

PLANNING COMMITTEE MEETING

Date: Thursday 19 December 2019
Time: 6.00 p.m.
Venue: Town Hall, High Street, Maidstone

Membership:

Councillors Adkinson, English (Chairman), Eves, Harwood, Kimmance, Munford, Parfitt-Reid, Perry, Spooner, Vizzard and Wilby
Plus two vacancies to be filled at the Council meeting on 18 December 2019

The Chairman will assume that all Members will read the reports before attending the meeting. Officers are asked to assume the same when introducing reports.

AGENDA

Page No.

1. Apologies for Absence
2. Notification of Substitute Members
3. Notification of Visiting Members
4. Appointment of Vice-Chairman
5. Items withdrawn from the Agenda
6. Date of Adjourned Meeting - 2 January 2020
7. Any business the Chairman regards as urgent including the urgent update report as it relates to matters to be considered at the meeting
8. Disclosures by Members and Officers
9. Disclosures of lobbying
10. To consider whether any items should be taken in private because of the possible disclosure of exempt information.
11. Minutes of the meeting held on 28 November 2019 adjourned to 5 December 2019 - Minutes of the Adjourned Meeting to Follow 1 - 5
12. Presentation of Petitions (if any)

Issued on Wednesday 11 December 2019
Over/:

Continued

Alison Broom

Alison Broom, Chief Executive

13. Deferred Items	6 - 7
14. 19/503527/OUT - Penryn, Station Road, Staplehurst, Tonbridge, Kent	8 - 22
15. 19/503532/OUT - 3-5 Kings Road, Headcorn, Ashford, Kent	23 - 36
16. 19/505120/TPOA - 54 Lenside Drive, Bearsted, Maidstone, Kent	37 - 41
17. 19/503104/FULL - Land At Church Road, Harrietsham, Kent	42 - 48
18. 19/505310/FULL - Mote Park Maidstone, Willow Way, Maidstone, Kent	49 - 60
19. 19/503702/REM - Land At Postley Road, Maidstone, Kent	61 - 72
20. 19/505283/FULL - Candle Cottage, The Street, Ulcombe, Maidstone, Kent	73 - 77
21. 19/503995/EIFUL - Land At Old Ham Lane, Lenham, Maidstone, Kent	78 - 123
22. Appeal Decisions	124

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.

For full details of all papers relevant to the applications on the agenda, please refer to the public access pages on the Maidstone Borough Council website. Background documents are available for inspection by appointment during normal office hours at the Maidstone Borough Council Reception, King Street, Maidstone, Kent ME15 6JQ.

PUBLIC SPEAKING AND ALTERNATIVE FORMATS

If you require this information in an alternative format please contact us, call **01622 602899** or email committee@maidstone.gov.uk.

In order to speak at this meeting, please contact Democratic Services using the contact details above by 4 p.m. on the working day before the meeting (i.e. Wednesday 18 December 2019). If making a statement, you will need to tell us which agenda item you wish to speak on. Please note that slots will be allocated for each application on a first come, first served basis.

To find out more about the work of the Committee, please visit www.maidstone.gov.uk.

MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON 28 NOVEMBER 2019 ADJOURNED TO 5 DECEMBER 2019

Present **Councillor English (Chairman) and**
28 November **Councillors Adkinson, Chappell-Tay, Eves,**
2019: **Harwood, Kimmance, Munford, Perry, Spooner**
 and Vizzard

Also Present: **Councillors Hastie and Webb**

127. APOLOGIES FOR ABSENCE

It was noted that apologies for absence had been received from Councillor Parfitt-Reid.

128. ELECTION OF CHAIRMAN FOR THE REMAINDER OF THE MEETING

RESOLVED: That in the absence of a Vice-Chairman, and in the event of the Chairman having to leave the meeting early, Councillor Spooner be elected as Chairman for the remainder of the meeting.

129. NOTIFICATION OF SUBSTITUTE MEMBERS

It was noted that Councillor Chappell-Tay was substituting for Councillor Parfitt-Reid.

130. NOTIFICATION OF VISITING MEMBERS

Councillor Hastie indicated her wish to speak on the report of the Head of Planning and Development relating to application 17/504568/FULL (KCC Springfield Library HQ, Sandling Road, Maidstone, Kent).

Councillor Webb indicated his wish to speak on the report of the Head of Planning and Development relating to application 19/501775/FULL (Stocketts, (Also Known as The Spice Lounge), 118 Heath Road, Coxheath, Maidstone, Kent).

131. ITEMS WITHDRAWN FROM THE AGENDA

The Chairman said that only the following applications would be considered that evening:

17/504568/FULL – KCC SPRINGFIELD LIBRARY HQ, SANDLING ROAD,
MAIDSTONE, KENT

19/501775/FULL – STOCKETTS (ALSO KNOWN AS THE SPICE LOUNGE),
118 HEATH ROAD, COXHEATH, MAIDSTONE, KENT

19/503395/REM – LAND SOUTH OF SUTTON ROAD, LANGLEY, KENT
19/503614/REM – LAND SOUTH OF SUTTON ROAD, LANGLEY, KENT

The remaining items on the agenda would be rolled over to the adjourned meeting date (5 December 2019).

132. URGENT ITEMS

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

133. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members or Officers.

134. EXEMPT ITEMS

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

135. MINUTES OF THE MEETING HELD ON 24 OCTOBER 2019

RESOLVED: That the Minutes of the meeting held on 24 October 2019 be approved as a correct record and signed.

136. PRESENTATION OF PETITIONS

There were no petitions.

137. 17/504568/FULL - DEMOLITION OF THE REMAINING FORMER LIBRARY BUILDING, ERECTION OF A SIX-TO-SIXTEEN STOREY RESIDENTIAL DEVELOPMENT OF 170 NO. APARTMENTS AND 85 NO. CAR PARKING SPACES AT THE FORMER KCC SPRINGFIELD LIBRARY SITE, SANDLING ROAD, MAIDSTONE - FORMER KCC SPRINGFIELD LIBRARY HQ, SANDLING ROAD, MAIDSTONE

All Members stated that they had been lobbied.

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

In presenting the application, the Major Projects Manager advised the Committee that one further resident representation had been received that day supporting the objections summarised in the report and that Tunbridge Wells Borough Council had also confirmed that it had no objection.

Mr Brown, an objector, Mr Gill, for the applicant, and Councillor Hastie (Visiting Member) addressed the meeting.

RESOLVED: That permission be refused for the reasons set out in the report with the deletion of the reason relating to the proposed parking provision.

Voting: 8 – For 2 – Against 0 – Abstentions

Note: Councillor Harwood requested that his dissent be recorded.

138. 19/501775/FULL - DEMOLITION OF EXISTING RESTAURANT AND ERECTION OF 14 NO. RETIREMENT APARTMENTS FOR OVER 55 YEAR OLD PERSONS WITH ASSOCIATED PARKING, TURNING AND AMENITY SPACE (RE-SUBMISSION OF 18/503194/FULL) - STOCKETTS, (ALSO KNOWN AS THE SPICE LOUNGE), 118 HEATH ROAD, COXHEATH, MAIDSTONE, KENT

All Members stated that they had been lobbied.

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

Councillor Wilson of Coxheath Parish Council, Mrs Simpkin, for the applicant, and Councillor Webb (Visiting Member) addressed the meeting.

The Chairman read out a statement on behalf of Councillor Parfitt-Reid, a Ward Member for Coxheath and Hunton and a Member of the Planning Committee, who had called in the application for consideration by the Committee but was unable to attend the meeting. It was noted that Councillor Parfitt-Reid objected to the proposal on the basis that it would result in the loss of an important community asset and assertions that the restaurant is no longer viable needed to be supported by proper evidence. The proposal did not overcome the previous reason for refusal and would be incongruous and out of scale in its setting. The proposed block would be closer to Heath Road and adversely affected by road traffic. Further, there was no shortage of assisted living accommodation for elderly people in Coxheath.

Contrary to the recommendation of the Head of Planning and Development, the Committee agreed to refuse permission. In making this decision, the Committee considered that by virtue of its scale, mass and design, proximity to Heath Road/lack of setback, the proposal will have an overbearing and harmful impact upon the character and appearance of the street scene contrary to Policies SP11, DM1, DM2 and DM12 of the Maidstone Borough Local Plan 2017. The Committee also considered that the loss of an existing community facility within an area with limited alternative facilities will harm the existing and future character, function and sustainability of Coxheath as a larger village contrary to Policies SP11, SP13, DM17 and DM20 of the Maidstone Borough Local Plan 2017 and the National Planning Policy Framework.

RESOLVED:

1. That permission be refused for the following reasons:

By virtue of its scale, mass and design, proximity to Heath Road/lack of setback, the proposal will have an overbearing and harmful impact upon the character and appearance of the street scene contrary to Policies SP11, DM1, DM2 and DM12 of the Maidstone Borough Local Plan 2017.

The loss of an existing community facility within an area with limited alternative facilities will harm the existing and future character, function and sustainability of Coxheath as a larger village contrary to Policies SP11, SP13, DM17 and DM20 of the Maidstone Borough Local Plan 2017 and the National Planning Policy Framework.

2. That the applicant be advised of the Council's concerns regarding the failure of the application to make provision for renewable energy generation in the development to accord with the provisions of the National Planning Policy Framework.

Voting: 10 – For 0 – Against 0 – Abstentions

139. 19/503395/REM - APPROVAL OF RESERVED MATTERS OF PHASE 1 OF OUTLINE PLANNING PERMISSION 15/509015/OUT FOR THE ERECTION OF 173 DWELLINGS AND ASSOCIATED HIGHWAYS WORKS AND LANDSCAPING (APPEARANCE, LANDSCAPING, LAYOUT AND SCALE BEING SOUGHT) - LAND SOUTH OF SUTTON ROAD, LANGLEY, KENT

All Members except Councillors Chappell-Tay, Eves and Perry stated that they had been lobbied.

Councillor Taylor-Maggio of Langley Parish Council and Mr Rummey, for the applicant, addressed the meeting.

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

1. The precise details and species used for the landscaping scheme, as required to be discharged under condition 4 of the outline consent, shall follow the Landscape Guidelines contained within the Maidstone Landscape Character Assessment Supplement 2012.

Please note that the details submitted pursuant to condition 4 for this Phase will need to be reported to the Planning Committee for a decision.

2. It is advised that the composite boarding to be used in the development must be compliant with Building Regulations in terms of fire safety.
3. The ecological enhancement details submitted pursuant to condition 10 of the outline consent for this Phase shall include 'bee bricks'.

Voting: 10 – For 0 – Against 0 – Abstentions

140. 19/503614/REM - APPROVAL OF RESERVED MATTERS OF APPEARANCE, LANDSCAPING, LAYOUT AND SCALE FOR THE ERECTION OF FOUR DWELLINGS (THAT WILL BE USED AS A TEMPORARY SALES AREA) FOLLOWING THE APPROVAL OF OUTLINE PLANNING PERMISSION REF. 15/509015/OUT - LAND SOUTH OF SUTTON ROAD, LANGLEY, KENT

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

Councillor Taylor-Maggio of Langley Parish Council and Mr Rummey, for the applicant, had registered to speak on this application, but waived their right.

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

Voting: 10 – For 0 – Against 0 – Abstentions

141. ADJOURNMENT OF MEETING

At 8.20 p.m., following consideration of the report of the Head of Planning and Development relating to application 19/503614/REM (Land South of Sutton Road, Langley, Kent), the Committee:

RESOLVED: That the meeting be adjourned until 6.00 p.m. on Thursday 5 December 2019 when the remaining items on the agenda will be discussed.

142. DURATION OF MEETING

6.00 p.m. to 8.20 p.m.

Agenda Item 13

MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

19 DECEMBER 2019

REPORT OF THE HEAD OF PLANNING AND DEVELOPMENT

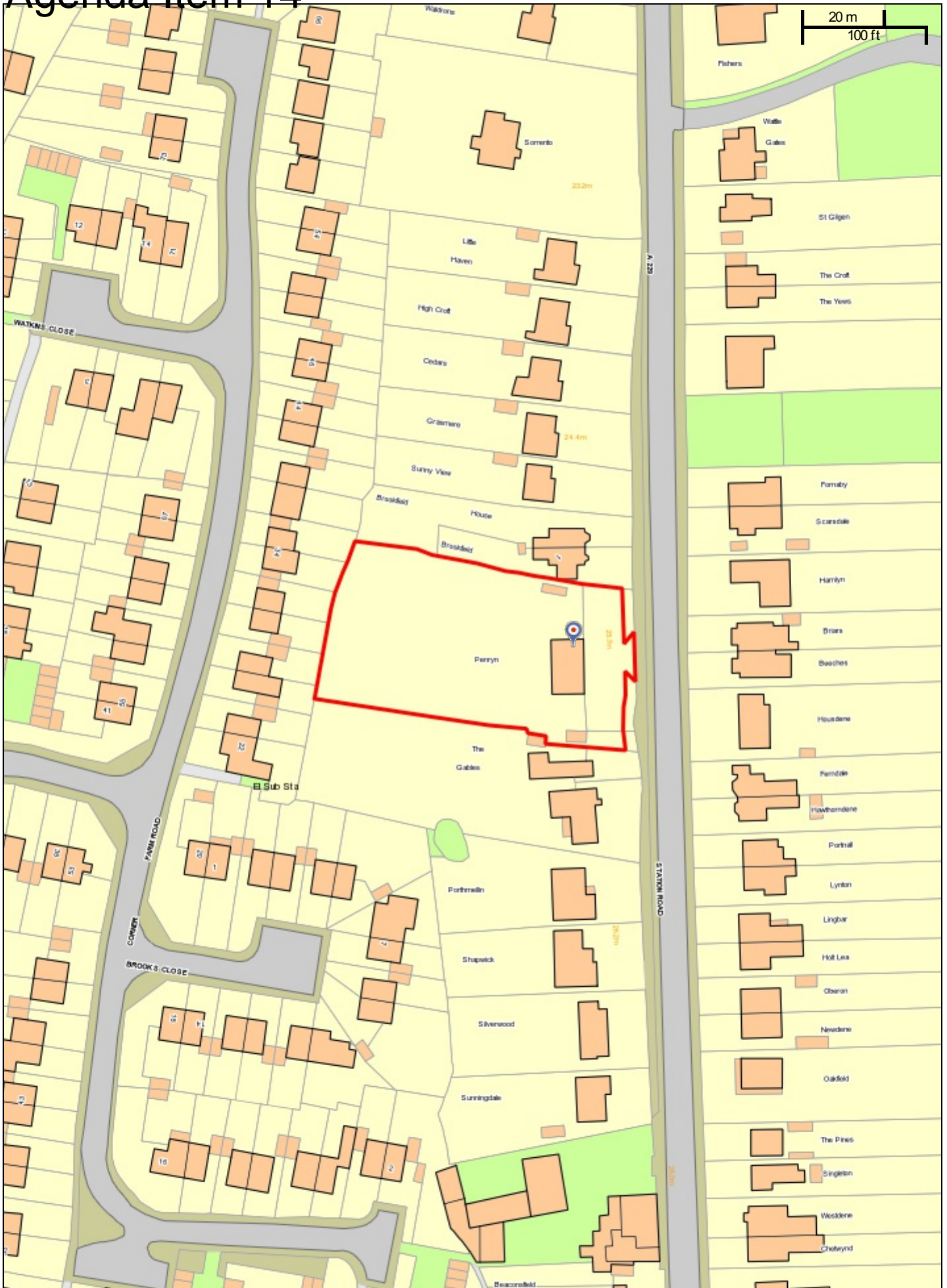
DEFERRED ITEMS

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

APPLICATION	DATE DEFERRED
<p><u>19/500200/FULL - RETROSPECTIVE APPLICATION FOR A CHANGE OF USE OF LAND TO BE USED AS A GYPSY/TRAVELLER CARAVAN SITE CONSISTING OF ONE PITCH - LITTLE PADDOCKS, STILEBRIDGE LANE, LINTON, KENT</u></p> <p>Deferred for further negotiations with the applicant to secure a revised site layout/landscaping plan showing parking/hardcore to the entrance of the site and extending inwards with an amenity area towards the rear part of the site which would be suitable for the needs of existing/future occupants.</p>	25 July 2019
<p><u>19/501600/OUT - OUTLINE APPLICATION FOR UP TO 440 RESIDENTIAL DWELLINGS, WITH ASSOCIATED ACCESS, INFRASTRUCTURE, DRAINAGE, LANDSCAPING AND OPEN SPACE (ACCESS BEING SOUGHT WITH ALL OTHER MATTERS RESERVED FOR FUTURE CONSIDERATION) - LAND WEST OF CHURCH ROAD, OTHAM, KENT</u></p> <p>Deferred for further discussions to:</p> <ul style="list-style-type: none">• Seek to remove the proposed car park for the Church from the scheme;• Seek to (a) amend the Parameter Plan to provide a greater amount of wooded open space at the southern end of the site to protect the Ancient Woodland and create a sustainable open space and (b) to amend conditions 4 and 7 to require woodland planting to restore and protect the Ancient Woodland and enhance the landscaping around the Church;	24 October 2019

<ul style="list-style-type: none"> • Seek to resolve the outstanding issues relating to improvements to the Willington Street/Deringwood Drive junction; • Give further consideration to the impact of the development on the Spot Lane junction and possible mitigation; • Investigate the potential widening of Church Road to the south of the site where this would not involve the loss of Ancient Woodland; • Seek to optimise the amount of renewable energy generated on site (to avoid use of fossil fuel heating); and • Seek further clarification of the surface water drainage scheme and how it can be satisfactorily accommodated within the development layout. 	
<p><u>19/504225/FULL - ERECTION OF A REPLACEMENT BARN (REVISED SCHEME TO 19/502397/FULL) - LAND TO THE SOUTH OF THE GABLES, MARDEN ROAD, STAPLEHURST, KENT</u></p> <p>Deferred to:</p> <ul style="list-style-type: none"> • Seek further evidence to justify the need for the replacement barn; and • Seek to negotiate (a) a landscaping scheme, including tree planting, to screen the replacement structure particularly in terms of views from the east and (b) the attachment of bird or bat boxes to the replacement structure. 	<p>24 October 2019</p>

Agenda Item 14



19/503527/OUT - Penryn, Station Road, Staplehurst, Tonbridge, Kent

Scale: 1:1250

Printed on: 10/12/2019 at 10:30 AM by JoannaW

REFERENCE NO - 19/503527/OUT		
APPLICATION PROPOSAL Outline application for demolition of existing chalet bungalow, detached garage and shed. Erection of 4no. dwellings with creation of new access and associated parking. Matters relating to access, layout, appearance, landscaping and scale reserved for future consideration.		
ADDRESS Penryn Station Road Staplehurst Tonbridge Kent TN12 0PY		
RECOMMENDATION GRANT OUTLINE PLANNING PERMISSION subject to conditions		
SUMMARY OF REASONS FOR RECOMMENDATION The proposal entails redevelopment of a site within the built up area boundary which is a sustainable location and as set in the Local Plan the focus for new development. There is sufficient space on site to accommodate the proposed development and its parking demands. The proposal would not give rise to any unacceptable impacts upon the character or appearance of the local area, residential amenity or highway safety.		
REASON FOR REFERRAL TO COMMITTEE Staplehurst Parish Council has requested the application is reported to the Planning Committee if the case officer is minded to approve.		
WARD Staplehurst	PARISH/TOWN COUNCIL Staplehurst	APPLICANT Mrs Sterba AGENT DHA Planning
TARGET DECISION DATE 06/12/19		PUBLICITY EXPIRY DATE 19/11/19

Relevant Planning History

- 75/0755 Outline application for 2 detached bungalows and garages and additional joint access Refused. Decision Date: 02.09.1975
- 64/0320/MK3 Dwelling with access. Refused. Decision Date: 20.08.1964

MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 The application site comprises a large detached bungalow, a single detached garage and shed set on a substantial verdant plot fronting Station Road. The site lies within the built confines of Staplehurst a designated Rural Service Centre in the adopted Local Plan (2017).
- 1.02 The properties in Station Road are generally set on relatively ample plots and largely set back from the road frontage behind front gardens. It is readily apparent the dwelling on the application site has a more generous plot than the other properties in Station Road, which contributes to the spacious residential character of the area. The front boundary of the site is defined by a low hedgerow planting and the front garden is laid to lawn.
- 1.03 The general streetscape consists predominantly of two-storey detached and semi-detached Victorian properties, which are relatively uniform in scale and appearance, but with some variations in dwelling design. Most of the properties on both sides of road have long rear gardens, containing a verdant landscape of mature trees and hedges, which is visible in the gaps between the dwellings. It is

also evident from the streetscape front gardens of some of the properties in the street have been transformed into hardstanding for parking.

- 1.04 Abutting the site to the north is a pair of two storey semi-detached residential property, whilst to the south there is a large detached dwelling and ancillary detached garage. The sites western boundary adjoins the much shorter rear gardens of the row of the semi-detached properties fronting Corner Farm Road.
- 1.05 Access to the single detached garage at the site from the A229 (Station Road) is gained via a short driveway in the south eastern corner of the site. There is a separate pedestrian entrance which leads to the front of the bungalow.

2. PROPOSAL

- 2.01 The application is in outline form with all matters including scale, access, layout, appearance and landscaping reserved for future consideration. It involves demolishing of the existing detached bungalow, detached garage and shed at the site, to be replaced by four semi-detached properties.
- 2.02 In demonstrating the site is capable of accommodating the scale of development, proposed, the submission is accompanied by an indicative proposed site layout plan, sectional and street scene elevational details showing how the proposed dwellings might be accommodated on site.
- 2.03 The proposed scheme has been subject to pre-application discussions with Planning Officers to arrive at the scheme which is now before Members.
- 2.04 The development is of traditional design, set back from the road frontage by approximately 14 metres. The principal elevations of the proposed pairs of semi-detached houses would front Station Road and follow the building line of the existing neighbouring dwellings to the north and south of the site.
- 2.05 The indicative site layout plan shows an acceptable spacing of between 5 and 10 metres is maintained between the proposed dwellings and existing houses to the north and south of the site. The combination of these elements, seen from the road frontage, would not create a visually cramped development.
- 2.06 The buildings are shown to have projecting front gables, bay windows and hipped end roof which are a common feature of the local architecture. They would be just under 8 metres above ground level, with eaves at 5 metres. Each pair of semi-detached properties is indicated to have a combined width of 13 metres and their depths would be approximately 14 metres. The palette of materials are shown to include Red stock facing brick and white render for external walls, and slate roof tiles which are a feature in the streetscape.
- 2.07 The indicative floor plans show pair of semi-detached properties on plots 1 & 2 accommodating a living room, dinning/kitchen, storage, utility room and WC facilities at ground floor. There would be 3 bedrooms and a master bedroom, including a family bathroom at first floor level. Whilst the pair of semis on plots 3 & 4 would have a similar internal layout.
- 2.08 The submission also indicates the extent of curtilage for each proposed dwelling including parking arrangements at the front of the houses. The rear garden provided for each property is shown to have an overall depth of approximately 53 metres and their width would range between 9 and 10 metres.
- 2.09 The development includes provision of 10 car parking spaces in total, 2 for each dwelling and 2 visitor parking spaces at the site frontage. The parking spaces provided would each have would have a width of 2.5 metres and depths of 5 metres.

- 2.10 The indicative block plans show the intensively managed hedgerow along the front boundary would be retained to a height of 2 metres to provide screening for the parking space provided close to the front boundary.
- 2.11 The development would have a central access point from the A229 (Station Road) leading to the parking and turning area provided at the front of the development.

3. POLICY AND OTHER CONSIDERATIONS

- 3.01 National Planning Policy Framework (NPPF): 47 (Determining applications); 54, 55, 56, 57 (Planning conditions and obligations); 61 (Delivering sufficient supply of homes); 124, 127, 128, 130, 131 (Good design).
- 3.02 National Planning Practice Guidance (NPPG): Design.
- 3.03 Development Plan: Maidstone Borough Local Plan (2017): Policies SS1 (Maidstone Borough Spatial Strategy); SP10 (Staplehurst Rural Service Centre); DM1 (Principle of Good Design); DM2 (Sustainable Design); DM5 (Development on Brownfield Land); DM9 Residential Extensions, Conversions and redevelopment within the built up area; DM12 (Density of Housing Development); DM23 (Vehicle Parking Standards).
- 3.04 Staplehurst Neighbourhood Plan: Policy H1, H2 and H3.

4. LOCAL REPRESENTATIONS

Local Residents:

- 4.01 The owners/occupiers of dwellings adjoining the site were notified of this application by letter and a site notice displayed in front of the site.
- 4.02 Nine representations were received from neighbours raising objection to the proposal on the following summarised grounds:
- Overdevelopment of site
 - Proposed dwellings are inappropriate for the area
 - Development out of character with the street
 - Development would have cramped appearance
 - Parking spaces provided in front of property unsightly
 - There would be an adverse impact on highway safety
 - The development would create noise pollution and traffic problems
 - There is no identified need for the proposed houses
 - Likely increase in flooding in the local area
 - Overlooking and Loss of privacy
 - Loss of light and outlook
- 4.03 Staplehurst Parish Council: Objects to the application and have recommended the application is refused for the following reasons:
- The proposal did not comply with the principles of good design of Local Plan policy DM1 sections ii (it did not respond positively to the historic character of the area), iv (it did not adequately respect the amenity of neighbours), ix (Councillors had concerns about safety of the proposed access) and xii (there was no plan for waste disposal).
 - The proposals would adversely affect the character of the street scene and amenity of local residents, contravening Local Plan policy DM9 sections i and iii; the harm to the character of the area and loss of light and outlook for neighbours would contravene Local Plan policy DM11 sections i and ii;
 - the number of vehicles accessing the site would significantly increase noise and disturbance and would thereby not comply with Local Plan policy DM11 section iv;
 - Councillors commented that the overall parking provision would be inadequate for the number of residences;

- Councillors expressed concern about the loss of natural drainage area from land which was already known to suffer from drainage problems.

4.03 The planning issues raised by neighbours and Staplehurst Parish Council are discussed in the detailed assessment below.

5. CONSULTATIONS

5.01 Environmental Health Team: Raise no objection. Comments that although the site is in an urban area, traffic noise is unlikely to be a significant problem. The EH Team further state in their comments the site is outside the Maidstone Town Air Quality Management Area and the scale and location of the development does not warrant either an air quality assessment or an Air Quality Emissions Reduction condition. The EH Team recommends installation of a publicly accessible Electric Vehicle charging point to promote a sustainable travel option.

5.02 KCC Highways and Transport: Commented stating they have no objection to the proposals, subject to the following conditions being appended to the grant of planning permission:

- Submission of a Construction Management Plan,
- Provision of measures to prevent the discharge of surface water onto the highway.
- Provision and permanent retention of the vehicle parking spaces and/or garages shown on the submitted plans prior to the use of the site commencing.
- Provision and permanent retention of the vehicle loading/unloading and turning facilities shown on the submitted plans prior to the use of the site commencing.
- Use of a bound surface for the first 5 metres of the access from the edge of the highway.
- Completion and maintenance of the access shown on the submitted plans (drawing number: DHA/13330/11 Rev A) prior to the use of the site commencing.
- Gradient of the access to be no steeper than 1 in 10 for the first 1.5 metres from the highway boundary and no steeper than 1 in 8 thereafter.
- Closure of the existing access prior to the use of the site commencing in accordance with details to be submitted to and approved by the Local Planning Authority.
- Provision and maintenance of the visibility splays shown on the submitted plans (drawing number: DHA/13330/11 Rev A) with no obstructions over 0.6 metres above carriageway level within the splays, prior to the use of the site commencing.
- Provision and maintenance of 2 metres by 2 metres pedestrian visibility splays behind the footway on both sides of the access with no obstructions over 0.6m above footway level, prior to the use of the site commencing.

6. APPRAISAL

Main Issues

6.01 The submission is in outline form with all matters reserved for future consideration. The main issues are;

- (i) Whether the site is an appropriate location for residential development;
- (ii) The effect of the development on the character and appearance of the area;
- (iii) The effect on living conditions of adjoining residents; and
- (iv) The effect of the proposal on parking conditions in the locality and highway safety.

Suitability of the location for residential development:

6.02 The application is in outline form with all matters including access, scale, layout, appearance and landscaping reserved for future consideration. Therefore, the proposal only seeks confirmation of whether redeveloping the site for four dwellings is acceptable in principle. Although the submission includes an indicative site layout plan, and elevational details demonstrating how 4 dwellings might be accommodated on site, members are advised the only issue for determination is the principle of the development.

- 6.03 The site lies within the built confines of Staplehurst a designated Rural Service Centre in the adopted Local Plan. Rural Service Centres are the second most sustainable locations in the hierarchy behind the Maidstone urban area, and therefore, policy SS1 of the adopted Local Plan directs they would be the principal focus for development outside the Maidstone urban area. The reasoned justification being that sites within these areas are highly sustainable with easy access to key services and facilities, together with a range of transport choices. Moreover, it remains preferable to make efficient use of land within built up areas instead of developing greenfield sites in the countryside. Residential gardens are excluded from the definition of previously developed land so Local Plan policy DM5 is not relevant.
- 6.04 Policy SP10 of the adopted Local Plan sets out the strategic vision for sustainable growth within the village of Staplehurst. Staplehurst is the largest of the Rural Service Centres in the Local Plan benefits from a range of facilities including a direct bus service to Maidstone Town Centre, a railway station, primary school, health centre, pharmacy, optician, chiropractic clinic, library and a public house, to mention just a few. Staplehurst is thus a suitable location for minor infill development such as that proposed, provided design and density requirements set out in policy DM1 and DM12 of the Local Plan are fully met.
- 6.05 It is of considerable significance paragraph 118(d) of the NPPF requires planning polices and decisions to promote and support the development of under-utilise land and buildings, where this would help meet identified housing needs. The Framework advice at 123(c) applications which fail to make efficient use of land should be refused. From the observations made at my site visit, the bungalow dwelling on the application site is built on a more generous plot compared with other properties in this part of Station Road. The proposal would redevelop the site to a density that is consistent with the local built density, thereby optimising the use of the land in this highly sustainable location, to help meet identified housing needs in the borough.
- 6.06 The NPPF promotes the creation of high quality buildings and places, requiring development to function well and add to the overall quality of an area, whilst being sympathetic to the local character and history (paragraph 127). The application site is in a relatively prominent location that is highly visible when travelling in both directions on Station Road. Considering the development would be sufficiently stepped back from the road frontage and designed to reflect the residential character of the street, it would not appear out of place within its setting, or injure the established character of the local area.
- 6.07 It is obvious the proposal would result in a much larger built form than the existing dwelling at the site. The adopted Local Plan policy DM12 and the NPPF promote higher densities in locations close to facilities and public transport. The scheme is proposed on a site area is 0.32 hectares, which represents a site density of 12.5 dwellings per hectare which accords with the parameters set out in Policy DM12 of the Local Plan, which considered a net density of 30 dwellings per hectare to be acceptable at this type of locations. Members would note the above factors overwhelmingly points to the acceptability of the principle of increased residential density at this location, which weighs heavily in favour of this application.
- 6.08 Such strong justification within the Local Plan and NPPF means it would be difficult to substantiate any objections to the principle of redeveloping the site as proposed.
- Effect on the character and appearance of the local area
- 6.09 Although submitted in outline form with all matters reserved for future determination, the scheme is supported by a proposed indicative site layout plan, sectional and street scene elevational details demonstrating how the proposed development might be accommodated on site. It is therefore necessary to assess its effects on the character and appearance of the local area.

- 6.10 Policy DM1 requires proposals to create high quality design which responds positively to and where possible enhance the character of the area. It states that particular regard should be paid to scale, height, materials, detailing, mass, bulk, articulation and site coverage. Furthermore, policy DM12 of the Local Plan seeks to ensure that, amongst other things, housing in built up areas is in scale and character with the area and has no unacceptable effect on the existing context and character of the surroundings.
- 6.11 The application site is surrounded by residential development and their gardens on three sides. The proposal would result in the erection of two pairs of semi-detached properties largely on the footprint of the existing bungalow at the site. The proposed dwellings are indicated to follow the prevailing pattern of development in the locality in both width and depth and the height, and such positioning would not significantly compromise the sense of space and openness within the locality due to the scale, set back and indicated height of the proposed development. As such, the development if implemented would not appear obtrusive when considering that other houses surrounding the application site are two storeys in height, with the dwelling to the south (The Gables) slightly taller.
- 6.12 Further members would note the dwellings are appropriately set back from the road frontage and the principal elevation would align with the prevailing building line of existing neighbouring development. The front elevation would include gables, bay windows and hipped end roofs, which are a common feature of the local architecture. The materials proposed would blend well with the local palette of materials being red stock facing brick and white render for external walls and slate roof tiles which are a feature in the street. As a result of this, I consider the proposal would integrate well within the existing street scene.
- 6.13 The indicative block plan shows the existing intensively managed hedgerow along the front boundary, would be retained to a height of 2 metres which would help maintain the site's verdant character in views from the streetscape at Station Road, whilst providing screening for the parked cars on frontage, thereby minimising their impact in the streetscape.
- 6.14 The density of the development has been referred to by neighbours and the Parish Council in their objections. In my view, for the reasons explained above, the dwellings would be in keeping with the pattern of development in the local area and would therefore not appear out of keeping with the general density levels in this established residential location. It would accord with the parameters set out in Policy DM12 of the Local Plan, which considered a net density of 30 dwellings per hectare to be acceptable at this type of locations.
- 6.15 Neighbours have expressed concern the development would appear cramped and overshadow their properties and rear gardens. The spacing between existing buildings in Station Road is generally fairly restricted, and whilst the proposed dwellings would be close to the side boundaries, a reasonable gap of approximately 5 metres would remain between the proposed development and the existing dwelling to the north (Brookfield) and with a substantial gap of 10 metres with the dwelling to the south of the site (The Gables), which would prevent the development appearing cramped. Although, there would be a reduction in the existing spacious residential character of the site, the indicative scheme would replicate the character of neighbouring development, resulting in an unassuming change in the streetscape.
- 6.16 I also note the neighbour comments stating the development would be out of character with the local area. There is already a considerable variety of local building designs that include detached, semi-detached and bungalow dwellings and the more recent contemporary Staplehurst Free Church building. Therefore, whilst the proposed development would not necessarily replicate the character of The

Gables, it would nonetheless reflect other buildings in the local area and be of high quality design that utilises architectural styles, fenestration and form of roof configuration that is in keeping with the visual character of the area, and as such the development would assimilate well in the local area.

- 6.17 Given the above considerations the development would not result in any undue harm to the character and appearance of the surrounding area as a result of its scale, form, plot coverage or location. It would therefore comply with Policies SS1, SP10, DM1 and DM12 of the Maidstone Borough Council Local Plan and Staplehurst Neighbourhood Plan insofar as they seek to ensure that new development protects the character and appearance of the area.

The effect on living conditions of adjoining residents:

- 6.18 The core principles set out in the NPPF state that planning should 'always seek to secure high quality design and a good standard of amenity for all existing and future occupants of buildings. Policy DM1 advises that development should respect the amenities of occupiers of neighbouring properties and uses by ensuring that development does not result in excessive noise, activity or vehicular movements, overlooking or visual intrusion.
- 6.19 The indicative site layout and floor plans for the development provides a good standard of residential accommodation overall with adequate daylight, sunlight and privacy provision. Residential amenity within the proposed layout is acceptable and accords with current standards. There would be a separation distance of approximately 10 metres (flank to flank) with the gables to the south of the site, whilst to the north the gap would be approximately 5 metres. The gap between the proposed semi-detached dwellings would be 3 metres. The layout of the proposed dwellings and their relationship with the existing dwellings is such that, in my view, there would be no significant harm to residential amenity of the occupiers of these dwellings.
- 6.20 The first floor northern and southern elevations of the dwellings have been sensitively designed such that there are no windows serving habitable rooms facing these elevations. All the windows on this elevation serve shared bathrooms, which can be conditioned to be glazed in obscure glass at reserved matters stage to afford occupiers of adjoining properties an acceptable level of privacy. All windows to habitable rooms will be to the front (east) and rear (west) of the dwellings. Considering the separation distances between the proposed development and dwellings within Corner Farm Street, at the rear of the site, would be in the region of 60 metres, and it is considered that a suitable level of separation exists, that no significant harm to the amenity of existing neighbouring occupiers would result.
- 6.21 Neighbours have raised objection regarding the impact of the development on their residential amenities, in particular, neighbours Broomfield and The Gables. Whilst there is likelihood that the presence of the proposed buildings will be felt by existing residential neighbours, the available separation distance is enough to minimise any impact on these neighbours (in terms of loss of light, overbearing and overlooking) to acceptable levels. In addition, it is also considered that the resultant relationship of the proposed development to neighbouring properties is typical of development within sustainable location such as this one. I do not consider that any harm to neighbour amenity that may be caused by the development will be harmful enough to justify a refusal of the application on this ground.
- 6.22 The reasonable separation distance provided between the proposed development and the existing dwellings to north of the site Broomfield and the dwelling to the south 'The Gables', is such that I do not consider that the proposal would have an unneighbourly or overbearing impact on the outlook from these houses or its associated garden area. Furthermore, it would not appreciably reduce the level of sunlight reaching the neighbour's rear garden. I am satisfied that there are no

unacceptable overlooking or overbearing issues from the indicative layout, therefore residential amenity of the existing dwellings as required by policy DM1 of the Local Plan would be protected.

- 6.23 The development would not create any significant noise issues or be significantly affected by traffic noise. Neighbours have raised concerns about the adverse impact of construction noise that would result from the proposed scheme. I recognise that there is the potential for construction to cause harm to residential amenities if carried out at unsociable hours and consider it necessary to append a condition requiring submission of a construction management plan with controls on construction hours. Taking all the above into account, I do not believe that the proposal would give rise to unacceptable harm to residential amenities.
- 6.24 Overall, it is therefore considered that a development of a two pairs of semi-detached properties at this site would not harm the residential amenity of neighbouring dwellings, and as such the development is considered acceptable and complies with Policy DM1 of the Local Plan.

Impacts on parking and highway safety:

- 6.25 A central access point from the A229 (Station Road) is proposed for the development and adequate turning is provided within the site. The KCC Highways Officer advises that the indicated access point from Station Road is acceptable and appropriate visibility can be achieved. They have no objection to the planning application, subject to conditions (as recommended) to be attached if members were inclined to grant permission for the development. The provision of electric car charging points and site's sustainable location makes the proposed highway arrangement acceptable.
- 6.26 I note the comments from neighbours stating that the development would exacerbate parking issues in the area. The Local Plan recommends provision of a minimum of 2 car parking spaces for a new 4 bedroom house in urban locations. The proposed development includes the provision of 2 car parking spaces for each dwelling, including 2 visitor parking spaces, which is consistent with the recommended standards. Overall, parking levels within the scheme are satisfactory, averaging at 2.25 spaces per dwelling. The site is in a relatively sustainable location and is within walking distance of the village centre and services including doctors' surgery, shops and a primary school.
- 6.27 The dimensions of parking spaces proposed within the site for the development would be consistent with accepted standards. There is sufficient hardstanding within the site for the turning requirements of both private cars and medium sized service vehicles. Therefore, I do not consider that the development would be likely to exacerbate parking issues in the area. There is also room within the site to accommodate cycle parking for each proposed dwelling at reserves matters stage.
- 6.28 Neighbours have raised concerns about the impact of the development on the local road network. Considering the small scale of the development, additional traffic movements that would be generated on the surrounding road network would be limited and unlikely to significantly increase congestion. I note that KCC Highways and Transport have not raised any objection to the proposal in this respect. Overall, on this basis and for the reason set out above, I take the view that the impact upon highway capacity, safety and amenity would be acceptable.
- 6.29 Government guidance in the NPPF advises that development proposals should only be refused on transport grounds where the residual cumulative impact of the development is severe and cannot be mitigated by off site improvement to the transport network. Members will note that many of the concerns raised by local residents and the Parish Council relate to the potential impact of the development on the local road network and associated highway safety, particularly the suitability

of the proposed access point to the site for this level of development. The increase in traffic resulting from this proposal would not be significant as to raise overriding planning objections on highways safety grounds.

- 6.30 Considering the scale of the proposal and notwithstanding the comments from local residents on this matter, there is no substantive evidence to suggest the proposals would result in a material increase in demand for on-street parking in the locality or that the proposals would give rise to added congestion on the local road network, which would cause irritation and inconvenience to the local residents. This leads me to conclude the residual effects of this proposal on parking and highways safety would not be so significant as to justify a refusal of planning permission.

Landscaping

- 6.31 Members will note that landscaping is a matter reserved for future consideration. In my view, there is nothing inherent within the site or the amount and type of development proposed that would prevent an effective and appropriate landscaping scheme from being achieved at reserved matters stage. Whilst the details of the landscaping of the development is to be reserved for later determination, the size of the indicated front, side and rear gardens offers the opportunity to create a suitable landscaped area around the edges of the development, which will retain much of the verdant character of the site.

Impact on Ecology:

- 6.32 Paragraph 170 of the NPPF and policy DM3 of the Local Plan requires planning decisions to minimise impacts on and provide net gains for biodiversity. It is therefore essential that the presence or otherwise of protected species and the extent that they may be affected by the proposed development, is established at this stage, as required by Paragraph 99 of ODPM 06/2005, to ensure the ecological interest of the site is fully understood and taken into account in determining the planning application.
- 6.33 The scheme is supported by a Preliminary Ecological Appraisal by Green Space Ecological Solutions, which identifies habitats at the site has a potential to provide foraging opportunities for commuting bats. The Ecology Report further identifies suitable nesting habitat for birds exist on the site in the form of trees, hedges and scrub, recommending works to these areas (where necessary) are conducted outside the core breeding period for birds. The report state on site habitats offers limited suitability for hazel dormice and there is poor connectivity to other areas of suitable habitat within the wider landscape which makes it unlikely for hazel dormice to be present on site. Therefore, no further consideration is required in this respect.
- 6.34 Although majority of the site has low suitability for reptiles, the report nonetheless recommends a precautionary approach, including grass clipping and removal of rubble piles by hand under supervision of an ecologist in case of occupancy by reptiles. The report also sets out a Phased Habitat Manipulation plan as a further precaution, whilst concluding the long-term direct impacts of the development on these habitats will be minimal. The recommendations set out for biodiversity enhancements within the site includes the following:
- i. Installation of bird boxes onto buildings and trees within the site;
 - ii. Installation of bat boxes in suitable locations;
 - iii. Incorporation of a wildlife-friendly planting scheme;
 - iv. Construction of log and brash piles on the site boundaries; and
 - v. Incorporation of hedgehog boxes at suitable locations.
- 6.35 The Ecology report submitted is sufficient to fully understand the impact of the development on biodiversity interest at the site, and I am convinced the measures contained in the report are appropriate in providing suitable mitigation to ensure protected species are harmed. These measures can be secured by a suitably worded planning condition should members be minded to grant planning permission.

Other Matters

- 6.35 Neighbours are concerned the development would exacerbate flooding issues at the site. The development is not in a recognised flood zone and I am convinced any localised flooding issues at the site can be sufficiently mitigated by the implementation of a sustainable drainage scheme to be secured by the imposition of a planning condition requesting submission of details of a sustainable drainage scheme for prior approval in writing by the local planning authority if members were inclined to grant planning permission.
- 6.36 The proposed development is CIL liable. The Council adopted a Community Infrastructure Levy on 25 October 2017 and began charging on all CIL liable applications approved on and from 1 October 2018. The actual amount of CIL can only be confirmed once all the relevant forms have been submitted and relevant details have been assessed and approved. Any relief claimed will be assessed at the time planning permission is granted or shortly after.

Public Sector Equality Duty:

- 6.37 Due regard has been had to the Public Sector Equality Duty, as set out in Section 149 of the Equality Act 2010. It is considered that the application proposals would not undermine objectives of the Duty.

7. CONCLUSION

- 7.01 The Maidstone Borough Local Plan and revised NPPF (2019) encourages housing development where it would support housing supply, in locations where an efficient use of land can be made and where jobs, shops and services are reasonably accessible by modes other than private cars. In this regard, the current residential use of the site in a highly sustainable location carries significant weight. Therefore, developing the site for residential housing cannot be resisted in principle and the quantum, layout and form of development indicated is acceptable and appropriate for the site's context.
- 7.02 The proposal when taken as a whole represents an acceptable windfall development which for the reasons set out above, will not result in any significant material harm to the character, appearance and visual amenity of the local area. It would not have an adverse impact on the amenities of surrounding occupiers or raise any overriding parking or highway safety issues. The development complies with all the relevant policies of the Development Plan, provisions of the revised NPPF (2019), and Staplehurst Neighbourhood Plan such as are relevant, and all other matters can suitably be addressed through appropriate conditions and the reserved matters submission. Approval is therefore recommended.

8. RECOMMENDATION

- GRANT planning permission subject to the following conditions:
- 1) Details relating to the layout, scale and appearance of the proposed building, the access thereto and the landscaping of the site shall be submitted to and approved by the Local Planning Authority before any development is commenced.
Reason: In pursuance of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
 - 2) Application for approval of reserved matters referred to in Condition (1) above must be made not later than the expiration of three years beginning with the date of the grant of outline planning permission.
Reason: In pursuance of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.
 - 3) The development to which this permission relates must be begun not later than the expiration of two years from the final approval of the reserved matters or, in the

case of approval on different dates, the final approval of the last such matter to be approved.

Reason: In pursuance of Section 92 of the Town and Country Planning Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

- 4) The development hereby permitted shall be carried out in accordance with the following approved plans:-
 - DHA/13330/11A (Proposed Block Plan)
 - DHA/13330/12A (Proposed Site Layout Plan)
 - DHA/13330/17A (Prop Section and Street Scene Elevation)
 - DHA/13330/13 (Plots 1, 2 Proposed Floor Plans)
 - DHA/13330/14 (Plots 1, 2 Proposed Floor Plans)
 - DHA/13330/15 (Plots 3, 4 Proposed Floor Plans)
 - DHA/13330/16 (Plots 3, 4 Proposed Elevations)
 - Preliminary Ecological Appraisal dated May 2019
 - Planning StatementReason: For the avoidance of doubt and in the interests of proper planning.
- 5) Prior to the commencement of development, (excluding demolition) details shall be submitted to the Local Planning Authority and approved in writing, which set out what measures have been taken to ensure that the development incorporates sustainable construction techniques such as water conservation and recycling, renewable energy production including the inclusion of solar thermal or solar photo voltaic installations, and energy efficiency. Upon approval, the details shall be incorporated into the development as approved.
Reason: In the interest of promoting energy efficiency and sustainable development.
- 6) Prior the commencement of development above damp proof course, details of a minimum of one EV rapid charge point per dwelling (of 22kW or faster) should be submitted for approval by the Local Planning Authority. Once approved, the details shall be implemented prior occupation of the dwellings and retained thereafter.
Reason: To promote the reduction of CO2 emissions through the use of low emissions vehicles in accordance with paragraph 35 of the NPPF.
- 7) The details submitted pursuant to condition (1) above shall show adequate land, reserved for the parking of 10 cars (in accordance with the currently adopted Kent County Council Vehicle Parking Standards) which land shall be kept available for this purpose at all times and no permanent development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Order) or not shall be carried out on such land or in a position as to preclude vehicular access thereto; such land and access thereto shall be provided prior to the occupation of the dwelling hereby permitted.
Reason: Development without adequate provision for the parking of cars is likely to lead to car parking inconvenient to other road users and in a manner detrimental to highway safety and amenity.
- 8) Before commencement of the development (including demolition) hereby approved on site provision shall be made for construction vehicle loading/unloading and turning along with parking for site personnel and visitors. These measures shall be retained until the development phase of the development hereby approved is completed.
Reason: In the interests of the free flow of traffic of traffic and highway safety.
- 9) No surface water shall discharge onto the public highway.
Reason: In the interests of the free flow of traffic of traffic and highway safety.

- 10) The first 5m of the vehicular access from the edge of the highway shall be constructed of bound material, and development shall not commence until, details of the proposed surface dressing have been submitted to and approved in writing by the Local Planning Authority and the approved dressing shall be provided prior to the first occupation of the building or land.
Reason: In the interests of highway safety.
- 11) The vehicular access from Station Road shall be completed before first occupation of the buildings hereby permitted and thereafter the sight lines shall be maintained free of all obstruction to visibility above 0.6 metres above carriageway level within the splays, as shown on drawing number: DHA/13330/11 Rev A). The gradient of the access shall be no steeper than 1 in 10 for the first 1.5 metres from the highway boundary and no steeper than 1 in 8 thereafter.
Reason: In the interests of road safety.
- 12) Prior to the first use of the vehicular access, a pedestrian visibility splays of 2 metres by 2 metres behind the footway on both sides of the access shall be provided and maintained with no obstructions over 0.6m above footway level.
Reason: In the interests of road safety.
- 13) The development hereby permitted shall not commence above slab level until a scheme for the permanent closure of the existing vehicular access off Station Road in the south eastern corner of the site has been secured and approved by the Local Planning Authority and the approved scheme shall be completed within 12 weeks of the new access being available for use.
Reason: In the interests of road safety.
- 14) Prior to the commencement of development (including demolition), a programme for the suppression of dust during the construction of the development shall be submitted to and approved in writing by the Local Planning Authority. The measures approved shall be employed throughout the period of construction unless any variation has been approved by the Local Planning Authority.
Reason: In the interests of residential amenity.
- 15) No construction work in connection with the development shall take place on any Sunday or Bank Holiday, nor on any other day except between the following times:- Monday to Friday 0800 - 1800 hours, Saturdays 0830 - 1300 hours unless in association with an emergency or with the prior written approval of the Local Planning Authority.
Reason: In the interests of residential amenity.
- 16) The wildlife safeguarding and habitat improvement measures set out in the Preliminary Ecological Appraisal undertaken by Greenspace Ecological Solutions Ltd. dated May 2019 shall be implemented in strict accordance with the submitted details prior to first occupation of the dwellings hereby approved.
Reason: To ensure that adequate provision is made for wildlife in accordance with the provisions of the NPPF.
- 17) Prior to the commencement of development (excluding demolition), full details of both hard and soft landscape works shall have been submitted to and approved in writing by the Local Planning Authority. These details shall include existing trees, shrubs and other features, planting schedules of plants, noting species (which shall be native species and of a type that will encourage wildlife and biodiversity), plant sizes and numbers where appropriate, means of enclosure, hard surfacing materials, and an implementation programme.
Reason: In the interests of the visual amenities of the area and encouraging wildlife and biodiversity.

- 18) Any trees to be retained must be protected by barriers and/or ground protection in accordance with BS 5837 (2005) 'Trees in Relation to Construction-Recommendations'. No work shall take place on site until full details of protection have been submitted to and approved in writing by the Local Planning Authority. The approved barriers and/or ground protection shall be erected before any equipment, machinery or materials are brought onto the site and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed, nor fires lit, within any of the areas protected in accordance with this condition. The siting of barriers/ground protection shall not be altered, nor ground levels changed, nor excavations made within these areas without the written consent of the Local Planning Authority;
Reason: To safeguard existing trees to be retained and to ensure a high quality development.
- 19) The submitted Landscaping details shall be implemented in the first available planting season following first occupation of the development hereby approved. Any part of the approved landscaping scheme that is dead, dying or diseased within 5 years of planting shall be replaced with a similar species of a size to be agreed in writing beforehand with the Local Planning Authority.
Reason: In the interests of visual amenity.
- 20) Prior to the commencement of development (excluding demolition), details of the implementation, maintenance and management of the sustainable drainage scheme shall 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: In the interests of sustainability.
- 21) Upon completion, no further development, whether permitted by Classes A, B, C or D of Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order) or not, shall be carried out without the prior permission in writing of the Local Planning Authority.
Reason: In the interests of the amenities of the local area.
- 22) The development hereby permitted shall not commence above slab level until details of refuse storage and collection arrangements have been submitted to and approved in writing by the local planning authority with the approved details in place prior to first occupation of the approved dwellings.
Reason: In the interests of the amenities of the local area.

INFORMATIVES

- 1) The proposed development is Community Infrastructure Levy liable. The actual amount of CIL can only be confirmed once all the relevant forms have been submitted and relevant details have been assessed and approved. Any relief claimed will be assessed at the time planning permission is granted or shortly after.
- 2) It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.
- 3) The applicant is advised to comply with the Mid Kent Environmental Code of development Practice.

19 December 2019

- 4) Attention is drawn to Approved Document E Building Regulations 2010 "Resistance to the Passage of Sound" - as amended in 2004 and 2010.
- 5) 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.
- 6) 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
- 7) Any use of waste on the site would require authorisation from us either as an exempt or permitted operation. Any waste material removed from site must also correctly follow duty of care procedures, with all loads documented by waste transfer notes.
- 8) Clean uncontaminated roof water should drain directly to the system entering after any pollution prevention methods.
- 9) Any drainage design must be protective of the groundwater and in line with Environmental Agency's 'Groundwater Protection: policy and practice (GP3)' for the use of infiltration techniques to be approved.

Case Officer: Francis Amekor

20 m
100 ft



19/503532/OUT - 3-5 Kings Road, Headcorn, Ashford, Kent, TN27 9QT

Scale: 1:1250

Printed on: 10/12/2019 at 10:34 AM by JoannaW

REFERENCE NO -19/503532/OUT		
APPLICATION PROPOSAL Outline application with access matters sought for demolition of two existing buildings and erection of four residential dwellings. (Matters of appearance, landscaping, layout and scale are reserved for future considerations).		
ADDRESS 3-5 Kings Road Headcorn Ashford Kent TN27 9QT		
RECOMMENDATION Grant Outline Planning Permission subject to planning conditions		
SUMMARY OF REASONS FOR RECOMMENDATION The proposal involves the removal of a potentially unneighbourly commercial development. It has been demonstrated that the site is capable of accommodating 4 dwellings as a minor infill in a manner that is acceptable in its amenity, highways, flooding and wildlife impacts while making a windfall contribution towards meeting housing supply in the Borough.		
REASON FOR REFERRAL TO COMMITTEE Recommendation to grant permission contrary to the views of Headcorn Parish Council		
WARD Headcorn	PARISH/TOWN Headcorn	COUNCIL APPLICANT Mr R Hawkes and Mrs L Alexander AGENT DHA Planning
TARGET DECISION DATE 30/11/19		PUBLICITY EXPIRY DATE 17/10/19

Relevant Planning History:

The application site is part of and provides emergency access from Kings Road to the main part of the allocated housing site H1(36) located to the north. The following permissions have been granted to site H1(36):

- Application 15/503325/HYBRID: Outline application for development of up to 220 houses together with areas of open space, a nature conservation area, landscaping, new access onto Ulcombe Road and improved access to Kings Road (access being sought) plus change of use of land to school playing field - hybrid application (Resubmission of application 14/505284/OUT).
- (Application 17/505499/REM: Approval of Reserved Matters following 15/503325/HYBRID (Outline application for development of up to 220 houses together with areas of open space, a nature conservation area, landscaping, new access onto Ulcombe Road and improved access to Kings Road (access being sought) plus change of use of land to school playing field - hybrid application (Resubmission of application 14/505284/OUT)) -Appearance, Landscaping, Layout and Scale being sought.

MAIN REPORT

1. SITE DESCRIPTION

- 1.1 The application site has an area of 0.11 hectares and lies on the north side of Kings Road in the Local Plan designated Rural Service Centre of Headcorn.
- 1.2 Immediately abutting the site to the west is 1 Kings Road, which is a detached residential dwelling. Further residential accommodation is located opposite the site

together with the White Horse Public House. Headcorn Primary School is to the east of the site. There is a watercourse running to the north of the site.

- 1.3 The site is occupied by two vacant commercial units (Use Class B8 Storage and Distribution - total floorspace of 457 square metres). The first building is parallel with the road (eaves height 5.1 metres, ridge height 7.7 metres), the end of the second building faces the front of the site (eaves height 4.6 metres, ridge height 7.2 metres) An access road runs between the buildings with large areas of hardstanding to the rear of the buildings with grassed areas to the front of the site.
- 1.4 The current application site and the land to the north is allocated housing site H1 (36)) with the allocation specifying that emergency/pedestrian and cycle access will be taken from Kings Road through the application site. The proposed layout replicates the existing layout retaining the current access provided between the buildings.
- 1.5 Whilst the local plan shows the site within Flood Zones 2 and 3, more precise modelling using Environment Agency data has shown the site in flood zone 1. Whilst the site is in the designated Landscape of Local Value (forming part of the Low Weald) the site is in the built up area of the Headcorn Rural Service Centre.
- 1.6 The ordnance survey map appears to show that the application site includes 3, 7 and 9 Kings Road, however the applicant has confirmed that this is incorrect. The applicant has confirmed that the address of the two buildings on the site are 3 and 5 Kings Road and that the Post Office has no record of 7 and 9 Kings Road.

2. PROPOSAL

- 2.1 Outline planning permission is sought for the demolition of the existing buildings and the erection of four no. 3 bedroom residential dwellings.
- 2.2 All matters are reserved except for access. Indicative design, siting and layout plans have been submitted seeking to demonstrate the site is capable of accommodating the scale of development in line with the Councils normal standards. The dwellings are provided on the indicative layout as a terrace of three properties with accommodation in the roofspace and a detached dwelling.
- 2.3 The proposals also remove areas of concrete hardstanding which will be replaced with permeable surfacing.
- 2.4 The application is accompanied by a Flood Risk Assessment, preliminary ecological appraisal and bat emergence report.
- 2.5 A renewables statement has also been submitted specifying the following measures:
 - PV panels on all appropriate roof slopes of the four new dwellings.
 - Energy saving measures including the use of low energy lighting, energy metering, double glazing and controls to dynamically adjust heating, ventilation, cooling, hot water generation to reduce carbon emissions and maximise energy efficiency.

3. POLICY AND OTHER CONSIDERATIONS

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Maidstone Borough Local Plan 2017: SP5, SP7, SP22, H1(36), EMP1, DM1 and DM5

Headcorn Neighbourhood Plan

Very limited weight is attached to Headcorn Neighbourhood Plan for the reasons set out below.

At a meeting of the Strategic Planning, Sustainability and Transportation Committee on 13 June 2017 Maidstone Borough Council formally resolved not to move the Headcorn Neighbourhood Development Plan to referendum under Schedule 4B of the Town and Country Planning Act 1990. This means the Headcorn Neighbourhood Development Plan will not become part of the statutory development plan for Maidstone Borough. Consequently the plan will not be used to determine planning applications in the Headcorn neighbourhood area. Reasons for decision: The examination of the Headcorn Neighbourhood Development Plan concluded that the Plan does not meet the basic conditions and is therefore not able to move to referendum.

4. LOCAL REPRESENTATIONS

- 4.1 1 objection received from a local resident stating that building 4 more houses in an area that is already overdeveloped will cause further disruption and there is no need for new housing.
- 4.2 1 letter of support of the scheme, subject to the omission of windows (or provision of opaque glazing) in western gable of terrace in order to protect privacy and the provision of vehicular access to 1 Kings Road

5. CONSULTATIONS

(Please note that summaries of consultation responses are set out below with the response discussed in more detail in the main report where considered necessary)

5.1 **Headcorn Parish Council:** Object on the following grounds:

- Excessive density (should be 3.3 and not 4 houses) therefore conflicting with policy DM12.
- Lack of parking for both residents and visitors – will cause overspill parking into parking allocated for public use created to compensate for loss of spaces on Kings Road that will be lost when traffic lights installed as a requirement of the Ulcombe Road housing development.
- Given allocated housing provision along with significant number of unsold houses no need for these houses.
- Site was the subject of localised flooding as recently as April 2018 and have photographs showing this.
- Site includes the Emergency Vehicle access serving the housing development permitted in Ulcombe Road.
- Houses are three storey and therefore contrary to the Headcorn neighbourhood plan and out of character with other buildings in the local vicinity.

5.2 **Kent Highways:** No objection. Information has been submitted that addresses the following original comments

- The required visibility splays are not provided.
- Level of parking provision is considered appropriate to ensure overspill parking does not occur on the local highway.
- The site's emergency access relationship with the Ulcombe Road Development should not be compromised.
- Swept path analysis of access required to demonstrate its suitability as well as confirmation regarding the details at the emergency access crossover point with the adjoining site.

5.3 **Environmental Health Officer:** No objection

5.4 **Environment Agency:** No objection subject to a condition to retain and protect the buffer zone adjoining the River Beult in the interests of wildlife.

5.5 **KCC Ecology:** No objection subject to the following

- Have reviewed the submitted information and advise it is sufficient for the determination of the planning application.

- Detailed mitigation/enhancement requirements must be submitted/implemented as a condition of any planning permission.
- Roosting Bat surveys confirmed the presence of 4 roosts of Common Pipistrelle (2 separate roosts in each building) and an outline mitigation strategy has been suggested.
- The proposed demolition of the two buildings will result in the loss of several confirmed bat roosts. Bats are European protected species and Maidstone BC must have sufficient information to address the requirements of the EC Habitats Directive when making the planning decision. It has been confirmed that offences will be committed if the works take place without a European Protected Species Mitigation Licence (EPSML).
- The Council must consider whether it is likely that a EPSML will be granted by applying three derogation tests being
 - The development activity must be for imperative reasons of overriding public interest or for public health and safety;
 - There must be no satisfactory alternative; and
 - The favourable conservation status of the species must be maintained.
- Only able to comment on the third test as the first two tests must be considered of the planning balance.
- Advise sufficient survey information has been submitted to inform a detailed mitigation strategy and satisfied that sufficient mitigation has been proposed to maintain the favourable conservation status of the bats.
- The detailed bat mitigation strategy, along with an updated site plan demonstrating that it will be implemented on site must be submitted and implemented as a condition of any planning permission.
- The proposal provides opportunities to incorporate features beneficial to wildlife, such as native species planting or the installation of bat/bird nest boxes and advise measures to enhance biodiversity are secured as a condition of any planning permission.
- Ecological enhancements measures should to be over and above any mitigation measures. As such, the suggested bat boxes enhancements have to be in addition of any bat boxes suggested in the bat mitigation strategy.

6. APPRAISAL

6.1 The key issues are principle, impact on the character and setting of the locality, amenity, highways, flooding and wildlife considerations.

Principle:

6.2 Whilst the site is in the designated Landscape of Local Value (forming part of the Low Weald) the site is in the built up area of the Headcorn Rural Service Centre and on this basis no harm is identified to the LLV.

6.3 After the urban area, the local plan identifies rural service centres like Headcorn as the most sustainable locations in the borough. The development is therefore principally subject to policies SP5 and SP7 of the local plan. In response to neighbour and parish council comments, whilst the council currently has the necessary 5 year housing land supply, this is a rolling housing land target and as a result the current housing land supply is not grounds to refuse planning permission for additional dwellings. In addition it is highlighted that the council is currently considering information received from the recent call for sites process with the aim of meeting future housing land supply needs.

6.4 Policy SP5 relating to rural services centres generally, amongst other things, allows minor development such as infilling, redevelopment of previously developed land of

a scale appropriate to the size of the village and the retention and improvement of existing employment sites.

- 6.5 The loss of the currently vacant buildings on the site (Use Class B8 storage and distribution) and the generally low level employment that is provided by B8 uses, has already been considered as part of the local plan adoption process. The current application site falls within the allocated housing site under ref: H1(36) Policy H1(36) requires emergency/pedestrian and cycle access be taken from Kings Road.
- 6.6 Whilst listing a net density of 30 dwellings per hectare Local Plan policy DM 12 states that the overriding consideration is that all new housing reflects local context and that proposals that fail to make efficient use of land for housing, having regard to the character and location of the area, will be refused permission. The Parish Council have highlighted that a density of 30 dwellings per hectare would amount to 3.3 dwellings rather than the 4 proposed. The submitted proposal complies with policy DM12 as the density is consistent with achieving good design and does not compromise the character of the area in which it is situated.
- 6.7 Local Plan policy DM 5 states that proposals for development on previously developed land (brownfield land) in rural service centres that make effective and efficient use of land will be permitted where they meet a number of listed criteria. The current application meets the requirements of policy DM5 as the site is not of high environmental value. The density of new housing proposals reflects the character and appearance of the area and is consistent with policy DM12.
- 6.8 In summary, the loss of the existing vacant buildings and the provision of residential accommodation on the current application site is acceptable subject to the assessment below of other material planning considerations

Impact on character and setting of the locality:

- 6.9 The current outline application is considering access only with all other matters reserved for future assessment. The indicative layout plan largely reflects the size and siting of the existing buildings occupying the site.
- 6.10 It is considered the indicative details demonstrate it is possible to erect 4 dwellings on this site meeting block spacing, usable amenity space, parking, turning and landscaping requirements in a manner that will not materially harm the character or layout of the locality. The indicative layout demonstrates that the application site can be redeveloped while ensuring that the emergency access for housing development to the north of the site is not compromised.
- 6.11 It is therefore considered the proposal represents an example of a minor infill in accordance with the provisions of policy SP5.

Amenity:

- 6.12 Immediately abutting the site to the west is the detached residential property at 1 Kings Road.
- 6.13 Uses similar to that on the application site (B8 storage and distribution) are generally directed to industrial estates as they have the potential to harm amenity in residential areas. This type of use is also normally heavily restricted next to residential properties (for instance operating hours) which limits business flexibility and can place a burden on business operations.
- 6.14 The removal of the commercial use from the application site and its replacement with dwellings would remove an incompatible use and bring an uplift to residential amenities (having the potential to cause visual intrusion, noise and disturbance).

- 6.15 In addition the indicative layout plans demonstrate it is possible to site the new dwellings to ensure they will have an acceptable 'dwelling flank to flank' separation distance with 1 Kings Road. To protect the privacy of 1 Kings Road windows above 1st floor level on the west facing elevation of dwelling A should be obscured.
- 6.16 Other nearby dwellings are on the opposite side of Kings Road. These buildings should experience a visual improvement as a result of replacing commercial buildings with residential dwellings. The replacement buildings better reflecting the scale and character of the area.
- 6.17 Turning to the amenity of the future residents, the submitted plans demonstrate the site is capable of accommodating 4 dwellings while providing an acceptable standard of residential amenity for occupants.
- 6.18 Regarding proximity to the primary school abutting the site to the east. The school buildings (which are low profile) are set just under 10 metres off the site boundary. Subject to additional screen planting along this boundary, neither the bulk of the school buildings or school activities should have any material impact on the outlook or amenity of future residents.

Highways:

- 6.19 As traffic generated by the site will be reduced (commercial use having the potential for significantly greater traffic generation than 4 houses), the use of the existing and retained access for emergency purposes will not be compromised.
- 6.20 With on street parking controls along Kings Road (see Local Plan Appendix B), this location has characteristics that are more in keeping with a suburban area (as opposed to a village or rural area) and in these locations the proposed 8 houses require a total of 6 resident spaces with 0.8 spaces for visitors (1.5 residents and 0.2 visitors per unit). The development will provide 7 off street car parking spaces. In the event that the site is considered a rural location, whilst the standard requires 8.8 car parking spaces (2 residents and 0.2 visitors per unit) the provision is still considered acceptable with double yellow lines outside the site and restricted parking bays opposite.
- 6.21 The proposal is acceptable in relation to highway impacts. The applicant submitted additional information in response to a number of concerns and Kent Highways have subsequently confirmed they have no objection to the proposal.

Flooding:

- 6.22 The council's GIS system shows the site falls within flood zones 2/3. The submitted Flood Risk Assessment (FRA) states that flood levels have been obtained from the Environment Agency and that 1 in 100-year flood level plus an allowance for climate change of 19.77m AOD (Flood Zone 3) shows the area to be developed for the new dwellings within Flood Zone 1 even when taking into account an allowance for anticipated climate change.
- 6.23 As such 'more vulnerable' developments such as residential development situated in Flood Zone 1 are appropriate The FRA also concludes the proposed development will result in a reduction in the impermeable area that currently drains into the existing watercourse thereby reducing the overall flood risk of the existing watercourse
- 6.24 The information submitted by the applicant has been considered by the Environment Agency (EA). In the absence of objection from the EA (subject to imposition of its recommended conditions) it is considered there is no sustainable objection to the proposal on flood risk grounds.

- 6.25 Notwithstanding the above, the Parish Council maintains the site was subject to localised flooding as recently as 2018 and have submitted evidence which it contends support this.
- 6.26 In response the applicants advise that parking is proposed at the rear of the site with the dwellings located entirely within Flood Zone 1 with ground levels located a minimum of 0.3m above the 1:100 + 70% flood level. The EA have also been advised of the PC's comments and any response will be reported to the Committee as an update.

Wildlife:

- 6.27 All species of bat that are common in the UK are protected under various pieces of legislation including the Wildlife and Countryside Act 1981 [as amended] and the Habitats Regulations 2010. In summary this legislation makes it illegal to deliberately capture, injure or kill bats; deliberately disturb bats including their ability to survive; to damage, destroy or obstruct access to a bat roost; possess or transport a bat or to sell, barter or exchange a bat.
- 6.28 Under the Habitats Regulations 2010 [Regulation 9 (5)] a Local Planning Authority "...in exercising any of their functions, must have regard to the requirements of the Habitats Directive so far as they may be affected by the exercise of those functions. National Planning Policy Guidance and Government Circular 06/2005 state that the presence of a protected species is a material consideration when a planning authority is considering a development proposal that would be likely to result in harm to the species or its habitat.
- 6.29 As surveys have identified the presence of bat roosts on the application site, the developer would be required to secure a separate licence from Natural England. As part of the assessment of this licence application Natural England would apply 'three tests' that are set out in legislation. These three tests would assess whether the activity is imperative for reasons of overriding public interest; whether there is no satisfactory alternative and whether favourable conservation status would be maintained.
- 6.30 A Judicial Review judgement on the 5 June 2009 (Woolley v Cheshire East Borough Council) found that Local Planning Authorities in exercising their responsibilities under the Habitats Regulations 2010 must also consider these three tests when considering planning applications where bats roosts have been identified and a Natural England Licence would be required. As such the Council must consider whether it is likely that a European Protected Species Mitigation License (EPSML) will be granted for the proposed development by addressing these three tests and this assessment is set out below.
- (a) Overriding public interest.
- 6.31 The overriding public interest in the current development is bringing this site in a sustainable location and allocated in the Local Plan for housing back into beneficial use to provide additional residential units.
- (b) No satisfactory alternative.
- 6.32 If the site is not redeveloped it is possible that the site will fall into disrepair, be a target for vandalism, and, as bats require shelter and constant temperatures, this will make the building less suitable for a bat roost.
- (c) Favourable conservation status must be maintained.
- 6.33 Given concerns relating to bats the ecological assessment was supplemented by a Bat Emergence Survey Report. This revealed low numbers of Common Pipistrelle bats emerging or re-entering both buildings. It concluded the roosts had low conservation status and as such the provision of 4 bat boxes represents suitable mitigation and compensation for the affected roosts. In addition, the hedgerow

running along the eastern boundary will be retained to provide a commuting corridor for bats between the preferred foraging area to the south of the site and the wooded areas and pasture north of the site. A planning condition is recommended to seek to ensure that all external lighting is the minimum level necessary with no light spill onto roost entrances or commuting corridors.

- 6.34 As such, subject to conditions securing all the recommended mitigation and enhancement measures, it considered reasonable to conclude that an EPSML will be granted for the proposed development.
- 6.35 In relation to other protected species, the submitted ecological survey revealed the site provides foraging opportunities for badgers however, no evidence of badgers or badger setts was recorded. Suitable nesting habitat for other birds exist throughout the site in the form of trees and buildings. It was also concluded the site offers sub-optimal dormouse habitat which is fragmented and disconnected from other areas of suitable dormouse habitat.
- 6.36 In connection with Great Crested Newts (GCN) a small area of suitable terrestrial habitat was identified. However in carrying out the development a precautionary approach will be applied in accordance with recognised guidelines. No other reptile species were identified but the mitigation strategy outlined for GCN will protect any reptiles found within the development area.
- 6.37 In response to the above the following mitigation/enhancement measures are recommended:
- The installation of bird boxes onto any buildings or trees within the site benefitting a diversity of bird species. To maximise suitability, boxes should be installed on sheltered aspects close to vegetation at a height of 2-3m, preferably on north, north-east or north-west facing elevations.
 - The incorporation of a wildlife-friendly planting using native plant species to benefit to invertebrates and subsequently species such as birds and bats.
 - Hedgehog box at a suitable location within vegetated areas of the site
 - Tree planting using native species such as pedunculate oak *Quercus robur*, small leaved lime *Tilia cordata*, black poplar *Populus nigra*, wild service tree *Sorbus torminalis* or similar.
- 6.38 As such it is considered that the interests of protected species have been properly taken into account in accordance with the provisions of the NPPF and policy DM3 of the local plan.

Other matters:

- 6.39 The Parish Council refers to policies contained in the Headcorn Neighbourhood Plan. However as this plan has not been adopted it is not possible to take it into account as a material consideration in the determination of this application. Whilst in outline form the submitted indicative plans demonstrate that the site can successfully accommodate 4 dwellings
- 6.40 Surface water drainage will be dealt with via a SUDS in order to attenuate water run off on sustainability and flood prevention grounds and is a matter that can also be dealt with by condition.

Public Sector Equality Duty:

- 6.41 Due regard has been had to the Public Sector Equality Duty, as set out in Section 149 of the Equality Act 2010. It is considered that the application proposals would not undermine objectives of the Duty.

Environmental Impact Assessment:

- 6.42 The proposal needs to be 'screened' regarding whether it should have been accompanied by an Environmental Impact Assessment (EIA).

- 6.43 As the site does not fall within an Area Outstanding Natural Beauty nor does it exceed any of the Schedule 2 thresholds set out in the Town and Country Planning (Environmental Impact Assessment) Regulations 2017 no requirement for an EIA is identified. This conclusion does not imply support for the proposal which will be assessed below in accordance with normal planning criteria.

CONCLUSIONS

- 7.1 The proposal involves the removal of a potentially unneighbourly commercial development while it has been demonstrated that the site is capable of accommodating 4 dwellings as a minor infill in a manner that is acceptable in its amenity, highways, flooding and wildlife impacts. It will also make a contribution towards meeting housing supply in the Borough.

7. RECOMMENDATION

GRANT planning permission subject to the following conditions:

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

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

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

2. Prior any part of the development hereby approved reaching damp proof course details of a sustainable surface water drainage scheme (including its long term maintenance) shall be submitted to and approved in writing by the Local Planning Authority. The work shall be carried out before first occupation of any of the dwellings hereby approved and retained in accordance with the approved details at all times thereafter.

Reason: In the interests of pollution prevention, sustainability and flood prevention.

3. Prior to the development hereby approved reaching damp proof course samples of materials (which shall include those to be used for parking, turning and pedestrian walkways) to be used in the construction of all external surfaces of the development hereby approved shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed using the approved materials;

Reason: To ensure a satisfactory appearance to the development.

4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development Order) (England) Order 2015 (as amended) no windows shall be installed above first floor level in the west facing elevation of any dwelling abutting the boundary with 1 Kings Road.

Reason: To maintain privacy in the interest of amenity

5. Prior to the development hereby approved commencing (including demolition) a scheme for the provision and management of an 8 metre wide buffer zone alongside the watercourse shall be submitted to and approved in writing by the local planning authority. The scheme shall include:
 - plans showing the extent and layout of the buffer zone.

- details of any proposed planting scheme (for example, native species of local genetic provenance and suited to the catchment character).
- details demonstrating how the buffer zone will be protected during development and managed over the longer term including adequate financial provision and named body responsible for management plus production of detailed management plan.
- details of any proposed footpaths, fencing, lighting, etc.

The development shall be carried out in accordance with the the approved scheme. The buffer zone shall be kept free from built development including lighting, domestic gardens and formal landscaping except as may be approved in connection with the management scheme.

Reason: In the interests of wildlife.

6. Landscaping details submitted pursuant to condition 1 above shall be designed using the principle's established in the Council's adopted Landscape Character Assessment 2012. These details shall include existing trees, shrubs and other features, planting schedules of plants, noting species (which shall be native species and of a type that will encourage wildlife and biodiversity, where possible), plant sizes and numbers where appropriate, means of enclosure, hard surfacing materials, and an implementation programme.

Reason: In the interests of the visual amenities of the area and encouraging wildlife and biodiversity.

7. The approved landscaping associated with individual dwellings shall be in place at the end of the first planting and seeding season following occupation of the relevant individual dwelling. Any other communal, shared or street landscaping shall be in place at the end of the first planting and seeding season following occupation of the final unit. Any trees or plants, which, within a period of 5 years from the occupation of the development die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.

Reason: In the interest of visual amenity of the area.

8. The development hereby approved shall not commence (including demolition) until details of an Arboricultural Method Statement (which shall include tree protection measures) prepared in accordance with the current edition of BS 5837:2012 have been submitted to and approved in writing by the local planning authority. All trees to be retained must be protected by barriers and/or ground protection. No equipment, plant, machinery or materials shall be brought onto the site prior to the erection of approved barriers and/or ground protection except to carry out pre commencement operations approved in writing by the local planning authority. Nothing shall be stored or placed, nor fires lit, within any of the protected areas. No alterations shall be made to the siting of barriers and/or ground protection, nor ground levels changed, nor excavations made within these areas. These measures shall be maintained until all equipment, machinery and surplus materials have been removed from the site.

Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development.

9. The parking/turning areas approved pursuant to condition 1 shall be completed before first occupation of any of the dwelling hereby approved 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 or restricting the emergency access through the site.

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

10. The development hereby permitted shall not be commenced (excluding demolition) 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.

The scheme shall thereafter be implemented as approved.

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

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

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

12. Prior to the commencement of development (including demolition) hereby permitted details shall be submitted to and approved in writing by the Local Planning Authority demonstrating the bat roosting features detailed within the mitigation strategy will be incorporated into the new buildings and surrounding trees. The full bat mitigation strategy, as detailed in the Bat Emergence Survey Report dated the 22nd September 2019, along with measures to enhance the site for bats shall be implemented in full, prior to first occupation of the approved dwellings and shall be thereafter retained.

Reason: In the interests of wildlife.

13. The ecological enhancements and mitigation measures recommended specified in the preliminary Ecological Appraisal dated July 2019 shall be carried out as specified.

Reason: In the interests of wildlife.

14. Prior to any part of the development hereby approved reaching damp-proof course a bat sensitive lighting plan for the site boundaries shall be submitted to and approved in writing by the local planning authority. Lighting shall only be installed in

accordance with the approved details and retained as such for the life of the development.

Reason: In the interests of wildlife.

15. Prior to any part of the development hereby approved reaching roof level details of all means of enclosure shall be submitted to and approved in writing by the Local Planning Authority to include gaps for the passage of wildlife. The development shall only be carried out in accordance with the approved details.

Reason: In the interests of privacy and visual amenity.

16. Other than those approved as part of the preceding condition and notwithstanding the provisions of Schedule 2, Part 2, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no fences, gate or walls shall be erected within the curtilage of any dwelling house forward of any wall of that dwelling house which fronts onto a road;

Reason: To safeguard the open plan character and appearance of the development.

17. Prior to first occupation of each dwelling a minimum of one electric vehicle charging point shall have been installed for the benefit of the occupier of that dwelling with the charging point thereafter retained for that purpose.

Reason: To promote the reduction of CO2 emissions through the use of low emissions vehicles in accordance with paragraph 35 of the NPPF.

18. Prior to the commencement of development (including demolition), a programme for the suppression of dust during the construction of the development shall be submitted to and approved in writing by the Local Planning Authority. The measures approved shall be employed throughout the period of construction unless any variation has been approved by the Local Planning Authority.

Reason: In the interests of residential amenity.

19. The development hereby approved shall be carried out in accordance with the following plans nos: DHA/13772/01- 09 (consec) and H-01 rev P1.

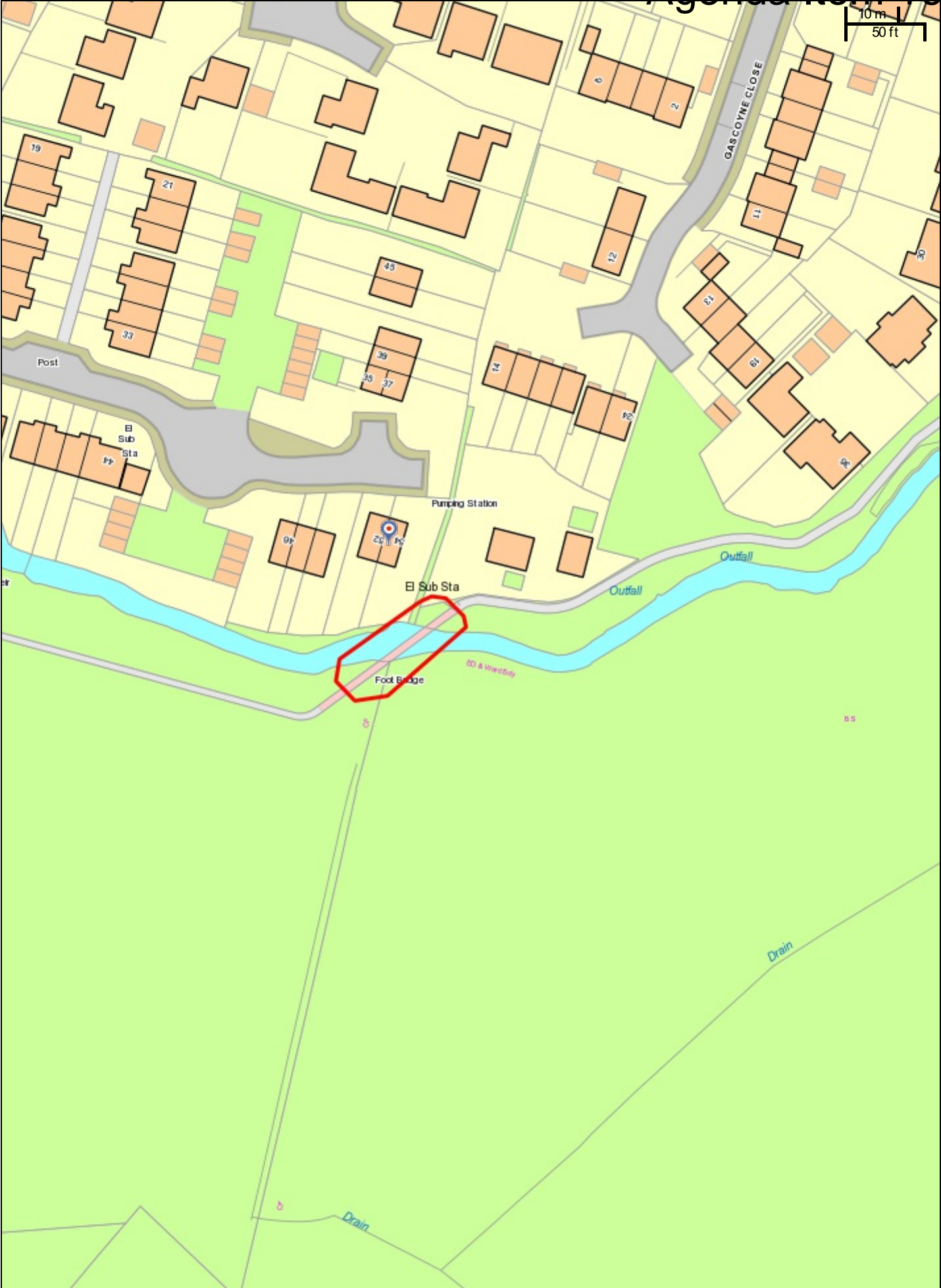
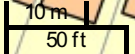
Reason: In the interests of amenity.

INFORMATIVES

- 1) The proposed development is Community Infrastructure Levy liable. The actual amount of CIL can only be confirmed once all the relevant forms have been submitted and relevant details have been assessed and approved. Any relief claimed will be assessed at the time planning permission is granted or shortly after.
- 2) Details submitted pursuant to condition 13 will need to address the following matters:
 - The Bat Conservation Trust's Guidance Note 8 'Bats and artificial lighting' in the UK should be adhered to in the lighting design for the works undertaken and the new dwellings built.
 - Identify those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance in or around their breeding sites and resting places or along important routes used to access key areas of their territory;
 - Show how and where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb or prevent the above species using their territory (including details of light spill which shall not exceed 1LUX on the vegetated boundaries).
- 3) The mitigation strategy must be implemented as approved unless varied by a European Protected Species (EPS) license issued by Natural England.

- 4) It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil. Information about how to clarify the highway boundary can be found at <https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>
- 5) 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.

Case Officer: Graham Parkinson



19/505120/TPOA - 54 Lenside Drive

Scale: 1:1000

Printed on: 11/12/2019 at 14:10 PM by StevieH



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REPORT SUMMARY

REFERENCE NO - 19/505120/TPOA		
APPLICATION PROPOSAL TPO Application - Clear Fell small dead standard, Crown lift Willow trees by up to 5m from bridge height to give clear sight line and access		
ADDRESS 54 Lenside Drive Bearsted Maidstone Kent ME15 8UE		
RECOMMENDATION Delegated powers be given to the Head of Planning and Development to grant permission subject to the expiry of the site notice (25th December 2019) and subject to no new material planning issues being raised which have not been considered by the report or by members prior to the issuing of the decision notice.		
SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL The works are considered necessary to resolve obstruction to users of the footbridge and will not be detrimental to the long term health of the trees or their contribution to amenity.		
REASON FOR REFERRAL TO COMMITTEE It is an application by the Officer of the Council on behalf of the Parks team		
WARD Bearsted	PARISH/TOWN COUNCIL Bearsted	APPLICANT Nigel Holman (MBC Parks) AGENT Caroline Everest
DECISION DUE DATE 03/01/20	PUBLICITY EXPIRY DATE 25/12/19	OFFICER SITE VISIT DATE 04/12/19
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites): None		

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The site is a footbridge over the River Len at the northeast corner of Mallards Way Public Open Space. The trees concerned are growing on the riverbanks adjacent to the footbridge. A public path from the open space passes over the bridge and continues east, following the river.

2.0 PROPOSAL

- 2.01 The proposal is to remove one dead tree that is leaning against the bridge structure and to cut back other trees that overhang the bridge which are currently impeding access and clear line of sight.

3.0 PLANNING CONSTRAINTS

- 3.01 Tree Preservation Order No. 6 of 2007, Woodland W1 - Consisting of Willow, Alder, Oak, Ash, Hawthorn, Cherry and Hazel and Tree Preservation Order No. 9 of 1975, Woodlands - W3 Comprising Willow, Alder, Ash, Sycamore, Hazel.

4.0 POLICY AND OTHER CONSIDERATIONS

4.01 Government Policy:
National Planning Policy Framework (2019)

Ministry of Housing, Communities & Local Government, Planning Practice Guidance, Tree Preservation Orders and trees in conservation areas, March 2014

4.02 Local Policy:
Maidstone Borough Local Plan October 2017 - Policy DM 3

Maidstone Landscape Character Assessment (March 2012 amended 19 July 2013) and Supplement (2012- Saved Sections of the Landscape Character Assessment and Landscape Guidelines 2000)

4.03 Compensation:

A refusal of consent to carry out works to trees subject to a Tree Preservation Order can potentially result in a claim for compensation for loss or damage arising within 12 months of the date of refusal. The applicant is Maidstone Borough Council, so it is unlikely that a compensation claim would arise as a result of refusal of this application, but the Council could be liable to claims for damage or injury as a result of tree failure or obstruction of the path if the identified hazards are not addressed.

5.0 LOCAL REPRESENTATIONS

5.01 None received at the time of writing. Where a local planning authority makes an application to itself, the tree preservation regulations require the application to be publicised by displaying a notice on or near the site for at least 21 days. A site notice was displayed on the bridge at the time of the site visit. Any new representations received as a result of this will be reported by urgent update.

The tree preservation guidance states that before reaching its decision the authority must take into account any representations made by the date given in the site notice. Therefore, this report seeks that delegated powers be given to the Head of Planning and Development to grant permission subject to the expiry of the site notice on 25th December 2019 and subject to no new material planning issues being raised which have not been considered by the report or by members prior to the issuing of the decision notice.

6.0 CONSULTATIONS

6.01 Bearsted Parish Council:
"The Parish Council has no objection but would question the house number."
Officer comment: The agent originally gave the site address as rear of 44 Lenside Drive. This has since been corrected to 54 Lenside Drive, the closest address to the site.

7.0 BACKGROUND PAPERS AND PLANS

7.01 Plan, proposal clarification and confirmation of site address received.

8.0 APPRAISAL

8.01 'Small dead standard' on application form.

Contribution to public visual amenity:

Good – clearly visible to the public

Condition:

Poor – obvious decline/ health and/or structural integrity significantly impaired

Useful life expectancy:

Short – safe useful life expectancy of less than 10 years

Comments:

A dead tree, possibly Willow, which is leaning on the bridge handrail. The top of the stem overhangs the bridge and is at risk of failure onto the bridge. It can be dealt with under the exceptions to the Tree Preservation regulations as a dead tree and does not strictly need to be included on the application.

8.02 'Willow trees' on application form.

Contribution to public visual amenity:

Good – clearly visible to the public

Condition:

Good – no significant defects noted

Useful life expectancy:

Very Long - with an estimated remaining life expectancy of at least 40 Years

Comments:

Various trees, predominantly mature Willow and Alder are growing adjacent to the footbridge. Two Willow trees in particular are large, coppiced trees with multiple stems reaching up to 20m in height. They overhang the bridge significantly and some stems impede access, creating a narrow tunnel with restricted views. The proposed works will remove the current obstructions, reduce the risk of limb failures on to the bridge and open up the area around the bridge, hastening drying of the bridge surface and opening up clear sight lines that will improve security for users. The works are therefore considered to be necessary and appropriate arboricultural management.

The proposed works will mainly affect the two Willow trees, removing the offending stems and cutting back some of the upper crown. The trees exhibit good vitality and should be fully capable of recovering from the works. It is not considered that the proposal will be detrimental to the long term health of the trees or their amenity value.

9.0 CONCLUSION

9.01 The works are considered to be necessary and appropriate arboricultural management and it is not considered that the proposal will be detrimental to the long term health of the trees or their amenity value.

10.0 RECOMMENDATION – Delegated powers be given to the Head of Planning and Development to grant permission subject to the following conditions, subject to the expiry of the site notice (25th December 2019) and subject to no new material planning issues being raised which have not been considered by the report or by members prior to the issuing of the decision notice.

CONDITIONS to include

(1) All works hereby permitted shall be carried out in accordance with the provisions of the current edition of BS 3998 by a competent person;

Reason: To ensure the work complies with good arboricultural practice to safeguard the longevity, amenity and nature conservation value of the tree/s and its/their contribution to the character and appearance of the local area

INFORMATIVES

(1) Works to trees could result in disturbance to wild animals, plants and important wildlife sites protected by law. Therefore, the works hereby permitted should be carried out in a manner and at such times to avoid disturbance. Further advice can be sought from Natural England and/or Kent Wildlife Trust.

(2) All cut timber/wood between 15cm and 60cm in diameter, together with any senescent and rotting wood, should be retained and stacked safely on site for the colonisation of saproxylic organisms, except where an alternative proposal has been submitted to and approved in writing by the local planning authority.

Case Officer: Nick Gallavin

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

Agenda Item 17



19/503104/FULL - Land at Church Road, Harrietsham, Kent

Scale: 1:1250

Printed on: 10/12/2019 at 12:14 PM by JoannaW

REFERENCE NO - 19/503104/FULL			
APPLICATION PROPOSAL Engineering operations to alter the levels within the public open space in the eastern area of the site.			
ADDRESS Land at Church Road, Harrietsham, Kent			
SUMMARY OF REASONS FOR RECOMMENDATION – (APPROVE SUBJECT TO CONDITIONS) The proposed level changes in the open space area would not cause any harm to the local area or nearby heritage assets and so are in accordance with the Local Plan.			
REASON FOR REFERRAL TO COMMITTEE			
<ul style="list-style-type: none"> • Harrietsham Parish Council wish to see the application refused and reported to Planning Committee for the reasons set out below. • Councillors Tom and Janetta Sams have called the application to Committee for the reason set out below. 			
WARD Harrietsham & Lenham	PARISH COUNCIL Harrietsham	APPLICANT Crest Nicholson AGENT N/A	
DECISION DUE DATE 20/12/19		PUBLICITY EXPIRY DATE 25/09/19	
RELEVANT PLANNING HISTORY			
App No	Proposal	Decision	Date
16/504378	Reserved matters of appearance, landscaping, layout and scale pursuant to outline permission 15/510628/OUT for the residential development of 96 units with access.	APPROVED	07/09/16
15/510628	Variation of Condition (06) of planning permission 14/0095 to allow no more than 96 dwellings at the site.	APPROVED	17/08/16
14/0095	Outline application for residential development with access considered at this stage and all other matters reserved for future consideration.	APPROVED	10/12/15

1.0 DESCRIPTION OF SITE

1.01 The application relates to the area of public open space to the east of the largely completed housing development either side of Church Road on the south side of the A20 in Harrietsham. The open space adjoins Rectory Lane which is to the east. The site was covered by mounds of earth that were removed during construction of the adjacent houses and earth is currently being removed in preparation should planning permission be approved.

1.02 The site is allocated as natural/semi-natural public open space under policy OS1 of the Local Plan. It adjoins but is outside the defined settlement of Harrietsham and so falls within the 'countryside' for planning policy purposes. The 'Harrietsham East Street' Conservation Area runs along the south boundary of the site and there are a number of listed buildings within it, including the Grade II listed Almshouses, the curtilages of which adjoin the south boundary.

2.0 PROPOSAL

2.01 The original approval of the open space area included some land-raising but permission is sought for higher land levels, which would involve retaining and re-profiling some of the earth currently on site, and removing that which is left over. The difference between the approved levels and that proposed will be discussed in more detail below. The area would be landscaped as previously approved.

3.0 POLICY AND OTHER CONSIDERATIONS

- Maidstone Borough Local Plan (2011-2031): SS1, SP6, SP17, SP18, OS1(7), H1(34), DM1, DM3, DM4, DM8, DM19, DM30
- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)

4.0 LOCAL REPRESENTATIONS

4.01 **Local Residents:** 6 representations received raising the following (summarised) points:

- Trees and vegetation in southeast corner should not be removed.
- Seems like an improvement on what is currently on site.
- Impact upon properties in Rectory Lane.
- Could encourage anti-social behaviour if out of view.
- Potential loss of privacy.
- Trees must be planted.
- Surface water issues.
- Some answers on the application form are incorrect.
- Plans are not clear.

4.02 **Harrietsham Parish Council:** Raise the following (summarised) points:

- Poor views of current open space which is an eyesore from new houses.
- Lack of regard of impact upon new houses/residents.
- Plans are misleading.
- Visualisation doesn't reflect what is on site.
- Some answers on the application form are incorrect.
- How will soil be removed from the site.
- Some of the soil appears unstable.
- How will land be landscaped and footpath finished.

- 4.03 **Councillors Tom & Janetta Sams:** *"If you are minded to approve this application we would request it goes before the planning committee as we believe it is a substantial departure from the original application agreed by the planning committee, and will have a dramatic effect upon the amenity and enjoyment of residents who live within this estate."*

5.0 CONSULTATIONS

(Please note that summaries of consultation responses are set out below with the response discussed in more detail in the main report where considered necessary)

- 5.01 **Conservation Officer:** No objections. *"I agree with the conclusions of the heritage statement submitted with the application, and consider the amended landscape levels would not result in any harmful impacts to the setting of listed buildings or the Harrietsham East Street Conservation Area."*

- 5.02 **Landscape Officer:** No objections.

6.0 APPRAISAL

- 6.01 The application essentially proposes different land levels within the approved public open space. Therefore the main issues are as follows:

- Impacts upon the character and appearance of the local area.
- Impacts upon heritage assets.
- Impacts upon residential amenity and other matters.

Visual Impact

- 6.02 As stated above, the original approval for the open space did involve land raising in the form of three raised mounds. The approved landscaping plans showed the levels which ranged from around 1.5m-2m to the top of the mounds from the level of the new adjacent houses. The open space also included a play area at the north end, pathway around the space, an underground SUDS attenuation tank at the south end, and new landscaping.
- 6.03 The proposal remains essentially for three raised mounds but they would be of slightly different shape, and around 0.5m higher, with the main change being that they would cover much more of the open space area. The top of the mounds would now all be around 2.5m above the level of the adjacent houses but their slopes and thus the amount of land raising would extend close to all the site boundaries. There would be a new raised mound in the southwest corner and slight increases in levels at the south end of no more than 1m above the original ground level. The land would gently slope towards the new houses on the west side but there would be additional land raising that would be relatively steep along the east boundary.

6.04 The visual impact of the proposals is not significantly different to that which has already been approved. The land raising is not excessive in height (2.5m) and the slope of the land is gradual on the west side where it is more visible from public view with the steeper parts on the east side which benefits from some screening from the existing trees and hedging here. As before, the open space would be landscaped with the planting of numerous native trees (beech, field maple, pine, oak, lime) to assimilate the space into the local area and the majority of the area planted as a wildflower meadow. The footpath would be a 'hoggin' finish which is appropriate for this site and its context. For these reasons the proposals would not cause any harm to the character or appearance of the local area in accordance with policy SP17 and DM30.

6.05 The submitted Tree Protection Plan shows that land levels will be retained within the root protection areas of trees so there would be no harm caused and no objections are raised by the Landscape Officer.

Heritage Impacts

6.06 The proposed works have the potential to affect the setting, and significance, of a number of designated heritage assets. These comprise the Grade II listed garden wall, Almshouses and separately listed Sheds to their rear, the Harrietsham East Street Conservation Area, and the Grade II listed 'The Brenchleys' and 'Little Brenchleys' all to the south.

6.07 One of the main purposes of having this part of the housing scheme undeveloped was to ensure space was provided to the Conservation Area and listed Almshouses complex to preserve their settings. I agree with the applicant's Heritage Assessment that the changes to the open space area would still maintain the open space to the north of the Conservation Area and listed building and so preserve the semi-rural context. Views of the listed garden wall and listed buildings would be maintained as would the edge of the Conservation Area. For these reasons the proposals would conserve and not cause any harm to the setting or significance of the listed buildings or Conservation Area and this is a view echoed by the Council's Conservation Officer. This is in accordance with policies SP18 and DM4 of the Local Plan.

Residential Amenity

6.08 The land raising is not of a height or gradient that would be oppressive to the outlook of any nearby properties. The issue of privacy has been raised by the Parish Council but the changes beyond that already approved would not result in any unacceptable impacts upon the privacy of nearby properties. This is an area of public open space so public views from it will occur.

Other Matters

6.09 The changes to the open space would not diminish its quality particularly as the space is designed and sought under policy OS1 as an area of natural/semi-natural space rather than wholly useable amenity land. The

play space at the north end would now be more enclosed by mounding but it would only be 1m higher than the play area and the footpath would run adjacent to it so adequate surveillance would be maintained. The open space would still be of high quality in accordance with policy DM19 of the Local Plan. The legal agreement that accompanies the planning permission for the wider housing site requires implementation of the public open space and conditions secure its use as such. I will attach a condition to ensure the land is still only used as public open space.

6.10 Issues of surface water drainage have been raised and the applicant has confirmed that the surface water storage crates at the south end of the open space are designed to accommodate all surface water run-off from the open space area including with the new levels.

6.11 Issues relating to the stability of the earth and how soil would be removed have also been raised. The earth on site had been tipped during construction whereas the proposal is to remodel the land which would involve ensuring it is stable. How soil would be removed is not a planning consideration but the applicant has confirmed that it would be loaded onto trucks and taken away.

7.0 CONCLUSION

7.01 For the above reasons the proposal would not cause harm to the character or appearance of the area, would preserve the setting and significance of nearby listed buildings and the Conservation Area, and would not cause harm to residential amenity. This is in accordance with the relevant policies within the Development Plan and permission is therefore recommended subject to the following conditions.

8.0 RECOMMENDATION

GRANT PLANNING PERMISSION subject to the following conditions with delegated powers for the Head of Planning to be able to settle or amend any necessary planning conditions in line with the matters set out in the recommendation and as resolved by the Planning Committee.

Conditions:

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

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

2. The development hereby permitted shall be carried out in accordance with drawing nos. 14604-LP-001 (Site Location Plan), 14604/TA/3302 Rev C9 (Site Levels), and 14604-5500 P1 (Sections).

Reason: In the interest of visual and residential amenity and to clarify which plans have been approved.

3. The landscaping shall be carried out in accordance with drawing nos. 14604-5004 Rev T7 and 14604-5005Rev T7.

Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development.

4. All planting, seeding and turfing specified in the approved landscape details shall be carried out in the first planting season (October to February) following the completion of the development, and any seeding or turfing which fails to establish or any trees or plants which, within five years from completion of the development, die or become so seriously damaged or diseased that their long term amenity value has been adversely affected shall be replaced in the next planting season with plants of the same species and size as detailed in the approved landscape scheme unless the local planning authority gives written consent to any variation.

Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development

5. All trees shall be protected by the tree barrier fencing as shown on drawing no. 9155-KC-XX-YTREE-TPP01Rev0. No equipment, plant, machinery or materials shall be brought onto the site prior to the erection of approved barriers and/or ground protection except to carry out pre commencement operations approved in writing by the local planning authority. Nothing shall be stored or placed, nor fires lit, within any of the protected areas. No alterations shall be made to the siting of barriers and/or ground protection, nor ground levels changed, nor excavations made within these areas without the written consent of the local planning authority. These measures shall be maintained until all equipment, machinery and surplus materials have been removed from the site.

Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development.

6. The land shall be used as public open space in perpetuity and for no other purpose.

Reason: To ensure adequate open space for residents of the neighbouring development.



19/505310/FULL - Mote Park Maidstone, Willow Way, Maidstone, Kent

Scale: 1:2500

Printed on: 10/12/2019 at 11:34 AM by JoannaW



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REFERENCE NO - 19/505310			
APPLICATION PROPOSAL			
Demolition of existing cafe building and erection of 'New Mote Park Centre' with associated terraces, bin storage and car parking; and The erection of storage, mess and welfare building for park maintenance team.			
ADDRESS Mote Park Maidstone, Willow Way, Maidstone, ME15 7RN			
SUMMARY OF REASONS FOR RECOMMENDATION - APPROVE SUBJECT TO CONDITIONS			
<ul style="list-style-type: none"> • The visitor's centre is considered to be of high quality and the low harm caused to the historic park (Mote Park) and setting of Mote House, through the introduction of a new building, would be outweighed by the clear public benefits of providing a modern visitor's facility and café for Mote Park. • The existing café would be removed and replaced by a much better designed building within the historic park. • The storage, mess and welfare building causes no harm to the historic park or local amenity. • Permission is therefore recommended. 			
REASON FOR REFERRAL TO COMMITTEE			
The applicant is Maidstone Borough Council.			
WARD Shepway North	PARISH COUNCIL N/A	APPLICANT Maidstone Borough Council AGENT Hazel McCormack Young LLP	
DECISION DUE DATE 21/01/19		PUBLICITY EXPIRY DATE 06/12/18	
RELEVANT PLANNING HISTORY			
App No	Proposal	Decision	Date
18/502327	Demolition of existing cafe building and erection of new Mote Park Centre with associated terraces, bin storage area and car parking.	APPROVED	20/08/18
18/502656	Erection of storage, mess and welfare facilities for park maintenance team.	APPROVED	20/08/18
16/506505	Creation of an adventure zone to include high rope/wire climbing equipment, climbing wall, and adventure golf enclosed by 2.44m high fencing with associated ancillaries including a kiosk, footpaths, planting and overflow car	APPROVED	14/07/17

	parking.		
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1.0 DESCRIPTION OF SITE

- 1.01 The application relates to two separate sites within Mote Park, one for a proposed 'Mote Centre' visitor's building and the other for a maintenance building.
- 1.02 The site for the visitor's centre is a grassed area in the northwest corner of the Park and includes the existing café and grounds keeper's buildings where there are a number of mature trees. The site is just to the east of the car park and north of the existing children's play areas, and is immediately north of the 'adventure zone'.
- 1.03 The site for the maintenance building is part of the car park to the rear of the Leisure Centre. There is a large bund immediately to the south of the car park and a metal clad building to the west used by the indoor bowls club.
- 1.04 Mote Park is a Grade II Registered Park and Garden and Mote House is a Grade II* listed building which is around 700m to the east of the visitor's centre site and around 900m east of the maintenance building site. The visitor's centre site falls within the registered park with the maintenance building site outside but immediately adjacent.

2.0 PROPOSAL

- 2.01 Permission is sought for the 'Mote Centre' to provide a visitor's centre which is split into two buildings of similar size. The western building nearest the car park would provide toilets, a 'changing places' room, and meeting room space. The eastern building would provide a kitchen and café including a servery hatch. They would be positioned side by side in a line from west to east. The buildings would be surrounded by permeable resin bound gravel with an outdoor seating area to the south and new paving would link the site to the car park to the west, where bicycle parking would be provided. New steps down towards the lake to the north are proposed and the existing café building would be demolished here. A bin store to the northwest of the building is also proposed which would be surrounded by metal fencing and hedging. The site has a very slight slope to the north and so levelling works for the buildings would be limited. The appearance and design of the buildings will be assessed and discussed in more detail below.
- 2.02 The storage, mess and welfare building for the parks maintenance team would replace the existing building which is to the east of the existing café. The building would have an L-shaped footprint with a simple pitched roof and be finished with green metal sheet cladding. Two entrance doors would be on the east side to the car park and new security fencing would enclose a compound on the south side.

3.0 PLANNING HISTORY

3.01 Permission was granted in August 2018 for both a new visitor's centre and maintenance building under separate applications and both buildings were in the same location as now proposed.

3.02 The approved visitor's centre was also within two buildings but with one much larger flat roof building providing the café and other facilities, and a smaller building providing toilets. The maintenance building was of very similar size, form and appearance.

4.0 POLICY AND OTHER CONSIDERATIONS

- Maidstone Borough Local Plan (2011-2031): SS1, SP1, SP18, DM1, DM2, DM3, DM4, DM8, DM21, DM23
- Kent Waste and Minerals Plan 2016
- National Planning Policy Framework (NPPF)
- MBC Public Art Guidance

5.0 LOCAL REPRESENTATIONS

6.01 **Local Residents:** No representations received.

6.0 CONSULTATIONS

(Please note that summaries of consultation responses are set out below with the response discussed in more detail in the main report where considered necessary)

6.01 **Historic England: No comments** and defer to Conservation Officer.

6.02 **Natural England: No objections.**

6.03 **Conservation Officer: Raises no objections**

6.04 **Landscape Officer: Raises no objections** subject to pre-commencement/demolition conditions in accordance with BS5837: 2012 and the submitted AIA, which include details of the site storage/compound area. Landscape conditions are also required.

6.05 **KCC Highways:** No objections.

6.06 **MBC Environmental Health:** No objections

6.07 **Kent Gardens Trust:** Do not wish to comment

7.0 APPRAISAL

7.01 The principle of a visitor's centre and maintenance building within Mote Park are acceptable and have already been approved but of slightly different design. The main considerations are as follows:

- Design and appearance

- Impact upon Mote Park and Mote House
- Landscaping & Trees
- Highways & Parking

Design & Appearance

Visitor's Centre

7.02 The buildings are single storey with pitch roofs and ridge heights of approximately 4.8m. They would have a simple form with interest provided through the use of materials. The materials are of a more contemporary style with dark zinc standing seam cladding used as the main facing material (as was the case for the previously approved building). This would be broken up with large amounts of glazing, particularly on the café building, and the use of ragstone piers between windows and the cladding to provide a vernacular material alongside the zinc. Guttering would be concealed so the zinc panels would seamlessly link with the roof to provide a quality finish. Aluminium windows would be provided to match the more contemporary style and there would be a black coloured brick plinth to provide a 'clean' joint with the ground. On the outside ends of both buildings there would be a large roof overhang with timber cladding on the inside to contrast with the external materials. The west gable flank of the building would mainly feature glazing to provide an active frontage to visitor's approaching from the car park.

7.03 Overall, the building is considered to be of a high design quality with the use of good quality materials that would complement one another, and it would provide a simple but a clean finish through the linking of cladding from the walls into the roof. A 'BREEAM Very Good Standard' will be secured by condition in line with policy DM2.

7.04 The bin store area would be enclosed by metal railings and new hedging that would screen/soften its appearance. Surface materials would include resin bound gravel and paving between which would provide a high quality setting to the buildings.

7.05 For the above reasons, the proposals are considered to present a high quality development in accordance with policy DM1 of the Local Plan.

Maintenance Building

7.06 As was previously approved, the building is utilitarian in its design and appearance, similar in appearance to the indoor bowls club building, grouped close to the leisure centre, and would be substantially screened by the existing tall bunding from the park. Such a design is acceptable for this type of building and bearing in mind its well screened location. PV panels (18) are proposed to the roof to provide a renewable source of energy and minimise the carbon footprint of the building which is welcomed.

Impact upon Mote Park and Mote House

Visitor's Centre

7.07 The proposal would introduce new buildings into an area that is currently open and undeveloped and has historically been so. The buildings are limited in height and grouped near to existing development being the car park, paths and the play area. The existing café would also be demolished so open up an area here. For these reasons it is considered that the impact upon the historic park and setting of Mote House would be low and any harm to their significance would be less than substantial. The proposals would therefore have some conflict with policy DM14 of the Local Plan as they would not conserve the significance of the heritage assets. The accompanying text to this policy outlines that any harm should be weighed against wider benefits of the development as outlined in the NPPF (paragraph 134). In balancing matters, it is concluded that the clear public benefits of providing a modern visitor's facility and café for Mote Park would outweigh the harm in this case. In addition, the existing café would be removed and replaced by a much better designed building within the historic park.

Maintenance Building

7.08 As stated above, the building would be substantially screened by the existing tall bunding from the park and so would not have any harmful impact upon Mote Park or the setting of Mote House. The removal of the existing buildings by the café would result in an improvement here.

Landscaping & Trees

Visitor's Centre

7.09 The new buildings would require the removal of 3 small trees and their loss would not be objectionable. The bin store would require the removal of a larger hornbeam tree which does contribute positively to the area. It is a category B tree (rather than A) so its loss is not an overriding factor but I consider a replacement should be provided. There are mature trees close to the new building(s) and very close to the existing café to be demolished. The Landscape Officer is satisfied these can be retained subject to a condition requiring an arboricultural method statement.

7.10 Planting is limited to small areas of shrubs but this area of Mote Park is mainly open and grassed and so I consider this is reflective of the character here. I consider a tree to replace the hornbeam is appropriate to mitigate its loss and will require this by condition.

Maintenance Building

7.11 No trees would be lost as a result of the development. The previous decision by Planning Committee required native shrub planting on the bund to break up and soften the outline of the development and so this will be required once more.

Highways & Parking

- 7.12 No additional parking is proposed from the visitor's centre. Whilst the visitor's centre would provide meeting space, which does not currently exist, I do not consider this warrants any increase in parking and ultimately there would be no highway safety issues on public highway. Kent Highways have raised no objections. Cycle parking is proposed which can be secured. Sixteen existing parking spaces would be altered to provide disabled parking bays, in addition to two existing.
- 7.13 For the maintenance building, the proposals would result in the loss of five disabled parking bays but these would be replaced in the main car park (either using existing spaces or new provision), which can be secured by condition.

Other Matters

- 7.14 The submitted assessments conclude that there would be no harmful ecological impacts and some enhancements are proposed in the form of four bat boxes for the visitor's centre and also for the maintenance building. In view of the visitor's centre design featuring much zinc and the unified wall and pitched roof profile, installing boxes on the building would compromise the design, and so installation in trees would be more appropriate in this case. Boxes could be incorporated into the maintenance building. Lighting details can be provided by condition to ensure they are appropriate for bats. Surface water from the roofs will be attenuated by the use of soakaways. The Council's public art guidance seeks art for significant public buildings, which I consider the visitor's centre is. A condition will therefore be attached requiring a Public Art Delivery Plan for the centre.
- 7.15 The visitor's centre is a significant distance from any houses so would not cause any harm to amenity. The nearest houses to the maintenance building are some 110m to the west and at this distance and with the indoor bowls building between, there would not be any harmful impacts upon amenity in terms of outlook, privacy, or noise.
- 7.16 It is appropriate to require removal of both the existing café and parks maintenance building and as they are positioned between mature trees an arboricultural method statement is necessary to ensure no harm to trees.

8.0 CONCLUSION

- 8.01 For the reasons outlined above the visitor's centre is considered to be of high quality and the low harm caused to the historic park and setting of Mote House would be outweighed by the clear public benefits of providing a modern visitor's facility and café for Mote Park. Permission is therefore recommended.
- 8.02 For the reasons outlined above the maintenance building is considered to be acceptable and would cause no harm to the historic park or setting of Mote House and is in accordance with the Development Plan. Permission is therefore recommended.

8.0 RECOMMENDATION:

GRANT PLANNING PERMISSION subject to the following conditions:

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

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

Visitors Centre Conditions

2. No development in connection with the visitor's centre shall take place until an Arboricultural Method Statement (AMS) in accordance with the current edition of BS 5837 has been submitted to and approved in writing by the local planning authority. The AMS shall detail implementation of any aspect of the development that has the potential to result in the loss of or damage to trees, including their roots, and take account of site access, demolition and construction activities, foundations, service runs and level changes. It should also detail any tree works necessary to implement the approved scheme and include a tree protection plan in accordance with the current edition of BS 5837. No equipment, machinery or materials shall be brought onto the site prior to the erection of approved barriers and/or ground protection except to carry out pre commencement operations approved in writing by the local planning authority. These measures shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed, nor fires lit, within any of the protected areas. No alterations shall be made to the siting of barriers and/or ground protection, nor ground levels changed, nor excavations made within these areas without the written consent of the local planning authority.

Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development.

3. No demolition of the existing café or parks maintenance building (as outlined in blue on drawing no. 1010 RevP02) shall take place until an Arboricultural Method Statement (AMS) in accordance with the current edition of BS 5837 has been submitted to and approved in writing by the local planning authority. The AMS shall detail implementation of any aspect of the demolition that has the potential to result in the loss of or damage to trees, including their roots, and take account of site access, demolition and construction activities, foundations, service runs and level changes. It should also detail any tree works necessary to demolish the building and include a tree protection plan in accordance with the current edition of BS 5837. No equipment, machinery or materials shall be brought onto the site prior to the erection of approved barriers and/or ground protection except to carry out pre commencement operations approved in writing by the local planning authority. These measures shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed, nor fires lit, within any of the protected areas. No alterations shall be made to the siting of barriers and/or ground protection,

nor ground levels changed, nor excavations made within these areas without the written consent of the local planning authority.

Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development

4. No development above slab level in connection with the visitor's centre shall take place until details of the materials and colours to be used for the hard surfaces have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details before the first occupation of the buildings and maintained thereafter.

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

5. No development above slab level in connection with the visitor's centre shall take place until a sample panel for the ragstone piers have been submitted to and approved in writing by the Local Planning Authority. Such details as approved shall be fully implemented on site.

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

6. No development above slab level in connection with the visitor's centre shall take place until specific details of the landscape scheme, which shall be designed in accordance with the principles of the Council's landscape character guidance, has been submitted to and approved in writing by the local planning authority. The scheme shall include a planting specification, a programme of implementation and a 5 year management plan. The landscape scheme shall specifically address the need to provide robust native hedge planting around the bin store and a replacement tree.

Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development.

7. No development above slab level in connection with the visitor's centre shall take place until details of means of enclosure for the bin store hereby approved have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and maintained thereafter.

Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development.

8. The visitor's centre development shall not be occupied until a written statement of public art to be provided on site in the form of a Public Art Delivery Plan has been submitted to and approved in writing by the local planning authority. This should include the selection and commissioning process, the artist's brief, the budget, possible form, materials and locations of public art, the timetable for provision, maintenance agreement and community engagement, and the development shall be carried out in accordance with the approved details.

Reason: To comply with the Council's public art guidance.

9. The existing café building as outlined in blue on drawing no. 1956_005 P1 shall be demolished and the resulting materials and debris removed from the site to the satisfaction of the local planning authority within 3 months of the first occupation of the visitor's centre building hereby permitted;

Reason: To prevent an overdevelopment of the site and to safeguard the character and appearance of the surrounding area.

10. The approved details of the cycle parking in connection with the visitor's centre 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) (England) Order 2015 (or any order revoking and re-enacting that Order, with or without modification) or not, shall be carried out on the areas indicated or in such a position as to preclude vehicular access to them;

Reason: In the interests of promoting sustainable travel.

11. The visitor's centre buildings shall achieve a Very Good BREEAM 2018 rating. A final certificate shall be issued to the Local Planning Authority for written approval to certify that a Very Good BREEAM 2018 rating has been achieved within 6 months of the first occupation of the development.

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

12. The materials to be used in the construction of the external surfaces of the visitor's centre building shall be as stated on drawing no. 3000 Rev P02.

Reason: To ensure a satisfactory appearance to the development.

Maintenance Building

13. No development above slab level in connection with the maintenance building shall take place until details of the proposed fencing 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 and maintained thereafter.

Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development.

14. No development above slab level in connection with the maintenance building shall take place until details of five replacement disabled parking bays within the Leisure Centre car park have been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented prior to the occupation of the maintenance building. Should any replacement spaces be in close proximity to trees, an Arboricultural Method Statement (AMS) in accordance with the current edition of BS 5837 will need to be submitted to and approved in writing by

the local planning authority and the development carries out in accordance with the approved details.

Reason: To ensure replacement disabled parking bays.

15. No development above slab level in connection with the maintenance building shall take place until details of a landscaping scheme with native shrub planting on the bund to break up and soften the outline of the development has been submitted to and approved in writing by the local planning authority. The scheme shall include a planting specification, a programme of implementation and a 5 year management plan.

Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development.

Both Developments

16. No development above slab level shall take place until details of lighting for both the visitor's centre and maintenance buildings have been submitted to and approved in writing by the local planning authority. Details shall include designs, heights, luminance levels and measures to shield and direct light from the light sources so as to prevent light pollution and limit any impact upon bats and illuminance contour plots covering sensitive neighbouring receptors. The development shall thereafter be carried out in accordance with the subsequently approved details.

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

17. No development above slab level shall take place until the location of the bat boxes in connection with both the visitor's centre and maintenance building buildings have been submitted to and approved in writing by the local planning authority. The developments shall be carried out in accordance with the approved details and maintained thereafter.

Reason: In the interests of biodiversity enhancement.

18. All planting, seeding and turfing specified in the approved landscape details shall be carried out either before or in the first planting season (October to February) following the occupation of the building(s) or the completion of the development, whichever is the sooner; and seeding or turfing which fails to establish or any trees or plants which, within five years from the first occupation of a property, commencement of use or adoption of land, die or become so seriously damaged or diseased that their long term amenity value has been adversely affected shall be replaced in the next planting season with plants of the same species and size as detailed in the approved landscape scheme unless the local planning authority gives written consent to any variation.

Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development.

Planning Committee Report

19. No open storage of plant, materials, products, goods for sale or hire or waste shall take place on the land;

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

20. The developments hereby permitted shall be carried out in accordance with the most recent revisions of the plans as shown on the document register dated 18/11/19.

Reason: For clarify and to ensure the development is undertaken satisfactorily.

Case Officer: Richard Timms



19/503702/REM - Land at Postley Road, Maidstone, Kent, ME15 6RH

Scale: 1:1250

Printed on: 10/12/2019 at 11:21 AM by JoannaW

REPORT SUMMARY

REFERENCE NO - 19/503702/REM			
APPLICATION PROPOSAL			
Approval of Reserved Matters for appearance, landscaping and scale being sought following Outline Planning Permission 13/2038 for the erection of 62 no. dwellings with associated car parking, landscaping and demolition of existing dwelling.			
ADDRESS Land At Postley Road Maidstone Kent ME15 6RH			
RECOMMENDATION – APPROVE SUBJECT TO CONDITIONS			
SUMMARY OF REASONS FOR RECOMMENDATION – APPROVE SUBJECT TO CONDITIONS			
<ul style="list-style-type: none"> • The principle of 62 dwellings has been accepted under the outline planning permission and the site is allocated for 62 dwellings in the Local Plan under policy H1(24). • The proposals comply with the relevant criterion of policy H1(24), other relevant policies within the Local Plan, and the parameters of the outline permission. • Conditioned permission is therefore recommended. 			
REASON FOR REFERRAL TO COMMITTEE			
Councillors P.Wilby and B.Clark have requested that the application be reported to Planning committee for the reasons set out below.			
WARD South	PARISH/TOWN Tovil	COUNCIL	APPLICANT Chailey Homes AGENT RDJW Architects Ltd
DECISION DUE DATE 09/01/20	PUBLICITY EXPIRY DATE 09/12/19	OFFICER SITE VISIT DATE 01/08/19	
RELEVANT PLANNING HISTORY			
App No	Proposal	Decision	Date
13/2038	Outline application for residential development comprising 62 dwellings with associated car parking and landscaping, with access and layout and all other matters reserved for future consideration.	APPROVED	31/07/2017
18/503371/s ub	Submission of details pursuant to Conditions 8 Building recording programme, 9 Historic Landscape Assessment & Field Survey Works, & 10 Programme of Archaeological Work (original application ref: 13/2038)	APPROVED	06/09/2018
19/501163/s ub	Submission of details to discharge Conditions 2 Landscape scheme, 3 Ecological Design Strategy, 4 Landscape and Ecological Management Plan, & 5 Arboricultural Method Statement (original application ref: 13/2038).	PENDING DECISION	
18/503745/s ub	Submission of details to Discharge Condition 13 (Traffic Calming Measures), 17 (Parking/Turning Areas), 22 (Highways) and	PENDING DECISION	

	23 (Foot/Cycle Ways) of planning permission 13/2038.		
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MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The application site is a rectangular parcel of land at the south end of Postley Road with an area of 2.6ha. The site is located within the urban boundary of Maidstone as defined by the Maidstone Borough Local Plan 2017. To the north is a now completed residential development of 127 dwellings and to the east are large areas of established residential development including Richmond Way which is closest.
- 1.02 There is an existing dwelling known as 'The Lodge' in the northeast corner of the site with the remainder of the land mainly grassed. There are scattered trees on site (with certain species protected under an area Tree Protection Order (TPO)) and limited tree/hedge lines along parts of the boundaries. The land has a gentle slope to the west. The Loose Conservation Area adjoins the west boundary. 'Hayle Place' is a Grade II listed building located 155m west of the site. Other nearby listed buildings include Little Bockingford (GII) 100m to the southwest, Bockingford Court (GII) 80m to the southwest, and Bockingford Farmhouse (GII) 90m to the south. Public Right of Way (PROW) KB33A runs along the east and the southern boundary. PROW KB22 heads southwards from the south boundary of the site. There is a private right of way along the north part of the site which runs west to Hayle Place. The North Loose Neighbourhood Plan designated area is adjacent to the site on the eastern boundary.

2.0 PROPOSAL

- 2.01 The application seeks permission for the reserved matters of appearance, landscaping and scale for 62 dwellings. The scheme has a mix of bungalows, two storey detached and semi-detached houses of traditional design along with one 2.5 storey apartment block (rooms in the roof). Affordable housing would be provided at 40% in line with the outline permission. The design and scale will be discussed in more detail in the assessment below.
- 2.02 It is important to note that under the outline application, the principle of 62 houses and the associated outward impacts on matters such as traffic and infrastructure have been accepted. In addition, the access and layout of the scheme has also been accepted through the outline planning permission. Therefore, this application cannot re-visit the principle of housing, access or layout at the site but can consider whether the scale, design and landscaping are acceptable.

3.0 POLICY AND OTHER CONSIDERATIONS

- Maidstone Borough Local Plan (2011-2031): H1(24), DM1, DM4, DM19, DM23
- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)

4.0 LOCAL REPRESENTATIONS

4.01 North Loose Residents Association: Raises objections as follows (summarised):

- Location of several plots have been altered, location of children's play area moved, and a drainage scheme introduced that was not mentioned in the original application.
- SUDS located in a prominent position reduces the visual impact of the green entrance and the amount of green space the scheme provides.
- Appears to be a reduction in the amount of edge of site vegetation screening.
- Seems an abuse of process to make material changes to the design that have been added without amended planning application in principle being made.

4.02 **Local Residents:** 14 representations received raising the following (summarised) points:

- Point of access is too narrow and a potential danger spot
- Site is greenfield
- Density of housing proposed is above an acceptable level for such a development
- Dwellings are too close to dwellings along Richmond Way
- Lack of infrastructure provision
- Elevation of apartments is too high
- Loss of amenity to adjacent properties
- No provision for a public footpath and pedestrian access
- Previous refusal to an adjacent property known as 'The Lodge'
- Visitor parking not adequate
- Loss of view from existing properties
- Leap position moved

4.03 **Councillor Brian Clark and Councillor Paul Wilby** raise the following (summarised) points:

- No sewerage plan submitted with the application
- Orientation of some plots have been altered
- Leap has changed position and SUDS drainage scheme incorporated
- Tree species not native
- Conditions from outline planning permission have not been discharged

5.0 CONSULTATIONS

5.01 **KCC Ecology:**

- Main area of created habitat is around the proposed SUDS pond. The amended landscaping includes the retention of the existing boundary vegetation that was not previously proposed. This provides some additional habitat connectivity to the SUDS pond area.
- Greater biodiversity benefits could be realised by changes to the layout.

- Disappointing to note that roads are proposed to encircle the retained mature oak tree in the centre of the southern section of the site.

5.02 **KCC PROW:**

- PROW adjacent to the eastern boundary of the site should not affect the application.

5.03 **Southern Water:** No objection

5.04 **Historic England:** No comment

5.05 **KCC Flood Risk:** No objection in principle to the approval of the reserved matters.

5.06 **Natural England:** No comment

5.07 **MBC Conservation Officer** – Amendments show sufficient screening on the western boundary

5.08 **MBC Landscape Officer** – Soft landscaping is considered acceptable

5.09 **KCC Highways (18/11/2019)** – No comment

6.0 APPRAISAL

Principle of Development

6.01 The principle of 62 houses at the site has already been accepted by the Council under the outline planning and the site is allocated in the Local Plan under policy H1(24).

6.02 This reserved matters application only seeks approval for the detailed issues of appearance, landscaping and scale. In addressing these matters Members should not that there are a number of requirements of both the allocation policy and outline permission and the key issues to consider are the following:

- Design
- Appearance, scale and amenity
- Surfacing, boundary treatments and play area
- Landscape and Ecology

Design

6.03 In considering development proposals, section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard must be had to the desirability of preserving the setting of listed buildings, whilst Section 72 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas.

- 6.04 The National Planning Policy Framework states that when considering the impact of new development on the significance of any designated heritage asset, great weight should be given to its conservation; advising that significance can be harmed or lost through development within its setting. The NPPF sets out tests which apply when considering a proposed development that may result in harm to a designated heritage asset. MBLP Policy DM4 reiterates the above considerations.
- 6.05 The site allocation policy requires the western boundary of the site to be landscaped in order to screen the development from views from the west, and to protect the setting of the listed building, Bockingford House, and Loose Valley conservation area. In addition, the policy requires the western section of the site to be built at a lower density to reflect the existing open character of the countryside beyond. The layout of the development was approved at the outline application stage and condition 24 requires the development to be carried out in accordance with the drawing no. 1366/C10B (site layout plan).
- 6.06 The revised NPPF (February 2019) has a chapter dedicated to design (12 - Achieving Well-designed Places) and there is specific reference to the design assessment framework 'Building for Life 12' and this application has been designed and considered against Maidstone's own version of this.
- 6.07 Following initial comments from the Council's landscape and conservation officers, the landscape planting on the western boundary has been enhanced. The space available is restricted as the layout of the development has been approved under the outline permission, but this would vary in depth from approx. 1.2m to 7m at the widest. Where it is narrowest, the houses are set back from the site boundary and separated by the internal road for the development. The revised planting shows a number of additional native trees and hedgerow planting. The Conservation Officer considers this sufficient to protect the setting of the listed building and conservation area as required by the Local Plan allocation policy and policy DM4.

Appearance, Scale and Amenity

- 6.08 Whilst the site policy does not define specific requirements for appearance and scale, policy DM1 seeks high quality design and positive responses to local character. The outline consent requires that no buildings exceed 2.5 storeys with any third floor to be within the roof space of the building.
- 6.09 The house designs are of traditional appearance with mainly bungalows and 2 storey detached and semi-detached houses. The apartment block is 2.5 storey (rooms in the roof) and its mass is broken by the use of hipped roofs and dormer windows set into the eaves. The site slopes gently down from east to west by approximately 3m. The heights are acceptable and in line with condition 19 of the outline permission. In terms of the apartment block, objections have been raised with regard to the apartment block at the entrance and the scale of the building. As outlined above, the apartment block is 2.5 storeys in height, with a hipped roof, with the eaves line running through the dormer windows. To the north of the development, there are buildings of 2.5 storeys in height and it is considered

that the scale of the building would not be harmful to the character and appearance of the area. Officers consider that this building and height would provide a quality 'entrance' building to the site that would face onto the curved entrance road and the public open space opposite the building.

- 6.10 Finished floor levels have been submitted and show that these would be set above existing ground levels ranging from around 0.06m to 0.3m. In view of the distance to neighbouring properties and modest heights for the proposed dwellings, the proposed levels are considered to be acceptable.
- 6.11 The buildings would provide interest through architectural detailing including hanging tiles, and features including porch overhangs. A materials schedule has been submitted in support of the application, with the materials proposed including weatherboarding of some houses, hanging tiles and clay roof tiles. These materials would assist understanding the proposed character but be approved under condition 6 of the outline consent.
- 6.12 Further into the site plots 28 and 29 would provide a focus at the junction where the internal road splits, whilst on other corners, buildings are positioned to be set back from the curved road to maintain a frontage to the streetscene. Where plots are located close to road junctions, these houses are dual frontage and turn the corners. Bungalows are proposed along the eastern boundary in response to those on Richmond Way to the east.
- 6.13 Whilst principally a matter considered at the outline stage, this submission confirms that affordable housing would be provided at 40% with the affordable units located in the 2 bedroom bungalows on the eastern boundary, within the apartment block to the north of the site and 3 no. four bedroom units on the western side of the site.
- 6.14 With regard to amenity, houses and gardens would be laid out to ensure sufficient privacy and outlook. To the east, the nearest houses would be located along Richmond Way. A number of residents have objected to the proposed apartments due to their scale, however, the apartments would be located at least 50m from houses on Richmond Way to the east and would be 2.5 storey in height in accordance with the outline permission, which ensures that there is no unacceptable impact upon privacy, outlook or light. To the north, the closest properties are located at least 25m away and the apartment block would be positioned side-on to ensure no impact on amenity to these neighbouring properties.
- 6.15 Overall, I consider the appearance and scale of the buildings to be of a high standard in accordance with policy DM1 of the Local Plan. Future occupants of the dwellings and occupants of neighbouring properties would have and continue to have a good level of amenity in accordance with policy DM1.

Surfacing, Boundary Treatments & Play Area

- 6.16 The main spine road and circular loop road will be tarmac with spurs off of the road to be block paving. All driveways and parking areas are block paved.

Boundary treatments include brick walling with ragstone panels on exposed areas. Around the site boundaries, the boundary treatment will consist of 1.2m high post and rail fencing. Overall, it is considered that these details will provide a high quality appearance to the development.

- 6.17 The proposed play space has been relocated as part of the landscaping scheme for the site and would be located further south in the site, but it would remain well overlooked. The play area is required to be for younger children and would include a climbing unit, swing, see-saw and other play equipment.

Landscaping and Ecology

- 6.18 The landscaping scheme provides new trees across the development, including along the main access road, the loop road and within gardens. Space for front gardens are provided with shrub planting. Species details and long-term management are secured via a condition on the outline consent. Overall, the landscape areas would provide an attractive environment and setting for the development. The landscaping officer had originally raised some concerns that the western boundary could be enhanced through additional planting, and this has been provided through additional details provided by the applicant. The landscape officer is now satisfied with the landscape scheme proposed.
- 6.19 There are some scattered trees on site (with certain species protected under an area TPO) and some limited tree/hedge lines along parts of the boundaries, which would be retained and strengthened. Under the scheme, there is a good quality oak tree at the south end of the site, which would be retained and used as a focal feature around which houses would be placed. Fencing along the eastern boundary would be located behind the existing boundary vegetation, which would be retained, and the fencing would consist of 1.2m high post and rail fencing. The Landscape Officer has been consulted and has no objection to the soft landscaping proposed. Further landscaping details are required under condition 2 of the outline permission and this is to be address under application reference 19/501163/SUB, which is pending consideration.
- 6.20 The outline consent requires details of an ecological design strategy addressing ecological enhancements for the site to be submitted prior to development taking place. With regard to this reserved matters application, KCC Ecology comment that the main area of created habitat is situated in the north-eastern corner around the proposed SUDS ponds, but with roads to the east and west of this area, there is limited habitat connectivity. In KCC Ecology's opinion, greater biodiversity benefits could be realised with changes to the layout and consider that it is also disappointing that roads encircle the mature oak tree. However, as outlined above, the layout of the development has been approved under the outline planning permission, and there is no scope to redesign the layout under this reserved matters application and there is very limited space in which SUDS, required by condition 14, can be located on site. Enhanced boundary treatment has been provided around the eastern boundary and KCC Ecology is satisfied that this now provides some biodiversity connectivity. Condition 3 of the outline consent requires details of ecological enhancements to be submitted, including for

bat roost provision and a further condition would be added to this decision requiring details of bird and bat boxes.

Highways Issues Relating to the Layout

- 6.21 The impacts of traffic on the local area were considered under the outline application as a principle matter and cannot be re-visited under this application. Access to the site and layout were also considered under the outline consent and cannot be revisited. Condition 13 of the outline permission requires details of traffic calming measures at the mouth of the new junction.

Other Matters

Surface Water Drainage

- 6.22 Surface water from the development will drain to soakaways with the SUDS area located on the north eastern corner of the site. KCC SUDS has been consulted and has offered only minor advice to increase the separation distance between 4 soakaways to improve their capacity. Conditions 14 and 16 of the outline consent secures the fine details and management of the surface drainage for the development.

Electric Charging and Renewables

- 6.23 No details were requested under the outline consent for electric charging points and these details will be requested under a condition for this application in accordance with policy DM23 of the Maidstone Borough Local Plan. The applicant has agreed that 10% of dwellings will be provided with renewable energy (i.e. solar panels) on the affordable units and these details will also be secured by condition.

Representations

- 6.24 Infrastructure provision was considered under the outline application and deemed to be acceptable. This matter cannot be re-visited and have already been decided.

Conditions on Outline Consent

- 6.25 Some of the information provided covers some of the conditions of the outline consent and are considered acceptable as discussed above. This includes conditions 12 (Slab levels) and 15 (Leap).

Sewerage

- 6.26 With regard to sewerage, 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. Southern Water has a legal obligation to provide capacity and an informative will be added to the

decision notice advising the developer to contact SW. It is, however, not a relevant consideration, to this Reserved Matters application.

Conclusions

- 6.27 Having considered all representations received on the application and the subsequent amendments for the above reasons the application is considered to be acceptable and provides a high quality development in accordance with site policy H1(24), the outline consent, and other relevant policies within the Local Plan. Permission is therefore recommended subject to the following conditions.

7.0 RECOMMENDATION –

GRANT PLANNING PERMISSION subject to the following conditions with delegated powers for the Head of Planning to be able to settle or amend any necessary planning conditions in line with the matters set out in the recommendation and as resolved by the Planning Committee.

Conditions

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

Drawing No. 5543-001 - Location and Block Plans
Drawing No. 5543-003 Rev A – Apartment Floor Plans
Drawing No. 5543-004 Rev A – Apartment Elevations and Sections
Drawing No. 5543-005 Rev A – Plots 16-19, 22-29, 32-33, 57-60 Elevations
Drawing No. 5543-006 - Plots 20,21,34,35 Proposed Plans and Elevations
Drawing No. 5543-007 Rev A – Plots 55,56 Proposed Plans and Elevations
Drawing No. 5543-008 Rev A – Plots 30-31 Proposed Plans and Elevations
Drawing No. 5543-009 Rev B – Plot 36 Proposed Plans and Elevations
Drawing No. 5543-010 Rev A – Plots 37, 38, 40, 41 Proposed Plans and Elevations
Drawing No. 5543-011 Rev A – Plots 42, 39 Proposed Plans and Elevations
Drawing No. 5543-012 Rev B – Plots 43-46, 62 Elevations
Drawing No. 5543-013 Rev B – Plot 47 Proposed Plans and Elevations
Drawing No. 5543-014 - Plots 48,49,50 Proposed Plans and Elevations
Drawing No. 5543-015 – Plots 51,52,53,54 Proposed Plans and Elevations
Drawing No. 5543-016- Plots 61
Drawing No. 5543-017 – Plots 36,40,42,55,61 Proposed Plan and Elevations
Drawing No. 7880-POS-L-001-1 Rev A – Proposed Landscaping Sheet 1 of 5
Drawing No. 7880-POS-L-001-2 Rev A – Proposed Landscaping Sheet 2 of 5
Drawing No. 7880-POS-L-001-3 Rev A – Proposed Landscaping Sheet 3 of 5
Drawing No. 7880-POS-L-001-4 Rev A – Proposed Landscaping Sheet 4 of 5
Drawing No. 7880-POS-L-001-5 Rev A – Proposed Landscaping Sheet 5 of 5
Schedule of External Materials and Finished – Received on 11/12/2019
Drawing No. WG1164/sk.203 Rev P1 – Building Finished Floor Levels

Reason: To clarify which plans have been approved.

2. No development above slab level shall take place until details of any external meter cupboards, vents, or flues have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. Such features shall be installed to limit their visibility from public view points.

Reason: To secure a high standard of design.

3. No development above slab level shall take place until a sample panel of the ragstone for the walling has been submitted to and approved in writing by the Local Planning Authority. Such details as approved shall be fully implemented on site.

Reason: To ensure a high quality design.

4. No development above slab level shall take place until details of plots where electric vehicle charging points are to be installed have been submitted to and approved in writing by the Local Planning Authority. The charging points shall be installed prior to occupation of that dwelling and shall be carried out in accordance with the approved details and shall thereafter be retained for that purpose.

Reason: To promote the reduction of CO₂ emissions through the use of low emissions vehicles.

5. No development above slab level shall take place until details of the location of solar panels for at least 10% of the development have been submitted to and approved in writing by the Local Planning Authority. Priority shall be given to installation upon the affordable housing units and the development shall be carried out in accordance with the approved details.

Reason: In the interests of sustainable development.

6. No development above slab level shall take place until details of the provision and location of the bat and bird boxes have been submitted to and approved in writing by the Local Planning Authority. Such details as approved shall be fully implemented on site where placed on buildings, prior to the occupation of that dwelling.

Reason: In the interests of biodiversity enhancement.

7. The children's play area shall be carried out in accordance with drawing no. 57233-001 Rev 001 (Leap Play Equipment) and shall be implemented prior to the first occupation of the development.

Reason: To ensure satisfactory public open space

8. 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) (England)

Order 2015 (or any order revoking and re-enacting that Order, with or without modification) or not, shall be carried out on the areas indicated or in such a position as to preclude vehicular access to them;

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

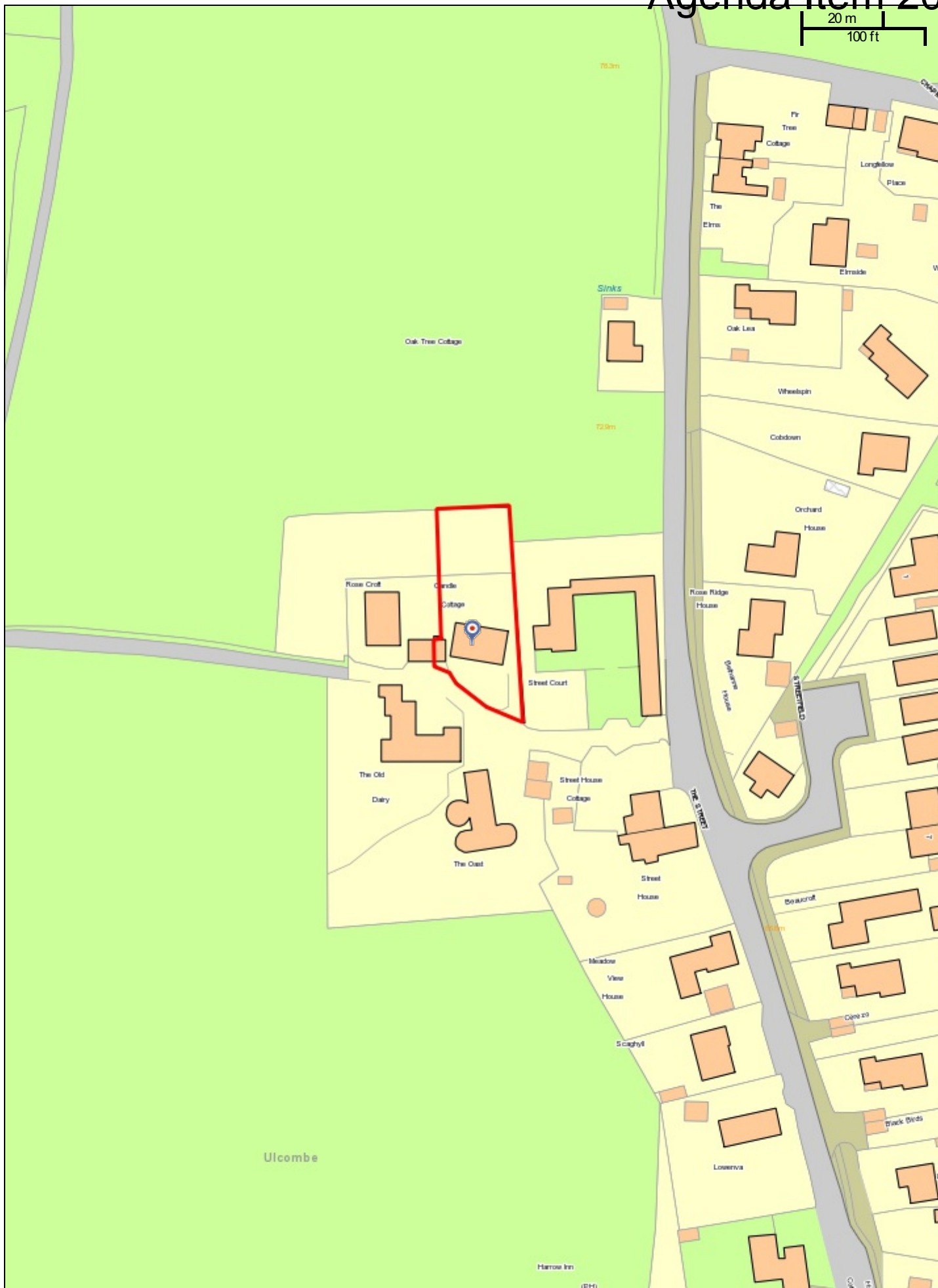
INFORMATIVES

1. The applicant's attention is drawn to condition 24 of the outline consent (application reference: 13/2038) which requires the development to be carried out in accordance with layout and shown in drawing no. 1366/C101B (site layout plan) and 1366/SK07B), notwithstanding the Leap and SUDS areas which are considered under the reserved matter of landscape.
2. 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".

Case Officer: Adam Reynolds

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

20 m
100 ft



19/505283/FULL Candle Cottags, The Street, Ulcombe, Maidstone, Kent

Scale: 1:1250

Printed on: 10/12/2019 at 11:15 AM by JoannaW



REFERENCE NO - 19/505283/FULL		
APPLICATION PROPOSAL Change of use of land from agricultural to residential.		
ADDRESS Candle Cottage, The Street, Ulcombe, Maidstone ME17 1DP		
RECOMMENDATION GRANT PLANNING PERMISSION subject to planning conditions set out in Section 12		
SUMMARY OF REASONS FOR RECOMMENDATION The proposed development would accord with the policies and guidelines relating to the change of use from agricultural land to residential.		
REASON FOR REFERRAL TO COMMITTEE Applicant is a Councillor at Maidstone Borough Council therefore the decision cannot be made under delegated powers.		
WARD Headcorn	PARISH/TOWN COUNCIL Ulcumbe	APPLICANT Mrs Karen Chappell-Tay AGENT Mrs Heidi Mangold
TARGET DECISION DATE 23.12.2019		PUBLICITY EXPIRY DATE 12.12.2019

Relevant Planning History

98/1156 - Erection of one five bed roomed house and two three bed roomed cottages and an open fronted triple garage, together with the provision of four other car parking spaces

10/1766 - Erection of a two storey rear extension

MAIN REPORT

1. DESCRIPTION OF SITE

1.01 The site located off the western side of The Street and comprises a detached dwelling located adjacent to open agricultural land which was approved under ref 98/1156 along with the surrounding properties 'Rose Croft' and the 'The Old Dairy' and the properties are set back from The Street road frontage. The site is located on the edge of the built up village of Ulcombe but is designated as part of the open countryside as shown in the adopted Local Plan policy map. The site is not subject to any other land designations and is not located within a Conservation Area or AONB.

2. PROPOSAL

2.01 The application seeks to change the use of agricultural land to residential.

In terms of scale, the land subject to the change of use is 8.3 x 9.3 metres. The adjacent neighbouring property 'Rose Croft' was granted planning permission for the 'change of use of agricultural land to residential for the provision of a swimming pool' under reference 18/505898/FULL. The depth of the proposed

residential land at the application site will be no greater than the depth approved at 'Rose Croft' and the existing hedgerows will remain as boundary treatments.

3. POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF): Section 12 – Achieving well-designed places
National Planning Practice Guidance (NPPG)
Development Plan: SP17, DM1, DM33
Supplementary Planning Documents: SPG 4 - KCC Parking Standards (2006)

4. LOCAL REPRESENTATIONS

Local Residents:

- 4.01 No representations have been received from local residents as a result of the consultation process.

5. CONSULTATIONS

5.01 Ulcombe Parish Council

Ulcombe Parish Council reviewed this application at the 14th November meeting and wish to see the application approved.

6. APPRAISAL

Main Issues

- 6.01 The key issues for consideration relate to:
- Impact to the character and appearance of the countryside.
 - Justification for the loss of agricultural land.

Policy Background

- 6.02 Significant swathes of the borough, particularly in Medway valley and Greensand fruit belt are graded as high quality agricultural land under the DEFRA classification. The NPPF recognises the benefits of best and most versatile agricultural land. Where agricultural land is highly graded (grade 1 or 2) and is functionally well located for agricultural purposes, such that future agricultural land is feasible, the council will seek to resist its irreversible loss to domestic use.
- 6.03 The change of use of agricultural land to domestic garden land is also, in principle, contrary to the objective of safeguarding the open, rural character of the countryside, which is advocated by the NPPF. The domestication of the countryside, through the replacement of open pasture with lawns, domestic plants and garden furniture is generally harmful to the integrity and character of rural landscapes.
- 6.04 Policy DM33 of the adopted Maidstone Borough Local Plan sets out the criteria to be met where proposals for the change of use of agricultural land to domestic garden land:

Planning permission will be granted for the change of use of agricultural land to domestic garden if there would be no harm to the character and appearance of the countryside and/or the loss of the best and most versatile agricultural land.

Change of use from agricultural land to residential

- 6.05 From the information available, the site does not appear to fall within Grade 1 or 2 for agricultural land quality. From my on site examination, the area subject to this planning application is a relatively small parcel of land and it did not appear to be in productive use. As the area subject to this application is not Grade 1 or 2 agricultural land, relating only to a small area and does not appear to be in productive use I would not consider the loss to be detrimental to the countryside. Therefore, I conclude that the loss of the small parcel of land would not be significant and meets the requirements of policy DM33.
- 6.06 In terms of visual amenity the existing boundary treatments are not proposed to change as the existing hedgerows are to be retained therefore, not detrimentally impacting the existing outlook of the countryside.
- 6.07 I would consider there to be no harm to the character and appearance of the countryside and the loss of agricultural land would not be significant.

Residential amenity

- 6.08 There are no significant residential amenity issues, due to the nature of the proposal, its scale and its separation from other residential properties.

Highway Safety/Parking

- 6.09 The nature of the proposal is such that it does not affect highway safety/parking provision.

Other matters

- 6.10 There are no trees with a high amenity value that would be directly affected by this proposal, and given the nature of the site I do not consider it reasonable to request further information in respect of ecology.

7. Conclusion

- 7.01 The development is not considered to have a detrimental impact upon the character and appearance of the countryside and the wider area and the loss of agricultural land will not be significant. The development will not impact upon the amenity of neighbouring properties, nor will it impact upon parking in the area or the wider highway network. As such the development is considered to be in keeping with local and national planning policies and is recommended for approval.

8. RECOMMENDATION

GRANT planning permission subject to the following conditions:

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

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

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

Householder Application

Site location plan
RA1366/REVA/01 – Existing and proposed site plans

Reason: To ensure the quality of the development is maintained and to prevent harm to the character, appearance and visual amenity of the area.

Case Officer: Sophie Bowden



19/503995/EIFUL - Land at Old Ham Lane, Lenham, Maidstone, Kent

Scale: 1:2500

Printed on: 10/12/2019 at 11:03 AM by JoannaW



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REPORT SUMMARY

REFERENCE NO - 19/503995/EIFUL
APPLICATION PROPOSAL Erection of 136 residential dwellings together with access, parking, drainage, landscaping and associated works.
ADDRESS Land At Old Ham Lane Lenham Maidstone Kent
RECOMMENDATION Conditional planning permission be granted subject to delegation to the Head of Planning to secure the detailed wording of highway conditions and the terms of the s106 agreement set out below.
SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL <p>Policy SP8 of the adopted Maidstone Borough Local Plan 2017 identifies Lenham as a Rural Service Centre and a broad Location for future housing growth, to be delivered between 2021 and 2031.</p> <p>The policy states that future housing sites should be determined by either (i) a Neighbourhood Plan and master plan process, in accordance with the criteria of policy H2(3) or (ii) through a review of the Local Plan.</p> <p>Whilst limited weight can be attached to the draft Neighbourhood Plan, this proposal is consistent with the current draft and has been formulated in liaison with the Parish Council, who do not object.</p> <p>The site will deliver a modest proportion (14%) of the growth area requirement and forms part of a wider landholding being promoted by the developer through both the draft Local Plan review and the Neighbourhood Plan. This application will enable a proportionate delivery of infrastructure identified as necessary to support the wider draft Neighbourhood Plan objectives to be delivered. Early delivery of the site will therefore assist both the Council and the Parish in achieving the growth area / draft neighbourhood plan targets.</p> <p>However, Members should note that this application must be considered on its own merits and in this respect it is not dependent upon wider schemes coming forward.</p> <p>The development proposes a good quality neighbourhood set within an attractive landscape setting. The proposed housing mix and 40% affordable provision will make a significant contribution to identified needs.</p> <p>The site is considered to be a sustainable location with good access to the village centre, local amenities, local bus routes and the railway station.</p> <p>The proposals have been the subject of a lengthy pre-application process with Officers, the Parish Council and have been subject to engagement with the wider local community.</p>
REASON FOR REFERRAL TO COMMITTEE <p>The application has been called in by local councillors due to its significance in the context of the village and the emerging neighbourhood plan.</p>

WARD Harrietsham And Lenham	PARISH/TOWN COUNCIL Lenham	APPLICANT Countryside Properties & The Estate Of A Crouch AGENT DHA Planning
DECISION DUE DATE 18/01/20	PUBLICITY EXPIRY DATE 21/09/19	OFFICER SITE VISIT DATE Various throughout 2019
RELEVANT PLANNING HISTORY: The application site has no planning history. To the north east, Wealden Homes received planning permission earlier in 2019 for a scheme of 55 units, whilst to the north, adjacent to the A20, Jones Homes are on-site constructing a housing scheme allowed on appeal.		

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The Application Site lies immediately to the west of the built up area of Lenham and fronts onto Old Ham Lane, beyond which, to the east, are a row of cottages and beyond the large Lenham Storage site. To the south Old Ham Lane crosses the railway via the so-called 'Smokey Bridge'.
- 1.02 To the north east the site abuts the William Pitt Playing Field, itself a draft neighbourhood plan housing site, beyond which are the residential development sites being brought forward by Wealden and Jones Homes respectively.
- 1.03 Old Ham Lane connects to Ham Lane a short distance east of the site, which gives access into the village centre and station to the east and to the A20 to the north. Subject to local enhancements proposed by this scheme, the site has acceptable pedestrian connections to both the village centre and bus and train services.
- 1.04 To the west the land comprises open countryside. This fallow arable land, of which the Application Site forms part, comprises a wider landholding of 18.6 ha, which the draft Neighbourhood Plan promotes as a future housing site.
- 1.05 The current Application Site, however, represents only 7.5ha of the overall land holding, this being the first phase of the potential overall site. The Design and Access Statement demonstrates how this application would fit

into the wider masterplan, should this come forward. However, to be clear, Members should consider this application on its merit and not assume that any of the wider draft Neighbourhood Plan Sites will definitely come forward.

- 1.06 The Application Site comprises mainly open arable field with limited trees or hedgerows, other than site boundaries. An area of ancient woodland lies further west, but does not abut the application site. The western edge of the site is marked by a shallow dry valley which follows the gentle north to south slope of the land. This feature is used to inform the open space and drainage strategy.
- 1.07 The AONB boundary lies north of the A20. The site will be separated from the AONB boundary by approved developments that are under construction to the north / north east. The relationship with the AONB is assessed in further detail below.

2 THE PROPOSALS

- 2.01 This detailed planning application has been submitted following an extensive series of pre-application discussions with the Parish Council and Officers at both MBC and KCC, together with other local stakeholders. The scheme has also been presented to MBC Members as part of the pre-application process – but Members should note that discussion centred around the Applicant’s masterplan for circa 360 dwellings across their wider landholding, of which this Application forms just part.
- 2.02 The planning application seeks detailed planning permission for the erection of 136 dwellings, 55 (40.5%) of which will be affordable, together with extensive areas of open space, internal highway infrastructure, a new site access onto and improvements to Old Ham Lane and the junction with Ham Lane, plus a new access to the adjacent Parish Council site. The proposals reserve land within the south part of the site adjacent to Old Ham Lane that would provide for improved connections for other proposed housing sites south of the railway, should they come forward at a future stage. However, this is not necessary as part of this initial phase. The Applicant has agreed a strategy with KCC requiring the construction of this link, should it be necessary, before the completion of this first phase of development.
- 2.03 The proposed dwellings are principally two storey in height with a limited 3 storey element provided by two apartment blocks. The scheme delivers a mixture of 1 and 2 bedroom apartments plus 2, 3, 4 and 5 bedroom houses, with the following mix:

1 Bedroom apartment	8 units
2 Bedroom apartment	16 units
2 Bedroom house	23 units
3 Bedroom house	59 units
4 Bedroom house	26 units
5 Bedroom house	4 units

- 2.04 Traditional materials are proposed with a combination of brick, tiling and weatherboarding that, together with their scale and building typologies has taken reference from an assessment of the wider character of Lenham. The materials, together with the placement of buildings of interest and open space and landscaping seek to create streetscapes that possess a variety of forms and interest.
- 2.05 The dwellings form clusters set off a central landscaped spine road and are contained within extensive areas of public open space to the west south and east. Established boundary planting to the south adjacent to the railway will be retained and enhanced. Both the proposed open spaces and highway infrastructure have been designed to engage with the wider areas of development promoted within the draft Neighbourhood Plan.
- 2.06 Accounting for the extensive areas of open space the overall density of the development is very low at 18.1 dph. Dwellings types and tenures are varied across the scheme to ensure that a genuinely mixed neighbourhood is created.
- 2.07 The proposed open spaces comprise a range of formal (principally streetscape) and semi-natural areas that will serve townscape, recreational and ecological functions. Native planting will be used throughout and habitat for birds, bees and bats created within both the landscape and built fabric. It has been demonstrated that the landscaping proposed, for example, the central landscape corridor, can link into future phases of development should adjoining sites come forward at a future stage.
- 2.08 The planning application is accompanied by a series of technical and environmental reports, plus an Environmental Statement, the scope of which has followed the Council's pre-application advice.

3 RELEVANT POLICY CONSIDERATIONS

- 3.01 Relevant strategic policies within the Maidstone Borough Local Plan 2017 (MBLP) are: SS1, SP3, SP5, SP8, SP17, SP18, SP19, SP20, H2(3) (Lenham broad location for housing growth), ID1.
- 3.02 Relevant development management policies within the MBLP are: DM1, DM2, DM3, DM4, DM6, DM8, DM12, DM19, DM20, DM21, DM23, DM30.
- 3.03 The Officer assessment has also been guided by relevant advice with both the National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG).
- 3.04 The draft Lenham Neighbourhood Plan (LNP) is afforded limited weight in the assessment of this application as, at the time of this report being drafted it has not yet progressed to Regulation 16 stage. However, as identified within the assessment below, the location, form and scale of development is, where relevant, consistent with the current draft.

4 LOCAL REPRESENTATIONS

- 4.01 Letters were sent to neighbouring residents, plus notices were placed on site and in the local press. 10 responses have been received, principally raising objections on the following grounds (not all of which represent planning considerations):
- conflict with the MBLP
 - prematurity ahead of the Lenham Neighbourhood Plan
 - loss of open countryside
 - loss of agricultural land
 - the application should deliver the access links to the north (A20) and south (Old Ham Lane) at this stage
 - old Ham lane is inadequate to accept any growth in traffic
 - the development will create risks for pedestrians and cyclists
 - the proposals would encourage further use of the PROW that passes through the Lenham Storage site
 - no equalities assessment has been carried out
 - Lenham has inadequate infrastructure to accommodate such growth
 - too many larger houses
 - affordable housing should not be built adjacent to existing higher end housing
 - increased risk of surface water flooding
 - inadequate highways and ecological surveys
 - noise and light pollution

5 CONSULTATIONS

(Please note that summaries of consultation responses are set out below with the response discussed in more detail in the main report, where considered necessary)

- 5.01 **Lenham Parish Council** – following discussion with the Applicant regarding their initial comments, the PC has now withdrawn their objections.
- 5.02 **Network Rail** – No objection in principle and invite further discussions with the Applicant on matters such as boundary treatment and surface water drainage.
- 5.03 **Environment Agency** – Raise no objection subject to a number of conditions.
- 5.04 **MHCLG** – Offer no comments.
- 5.05 Southern Water** – Provide advice on works adjacent to the sewer network and 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.”
- 5.06 **KCC Ecology** – Acknowledge that the proposed development provides opportunities to incorporate features into the design which are beneficial to wildlife, such as native species planting and the installation of bat/bird nest boxes. Following the receipt of further information KCC are satisfied that the surveys of breeding birds and dormice is acceptable.

KCC note that mitigation measures have been provided which include precautionary working measures and the provision of replacement habitat for dormouse – KCC consider that these measures are sufficient to ensure that the works will not be detrimental to the favourable conservation status.

KCC note that further mitigation measures have been provided in relation to; badgers, a sensitive lighting strategy for bats, and hedgehogs and are satisfied with the outlined precautionary mitigation measures and advise

that these measures are secured via an appropriately worded planning condition.

At the request of KCC breeding bird surveys have been undertaken with a number of priority species recorded breeding on site (skylark and song thrush). Under the current proposals, habitat supporting skylark will be lost (i.e. large areas of arable farmland) and therefore mitigation will be required. (*Officer Note – KCC’s ecologist has now agreed a condition to address this matter*)

KCC advise that sufficient information has been submitted to enable MBC fully consider the impact the proposed development will have on other species recorded within the site.

- 5.07 **KCC Heritage / Archaeology** – Acknowledge that the site does not contain any known designated heritage assets and there are none nearby except for Boldrewood Farm and Lenham Court, which are south of the railway line.

From a wider heritage perspective KCC consider that the proposed development may have an impact on the historic character and significance of Lenham, as a medieval market town. The scale of development is such that there is likely to be an impact on the number of visitors and users of Lenham village centre, which contains many designated and non-designated historic buildings. In addition, there are still clear boundaries and an area defining Lenham medieval market town with open fields surrounding the historic core.

Recommend conditions to address archaeology.

- 5.08 **KCC Lead Flood Authority** - In principle have no objection to the proposal subject to conditions.
- 5.09 **KCC PRow** – Note that the development will provide new path links within the site that would be a valuable addition to the PRow network. Also consider that the development will increase the use of nearby PRow and suggest a financial contribution to their enhancement.
- 5.10 **KCC Highways** – Confirm that the site is well placed in relation to several key local facilities including the primary and secondary schools, which fall within the ‘preferred maximum’ walking distance of 2km (commuting/schools).

Support the provision of a new 1.8m wide footway on the northern side of the section of Old Ham Lane that is to be widened. This will connect with the footways proposed on both sides of the development access road.

Note that the widened section of Old Ham Lane incorporates a proposal for a new access junction to the playing fields and consider that this would achieve a highway safety benefit in view of the substandard nature of the existing playing fields access

KCC originally raised a number of matters following their initial assessment of the application including, which have since been addressed to their satisfaction:

- Clarity on safety audit and vehicular tracking at both access points to the site and the adjacent Parish Council land
- Clarity on cumulative impacts on the Ham Lane / A20 junction and any necessary works
- Detail as to how the southern link to Old Ham lane will be delivered.
- Cumulative impact analysis in respect of key junctions on the wider A20 corridor towards Maidstone (M20 J8) and Ashford, with mitigation proposals included

(Officer Note – these have each been addressed following a meeting between the parties and a series of conditions agreed by KCC, who now do not object subject to a number of conditions.)

5.11 **Kent Police** - Note that the submission acknowledges Secured by Design (SBD) in the Design and Access Statement (DAS), but recommend a condition to enable direct dialogue with the Applicant to address a number of matters. *(Officer Note – this would be an informative rather than condition)*

5.12 **MBC Parks and Open Spaces** – Initially assessed that the scheme provided only 2.32 ha of open space against a requirement of 2.70ha and advised that a financial contribution should be sought. *(Officer Note – the applicant has subsequently clarified that 2.74 ha of open space is to be provided.)*

5.13 **AONB Unit and Natural England** – no comments received.

6 APPRAISAL

6.01 Having regard to the form of development proposed and the consultation comments received, the key issues for consideration in relation to this application are:

- Development Plan Context – Lenham Growth Area
- Principle of Development
- Affordable Housing / Housing Mix
- Character and Appearance
- Landscaping and Open Space
- Highways and Accessibility
- Landscape and Visual Impacts
- Heritage and Archaeology
- Ecology
- Drainage and Flood Risk
- Residential Amenity
- Infrastructure and Open Space
- Other Matters:
 - EIA, Ground Conditions, Air Quality

Development Plan Context – Lenham Growth Area

6.02 Policy SP8 of the MBLP identifies Lenham as a broad location for housing growth, to be delivered in accordance with policy H2(3), which includes an expectation that housing site allocations and associated infrastructure requirements will be made through the Lenham Neighbourhood Plan (LNP) or, through the Local Plan Review.

6.03 The Lenham Neighbourhood Plan (LNP) has not yet reached Regulation 16 stage and limited weight can be afforded to its detailed policies. Nevertheless, Members are advised that this application has been brought forward following detailed engagement between the Applicant and the Parish Council, who have confirmed that they no longer have any objection to the proposal.

6.04 In the context of the draft LNP, it is relevant to note that this planning application:

- is consistent with the draft LNP's spatial strategy for housing, forming part of proposed 'Strategic Housing Delivery Site No. 5' (currently proposed are 136 units out of the 360 identified for the whole of site No. 5),
- demonstrates how the current layout would integrate into the wider areas promoted in the draft LNP
- in so far as the application site is concerned, provides or safeguards the wider connections sought by the LNP between housing sites and the A20, and
- enables the new access required for the adjacent PC owned site No. 6; provided through planned local highway improvements that are part of the Applicant's own mitigation works.

6.05 In response to third party comments that the application is premature and should first be considered as part of the LNP process, Officers would make the following comments.

6.06 The Local Plan Inspector considered the quantum and timing of delivery of housing in Lenham in some detail, identifying a total of 1,000, rather than 1,500 dwellings, but significantly, bringing the commencement of delivery forward from 2026 to 2021.

"The H2(3) Lenham Broad Location should be reduced from 1500 to 1000 dwellings to be delivered between 2021 and 2031. That would be a more realistic delivery rate. The reduced total development within the Plan period would also allow more flexibility for the individual site allocations. These allocations would be determined by a Neighbourhood Plan or, by default, in a Local Plan review before April 2021. The plans would need to address any infrastructure constraints..."

6.07 It is important to recognise that successful housing delivery requires homes to be ready for occupation, which involves not simply the construction of the relevant dwellings, but also the planning and delivery of the associated infrastructure that will be necessary to support the overall delivery of growth. In considering the nearby development at Loder Close, the Committee acknowledged that meeting future housing targets requires a degree of forward planning and that the granting planning permission is only part of this process.

6.08 Recent analysis of housing land supply projections indicates that it is not unrealistic to assume 3-4 years from a resolution to grant detailed planning permission to the actual delivery (occupation). As an example, the process post-Planning Committee can involve:

- completing a s106 agreement,
- formalising the purchase of land options,
- third party landowner agreements,
- preparing construction drawings and tender packages,
- discharging pre-commencement conditions,
- appointing contractors,
- site clearance and preparation,
- securing agreement of statutory undertakers,
- carrying out off-site works,
- enabling on-site infrastructure,
- laying out highways and open spaces and finally,
- phased build out.

6.09 Thus, in order to meet the need to deliver on average 100 homes per annum from April 2021, with only a limited number of units permitted thus far and an expectation that the delivery target for the first year after 2021 is not likely to be achieved; this application will assist in ensuring that an adequate housing supply pipeline is available for the early stages the delivery period. In addition, this site is one that would be required in order to enable access infrastructure to link wider LNP housing sites to the A20 and therefore inevitably, it must be prioritised within the overall trajectory for Lenham.

6.10 It has been demonstrated above that it is necessary to afford significant weight to the need for a pragmatic and realistic trajectory for the delivery of 1,000 housing units in Lenham and that this outweighs the strict application of Policy SP8 as currently worded, which has to some extent been overtaken by time and the relative lack of progress of the LNP.

6.11 Paragraph 50 of the NPPF provides the context for assessing prematurity. It states that the refusal of planning permission on grounds of prematurity will seldom be justified before the end of the Local Planning Authority publicity period on a draft neighbourhood plan. Thus any submission from third parties that prematurity should be a reason for the refusal of this application is not in accordance with clear national policy on that issue.

- 6.12 Some weight can also be given to the fact that the LPC do not raise any objection to the scheme.
- 6.13 It is therefore considered that the application is not premature and that it accords with the relevant housing delivery requirements of the MBLP and having regard to previously published drafts, does not present a risk of prejudice to any future LNP.

Principle of Development

- 6.14 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning applications must be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 6.15 The National Planning Policy Framework (NPPF) provides the national policy context for the proposed development and is a material consideration of considerable weight in the determination of the application. The NPPF states that any proposed development that accords with an up-to-date local plan should be approved without delay. At the heart of the NPPF is a presumption in favour of sustainable development and for decision-taking this again means approving development that accords with the development plan.
- 6.16 In order to support the Government's objective of significantly boosting the supply of homes, the National Planning Policy Framework states that it is important that a sufficient amount and variety of land can come forward where it is needed and that land with permission is developed without unnecessary delay *'by identifying a supply of specific deliverable sites sufficient to provide five years' worth of housing that will be achievable / deliverable and in a form that is viable'*.
- 6.17 It is a core principle of Government policy that the planning system must be plan-led. The Local Plan (together with the Kent Minerals and Waste Plan) forms the Development Plan for the Borough. In the context of this planning application it is up-to-date and must be afforded significant weight.
- 6.18 The Local Plan sets out a strategic approach to the location of housing development in order to deliver the housing needs of the Borough over the plan period. It adopts a presumption in favour of sustainable development within the context of the broad objectives of the Local Plan, which are, inter alia, to provide sufficient housing to meet identified local need, to develop sustainable communities and to protect the built and natural environment.

- 6.19 Policy SS1 sets out the overall housing growth targets for the Borough, whilst policy SP5 identifies Lenham as a 'Rural Service Settlement' and 'broad location for growth' where, inter alia, sustainable housing growth will be focussed. Policy SP8(6) states that:

Lenham is also identified as a broad location for growth by the delivery of approximately 1000 dwellings post April 2021 to be delivered in accordance with policy H2(3). Masterplanning of the area will be essential to achieve a high quality design and layout, landscape and ecological mitigation, and appropriate provision of supporting physical, social and green infrastructure. Housing site allocations and associated infrastructure requirements will be made through the Lenham Neighbourhood Plan (LNP) or through the local plan review to be adopted by April 2021. Housing sites should avoid significant adverse impact on the setting of the AONB and coalescence with neighbouring Harrietsham.

- 6.20 As identified above, the Applicant has developed the scheme in close liaison with the Parish Council and their neighbourhood planning team, who raise no objection. The scheme now before Committee closely accords with the draft LNP's direction of travel in terms of the location and scale of housing growth, whilst also enabling infrastructure that the draft LNP identifies as necessary to support planned growth. However, at the same time this Planning Application must be considered on its own merit.
- 6.21 Subject to the considerations within SP8, as assessed below, the principle of development is therefore considered to be in accordance with the Local Plan delivery policies identified above and the NPPF.

Affordable Housing / Housing Mix

Affordable Housing Provision

- 6.22 Having established that the principle of housing development is acceptable, we then turn to assess whether the specific proposal meets identified needs. Policy SP20 of the MBLP sets a target rate of 40% affordable housing with an indicative target mix of 70:30 affordable rent:intermediate. The policy also requires that any affordable housing is suitably integrated into the overall development.
- 6.23 The development proposes 40.5% affordable housing (55 units) and therefore exceeds the policy requirement. The Applicant has requested a 59% rent:41% intermediate affordable tenure split (rather than 70:30),

explaining that their site carries a disproportionate level of infrastructure costs as they are enabling / funding infrastructure identified within the LNP. Having regard to the fact that the Applicant has prioritised the overall number of affordable units, and will deliver, if required, the southern section of the link road, a site-specific variation to the tenure mix is considered to be acceptable in this instance, however, Officers recommend a 65% rent:35% intermediate split.

- 6.24 The affordable units are integrated across the overall development, with the following updated unit size mix:

	<u>Affordable Rent</u>	<u>Intermediate</u>
1-Bed Flat	4	4
2-Bed Flat	8	8
2-Bed House	9	6
3-Bed House	13	1
4-Bed House	<u>2</u>	-
	36	19

The provision of a wide range of unit sizes, but with a higher proportion of family-sized affordable rent units is welcomed.

- 6.25 To conclude, the level of affordable housing and tenure split will make a significant contribution to the latest housing need requirements and having regard to the site specific circumstances, is considered to be acceptable and in accordance with MBLP Policies SP19 and SP20.

Housing Mix

- 6.26 Policy SP19 seeks to create sustainable communities through, not only a mix of tenures, but also a sustainable mix of unit sizes and types. Within the market housing element of the scheme the mix of units sizes is:

2-Bed House	8
3-Bed House	45
4-Bed House	24
5-Bed House	<u>4</u>
	81

The emphasis on family housing is again welcomed and considered to be appropriate for this location. In addition, the weighting towards smaller sized (and thus by their nature more accessible/affordable) family housing units is again welcomed.

- 6.27 Overall it is considered that the mix of housing proposed across all tenures will make a significant contribution to meeting housing needs and creating

a sustainable community and, subject to a minor tweak in the affordable tenure guidance, is in accordance with Policy SP19.

Character and Appearance

- 6.28 This is a detailed application and therefore matters of layout and appearance are before the Council for approval.
- 6.29 The overall masterplan has developed through an extensive series of pre-application discussions, during which the context for the scheme was informed by an assessment of the sites topography and landscape setting. In addition a detailed character assessment of the existing village character areas was undertaken in order to establish a range of appropriate building styles and materials palette. Officers consider that the scheme successfully applies these contextual references to the overall masterplan, whilst building typologies create a development that compliments its location.
- 6.30 The scale and form of the development, including building heights and areas of landscaping has been informed not only by the existing village, but also its relationship to the wider landscape. The sensitivity of the relationship with the AONB and surrounding landscape has driven a principally two storey height limit, with three story elements limited to two flatted blocks within the central area and lower densities around the site perimeter.
- 6.31 The landscaped spine road defines the main vistas through phase 1, and provides a dedicated ped/cycle route. On the western boundary, the spine route links into the southern element of what may become a linear park, providing vistas on pedestrian routes through to the Downs.
- 6.32 Along the central spine, marker buildings and open spaces accentuate focal points and entrances to a series of character areas, themselves defined by perimeter blocks, where buildings principally face onto and animate streets. Off the central spine road, streets are designed so as to reduce the dominance of vehicle movements.
- 6.33 A wide range of dwelling styles are proposed, with the Applicant's house types being adapted to incorporate local styles, materials and detailing. The materials palette is principally brick, with elements punctuated by hanging tile, weatherboarding and the use of ragstone on key public frontages. Roofing materials are principally plain tiles and grey slate appearance.

- 6.34 The variety of house styles and materials serves to create interest within the street scenes and will ensure that the character of the development is in keeping with the village / countryside transition. This is emphasised by the low overall density of development and extensive boundary open space / landscape.
- 6.35 The scheme has also been formulated having regard to Maidstone Building for Life 12, with specific responses including:
- enhanced connectivity between the site and the surrounding area, with an emphasis upon pedestrian and cycle opportunities and links to public transport and local services
 - ensuring that the site masterplan is driven by local context and engages with local features, landscape and topography
 - the use of vernacular materials and locally driven architectural detailing
 - the integration of landscaping into the overall design, with integrated 'green corridors' which also function as ecological corridors which promote bio-diversity as an integral element of the scheme design
 - the application of sustainable design principles
- 6.36 The site layout, whilst recognising the site's potential as part of the draft LNP masterplan, has also been designed to be acceptable in its own merit.
- 6.37 In conclusion, it is considered that the development represents a high quality, contextually driven response which accords with the aspirations of the NPPF, MBLP policies DM1, DM2, DM3, in so far as it is relevant to the Lenham Growth Area DM30 and Maidstone BfL 12.

Landscaping and Open Space

- 6.38 The principle of the development is based upon a landscape-led masterplan that will evolve through the future phases of development to create a comprehensive series of open spaces.
- 6.39 Within Phase 1 the Landscape Strategy will deliver an open landscaped gateway to the site off Old Ham Lane, the southern elements of a planned central blue/green corridor and a landscaped spine road.
- 6.40 With the exception of limited areas where the accesses will be created, existing hedgerow and trees will be retained and reinforced with new planting. Native species will dominate, with a limited element of

ornamental planting to provide seasonal interest. New wildflower meadows will provide new habitat as well as visual interest.

- 6.41 The overall level of 'green' open space accords with the highest levels required by policy and the respective areas are large and provide useable amenity without prejudice to their potential ecological functions.
- 6.42 Hard landscaping will incorporate a variety of surface finishes to denote different elements of the road hierarchy and parking areas, with junctions and crossings highlighted with contrasting materials such as block paving. Footpaths within the landscape areas will include more natural surfacing such as self binding gravel.
- 6.43 Play areas are integrated within the main landscape areas, with a range of both formal and informal areas. Trim trail elements will be included that are capable of linking into future phases.
- 6.44 A landscape management strategy will be secured by condition to ensure that an acceptable long term regime is put in place to the satisfaction of the Council. This will also address how the transition between this site and future developments will be managed.
- 6.45 The proposals are therefore considered to accord with the relevant requirements of MBLP Policies DM1, DM3 and DM19.

Highways and Accessibility

- 6.46 KCC Highways acknowledge that the site represents a sustainable location, with local services, schools and public transport services within an acceptable walking distance.

Pedestrian and Cycle Users

- 6.47 KCC support the proposal to enhance footway provision in the vicinity of the site, which will address the current absence of footways on Old Ham Lane and will connect the site into Ham Lane with a continuous roadside pedestrian route.
- 6.48 Some concerns have been raised regarding the potential of the site to encourage greater usage of the PROW to the south of the site, which runs through the heart of the Lenham Storage Site; which the operators of consider would cause additional safety concerns as pedestrians are vulnerable to commercial vehicle movements. This existing PROW is poorly marked and Officers agree that it presents an unattractive option

for walkers. The application site will generate a significant number of new pedestrian movements towards the village centre and station, however, in contrast to the poor quality of the existing PROW, the development will deliver high quality pedestrian routes that will not only be attractive to residents of the scheme, but also other walkers and cyclists passing east-west along the southern part of the site.

- 6.49 As such, it is considered that the development offers an attractive alternative to the southern PROW and will not exacerbate safety concerns. Nevertheless, whilst it is not considered that the application needs to deliver specific mitigation for the existing PROW, the Applicant has confirmed that they are willing to liaise with Lenham Storage, the parish and KCC to examine options to divert the PROW out of the storage yard and into the application site.

Public Transport

- 6.50 As identified above, the site is within reasonable walking distance of bus stops and the railway station.
- 6.51 It is an aspiration of the Parish Council, supported by KCC to offer a further potential bus route through the new housing sites promoted within the draft LNP. In response the Applicant has designed the central spine road to a width that will provide for safe bus traffic. This has also been designed to extend northwards through future phases of development towards the A20. However, as this element would be over-engineered should the bus route not be required in the future, the potential would exist to modify this route if necessary to provide additional landscaping and visitor parking.
- 6.52 In addition, at the request of KCC the Applicant has safeguarded an area of land to the South of the site in order to accommodate the potential future extension of the spine road to Smokey Bridge (and beyond to other proposed housing sites). A planning condition will secure the delivery of this southern link when required.

Car and Cycle Parking

- 6.53 Resident car and cycle parking, together with visitor parking spaces are provided in accordance with standards.

Junction and Capacity Assessment

- 6.54 KCC Highways have agreed the development's trip generation figures and the assessment of impacts on local junctions. The development will be

accessed via a new junction to Old Ham Lane and a re-prioritisation of traffic into the site. Ultimately the intention is that the majority of Old Ham Lane will become a no through route, with the future stopping up benefitting residents of the houses fronting it, as well as pedestrian and cyclists. This would be carried out as part of the southern link scheme identified above.

- 6.55 The short section of Old Ham Lane between the new site entrance and Ham Lane will be widened to enable improved and safer traffic flow. As part of this widening process, the Applicant has agreed to provide a new access to the William Pitt Site to enable its future development. This benefit is not necessary in order to make the development acceptable, but is reasonable having regard to the road widening across the existing playing field access.
- 6.56 KCC Highways have confirmed that the proposed site access is adequately designed to accommodate future traffic flows and that the existing junction of Ham Lane and the A20 has adequate capacity, without requiring improvements, to accommodate a growth in traffic levels in excess of those proposed within this application.
- 6.57 At the request of KCC, the Applicant has also modelled the potential cumulative impacts of the scheme upon the wider highway network, together with the wider planned growth in the area. This assessment does not identify any requirements for improvements as part of this application and should any wider capacity improvements be required in the future, these would be funded through CIL payments.
- 6.58 Road safety audits have been undertaken in association with the various works, to the satisfaction of KCC. Subject to the imposition of a range of conditions to ensure delivery of the improvement works, KCC support the application.
- 6.59 To conclude, in terms of accessibility, highways and transport matters, the proposals accord with MBLP Policies SS1, SP23 and DM21.

Landscape and Visual Impacts

- 6.60 The Planning Application has been the subject of EIA and as a consequence the potential landscape and visual impacts (LVIA) have thus been the subject of a detailed, methodological assessment which the Council's lead landscape officer advises is acceptable.

Relevant Landscape Designations / Policies

- 6.61 The Kent Downs Area of Outstanding Natural Beauty (AONB) lies immediately to the north of Lenham, the statutory designation of which seeks to protect, for example, landscape of national significance. The Countryside and Rights of Way Act 2000 requires that in determining planning applications local authorities must take into consideration the effects of development both within the AONB and within its setting, in order to ensure its distinctive landscape, as identified within the Management Plan is conserved and enhanced. Whilst the site lies outside the AONB, due to its proximity, consideration must be given as to whether the proposed development would impact upon the setting to the AONB.
- 6.62 The NPPF highlights the need to conserve and enhance the natural environment, particularly at paragraphs 170 to 172. At a Borough level Policies SS1, SP17 and DM3, inter alia, seek to balance growth with the need to protect the character of the AONB and wider countryside.
- 6.63 At a County level the 'North Downs Special Landscape Area' seeks to identify and afford protection to the scenic qualities and distinctive character of the rural landscape, whilst at a local level the site is not subject to any specific landscape designation.
- 6.64 The Maidstone Landscape Capacity Study (2015) includes a sensitivity assessment in relation to housing development in the landscape character area as well as a specific assessment of the site (H03-202, Old Ham Lane), advising of key sensitivities and opportunities to mitigate the impact of any development. This latter assessment identifies that the area is sensitive to change arising from residential development.

Assessment

- 6.65 Having regard to its current rural setting and relationship to the AONB to the north, the potential impact of the development upon the landscape has been assessed in accordance with guidance published by the Landscape Institute, which advises councils to "*consider the effects of development on the landscape as a resource in its own right and the effects on views and visual amenity*".
- 6.66 The EIA supporting the application identifies the key landscape characteristics as including:
- the Kent Downs AONB to the north
 - the site's topography sloping upwards towards the foothills and lower slopes of the North Downs – Lenham Scarp

- open views from the Lenham Scarp across the landscape to the south, including both the existing built up areas of Lenham and surrounding arable fields, many of which possess a strong sense of exposure
- the clear definition of the railway line, supplemented by mature tree planting on the railway embankment.

6.67 The assessment of LVIA impacts considers a number of factors, including, for example:

Users of the A20

- a primary commuter corridor, with significant traffic flows, but relatively low pedestrian traffic
- principal views are considered to be to the north towards the North Downs
- views towards the site are relatively 'poor', with only occasional views of partial sections of the site visible due to existing hedgerows and vegetation
- the value of any view towards the site, or across the site from the A20 is 'low' as there are no views of real merit
- as construction has also commenced on the Jones Home development, adjacent to the A20, the sensitivity is 'low'

Residents and Users of Old Ham Lane / Ham Lane

- a secondary route, with users including a mix of drivers and pedestrians, a limited number of residential properties have views towards the site
- otherwise views towards the site are restricted by established hedgerow and residential development
- two storey properties adjacent to the southern boundary will have uninterrupted views into the site
- however, the value of the view is identified as 'low' as the agricultural field has no features of merit and residential construction is underway in the foreground of the AONB; therefore, the sensitivity is 'moderate'

6.68 The EIA concludes that whilst the Application Site lies within a wider sensitive location in terms of natural landscape, it forms a relatively insignificant part of the wider Kent Downs landscape. This is informed by the physical and visual separation of the Application Site from the Downsland (AONB / SLA) landscape and the adjacency of the site to the existing settlement boundary of Lenham.

- 6.69 In considering potential impacts upon the AONB, whilst the scheme will expand the physical extent of the built up area of Lenham, with associated visual impacts from new buildings and, for example, street lighting, it is relevant to note that the Jones Homes development, now under construction, will intervene in views towards / from the site and the AONB. In addition the site lies adjacent to the existing built up area to the east and south and when viewed from the AONB will be set against established development to the south, including a large industrial estate.
- 6.70 In order to further mitigate potential impacts, the proposal will retain and enhance existing boundary landscaping, manage building heights, form and materials to reflect local character and incorporate significant elements of landscaping and open space within the overall masterplan to assist in managing the impact of the development upon the visual amenity of the AONB and wider open countryside.
- 6.71 Whilst the net impact of the development upon the character of the countryside and the AONB will reduce over time as, for example, proposed new landscaping matures, long-term views of the site will still be achieved from the AONB / North Downs Way, including rooftops and lighting. However, from the AONB / North Downs Way these will be restricted by a combination of existing and enhanced boundary vegetation, adjacent developments and the intervening A20. In addition the site will appear as a relatively minor extension of the existing built up area with elements of existing buildings in both the foreground and background.
- 6.72 Having regard to the impact of the development on the Harrietsham and Lenham Vale Landscape Character Area, this is sensitive to change, with potential impacts including the loss of open countryside and the extension of the urban edge, including potential cumulative impacts with other developments. The scheme mitigates impacts by, for example, providing a low overall density of development with significant boundary landscaping and open areas to manage the transition between built development and countryside.
- 6.73 As a site proposed within the draft LNP, the PC has considered various options for growth in Lenham and potential impacts upon the countryside and considers this site appropriate. As before, the site will visually appear partly contained by existing and emerging development, which will serve to reduce the net visual impact.
- 6.74 The application proposes a number of further mitigation measures during both the construction and operational (occupation) stages that will be secured through conditions, for example, management of the construction site, design control and new planting.

- 6.75 Having regard to the existing / emerging setting, it is not considered that the proposal will cause any significant harm to the visual relationship between Lenham and the AONB and will not harm the character, quality or function of the AONB, or the wider countryside. As such, the proposals accord with the relevant guidance set out within the NPPF and Policies SP17 DM1, DM3 and DM30 of the MBLP.

Heritage and Archaeology

- 6.76 In considering development proposals, section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard must be had to the desirability of preserving the setting of listed buildings, whilst Section 72 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas.
- 6.77 The National Planning Policy Framework states that when considering the impact of new development on the significance of any designated heritage asset, great weight should be given to its conservation; advising that significance can be harmed or lost through development within its setting. The NPPF sets out tests which apply when considering a proposed development that may result in harm to a designated heritage asset. MBLP Policy DM4 reiterates the above considerations.

Built Heritage

- 6.78 No designated or non-designated built heritage assets are located within the Application Site or its immediate periphery. Three Grade II Listed Buildings lie to the south, separated by the railway and intervening hedgerows and treeline boundaries. These include Bolderwood Farmhouse and associated buildings, which lie between 200 – 250metres SW of the site, the principal significance of which is derived from their immediate setting. Whilst the agricultural land of which the site forms part represents part of the extended semi-rural setting of these buildings, due to the physical separation and intervening infrastructure and landscape, it is considered that the Application Site forms a largely unappreciable element of the wider agricultural setting of these buildings, does not contribute to their significance and has no legible historical or functional relationship with them. Officers conclude that the impact on these assets is neutral.
- 6.79 Grade II* Lenham Court lies circa 120m to the south. The building has origins dating to the 15th Century, with later 16th, early 18th and early

20th Century elements. It is considered that Lenham Court principally derives its significance from the architectural and historic interest of its surviving fabric rather than any relationship with its extended semi-rural setting.

- 6.80 Despite its more significant listing grade, Lenham Court is visually and physically separated from the Application Site by substantial hedgerows and wooded areas, including those which characterise and enclose its grounds. Officers concur with the submitted heritage assessment, which finds that the Application Site has no legible historical or functional association with Lenham Court and is not considered to make any contribution to its architectural or historic interest.
- 6.81 Again the heritage assessment concludes that whilst the development of the Application Site represents an alteration of the extended, "*unappreciable*" agricultural or semi-rural setting of Lenham Court, this alteration is considered to represent a neutral impact on the significance of the building.
- 6.82 The Lenham Conservation Area lies circa 750m to the east of the Application Site and separated from it by extensive intervening development which generally dates to the 20th Century. The Heritage Assessment concludes that the site is not identified as an appreciable element of how the Conservation Area is experienced, nor does it have a legible historical or functional association with the Conservation Area (see also 6.84 below). It is considered that the Site makes no contribution to the significance of Lenham Conservation Area, which is derived from the architectural and historic interest of its component built heritage assets. As such, the development will serve to preserve its character or appearance in accordance with the requirements of the Act, the NPPF and MBLP Policy DM4.

Archaeology

- 6.83 The NPPF requires that where development has the potential to affect heritage assets with an archaeological interest, LPAs should require developers to submit an appropriate desk-based assessment, and where necessary, a field evaluation. Policy MB4 of the MBLP also states that planning applications on sites where there is the potential for archaeological must be subject to an appropriate desk based assessment (DBA) of the asset.
- 6.84 The Planning Application is accompanied by a DBA (which accords with the '*Standard Guidance for Historic Environment Desk-Based Assessments*'); the principle findings of which are:

- there are no designated archaeological heritage assets, no designated World Heritage Sites, Scheduled Monuments, or Historic Battlefield sites within the vicinity of the study site
- the site has remained open land throughout its documented history
- the potential for pre-historic and Saxon remains is low and no evidence of iron age or Roman interest
- Lenham is first recorded in medieval times
- mapping from the 1800's shows the site positioned well away from the hamlet
- woodland across the site was cleared in the 1800's
- by the 1990's the site had been consolidated into part of a larger single field
- archaeological impacts will principally derive from any agricultural or horticultural use of the study site, which will have had a widespread, moderate truncating impact

The assessment concludes that the archaeological potential of the site is low, that agricultural activity will have reduced the likelihood of any significant finds, which are likely to be isolated to stray finds.

6.85 KCC's archaeologist recommends a condition to secure further field evaluation prior to the site being developed.

Ecology

6.86 The Habitats Regulations require the local planning authority to have regard to the requirements of the Habitats Directive when considering whether or not to grant planning permission. This includes having regard to whether the development proposal is likely to negatively affect any European Protected Species.

6.87 Section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 places duties on public bodies to have regard to the conservation of biodiversity in the exercise of their normal functions. Of the potential habitats within the site, the hedgerows are considered to qualify as 'Priority Habitats' and therefore constitute potentially important ecological features.

6.88 The NPPF requires the planning system to contribute to and enhance the natural environment by minimising impacts on biodiversity and delivering net gains in biodiversity where possible. The NPPF states that where

significant harm resulting from a development cannot be avoided, for example, through locating on an alternative site with less harmful impacts, such impacts should be adequately mitigated, or, as a last resort, compensated for.

6.89 Due to its history of cultivated arable use, the main body of the site contains limited existing hedgerow or trees, other than its boundaries. The site is not subject to any statutory or non-statutory ecological designations, with the nearest statutory designation being the Lenham Quarry SSSI 2.4km to the east. Local Wildlife sites are located to the north, in excess of 180m. The closest international designation is the North Downs Woodlands SAC, which is located approximately 10.6km from the site.

6.90 The application is accompanied by an ecological assessment which includes desktop, habitat and faunal surveys. The surveys concluded that the hedgerows, whilst a priority habitat, are of local significance only due to their managed nature, but are nevertheless potential habitat for bats and nesting birds. No evidence was found of dormouse.

6.91 The proposals are therefore accompanied by a number of both construction and longer-term mitigation / management measures targeted at, for example, creating enhanced habitat for bats, badgers, dormice and invertebrates, including:

- ongoing monitoring and removal of risks during construction phases
- protection of existing hedgerow during construction and subsequent enhancement, including future protection from light spillage
- creation of new habitat including native species
- new wildflower meadow, including nectar sources for bees
- bee bricks across the development to accommodate for reducing numbers of non-swarming bees
- new wetland habitat
- bat sensitive lighting strategy
- new bat roosts and bird nesting boxes
- off-site skylark habitat

6.92 As indicated within Section 5 above, KCC Ecology are satisfied that adequate survey work has been undertaken to assess the potential impact upon protected and other species. Further surveys of nesting birds were undertaken at KCC's request and as a result of further dialogue between KCC and the Applicant, agreement has been reached in terms of a series

of conditions to ensure that impacts are mitigated, that alternative habitat created and where possible biodiversity enhancements secured.

- 6.93 In relation to the North Downs Woodlands SAC, where potential impacts would relate to air quality and dust, having regard to the separation of the sites and intervening road infrastructure and development, there is no evidence that there would be either a direct or in-combination impact. As such no wider mitigation is required.
- 6.94 As such, Officers are satisfied that the Council is able to meet its statutory duties and that the application accords with the relevant provisions of the NPPF and Policy DM3 of the MBLP by delivering significant net enhancement of biodiversity opportunities on the site.

Drainage and Flood Risk

- 6.95 Both flood risk assessment and surface water management are guided by a number of regimes set by, for example, Defra, the EA and guided by policy at national, county and local levels.
- 6.96 The Application Site lies within Flood Zone 1 - the lowest level of risk of fluvial flooding. Flood risk from groundwater and reservoirs is also low. An existing surface water flow path has been observed through the dry valley within the site and requires management as part of the proposed surface water management system. The dry valley has been incorporated into the proposed masterplanning as open space and highways.
- 6.97 In responding to the Planning Application KCC requested that the Applicant provide an additional analysis with an increased climate change risk of 40%. This has been undertaken and the flood risk assessment concludes that the site is appropriate for residential use, subject to the implementation of an acceptable surface water management strategy.
- 6.98 There are no public surface water sewers accessible to the site. The proposed SuDS strategy accords with KCC's Drainage Policy Statement and seeks to mimic the existing drainage regime by conveying surface water a planted detention basin to the southern boundary of the site, where surface water would outfall, at pre-development runoff rates, into a new shallow scrape. Water within the scrape would subsequently drain from the site via a weir into the ditch and by slow infiltration through the base of the scrape. Any overland flow through the dry valley will be kept separate from the

6.99 This approach has been discussed and agreed with both the LLFA and Network Rail.

6.100 In terms of foul water drainage, an existing pump station is located close to the south-western corner of the site. It is proposed that foul flows from the proposed development would connect into this pumping station. Due to the level difference between this pumping station and the lower parts of the proposed development site, it is anticipated that the proposed development will require its own pumping station to convey foul drain to the existing pumping station on Old Ham Lane. Such matters will be agreed between the Applicant and the relevant water authority.

6.101 The proposals are therefore considered to accord with relevant guidance on SuDS, the NPPF and MBLP policies H2/H2(3) DM3.

Residential Amenity

6.102 Policy DM1 of the MBLP requires respect for the amenities of occupiers of neighbouring properties and uses, together with adequate residential amenities for future occupiers of the development.

6.103 There are a limited number of neighbouring residential properties, principally a small group to the south on Old Ham Lane, although a number of other properties front, or gain access from Ham Lane to the north east, through which this initial phase will gain access to the A20.

6.104 A significant open space buffer will be provided within the site's southern area to provide an adequate separation to housing on Old Ham Lane, including retention and reinforcement of existing hedging and planting, such that there will be no unacceptable level of overlooking or overbearing impact. It is possible that residents of Old Ham Lane may experience an additional level of passing traffic, but this is not predicted to be sufficient to alter the character of Old Ham Lane or their amenity. Further, when the southern link between the site and Old Ham Lane is delivered (see above), through traffic past these properties will be stopped and thus their overall amenity will be substantially improved.

6.105 With regard to properties on or adjacent to Ham Lane, the development has no common boundary, so will not cause any impacts in terms of direct amenity. Whilst there will be an increase in traffic, again this is not considered to be such that it would result in adverse noise or air quality conditions.

6.106 Finally, the adjacent William Pit playing field is identified as a potential future housing site within the draft LNP. The layout of the proposed development has taken this into account and provides sufficient separation that the future development of the adjacent site will not be prejudiced.

6.107 Having regard to the low density of development and significant open amenity spaces proposed, it is considered that the development will offer a high quality of amenity for future occupiers of the development.

Infrastructure and Open Space

Infrastructure

6.108 The planning application will be subject to CIL, which will cover the majority of the scheme's net contributions to local infrastructure. Subject to the progress of the neighbourhood plan, a proportion will be made available to the Parish Council.

6.109 One exception to the above is the recent amendment to the Council's R123 list, which states that the development will be required to contribute through s106 to the expansion of Lenham Primary School, which the Applicant has accepted. The level of contribution is to be agreed with KCC, who have initially suggested £3,324 per 'applicable' house (x112) and £831.00 per 'applicable' flat (x16).

6.110 KCC have also requested social care provision of 2 Wheelchair Adaptable Homes (Bldg Reg Part M4 (2)) as part of the on site affordable homes delivery.

6.111 Affordable housing delivery will be secured through the s106 agreement.

6.112 The proposals will contribute infrastructure necessary to support the aspirations of the draft LNP through (to be secured via a s278 agreement):

- the ability to deliver the southern access to Old Ham Lane and thus to the sites to the south of the railway,
- the improvement to the eastern section of Old Ham Lane and its junction with Ham Lane
- improvements to the access to LPC owned land and the ability for a future connection to be made via land to the north, to the A20.

The measures proposed are considered to be proportionate to the scale and impact of the development and in accordance with the CIL Regulations.

Open Space

6.113 The development will secure some 2.74 ha of open space on site in accordance with Policy DM19 of the MBLP. This will comprise

- amenity Green Space 0.25ha
- provision for children & young people 0.09ha
- natural/semi-natural areas of open space 2.4ha

6.114 This space will be accessible to the wider public, as well as future occupiers of the scheme and will therefore make a significant contribution to the recreational amenity of Lenham. A Landscape Management Strategy will be secured via a s106 agreement in order to secure the appropriate long-term maintenance of this significant amenity and ecological asset.

Other Considerations

Environmental Impact Assessment

6.115 EIA is a process for ensuring that the likely significant environmental effects resulting from a new development are fully understood and taken into account before development is allowed to proceed.

6.116 The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 set out which types of development may require an Environmental Impact Assessment ("EIA"). Development types listed in Schedule 2 could potentially require EIA where the site is in a "sensitive area" or exceeds relevant criteria or thresholds and has the potential to result in likely significant environmental effects.

6.117 The Proposed Development is of a type listed in Schedule 2 (10(b)) and given the scale and location of the development could potentially give rise to likely significant environmental effects.

6.118 The Planning Application is accompanied by an Environmental Statement (ES), volunteered by the Applicant, the scope of which was agreed by the LPA and statutory consultees. The findings of the EIA have been considered and are incorporated into the above assessment of the

application and where necessary, recommended mitigation will be secured by conditions.

6.119 It is not considered that the development would lead to significant adverse environmental effects or other impacts that have not, or cannot be mitigated through detailed design or conditions.

Ground Conditions

6.120 Historical surveys suggest that site has been largely unchanged since the first records in 1866 as open field agriculture. Whilst there are commercial uses to the south, the DBA concludes that the risk of migration of any contaminants to the site itself appears unlikely. Equally the potential for significant airborne pollutants within the soil from the nearby Marley works is not considered to be an issue.

6.121 No evidence of unacceptable groundwater or standing water conditions has been identified.

6.122 Having regard to the above, and the potential for historic use of pesticides, whilst traditional shallow strip foundations would normally be employed for a development of this type, a precautionary condition regarding piling is advised to ensure no risk to groundwater sources.

Air Quality

6.123 There are a range of strategies at national and local levels which establish the approach to assessing the impact of development on air quality. Legislation at European and national levels aims to protect human health and the environment by avoiding, reducing or preventing harmful concentrations of air pollution.

6.124 The NPPF states that the planning system should contribute to protecting and enhancing the natural and local environment and whilst making an effective use of land and minimising pollution. by preventing new/existing development from contributing to or being put at unacceptable risk from, or being adversely affected by, inter alia, unacceptable levels of air pollution. It also requires the effects of air pollution and the potential sensitivity of the area to its effects, to be taken into account in planning decisions.

6.125 Development of this type has the potential to adversely affect air quality during both the construction phase and operational phase. The ES identifies that during the construction phase, the main potential effects

relate to dust and fine particulate matter (PM10) and for road traffic nitrogen dioxide (NO2) and fine particulate matter (PM10 and PM2.5).

6.126 The following activities have been identified as having the potential to cause emissions of dust during the construction phase:

- site preparation including delivery of construction material, erection of fences and barriers
- earthworks including digging foundations and landscaping
- materials handling such as storage of material in stockpiles and spillage
- construction and fabrication of units and
- collection and disposal of waste materials off-site

6.127 The Applicant has assessed the potential magnitude of dust emission for the construction phases with potential receptors including residential properties and Dickley Wood, a designated area of ancient woodland, which is located approximately 90m at its closest point. The ES concludes that with appropriate mitigation measures to be captured within a Construction Environmental Management Plan (CEMP), potential impacts on ecological receptors are low and that overall impacts can be managed to acceptable levels.

6.128 Operational impacts are focussed upon the impacts of road traffic generated by the development on NO2, PM10 and PM2.5 concentrations. The ES identifies negligible impacts on air quality with no requirement for additional traffic mitigation measures. Nonetheless, an emissions mitigation assessment (EMA) has been undertaken to quantify the cost of mitigation required in accordance with the Kent and Medway Air Quality Planning Guidance

6.129 The EMA calculates the 'central present value' of the emissions mitigation required as £15,891 for NOx and £12,613 for PM2.5. Therefore, the total cost of mitigation required equates to £28,504, over a five-year period. The Applicant proposes that this cost can be offset by provision of mitigation measures incorporated into the design of the Proposed Development, such as:

- one electric vehicle charging point per dwelling with dedicated parking
- one charging point per ten spaces for (unallocated parking)
- all gas-fired boilers to meet a minimum standard of <40mgNOx/kWh

In addition, Officers consider that the following mitigation measures will contribute to offsetting the EMA:

- travel plan measures, including mechanisms for discouraging high emission vehicle use and encouraging the uptake of low emission fuels and technologies
- improved pedestrian and cycle connections to the village centre
- using new green infrastructure / trees to absorb pollutants

Whilst the specific net benefits associated with such soft measures cannot be calculated in detail at this stage, having regard to the low levels of impact predicted and the travel plan target of a 10% reduction in private trips by car, it is considered that there are no air quality constraints that would justify refusing the application and that it is therefore in accordance with legislation and relevant national and local policies, including MBLP DM6. A planning condition is proposed in order to ensure that the mitigation measures identified are implemented to a level that acceptably offsets the EMA.

7.0 CONCLUSION

- 7.01 The planning application has been the subject of a lengthy pre-application process and formal consideration, during which it has addressed and taken on-board the views of consultees and stakeholders, including the Parish Council.
- 7.02 The Planning Application has been considered on its merit against the Development Plan and other relevant considerations, including the submitted environmental statement.
- 7.03 It is considered that the development will not adversely impact upon the setting or function of the AONB and having regard to the growth requirements of the development plan, provides an appropriate response to its setting within countryside on the edge of Lenham.
- 7.04 This is achieved through a combination of; low density development, a sensitive masterplan layout that incorporates substantial areas of open space and landscaping, including views towards the AONB, management of the scale of buildings and the use of contextual materials and designs.
- 7.05 Consideration of the scheme's potential impacts upon heritage assets concludes that no adverse impacts will occur.

- 7.06 The accompanying environmental statement concludes that no significant environmental impacts will arise and proposes mitigation measures, to be secured by condition to mitigate both construction and operational phase impacts.
- 7.07 Whilst limited weight can be afforded at this stage to the draft Lenham Neighbourhood Plan, the application demonstrates that it would not prejudice the future delivery of the LNP and that the scheme provides the scope for the delivery of necessary infrastructure to support the draft LNP's wider masterplan aspirations. Whilst this has resulted in the over-engineering of some elements of this scheme, such as highway widths to accommodate buses, it is appropriate to safeguard future capacity at this stage and should there be no future requirement to connect to wider sites, the scheme is capable of adaptation.
- 7.08 It is considered that proposed development represents a high quality response to the site's context and opportunities and will provide a high quality environment for both residents and the wider public, with new public open spaces and biodiversity enhancements. In doing so the scheme responds positively to the development plan and has demonstrated that it would not prejudice either the draft LNP or MBLP review processes.

8.0 RECOMMENDATION

8.01 Officer recommend the GRANT Conditional Permission subject to delegation to the Head of Planning to secure the following s106 heads of terms:

- Provision of 40.5% affordable housing on-site, with a 65:35 rent:intermediate split
- Provision and implementation of a landscape and ecological management plan
- Financial contribution to local primary school provision

Conditions

Proposed conditions are set out below. Members should note that a late KCC Highways request details a numbers of further suggested conditions. Officers will seek to agree these with KCC and present them as an urgent update ahead of the meeting. Alternatively, Members may delegate authority to the Head of Planning to prepare.

1) Time Limits

The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

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

2) Approved Plans

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

- Drawing 19039 S100 Site Location Plan
- Drawing 19039 P100 Overall Site Layout
- Drawing 19039 C101A Coloured Site Layout
- Drawing 19039 P110 Plans and Elevations Affordable 2 Bedroom House Brick
- Drawing 19039 P111 Plans and Elevations Affordable 2 Bedroom House Boarding
- Drawing 19039 P112 Plans and Elevations Affordable 2 Bedroom House Tile Hanging
- Drawing 19039 P113 Plans and Elevations Affordable 2 Bedroom House Tile Hanging
- Drawing 19039 P114 Plans and Elevations 3 Bedroom House Types 3 Affordable Brick
- Drawing 19039 P115 Plans and Elevations 3 Bedroom House Types 3 Affordable Brick
- Drawing 19039 P116 Plans and Elevations 3 Bedroom House Types 3 Affordable Boarding
- Drawing 19039 P117 Plans and Elevations 3 Bedroom House Types 3 Affordable Boarding
- Drawing 19039 P118 Plans and Elevations 3 Bedroom House Types 3 Affordable Boarding
- Drawing 19039 P119 Plans and Elevations 3 Bedroom House Types 3 Affordable Tile Hanging
- Drawing 19039 P120 Plans and Elevations 4 Bedroom House Types 4 Affordable Boarding
- Drawing 19039 P121 Plans and Elevations 2 Bedroom House Type 2B (HT204) Brick
- Drawing 19039 P122 Plans and Elevations 2 Bedroom HT 2B + 3A (HT204+301) Brick
- Drawing 19039 P123 Plans and Elevations 2 + 3 Bedroom HT 2B + 2C (HT204) Tile Hanging

- Drawing 19039 P124 Plans and Elevations 3 Bedroom House Types 3A (HT301) Brick
- Drawing 19039 P125 Plans and Elevations 3 Bedroom House Types 3A (HT301) Brick
- Drawing 19039 P126 Plans and Elevations 3 Bedroom House Types 3A (HT301) Brick
- Drawing 19039 P127 Plans and Elevations 3 Bedroom House Types 3A (HT301) Brick
- Drawing 19039 P128 Plans and Elevations 3 Bedroom House HT 3A + 3C (HT301 + 305) Brick
- Drawing 19039 P129 Plans and Elevations 3 Bedroom HT 3A + 3C (HT301 + 305) Brick and Boarding
- Drawing 19039 P130 Plans and Elevations 3 Bedroom House Types 3B (HT303) Brick
- Drawing 19039 P131 Plans and Elevations 3 Bedroom House Types 3B (HT303) Boarding
- Drawing 19039 P132 Plans and Elevations 3 Bedroom House Types 3B (HT303) Tile Hanging
- Drawing 19039 P133 Plans and Elevations 3 Bedroom House Types 3B (HT303) Brick
- Drawing 19039 P134 Plans and Elevations 3 Bedroom House Types 3C (HT305) Brick
- Drawing 19039 P135 Plans and Elevations 3 Bedroom House Types 3C (HT305) Tile Hanging
- Drawing 19039 P136 Plans and Elevations 3 Bedroom House Types 3D (HT307) Boarding
- Drawing 19039 P137 Plans and Elevations 3 Bedroom House Types 3D (HT307) Tile Hanging
- Drawing 19039 P138 Plans and Elevations 3 Bedroom House Type 3D (HT307) Tile Hanging
- Drawing 19039 P139 4 Bedroom House: Plans and Elevations Type 4A (HT404) Brick
- Drawing 19039 P140 Plans and Elevations 4 Bedroom House Type 4A (HT404) Brick
- Drawing 19039 P141 Plans and Elevations 4 Bedroom House Type 4A (HT404) Brick
- Drawing 19039 P142 Plans and Elevations 4 Bedroom House Type 4A (HT404) Boarding
- Drawing 19039 P143 Plans and Elevations 4 Bedroom House Type 4A (HT404) Tile Hanging
- Drawing 19039 P144 Plans and Elevations 4 Bedroom House Type 4A (HT404) Tile Hanging
- Drawing 19039 P145 Plans and Elevations 4 Bedroom House Type 4B (HT406) Brick

- Drawing 19039 P146 Plans and Elevations 4 Bedroom House Types 4B (HT406) Brick
- Drawing 19039 P147 Plans and Elevations 4 Bedroom House Type 4B (HT406) Ragstone
- Drawing 19039 P148 Plans and Elevations 4 Bedroom House Type 4C (HT409) Brick
- Drawing 19039 P149 Plans and Elevations 4 Bedroom House Type 4C (HT409) Brick
- Drawing 19039 P150 Plans and Elevations 4 Bedroom House Type 4C (HT409) Tile Hanging
- Drawing 19039 P151 Plans and Elevations 4 Bedroom House Type 4C (HT409) Ragstone
- Drawing 19039 P152 Plans and Elevations 5 Bedroom House Type 5B (HT503) Brick
- Drawing 19039 P153 Plans and Elevations 5 Bedroom House Type 5B (HT503)
- Drawing 19039 P154 Plans and Elevations 5 Bedroom House Type 5B (HT503) Ragstone
- Drawing 19039 P160 Apartment Block A – Plots 53 – 64 Proposed Floor Plans
- Drawing 19039 P161 Apartment Block A – Plots 53 – 64 Proposed Elevations
- Drawing 19039 P162 Apartment Block B – Plots 105 - 116 Proposed Floor Plans
- Drawing 19039 P163 Apartment Block B – Plots 105 - 116 Proposed Elevations
- Drawing 19039 P170 Garage (Sheet 1 of 2) Plans and Elevations
- Drawing 19039 P171 Garage (Sheet 2 of 2) Plans and Elevations
- Drawing 19039 P172 Car Barn Plans and Elevations

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

3) Surface Water Drainage

Development shall not begin in any phase 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 upon the Drainage Strategy Report (Stirling Maynard Construction Consultants, April 2019) 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 100 year storm) can be accommodated and disposed of without increase to flood risk on or off-site.

The drainage scheme shall also demonstrate (with reference to published guidance):

- that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.
- appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker.

The drainage scheme shall be implemented in accordance with the approved details.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding. These details and accompanying calculations are required prior to the commencement of the development as they form an intrinsic part of the proposal, the approval of which cannot be disaggregated from the carrying out of the rest of the development.

4) Surface Water Verification

No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority. The Report shall demonstrate the suitable modelled operation of the drainage system where the system constructed is different to that approved. The Report shall contain information and evidence (including photographs) of details and locations of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the submission of an operation and maintenance manual for the sustainable drainage scheme as constructed.

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of paragraph 165 of the National Planning Policy Framework.

5) EA Drainage

Whilst the principles and installation of sustainable drainage schemes are to be encouraged, no drainage systems for the infiltration of surface water drainage into the ground are permitted other than with the express written consent of the LPA, 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.

6) Groundworks

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.

If evidence of potential contamination is encountered, the closure report shall include:

- 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.

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 submitted for information.

Reason: In the interests of protecting the health of future occupants from any below ground pollutants.

7) Piling

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

Reason: 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 groundwaters. 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

8) Earthworks

The development hereby approved shall not commence until details of earthworks have been submitted to and approved in writing by the local

planning authority. These details shall include the proposed grading and mounding of land areas including the levels and contours to be formed, showing the relationship of proposed mounding to existing vegetation and surrounding landform;

Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development

9) Levels

The development hereby approved shall not commence until details of the proposed finished floor, eaves and ridge levels of the building(s) and the existing site levels have been submitted to and approved in writing by the local planning authority and the development shall be completed in accordance with the approved levels.

Reason: In order to secure a satisfactory form of development having regard to the countryside location of the site and the relationship with neighbouring dwellings.

10) Design Details

Above ground construction work on the approved buildings shall not commence until full details of the following matters in the form of large scale drawings (at least 1:20 scale) have been submitted to and approved in writing by the Local Planning Authority

- a) New external joinery
- b) Details of eaves and roof overhangs
- c) Details of balconies, projecting bays and porch canopies
- d) Details of door and window headers (which shall be in the form of segmental gauged arches) and cills

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

Reason: In the interests of the character and appearance of the rural locality.

11) Materials

The materials to be used in the construction of the external roofs, elevations and boundary treatment hereby permitted shall incorporate those materials and architectural detailing on drawings hereby approved unless alternative similar materials have agreed in writing by the Local Planning Authority.

Reason: To accord with the terms of the application and to ensure a satisfactory appearance to the development.

12) Samples

The development hereby approved shall not commence above slab level until, until samples of the materials to be used in the construction of the external surfaces of the building(s) hereby permitted have been submitted to and

approved in writing by the local planning authority and the development shall be constructed using the approved materials;

Reason: To ensure a satisfactory appearance to the development.

13) Boundary Treatment

The development shall not be occupied until details of all fencing, walling and other boundary treatments have been submitted to and approved in writing by the local planning authority. The details shall include large scale drawings of 2/3 coursed and coped ragstone walling where hereby approved. The ragstone walling shall use a lime based mortar and be completed with flush joints. The housing areas and open space shall be implemented in full in accordance with the approved details before the first occupation of any of phase of the dwellings hereby approved, or in accordance with a programme to be agreed in advance in writing by the local planning authority.

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

14) Soft landscaping

The development hereby approved shall not commence above slab level until a landscape scheme which follows the principles of drawing 2845 LA 01 P2 has been submitted to and approved in writing by the local planning authority.

Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development

15) Hard landscaping

The development hereby approved shall not commence above slab level until, details of hard landscape works have been submitted to and approved in writing by the local planning authority and the development shall be carried out in accordance with the approved details before the first occupation of the building(s) or land;

Reason: To ensure a satisfactory appearance to the development.

16) Landscape Implementation

The approved landscape details relevant to an individual dwelling or phase of which it forms part shall be completed by the end of the first planting season following completion of that dwelling. Any other communal shared or street landscaping shall be completed by the end of the first planting and seeding season following completion of relevant phase in accordance with a landscape phasing plan to be approved pursuant to this condition. Any seeding or turfing which fails to establish or any trees or plants which, within five years from the first occupation of a property, commencement of use or adoption of land, die or become so seriously damaged or diseased that their long term amenity value has been adversely affected shall be replaced in the next planting season with

plants of the same species and size as detailed in the approved landscape scheme unless the local planning authority gives written consent to any variation.

Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development.

17) Tree protection

The development hereby approved shall not commence until details of tree and hedgerow protection in accordance with the current edition of BS 5837 have been submitted to and approved in writing by the local planning authority. All trees and hedgerows to be retained must be protected by barriers and/or ground protection. No equipment, plant, machinery or materials shall be brought onto the site prior to the erection of approved barriers and/or ground protection except to carry out pre commencement operations approved in writing by the local planning authority. Nothing shall be stored or placed, nor fires lit, within any of the protected areas. No alterations shall be made to the siting of barriers and/or ground protection, nor ground levels changed, nor excavations made within these areas without the written consent of the local planning authority. These measures shall be maintained until all equipment, machinery and surplus materials have been removed from the site.

Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development

18) Lighting

No external lighting shall be installed on the site except in accordance details to be approved in writing by the local planning authority. All lights shall be suitably cowled or shall have light directed downwards to minimise light pollution, having specific regard to the potential light spillage into the open countryside and AONB. Any lighting approved shall be implemented prior to the occupation of that part of the development and associated vehicular and pedestrian routes to the site access.

Reason: In the interests of visual amenity and ecological interest.

19) Ecological Mitigation

No development shall take place (including any ground works, site or vegetation clearance) until a method statement for ecological mitigation has been submitted to and approved in writing by the local planning authority. The content of the method statement shall specially include (but not be limited to) measures with respect to Dormice and breeding birds, specifically setting out the following:

- 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, 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 during construction when specialist ecologists need to be present on site to undertake / oversee works;
- f) Use of protective fences, exclusion barriers and warning signs;
- g) Initial aftercare and long-term maintenance (where relevant);
- h) Disposal of any wastes for implementing work.

The works shall be carried out in accordance with the approved details and shall be retained in that manner thereafter.

Reason: To protect habitats and species identified in the ecological surveys from adverse impacts during construction.

20) Biodiversity Enhancement

Prior to the commencement of the development hereby approved, details of how the development will enhance biodiversity will be submitted to and approved in writing by the Local Planning Authority. These shall include the installation of bat and bird nesting boxes along with provision of generous native planting and a detailed management plan. The approved details will be implemented and thereafter retained.

Reason: To enhance biodiversity

21) LEMP

A landscape and ecological management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscaped and open areas other than privately owned domestic gardens, shall be submitted to and approved in writing by the local planning authority prior to first occupation of any dwelling on the site. Landscape and ecological management shall be carried out in accordance with the approved plan unless the local planning authority gives written consent to any variation. This shall give details of all the mitigation measures hereby approved and shall include details of the numbers and locations of the following: bird bricks and bat tubes; wildlife gaps in boundary fencing; deadwood piles; wildlife friendly gullies.

Reason: In the interests of biodiversity, landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development.

22) EV Charging

No development above slab level shall take place until details of plots where electric vehicle charging points are to be installed have been submitted to and approved in writing by the Local Planning Authority. The approved plots shall not be occupied until a minimum of one electric vehicle charging point has been installed on each property, and shall thereafter be retained for that purpose.

Reason: In the interests of pollution control.

23) Parking

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) (England) Order 2015 (or any order revoking and re-enacting that Order, with or without modification) or not, shall be carried out on the areas indicated or in such a position as to preclude vehicular access to them.

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

24) Archaeology

No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of:

i archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and

ii following on from the evaluation, any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority

Reason: To ensure that features of archaeological interest are properly examined and recorded and that due regard is had to the preservation in situ of important archaeological remains.

25) Refuse Storage/Collection

Prior to the development hereby approved reaching slab level a scheme for (a) the storage and screening of refuse bins, and (b) the collection of refuse bins shall be submitted to and approved by the Local Planning Authority. The approved details shall be in place before first occupation of the development hereby approved, and maintained thereafter.

Reason: In the interests of amenity and the streetscene.

26) Highways

The Highway Authority has requested that conditions be imposed to address the following matters (Members are requested to delegate authority to Officers to draft the detailed wording together with KCC Highways):

Site Access

The access to the site from Old Ham Lane shall be carried out in accordance with drawing number 1533-H-11 P3 hereby approved and shall be

completed before the first occupation of the buildings hereby permitted.
Reason: In the interests of highway safety.

Southern Link

A southern link road delivery scheme shall be submitted to and approved by the local planning authority prior to any development above slab level. Such a scheme shall comprise vehicular, pedestrian and cycle connections from the development to Old Ham Lane at the southern end adjacent to the Smokey Bridge and must be laid-out and constructed prior to the occupation of the 136th dwelling in accordance with the approved details, unless otherwise agreed in writing by the local planning authority. Reason: to ensure that the development does not prejudice the comprehensive development of the area.

William Pit Field

No development to be occupied until the works to widen Old Ham Lane are implemented in accordance with a delivery scheme to be agreed in writing by the LPA – such scheme to include measures for the phased delivery of the access to William Pit Playing Field and the subsequent permanent closure of the existing playing fields access to motor vehicles when the proposed new playing fields access is brought into use.

Visibility Splays

Provision and maintenance of the visibility splays shown on the submitted plans with no obstructions over 0.9 metres above carriageway level within the splays, prior to the use of the site commencing; and

Provision and maintenance of 2 metres x 2 metres pedestrian visibility splays behind the footway on both sides of the access with no obstructions over 0.6m above footway level, prior to the use of the site commencing.

Air Quality Mitigation Scheme

- Provision approval and implementation of a site-wide Travel Plan.
- Provision approval and implementation of a CEMP to address dust mitigation measures
- EV Charging
- Other measures necessary to provide an adequate mitigation of EMS

Refuse Storage & Collection

Agenda Item 22

THE MAIDSTONE BOROUGH COUNCIL **PLANNING COMMITTEE – 19th DECEMBER 2019**

APPEAL DECISIONS:

- 1. 19/500452/FULL** **Erection of dwelling and associated works with parking and landscaping as shown on drawing references: DHA/10757/11; 15; 16; 18; and 19; and unreferenced existing elevations received 26/02/19.**

APPEAL: DISMISSED

River Barn
Tutsham Farm
West Farleigh
Maidstone
Kent
ME15 0NE

(Delegated)

- 2. 19/501815/FULL** **Demolition of existing garage and side extension, and erection of a new three bedroom detached dwelling.**

APPEAL: DISMISSED

73 Quarry Road
Maidstone
Kent
ME15 6UB

(Delegated)

- 3. 19/502040/FULL** **Erection of two storey rear extension.**

APPEAL: DISMISSED

110 Reculver Walk
Maidstone
Kent
ME15 8QT

(Delegated)