

# AGENDA

## ADJOURNED PLANNING COMMITTEE MEETING



Date: Thursday 24 March 2016

Time: 6.00 p.m.

Venue: Town Hall, High Street,  
Maidstone

Membership:

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

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Page No.

1. Apologies for Absence
2. Notification of Substitute Members
3. Notification of Visiting Members
4. Items withdrawn from the Agenda
5. Any business the Chairman regards as urgent including the urgent update report as it relates to matters to be considered at the meeting

**Continued Over/:**

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**Issued on Friday 18 March 2016**

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

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

6. Disclosures by Members and Officers
7. Disclosures of lobbying
8. To consider whether any items should be taken in private because of the possible disclosure of exempt information.
9. 15/505441 - Tovil Quarry Site, Straw Mill Hill, Tovil, Kent 1 - 25
10. 15/509288 - Land to the North of Lenham Road, Headcorn, Kent 26 - 56
11. 15/509684 - Yonder Cottage, St Faith's Lane, Bearsted, Kent 57 - 70
12. 15/510613 - White Horse Cottage, Honey Lane, Otham, Kent 71 - 77
13. Appeal Decisions 78 - 80
14. Report of the Head of Planning and Development - S106 Contributions 81 - 88
15. 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.**



**15/505441 Tovil Quarry**

Scale: 1:2500

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**REPORT SUMMARY**

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

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

## MAIN REPORT

### 1.0 DESCRIPTION OF SITE

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

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

## 2.0 PROPOSAL

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

## 3.0 SUMMARY INFORMATION

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

## 4.0 PLANNING CONSTRAINTS

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

## 5.0 POLICY AND OTHER CONSIDERATIONS

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

## 6.0 LOCAL REPRESENTATIONS

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

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

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

## **7.0 CONSULTATIONS**

### **Tovil Parish Council**

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

### **Loose Parish Council**

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

### **Kent police**

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

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

The contribution requested as a pro rata basis to the proposed dwelling developments within the Borough between 2015 and 20131. As shown above, Kent police has calculated that the contribution required for this development is £136X91 Market dwellings +£12,376.

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

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

### **Natural England**

#### **7.04 *Local wildlife sites***

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

#### **7.05 *Biodiversity enhancements***

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

#### **7.06 *Landscape enhancements***

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

### **Environmental Agency**

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

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

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



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

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

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

Condition: Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

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

### **Flood Risk**

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

### **Upper Medway IDB**

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

### **Southern Water**

- 7.09 There is currently in adequate capacity in the local network to provide foul and surface water sewage disposal to service the proposed development. The proposed development would increase flows to the public sewerage system, and existing properties and land may be subject to a greater risk of flooding as a result. Additional off-site sewers, or improvements to existing sewers will be required to provide sufficient capacity to service the development. Section 98 of the Water Industry Act 1991 provides a legal mechanism through which the appropriate infrastructure can be requested (by the developer) and provided to drain to a specific location. Should this application receive planning approval, please include as an informative to the permission the following requirement:

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

Condition

- 7.10 Construction of the development shall not commence until details of proposed means of foul and surface water sewerage disposal have been submitted to and approved in writing by, the local planning Authority in consultation with southern Water.

**Southern Gas:**

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

**KCC Heritage Environment, Planning and Enforcement**

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

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

AR1 No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority.

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

**Kent Wildlife Trust**

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

**KCC Economic Development**

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

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

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

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

- Primary: £2360.96 per 'applicable' house, and £590.24 per 'applicable' flat – 'Applicable' excludes 1 bed units of less than 56 sqm GIA
- Secondary : £2359.80 per 'applicable' house, and £589.85 per 'applicable' flat
- Community learning @ £28.71 per dwelling – 'dwelling' means all residential units on the site
- Library bookstock @ £48.02 per dwelling
- Adult Social Care – delivery of 2 Wheelchair Adaptable Homes as part of the Affordable homes delivery for the site
- Superfast Broadband by Planning Condition

### **Environmental Health**

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

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

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

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

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

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

#### **PUBLICLY ACCESSIBLE EV CHARGING POINTS**

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

#### **LAND CONTAMINATION**

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

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

2) A site investigation, based on

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

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

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

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

#### LAND CONTAMINATION

If during construction/demolition works evidence of potential contamination is encountered, works shall cease and the site fully assessed to enable an appropriate remediation plan to be developed. Works shall not re-commence until an appropriate remediation scheme has been submitted to, and approved in writing by, the Local Planning Authority and the remediation has been completed. Upon completion of the building works, this condition shall not be discharged until a closure report has been submitted to and approved in writing by the Local Planning Authority. The closure report shall include details of;

a) Details of any sampling and remediation works conducted and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology.

b) Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site.

c) If no contamination has been discovered during the build then evidence (e.g. photos or letters from site manager) to show that no contamination was discovered should be included.

#### Landfill Gas

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

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

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

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

4. Upon completion of the works, this condition shall not be discharged until a closure report has been submitted to and approved by the Local Planning Authority. The closure report shall include full details of the works and certification that the works have been carried out in accordance with the approved scheme; CODE OF CONSTRUCTION PRACTICE (MAJOR SITES) Prior to the commencement of the development a Code of Construction Practice shall be submitted to and approval in writing by the Local Planning Authority. The construction of the development shall

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

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

INFORMATIVES Construction As the development involves demolition and / or construction, I would recommend that the applicant is supplied with the Mid Kent Environmental Code of Development Practice. Broad compliance with this document is expected.

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

#### Asbestos

Adequate and suitable measures should be carried out for the minimisation of asbestos fibres during demolition, so as to prevent airborne fibres from affecting workers carrying out the work, and nearby properties. Only contractors licensed by the Health and Safety Executive should be employed. Any redundant materials removed from the site should be transported by a registered waste carrier and disposed of at an appropriate legal tipping site.

#### 7.15 **MBC Landscape and Conservation**

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

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

## 8.0 BACKGROUND PAPERS AND PLANS

Site location	21156B_001 Revision A
Exiting site layout	21156B_002 Revision A
Proposed site entrance survey	21156B_005 Revision A
Proposed site entrance sections	1156B_006 Revision A
Proposed site entrance	21156B_007 Revision A
Boundary investigations	0123/1195/01
Proposed site access and off site Improvements- survey	T0208-01 Revised P1
Proposed site access and off site Improvements- survey	T0208-02 Revised P1
Proposed access road long section	T0208-04 Revised P1
Typical access section	T0208-05 Revised P1
Ecology Appraisal by Lloydbore landscape and ecology	Jan 2013
Ecology Addendum by JFA Environmental	July 2013
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Geo-environmental site assessment Part (1) by RSK	July 2015
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Planning statement by DHA	July 2015

## 9.0 APPRAISAL

### Background

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

### Principle of Development

- 9.03 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that all planning applications must be determined in accordance with the Development Plan unless other material considerations indicate otherwise.
- 9.04 In terms of location, Development Plan policy and Central Government guidance within the National Planning Policy Framework (NPPF) does encourage new housing in sustainable urban locations as an alternative to residential development in more remote countryside situations; and according to the NPPF, "Housing applications should be considered in the context of the presumption in favour of sustainable development". The site is within a sustainable location.
- 9.05 The site is designated as an employment site under saved policy ED2 of the MBWLP. However, it should be noted that employment use of this site ceased many years ago and the site has been cleared of any buildings or structure.

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

#### **Visual Impact**

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



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

#### **Residential Amenity**

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

#### **Highways**

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

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

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

#### **Landscaping**

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

#### **Ecology issues**

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

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

### **Planning Obligations and Financial Viability**

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

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

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

### **Other Issues**

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

### **10.0 CONCLUSION**

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

### **11.0 RECOMMENDATION – GRANT** Subject to the following conditions:

#### **CONDITIONS**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(iii) the provision of refugia and hibernacula.

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

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

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

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

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

6. No part of the development shall be occupied until details of the proposed lighting scheme have been submitted to and approved by the local planning authority. The details submitted for approval shall include;

- i) the submission of lighting contour plots showing the site and adjoining development;
- ii) sufficient detail to demonstrate that the proposed scheme complies with the recommendations of the Institute of Lighting Engineers 'Guidance Notes for reduction of Obtrusive Light' for sites located in Environmental Zone E2 and;
- iii) measures to demonstrate that light spillage into the proposed landscaped areas and undeveloped areas around the site has been minimised. The development shall be carried out in accordance with the subsequently approved details and maintained thereafter.

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

7. The development shall not commence until a details of foul and surface water sewerage disposal have been submitted to and approved in writing by the local planning authority in consultation with Southern Water. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

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

8. Details of all fencing, walling and other boundary treatments shall be submitted for approval in conjunction with the details of the reserved matter of landscaping submitted pursuant to condition 1 above. The development shall be carried out in accordance with the subsequently approved details before the first occupation of the buildings or land and maintained thereafter. The submitted details shall show inter-alia;

- (i) Large scale drawings of the re-built ragstone wall to the Straw Mill Hill frontage.

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

9. There shall be no occupation of the dwellings hereby permitted until the provision by way of a Section 278 Agreement between the applicant and Kent Country Council Highways, of the works identified in the application and agreed with the applicant and Highway Authorities until the following works have been constructed and completed.

- i) The provision of the highway works and footpath on Straw Mill Hill as shown on drawing no. 21156B\_007 revA
- ii) The provision of improvements to the existing bus stop in Farleigh Hill including the provision of a bus shelter, bus boarders and bus information,
- iii) The provision of a junction warning sign on the northeast bound approach to Straw Mill Hill on Farleigh Hill together with a 'slow' carriage marking and amendment of the radius kerbing on the southwest side of this junction to bring the 'give way' line forward.

Reason: In the interests of highway and pedestrian safety.

10. The development shall not commence until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority.

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

11. The development shall not commence until:

i. The application site has been subjected to a detailed scheme for the investigation and recording of site contamination and a report has been submitted to and approved by the Local planning authority. The investigation strategy shall be based upon relevant information discovered by a desk study. The report shall include a risk assessment and detail how site monitoring during decontamination shall be carried out. The site investigation shall be carried out by a suitably qualified and accredited consultant/contractor in accordance with a Quality Assured sampling and analysis methodology and these details recorded.

ii. Detailed proposals in line with current best practice for removal, containment or otherwise rendering harmless such contamination (the 'Contamination Proposals') have been submitted to and approved by the Local Planning Authority. The Contamination Proposals shall detail sources of best practice employed.

iii. Approved remediation works have been carried out in full on site under a Quality Assurance scheme to demonstrate compliance with the proposed methodology. If, during any works, contamination is identified which has not previously been identified additional Contamination Proposals shall be submitted to and approved by, the local planning authority.

iv. Upon completion of the works, this condition shall not be discharged until a closure report has been submitted to and approved by the local planning authority. The closure report shall include full details of the works and certification that the works have been carried out in accordance with the approved methodology. The closure report shall include details of any post remediation sampling and analysis together with documentation certifying quantities and source/destination of any material brought onto or taken from the site. Any material brought onto the site shall be certified clean;

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

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

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

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

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

iv. Upon completion of the works, this condition shall not be discharged until a closure report has been submitted to and approved by the Local Planning Authority. The closure report shall include full details of the works and certification that the works have been carried out in accordance with the approved scheme;

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

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

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

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

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

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

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

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

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

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

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

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

16. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

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

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

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

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

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



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

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

19. The reconstruction of the ragstone wall as shown on drawing no. 21156B\_007 revA shall not be commenced until a sample panel of the ragstone to be used that clearly demonstrates the proposed bond, mortar mix and pointing method has been provided on site for approval by the local planning authority. The development shall thereafter be implemented in accordance with the approved details and the sample panel retained on site as a reference until works to rebuild the ragstone wall have been completed.

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

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

Reason: In order to secure a satisfactory form of development having regard to the topography of the site and in the interests of the visual amenity of the area.

21. The approved details of the parking/turning area shall be completed before the commencement of the occupation of the dwellings hereby permitted and shall thereafter be kept available for such a use. No development, whether permitted by the Town and Country Planning (General Permitted Development Order 2015 (or any order, revoking and re-enacting that Order, with or without modification), or not, shall be carried out on the areas indicated or in such a position as to preclude vehicular access to them.

Reason: In the interests of highway safety.

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

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

Reason: In the interest of pollution control and sustainability.

Informatives set out below

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

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

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

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

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

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

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

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

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

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

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

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

a) Low-pressure sodium lamps or high-pressure sodium must be used instead of mercury or metal halide lamps where glass glazing is preferred due to its UV filtration characteristics.

b) Lighting must be directed to where it is needed and light spillage avoided. Hoods must be used on each light to direct the light and reduce spillage.

- c) The times during which the lighting is on must be limited to provide some dark periods. If the light is fitted with a timer this must be adjusted to the minimum to reduce the amount of 'lit time'.
- d) Lamps of greater than 2000 lumens (150 W) must not be used.
- e) Movement sensors must be used. They must be well installed and well aimed to reduce the amount of time a light is on each night.
- f) The light must be aimed to illuminate only the immediate area required by using as sharp a downward angle as possible. This lit area must avoid being directed at, or close to, any bats' roost access points or flight paths from the roost. A shield or hood can be used to control or restrict the area to be lit. Avoid illuminating at a wider angle as this will be more disturbing to foraging and commuting bats as well as people and other wildlife.
- g) The lights on any upper levels must be directed downwards to avoid light spill and ecological impact.
- h) The lighting must not illuminate any bat bricks and boxes placed on the buildings or the trees in the grounds.

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

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

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

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

Case Officer: Majid Harouni

# Agenda Item 10



15/509288 Land North of Lenham Road

Scale: 1:5000

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## REPORT SUMMARY

<b>REFERENCE NO</b> - 15/509288/OUT		
<b>APPLICATION PROPOSAL</b> Outline application for the erection of up to 57No dwellings including 40% affordable housing, associated public open space, ecological mitigation land and new vehicular access from Lenham Road. With the exception of means of access all other matters are reserved for future consideration. Indicative plan ref BRS.6203_04E1 submitted shows single vehicular access from Lenham Road to both residential and public open space areas and areas along the southern and western boundaries are identified for residential development and the remaining land to the north and east is identified as public open space and ecology area. Proposal involves retention existing Public Right of Way no KH587.		
<b>ADDRESS</b> Land to the North Of Lenham Road Headcorn Kent TN27 9TU		
<b>RECOMMENDATION</b> Delegated authority to Head of Planning and Development to approve subject to conditions and legal agreement.		
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b> The development does not comply with policy ENV28 of the Maidstone Local Plan 2000. However the proposed development would provide a mix of dwelling types. It would provide much needed affordable and market homes. The proposal would represent a sustainable form of development and would help to support local infrastructure.  For the reasons set out below, it is considered that there are no overriding material considerations to indicate that a refusal of planning permission is justified		
<b>REASON FOR REFERRAL TO COMMITTEE</b> <ul style="list-style-type: none"><li>• It is contrary to views expressed by the Parish Council</li><li>• It is a departure from the Development Plan as the site is located outside the defined settlement boundary of Headcorn</li><li>• It is a major development</li></ul>		
<b>WARD</b> Headcorn	<b>PARISH/TOWN COUNCIL</b> Headcorn	<b>APPLICANT</b> A Cheale Estates <b>AGENT</b> Pegasus PlanningGroup Ltd
<b>DECISION DUE DATE</b> 12/02/16	<b>PUBLICITY EXPIRY DATE</b> 23/12/15	<b>OFFICER SITE VISIT DATE</b> 2/12/2015
<b>RELEVANT PLANNING HISTORY (including relevant history on adjoining sites):</b>		
<b>14/503960/OUT:</b> Erection of 13no dwellings with associated amenity space. Members at 12 November 2015 Planning Committee resolved to grant planning permission subject to a s106 legal agreement and planning conditions.		
<b>14/ 505162FULL:</b> Erection of 48 dwellings together with provision of associated landscaping and access. Permission granted 07/12/2015		

## MAIN REPORT

### 1.0 DESCRIPTION OF SITE:

- 1.01 The application site is 6.07 hectares of farm land with no vehicular access to Lenham Road and hedgerow along the southern, western and northern boundaries. There is a public right of way along the western boundary that extends in an east, northeast direction.
- 1.02 The site is situated along the north side of Lenham Road and northern and eastern boundary of Headcorn village. From the west it is enclosed by the recently granted planning permission for housing under ref 14.505162.

- 1.03 On the south side of Lenham Road is land the subject of a recently granted permission for a two storey house and farm land.
- 1.04 The character of the area is one of village fringe comprising farm land, with low density residential properties on the northeastern edge of the village.
- 1.05 Headcorn is a Rural Service Centre with a good level of basic services comprising shops, pub, restaurant, school, doctor surgery and good public transport link to major towns by railway and bus services.
- 1.06 Definitive Public Right of Way KH587 runs along the western boundary and then continues eastwards through the site. A non-definitive path has also been created which runs at 45° angle to the definitive path.
- 1.07 It has been established that the site is Agricultural Land Classification grade 3b which means moderate quality agricultural land).

## **2.0 PROPOSAL**

- 2.01 The application seeks outline planning permission for the erection of 57 dwellings with associated vehicular access, car parking, garaging, landscaping and amenity space in 6.07ha.
- 2.03 The proposal comprise 40% (equates to 23 dwellings) affordable housing and 34 market sale houses.
- 2.04 The indicative plan submitted shows less than a ¼ (1.34ha) of the land would be developed for housing and associated road and on the south western corner of the site, the remaining ¾ (4.73ha) would be set aside as public open space and ecology area.
- 2.05 The density of this development within the application site would be about 9.5 dwellings per hectare. This would increase to 56 dwellings per hectare if the housing focuses on the south west corner of the site that has been identified for residential development.
- 2.06 The proposal also involves a large amenity open space and SUDS attenuation storage water pond.

## **3.0 SUMMARY INFORMATION**

	<b>Proposed</b>
Site Area (ha)	6.07Ha
Overall Housing Density	9.5dph
No. of Market Residential Units	34 dwellings
No. of Affordable Units	23 = 40%

## **4.0 PLANNING CONSTRAINTS**

- 4.01 Tree Preservation Order Reference: 6401/TPO; outside the northern boundary.

## **5.0 POLICY AND OTHER CONSIDERATIONS**

The National Planning Policy Framework (NPPF) 2012

National Planning Practice Guidance (NPPG)

Development Plan - Maidstone Borough-wide Local Plan (2000). Relevant policies - ENV28, ENV34, T13 and T23.

Supplementary Planning Document Affordable Housing DPD 2006 and Open space development draft local plan 2006.

Regulation 19 Consultative documents policies for development SS1, SP3, H2, DM2, DM3, DM11, DM12, DM13, DM23, DM24, ID1

Regulation 16 Headcorn Neighbourhood Plan document is at advance stage and has yet to go through, an independent examination and finally a referendum.

## **6.0 LOCAL REPRESENTATIONS**

This application was advertised by Site notice and in the press. Also adjoining neighbours were notified by letter.

26 letters have been received objecting to the application for the following reasons:-

- The site is in a flood plain and the development would exacerbate flooding in the village by building more houses.
- The proposal will change the form and character of Headcorn from a village.
- Roads in Headcorn cannot cope with increase in traffic generation from the additional houses in this village.
- Additional pressure on the public transport and railway station from more houses in Headcorn.
- More pressure on the existing infrastructure (school, doctor surgery, etc).
- Existing sewerage system cannot cope.
- Not in compliance with Headcorn neighbourhood plan.
- Impact of the development on the local ecology
- Social housing does not enhance a community especially when outsiders are housed as priority.
- Increase in noise levels with so many extra people living nearby and coming and going of cars and of children playing.
- The owner of the adjoining field to the north is concerned about being overlooked, trespass on their land and small holding.

## **7.0 CONSULTATIONS**

### **7.01 Headcorn Parish Council**

The Council wish to see this application refused on the following grounds:-

- a) This Application is contrary to the definition of sustainability contained within the National Planning Policy Framework (NPPF), as well as the NPPF's policy on building in rural area
- b) The Application is not supported by the Maidstone Borough Local Plan 2000, nor is it supported by the emerging Headcorn Neighbourhood Plan, which was supported by 93.9% of respondents in the recent Regulation 14 consultation.
- c) This application is contrary to the housing policies under the existing Local Development Plan (H27, H28, and ENV28); it has not been allocated as part of Maidstone's emerging local plan (because the URS analysis of the site for MBC suggested it was unsustainable); and it is contrary to Headcorn's emerging Neighbourhood Plan (for example it is too big (HNP6); goes against the policy on phasing designed to ensure housing comes forward when needed (HNP7); does not meet the policy on affordable homes (HNP9); and would go ahead before the requirement to solve the sewerage problems in Headcorn had been addressed (HNP11)).
- d) Therefore the only reason to consider this site is because MBC cannot demonstrate that it has a 5-year land supply, which means that developments that meet the definition of sustainability within the NPPF can go ahead if decision-makers feel that material considerations do not rule them out. In other words, because paragraph 49 of the NPPF applies. However, this paragraph only applies where developments are considered sustainable under the definition of sustainability within the NPPF. This is not the case.
- e) This planning application is contrary to the definition of sustainability within the NPPF and in particular does not meet the requirement to be in the right place, and is also not at the right time.
- f) This development cannot be considered as incremental, particularly on top of the existing planning permissions in Headcorn. It is not needed to meet the needs of emerging households within Headcorn.

- g) The application is not consistent with the NPPF's policy on development in rural areas, which is unsurprisingly very similar to the government's rural productivity policy, namely that:  
 "In rural areas, exercising the duty to cooperate with neighbouring authorities, local planning authorities should be responsive to local circumstances and plan housing development to reflect local needs, particularly for affordable housing, including through rural exception sites where appropriate.
- h) Development in Headcorn will result in a significant increase in commuting over long distances, based on observed patterns of behaviour the majority of this commuting will be by car. Census data show that between 2001 and 2011 200 new houses were built in Headcorn, but only 2 extra people now take the train - an increase of 1 person per 100 households. Further development will lead to further increase in travel and it means that the application would not address the need for environmental sustainability and the need to minimise the need to travel and promote sustainable modes of transport embedded in the NPPF.
- i) It is not just jobs where Headcorn's location would disadvantage potential residents in this proposed development. The same is true for access to both hospitals and secondary schools.
- j) In Headcorn, MBC have already committed to building more housing than can be justified by jobs growth, both locally and within the MBC area.
- k) There is limited demand for social rented housing amongst emerging households in Headcorn and this demand can be entirely met from within the existing housing stock.
- l) Foul drainage is a significant issue for all development within Headcorn, a subject that has been emphasized on every application seen in Headcorn. The current drainage network is already stretched to the limit and further development will just exacerbate this.
- m) The proposed development is very close to the current flood plain and it would be essential to understand what affect this development would have of the current plain. This would seem to be topically very important given recent happenings in the UK.
- n) This development will add vehicular burden onto the Kings Road/Ulcombe Road junction (see traffic survey for HNP) from there it is on to the school, or the one way section of Ulcombe Road, or turn on down Forge Lane/ Oak Lane both of which have very narrow difficult turnings on to the A274 restricted either side by housing. Traffic going the other way will have to pass through the narrow almost one way only section in Grafty Green then via the one way section on Liverton Hill. Furthermore, the link to the M20 motorway referred to is through the village of Leeds, via the B2163. Problems with traffic congestion on the A274 and the need to create a Leeds-Langley relief road feature heavily in KCC objections to any further housing allocations or planning permissions being granted that would impact the A274
- o) The proposed development obstructs a PROW.

Furthermore HPC would like to point out that the fact that the planning statement accompanying this contains a large number of factual errors and embellishments. It is important therefore that all information provided by the applicant should be **subject to strict scrutiny and not taken at face value.....** for example

- a) The planning statement states that as at 2011 Headcorn Parish had a population of 5,155 and 2,111 households. This is factually incorrect. At the time of the 2011 Census, Headcorn Parish had 3,387 people living in the Parish, as part of 1,459 households. Therefore all the statements about the relative size of this development, or other developments, provided in their report are incorrect and should be roughly doubled to obtain the actual increase in the size of Headcorn village that would result from the applications.
- b) Paragraph 2.13 of the planning statement refers to the A274 (the main road in Headcorn) as "a strategic highway". Not only is the A274 not part of the Strategic Road



Network (which are roads owned by the Secretary of State for Transport), it is not even part of the Primary Road Network.

- c) The quote provided in paragraph 5.66 that relates to the High Court Case [2015] EWHC 2729 (Admin), has been taken completely out of context. The quote states that “the Inspector was not required to refer to the draft Neighbourhood Plan in her Decision since ... it was at a very early stage of development and she was entitled to accept the view of Council that minimal weight should be accorded to it as planning policy”. What is not made clear is that the version of the Neighbourhood Plan the Inspector had been given was an early draft of the Plan that was significantly revised between that version and the version submitted for consultation under Regulation 14. In other words, it was a much earlier draft than the Regulation 14 draft. More importantly, as the full text of the High Court ruling makes clear, the draft she was given was not relevant to her decision, because it did not cover the site in question, or indeed the issue of primary school expansion.

## 7.02 KCC Economic Development

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

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

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

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

### Request Summary

	Per Pupil	Total	Project
Primary Education	£19,047.62 (16 pupils)	£304,761.92	Towards the second phase of permanently expanding Headcorn PS from 1FE to 2FE
Primary Land	£3,184.60	£50,953.60	Towards the cost of acquiring additional land to accommodate the expansion of Headcorn PS
Secondary Education	£11,799 (11 pupils)	£129,789.00	Towards the second phase of expanding Maidstone Grammar School

	Per Dwelling (x57)	Total	Project
Community Learning	£30.70	£1749.70	Towards the cost of commissioning adult and community learning classes within the village, including rental of space and equipment required.
Youth Service	£8.49	£483.66	Towards equipment to expand the range of youth focused activities able to take place at the Village Hall, to be utilised by KCC's commissioned youth worker.
Libraries	£48.02	£2736.90	Towards bookstock to be supplied to Headcorn Library
Social Services	1 Wheelchair Accessible	31	

	Home as part of the Affordable Homes delivery on this site		
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### 7.03 NHS Properties

I can confirm that on this occasion we will not be seeking S106 contributions against this development. As the local surgeries have the capacity to cope with the additional patients anticipated as a result of these dwellings being built.

### 7.04 Kent Archaeology

The application site lies within a small valley with the stream running along the northern boundary. Such river valleys were favourable areas for prehistoric activity and there is some potential for prehistoric settlement. An isolated Neolithic flint artefact is recorded to the north and further remains may survive on site. The application site also lies adjacent to the historic farm complex of *Oak Farm*, which is identifiable on the 1<sup>st</sup> Ed OS map but is noted as being of 17<sup>th</sup> century origin. Remains associated with the farm would be of local heritage interest. There is also recorded the crash site of a Messerschmitt Bf109E. It crashed on Oak Farm land but the precise location is not known, however, "surface wreckage" has been recorded.

The application is supported by a rather brief DBA by CgMs. This DBA does not seem to mention the WWII crash site or Oak Farm in detail and the analysis of the data is too simple. As such the proposed mitigation is inadequate. WWII sites are considered to be very sensitive and need to be considered carefully, so unless there is more detailed information on the Messerschmitt crash site, some investigation work on this site would be needed to be undertaken.

In addition, I consider there is some potential for prehistoric and post medieval remains to survive on site and as such I recommend the following condition is placed on any forthcoming consent:

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

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

### 7.05 Environmental Agency:

We have reviewed the information submitted and have no objections to the proposed based on findings of Flood Risk Assessment by Clive Onions dated 4<sup>th</sup> November 2015 V2 and Indicative Layout Drawing BRS.6203\_04D.

#### Informatives

##### Waste

We have no objection to the construction of ponds in flood zone 3, however spoil should be removed appropriately to flood zone 1 to avoid loss of flood plain storage.

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

- excavated materials that are recovered via a treatment operation can be re-used on-site providing they are treated to a standard such that they fit for purpose and unlikely to cause

pollution

- treated materials can be transferred between sites as part of a hub and cluster project
- some naturally occurring clean material can be transferred directly between sites.

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

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

Foul drainage

We note the application states foul drainage is to go to mains. Should this change, we would wish to be consulted.

Pollution Prevention

Please note that all precautions must be taken to avoid discharges and spills to the ground both during and after construction. For advice on pollution prevention– General guide to prevention of pollution”, which can be found at:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/290124/LIT\\_1404\\_8bdf51.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/290124/LIT_1404_8bdf51.pdf)

## **7.06 KCC Ecology Officer**

We have reviewed the ecological information which has been submitted with the planning application and we are satisfied with the conclusions of the submitted report and we advise that sufficient information has been provided to determine the planning application.

### **Great Crested Newts**

No specific GCN surveys were carried out as part of this planning application – instead the ecologists reviewed the existing GCN data (surveyed 2008 to 2014) to assess the impact on GCN from the proposed development. The submitted information has concluded that it is likely that GCN are present within the site and an EPS licence will be required to carry out the works.

The finalised mitigation strategy must be informed by updated GCN surveys. Ideally the surveys should have been updated as part of this planning application – however we accept the ecologists reasoning about why, for this application, this is an appropriate approach. The reasons are as follows:

- The regular surveys carried out since 2008 provide a good understanding of the GCN population within the area
- The site is mostly arable – which provides limited foraging habitat
- The ponds will be retained and a large area of the proposed development site will be enhanced to provide optimum GCN habitat.

In addition to the information submitted with this planning application we have also re-reviewed the ecological survey information submitted with planning application 14/503960/OUT. The survey results confirm the conclusions of the ecological survey submitted with this planning application.

If there was not such good understanding of GCN population within the surrounding area and the site contained optimum GCN habitat we advise that this approach would not be acceptable.

We advise that if planning permission is granted a detailed GCN mitigation strategy must be submitted as a condition of planning permission.

### **Bats**

The existing survey data has been reviewed and assessed that bats are likely to forage along the boundaries within the proposed development site. The housing area is located

along the southern and western boundary and it is this area where foraging bats are likely to experience the greatest impact due to an increase in lighting.

The lighting for the development must be designed to ensure that the impact on foraging and commuting bats is minimal.

A large area of open space is proposed as part of the proposed development and we agree with the conclusions of the proposed report that it is likely to benefit foraging /commuting bats -we recommend that this area has minimal lighting (if at all).

We recommend that if planning permission is granted a detailed lighting scheme (with input from their ecologist) is submitted as a condition of planning permission.

Three trees were identified within the survey as having suitable features for roosting bats – as the trees will not be lost as a result of the development and not be impacted by the proposed construction works we are satisfied with the conclusion that emergence surveys are not required.

### **Breeding Birds**

The survey was carried out during 1 visit in October 2015. As such we don't think that the submitted report can assess from one visit that farmland birds are not present within the site.

However we have reviewed the information submitted by the applicant and we accept that there is no requirement for specific breeding bird survey to be carried out.

The proposed development will result in an increase in nesting habitat for some breeding birds (in particular those which nest in hedges etc) but we recommend that the finalised landscaping scheme is designed to increase foraging habitat for any ground nesting birds within the surrounding area.

### **Badgers/Reptiles**

The report has made some precautionary mitigation to minimise the potential for the proposed works to avoid impacting reptiles/badgers.

The precautionary mitigation detailed within the report must be incorporated into the construction management plan to ensure that it is implemented.

### **Enhancements**

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

An area of open space is proposed to be created if planning permission is granted and it has been designed to ensure that it creates ecological enhancements.

If planning permission is granted we would expect a detailed management plan to be produced as a condition of planning permission – the management plan must include the following:

- Details of how it will be established
- Long term management
- Monitoring and reviewing.

This response was submitted following consideration of the following document(s):

Ecological Appraisal; Aspect Ecology; November 2015

Preliminary Ecological Appraisal, Dormouse, reptile and Amphibian Survey; Flag Ecology; 12th September 2014

Bats and Lighting in the UK

Bat Conservation Trust and Institution of Lighting Engineers

Summary of requirements

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

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

illuminated. The aim is to maintain dark commuting corridors for foraging and commuting bats. Bats avoid well-lit areas, and these create barriers for flying bats between roosting and feeding areas.

UV characteristics:

Low

- Low pressure Sodium Lamps (SOX) emit a minimal UV component.
- High pressure Sodium Lamps (SON) emit a small UV component.
- White SON, though low in UV, emit more than regular SON.

High

- Metal Halide lamps emit more UV than SON lamps, but less than Mercury lamps
- Mercury lamps (MBF) emit a high UV component.
- Tungsten Halogen, if unfiltered, emit a high UV component
- Compact Fluorescent (CFL), if unfiltered, emit a high UV component.

Variable

- Light Emitting Diodes (LEDs) have a range of UV outputs. Variants are available with low or minimal UV output.

Glass glazing and UV filtering lenses are recommended to reduce UV output.

### **Street lighting**

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

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

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

### **Security and domestic external lighting**

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

- Lighting should illuminate only ground floor areas - light should not leak upwards to illuminate first floor and higher levels;
- Lamps of greater than 2000 lumens (150 W) must not be used;
- Movement or similar sensors must be used - they must be carefully installed and aimed, to reduce the amount of time a light is on each night;
- Light must illuminate only the immediate area required, by using as sharp a downward angle as possible;
- Light must not be directed at or close to bat roost access points or flight paths from the roost - a shield or hood can be used to control or restrict the area to be lit;
- Wide angle illumination must be avoided as this will be more disturbing to foraging and commuting bats as well as people and other wildlife;
- Lighting must not illuminate any bat bricks and boxes placed on buildings, trees or other nearby locations.

## **7.07 Kent Wildlife Trust**

I have no objection in principle to the development proposals. However, planning permission should not be granted unless and until the applicant has confirmed a commitment to draw up and implement a detailed and fully-funded management plan (and monitoring programme) for all undeveloped habitats on the site.

The applicant's submission should incorporate a statement of objectives for the management plan that demonstrate a principal function of the undeveloped areas being to enhance local biodiversity.

I object to the grant of planning permission in the absence of such a commitment.

## **7.08 KCC Highway Services**

The applicant has now undertaken a cumulative assessment of all committed development in Headcorn and I write to confirm that I am satisfied that signal control of the Kings Road/North Street/Moat Road/Mill Bank crossroads will operate satisfactorily for a scenario entailing all committed development at a forecast year of 2019. The junction simulation analysis indicates that the junction would operate at a 61% degree of saturation with maximum average queue lengths of less than 4 passenger carrying units (pcu's) per arm in the peak hour periods.

The committed development traffic adds 68 morning peak movements northbound onto the A274 at Mill Bank with this development adding a further 9 movements. In the evening peak the northbound movements on Mill Bank are 33 movements added from committed development and a further 4 movements added from this proposal. The National Planning Policy Framework (NPPF) states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. Whilst this is a relatively small site, and located remotely from South East Maidstone, your Members should be made aware that this site will contribute to the cumulative growth in traffic on the A274 corridor. However, given the low numbers quoted, (estimated 9 additional vehicles in the am peak hour and 4 additional vehicles in the pm peak hour), I am not able to conclusively prove that it will result in a net impact on congestion that could be described as "severe". It is not considered therefore that the highway authority would be able to sustainably object to this proposal in terms of trip generation.

Significant further work has also been undertaken regarding the necessary visibility splays for a safe access to the site. The transport consultant's drawing number 617221/SK08 shows a visibility splay of 97m to the right when emerging which I consider is adequate and commensurate to the vehicle speeds measured. The alignment of the road and position of the proposed access is such that visibility to the left when emerging is amply beyond what is needed. Construction of the access will require the applicant to enter into a section 278 agreement with this authority. I note that the base of drawing 617221/SK08 is a topographical survey and I am confident therefore that only minor trimming of the boundary hedge will be required to obtain an appropriate unobstructed view to approaching traffic.

This application will extend the boundary of the built up area of Headcorn on Lenham Road (beyond that of other applications opposite) and it is considered that the 30mph speed limit should be appropriately extended to signify this change in environment. From a study of the speed survey readings it is also considered that installation from this development of an interactive speed limit sign would be helpful as an initial reminder (when activated) of the speed limit to westbound traffic approaching Headcorn on Lenham Road. Should this application be approved it would be helpful if a condition could be included requiring the applicant to undertake this work (to its best endeavours) through the County Council's procedures for implementing traffic orders by 3rd parties.

Adoption of the internal roads will of course require the applicant to enter into a section 38 agreement with this authority.

## 7.09 **MBC Park and Leisure**

A development of this size should provide a LEAP and a LAP as guided by the Fields in Trust. It is noted that the development provides a considerable area of open space however there is a distinct lack of formal open space.

When we make requests for financial contributions towards offsite open space the standard amount is £1575 per dwelling. This is based on there being no onsite provision whatsoever and where this is some provision made then the financial request per dwelling is reduced accordingly and is based on 5 types of open space being provided.

In this instance we are looking at the shortfall in provision of a LEAP. The estimated cost for a high quality LEAP is £160,000 – this is based on the cost to install the LEAP at Giddyhorn Play Area.

The £160,000 cost is based on per 1000 population and so would reduce to £160 per individual or £384 per dwelling (\*2.4)

We would therefore request a financial contribution of  $£384 * 57 = £21,888$

We would request that any offsite contribution be utilised towards improving and replacing the play area equipment and associated facilities situated at Hoggs Green.

#### **7.10 MBC Heritage and Landscaping**

There are significant trees on this site and a number of individual trees are protected by TPO No.11 of 1982.

It should be noted that the submitted Landscape Appraisal is essentially an assessment of internal and short distance viewpoints, rather than a more detailed landscape and visual impact assessment.

In terms of the landscape capacity study guidance it is considered that the following mitigation requirements apply:

- Retain and strengthen hedgerow boundaries
- Retain mature collection of trees with TPO status on an open space within any further development
- Retain and utilise ponds to create open space and landscape
- Consider views from, and the character of, public footpath running through site and strengthen connectivity via public rights of way with Headcorn centre
- Redefine settlement edge and create sensitive urban/rural interface
- Strengthen public right of way links to Headcorn centre.

Whilst the current layout is indicative, the proposed density of development and landscape masterplan is acceptable in principle subject to landscape details. I therefore raise no objection on arboricultural grounds.

#### **7.11 Environmental Health**

Given the sensitivity around flooding in the area, the sustainable drainage system should be required as a condition as should its continued use.

##### **REQUESTED CONDITIONS: HOURS OF WORKING (CONSTRUCTION)**

No construction activities shall take place, other than between 0800 to 1800 hours (Monday to Friday) and 0800 to 1300 hours (Saturday) with no working activities on Sunday or Bank Holiday.

In addition to these hours of working the Local Planning Authority may approve in writing a schedule of activities where it is necessary to conduct works outside the hours specified in this condition where road closure or similar is needed or for safety reasons.,

#### **LAND CONTAMINATION**

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

1) Further work is needed to determine the area impacted by the potential arsenic contamination and to produce a remediation method statement (RMS) and carry out a site investigation, the risk to all receptors that may be affected, including those off site and those involved in the development of the site. This is to take into account the proposed development and potential soil movement during the development phase.

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

3) A Closure Report is submitted upon completion of the works. The closure report shall include full verification details as set out in 3. This should include details of any post remediation sampling and analysis, together with documentation certifying quantities and source/destination

of any material brought onto or taken from the site. Any material brought onto the site shall be certified clean;

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

#### **7.12 Kent Police Crime Prevention**

I have considered the planning application detailed above with regards to Crime Prevention Through Environmental Design (CPTED) matters, in accordance with the DCLG Planning Practice

Guidance March 2014 (Paragraphs 10 & 11) – Crime Prevention and the Kent Design Initiative (KDI) –

Design For Crime Prevention document dated April 2013.

(DCLG circular 01/06) sets out what needs to be included in a design and access statement. Statements should consider design issues and how development can create accessible and safe environments, including addressing crime and disorder and fear of crime.

The applicant/agent has taken into considered crime prevention (see D&AS Section3 page 39 NPPF para58 point 5 and page 45 Section5 Crime Prevention) I was pleased to see that they had incorporated the principles of CPTED into their design and layout, the disappointing fact is that they have not consulted with us so we cannot fully address crime prevention and designing out for crime at this time.

As they have not consulted with us we suggest that an informative would be a suitable way to address and remind the applicant/agent that prior to the submission of an application for the reserved matters that it may be necessary for them to consult with Kent Police

Note: If an informative is used we suggest something similar to the below

Prior to the submission of any reserved matters application, the applicant, agents, or successors in title, are encouraged to undertake pre-application (reserved matters) discussion with the local Planning Authority. As part of this pre-application discussion, it may well be necessary to consult with external bodies such as Kent Police Crime Prevention Design Advisors (CPDAs) to ensure that a comprehensive approach is taken to Crime Prevention and Community Safety.

The contact details of the Kent Police CPDAs are; John Grant & Adrian Fromm, Kent Police Headquarters, Sutton Road, Maidstone ME15 9BZ email: pandcr@kent.pnn.police.uk Tel No- 01622 653209/3234.

#### **7.13 KCC Public Right of Way**

The development is crossed by Public Right Of Way(PROW) Footpath KH587. The location of this footpath is indicated on the attached map extract. The existence of the right of way is a material consideration.

The Definitive Map and Statement provide conclusive evidence at law of the existence and alignment of Public Rights of Way. While the Definitive Map is the legal record, it does not preclude the existence of higher rights, or rights of way not recorded on it.

I note that the indicative plans show the PROW recorded in the wrong place on plans attached to the application. There is a path recorded on some base mapping which may have caused this confusion. I note that page 22 of the design and access guide gives a PROW location that is closer to that shown on my attached map than the other documents. As it appears the current legal line of the PROW is not to be obstructed then I do not object to the application.

#### **7.14 MBC Housing**

The development is for up to 57 dwelling units with the applicant proposing 40% affordable housing which equates to up to 23 dwellings.

The outline application is for a total of 57 dwellings, with 23 of the units being proposed as affordable which equates to 40%



The applicants have submitted an Affordable Housing Statement as part of their application. In this they acknowledge that:

- In accordance with extant Local Plan Policy AH1 (Affordable Housing), the proposal includes 40% on site affordable housing, equating to up to 27 no. dwellings.
- The provision of affordable housing will be secured through the inclusion of relevant clauses within the S106 Agreement.
- The proposed size split of the affordable units will be agreed at Reserved Matters Stage, informed by the latest evidence of housing needs.
- In accordance with the Affordable Housing DPD, 40% of the affordable housing will be intermediate housing. The remaining 60% will be social rented.
- Appearance is a reserved matter for later determination. House types will therefore be agreed at a later stage; nevertheless, the affordable units will be designed so as not to be visually discernible from the market dwellings.
- Layout is a reserved matter for later determination; however the site is of a size which will allow the affordable housing to be distributed across the site in small clusters so as to create a sustainable and integrated community.

Housing acknowledge that several matters, including the layout, size and tenure mix of the affordable units will be reserved for future determination and would encourage the applicants to contact us so a suitable mix for all parties can be agreed.

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

Affordable Rented Units (60%)

1-Beds (35%), 2-Beds (30%), 3-Beds (20%), 4-Beds (15%)

Shared Ownership Units (40%)

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

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

Size	Total Units	Rental	Shared Ownership
1 Bedroom	7	5	2
2 Bedroom	9	5	4
3 Bedroom	6	3	3
4 Bedroom	1	1	0
Total	23	14	9

There is currently no identified need for 4 bed, shared ownership units.

In terms of unit sizes, we would be looking for a range of 2-bed 3 and 4 person dwellings, as well as 3-bed 5 and 6 person dwellings, with preference for the 4 and 6 person dwellings to help maximise occupancy, in accordance with need.

The affordable units should ideally be spaced throughout the development.

Finally, I would also like to raise the issue of design and quality standards, in particular Life Time Homes which should be taken into consideration for the affordable housing provision.

## 7.15 Southern Water:

Following initial investigations, there is currently inadequate capacity in the local network to provide foul sewage disposal to service the proposed development. The proposed development would increase flows to the public sewerage system, and existing properties and land may be subject to a greater risk of flooding as a result additional off site sewers, or improvements to existing sewers, will be required to provide sufficient capacity to service the development.

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

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

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

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

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

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

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

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

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

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

**7.16 Agricultural Advisor:**

The site is mainly Grade 3b (moderate quality) and therefore outside the "best and most versatile" category.

**7.17 UK Power Networks:** Has no objection to the proposed works.

**7.18 Natural England:** Has no comments to make on this application.

**7.19 KCC Flood Risk Project Officer**

Kent County Council as Lead Local Flood Authority are pleased to note the inclusion of open drainage features to provide treatment, conveyance and storage of surface water run-off, prior to a controlled discharge off-site. We also note the inclusion of source control features such as areas of permeable pavements for additional source control.

We have no objection to the development provided the discharge rate to the receiving ordinary watercourse within the site is no higher than the greenfield run-off rate (for all storms up to and including 1 in 100yr + CC) and is capped at a maximum of 7l/s/ha as per guidance from the UMIDB. Please note that any works affecting the ordinary watercourses on site (such as for the site access and construction of outfall features) may require consent from KCC as LLFA.

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

(i) Development shall not begin until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall be based on the submitted flood risk assessment and drainage strategy, and shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100yr storm) can be accommodated and disposed of without increase to on-site or off-site flood risk. The discharge from the development to the ordinary watercourse should be no higher than greenfield run-off rate up to a maximum of 7l/s/ha as required by the UMIDB.

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

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

Reason:

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

7.20 Southern Gas Network  
There is no gas pipe line in front of this site.

## **BACKGROUND PAPERS AND PLANS**

The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing no BRS.6203\_04F 1; Landscap Master Plan 2169/15/B/4 Rev ..... Landscape Appraisal 2169/15/B/3 Access Design 617221/SK04 Rev.....; Site Location Plan BRS.6203\_05A; Context Plan BRS. 6203\_01C; Agricultural Land Consideration November 2015 by Kernon, Transport Assessment October 2015 by MLM; Ecology Appraisal by aspect ecology November 2015; Affordable housing Statement November 2015; Flood Risk Assessment November 2015 by Clive Onions, Tree Survey November 2015 by LaDellwood; Planning Statement by Pegasus Group November 2015, 2015Design and Access Statement November 2015

## **8.0 APPRAISAL**

### **Principle of Development**

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

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

- (1) that which is reasonably necessary for the purposes of agriculture and forestry; or*
- (2) the winning of minerals; or*
- (3) open air recreation and ancillary buildings providing operational uses only; or*
- (4) the provision of public or institutional uses for which a rural location is justified; or*

*(5) such other exceptions as indicated by policies elsewhere in this plan."*

- 8.02 In this case, none of the exceptions against the general policy of restraint apply, and therefore the proposal represents a departure from the Development Plan. It then falls to be considered firstly whether there are any material considerations which indicate that a decision not in accordance with the Development Plan is justified in the circumstances of this case, and (if so) secondly whether a grant of planning permission would result in unacceptable harm, such that notwithstanding any material justification for a decision contrary to the Development Plan, the proposal is unacceptable.
- 8.03 The key material consideration outside of the Development Plan in the determination of applications for residential development in the open countryside is national planning policy as set out in the National Planning Policy Framework 2012 (NPPF) and the Council's position in respect of a five year housing land supply.
- 8.04 In terms of other material considerations, the National Planning Policy Framework (NPPF) is a key consideration, particularly with regard to housing land supply. Paragraph 49 of the NPPF states that:-  
*"Housing applications should be considered in the context of the presumption in favour of sustainable development. Relevant policies for the supply of housing should not be considered up to date if the local planning authority cannot demonstrate a five years supply of deliverable housing sites."*
- 8.05 The Council has undertaken a Strategic Housing Market Assessment (SHMA) which was completed in January 2014. This work was commissioned jointly with Ashford and Tonbridge and Malling Borough Councils. A key purpose of the SHMA is to quantify how many new homes are needed in the borough for the 20 year period of the emerging Local Plan (2011 - 31). The SHMA (January 2014) found that there is the objectively assessed need (OAN) for some 19,600 additional new homes over this period which was agreed by Cabinet in January 2014. Following the publication of updated population projections by the Office of National Statistics in May, the three authorities commissioned an addendum to the SHMA. The outcome of this focused update, dated August 2014, is a refined objectively assessed need figure of 18,600 dwellings. This revised figure was agreed by Cabinet in September 2014. Since that date revised household projection figures have been published by the Government and as a result the SHMA has been re-assessed. At the meeting of the Strategic Planning, Sustainability and Transport Committee on 9 June 2015, Councillors agreed a new OAN figure of 18,560 dwellings.
- 8.06 The new Local Plan has advanced and is out to Regulation 19 publication being the Plan that the Council considers is ready for examination. The Plan is scheduled for submission to the Planning Inspectorate for examination in May 2016, with the examination expected to follow in September. The Plan allocates housing sites considered to be in the most appropriate locations for the Borough to meet the OAN figure, and will enable the Council to demonstrate a 5 year supply of deliverable housing sites when it is submitted to the Inspectorate in May. Clearly the Local Plan is gathering weight as it moves forward, but it is not considered to have sufficient weight to rely solely on to refuse or approve a planning application.
- 8.07 Notwithstanding this, it remains the case the most recently calculated supply of housing, which assesses extant permissions and expected delivery, is from April 2015. This demonstrates a 3.3 year supply of housing assessed against the OAN of 18,560 dwellings. A desk based review of housing supply undertaken in January 2016 to support the Regulation 19 Local Plan housing trajectory suggests that there remains a clear and significant shortfall of supply against the five year requirements.  
The Council's five year supply position will be formally reviewed in April/May in order to support the submission of the Local Plan to examination in May. Before the Local Plan is submitted however, the Council will remain unable to demonstrate a 5 year supply of deliverable housing sites.
- 8.08 This lack of a 5 year supply is a significant factor and at paragraph 49 of the NPPF it is stated that housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing (such as ENV28

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

- 8.09 In respect of the circumstances of the specifics of this case, the proposal site is located to the north east corner of Headcorn village and less than 600m walking distance from the centre of Headcorn, which is identified as a Rural Service Centre (RSC) in the Regulation 19 Local Plan under policy SP3. Headcorn provides a diverse range of key services including a primary school, shops, restaurants, doctors surgery which are easily accessible on foot or by cycle as well as availability of good public transport including rail link and bus service. These facilities would require improvement or upgrade commensurate with any increase in population.
- 8.10 RSC's are considered the most sustainable settlements in Maidstone's settlement hierarchy, as set out in the draft Local Plan, outside of the town centre and urban area. They have been identified as such for their accessibility, potential for growth and role as a service centre for surrounding areas. They act as a focal point for trade and services by providing a concentration of public transport networks, employment opportunities and community facilities that minimise car journeys”. The application site is therefore considered to be in a sustainable location in terms of the NPPF..
- 8.11 Regulation 19 has identified a number of sites for housing development in Headcorn and this site is not one of them. However, In the light of the above mentioned shortfall of five year housing land supply, bringing forward development on this sustainably located site immediately adjacent to a rural service centre would assist in helping to meet the shortfall and it is considered this to be a strong material consideration in favour of the development. Notwithstanding that this site has not been identified in the Regulation 19 for housing, the current application should be determined on its planning merits on the basis of the adopted policies in the Development Plan and other material considerations.
- 8.13 Headcorn Parish Council has objected to this application and stated that it should be refused as it is in conflict with the emerging Neighbourhood Plan. Whilst this statement is correct and the NP is at fairly advanced stage, it has just come out of 6 weeks Regulation 16 consultation process and yet to go through the independent examination stage and referendum process. Therefore there are still a number of key stages for NP to go through. It is therefore considered that although Headcorn NP is a material consideration, in its current stage it is not grounds to refuse planning permission. Moreover the Council cannot meet its 5 years housing land supply and some of its housing supply policies are out of date, similarly the same applies to the NP policies.
- 8.14 Paragraph 216 of the NPPF states that from the day of publication, decision-takers may give weight to the relevant policies in emerging plans, according to,
- *The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given).*
  - *The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater weight that may be given and*
  - *The degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater weight that may be given)*
- 8.15 In view of the key stages ahead in the adoption process, the unresolved and continued discussions with the lead authority over key issues such as affordable housing and relationship to emerging Local Plan (Spatial Strategy) to which Maidstone has an Objectively Assessed Need (OAN) and evidence base, it is considered that limited weight can be given to the draft NP in this case. The NP is an important material consideration, but is yet to be examined.

- 8.16 Having regard to the above ground, it is considered that the policy principle of residential development at this sustainable site is acceptable. The key issue is whether any adverse impacts of the development would significantly and demonstrably outweigh the benefits of the application, when assessed against the policies of the NPPF as a whole. Below the key planning issues pertaining to this case comprising visual/landscape impact, residential amenity, access/highway safety, infrastructure, drainage/flood risk, ecology are assessed.

### **Design and layout**

- 8.17 The application is in outline with all matters reserved save for the access. As such the drawings in term of layout that have been submitted are illustrative in form and designed to show how a development of 57 dwellings could be accommodated on the site, Public open space is provided and existing public right of way on site are safe guarded.
- 8.18 The indicative plan proposes an area of public open space to the north and east of the site which covers about 4.73ha and would provide amenity space, LEAP, attenuation basin and ponds. The existing hedgerow along the southern, northern and eastern boundaries would be retained and where necessary enhanced with additional trees and hedgerow planting and ecology mitigation added.
- 8.19 The proposed houses would be clustered along the south and west corner of the site adjacent to the recently approved houses to the west under ref 14/505162 and as such would not represent a linear development along Lenham Road frontage. Also the plan shows that the houses would be set well away from the hedgerow along the southern boundary thus minimising the visual impact of the development when viewed from the road and from the south as well as from long and medium distance views. It is proposed that the building heights would be 2 storey across the site, the exact details of which will be determined at the reserved matters stage and slab levels will also be considered in conjunction with these details. In general terms the arrangement of houses is considered acceptable and the indicative layout demonstrates the number of dwellings can be accommodated on site with legible routes throughout.
- 8.20 Moreover the proposed 4.73 ha of public open space amenity area to the north and east would help to ensure a soft and clear edge to this development and this corner of the village and would enhance the amenity provision for the residents of the development and the village.
- 8.21 The proposal shows the position of vehicular access to this site to be towards the south eastern corner of the site with pedestrian access and PROW from the south western corner of the site. This would provide good connectivity for those wishing to access the residential area and /public open space and the PROW. Moreover, given the pedestrian access point to the site from the south west corner, it is considered that the lack of pavement on either side of Lenham Road along the application site frontage with Lenham Road would enhance the site permeability to pedestrians and cyclists.
- 8.22 The NPPF attaches great importance to the design issues of the built environment and considers good design to be a key aspect of sustainable development. The proposed development has been designed to maximise the use of existing features, like trees, edges and water pond to complement and enhance the environmental quality of the development.
- 8.23 It is considered that the proposed development would not appear incongruous when viewed from the road, public footpath and the surrounding area and a detailed layout, design and landscaping would be fully assessed under a reserved matter application(s) to ensure an appropriate appearance, house design, finished materials and landscaping is achieved to facilitate good connectivity and integration with the built up area and wider countryside.
- 8.24 The proposed layout involves a single access starting along the south east part of the site moving west and northward with all residential development to the south and west of the proposed road and access to the properties would be either directly from the main road or via a series of informal private drives or spur roads providing access to the houses.
- 8.25 The houses along the frontage with Lenham Road would be set well back behind the existing substantial hedging thus giving the development ~~44~~ established soft landscaped frontage and maintain the rural character of this section of Lenham Road.

- 8.26 It is considered that there will inevitably be some visual impact as the openness of part of the site will be replaced by the proposed houses and will change from grazing use to a residential one. However it is considered that the development would not appear visually prominent or intrusive in the wider landscape due to domestic scale of the development against the backdrop of the similar scale housing to the west and south and substantial public open space and landscaping area to the east and north. Furthermore a landscaping condition would ensure additional landscaping to be carried out within the site and around the site boundaries in order to further soften the impact of the development.
- 8.27 The proposed layout shows a substantial sized water feature and amenity areas along the eastern and northern part of the site. It is considered that this aspect of the proposal together with existing trees and hedging would bring about a visual enhancement and an attractive living environment and finished edge to the development. It is further considered that this arrangement would encourage habitat for diverse ecology of the locality. It is therefore important to ensure that native plants are used in the landscaping of the gardens of the dwellings and the public amenity area in order to ensure that ecologically balanced and sustainable habitats are created for enjoyment of the residents and users of the footpath, public open space and wildlife.
- 8.28 In conclusion, it is considered that the scale and particular location of the proposal are such that its impact are likely to be limited to the immediate surroundings. Furthermore, the impact of the development could be mitigated significantly by the additional planting along the boundaries of the site in the form of native hedgerow with hedgerow trees, which would soften the visual impact of the development and enable it to integrate easier with its rural surroundings. A landscaping condition and a condition requiring the submission of external finished materials to secure these are recommended.

### **Landscaping and Visual Impact**

- 8.29 Landscaping is a matter reserved for future consideration. However the indicative plan submitted shows the proposal seeks to retain the existing boundary hedgerows, save for the location of the access route into the site and where necessary additional native trees and hedgerows will be planted to plug the gaps and complement the development and wider landscape.
- 8.30 The site is currently a green field and its development for residential would have some visual impact. It is important to assess the impact in its setting and wider surrounding context. The existing boundary hedgerow along the southern, eastern and northern parts of the site will be retained and enhanced with further planting of native species to mitigate ecological impact as well as visual. The indicative layout plan shows a large public open space to the north and east of the site and housing development to the south and west and those along the Lenham Road would be set back from the road so that less visual intrusion occurs. Additional landscaping would be secured as part of reserved matters.
- 8.31 It is acknowledged that there will be some impact from the development on the rural character of part of PROW which runs through the site and part of the path will be hemmed in by proposed houses. However this will be very limited as there will not be any diversion to the route of the path and the proposal would ensure the path retains its open character when it runs through the proposed public open space to the north and east.
- 8.32 The provision of public open space to the north and east of the site is considered to provide a strong landscape buffer between the proposed residential part of the site and the surrounding countryside and would aid to limit the visual impact of the development on the open countryside.
- 8.33 The application site is located within the Special Landscape Area and this policy seeks to protect and conserve the scenic quality and character of the SLA. As stated above the proposal will have some impact on the character of the area, however, it is considered that this impact would be limited having regard to the residential development to the west and south, the retention of existing hedgerows to the south, west and north, allocation of over 4.07ha public open space to the north and east, and the introduction of additional landscaping. On balance it is considered that the development would not appear as an intrusive form of development in this location, moreover, at reserve matter stage it would be necessary to fully

assess the scale, external appearance and landscaping to ensure the development integrate well with its wider surrounding.

- 8.34 Overall it is considered that the proposal would cause a low level of visual harm and conflict with policy ENV34. However, the proposal would seek to enhance the existing landscape by retention of the existing hedgerows, trees and ponds on site and by designation of 4.07 ha of land to the north and east as a public open space. The measures proposed would help to provide an attractive interface between the settlements urban and rural areas. On balance, it is considered that the development is acceptable in landscape terms and that with a suitably worded landscape management strategy and secured through the s106 legal agreement, the proposal would be acceptable.

### **Impact on local Ecology**

- 8.35 The NPPF, Local Plan and emerging plan all seek to protect and enhance the natural environment. Applications that adversely affect the natural assets and for which mitigation measures appropriate to the scale and nature of the impact cannot be achieved will not be permitted.
- 8.36 The application has been supported by an Ecological appraisal report. Ecological surveys have been carried out including species surveys for bats, GCN, reptiles, and aquatic invertebrates. Surveys confirmed the site is of a limited presence of GCN. The proposals will not harm any ecological designations, habitat of nature conservation interest or any protected species. The proposal will enhance biodiversity in the area by creation of wetland and wild flower, grassland and bolstering of existing hedgerows which will benefit the local Great Crested Newts population as well as wildlife.
- 8.37 The KCC Ecology officer has confirmed that there is no objection to the development subject to conditions regarding Ecological Design Strategy and a Landscape and Ecological Management Plan. It is also expected that the applicant demonstrates funding arrangement for the implementation, up keep and management of the designated ecology schemes as stated in the Ecological Appraisal report submitted with the application. The issue of funding and long term management will be addressed through long term maintenance and management of the landscaped areas, SUDS, ponds and swales. Funding for long term management of these areas will be secured by an appointed management company through a levy against each dwelling on site. This can be secured via s106.
- 8.38 It is important to note that this application is in outline and landscaping, appearance and design are reserved matters and will be subject to planning conditions for submission later. It is considered that a planning condition would be imposed regarding swift brick and ecological protection measures.

### **Drainage and flood Risk**

- 8.39 The Parish and local residents have raised the issue of foul water drainage in the village and Southern water has stated that the proposal would increase flows to the public sewerage system, and as a result additional off site sewers, or improvements to existing sewers, will be required to provide sufficient capacity to service the development.
- 8.40 The applicant discussed this proposal with Southern Water and the proposed foul water flow in this development would be gathered in a conventional gravity drained system, and conveyed to a pumping station in a suitable location on the site and from the pumping station to a manhole point of connection. Manhole TQ83445503 which is near the application site has been identified as the connection point. It is expected that the proposal would add a small increase in output to the Moat Road pumping station that Southern Water to offset the additional foul flow.
- 8.41 The Surface Water Strategy and the Flood Risk Assessment submitted have been considered by the KCC SUDs officer; who is pleased to note the inclusion of open drainage features to provide treatment, conveyance and storage of surface water run-off, prior to a controlled discharge off-site and the inclusion of source control features such as areas of permeable



pavements for additional source control. The KCC officer therefore has no objection to the proposal subject to the conditions recommended

- 8.42 The Environmental Agency also has assessed the environmental implication of this development and are not opposing the construction of a pond on this site and do not object to the development provided an informative dealing with the issues of waste and pollution is imposed.
- 8.43 Section 98 of the Water Industry Act 1991 provides a legal mechanism through which the appropriate infrastructure can be requested. Southern Water requests that an informative setting out the need for the applicants to enter into formal agreement with them should be attached to any formal grant of planning consent. Also to ensure that the necessary foul water infrastructure measures are in place before the proposed dwellings are occupied it is considered appropriate to add a planning condition accordingly.

### **Heritage issues**

- 8.44 There is no listed building or heritage asset on or adjacent to the application site, however Kent County Council archaeological officer has referred to potential archaeology on this site and has recommended that a condition be imposed in this regard.

### **Residential Amenity**

- 8.45 Residential properties to the west would be separated from the application site by the existing boundary hedge and the public right of way and from south by the boundary hedge, width of Lenham Road and the set-back of the houses from the site boundary. It is considered that these separation distances and the fact the building height would not exceed 2 storey's that the proposed development would not cause any detrimental harm to the outlook, privacy, day light or sunlight of the adjoining properties.
- 8.46 This application is in out line and details regarding amenities of the future occupiers and adjoining properties will be fully considered at the reserved matter stage.

### **Affordable Housing**

- 8.47 Affordable housing on this site would be 40% (23 dwellings) of the development. Council Housing section has not raised any objection. Although no detail regarding the location and external design of these dwellings have been submitted policy AH1 of Maidstone Council Affordable Housing Development Plan Document 2006 and policy DM13 of Regulation 19 require that affordable housing provision be appropriately integrated within the site. Such matters will be assessed at the reserves matters stage.

### **Highways**

- 8.48 Paragraph 29 of NPPF states that the transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel. However, the Government recognises that opportunities to maximize sustainable transport solutions will vary from urban to rural areas.
- 8.49 Section 4 of the NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impact of development is severe.
- 8.50 Concern has been expressed with regard to the impact on the existing road network. Local residents are concerned that the proposal will increase the risks on the public highway. The submitted highway report has been assessed by KCC Highway Services and their views have been reported in this report.
- 8.51 The proposal would provide a single vehicular access to the site from Lenham Road. KCC Highway Services is satisfied that adequate sightlines can be achieved without loss of the boundary hedge. It is also considered that an extension to the speed limit in Lenham Road further east to be acceptable. It is considered that the 30mph speed limit should be appropriately extended to signify this change in environment. From a study of the speed survey readings it is also considered that installation from this development of an interactive speed limit sign would be helpful as an initial reminder (when activated)

of the speed limit to westbound traffic approaching Headcorn on Lenham Road. These works will require the applicant to enter into a Section 278 agreement with the highway authority.

- 8.52 Having regard to the above it is considered that the proposal to be acceptable with regard to highway safety.

### **Planning Infrastructure Contribution**

- 8.53 This development is likely to place additional demands on local services and facilities. To improve and enhance capacity and make the development acceptable in planning terms developer's contributions can be sought.

- 8.54 Section 123 of the Community Infrastructure Levy (CIL) Regulations 2010 came into force on 6th April 2015 and means that planning obligations are limited on their pooling of funding towards a single infrastructure project or type of infrastructure (since April 2010). It is therefore necessary to review all the contributions in light of this.

- 8.55 The following contributions have been sought.

- The provision of 40% affordable housing equates to 23 dwellings within the application site of which 1 dwelling to be Wheelchair Accessible Home.
- Primary Education @ £19,047.62 x (16 pupils) = £304,761.92 towards the second phase of permanently expanding Headcorn PS from 1FE to 2FE.
- Primary Land @£3,184.60x(16 pupils)= £50,953.60 towards the cost of acquiring additional land to accommodate the expansion of Headcorn PS
- Secondary education @ £11,799x (11 pupils)= £129,789.00 towards the expansion of the second phase of Maidstone Grammar School
- Libraries £2736.90 - towards bookstock for the new residents of this development to Headcorn Library.
- Youth service £483.66 towards equipment to expand the range of youth focused activities able to take place at the Village Hall, to be utilised by KCC's commissioned youth worker.
- Community Learning £1749.70 towards the cost of commissioning adult and community learning classes within the village, including rental of space and equipment required.
- MBC Park and Leisure has requested a financial contribution I contribution of £384 x 57 = £21,888 based on a shortfall towards improving and replacing the play area equipment and associated facilities situated at Hoggs Green.

- 8.56 The Planning obligations have been considered in accordance with the legal tests set out in Community Infrastructure Levy Regulations 2010 in that they are necessary to make the development acceptable in planning terms; directly related to the development and fairly and reasonably related in scale and kind to the development. These tests have been duly applied in the context of this planning application and give rise to the above mentioned specific requirements

### **Other Benefits**

- 8.57 Paragraph 47 of the Framework highlights the need for the supply of housing to be boosted significantly. It is accepted that the Council cannot demonstrate a five-year supply of deliverable housing sites and that there is a significant and serious shortfall of housing when tested against the Council's proposed housing target. There is also a rising and substantial need for affordable housing in the Borough. Against this background, the provision of up to 57 houses, with up to 40% (23 houses) of those affordable homes, is a matter that attracts significant weight in favour of the proposal.

- 8.58 Moreover, paragraphs 18 and 19 of the NPPF are very clear that the Government is committed to securing economic growth in order to create jobs and prosperity and to ensuring the planning system does everything it can to support sustainable economic growth. The proposal will generate construction jobs and economic activity. In the longer term, as the site is occupied, residents will add to local spending levels and help to boot local economy.

### **The Balancing Exercise**

- 8.59 The proposed development would put additional pressure on the existing facilities, but this would be mitigated by the various measures set out above.
- 8.60 The proposal would have some adverse impact in landscape terms. It is considered that the provision of 4.07 ha of public open space, wetland and ecology area together with retention of existing hedgerows and trees would substantially help to offset the harm arising.
- 8.61 The provision of new open-market and affordable houses and the associated economic activity are very weighty matters in economic and social terms. In my view, the adverse impacts of the proposal, considered in their totality, do not significantly and demonstrably outweighing the benefits, when assessed against the policies of the Framework considered as a whole. On that basis, the proposal benefits from the presumption in favour of sustainable development

## **9.0 CONCLUSION**

- 9.01 Whilst the proposed development conflicts with Local Plan Policy ENV28, it is important to note that the Council cannot at present demonstrate a 5 years supply of deliverable housing land supply. For the reasons set out above it is considered that the proposal is acceptable in the context of its surrounding in this large village and in compliance with NPPF.
- 9.02 The site is situated in a sustainable location adjoining the settlement boundary of Headcorn in the Local Plan, which offers a good range of facilities and services, and public transport links. The proposed public open space onsite would represent a natural edge to this part of the village with very limited localised visual protrusion into open countryside.
- 9.03 There are no highway objections and contributions would be secured to mitigate the impacts by providing signal control at the A274 crossroads junction in Headcorn. Also appropriate infrastructure would be provided and affordable housing. There are no ecology or amenity issues that cannot be mitigated by planning conditions.
- 9.04 The indicative layout design is considered to be of a good quality and the landscaping provision within the development site would create an attractive environment for future occupiers.
- 9.05 There are clearly a number of benefits that weigh in favour of the proposed development comprising delivery of both open-market and much-needed affordable housing and being in a sustainable location in terms of access to everyday services and facilities. The development would also assist the local economy through the generation of construction and other jobs.
- 9.06 This is a proposal that would deliver significant infrastructure improvement. Having regard to all the above it is considered that this is a balancing test as required by NPPF; as such it is considered that compliance with NPPF policy is sufficient grounds for departure from adopted local Plan and recommend this development for approval.

## **10.0 RECOMMENDATION –**

The Head of Planning and Development be given DELEGATED POWERS TO GRANT permission subject to the conditions and informatives set out in the below and to the prior completion of a Section 106 legal agreement in such terms as the Head of Legal Services may advice to secure the followings:

- A Secure the following developer's contributions:

- The provision of 40% affordable housing equates to 23 dwellings within the application site of which 1 dwelling to be Wheelchair Accessible Home.
- Primary Education @ £19,047.62 x (16 pupils) = £304,761.92 towards the second phase of permanently expanding Headcorn PS from 1FE to 2FE.
- Primary Land @£3,184.60x(16 pupils)= £50,953.60 towards the cost of acquiring additional land to accommodate the expansion of Headcorn PS
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- Community Learning £1749.70 towards the cost of commissioning adult and community learning classes within the village, including rental of space and equipment required.
- MBC Park and Leisure has requested a financial contribution I contribution of £384 x 57 = £21,888 based on a shortfall towards improving and replacing the play area equipment and associated facilities situated at Hoggs Green
- Secure long term Landscape, Ecology, Management, Maintenance of the public amenity area and on site play facility measuring 4.73 hectares.

## B Conditions

- (1) No development shall take place until approval of the following reserved matters has been obtained in writing from the Local Authority:

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

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

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

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

- (3) Prior to the commencement of any works above damp proof course level, shall take place until schedule/samples of the materials (which shall include ragstone plinths on the properties fronting Lenham Road and the use of natural slate and timber boarding on the elevations of key buildings) and finishes to be used in the construction of the external walls, roofs, windows and doors of the development hereby permitted have been submitted to and approved in writing by the LPA. Development shall be carried out in accordance with the approved details.

The details of the materials shall include details of swift and / or bat bricks incorporated into the eaves of the proposed housing units;

Reason: To ensure a satisfactory appearance to the development.

- (4) Prior to the commencement of any works above damp proof course level, details of the proposed materials to be used in the surfacing of all access roads, parking and turning areas and pathways, and

the design of kerb-stones/crossing points which shall be of a wildlife friendly design, relating to the detailed element, shall be submitted to and approved by the local planning authority and the development shall be carried out in accordance with the approved details before the first occupation of the dwellings or as agreed in writing with the Local Planning Authority and maintained thereafter.

Reason: To ensure a high quality external appearance to the development.

- (5) Prior to the commencement of any works above damp proof course level, details of all fencing, walling and other boundary treatments shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details before the first occupation of the dwellings and maintained thereafter.

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

- (6) The development shall not commence until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, using indigenous species which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development and long term management. The landscape scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines and shall provide for the following:
- (i) Retention and enhancement of boundary trees and vegetation with new native tree and hedge planting and details of their protection (with temporary or permanent fencing) before and during the course of development.
  - (ii) The provision of a native landscape buffer along the northern and eastern boundaries of the site to include tree planting.
  - (iii) Native landscape planting between any boundary treatments and the site boundary.
  - (iv) Native tree planting along streets within the site.
  - (v) Details of the double hedge along the southern and western boundary.
  - (vi) Native trees and landscaping for the public open space amenity area.
  - (vii) Details of boundary treatments to include gaps to provide movement for hedgehogs.
  - (viii) Details of wildlife friendly drainage.

Reason: To ensure a high quality design, appearance and setting to the development and in the interest of biodiversity.

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

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

- (8) No tree felling/vegetation clearance works, or other works that may affect nesting birds, shall take place between 1 March and 31 August inclusive. In the event that works are required to be carried out during the nesting period, a prior survey to establish the absence/presence of nesting birds should be undertaken by an appropriately qualified ecologist. A report of the assessment, together with proposals for any required mitigation/ compensation shall be submitted to and approved in writing by the local planning authority prior to any works being undertaken. Thereafter, the works shall be carried out in accordance with any necessary mitigation/ compensation measures.

Reason: In the interest of visual amenity of the surrounding properties.

- (9) Cordwood above 20cm in diameter from the site should be retained and placed within the site in locations and quantities to be agreed with the local planning authority prior to any tree felling take place.

Reason: In the interests of biodiversity and <sup>50</sup>ecological enhancement in compliance with NPPF

- (10) No development shall take place until an Ecological Design and Management Strategy (EDMS) has been submitted to and approved in writing by the local planning authority. The EDMS shall detail the habitat creation and enhancement measures and the long-term management of habitats on the site and shall include the following:
- a) Purpose and conservation objectives for the proposed works;
  - b) Detailed design to achieve stated objectives;
  - c) Aims and measurable objectives of management;
  - d) Appropriate management prescriptions for achieving aims and objectives;
  - e) Preparation of a work schedule (including an annual work plan capable of being rolled forward over the duration of the Plan);
  - f) Procedure for the identification, agreement and implementation of contingencies and/or remedial actions where the objectives are not being met;
  - g) Details of the body/ies or organisation/s responsible for implementation of the plan.

The EDS shall be implemented in accordance with the approved details

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

- (11) No development shall take place (including any ground works, site clearance) until an Ecological Mitigation Strategy, addressing the ecological impacts identified in the Ecological Appraisal (FPCR, November 2015), has been submitted to and approved in writing by the local planning authority. The content of the strategy shall include the:
- a) Purpose and objectives for the proposed works;
  - b) Detailed design(s) and/or working method(s) necessary to achieve stated objectives;
  - c) Extent and location of proposed works, including receptor site creation, shown on appropriate scale maps and plans;
  - d) Timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
  - e) Persons responsible for implementing the works, including times when specialist ecologists need to be present on site to oversee works;;
  - f) Ongoing monitoring provision.

The works shall be carried out strictly in accordance with the approved details.

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

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

Reason: For tree protection and to ensure a satisfactory external appearance to the development.

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

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

- (14) No development shall take place until a sustainable surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 100yr critical storm (including an allowance for climate change) will not exceed the run-off from the undeveloped site following the corresponding rainfall event, and so not increase the risk of flooding both on- or off-site.

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

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

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

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

Reason: To ensure that foul and surface water is satisfactorily managed and disposed off from the site and in the interests of protection of local wildlife.

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

Reason: To protect groundwater resources and ensure compliance with the NPPF as infiltrating water has the potential to cause remobilisations of contaminants present in shallow soil made ground which could ultimately cause pollution of ground water.

- (17) The approved details of the parking/turning areas shall be completed before the commencement of the use of the land or buildings hereby permitted and shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order, with or without modification) or not, shall be carried out on the areas indicated or in such a position as to preclude vehicular access to them;

Reason: In the interests of highway safety.

- (18) No external lighting equipment shall be placed or erected within the site until details of such equipment have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include, inter-alia, details of measures to shield and direct light from the light sources so as to prevent light pollution and in the interests of biodiversity. The development shall thereafter be carried out in accordance with the subsequently approved details.

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

- (19) The details submitted pursuant to condition 1 shall show no buildings over a height of 2 storeys.

Reason: To ensure a satisfactory appearance to the development in its context.

- (20) The development shall not commence until detailed plans identifying road and footway widths, shared surface arrangements, junction layouts and parking and turning areas have been submitted and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of highway safety.

- (21) None of the dwellings hereby permitted shall be occupied until the car parking, garaging, car ports and visitor car parking spaces associated with that particular unit of accommodation have been constructed to the satisfaction of the Local planning Authority. The respective spaces shall thereafter be retained at all times for their designated purpose.

Reason: In the interests of residential amenities and high way safety.

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

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

- (23) If, during development, contamination not previously identified, is found to be present on the development hereby permitted, then no further development shall be carried out until remediation works, in accordance with a Method Statement for remediation, including a timetable that has previously been submitted to and approved in writing by the local planning authority, have been completed and a verification report demonstrating completion of the works set out in the Method Statement has been submitted to and approved in writing by the local planning authority. The Method Statement shall detail how the unsuspected contamination shall be dealt with. The verification report demonstrating completion of the works set out in the Method Statement shall include results of any sampling and monitoring. It shall also include any plan for longer term monitoring of pollutant linkages, maintenance and arrangements for contingency action and for the reporting of this to the local planning authority.

Reason: In the interests of residential amenities of the future occupiers of the dwellings.

- (24) Construction works including the use of plant and machinery on the site shall not take place other than between 08.00-18.00 hours Monday to Friday and 09.00-13.00 hours on a Saturday, and at no time on Sundays or bank/public holidays.

Reason: In the interests of residential of the adjoining properties.

- 25) No dwelling shall be occupied until highway works agreed under section 278 of the 1980 Highway Act have been implemented in full to the satisfaction of the Local Planning and Highways Authorities. These works comprise:

i- Extension of 30mph speed limit to the east of the application site.

ii- installation from this development of an interactive speed limit sign.

iii-Construction of appropriate visibility sightlines on to Lenham Road prior to the commencement of the construction of dwellings.

iv- New dropped kerb crossings with the new vehicular access Road.

Reason: In the interests of highway safety.

- (26) None of the dwellings hereby permitted shall be occupied until underground ducts have been installed. The development should make provision for telephone, electricity and communal television services to be connected to any premises within the site without recourse to the erection of distribution poles satellite dishes and overhead lines and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, no distribution pole satellite dish or overhead line shall be erected within the site area.

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

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



Reason: In the interest of Security, Crime Prevention

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

Drawings: Location plan BRS.6203\_05A1, BRS.6203\_04F1 15/02/2016, access detail drawing 617221/SKL08 dated 03/03/2016; Landscape and Visual Appraisal drawing 2169/15/B/3 and the following supporting documents: Affordable Housing Statement by Pegasus Group dated November 2015, Tree Survey report by LaDellwood November 2015; Flood Risk Assessment and Surface Water Drainage Strategy November 2015; Ecology Appraisal Aspect November 2015; Transport Assessment by MLM October 2015.

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

## INFORMATIVES

1) Planning permission does not convey any approval for construction of the required vehicular crossing, or any other works within the highway for which a statutory licence must be obtained. It is the responsibility of the applicant to ensure before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.

2) The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

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

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

### 4) Fuel, Oil and Chemical Storage

All precautions must be taken to avoid discharges and spills to the ground both during and after construction. For advice on pollution prevention, the applicant should refer to our guidance "PPG1 – General guide to prevention of pollution", which can be found at:

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/290124/LIT\\_1404\\_8bdf51.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/290124/LIT_1404_8bdf51.pdf)

### 5) Bats and Lighting in the UK

#### Bat Conservation Trust and Institution of Lighting Engineers

#### Summary of requirements

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

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

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

#### UV characteristics:

Low

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

- High pressure Sodium Lamps (SON) emits a small UV component.
- White SON, though low in UV, emit more than regular SON.  
High
- Metal Halide lamps emit more UV than SON lamps, but less than Mercury lamps
- Mercury lamps (MBF) emit a high UV component.
- Tungsten Halogen, if unfiltered, emit a high UV component
- Compact Fluorescent (CFL), if unfiltered, emit a high UV component.  
Variable
- Light Emitting Diodes (LEDs) have a range of UV outputs. Variants are available with low or minimal UV output.

Glass glazing and UV filtering lenses are recommended to reduce UV output.

### **Street lighting**

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

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

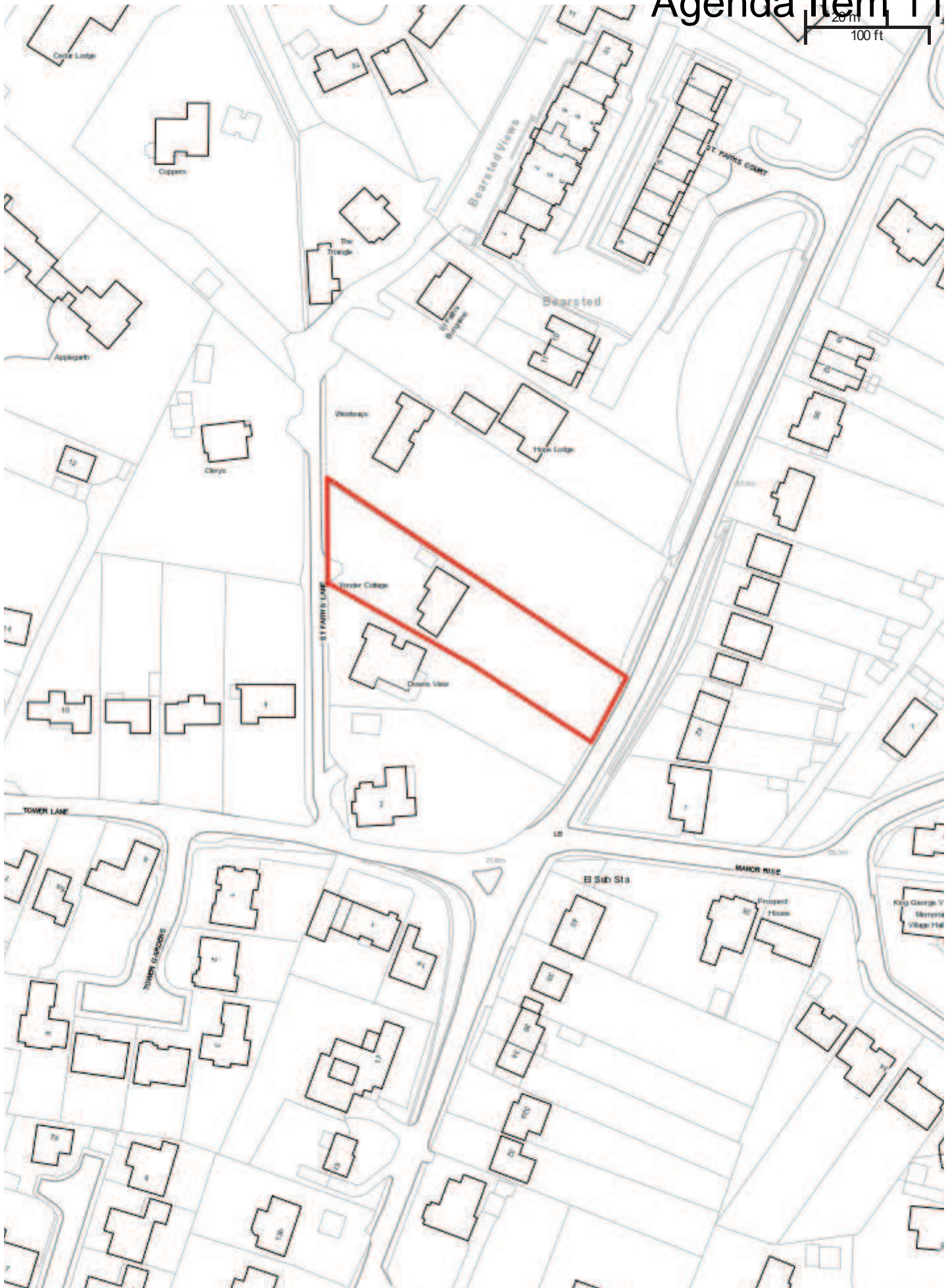
If possible, the times during which the lighting is on overnight must be limited to provide some dark periods. If the light is fitted with a timer this must be adjusted to reduce the amount of 'lit time' and provide dark periods.

### **Security and domestic external lighting**

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

- Lighting should illuminate only ground floor areas - light should not leak upwards to illuminate first floor and higher levels;
- Lamps of greater than 2000 lumens (150 W) must not be used;
- Movement or similar sensors must be used - they must be carefully installed and aimed, to reduce the amount of time a light is on each night;
- Light must illuminate only the immediate area required, by using as sharp a downward angle as possible;
- Light must not be directed at or close to bat roost access points or flight paths from the roost
- A shield or hood can be used to control or restrict the area to be lit;
- Wide angle illumination must be avoided as this will be more disturbing to foraging and commuting bats as well as people and other wildlife;
- Lighting must not illuminate any bat bricks and boxes placed on buildings, trees or other nearby location.

Case Officer: Majid Harouni



**15/509684 Yonder Cottage**

Scale: 1:1250

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## REPORT SUMMARY

<b>REFERENCE NO - 15/509684/FULL</b>			
<b>APPLICATION PROPOSAL</b> Replacement dwelling and proposed detached garage with office above.			
<b>ADDRESS</b> Yonder Cottage St Faiths Lane Bearsted Kent ME14 4JN			
<b>RECOMMENDATION</b> GRANT PERMISSION subject to planning conditions			
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b> <ul style="list-style-type: none"><li>- There is no objection in principle to a replacement dwelling within this village settlement located within the Maidstone urban area.</li><li>- The proposal would not result in any significant harm to the St Faiths Lane and Yeomans Lane street scenes or to the character and appearance of the area.</li><li>- The proposal would not significantly harm the residential amenity of neighbouring occupiers.</li><li>- The development would be acceptable in highway and parking terms.</li></ul>			
<b>REASON FOR REFERRAL TO COMMITTEE</b> Called in by Cllr Springett in order to enable residents to present their objections and to fully assess the impact on neighbouring amenity, the use of the garage and traffic and safety implications of the development.			
<b>WARD</b> Bearsted	<b>PARISH/TOWN</b> Bearsted	<b>COUNCIL</b>	<b>APPLICANT</b> Mr And Mrs Matt And Lucy Palmer <b>AGENT</b> Mr Paul Fowler
<b>DECISION DUE DATE</b> 12/01/16	<b>PUBLICITY EXPIRY DATE</b> 09/02/16	<b>OFFICER SITE VISIT DATE</b> 02/12/15	
<b>RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):</b>			
<b>App No</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
No recent planning history			

## MAIN REPORT

### 1.0 DESCRIPTION OF SITE

- 1.1 St Faith's Lane is a quiet no-through road in the centre of Bearsted, running parallel to Yeoman's Lane. The plot area in question is approximately 0.16ha in total. The site currently has a brick built bungalow set back from St Faith's Lane by approximately 30m, at an elevated position. To the rear, the bungalow is approximately 47m from Yeoman's Lane and the plot slopes down towards the road with a tree-lined boundary.
- 1.2 The front of the house has a tarmac drive with space for at least 4 cars. It also has a separate garage building to the right of the bungalow. Adjacent to the road, at the front of the plot, is an area of low level planting. This is overlooked by the adjacent property, Westways, a large 2 storey detached house to the north, which is approximately 11m from the boundary and set nearly 20m closer to the road than Yonder Cottage. Downs View is directly adjacent to Yonder Cottage to the south and is located approximately 2.5m from the boundary. This building is set approximately 9m in front of Yonder Cottage and is a chalet bungalow with white painted brick elevations.

1.3 The surrounding area is residential in character but the building scale is varied along the road with a mix of chalet bungalows and two storey houses. The design is equally varied with some properties built to the local vernacular of tile hung elevations and others being much more modern, particularly at St Faith's Court to the north east.

1.4 The existing bungalow on the application site has an approximate ridge height of 5.2m, but is barely visible from the road due to its low height and the steep boundary at the entrance. There is very little vehicular traffic along the road itself due to lack of connectivity.

## 2.0 PROPOSAL

2.1 The proposal is for the demolition of the existing single storey bungalow and garage and replacement with a 2-storey dwelling (with accommodation in the roof) and a new detached garage the front of the site with an office in the roofspace.

2.2 The dwelling would be double fronted, with a large extent of glazing in the front and rear elevations. A balcony would be created at roof level, this would be set into the roof with a glazed balustrade and bi-fold doors leading from the second floor accommodation.

2.3 The proposal would result in the extension to the existing driveway.

2.4 The new garage would be set into existing ground levels by between 0.5-1m. It would have a footprint of approximately 10.9m in width and 7.1m in depth (including external staircase and log store). It would have a pitched barn hipped roof with an approximate eaves height of 2.3m and a maximum height of 6.4m (taking Ameasurement to the front of the garages). There would be three rooflights in the south-east facing building elevation, facing towards the dwelling itself.

2.5 Additional planting would be provided along the front boundary.

## 3.0 SUMMARY INFORMATION

	Existing	Original Proposal	Amended scheme	Change Existing compared to amended scheme(+/-)
Car parking spaces	5	7	7	+2
No. of storeys	Single storey	2 storey (with accommodation in the roof)	2 storey (with accommodation in the roof)	+ 1 storey
Max height (measurement taken at front of property)	5.4m	10.7m	8.9m	+3.5m
Max eaves height (measurement taken at front of property)	2.5m	5.2m	5.2m	+2.7m
Max width (measurement taken at front of property)	16.4m	14.9m (excluding chimney)	14.9m (excluding chimney)	-1.5m
Max depth (measurement taken at front of property)	11.7m	16m (including single storey rear projection)	16m (including single storey rear projection)	+4.7m
No. of residential units	1	1	1	No change
No. of bedrooms	2	4	4	+2



#### **4.0 PLANNING CONSTRAINTS**

Within the settlement boundary of Bearsted and within the Maidstone urban area

St Faiths Lane is a Public Right of Way

#### **5.0 POLICY AND OTHER CONSIDERATIONS**

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

Development Plan:  
Maidstone Borough-Wide Local Plan 2000  
Policy H18: Extensions to Residential Properties  
Policy T13: Parking Standards

Supplementary Planning Documents:  
Residential Extensions SPD

Other documents:  
Kent Design Guide Review: Interim Guidance Note 3 : Residential Parking

#### **6.0 LOCAL REPRESENTATIONS**

##### **6.01 Bearsted Parish Council**

Original consultation : Recommend refusal

- The proposed application is an overdevelopment for the site.

Re-consultation: No comments received

##### **6.02** Adjoining neighbours were notified of the application as originally submitted and notified again on receipt of amended plans. A site notice was also put up at the site. 4 objections have been received in response to the original consultation (including two sets of objections that have been received from two households, total of 6 letters) these are summarised as follows:

- Concerns regarding the office operating as a business.
- Impact on St Faiths Lane (privately owned)
- Discrepancies between plans and difficult to understand
- 50% of height of the building would consist of the 3<sup>rd</sup> Floor
- Dwelling would be significantly higher than the existing dwelling and neighbouring properties
- Property would be visible to large section of the village
- Significant amount of parking to be provided
- St Faiths lane is used as an access route

5 further letters have been received following re-consultation, and in summary add the following:

- There is no material change to the scheme and continue to object
- Reference is made to applications recently refused in the area
- Increase in traffic
- Concerns that a business would operate from the property
- Impact on residential amenity

- 6.03 A letter has been received from the Bearsted and Thurnham Society concurring that they agree with the objections raised by residents.

## **7.0 CONSULTATIONS**

- 7.01 No other consultees

## **8.0 BACKGROUND PAPERS AND PLANS**

- 8.01 Application form  
Design and Access and Planning Statement  
Site Location Plan  
Existing Site Plan  
Existing Elevations  
Existing Elevation and Floor Plan  
Drg No. 15/615/02A (Proposed Plans & Elevations Replacement Dwelling)  
Drg No. 15/615/03 (Proposed Plans & Elevations Garage)

## **9.0 APPRAISAL**

### Principle of development

- 9.01 The site falls within the urban area of Maidstone and therefore unlike sites found in the countryside there are no specific policies in the Local Plan that relate to the rebuilding of existing dwellings. The principle of a replacement dwelling in this location is considered acceptable subject to all other material considerations being satisfactory.
- 9.02 The main considerations are:
- The appearance of the streetscene and the character of the area.
  - The amenities of neighbouring residential occupiers and amenities of future occupiers.
  - Highways considerations

### The appearance of the streetscene and the character of the area

- 9.03 Paragraph 17 of the NPPF sets out core planning principles, which include the following: *'always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.'*

Paragraph 56 sets out that: *'Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.'*

Paragraph 57 continues: *'It is important to plan positively for achievement of high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development schemes.'*

Paragraph 58 includes that planning policies and decisions should aim to ensure that developments: *'Establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit ; Respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation; Are visually attractive as a result of good architecture and appropriate landscaping.'*

Paragraph 64 set out that: *'Permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality of an area and the way it functions.'*

Policy H18 of the Local Plan relates principally to extensions to residential properties. Whilst the proposed scheme would be for a replacement dwelling, as the proposal effectively relates to the enlargement of the dwelling it is considered that a number of the points in the policy are pertinent. The policy states that proposals should be: *'Of a scale and design which does not overwhelm or destroy the character of the original property; and 'will complement the street scene and adjacent existing buildings and the character of the area.'*

- 9.04 There are no landscape designations associated with the site. The site is outside any conservation area, and there are no listed buildings in close proximity. The site is within the settlement boundary of Bearsted and in a sustainable location in the Maidstone urban area.

Replacement dwelling

- 9.05 With the size of the application site and the size of other properties on the road, it is considered that the principle of a larger building on the site is acceptable. It is highlighted that whilst the proposal would see the footprint of the building increase in size, there would be an overall decrease in the width of the dwelling. It is considered that the main issues relate to the design of the dwelling and whether the increase in height and bulk would be acceptable.
- 9.06 Firstly turning to design, it is noted that elements of vernacular architecture have been incorporated into the proposals; particularly the hung tiles and the local brick. As this road is already varied in its design, there is no one particular style that present would need to be recreated and it is considered that the principle of the overall design concept is appropriate.
- 9.07 The replacement dwelling would have an increased height to enable accommodation to be provided on three floors. In seeking to reduce the overall height the new dwelling would be set into the existing ground level by approximately 0.5m to the front of the property (reducing with the existing ground levels which fall rearwards). The scheme has been amended to lower the overall ridge height by approximately 1.8m.
- 9.08 The consequence of the lowered height and the retention of the original footprint is that a section of flat roof would be provided to the centre of the proposed main roof. The flat roof section is considered acceptable in this instance as it would be obscured from view by the set back from the front elevation, with the proposed projecting two storey elements to the front providing the greater visual focus to the front elevation.
- 9.09 On plan the front elevation of the proposed building would remain behind the front elevation of neighbouring properties. The applicant has also provided a proposed streetscene drawing that shows the height of the proposed building in comparison with the two neighbouring properties. The streetscene drawing shows that height of the building is appropriate for this location. Whilst the building is slightly higher than the building at Downs View the proposed building will be lower than the second adjoining building called Westways. In this context it is considered that the height of the building provides a transition between the buildings and is in keeping with the local area and with the streetscene.



- 9.10 When compared to St Faiths Road, Yeoman's Lane, to the rear of the property is a much more heavily used road, however due to the tree lined rear boundary and the gradient of the site it is considered that views from the rear would be limited. This is especially the case as the distance from the rear elevation to this boundary would remain largely unchanged from the existing property.
- 9.11 Concerns have been raised by the Parish Council and local residents that the proposed scheme would represent an overdevelopment of the application site. As outlined above the overall footprint of the proposed replacement dwelling is considered acceptable, the site represents a large plot and the proposed building is considered an appropriate scale for the size of the plot. It is considered that the cumulative size of the new house and garage is acceptable and the application site could accommodate this level of development without compromising the contribution the site makes to the character of the street scene and the overall context of the site.

Garage/office building

- 9.12 The Council's Residential Extensions SPD advises that in order to protect the street scene outbuildings should not normally be located in front of the building line. Whilst in this case the outbuilding is in front of the proposed house, with the staggered layout of neighbouring buildings the garage will still be located behind the front elevation of the neighbouring property at Westways. With the nature and layout of the site, the limited volume of traffic and the site levels, it is considered that the location of the proposed garage would be acceptable.
- 9.13 An outline landscaping plan has been provided which shows additional planting along the front boundary, this new planting coupled with existing planting would significantly screen the garage building from the road. It is recommended that further details of this landscaping be requested through a planning condition.

Overall

- 9.14 The application proposal relates to the replacement of a single dwellinghouse, with another single dwelling. There will be no increase in density on the site. Whilst the proposed dwelling and garage would be larger in overall scale than the existing bungalow, this is considered acceptable due to the modest nature of the existing dwelling and the scale of adjacent properties. The street scene has some existing variation in building design, size and appearance and the proposed building will add to this existing local character.
- 9.15 It has been demonstrated that further landscaping could be provided to enhance the site (especially fronting St Faiths Lane). The ground levels would be re-graded to allow the dwelling and garage to be set into the site. It is considered that these level changes can be accommodated without the need for significant retaining structures and in a manner that would be in keeping with the surrounding street scene.
- 9.16 Overall it is considered that the proposed replacement dwelling would be acceptable in terms of design and visual amenity and in relation to the impact on the street scene.

Amenities of neighbouring residential occupiers and amenities of future occupiers.

- 9.17 The nearest neighbouring properties are to the north-east and south-west of the application site. Other neighbouring properties are considered a significant distance

from the application site such that they would be unaffected by the proposed development.

- 9.18 Westways to the north of the application site is an existing detached two storey dwelling, sited to the northern corner of a large curtilage. This neighbouring building is sited further forward towards the site frontage than Yonder Cottage on the application site. The siting of the replacement dwelling would be closer to the neighbouring boundary; however a 2m separation distance would be maintained. The new dwelling includes side elevation windows facing towards Westways. The first floor side windows would be obscure glazed (and could be conditioned as such). It is considered that the new dwelling is acceptable in relation to residential amenity.
- 9.19 The proposed garage is sited approximately in line with the existing neighbouring building at Westways with approximately one metre separation from the boundary at the closest point. This boundary would be planted with a replacement hedge as part of the proposal. Due to the orientation of the garage, the side elevation of this building would face towards Westways. With the barn-hipped roof sloping away from the boundary it is considered that the proposed garage would be acceptable in terms of neighbour amenity.
- 9.20 Downs View is an existing chalet bungalow located to the south of the application site. The property benefits from a large footprint and curtilage. The dwelling is sited with a greater gap to the front of the property than the rear, and a minimum distance of 2m maintained between this property and the boundary with the application site. There are existing windows to the side elevation facing towards the application site, most notably a large picture window serving a dining room. The replacement dwelling would be sited 3.4m from the boundary with Downs View and located to the side of this adjacent dwelling.
- 9.21 After considering the orientation of the buildings, the relationship of the two sites (Yonder Cottage is to the north of Downs View), the separation distance from boundaries and the varied roof heights of the replacement dwelling it is considered that the proposal is acceptable in relation to the impact on the neighbours amenity. Particular concern has been raised by the neighbour regarding the impact on the side window of Downs View. The replacement dwelling would have an impact, however due to the window being recessed and the orientation of the site, light to this room is currently restricted and the proposed dwelling would not significantly cause additional loss of light or outlook due to the orientation, separation distance, boundary hedge and roof design.
- 9.22 The rear elevation of the proposed building would have a substantial amount of glazing with bi-fold doors and a glazed conservatory at ground floor, two sets of patio style doors at first floor (with Juliet balconies) and bi-fold doors at roof level serving an external, recessed balcony. A representation received from a neighbour has raised concerns regarding the impact of these windows in terms of overlooking and loss of privacy.
- 9.23 The quantity of glazing that is proposed is not uncommon on a house of this type and style which has a traditional design with a pitched roof and is less than that which is commonly provided in a more contemporary design. The front and rear elevations of the new building are orientated to the front and rear of the site to match neighbouring properties and the windows at first floor to the side elevation are fitted with obscured glass. The window openings to the rear elevation and recessed design at roof level would restrict views to the side.

- 9.24 The bi-fold doors at roof level would be set into the existing roof, set back from the eaves by approximately 3.2m, thus limiting the impact of this set of doors. The balcony itself would give rise to greater overlooking from a higher level. A planning condition is recommended requesting the submission details of further screening of the external area at roof level and to ensure that the flat roof at first floor level is not used as an external amenity space.
- 9.25 The development would provide an acceptable standard of accommodation for future occupiers. Overall it is considered that the proposed replacement dwelling would not cause significant harm to neighbouring residential amenity such that the application should be refused.

#### Highways considerations

- 9.26 Policy T13 of the Local Plan outlines that proposals should accord with adopted parking standards. These parking standards are contained in the Interim Guidance Note 3: Residential Parking. This sets out that in village locations for 4 bedroomed properties a minimum standard of 2 parking spaces shall be provided, it should be noted that garages are excluded from this provision.
- 9.27 The application site currently benefits from a large hardstanding area to the front of the property, accommodating parking for approximately 5 cars (as stated on the application form) and currently has an overprovision of parking from that set out in the guidance note for 2 bedroomed dwellings (set as a minimum of 1.5 spaces).
- 9.28 The driveway would be extended as part of the proposal to allow access to the proposed garage, however this extension would not in itself allow for a significant increase in parking provision. The existing garage would be replaced by a double garage, equating to a net increase of only one garage.
- 9.29 A local representation is highlighted regarding the increase in parking provision. In response it is considered that the increase is proportionate to the size of the replacement dwelling and would not significantly increase the existing parking provision.
- 9.30 The proposed access would re-use the existing access onto St Faiths Lane and is considered acceptable. There would remain adequate space in front of the property for vehicle parking and turning. The proposal would not result in significantly more vehicle movements in or out of the property, and therefore it is not considered that objection could be raised on highways ground.

#### Other issues

- 9.31 A representation that has been received raised concerns regarding the potential use of the home office above the garage for business use.
- 9.32 It is confirmed that the application does not propose any business or non residential use. The application relates to a replacement dwelling and does not include any alternative use. The annotation on the submitted drawing indicates that space would be used for an office in connection with the residential use.

## **10.0 CONCLUSION**

- 10.01 The principle of the replacement dwelling is acceptable and the proposed design and appearance of the building would not harm the character or context of the site. The replacement dwelling subject to planning conditions will not cause harm to neighbouring amenity. It is considered that the proposed replacement dwelling would be in accordance with current policy and guidance.

**11.0 RECOMMENDATION – GRANT PERMISSION** Subject to the following conditions:

- (1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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

Drg No. 15/615/02A (Proposed Plans & Elevations Replacement Dwelling)  
Drg No. 15/615/03 (Proposed Plans & Elevations Garage)

Reason: To clarify which plans have been approved.

- (3) Prior to any works above damp proof course level, written details and samples of the materials to be used in the construction of the external surfaces of any buildings and hard surfaces shall be submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the approved materials. The submitted details and samples of the external facing materials shall include details of bird and/or bat bricks incorporated into the eaves of the proposed dwelling.

Reason : To ensure a satisfactory appearance to the development and interest of ecological enhancement.

- (4) Before the first occupation of the building hereby permitted the first floor windows in the side (north-east and south-west facing) elevations; shall be fitted with glass that has been obscured to Pilkington level 3 or higher (or equivalent) and shall be non-opening up to a maximum height of 1.7m above internal floor level. Both the obscured glazing and the non-opening design shall be an integral part of the manufacturing process and not a modification or addition made at a later time. The windows shall thereafter be retained as such.

Reason: In the interests of protecting the residential amenities of adjacent dwellings

- (5) The area shown on drg No. 15/615/02A as vehicle parking space, garages and turning shall be provided, surfaced and drained before occupation and shall be retained for the use of the occupiers of, and visitors to, the development, and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order), shall be carried out on that area of land so shown or in such a position as to preclude vehicular access to this reserved parking space.

Reason: Development without provision of adequate accommodation for the parking of vehicles is likely to lead to parking inconvenient to other road users.

- (6) The detached garage hereby permitted and shown on Drg No. 15/615/03 shall solely be used for purposes ancillary to the residential use of Yonder Cottage.

Reason: To prevent the use of the space for commercial or business operations.

- (7) Prior to commencement of development full surveyed details of existing and proposed levels shall be submitted to and approved by the Local Planning Authority. These details shall include sections, details of retaining walls/structures and finish floor levels.

Reason: Details are required prior to commencement to ensure that the development is constructed at the correct levels and to ensure a satisfactory appearance of the completed development and ensure the development is constructed in accordance with the lowered levels shown on the submitted plans.

- (8) Prior to any works above damp proof course level, a scheme of landscaping using indigenous species which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development and a programme for the approved scheme's implementation and long term management, shall be submitted to and approved in writing by the Local Planning Authority

The landscape scheme shall be designed using the principle's established in the Council's adopted Landscape Character Assessment 2012 and shall include details of:

- The enhancement of planting along the boundary fronting St Faiths Lane, in particular the northern corner of the site.
- Details of tree, shrub and hedge planting along the front northern and southern boundaries.

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

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

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

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

- (10) Prior to first occupation of the dwelling hereby permitted screening of the roof terrace shall be in place that is in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority. The approved screening shall be retained for the lifetime of the development.

Reason: To safeguard the amenities and privacy of the occupiers of adjoining properties.

- (11) Access to the flat roof of the development hereby permitted shall be for maintenance or emergency purposes only, and the flat roof shall not be used as a roof garden, terrace, patio or similar amenity area

Reason: To safeguard the amenities and privacy of the occupiers of adjoining properties.

- (12) Prior to the commencement of development a working method statement shall have been submitted to and approved in writing by the Local Planning Authority to accommodate:

- (i) Parking of vehicles of site workers and visitors;
- (ii) Loading and unloading of plant and materials;
- (iii) Storage of construction plant and materials;

- (iv) Wheel cleaning facilities
  - (v) Control of dust, smell and other effluvia;
  - (vi) Control of surface water run-off.
- No development shall be carried out except in full accordance with the approved method statement.

Reason: To ensure the safety of pedestrians and vehicles and the amenities of the surrounding area. This information is required prior to commencement as any construction work has the potential to cause the nuisance that this condition seeks to limit.

#### INFORMATIVES

- (1) Your attention is drawn to the following working practices which should be met in carrying out the development:
- Your attention is drawn to Sections 60 & 61 of the COPA 1974 and to the Associated British Standard COP BS 5228: 2009 for noise control on construction sites. Statutory requirements are laid down for control of noise during works of construction and demolition: if necessary you should contact the Council's environmental health department regarding noise control requirements.
  - Clearance and burning of existing woodland or rubbish must be carried without nuisance from smoke etc. to nearby residential properties. Advice on minimising any potential nuisance is available from the Council's environmental health department.
  - It is recommended that plant and machinery used for demolition and construction should only be operated within the application site between 0800 hours and 1900 hours on Mondays to Fridays and between 0800 hours and 1300 hours on Saturdays and at no time on Sunday and Bank Holidays.
  - It is recommended that vehicles in connection with the construction of the development should only arrive, depart, be loaded or unloaded within the general site between the hours of 0800 hours and 1900 Mondays to Fridays and 0800 to 1300 hours on Saturdays and at no time on Sundays and Bank Holidays.
  - The importance of notifying local residents in advance of any unavoidably noisy operations, particularly when these are to take place outside the normal working hours is advisable. Where possible, the developer shall provide residents with a

name of a person and maintain dedicated telephone number to deal with any noise complaints or queries about the work.

- It is recommended that the developer produces a Site Waste Management Plan in order to reduce the volumes of waste produced, increase recycling potential and divert materials from landfill. This best practice has been demonstrated to both increase the sustainability of a project and maximise profits by reducing the cost of waste disposal.
- The applicant is advised of separate legislation in relation to the removal of asbestos. The legislation requires adequate and suitable measures to be in place for the minimisation of asbestos fibres during demolition, so as to prevent airborne fibres from affecting workers carrying out the work, and nearby properties. Only contractors licensed by the Health and Safety Executive should be employed.

If relevant, the applicant must consult the Environmental Health Manager regarding an Environmental Permit under the Environmental Protection Act 1990.

Case Officer: Rachael Elliott

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

**Reference number: 15/509684**

**Additional informative**

Cllr Springett has raised concerns regarding the use of the garage in the absence of a planning condition to restrict its use to residential.

Planning conditions need to meet the criteria set out in the National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG). These set out that that planning conditions should only be imposed where they are:

1. Necessary;
2. Relevant to planning and;
3. To the development to be permitted;
4. Enforceable;
5. Precise;
6. Reasonable in all other respects.

As the submitted application relates solely to the erection of a replacement dwellinghouse, which would fall under a C3 use class, there would be no permitted change that would allow the applicants to use the garage/office for any other purposes other than as ancillary to the use of the main house. Any commercial use would be likely to require a separate application for planning permission. As such a condition to restrict the use of the garage is not considered necessary as it could not be used for any commercial purposes without separate consent.

Whilst a condition would not meet the test of being 'necessary' it is recommended that an informative is attached to any decision advising the applicant of the likely need for planning permission. It is proposed to add an informative as follows:

*The applicant is advised that this approval (including the detached garage/home office shown on Drg No. 15/615/03) grants planning permission solely for uses that are ancillary to the residential use of Yonder Cottage and any commercial activity or business use is likely to require further separate planning permission. The applicant is advised to seek pre-application planning advice from the Council should a commercial activity or business use be proposed.*

**Recommendation remains unchanged :** Approve planning permission as set out in Section 11.0 of the report.





**15/510613 White Horse Cottage**

Scale: 1:1250

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**REPORT SUMMARY**

<b>REFERENCE NO -</b> 15/510613/FULL			
<b>APPLICATION PROPOSAL</b> Erection of one dwelling in part garden			
<b>ADDRESS</b> White Horse Cottage Honey Lane Otham Kent ME15 8RJ			
<b>RECOMMENDATION: Refuse</b>			
<b>SUMMARY OF REASONS FOR REFUSAL</b> <p>The proposed development would amount to unsustainable development in the countryside as a result of the car reliance and would therefore be contrary to the National Planning Policy Framework.</p> <p>In addition, the proposal, by virtue of its size and prominence on the bend would result in an unacceptable level of harm to the open countryside. This is contrary to ENV28 of the Maidstone Borough Wide Local Plan 2000 and the provisions of the National Planning Policy Framework.</p>			
<b>REASON FOR REFERRAL TO COMMITTEE</b> <p>This application has been called in by Councillor Newton if recommended for refusal.</p>			
<b>WARD</b> Downswood & Otham	<b>PARISH/TOWN COUNCIL</b> Otham	<b>APPLICANT</b> Mr Daniel Quirke <b>AGENT</b> Bob Britnell - Planning Consultancy	
<b>DECISION DUE DATE</b> 10/03/16	<b>PUBLICITY EXPIRY DATE</b> 10/03/16	<b>OFFICER SITE VISIT DATE</b> 29/1/16	
<b>RELEVANT PLANNING HISTORY:</b>			
<b>App No</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
15/506258	Erection of a new dwelling	Refused	1/10/15
<p>1.0 This proposal would amount to unsustainable development in the countryside as a result of the car reliance and would therefore be contrary to the National Planning Policy Framework.</p> <p>2.0 The proposal, by virtue of its size and prominence on the bend, would result in an unacceptable level of harm on the open countryside. Furthermore, the design of the proposed house includes an incompatible mixture of styles that has not taken influence from the immediate local character. This is contrary to ENV28 of the Maidstone Borough Wide Local Plan 2000 and the provisions of the National Planning Policy Framework.</p>			

**MAIN REPORT****1.0 DESCRIPTION OF SITE**

- 1.1 This site is located on the inside corner of Stoneacre Lane and Honey Lane. It falls within the garden of White Horse Cottage, which itself is large detached property with red brick lower storey and black weatherboard to the upper storey. This property is located directly on the road and is, in part, built into the roadside ragstone wall.
- 1.2 The site is roughly rectangular in its shape and access is obtained through an existing gate on to Honey Lane. There is currently a double garage building and

gravel driveway near the entrance to the site. The remainder is largely well kept lawn with landscaped terracing to the rear to take account of the changes in land levels. The boundary of the site is heavily wooded with an established tree line to the north and east. The land slopes down in the north west corner of the site towards the large pond located outside the site boundary.

- 1.3 The site falls outside of any settlement as is therefore, by definition, considered to be open countryside. There are no TPO trees and no listed buildings in the immediate vicinity of the site.
- 1.4 The site is located approximately 200m east of Otham, which is a small rural collection of houses approximately 1km east of Maidstone urban area. Otham is not defined as a settlement on the adopted Maidstone Borough Wide Local Plan 2000 Proposals Map, and the nearest settlement boundary would be Maidstone urban area, approximately 1km to the west. With the exception of a public house, Otham does not offer anything in terms of facilities. It has no village shop, local school, doctors' surgery or any other community facilities.

## **2.0 PROPOSAL**

- 2.1 This application seeks planning permission for a 4 bedroom detached house. It would have an approximate ridge height of 8.5m and an approximate eaves height of 5m and would be set approximately 1m below the road level. The house would be a maximum width of 17.5m and a depth of 14.2m. The ground floor elevations would be brick and flint and the upper storey would be rendered.
- 2.2 The south elevation would be the principal elevation, incorporating a hipped roof and a gable end for the main entrance. This elevation is fenestrated with evenly spaced windows.
- 2.3 The west elevation demonstrates the double pitched roof and the chimney stack. It also demonstrates that the upper storey of the gable end on the front elevation extends out above the ground floor. This west elevation is highly fenestrated, including a patio door at ground floor. There would be a single storey 3.5m high element on this elevation, which extends 1.5m from the main building.
- 2.4 The north elevation would have a steeply pitched roof with a low eaves height on the right of this elevation. It would also incorporate a patio door at ground floor and only two windows at upper storey. The east elevation would demonstrate the double pitched roof and would have minimal fenestration.
- 2.5 Vehicular access to the site would remain unchanged and the existing garage on this building would provide the car parking for the proposed dwelling. An additional gate for pedestrian access is proposed.
- 2.6 Since the previous refused application, the scale and bulk of the proposed development has been reduced moderately. The width of the proposed development has been reduced by 0.7m. The gable end to the entrance is now proposed to be hipped in order to reduce the bulk from the east and west elevations. In addition, the balcony has been removed from the west elevation.

## **3.0 POLICY AND OTHER CONSIDERATIONS**

The National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)  
Maidstone Borough Wide Local Plan 2000: ENV28

#### 4.0 LOCAL REPRESENTATIONS

*Site notice displayed at the entrance to the site with a deadline for comments of 29/1/16*

	COMMENTS RECEIVED
Parish/Town Council	No objections
Residential Objections	None received
Number received: 0	
Residential Support	We are directly opposite the new proposed dwelling. We have no objection to new building and think that the design is sympathetic to other properties in the area.
Number received: 1	

#### 5.0 CONSULTATIONS

##### 5.1 **MBC Heritage and Conservation Officer**

I raise no objections to this application on heritage grounds subject to conditions re samples of materials and removal of all PD rights.

##### 5.2 **KCC Archaeology**

The site of the application seems to be part of a former post medieval quarry site, identifiable on the 1st Ed OS map. Remains associated with this local historic industrial activity may survive on the site and as such I recommend the following condition is placed on any forthcoming consent:

*Prior to the commencement of development the applicant, or their agents or successors in title, will secure and implement:*

- i) archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and*
- ii) further archaeological investigation, recording and reporting, determined by the results of the evaluation, in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority*

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

#### 6.0 APPRAISAL

6.1 *The key issues for this application are the principle of development in the open countryside, the visual impact and design of the proposals and residential amenity.*

6.2 A similar application was refused in October 2015 for the following reasons:

- *This proposal would amount to unsustainable development in the countryside as a result of the car reliance and would therefore be contrary to the National Planning Policy Framework.*
- *The proposal, by virtue of its size and prominence on the bend, would result in an unacceptable level of harm on the open countryside. Furthermore, the design of the proposed house includes an incompatible mixture of styles that*

*has not taken influence from the immediate local character. This is contrary to ENV28 of the Maidstone Borough Wide Local Plan 2000 and the provisions of the National Planning Policy Framework.*

- 6.3 This previous refused application is a material consideration and it is therefore necessary to assess whether the previous reasons for refusal have been addressed by this amended application.

#### **Principle of Development**

- 6.4 This site is located outside of any defined settlement and therefore is considered to be within the open countryside, as defined by the Maidstone Borough-Wide Local Plan 2000. This means that saved Local Plan Policy ENV28 is of relevance, which seeks to protect the character and appearance of the area. It states that development in these areas will be confined to:

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

- 6.5 The site is not previously developed and the proposal does not fall within the above criteria. Therefore the principle of this development would be contrary to MBC policy unless material considerations can indicate otherwise.
- 6.6 According to Paragraph 55 of the National Planning Policy Framework, local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances. I would not consider this proposal would fall within any of the exceptions cited and it would therefore be contrary to the provisions of the NPPF.
- 6.7 There are very few facilities and local amenities within walking distance of the site, which would therefore result in the reliance on the car. The nearest bus stop is over 200m away to the south and this would involve walking along a narrow country lane with no footpath. For these reasons, I do not consider the location of this proposal to be in accordance with the requirements of the NPPF, irrespective of five year housing land supply in Maidstone Borough.
- 6.8 The applicant has referred to approved planning application 14/0302, which was for a four bedroom bed and breakfast accommodation approximately 400m to the west of this application site. This application was for a tourist use, which amounts to a different type of development, and therefore different policies were relevant when determining the application.

#### **Visual Impact and Design**

- 6.9 Whilst the proposed property would incorporate elements of the local vernacular, including local materials and styles, I do not consider the overall massing of the building is appropriate in this prominent bend location. The ridge height of 8.5m would be imposing in this location, and this is demonstrated by the photomontage produced by the applicant. This photomontage confirms that the proposed development would be visually harmful to the character and appearance of the open countryside and would therefore be contrary to Policy ENV28 of the adopted Local Plan.

- 6.10 I acknowledge that the proposed house would be lower than the road level, but it would still be visible at the bend in the road when travelling the north. As result, I consider that it would have a negative impact on the openness of this bend. A public footpath also runs directly adjacent to the site, along Stoneacre Lane, which would mean that the site would be visible by walkers taking this route, as well as road users along Honey Lane. It would appear inappropriate at the end of this unmade track and for these reasons would have a visible detrimental impact on the openness of the countryside.
- 6.11 I would consider that the revised simplified design of the dwelling has addressed the previous reason for refusal, which related to the incompatible mixture of styles in the design.

### **Residential Amenity**

- 6.12 The proposed house would be over 40m from the nearest property and I do not consider, therefore, that there would be a negative impact on the residential amenity of the surrounding properties as a result of overlooking or loss of light.

### **Other matters**

- 6.13 The proposed house would use the existing double garage and gravel drive, which I consider to be adequate for a 4 bedroom property.
- 6.14 KCC Highways have raised no objections and therefore I consider the access arrangements to be acceptable.

### **Conclusion**

- 6.15 On balance I consider that the harm to the open countryside would outweigh any benefits associated with the provision of one house in the Borough. This is not a sustainable location as a result of the reliance on the car and it would amount to development in the back garden of an existing property. I consider the scale and massing to be imposing in this location, which would be visible by road users and walkers. This application would therefore be contrary to saved Maidstone Borough Wide Local Plan policies and the NPPF.

### **RECOMMENDATION –REFUSE for the following reasons:**

1. This proposal would amount to unsustainable development in the countryside as a result of the car reliance and isolated location and would therefore be contrary to the National Planning Policy Framework.
2. The proposal, by virtue of its size and prominence on the bend, would result in an unacceptable level of harm on the open countryside. This is contrary to ENV28 of the Maidstone Borough Wide Local Plan 2000 and the provisions of the National Planning Policy Framework.

Case Officer: Flora MacLeod

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

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

# Agenda Item 13

## **THE MAIDSTONE BOROUGH COUNCIL** **PLANNING COMMITTEE – 17<sup>th</sup> March 2016**

### **APPEAL DECISIONS:**

**1. 15/503143**

Two storey rear and side extension and rear extension of single storey garage workshop.

**APPEAL: Allowed with Conditions**

35 Bodsham Crescent, Bearsted, ME15 8NL

(Delegated)

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**2. 15/504365**

Steel fabricated structure with fabric roof covering.

**APPEAL: Dismissed**

Round Oak Farm, Heniker Lane, Sutton Valence, Kent, ME17 3ED

(Delegated)

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**3. 14/505131**

Demolition of existing structure and erection of detached house with associated parking

**APPEAL: Dismissed**

The Piggeries, The Quarries, Boughton Monchelsea, Kent, ME17 4NJ

(Delegated)

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**4. 14/505113**

Erection of single storey detached dwelling with associated car parking.

**APPEAL: Dismissed**

Beresford Farm, The Quarries, Boughton Monchelsea, Kent, ME17 4NJ

(Delegated)

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**5. 15/505482**

Outline application for erection of 3/4 storey building containing 10 flats, and access to car park with 6 car spaces, bin and cycle stores

**APPEAL: Dismissed**



Regal House, Rear of 11 to 13, Albion Place,  
Maidstone, ME14 5DY

(Delegated)

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**6. 15/500646**

Prior Notification for the change of use of an agricultural building and land within its curtilage to provide 1 dwelling house falling within class C3.

**APPEAL:** Dismissed

The Barn, Hoppers Field, Tonbridge Road,  
Barming, ME16 9NH

(Delegated)

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**7. 15/500326**

Change of use of land to 7 no. gypsy/traveller pitches and associated works including 7 no. static caravans, 7 no. touring caravans, package treatment plant and hardstanding.

**APPEAL:** Allowed with Conditions

Land Adj Vine Cottage, Pye Corner, Ulcombe,  
Kent

(Delegated)

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**8. 15/505390**

Advertisement consent for 1x hoarding sign.

**APPEAL:** Dismissed

Land at Junction of New Cut Road and Bearsted Road, Weavering, Kent

(Delegated)

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**9. 15/502144**

Construction of a two bedroom detached dwelling

**APPEAL:** Dismissed

Land Adj 19 Kerry Hill Way, Maidstone, Kent,  
ME14 2GZ

(Delegated)

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**10. 15/503458/TPO**

TPO application to crown reduce 1 Oak tree by 1-1.5m, remove two lowest limbs of 1 Hornbeam, crown reduction of 1 Pear tree by 3-4ft.

**APPEAL:** Dismissed

8 Travertine Road, Boxley, Kent, ME5 9LQ

(Delegated)

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**11. 15/503928**

**Outline (access and layout not reserved) –  
Development of 9 detached dwellings,  
garaging and new highway access plus  
other ancillary works**

**APPEAL:** Dismissed

Land To East Of The Lodge, Vicarage Road,  
Yalding, Kent, ME18 6DX

Dismissed

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**MAIDSTONE BOROUGH COUNCIL S.106 CONTRIBUTIONS SECURED & HELD (JANUARY 2016) TOWARDS:**

PUBLIC OPEN SPACE AND RECREATION	£ 2, 046, 117
CAR PARK WORKS	£ 24,062
KENT COUNTY COUNCIL COMMUNITIES	£ 700,037
CYCLE STORE	£ 15,095
KENT COUNTY COUNCIL HIGHWAYS	£ 31,963
TOWN CENTRE	£ 100, 795
PUBLIC ART	£ 10,000
HEALTHCARE	£ 554,563
WILDLIFE	£ 823

MBC S106 Contributions Held List (January 2016)

S106	Public Open Space & Recreation	Education	Adult Ed/Community Learning	Adult Social Services	Library	Youth & Community	Transport/Highways	Healthcare	Public Art/Town Centre	Spend By Date
Land off Button Lane (Bearsted) 95/1341	£35,819.20 Towards Mallards Way play area									No date
Linden Homes St Andrews Park (Heath) 96/0630	£4,124.50 Lighting repairs									No date
11 Buckland Hill 06/1661 & 07/0463	£3801.25 Towards enhancement of Brenchley Gardens									No date
Hadlow College, Oakwood Park 10/0485	£80,556.18 Towards Oakwood Park Open Space									No date
Pested Bars Road Boughton Monchelsea 01/0727	£4,801.70 towards BMC Parish Council for tree works									No date
Kent Frozen Foods, Land at Ware Street (Bearsted) 01/1297	£59,275.55 Towards Peveral Drive play area									May 2016 Is to be spent within time Parks & Leisure working with Parish Council
Land West of Sandling Place (North) 03/0886	£30,000 upgrade within 5 mile radius									No date
Land at Depot Site, George Street (High Street) 12/0590	£51,975 Collis Millennium Green, South Park Mote Park									February 2023
St Faiths Lane (Bearsted) 04/1608	£6,663.01 Bearsted PC Lighting Scheme							£1,307.47 (Residue) Wallis Ave, Mote Medical Practice & Marden Medical Centre NHS England are aware of the spend date		April 2016 Is to be spent within time Jan 2016 Parish Council contacted MBC advising small delay on scheme due to ecology report
Westree Works, Hart Street (Fant) 05/0492	£53,000 to Mote Park Improvement Project £14,192.49 to Mote Park play area									No date
Land at 390-408 Loose Road (South) 06/0273	£15,530 Towards enhancing & upgrading outdoor amenity space & play equipment at South Park									Oct 2019

S106	Public Open Space & Recreation	Education	Adult Ed/ Community Learning	Adult Social Services	Library	Youth & Community	Transport/ Highways	Healthcare	Public Art/ Town Centre/ Misc	Spend By Date
Convent of Mercy Bicknor Road (Parkwood) 06/1044	£6,412.51 For Parkwood recreation Ground									No date
Land At Waterside, Fairmeadow 05/0211	£30,027.15 Towards landscaping and enhancing Brenchley Gardens									No date
Former Kent Police Workshops site Sutton Road (Park Wood) 06/1116	£13,113.14 Improvements to off site play area									No date
Furfield Quarry (Boughton Monchelsea) 01/1904	£34,000 improvement repair and enhancement of the Parkwood Play area including Parkwood Rec						£19,013.04 Shared cycle route & bus shelter			Sept 2022
Beaconsfield Road (Cartem Site) South 05/0335	£30,000 off site POS drainage works at Woodbridge Drive & resurfacing play area at Bridge Mill Way								£10,000 Public Art (on the site)	Oct 2016 Parks & leisure are iworking with Parish Cllrs and are aware of the spend date
Brook Cottage, Headcorn 03/2029							£12,950 Towards construction of additional culvert under Hoggs Bridge			No date
Victoria Court 17-21 Ashford Road (High Street) 94/0156									£24,062.80 Car Park works to serve the town	No date
Fintonaugh House (Providence Park) Fintonaugh Drive Penenden Heath 05/1101	£12,076 Penenden Heath Play Area resurfacing									December 2023
Former Leonard Gould Factory (Loose) 04/1363	£530 Allocated for King George playing fields & Loose POS									June 2020 Completed
Brunswick Street (High Street) 08/2477	£175.75 Collis Millenium Green									Feb 2021 Completed
Land at Oakwood Park Oakwood Road (Heath) 07/2328	£31,500 Off site renewal, improvement, replacement or maintenance of local play areas and public spaces within one mile of the site (Gatland Lane?)									Feb 2020

S106	Public Open Space & Recreation	Education	Adult Ed/ Community Learning	Adult Social Services	Library	Youth & Community	Transport/ Highways	Healthcare	Public Art/ Town Centre	Spend By Date
46 Sittingbourne Road (East) 08/0108	£22,050 Improve Existing POS Within one mile radius of site									June 2021
Former Trebor Basset Site (Bridge) 99/1363	£105,676.80 Allocated to high level bridge & other improvements									No date
58-64 Sittingbourne Road (East) 09/0996	£17,325 Towards Off site open space and parks within the vicinity of the development							£6,327 (towards Northumberland Court Surgery)		No date
Senacre College Site (Parkwood) 10/1413 & 0846	£300,000 towards 1. MUGA in Parkwood 2. In Shepway North & South 3. Within a 3 km radius of the central point of land 4. Elsewhere in the borough									April 2022
Threeways Depot (Headcorn) 06/0389	£71,515.07 Provision of open space within one mile of site (for Headcorn PC)									May 2023
115 Tonbridge Road (Fant) 08/2323	£13,912.81 Towards replacement repair or maintenance of open space within one mile radius of site							£5,980 Towards the provision of facilities Within one mile radius		Feb 2018
Cedarwood, Queens Road (Bridge) 07/0415	£22,254.16 Upgrading off-site existing outdoor & amenity space within one mile of site									Nov 2022
Parisfield, Headcorn Road (Staplehurst) 07/0629	£18,900 Enhancement & provision of outdoor/ amenity space facilities within the parish of Staplehurst (Surrenden Road play area)									Nov 2017 Parks & leisure are working with Parish Council and are aware of the spend date
Ecclestone Road (High Street) 10/1478	£55,214.38 Improvement of river walk/ Woodbridge drive play area or provision of a community facility in a 2km radius									No date
Land adj 27 Hartnup St (Fant) 06/0767	£17,325 Open space to meet needs arising from the site							£9,900 Towards facilities in Maidstone Borough		No date
Astley Road (Kent Music School) Hastings Road (High Street) 10/0594	£39,554.79 Towards improvements to Mote Park play area and any unexpended sums on improvements to the Len Valley Nature Reserve							£21,240 improve existing healthcare facilities to the surgery sited at King Street NHS England are aware of the spend date		Dec 2022 (POS) Dec 2017 (PCT)

S106	Public Open Space & Recreation	Education	Adult Ed/ Community Learning	Adult Social Services	Library	Youth & Community	Transport/ Highways	Healthcare	Public Art/ Town Centre /misc	Spend By Date
Eclipse Park (Next Store) (Boxley) 12/2314									£100,794.87 Town Centre development Town Team projects	Dec 2018
Wallis Avenue (Parkwood) 12/1051	£20,081.30 Parkwood Recreation Ground Outdoor Gym & Skate Park									March 2024
Rear of 48-54 Buckland Road (Bridge) 07/2477								£15,120 towards provision of primary healthcare services or facilities within a 3 mile radius of the land		Mar 2019
Land at James Whatman Way 09/0863								£ 81,370 Use within a 5 mile radius		August 2019
13 Tonbridge Road (Fant) 11/1078 & 12/0774 DOV	£16,092.61 Improvement , repair, refurbishment and renewal of the off site play area or open space within 2 KM radius of site		£1,267.85 Ad Ed courses at new library & archive centre	£823.35 Towards Telecare facilities	£1,267.85 Towards new library & archive centre			£11,088 Towards Vine Medical Centre		July 2023 (POS) July 2023(KCC) July 2020 (PCT)
59 Wheeler Street/Sherway Close (Headcorn) 06/1940	£ 22,503.18 Off Site towards the refurbishment upgrading and improvement at Days Green and Hoggs Bridge Recreational grounds or any other such play areas within the Parish of Headcorn									Sept 2023
Land to rear of 125 Tonbridge Road (Fant) 12/0381	£3,349.54 Towards Allotments adjacent to Bower St. Rocky Hill & Buckland Hill							£3,177.28 within one mile radius of the site		Nov 2018
The Willows, Church Green, (Marden & Yalding ) 10/0562	£16,770.60 Improvement works to the open space south of the development known as The Cockpit									Nov 2020
The Hollies, Land at Hook Lane (Harrietsham) 11/0592				£99,088.31 Care of elderly & physical /learning disabilities	£18,728.60 Local libraries Maidstone Central and mobile library service	£61,834.28 Towards youth services in Harrietsham		£56,099.17 Upgrade/ improve doctors surgery in Harrietsham to serve development	Wildlife Sum £823.48 towards management of receptor sites identified for the translocation of any relevant wildlife from the site	Nov 2024

S106	Public Open Space & Recreation	Education	Adult Ed/ Community Learning	Adult Social Services	Library	Youth & Community	Transport/ Highways	Healthcare	Public Art/ Town Centre /misc	Spend By Date
Former Rose PH, Farleigh Hill, Tovil (South) 12/0367	£22,306.31 Green spaces & Play Areas in Tovil Parish and South ward for improvements to play equipment and ancillary items and access to Woodbridge Drive play area and secondly required tree works along the footpath at Hudsons Quarry									Feb 2024
Former BP Garage 531 Tonbridge Road 12/0825	£22,443.50 Toward enhancement, maintenance, repairing and renewal of play areas and green spaces within 1 mile of the Land, specifically at Gatland Lane Park							£12,012 Towards the provision of primary healthcare services and facilities within a five mile radius of the land		March 2020
Land at Hillbeck Res Home, (Bearsted) 12/1012								£5,850.03 For upgrading and improving up to 3 local surgeries known as Bearstead Medical Practice, Downswood Surgery and Grove Green Surgery, all within 2 miles of the Property		No date
Former Car Sales Site, Ashford Road (Harrietsham) 11/2154	£15,750 Improvements to play areas at Glebe Field Harrietsham							£10,080 upgrading facilities at Glebe/ Sutton Valance/ Cobtree/ New Grove Green Medical Centres/ surgery		September 2019
Land South of Wallis Avenue (Park Wood) 12/1051	£20,081.30 Provision of a skate park within 2 mile radius of the Land									March 2024
Hayle Place Hayle Mill Road 11/0580	£168,834 Towards off-site open space South Park, Armstrong Road							£25,015.58 within a two mile radius of the land		Nov 2019
The Old School 92A Melville Road (High Street) 11/2108			£431.76 Towards additional equipment, staff and classes at Maidstone Adult Learning Centre & Outreach	£755.59 Capital improvements works Telecare	£2,456.72 Towards provision of book stock, staff & extended hours at Kent History & Library Centre Whatman Way			£3,634.18 Towards all or any of the medical centres; Marsham St,St Lukes, Holland Rd, Brewer St and Grove Park		June 2025



S106	Public Open Space & Recreation	Education	Adult Ed/ Community Learning	Adult Social Services	Library	Youth & Community	Transport/ Highways	Healthcare	Public Art/ Town Centre /misc	Spend By Date
Land at Oliver Road (Staplehurst) 12/2106	£20,165.70 (50%) Towards provision of allotments and outdoor sports facilities and for improving, enhancing and replacing the play area equipment at Surrenden Road play area							£18,920.75 (50%) Towards new healthcare services and facilities within the Parishes of Staplehurst and Marden		March 2025
The MAP Depot Site, Goudhurst Road, Marden 13/0115	£88,000 Towards the cost of upgrading Marden Playing Fields						£15,095.60 Towards the provision of Cycle Stores at Marden rail Station, library and post office	£27,321.58 Towards expansion works at Marden Medical Practice		June 2025
Westree Court Rowland Close 13/0718	£57,602.87 Refurbishment, enhancement, maintenance and repair including play equipment of POS within 1 mile radius of the Land, equal priority given to Cornwallis Park, Clare Park, Whatman Park, Mote Park or allotment sites at Rocky Hill and Buckland Hill									May 2025
Land at Oakapple (Former Nurses Home) Hermitage Lane 14/500412/FUL	£108,675 Towards open space/equipped play and outdoor sports facilities within one mile radius of site									June 2022
Westwood Grange Ham Lane Lenham 09/0315  (planning condition not S106)	£29, 925 towards parks and open space, improvements to the play equipment and open space within the locality of the development (Lenham Parish)									No date
Land North Sutton Road, (Imperial Park) Maidstone 13/0951	£134, 545.19 Towards improvements, refurbish and replacement of facilities inc pavilions, play equipment and play areas ground works and facilities at Senacre Recreation Ground or Park Wood Recreation Ground or any other MBC open space within 2 miles of the Land	£427,066.14  For costs of purchasing land for the new primary school	Community Learning £5709.23  For new small adult learning classes at adult education and outreach community learning facilities in the Borough	Adult Social Care £18,301.91  Towards Assistive Telecare technology within the dev, additional changing place facility within Maidstone and integrated dementia care within the Park Wood area of Maidstone	£24,169.21  For additional service capacity and book stock at Shepway Library, Kent History and Library Centre and Mobile Library Services visiting the land	Youth Services £1578.79  For additional capacity at centre based youth services within 3 miles of the dev and outreach services serving the Land		£133,919.97 For extension, refurbishment and/or upgrade at the 4 doctors surgeries at Wallis Avenue, Orchard Langley, The Mote and Cobtree		January 2026

S106	Public Open Space & Recreation	Education	Adult Ed/Community Learning	Adult Social Services	Library	Youth & Community	Transport/Highways	Healthcare	Public Art/Town Centre/misc	Spend By Date
Land at Northland and Groom Way, Old Ashford Road, Lenham 12/1777	£17,593.39 To be used for enhancing, maintaining, repairing and renewing amenity areas and green spaces within a 1 mile radius of dev									No date
Land at Langley Park, Sutton Road 13/1149								£106,200 (50%) Towards improvements to health care provision within the locality of the development		November 2025
22-26 Tonbridge Road 13/0941	£60,096.09 Not identified in S106	£30,397.50 Primary	£1,095.41	£1,767.16	£3,298.01					November 2025