetuity thereby Increasing the community land that falls Into this category and protecting the anti-coalescence belt between Coxheath and East Farleigh.

We stress again that these applications are In accordance with the Coxheath Neighbourhood Plan, which is currently In the process of publication. Coxheath Parish Council recommends therefore that these applications should be approved."

6.2 KCC Highways – No objection

'A safety audit has been provided for both the proposed roundabout junction to serve the site and also an alternative priority junction access. Both arrangements are found to be satisfactory in principle. The current planning application proposes the roundabout access option which was requested by the parish council in order to reduce vehicle speeds on the approach to the village.

I confirm that I do not wish to raise objection to this application subject to the following conditions:

1. The access to the site be provided in accordance with the submitted drawing number 615478_SK02 Rev B with modifications where required to incorporate the safety audit comments.
2. The existing 30mph speed limit along Heath Road to be extended to the west past the new site access.
3. A new footway to be provided along Heath Road to link the existing footway from the village centre with the site access and to extend to the new speed limit terminal signs along the northern side of Heath Road in order to emphasise the change from rural to residential environment. A link should also be provided with the existing public footpath on the northern side of Heath Road to the west of the site access. (additional improvements may be required to the public footpaths subject to consultation with our Public Rights of Way team).
4. Improvements to the existing bus stops on Heath Road and Dean Street by providing bus boarders at the stops and also a shelter at the westbound bus stop on Heath Road and the northbound bus stop on Dean Street.

All the above named highway works are required under a Section 278 Agreement and the design should encompass any necessary modifications required resulting from the implementation of the KCC highway improvements scheme along Heath Road in Coxheath which is due to be implemented during 2014.

5. Parking provision within the site to be in accordance with IGN3 for village locations.
6. Completion and maintenance of the access shown on the submitted plans prior to the use of the site commencing.
7. The proposed roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, driveway gradients, car parking and street furniture to be laid out and constructed in accordance with details to be submitted to and approved by the Local Planning Authority.

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.

6.3 KCC Infrastructure contributions

Comments dated 3 January 2014, the following requests have been made:

Primary education: A new build cost of £1000/applicable flat and £4000/applicable house and a land acquisition cost of £675.41/applicable flat and £2701.63/applicable house. To be used for the provision of a new primary school in SE Maidstone
'Applicable' means: all dwellings except 1 bedroom of less than 56sqm GIA, and sheltered accommodation.

Community Learning: £30.70/dwelling to support facilities in the locality

Youth Service: £8.44/dwelling to support facilities in the locality

Libraries: £71.83/dwelling to support facilities in the locality

Adult Social Care: £47.44/dwelling for Telecare and to support local facilities

6.4 KCC Ecology –

Have advised that there is insufficient information to assess the mitigation proposals as acceptable.

'The Extended Phase 1 Habitat & Protected Species Assessment and the Protected Species and Mitigation Report have been submitted in support of this application. We are satisfied that the surveys have been undertaken to an adequate standard. The proposed development has potential to impact on a range of protected species which will need to be adequately mitigated to ensure that Maidstone BC has had adequate regard to the potential harm in taking the decision and that the potential for offences against protected species has been minimised.

The bat surveys did not identify any potential roosts on the site and the level of foraging and commuting bats indicate that the site habitats are of low quality for bats. Two mature trees with potential for roosting bats are outside of the red-line boundary for this application and even though no bats were recorded roosting within these trees, we advise that these should be retained for their potential value.

The areas of the site with the most bat activity were along the road to the south of the site adjacent to the ancient woodland and along the edge of the chestnut coppice to the north of the site. We query whether the proposed creation of the new roundabout will lead to increased levels of lighting along the road adjacent to the ancient woodland and if so advise that further information is sought as to what the likely impact of this will be on bat use of the woodland edge for roosting, foraging and commuting. While we acknowledge that recommendations for bat sensitive lighting have been provided within the ecological report, Maidstone BC needs to understand that these measures are feasible and can be implemented effectively to minimise impacts where they have been identified.

Slow worms and viviparous lizards have been confirmed as being present on the site and broad mitigation proposals are provided. It is proposed to relocate reptiles from the proposed development site into the area to the north of the site.

The survey report does not provide a map of the location at which the reptiles were recorded but does state that they were recorded "*throughout the survey area*". We advise that confirmation is sought regarding the extent (i.e. hectares) of habitat loss and that proposed for creation to ensure that there is sufficient habitat retained to compensate for that lost, in terms of area and/or quality of habitat.

This area of the site was assessed as being well used by walkers with potential for disturbance and we advise that confirmation is sought to ascertain how the use of this part of the site for recreational activities will be managed to ensure that the welfare of the translocated animals can be ensured and that an adequate amount of good quality habitat will be available for reptiles.

As the proposed area for the reptile receptor site is outside of the red-line boundary for the application it will not be possible to secure the use of this area by planning condition. A planning obligation will be necessary to ensure that the receptor site is retained and managed appropriately for reptiles.

Once satisfied on the appropriateness of the proposed receptor site, we advise that the broad mitigation proposals are acceptable. Maidstone BC will need to be satisfied that the receptor site can be secured from future potential development and the submission for approval and implementation of a detailed mitigation strategy will need to be secured by planning condition, if permission is granted.

An active badger sett was identified on the site and mitigation will be required to ensure that no badgers are harmed. A licence will also be required to allow the sett to be closed. Little information is provided regarding the use of the site by foraging badgers and no other setts have been identified nearby. We advise that further information is sought to provide more context to the use of the on-site sett. There is also potential for additional setts to be created on the site and monitoring for this should be ongoing.

Notwithstanding our advice that some additional information is sought, should planning permission be granted we advise that planning conditions will be necessary to secure detailed ecological mitigation strategies, sensitive lighting, ecological enhancement measures and ensure that Maidstone BC has had adequate regard to the potential ecological impacts.'

Further information was submitted by the applicant in response to the above comments. The KCC Biodiversity team are still concerned that there is insufficient information to appropriately assess the impact of the development in the following areas.

- The appropriateness of the proposed reptile receptor site, particularly its level of use by the public and whether the proposals for controlling this use would be effective, but also its size in relation to the extent of habitat loss;
- The potential impact on bats of additional lighting along Heath Road and in relation to the proposed roundabout.

6.5 MBC Housing: Object in relation to the proposed level of affordable housing as being contrary to adopted policy.

Comments dated 30 December 2013:

The outline application is for up to 55 residential dwellings but with no provision for affordable housing.

This site was first identified over 5 years ago as a potential site for a local needs housing development. The need for such development was initially highlighted following an affordable housing needs survey undertaken at the time in connection with the local parish Council. I understand that the landowner of the site was keen for private housing to be included in the original development which meant that the suggested local needs housing could not progress on this site.

With this in mind, it is noted at 3.6 of the applicants planning statement that a report produced following consultation with local residents highlighted some concerns, this included; *'Concern about additional social housing.'*

Furthermore, at 3.7 the planning statement reads;
'the Parish Council would make a case for social housing to be excluded on the basis that significant community benefit would be achieved from the transfer of land into public ownership for recreation /amenity purposes.'

We would be like to see what evidence there is in respect of these two comments. For example, what were residents concerns regarding additional social housing and how many residents expressed such concerns?

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

would be looking for 40% affordable housing to be included in this development as stated in our current policy.

As this application is for outline planning there appears at this stage to be no details of the size and types of the dwellings on the proposed site. We therefore welcome early engagement and consultation regarding the affordable mix and the spacing of these units, as this will affect any proposed master plan layouts. 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.

At the moment, we are using the following mix as a starting point for new sites coming forward (if they are capable of providing a range of accommodation): 1-beds 35%, 2-beds 30%, 3-beds 25%, 4-beds 10%. This is based on housing need bedroom allocation priorities as identified on the Housing Register, and also reflects what the latest SHMA is recommending in terms of future affordable mix. Over 50% of applicants on the Housing Register have a current one-bed need, but we obviously need to take into account future household growth and seek to provide a range of accommodation, which also caters for families.'

Comments dated 10 March 2014:

'An offer from the applicant to consider some private rented housing on the site would not change our original response as this is not affordable housing. We would still be looking for 40% affordable housing provision on this site (22 units). If the applicant is unable to meet this requirement they would need to submit a viability appraisal which demonstrates that this is the case.

Regarding current local housing need, our current housing register has 195 households who have expressed an interest in living in Coxheath, made up as follows:
1 bed need - 106 households
2 bed need - 48 households
3 bed need - 9 households
4+ bed need - 19 households
Bed need not stated - 13 households
Please note however that these figures are only indicative as information on applicants on the housing register is only verified when they are being considered for a property'

Comments dated 12 August 2014:

I believe this is an outline application for up to 55 residential dwellings and my colleague Tony Stewart has previously commented on this application.

This site was first identified over 5 years ago as a potential site for a local needs housing development. The need for such development was initially highlighted following an affordable housing needs survey undertaken at the time in connection with the local parish Council. The landowner of the site was keen for private housing to be included in the original development which meant that the suggested local needs housing could not progress on this site due to the aspirations of the landowner over the sites value.

Local residents have been suggested as raising a concern about additional social housing. Interesting to note also that the planning statement reads; *'the Parish Council would make a case for social housing to be excluded on the basis that significant community benefit would be achieved from the transfer of land into public ownership for recreation / amenity purposes.'*

I note that Property and Procurement have looked at the viability assessment report and commented that the build costs are too high and that Harrisons have been asked to justify the build costs by providing more information showing the data from BCIS. Harrisons have responded by saying that the build costs are taken from the BCIS Quarterly Review, which are based on tender price/m².

Firstly, I would question the use of BCIS data at all in terms of assessing build costs. It is interesting to note the following comments that were put forward during recent viability training that I attended by the Executive Director at the HCA for the East and South East Operating Area.

'Most major house builders will use a standard house-type; this brings efficiencies of scale and cost. As such, the accurate costs of construction are known to the house builder. House build costs for flats are normally higher per square foot than houses, and the higher the dwelling, the higher the costs. Where affordable housing is provided at a larger floor area than open market, then the cost per square foot should be lower for affordable. I have never known a house builder to use BCIS index for house build costs; the data is too unreliable and historic.'

In terms of build costs, a quantity surveyors full schedule of costs should be provided, ideally based upon a developers standard house types.

This also directly leads to the summary of the proposed scheme, on which the viability assessment has been appraised. I note that the following statement at '5.0 SUMMARY OF PROPOSED SCHEME.'

'The application in respect of which this report relates to is an outline planning application with detailed housing mix to form part the reserved matters. However for the purposes of assessing viability we have considered an appropriate private housing mix based on a memo from Maidstone Council Housing Department to the Planning Department confirming a minimum density of 30 dwellings per hectare, which we have adopted along with having consideration of demand within the area.

We have further adopted an affordable housing mix as follows:

1 beds – 35%

2-beds – 30%

3-beds – 25%

4-beds – 10%

The overall housing mix differs depending on the level of affordable housing within the scheme since the demand/needs differ between tenures. Further information on the assumed number of units adopted for each type can be found later within the report'.

In response to this, I am not aware that Housing have provided such a memo, and if so, I would like to see a copy of this memo that they are referring to. The actual number and mix of units proposed for the site is absolutely crucial as this determines the likely sales/revenue that can be generated from the site (the Gross Development Value) and also build costs. A slight change in unit types, sizes and numbers can obviously have a big impact on costs within the appraisal. It maybe that we would like this overall mix to be revisited.

The methodology (residual land value type approach) is accepted as being a widely used and common form of approach to viability assessments, but I am not keen on the use of the HCA's Development Appraisal Tool. Common opinion is that it is flawed.

Development Costs

Please see earlier comments regarding build costs. Professional fees at 9% seems rather high to me. Where the scheme is bespoke, these normally appear as circa 4-5%

of the sales value, where they are a standard product, the 1-2% is the maximum applies.

Site abnormalities - However defined, these should normally be deducted from the land value. It is not an add-on extra. I note reference to the drainage costs not known at this stage, so this will have implications on costs.

Developers profit – Accepted that 20% is a reasonable profit that a developer would expect to make.

Planning/ S106 obligations - I would expect affordable housing to be prioritised above all other contributions. So a waiver of certain other significant s106 contributions should enable a greater % of affordable to be gained.

Part of this proposal includes the gift of land for public open space for use by the Parish Council. Is there a requirement for this? There is also a public realm cost referred to in the S106 obligations of £200k, so it's either one or the other I would have thought.

A couple of key questions to ask for me also are:

- 1) What offers (if any) have been sought from RP's? This information should be fed into the appraisal.
- 2) Does a developer have an option on the site with an option agreement in place with the landowner? If so, it will normally be based on either an agreed fixed price, or discounted price from market value. Knowing this will be key to the residual land valuation and appraisal.
- 3) Does the Parish Council expect the affordable housing to be provided as local needs housing on this site as part of any Neighbourhood Plan they maybe working on? Housing would have some reservations regarding such a proposal as we would have to be careful that a need existed for such units, and that an appropriate mix was provided in order to meet that need and the strict occupancy criteria that comes with schemes of this nature.

Based on the evidence provided and the assumptions made in the calculations, I am not convinced that only 15% affordable housing can be provided and I would suggest that we request the VOA/District Valuer to undertake an assessment of the attached report, and that the applicants agree to meet their costs.

There needs in my view to be further discussion and agreement on an appropriate private and affordable mix to base the appraisal on, with consideration given to how changes of unit types/sizes can improve things from a financial and viability perspective, if it helps to increase affordable provision. For information, the affordable mix adopted for this appraisal is acceptable, but housing are happy to be flexible on considering an alternative mix if it helps with viability.'

6.6 **UK Power Networks:** No objections

6.7 **Environment Agency:** Object to the application on the grounds that flood risk has not been satisfactorily addressed.

'We note that the site is located within an area designated as Flood Zone 1 (low risk) and therefore the submitted FRA is required to assess other sources of flooding such as surface water, sewer and ground water flooding. Given the site area is >1ha, the FRA should also provide sufficient detail to demonstrate that an appropriate Sustainable Drainage System (SuDS) can be delivered within land under client control.

The FRA prepared by MLM Consulting Engineers Ltd. reviews all sources of flooding and concludes that based on available information the flood risk from all sources is low.

The most favourable discharge point for development run-off would be to infiltrate to ground, where practical considerations allow. At present there is no information relating to soakage potential across the site, and it is noted that an infiltration rate of $1 \times 10^{-6} \text{m/s}$ has been adopted within the WinDES calculations to represent the soakage potential of the underlying Hythe Formation. We would also note that there is a long history of ground collapses associated with soakaways in the Hythe Formations. A ground investigation should be undertaken to confirm soakage rates across the site which should also consider the potential for solution features on the site. The information obtained should then be used to inform/confirm the layout and ensure that sufficient space for SuDS is available within land under client control.

The preliminary calculations indicate that a volume of attenuation of 2200cu.m will be required, based on the assumed infiltration rate. The WinDES outputs show that half drain times would be in the order of 7 days and therefore it is not apparent whether the initial proposals are viable in terms of meeting the requirements of BRE 365.

Section 4.0 within the FRA notes that should in the event that infiltration is unviable alternative outfall points will be investigated. As noted within the FRA, there are no public surface water sewers or drainage ditches within the site or its immediate environs, whilst the River Medway is located 2km to the north of the site.

Given the lack of information on soakage rates and groundwater regime, and the uncertainty over securing an alternative point of discharge, the viability of the surface water management proposals are unclear. Whilst it is noted that the outline application has all matters reserved, the principle of development in this location should be supported with enough detail to demonstrate that the site can be brought forward with a deliverable surface water scheme within land under client control.

Reason

The FRA submitted with this application does not comply with the requirements set out in paragraph 9 the Technical Guide to the National Planning Policy Framework. The submitted FRA does not therefore, provide a suitable basis for assessment to be made of the flood risks arising from the proposed development.

In particular, the submitted FRA fails to;

1. Consider how appropriate SuDS can be integrated within the proposals in the event that soakage potential within the site is inadequate
2. Provide evidence that soakage rates are suitable for the implementation of a SuDS strategy reliant on the infiltration capacity. Given the history of collapses associated with the Hythe Formation an Site Investigation should be undertaken to define soakage rates and potential dissolution features that may impact on the viability of Soakaways
3. Following confirmation on soakage rates consider the need for making space available within the masterplan for other forms of SuDS features within the site
4. If the soakage potential of the site is deemed poor, then details should be provided to confirm on the extent of off-site works, including the need for pumped outfall, which would be required to secure a suitable discharge point for surface water from the proposed development. This is likely to require a capacity check and/or sewer requisition application to investigate the viability of making a positive piped connection to either a sewer or watercourse

Overcoming our objection

To overcome our objection an FRA must be submitted that addresses the deficiencies highlighted above and demonstrates that the development will not increase risk elsewhere and where possible reduces flood risk overall. If this cannot be achieved we are likely to maintain our objection to the application. The production of an FRA will not in itself result in the removal of an objection.'

6.8 **NHS Property Services**

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

- Stockett Lane surgery
- Orchard surgery at Coxheath

All of the above surgeries are within a 0.5 mile radius of the development at Heath Road, Coxheath. This contribution will be directly related to supporting the improvements within primary care by way of extension, refurbishment and/or upgrade in order to provide the required capacity.

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

Predicted Occupancy rates

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

For this particular application the contribution has been calculated as such:
55 units x 2.34 person per unit = 128.7 assumed occupancy 128.7 @ £360 per person = £46,332

NHS Property Services Ltd therefore seeks a contribution of £46,332.'

6.9 **KCC PROW Office**

'The proposed development site is bordered to the west by Public Right of Way KM46 and to the north by Public Right of Way KM44. The location of these footpaths is indicated on the attached map extract. The existence of the right of way is a material consideration.

As a general comment, KCC's Public Rights of Way and Access Service are keen to ensure that their interests are highlighted within the local districts policy frameworks. The team is committed to working with the Borough Council to achieve the aims contained within the Countryside and Coastal Access Improvement Plan and Bold Steps for Kent. These relate to quality of life, supporting the rural economy, tackling disadvantage and safety issues and providing sustainable transport choices.

Firstly I note that this development has a direct effect on Public Right of Way KM46. As the land adjacent to the path is due to be developed, the character and usage of the path will change from a rural to an urban environment. The development will have a direct effect on increasing the usage of the footpath by pedestrians. I would suggest that the applicant would need to fund a new tarmacked surface here with a minimum width of 2.5 metres to make this path fit for the increased usage. It would also be a good opportunity to rationalise any furniture on the path such as gates, as these were originally authorised for rural land usage. The funding of more appropriate urban furniture may be necessary to prevent illegal vehicular use. The exact surface specification and furniture plan will need to be agreed with the PROW and Access service by the applicant.

Consideration should also be given at this point to upgrading the route of KM46 to a shared footway/cycle route. If the path was to become a cycle route then any surface specification, widths and legal status for this would need to be agreed with the Kent Highways Officer.

Secondly the potential for increased pedestrian usage of KM44 needs to be considered also as a major access route to the development. Currently this footpath runs along an access road with residents presumably having private vehicular access rights along here. Consideration should be given to increasing safety to pedestrians and cyclists using this route. This would include repairing potholes and perhaps delineating vehicles from walkers. Again consideration for improving cycle access along here would also be appropriate in discussion with the Kent Highways Officer.

Funding for these proposed surface and furniture improvements and any status upgrade for PROWs KM46 and KM44 should be agreed through Section 106 agreements.

Comments are made in reference to the following planning policy;

- National Policy Framework Section 75, states that planning policies should look to protect and enhance public rights of way and access.
- **NPF 35**, Plans should protect and exploit opportunities for the use of sustainable transport modes for the movement of goods or people. Therefore, developments should be located and designed where practical to
 - give priority to pedestrian and cycle movements, and have access to high quality public transport facilities;
 - create safe and secure layouts which minimise conflicts between traffic and cyclists or pedestrians, avoiding street clutter and where appropriate establishing home zones

Please also make sure that the applicant is 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.'

6.10 **Southern Gas Networks:** Have provided a plan showing a low-medium pressure gas-main connecting Adbert Drive running north from Heath Road along the west side of the coppice woodland to the west of the current site.

6.11 **Natural England:** Consider that the development will not impact on any statutory Nature Conservation Sites and have advised that in terms of protected species reference should be made to their standing advice. They have also commented as follows:

'Priority Habitat as identified on Section 41 list of the Natural Environmental and Rural Communities (NERC) Act 2006

The consultation documents indicate that this development includes an area of priority habitat, as listed on Section 41 of the Natural Environmental and Rural Communities (NERC) Act 2006. The National Planning Policy Framework states that 'when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity. If significant harm resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused.'

Local sites

If the proposal site is on or adjacent to a local site, e.g. Local Wildlife Site, Regionally Important Geological/Geomorphological Site (RIGS) or Local Nature Reserve (LNR) the authority should ensure it has sufficient information to fully understand the impact of the proposal on the local site before it determines the application.

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'*.

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.'

7.0 BACKGROUND PAPERS AND PLANS

- 7.1 The application included the following documents: Transport Statement, Flood Risk Assessment, Protected Species and Mitigation Report, Habitat Survey and protected Species Assessment, Preliminary Arboricultural Report, Draft S106 Agreement.

8.0 APPRAISAL

Principle of Development

- 8.1 This site has an extensive planning history. There have been a number of applications for residential development on the site since the 1970s and earlier which have consistently been refused.
- 8.2 There is an extant permission on the site for a petrol filling station that dates from 1972. The applicant has cited this as a fallback position for consideration in the determination of the application, but infers that this development would now be highly inappropriate in this location. Evidence of the work undertaken at the time to commence the development is being lost due to the regeneration of the site that is occurring. Furthermore, given the passage of time where no attempt has been made to fully implement the extant permission it must be questioned whether much weight can be given to the fall-back position as a material consideration.

- 8.3 The complete lack of any development on the site; and the inference contained in the application that the “fall-back” development would now be “highly inappropriate in this location”, render the prospect of the “fall-back” development ever actually occurring highly unlikely. Relevant case law would appear to back this up.
- 8.4 In *Brentwood Borough Council v Secretary of State (1996)* it was held that for a “fall-back” suggestion to be relevant there must be a finding of an actually intended use as opposed to a mere legal or theoretical entitlement.
- 8.5 In *South Buckinghamshire District Council v Secretary of State for the Environment, Transport and the Regions (1999)* it was held that unless the resumption (or, in this case, full implementation) of the “fall-back” development/use was a realistic possibility, it would be ‘*Wednesbury*’ unreasonable to treat the harm that would result from such a resumption as a reason for granting permission for the new development. The degree of probability of the “fall-back” use being resumed would, or at least could, be a material consideration.
- 8.6 I consider that the probability of the fall back development in this case being resumed is highly unlikely and that as a consequence negligible weight can be given to the 1971 permission.
- 8.7 The site was also considered at the Local Plan Inquiry in 1998 where the Inspector concluded as follows:

“H2 - Housing Land Allocations: Land at Heath Road, Coxheath
Objections DH0549 - M J Older
DH0577 - Gleeson Homes

Issues Whether housing on this site would:

- (a) be contrary to the aims of sustainable development and of reducing the need to travel set out in PPG13; or*
- (b) harm the character and appearance of the area; and if so*
- (c) whether the need to meet the Structure Plan housing requirements overrides any harm which might be identified.*

Conclusions

4.387 I have dealt with this objection on the basis of the reduced area shown on the plan presented by the objectors at the inquiry, and to which the Council responded (MB/PR.94).

4.388 I note the objectors’ argument about the planning permission which was granted on this site for a petrol filling station in 1972, and that the Council disputes that this is an extant permission. However, this is not a matter for me in dealing with objections to the local plan since, as the Council argued, the objectors have a remedy through the submission of an application for a Certificate of Lawful Use. Following that, any future development could be resolved as a matter of development control, taking into account the lawful use of the site, and the policies in the Plan. I have therefore dealt with this objection only as one seeking an allocation for housing on an undeveloped site.

Issue (a)

4.389 I agree that Coxheath has a range of services and shops. On the other hand, as the Council points, out there are no significant local employers and to my mind the shops and other services are at a village level only. For this reason

it seems to me that most people living in the proposed houses would travel to Maidstone and elsewhere for work, main shopping trips and recreation. I accept that there is a bus service, but I have no doubt that cars would be used for many of these trips.

4.390 I also note the advice in paragraph 1.8 of PPG13 that, to meet the aim of reducing the need to travel, local planning authorities should adopt policies to strengthen local centres in rural areas which offer a range of everyday community, shopping and employment opportunities. However, to my mind, Coxheath does not comply with this advice since there are no employers and I saw that the range of shopping is limited. I conclude on this issue that the location of new houses here would be contrary to the advice in PPG13 about reducing the need to travel, especially by car.

Issue (b)

4.391 I found that on this edge of Coxheath there is a very clear distinction between the undeveloped, rural character and appearance of land to the west and the village itself. There is largely undeveloped land on both sides of Heath Road which to my mind creates a rural setting for Coxheath even if, as the objectors argue, this particular site is not covered by any landscape designation. In these circumstances, I consider that housing on the site would be an urban intrusion into the rural setting of the village.

4.392 I note the broad landscape proposals which were submitted at the inquiry. However, I am not convinced that the proposed planting and open space around the edge of the site would prevent the houses from being seen as an intrusion in the area, even after the time necessary for the planting to mature. In addition, I have no doubt that providing an acceptable highway access would create an urban character and appearance through the urban scale and appearance of the road itself, the views it would offer into the housing area and the effect of the visibility splays which would be necessary.

4.393 In Chapter 3 I recommend modifications to ENV33, but accept its application in principle to this area. The Council will therefore have to consider the future form of this policy, but it seems to me that development on this site would contribute to the coalescence of Coxheath with houses in Dean Street.

4.394 For all these reasons I conclude that housing on the site would materially harm the character and appearance of the area.

Issue (c)

4.395 I have found in paragraph 4.238 that a further 940 dwellings are needed to meet the Structure Plan housing requirements, and in paragraph 4.700 I accept that I have been unable to recommend enough sites to meet that need. However, I do not consider that this overrides the clear harm I have found in this case to the aims of PPG13 or the character and appearance of the area. I therefore conclude that this shortfall does not justify housing on this site.

RECOMMENDATION

4.396 Do not modify the Plan in response to these objections.'

- 8.8 Clearly the previous Local Plan Inspector considered the harm that would result from the development of the site to be of overriding weight in his decision not to allocate the site.

- 8.9 Since his report was published and as Members will note from the history a lawful development certificate application has been approved on the site in relation to the development permitted in 1971. As indicated above however, any evidence of the implementation of that permission is rapidly disappearing as the site has reached such a stage in its regeneration that it is no longer readily apparent. Furthermore, no work has been undertaken on the site since the initial works undertaken shortly after the permission was originally granted.
- 8.10 This site is not identified as a housing allocation in the Reg18 consultation draft of the Maidstone Borough Local Plan. It does however feature in the emerging Coxheath Neighbourhood Plan (NP) as a proposed allocation. Whilst work on the NP is progressing, there are still key stages ahead including the Local Authority lead public consultation, independent examination and referendum. The NP is a material consideration, however, at this stage, I do not consider it is grounds in itself to approve planning permission.
- 8.11 Given the limited separation between the edge of Coxheath and the settlement in Dean Street, which remains the same as when the site was considered by the previous Local Plan Inspector, an objection is raised in principle to the development of the site. It is also considered that the visual impact of the development would be unacceptable' which is addressed in more detail below.

Visual Impact

- 8.12 From much of the site, the dwellings at Whitebeam Drive/Lynden Road and Wakehurst Close to the east are visible. The majority of the western extent of the village is mostly defined by close-boarded fencing and the adjoining houses are on slightly higher land than much of the application site. In some cases the boundary edge has been used for dumping of household garden waste.
- 8.13 Approximately half way into the site, to the west, the dwellings at Adbert Drive/Fairhurst Drive are visible. These were built on the site of a former scrap metal yard.
- 8.14 Development on this site would have a significant visual impact and would have an urbanising impact on the area, from the proposed roundabout/junction on the B2163 to the infilling with built development of this currently largely open area.
- 8.15 The site plays a significant role in the prevention of coalescence between Dean Street and Coxheath. The buffer between the two settlements would be reduced to around 28m from the current 80m+.
- 8.16 The Local Plan Inspector was concerned about the substantial reduction in the current gap between Dean Street and the western confines of Coxheath. Even with the transfer of the land proposed as part of the application it is concluded that the visual impact of the development would remain unacceptable. Development on this site would significantly urbanise the area causing harm to its character and appearance.

Impact on Residential Amenity

- 8.17 The development is unlikely to have a significant impact on the amenities of adjoining occupiers to the east of the site and the dwelling south of Heath Road, 'Wood View'. Appropriate levels of privacy would be secured through details submitted at reserved matter stage. Similarly, appropriate levels of amenity within the site would also be

secured through details submitted at reserved matters stage. No objections are therefore raised to the development on the grounds of impact on residential amenity.

Highways

- 8.18 Kent Highway Services have raised no objections to the development. The application was supported by a transport assessment, which was considered in reaching this conclusion. It is recommended that the 30mph limit on the B2163 Heath Road is moved westwards beyond the site boundary and that a footway is provided from the point where the existing footway on the north side of Heath Road ceases to the point where the new 30mph limit would start.

As with other development sites within the village, Kent Highways have requested a contribution of £1000/dwelling to be directed towards funding improvements for Linton Crossroads (the junction of the B2163 and A229). This is on the basis that likely development in Coxheath will result in the junction being at over-capacity to the extent that mitigation works will be required.

Landscaping and ecology

- 8.19 As indicated above, the site has regenerated significantly and is being re-colonised by a number of heathland plants and trees. Outright clearance of the existing vegetation would be harmful to the setting of the village and also result in reduced connectivity with the woodland areas further west and to the south of Heath Road some of which is designated as plantation ancient woodland in the 2012 inventory and designated as a Local Wildlife Site.
- 8.20 The proposals would result in the loss of 1.2ha of reptile habitat on the site with just 0.6ha retained/enhanced and some further 0.16 ha of currently unsuitable reptile habitat to be enhanced. The applicants indicate that this area would be fenced off and information boards erected to explain its sensitivity.
- 8.21 KCC Ecology do not consider that sufficient information has been submitted to demonstrate that the receptor site is adequate and free from possible public incursion. This is particularly pertinent since the site has been (and continues to be) regularly accessed by members of the public over a number of years. The proposed size of the receptor site is also not considered to be commensurate with the habitat lost.
- 8.22 It is also considered that the potential impact on bats of additional lighting along Heath Road and in relation to the proposed roundabout has also not been adequately addressed.

Other Matters

- 8.23 A flood risk assessment has been submitted to which the Environment Agency have objected on the grounds that they are not satisfied that the development would not result in increased flood risk.
- 8.24 As Members will have noted, the Council's housing section have objected to the proposals on the grounds that the now indicated provision of affordable housing at 15% is not in accordance with adopted development plan policy. The applicants have sought to address the issue by submitting some viability information but this is not a fully detailed viability assessment of the scheme. They also place great emphasis on the emerging neighbourhood plan that seeks a much reduced or no affordable

provision on its indicated development sites. In the absence of a detailed assessment I consider that the applicants have failed to clearly demonstrate why they are proposing a level of affordable housing that is not development plan policy compliant.

9.0 S106 Agreement

- 9.1 A development of this scale is clearly likely to place extra demand on local services and facilities and it is important to ensure that the development can be assimilated within the local community. As such suitable contributions to make the development acceptable in planning terms can be sought in line with policy CF1 of the Local Plan and the Council's Open Space DPD. Policy ID1 of the emerging plan relates to infrastructure delivery and its preamble sets out the Council's moves towards developing its Community Infrastructure Levy (CIL). Where there are competing demands for developers' contributions towards the delivery of infrastructure for new development proposals, the Council will prioritise these demands as follows – affordable housing, transport, open space, public realm, education, social services, utilities, libraries and emergency services.
- 9.2 However, any request for contributions needs to be scrutinised, in accordance with Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010. This has strict criteria that sets out that any obligation must meet the following requirements:
- (a) Necessary to make the development acceptable in planning terms;
 - (b) Directly related to the development; and
 - (c) Fairly and reasonably related in scale and kind to the development
- 9.3 Contribution requests have been received from Kent County Council for primary education, community learning, youth, social services, libraries and also a highways contribution, NHS Property Services for expansion/improvements to the Stockett Lane and Orchard surgeries in Coxheath.
- 9.4 The KCC Requests are as follows
- Primary education:** A new build cost for school extension of £1000/applicable flat and £4000/applicable house and a land acquisition cost of £675.41/applicable flat and £2701.63/applicable house.

To be used for the provision of a new primary school in SE Maidstone. 'Applicable' means: all dwellings except 1 bedroom of less than 56sqm GIA, and sheltered accommodation.

Community Learning: £30.70/dwelling to support facilities in the locality

Youth Service: £8.44/dwelling to support facilities in the locality

Libraries: £71.83/dwelling to support facilities in the locality

Adult Social Care: £47.44/dwelling for Telecare and to support local facilities

I consider that these requests are justified and necessary to mitigate the impact on service provision likely to be generated by the development.

Kent Highway Services have requested a contribution of £1000/dwelling towards improvements at the Linton Crossroads junction of the B2163 Heath Road and the A229 Linton Road. I consider that that this is justified due to the impact that development in Coxheath will have on the junction rendering it beyond designed

capacity to the point where mitigation is necessary. The proposed contribution requested would apportion the mitigation fairly across the development sites.

- 9.5 NHS Property Services have requested a contribution of £ to be used for expansion and improved service provision at the Stockett Lane and Orchard Surgeries in Coxheath. I consider that this request does meet the required tests and will mitigate the additional impact on service provision likely to be generated by the development.

10.0 CONCLUSION

- 10.1 The application site is within the countryside and outside the presently defined extent of the built up area. The site was considered as a possible housing allocation in the Local Plan in 1998 but was rejected by the Inspector for the following reasons:

- the location of new houses here would be contrary to the advice in PPG13 about reducing the need to travel, especially by car.
- development on this site would contribute to the coalescence of Coxheath with houses in Dean Street.
- housing on the site would materially harm the character and appearance of the surrounding area.
- the housing shortfall should not override the clear harm to the aims of PPG13 or the character and appearance of the area and does not justify housing on this site.

- 10.2 It is concluded that the situation has not materially changed since 1998 and notwithstanding the lack of a 5 year housing land supply the release of this site for residential development would result in material harm to the character and appearance of the area through significant erosion of the current gap between the settlements of Coxheath and Dean Street East Farleigh, notwithstanding the site's allocation in the draft Coxheath Neighbourhood Plan.

- 10.3 The provision of only 15% affordable housing within the scheme has not been adequately justified. Lack of such provision would not meet identified housing needs in the locality.

- 10.4 I also consider that the scheme would result in an unacceptable impact on biodiversity within the site. KCC Ecology do not consider that sufficient information has been submitted to demonstrate that the receptor site is adequate and free from possible public incursion. This is particularly pertinent since the site has been (and continues to be) regularly accessed by members of the public over a number of years. The proposed size of the receptor site is also not considered to be commensurate with the habitat lost. It is also considered that the potential impact on bats of additional lighting along Heath Road and in relation to the proposed roundabout has also not been adequately addressed.

11.0 RECOMMENDATION –

REFUSE for the following reasons:

1. The proposed development would represent a major expansion of the village of Coxheath beyond the defined settlement boundary as defined in Maidstone Borough-wide Local Plan 2000 and is considered to be contrary to policies ENV28 and ENV32 in that the proposals would form an undesirable expansion of the rural settlement into the open countryside, detrimental to the visual amenities and semi-rural character of the locality.

2. The proposal if permitted would significantly erode the gap between the settlements at Coxheath and Dean Street East Farleigh and would be likely to create pressure for further development leading to further coalescence of the built development, detrimental to the character of the surrounding area thus contrary to policy ENV32 of the Maidstone Borough-wide Local Plan 2000.

3. In the opinion of the local planning authority insufficient information has been submitted to demonstrate that the impact of the proposed development on biodiversity and ecology within the site will be appropriately mitigated. In particular, it has not been demonstrated the proposed receptor site is adequate and free from possible public incursion and that its size is commensurate with the extent of habitat lost. Furthermore, it is also considered that the potential impact on bats of additional lighting along Heath Road and in relation to the proposed roundabout has also not been adequately addressed. To permit the development in the absence of such information would be contrary to the advice in the National Planning Policy Framework 2012 and National Planning Practice Guidance 2014.

4. In the opinion of the local planning authority, insufficient information has been submitted to show that the proposed development cannot accommodate affordable housing provision in accordance with adopted development plan policy. To permit the development in the absence of such justification would be contrary to the provisions of policy AH1 of the Affordable Housing Development Plan Document 2006.

5. In the absence of a legal agreement being in place to secure developer contributions in connection with education, health, community services and highway improvements, the development will place additional demands on local services and then local highway network without provision first being in place to ensure that the additional demands placed on the local services and highway network are being met. The proposal will therefore result in an intensified use of these facilities to the detriment of existing users contrary to the provisions of policies CF1 and T23 of the Maidstone Borough-wide Local plan 2000.

Case Officer: Tim Bloomfield

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

MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON 18 DECEMBER 2014

Present: Councillor English (Chairman) and
Councillors Ash, Cox, Greer, Harwood, Hogg,
Moriarty, Paterson, Mrs Robertson and J.A. Wilson

Also Present: Councillors Powell and Sams

194. **APOLOGIES FOR ABSENCE**

It was noted that apologies for absence had been received from Councillors Collins, Edwards-Daem and Paine.

195. **NOTIFICATION OF SUBSTITUTE MEMBERS**

There were no Substitute Members.

196. **NOTIFICATION OF VISITING MEMBERS**

Councillor Powell indicated his wish to speak on the reports of the Head of Planning and Development relating to applications MA/14/0095 and 14/502009.

Councillor Sams indicated her wish to speak on the report of the Head of Planning and Development relating to application MA/14/0095.

197. **ITEMS WITHDRAWN FROM THE AGENDA**

There were none.

198. **URGENT ITEM**

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

199. **DISCLOSURES BY MEMBERS AND OFFICERS**

There were no disclosures by Members or Officers.

200. **EXEMPT ITEMS**

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

201. MINUTES OF THE MEETING HELD ON 27 NOVEMBER 2014

RESOLVED: That the Minutes of the meeting held on 27 November 2014 be approved as a correct record and signed.

202. PRESENTATION OF PETITIONS

There were no petitions.

203. DEFERRED ITEM

MA/07/2133 - DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF A FIVE STOREY RESIDENTIAL DEVELOPMENT COMPRISING OF 52 STUDIO APARTMENTS AND 24 ONE-BED FLATS WITH 38 UNDERCROFT PARKING SPACES AND 22 EXTERNAL PARKING SPACES WITH VEHICULAR AND PEDESTRIAN ACCESS FROM HART STREET TOGETHER WITH LANDSCAPING - LAGUNA MOTORCYCLES SITE, HART STREET, MAIDSTONE

The Development Manager advised the Committee that a revised viability assessment was still awaited.

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

All Members stated that they had been lobbied.

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

Councillor Hughes of Coxheath Parish Council (in support) and Mr Atkinson, for the applicant, addressed the meeting.

RESOLVED:

1. That consideration of this application be deferred to:

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

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

Seek further ecological surveys of the site.

2. That any S106 legal agreement should include a commitment from the developer to deliver the proposal.

Voting: 7 – For 2 – Against 1 – Abstention

Councillor Harwood requested that his dissent be recorded.

205. MA/13/1999 - CHANGE OF USE TO PUBLIC OPEN SPACE - LAND SOUTH OF PLEASANT VALLEY LANE, PLEASANT VALLEY LANE, EAST FARLEIGH, KENT

All Members stated that they had been lobbied.

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

Councillor Hughes of Coxheath Parish Council (in support) and Mr Atkinson, for the applicant, addressed the meeting.

RESOLVED: That subject to the prior completion of a S106 legal agreement in such terms as the Head of Legal Services may advise to secure a programme for the long term management of the woodland and heathland and the ecological value of the site, the Head of Planning and Development be given delegated powers to grant permission subject to the conditions set out in the report.

Voting: 10 – For 0 – Against 0 – Abstentions

206. MA/14/0095 - OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT WITH ACCESS CONSIDERED AT THIS STAGE AND ALL OTHER MATTERS RESERVED FOR FUTURE CONSIDERATION. FULL APPLICATION FOR A CHANGE OF USE AND CONVERSION OF OAST HOUSE TO A SINGLE DWELLING WITH GARAGING - LAND AT CHURCH ROAD, HARRIETSHAM, KENT

All Members except Councillor Paterson stated that they had been lobbied.

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

Mr Przystupa, for objectors, Councillor Taylor of Harrietsham Parish Council (against), Mr Blythin, for the applicant, and Councillors Sams and Powell (Visiting Members) (against) addressed the meeting.

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

- The provision of 40% affordable residential units within the application site;
- A contribution for Kent County Council of £590.24 per applicable flat and £2,360.96 per applicable house towards the build costs of extending Harrietsham Primary School;

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

the Head of Planning and Development be given delegated powers to grant outline permission subject to the conditions set out in the report, as amended by the urgent update report, and the additional conditions set out in the urgent update report, with the amendment of condition 9 (j) to include appropriate enhancement for farmland bird species and with the proviso that the 'parameter/design' conditions are to be finalised in consultation with the Parish Council and Ward Members to ensure a high quality design.

Voting: 7 – For 3 – Against 0 – Abstentions

Note: Councillor Harwood left the meeting after consideration of this application.

207. 14/502009 - OUTLINE PLANNING APPLICATION FOR A RESIDENTIAL DEVELOPMENT OF 40 DWELLINGS AND ASSOCIATED WORKS WITH PARKING, PUBLIC OPEN SPACE, ACCESS ROAD AND PEDESTRIAN LINKS WITH ACCESS TO BE CONSIDERED AT THIS STAGE AND ALL OTHER MATTERS RESERVED FOR FUTURE CONSIDERATION - COURT LODGE, COURT LODGE ROAD, HARRIETSHAM, KENT

The Chairman and Councillors Greer, Hogg and Paterson stated that they had been lobbied.

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

Mrs Dean, an objector, Councillor Clifton of Harrietsham Parish Council (against), Mr Hume, for the applicant, and Councillor Powell (Visiting Member) (against) addressed the meeting.

RESOLVED: That permission be refused for the reasons set out in the report and the additional reason set out in the urgent update report.

Voting: 6 – For 0 – Against 3 – Abstentions

208. 14/500606 - DEMOLITION OF X4 EXISTING COMMERCIAL BUILDINGS AND EXISTING DETACHED BUNGALOW 'GREENTOPS' AND REDEVELOPMENT TO PROVIDE X6 DETACHED HOUSES AND GARAGES - GREENTOPS, HEADCORN ROAD, SUTTON VALENCE, KENT

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

Mr Blythin, for the applicant, addressed the meeting.

RESOLVED: That permission be granted subject to the conditions and informatives set out in the report as amended by the urgent update report.

Voting: 8 – For 1 – Against 0 – Abstentions

209. 14/502411 - VARIATION OF CONDITION 3 OF MA/11/0744 TO ALLOW THE REMOVAL OF AMENITY BLOCK AND THE SITING OF ADDITIONAL 2 MOBILE HOMES ON PLOT 3 WITH A TOTAL OF 6 MOBILES FOR THE PLOT - THE ORCHARDS, SNOWEY TRACK, OFF PARK LANE, BOUGHTON MONCHELSEA, KENT

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

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

Voting: 9 – For 0 – Against 0 – Abstentions

210. 14/504318 - SINGLE STOREY PITCHED ROOF REAR EXTENSION AND NEW RETAINING WALL IN REAR GARDEN - 47 BRYANT CLOSE, NETTLESTEAD, KENT

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

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

Voting: 9 – For 0 – Against 0 – Abstentions

211. APPEAL DECISIONS

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

RESOLVED: That the report be noted.

212. UPDATE ON MATTERS REFERRED TO CABINET MEMBERS

It was noted that there was nothing to report at present.

213. CHAIRMAN'S ANNOUNCEMENTS

The Chairman updated the Committee on the improvements in the performance of the Planning Support Shared Service. He said that arrangements would be made for the Committee to receive a briefing from the Interim Project Director in the New Year.

214. DURATION OF MEETING

6.00 p.m. to 8.50 p.m.

Appendix 2 - Draft Policy H1(75) - Land north of Heath Road (Olders Field)

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

Design and Layout

1. The layout will provide for a range of dwelling types and sizes to ensure an appropriate mix of accommodation is provided.
2. Development proposals will be of a high standard of design and sustainability incorporating the use of vernacular materials and demonstrating compliance with the requirements of policies DM2, DM3 and DM4.
3. Residential development shall take place on not more than 2.25ha of the site as indicated on the Proposals Map and shall be accessed from the B2163 Heath Road.
4. Two areas of open space comprising a minimum of 1.54ha to the north of the residential development area and a minimum of 0.8ha to the west of the residential development area, as shown on the proposals map, shall be provided as open space.

Landscape/Ecology

5. The development proposals are designed to take into account the results of a landscape and visual impact assessment undertaken in accordance with the principles of guidance in place at the time of the submission of an application.
6. The development proposals are designed to take into account the results of a detailed arboricultural survey, tree constraints plan and tree retention/protection plans.
7. The development proposals are designed to take into account the results of a phase 1 habitat survey and any species specific surveys that may, as a result, be recommended, together with any necessary mitigation/enhancement measures.

Flood risk and drainage

8. Development will be subject to the results of a detailed flood risk assessment and a sustainable surface water drainage strategy that demonstrates that surface water run-off from the site will not lead to an increased risk of flooding either on site or off-site.

Community facilities

9. Contributions towards community infrastructure in Coxheath to mitigate the additional impact of the development will be provided where appropriate.

Open space

10. In addition to the provision of publicly accessible open space pursuant to criterion 4, additional contributions towards other types of open space

and/or contributions towards such provision off-site will be provided where appropriate.

Access

11. Vehicular access shall be taken from the B2163 Heath Road.

12. Improvements to PROW KM46 from Heath Road as far as its junction with KM46 (Pleasant Valley Lane) for the benefit of both pedestrian and cycle access will be provided.

Highways

13. Contributions towards the improvement of the junction of the B2163 Heath Road and the A229 Linton Road at Linton Crossroads will be provided where appropriate.

14. The existing pedestrian footpath on the north side of Heath Road that currently terminates at Wakehurst Close shall be extended across the site frontage as far as PROW KM46.

Agenda Item 15



REPORT SUMMARY

REFERENCE NO - 14/504109/ADV			
APPLICATION PROPOSAL Advertisement consent for the installation of 2 non-illuminated metal pole mounted signs (Retrospective Application)			
ADDRESS Hunton Church Of England Primary School, Bishops Lane, Hunton, Kent, ME15 0SJ			
RECOMMENDATION Grant advertisement consent with conditions			
SUMMARY OF REASONS FOR RECOMMENDATION Government guidance in the National Planning Policy Framework states that advertisements should be subject to control only in the interests of amenity and public safety. The two non-illuminated sign boards, the subject of this application, have already been erected on the West Street and West Street/Bishop's Lane corner frontages of the school site and the application is therefore retrospective. Whilst the two non-illuminated sign boards have a visual impact in the street scene along West Street and at the Bishop's Lane/West Street junction, it is not considered that the sign boards appear as unduly intrusive in the street scene or at the junction, or have an unacceptable impact on the character or appearance of the area, or the visual amenities of the surrounding area generally. With regards to interests of amenity, it is not considered that the two freestanding non-illuminated sign boards conflict with Government guidance in the NPPF or the relevant policies of the Maidstone Borough-Wide Local Plan. It is not considered that the two sign boards raise any overriding public safety issues.			
REASON FOR REFERRAL TO COMMITTEE Hunton Parish Council object to the sign on West Street and would like to see the retrospective application refused and the sign removed. The Parish Council have stated that they would like the application referred to committee if officers are minded to recommend it for approval.			
WARD Coxheath And Hunton Ward		PARISH/TOWN COUNCIL Hunton	APPLICANT Mrs Lorraine Redfarn AGENT N/A
DECISION DUE DATE 14/11/14	PUBLICITY EXPIRY DATE 14/11/14	OFFICER SITE VISIT DATE 30/11/15	
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
MA/08/1644	A consultation with Maidstone Borough Council by Kent County Council for the erection of a single-storey extension comprising new classroom, entrance and hallway.	Raise no objections	02.09.08
MA/08/0455	An article 10 consultation with Maidstone Borough Council by Kent County Council for the installation of a flag pole.	Raise no objections	01.04.88
MA/06/1106	A consultation with Maidstone Borough Council by Kent County Council for formation of a revised pedestrian access from West Street,	Raise no objections	11.07.06

	install new (localised) kerb line, dot type barrier and form new ramp and steps. Maintain boundary hedge.		
MA/03/0747	Kent County Council consultation for retention of the development construction of new school hall, playground, parking, and associated alterations without complying with condition 7 of MA/02/0942.	Raise no objection	01.05.03
MA/02/1292	A consultation with Maidstone Borough Council by Kent County Council for construction of new school hall, playground, parking, and associated alterations to school (Regulation 3 application)	Raise no objections	19.08.02
MA/02/0942	Construction of new school hall, playground, parking and associated alterations to school.	Raise no objections	22.05.02

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The application site is located on the south-eastern side of West Street at the junction of Bishop's Lane with West Street and more or less opposite the junction of Grove Lane with West Street. The site is the Hunton C of E Primary School situated on the corner site on the north-eastern side of the junction of Bishop's Lane with West Street. The school site is accessed from Bishop's Lane with a further pedestrian access on the West Street frontage.
- 1.02 The Primary School consists of predominantly single-storey buildings, incorporates hardsurfaced and grass play areas to the north-eastern side, and the site is generally well screened by trees and hedges along the boundaries. Residential properties stand opposite the site along West Street and there are further residential properties on the opposite corners at the junctions of Bishop's Lane and Grove Lane with West Street. Agricultural land adjoins the school site to the south and south-east.
- 1.02 The school site is located in the open countryside outside any village development boundary shown on the Proposals Map to the Maidstone Borough-Wide Local Plan. The site forms part of a defined Special Landscape Area as shown on the Proposals Map. A public footpath (KM170) runs to the south of the site. The open land adjoining the school site to the south and east is part of Hunton Court, an area identified as being an Important Historic Park/Garden on the Proposals Map.

2.0 PROPOSAL

- 2.01 The application seeks advertisement consent for the display of two freestanding non-illuminated sign boards mounted on poles within the Primary School site. The application is retrospective as the sign boards are already in place and appear to have been so for the past 16/17 months. One sign board is located on the corner of the school site at the junction of Bishop's Lane with West Street and faces west along West Street. The second sign board is located on the West Street frontage of the school site at the pedestrian access to the site from West Street and faces onto West Street.

- 2.02 The two sign boards comprise of a main panel 1.79m wide by 0.91m deep with two smaller panels 1.79m wide by 0.15m deep below. The metal sign boards are supported on two metal poles either side. The submitted plans show the sign boards to have an overall height of 3.19m above ground level with the lower of the two smaller sign boards below the main panel being 1.67m above ground level. The sign boards are elevated above ground level so as to be visible above the hedging to the road frontages of the school site. The sign boards consist of royal blue and white text on pale green and mid-green backgrounds and the boards identify the school name and telephone number, the name of the Headteacher and the name of the Site Manager.
- 2.03 The application states that the current sign boards for which retrospective advertisement consent is being sought replaced smaller signs in the same locations.

3.0 PLANNING CONSTRAINTS

- 3.01 The school site is located in the open countryside outside any village development boundary shown on the Proposals Map to the Maidstone Borough-Wide Local Plan.
- 3.02 The site forms part of a defined Special Landscape Area as shown on the Proposals Map to the Maidstone Borough-Wide Local Plan.
- 3.03 The open land adjoining the school site to the south and east is part of Hunton Court, an area identified as being an Important Historic Park/Garden on the Proposals Map to the Maidstone Borough-Wide Local Plan.
- 3.04 Scotts House on the south-western side of the junction of Grove Lane with West Street is Grade II listed.
- 3.05 A public footpath (KM170) runs to the south of the site.
- 3.06 No overriding planning constraints have been identified which would make the principle of the erection of non-illuminated advertisement signs within the school site unacceptable from a planning point of view.

4.0 POLICY AND OTHER CONSIDERATIONS

- The National Planning Policy Framework (NPPF): Section 7, para. 67
- National Planning Practice Guidance (NPPG): Advertisements
- Development Plan: Maidstone Borough-Wide Local Plan (2000): Policies ENV8, ENV28, ENV34
- Maidstone Borough Council Draft Local Plan: Policies SP5, DM4, DM7

5.0 LOCAL REPRESENTATIONS

- 5.01 Two objections to the application have been received from residents of neighbouring properties in West Street on the following grounds:
- The oversized sign immediately opposite our house was erected prior to planning permission being sought.
 - The sign can be seen from every front window as it is over 3 metres tall, in an elevated position and displayed high up above the rural hedge that skirts the school grounds.
 - The sign is an absolute eyesore in this rural setting.

- Hunton is a rural neighbourhood area and is especially vulnerable to the visual effects of outdoor advertisements.
- The local characteristics of the neighbourhood should be taken into consideration.
- The sign is inappropriate for the setting, is not in scale or in keeping with the rural area.
- The sign is unsightly, intrusive, garish and blocks the vision across open countryside for the house immediately opposite.
- The style and materials used to construct the sign are totally out of keeping with the rural environment we live in.
- It is virtually impossible to see the sign from the road.
- The sign only advertises a local school that everybody is aware of anyway.
- The sign serves no purpose and mars the otherwise lovely rural landscape that is Hunton.
- The sign gives no indication of the entrance to the school.
- There is an identical sign on the corner of West Street and Bishops Lane which is not overlooked by anyone and can be seen by road users.
- The previous sign opposite the houses on West Street was much smaller and situated much lower.
- Why does the school need two signs?

5.02 Hunton Parish Council objected to the sign on West Street due to it being unnecessarily visually intrusive in a rural setting. The Parish Council commented that they would like to see the retrospective application refused and the sign removed. The Parish Council further commented that they would like the application to go to the Planning Committee.

6.0 CONSULTATIONS

6.01 **KCC Highways:** Raise no objection.

7.0 BACKGROUND PAPERS AND PLANS

7.01 The retrospective application for advertisement consent is accompanied by the following drawings/documents:

A plan of the Hunton C of E Primary School site showing the position of the signs.
A drawing showing details of the signs.
Letter dated 08.12.14.

8.0 APPRAISAL

8.01 As noted under section 2.0 Proposal above, the current application seeks advertisement consent for the display of two freestanding non-illuminated sign boards mounted on poles within the Primary School site. The application is retrospective as the sign boards are already in place and appear to have been so for the past 16/17 months. One sign board is located on the corner of the school site at the junction of Bishop's Lane with West Street and faces west along West Street. The second sign board is located on the West Street frontage of the school site at the pedestrian access to the site from West Street and faces onto West Street.

8.02 The two sign boards comprise of a main panel 1.79m wide by 0.91m deep with two smaller panels 1.79m wide by 0.15m deep below. The metal sign boards are supported on two metal poles either side. The submitted plans show the sign boards to have an overall height of 3.19m above ground level with the lower of the two smaller sign boards below the main panel being 1.67m above ground level. The sign boards

are elevated above ground level so as to be visible above the hedging to the road frontages of the school site. The sign boards consist of royal blue and white text on pale green and mid-green backgrounds and the boards identify the school name and telephone number, the name of the Headteacher and the name of the Site Manager.

- 8.03 The application states that the current sign boards, for which retrospective advertisement consent is being sought, replaced smaller signs in the same locations.
- 8.04 Policy ENV8 of the Maidstone Borough-Wide Local Plan sets out the criteria to be met for proposals for new signage and for commercial or retail frontages. The criteria to be met include the following:
- The size, design, positioning, materials, colour and method of illumination of signage is not detrimental to the character and appearance of the building or the surrounding area.
 - The design of frontages takes into account both the building(s) of which they form part and the neighbouring properties.
 - Fascias are not unduly large or prominent within the street scene.
- 8.05 Government guidance on advertisements in the National Planning Policy Framework (March 2012) states (para. 67) that poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. Control over outdoor advertisements should be efficient, effective and simple in concept and operation. Only those advertisements which will clearly have an appreciable impact on a building or on their surroundings should be subject to the local planning authority's detailed assessment. Advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.
- 8.06 The school site is located in the open countryside outside any village development boundary shown on the Proposals Map to the Maidstone Borough-Wide Local Plan. Policy ENV28 of the Local Plan seeks to protect the countryside from inappropriate development which harms the character and appearance of the area.
- 8.07 The site forms part of a defined Special Landscape Area as shown on the Proposals Map to the Maidstone Borough-Wide Local Plan. Policy ENV34 of the Maidstone Borough-Wide Local Plan states that in the defined Special Landscape Areas 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.
- 8.08 Government guidance in the National Planning Policy Framework (para. 109) advises that valued landscapes should be protected and enhanced.

Amenity

- 8.09 The two non-illuminated sign boards are relatively large (the three separate panels which make up each sign board have a combined area, including the small gaps between the panels, of 1.79m in width and 1.29m in depth) and are elevated above ground level (overall height 3.19m) so as to be visible above the hedging to the road frontages of the school site.
- 8.10 The two signs are also prominently sited close to the site frontages to West Street and the West Street/Bishop's Lane corner frontage and have a visual impact in the street

scene along West Street and at the Bishop's Lane/West Street junction. However, the two signs are not considered to be excessive in size and scale, and, given the size of the school site with two road frontages and accesses from Bishop's Lane and West Street, the provision of two identical signs to the site close to the accesses is not considered to be wholly inappropriate.

- 8.11 The two sign boards are not elevated significantly above the hedging to the road frontages of the school site and are viewed in the context of Hunton C of E Primary School complex and the group of residential properties along the opposite side of West Street and around the junctions of Bishop's Lane and Grove Lane with West Street as opposed to the surrounding open countryside. The signage is set back from the road behind a grass verge and a hedge that marks the school boundary. The sign on the main site frontage faces towards properties in West Street with these properties set back a minimum of 13 metres from the road. The sign on the corner of the site faces away from the property at 5 West Street.
- 8.12 In the circumstances it is not considered that the two sign boards appear as unduly intrusive in the street scene along West Street or at the Bishop's Lane/West Street junction, or have an unacceptable impact on the character or appearance of the area, or the visual amenities of the surrounding area generally.
- 8.13 West Street and Bishop's Lane separate the school site from the neighbouring residential properties along West Street to the north-west and south-west of the site respectively. Whilst the two sign boards impact in the outlook to the front of the neighbouring properties which stand opposite the school site along West Street, it is considered that they are sufficiently distanced from those neighbouring properties to prevent any unacceptable unneighbourly impacts. Impact in the views of the school site and the wider open countryside beyond from the neighbouring properties is not a ground for refusal.
- 8.14 The sign board on the West Street/Bishop's Lane corner frontage of the school site is sufficiently distanced and separated from the Grade II listed Scotts House property on the south-western side of the junction of Grove Lane with West Street to prevent any harmful impact on the setting of the listed building.
- 8.15 With regards to interests of amenity, it is not considered that the two freestanding non-illuminated sign boards mounted on poles which have been erected on the West Street and West Street/Bishop's Lane corner frontages of the school site conflict with the above Government guidance in the NPPF or policies ENV8, ENV28 and ENV34 of the Maidstone Borough-Wide Local Plan.

Public safety

- 8.16 The two freestanding non-illuminated sign boards mounted on poles which have been erected on the West Street and West Street/Bishop's Lane corner frontages of the school site are clearly designed and sited to be visible from West Street. Whilst the two sign boards are sited close to the respective frontages of the school site, they are set behind the hedging along the road frontages of the site and are elevated so as to be visible above the hedging. The non-illuminated sign boards do not obstruct any sight lines or access to and from the school site or pedestrian and vehicle movements along West Street and Bishop's Lane.
- 8.17 It is not considered that the sign boards are a source of distraction to pedestrian and/or vehicle movements along West Street and Bishop's Lane or at the junctions of Bishop's Lane and Grove Lane with West Street. Kent Highways have commented that

having considered the development proposals and the effect on the highway network, Kent Highways raise no objection. In light of the comments from Kent Highways, it is not considered that the two freestanding non-illuminated sign boards mounted on poles which have been erected on the West Street and West Street/Bishop's Lane corner frontages of the school site raise any overriding public safety issues.

9.0 CONCLUSION

- 9.01 Government guidance in the National Planning Policy Framework states that advertisements should be subject to control only in the interests of amenity and public safety. The two non-illuminated sign boards, the subject of this application for advertisement consent, have already been erected on the West Street and West Street/Bishop's Lane corner frontages of the school site and the application is therefore retrospective.
- 9.02 Whilst the two non-illuminated sign boards, have a visual impact in the street scene along West Street and at the Bishop's Lane/West Street junction, it is not considered that the sign boards appear as unduly intrusive in the street scene or at the junction, or have an unacceptable impact on the character or appearance of the area, or the visual amenities of the surrounding area generally.
- 9.03 With regards to interests of amenity, it is not considered that the two freestanding non-illuminated sign boards conflict with Government guidance in the NPPF or the relevant policies of the Maidstone Borough-Wide Local Plan. It is not considered that the two sign boards raise any overriding public safety issues. The grant of retrospective advertisement consent can therefore be recommended.

10.0 RECOMMENDATION – GRANT advertisement consent subject to the following conditions:

- (1) (i) No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
- (ii) No advertisement shall be sited or displayed so as to -
- (a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
 - (b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
 - (c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.
- (iii) Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.
- (iv) Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

- (v) Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity;

Reason: In accordance with the provisions of Regulation 14 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

- (2) The advertisements for which consent is hereby granted must be removed in accordance with the requirements of condition 1(v) above within five years of the date of this consent;

Reason: In accordance with the provisions of Regulation 14 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

INFORMATIVE

- (1) This grant of advertisement consent is based on the following submitted plans:
Drawing number B1494400 - 05 received 19.09.14 - Position of signs drawing
Details of signs drawing received 19.09.14

Case Officer: Jon Barnes

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



14/506690 - Ashtree Place, Hampstead Lane

Scale: 1:2500

Printed on: 5/1/2016 at 16:04 PM

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REPORT SUMMARY

REFERENCE NO - 14/506690/FULL		
APPLICATION PROPOSAL Change of use of land for stationing of 2 caravans on plots for residential occupation and 2 tourers with associated development (hard standing, fencing, cess pit, 2 timber sheds) - retrospective application for use as a gypsy/traveler site as shown on Block Plan (Plans Ahead); received on 12.11.2015 and Site Location Plan (Plans Ahead); received 23.12.2015		
ADDRESS Ashtree Place, Hampstead Lane, Nettlestead, Kent, ME18 5HN		
RECOMMENDATION - Permission		
SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL The development, subject to the conditions stated, including a temporary consent, 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 Nettlestead Parish Council wish to see the application refused.		
WARD Marden And Yalding Ward	PARISH/TOWN COUNCIL Nettlestead	APPLICANT Mr A Webster AGENT Heine Planning Consultancy
DECISION DUE DATE 23/02/15	PUBLICITY EXPIRY DATE 23/02/15	OFFICER SITE VISIT DATE 19/01/15

History

10/1595 - Variation of conditions 1 & 3 of Planning Permission MA/05/0941 (Change of use from agricultural to residential land, as gypsy site for stationing of 3 No static caravans & 1 no touring caravan & associated hard standings) to include additional occupants and to allow use of the site on a permanent basis – Permitted (temporary)

05/0941 - Change of use from agricultural to residential land, as gypsy site for stationing of 3 No static caravans & 1 no touring caravan & associated hard standings, and the erection of a single storey amenity shed as shown on committee photos – Permitted (temporary)

04/0288 - Change of use from agricultural to residential land adjacent to Catchment Gardens, for stationing of three static caravans and one touring caravan and associated hard standing - Refused

02/0773 - Change of use from agricultural to stationing of 2 no. residential caravans/mobile homes and the erection of a brick built utility and shower/wc building for use between 15th March and 30th September each year – Refused and dismissed on appeal

00/1842 - Change of Use from agricultural to residential with the stationing of 2No. caravans and 1No. utility room – Refused and dismissed on appeal

MAIN REPORT

1.0 Site description

- 1.1 The application site is located in the open countryside off the south side of Hampstead Lane. The site is relatively flat land located within the Metropolitan Green Belt. The site is located within Flood Zone 2. The site is approx. 0.9 hectares in area and is located approx. 1.5km to the west of Yalding village and approx. 200m west of the Paddock Wood – Maidstone railway line.
- 1.2 Vehicle access is taken from Hampstead Lane between Catchment Cottage (to the east) and another traveller site to the west (Three Acres). The vehicle access is formed of crushed tarmac with a maintained grass verge with tree and hedgerow planting on the edge of the track. The vehicle access leads south into the site, passing a small grassed paddock to the east, whilst to the west is a separate access track serving fields to the south. There is a further traveller site known as Four Sons located to the west of Three Acres.
- 1.3 At the time of my site visit the site accommodated two static caravans side by side at the northern end of the site and one tourer located toward the western boundary of the site. These units are served by hardstanding and access tracks off the vehicle access. The remaining area of the site remains as an open grassed area. An area of woodland is located beyond the southern boundary. The site is well landscaped with tree and hedgerow planting.

2.0 Proposal

- 2.1 Retrospective planning permission is sought for the change of use of land for stationing of 2 caravans on plots for residential occupation and 2 tourers with associated development (hard standing, fencing, cess pit, 2 timber sheds) - for use as a gypsy/traveller.
- 2.2 The applicants and current occupants of the site have been living on the site since circ. 2005. Planning permission 05/0941 was a temporary permission for a gypsy caravan site for 3 static caravans and one tourer. 05/0941 was a personal permission restricting occupation to Mrs Sarah Webster, Mr Alfie Webster and Mrs Lorraine Storey, their partners and their dependent children. 05/0941 expired in September 2010. Following the expiry of the 2005 permission the applicants were granted a further temporary consent under application 10/1595 for the same number of caravans with a variation in the personal permission following the death of Mrs Sarah Webster, to allow Alice Webster and her children to live on the site in place of Mrs Sarah Webster. Alice is the sister of Alfie Webster and Lorraine Storey. 10/1595 was approved in April 2011 for temporary 2 year period.
- 2.3 This application seeks a further temporary permission for Alfie Webster and Lorraine Storey to remain on site along with their partners and their dependent children.
- 2.4 Since the application was originally submitted the description has been amended from 3 static and 3 tourers, to 2 static caravans and 2 tourers. The third static caravan proposed for Alice Webster no longer forms part of the planning application. Alice Webster currently lives in housing in Cranbrook in a house.

3.0 Policies and other considerations

- Development Plan 2000: ENV6, ENV28, ENV30, T13
- National Planning Policy Framework
- National Planning Practice Guidance
- Draft Local Plan policies: SP5, GT1, DM26
- Planning Policy for Traveller Sites (PPTS)

4.0 Local representations

- 4.1 No neighbour objections have been received.

5.0 Consultation responses

- 5.1 **Nettlestead Parish Council:** Wish to see the application refused for the following reasons:

‘The Parish Council would like to see this application refused as it is in the Metropolitan Green Belt and the area in question is in the Flood Zone’.

- 5.2 **Environmental Health Team:** Raise no objection subject to conditions.

- 5.3 **KCC Highways:** Raise no objection.

- 5.4 **Environment Agency:** Have no objection to the proposed temporary use of this site so long as it is time limited.

6.0 Principle of development

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

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

- 6.2 Policy ENV28 then outlines the types of development that can be permitted. This does not include gypsy development as this was previously covered under housing policy H36 of the MBWLP but this is not a ‘saved’ policy. Policy ENV30 (Green Belt) is designed to control the spread of inappropriate development.

- 6.3 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.

- 6.4 Though work on the emerging local plan is progressing as yet there are no adopted policies responding to the provision of gypsy sites. Local Authorities have the responsibility for setting their own target for the number of pitches to be provided in their areas in their Local Plans. To this end Maidstone Borough Council, in partnership with Sevenoaks District Council procured Salford University Housing Unit to carry out a revised Gypsy and Traveller Accommodation Assessment (GTAA). 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 2012	-	25 pitches
April 2021 – March 2026	-	27 pitches
April 2026 – March 2031	-	30 pitches
Total: Oct 2011 – March 2031	-	187 pitches

6.5 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.

6.6 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.

6.7 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.

Need for Gypsy sites

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

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

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

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

- 71 Permanent non-personal permissions
- 10 Permanent personal permissions
- 3 Temporary non-personal permissions
- 31 Temporary personal permissions

6.11 Therefore a net total of 81 permanent pitches have been granted since 1st October 2011. As such a shortfall of 25 pitches remains outstanding.

- 6.12 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.

Gypsy status

- 6.13 Since the application was submitted, the Government has issued revisions on the national planning guidance for Gypsy & Traveller development contained in 'Planning Policy for Traveller Sites' (PTS). The revised guidance came into force on 31st August 2015, and the planning definition of 'gypsies & travellers' have been amended to exclude those who have ceased to travel permanently. The revised definition is as follows;

"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 showpeople or circus people travelling together as such."

- 6.14 The definition still includes those who are of a nomadic habit of life who have ceased to travel temporarily because of their own, or their dependants', health or education needs or old age. To determine whether an applicant falls within the definition, the PTS advises that regard should be had to; a) whether they had previously led a nomadic habit of life; b) the reasons for ceasing their nomadic habit of life; and 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.
- 6.15 Mr Alfie Webster and Mrs Lorraine Storey have been granted personal traveller permissions twice previously on this site and their gypsy status has been accepted during the determination of application 05/0941 and 10/1595. However, it is necessary to assess whether Mr Alfie Webster and Mrs Lorraine Storey fall within the current definition of a gypsy / traveller.
- 6.16 A letter from the agent states that Mrs Lorraine Storey and Mr Alfie Webster led a nomadic life before settling on this site in accordance with the previous definition in Circular 2006, which has not been abandoned. Both still travel for work. Mrs Storey does seasonal farm work. This year she spent 10 weeks on a Hop farm in Goudhurst where she stopped in her touring caravan with other family members. She has also done cherry picking in Kent orchards. Mr Webster is a horse dealer and travels to all the main horse fairs. Mr Webster comes and goes from site all year round visiting the main fairs and horse auctions round the country. Both applicants plan to continue their nomadic habit. With the evidence before me, I am of the view that Mrs Storey and Mr Webster both lead a nomadic habit of life and accept that they fall within the gypsy status definition.
- 6.17 Also key in determination of this application are the changes in government guidance in relation to traveller sites in the Green Belt. The previous application (10/1595) was assessed against Central Government Guidance contained within Circular 01/2006: Planning for Gypsy and Traveller Caravan Sites. In relation to Green Belt sites this document states that 'New gypsy and traveller sites in the Green Belt are normally inappropriate development, as defined in Planning Policy Guidance 2: Green Belts (PPG2). Alternatives should be explored before Green Belt locations are considered. Pressure for development of sites on Green Belt land can usually

be avoided if the local planning authority allocates sufficient sites elsewhere in its area, in its LDF, to meet identified need.'

- 6.18 The introduction of national planning policy planning guidance for Gypsy & Traveller development contained in 'Planning Policy for Traveller Sites' (PTS) 2012 and followed through in the 2015 amendment afford stricter controls on traveller sites in the Green Belt. Paragraph 16 states 'Inappropriate development is harmful to the Green Belt and should not be approved, except in very special circumstances. Traveller sites (temporary or permanent) in the Green Belt are inappropriate development. Subject to the best interests of the child, personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances'.
- 6.19 Paragraph 27 of the PTS also states 'If a local planning authority cannot demonstrate an up-to-date 5 year supply of deliverable sites, this should be a significant material consideration in any subsequent planning decision when considering applications for the grant of temporary planning permission. The exception is where the proposal is on land designated as Green Belt' inter alia.
- 6.20 The site was accepted for temporary permission in 2005 when it was considered that the Gypsy status, medical (Mrs Sarah Webster) and educational needs demonstrated by the applicant and her family represented special circumstances to allow the development as a departure from the Development Plan. Temporary permission was granted for five years. In 2010 the site was again accepted for temporary permission on grounds of the Gypsy status and for educational reasons due to the children living on the site attending local schools. Health considerations / medical issues were given limited weight during the assessment of 10/1595 as Mrs Sarah Webster had died. During the determination of the previous planning permissions the Council was unable to offer the applicant an alternative site.
- 6.21 The personal circumstances of the applicant are again put forward as justification with one of Lorraine Storey's three children in full time education at school locally in Paddock Wood. Lorraine also cares for her elderly grandmother who lives on a site nearby in East Peckham. Mr Webster and his wife Sarah have five children, four of whom are of school age.
- 6.22 It is noted that government guidance on traveller sites in the Green Belt has been tighten since the last temporary permission was granted on this site in 2010, in that personal circumstances and unmet need are unlikely to clearly outweigh harm to the Green Belt and any other harm so as to establish very special circumstances. However, the best interests of the child are still afforded weight in the determination of traveller sites in the Green Belt.
- 6.23 The two applicants and their families have been living on this site for more than 10 years and their children have either attended or are attending local schools. Given the fact the Council is unable to offer any alternative accommodation and, taking into consideration the length of time the applicants have resided at this site; the needs of the children living at the site; the fact that temporary permission has been granted previously, leads me to give the needs of the applicant weight in the determination of this application. It is also noted that the number of static and tourer caravans on the site would reduce from three to two compared with the previous permissions which would reduce the visual impact of the development on the open countryside and Green Belt.

6.24 Visual impact

- 6.25 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 saved Local Plan policy ENV28 and ENV30.
- 6.26 A key issue to consider is whether the development has an adverse impact on the character of the area and on the openness of the Green Belt.
- 6.27 Hampsted Lane is a rural lane set in the open countryside. The site is within the Green Belt. Clearly the site is sensitive given that development of this nature should not normally be accepted
- 6.28 The visual impact of three static caravans and three tourers was previously found to be acceptable during the assessment of the 2005 and 2010 applications. I have no reason to differ from this conclusion, especially considering this application proposes a reduction in the number of caravans previously approved and, the landscaping surrounding the site will have become more established over time. In my view this application for two static caravans and two tourers would have less of a visual impact on the openness of the Green Belt and countryside than the previously approved schemes.
- 6.29 The application site is reasonably unobtrusive and has a limited impact on the openness of the Green Belt, largely due to the static caravans being sited away from the road frontage of Hampstead Lane. The static caravans are discreetly located along the northern boundary of the site some 70m distance from Hampstead Lane and are largely screened by neighbouring development and landscaping / boundary treatment. The static caravans are therefore not readily visible from the road and only the roof of the larger unit is visible from the road. PROW KM186 is located to the south of the site, however, views of the site are distant and the caravans are seen against the backdrop of other neighbouring developments.
- 6.30 There are no long or medium distance views of the site where the site would appear dominant, due to the topography of the surrounding area, screening from neighbouring developments and established boundary screening. The views of the site from the PROW were not previously considered sufficient to warrant refusal on grounds of visual impact and countryside harm. As such the development would not cause significant visual harm to the countryside or the openness of the Green Belt.

6.31 Sustainability

- 6.32 Gypsy traveller sites will almost inevitably be located in countryside locations, and the site is located some 1.5km from Yalding on a main road. In my view, I do not consider the site to be so far removed from basic services and public transport opportunities as to justify grounds to refuse this application in terms of being unsustainable.

6.33 Residential amenity

- 6.34 There are other gypsy sites in close proximity to the site and residential houses located to the north of the site. The static caravans are located a sufficient distance away from the neighbouring houses / caravans and I am satisfied that the proposed development would not have a significant detrimental impact on the residential

amenity of any neighbouring occupant, in terms of general noise and disturbance, and privacy.

6.35 Highway safety implications

- 6.36 The site benefits from an existing vehicle access onto Hampstead Lane and I am satisfied with the visibility splays. The proposal would result in a reduction in the number of caravans previously granted permission on this site which would likely result in a reduction in the vehicle movements, and I consider the local highway network to be capable of accommodating the relatively low vehicle movements to and from the site. There is established parking and turning space within the site; the access road is suitably surfaced; and the gates are set back from the highway. KCC Highways have raised no objection.

6.37 Landscape and biodiversity implications

- 6.38 The site has been established as a traveller site for some 10 years and the applicants have planted boundary hedgerows and trees within the site, with the remaining areas mainly consisting of maintained lawns. As such I do not consider that there are any landscape or ecology grounds for objection.

6.39 Other considerations

- 6.40 Given the location of the proposal site, I am satisfied that there are no objections to be raised in terms of flood risk and drainage. The Environment Agency raises no objections to a temporary permission and recommended informatives which have been added.
- 6.41 There are other gypsy and traveller sites on Hampstead Lane but I do not consider the granting of a permission here would lead to an unacceptable over-concentration of sites, or result in unacceptable visual harm; and given the sporadic residential development within the immediate area and relatively sustainable location, it would not dominate the nearest settled community or place undue pressure on the local infrastructure.
- 6.42 I am satisfied that the 2 mobile homes fall within the definition of a caravan as set out under Section 13 of the Caravan Sites Act 1968 (as amended), and an appropriate condition will control this.

7.0 Conclusion

- 7.1 In view of the fact that the applicants have been living on this site since circa 2005 under two previous temporary permissions and their children have either attended or are attending local schools, coupled by the fact that the Council is unable to offer any alternative accommodation, leads me to give the needs of the applicant and their children weight in the determination of this application.
- 7.2 It is also noted that the number of static and tourer caravans on the site would reduce from three to two compared with the previous permissions, which would reduce the visual impact of the development on the open countryside and Green Belt. I therefore consider, on balance, that a further temporary permission for a three year period would be appropriate in this instance.

8.0 RECOMMENDATION – GRANT Subject to the following conditions:

CONDITIONS to include

- (1) The use hereby permitted shall be carried on only by Mr Alfie Webster and Mrs Lorraine Storey, their partners and their dependant children only.

Reason: Because of the special circumstances demonstrated and to restrict occupation of the site in accordance with Policies ENV28 and ENV30 of the Maidstone Borough-Wide Local Plan 2000.

- (2) Within 3 years from the date of this permission, or when the premises cease to be occupied by the persons identified in condition 1 above (whichever is sooner), the use hereby permitted shall cease and the caravans, and all other materials and equipment brought onto the premises in connection with the use shall be removed. The land shall then be restored to its former condition on or before a date not later than three months following the vacation of the site, in accordance with a scheme of work submitted to and approved in writing by the Local Planning Authority.

Reason: Permission has been granted on a temporary basis in recognition of the overriding need to provide sites for gypsies in the short term and to reflect the personal circumstances demonstrated in the application. A temporary condition is necessary to protect the character and appearance of the countryside and openness of the Green Belt in accordance with policies ENV28 and ENV30 of the Maidstone Borough-Wide Local Plan 2000.

- (3) No more than 2 static caravans and 2 tourers, 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 unless otherwise agreed in writing with the Local Planning Authority;

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

- (4) No commercial or business activities shall take place on the land, including the storage of vehicles or materials and livery use;

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

- (5) The development hereby permitted shall be carried out in accordance with the following drawings:

Block Plan (Plans Ahead); received on 12.11.2015 and Site Location Plan (Plans Ahead); received 23.12.2015

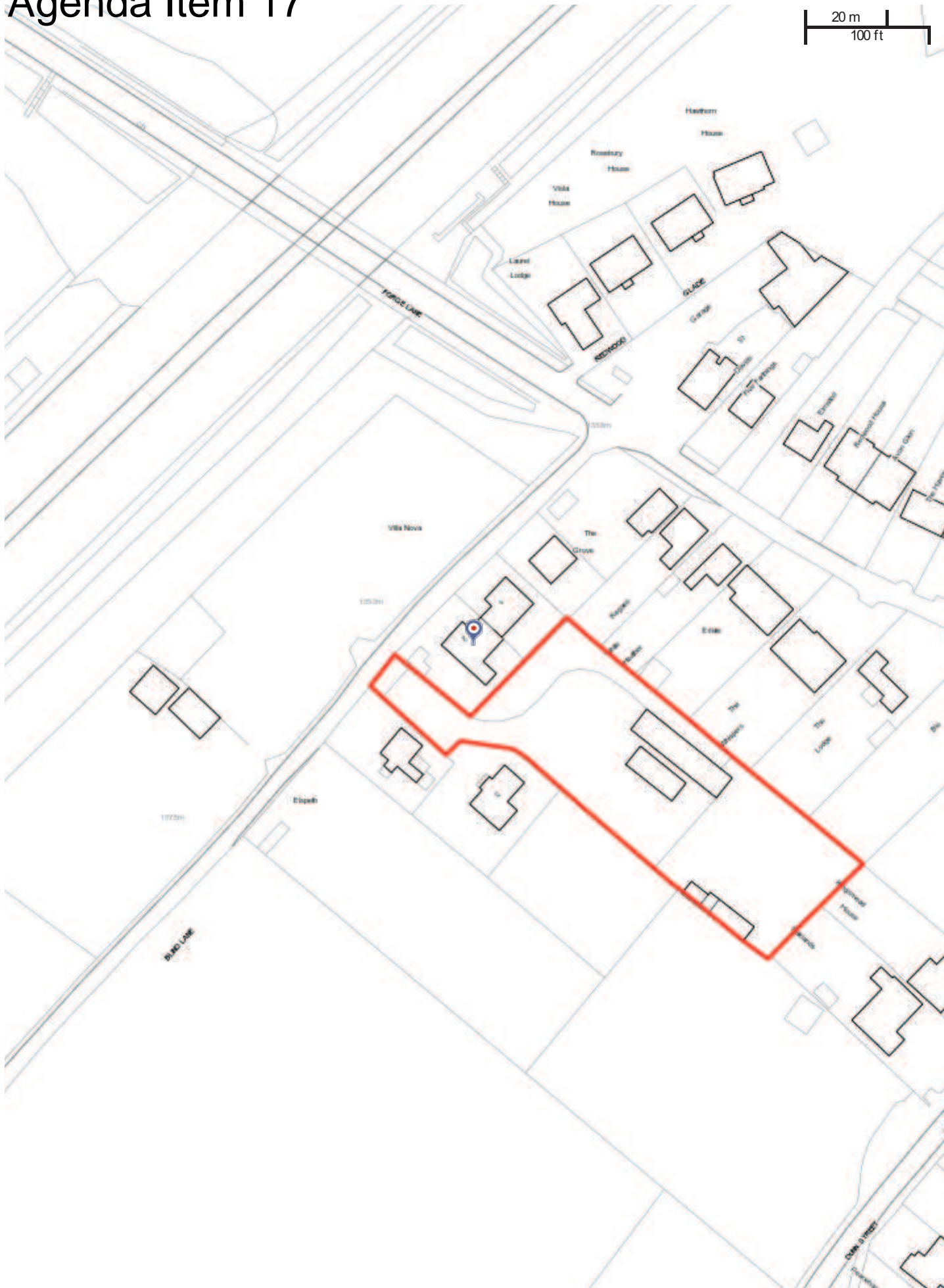
Reason: To ensure the quality of the development is maintained and to prevent harm to the residential amenity of neighbouring occupiers.

INFORMATIVES

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.

Agenda Item 17



REPORT SUMMARY

REFERENCE NO - 15/505317/OUT		
APPLICATION PROPOSAL		
Outline application considering access arrangements in respect of the demolition of existing buildings and construction of four detached chalet bungalows (Matters of appearance, landscaping, layout and scale reserved for future consideration)		
ADDRESS 3 Blind Lane, Bredhurst, Kent, ME7 3JR		
RECOMMENDATION: Grant Planning Permission subject to no new issues being raised from outstanding consultations (Acceptance delegated to Head of Planning and Development) and subject to the planning conditions		
SUMMARY OF REASONS FOR RECOMMENDATION		
<p>The proposal is considered to be acceptable in principle for the following reasons.</p> <ul style="list-style-type: none"> - Part of the site represents previously developed land having - The current buildings and use are unsightly and unneighbourly especially in relation to neighbouring residential properties. - The proposal involves replacement of what is currently an unconstrained and unneighbourly land use with one more appropriate to this location. - The proposal will make a contribution to meeting acknowledged housing need in the Borough. - The extent of built development has been reduced from the earlier refused proposal with the existing open land at the eastern end of the site now remaining open as garden land. - The proposal will have no adverse effect on the landscape quality of the area, the character or openness of the countryside or the functioning of the strategic gap. - The proposal will not harm the character or setting of the village of Bredhurst. - The submitted illustrative details demonstrate that the site can be developed in a manner that is acceptable in terms of layout, character and residential amenity. - The proposal is acceptable in terms of aural amenity and highway and parking impact. - The proposal will safeguard existing wildlife while delivering habitat improvements in accordance with the provisions of the NPPF. - The proposal represents sustainable development in accordance with the provisions of the NPPF 		
REASON FOR REFERRAL TO COMMITTEE		
Contrary to the views of Bredhurst Parish Council		
WARD Boxley	PARISH/TOWN COUNCIL Bredhurst	APPLICANT Mr Dick Hales AGENT Bloomfields
DECISION DUE DATE 04/09/15	PUBLICITY EXPIRY DATE 04/09/15	OFFICER SITE VISIT DATE 14/10/15

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The majority of the application site is located adjacent to the Bredhurst settlement boundary, with the settlement boundary wrapping around the western end of the site. The entrance to the application site is located between the residential properties at 2 Blind Lane and the property called Elspeth that also includes outbuildings that provide a cattery. The residential property at 3 Blind Lane is located to the rear of Elspeth and whilst outside the application site boundary this property shares the access on to Blind Lane. The site lies within the Kent Downs Area of Outstanding Natural Beauty, within the North Downs Special Landscape Area (SLA) and part of the Strategic Gap.
- 1.02 The application site comprises 2 distinct areas. The north west part of the application site is occupied by a yard and buildings used by a vehicle repair and maintenance use. The south east part of the site is a largely open piece of land with a single storey building on the southern boundary.
- 1.03 The existing repair and maintenance use is located to the north west part of the application site. The repair and maintenance use is located to the rear of mainly detached dwellings fronting Blind Lane to the north west and Forge Lane to the north east. Apart from the access from Blind Lane and the properties called Elspeth and 3 Blind Lane, the south east boundary of the maintenance yard abuts open countryside.
- 1.04 The open area of land at the eastern end of the site abuts the rear gardens of adjacent houses that front Forge Lane to the north east and Dunn Street to the south east.
- 1.05 In the wider context, though the surrounding area is rural in character the north west, north east and south east application site boundaries are adjacent to existing residential development located within the settlement boundary of Bredhurst.

2.0 PROPOSAL

- 2.01 Outline planning permission is sought to redevelop the site for 4 detached chalet bungalows with access arrangements to be considered at this stage with appearance, landscaping, layout and scale reserved for future consideration. In order to demonstrate that the site is capable of accommodating the scale of development proposed an indicative site layout and indicative elevations and floorplans has been submitted as part of the application.
- 2.02 The indicative site layout plan shows access to the 4 detached chalet bungalows from Blind Lane using the existing access to Blind Lane. The indicative plan shows the proposed bungalows sited on land currently used by the vehicle repair and maintenance use. The existing open area of land at the eastern end of the site will be used to provide amenity space for two of the

proposed bungalows in this location. The indicative elevations and floorplans show two different four bedroom chalet bungalow designs.

3.0 RELEVANT HISTORY

- 3.01 A certificate of lawfulness was issued in March 2001 (ref: MA/00/1542) confirming the lawful use of part of the current application site for the repair and maintenance of trucks, tractors, agricultural plant and equipment. The area covered by the certificate of lawfulness is shown on the plan attached as **Appendix 1**.
- 3.02 In 2002 planning permission was granted for the demolition of the existing buildings and for the erection of a new building for general industrial purposes (Class B2) (MA/02/1402). This permission appears to have not been implemented.
- 3.03 In 2003 outline planning permission (MA/03/2206) for residential development of the application site was refused on the grounds that it represented unjustified residential development in the open countryside resulting in loss of openness and detracting from the character of the countryside and the Kent Downs AONB. An indicative plan showing a layout for 7 units was submitted as part of this application with the development covering the whole of the application site.

4.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Development Plan (2000): ENV28, ENV31, ENV33, ENV34 and H31

5.0 LOCAL REPRESENTATIONS

- 5.01 16 neighbours notified of the application as originally submitted and notified again on receipt of indicative layout details. 5 objections have been received which are summarised as follows:
- Part of the site is agricultural land that does not fall within the village envelope and should not be considered as previously developed land.
 - Having gardens abutting adjoining land is no different than having the land built on particularly as planning permission has already been refused to develop this land.
 - All development, including the gardens, should be confined to the area covering the former built up area.
 - Two storey development as proposed will overlook adjoining properties resulting in loss of privacy.
 - The proposed number of dwellings and notwithstanding the Councils housing land shortfall, is not sufficient to justify the harm that will be caused to the locality by permitting the proposal.
 - Will result in loss of outlook and privacy to houses overlooking and abutting the site while the use of the gardens will result in additional disturbance.

- Given the setting of the site it is not appropriate to deal with this application in outline form.
- Proposal will increase traffic in the locality resulting in harm to the free flow of traffic and highway safety in the locality.
- Insufficient on site parking proposed resulting in displaced parking taking place in the locality harming its character while being detrimental to the free flow of traffic and highway safety.
- Do not accept that the proposal will bring a reduction in traffic as little vehicular movement currently takes place at the site.
- Will change character of the village lying in quiet secluded countryside while further eroding area available for wildlife. As such will appear completely out of character with the locality.
- The submitted indicative layout details do not address any of the concerns raised above.
- Noted that the application has been the subject of pre-application advice and it is hoped it was made clear that the agricultural land should not form part of any application site.
- The traffic impact of the proposal should be taken into account with the developments approved under refs: 15/505317 and 15/506472.
- Given the lack of facilities within the area along with poor bus services car use is likely to be high
- Concern raised in connection with previous applications in the area that the area is subject to a poor aural environment due to proximity to the M2. This applies equally to this site.

6.0 CONSULTATIONS

- 6.01 **Bredhurst Parish Council:** Objects to the application. Comments on the application as originally submitted were as follows: *The site may be considered a brown field site due its current use but consider the number of dwellings proposed is excessive. Bearing in mind this is an outline application it is difficult to make substantive comments at this stage until such time as a full application is received. Would also like to raise concerns that the building plot in its entirety is outside the village envelope and part of the site is agricultural land.*

Comments on the additional details were as follows: *Aware of the NPPF and Maidstone's lack of land supply and housing needs within the Borough. However, this is an extremely sensitive site and considers insufficient information has been submitted on which to base an objective decision since this is an outline planning application. Consider a full planning application would allow assessment of the totality of the proposed application regarding design, landscaping and the ecological impact. Basically an infill site and also concerned the character of the Village could be compromised while there could be possible highway issues at the Junction of Forge Lane and Blind Lane.*

- 6.02 **Environmental Health:** No objection is raised subject to conditions relating to site contamination. It is noted that the site is about 80 metres from the M2 to the north.

6.03 **Southern Water:** No objection subject to a condition requiring details of foul and surface water drainage. In addition the applicant's attention needs to be drawn to the possible location of a public sewer crossing the site and the need to ensure the SUDS is properly maintained.

6.04 **Kent Highways:** No objection. Analysis of existing and proposed trip generation rates indicates the proposed use will result in a reduced number of trips with a similar number of trips occurring in peak hours. It is also likely that the proposal will result in fewer trips by large vehicles.

Site access is via the existing access onto Blind Lane. Although visibility is limited this is a lightly trafficked road with low vehicle speeds with no history of injury crashes along Blind Lane. Sufficient on site parking and turning is also shown to be provided.

6.05 **Environment Agency:** No objection. The site lies on source protection zone 3 and above a major aquifer, however due to the surface there is no objection subject to a condition relating to site contamination.

6.06 **KCC Ecology:** No objection. KCC Ecology advise that sufficient information has been submitted to determine the current planning application.

Reptiles: As the garden area will remain undeveloped there is no requirement for reptile surveys to be carried out. This is because there is only a small area of suitable reptile habitat is to be impacted by the proposed development.

No specific map has been provided demonstrating where the reptile habitat is located within the development footprint. However from reviewing the phase 1 map it is presumed it is the area of tall plants growing in the waste ground behind the buildings.

As this area is very small in relation to the retained garden area KCC Ecology are satisfied that the proposed precautionary mitigation is appropriate on this occasion.

Bats: The survey shows it is likely bats are foraging within the proposed development site, particularly the retained garden area. Lighting can be detrimental to foraging and commuting bats and any lighting must be designed to minimise the impact on bats.

Breeding Birds: The buildings and the trees/hedges on the site have the potential to be used by breeding birds and all nesting birds and their young are protected. As such the demolition of buildings and removal of vegetation should only take place outside the breeding bird season.

7.0 APPRAISAL

7.01 As the application site lies within an AONB it is necessary to consider whether the proposal should have been accompanied by an Environmental Impact Assessment (EIA). The proposal is not Schedule 1 development and does not

fall within any of the categories referred to in Schedule 2 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2011(as amended). In the circumstances it is considered the impact of the application is not sufficient to trigger the need for an EIA.

Determining issues

- 7.02 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 material considerations indicate otherwise.
- 7.03 In 2003 outline planning permission (MA/03/2206) for residential development of the application site was refused on the grounds that it represented unjustified residential development in the open countryside resulting in loss of openness and detracting from the character of the countryside and the Kent Downs AONB. An indicative plan showing 7 residential units was submitted as part of this outline planning application, with this plan showing development covering the whole of the application site.
- 7.04 The applicant has sought to address the Council's concerns about the earlier proposal with the current resubmitted planning application. The changes include the retention of open land on the eastern part of the site and consolidating built development at the western end of the site where existing buildings are located. It therefore remains to assess whether excluding built development from this open area has any material bearing on the acceptability of the development that would justify a different decision.
- 7.05 In summary the key issues in relation to this proposal are considered to be (a) the principle of development, (b) the impact on the AONB, SLA, the rural character of the area and the strategic gap (c) the impact on the character and setting of Bredhurst village (d) design and layout (d) impact on the amenity of neighbouring residential properties (e) highways and parking impacts (f) aural amenity (g) site contamination and drainage and (h) wildlife and habitat considerations.

Principle of Development and Impact on AONB, SLA and Strategic Gap.

- 7.06 The NPPF at paragraph 49 states that housing applications should be considered in the context of the presumption in favour of sustainable development. Paragraph 55 of the NPPF states that housing should be located where it will enhance or maintain the vitality of rural communities and that development in one village may support services in a village nearby. With the application site located directly adjacent to Bredhurst village and the proximity to the built up area of Hempstead (just over 1 kilometre to north east) it is considered that the application site is in a sustainable location.
- 7.07 Whilst directly adjacent and partially enclosed by Bredhurst Village, the application site is located outside the settlement boundary and therefore policy ENV 28 of the Local Plan is considered relevant. In this location and with the presence of existing buildings it is considered that the development will not

harm the character and appearance of the area or the amenities of surrounding occupiers, and development will ensure that there is no net loss of wildlife resources. The proposal is therefore considered in accordance with policy ENV28.

- 7.08 The application site comprises two separate parts being (a) land with lawful use for the repair and maintenance of trucks, tractors, agricultural plant and equipment (granted under ref: MA/00/1542), and (b) the open area to the south east of the site which would appear to have lawful use for agricultural purposes.
- 7.09 **Area (a):** This land is located at the front and north western part of the site. This land is occupied by a number of buildings and shipping containers with the majority of this area covered in hard surfacing and used for vehicle parking. At the time of the officer site inspection a number of coaches, and large and heavy goods vehicles were parked in this area. The use clearly has unneighbourly and intrusive elements especially given the location next to residential properties.
- 7.10 The current use for the repair and maintenance of trucks, tractors, agricultural plant and equipment is the historic land use, and as a result it is unconstrained by planning conditions (for instance restrictive conditions designed to protect amenity). The site also benefits from permitted development rights that would allow changes to other similar uses.
- 7.11 The definition of previously developed land given in the NPPF includes land which is, or was occupied by a permanent structure, including the curtilage of the developed land and any associated fixed surface infrastructure. As such in terms of the current application it is considered that the area of land at the western end of the site (Area (a)) can be considered to fall within the definition of previously developed land.
- 7.12 Paragraph 17 of the NPPF provides 12 core planning principles. The NPPF states that these principles should underpin all decision making on planning applications. These principles include the need to make effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value. It is considered that the current proposal that involves residential development on land currently used for the repair and maintenance of vehicles and equipment is line with this planning principle.
- 7.13 The site is located within the Kent Downs Area of Outstanding Natural Beauty (AONB). Policy ENV33 of the Local Plan states that in the AONB the conservation of the natural beauty of the landscape will be given priority over other planning considerations. Policy ENV34 states that in the North Downs Special Landscape Area (SLA), 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.

- 7.14 The views of the application site from the open countryside to the south west are in the context of existing residential properties, including the property called Elspeth and the property at 3 Blind Lane that are located at the front of the site.
- 7.15 The current proposal will result in the removal of existing unsightly commercial buildings and the removal of large prominent commercial vehicles that are currently parked on the site awaiting repair. In these circumstances it is considered that the proposal will enhance the appearance of the site in the context of the AONB and the North Downs Special Landscape Area.
- 7.16 Policy ENV31 of the Local Plan states that within the strategic gap development which significantly extends the defined urban areas or the built up extent of any settlement will not be permitted. With the majority of the application boundary shared with existing residential properties and the development replacing existing commercial buildings the proposal is considered in line with policy ENV31.
- 7.17 Paragraph 51 of the NPPF states that Local planning authorities should normally approve planning applications for change to residential use and any associated development from commercial buildings (currently in the B use classes) where there is an identified need for additional housing in that area. There is an identified need for new housing and there are no strong economic reasons for the retention of the commercial buildings on the application site.
- 7.18 In conclusion, it is considered that the principle of development on this land is acceptable for the following reasons (a) the status of this part of the site as previously developed land (b) its context abutting residential properties on its north west and north east boundaries within Bredhurst Village (c) replacing what is currently an unconstrained and potentially unneighbourly land use in close proximity to existing dwellings with one compatible in a residential context (d) will make a minor but nevertheless still significant contribution to meeting acknowledged housing need in the Borough and (f) represents sustainable development in line with the provisions of the NPPF.
- 7.19 **Area (b):** This land appears to have formally been in agricultural use and is located at the rear and south eastern part of the application site. It is intended to remove the only existing single storey building and use this area as domestic garden land with no built development.
- 7.20 Policy H31 of the Local Plan states that planning permission will not be granted for the change of use of agricultural land to domestic garden if there would be harm to the character and appearance of the countryside; and/or loss of the best and most versatile agricultural land.
- 7.21 This part of the application site is currently enclosed by the existing commercial use to the north west, housing to the north east and south east and is separated from open country to the south east by high hedging. Given this context, it is considered that the land makes little contribution to the character and appearance of the countryside. The land is of a limited size, separated from

other agricultural land and is not considered to be the best or most versatile agricultural land.

- 7.22 In conclusion, it is considered that the principle of development on this land with the change from agricultural use to provide domestic garden land is acceptable and in line with policy H31 of the Local Plan.

Impact on the character and setting of Bredhurst Village.

- 7.23 The front part of the application site is currently used for the repair and maintenance of trucks, tractors, agricultural plant and equipment. The use includes a number of commercial buildings and large commercial vehicles are routinely parked on the site.
- 7.24 Given its current unsightly and unneighbourly character, the existing site does not make any positive contribution to the setting of Bredhurst Village. The current proposal will involve the removal of the existing commercial buildings and the commercial vehicle parking which will improve the visual appearance of the site.
- 7.25 The indicative layout plan submitted with this outline planning application shows the removal of the existing single storey building on land to the rear of the site and the use of this area as open domestic garden land. In the event that planning permission is approved, the future occupiers of houses on the application site would normally have permitted development rights to build outbuildings or fencing on this land. It is recommended that a restrictive planning condition is attached to a planning permission that would remove these permitted development rights and allow the Council to assess the impact of any outbuildings or fencing.
- 7.26 The application site is almost entirely surrounded by residential properties located within the Bredhurst Village settlement boundary. In addition to other positive results, such as provision of new housing and removal of an incompatible use, the current proposal will provide a more defined and defensible transition between the settlement and adjoining countryside.
- 7.27 In summary, the removal of the commercial vehicle parking and the removal of the existing commercial buildings to the front of the site and the single storey building to the rear can be seen to represent a positive improvement to this part of the application site and to the character and setting of Bredhurst Village.

Design and layout.

- 7.28 Outline planning permission is sought to redevelop the site for 4 detached chalet bungalows. Access arrangements are to be considered at this stage with appearance, landscaping, layout and scale reserved for future consideration.
- 7.29 In seeking to demonstrate that the site is capable of accommodating the scale of development proposed, indicative elevations and floorplans of the chalet

bungalows have been submitted as part of the application. The indicative elevations and floorplans show two different designs of four bedroom chalet bungalow, with plots 1 and 4 of the same design and plots 2 and 3 of the same design.

- 7.30 The submitted proposal is for backland development with the majority of the site being set behind existing houses on Blind Lane and without a street frontage. There is some variety in local building designs with the existing properties in Blind Lane designed as chalet bungalows and the properties at the rear of the site in Forge Lane mainly detached bungalows with steeply sloping roofs with rooms in the roof space. With this variety in design locally, the set back from a street frontage and the traditional appearance and scale of the illustrative proposed buildings the submitted illustrative details are considered generally acceptable.
- 7.31 In seeking to demonstrate that the site is capable of accommodating the number of dwellings an indicative site layout of the chalet bungalows has been submitted as part of the application. The site layout shows two chalet bungalows (plots 1 and 2) located behind 1 and 2 Blind Lane with the rear elevations orientated towards existing properties in Forge Lane. The two other chalet bungalows (plots 3 and 4) are located at the rear of the site with the rear elevations orientated towards Dunn Street Road.
- 7.32 The illustrative layout shows a development providing a reasonable standard of amenity space, adequate separation between dwellings, along with acceptable on site car parking and turning space. It is considered the illustrative details demonstrate the application site is capable of accommodating four dwellings in manner that will not harm the character or layout of the immediate locality.

Impact on residential amenity.

- 7.33 The potential impact needs to be assessed in terms of the change in the use of the land and in terms of the potential impact of the buildings on overlooking, daylight, sunlight and noise and disturbance to adjoining properties.
- 7.34 The proposal will remove the existing unrestricted commercial use that is generally incompatible with adjoining residential uses. The existing use would be the source of noise and disturbance from the use itself and from disturbance generated by the activity on the site such as vehicles arriving or leaving the site. The removal of the existing commercial use therefore represents a general improvement in residential amenity for adjoining houses.
- 7.35 The properties at 2 and 3 Blind Lane and Elspeth currently adjoin the site vehicle access onto Blind Lane. These houses are currently exposed to noise, disturbance and visual intrusion due to the use of this access in connection with the existing commercial use. It is considered that the general use of this access to serve 4 residential dwellings is likely to result in a material improvement to these properties.

- 7.36 On the submitted indicative layout the front elevations of the proposed properties annotated as plots 1 and 2 are orientated towards the side elevation of the existing property at 3 Blind Lane. This side elevation of 3 Blind Lane has no windows above ground floor level. With the proposed separation distance of 15 metres and the absence of windows it is considered that in relation to 3 Blind Lane the proposal is acceptable in terms of the impact on privacy, overlooking, daylight and sunlight.
- 7.37 On the illustrative plans, the side elevation of the proposed property annotated as plot 1 faces towards the rear elevation of the existing properties at 1 and 2 Blind Lane with a separation distance of 10 metres. This separation distance is slightly below that normally required (11 metres). The submitted plans are indicative only and it is considered there is sufficient space on the site to provide this separation distance when layout is assessed formally at the reserved matters stage. The proposed building has no windows on the elevation facing 1 and 2 Blind Lane.
- 7.38 The rear elevation of the proposed properties at plots 1 and 2 and the side elevation of the property annotated as plot 3 face towards the rear of existing properties in Forge Lane. The side elevation of plot 3 does not include any windows and will be separated from these existing properties by a distance of 27 metres). A distance of 39 metres will separate the rear elevation of plots 1 and 2 from existing properties in Forge Lane. It is considered that the proposal is acceptable in terms of the impact on properties in Forge Lane and matters of privacy, overlooking and daylight and sunlight.
- 7.39 In conclusion it is considered that the illustrative details are sufficient to demonstrate that the site can be developed without resulting in any material loss of outlook or amenity of existing dwellings overlooking and abutting the site.

Highways and access considerations

- 7.40 The NPPF states (paragraph 32) that a development site should have safe and suitable access for all people; and should not have any significant impact on the transport network. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- 7.41 In terms of vehicle movements, Kent Highways advise that the analysis of existing and proposed trip generation rates indicates that the proposed use will result in a reduced overall number of vehicle trips; though there will be a similar number of trips occurring in peak hours. It is also likely that the proposal will result in fewer trips by large vehicles.
- 7.42 In terms of access arrangements, it is considered that although the existing access onto Blind Lane has limited visibility it is a lightly trafficked road with low vehicle speeds with no history of injury crashes. The existing access arrangements are considered acceptable for the proposed development

- 7.43 In the circumstances, it is considered that the proposal by reducing HGV movements on narrow country roads is likely to secure betterment in highway safety and the free flow of traffic on local roads. In the absence of any concerns from Kent Highways, the proposal is considered acceptable in relation to highways and access matters.
- 7.44 Objectors contend that the traffic impact of recent developments approved in the locality should be taken into account in assessing the traffic impact of this proposal. However as in traffic generating terms the proposed development will not exceed that generated by the existing lawful use of the site (and may well result in an improvement by reducing HGV movements) there is no highway justification for requiring such a cumulative assessment.

Standard of the proposed residential accommodation.

- 7.45 Concern has been raised that the proximity of the application site to the M2 motorway will expose the site to an unacceptable aural environment. It should be noted that the M2 motorway is located over 80 metres to the north west of the site with the bulk of existing dwellings fronting Blind Lane located closer to the motorway than the application site. With the separation distance from the motorway and the absence of objection from the Environmental Health Officer it is considered that the site can provide an acceptable standard of residential accommodation in terms of aural amenity.
- 7.46 The submitted illustrative plans show a proposed development that will provide a good standard of residential accommodation. The layout of the accommodation makes good use of the space available with an appropriate internal layout, good provision of natural light to habitable rooms and adequate private amenity space.

Site contamination.

- 7.47 Given the use of the site for commercial purposes it is likely to have been exposed to ground contamination. Following consultation the Council's Environmental Health Officer and the Environment Agency have advised that they have no objection to the planning application. Environmental Health and the Environment Agency advise that a planning permission should be subject to planning conditions that require a site investigation to be carried out and any necessary mitigation works to be completed.

Wildlife and habitat considerations.

- 7.48 The NPPF requires development to make provision for wildlife where possible. The submitted ecological appraisal identified the possibility of reptiles, bats and breeding birds being directly affected by the proposed development.
- 7.49 The submitted appraisal recommends carrying out a reptile survey. Should the presence of reptiles be confirmed by the survey it recommends that mitigation should be used involving the installation of reptile exclusion fencing, and the trapping and translocation of reptiles to a receptor habitat.

- 7.50 In connection with bats, no further work was recommended, though reference was made to the impact of lighting and measures to mitigate its impact. A planning condition is recommended to ensure that any lighting does not have an adverse impact on bats.
- 7.51 Regarding breeding birds, any work affecting these would only be carried out outside the bird nesting season unless circumstances dictated otherwise. If work was carried out within the bird nesting season an ecologist would inspect the site and if an occupied nest was discovered work would cease until the birds had fledged.
- 7.52 Reference was also made to the possibility of hedgehogs being present on site. As such no areas of possible shelter would be disturbed before being hand searched. In addition all excavations would be covered but a means of escape such as plank of wood would also be provided. It is recommended that a planning condition is used to ensure that this work is carried out.
- 7.53 In addition to the above, wildlife enhancement measures are also proposed including the provision of hedgehog nesting boxes, provision of 12cm square gaps under any new fencing to allow hedgehogs access into all garden areas, provision of bird boxes, creation of a drought-resistant wildflower garden to attract invertebrates and reduce need for water and use of native species planting. It is considered that slow worms may be present in the short mowed grass and vegetable patch at the back of the site. No work other than removal of buildings and equipment and landscaping is to take place in this area.
- 7.54 As such in the absence of a KCC Ecology objection to the proposed wildlife mitigation and enhancement measures, it is considered the development pays sufficient regard to the needs to wildlife in accordance with the provisions of the NPPF.

Other matters.

- 7.55 The Council now seeks to ensure that at least 10% of the energy demands of the development are met from renewable sources. The application has not been accompanied by a sustainability statement. Nevertheless in order to secure a more sustainable form of development in accordance with the provisions of the NPPF it is appropriate to address this matter by condition.

8.0 CONCLUSIONS

- 8.01 Although the planning application is in outline form with an illustrative layout, the size and shape constraints of the site would suggest that any reserved matters application would follow this layout. In the circumstances it is appropriate to assess the impact of the indicative layout.
- 8.02 Based on the submitted illustrative design and layout details the development is acceptable and the application is recommended for approval for the following reasons:

- The proposal represents sustainable development in accordance with the provisions of the NPPF
- Part of the site represents previously developed land
- The lawful use of part of the site is unsightly and unneighbourly in the mainly residential context of the site.
- The proposal involves replacement of an unconstrained and potentially unneighbourly land use with one more appropriate to the mainly residential context of the site.
- The proposal will make a contribution to meeting an acknowledged housing need in the Borough.
- The open area of land is to remain undeveloped thereby representing a material amendment to the previous refusal to develop the whole of the application site for housing.
- Will have no adverse effect on the landscape quality of the area or the character or openness of the countryside with while no material impact on the function of the strategic gap.
- Will not result in harm to the character or setting of Bredhurst while realigning the western boundary of Bredhurst in a more defensible position.
- The illustrative details demonstrate it is possible to develop the site in a manner that will deliver an acceptable layout that will not harm the character or layout of the area or result in material harm to the outlook or amenity of properties overlooking or abutting the site.
- Is acceptable in aural amenity and highway and parking terms.
- The proposal will safeguard existing wildlife while delivering habitat improvements in accordance with the provisions of the NPPF.

8.03 The application has been advertised as a departure from the development plan with the consultation period expiring on the 22nd January 2016. The application is recommended for approval subject to no new issues being raised as a result of this consultation.

9.0 RECOMMENDATION – Subject to no new issues being raised from outstanding consultations (Acceptance delegated to Head of Planning and Development) – **GRANT PLANNING PERMISSION** subject to the following conditions

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

(a) appearance (b) landscaping (c) layout and (d) scale

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

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

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

- (2) Prior to the development reaching damp proof course level details of all external materials (including wearing surfaces for the roads, turning and parking areas, shall have been submitted in writing for the approval of the Local Planning Authority. The development shall only be carried out in accordance with the approved details.

Reason: In the interests of visual amenity.

- (3) Prior to the development reaching damp proof course level, details of renewable energy generation shall have been submitted in writing for a scheme of renewable energy to ensure that at least 10% of the energy requirements of the development hereby approved are derived from renewable sources. The approved measures shall be in place before first occupation of any of the units hereby approved and retained as such at all times thereafter.

Reason: To ensure a sustainable and energy efficient form of development in accordance with the provisions of the NPPF.

- (4) Within the area identified as garden land shown on drawing no:1240 SK02 and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no development within Schedule 2, Part 1, Classes A,D, E and F and part 2 Class A to that Order shall be carried out without first obtaining permission in writing of the Local Planning Authority.

Reason: To safeguard the open character of this part of this site in the interests of visual amenity.

- (5) Any fencing erected within the area identified as garden land shown on drawing shown no: 1240 SK02 shall be no more than 1 metre in height and be of post and rail construction.

Reason: To safeguard the open character of this part of this site in the interests of visual amenity.

- (6) The development hereby approved shall not be occupied until the parking and turning areas shown on the approved plans have first been provided and shall be retained at all times thereafter with no impediment to their intended use.

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

- (7) Before first occupation of the development hereby permitted (a) the access onto Blind Lane and (b) on site parking and turning shall both be provided. They shall thereafter maintained at all times thereafter with no impediment to their intended use.

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

- (8) Before commencement of the development hereby approved on site provision shall be made for construction vehicle loading/unloading and turning along with parking for site personnel and visitors. These measures shall be retained until the development phase of the development hereby approved is completed.

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

- (9) No surface water shall discharge onto the public highway.

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

- (10) In the event of reserved matters submitted pursuant to condition 1 reflecting the layout details shown on drawing no: 1240 SK02 and 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 first floor windows shall be installed on the north west elevation of the units shown on plot 1 or the north east elevation of the unit shown on plot 3 without first obtaining the prior approval in writing of the Local Planning.

Reason: In the interests of privacy.

- (11) The wildlife safeguarding and habitat improvement measures set out in the Preliminary Ecological Appraisal undertaken by KB Ecology dated the 11th May 2015 shall be carried out in accordance with the submitted details.

Reason: To ensure that adequate provision is made for wildlife in accordance with the provisions of the NPPF.

- (12) Any trees to be retained must be protected by barriers and/or ground protection in accordance with BS 5837 (2005) 'Trees in Relation to Construction-Recommendations'. No work shall take place on site until full details of protection have been submitted to and approved in writing by the Local Planning Authority. The approved 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 high quality development.

- (13) Landscaping details submitted pursuant to condition 1 shall be implemented in the first available planting season following first occupation of the development hereby approved. Any part of the approved landscaping scheme that is dead, dying or diseased within 5 years of planting shall be replaced with a similar

species of a size to be agreed in writing beforehand with the Local Planning Authority.

Reason: In the interests of visual amenity.

- (14) The development hereby permitted shall not commence until a scheme for the disposal of (a) surface water (which shall in the form of a SUDS scheme) and (b) waste water have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and retained permanently thereafter.

Reason: To prevent pollution of the water environment and to ensure satisfactory drainage in the interests of flood prevention.

- (15) No infiltration of surface water drainage into the ground at the site 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 approved details.

Reasons: To protect groundwater and comply with the NPPF.

- (16) Prior to the commencement of development the following components of a scheme to deal with the risks associated with contamination of the site shall be submitted to and approved, in writing by the local planning authority:

1) A preliminary risk assessment which has identified:

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

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

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

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

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

Reason: In the interests of public safety and pollution protection.

- (17) 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: In the interests of public safety and pollution protection.

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

Reason: In the interests of public safety and pollution protection.

- (19) No external lighting shall be installed anywhere on site without first seeking the prior approval in writing of the Local Planning Authority. The submitted details shall include, inter-alia, details of measures to shield and direct light from the light sources so as to prevent light pollution. The lighting shall only be installed and maintained thereafter in accordance with the approved details. In designing a lighting scheme you should take into account the advice given in informative 6 below.

Reason: To safeguard the night-time rural environment and in the interests of nature conservation.

- (20) The development hereby permitted shall be carried out in accordance with the following approved plans being drawing nos: 1240 SK01 amplified by 1240 SK01A, 02 and 03.

Reason: To ensure the quality of the development is maintained in the interests of visual amenity.

INFORMATIVES

- (1) The applicant is advised that it is their responsibility to ensure that before the development hereby approved is commenced all necessary highway approvals and consents are obtained and that the limits of highway boundary are clearly established so as to avoid any enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the

approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

- (2) The applicant is advised that the normal measurements for car parking spaces are a minimum of 4.8 metres by 2.4 metres.
- (3) The applicant is advised to include the following within the Welcome Pack provided by the developer for each new dwelling (a) information on sustainable transport such as local pedestrian, cycle, bus, and train routes, car sharing (www.kent.liftshare.com) and car club schemes (www.carplus.gov.uk) and (b) incentives to encourage the use of sustainable transport modes, such as secure bicycle storage, free taster bus tickets along with one free membership per household for the local Car Club.
- (4) The applicant is advised that in carrying out the development they should take into account the requirements of Southern Water set out in its letter dated the 5th August 2015.
- (5) The applicant is advised of the Mid Kent Environmental Code of Development Practice in relation to demolition and construction works.
- (6) The applicant is advised that the design of any lighting scheme should take account of the advice in the KCC Ecology letter dated the 11th December 2011 in order to minimise the impact on bats.
- (7) The applicant is advised of the following guidance from the Environment Agency that is applicable where soakaways are proposed:
 - No soakaway should be sited in or allowed to discharge into land impacted by contamination or land previously identified as being contaminated.
 - Appropriate pollution prevention methods (such as trapped gullies or interceptors) should be used to prevent hydrocarbons draining to ground from roads, hardstandings and car parks.
 - Clean uncontaminated roof water should drain directly to soakaways entering after any pollution prevention methods. 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
 - There must be no direct discharge to groundwater, a controlled water.
 - An unsaturated zone must be maintained throughout the year between the base of soakaways and the water table.
 - A series of shallow soakaways are preferable to deep bored soakaways, as deep bored soakaways can act as conduits for rapid transport of contaminants to groundwater.
- (8) The applicant is advised of the following guidance from the Environment Agency in relation to foul drainage: The granting of planning permission does

not guarantee the granting of a permit under the Environmental Permitting Regulations 2010. A permit will be granted where the risk to the environment is acceptable. Applicants must assess the environmental impact of their proposal to demonstrate an acceptable environmental outcome at the site. If no foul sewer is available, we advise the applicant to refer to our Pollution Prevention Guidelines (PPG) 4: Treatment and Disposal of Sewage where no Foul Sewer is available which can be found at:

<https://www.gov.uk/government/publications/sewage-treatment-and-disposal-where-there-is-no-foul-sewer-ppg4>

- (9) The applicant is advised of the following guidance from the Environment Agency in relation to fuel, oil and chemical storage. Any facilities for the storage of oils, fuels or chemicals shall be provided with secondary containment that is impermeable to both the oil, fuel or chemical and water, for example a bund, details of which shall be submitted to the local planning authority for approval. The minimum volume of the secondary containment should be at least equivalent to the capacity of the tank plus 10%. If there is more than one tank in the secondary containment the capacity of the containment should be at least the capacity of the largest tank plus 10% or 25% of the total tank capacity, whichever is greatest. All fill points, vents, gauges and sight gauge must be located within the secondary containment.

The secondary containment shall have no opening used to drain the system. Associated above ground pipework should be protected from accidental damage. Below ground pipework should have no mechanical joints, except at inspection hatches and either leak detection equipment installed or regular leak checks. All fill points and tank vent pipe outlets should be detailed to discharge downwards into the bund.

- (10) The applicant is advised of the following guidance from the Environment Agency in relation to waste on the site. 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.

Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.

The Environment Agency recommends that developers should refer to our:

- Position statement on the Definition of Waste: Development Industry Code of Practice and;
- website <https://www.gov.uk/government/organisations/environment-agency> at further guidance.

(11) The applicant is advised of the following guidance from the Environment Agency in relation to waste to be taken off site. 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

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 and as appropriate, updating applicants/agents of any issues that may arise in the processing of their application. In this instance, and following clarification the submitted planning 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.

MA/00/1542N/CLD

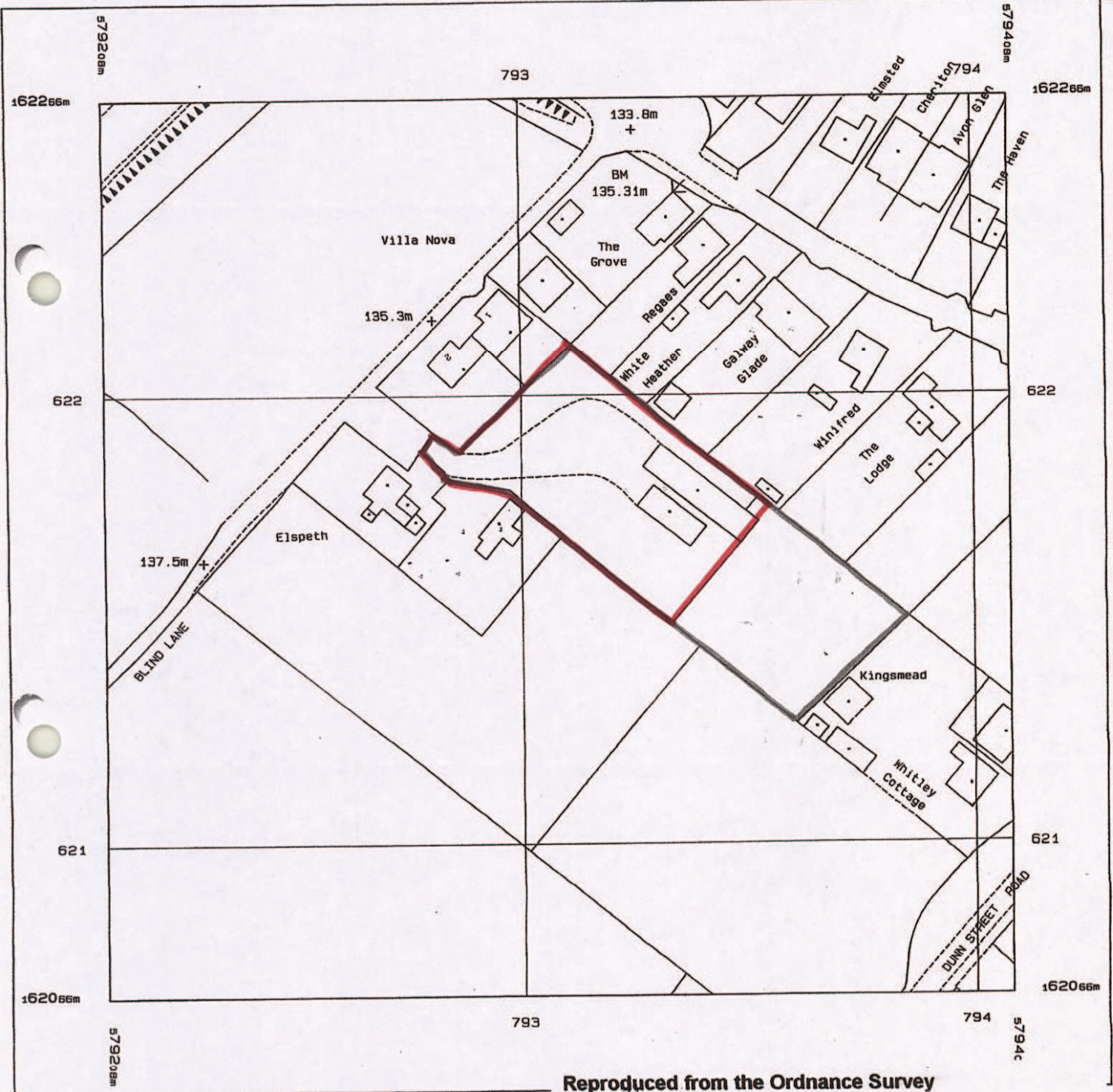
Stat. Reg copy - amended plan.

OS Ordnance
Survey

Superplan

Planning Extract

Site-centred



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LICENCE NO: AR 35579R0001
Brandon Broadbent

National Grid sheet reference at centre
of this Superplan: TQ7962



15/505938 - Peas Place, Green Lane

Scale: 1:1250

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REPORT SUMMARY

REFERENCE NO - 15/505938/FULL			
APPLICATION PROPOSAL Part-retrospective application for the change of use of land for the siting of one static and one touring caravan for gypsy/traveller occupation. Installation of septic tank and utility room. Creation of hardstanding and post and rail fence to eastern boundary and associated landscaping scheme, as shown on Site Location Plan; received 21.07.2015 and Split cedar 3 rail fence diagram and drawing no. 01/A; received on 29.07.2015 and Proposed Block Plan; received on 23.11.2015.			
ADDRESS Peas Place, Green Lane, Chart Sutton, Kent, ME17 3ET			
RECOMMENDATION – Permission			
SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL The 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 Chart Sutton Parish Council wish to see the application refused.			
WARD Boughton Monchelsea And Chart Sutton	PARISH/TOWN COUNCIL Chart Sutton	APPLICANT Miss M Phillips AGENT SJM Planning	
DECISION DUE DATE 23/09/15	PUBLICITY EXPIRY DATE 23/09/15	OFFICER SITE VISIT DATE 02/09/2015	
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
14/0784	Use of land for the stationing of a mobile home and one touring caravan along with the keeping of horses. Erection of a utility block, stables and installation of a septic tank	Refused	03.03.2015
Reasons for refusal: 1. The development materially detracts from the character and appearance of the surrounding countryside and has a detrimental impact on the visual amenities of the area, contrary to Policy ENV28 of the adopted MBLP 2000. 2. No exceptional circumstances have been put forward, including the personal circumstances of the applicant or her accommodation needs, which would override the policy to restrict development in the countryside outside the built up confines of any settlement. 3. Insufficient information has been provided regarding details of the proposed means of access and parking, landscaping and boundary treatment, drainage, personal circumstances to enable the application to be fully assessed.			

MAIN REPORT

1.0 SITE DESCRIPTION

- 1.1 The site comprises a triangular shaped plot located on the east side of Green Lane. The site is located within the open countryside and Special Landscape Area (SLA). The site has an area of approx. 0.2 hectares with a frontage of approx. 75m onto Green Lane. The north and southwest boundaries are planted with mature trees / hedgerow. The eastern boundary planting is more sporadic and open to views. Vehicle access is taken from Green Lane at the southwestern corner of the application site. The site has been occupied by the applicant since approx. May 2015 and there is one static caravan and a utility building stationed on the site.
- 1.2 PROW KH560A runs from east to west parallel with the northern boundary of the application site. The nearest residential properties on Green Lane are located to the south of the site. Brookside and the Coach House are located some 85m to the south of the site on the east side of Green Lane. Hollands Farm is located on the opposite side of Green Lane approx. 40m from the southern corner of the application site. To the north of the site beyond the PROW lies farmland. To the east of the site is open countryside and farmland.
- 1.3 There are no other gypsy and traveller site along this section of Green Lane. The closest gypsy and traveller sites (Little Acre and Peafield) site are located along Chart Hill Road some 200m from the site, as the crow flies. Further to the south and located on the east side of Chart Hill Road is a gypsy and traveller site known as Chart View (15/504891/FULL – pending determination) which is recommended for allocation under Policy GT1(11) in Draft Local Plan Regulation 18 Consultation 2015. Chart Hill Paddock (15/505138/FULL – pending determination) is another traveller site and is located toward the southern end of Chart Hill Road. Horseshoe Paddock (15/504872/FULL – pending determination) is located to the north of the application site along Chart Hill Road adjacent to Lucks Lane.

2.0 PROPOSAL

- 2.1 Part-retrospective application for the siting of one static and one touring caravan for gypsy/traveller occupation. Installation of septic tank and utility room. Creation of hardstanding and post and rail fence to eastern boundary and associated landscaping.
- 2.2 The applicant has been living on the site since approx. May 2015. One static caravan and a utility shed are currently stationed on the site. The southern section of the site has been cleared and hardstanding (permeable roadstone) covers the southern corner of the site. The static caravan is located adjacent to the east boundary of the site. A double gate is set back from Green Lane and affords vehicle access into the southwestern corner of the site onto the hard standing.

Difference between the refused (14/0784) and current scheme

- Additional landscaping proposed on all three boundaries of the application site.
- Removal of stable block from the proposal.
- Relocation of mobile home away from the eastern boundary of the site.
- Inclusion of a post and rail fence along the eastern boundary.
- Evidence that the applicant's children attend the local school.
- Evidence of gypsy status of the applicant.

3.0 AMENDMENTS

- 3.1 Since the original submission the application has been amended:

- The stable block has been removed from the application.
- Additional information regarding the gypsy / traveller status of the applicant.
- Evidence that the applicant's children attend a local school.
- Temporary permission.

4.0 POLICIES AND OTHER CONSIDERATIONS

- Development Plan 2000: ENV6, ENV28, ENV34, T13
- National Planning Policy Framework
- National Planning Practice Guidance
- Draft Local Plan policies: SP5, GT1, DM26
- Planning Policy for Traveller Sites (PPTS)

5.0 LOCAL REPRESENTATIONS

5.1 Some four objections have been received. The main points of objection are summarised as follows:

- Impact on the character of the surrounding area / countryside.
- Loss of neighbour amenity from noise and disturbance and overlooking.
- Light pollution.
- Detracts from the openness of the countryside.
- Land stability.
- Loss of trees.
- No material change from the previous refusal.
- Site can be viewed from the PROW KH560A and from Green Lane.
- The site is subject to long range views.
- The use of the site is currently unlawful.
- The Council has met its target for gypsy and traveller sites and the current site represents a windfall site.
- The cumulative effects of gypsy and traveller along Chart Hill Road.

6.0 CONSULTATION RESPONSES

6.1 **Chart Sutton Parish Council:** Wish to see the application refused for the following reasons:

- No material amendments to the previous application.
- The application is incomplete.
- The site is situated on the Greensand ridge within an area of ancient woodland.
- Harm to the countryside and contrary to ENV28.
- Unsustainable location.
- Damage to wildlife habitats.
- Loss of trees.
- Gypsy status needs to be confirmed.
- Details of surface water disposal need to be provided.
- Lack of space on site for keeping horses.
- Impact on neighbour amenity from overlooking.

The Parish Council recommends the following conditions if the application is approved:

- No external lighting.
- Additional boundary screening.
- No business activities.
- Temporary permission only.

6.2 **KCC Highways:** Raise no objection.

6.3 **Environment Agency:** No comments received. The application site is not located within Flood Zone 2 or 3.

6.4 **Southern Water:** EA should be consulted regarding the septic tank. Should any sewer be found during construction SW should be consulted.

6.5 **Environmental Health Team:** Raise no objection subject to conditions. Requires further information about supplies of services and all waste disposals. Foul sewage conditions recommended.

7.0 **PRINCIPLE OF DEVELOPMENT**

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

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

7.2 Policy ENV28 then outlines the types of development that can be permitted. This does not include gypsy development as this was previously covered under housing policy H36 of the MBWLP but this is not a ‘saved’ policy. Policy ENV34 (Special Landscape Area) affords greater protection of is designed to control the spread of inappropriate development.

7.3 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.

7.4 Though work on the emerging local plan is progressing as yet there are no adopted policies responding to the provision of gypsy sites. Local Authorities have the responsibility for setting their own target for the number of pitches to be provided in their areas in their Local Plans. To this end Maidstone Borough Council, in partnership with Sevenoaks District Council procured Salford University Housing Unit to carry out a revised Gypsy and Traveller Accommodation Assessment (GTAA). 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 2012	-	25 pitches
April 2021 – March 2026	-	27 pitches
April 2026 – March 2031	-	30 pitches
Total: Oct 2011 – March 2031	-	187 pitches

7.5 These figures were agreed by Cabinet on the 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.

7.6 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.

7.7 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.

Need for Gypsy sites

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

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

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

Total: Oct 2011 – March 2031	-	187 pitches
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7.10 Taking into account this time period, since 1st October 2011 the following permissions for pitches have been granted (net):

- 71 Permanent non-personal permissions
- 10 Permanent personal permissions
- 3 Temporary non-personal permissions
- 31 Temporary personal permissions

7.11 Therefore a net total of 81 permanent pitches have been granted since 1st October 2011. As such a shortfall of 25 pitches remains outstanding.

7.12 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.

Gypsy status

7.13 The gypsy status of the applicant Maria Phillips and her two children, Mary Ellen Fuller and Oliver Fuller, who both attend the local school, was accepted during the consideration of the last application. Supporting evidence has previously been submitted with application 14/0784 showing a history of occupation of various traveller sites in the surrounding area by the applicant's family including Stockbridge, Farthing corner, Stile Bridge and Marden. The previous report stated that there was no evidence to suggest the applicant is not a traveller.

- 7.14 Since the previous application was refused, the Government has issued revisions on the national planning guidance for Gypsy & Traveller development contained in 'Planning Policy for Traveller Sites' (PTS). The revised guidance came into force on 31st August 2015, and the planning definition of 'gypsies & travellers' have been amended to exclude those who have ceased to travel permanently. The revised definition is as follows;

"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 showpeople or circus people travelling together as such."

- 7.15 The definition still includes those who are of a nomadic habit of life who have ceased to travel temporarily because of their own, or their dependants', health or education needs or old age. To determine whether an applicant falls within the definition, the PTS advises that regard should be had to; a) whether they had previously led a nomadic habit of life; b) the reasons for ceasing their nomadic habit of life; and 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.

- 7.16 The applicant's agent has submitted a letter to demonstrate how Maria Phillips falls within the current definition of a gypsy / traveller. The following information has been provided to address criteria a-c:

- Evidence that the applicant has lived on various other traveller sites in the past.
- Evidence that the two children attend the local school.
- Various destinations that the applicant travels to each year.
- A statement explaining that the applicant intends to continue living a nomadic habit of life after the children have finished school.

- 7.17 The personal circumstances of the applicant are put forward as justification for the need for this site with the applicant's two children in full time education at the local school. With the evidence before me, I am of the view that applicant has led a nomadic habit of live and accept that she falls within the gypsy status definition.

- 7.18 Given the fact the Council is unable to offer any alternative accommodation and, taking into consideration the needs of the children living at the site leads me to give the needs of the applicant weight in the determination of this application.

7.19 VISUAL IMPACT

- 7.20 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 saved Local Plan policy ENV28 and ENV34.

- 7.21 The previous application for this site was refused due to the visual impact of the development on the open countryside. It is therefore necessary to assess the changes put forward by the applicant to address the previous reason for refusal.

- 7.22 During the assessment of the 2014 application it was noted that the caravan was sited directly behind the entrance gates onto Green Lane and the caravan was

considered to be clearly visible from Green Lane as there was no natural screening around the entrance to mitigate the visual impact. The current application proposes to relocate the static caravan more towards the centre of the site, away from the eastern boundary and no longer directly behind the vehicle access gates. Additional landscaping is also proposed at the entrance of the site.

- 7.23 A stable block was previously proposed adjacent to the western boundary next to Green Lane. During the assessment of the previous application there were concerns that the stable block would have been visible from Green Lane. There were also concerns that the site was not of a sufficient size to accommodate stables and horses. The stable block has been removed from the current application to overcome this objection.
- 7.24 Assessing the visual harm of the current application I noted during my site visit that the north and southwest (Green lane frontage) boundary of the application site benefit from a good level of natural screening in the form of hedgerows and trees. Glimpses into the site are afforded through gaps in the vegetation, however, I am of the view the site is reasonably well screened along these boundaries at present and the proposed additional boundary planting would supplement the existing landscaping and provide additional screening. Views into the site are afforded at the vehicular access point, however, the caravan would be relocated to a more central position within the site and additional landscaping is proposed adjacent to the entrance gates such that I consider the caravan would not appear visually prominent from Green Lane at the entrance to the site. Further, the static caravan would also be sited away from the Green Lane frontage and the southwest boundary of the site.
- 7.25 Photographic evidence submitted by local residents demonstrates that the site can be viewed from PROW KH560A when approaching from the east. The eastern boundary of the application is more open in character than the north and west boundary with landscaping only providing partial screening. The applicant proposes a new post and rail fence and a new mixed native hedgerow along the eastern boundary to screen the development from public views. The static caravan would also be moved away from the east boundary. In my views these measures would, over time, help to screen the development and any long distance views into the site from the PROW are unlikely to be so visually damaging to warrant refusal of the application on grounds of visual impact and countryside harm.
- 7.26 The nearest listed buildings at Chart Hill Farm are a considerable distance away from the site and the proposal would not have any significant impact on their setting.
- 7.28 The site is currently well screened along the north and west boundary and the additional supplementary planting along these boundaries together with new native hedgerow planting along the east boundary would screen the development. Subject to the additional boundary screening and relocation of the static caravan it is not considered that the development as proposed would have undue impact on rural or landscape character and the previous reasons for refusal are considered to have been overcome.
- 7.29 SUSTAINABILITY**
- 7.30 Gypsy traveller sites will almost inevitably be located in countryside locations, and the site is located less than 2 miles from the centre of Sutton Valance. In my view, I do not consider the site to be so far removed from basic services, schools and other facilities as to justify grounds to refuse this application in terms of being unsustainable.

7.31 RESIDENTIAL AMENITY

- 7.32 The site is located some distance from the nearest residential properties at Brookside, The Coach House and Hollands Farm such that I am satisfied that the development would not have a significant detrimental impact on the residential amenity of any neighbouring occupant, in terms of loss of light outlook and privacy and in terms of general noise and disturbance.

7.33 HIGHWAY SAFETY IMPLICATIONS

- 7.34 The site has a single vehicle access onto Green Lane with suitable visibility splays. The development would not result in a significant increase in traffic movements and I consider the local highway network to be capable of accommodating the relatively low vehicle movements to and from the site. There is sufficient parking and turning space within the site; the access road is suitably surfaced; and the gates are set back from the highway. KCC Highways have raised no objection on highways safety or parking grounds.

7.35 LANDSCAPE AND BIODIVERSITY IMPLICATIONS

- 7.36 At the time of my site visit that site had been cleared and hardstanding had been laid. Local residents have raised objections regarding the loss of wildlife habitats and trees during the site clearance and construction works. The loss of trees and habitat is regrettable, however, the landscape officer has confirmed that none of the trees were subject to a TPO and the additional landscaping proposed along the site boundaries would be mitigation for the trees and vegetation that have already been removed.

7.37 OTHER CONSIDERATIONS

- 7.38 Given the location of the proposal site, I am satisfied that there are no objections to be raised in terms of flood risk. The layout plan indicates a septic tank within the site but no further details have been provided. In the event of permission being granted a condition is recommended for further information on drainage and the septic tank.
- 7.39 There are other gypsy and traveller sites within the wider area along Chart Hill Road but I do not consider the granting of permission here would lead to an unacceptable over-concentration of sites, or result in unacceptable visual harm given the distance between each of the sites. Further, given the sporadic residential development within the immediate area and relatively sustainable location, it is not considered that this site would individually or cumulatively dominate the nearest settled community or place undue pressure on the local infrastructure.
- 7.40 I am satisfied that the mobile homes fall within the definition of a caravan as set out under Section 13 of the Caravan Sites Act 1968 (as amended), and an appropriate condition will control this.

8.0 CONCLUSION

- 8.1 Given that the applicant's two children attend the local school and the fact that the Council is unable to offer any alternative accommodation, leads me to give the needs of the applicant and her children weight in the determination of this application.
- 8.2 The site is currently well screened along the north and west boundary and the additional supplementary planting along these boundaries and new native hedgerow along the east boundary would screen the development. Subject to the additional boundary screening and relocation of the static caravan it is not considered that the development as proposed would have undue impact on rural or landscape character and the previous reasons for refusal are considered to have been overcome.

8.0 RECOMMENDATION – GRANT Subject to the following conditions:

CONDITIONS to include

- (1) The use hereby permitted shall be carried on only by Miss Phillips, her partner and their dependant children only.

Reason: Because of the special circumstances demonstrated and to restrict occupation of the site in accordance with Policies ENV28 of the Maidstone Borough-Wide Local Plan 2000.

- (2) Within 5 years from the date of this permission the use hereby permitted shall cease and the caravans, and all other materials and equipment brought onto the premises in connection with the use shall be removed. The land shall then be restored to its former condition on or before a date not later than three months following the vacation of the site, in accordance with a scheme of work submitted to and approved in writing by the Local Planning Authority.

Reason: Permission has been granted on a temporary basis in recognition of the overriding need to provide sites for gypsies in the short term and to reflect the personal circumstances demonstrated in the application. A temporary condition is necessary to protect the character and appearance of the countryside in accordance with policies ENV28 of the Maidstone Borough-Wide Local Plan 2000.

- (3) The site shall not be used as a caravan site by any persons other than gypsies or Travellers and their family and/or dependants, as defined in Annex 1 of the Planning Policy for Traveller Sites 2015;

Reason: The site is in an area where the stationing of caravans/mobile homes is not normally permitted and an exception has been made to provide accommodation solely for gypsies who satisfy these requirements for Gypsy and Traveller Caravan Sites.

- (4) No more than one caravan and one tourer, 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 unless otherwise agreed in writing with the Local Planning Authority;

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

- (5) If the use hereby permitted ceases, all caravans, structures, equipment and materials brought onto the land for the purposes hereby permitted including hardstandings, stable blocks and utility rooms shall be removed within 3 months of cessation;

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

- (6) Within three months of the date of this decision notice, details of any external lighting shall be submitted to and approved in writing by the local planning authority and anything else beyond this will require further written consent from the local planning authority;

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

- (7) Within three months of the date of this decision notice, details of 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 plan shall be submitted for approval 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 and shall include the following;

- i) Details of the species, size, density and location of all new planting within the site;
- ii) The retention and enhancement of the existing planting along all three boundaries of the site.

Reason: To safeguard the character and appearance of the countryside, and in the interest of biodiversity.

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

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

- (9) No commercial or business activities shall take place on the land, including the storage of vehicles or materials and livery use;

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

- (10) The development hereby permitted shall be carried out in accordance with: Site Location Plan; received 21.07.2015 and Split cedar 3 rail fence diagram and drawing no. 01/A; received on 29.07.2015 and Proposed Block Plan; received on 23.11.2015.

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

- (11) Within three months of the date of this decision notice, details of the proposed method of foul sewage treatment, along with details regarding the provision of portable water and waste disposal, must be submitted to and approved in writing by the Local Planning Authority

The submitted details should include the size of individual cess pits and/or septic tanks and/or other treatment systems and should show the exact location on site and details as to where the system will discharge to. The development shall be carried out in accordance with the approved details and maintained thereafter unless with the agreement in writing of the Local Planning Authority.

Reason: in the interests of health and safety and to prevent contamination.

INFORMATIVES

1. to Applicant: APPROVAL

The Council's approach to this application:

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

Offering pre-application advice.

Where possible, suggesting solutions to secure a successful outcome.

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

In this instance:

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

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

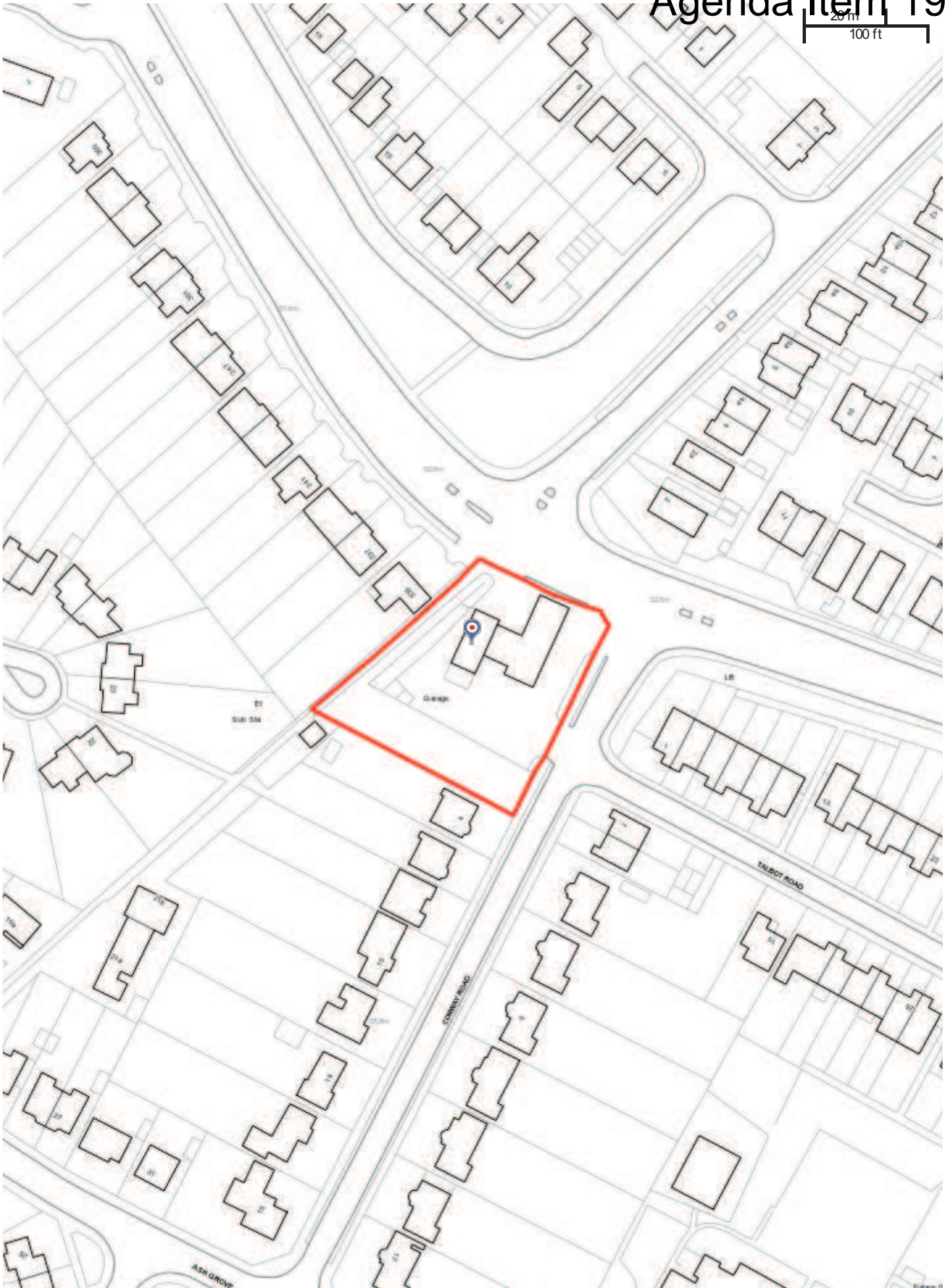
The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the Committee and promote the application.

2. Environment Agency

If a method other than a cesspit is to be used the applicant should also contact the Environment Agency to establish whether discharge consent is required

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.



15/505942 - Tudor Garage

Scale: 1:1250

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REPORT SUMMARY

REFERENCE NO - 15/505942/FULL		
APPLICATION PROPOSAL Redevelopment of the existing petrol filling station to include new sales building, canopy, fuel pumps, car wash, boundary treatments, service compound, hard and soft landscaping and ancillary rearrangements to the forecourt.		
ADDRESS Tudor Garage London Road Maidstone Kent ME16 0HE		
RECOMMENDATION - APPROVE		
SUMMARY OF REASONS FOR RECOMMENDATION The proposed development is considered to comply with the policies of the Maidstone Borough-Wide Local Plan 2000 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 Councillor Robertson and Councillor Daley have requested the application be reported to Planning Committee.		
WARD Allington Ward	PARISH COUNCIL N/A	APPLICANT BP Oil (UK) Ltd AGENT Rapleys LLP
DECISION DUE DATE 11/12/15	PUBLICITY EXPIRY DATE 23/11/15	OFFICER SITE VISIT DATE 10/08/15

1.0 Background information

- 1.01 On the 10th December 2015, Members of the Planning Committee agreed to defer this planning application for further discussions with the applicant as to whether the egress onto London Road could be reconfigured to deter drivers turning right when leaving the site; and for further negotiations to secure an improved landscaping scheme (including mixed native hedge planting along the southern and western boundaries), in accordance with Maidstone's Landscape and Character Assessment. For clarification, the agent for this application was in attendance at Planning Committee on the 10th December 2015.
- 1.02 For reference, the report from the 10th December Planning Committee is attached (Appendix 1).

2.0 Consultation/neighbour responses

- 2.01 **KCC Highways:** Were reconsulted on the additional information submitted in relation to this deferred application and have raised no further objection;

"I am grateful for the further information submitted regarding this proposal and confirm that from an independent check of injury crash records at this location, that there is no evidence that persons turning right out of the garage have caused injury. I am grateful however for the additional work proposed at the exit onto London Road comprising carriageway and upright signing and deterrent paving. It is considered that these measures will be helpful and in my view the most that could reasonably be expected.

Works in the highway will be required regarding the closure and re-arrangement of accesses and the proposed extension of the island in the middle of the A20. These works will require the applicant to enter into a S278 agreement with this authority in order to ensure their satisfactory and safe implementation. Subject to the above I write to confirm on behalf of the highway authority that I have no objection to the proposals detailed."

2.02 **Landscape Officer:** Raises no objection on submitted landscape scheme.

3.0 Applicant response to reasons for deferral

Reconfiguration of egress onto London Road

3.01 Subsequent to the application being deferred, a technical note has been submitted giving further details in terms of the proposed egress onto London Road. In summary, the following points have been made;

- *Accident data taken from KCC records shows that there has been 2 reported accidents at this junction in the last 3 years resulting in slight injuries, but these do not appear to be a direct result of vehicles entering or turning left or right out the application site onto London Road.*
- *KCC Highways raised no objections to the originally proposed works and considered the closure of the access on the corner of London Road and Conway Road to be a highways improvement.*
- *Manual Classified Count (MCC) surveys were carried out on Thursday 2nd July 2015 during peak times (07:00-10:00 & 16:00-17:00) and on Saturday 4th July 2015 (11:00-15:00). The survey results showed low numbers of drivers turning right onto London Road (5 out of 285 vehicles on 2nd July and 3 out of 153 vehicles on the 4th July). Conclusions have therefore been made that there is low levels of vehicle movements turning right out of the existing access onto London Road.*
- *The provision of signals at the site access is considered unnecessary in order to make the development acceptable in planning terms and would not be fairly and reasonably related in scale and kind to the development proposals.*
- *Notwithstanding this, the applicant has amended the layout at the A20 exit in order to allay Members fears that accidents will occur as a result of vehicles turning right out of the site onto the A20. Amended drawings have been submitted to show the introduction of an over-run area on the island adjacent the exit, to discourage vehicles from turning right but to still accommodate the swept path of a fuel tanker leaving the site (also shown); and the island in the centre of the A20 has been extended to make it more difficult for cars to undertake a right turn manoeuvre, whilst still allowing right turns in and out of Castle Road to take place. The amended plans also show additional road markings and signage at the exit point, to make it clearer to drivers that they should be turning left when leaving the site.*

3.02 These changes must also be set in context with the highway improvement of closing the existing access at the corner of Conway Road with London Road that can be susceptible to unclear or unorthodox manoeuvres. By using more physical deterrents to prevent drivers turning right onto London Road, I am satisfied that the proposed changes would further improve the junction in highway safety terms. The Highways Officer raises no objection to the proposed amendments and in my view it would be unreasonable to refuse this application on highway safety grounds.

3.03 Please refer to the original committee report with regards to the other highway issues, as these remain unchanged.

Proposed landscaping scheme

- 3.04 Subsequent to the application being deferred, a landscaping scheme has been submitted that shows native mixed hedges along the southern and western boundaries; and the retention of the Cherry trees and additional shrub planting along the eastern boundary. The Landscape Officer has raised no objection to the proposed landscaping scheme. I am satisfied that the proposed details are in accordance with Maidstone's Landscape and Character Assessment, and the scheme would be acceptable in terms of further enhancing and softening the appearance of the overall development.
- 3.05 Please refer to the original committee report in terms of visual impact and arboricultural details, as the other relevant issues/details remain unchanged.

4.0 Conclusion

- 4.01 No new representations have been made since the 10th December 2015 and to reiterate, the main objections raised by the neighbours have been dealt with in the main body of the original report.
- 4.02 I am satisfied that the applicant has addressed the Members concerns, in that the proposed changes would help to deter drivers turning right onto London Road; and the proposed landscaping scheme would further soften the character and appearance of the development overall. With these changes considered, I remain of the view that the proposal would represent appropriate sustainable development that would not be visually harmful to the character and appearance of the surrounding area; and would not cause unacceptable harm to residential amenity, highway safety, ecology, or arboricultural issues. It is therefore considered that the proposal is in accordance with the relevant provisions of the Development Plan and the National Planning Policy Framework, and I therefore recommend approval of the application on this basis.

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) No development above ground level shall take place until full details and samples of the materials to be used in the construction of the external surfaces of the building, canopy, and hard surfacing, have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and maintained thereafter unless the Local Planning Authority gives written consent to any variation;

Reason: In the interests of amenity and to ensure that the development is satisfactorily integrated with its immediate surroundings.

- (3) No development above ground level shall take place until full details of hard boundary treatments, to include 2m high acoustic fencing along the southern and western boundaries of the proposal site, have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and maintained thereafter unless the Local Planning Authority gives written consent to any variation;

Reason: In the interests of residential amenity and to ensure that the development is satisfactorily integrated with its immediate surroundings.

- (4) The approved details of the 2m high acoustic fencing along the southern and western boundaries of the proposal site shall be fully implemented prior to the first operation of the development hereby approved;

Reason: In the interests of residential amenity.

- (5) The development hereby approved shall be carried out in accordance with the landscaping scheme, as shown on drawing GC.149109.04.01 Rev C. Thereafter, the approved landscaping scheme shall be carried out fully within 12 months of the first use of the development. Any trees or other plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species unless the local planning authority give prior written consent to any variation;

Reason: To ensure the development is satisfactorily integrated in to its setting and provide for landscaping.

- (6) No development shall take place above ground level until full details of the recommendations contained within the GC Design Phase 1 Habitat Survey dated August 2015 have been submitted to and approved in writing by the local planning authority. Such details as may be approved shall be provided before first operation of the site to which they relate and thereafter retained as approved.

Reason: In the interests of supporting and promoting the biodiversity interests of the site.

- (7) The development hereby approved shall be carried out in accordance with the lighting specification report and The Graham White Consultancy drawing (ref: BP139) received 15/10/15, and maintained thereafter unless otherwise agreed in writing by the local planning authority;

Reason: To safeguard the amenity of occupants of surrounding properties.

- (8) The development hereby approved shall be carried out in accordance with the Sharps Redmore technical Notes regarding the plant and carwash noise assessments dated 6th October 2015 and maintained as such thereafter unless otherwise agreed in writing by the local planning authority;

Reason: To safeguard the amenity of occupants of surrounding properties.

- (9) The carwash hereby approved shall not be in use outside the hours of 07:00hrs to 21:00hrs Mondays to Sundays;

Reason: To safeguard the enjoyment of their properties by adjoining residential occupiers.

- (10) No operation of the development hereby permitted shall take place until Highway works, to include the reinstatement of the pavement on the corner of London Road and Conway Road, the rearrangement of the site access at London Road and the extension of the island in the middle of the A20 (as shown on plan 15-189-100 Rev B) have been made in full;

Reason: In the interests of highway safety.

- (11) No operation of the development hereby permitted shall take place until the existing access on the north-eastern corner of the site has been closed and incapable of use by motor vehicles (as shown on plan 15-189-100 Rev B);

Reason: In the interests of highway safety.

- (12) The parking areas shown on the approved plans shall be provided before first operation of the development to which they relate. Thereafter parking areas shall be kept permanently available for parking use and no development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any other order revoking and re-enacting that order with or without modifications) shall be carried out on those areas of land;

Reason: In the interests of road safety.

- (13) If, during redevelopment, 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: Potential contamination of controlled waters.

- (14) The development hereby permitted shall be carried out in accordance with the following approved plans: 13546-26 received 31/07/15, 13546/23 Rev A and 24 Rev A received 11/08/15, and 15-189-100 Rev B received 16/12/15;

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 the 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.
- (2) Areas used for vehicle washing should only be connected to the foul sewer after consultation with Southern Water. The applicant is advised to discuss the matter further with Southern Water's Trade Effluent Inspectors. Please see www.southernwater.co.uk/BusinessCustomers/wasterServices/tradeEffluent/ for further information.
- (3) Land uses such as general hardstanding that may be subject to oil/petrol spillages should be drained by means of oil trap gullies or petrol/oil interceptors.
- (4) 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.
- (5) The applicant is advised to undertake clearance works outside of the breeding bird season (March - September inclusive) to minimise potential impact upon breeding birds.

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 - 15/505942/FULL		
APPLICATION PROPOSAL Redevelopment of the existing petrol filling station to include new sales building, canopy, fuel pumps, car wash, boundary treatments, service compound, hard and soft landscaping and ancillary rearrangements to the forecourt.		
ADDRESS Tudor Garage London Road Maidstone Kent ME16 0HE		
RECOMMENDATION - APPROVE		
SUMMARY OF REASONS FOR RECOMMENDATION The proposed development is considered to comply with the policies of the Maidstone Borough-Wide Local Plan 2000 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 Councillor Robertson and Councillor Daley have requested the application be reported to Planning Committee.		
WARD Allington Ward	PARISH COUNCIL N/A	APPLICANT BP Oil (UK) Ltd AGENT Rapleys LLP
DECISION DUE DATE 11/12/15	PUBLICITY EXPIRY DATE 23/11/15	OFFICER SITE VISIT DATE 10/08/15
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):		

MA/11/0018 - Extension to existing sales building – Approved

MA/09/0785 - Replacement of underground tanks and replacement pumps (Resub of MA/08/0873) - Approved

MA/08/2203 – Advert consent – Approved

MA/05/1385 – Redevelopment of petrol filling station comprising of replacement underground tanks, installation of new forecourt and canopy. Erection of class A1 shop with ATM and car wash, new pump islands, car care facilities, car parking, modified crossovers - Refused

MA/03/0847 - Redevelopment of existing petrol filling station to provide fuel forecourt, canopy, fuel and LPG tanks, solar energy, sales building/shop, car wash, modified crossover, parking and ancillary services – Refused

MA/02/1119 - Redevelopment of existing petrol filling station to provide fuel forecourt, canopy, fuel and LGP tanks, solar energy, sales building/shop, ATM, car wash, modified crossover, parking and ancillary services - Refused

MA/01/1949 - Advert consent – Approved

MA/01/1546 - Redevelopment of service station to provide new forecourt and canopy, sales bungalow, car wash and ancillary services – Refused

MA/97/2999 - Advert consent – Refused

MA/97/0564 – Advert consent – Approved

MA/97/0113 – Advert consent – Approved

MA/96/1402 - Alteration to existing sales building by installation of bank cash machine and security bollards - Approved

MA/87/0605 - Replacement of existing pumps by 3 dual delivery pumps and installation of 2 underground tanks – Refused

MA/85/1191 - Installation of 2 self-serve pumps - Approved

MA/84/1727 - Plant housing and refuse area - Approved

MA/84/0786 - 4 underground fuel storage tanks to replace existing - Approved

MA/84/0811 - Advert consent – Approved

MA/83/1227 - Demolition of existing garage and erection of petrol filling station with car wash - Approved

MA/79/0450 - Outline application for demolition of garage and house and erection of self-service petrol station - Refused

MA/77/0877 - Outline application for demolition of existing garage premises and house and construction of self-service petrol sales forecourt and office with new workshop to the rear for repairs servicing and M.O.T. testing - Refused

1.0 Relevant policy

- Development Plan: ENV6, T13, R1, R3
- National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)

2.0 Consultation responses

2.01 **Councillor Robertson and Councillor Daley** have called the application into Planning Committee with concerns regarding highway safety issues and the impact on local residents.

2.02 **KCC Highways:** Raise no objection.

2.03 **Environmental Health Officer:** Raises no objection in terms of noise from the plant equipment, car wash facility (including the new access), and shop, but does raise concerns over the repositioned fuel delivery area in terms of noise and odour.

2.04 **Environment Agency:** Raises no objection.

2.05 **KCC Biodiversity:** Raises no objection.

2.06 **KCC Flood Risk Project Officer:** Raises no objection.

2.07 **Southern Water:** Raises no objection.

3.0 Neighbour representations

3.01 4 local residents have made representations raising concerns over traffic generation; highway safety; noise and disturbance at construction phase; noise/disturbance from deliveries and car wash; light pollution; odours/fumes (ventilation pipes); general noise; and unsuitable location for larger retail space.

4.0 Background information

- 4.01 It should be noted that a planning application for a similar development on this site was refused under MA/05/1385 for the following reason;

"The enlarged and redeveloped service station would be detrimental to the levels of amenity enjoyed by neighbouring residents in general, by virtue of the increased scale of the development and the increased activity it is likely to support, and in particular to the occupants of 4 Conway Road, by reason of vehicle movements associated with the proposed car wash facility. The proposals would therefore be contrary to policy ENV15 of the Kent Structure Plan 1996 and policy ENV2 of the Maidstone Borough-Wide Local Plan 2000."

- 4.02 Whilst the Kent Structure Plan 1996 is no longer part of the development plan and policy ENV2 of the MBWLP is no longer a saved policy, the impact of any development on the residential amenity of surrounding properties is clearly still a material planning consideration in the determination of any planning application. In addition, this refused application is also a material consideration in the determination of this application, and will be discussed further in the main body of this report.

5.0 Site description

- 5.01 Tudor Garage is a petrol filling station located on the corner of London Road, which runs along the site's northern boundary and Conway Road, which runs along the site's eastern boundary.
- 5.02 The proposal site currently consists of 6 pumps covered by a large canopy; a single storey shop building close to the western boundary of the site; a car wash close to the southern flank of the shop; an area of planting/scrub along the southern boundary. The 2 vehicle entrances into the site are from Conway Road and the north-east corner of the site from London Road; and egress is from the north-west corner onto London Road. The carwash plant room and the refuse and trolley area are located towards the southern end of the site.
- 5.03 The surrounding area is predominantly characterised by residential properties of differing scale, age and design; a public footpath (KB35) runs along the site's western boundary; and for the purposes of the Maidstone Borough-Wide Local Plan 2000 (MBWLP), the application falls within the defined urban area.

6.0 Proposal

- 6.01 The proposal is for the redevelopment of the existing petrol filling station, to include a new sales building, canopy, lighting, fuel pumps, car wash, and rearrangements to the forecourt to include changes to the vehicle access and egress. The existing underground fuel tanks are to be retained. The forecourt would also extend southwards into a landscaped area.
- 6.02 The existing sales building measures some 15m by 6.5m in footprint, is single storey and with its hipped roof stands some 5.5m in height from its

ridge to ground level. The proposed shop building would be relocated further back into the site, close to the southern boundary, with its front elevation facing northwards. This new building would measure some 18m by 12m in area, and with its mono-pitched roof would stand some 4.4m in height. This increase in footprint would extend the gross internal floor space by approximately 125m² to a total of 216m². The walls will be of composite steel cladding panels, with large glazed elements; and the roof of composite metal sheeting. An ATM machine would also be installed to the front of the building.

- 6.03 The existing canopy area measures some 22m in length and some 8m wide; and it stands some 5.5m in height. The proposed canopy would measure some 24m in length and some 8.5m wide; and it would stand some 5.8m in height. The pumps will be increased from 6 to 8; the tank refilling station has been relocated towards the north-western corner of the site; and the service area, plant equipment, and the car wash have been sited along the western boundary/south-western corner of the site. The proposed car wash would stand some 3m in height.
- 6.04 In terms of parking provision, the proposal would provide 9 allocated parking spaces; and the development would see an access and agrees from Conway Road and London Road (with the access on the exposed north-eastern corner of the site being closed).

7.0 Principle of development

- 7.01 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that all planning applications must be determined in accordance with the Development Plan unless other material considerations indicate otherwise.
- 7.02 The application site is within the defined settlement boundary of Maidstone, and whilst there is no specific saved policy relating to this type of development, the redevelopment of an existing use is considered to be an appropriate form of development; policy R1 of the MBWLP permits appropriate retail development within the defined urban area; and policy ENV6 of the MBWLP looks for appropriate soft landscaping with any development.
- 7.03 There is also a presumption in favour of sustainable development within the National Planning Policy Framework (NPPF). Indeed, the NPPF seeks to proactively drive and support sustainable economic development to meet the development needs of business and support an economy fit for the 21st century; and it also seeks to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
- 7.04 I therefore consider the principle of this development in this location to be acceptable; and from this, the key issues to consider are visual impact, residential amenity, highway safety, and ecological/arboricultural issues.

8.0 Visual impact

- 8.01 The proposed development would see the new shop building set further south into the site; it would be set back more than 14m from any public highway (including the footpath); and whilst its footprint would be larger than the existing building, its overall height would be approximately 1m lower than the existing building. The walls will be of composite steel cladding panels, with large glazed elements; and the roof of composite metal sheeting. I consider this acceptable in the context of the development and the surrounding area, and will request details of the materials to be used to ensure a satisfactory appearance of the development. The proposed canopy would be generally sited perpendicular to the canopy it will replace; it is not significantly larger or taller than the existing canopy; and again details of its appearance will be requested by condition. This element of the proposal would not appear significantly more dominant or visually harmful than what currently exists on site.
- 8.02 The loss of the band of landscaping along the southern boundary of the site is unfortunate, but is of limited arboricultural and visual worth and its loss is not a reason alone to refuse this application; the carwash unit is modestly scaled, low level, and it is not unusual to find such a facility on the forecourt of a petrol station; and the new plant equipment, paraphernalia and hardstanding would cause no further visual harm given the modest scale, nature and location of it. I am also of the view that the proposed fencing; the retention of the Cherry trees along the site's eastern boundary; and the additional soft landscaping shown would provide some screening and softening of the development.

9.0 Residential amenity

- 9.01 The proposal would involve the installation of air conditioning units and refrigeration plant equipment, to be placed at either end of the new shop building. The submitted acoustic specification which demonstrates a sound level of at least 5dB below background is considered acceptable by the Environmental health Team, and a suitable condition will be imposed to safeguard the amenity of local residents. No other objection is raised to the noise levels of other plant equipment within the site. After requesting additional information from the applicant, the Environmental Health Team is now also satisfied that the submitted details regarding the security floodlighting and its operation would not cause unacceptable harm to the amenity of local residents, and an appropriate condition will be imposed to ensure the development is carried out in accordance with this detail. With the advice of the Environmental Health Team, I therefore raise no objection to the proposal on these issues.
- 9.02 The proposed carwash would be repositioned further towards the south-western corner of the site; and it would be an enclosed unit unlike the existing carwash. The submitted acoustic detail in this respect demonstrates that the new carwash will effectively halve the perceived noise levels experienced by neighbours, and so the Environmental Health Team raise no objection to the proposal in this respect. I am satisfied with these findings. However, as specifically mentioned in the reason for

refusal under MA/05/1385, concern has been raised over the new access road to the carwash and the potential harm this would have on the amenity of 4 Conway Road (as it would be moved closer to their northern boundary), in terms of noise levels caused by vehicles using the access road. In response, the applicant has submitted an acoustic technical note to address this concern. This report demonstrates that the erection of 2m high acoustic fencing along the southern and western boundaries of the site, and the restriction of hours of use of the carwash (07:00-21:00), would provide adequate mitigation in terms of noise, and the Environmental Health Officer is satisfied with its findings in this respect. Appropriate conditions will be imposed restricting the hours of use of the carwash, and to ensure the proposed fencing is erected before first operation of the development. I am also of the view that emissions from vehicles waiting to use the carwash would not cause a significant increase in harm to the living conditions of local residents.

- 9.03 The fuel delivery area has been moved closer to the neighbouring residential property on London Road, and concern has been raised by the Environmental Health Team that this could result in greater nuisance for this property in terms of noise and odours. The offset fills have been positioned to optimise access and egress for tankers and to ensure that deliveries can take place as efficiently as possible. The applicant has confirmed that there are only 3 spirit tanks which will be linked together under vapour recovery; and the delivery process is such that the vapour recovery hose is connected first below and then the driver connects the delivery hose to the tanker and site tank. The only release of vapour would be when the site tank cap is removed to allow the tanker hose to be connected, and this would only be for a couple of minutes during the whole delivery. Whilst it is accepted that a certain level of nuisance on the neighbouring property is likely from the repositioning of the refuelling tanks, on balance I am of the view that this would not be of such significance to refuse the application on these grounds alone, given the existing use of the site and the limited time these tanks would be in use. This opinion is also weighed up against the other improved environmental benefits resulting from the proposed development (improved car wash unit and plant equipment for example), in terms of noise.
- 9.04 With regard to planning refusal MA/05/1385, the Officer's objection was raised on the cumulative impact of noise and disturbance likely to be caused by deliveries, moving the carwash and its access road, and the plant equipment/air conditioning units closer to the neighbouring properties. Specific noise reports were not initially submitted as part of this application, but were submitted after being requested. I am satisfied that these supporting documents have demonstrated that these elements of the proposal would not cause adverse harm to the living conditions of local residents. On balance and given the environmental attenuation measures to be put in place by the applicant, I am of the view that the increased site area, 2 additional pumps, additional parking spaces, and a larger shop area would not significantly increase the activity and intensification. In my view the use of the shop is likely to be a linked trip with the need for getting petrol; and the additional pumps and parking spaces address a capacity issue, potentially alleviating potential queueing

onto the highway. The Environmental Health Team has also not raised any objection in this respect.

- 9.05 Given the original permission for the petrol station did not restrict hours of use, I do not consider it reasonable to do so now given the scale and nature of the proposal. I am also satisfied that the proposed building, canopy and other structures within the site would not have an adverse impact on neighbouring properties in terms of loss of privacy, light and outlook.

10.0 Highway safety implications

- 10.01 The proposal would include the addition of 2 more petrol pumps; 9 allocated parking spaces (including 1 disabled space); and an access and egress from Conway Road and London Road (with the access on the exposed corner of the site being closed).

- 10.02 The parking provision provided within the site is considered to be acceptable for a development of this nature within this sustainable location; and the Highways Officer raises no objection in terms of the reconfigured access and egress points or the visibility splays (for both vehicles and pedestrians). The Highways Officer did specifically comment that...*"I am pleased to note that the existing access at the corner of Conway Road with London Road is proposed to be removed. This access is susceptible to unclear or unorthodox manoeuvres"*. After the applicant has reviewed the technical aspect of how the new junctions will operate, amended details have been received to show some minor changes to the access and egress from London Road in order to retain the traffic light head that serves the junction at Castle Road. Given the modest scale and nature of these changes, it was not considered necessary to reconsult all interested parties again, except for KCC Highways who have raised no objection to the changes.

- 10.03 The submitted Transport Statement suggests that the proposal would generate a modest increase in the number of vehicle movements to and from the site that being 655 additional movements over a 13 hour day, and that there is unlikely to be further queuing onto the highway. It is also considered that the proposal would not significantly increase the number of cars on the surrounding network, given its relatively modest scale and the fact that vehicles will probably use the facility as a linked trip. The Highways Officer is satisfied with these findings and raises no highway safety objection on these issues.

- 10.04 In addition, swept path analyses have been submitted and the applicant has confirmed that there is likely to be 3 daily vehicle deliveries (the longest lasting approximately 30 minutes) and fuel deliveries. This situation is not significantly different to the current situation and the Highways Officer raises no highway safety objection in terms of both delivery vehicles and customer vehicles coming and going from the site. I therefore consider it unreasonable to restrict times of deliveries (given the current unrestricted situation), and do not object to the proposal on these grounds.

- 10.05 The applicant will also be required through a S278 agreement with KCC Highways to reinstate the pavement on the corner of London Road and Conway Road which is considered necessary and reasonable.

11.0 Biodiversity implications

- 11.01 The proposal will involve the loss of the band of planting and scrub along the southern edge of the site. Given this and the site's connectivity to the gardens within the surrounding area, it was considered reasonable to request a Phase 1 Ecological Survey to assess the potential impact on any protected species and any necessary mitigation. The applicant duly submitted a report (as amended), and the Biodiversity Officer is satisfied that there has been sufficient ecological information provided to determine the planning application.
- 11.02 In summary, the lack of suitable basking areas within the site gives low potential for reptiles to be present. Notwithstanding this, due to the connectivity to the adjacent gardens, the presence of reptiles cannot be ruled out. To minimise the potential for reptiles to be impacted, the report recommends that the site is cleared using a precautionary approach. The Biodiversity Officer is satisfied with this and recommends that a condition is imposed requesting a report that provides details of the methodology to clear the vegetation on site. The ecological survey has also confirmed that a fox den has been recorded within the site. To prevent foxes being killed/injured by the proposed development the report has recommended that the foxes are deterred prior to works starting. The Biodiversity Officer is satisfied that details of the deterrent can be incorporated into the precautionary approach report.
- 11.03 Other recommendations within the report include the installation of bird boxes within the site; and that in order to minimise any impact upon breeding birds any vegetation clearance works are undertaken outside of the breeding bird season (March – September inclusive) or are supervised by an ecologist. Suitable conditions will be imposed to ensure these recommendations are put in place.

12.0 Arboricultural implications

- 12.01 The submitted Arboricultural Report and tree constraints plan identified a number of 'B' and 'C' category trees within the proposal site and confirmed that these trees would be removed as part of the development, except for the 4 Cherry trees along the eastern boundary of the site which are to be retained. The Landscape Officer has raised no objection to the findings of the report or to the proposed removal of these trees. I have no reason to doubt this view and raise no objections to the development in this respect.
- 12.02 The proposal would see the loss of the landscaped buffer along the southern boundary, but as established already there are no trees of high quality and in my view its loss would not result in significant visual harm to the character and appearance of the surrounding area. The forecourt is dominated by landscaping, and whilst the layout shows limited indicative planting, this would be an improvement for the forecourt area

and clearly given the constraints of the site, more landscaping would be unreasonable. To ensure the soft landscaping is planted out, an appropriate condition will be imposed to safeguard a satisfactory appearance to the development.

13.0 Impact on vitality and viability of area

13.01 Saved policy R1 of the MBWLP states that retail development will normally be permitted in the defined urban area provided that the proposal would not threaten the overall economic vitality and viability of established retail centres. Putting it into context, this proposal involves a modest increase in the size of an existing shop associated to the petrol filling station. Indeed, the retail unit would not exceed 500m² of gross floor space (as stated in policy R2 of the MBWLP), which is considered to be a major retail development that would require a detailed sequential/impact assessment that measures the impact of the proposal on Maidstone town centre's vitality and viability. It is also worth noting that the NPPF states that the floor space threshold for out of town retail development for local plans that are not up to date is defaulted to 2,500m². Clearly this retail unit of some 216m² falls well within these limits. Therefore, given the scale and nature of the proposal it would certainly not have an adverse impact on the overall economic vitality and viability Maidstone town centre or any Local Centre; and in my view would be of an appropriate scale for its urban location.

14.0 Other considerations

14.01 The Environment Agency is satisfied that the submitted Groundwater Verification Monitoring Report adequately describes previous investigations and includes recent groundwater monitoring data from May 2015, and no significant concentrations of hydrocarbons were identified. The Environment Agency therefore raises no objection to the proposed development subject to a condition where if during construction contamination not previously identified is found to be present at the site, then no further development should be carried out until a remediation strategy detailing how this unsuspected contamination shall be dealt with has been approved by the local planning authority. I am satisfied with this approach and take the view this is adequate in addressing potential contamination of controlled waters. No objection is also raised to flood risk, given the existing use of the site and its location.

14.02 The KCC Flood Risk Project Officer raises no objection in terms of the proposed discharge of surface water to the main foul sewer in view of the use of this site as a filling station; and Southern Water also raises no objection in terms of foul and sewage disposal. I therefore consider it unreasonable to pursue these issues any further and raise no objection in this respect.

15.0 Conclusion

15.01 The main objections raised by the neighbours have been dealt with in the main body of the report. However, I would like to add that potential

disturbance during construction is not a material planning consideration in the determination of this application.

15.02 I am of the view that the proposal would represent appropriate sustainable development that would not be visually harmful to the character and appearance of the surrounding area; and would not cause unacceptable harm to residential amenity, highway safety, ecology, or arboricultural issues. It is therefore considered that the proposal is in accordance with the relevant provisions of the Development Plan and the National Planning Policy Framework, and I therefore recommend approval of the application on this basis.

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) No development above ground level shall take place until full details and samples of the materials to be used in the construction of the external surfaces of the building, canopy, and hard surfacing, have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and maintained thereafter unless the Local Planning Authority gives written consent to any variation;

Reason: In the interests of amenity and to ensure that the development is satisfactorily integrated with its immediate surroundings.

- (3) No development above ground level shall take place until full details of hard boundary treatments, to include 2m high acoustic fencing along the southern and western boundaries of the proposal site, have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and maintained thereafter unless the Local Planning Authority gives written consent to any variation;

Reason: In the interests of residential amenity and to ensure that the development is satisfactorily integrated with its immediate surroundings.

- (4) The approved details of the 2m high acoustic fencing along the southern and western boundaries of the proposal site shall be fully implemented prior to the first operation of the development hereby approved;

Reason: In the interests of residential amenity.

- (5) No development shall take place above ground level until a landscaping scheme for the site has been submitted to and approved in writing by the local planning authority. The said scheme shall include planting plans;

written specifications; schedules of plants, plant sizes and proposed numbers/densities where appropriate; and an implementation programme. Thereafter, the approved landscaping scheme shall be carried out fully within 12 months of the completion of the development. Any trees or other plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species unless the local planning authority give prior written consent to any variation.

Reason: To ensure the development is satisfactorily integrated in to its setting and provide for landscaping.

- (6) No development shall take place above ground level until full details of the recommendations contained within the GC Design Phase 1 Habitat Survey dated August 2015 have been submitted to and approved in writing by the local planning authority. Such details as may be approved shall be provided before first operation of the site to which they relate and thereafter retained as approved.

Reason: In the interests of supporting and promoting the biodiversity interests of the site.

- (7) The development hereby approved shall be carried out in accordance with the lighting specification report and The Graham White Consultancy drawing (ref: BP139) received 15/10/15, and maintained thereafter unless otherwise agreed in writing by the local planning authority;

Reason: To safeguard the amenity of occupants of surrounding properties.

- (8) The development hereby approved shall be carried out in accordance with the Sharps Redmore technical Notes regarding the plant and carwash noise assessments dated 6th October 2015 and maintained as such thereafter unless otherwise agreed in writing by the local planning authority;

Reason: To safeguard the amenity of occupants of surrounding properties.

- (9) The carwash hereby approved shall not be in use outside the hours of 07:00hrs to 21:00hrs Mondays to Sundays;

Reason: To safeguard the enjoyment of their properties by adjoining residential occupiers.

- (10) No operation of the development hereby permitted shall take place until Highway works, to include the reinstatement of the pavement on the corner of London Road and Conway Road (as shown on plan 15-189-100) have been made in full;

Reason: In the interests of highway safety.

- (11) No operation of the development hereby permitted shall take place until the existing access on the north-eastern corner of the site has been closed and incapable of use by motor vehicles (as shown on plan 15-189-100);

Reason: In the interests of highway safety.

- (12) The parking areas shown on the approved plans shall be provided before first operation of the development to which they relate. Thereafter parking areas shall be kept permanently available for parking use and no development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any other order revoking and re-enacting that order with or without modifications) shall be carried out on those areas of land;

Reason: In the interests of road safety.

- (13) If, during redevelopment, 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: Potential contamination of controlled waters.

- (14) The development hereby permitted shall be carried out in accordance with the following approved plans: 13546-26 received 31/07/15, 13546/23 Rev A and 24 Rev A received 11/08/15, and 15-189-100 Rev A received 27/11/15;

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 the 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.
- (2) Areas used for vehicle washing should only be connected to the foul sewer after consultation with Southern Water. The applicant is advised to discuss the matter further with Southern Water's Trade Effluent Inspectors. Please see www.southernwater.co.uk/BusinessCustomers/wasterServices/tradeEffluent/ for further information.

- (3) Land uses such as general hardstanding that may be subject to oil/petrol spillages should be drained by means of oil trap gullies or petrol/oil interceptors.
- (4) 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.
- (5) The applicant is advised to undertake clearance works outside of the breeding bird season (March - September inclusive) to minimise potential impact upon breeding birds.

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 - 15/507908/FULL		
APPLICATION PROPOSAL Change of use from traditional orchard to new build residential development comprising 4 no. two-bed and 2 no. three-bed houses, together with landscaping, parking spaces and access.		
ADDRESS Land Adjacent Highfield House Maidstone Road Marden Kent TN12 9AG		
RECOMMENDATION - Subject to the prior completion of a suitable legal mechanism planning permission be granted subject to conditions.		
SUMMARY OF REASONS FOR RECOMMENDATION The proposed development is not in accordance with Development Plan policy. However, in the context of a lack of 5 year housing supply, it is considered that the low adverse impacts would not significantly and demonstrably outweigh the benefits of this proposal. For the reasons set out, the proposal is considered to accord with the National Planning Policy Framework and represent circumstances that can outweigh the existing Development Plan policies and 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 the appropriate conditions.		
REASON FOR REFERRAL TO COMMITTEE <ul style="list-style-type: none"> - It is a departure from the Development Plan - It has been called in by Councillor Blackmore 		
WARD Marden And Yalding Ward	PARISH COUNCIL Marden	APPLICANT Golding Homes
DECISION DUE DATE 25/11/15	PUBLICITY EXPIRY DATE 30/10/15	OFFICER SITE VISIT DATE 09/10/15
RELEVANT PLANNING HISTORY:		

MAIN REPORT

- MA/14/0679 - Erection of 6 affordable houses – Refused (dismissed at appeal)
- MA/12/2100 - Erection of 8 affordable houses – Refused (dismissed at appeal)
- MA/05/1746 - Outline for house with means of access to be considered and all other matters reserved for future consideration – Refused (dismissed at appeal)
- MA/00/1881 - Erection of 2 dwellings with associated access – Refused
- MA/85/1842 - Formation of new vehicular access - Approved

1.0 Site description

- 1.01 The proposal site takes on a general rectangle shape and is located on the eastern side of Maidstone Road (B2079), some 30m to the north of the railway line that runs in an east/west direction. The proposal site comprises a generally level overgrown field with an area of approximately 0.24ha, and given a number of fruit trees within the site it appears to have been used as some form of orchard. The land is considered to have a current lawful use as agricultural land. The site has an existing agricultural access central to the frontage with Maidstone Road, and its boundaries are marked by mature native hedges of variable quality.

- 1.02 The surrounding area is characterised by sporadic residential development of differing scale, design and age, the closest being Highfield House located close to the southern boundary of the site. The Old Vicarage to the west of the site on the opposite side of Maidstone Road is Grade II listed; and Church Farm House and The Oast House, some 65m to the north of the site are also Grade II listed buildings. The land to the rear (east) of the site appears to be in use as garden land associated with Highfield House. The immediate neighbouring properties are substantial detached dwellings, however in the wider context, properties are typically detached and semi-detached conversions and pairs of semi-detached cottages; and these dwellings vary in scale and appearance, but are predominantly of a traditional Kentish vernacular.
- 1.03 For the purposes of the Maidstone Borough-Wide Local Plan 2000 (MBWLP) the proposal site is within the countryside with no other specific environmental designation; and the boundary of Marden village is some 60m to the south of the site, past the railway line.

2.0 Proposal

- 2.01 This proposal is for the erection of 6 houses and associated works that would provide local needs housing (i.e. has lived in the Parish for continuous period of at least 2yrs immediately previous to completion of development; or has lived in the Parish in the past for a continuous period of at least 2yrs of the last 5yrs; or has immediate family in the Parish who have lived there for a continuous period of at least 2yrs immediately previous to occupation of development; or has employment or about to take up employment in the Parish). The tenure mix is as follows;

Affordable Rent

2 x 3-bed houses
2 x 2-bed houses

Shared Ownership

2 x 2-bed houses

- 2.02 The dwellings would be arranged in two terraces of three, with the site access going through the middle of the terraces and the properties fronting onto Maidstone Road. The 2 terraces would be handed, and the northern and southern most properties would be larger than the central dwellings, anchoring the two ends of the built development. The form of the terraces would incorporate a main ridge height of some 10.2m from ground level, an eaves height of some 5m, and the roofs would take on hipped and barn-hipped ends with a front and rear gable-end projection.
- 2.03 The design of the terraces would be in a simple Kentish vernacular, incorporating such design elements as gables, barn hips, storm porches and chimney stacks, and utilising typical local materials such as red brick, hanging tiles, weatherboarding and plain roof tiles. The proposal would have parking provision for 10 spaces with associated turning and manoeuvring areas to the rear of the site.

3.0 Policies and other considerations

- Maidstone Borough-Wide Local Plan 2000: ENV6, ENV28, T13, T21
- National Planning Policy Framework (2012)
- National Planning Practice Guidance (2014)
- Affordable Housing DPD (2006)

4.0 Consultee responses

- 4.01 **Councillor Blackmore:** Wishes to report application to Planning Committee;

"If you are minded to approve this application I would request this matter is brought to the Planning Committee for their consideration. There is a great deal of history associated with this application and much local needs housing is being built in the village on other sites which have already received approval. This application would appear to be superfluous to the local housing which is available."

- 4.02 **Marden Parish Council:** Recommends approval.

- 4.03 **KCC Highways:** Raise no objection.

- 4.04 **Landscape Officer:** Raises no objection.

- 4.05 **Biodiversity Officer:** Raises no objection.

- 4.06 **Housing:** Raise no objection.

- 4.07 **Environmental Health Officer:** Raises no objection.

- 4.08 **Conservation Officer:** Raised no objection to the scheme proposed under MA/14/0679 (which is the same as now proposed) and made the following comments:

"The development proposed is of a modest scale and in a vernacular style. It will only have a minor and acceptable impact upon the setting of the listed building immediately opposite".

- 4.09 **Natural England:** raise no objection.

- 4.10 **Southern Water:** Raises no objection.

- 4.11 **Building Control:** Raises no objection.

5.0 Neighbour responses

- 5.01 6 representations received raising concerns over highway safety; parking provision; ecology; inappropriate and cramped form of development in countryside; loss of privacy/overlooking; no proven requirement for affordable or local needs housing, or for stated size of these properties; no legal mechanism to secure housing; impact on setting of listed buildings; it is not a rural exception site; foul drainage; and would set a precedent for development.

6.0 Background history

- 6.01 In terms of the most recent site history, planning permission for the same development as is proposed now (with 100% local needs housing) was overturned and refused (decision issued 13th November 2014) by Members of the Planning Committee under MA/14/0679 for the following reason;

"The proposed development, by way of its mass, design and layout, would fail to respect, respond and relate to the established pattern of built development in the immediate surroundings and the wider context of Marden (breaching the northern boundary of the railway line), and would thus cause harm to the character and appearance of the open countryside and would fail to represent good design. To permit the proposal would therefore be contrary to Local Plan Policy ENV28 of the Maidstone Borough-Wide Local Plan 2000 and central Government advice contained within the National Planning Policy Framework 2012."

- 6.02 The applicant at the time subsequently appealed this decision and the Planning Inspector dismissed the appeal (July 2015), but only because of the absence of an appropriate legal mechanism securing the provision of the local needs housing. Indeed, the Inspector concluded as follows;

"Without a form of mechanism to secure the stated provision, there is no justification, within the context of local and national policies, to permit the scheme in area of designated countryside where residential development would not normally be permitted. Thus, until such time as the appropriate measures are in place to secure the housing for its intended purpose on this rural exception site, the development cannot be allowed to proceed and the appeal must fail."

- 6.03 In direct response to the Council's reason for refusal, the Planning Inspector also stated;

"Drawing these strands together, I consider that the illustrated mass and design of the dwellings would be acceptable and add to the variety of development found within this designated area of countryside. Given, also, the ability to secure a spacious and sensitive layout for the dwellings within a well landscaped site, I find that, overall, the proposal would respect and respond positively to its rural setting and, so, satisfactorily integrate into the character and appearance of the area."

- 6.04 The Inspector then went on to conclude that the development of the site as a rural exception site for affordable housing to meet a local need would be consistent with the aims of Local Plan saved policy ENV28; the Council's Affordable Housing DPD; and the provisions of the NPPF. This also included the aim that planning should always seek to secure high quality design and that any development should respond to the local character and vernacular of the surrounding area. This is a material consideration in the determination of this application.

7.0 Principle of development

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

- 7.02 The application site is outside of the defined settlement boundary of Marden, and is therefore upon land defined in the Local Plan as countryside. The starting point for consideration is saved policy ENV28 of the Maidstone Borough-Wide Local Plan 2000 which states as follows:-

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

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

(2) The winning of minerals; or

(3) Open air recreation and ancillary buildings providing operational uses only; or

(4) The provision of public or institutional uses for which a rural location is justified; or

(5) Such other exceptions as indicated by policies elsewhere in this plan.

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

- 7.03 The proposed development does not fit into any of the exceptions set out in policy ENV28, which is why it has been advertised as a departure from the Development Plan.

- 7.04 The application has been submitted by a Registered Social Housing Landlord, Golding Homes, who has proposed that 100% of the development would provide local needs housing. So notwithstanding this presumption against new development on sites in the countryside, the NPPF provides qualified support for development of rural exceptions sites where housing development would address local needs, as set out in paragraph 54 as follows:

"In rural areas (...) 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."

- 7.05 This is in accordance with the Council's Affordable Housing Development Plan Document, which puts forward the principle of "allocating releasing sites solely for affordable housing, including using a rural exceptions site policy". This has also been carried forward in emerging Local Plan policy DM25, which supports local needs housing on sustainable sites.

- 7.06 In 2011 a Local Housing Needs Survey of Marden was carried out by the Rural Housing Enabler from Action with Communities in Rural Kent to ascertain if there were shortfalls in affordable housing provision for local people within Marden Parish. Overall, a need for up to 23 affordable homes for local people was identified. Since this survey, the Council has subsequently introduced a new Allocation Scheme (April 2013), and unlike previous versions of the Allocation Scheme there are now qualifying entry requirements in order to be accepted onto the register. In order to be accepted onto the register all applicants must meet the two qualifying criteria, these being the need for a local connection and a housing need. As such, not all of the 23 local households previously identified within the aforementioned survey may now qualify for access onto the housing

register. As it has been over four years since this survey and households circumstances may have changed during this time, for the purposes of this application the Council's Housing Department have checked current levels of local housing need on the Housing Register.

- 7.07 At present there are 22 households in total on the Housing Register (for rented accommodation) with a residence address in Marden and/or have indicated a local connection. This suggests that a level of local need still exists similar in number to that identified in the survey back in August 2011, although the Housing Department want it noted that this is indicative and not 100% accurate in terms of identifying those with a potential local connection, and who would meet the relevant occupation criteria for this scheme. This would not be determined until applicants are verified upon the closing of any bid rounds for properties advertised via Kent Homechoice; and those applicants interested in any shared ownership properties would need to apply to the 'Help To Buy' Agent. Notwithstanding this, there is still support for a development like this in Marden from the parish council and the Council's Housing Department, and so I have no reason to doubt that the need for local needs housing still exists.
- 7.08 Marden is an identified Rural Service Centre because of its level of basic services/amenities and public transport links. Given the proposal site's proximity to the village boundary and the facilities provided within the village, the Planning Inspector (under MA/14/0679) considered the proposal to be sustainable in terms of its location. I am therefore satisfied that this rural exception site is in accordance with the key NPPF objective of achieving sustainable development.
- 7.09 There are concerns that the provision of affordable and rural needs housing should be dealt with in a strategic manner by way of adopted plans and policy. However, it is not considered to be appropriate to refuse, or refuse to determine, the application on these grounds; and in any case, the NPPF and the Council's adopted Affordable Housing DPD do support the use of rural exception sites such as this.
- 7.10 There are 5 approved planning applications for major residential development within and around Marden, all of which include the provision of 40% affordable housing. Below is a summary of these applications;

The Map Depot Site, Goudhurst Road (MA/13/0115) - Full application for 110 dwellings being built (decision: 1st October 2013)

The Parsonage, Land East of Goudhurst Road (MA/13/0693) – Outline application for 144 dwellings (decision: 24th Sept 2014) (reserved matters not yet submitted)

Land to the North Of, Howland Road (MA/13/1291) – Outline application for 44 dwellings (decision: 4th June 2014) (reserved matters not yet submitted)

Land at Stanley Farms, Plain Road (MA/13/1585) – Outline application for 85 dwellings (decision: 29th Sept 2014) (reserved matters submitted and under consideration – 15/508756)

Marden Cricket & Hockey Club, Stanley Road (MA/13/1928) – Full application for 124 dwellings (Waiting legal agreement)

- 7.11 There is an additional proposed allocation for housing in the draft Local Plan (approximate yield of 50 dwellings) but no planning application has been forthcoming.
- 7.12 If all of these developments were built out, there is the potential to realise 202 affordable units that will be largely for general needs housing within Maidstone borough, with no priority given to local people. Included within this is the Map Depot site, where a small number of affordable homes for local people have been secured in perpetuity. This development will provide a total of 44 affordable units of which 15 are for local needs in perpetuity; and of this number, 10 are being made available for Affordable Rent, with the other 5 for shared ownership. The affordable rented units on the Map Depot site are being delivered now and if successfully allocated (and because the Council's Housing Register is only for affordable rent properties) this would leave 12 households left on the Register that have a reported local connection.
- 7.13 Representations from a local resident have been received, questioning the need for the size of the houses proposed. The Housing Department have confirmed there is still a need for these sized local needs housing in Marden and no objection is raised in this respect.
- 7.14 In summary, and as confirmed by the Council's Housing Officer, there still exists the need for local need housing in Marden, which this proposed development would help towards meeting; and the occupancy criteria within the legal agreement and related Nominations Agreement will reflect the local connection requirements as determined by the new Allocations Scheme. As such, whilst the developments listed above provide affordable housing, only in the case of the MAP depot is this provision restricted by way of the relevant legal mechanism for the provision of local needs housing specific to persons with strong local connections to Marden.
- 7.15 For the above reasons, I consider the principle of the proposed development in this location to be acceptable. The key issue is whether any adverse impacts of the development would significantly and demonstrably outweigh the benefits of the application, when assessed against the policies of the NPPF as a whole. I will now go on to consider the key planning issues.

8.0 Visual impact and design

- 8.01 The Planning Inspector under MA/14/0679 raised no objection to the proposal on visual amenity grounds, or its impact on the setting of designated and non-designated heritage assets near-by. The development is the same as proposed under MA/14/0679 and I have no reason to come to a different conclusion subject to the imposition of the relevant conditions relevant to materials; architectural detail;

landscaping; boundary treatments; surfacing; restricting permitted development rights.

- 8.02 To re-iterate, the proposal is considered to be acceptable in terms of its scale, design and layout, and notwithstanding the inevitable erosion of the openness of the site, the scheme does (to quote the Planning Inspector) *"....respect and respond positively to its rural setting, and, so, satisfactorily integrate into the character and appearance of the area"*. The detail of the scheme is considered to be of an acceptable standard.

9.0 Arboricultural implications

- 9.01 The Planning Inspector under MA/14/0679 raised no objection to the proposal on arboricultural grounds; and the Landscape Officer also continues to raise no objection subject to an appropriate landscape condition and tree protection condition. The proposal is the same as proposed under MA/14/0679 and I have no reason to come to a different conclusion subject to the imposition of the relevant tree protection/landscaping conditions.

10.0 Residential amenity

- 10.01 The Planning Inspector under MA/14/0679 raised no objection in terms of the residential amenity of future and existing occupants. The development is the same as proposed under MA/14/0679 and I have no reason to come to a different conclusion subject to the imposition of the relevant conditions regarding external lighting; boundary treatments; and noise mitigation.
- 10.02 It should also be noted that the reserved matters (15/505181) for the replacement Marden Cricket and Hockey Club have been recently approved to the east of the proposal site. However, given the separation distance of some 170m between the two developments, I am satisfied that this replacement sports facility would not cause unacceptable harm to the living conditions of future occupants of this development.

11.0 Highway safety implications

- 11.01 The Planning Inspector under MA/14/0679 raised no objection on highway safety grounds; and the Highways Officer continues to raise no objection to this development. The development is the same as proposed under MA/14/0679 and I have no reason to come to a different conclusion subject to the imposition of the relevant conditions

12.0 Biodiversity

- 12.01 The Planning Inspector under MA/14/0679 raised no objection in terms of its ecological/biodiversity impacts. The development is the same as proposed under MA/14/0679 and the Biodiversity Officer is still satisfied that sufficient information has been provided in order to determine this application, and that there is no requirement to carryout updated surveys prior to a decision being made. Indeed, the 2014 scoping survey details that the habitat on site was similar to what was there in 2012 when the original surveys were carried out, and so the Biodiversity Officer is of the

view that it is unlikely that there has been a significant change on site. I have no reason to come to a different conclusion subject to the imposition of the relevant conditions for a detailed reptile mitigation strategy; a precautionary mitigation strategy; re-siting of stag beetles; and in accordance with one of the principles of the NPPF to provide "*opportunities to incorporate* biodiversity in and around developments should be encouraged", the submission of an ecological enhancement plan.

- 12.02 Lighting can also be detrimental to roosting, foraging and commuting bats, and as advised by the Biodiversity Officer, an informative will be added advising that the Bat Conservation Trust's Bats and Lighting in the UK guidance is adhered to in the lighting design.

13.0 Legal mechanism

- 13.01 The proposal is for the provision of local needs housing, and this provides justification for approval of the scheme where an unrestricted residential use would normally be considered unacceptable. In these circumstances, a legal mechanism is necessary to ensure that the proposed dwellings are secured for the intended purpose. A legal agreement has been submitted as part of the application, and this is the subject to negotiations between the legal representatives of the relevant parties, to ensure that the terms of the agreement adequately ensure that the housing remains affordable and will meet a local need in perpetuity. The Council's Housing Department have also indicated that the format of the submitted legal agreement is acceptable.

14.0 Other considerations

- 14.01 The Planning Inspector under MA/14/0679 raised no objection to the proposal in terms of flood risk and foul and surface water drainage; and the Environment Agency and Southern Water also continue to raise no objection. The proposal is the same as proposed under MA/14/0679 and I have no reason to come to a different conclusion subject to the imposition of an appropriate condition requesting details of foul and surface water drainage.
- 14.02 The proposal will result in the loss of a small area of Grade 2 agricultural land, however this is located between a highway, garden land and the site of the replacement Marden Cricket and Hockey Club site, and as such is unlikely to be brought into productive agricultural use. As such the loss of the land to agriculture is not considered to be significant, or prejudicial to approval of this current application. The Planning Inspector under MA/14/0679 also raised no objection in these respects.
- 14.03 Changes as a result of a Housing Standards Review by the Government earlier this year have resulted in the withdrawal of the Code for Sustainable Homes and introducing a new system of optional Building Regulations on water and access, and a new national space standard ("the new national technical standards"). This system complements the existing set of Building Regulations, which are mandatory. This does not preclude requiring renewable or low-carbon sources of energy within new development, and in my view the provision of energy sources on

residential developments is intrinsic in achieving a high standard of design and sustainable development, as required by the NPPF. Indeed, this would contribute towards achieving the NPPF's environmental role of sustainability, and supporting the transition to a low carbon future and encouraging the use of renewable sources as outlined within the core planning principles of the NPPF. A suitable condition will therefore be imposed requesting details of how renewable energy will be incorporated into the scheme.

14.04 Given the history of the site (former use as orchard which raises potential for land contamination to have occurred particularly through the use of pesticides), I consider it necessary to impose a land contamination condition, as recommended by the Environmental Health Officer.

14.05 The Council cannot currently demonstrate a 5-year supply of deliverable housing sites, and this proposal would help towards this supply through providing local needs housing for which there is local and national policy support.

15.0 Conclusion

15.01 The issues raised by Councillor Blackmore and the 5 local residents have been dealt with in the main body of this report.

15.02 For the reasons set out above, whilst the proposed development constitutes a departure from the Development Plan, it is supported by national and local plan policy, and the scheme currently under consideration addresses the matters resulting in the refusal and dismissal at appeal, of the previous application (MA/14/0679). I therefore recommend that the Head of Development and Planning be given delegated powers to approve the application subject to an appropriate legal mechanism such as to secure the development for local needs housing in perpetuity, and the conditions set out above.

RECOMMENDATION – Subject to the prior completion of a S106 legal agreement, in such terms as the Head of Legal Services may advise, to secure the provision of the dwellings for local needs housing in perpetuity, the Head of Planning and Development **BE GIVEN DELEGATED POWERS TO GRANT PLANNING PERMISSION** subject to the following conditions:

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

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

(2) The development shall not commence until, written details and samples of the materials, which shall include brick, plain clay tiles and timber weatherboarding, to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter

be constructed using the approved materials unless otherwise agreed in writing by the Local Planning Authority;

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

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

- i) Details of the roof overhangs and eaves.
- ii) Details of window and door joinery (which shall be of timber), and recesses/reveals (which shall be a minimum of 70mm).
- iii) Details of the junction of the timber boarding and the brickwork.
- iv) Details of brick courses and the brick plinth (which shall have a minimum projection of 50mm).
- v) Details of the storm porches.

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

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

- (4) The development shall not commence until written details and samples of the materials, which shall be of permeable construction and include a bound surface to the first 5m of the access from the public highway, to be used in the construction of the hard surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed using the approved materials unless otherwise agreed in writing by the Local Planning Authority;

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

- (5) The development shall not commence until details of all fencing, walling and other boundary treatments, which shall not include close boarded fencing of a height greater than 1.8m, or close boarded fencing or solid walling of a height of greater than 1m to the boundary of any public space, the provision of ground level gaps of a height of 120mm in any solid boundary treatment to allow the unfettered passage of wildlife, and shall include the retention and where necessary reinforcement of boundary hedges to the site, have been submitted to the Local Planning Authority and approved in writing. The development shall be carried out in accordance with the approved details before the first occupation and maintained thereafter;

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

- (6) The development shall not commence until an ecological enhancement plan, incorporating the recommendations within the KB Ecology Greater Crested Newt Survey Report reference 2012/02/07 dated 19th June 2012, KB Ecology Reptile Survey Report reference 2012/02/07 dated 16th May 2012, and KB Ecology Preliminary Ecological Assessment reference 201/07/14 dated 16th July 2014, including the incorporation of bat boxes into the proposed buildings, has been submitted to and approved in writing by the local planning authority. The ecological enhancement plan shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

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

- (7) Notwithstanding the details and recommendations set out in KB Ecology Reptile Survey Report reference 2012/02/07 dated 16th May 2012, and KB Ecology Preliminary Ecological Assessment reference 201/07/14 dated 16th July 2014, the development shall not commence until a detailed reptile mitigation strategy undertaken by a suitably qualified person has been submitted to and approved in writing by the Local Planning Authority. The content of the reptile mitigation strategy shall incorporate the following:

- i) Appropriate receptor site provision;
- ii) A reptile survey of the receptor site;
- iii) Confirmation that the carrying capacity of the receptor site will not be exceeded;
- iv) Details of any enhancements required on the receptor site;
- v) Detailed methodology for the translocation of reptiles;
- vi) Timetable for any proposed works; and
- vii) Details of monitoring of the receptor site.

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

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

- (8) Notwithstanding the details and recommendations set out in KB Ecology Greater Crested Newt Survey Report reference 2012/02/07 dated 19th June 2012, and KB Ecology Preliminary Ecological Assessment reference 201/07/14 dated 16th July 2014, the development shall not commence until a Greater Crested Newt precautionary mitigation strategy undertaken by a suitably qualified person has been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details and maintained thereafter;

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

- (9) Notwithstanding the details and recommendations set out in the KB Ecology Preliminary Ecological Assessment reference 201/07/14 dated 16th July 2014, the development shall not commence until an ecological map of the site (undertaken by a suitably qualified person), including on-site provision of stag beetle habitat, has been submitted to and approved in writing by the Local Planning Authority. The development shall be undertaken in accordance with the approved details and maintained thereafter;

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

- (10) 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.

- (11) The development shall be undertaken in strict accordance with the recommendations of the Grant Acoustics Noise Assessment reference GA-2012-0058-R1-RevA dated 25th March 2014, and maintained thereafter. No dwelling shall be occupied until the recommendations of the report have been implemented in full;

Reason: To safeguard the residential amenity of future occupiers of the development.

- (12) 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.

Reason: In the interests of public safety and pollution prevention.

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

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

- (14) The development shall not commence until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, using indigenous species which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development and a programme for the approved scheme's implementation and long term management. The landscape scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines (Low Weald landscape type) and shall be based on the principles shown on drawing number 113 rev B and shall include, inter alia, the retention of all trees and hedges identified as such in the Quaife Woodlands Arboricultural Survey and Planning Integration Report reference AR/2758b/jq dated 7th July 2014 with the exception of T23 which should be removed and replaced with a Cherry (*Prunus avium*) or Hawthorn (*Crataegus monogyna*), and a wild flower meadow to the west of the front path to the dwellings. The implementation and long term management plan shall include long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens. The landscaping of the site and its management thereafter shall be carried out in accordance with the approved details over the period specified;

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

- (15) 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.

- (16) The development shall not commence until a Tree Protection Plan, which shall include details of all trees to be retained on and adjacent to the site and the proposed measures of protection, undertaken in accordance with BS 5837 (2012) 'Trees in relation to design, demolition and construction - Recommendations' has been submitted to and approved in writing by the Local Planning Authority. The development will thereafter be undertaken in strict accordance with the approved details;

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

- (17) The development shall not commence until details of the proposed means of foul and surface water disposal have been submitted to and approved in writing by the local planning authority. The approved details shall be implemented in full prior to the first occupation of the development.

Reason: In the interest of pollution and flood prevention.

- (18) 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.

- (19) 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 of any property or the laying of hardstanding shall be carried out without the permission of the Local Planning Authority;

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

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

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

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

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

- (22) The dwellings hereby permitted shall not be occupied until details in the form of drawings of the cycle storage areas have been submitted to the Local Planning Authority and approved in writing. The approved details shall subsequently be implemented and maintained as such thereafter;

Reason: To ensure a satisfactory appearance to the development and to encourage sustainable travel choices.

- (23) The approved details of the access to the site as shown on drawing number 113 rev B received 20th August 2014 shall be completed in full before occupation of the development and maintained thereafter;

Reason: In the interests of highway and pedestrian safety.

- (24) The development hereby permitted shall be carried out in accordance with the following approved plans: K14-0103 113 Rev B, 130 Rev A and 131 Rev A received 25/09/15;

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

INFORMATIVES

- (1) A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (tel: 0330 303 0119) or www.southernwater.co.uk.
- (2) It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action

being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

(3) 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

- o Low pressure Sodium Lamps (SOX) emit a minimal UV component.
- o High pressure Sodium Lamps (SON) emit a small UV component.
- o White SON, though low in UV, emit more than regular SON.

High

- o Metal Halide lamps emit more UV than SON lamps, but less than Mercury lamps
- o Mercury lamps (MBF) emit a high UV component.
- o Tungsten Halogen, if unfiltered, emit a high UV component
 - o Compact Fluorescent (CFL), if unfiltered, emit a high UV component.

Variable

- o 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.

- (4) The site contains suitable habitat for breeding birds, and so vegetation should be removed outside of the breeding bird season (March-August). If that is not possible, an ecologist should examine the site prior to works starting on the site, and if any nesting birds are identified all work must cease in that area until all the young have fledged.
- (5) When any dead wood, wooden posts, shrubs, stumps, hedges or trees are removed an ecologist must be present so that larvae or adults that are disturbed/dug up can be spotted, retrieved and placed out of harms way.
- (6) Attention is drawn to Sections 60 & 61 of the COPA 1974 and to the Associated British Standard COP BS 5228:2009 for noise control on construction sites. Statutory requirements are laid down for control of noise during works of construction and demolition and you are advised to contact the Environmental Health Manager regarding noise control requirements.
- (7) Clearance and burning of existing woodland or rubbish must be carried without nuisance from smoke etc. to nearby properties. Advice on minimising any potential nuisance is available from the Environmental Health Manager.
- (8) 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.
- (9) 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.

- (10) Adequate and suitable provision in the form of water sprays should be used to reduce dust from the site.
- (11) Any redundant materials removed from the site should be transported by a registered waste carrier and disposed of at an appropriate legal tipping site.
- (12) We recommend 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.
- (13) The following measures should be adopted during the construction period:
 - 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.
- (14) The applicant is advised to undertake a percolation test to justify the final size and design of any soakaway.

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.



15/508972 - Land North at Blind Lane

Scale: 1:2500

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REPORT SUMMARY

REFERENCE NO - 15/508972/FULL			
APPLICATION PROPOSAL Erection of two detached dwellings with associated access, parking and landscaping as shown on drawing numbers: 1; dated 01-06-15 and 2284/15/B/2; dated June 2015 and 2284/15/B/3A; dated July 2015 and 695:P50, 695:P51, 695:P52, 695:P53; dated October 2015 and the following supporting documents: Air Quality Assessment by Gem; dated October 2015 and Extended Phase 1 Habitat and Bat Building Survey Report by Corylus Ecology; dated June 2015 and Planning and Design and Access Statement by Hume Planning; dated October 2015 and Noise Assessment by Peter Moore Acoustics Ltd; dated 29 October 2015.			
ADDRESS Land North At Blind Lane Bredhurst Kent ME7 3JR			
RECOMMENDATION- Permission			
SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL The proposed development does not conform with policy ENV28 of the Maidstone Borough-wide Local plan 2000. However, given the current shortfall in the required five-year housing supply, the low adverse impacts of the development are not considered to significantly outweigh its benefits. As such the development is considered to be in compliance with the National Planning Policy Framework and this is sufficient grounds to depart from the Local Plan.			
REASON FOR REFERRAL TO COMMITTEE The recommendation is a Departure from the Development Plan			
WARD Boxley		PARISH/TOWN COUNCIL Bredhurst	
		APPLICANT F D Attwood And Partners AGENT Hume Planning Consultancy Ltd	
DECISION DUE DATE 31/12/15		PUBLICITY EXPIRY DATE 31/12/15	
		OFFICER SITE VISIT DATE 30/11/15	
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
15/506472/FULL	Erection of 3 x pairs of semi detached dwellings with associated landscaping, access and parking.	Withdrawn	19.10.2015
87/1489	Residential development.	Refused	14.12.1987

MAIN REPORT**1.0 DESCRIPTION OF SITE**

- 1.1 The application relates to a roughly rectangular level parcel of land currently in equestrian/agricultural use on the northwest side of Blind Lane in Bredhurst. Blind Lane is a short single track road off of Forge Lane to the north, which serves a small number of houses and a scaffolding business at its south end. The site measures approx. 0.38 hectares and there is stable building in the northeast corner of the site. The southwest boundary is made up of a sporadic line of trees with a new residential unit currently under construction on the neighbouring site beyond. Along the northwest boundary is an established area of trees with the M2 motorway behind set at a lower level. The northeast boundary contains an established area of trees with Forge Lane beyond. The southeast boundary fronting Blind Lane is made up of a

post and wire fence. The nearest house is located on the adjoining site to the southwest and is currently under construction, as approved under planning permission 14/504584/FULL. There are four properties on the opposite side of Blind Lane fronting the application site.

- 1.2 The site is sandwiched between built development and the settlement boundary of Bredhurst in the adopted Local Plan (2000) to the east, and the M2 motorway to the west. It is outside the settlement and so in the countryside for planning purposes. The site also falls within the Kent Downs AONB, and within the Kent Downs SLA and strategic gap in the Local Plan.

2.0 PROPOSAL

- 2.1 This application proposes the erection of two detached two storey dwellings in a more contemporary design.
- 2.2 Vehicle and pedestrian access for each house would be taken from Blind Lane. Additional landscaping is proposed on the boundary with Blind Lane, the southwest boundary and the new boundary between the two proposed houses.

3.0 POLICY AND OTHER CONSIDERATIONS

- Maidstone Borough-Wide Local Plan 2000: ENV28, ENV31, ENV33, ENV34
- The National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)

4.0 LOCAL REPRESENTATIONS

- 4.1 **Bredhurst Parish Council:** Wishes to see the above application approved, but would ask for this to be subject to the following (summarised) conditions on the developer:

- Replace with bungalows
- Improve Blind Lane road surface
- Improve the junction of Blind Lane/Forge Lane
- Provide a contribution of 5K per house for works within the village
- Provide native species tree planting

- 4.2 **Local Residents:** Three letters of objection have been received from neighbouring properties. Comments are summarised as follows:

- The houses are large and out of keeping.
- Proposed planting would not screen the houses.
- Bungalows would be more in keeping and less prominent.
- The level of noise from the adjacent motorway would be unacceptable for future occupiers.
- Poor air quality.

5.0 CONSULTATIONS

- 5.1 **KCC Highways:** Raise no objections on behalf of the highways authority.
- 5.2 **MBC Landscape Officer:** Raises no objection on arboricultural/landscape grounds subject to landscape conditions.

5.4 MBC Environmental Health:

'The applicant has submitted an acoustic report (Peter Moore Acoustics Ltd Ref: 150501/3 10/12/15) detailing the measurements taken on the site. The report details the measures that are required to ensure that the habitable rooms inside the property meet guidelines. I request that the applicant adheres to the recommendations for the internal areas of the properties.

As the site is directly adjacent to the M2, the main area of concern that Environmental Protection have is the noise level that the residents will be exposed to when using the garden area.

The measurements taken by the acoustic consultant show that the garden area for the proposed properties will exceed the upper guideline value of 55dB LAeq as recommended by BS8233:2014. Measurements taken show that the garden area measured 65.7 dB LAeq 16 hour during the daytime and 62.4 dB LAeq 8hr during the night time, with an Lmax fast between 66-70dB. Installing an additional barrier behind the existing acoustic barrier will have a negligible benefit and there is no alternative practical mitigation method available to reduce the level of noise the residents will be exposed to in the rear garden.

The application is accompanied by an Air Quality Assessment (Gem Air Quality Limited) Report Reference AQ0655 October 2015. I have reviewed the methodology and the results obtained. My main concern in relation to the report is the choice of two diffusion tube monitoring locations (Maid 10 and 11) used for model verification. Although both these tubes are located adjacent to the M20 motorway, the topography of the area means that they are both sited below the level of the motorway carriage and therefore are likely to underestimate pollutant concentrations. I would therefore recommend that the consultants re-run the model using data from diffusion tubes Maid 41 and Maid 63 which better represents the proposed site conditions.

RECOMMENDATIONS: *Environmental Protection recommend that the application is refused due to the level of noise that would be experienced in the rear garden'.*

5.5 Natural England: No comments

6.0 APPRAISAL

Principle of Development

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

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

- (1) that which is reasonably necessary for the purposes of agriculture and forestry; or*
- (2) the winning of minerals; or*
- (3) open air recreation and ancillary buildings providing operational uses only; or*
- (4) the provision of public or institutional uses for which a rural location is justified; or*

(5) such other exceptions as indicated by policies elsewhere in this plan.”

- 6.3 In this case, none of the exceptions against the general policy of restraint apply, and therefore the proposal represents a departure from the Development Plan. It then falls to be considered firstly whether there are any material considerations which indicate that a decision not in accordance with the Development Plan is justified in the circumstances of this case, and (if so) secondly whether a grant of planning permission would result in unacceptable harm, such that notwithstanding any material justification for a decision contrary to the Development Plan, the proposal is unacceptable.
- 6.4 The key material consideration outside of the Development Plan in the determination of applications for residential development in the open countryside is national planning policy as set out in the National Planning Policy Framework 2012 (NPPF) and the Council's position in respect of a five year housing land supply.
- 6.5 In terms of other material considerations, the National Planning Policy Framework (NPPF) is a key consideration, particularly with regard to housing land supply. Paragraph 47 of the NPPF states that:-
- 6.6 “Relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites” (paragraph 49). The update of the Maidstone Strategic Housing Market Assessment (June 2015) established an objectively assessed need for housing of 18,560 dwellings between 2011 and 2031, or 928 dwellings per annum, and these figures were agreed by the Strategic Planning, Sustainability and Transportation Committee on 9 June 2015. Taking account of the under supply of dwellings between 2011 and 2015 against this annual need, together with the requirement for an additional 5% buffer, the Council is able to demonstrate a housing land supply of 3.3 years as at 1 April 2015. The Council therefore cannot currently demonstrate a five-year supply of deliverable housing sites, and this position was reported to the Strategic Planning, Sustainability and Transportation Committee on 23 July 2015.
- 6.7 This lack of a 5 year supply is a significant factor and at paragraph 49 of the NPPF it is stated that housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing (such as ENV28 which seeks to restrict housing outside of settlements) should not be considered up-to-date if a 5 year supply cannot be demonstrated. The presumption in favour of sustainable development in this situation means that permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits of the application, when assessed against the policies of the NPPF as a whole.
- 6.8 The site adjoins the settlement boundary of Bredhurst and whilst this is a limited settlement in terms of facilities (primary school and some employment), it is located close to (just over 1km) the urban area of ‘Hempstead’ (Medway) to the north which provides many day to day facilities and to which there is a bus service. In the context of two dwellings, I do not consider the site is so unsustainable so as to warrant objection. The Council is not in a position to demonstrate a five year housing land supply, and as such normal restraints on residential development in the open countryside do not currently apply as the adopted Local Plan is considered out of date. The development of this site is therefore considered to be in accordance with the objectives of the NPPF due it is sustainable location adjacent the settlement boundary of Bredhurst. It therefore needs to be considered whether there are any

harmful impacts caused by the development and if there are, whether they would outweigh any benefits of the development. In this respect I consider the main issues are landscape impact and residential amenity.

Visual Impact

- 6.9 The site falls within the Kent Downs AONB where Local Plan policy ENV33 outlines that the beauty of the landscape will be given priority, and any development that would adversely affect the natural beauty of the landscape will be strongly resisted.
- 6.10 The site is well screened by the existing area of trees which run alongside the northeast and northwest side of the site such that the site would not be readily visible from motorway bridge or Forge Lane. There is a short section of the road on Dunn Street Road to the southeast where the top of the dwelling may be visible above existing hedgerows. However, these views would be limited by the natural screening on the field boundaries and by established built development within Blind Lane. Views of the site are therefore limited to junction of Blind Lane and Forge Lane and from Blind Lane itself, directly in front of the site. The site is currently highly visible from these two locations, however, it is noted that Blind Lane is not a through road and therefore its users are limited.
- 6.11 Therefore the main impact upon the landscape is short views from Blind Lane and the junction with Forge Lane with no medium to long range impact. The application site is a greenfield site and its development for two houses would clearly have an impact visually on the site. As a means of mitigating the visual impact of the development additional landscaping is proposed along the road frontage with Blind Lane, along the new boundary between the two houses and along the southwest boundary. This additional landscaping is considered to help mitigate any visual impact of the proposals although it is acknowledge that the landscaping would take some time to reach full growth. The dwellings are approx. 8.5m in height and the design / form with separate roofs and large areas of glazing serves to break up the massing.
- 6.12 In addition, the site is located between built development in Bredhurst to the east and the strong physical barrier of the M2 motorway to the west and the new residential dwelling to the southwest. Given the site surroundings it is considered that the development of this fairly well contained site would unacceptably erode the openness of the countryside and the introduction of two new houses would not appear totally incongruous in this setting. Therefore overall, I consider the landscape impact is not significantly harmful to the AONB or open countryside.
- 6.13 Policy ENV31 relates to the strategic gap and outlines that development which significantly extends the defined urban areas or the built up extent of any settlement or development will not be permitted. The proposal is for a two dwellings at a site that is sandwiched between built development and the motorway and to my mind the scale of the development proposed would not significantly extend the built up extent of the Bredhurst or the site itself, and so would not be contrary to this policy.
- 6.14 Houses along the opposite side of Blind Lane are bungalows with traditional pitched roofs with a mix of brickwork, render, and differing roof tiles. The new dwelling under construction on the adjacent site is of a more contemporary design and I therefore consider the scale, design and form of the proposed house would not be out of keeping with that of nearby buildings. No design objections are raised and the form and design is considered to be acceptable given the context of the site and surrounding area.

Residential Amenity

- 6.15 In terms of noise, an assessment has been carried out for the site. The Environmental Health officer has agreed that acceptable internal habitable room noise levels would be achievable with suitably thick and sealed glazing, and mechanical ventilation as proposed. The specific details of the noise mitigation can be secured by planning condition. The Council's Environmental Health Officer does however object to the noise levels that future occupants would be exposed to in the gardens.
- 6.16 The noise assessment reveals that noise levels within most of the garden areas would exceed the World Health Organisation guidelines, which advise no more than 50-55dB. The Environmental Health officer advises that this is a poor site (as was the adjacent site - 14/504584/FULL) for the location of residential accommodation and that noise levels are so high that it renders the garden area practically unusable. The NPPF at paragraph 123 advises that 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."* I note that there would be an area on the southeast side of each dwelling which would be shielded to a degree from traffic noise, but to my mind this is certainly a factor that weighs against the development.
- 6.17 The Noise Assessment by Peter Moore notes that the Cass Allen survey for the adjacent residential site found a daytime noise level of 71 dB LAeq, 16 hour, which is about 5 dB higher than was measured in the survey for the current application. The difference is attributable to the fact that the neighbouring site is positioned closer to the end of the timber noise barrier, such that part of the motorway is not screened by the barrier. The Peter Moore noise survey also acknowledges that the area of garden meeting the 55 dB upper guideline value, or being within 5 dB of it, is greater for each house in the proposed development than it was for the recently permitted house on the adjacent site. Given the garden areas of the two proposed houses would be exposed to slightly lower noise levels from the M2 than the property currently under construction on adjacent the site I do not consider that the impact of the M2 in terms of noise pollution, would warrant a sustainable reason for refusal. In addition, the garden areas are of such a size that an area of each garden could be landscaped / acoustic fencing installed / a walled enclosure created, to afford some additional protection from the noise of the M2. Further details could be sought via condition.
- 6.18 An air quality assessment has been carried out which concludes that the proposals are considered acceptable in terms of local air quality impacts. Environmental Health has recommended that alternative locations are used to collect air quality data. As with the adjacent site the Environmental Health Officer has not raised any objections in relation to air quality at this location and to my mind a condition could be attached to re-run a revised air quality verification model using the new data from the two alternative locations, and any additional mitigation (integral mechanical ventilation / un-openable windows on the north elevation, etc) could also be secured via condition.
- 6.19 The dwellings would be a sufficient distance from any neighbouring properties so as not to have any harmful impacts in terms of outlook, light or privacy. Nor do I consider the level of traffic generated by two new houses would have any harmful impact upon residential amenity through noise or disturbance.

Other Matters

- 6.20 An ecology survey has been carried out which reveals the site has low ecological value with no potential for protected species. As such enhancements are proposed in

the form of bird and bat boxes / bricks and additional landscaping, including tree planting on the boundary of the site and new boundary between the two houses, which would serve to enhance the ecological value of the site.

- 6.21 There are no highway objections to the proposals. The additional two houses are not considered to result in a significant increase in traffic movement. Issues relating to disturbance from noise and traffic during construction are matters dealt with under Environmental Health and highways legislation.

7.0 CONCLUSION

- 7.1 In the absence of a 5 year housing land supply, the NPPF advises that permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits of the application. For the above reasons it is considered that the location is suitable for two houses, there would not be any significant harm to the AONB, and the proposals represent a sustainable and good quality design. Against this are the relatively high noise levels that would be experienced within the outdoor areas for the dwelling. Balancing these matters up it is considered that in the context of a high need for housing and the NPPF tests, the limited harm would not outweigh the benefits of the development and that this is grounds to depart from the Local Plan. For these reasons, permission is recommended subject to the following conditions.

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 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 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 housing units;

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

- (3) 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;

The boundary details shall include an enclosed or partially enclosed acoustic wall / fence within the garden of each property to provide an additional buffer from the M2.

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

- (4) 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:

- The repair and retention of existing hedgerows and tree lines within the site.
- New native tree and shrub species on the boundary with Blind Lane, new boundary between the two houses and the southwest boundary.
- Planting of wildflower grassland, shrubs and nectar-rich plants.
- Creation of a wildflower meadow.

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.

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

- (6) Prior to the occupation of the dwelling details of the location and numbers of log piles, bird, bat and dormice boxes to be placed on the site shall be submitted to and agreed by the local planning authority. The development shall thereafter be carried out in accordance with the subsequently approved details.

Reason: In the interests of biodiversity and ecology in accordance with the NPPF.

- (7) 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.

- (8) The development shall not commence until the specific noise mitigation measures as outlined in the Noise Assessment by Peter Moore Acoustics Ltd; dated 29 October 2015 have been submitted to and approved in writing by the Local Planning Authority. The subsequently approved measures shall be carried out in full prior to the occupation of the dwellings and thereafter maintained.

Reason: To ensure a suitable level of amenity for future occupants.

- (9) The development shall not be occupied until, a post completion verification report by an acoustic consultant to establish that the correct acoustic mitigation has been provided to the envelope of the buildings to demonstrate that the internal noise levels within the residential units will conform to the "good" design range identified by BS 8233: 2014 Sound Insulation and Noise Reduction for Buildings - Code of Practice, has been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure a suitable level of amenity for future occupants.

- (10) Before the development hereby permitted is first occupied, NO2 data from two diffusion tube monitoring locations (Maid 41 and Maid 63 in Maidstone Borough Council LAQM Progress Report 2013 Bureau Veritas Air Quality October 2013), shall be used to re-run the model verification report in the Air Quality Assessment (Gem Air Quality Limited) Report Reference AQ0655 October 2015. The results of the new verification report shall be submitted to and approved in writing by the local planning authority including details of any necessary mitigation measures. Any approved mitigation shall be carried out in full prior to first occupation and thereafter maintained.

Reason: To ensure a suitable level of amenity for future occupants.

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

1; dated 01-06-15 and 2284/15/B/2; dated June 2015 and 2284/15/B/3A; dated July 2015 and 695:P50, 695:P51, 695:P52, 695:P53; dated October 2015 and the following supporting documents: Air Quality Assessment by Gem; dated October 2015 and Extended Phase 1 Habitat and Bat Building Survey Report by Corylus Ecology; dated June 2015 and Planning and Design and Access Statement by Hume Planning; dated October 2015 and Noise Assessment by Peter Moore Acoustics Ltd; dated 29 October 2015.

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

INFORMATIVES

to Applicant: APPROVAL

The Council's approach to this application:

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

Offering pre-application advice.

Where possible, suggesting solutions to secure a successful outcome.

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

In this instance:

Planning Committee Report

The application was acceptable as submitted and no further assistance was required.
The applicant/agent was provided formal pre-application advice.
The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the Committee and promote the application.

Case Officer: 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.

Agenda Item 22

THE MAIDSTONE BOROUGH COUNCIL **PLANNING COMMITTEE – 14th January 2016**

APPEAL DECISIONS:

1. 15/503611

Outline Application for the erection of a building Containing 260 sq.m of B1 use office/light industrial space on ground floor level (with potential mezzanine at first floor and 9 car spaces), (Access, Layout and Scale being sought).

APPEAL: Dismissed

Land Rear Of Lady Jane Pub
Church Green
Marden
Kent

(Delegated Decision)

2. 15/501654

Singe storey rear extension, two storey front extension, roof extension, loft conversion, insertion of rear dormers, raised decking area to front, pitched roof to garage, excavation of front garden to create hard standing

APPEAL: Dismissed

Bethany
Boxley Road
Walderslade
Kent
ME5 9JD

(Delegated Decision)

3. 15/503387

Advertisement Consent for 5 non-illuminated sponsorship signs as shown on site location plan received 20/4/15; and elevation drawing received 6/5/15.

APPEAL: Dismissed

Roundabout At
Westfield Sole Road
Boxley
Kent

(Delegated Decision)
