

PLANNING COMMITTEE MEETING

Date: Thursday 28 May 2020

Time: 6.00 p.m.

Venue: Remote Meeting - The public proceedings of the meeting will be broadcast live and recorded for playback on the Maidstone Borough Council website

Membership:

Councillors Adkinson, Brindle, Chappell-Tay, English (Chairman), Eves, Harwood, Kimmance, Munford, Parfitt-Reid, Perry, Spooner (Vice-Chairman), Vizzard and Wilby

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. Items withdrawn from the Agenda
5. Date of Adjourned Meeting - 4 June 2020
6. Any business the Chairman regards as urgent including the urgent update report as it relates to matters to be considered at the meeting
7. Disclosures by Members and Officers
8. Disclosures of lobbying
9. To consider whether any items should be taken in private because of the possible disclosure of exempt information.
10. Minutes of the meeting to be held on 21 May 2020 - to follow
11. Presentation of Petitions (if any)
12. Deferred Item

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Issued on Tuesday 19 May 2020

Continued Over/:

Alison Broom

Alison Broom, Chief Executive

13.	19/501600/OUT - Land West Of Church Road, Otham, Kent, ME15 8SB	2 - 52
14.	19/506182/FULL - Land West Of Church Road, Otham, Kent, ME15 8SB	53 - 93
15.	19/503342/FULL - Bramley, Otham Street, Otham, Maidstone, Kent, ME15 8RL	94 - 105
16.	20/500202/ADV - Advertisement On Land At Coldred Road, Maidstone, Kent, ME15 9XN	106 - 110
17.	20/500153/FULL - 1 Rocky Hill Terrace, Terrace Road, Maidstone, Kent, ME16 8HT	111 - 130
18.	20/500154/LBC - 1 Rocky Hill Terrace, Terrace Road, Maidstone, Kent, ME16 8HT	131 - 140
19.	Appeals List	141 - 143

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 reports on the agenda, please refer to the public access pages on the Maidstone Borough Council website. Background documents are available for inspection; please follow this link: <https://pa.midkent.gov.uk/online-applications/>

PUBLIC REPRESENTATIONS AND ALTERNATIVE FORMATS

In order to submit written comments to be read out on your behalf at the remote meeting by an Officer or a Ward Member, please call 01622 602899 or email committee@maidstone.gov.uk by 4 p.m. on the working day before the meeting. You will need to tell us which agenda item you wish to make representations on. Please note that slots will be allocated for each application on a first come, first served basis.

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

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

MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

28 MAY 2020

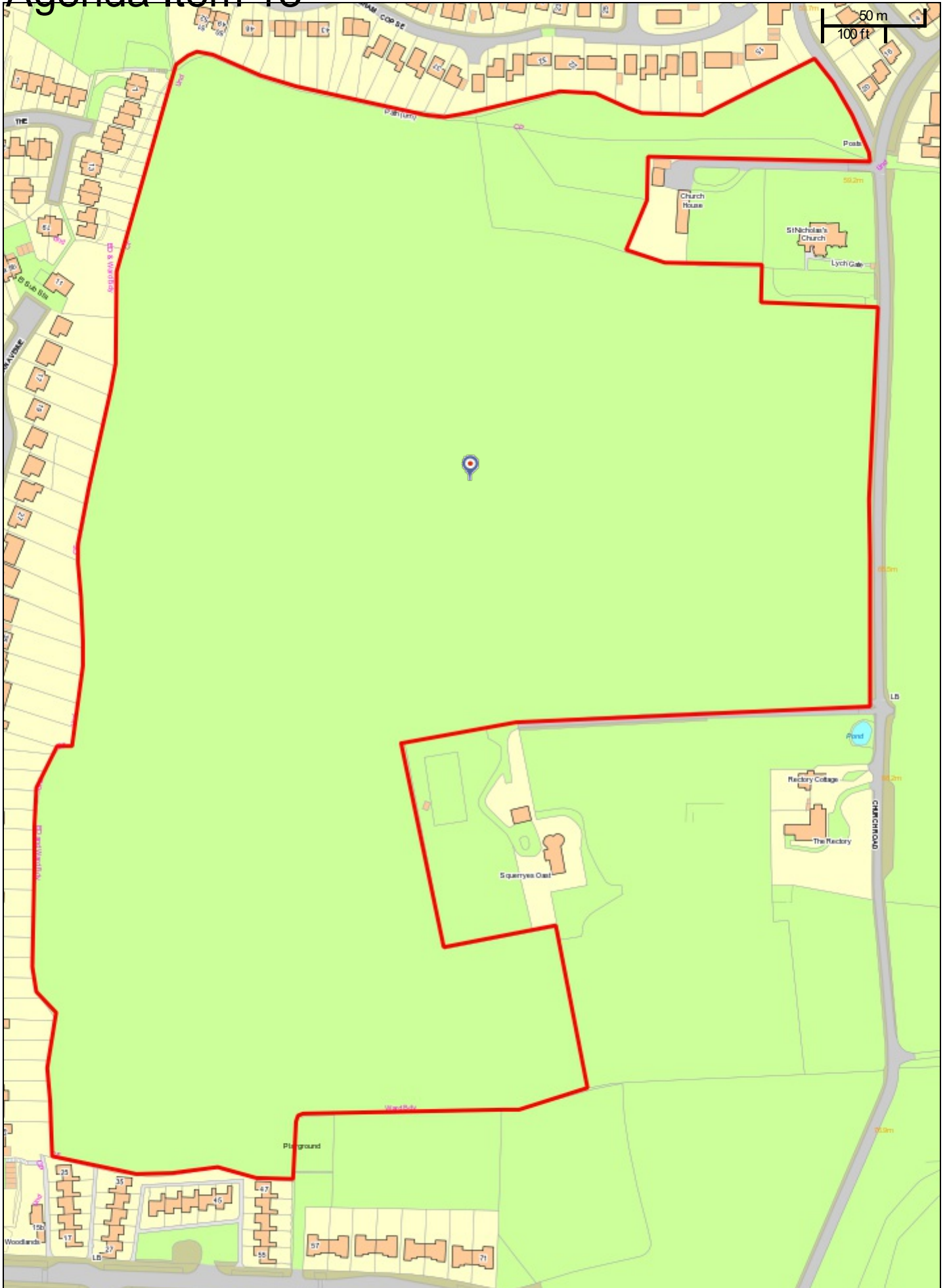
REPORT OF THE HEAD OF PLANNING AND DEVELOPMENT

DEFERRED ITEM

The following application stands deferred from a previous meeting of the Planning Committee. The Head of Planning and Development will report orally at the meeting on the latest situation.

APPLICATION	DATE DEFERRED
<u>19/503584/FULL - CREATION OF ALTERNATIVE ACCESS ACROSS EXISTING DRAINAGE DITCH WITH IMPROVED DRAINAGE - KINGSBROOKE, CRANBROOK ROAD, STAPLEHURST, TONBRIDGE, KENT</u> Deferred for a report, including a plan, from the applicant to be assessed by the Landscape/Arboriculture Officers detailing the tree works required in connection with the proposed development, the number and species involved (both to be lost and replaced) and the timing of the works.	23 January 2020

Agenda Item 13



19/501600/OUT - Land West of Church Road, Otham, Kent, ME15 8SB

Scale: 1:2500

Printed on: 15/5/2020 at 10:50 AM by JoannaW

REFERENCE NO - 19/501600/OUT
APPLICATION PROPOSAL 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)
ADDRESS Land West Of Church Road, Otham, Kent, ME15 8SB
RECOMMENDATION – APPROVE WITH CONDITIONS
SUMMARY OF REASONS FOR RECOMMENDATION <ul style="list-style-type: none"> • The site is allocated for 440 houses within the Local Plan under policy H1(8) subject to criterion. • The outline application proposes up to 440 houses and for the reasons outlined in the report complies with the criterion under policy H1(8) subject to the legal agreement and conditions. • The allocation of the site for housing inevitably has an impact upon the setting of listed buildings to the north but this would be minimised and would be less than substantial. The public benefits of providing housing, including affordable housing on an allocated housing site, and the associated the social and economic benefits, outweigh this less than substantial harm. • KCC Highways is raising objections based on an unacceptably severe traffic impact on the A229/A274 and Willington Street corridors and worsening safety hazards on Church Road. For the reasons outlined in the report the Local Planning Authority does not agree, and the objections are not considered to be reasonable grounds to refuse planning permission. • Historic England are now raising objections as the dedicated church car park has been removed on the basis that there is less heritage benefit which might outweigh the harm to the setting of the Church, and an increase in vehicular movements on Church Road might have the effect of discouraging people from using the Church, which they consider could damage its economic viability. For the reasons outlined in the report the Local Planning Authority does not agree the development would threaten the Church's economic viability. Officers do however consider that the car park should still be secured as it would represent a clear heritage benefit. • The outline application complies with site policy H1(8) and all other relevant Development Plan policies. There are no overriding material considerations to warrant a decision other than in accordance with the Development Plan, and so permission is recommended subject to the legal agreement and conditions set out below.
REASON FOR REFERRAL TO COMMITTEE <ul style="list-style-type: none"> • Councillor Newton has requested the application is considered by the Planning Committee for the reasons set out below.

• The recommendation is contrary to the view of Kent Highways (statutory consultee).			
WARD Downswood And Otham		PARISH/TOWN COUNCIL Otham	APPLICANT Bellway Homes Limited AGENT DHA Planning
DECISION DUE DATE: 08/11/19		PUBLICITY EXPIRY DATE: 17/10/19	SITE VISIT DATE: 17/04/19 & 10/10/19
RELEVANT PLANNING HISTORY			
App No	Proposal	Decision	Date
19/501029	EIA Screening Opinion for the proposed residential development of up to 440 dwellings and associated access, landscaping and other works on land west of Church Road, Otham.	EIA NOT REQUIRED	17/04/19
19/506182	Residential development for 421 dwellings with associated access, infrastructure, drainage, open space and landscaping.	PENDING	

1.0 **BACKGROUND**

1.01 This application was reported to Planning Committee on 24th October 2019 where officers recommended approval. The previous committee report and urgent update are attached at the **Appendix**. Planning Committee deferred consideration of the application for the following reasons:

1. *That consideration of this application be deferred for further discussions to:*
 - *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;*
 - *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.*

2. That the Ward Member, Downswood and Otham Parish Councils and the Chairman, Vice-Chairman and Political Group Spokespersons of the Planning Committee are to be involved in these discussions.

1.02 A meeting was held in December 2019 with relevant Members and the Parish Councils where the applicant presented their response to the deferral reasons and provided clarification on some matters. The meeting was not held to make any decisions on the application as this must be done by the Planning Committee but to discuss and seek clarification on the applicant's responses to the deferral reasons.

1.03 After the meeting the applicant submitted the following additional information:

- Transport Technical Notes (commenting on the highway deferral points and with amended/new junction improvements for Deringwood Drive/Willington Street and Spot Lane and safety audits)
- Amended Parameter Plan
- Plan showing potential widening on Church Rd to the south of the site
- Clarification on renewables and surface water drainage

1.04 The additional details were sent to KCC Highways and the parties involved in the above meeting group and their comments on these specific matters are summarised below. Further comments on the application have been received from local residents/groups and Councillors Newton and Cooke which are also set out below.

2.0 LOCAL REPRESENTATIONS (FOLLOWING DEFERRAL)

2.01 **Otham Parish Council:** *"The parish council does not agree with the findings and our original objections remain."*

2.02 **Downswood Parish Council:** Raises objections for the following (summarised) reasons:

- Removal of the dedicated church car park would result in an objection from Historic England.
- Residents bounding the site should be afforded the same buffers to the ancient woodland.
- The Highways Authority have historically advised that signalisation of Deringwood Drive/Willington Street is dangerous.
- Signalisation of Deringwood Drive/Willington Street is dangerous for the reasons outlined in the safety audit and do not agree that the safety audit has been overcome.

- Swept path analysis is not adequate.
- Icy conditions will make junction dangerous.
- Highway Technical Notes has many misleading and disingenuous statements.
- Spot Lane junction changes are not sufficient and will make it harder for pedestrians to cross.
- Spot Lane changes are dangerous and don't pass the safety audit.
- Intermittent widening of Church Road would be likely to encourage vehicles to speed up as they approach the most dangerous narrow section, so increasing the likelihood of accidents on a much busier Church Road.
- SUDs will lead to the potential creation of solution features / sink holes in this notorious geological formation.
- KCC LLFA has questioned the SUDs proposals.
- Irresponsible, in the light of the Site Investigation Report repeated concerns relating to the dangers of allowing ingress of surface water at ground level, to assume the proposed SuDS would not only work but in a safe manner with minimal risk.
- Cannot understand the nature or purposed of the extra "wet pond" proposed to be added to the detailed site layout for the full planning application?
- Nothing in this additional information which has overcome the many concerns that DPC have with the principle of the development of this site, let alone the engineering and other specialist details.

2.03 Local Residents: 34 further representations received raising the following (summarised) points:

- Increased traffic and congestion on local and strategic roads.
- Highway safety.
- Traffic lights and junction changes at Willington Street will be dangerous.
- Local roads affecting by flooding.
- Flooding results in the closure of Mallards Way.
- Access should be via Woolley Road.
- Travel plan is worthless.
- The amount of information is confusing.
- Removal of church car park results in Historic England objection.
- Historic England comments on the detailed application are relevant as the church car park has been removed.
- Where will church goers park.
- Church car park should be provided.
- Highway safety issues from church goers parking.
- Heritage Statement is not fit for purpose.
- Rat running occurs on local roads.
- Church Road is not safe or suitable for additional traffic.
- Widening would harm Church Road.
- Damage to church from construction.
- Development is premature.
- Junction improvements on A274 will not be sufficient.
- Land stability issues on the site and in Chapman Avenue.
- Potential damage to neighbouring properties.
- Geology brings into question surface water proposals.

- Flood risk.
- Harm to wildlife/ecology.
- Harm to the setting of the Grade I listed Church.
- Lack of infrastructure and amenities including schools and surgeries.
- Overlooking/loss of privacy.
- Air quality.
- Noise and dust during construction.
- The applicant's response to the deferral reasons is not clear.
- What is being proposed under the outline application is not clear.
- Problems with sewers.

2.04 Chapman Avenue Area Residents Association: Raises the following (summarised) points:

- No minutes of the meeting held post deferral.
- KCC Highways objections cannot be resolved.
- Served by narrow country lanes.
- Overwhelmed congested traffic system.
- Highway safety.
- Flood risk.
- Potential for anti-social behaviour.
- Damage to the environment.
- Harm to setting of listed buildings.
- Pollution.
- High density.

2.05 Bearsted & Thurnham Society: Raises the following (summarised) points:

- Severe traffic issues.
- Traffic signals at the junction of Deringwood Drive and Willington Street have been constantly rejected by KCC on traffic safety grounds in view of the steep downhill approaches.
- Stopping more traffic at the signals will increase pollution
- At peak times, traffic on Spot Lane is already congested.
- The alternative route, south towards Sutton Road via Church Road and Gore Court Road is a narrow country lane.
- The developer demonstrates that Willington Street, without the traffic arising from the proposed houses will be grossly over-congested.
- Lack of local amenities and infrastructure.
- Harm to church.
- The current practice of parking along Church Road will be impossible.
- As a Grade 1 listed building, the church should be afforded the highest levels of protection, both as a structure and to ensure its continuing viability.

2.06 Borough Councillor Newton:

- Spot Lane / Mallards Way was recently flooded and impassable by traffic three times this year due to The River Len overflowing. Willington Street was also flooded at the same time.

2.07 County Councillor Cooke: Raises the following (summarised) points:

- What work has been undertaken to evaluate alternative means of access to the application site, as alternatives do exist.
- What scrutiny has been applied to the applicant's highway responses.
- The proposals for Church Road with Deringwood Drive undo and reverse earlier improvements that were introduced to improve pedestrian safety, returning the junction to as it was before the safety work was undertaken.
- Object strongly to traffic lights at the junction of Deringwood Drive and Willington Street which cannot be accommodated safely.
- Additional traffic cannot be accommodated via any access to Church Road.
- The additional traffic would render Church Road as unsafe as due to the narrowness of Church Road.
- Extremely adverse impact on Grade I listed Church especially as the applicant has no intention of delivering the dedicated car parking for the church that persuaded Historic England to withdraw its objection.
- In the absence of such dedicated parking facility, the planning authority must consider the objection of Historic England to be valid.

3.0 CONSULTATIONS (FOLLOWING DEFERRAL)

3.01 KCC Highways: Maintain objections on the basis of:

- Worsening safety hazards to road users on Church Road.
- An unacceptably severe traffic impact upon the local highway network specifically the A229/A274 and Willington Street corridors.

3.02 Historic England: Now raise objections as the dedicated church car park has been removed on the basis that there is less heritage benefit which might outweigh the harm to the setting of the Church, and an increase in vehicular movements on Church Road might have the effect of discouraging people from using the Church, which they consider could damage its economic viability.

4.0 APPRAISAL

4.01 The appraisal will focus on the reasons for deferral of the application as set out below:

Seek to remove the proposed car park for the Church from the scheme

4.02 The applicant has removed the dedicated church car park from their proposals and this is no longer shown on the Parameter Plan but instead would be an undeveloped landscaped area. The consequence of this is that Historic England (HE) are now raising an objection to the proposals.

4.03 HE considers that without a dedicated church car park in the application there is less heritage benefit which might outweigh the harm arising from

this application. They also have serious concerns that an increase in vehicular movements on Church Road might have the effect of discouraging people from using the Church, which they consider could damage its economic viability.

- 4.04 As before officers recognise the clear benefit of providing a dedicated church car park and consider its impact upon the setting of the building to be acceptable. The church provides other community services beyond worship including 'messy church' for children, concerts, coffee mornings and other events. The car park would help support the listed building by providing off-street parking in a convenient location to support church services and help sustain the alternative facilities/events at the church and provide disabled parking bays. Whilst there is not requirement for the applicant to provide the car park, officers would still recommend that this is secured to provide a clear benefit to the Grade I listed building.
- 4.05 However, I do not agree with HE that the development would threaten the Church's economic viability without the car park. I consider the development would actually provide safer on-street parking on the roads within the new housing estate to the current situation on Church Road and so would not discourage people from using the church.
- 4.06 In conclusion, the car park has been removed as requested by Committee and this results in an objection from HE. Officers consider the car park should still be secured as it would represent a clear heritage benefit for the Grade I listed building and is ongoing use. However, should Members proceed without the car park officers still consider that the public benefits of providing up to 440 houses including affordable housing to meet housing needs on an allocated housing site, and the associated social and economic benefits provide for clear and convincing justification for some harm to the heritage assets, and these benefits outweigh this less than substantial harm to St Nicholas Church and Church House in line with Paragraph 196 of the NPPF. This is also the view whilst having special regard to the preservation of the setting of the Church and Church House in line with Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990. The Parameter Plan ensures that the impact upon heritage assets would be minimised to an acceptable degree bearing in mind the site is allocated for housing. Condition 12 which would have secured the car park has been removed.
- 4.07 It is not considered that parking associated with the Church will result in any unacceptable highway safety conditions on the basis that the road is being widened outside the site, the development will provide potential places to park within it, and no objections are raised by KCC Highways on this issue.

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

- 4.08 The Parameter Plan has been amended to indicate a larger amount of open space near to the Ancient Woodland which is labelled as 'additional woodland as part of an ecological area to protect the ancient woodland'. This area is now a minimum of 30m in depth (previously 15m) and the increased area can be secured under condition 4 and the woodland planting secured under condition 7. Around the Church, orchard planting is proposed in place of the car park and it is considered that this would enhance the landscaped setting around the Church and can be secured under condition 7. Both conditions 4 and 7 are amended in the recommendation below.

Seek to resolve the outstanding issues relating to improvements to the Willington Street/Deringwood Drive junction

- 4.09 When the application was originally reported to Planning Committee the proposed signalisation of this junction was not resolved with safety issues still outstanding. The applicant has now amended the junction improvements twice to overcome the issues raised by the independent safety auditor with the principal change being that the number of approach lanes on Deringwood Drive (DD) has been reduced from two to one. The latest scheme for signalisation has overcome the remaining safety audit issues and KCC Highways have confirmed they are satisfied the recommendations of the Road Safety Audit have been addressed.
- 4.10 I remind Members the applicant's evidence suggests this junction will be beyond its design capacity imminently when taking into account general traffic growth and traffic from developments within the Local Plan/with planning permission. The main issue is considered to be the difficulty in traffic leaving DD and so the queuing on this arm, rather than along Willington Street (WS). The proposed signalisation would better manage traffic, provide safer opportunities for DD and development traffic to exit onto WS, and improve pedestrian crossing facilities. Whilst this would not bring the DD arm within design capacity it would reduce the potential maximum queuing length on DD from 288 vehicles in the AM peak hour (which has the most traffic) to a maximum of 39 vehicles. On this basis it is considered to be a proportionate response to mitigate the traffic impact of this application and one that provides mitigation for other committed development.
- 4.11 However, KCC Highways still consider that this change to the junction would introduce a new delay on WS so any mitigation for DD would effectively be counteracted by the introduction of queuing and delays on WS. They consider this would result in a severe traffic impact but importantly have not identified any highway safety issues. Willington Street South and Deringwood Drive arms of the proposed junction would be up to 14% over theoretical capacity if all pedestrian crossings were operated. However, the applicant has carried out further modelling work to demonstrate that an additional set of traffic lights on WS would not result in any worsening of traffic conditions during the peak hours because

queuing of this nature could already be expected to occur along the WS corridor due to interactions with the existing signalised junctions further to the north. KCC Highways have reviewed this evidence and consider that because such modelling is highly sensitive to changes in prevailing conditions, they regard such sensitivities to limit the confidence that can be attached to the applicants' conclusion. They also consider the extent to which the junctions are predicted to operate over capacity is also likely to have distorted the modelling outputs, such that there is less certainty that mitigation of impact can be achieved at this location. So basically, they do not agree with the applicant's conclusions.

4.12 Whilst there may be some sensitivity in the modelling, as there is for any modelling, KCC Highways have not provided any modelling or analysis to counter that put forward by the applicant. Nor do I consider that up to 14% over theoretical capacity on two arms of the junction results in a severe impact and most importantly KCC Highways have not raised any highway safety issues if any increased delays did occur on Willington Street. Having driven along WS in the AM peak, I noted that extensive queuing occurs, and I consider that in line with the applicant's analysis, new traffic signals are unlikely to result in any significant change in traffic conditions on Willington Street or to a degree that would result in a severe impact above the current conditions or result in dangerous driving conditions.

4.13 On this basis, it is considered that the signalisation of the DD/WS junction which has passed a Stage 1 Safety Audit, provides for appropriate management of traffic from DD, improves pedestrian crossing facilities, and would not have a severe impact upon traffic flows on WS. It therefore remains a requirement that it is delivered prior to occupation under the off-site highways works listed in condition 15.

Give further consideration to the impact of the development on the Spot Lane junction and possible mitigation

4.14 The original committee report outlined that for the Spot Lane/A20 junction, the Spot Lane arm would be just over design capacity with general traffic growth, traffic from developments within the Local Plan/with planning permission, and the application traffic. This would mean an increase in queuing on Spot Lane but officers considered that the impact is not severe or dangerous and does not warrant mitigation or objection in line with policy DM21.

4.15 The applicant has reviewed the junction in line with the deferral request and is proposing some mitigation in the form of kerb realignment on the Spot Lane arm. This will allow for two vehicles to be positioned side-by-side at the junction, thereby allowing left turning vehicles to pass a single right turning vehicle. This would reduce the potential maximum queuing length on Spot Lane from 58 vehicles in the AM peak hour to a maximum of 30 vehicles. Officers maintain that the impact on this junction is not severe but as Members considered that mitigation needed to be investigated this has been added to condition 15. KCC Highways also advise that the improvement passes the safety audit and achieves the required mitigation of impact.

Investigate the potential widening of Church Road to the south of the site where this would not involve the loss of Ancient Woodland

- 4.16 This has been investigated and Church Road could be widened on the west side to 5.5m (the width sought by KCC Highways) for approximately a 210m section to the south of 'Little Squerryes'. This would not involve any loss of ancient woodland but the widening would result in the cutting back and potential loss of hedging/trees.
- 4.17 As set out in the original report, officers maintain that the based on just over one additional movement a minute over the peak hour from the development, it would not have an unacceptable or severe impact on highway safety beyond the current situation. Also, based on this, that any benefits of road widening are not considered to outweigh the visual harm to Church Road that would result from the loss of hedging and the change in character. However, if Members considered the benefits of this section of widening outweighs any visual impact then it could be justified and secured by condition. KCC Highways welcome the additional widening proposed but as it does not cover the whole length of Church Road they maintain an objection.

Seek to optimise the amount of renewable energy generated on site (to avoid use of fossil fuel heating)

- 4.18 The applicant is agreeable to providing PV panels on 10% of the houses and this would be on the affordable units. Officers maintain that Local Plan policy does not require this but a condition is added to secure this as this was sought by Members.

Seek further clarification of the surface water drainage scheme and how it can be satisfactorily accommodated within the development layout

- 4.19 The application is supported by a Flood Risk and Drainage Report which considers that the most viable solution for managing surface water run-off is via deep infiltration into the ground. Various SUDS would also been proposed including permeable surfacing, swales, deep bore soakaways and a number of drainage basins. The existing surface water flow path which crosses the site is to be partially re-aligned, directing through the centre of the site as a green corridor, which allows water to naturally flow across the site without posing a risk to the proposed dwellings. The water will only be re-directed on site to ensure water is not displaced off site. As stated in the main report this is an outline application and so the precise details would be dealt with at reserved matter stage/via conditions and KCC LLFA have confirmed that this could be feasible but it will be necessary to develop a detailed drainage scheme to confirm the scheme can be satisfactorily accommodated within the final development layout and recommend conditions to secure this.

Representations

4.20 The further representations received since the committee meeting either relate to the considerations above, or do not raise any new material issues beyond those previously considered.

5.0 CONCLUSION

5.01 The applicant has responded to the deferral reasons as follows:

1. The church car park has been removed.
2. A greater amount of wooded open space to protect the Ancient Woodland has been provided.
3. An enhanced area of landscaping has been provided around the Church.
4. The improvements to the Willington Street/Deringwood Drive junction have now passed a Stage 1 Safety Audit and are considered acceptable.
5. An improvement to the Spot Lane/A20 junction has been proposed and has passed a Stage 1 Safety Audit and is considered acceptable.
6. Widening on Church Road has been investigated and could be secured if Members consider it is necessary.
7. Renewable energy measures are proposed.
8. Clarification of the potential SUDs proposals have been provided.

5.02 It is considered that the applicant has comprehensively responded to the deferral reasons and officers once more recommended permission. For completeness I set out the full conclusion on the application once more below:

5.03 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, planning applications must be determined in accordance with the Development Plan unless materials considerations indicate otherwise.

5.04 The site is allocated for 440 houses within the Local Plan under policy H1(8) subject to criterion. The outline application proposes up to 440 houses and for the reasons outlined in the original committee report within the **Appendix** and above, the proposals comply with all policy criterion subject to the legal agreement and conditions. The application also complies with all other relevant Development Plan policies.

5.05 The allocation of the site for housing would inevitably have an impact upon the setting of listed buildings to the north but this would be minimised in line with the Parameter Plan and the impact would be 'less than substantial'. The public benefits of providing housing, including affordable housing on an allocated housing site, and the associated social and economic benefits, outweigh this less than substantial harm.

- 5.06 Kent Highways are raising objections on the basis of an unacceptably severe traffic impact on the local highway specifically the A229/A274 and Willington Street corridors and worsening safety hazards on Church Road. For the reasons outlined in the reports the Local Planning Authority does not agree the impact is severe, and the objections are not considered to be reasonable grounds to refuse planning permission.
- 5.07 Historic England are now raising objections as the dedicated church car park has been removed on the basis that there is less heritage benefit which might outweigh the harm, and an increase in vehicular movements on Church Road might have the effect of discouraging people from using the Church, which they consider could damage its economic viability. For the reasons outlined in the report above the Local Planning Authority does not agree the development would threaten the Church's economic viability.
- 5.08 All representations received on the application have been fully considered in reaching this recommendation.
- 5.09 It is concluded that the development is acceptable and complies with policy H1(8) and all other relevant policies of the Development Plan. There are no overriding material considerations to warrant a decision other than in accordance with the Development Plan, and so permission is recommended subject to the legal agreement and conditions.

6.0 RECOMMENDATION

Subject to:

The conditions set out below, and the prior completion of a legal agreement to secure the heads of terms set out below;

the Head of Planning and Development **BE DELEGATED POWERS TO GRANT PLANNING PERMISSION** (and to be able to settle or amend any necessary Heads of Terms and planning conditions in line with the matters set out in the recommendation and as resolved by the Planning Committee).

Heads of Terms

1. £3324.00 per applicable house and £831.00 per applicable flat towards the expansion of Greenfields Community Primary School.
2. 30% affordable housing provision (made up of 70% affordable rent and 30% shared ownership).
3. £1,422 Travel Plan monitoring fee.
4. £1,500 Section 106 monitoring fee.

Conditions:

Time Limit

1. No phase of the development hereby approved shall commence until approval of the following reserved matters has been obtained in writing from the local planning authority for that phase:

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

Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.

The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later;

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

Access

2. The access points hereby permitted shall be carried out in accordance with drawing no. 06 RevF (Proposed Access Arrangement) and the visibility splays kept free of obstruction above a height of 1 metre.

Reason: In the interests of highway safety.

Parameters

3. The layout details submitted pursuant to condition 1 shall follow the principles of the development areas and buffers/landscape areas as shown on the approved Parameter Plan (Drawing No. 16206/C03L).

Reason: To ensure the development accords with the site allocation policy, limits impacts upon heritage assets, protects and enhances biodiversity, and provides a high quality design.

4. The layout details submitted pursuant to condition 1 shall provide at least a 30m woodland planted development free buffer to the Ancient Woodland in the southern part of the site as shown on the approved Parameter Plan (Drawing No. 16206/C03L).

Reason: To protect the Ancient Woodland in the interests of biodiversity.

5. The layout details submitted pursuant to condition 1 shall provide at least 2.88 hectares of on-site public open space.

Reason: To comply with the site policy and provide a high quality development.

6. The layout and access details submitted pursuant to condition 1 shall provide the following:

- A pedestrian and cycle link from Church Road to the development area via the open space to the north of St Nicholas Church and Church House.
- A pedestrian and cycle link to and across the area of Council owned land to the south of the site providing a link to Woolley Road.

Reason: To ensure appropriate connectivity in the interests of sustainability and highway safety.

7. The landscape details submitted pursuant to condition 1 shall provide the following:

- Native planting within the buffers areas as shown on the Parameter Plan.
- Strengthening and replacement native hedge planting along the site frontage with Church Road.
- Woodland planting within the Ancient Woodland buffer
- Orchard planting to the south of St Nicholas Church.

Reason: To ensure the development accords with the site allocation policy and to provide an appropriate setting.

Pre-Commencement

8. No development shall take place 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 principles within the Flood Risk and Sustainable Drainage Assessment (Herrington, March 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.

9. No development shall take place until the mitigation measures detailed within chapter 6 of the Ecological Appraisal (Aspect Ecology; March 2019) have been implemented as detailed. If works have not commenced by March 2020 an updated ecological mitigation strategy shall be submitted to the local planning authority for written approval. It must include the following information:

- a) Updated ecological appraisal
- b) Results of recommended specific species surveys
- c) Over view of the ecological mitigation required
- d) Detailed methodology to implement the mitigation
- e) Timing of the proposed works
- f) Details of who will be carrying out the works.
- g) Maps clearly showing the mitigation areas.

The mitigation must be implemented as detailed within the approved document.

Reason: In the interest of biodiversity protection and enhancement.

10. No development shall take place until the following components of a scheme to deal with the risks associated with contamination of the site shall have been submitted to and approved, in writing, by the local planning authority:

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

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

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

4) A Closure Report is submitted upon completion of the works. The closure report shall include full verification details as set out in 3. This should

include details of any post remediation sampling and analysis, together with documentation certifying quantities and source/destination of any material brought onto or taken from the site. Any material brought onto the site shall be certified clean;

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

Reason: In the interests of human health.

11. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of
 - a) 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
 - b) 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.

Pre-Slab Level

12. No development above slab level shall take place until the specific air quality mitigation measures, which shall include the type and location of electric vehicle charging points, 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.

Reason: In the interests of limiting impacts upon air quality.

13. No development above slab level shall take place until a "bat sensitive lighting plan" for the site boundaries has been submitted to and approved in writing by the local planning authority. The lighting plan shall:
 - a) 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;
 - b) 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.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy and these shall be maintained thereafter in accordance with the approved plan.

Reason: In the interest of biodiversity protection and enhancement.

Pre-Occupation

14. The development shall not be occupied until the following off-site highways works have been provided in full:

- a) Improvements to the Church Road/Deringwood Drive junction as shown on drawing no. 34.1 within the 'Iceni Transport Note – July 2019' or any alternative scheme agreed in writing with the Local Planning Authority (in consultation with the Highways Authority);
- b) Improvements to the Deringwood Drive/Willington Street junction as shown on drawing no. 14915-H-01 RevP4 at Appendix C of the 'DHA Transport Technical Note – February 2020' or any alternative scheme agreed in writing with the Local Planning Authority (in consultation with the Highways Authority);
- c) Road widening and new pavement provision on Church Road as shown on drawing nos. 34.1 and 34.2 within the 'Iceni Transport Note – July 2019';
- d) The give way/build out feature on Church Road as shown on drawing no. 34.3 within the 'Iceni Transport Note – July 2019';
- e) Extension of the 30mph speed limit to the south of the application site to a position agreed in writing with the Local Plan Authority (in consultation with the Highways Authority); and
- f) Improvements to the A20 Ashford Road/Spot Lane/Roseacre Lane junction as shown on drawing no. 14915-H-02 RevP1 at Appendix J of the 'DHA Transport Technical Note – December 2019' or any alternative scheme agreed in writing with the Local Planning Authority (in consultation with the Highways Authority);

Reason: In the interest of highway safety.

15. The development shall not be occupied until a Final Travel Plan for the development which follows the principles of the Framework Travel Plan has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved Travel Plan.

Reason: In order to promote sustainable transport use.

16. The development shall not be occupied until a site-wide landscape and ecological management plan (LEMP), including timetable for implementation, long term design objectives, management responsibilities and maintenance schedules for all landscaped, open space, and drainage areas, but excluding privately owned domestic gardens, has been

submitted to and approved in writing by the local planning authority. Landscape and ecological management shall be carried out in accordance with the approved plan and its timetable unless the local planning authority gives written consent to any variation.

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

17. The development shall not be occupied until details of upgrade works to PROW KM86 have been submitted to and approved in writing by the local planning authority. The development shall not be occupied until the approved works have been carried out in full.

Reason: In order to provide appropriate connectivity.

18. 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, carried out by a suitably qualified professional, has been submitted to the Local Planning Authority which demonstrates the suitable modelled operation of the drainage system such that flood risk is appropriately managed, as approved by the Lead Local Flood Authority. The Report shall contain information and evidence (including photographs) of earthworks; details and locations of inlets, outlets and control structures; extent of planting; details of materials utilised in construction including subsoil, topsoil, aggregate and membrane liners; full as built drawings; topographical survey of 'as constructed' features; and 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.

19. The reserved matters details submitted pursuant to condition 1 shall provide for PV panels on 10% of the residential units and these shall be affordable units.

Reason: In the interests of sustainable development.

REFERENCE NO - 19/501600/OUT

APPLICATION PROPOSAL

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)

ADDRESS Land West Of Church Road, Otham, Kent, ME15 8SB

RECOMMENDATION – APPROVE WITH CONDITIONS

SUMMARY OF REASONS FOR RECOMMENDATION

- The site is allocated for 440 houses within the Local Plan under policy H1(8) subject to a number of criterion.
- The outline application proposes up to 440 houses and for the reasons outlined in the report complies with the criterion under policy H1(8) subject to the legal agreement and conditions.
- The allocation of the site for housing inevitably has an impact upon the setting of listed buildings to the north but this would be minimised and would be less than substantial. The public benefits of providing housing, including affordable housing on an allocated housing site, and the associated the social and economic benefits, and a church car park, outweigh this less than substantial harm.
- KCC Highways is raising objections on the basis of an unacceptably severe traffic impact on the highway network and worsening safety hazards on Church Road. For the reasons outlined in the report the Local Planning Authority does not agree, and the objections are not considered to be reasonable grounds to refuse planning permission.
- KCC Highways is raising issues of capacity and safety relating to the applicant's proposed signalisation of the Willington Street/Deringwood Drive junction and so delegated powers are sought by officers to resolve this matter through an amended improvement scheme that is agreed with KCC Highways, or withdrawal of their objection on this matter.
- Highways England is raising no objections subject to a condition that limits 230 house occupations until works to the M20 Junction 7 have been carried out in full. The applicant has signed a legal agreement to pay a proportionate amount to the upgrade works to Junction 7, which is considered appropriate and such a condition does not pass the required tests for planning conditions and is unreasonable for the reasons outlined in the report.
- The outline application complies with site policy H1(8) and all other relevant Development Plan policies. There are no overriding material considerations to warrant a decision other than in accordance with the Development Plan, and so permission is recommended subject to the legal agreement and conditions set out below.

REASON FOR REFERRAL TO COMMITTEE

- Councillor Newton has requested the application is considered by the Planning Committee for the reasons set out below.
- The recommendation is contrary to the view of Kent Highways and Highways England (statutory consultees).

WARD Downswood And Otham	PARISH/TOWN COUNCIL Otham	APPLICANT Bellway Homes Limited AGENT DHA Planning	
DECISION DUE DATE: 08/11/19	PUBLICITY EXPIRY DATE: 17/10/19	SITE VISIT DATE: 17/04/19 & 10/10/19	
RELEVANT PLANNING HISTORY			
App No	Proposal	Decision	Date
19/501029	EIA Screening Opinion for the proposed residential development of up to 440 dwellings and associated access, landscaping and other works on land west of Church Road, Otham.	EIA NOT REQUIRED	17/04/19

1.0 DESCRIPTION OF SITE

- 1.01 The application site has an area of approximately 16.1ha and is to the west of Church Road. The site is to the southeast of Maidstone and is between substantial residential areas to the north, west and southwest, namely cul-de-sacs within the Downswood area to the north, Chapman Avenue to the west and Woolley Road to the south. To the east are open agricultural fields and immediately to the south/southeast are a number of detached residential properties at The Rectory (Grade II listed) and Squerryes Oast. St Nicholas's Church (Grade I listed) and Church House (Grade II listed) are to the north of the site.
- 1.02 The site is in the main, an open arable field but includes an area of land at its north end that wraps around the north side of the church which has numerous trees, scrub vegetation and grass, and over which public footpath KM86 runs. The boundaries of the site are formed by established hedging on the Church Road frontage, hedging to the boundary with 'Squerryes Oast', and trees on the south, west and north boundaries. There is an area of Ancient Woodland (AW) to the southeast of the site.
- 1.03 The site is highest at its south end with a gradual fall to the north. To the west where the site backs onto gardens of properties within Chapman Avenue, there is a considerable level difference between the site and Chapman Avenue.
- 1.04 Importantly, the site is allocated for housing development in the Local Plan and policy H1(8) allows for up to 440 houses and sets out a number of criterion to be met.

2.0 PROPOSAL

- 2.01 This application seeks outline permission for up to 440 houses and approval of two proposed vehicular access points onto Church Road and other pedestrian and/or cycle links to residential areas to the north, west and south. All other matters such as the location and layout of the roads, houses and open space areas, the design and heights of the houses, and landscaping would be determined under a future reserved matters application(s).
- 2.02 As such, the local planning authority is being asked to consider whether the principle of 440 houses with two access points is acceptable at this stage.
- 2.03 The applicant has provided numerous assessments to support the proposals and in order to demonstrate how the site can suitably accommodate 440 houses in line with policy H1(8).

3.0 POLICY AND OTHER CONSIDERATIONS

- Maidstone Borough Local Plan (2011-2031): SS1, SP1, SP3, SP18, SP19, SP20, SP23, H1, OS1(16), ID1, H1(8), DM1, DM2, DM3, DM4, DM6, DM8, DM12, DM19, DM20, DM21, DM23
- Kent Waste and Minerals Plan 2016
- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)

4.0 LOCAL REPRESENTATIONS

(The latest notification on additional/amended details expires on 17th October. Any responses received will be reported under an Urgent Update Report)

- 4.01 **Otham Parish Council:** Raises objections for the following (summarised) reasons:
- Increased traffic and congestion.
 - Highway safety for vehicles and pedestrians.
 - Lack of transport modelling of local junctions in Downswood.
 - Considerable loss of hedging to the front of the site contrary to policy.
 - Harm and profound change to the landscape.
 - Loss of views across the countryside.
 - Harm to ecology.
 - Harm to the setting of listed buildings.
 - Archaeological survey should be carried out.
- 4.02 **Downswood Parish Council:** Raises objections for the following (summarised) reasons:
- Traffic generation, traffic flows and congestion.
 - Lack of transport modelling of local junctions in Downswood.

- Question some of the assumptions and modelling within the Transport Assessment.
- Traffic assessment not sufficient and carried out when road closed.
- Site policy doesn't provide highways mitigation to the north of the site.
- Strategic highways measures in site policy have not been delivered.
- Lack of sufficient details of development to properly assess.
- Not enough room to widen Church Road without losing hedges.
- Lack of pedestrian/cycle links.
- Snow and ice will leave the site stranded.
- Lack of access for emergency vehicles.
- Inadequate access for large vehicles.
- Buses are unlikely to be able to access the site.
- Lack of decent access to bus services which are poor.
- The site does not benefit from good public transport access.
- Highway safety for vehicles and pedestrians.
- Groundwater plans inconsistent, assessment inadequate, and likelihood of sink holes not properly assessed.
- Land stability and underground conditions have not been suitably assessed.
- Loss of privacy and overlooking.
- Noise, disturbance, and light pollution.
- Inconsistent with character and appearance of local area.
- Harm to listed buildings.
- Loss of community views.
- Harm to ecology.
- Archaeology work not sufficient.
- An Environmental Impact Assessment is required.

4.03 Bearsted Parish Council (neighbouring): Raises objections for the following (summarised) reasons:

- Traffic assessment not sufficient.
- No assessment of junctions to the north of the site.
- Question some of the assumptions and modelling within the Transport Assessment.
- Some of the traffic counts were carried out when road was closed or half term.
- Traffic impact will be severe.
- Public transport will not mitigate traffic.
- There is no Sunday no. 4 bus service.
- No local doctors or primary school.

4.04 Local Residents: 399 representations received raising the following (summarised) points:

- Increased traffic and congestion.
- Highway safety.
- Rat running occurs on local roads.
- Church Road is not safe or suitable for additional traffic.
- Traffic calming measures will make traffic worse.
- Junction mitigation has not been carried out.

- Question accuracy of Transport Assessment.
- Flood risk.
- Site isolated in floods and snow.
- Inadequate foul drainage.
- Question surface water report.
- Poor connections.
- Poor public transport.
- Car-reliant.
- Parking.
- Land stability issues on the site and in Chapman Avenue.
- Potential damage to neighbouring properties.
- Geology brings into question surface water proposals.
- Visual impact.
- Density.
- Harm to wildlife/ecology.
- Ancient woodland.
- Loss of majority of hedge.
- Loss of trees.
- Harm to the setting of the Grade I listed Church.
- Archaeology assessment is flawed.
- Ancient burial site.
- Lack of infrastructure and amenities including schools and surgeries.
- Traffic noise.
- Noise from new residents.
- Overlooking/loss of privacy.
- Overshadowing/loss of light.
- Overbearing.
- Air quality.
- Crime.
- Loss of agricultural land.
- Other more suitable sites.
- Noise and dust during construction.
- Lack of EIA.
- Fields provide peaceful lifestyle.
- Will affect house prices.
- Questioned land ownership.
- Lack of public consultation by applicant.
- Additional documents should have been uploaded to the website earlier/when they were received.
- Support the development.
- Other people should be able to enjoy the area.

4.05 **Borough Councillor Newton** requests the application is considered by the Planning Committee and raises the following (summarised) points:

- The site should never have been included in the Local Plan.
- An EIA is required for the application.
- Harm to listed buildings.
- Concern over the impact on the setting of listed buildings particularly the Grade 1 Church which was constructed prior to the Domesday Book.

- As a result of the heavy traffic on Church Road, part of the Ancient Churchyard wall has now collapsed revealing the type of construction used for the wall.
- It is my concern for the ancient buildings which is why I require this application called in to Planning Committee for determination.
- Piling may cause harm to listed buildings.
- Traffic impact unacceptable and infrastructure must be in place before development which it is not.
- Loss of hedgerows and non-compliance with policy DM3.
- Should only be one access.
- Wider junction improvements are not in place.
- Archaeology.

4.06 **Borough Councillor McKay:** Raises the following (summarised) points:

- Highway safety on Church Road.
- Does not meet access requirements.
- Lack of direct access to public transport.
- Those without a car would be isolated.
- Could lead to a judicial review if permission was granted as the strategic highway improvements within the policy and have not been agreed or provided.

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 **Highways England: No objections** subject to a condition limiting occupation to 230 dwellings until improvements to the M20 Junction 7 have been completed.

5.02 **Historic England: No objections** provided that the heritage benefit of a dedicated church car park is secured.

5.03 **Natural England: No objections.**

5.04 **KCC Highways: Raise objections** on the basis of an unacceptably severe traffic impact on the highway network and the worsening safety hazards to road users on Church Road.

5.05 **KCC Economic Development:** Seek £3324.00 per applicable house and £831.00 per applicable flat towards the extension of 'Greenfields Community Primary School' to mitigate the impact of the development.

5.06 **KCC SUDs: No objections** subject to conditions.

5.07 **KCC Archaeology: No objections** subject to condition.

- 5.08 **KCC PROW**: Concerns regarding delivery of a cycle route across PROW so suggest a holding objection. Conditions recommenced relating to surfacing and agreement on the extent of widening of KM86 due to increased use.
- 5.09 **KCC Ecology: No objections** subject to conditions.
- 5.10 **MBC Conservation Officer**: Satisfied that the outline application scheme seeks to limit the harm on the setting of the listed buildings, in particular the Church, the Church House and the Rectory, and the setting of the Otham Conservation Area would be minimally impacted.
- 5.11 **MBC Environmental Health: No objections** subject to conditions relating to charging points; lighting; and contaminated land.
- 5.12 **MBC Landscape Officer: No objections** subject to conditions.
- 5.13 **Southern Water**: Confirm there is sufficient capacity.
- 5.14 **Forestry Commission**: Refers to standing advice on Ancient Woodland.
- 5.15 **Kent Police**: Recommended conditions

6.0 APPRAISAL

- 6.01 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that,
- "If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."***
- 6.02 The Local Plan allocates the site for 440 houses under policy H1(8) subject to a number of criterion covering matters relating to design and layout, access, air quality, open space, infrastructure, highways and transportation.
- 6.03 This is an outline application for up to 440 houses with all matters reserved apart from access so under consideration are the principle of up to 440 houses and the points of access only. Clearly, the principle of housing is accepted under Local Plan policy H1(8) so it needs to be assessed as to whether the outline proposals comply/can comply with the policy criterion and any other relevant Development Plan policies.
- 6.04 Whilst the specific details of the development are not being considered at this stage, the applicant has provided a 'Parameter Plan' and 'Illustrative Masterplan' in order to demonstrate how the development could be suitably accommodated on the site and comply with policy H1(8). Whilst the detailed design of the development is not being considered, the applicant does wish to set some parameters through the 'Parameter Plan' which will be discussed in the relevant sections below.

6.05 The key issues for the application are centred round site allocation policy H1(8) as follows:

- Access and connectivity.
- Compliance with the design, layout, and open space criterion.
- Heritage impacts.
- Highways impacts.
- Infrastructure.
- Other matters including air quality, drainage, ecology, and amenity.

Access and Connectivity

6.06 Policy H1(8) states:

- 8. Access will be taken from Church Road only**
- 5. The hedge line along the eastern boundary of the site with Church Road shall be retained and strengthened where not required for access to the site.**

6.07 The application only proposed access from Church Road via two vehicular access points which is in accordance with policy H1(8). These would be close to the north and south ends of the site on the Church Road frontage. The access points have been assessed by Kent Highways and Kent Fire and Rescue and judged to be suitable and safe.

6.08 The proposed accesses and required visibility splays inevitably mean that some of the existing hedging fronting Church Road will need to be removed (approximately 125m). However, it would be possible to provide new double staggered native hedging behind the visibility splays and strengthen the existing hedging in general, this being a positive landscape feature of the site. Whilst landscaping is not being considered at this stage a condition can be attached to guide the landscaping details to ensure sufficient replacement hedging/hedge strengthening. This will ensure compliance with criterion 5 of the site policy.

6.09 In terms of connectivity, it is proposed to provide a new pavement from the northern access along the front of the Church within highways land to link with the existing pavement further north. As this pavement would be narrower than the 2m normally sought due to the width of Church Road (being between 1.2m to 2m and on average around 1.6m), a pedestrian/cycle route is proposed around the north side of the Church and into the site to provide an alternative attractive route which can be conditioned.

6.10 To the south, it is proposed to provide a pedestrian/cycle link via the Council owned public open space to link up with Woolley Road. This would provide an appropriate link to shops, 'Senacre Primary School', and bus stops to the south. The applicant would provide a pathway on the application site and has confirmed they would continue and construct this

on the Council owned land. The property team have confirmed that they have no objections to this. Again the detail would be provided at the reserved matters stage but a condition will be imposed to secure the link and a pathway on Council owned land. Whilst outside the applicant's control this condition is reasonable as this is land in public ownership, and the Council has indicated it has no objections to this being provided.

- 6.11 Public right of way KM86 runs across the north of the site and it is indicated on the Parameter Plan that open space would be provided along the route. This is welcomed by KCC PROW and they advise that the path should be surfaced due to the additional use which can be secured by condition. The Parameter Plan indicates that a connection with the pedestrian link to 'The Beams', which provides access towards Willington Street and 'Greenfields Primary School' would be provided in the northwest corner. KCC PROW and Highways refer to the existing paths here being steps and so this raises issues over access for all users. This is not the only connection to the west as the connection to the south provides access in this direction so it is not necessary for changes to these steps to be made. They also refer to the applicant's intention to widen the path to allow cycle use and that this would require a legal change to a 'cycle track' to bridleway. In response to this, the applicant has stated that any specific widening would be proposed at the reserved matters stage but details of this can be secured by condition.
- 6.12 So overall, the vehicular access points comply with policy H1(8), are safe, and the scheme provides good pedestrian and cycle connectivity to the local area and its services/amenities, in accordance with policy DM1 of the Local Plan.

Design, Layout, and Open Space Criterion

- 6.13 Policy H1(8) requires:

- 1. The tree line along the western boundary of the site will be enhanced, to protect the amenity and privacy of residents living in Chapman Avenue.**
- 2. An undeveloped section of land will be retained along the western boundary of the site, to protect the amenity and privacy of residents living in Chapman Avenue.**
- 3. An undeveloped section of land will be retained along the eastern edge of the site in order to protect the setting of St Nicholas Church and maintain clear views of the Church from Church Road.**
- 4. The Church Road frontage will be built at a lower density from the remainder of the site, to maintain and reflect the existing open character of the arable fields on the eastern side of Church Road and to provide an open setting to St Nicholas Church.**
- 6. Retain non-arable land to the north and east of St Nicholas Church, to protect its setting.**
- 7. Retain discrete section of land at the south east corner of the site to provide a 15 metres wide landscape buffer to ancient woodland**

(bordering site at this location), to be planted as per the recommendations of a landscape survey.

10. Provision of approximately 2.88ha of natural/semi-natural open space consisting of 1.4ha in accordance with policy OS1(16), and 1.48ha within the site, together with additional on/off-site provision and/or contributions towards off-site provision/improvements as required in accordance with policy DM19.

6.14 As stated above, this is an outline application but an illustrative masterplan has been provided which shows development parcels, roads, and areas of open space in order to show that 440 houses can be accommodated. This shows that development can be set away from the tree line along the western boundary to provide an undeveloped area in accordance with criterion 1 and 2. It also shows an undeveloped area of land along the east edge of the site to maintain clear views of St Nicholas Church from Church Road in line with criterion 3. Further open space is also shown to the south and southwest of the Church to limit the impact upon the setting of the Church. Land to the north of the Church is shown as open space in line with criterion 6. In the southeast corner in excess of a 15m buffer to the ancient woodland is shown in line with criterion 7. These undeveloped areas/buffers are identified on the Parameter Plan and so can be secured by condition.

6.15 In terms of open space, criterion 10 requires a total of 2.88ha to be provided for the development. In line with policy OS1(16), and as shown on the Local Plan map, part of the 2.88ha is land to the northwest of the Church and land in the southeast corner of the site (providing 1.4ha). The Parameter Plan indicates open space by the Church, in the southeast corner, and also within the development areas. The site is of a sufficient size to provide the total amount both on the edges and within the development areas, and the 2.88ha can be secured by condition. This amount of open space is considered appropriate for this size of development and can provide a mix of types including natural/semi-natural, more formal space, and play areas. Any need for off-site mitigation of existing open space would need to be sought via the Community Infrastructure Level (CIL).

6.16 For the above reasons it is considered that the application complies with design, layout, and open space requirements of policy H1(8) and these can be secured through the Parameter Plan being conditioned.

Heritage Impacts

6.17 Policy H1(8) requires:

- 3. An undeveloped section of land will be retained along the eastern edge of the site in order to protect the setting of St Nicholas Church and maintain clear views of the Church from Church Road.***
- 4. The Church Road frontage will be built at a lower density from the remainder of the site, to maintain and reflect the existing open character of the arable fields on the eastern side of Church Road and to provide an open setting to St Nicholas Church.***

6. *Retain non-arable land to the north and east of St Nicholas Church, to protect its setting.*

- 6.18 As outlined above, the Parameter Plan ensure compliance with the above criterion which relate to St Nicholas Church so the proposals comply with policy H1(8).
- 6.19 There are a number of heritage assets near to the site. Notably, St Nicholas's Church (Grade I listed) and two Grade II listed monuments within the grave yard, and 'Church House' (Grade II listed) immediately to the north of the site. There is also 'The Rectory' (Grade II listed) to the south. Further afield, the Otham Conservation Area is 770m to the southeast.
- 6.20 The NPPF outlines at paragraphs 193 and 194, that great weight must be given to the conservation of listed buildings irrespective of whether any potential harm amounts to substantial harm, total loss, or less than substantial harm to its significance. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Under section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority must have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 6.21 The site in particular has an impact upon the setting of the Grade I listed Church, as it forms part of its historic rural open setting to the south. This setting and the visibility it affords of the Church in its historical context, forms part of its significance and development of the site would affect this. Churches were obviously built of a certain scale so they were visible from some distance. In addition, the access points would result in a change to the character of Church Road near to the Church. There would be an impact upon the setting of Church House (GII) but this would to a lesser extent as this building is less prominent from the application site and wider area, so the openness of the application site does not contribute greatly to its significance.
- 6.22 The allocation of 440 houses at the site inevitably results in some harm to the setting of the two listed buildings to the north. Such impacts upon the setting of these listed buildings were clearly accepted when the Local Plan Inspector agreed that the allocation was acceptable for 440 houses, subject to criterion 3, 4, and 6, which all seek to protect the setting of St Nicholas Church, and in turn Church House.
- 6.23 It is therefore a case of minimising the impact upon the heritage assets and securing sensitive design in line with Paragraph 190 of the NPPF and policy SP18 of the Local Plan. To this end, discussions have been held with Historic England and amendments have been made to the Parameter Plan which indicates a larger non-development buffer to the south of 'Church House' and to the south and southwest of the Church. As stated above,

views of the Church from Church Road would be maintained, which is one of the key public views of the Church. In addition, a car park for the Church is proposed as a heritage benefit as the Church does not currently benefit from a dedicated car park. Instead cars park along Church Rd. Historic England have advised that these changes reduce the overall level of harm to significance and that a dedicated church car park is a more defined heritage benefit and on this basis, they concluded the harm has been minimised in line with Paragraph 190 of the NPPF and it is for the Council to decide whether the harm has clear and convincing justification and balance any harm against the public benefits. Historic England has no objection to the application on heritage grounds provided that the heritage benefit of a dedicated church car park is secured via a legal agreement or by condition.

- 6.24 I agree that the changes to the Parameter Plan serve to minimise the impact upon the listed buildings to the north and ensure compliance with policy H1(8). I agree with the applicant's conclusion that the harm to the listed buildings is 'less than substantial' because the amended Parameter Plan provides undeveloped areas to the north, west, and south of the listed buildings and maintains clear views of the Church from Church Road. The provision of a church car park will in itself have some harmful impacts upon the setting of listed buildings but it would be low level development and could be screened/softened. It would provide benefits to the Church in that it would assist in its ongoing use, and something which Historic England attaches weight.
- 6.25 The site allocation and therefore outline proposals, I would say inevitably, do not conserve the setting of the listed buildings and so there is some conflict with criterion 1 of policy DM4 of the Local Plan. However, the explanatory text to policy DM4 refers to carrying out a weighting exercise in line with the NPPF.
- 6.26 Whilst having special regard to the preservation of the setting of the Church and Church House, overall, it is considered that the public benefits of providing up to 440 houses including affordable housing to meet housing needs on an allocated housing site, and the associated social and economic benefits, in addition to the provision of a church car park, provide for clear and convincing justification for some harm to the heritage assets, and these benefits outweigh this less than substantial harm to St Nicholas Church and Church House in line with Paragraph 196 of the NPPF. The Parameter Plan would also ensure that the impact upon heritage assets would be minimised to an acceptable degree bearing in mind the site is allocated for housing.
- 6.27 'The Rectory' (GII listed) to the south is some 50m from the edge of the site with a two storey building and vegetation between. There would also be a buffer to the front of the site that would limit development near to this building. For these reasons the development of the site would not cause harm to the setting of this listed building. There would be no harm to the listed monuments within the church yard as the site is generally screened from these and it is considered that their setting is confined to the church yard. I concur with the Council's Conservation Officer that due to the distance from the edge of the Otham Conservation Area (770m), the

development would have a minimal impact upon its setting, and I consider no harm would be caused.

- 6.28 In relation to archaeology, KCC Heritage advises that on the back of geophysical surveys carried out by applicant, there are no indications of significant archaeology surviving on the site. However, they suggest the area around the church may contain important archaeology (which may be revealed following intrusive field evaluation works) and recommend a condition to this end, which is considered appropriate.

Highways Impacts

Wider Network/Strategic Junctions

- 6.29 The Local Plan examination process which led to the adoption of the Local Plan in October 2017 involved the Local Plan Inspector considering, in great detail, the highways impacts and mitigation for the southeast Local Plan sites (which includes the application site), including objections/representations from statutory consultees and third parties. This involved carefully considering proposed junction improvements and bus service improvements (monies towards some of which had already been secured under planning permissions). The Local Plan Inspector in his Final Report concluded,

"169. The development proposals in the submitted plan already incorporate measures to mitigate the travel impacts. These include highway capacity improvements and improved bus services (including direct links to railway stations). If these measures are further supported by the bus access and bus priority measures, the impacts on congestion need not be severe. Air quality issues are capable of being addressed by these and other measures, including by action at national level.

170. In conclusion the Policy SP3 South East Maidstone Strategic Development Location will generate additional traffic and could contribute to an increase in congestion, particularly at peak hours, even after mitigation in the form of road improvements and other measures to make sustainable travel more attractive and effective. However the concentration of development close to the town does allow alternative and more sustainable means of travel to be made available. That is less likely to be the case were the housing to be located away from the town in another part of the Borough where residents would still need access to employment and services in the town."

- 6.30 The adopted Local Plan therefore includes strategic highways improvements for the southeast Maidstone sites, and relevant to this application, they are outlined under the site allocation policy (criterion 13-17).
- 6.31 The application site and its potential development of 440 houses was included within the cumulative transport assessments carried out under the planning applications for the strategic southeast housing sites H1(7) - Land North of Bicknor Wood, and H1(10) - Land South of Sutton Road, within the Local Plan. These sites were granted planning permission in early 2018. The

transport assessment cumulatively assessed all the southeast housing allocations and also included other commitment development (planning permissions at the time).

- 6.32 Under those applications, the Council accepted that the cumulative impact of development from all the southeast housing allocations could be suitably mitigated with improvements to the capacity of various junctions and improvements to bus services. Being prior to the introduction of CIL, financial contributions were secured under section 106 agreements towards various off-site highways works/improvements which are outlined in the Council's Infrastructure Delivery Plan (IDP), where the total infrastructure costs and funding streams are stated.
- 6.33 Decisions to approve permission at Planning Committee on sites H1(7) and H1(10) with financial contributions towards infrastructure were made prior to the adoption of the Local Plan in September 2017. The Local Plan Inspectors Final Report and adoption of the Local Plan confirmed that the Council's approach to mitigating the transport impact of the southeast development sites is sound.
- 6.34 For the current application, the applicant has provided a Transport Assessment and carried out up to date traffic surveys on local roads and assessments of appropriate local junctions. Whilst the Parish and residents have questioned the accuracy of the traffic surveys, Kent Highways have raised no issues with them. For wider/strategic junctions the applicant's evidence provides the likely additional impact of the development but relies upon the recent cumulative assessment of transport impacts carried for sites H1(7) and H1(10) and the mitigation (which included the application site). These assessments concluded that the cumulative traffic impact upon the local network (including the application site) would not be severe subject improvements to relevant junctions and public transport. The Council has accepted this conclusion and so this is considered to be an appropriate approach and there are no reasonable grounds to now disagree or depart from this approach that has been accepted recently by the Council.
- 6.35 The site allocation policy as criterion (13-17) relating to strategic highways and transportation improvements as follows:
- 13. Bus prioritisation measures on the A274 Sutton Road from the Willington Street junction to the Wheatsheaf junction, together with bus infrastructure improvements.**
 - 14. Improvements to capacity at the junctions of Willington Street/Wallis Avenue and Sutton Road.**
 - 15. Package of measures to significantly relieve traffic congestion on Sutton Road and Willington Street.**
 - 16. Improvements to capacity at the A229/A274 Wheatsheaf junction.**
 - 17. Improvements to frequency and/or quality of bus services along A274 Sutton Road corridor.**

6.36 The above improvements are based on the cumulative impact of development in southeast Maidstone and so compliance with the above criterion would be via monies towards the improvements. A change in circumstances since the previous decisions is the introduction of the Council's Community Infrastructure Levy (CIL), such that any monies towards strategic highways works required from cumulative transport impacts would be via CIL rather than financial contributions under a section 106 agreement. The applicant will have to pay CIL should planning permission be granted and implemented, and the Council can decide to use monies for the relevant highways improvements. This ensures compliance with the strategic highways requirements under the site policy.

6.37 Although none of the above improvements have commenced and clearly a number of the southeast sites are completed and occupied/part-occupied or under construction, the delivery of highway improvements is not the responsibility of the Local Planning Authority (LPA) or the applicant. The LPA can secure improvements via monies, CIL, or planning conditions but it is the responsibility of the Highways Authority to implement highways works. Therefore the LPA cannot withhold planning permission because highways works have not been delivered.

6.38 KCC Highways has been consulted on the application and has raised strong objections as it considers the proposals do not conclusively demonstrate that the impact of the development can be fully mitigated and that the strategic junction improvements are not expected to provide sufficient capacity. They consider the residual traffic impact on the network is considered to be severe. They state,

"KCC Highways has previously raised concerns over the suitability and effectiveness of the piecemeal mitigation measures proposed in the cumulative transport impact assessment (CTIA) in relation to other planning applications for large-scale housing growth in south east Maidstone. These equally apply to this planning application.

By relying on the principle that financial contributions can be made towards the package of junction modifications on the A274, A229 and A20 corridors identified in the CTIA, the TA has not demonstrated that mitigation of impact can be achieved. KCC Highways expectation is that queuing and delay will be worsened by the additional development in the continued absence of effective mitigation. This, in turn, will result in more road users seeking to use alternative routes through the nearby communities of Otham, Downswood, Leeds and Langley. The level of impact is therefore unacceptably severe and KCC Highways strongly object to the development proposals on this basis."

6.39 Essentially, the Highways Authority does not consider that the junction and public transport improvements outlined in the Local Plan, and to which monies have been secured, are sufficient to mitigate the impact of the development. This is the same position that was taken under the previous planning applications and at the Local Plan Inquiry by the Highways Authority. So this argument has been tested through planning applications and importantly through an Examination in Public. As outlined above, the

mitigation measures are considered sound and are within the adopted Local Plan. On this basis, it is considered that the Highway Authorities objection is not reasonable grounds to refuse planning permission and could not be defended at appeal.

Public Transport

- 6.40 The applicant has confirmed that the scheme will be designed to accommodate buses through appropriate road widths and swept paths should the local bus provider wish to divert into the site. 'Arriva' have confirmed that they do not require any monies to subsidise a diversion once the development is nearing full occupation, and I note existing bus stops are within walking distance on Deringwood Drive and Woolley Road so diversion of the service is not essential. Therefore, it is not necessary to secure any funding for this service, and I consider the development could be designed to accommodate buses, with the decision to divert a commercial decision for the bus operator. As outlined above, the site has/provides good connectivity to local bus stops.
- 6.41 The applicant has provided a Framework Travel Plan for the development which would encourage sustainable travel and its aims are proportionate for this site and its location. This can be secured by condition and a monitoring fee of £5,000 will be secured under a section 106 agreement.

Church Road to the South of Site

- 6.42 KCC Highways have raised an objection based on worsening safety hazards to road users on Church Road to the south of the site. This is based on the road width and also lack of forward visibility in places. They state that a width of 4.8m is sufficient for two cars to pass but not two larger vehicles. The width is below 4.8m for much of its length (between 4.1m and 4.5m) and at 3.9m for a very short section. KCC consider a 5.5m width to be essential referring to the Kent Design Guide. The request for a 5.5m width is based on guidance for major access roads within new developments so in circumstances where you are proposing a new road. This is not to say it is not relevant at all to existing roads but clearly existing roads have potential constraints and it is the local context and conditions that must be taken into account.
- 6.43 The applicant states that Church Road is already a two way road with a low incidence of accidents which is shown in the collected data. KCC acknowledge the road is already well-used and has a relatively good crash record but outline that there will be additional traffic movements from the development. Having driven this road both ways a number of times including in the AM peak, I noted that in a limited number of places cars had to stop to let other cars pass but it was generally a case of slowing down to pass. When larger vehicles are involved, stopping would probably need to be carried out as some representations on the application suggest. The applicant's traffic flows suggest that between 81 and 84 movements would exit and enter the site from Church Road to the south in the AM and PM peaks. This would be on average just over one additional movement a minute over the peak hour. This is not considered to represent a significant

increase in movements on Church Road and on this basis it is not considered that the development would have an unacceptable or severe impact on highway safety beyond the current situation, or that warrants objection on the basis of road width or visibility in accordance with policy DM21. I also note that policy H1(8) under criterion 12 only requires road widening outside site H1(6) further south on Church Road (which will be carried out in connection with permission on that site).

- 6.44 It is also important to note that the applicant has investigated widening along Church Road where they do own some land on either side. To carry out widening would result in the removal of trees and hedging on both sides of the road of which a large section (325m) is Ancient Woodland. There is also a large section of third party land (460m) on the east side. So notwithstanding the conclusion above, the environmental impact this would have through loss of Ancient Woodland and visual harm to the character of Church Road is considered to outweigh any benefits of road widening.
- 6.45 The applicant is proposing some measures to improve Church Road including extending the 30mph speed limit by approximately 500m south of its current location by the Church, and also by introducing build-outs with a give way feature on a bend just to the south of the site where there is limited visibility. A safety audit submitted by the applicant, and KCC Highways has confirmed that this is acceptable and KCC state that this measure supports the extension of the 30mph speed limit. These works, which aid in highway safety where visibility is more limited, can be secured by condition. KCC Highways have sought clarification on swept paths which the applicant is responding to, and an update will be reported to Planning Committee via an urgent update report.

Local Junctions

- 6.46 The applicant has assessed the impact upon the junction of Church Road/Deringwood Drive, Deringwood Drive/Willington Street, and Spot Lane/A20.
- 6.47 Improvements to Church Rd/Deringwood Drive are proposed essentially widening both roads near the junction and replacing some of the parking bays, which has been deemed sufficient to accommodate the development traffic by KCC. This would result in the loss of some grassed verge and most likely 2/3 trees but this would not be unduly harmful to the local area and is necessary to accommodate the allocated site.
- 6.48 For the Deringwood Drive/Willington Street junction, the applicant's evidence suggests this junction will be beyond its design capacity imminently when taking into account general traffic growth and traffic from developments within the Local Plan/with planning permission. The issue is the difficulty in traffic leaving Deringwood Drive and so the queuing on this arm, rather than along Willington Street. It is of note that no issues for this junction have been identified, or any mitigation required by KCC Highways for any other developments to date, despite them impacting on this junction.

- 6.49 The applicant is proposing signalisation of the junction that would better manage traffic, provide safer opportunities for Deringwood Drive and development traffic to exit, and improve pedestrian crossing facilities. Whilst this would not bring the Deringwood Drive arm within design capacity but it must be noted that the junction in its current form will reach its capacity soon with the level of development already approved (without this development). On this basis it is considered to be a proportionate response to mitigate the traffic impact of this application and one that brings other benefits. However, KCC Highways have assessed the proposals and consider that this would introduce a new delay on Willington Street so any mitigation for Deringwood Drive would effectively be counteracted by the introduction of queuing and delays on Willington Street. They also consider there are outstanding safety issues to resolve with the design. On this basis they consider that there are both capacity and safety issues outstanding.
- 6.50 It is therefore recommended that delegated powers are given to officers to resolve this matter through an amended improvement scheme that is agreed with KCC Highways. If this cannot be agreed or KCC do not remove their objection specifically to the impacts at this junction, the application will be reported back to Planning Committee with a recommendation on this matter.
- 6.51 For the Spot Lane/A20 junction, the Spot Lane arm would be just over design capacity with general traffic growth, traffic from developments within the Local Plan/with planning permission, and the application traffic. This would mean an increase in queuing on Spot Lane but it is considered that the impact is not severe or dangerous, and does not warrant mitigation or objection in line with policy DM21.

M20 Junction 7

- 6.52 As background, under the recent applications at sites H1(7) and H1(10), financial contributions to cover the total costs of upgrade works to Junction 7 of the M20 (including scheme design and contract costs) were decided to be apportioned between those two sites and the application site H1(8) (3 sites in total). This totalled £4.66m and the applicant (Bellway Homes), along with completing a legal agreement for financial contributions for site H1(7), also completed a legal agreement for monies in connection with H1(8). Therefore a proportionate financial contribution towards Junction 7 has already been secured for this site by the applicant. These legal agreements and the triggers for payment were agreed with KCC (who would provide the works) and on this basis Highways England previously raised no objections.
- 6.53 Highways England now does not raise any objections to the application but this is subject to a condition that there is no occupation beyond 230 dwellings until improvements to the M20 Junction 7 have been completed. This is primarily based on mitigation for development within the wider Local Plan, rather than this specific development.

- 6.54 Such a condition is not considered to be reasonable and therefore does not pass the NPPF tests for conditions, on the basis that the applicant has no control as to when the funding for these works will be provided and/or the works are carried out (which is the responsibility of the Highways Authority), particularly bearing in mind they are being funded by three separate developments, one of which hasn't commenced (site H1(10)). In addition, 230 occupations of this specific development do not necessitate the entire upgrade works being carried out to Junction 7, and this precise trigger has not been justified. Highways England instead states that it needs to retain an element of control over the development pipeline (of the Local Plan) in the interests of highway safety and operational effectiveness, which is not specific to this planning application. Indeed, predicated traffic for 220 occupations (50% of the development) are 20 additional movements in the AM and PM peaks, a level which does not justify upgrading of the whole junction. Such restrictions on occupation were also not required and placed upon the other planning permissions so this would not be a consistent approach by the LPA. The other permissions simply required payment at set trigger points.
- 6.55 For these reasons it is considered that the requested condition does not pass the NPPF tests for conditions and should not be attached. The applicant has signed a legal agreement to pay a proportionate amount to the upgrade works to Junction 7, which is considered appropriate. In the absence of this condition, Highways England object to the application and so any decision to approve the application will need to be referred to the Secretary of State in line with the Town and Country Planning (Development Affecting Trunk Roads) Direction 2018.

Off-Site Infrastructure

- 6.56 Policy H1(8) states:

11. Contributions will be provided towards the expansion of an existing primary school within south east Maidstone to mitigate the impact of the development on primary school infrastructure.

- 6.57 The adopted CIL is charged on new floor space to help deliver infrastructure to support development. The scale of development proposed here is not such that it generates the need for a new standalone school or doctor's surgery, or specific on-site infrastructure but will obviously place an additional demand on such services. On this basis, CIL monies could be used towards such services to mitigate the impact of the development which is in accordance with policy DM20.
- 6.58 An exception is made under the Council's Regulation 123 CIL list (list of infrastructure types and/or projects which the Council intends will be, or may be, wholly or partly funded through the CIL), for education. The Reg. 123 List specifically allows for section 106 monies to be collected towards "expansion of an existing school within southeast Maidstone to accommodate site H1(8)" as identified in the Infrastructure Delivery Plan. This is identified as the 'Greenfields Community Primary School' and KCC have requested £3,324.00 per applicable house and £831.00 per applicable

flat towards the expansion of school to mitigate the impact of the development. This contribution would go towards planned expansion of the school to provide 4 additional classrooms and has been justified by KCC, and as it is specifically identified under the Reg.123 list, it is considered necessary, directly related to the development, and reasonable and in this specific case appropriate to be collected via a section 106 agreement which is being progressed and nearing completion. This is in accordance with criterion 12 of policy H1(8).

Other Matters

Affordable Housing

- 6.59 Affordable Housing is proposed at 30% with the tenure split 70% affordable rent and 30% shared ownership. This overall amount (30%) is in accordance with policy SP21 as is the tenure split and this will be secured under the legal agreement. A monitoring fee for the s106 will also be secured.

Air Quality

- 6.60 Policy H1(8) requires:

9. *Appropriate air quality mitigation measures to be agreed with the council will be implemented as part of the development.*

- 6.61 An air quality assessment has been submitted which concludes that small increases in NO₂ concentrations are expected as a result of the proposed development and overall, these increases are expected to have a negligible impact on air quality and not cause any exceedances of the relevant Air Quality Standards. The site is located outside any Air Quality Management Areas and it concludes that new residents would not be subjected to poor air quality. The Environmental Health section has reviewed the assessment and raises no objections. In line with the Council's Air Quality Planning Guidance, an emissions mitigation calculation has been used to quantify potential emissions from the development and provides a suggested mitigation value for proportionate mitigations to be integrated into the development. A number of potential mitigation measures are outlined and the specific measures can be secured by condition which can include measures such as EV charging points for houses with off-street parking as this is a requirement under policy DM23 of the Local Plan.

Drainage

- 6.62 The Environment Agency's flood risk from surface water map shows a narrow overland flow path running from north to south through the centre of the site. The applicant has assessed this and confirms that some surface water flooding could occur along this natural flow path in extreme rainfall events. The report goes on to state that this flow path could be realigned to fit in with the layout of housing so it runs through areas of open space and is not affected by the development or displaced off-site. This is a detailed

matter that would be dealt with at reserved matters stage but it shows that this is not a constraint to development of the site in principle.

6.63 For surface water from the development, it is proposed at this stage that there would be a series of swales that would drain to deep bore soakaways at a level to avoid any potential issues with flooding of fissures/gulls. Again this would be dealt with at the detailed stage but KCC LLFA have confirmed that this could be feasible but it will be necessary to develop a detailed drainage scheme to confirm the scheme can be satisfactorily accommodated within the final development layout and recommend conditions to secure this.

6.64 Southern Water has confirmed there is sufficient capacity on the local network for foul drainage ensures compliance with criterion 15 of policy H1(8).

Ecology

6.65 The site is mainly an arable field with grassland and scrub around its margins and hedging along the Church Road frontage and edges. Features of ecological importance within the site include hedgerows and an area of semi-improved grassland in the north-east corner, which are all on the outside edges of the site. In terms of protected species, a low population of breeding slow worms has been recorded and there is suitable habitat for foraging and roosting bats, badgers, hedgehogs and breeding birds which is around the edges of the site. Apart from where required for access, the hedges can remain and the Parameter Plan shows that the habitats on the outskirts of the site would largely not be developed and this plan will be conditioned. Various mitigation measures are proposed to protect habitat and species and create/enhance habitat, which can be secured by condition. KCC Ecology are satisfied that that appropriate mitigation has been recommended to minimise or avoid impacts on these habitats and species and recommend conditions to secure the mitigation measures, a site wide management plan, and bat sensitive lighting. The development would therefore be in accordance with policy DM3 of the Local Plan.

6.66 There is an area of ancient woodland that adjoins the site at its south end. It is proposed that a 15m buffer to this woodland would be provided which can also be secured by condition.

6.67 Enhancements are proposed in the form of new native planting, wildflower grassland, permeability for hedgehogs, bat and bird boxes, and habitat piles. This is considered a proportionate response based on the low ecological value of the site and will provide an appropriate biodiversity net gain for this development in line with the NPPG.

Residential Amenity

6.68 The layout of housing is not being determined at this stage but clearly there is room to ensure that houses are sited a suitable distance from neighbouring properties to ensure there is no unacceptable impact upon privacy, light, or outlook. The Parameter Plan shows building free/buffers

around the edges of the site to comply with the site policy, which are shown in the region of 10m which would also ensure amenity is protected. Any noise and disturbance from the normal occupation of a housing development is not objectionable.

Environmental Impact Assessment

- 6.69 The applicant submitted a separate Screening Opinion for the development just before the application was submitted to ask whether the LPA considered an EIA was required. It was concluded that the development would not be likely to have significant effects upon the environment sufficient to warrant an EIA. A request to the Secretary of State (SoS) was also made by a third party to seek his opinion, and the SoS also concluded the development was not 'EIA development'.

Representations

- 6.70 Matters raised but not considered above relate to land stability, construction matters, house prices, land ownership, and uploading of documents to the website.
- 6.71 Representations refer to the underlying geology of the area/land stability and potential damage to neighbouring properties with regard to the built development, and flooding from the surface water drainage scheme. The precise location of any built development would be decided at the reserved matters stage and could be sited to ensure there are no land stability issues to neighbouring land/or this could be demonstrated, if necessary. In terms of the surface water drainage scheme, the fine details of this are required by condition.
- 6.72 Matters relating to construction refer to noise, disturbance, and dust which are all matters that would be dealt with under environmental protection legislation and are not planning matters. The impact upon house prices is not a planning consideration. The red outline application site has been amended so it excludes any land not in control of the applicant. Additional/amended information provided by the applicant was uploaded to the website at the same time, with a formal 21 day re-consultation carried out on all the information. This is standard practice and carried out to avoid numerous re-consultations on single documents each time to 300+ residents in this case.

7.0 CONCLUSION

- 7.01 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, planning applications must be determined in accordance with the Development Plan unless materials considerations indicate otherwise.
- 7.02 The site is allocated for 440 houses within the Local Plan under policy H1(8) subject to a number of criterion. The outline application proposes up to 440 houses and for the reasons outlined in the report above, the proposals comply with all policy criterion subject to the legal agreement and

conditions. The application also complies with all other relevant Development Plan policies.

- 7.03 The allocation of the site for housing would inevitably have an impact upon the setting of listed buildings to the north but this would be minimised in line with the Parameter Plan and the impact would be 'less than substantial'. The public benefits of providing housing, including affordable housing on an allocated housing site, and the associated the social and economic benefits, and a church car park, outweigh this less than substantial harm.
- 7.04 Kent Highways are raising objections on the basis of an unacceptably severe traffic impact on the highway network and worsening safety hazards on Church Road. For the reasons outlined in the report the Local Planning Authority does not agree the impact is severe, and the objections are not considered to be reasonable grounds to refuse planning permission.
- 7.05 KCC have raised capacity and safety concerns regarding the proposed signalisation of the Willington Street/Deringwood Drive junction so it is recommended that delegated powers are given to officers to resolve this matter through an amended improvement scheme that is agreed with KCC Highways. If this cannot be agreed or KCC do not remove their objection specifically to the impacts at this junction, the application will be reported back to Planning Committee for a decision on this matter.
- 7.06 Highways England is raising no objections subject to a condition that limits 230 house occupations until works to the M20 Junction 7 have been carried out in full. The applicant has signed a legal agreement to pay a proportionate amount to the upgrade works to Junction 7, which is considered appropriate and such a condition does not pass the required tests for planning conditions and is unreasonable for the reasons outlined above.
- 7.07 All representations received on the application have been fully considered in reaching this recommendation.
- 7.08 It is concluded that the development is acceptable and complies with policy H1(8) and all other relevant policies of the Development Plan. There are no overriding material considerations to warrant a decision other than in accordance with the Development Plan, and so permission is recommended subject to the legal agreement and conditions, and resolution of the matters as set out below.

8.0 RECOMMENDATION

Subject to:

- The conditions set out below, and the prior completion of a legal agreement to secure the heads of terms set out below;
- The agreement of any improvements to the Willington Street/Deringwood Drive junction with KCC Highways or removal of their objection specifically

to impacts at this junction (with any relevant amendment of condition 15);
and

- Referral of the decision to the Secretary of State

the Head of Planning and Development **BE DELEGATED POWERS TO GRANT PLANNING PERMISSION** (and to be able to settle or amend any necessary Heads of Terms and planning conditions in line with the matters set out in the recommendation and as resolved by the Planning Committee).

Heads of Terms

1. £3324.00 per applicable house and £831.00 per applicable flat towards the expansion of Greenfields Community Primary School.
2. 30% affordable housing provision (made up of 70% affordable rent and 30% shared ownership).
3. £5,000 Travel Plan monitoring fee.
4. £1,500 Section 106 monitoring fee.

Conditions:

Time Limit

1. No phase of the development hereby approved shall commence until approval of the following reserved matters has been obtained in writing from the local planning authority for that phase:

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

Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.

The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later;

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

Access

2. The access points hereby permitted shall be carried out in accordance with drawing no. 06 RevF (Proposed Access Arrangement) and the visibility splays kept free of obstruction above a height of 1 metre.

Reason: In the interests of highway safety.

Parameters

3. The layout details submitted pursuant to condition 1 shall follow the principles of the development areas and buffers/landscape areas as shown on the approved Parameter Plan (Drawing No. 16206/C03HG).

Reason: To ensure the development accords with the site allocation policy, limits impacts upon heritage assets, protects and enhances biodiversity, and provides a high quality design.

4. The layout details submitted pursuant to condition 1 shall provide at least a 15m development free buffer to the Ancient Woodland in the southern part of the site.

Reason: To protect the Ancient Woodland in the interests of biodiversity.

5. The layout details submitted pursuant to condition 1 shall provide at least 2.88 hectares of on-site public open space.

Reason: To comply with the site policy and provide a high quality development.

6. The layout and access details submitted pursuant to condition 1 shall provide the following:

- A pedestrian and cycle link from Church Road to the development area via the open space to the north of St Nicholas Church and Church House.
- A pedestrian and cycle link to and across the area of Council owned land to the south of the site providing a link to Woolley Road.

Reason: To ensure appropriate connectivity in the interests of sustainability and highway safety.

7. The landscape details submitted pursuant to condition 1 shall provide the following:

- Native planting within the buffers areas as shown on the Parameter Plan.
- Strengthening and replacement native hedge planting along the site frontage with Church Road.

Reason: To ensure the development accords with the site allocation policy and to provide an appropriate setting.

Pre-Commencement

8. No development shall take place 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 principles within the Flood Risk and Sustainable Drainage Assessment (Herrington, March 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.

9. No development shall take place until the mitigation measures detailed within chapter 6 of the Ecological Appraisal (Aspect Ecology; March 2019) have been implemented as detailed. If works have not commenced by March 2020 an updated ecological mitigation strategy shall be submitted to the local planning authority for written approval. It must include the following information:
- a) Updated ecological appraisal
 - b) Results of recommended specific species surveys
 - c) Over view of the ecological mitigation required
 - d) Detailed methodology to implement the mitigation
 - e) Timing of the proposed works
 - f) Details of who will be carrying out the works.
 - g) Maps clearly showing the mitigation areas.

The mitigation must be implemented as detailed within the approved document.

Reason: In the interest of biodiversity protection and enhancement.

10. No development shall take place until the following components of a scheme to deal with the risks associated with contamination of the site shall have been submitted to and approved, in writing, by the local planning authority:

- 1) A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site.
- 2) A site investigation, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- 3) A remediation method statement (RMS) based on the site investigation results and the detailed risk assessment (2). This should give full details of the remediation measures required and how they are to be undertaken. The RMS should also include a verification plan to detail the data that will be collected in order to demonstrate that the works set out in the RMS are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.
- 4) A Closure Report is submitted upon completion of the works. The closure report shall include full verification details as set out in 3. This should include details of any post remediation sampling and analysis, together with documentation certifying quantities and source/destination of any material brought onto or taken from the site. Any material brought onto the site shall be certified clean;

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

Reason: In the interests of human health.

11. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of
 - a) 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
 - b) 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.

Pre-Slab Level

APPENDIX A

12. No development above slab level shall take place until, details of the mechanism to ensure the proposed car park for St Nicholas Church can be used by the Church in perpetuity and the timing of its implementation, have been submitted to an approved in writing by the Local Planning Authority. Once implemented the car park shall only be used in connection with use of the Church.

Reason: To ensure the heritage benefit of the Church car park is secured.

13. No development above slab level shall take place until the specific air quality mitigation measures, which shall include the type and location of electric vehicle charging points, 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.

Reason: In the interests of limiting impacts upon air quality.

14. No development above slab level shall take place until a "bat sensitive lighting plan" for the site boundaries has been submitted to and approved in writing by the local planning authority. The lighting plan shall:

- a) 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;

- b) 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.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy and these shall be maintained thereafter in accordance with the approved plan.

Reason: In the interest of biodiversity protection and enhancement.

Pre-Occupation

15. The development shall not be occupied until the following off-site highways works have been provided in full:
 - a) Improvements to the Church Road/Deringwood Drive junction as shown on drawing no. 34.1 within the 'Iceni Transport Note – July 2019' or any alternative scheme agreed in writing with the Local Planning Authority (in consultation with the Highways Authority);
 - b) Improvements to the Deringwood Drive/Willington Street junction as shown on drawing no. 35.1 RevA within the 'Iceni Transport Note – September 2019' or any alternative scheme agreed in writing with the Local Planning Authority (in consultation with the Highways Authority);

- c) Road widening and new pavement provision on Church Road as shown on drawing nos. 34.1 and 34.2 within the 'Iceni Transport Note – July 2019';
- d) The give way/build out feature on Church Road as shown on drawing no. 34.3 within the 'Iceni Transport Note – July 2019';
- e) Extension of the 30mph speed limit to the south of the application site to a position agreed in writing with the Local Plan Authority (in consultation with the Highways Authority); and

Reason: In the interest of highway safety.

- 16. The development shall not be occupied until a Final Travel Plan for the development which follows the principles of the Framework Travel Plan has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved Travel Plan.

Reason: In order to promote sustainable transport use.

- 17. The development shall not be occupied until a site-wide landscape and ecological management plan (LEMP), including timetable for implementation, long term design objectives, management responsibilities and maintenance schedules for all landscaped, open space, and drainage areas, but excluding privately owned domestic gardens, has been submitted to and approved in writing by the local planning authority. Landscape and ecological management shall be carried out in accordance with the approved plan and its timetable unless the local planning authority gives written consent to any variation.

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

- 18. The development shall not be occupied until details of upgrade works to PROW KM86 have been submitted to and approved in writing by the local planning authority. The development shall not be occupied until the approved works have been carried out in full.

Reason: In order to provide appropriate connectivity.

- 19. 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, carried out by a suitably qualified professional, has been submitted to the Local Planning Authority which demonstrates the suitable modelled operation of the drainage system such that flood risk is appropriately managed, as approved by the Lead Local Flood Authority. The Report shall contain information and evidence (including photographs) of earthworks; details and locations of inlets, outlets and control structures; extent of planting; details of materials utilised in construction including subsoil, topsoil, aggregate and membrane liners; full as built drawings; topographical survey of 'as constructed'

features; and 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.

Local Residents

25 further neighbour representations have been received. The following (summarised) points relate to issues raised beyond those already made:

- Deringwood Drive/Willington Street junction will be badly affected, is already failing, and the proposed signalisation is unsafe and will cause further congestion.
- Mitigation should be provided at the Spot Lane junction.
- Conflicting transport information.
- Car park next to Church will cause harm.

Officer Comment: These matters have been considered/addressed in the Committee Report.

Otham Parish Council raises the following (summarised) points beyond those already made:

- Question Historic England's views.
- Car park by Church will harm its setting and is not a benefit.
- Concerns regarding proposed traffic signals at Deringwood Drive/Willington Street junction with regard to safety.
- Conflicting transport information.

Officer Comment: These matters have been considered/addressed in the Committee Report.

Downswood Parish Council raises the following (summarised) points beyond those already made:

- Question who was re-consulted on additional information.
- A Transport Note is missing.
- Question Historic England's views.
- Latest revision of Parameter Plan is not that agreed with Historic England.
- Lack of geophysical survey.
- Disagree with applicant's Transport Notes conclusions.
- Concerns regarding proposed traffic signals at Deringwood Drive/Willington Street junction with regard to safety, and they will not solve congestion.
- Church Road/Deringwood Drive junction alterations would be worse for pedestrians and result in tree loss.

APPENDIX B

Officer Comment

Notification letters that amended/additional details had been submitted were sent to all residents who made representations on the application.

The Transport Note referred to was an earlier response to the Parish Council's points that was superseded by later Transport Notes hence why it was not uploaded.

The more recent Parameter Plans are exactly the same with regards to the buffer around the listed buildings and so the Historic England advice remains relevant.

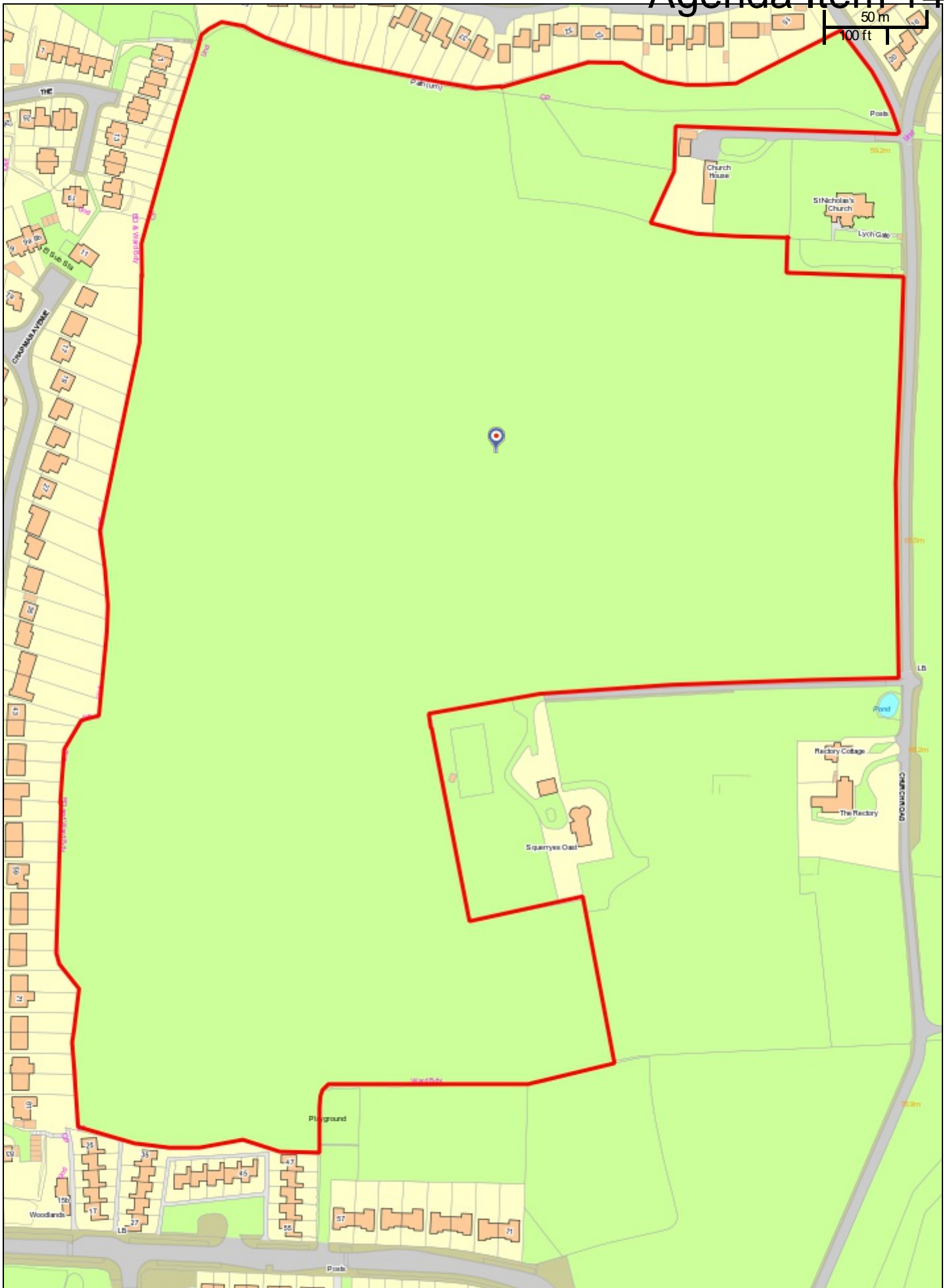
A geophysical survey was recently provided and reviewed by KCC Archaeology and their comments are in the Committee Report.

All other matters have been considered/addressed in the Committee Report.

Councillor Newton raises the following summarised points:

- Maintain objections to the site ever being placed in the Local Plan by Maidstone Borough Council.
- Site has an abundance of biodiversity.
- Area of arable farmland bounded by hedges and trees.
- Poor access via Church Road.
- Congestion.
- Traffic signals at Deringwood Drive/Willington Street junction will create hazards and congestion.
- Application fails to comply with the NPPF on heritage grounds.
- Car park by Church will harm its setting.
- Development will affect the setting of 'The Rectory'.
- An impartial Government Inspector should decide the application.

Officer Comment: *These matters have been considered/addressed in the Committee Report.*



19/506182/FULL - Land West of Church Road, Otham, Kent, ME15 8SB

Scale: 1:2500

Printed on: 24/4/2020 at 8:30 AM by JoannaW

REFERENCE NO - 19/506182/FULL
APPLICATION PROPOSAL Residential development for 421 dwellings with associated access, infrastructure, drainage, open space and landscaping.
ADDRESS Land West Of Church Road, Otham, Kent, ME15 8SB
RECOMMENDATION – APPROVE WITH CONDITIONS
SUMMARY OF REASONS FOR RECOMMENDATION <ul style="list-style-type: none"> • The site is allocated for 440 houses within the Local Plan under policy H1(8) subject to criterion. • The application proposes 421 houses and for the reasons outlined in the report complies with the criterion under policy H1(8) subject to the legal agreement and conditions. • The allocation of the site for housing inevitably has an impact upon the setting of listed buildings to the north but this would be minimised and would be less than substantial. The public benefits of providing housing, including affordable housing on an allocated housing site, and the associated the social and economic benefits, outweigh this less than substantial harm. • KCC Highways are raising objections on the basis of an unacceptably severe traffic impact on the A229/A274 and Willington Street corridors, and worsening safety hazards on Church Road. For the reasons outlined in the report the Local Planning Authority does not agree, and the objections are not considered to be reasonable grounds to refuse planning permission. • Historic England are raising objections as no dedicated church car park is proposed so there is less heritage benefit which might outweigh the harm to the setting of the Church, and an increase in vehicular movements on Church Road might have the effect of discouraging people from using the Church, which they consider could damage its economic viability. For the reasons outlined in the report the Local Planning Authority does not agree the development would threaten the Church's economic viability. • The application complies with site policy H1(8) and all other relevant Development Plan policies. There are no overriding material considerations to warrant a decision other than in accordance with the Development Plan, and so permission is recommended subject to the legal agreement and conditions set out below.
REASON FOR REFERRAL TO COMMITTEE <ul style="list-style-type: none"> • Councillor Newton has requested the application is considered by the Planning Committee for the reasons set out below. • Otham Parish Council objects and requests the application is considered by the Planning Committee for the reasons set out below.

• The recommendation is contrary to the view of Kent Highways and Historic England (statutory consultees).			
WARD Downswood And Otham		PARISH/TOWN COUNCIL Otham & Downswood	APPLICANT Bellway Homes Limited AGENT DHA Planning
DECISION DUE DATE: 13/04/20		PUBLICITY EXPIRY DATE: 10/02/20	SITE VISIT DATE: 17/04/19 & 10/10/19
RELEVANT PLANNING HISTORY			
App No	Proposal	Decision	Date
19/501029	EIA Screening Opinion for the proposed residential development of up to 440 dwellings and associated access, landscaping and other works on land west of Church Road, Otham.	EIA NOT REQUIRED	17/04/19
19/501600	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).	PENDING	

1.0 DESCRIPTION OF SITE

- 1.01 The application site has an area of approximately 16.1ha and is to the west of Church Road. The site is to the southeast of Maidstone and is between substantial residential areas to the north, west and southwest, namely cul-de-sacs within the Downswood area to the north, Chapman Avenue to the west and Woolley Road to the south. To the east are open agricultural fields and immediately to the south/southeast are a number of detached residential properties at The Rectory (Grade II listed) and Squerryes Oast. St Nicholas's Church (Grade I listed) and Church House (Grade II listed) are to the north of the site.
- 1.02 The site is in the main, an open arable field but includes an area of land at its north end that wraps around the north side of the church which has numerous trees, scrub vegetation and grass, and over which public footpath KM86 runs. The boundaries of the site are formed by established hedging on the Church Road frontage, hedging to the boundary with 'Squerryes Oast', and trees on the south, west and north boundaries. There is an area of Ancient Woodland (AW) to the southeast of the site.
- 1.03 The site is highest at its south end with a gradual fall to the north. To the west where the site backs onto gardens of properties within Chapman Avenue, there is a considerable level difference between the site and Chapman Avenue.

1.04 Importantly, the site is allocated for housing development in the Local Plan and policy H1(8) allows for up to 440 houses and sets out a number of criteria to be met.

1.05 A separate outline application for up to 440 houses was reported to Planning Committee in October 2019 with a decision deferred for a number of reasons. That application is being reported back to Committee on this agenda.

2.0 PROPOSAL

2.01 This application seeks full permission for 421 houses with two access points off Church Road, and pedestrian/cycle links northwest, northeast and south. A range of detached, semi-detached, and terraced houses are proposed and a number of apartment blocks to provide a mix of house types and sizes. Affordable housing would be provided at 30% (126 units). Houses would be largely 2 storeys in height with the apartment blocks at 3 storeys. Building designs are 'traditional' in style in terms of their height, form and appearance. Significant areas of open space are provided around the edges and within the housing areas. The design and layout will be discussed in more detail in the assessment below.

3.0 POLICY AND OTHER CONSIDERATIONS

- Maidstone Borough Local Plan (2011-2031): SS1, SP1, SP3, SP18, SP19, SP20, SP23, H1, OS1(16), ID1, H1(8), DM1, DM2, DM3, DM4, DM6, DM8, DM12, DM19, DM20, DM21, DM23
- Kent Waste and Minerals Plan 2016
- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Maidstone Building for Life 12
- MBC Air Quality Guidance
- MBC Public Art Guidance

4.0 LOCAL REPRESENTATIONS

4.01 **Otham Parish Council:** Strongly object to the application for the following (summarised) reasons:

- Increased traffic and congestion.
- Highway safety for vehicles and pedestrians.
- Will be traffic problems at all local junctions.
- Church Road is narrow and not suitable for additional traffic which will raise safety issues.
- Proposed traffic calming on Church Road will cause queuing.
- Lighting for proposed traffic calming on Church Road is not suitable by listed building or local area.
- The setting of St Nicholas Church will be irrevocably harmed.
- Area of green space should be preserved as it provides a lung to the urban areas.
- Lack of local infrastructure.

4.02 Downswood Parish Council: Raises objections for the following (summarised) reasons:

- Will result in severe traffic congestion.
- Proposed traffic mitigation measures will make the situation worse.
- Inconsistency in the detail, standard and quality of the investigative work carried out and the reports submitted.
- Misleading and incorrect statements are made and deficiencies in various reports
- Missing documents.
- Lack of assessment of noise and vibration, Community impact and severance, visual intrusion from existing residents' perception, and cumulative environmental impact.
- Loss of green open space for existing residents.
- Not in accordance with sections 9, 15 and 16 of the NPPF.
- Unacceptable impacts upon highway safety.
- Land stability and underground conditions have not been suitably assessed.
- No substantial benefits to outweigh harm to the listed Church.
- Contrary to policies SP18, SP23, and DM1, DM3, DM4, DM12, DM21, DM23.
- 3 storey apartments are not in keeping and on the edges of the site.
- Doesn't respect neighbouring amenity.
- Residents will be exposed to excessive noise, vibration, odour, and air pollution.
- Overlooking, visual intrusion, loss of privacy and light.
- Loss of views of the countryside.
- Lack of primary and secondary school places.
- Poor design.
- No emergency access.
- Object to PROW being a shared footway/cycleway.
- No mention of disabled parking.
- Doesn't comply with site policy H1(8).
- Loss of hedging on Church Road.
- Lack of assessment of air quality impacts off site.
- Foul and surface water drainage is questionable.
- Traffic signals as Willington Street/Deringwood Drive would not work and would be dangerous.
- Church Road/Deringwood Drive changes are dangerous.
- Spot Lane/Ashford Road changes are not sufficient.
- Will have a wide-ranging visual impact.
- The SUDs proposals may not be feasible.
- Lack of pedestrian/cycle links.
- Harm to ecology.
- Archaeology work not sufficient.
- Lack of local infrastructure

4.03 Bearsted Parish Council (neighbouring): Raises objections for the following (summarised) reasons:

- Traffic impact will be severe.

- Congestion on local roads.
- Not a good location for modal shift.
- Highway safety and congestion on Roseacre Lane and the Spot Lane junction with the A20.
- Flooding can make roads impassable adding to congestion.

4.04 Joint Parishes Group: Support the objections raised by Parish Councils.

4.05 Bearsted & Thurnham Society: Raises objections for the following (summarised) reasons:

- Traffic lights at Deringwood Drive/Willington Street have been rejected on safety grounds and will increase pollution.
- Congestion on local roads.
- Church Road is a narrow country lane.
- Lack of local services/infrastructure.
- Design not in keeping.
- Harm to the listed church and lack of parking for users of church.

4.06 Chapman Avenue Area Residents Association: Raises the following (summarised) points:

- Process adopted by Planning Department and Planning Committee is underhand.
- Increased traffic, congestion, and highway safety issues.
- Traffic impact is severe.
- Will block views of the Church from existing houses.
- Site allocation was ill thought out.
- Strong objections from KCC Highways.
- Traffic lights are not suitable and will be dangerous.
- Increased pollution from traffic lights.
- Traffic data is unrealistic.
- Increased flood risk.
- Land stability needs to be addressed.
- Density too high.
- Poor public transport options.
- Views will be damaged and there will be light and noise pollution.
- Harm to wildlife.
- Oppressive to outlook and loss of privacy.
- Served by narrow country lanes.
- Overwhelmed congested traffic system.
- Highway safety.
- Sewage capacity problems.
- Flood risk.
- Potential for anti-social behaviour.
- How will landscaped areas be managed.
- Damage to the environment.
- Design not in-keeping.
- Harm to setting of listed buildings.
- Air pollution.
- Poor open spaces.
- Pressure on existing infrastructure and no new facilities proposed.

- Archaeology.
- Density is too high.

4.07 The Parochial Church Council: Raises objections for the following (summarised) reasons:

- Lack of car park will create parking difficulties for church.
- Can't extend churchyard.
- Loss of parking on Church Road from new accesses.
- Church car park would not cause any harm above the housing.
- Pedestrian conflicts.
- Parking provision is needed.

4.08 Local Residents: 363 representations received raising the following (summarised) points:

- Increased traffic and congestion.
- Highway safety.
- Pedestrian safety including school children.
- Rat running occurs on local roads.
- Will encourage dangerous driving.
- Church Road is not safe or suitable for additional traffic.
- Traffic lights on Willington Street will be dangerous and cause further congestion.
- Increased noise and pollution to properties near proposed traffic lights.
- Spot Lane/A20 junction is dangerous.
- Changes to Spot Lane/A20 junction will make no difference.
- Spot Lane floods.
- Traffic calming measures will make traffic worse.
- Traffic calming lighting is not suitable next to listed building.
- Cars won't be able to get out of the site.
- Travel Plan is totally unrealistic.
- Do not listen to Kent Highways advice.
- Need speed bumps.
- Congestion harms local businesses.
- Congestion delays emergency vehicles.
- Junction mitigation has not been carried out.
- Traffic calming on Church Rd won't allow larger vehicles to pass.
- Damage to roads.
- Question accuracy of Transport Assessment.
- Relief road is needed.
- Flood risk.
- Inadequate foul drainage.
- Question surface water report.
- Poor connections for pedestrian and cyclists.
- Poor public transport.
- Should have park and ride.
- Car-reliant and unsustainable.
- Lack of parking proposed.
- Land stability issues on the site and in Chapman Avenue.
- More testing should be carried out for drainage and stability.
- Potential damage to neighbouring properties from subsidence.

- Geology brings into question surface water proposals.
- Visual impact.
- Density too high.
- Harm to wildlife/ecology.
- Water pollution.
- Lack of ecology surveys.
- Lack of local green space.
- Loss of countryside.
- Loss of rural character.
- Loss of ancient woodland.
- Loss of Grade 2 agricultural land.
- Loss of hedge.
- Loss of trees.
- Substantial harm to the setting of the Grade I listed Church.
- Will block view of Church.
- Car park should be provided for the Church.
- Pile driving could harm listed buildings.
- Loss of land to extend church yard.
- Buff brick colours not appropriate near church.
- Ancient burial site.
- Lack of infrastructure and amenities including schools and surgeries.
- No local medical centre.
- Lack of water supply.
- Traffic noise.
- Noise from new residents.
- Overlooking/loss of privacy particularly from apartments.
- Overshadowing/loss of light.
- Overbearing.
- Air quality/pollution.
- 3 storey buildings are out of place.
- Gardens are too small.
- No use of ragstone.
- Crime.
- Loss of agricultural land.
- Other more suitable sites.
- Brownfield land should be used.
- Noise and dust during construction.
- Construction could damage properties.
- Lack of public consultation by applicant.
- Other people should be able to enjoy the area.
- Excessive amounts of information provided.
- Assessments are flawed and desktop based.
- Loss of property value.
- Loss of views.
- Affordable housing will put additional pressure on police force.
- Increased risk of crime.
- Documents have been uploaded at different times without sufficient time to comment.
- Additional documents should have been uploaded to the website earlier/when they were received.
- Contrary to the NPPF.
- Contrary to numerous Local Plan policies.

- Development outside the site allocation in the southeast corner.
- Site should not have been allocated.
- Site allocation process was mishandled by offices and members.
- Development is premature.
- Question land ownership.

4.09 **Borough Councillor Newton** requests the application is considered by the Planning Committee and raises the following (summarised) points:

- Harm to the setting of the Grade I Church which was constructed prior to the Domesday Book.
- Harm to the setting of the Grade II listed buildings.
- Full archaeological survey should be carried out if permission is granted.
- Poor local facilities which require a car to drive to.
- Access and roads to the site are unsuitable.
- Traffic lights will be dangerous in icy conditions and increase congestion on Willington Street.
- Spot Lane junction changes will increase the chance of collisions.
- Congestion caused by flooding and traffic calming on Mallards Way.

4.10 **Borough Councillor McKay:** Raises the following (summarised) points:

- Highway safety on Church Road.
- Church Road is not wide enough and cannot be widened.
- Access plan is not accurate.
- Traffic lights at Deringwood Drive/Willington Street junction will increase congestion and raise safety issues and a decline in air quality.

4.11 **County Councillor Cooke:** Raises the following (summarised) points:

- Traffic congestion.
- Church Road is narrow and unsuitable
- Junction changes at Deringwood Drive/Willington Street would render junction more unsafe.
- Should be refused on highway grounds.
- Adverse impact on Grade I listed Church.
- No planning gain from the dedicated car park for the church.
- Flooding from surface water.
- Lack of local service and infrastructure.

4.09 **Helen Whately MP:** Outlines the concerns of local resident's as follows:

- The increased traffic generated by the proposal will create chaos and severe congestion in Deringwood Drive and Willington Street.
- There have already been accidents at the junction with Church Road and Deringwood Drive and increased traffic can only make it more dangerous.
- The church is a Grade 1 listed building and will be seriously affected by this development.
- There is inadequate provision for disposal for surface water.
- There are no plans for additional local amenities such as schools, dentists or doctors which are already over stretched.

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 **Highways England: No objections** subject to a financial contribution of a proportionate amount being made to address the mitigation works needed at M20 J7.
- 5.02 **Historic England: Raise objections** regarding the setting of the Church and consider that without a dedicated church car park there is less heritage benefit which might outweigh the harm arising from this application, and an increase in vehicular movements on Church Road might have the effect of discouraging people from using the Church, which they consider could damage its economic viability.
- 5.03 **Natural England: No objections.**
- 5.04 **Environment Agency: No objections** subject to conditions.
- 5.05 **KCC Highways: Raise objections** on the basis of an unacceptably severe traffic impact on the A229/A274 and Willington Street corridors and worsening safety hazards on Church Road due to a greater likelihood of hazardous conflicts between road users.
- 5.06 **KCC Economic Development:** Seek £1,096,089 towards the extension of 'Greenfields Community Primary School' to mitigate the impact of the development.
- 5.07 **KCC SUDs: No objections** subject to conditions.
- 5.08 **KCC Archaeology: No objections** subject to condition.
- 5.09 **KCC Minerals:** No comments to make.
- 5.10 **KCC PROW:** Question how PROW KM86 will be accommodated within the development and concerns raised with the proposal to establish a cycle route along this path as the legal status of the right of way will need to be changed to enable cycling, in addition to physical path improvements on the ground.
- 5.11 **KCC Ecology: No objections** subject to conditions.
- 5.12 **MBC Conservation Officer:** Advises that the harm to the Church and Church House would be less than substantial.
- 5.13 **MBC Environmental Health: No objections** subject to conditions relating to charging points; lighting; travel plan; and contaminated land.

5.14 **MBC Landscape Officer:** Raise some concerns regarding future pressure on trees along part of the east boundary.

5.15 **Southern Water:** Confirm there is sufficient capacity.

5.16 **Forestry Commission:** Refers to standing advice on Ancient Woodland.

6.0 APPRAISAL

6.01 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that,

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

6.02 The Local Plan allocates the site for 440 houses under policy H1(8) subject to a number of criterion covering matters relating to design and layout, access, air quality, open space, infrastructure, highways and transportation.

6.03 This is a detailed application for 421 houses. Clearly, the principle of housing is accepted under Local Plan policy H1(8) so it needs to be assessed as to whether the proposals comply/can comply with the policy criterion and any other relevant Development Plan policies.

6.04 The key issues for the application are centred round site allocation policy H1(8) as follows:

- Access and connectivity.
- Layout and open space.
- Design, appearance and landscaping.
- Heritage impacts.
- Highways impacts.
- Infrastructure.
- Other matters including Affordable Housing, Air Quality, Drainage, Ecology, and Amenity.

6.05 The revised NPPF has a chapter dedicated to design (12- Achieving Well-designed Places) and there is specific reference to the design framework 'Building for Life 12'. This application has been developed and assessed against Maidstone's own version of this.

Access and Connectivity

6.06 Policy H1(8) states:

8. Access will be taken from Church Road only

5. The hedge line along the eastern boundary of the site with Church Road shall be retained and strengthened where not required for access to the site.

- 6.07 The application only proposes vehicular access from Church Road via two access points which is in accordance with policy H1(8). These would be close to the north and south ends of the site on the Church Road frontage. The access points have been assessed by Kent Highways and Kent Fire and Rescue and judged to be suitable and safe.
- 6.08 The proposed accesses and required visibility splays inevitably mean that some of the existing hedging fronting Church Road will need to be removed (approximately 125m). However, new native hedge planting is proposed behind the visibility splays and other native tree and shrub planting to strengthen the existing hedging in general, this being a positive landscape feature of the site. These measures are shown on the Landscape Strategy Plan but the fine details of species and number of plants etc. will be secured under a condition. The condition will specify the measures required and will ensure compliance with criterion 5 of the site policy.
- 6.09 In terms of connectivity, it is proposed to provide a new pavement from the northern access along the front of the Church within highways land to link with the existing pavement further north. As this pavement would be narrower than the 2m normally sought due to the width of Church Road (being between 1.2m to 2m and on average around 1.6m), a hard surfaced path is proposed around the north side of the Church and into the site to provide an alternative attractive route.
- 6.10 This hard-surfaced path would run across the north part of the site and connect with the pedestrian link to 'The Beams' in the northwest corner which provides access towards Willington Street and 'Greenfields Primary School'. KCC PROW and Highways refer to the existing paths here being steps and so this raises issues over access for all users. This is not the only connection to the west as there is a connection to the south (discussed below) that provides access in this direction so it is not necessary for changes to these steps to be made.
- 6.11 Public right of way (PROW) KM86 also runs across this area to the north of the Church. The definitive line of this PROW is not actually walked on the ground and an alternative more direct route is used. The applicant is proposing to upgrade and hard surface the route walked on the ground and provide a separate cycle route alongside part of the path. KCC PROW recommends that the PROW is diverted to follow the applicant's proposed route so there are not two routes and to also allow room for the cycle route alongside. The applicant is agreeable to this approach and would need to apply for a diversion under separate Highways legislation. Should the diversion not be successful this would simply mean that the current situation remains but with a new hard surface. This would be acceptable and causes no harmful impact upon the definitive PROW. As the diversion is not necessary to make the development acceptable a condition is not required but the applicant will be encouraged to apply for this diversion by way of an informative.

6.12 To the south, it is proposed to provide a pedestrian/cycle link via the Council owned public open space to link up with Woolley Road. This would provide an appropriate link to shops, 'Senacre Primary School', and bus stops to the south. The applicant would provide the pathway on the application site and has confirmed they would continue and construct this on the Council owned land. The Council's Property Section have confirmed that they have no objections to this. A condition will be imposed to secure the link and a pathway on Council owned land. Whilst outside the applicant's control this condition is reasonable as this is land in public ownership, and the Council has indicated it has no objections to this being provided.

6.13 So overall, the vehicular access points comply with policy H1(8), are safe, and the scheme provides good pedestrian/cycle connectivity to the local area and its services/amenities, in accordance with policy DM1 of the Local Plan.

Layout and Open Space

6.14 Policy H1(8) requires:

- 1. The tree line along the western boundary of the site will be enhanced, to protect the amenity and privacy of residents living in Chapman Avenue.**
- 2. An undeveloped section of land will be retained along the western boundary of the site, to protect the amenity and privacy of residents living in Chapman Avenue.**
- 3. An undeveloped section of land will be retained along the eastern edge of the site in order to protect the setting of St Nicholas Church and maintain clear views of the Church from Church Road.**
- 4. The Church Road frontage will be built at a lower density from the remainder of the site, to maintain and reflect the existing open character of the arable fields on the eastern side of Church Road and to provide an open setting to St Nicholas Church.**
- 6. Retain non-arable land to the north and east of St Nicholas Church, to protect its setting.**
- 7. Retain discrete section of land at the south east corner of the site to provide a 15 metres wide landscape buffer to ancient woodland (bordering site at this location), to be planted as per the recommendations of a landscape survey.**
- 10. Provision of approximately 2.88ha of natural/semi-natural open space consisting of 1.4ha in accordance with policy OS1(16), and 1.48ha within the site, together with additional on/off-site provision and/or contributions towards off-site provision/improvements as required in accordance with policy DM19.**

6.15 The roads and houses are set back around 8m-15m from the boundary/tree line along the western boundary and so this area is undeveloped apart from a path which provides a recreational route around the development. New landscaping can be secured to improve this buffer and provide an

appropriate setting in accordance with criterion 1 and 2. Building would be set back just over 35m from the east edge of the site to maintain clear views of St Nicholas Church from Church Road in line with criterion 3. Further open space is proposed to the south and southeast of the Church to provide space to limit the impact upon the setting of the Church. Land to the north and west of the Church would be maintained as undeveloped and provide a natural/semi-natural area of open space to benefit biodiversity in line with criterion 6. In the southeast corner a large undeveloped area providing in excess of a 30m buffer to the Ancient Woodland (AW) is proposed in line with criterion 7.

- 6.16 In terms of open space, criterion 10 requires a total of 2.88ha to be provided for the development. In line with policy OS1(16), and as shown on the Local Plan map, part of this is land to the north and west of the Church and this area would be natural/semi-natural space. The Local Plan also seeks land in the southeast corner of the site and this is provided. Two houses are proposed in a small part of this open space area but this would not cause any visual or landscape harm to the surrounding area as they would be surrounded by new landscaped areas within the site and existing woodland and vegetation outside the site. This would be a natural/semi-natural area providing a buffer to the AW. Together with the buffers around the site and Church and more formal areas within the developed area including children's play areas, a total of 3.6ha of open space would be provided which is in excess of the site policy requirement. This is reflected in the density of the development which at 26 dwellings per hectare is slightly lower than the typical density of recent urban edge housing developments which tend to be around 30dph but this is appropriate bearing in mind the open space requirements and proximity of the listed Church.
- 6.17 This amount of open space is considered appropriate for this size of development and provides a mix of types including natural/semi-natural, more formal space, and play areas. For these reasons it is considered that the application complies with design, layout, and open space requirements of policy H1(8).
- 6.18 More generally, the layout has been developed using the constraints and opportunities at the site. This includes the required buffers around the edges of the site and to the Church and listed buildings but also providing different open space areas through the developed area as well. A key element of the scheme is to utilise views of the listed Church from within the development to create a unique sense of place.
- 6.19 Different character areas are proposed across the scheme and these are created largely from the different areas of open space proposed and are described and assessed below.
- The 'Frontage' character area to Church Road has buildings set well back from the road and relatively low in density with detached houses and a significant landscape buffer which limits the impact upon the character of Church Road as far as possible and ensure views of the Church.

Structural native tree and shrub planting is proposed to provide a buffer at the front of the site and a new native hedgerow.

- The 'Entrance' character area around the northern access by the Church is largely open and spacious with detached houses fronting onto the spine road with wide planted verges and structural tree planting. Estate railings are proposed to create a semi-formal parkland character. This is appropriate to provide an arrival space which is sympathetic to the Church setting. A small orchard is proposed to the north of the entrance with wild meadow planting.
- The 'Avenue' character area around the southern access provides a tree lined street linking the access to the central green. There would be strong building lines and front gardens would be enclosed with hedgerows and picket fences. This provides a distinct entrance to the site here.
- The 'Central Green' character area provides a key focal point within the development. It provides useable open space and a children's play area and is bounded by 2, 2.5 and 3 storey buildings which provide enclosure and surveillance of the open space. The large central area of open space provides a sense of arrival and meeting place/focus within the middle of the site as advocated by 'Maidstone Building for Life 12'. In the southeast corner of the central green there would be a hard-surfaced area that would use high quality paving laid to direct views towards the Church along a green corridor. Tree planting would be provided on the boundaries of this space.
- The 'Greenway' character area is the link and view corridor from the central open space towards the Church. It features tree-lined verges and the buildings either side frame the vista and draw attention to the Church spire creating a sense of place.
- The 'Square' character area is an area of open space within the southern part of the site that is arranged around a formal landscaped square with a small children's play area. This provides an interesting and contrasting formal space against the natural/semi-natural spaces around the outsides of the development.
- The 'Green Edge' character area runs along the south, west and part of the north boundaries. These areas feature narrower roads with cul-de-sacs and private drives and a lower density with detached houses. Landscaping would be provided to supplement existing trees and hedges which would provide a quality setting to the development.

6.20 These areas create a distinct character using the different areas of open space as their focus across the site as advocated by 'Maidstone Building for Life 12'.

6.21 The built areas are made up of perimeter blocks with buildings facing outwards to ensure active streetscenes. Where flank elevations are exposed

windows and/or different materials at first floor level are provided to ensure interest. On corners, buildings are dual fronted to address both streets.

- 6.22 The proposed affordable housing is spread throughout the development in three areas so is well integrated and would be tenure blind so it would not appear any different to the market housing in accordance with policy SP20.
- 6.23 Overall, the layout is considered to be of high-quality providing connections to the local area, creating a unique sense of place with distinct open space and character areas in accordance with policy DM1 of the Local Plan and 'Maidstone Building for Life 12'.

Design, Appearance & Landscaping

- 6.24 The house designs are 'traditional' in form and appearance with detached, semi-detached, and terrace houses with mainly gabled roofs. Interest would be provided from two storey projecting gables, bay windows, porches and detailing in the form of soldier courses, bricked arches above windows, and bullnose hanging tile detailing. The apartment blocks would be three storeys in height and their mass would be broken up with varying ridge heights, projecting gables set down from the main ridge lines, Juliette balconies, different materials, and fenestration on all elevations to provide relief. Whilst comments have been received stating that three storey buildings are not in keeping with the local area, the massing of these buildings is appropriately broken up and variations in heights will provide interest across the scheme.
- 6.25 Materials would include red and buff coloured multi-stock bricks, clay roof and hanging tiles, slate roof tiles, and white composite boarding on some properties. A number of houses would be predominantly finished in ragstone and these are at prominent locations across the development including at the site entrances and on corners. Not only would this provide a quality vernacular material but the buildings would provide focal points and wayfinding points across the development.
- 6.26 Hard surfaces are predominantly block paving for roads, parking spaces and parking courts and resin bound/block paved paths for the open space areas. Boundary treatments include ragstone walls at the entrances, brick walls on exposed boundaries, picket fencing and metal railings.
- 6.27 Parking provision would accord with adopted standards with around a quarter of properties with tandem spaces, where the standards seek independently accessible spaces. The reason being that occupants may be less reluctant to use their tandem spaces and instead park on roads. To counter this an over-provision of on-street visitor parking bays are proposed. I consider this strikes the right balance between on-plot parking provision and an attractive development that is not dominated by parking.
- 6.28 In addition to the planting schemes within the different character areas outlined above, landscaping across the scheme involves significant numbers of street trees to create the main formal crescent avenue through the development but also within the smaller streets. Smaller streets would also

feature significant hedgerows enclosing front gardens. For the edges of the site, native structural planting is proposed and for the edge to the Ancient Woodland in the southeast corner a large area of native tree and shrub planting is proposed. The species indicatively put forward at this stage are mainly native but do include more ornamental species in some of the housing streets. The full details are not provided at this stage but some species are not appropriate such as cherry laurel which can be invasive. Therefore a condition will be attached requiring specific details and specify a requirement for predominantly native planting. However, overall the amount of proposed landscaping would provide a high quality environment and setting to the development.

6.29 With regard to trees, no trees would be removed for the development as they are on the edges of the site. There are a few areas where there is a small RPA conflict with proposed roads and parking spaces, but these all fall in previously ploughed land, so the landscape officer would expect any potential root presence to be below plough depth and, in any event, arboricultural supervision is proposed to ensure that any excavation is carried out to minimise potential damage. The landscape officer has raised some concerns regarding the proximity of houses to trees along part of the west boundary by 'Squerryes Oast' and potential future pressure on these trees due to shade. The majority of these trees are within the site, are category B trees and would provide good screening/softening of the development. I consider these trees should be retained and therefore the applicant has moved the houses forward by two metres to provide more space and on balance this is considered to be acceptable. These trees can be retained under the landscaping scheme and an Arboricultural Method Statement secured by condition can provide details of any pruning required.

Heritage Impacts

6.30 Policy H1(8) requires:

- 3. An undeveloped section of land will be retained along the eastern edge of the site in order to protect the setting of St Nicholas Church and maintain clear views of the Church from Church Road.**
- 4. The Church Road frontage will be built at a lower density from the remainder of the site, to maintain and reflect the existing open character of the arable fields on the eastern side of Church Road and to provide an open setting to St Nicholas Church.**
- 6. Retain non-arable land to the north and east of St Nicholas Church, to protect its setting.**

6.31 As outlined above, the proposed plans ensure compliance with the above criterion which relate to St Nicholas Church so the proposals comply with policy H1(8).

6.32 There are a number of heritage assets near to the site. Notably, St Nicholas's Church (Grade I listed) and two Grade II listed monuments within the grave yard, and 'Church House' (Grade II listed) immediately to the north of the site. There is also 'The Rectory' (Grade II listed) to the

south. Further afield, the Otham Conservation Area is 770m to the southeast.

- 6.33 The NPPF outlines at paragraphs 193 and 194, that great weight must be given to the conservation of listed buildings irrespective of whether any potential harm amounts to substantial harm, total loss, or less than substantial harm to its significance. Any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. The NPPF also requires the local planning authority, when assessing an application to 'identify and assess the particular significance of any heritage asset that may be affected by the proposal. Under Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority must have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 6.34 The development in particular has an impact upon the setting of the Grade I listed Church as it forms part of its historic rural open setting to the south. This setting and the visibility it affords of the Church in its historical context forms part of its significance and development of the site would affect this. Churches were obviously built of a certain scale so they were visible from some distance. There would be an impact upon the setting of Church House (GII) but this would to a lesser extent as this building is less prominent from the application site and wider area, so the openness of the application site does not contribute greatly to its significance.
- 6.35 The allocation of 440 houses at the site would inevitably result in some harm to the setting of the two listed buildings to the north. Such impacts upon the setting of these listed buildings were clearly accepted when the Local Plan Inspector agreed that the allocation was acceptable for 440 houses, subject to criterion 3, 4, and 6, which all seek to protect the setting of St Nicholas Church, and in turn Church House.
- 6.36 It is therefore a case of minimising the impact upon the heritage assets and securing sensitive design in line with Paragraph 190 of the NPPF and policy SP18 of the Local Plan. To this end, discussions have previously been held with Historic England and a large non-development area to the south of 'Church House' and to the south and southwest of the Church was agreed and has been provided. As stated above, views of the Church from Church Road would be maintained, which is one of the key public views of the Church.
- 6.37 It is considered that the layout of the development with significant space around the Church House and the Church serves to minimise the impact upon the listed buildings to the north and ensure compliance with policy H1(8). I agree with the applicant's conclusion that the harm to the listed buildings is 'less than substantial' because the layout provides undeveloped areas to the north, west, and south of the listed buildings and maintains clear views of the Church from Church Road.

- 6.38 Historic England (HE) are objecting to this detailed application because a dedicated church car park is not proposed within the site (as it was originally for the outline application). Under the outline application a car park was proposed but the resolution of the Planning Committee on 24th October 2019 was to remove this car park so whilst officers recognise the clear benefits of providing a car park, understandably the applicant has not proposed it. HE accept the principle of development at the site and accept that it is unlikely the overall harm can be reduced given other constraints on the site and thus that the proposal in its current form is capable of meeting NPPF requirements to minimise and thus also justify harm. However, HE considers that without a dedicated church car park in the application there is less heritage benefit which might outweigh the harm arising from this application. They also have serious concerns that an increase in vehicular movements on Church Road might have the effect of discouraging people from using the Church, which could damage its economic viability.
- 6.39 There is no requirement for the applicant to provide a dedicated Church car park, however, the scheme provides a crescent of 28 additional parking spaces at the north end of the site that could be used by visitors of the Church. These spaces would not be secured exclusively for church goers and could be used by new residents of the development but are provided on the basis that church goers are likely to park within the new development in the future. Although not necessary, this is a sensible proposal.
- 6.40 I do not agree with HE that the development would threaten the Church's economic viability. I consider the development would actually provide safer on-street parking on the roads within the new housing estate to the current situation on Church Road and so would not discourage people from using the church.
- 6.41 The site allocation I would say inevitably does not conserve the setting of the listed buildings and so there is some conflict with criterion 1 of policy DM4 of the Local Plan. However, the explanatory text to policy DM4 refers to carrying out a weighting exercise in line with the NPPF.
- 6.42 Whilst having special regard to the preservation of the setting of the Church and Church House, overall, it is considered that the public benefits of providing 421 houses including affordable housing to meet housing needs on an allocated housing site, and the associated social and economic benefits provide for clear and convincing justification for some harm to the heritage assets, and these benefits outweigh this less than substantial harm to St Nicholas Church and Church House in line with Paragraph 196 of the NPPF. The layout has been carefully designed to ensure that the impact upon heritage assets would be minimised to an acceptable degree bearing in mind the site is allocated for housing.
- 6.43 'The Rectory' (GII listed) to the south is some 50m from the edge of the site with a two storey building and vegetation between. There would also be a buffer to the front of the site that would limit development near to this

building. For these reasons the development of the site would not cause harm to the setting of this listed building. There would be no harm to the listed monuments within the church yard as the site is generally screened from these and it is considered that their setting is confined to the church yard. I concur with the Council's Conservation Officer that due to the distance from the edge of the Otham Conservation Area (770m), the development would have a minimal impact upon its setting, and I consider no harm would be caused.

- 6.44 In relation to archaeology, KCC Heritage advises that on the back of geophysical surveys carried out by applicant, there are no indications of significant archaeology surviving on the site. However, they suggest the area around the church may contain important archaeology (which may be revealed following intrusive field evaluation works) and recommend a condition to this end, which is considered appropriate.

Highways Impacts

Wider Network/Strategic Junctions

- 6.45 The Local Plan examination process which led to the adoption of the Local Plan in October 2017 involved the Local Plan Inspector considering, in great detail, the highways impacts and mitigation for the southeast Local Plan sites (which includes the application site), including objections/representations from statutory consultees and third parties. This involved carefully considering evidence provided by the Council, including the A274 Corridor Study, and the specific mitigation being a number of junction improvements on the A274, bus priority measures and bus service improvements (monies towards some of which had already been secured under planning permissions). The Local Plan Inspector was satisfied that the Council's evidence demonstrated the traffic impact of the Local Plan sites could be suitably mitigated, and in his Final Report concluded,

"169. The development proposals in the submitted plan already incorporate measures to mitigate the travel impacts. These include highway capacity improvements and improved bus services (including direct links to railway stations). If these measures are further supported by the bus access and bus priority measures, the impacts on congestion need not be severe. Air quality issues are capable of being addressed by these and other measures, including by action at national level.

170. In conclusion the Policy SP3 South East Maidstone Strategic Development Location will generate additional traffic and could contribute to an increase in congestion, particularly at peak hours, even after mitigation in the form of road improvements and other measures to make sustainable travel more attractive and effective. However the concentration of development close to the town does allow alternative and more sustainable means of travel to be made available. That is less likely to be the case were the housing to be located away from the town in another part of the Borough where residents would still need access to employment and services in the town."

- 6.46 The adopted Local Plan therefore includes strategic highways improvements for the southeast Maidstone sites, and relevant to this application, they are outlined under the site allocation policy (criterion 13-17).
- 6.47 The application site and its potential development of 440 houses was included within the cumulative transport assessments carried out under the planning applications for the strategic southeast housing sites H1(7) - Land North of Bicknor Wood, and H1(10) - Land South of Sutton Road, within the Local Plan. These sites were granted planning permission in early 2018. The transport assessment cumulatively assessed all the southeast housing allocations and also included other commitment development (planning permissions at the time).
- 6.48 Under those applications, the Council accepted that the cumulative impact of development from all the southeast housing allocations could be suitably mitigated with improvements to the capacity of various junctions and improvements to bus services. Being prior to the introduction of CIL, financial contributions were secured under section 106 agreements towards various off-site highways works/improvements which are outlined in the Council's Infrastructure Delivery Plan (IDP), where the total infrastructure costs and funding streams are stated.
- 6.49 Decisions to approve permission at Planning Committee on sites H1(7) and H1(10) with financial contributions towards infrastructure were made prior to the adoption of the Local Plan in September 2017. The Local Plan Inspectors Final Report and adoption of the Local Plan confirmed that the Council's approach to mitigating the transport impact of the southeast development sites is sound.
- 6.50 For the current application, the applicant has provided a Transport Assessment and carried out up to date traffic surveys on local roads and assessments of appropriate local junctions. Whilst the Parish and residents have questioned the accuracy of the traffic surveys, Kent Highways have raised no issues with them. For wider/strategic junctions the applicant's evidence provides the likely additional impact of the development but relies upon the recent cumulative assessment of transport impacts carried for sites H1(7) and H1(10) and the mitigation (which included the application site). These assessments concluded that the cumulative traffic impact upon the local network (including the application site) would not be severe subject improvements to relevant junctions and public transport. The Council has accepted this conclusion and so this is considered to be an appropriate approach and there are no reasonable grounds to now disagree or depart from this approach that has been accepted recently by the Council.
- 6.51 The site allocation policy as criterion (13-17) relating to strategic highways and transportation improvements as follows:

13. Bus prioritisation measures on the A274 Sutton Road from the Willington Street junction to the Wheatsheaf junction, together with bus infrastructure improvements.

14. Improvements to capacity at the junctions of Willington Street/Wallis Avenue and Sutton Road.

15. Package of measures to significantly relieve traffic congestion on Sutton Road and Willington Street.

16. Improvements to capacity at the A229/A274 Wheatsheaf junction.

17. Improvements to frequency and/or quality of bus services along A274 Sutton Road corridor.

6.52 The above improvements are based on the cumulative impact of development in southeast Maidstone and so compliance with the above criterion would be via monies towards the improvements. A change in circumstances since the previous decisions is the introduction of the Council's Community Infrastructure Levy (CIL), such that any monies towards strategic highways works required from cumulative transport impacts would be via CIL rather than financial contributions under a section 106 agreement. The applicant will have to pay CIL should planning permission be granted and implemented, and the Council can decide to use monies for the relevant highways improvements. This ensures compliance with the strategic highways requirements under the site policy.

6.53 Although none of the above improvements have commenced and clearly a number of the southeast sites are completed and occupied/part-occupied or under construction, the delivery of highway improvements is not the responsibility of the Local Planning Authority (LPA) or the applicant. The LPA can secure improvements via monies, CIL, or planning conditions but it is the responsibility of the Highways Authority to implement highways works. Therefore the LPA cannot withhold planning permission because highways works have not been delivered. However it is noted that Kent County Council have recently consulted on proposed improvement schemes at the junctions either end of Willington Street with Sutton Road and the A20 and along the A229 corridor with the improvements designed to relieve congestion.

6.54 KCC Highways have been consulted on the application and have raised strong objections as they consider the Transport Assessment does not demonstrate that the impact of the development can be fully mitigated and that the strategic junction improvements on the A274 and at either end of Willington Street are not expected to provide sufficient capacity. They consider the residual traffic impact on the network is considered to be severe. They state,

"The applicant has been unable to conclusively demonstrate that suitable mitigation of impact can be achieved on the A229/A274 and Willington Street corridors. KCC Highways maintain the view that the residual traffic impact on the local highway network will be unacceptably severe and an objection is raised on this basis."

6.55 Essentially, the Highways Authority does not consider that the junction and public transport improvements outlined in the Local Plan, and to which monies have been secured, are sufficient to mitigate the impact of the development. This is the same position that was taken under the previous

planning applications and at the Local Plan Inquiry by the Highways Authority. So this argument has been tested through planning applications and importantly through an Examination in Public. As outlined above, the mitigation measures are considered sound and are within the adopted Local Plan. On this basis, it is considered that the Highway Authorities objection is not reasonable grounds to refuse planning permission and could not be defended at appeal.

Public Transport

6.56 The scheme is designed to accommodate buses through the necessary road width of the main road which provides a loop in and out of the site between the access points. 'Arriva' have confirmed that they do not require any monies to subsidise a diversion once the development is nearing full occupation, and I note existing bus stops are within walking distance on Deringwood Drive and Woolley Road so diversion of the service is not essential. Therefore, it is not necessary to secure any funding for this service and the development has been designed to accommodate buses, with the decision to divert a commercial decision for the bus operator. As outlined above, the site has/provides good connectivity to local bus stops.

6.57 The applicant has provided a Framework Travel Plan for the development which would encourage sustainable travel with potential measures and initiatives including the provision of resident travel information packs, cycle parking, bicycle purchase discounts, walking/cycling 'buddy' schemes and the promotion of car sharing. Implementation will be overseen by a Travel Plan Co-ordinator. The indicative Travel Plan targets seek to achieve, as a minimum, a 10% reduction in single occupancy car travel, a 10% increase in the use of non-car modes of travel and a 10% reduction in peak period vehicle trips. Its aims are proportionate for this development and its location. This can be secured by condition and a monitoring fee of £1,422 will be secured under a section 106 agreement.

Church Road to the South of Site

6.58 KCC Highways have raised an objection based on worsening safety hazards to road users on Church Road to the south of the site but not outside the site where widening to 5.5m is proposed. This is based on the road width and also lack of forward visibility in places. They state that a width of 4.8m is sufficient for two cars to pass but not two larger vehicles. The width is below 4.8m for much of its length (between 4.1m and 4.5m) and at 3.9m for a very short section. KCC consider a 5.5m width to be essential referring to the Kent Design Guide. The request for a 5.5m width is based on guidance for major access roads within new developments so in circumstances where you are proposing a new road. This is not to say it is not relevant at all to existing roads but clearly existing roads have potential constraints and it is the local context and conditions that must be taken into account.

6.59 The applicant states that Church Road is already a two-way road with a low incidence of accidents which is shown in the collected data. KCC acknowledge the road is already well-used and has a relatively good crash

record but outline that there will be additional traffic movements from the development. Having driven this road both ways a number of times including in the AM peak, I noted that in a limited number of places cars had to stop to let other cars pass but it was generally a case of slowing down to pass. When larger vehicles are involved, stopping would probably need to be carried out as some representations on the application suggest. The applicant's traffic flows suggest that between 81 and 84 movements would exit and enter the site from Church Road to the south in the AM and PM peaks. This would be on average just over one additional movement a minute over the peak hour. This is not considered to represent a significant increase in movements on Church Road and on this basis it is not considered that the development would have an unacceptable or severe impact on highway safety beyond the current situation, or that warrants objection on the basis of road width or visibility in accordance with policy DM21. I also note that policy H1(8) under criterion 12 only requires road widening outside site H1(6) further south on Church Road (which will be carried out in connection with permission on that site).

6.60 In connection with the Planning Committee deferral of the outline application the applicant has investigated further widening along Church Road where it could be widened on the west side to 5.5m for approximately a 210m section to the south of 'Little Squerryes'. This would not involve any loss of ancient woodland but the widening would result in the cutting back and potential loss of hedging/trees. Based on just over one additional movement a minute over the peak hour from the development, it is considered that any benefits of road widening do not outweigh the visual harm to Church Road that would result.

6.61 The applicant is proposing some measures to improve Church Road including extending the 30mph speed limit by approximately 500m south of its current location by the Church, and also by introducing build-outs with a give way feature on a bend just to the south of the site where there is limited visibility. A safety audit submitted by the applicant, and KCC Highways has confirmed that this is acceptable and KCC state that this measure supports the extension of the 30mph speed limit. These works, which aid in highway safety where visibility is more limited, can be secured by condition. It is not considered that parking associated with the Church will result in any unacceptable highway safety conditions on the basis that the road is being widened outside the site, the development will provide potential places to park within it, and no objections are raised by KCC Highways.

Local Junctions

6.62 The applicant has assessed the impact upon the junction of Church Road/Deringwood Drive, Deringwood Drive/Willington Street, and Spot Lane/A20.

6.63 Improvements to Church Rd/Deringwood Drive are proposed essentially widening both roads near the junction and replacing some of the parking bays, which has been deemed sufficient to accommodate the development traffic by KCC. This would result in the loss of some grassed verge and

most likely 2/3 trees but this would not be unduly harmful to the local area and is necessary to accommodate the allocated site.

- 6.64 For the Deringwood Drive/Willington Street junction, the applicant's evidence suggests this junction will be beyond its design capacity imminently when taking into account general traffic growth and traffic from developments within the Local Plan/with planning permission. The main issue is considered to be the difficulty for traffic leaving Deringwood Drive and so the queuing on this arm as a result of traffic on Willington Street rather than along Willington Street. It is of note that no issues for this junction have been identified, or any mitigation required by KCC Highways for any other developments to date, despite them impacting on this junction.
- 6.65 The applicant is proposing signalisation of the junction that would better manage traffic, provide safer opportunities for Deringwood Drive and development traffic to exit, and improve pedestrian crossing facilities. Whilst this would not bring the Deringwood Drive arm within design capacity it would reduce the potential maximum queuing length on Deringwood Drive from 288 vehicles in the AM peak hour (which has the most traffic) to a maximum of 39 vehicles. On this basis it is considered to be a proportionate response to mitigate the traffic impact of this application and one that provides mitigation for other committed development.
- 6.66 The junction improvement has passed an independent Safety Audit and KCC Highways have confirmed they are satisfied the recommendations of the Audit have been addressed.
- 6.67 However, KCC Highways consider that this junction improvement would introduce a new delay on Willington Street. They consider this would be result in a severe traffic impact but importantly have not identified any highway safety issues. Willington Street South and Deringwood Drive arms of the proposed junction would be up to 14% over theoretical capacity if all pedestrian crossings were operated but the applicant considers that queuing of this nature could already be expected to occur along the Willington Street corridor due to interactions with the existing signalised junctions further to the north. This assertion is supported by capacity modelling of the Ashford Road and Madginford Road junctions that shows how each would individually exhibit extensive queues along Willington Street during the peak periods. The applicant has also forecasted how the sequence of traffic signalled junctions (i.e. two existing and one proposed) would operate in unison. The findings indicate that the proposed new traffic signals would not worsen delays across this part of the network. The contention being made is essentially that an additional set of traffic signals on a busy route will not result in a worsening of traffic conditions.
- 6.68 KCC Highways have reviewed this evidence and consider that because such modelling is highly sensitive to changes in prevailing conditions, they regard such sensitivities to limit the confidence that can be attached to the applicants' conclusion. They also consider the extent to which the junctions are predicted to operate over capacity is also likely to have distorted the modelling outputs, such that there is less certainty that mitigation of impact

can be achieved at this location. So basically they do not agree with the applicant's conclusions.

- 6.69 Whilst there may be some sensitivity in the modelling, as there is for any modelling, KCC Highways have not provided any modelling or analysis to counter that put forward by the applicant. Nor do I consider that up to 14% over theoretical capacity on two arms of the junction results in a severe impact and most importantly KCC Highways have not raised any highway safety issues if any increased delays did occur on Willington Street.
- 6.70 Having driven along Willington Street in the AM peak, I noted that extensive queuing does occur, and I consider that in line with the applicant's analysis, new traffic signals are unlikely to result in any significant change in traffic conditions on Willington Street or to a degree that would result in a severe impact above the current conditions or result in dangerous driving conditions. The proposed signals would serve to significantly lower predicted queuing on Deringwood Drive and would better manage traffic, provide safer opportunities for Deringwood Drive traffic to exit, and improve pedestrian crossing facilities. On this basis it is considered to be a suitable intervention to provide a proportionate mitigation of the impact of the development and can be secured by condition.
- 6.71 For the Spot Lane/A20 junction, the Spot Lane arm would be just over design capacity with general traffic growth, traffic from developments within the Local Plan/with planning permission, and the application traffic. Improvements to this junction are proposed to widen the Spot Lane arm of the junction utilising an area of the verge that is part of the public highway which increases carriageway capacity to enable two cars to queue side-by-side whilst also retaining the existing footway. The modelling shows that the improvement would mitigate the impact of the development and not make conditions any worse than they would be otherwise, and it has passed the Safety Audit. KCC Highways consider that the proposed mitigation is acceptable and this can be secured by condition.

M20 Junction 7

- 6.72 As background, under the recent applications at sites H1(7) and H1(10), financial contributions to cover the total costs of upgrade works to Junction 7 of the M20 (including scheme design and contract costs) were decided to be apportioned between those two sites and the application site H1(8) (3 sites in total). This totalled £4.66m and the applicant (Bellway Homes), along with completing a legal agreement for financial contributions for site H1(7), also completed a legal agreement for monies in connection with H1(8). Therefore a proportionate financial contribution towards Junction 7 has already been secured for this site by the applicant. These legal agreements and the triggers for payment were agreed with KCC (who would provide the works) and on this basis Highways England are raising no objections.

Off-Site Infrastructure

6.73 Policy H1(8) states:

11. Contributions will be provided towards the expansion of an existing primary school within south east Maidstone to mitigate the impact of the development on primary school infrastructure.

6.74 The adopted CIL is charged on new floor space to help deliver infrastructure to support development. The scale of development proposed here is not such that it generates the need for a new standalone school or doctor's surgery or specific on-site infrastructure but will obviously place an additional demand on such services. On this basis, CIL monies could be used towards such services to mitigate the impact of the development which is in accordance with policy DM20.

6.75 An exception is made under the Council's Regulation 123 CIL list (list of infrastructure types and/or projects which the Council intends will be, or may be, wholly or partly funded through the CIL), for education. The Reg. 123 List specifically allows for section 106 monies to be collected towards "*expansion of an existing school within southeast Maidstone to accommodate site H1(8)*" as identified in the Infrastructure Delivery Plan. This is identified as the 'Greenfields Community Primary School' and KCC have requested £1,096,089 towards the expansion of school to mitigate the impact of the development. This contribution would go towards planned expansion of the school to provide 4 additional classrooms and has been justified by KCC, and as it is specifically identified under the Reg. 123 list, it is considered necessary, directly related to the development, and reasonable and in this specific case appropriate to be collected via a section 106 agreement which is being progressed. This is in accordance with criterion 12 of policy H1(8).

Other Matters

Affordable Housing

6.76 Affordable Housing is proposed at 30% (126 units) with the tenure split 70% affordable rent and 30% shared ownership. This overall amount (30%) is in accordance with policy SP21 as is the tenure split and this will be secured under the legal agreement. The accommodation provides a mix of house sizes including 1 and 2 bed flats, 2, 3, and 4 bed houses and the amounts proposed are broadly in line with the current need. A monitoring fee for the s106 of £3,750 will also be secured.

Air Quality

6.77 Policy H1(8) requires:

9. Appropriate air quality mitigation measures to be agreed with the council will be implemented as part of the development.

6.78 An air quality assessment has been submitted which concludes that small increases in NO₂ concentrations are expected as a result of the proposed development and overall, these increases are expected to have a negligible

impact on air quality and not cause any exceedances of the relevant Air Quality Standards. The site is located outside any Air Quality Management Areas and it concludes that new residents would not be subjected to poor air quality. The Environmental Health section has reviewed the assessment and raises no objections. In line with the Council's Air Quality Planning Guidance, an emissions mitigation calculation has been used to quantify potential emissions from the development and provides a suggested mitigation value for proportionate mitigations to be integrated into the development. A number of potential mitigation measures are outlined and the specific measures can be secured by condition which can include measures such as EV charging points for houses with on-plot parking as this is a requirement under policy DM23 of the Local Plan.

Drainage

- 6.79 The Environment Agency's flood risk from surface water map shows a narrow overland flow path running from north to south through the centre of the site. Some surface water flooding could occur along this natural flow path in extreme rainfall events and the applicant is proposing to realign this so it runs through the central open space and open space further north. This will ensure it does not affect proposed houses and water is not displaced off-site so it would continue to flow across the site unhindered.
- 6.80 For surface water from the development, permeable paving would be used for private driveways so water would drain into the ground as it currently does. For the rest of the site, water would be collected in storage tanks beneath a series of swales/attenuation basins with which would then drain to deep bore soakaways at a level to avoid any potential issues with flooding of fissures/gulls. KCC LLFA has raised no objections to the principles of the SUDs scheme to the fine details being provided by condition. They also consider that more swales could be used which can be dealt with by condition.
- 6.81 Southern Water has confirmed there is sufficient capacity on the local network for foul drainage which ensures compliance with criterion 15 of policy H1(8).

Ecology

- 6.82 The site is mainly an arable field with grassland and scrub around its margins and hedging along the Church Road frontage and edges. Features of ecological importance within the site include hedgerows and an area of semi-improved grassland in the north-east corner, which are all on the outside edges of the site. In terms of protected species, a low population of breeding slow worms has been recorded and there is suitable habitat for foraging and roosting bats, badgers, hedgehogs and breeding birds which is around the edges of the site. Apart from where required for access, the hedges would remain and the habitats on the outskirts of the site would largely not be developed. Various mitigation measures and enhancements are proposed to protect habitat and species and create/enhance habitat, which can be secured by condition. Notably open space in the northeast corner of the site would be managed to benefit ecology and in particular

reptiles and a permanently wet pond is proposed at the north end of the central green. KCC Ecology are satisfied that appropriate mitigation has been recommended to minimise or avoid impacts on these habitats and species and recommend conditions to secure the mitigation measures, a site wide management plan, and bat sensitive lighting. The development would therefore be in accordance with policy DM3 of the Local Plan.

- 6.83 There would be well over a 15m buffer with native tree and shrub planting to the Ancient Woodland in the southeast corner which can be secured by condition.
- 6.84 Other enhancements include new native planting, wildflower grassland, permeability for hedgehogs, bat and bird boxes, and habitat piles. This is considered a proportionate response based on the low ecological value of the site and will provide an appropriate biodiversity net gain for this development in line with the NPPG.

Residential Amenity

- 6.85 Houses and gardens to the west at 'The Beams' and Chapman Avenue are at a lower level than the site so the impact upon privacy and outlook can be more pronounced. However buildings would be at their closest 16m from the end of gardens and at least 30m from any houses and in most cases further. At these distances and even taking into account that some of the 3 storey buildings would be along the west edge of the site, there would not be a harmful impact upon privacy, light or outlook. Properties to the south off Woolley Road would be at least 24m away and properties to the north off Longham Copse would be at least 38m away and at these distances there would be no harmful impacts upon privacy, light or outlook. 'Squerryes Oast' to the east would be at least 70m away; 'Rectory Cottage' to the southeast at least 34m away; and 'Church House' and 'The Coach House' at least 42m away to the northeast. At these distances there would be no harmful impacts upon privacy, light or outlook. Any noise and disturbance from the normal occupation of a housing development is not objectionable.

Public Art

- 6.86 In line with the Council's guidance a scheme of this size should provide an element of public art and this would help to create a sense of place. This will be secured by way of condition.

Environmental Impact Assessment

- 6.87 The applicant submitted a separate Screening Opinion for housing development last year to ask whether the LPA considered an EIA was required. It was concluded that the development would not be likely to have significant effects upon the environment sufficient to warrant an EIA. A request to the Secretary of State (SoS) was also made by a third party to seek his opinion, and the SoS also concluded the development was not 'EIA development'.

Representations

- 6.88 Matters raised but not considered in the assessment above relate to land stability, construction disturbance and may cause damage to properties, noise and pollution from traffic lights, flooding of local roads, damage to roads, house prices, loss of a view, land ownership, and uploading of documents to the website.
- 6.89 Representations refer to the underlying geology of the area/land stability and potential damage to neighbouring properties with regard to the built development, and flooding from the surface water drainage scheme. The applicant has carried out ground investigations and is aware of the underlying geology including the potential for fissures or gulls to open up. Due to the presence of these ground conditions they outline that a piled solution is assumed for the entirety of the site but they intend to carry out testing to determine if a piled solution is required throughout, or whether traditional foundation system could be utilised in certain areas. The applicant has also investigated land stability through borehole and penetration tests along the perimeters where the slope/cliff faces are present. They conclude that development is set sufficiently back from the edges of the site and any deep bore soakaways near to the slope should discharge at a depth lower than the base of the slopes. I consider this level of investigation is a sufficient to explain how the local ground conditions would be dealt with in the build process in line with paragraph 178(a) of the NPPF and at the Building Regulations stage the developer would need to provide a structural engineer's report to demonstrate any foundations designs are sound. In terms of the surface water drainage scheme, KCC LLFA are satisfied the fine details can be detail with by condition.
- 6.90 Matters relating to construction refer to noise, disturbance, and dust which are all matters that would be dealt with under environmental protection legislation and are not planning matters. Any impacts upon neighbouring properties or buildings from construction is not a planning consideration but a private matter between the developer and third parties. I do not consider the installation of traffic lights on Willington Street would have any significant impacts upon noise or air quality to nearby properties above the current situation where vehicles have to wait at present. Local roads flood occasionally so vehicles may have to find other routes but this is not frequent event that renders the development unacceptable on highway grounds. Damage to roads, any impact upon house prices, and the loss of a view are not material planning considerations. Re-consultation and notification has been carried out on all significant amended or additional information. Some additional documents have been uploaded to the website such as clarifications from the applicant and some design changes but it is not considered that the information necessitated formal re-consultation or that any parties have been prejudiced through not receiving a notification. The same land ownership issue was raised as under the outline application because the applicant submitted the incorrect red outline plan but this has been amended in line with the outline application.

7.0 CONCLUSION

- 7.01 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, planning applications must be determined in accordance with the Development Plan unless materials considerations indicate otherwise.
- 7.02 The site is allocated for 440 houses within the Local Plan under policy H1(8) subject to criterion. The application proposes 421 houses and for the reasons outlined in the report above, the proposals comply with all policy criterion subject to the legal agreement and conditions. The application also complies with all other relevant Development Plan policies.
- 7.03 The allocation of the site for housing would inevitably have an impact upon the setting of listed buildings to the north but this would be minimised and the impact would be 'less than substantial'. The public benefits of providing housing, including affordable housing on an allocated housing site, and the associated the social and economic benefits, outweigh this less than substantial harm.
- 7.04 Kent Highways are raising objections based on unacceptably severe traffic impact on the A229/A274 and Willington Street corridors and worsening safety hazards on Church Road. For the reasons outlined in the report the Local Planning Authority does not agree, and the objections are not considered to be reasonable grounds to refuse planning permission.
- 7.05 Historic England are raising objections as no dedicated church car park is proposed so there is less heritage benefit which might outweigh the harm to the setting of the Church, and an increase in vehicular movements on Church Road might have the effect of discouraging people from using the Church, which they consider could damage its economic viability. For the reasons outlined in the report the Local Planning Authority does not agree the development would threaten the Church's economic viability.
- 7.06 All representations received on the application have been fully considered in reaching this recommendation.
- 7.07 It is concluded that the development is acceptable and complies with policy H1(8) and all other relevant policies of the Development Plan. There are no overriding material considerations to warrant a decision other than in accordance with the Development Plan, and so permission is recommended subject to the legal agreement and conditions.

8.0 RECOMMENDATION

Subject to:

The conditions set out below, and the prior completion of a legal agreement to secure the heads of terms set out below;

the Head of Planning and Development **BE DELEGATED POWERS TO GRANT PLANNING PERMISSION** (and to be able to settle or amend any necessary Heads of Terms and planning conditions in line with the matters set out in the recommendation and as resolved by the Planning Committee).

Heads of Terms

1. £1,096,089 towards the expansion of Greenfields Community Primary School.
2. 30% affordable housing provision (made up of 70% affordable rent and 30% shared ownership).
3. £1,422 Travel Plan monitoring fee.
4. £3,750 Section 106 monitoring fee.

Conditions:

Approved Plans

1. The development hereby permitted shall be carried out in accordance with the latest revisions of the plans listed on the Drawing Issue Sheet dated 16/04/20.

Reason: To clarify which plans have been approved, to ensure a high-quality development, and to protect residential amenity.

Time Limit

2. 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.

Compliance

3. The development shall be carried out in accordance with the boundary treatments as shown on drawing nos. 16206 P101 RevT and 16206/SK55D and maintained thereafter.

Reason: To ensure a high-quality development and to protect residential amenity.

4. The development shall be carried out in accordance with the hard surfaces as shown on drawing nos. 16206 P105 and maintained thereafter.

Reason: To ensure a high-quality development.

5. 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 to which phase they relate, 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 setting to the development.

6. Excluding the area in the southeast corner of the site adjacent to ancient woodland, the areas of open space as shown on pages 58 and 59 of the Design & Access Statement shall be maintained as publicly accessible open space in perpetuity.

Reason: To ensure adequate open space areas for the development.

7. 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.

Pre-Commencement

8. No development shall take place until a Phasing Plan for the development including open space areas has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved phasing plan unless otherwise agreed in writing by the Local Planning Authority.

Reason: To ensure that affordable housing, open space areas, and connections are provided in time to cater for the needs and impacts arising out of the development and to assist with the determination of conditions.

9. No development shall take place until, a review and (if required) update of the mitigation measures detailed within chapter 6 of the Ecological Appraisal (Aspect Ecology; March 2019) which shall be informed by updated ecological survey(s), have been submitted to and approved in writing by the local planning authority. It must include the following information:

- a) Updated ecological appraisal
- b) Results of recommended specific species surveys (where required)
- c) Letter detailing why the mitigation detailed within the Ecological Appraisal is still valid

OR

- d) Updated mitigation strategy – including the following:
- Over view of the ecological mitigation required
 - Detailed methodology to implement the mitigation
 - Timing of the proposed works
 - Details of who will be carrying out the works.
 - Maps clearly showing the mitigation areas.

The mitigation must be implemented as approved.

Reason: In the interest of biodiversity protection and enhancement.

10. No development shall take place 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 Flood Risk and Sustainable Drainage Assessment (dated January 2020 by Herrington) 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. It shall also explore the use of more swales within the development.

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.

11. Where infiltration is to be used to manage the surface water from the development hereby permitted, it will only be allowed within those parts of the site where information is submitted to demonstrate to the Local Planning Authority's satisfaction that there is no resultant unacceptable risk to controlled waters and/or ground stability. The development shall only then be carried out in accordance with the approved details.

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

12. No development shall take place until the following components of a scheme to deal with the risks associated with contamination of the site shall have been submitted to and approved, in writing, by the local planning authority:

- 1) A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site.
- 2) A site investigation, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- 3) A remediation method statement (RMS) based on the site investigation results and the detailed risk assessment (2). This should give full details of the remediation measures required and how they are to be undertaken. The RMS should also include a verification plan to detail the data that will be collected in order to demonstrate that the works set out in the RMS are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.
- 4) A Closure Report is submitted upon completion of the works. The closure report shall include full verification details as set out in 3. This should include details of any post remediation sampling and analysis, together with documentation certifying quantities and source/destination of any material brought onto or taken from the site. Any material brought onto the site shall be certified clean;

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

Reason: In the interests of human health.

13. No development in any phase shall take place until the applicant has secured the implementation of the following details for that phase:

- a) 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
- b) 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

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

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

14. No development in any phase 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 for that phase. The AMS should 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, for example, 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.

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

Pre-Slab Level

15. No development above slab level shall take place until specific details of the landscaping proposals, which shall follow the principles shown on the Landscape Strategy Plan (drawing no. 6703 LSP ASP5 RevK), have been submitted to and approved in writing by the local planning authority. The scheme shall be designed in accordance with the principles of the Council's landscape character guidance and include a planting specification, a programme of implementation and a 5 year management plan. The landscape scheme shall specifically address the need to provide the following:

- a) Strengthening and replacement native hedge planting along the site frontage with Church Road.
- b) Structural native tree and shrub planting along the site frontage with Church Road.
- c) Retention of trees along the western boundary and new native tree and shrub planting.
- d) Retention of trees along the southern boundary and new native tree and shrub planting.
- e) Retention of trees along the boundaries with the property 'Squerryes Oast'
- f) Native woodland and shrub planting to create at least a 30m buffer from the Ancient Woodland in the south east corner
- g) Orchard planting to the south of St Nicholas Church.
- h) Native hedge planting within the development.

Reason: To ensure the development accords with the site allocation policy and to provide an appropriate setting.

16. No development above slab level shall take place in any phase until full details of the ecological enhancements outlined in the Ecological Appraisal and their delivery have been submitted to and approved in writing by the local planning authority for that phase. The development shall be carried out

in accordance with the approved details and measures shall include the following:

- a) Wildflower grassland
- b) Measures to allow hedgehogs to move through the development and dunes.
- c) Bat and bird boxes.
- d) Habitat piles.

Reason: In the interest of biodiversity protection and enhancement.

17. No development above slab level shall take place in any phase until written details and samples of the materials to be used in the construction of the external surfaces of the building(s) for that phase have been submitted to and approved in writing by the local planning authority and the development shall be constructed using the approved materials. The materials shall follow the 'Materials Distribution Diagram' (16206/SK55D) and include the following:

- a) Multi stock facing bricks
- b) Clay hanging tiles
- c) Clay roof tiles
- d) Slate roof tiles
- e) Ragstone on buildings
- f) Ragstone walling

Reason: To ensure a high-quality appearance.

18. No development above slab level shall take place in any phase until written details and large-scale plans showing the following architectural detailing have been submitted to and approved in writing by the local planning authority for that phase, and the development shall be carried out in accordance with the approved details:

- a) Soldier courses
- b) Bricked arches above windows
- c) Bullnose hanging tile detailing.
- d) Roof overhangs

Reason: To ensure a high-quality appearance.

19. No development above slab level shall take place until a sample panel of the ragstone for the walling and buildings, including mortar mix details, 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 appearance.

20. No development above slab level shall take place until the specific air quality mitigation measures, which shall include the type and location of electric vehicle charging points, 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.

Reason: In the interests of limiting impacts upon air quality.

21. No development above slab level shall take place until a "bat sensitive lighting plan" for the site boundaries has been submitted to and approved in writing by the local planning authority. The lighting plan shall:

- a) 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;
- b) 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.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy and these shall be maintained thereafter in accordance with the approved plan.

Reason: In the interest of biodiversity protection and enhancement.

22. No development above slab level for any phase shall take place until details of lighting for streets and houses have been submitted to and approved in writing by the local planning authority for that phase.

Reason: In the interest of visual amenity.

23. No development above slab level shall take place until details of the play equipment, bins, seating, surfacing and boundary treatments for the LAP, LEAP and open space areas 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.

Reason: To ensure a high-quality development.

24. No development above slab level shall take place 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: In the interests of the good place making in accordance with the provisions of the Maidstone Borough Council Public Art Guidance.

Pre-Occupation

25. The development shall not be occupied until the following off-site highways works have been provided in full:
- a) Improvements to the Church Road/Deringwood Drive junction as shown on drawing no. 34.1 or any alternative scheme agreed in writing with the Local Planning Authority (in consultation with the Highways Authority);
 - b) Improvements to the Deringwood Drive/Willington Street junction as shown on drawing no. 14915-H-01 RevP4 at Appendix C of the 'DHA Transport Technical Note – March 2020' or any alternative scheme agreed in writing with the Local Planning Authority (in consultation with the Highways Authority);
 - c) Road widening and new pavement provision on Church Road as shown on drawing nos. 34.1 and 34.2;
 - d) The give way/build out feature on Church Road as shown on drawing no. 41.1 (Proposed Traffic Calming Arrangement);
 - e) Extension of the 30mph speed limit to the south of the application site to a position agreed in writing with the Local Plan Authority (in consultation with the Highways Authority); and
 - f) Improvements to the A20 Ashford Road/Spot Lane/Roseacre Lane junction as shown on drawing no. 14915-H-02 RevP1 at Appendix J of the 'DHA Transport Technical Note – March 2020' or any alternative scheme agreed in writing with the Local Planning Authority (in consultation with the Highways Authority);

Reason: In the interest of highway safety.

26. The development shall not be occupied until a Final Travel Plan for the development which follows the principles of the Framework Travel Plan has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved Travel Plan.

Reason: In order to promote sustainable transport use.

27. The development shall not be occupied until a site-wide landscape and ecological management plan (LEMP), including timetable for implementation, long term design objectives, management responsibilities and maintenance schedules for all landscaped, open space, and drainage areas, but excluding privately owned domestic gardens, has been submitted to and approved in writing by the local planning authority. Landscape and ecological management shall be carried out in accordance with the approved plan and its timetable unless the local planning authority gives written consent to any variation.

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

28. The development shall not be occupied until details of the pedestrian and cycle link to and across the area of Council owned land to the south of the site providing a link to Woolley Road and the timing of its delivery 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.

Reason: To ensure appropriate connectivity in the interests of sustainability and highway safety.

29. 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, carried out by a suitably qualified professional, has been submitted to the Local Planning Authority which demonstrates the suitable modelled operation of the drainage system such that flood risk is appropriately managed, as approved by the Lead Local Flood Authority. The Report shall contain information and evidence (including photographs) of earthworks; details and locations of inlets, outlets and control structures; extent of planting; details of materials utilised in construction including subsoil, topsoil, aggregate and membrane liners; full as built drawings; topographical survey of 'as constructed' features; and 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.

30. The development shall not be occupied until details of the metal railings, picket fencing, and any boundary treatments for open space areas 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

Reason: To ensure a high-quality development'

31. The visibility splays shown on drawing no. 06 RevF (Proposed Access Arrangement) shall be kept free of obstruction above a height of 1 metre.

Reason: In the interests of highway safety.

32. 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 recommence until an appropriate remediation scheme has been submitted to, and approved in writing by, the Local Planning Authority and the remediation has been completed. Upon completion of the building works, this condition shall not be discharged until a closure report has been

submitted to and approved in writing by the Local Planning Authority. The closure report shall include details of;

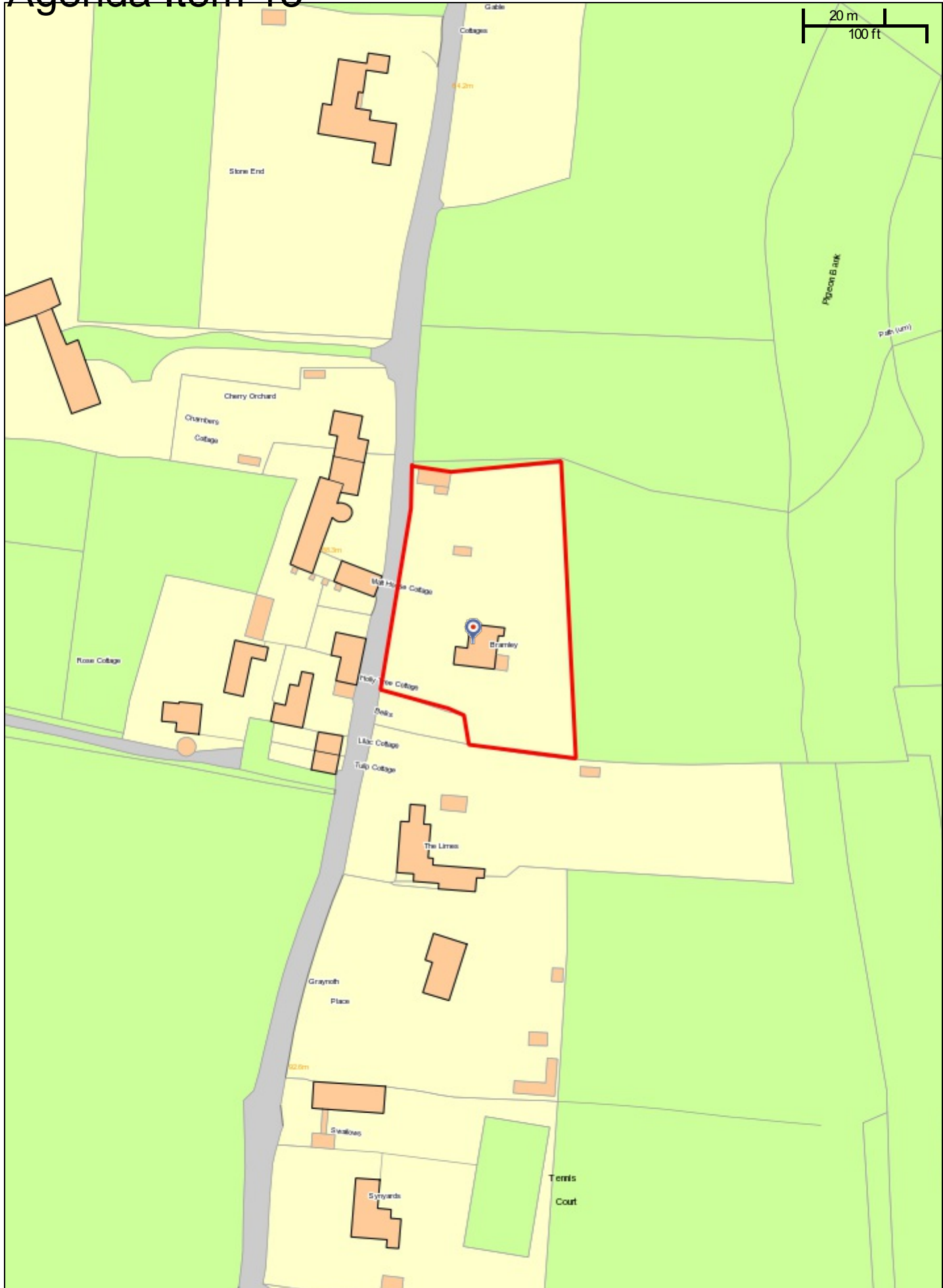
- a) Details of any sampling and remediation works conducted and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology.
- b) Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site.
- c) If no contamination has been discovered during the build then evidence (e.g. photos or letters from site manager) to show that no contamination was discovered should be included.

Reason: In the interests of human health.

Informative:

The applicant is encouraged to pursue the formal diversion of public right of way KM86 to follow the route currently walked on the ground, which will be formalised as part of this development, and to allow for cycle use along any diverted route as part of the process.

Agenda Item 15



REFERENCE NO - 19/503342/FULL			
APPLICATION PROPOSAL Retention of dwelling footprint as built with alterations to the roof.			
ADDRESS Bramley Otham Street Otham Maidstone Kent ME15 8RL			
RECOMMENDATION The Head of Planning and Development BE GIVEN DELEGATED POWERS TO GRANT planning permission subject to the prior completion of a Section 106 legal agreement to provide the following (including the Head of Planning and Development being able to settle or amend any necessary terms of the legal agreement in line with the matters set out in the recommendation resolved by Planning Committee): <ol style="list-style-type: none"> 1) The proposed works to be completed in their entirety within a set timeframe and that the timeframe be delegated to the Head of Planning and Development to agree; 2) The hard and soft landscaping schemes (being part of conditions set out in the report) be completed within the first planting season following the completion of the development; 			
SUMMARY OF REASONS FOR RECOMMENDATION The amendments to the design of the dwelling accord with the development plan policies and supplementary guidance on residential proposals.			
REASON FOR REFERRAL TO COMMITTEE The application has been called in by Councillor Newton and by Otham Parish Council			
WARD Downswood and Otham	PARISH/TOWN Otham	COUNCIL	APPLICANT Mr Daniel Stratulat AGENT
TARGET DECISION DATE 08/10/19		PUBLICITY EXPIRY DATE 12/09/19	

Relevant Planning History

14/505338/FULL

Single storey extensions to north, east and south elevations, erection of porch and raised terracing. **Approved** Decision Date: 18.02.2015

15/505596/FULL

Retrospective application for a mini oast shed (utility room)
Refused Decision Date: 02.11.2015

16/503664/FULL

Retrospective application for the erection of a mini Oast shed (utility room).
Not Proceeded With Decision Date: 27.07.2016

16/506074/FULL

Amended application (14/505338/FULL Single storey extensions to North, East and South elevations, erection of porch and raised terracing to regularise matters as built including replacement summer house, outbuilding, garage and mini oast.
Refused Decision Date: 02.03.2017

Enforcement and Appeal History:

18/500061/ENF

Appeal against Enforcement Notice - Following the refusal of planning applications 15/505596/FULL and 16/506074/FULL unauthorised operational development and associated engineering works have continued on the Land. Unauthorised operational development not in accordance with approved plans submitted under MA/14/505338 has also taken place on the Land.

Appeal Dismissed -Notice Upheld Decision Date: 16.01.2019. The notice required that the unauthorised dwelling and outbuilding/oast house be dismantled and removed from the site and that all associated materials, debris and rubbish also be removed from the land.

MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 The application site originally comprised a detached 1930s bungalow and is located to the eastern side of Otham Street. The dwelling is located towards the south of the largely rectangular plot being surrounded by gardens on all sides. There are mature trees and landscaping along the boundary with the highway. To the rear of the site, the land levels drop quite steeply. There is a vehicular access onto Otham Street at the northern end of the plot.
- 1.02 The application site is located within the countryside, outside of any settlement boundary and is also situated within Otham Conservation Area. The surroundings therefore include buildings that are of a distinct age and character. The Limes directly to the south is Grade II listed and dates from the 17th Century. The dwellings directly opposite Bramley are also of varying styles and include Rose Cottage. This Grade II listed property features an original oast house that is now used as residential accommodation.
- 1.03 The application site is also identified as being within an area of potential archaeological importance. Public Right of Way KM92 runs adjacent to the northern boundary of the site.
- 1.04 An unauthorised oast house style building was constructed to the front of the dwelling in 2015, this has recently been demolished. Works to complete the extensions approved under application 14/505338/FULL were commenced shortly after approval was granted however the works were not in accordance with the approved plans. The footprint of the extensions was larger than approved. The roof form was also altered resulting in a series of steeply pitched gables to the front and rear elevations and a balcony was introduced on the southern elevation. The two original chimneys on the property were also enlarged, one to include a clock tower feature. Works to demolish this feature have also been completed.

2. PROPOSAL

- 2.01 This application has been submitted following an appeal against an enforcement notice that required the dwelling and the oast house style outbuilding be dismantled and removed from the site. The appeal was dismissed and the notice upheld, giving a period of 6 months for the requirements of the notice to be

carried out. The appeal decision was issued on 16.01.2019. Following this, the applicant submitted a request for pre-application advice to seek guidance on what form of residential development could be considered on the site.

- 2.02 In planning terms, the dwelling as built is unauthorised development given that the requirement of the enforcement notice is to demolish the building which was upheld by the Planning Inspectorate. This application is therefore submitted on the basis of establishing a 'replacement dwelling' on the site which retains the same footprint as built.
- 2.03 The proposed dwelling will be single storey and have a pitched roof form. Given the varying land levels across the site, the maximum height of the dwelling to the front elevation will be 6m; to the rear elevation it will be 6.45m; 6.5m to the northern flank elevation; and 5.4m to the southern flank elevation. To the front elevation, there are 3 hipped roof forms and two at the rear. The northern flank elevation will feature two gabled roof forms. To the eastern (rear elevation) will be a terrace that will have stairs leading down into the garden. The maximum width of the dwelling will be 21.3m and the depth 15m. Externally, the walls will be finished in brick, the roof will be tiled and the windows will be timber. The accommodation will provide a kitchen, dining room, living room; utility room; WC; and three bedrooms; two with en-suite bathrooms.
- 2.04 The application is accompanied by a Heritage Statement which is informed by the Conservation Area Appraisal for Otham. The Heritage Statement refers to the fact that Bramley Cottage is noted as being of neutral character in the Conservation Area Appraisal; its characteristics are defined by its low height and spacious grounds. In order to maintain the views and lessen the impacts of the proposal, the roofs of the previous design have been modified to feature hipped roofs on all elevations facing neighbouring properties. The low height of the property and spacious grounds are important to the spacious nature of the Conservation Area and these principles have been prioritised in the proposed design. The Statement concludes that the proposal will help the dwelling to be better integrated within the area by incorporating a less prominent roof shape and by allowing for clear views through the removal of the outbuilding, front elevation chimneys and the proposal of hipped roofs.

3. POLICY AND OTHER CONSIDERATIONS

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Maidstone Borough Local Plan 2017: SP17; SP18; DM1; DM30; DM32
Supplementary Planning Documents: Residential Extensions (2009)

4. LOCAL REPRESENTATIONS

Local Residents:

- 4.01 5 representations received from local residents raising the following (summarised) issues:
- It still appears not to accord with the original planning permission for updating this modest bungalow;
 - This development has dragged on for five years with the whole site appearing as a ramshackle builders yard and is most unsightly in the middle of a conservation area;

- The application assumes approval of the enlarged footprint. Given the nature of this application, it is difficult to assess how much bigger the proposals are in relation to the existing bungalow;
- To support this application would be a dangerous precedent where it would seem that planning law was of no consequence and that Maidstone Borough Council do not have the ability or intention to enforce planning violations;
- This application should be refused and a house of suitable proportions built on the site;
- The proposal remains at odds with the surrounding area being both visually prominent and dominant feature, far from the neutral character of the building it replaces;
- The design neither enhances or preserves the character of the conservation area;
- The planning situation regarding the previously proposed garage and summer house is not clear;
- I would be willing for this to go ahead if it were the same size as the footprint originally approved;
- The building is too big and as a result, its appearance clashes with that of the various listed buildings which surround Bramley on two sides. These listed buildings are of typical vernacular construction for the area. The new building at Bramley is not;
- This present application does not enhance the conservation area;
- We all understand the rules for living in a conservation area, if this is allowed then anyone can break them and submit fresh plans.

4.02 The Local Ward Councillor, Cllr Newton, has also raised the following objections:

Having examined the proposal for the above application, I wish to call in the above application for determination by the MBC Planning Committee.

- The grounds for the "call in" are that the development considerably exceeds the footprint of the original building that had been granted Planning Permission by MBC for renovation. The original building was subsequently demolished /"incorporated" into a structure with a much larger footprint.
- It subsequently resulted in the construction of a large unauthorised structure without planning permission and with total disregard to the original footprint of the building.
- The application does not take note that the proposal is within the Otham Conservation Area.
- There is considerable history of Planning Enforcement attending the site that led to HM Planning Inspector supporting MBC's decision to take the building.

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)

Otham Parish Council

- 5.01 Otham Parish Council wishes to object to this retrospective application on the following grounds. The proposal far exceeds the footprint for which planning permission was originally granted and should be reduced in size accordingly. Whilst the roofs have been modified, there are far too many and this does not sit well with other buildings in the locality. The building is not in the style of local housing. It is unattractive and totally inappropriate for a Conservation Area. We request that planning permission is refused.

KCC Public Rights of Way Officer

- 5.02 Public Rights of Way KM92 footpath runs outside the northern boundary of the site and should not affect the application.

MBC Conservation Officer

- 5.03 Bramley was originally an interwar bungalow which made a neutral contribution to the Otham Conservation Area, with its extensive gardens making a more valuable contribution to the area's setting. A number of important listed buildings are adjacent to the site. Extensions and alterations were approved in 2014 on the basis that they were generally in keeping with the character of the existing building and would not diminish the positive contribution made by the gardens.
- 5.04 The building has since been extended far more substantially than previously approved, to include a number of features which increase its scale and prominence, resulting in a harmful impact on the conservation and setting of listed buildings. The valuable gardens have been degraded by additional development and site works, some of which are temporary.
- 5.05 The current proposed alterations would significantly reduce the impact of the unauthorised development on the Conservation Area and setting of listed buildings. This would be achieved by the demolition of the detached oast house style building, the removal of the clock tower and the replacement of several gables with hipped roofs. Proposed changes to the overall roof form and additions to the building on the south and west sides are acceptable in heritage terms as the general scale and character of the building would be similar to approved.
- 5.06 I recommend approval and raise no objection to this application on heritage grounds. I would recommend appropriate conditions are added to ensure the gardens are fully reinstated upon completion of the building works, including removal of temporary structures and the incomplete blockwork structure on the west side.

6. APPRAISAL

Main Issues

- 6.01 The key issues for consideration relate to:
- The principle of this proposal;
 - The visual impact of the development, with particular reference to the Conservation Area and setting of the adjacent listed buildings.

In view of the distance between the proposal and the neighbouring dwellings together with the level of established landscaping along the boundaries, there are no likely impacts upon the amenities of adjacent householders. In reaching this conclusion, I am mindful that there have been no such issues raised in the representations received. The enforcement notice referred to significant harm to neighbouring amenity. This directly related to an unauthorised balcony that had been constructed on the southern elevation of the dwelling and the consequent overlooking of the adjacent property at The Limes. This feature has since been removed and does not form part of the current application. The issue of significant harm to neighbouring amenity as set out in the enforcement notice has therefore been addressed.

Application Principle

- 6.02 As set out earlier within this report, the application site has a somewhat lengthy planning and enforcement history triggered by the fact that the extensions approved in 2014 were not completed in accordance with the approved plans. This resulted in a larger footprint and altered roof form to that which permission was granted for. In addition, an oast style outbuilding was constructed to the south west of the dwelling. The eventual outcome of these unauthorised extensions was the serving of an enforcement notice on the applicant which required the removal of the dwelling and the removal of the oast style outbuilding together with a requirement to remove all associated materials, debris and rubbish arising from these actions. An appeal to the Planning Inspectorate saw the notice upheld with a period of 6 months in which to carry out the requirements of the notice. The appeal decision was issued on 16.01.2019.
- 6.03 Since the appeal decision, the oast style outbuilding has been demolished and the clock tower feature constructed on the roof of the dwelling has also been removed. The current application therefore seeks the retention of a dwelling to the footprint already built, together with a reduced roof form.
- 6.04 In a policy context, the National Planning Policy Framework (2019) (NPPF) states in paragraph 200 that Local Planning Authorities should look for opportunities for new development within Conservation Areas, to enhance or better reveal their significance. In paragraph 202 it is noted that not all elements of a Conservation Area will necessarily contribute to its significance. Loss of a building that makes a positive contribution to the significance of a Conservation Area should be treated as substantial harm or less than substantial harm (as appropriate).
- 6.05 In a local context, Policy DM32 of the MBLP (2017) is supportive of proposals to rebuild dwellings in the countryside provided that the present dwelling has a lawful residential use; the present dwelling is not the result of a temporary permission; the building is not listed; the mass and volume of the replacement dwelling is no more visually harmful than the original dwelling; the replacement dwelling is individually or cumulatively visually acceptable in the countryside; and the replacement dwelling is sited to preclude the retention of the dwelling it is intended to replace.
- 6.06 Essentially, the principle of a single dwellinghouse on this site is established by the fact that historically, this was the use of the land and the residential use was never abandoned. In the context of paragraph 202 of the NPPF, the original dwelling at Bramley was not identified as making a positive contribution to the Conservation Area. In view of these factors, there would be no material planning reasons to consider a refusal based on principle. The proposal involves a single storey dwelling with a modest roof form. Much reference is made in the

objections to the increase in the footprint beyond what was originally on the site or what was approved in the 2014 planning permission. Ultimately, due to the requirements of the enforcement notice, it is reasonable to state that in planning terms, there is no longer an original dwelling or dwelling as extended. What this application is seeking is to construct a dwellinghouse to the scale and footprint indicated on the accompanying drawings.

- 6.07 The original property on the site was an interwar bungalow. It was not a listed building and indeed, the Conservation Area Appraisal identified the property as being of neutral character, its defining feature being mainly the grounds it stood in. Accordingly, in view of the proportions of the site relative to the footprint of the dwelling proposed, together with the fact that it will be single storey, I consider that there would be no substantive planning policy reasons to determine that the construction of a single storey dwelling is unacceptable in principle.

Visual Impact

- 6.08 The dwelling as proposed is located in a similar position to the original property that stood on the site, being set back a minimum of 12m from Otham Street. The boundaries of the site with the highway are lined with mature trees and landscaping. The land levels fall from west to east and therefore the front elevation, facing Otham Street, is more modest in appearance than the rear elevation. The external surfaces will be finished in brick with timber doors and windows.
- 6.09 The Otham Conservation Area Appraisal describes Bramley as being '*Set in attractive grounds, a 1930s bungalow of yellow brick in stretcher bond. Low-pitched roof of asbestos shingles. A well-made building of its period which is neutral in character on its own architectural quality. However, its low height and spacious grounds are important to the open nature of the Conservation Area at this point*'. Within the appraisal, the term neutral is defined as being those buildings/sites which do not harm the character of the area but whose retention is not necessary.
- 6.10 The original dwelling that stood on the site had a maximum width of 14.4m (including a conservatory addition to the southern elevation); a maximum depth of 14.05m; a maximum height to the front (western) elevation of 6m; and the height to the top of the chimneys on the western elevation was 7.4m. The design of the dwelling was such that it did not have a uniform footprint and featured projections to the front and rear elevations together with steps at the front and northern elevation.
- 6.11 The development approved in 2014 saw the extensions retain the maximum existing depth of 14.05m but increased the width of the dwelling to 18.25m. The maximum height of the building (including the chimneys) also remained as original.
- 6.12 Comparatively, the footprint as built and as detailed on the application proposal, details a maximum width of 21.45m and a maximum depth of 15.6m. The ridge height to the front of the dwelling is 6m. The chimney sizes are also detailed on the drawings as being reduced so that they do not project above the ridge line by more than 1m.
- 6.13 Visually, the proposal will not be a conspicuous or dominant feature in the general views of Otham Street by virtue of its proportions and the presence of established landscaping along the boundaries. The original dwelling and the extensions approved in 2014 could both be described as somewhat sprawling, having an irregular footprint as well as featuring distinctly tall chimneys

protruding from the roof. In design terms, the proposal will be a largely simplistic bungalow of which the design is somewhat led by the varying land levels across the site. This issue was also reflected in the extensions approved in 2014 as well as in the layout and access to the original bungalow.

- 6.14 The proposed ridge height of 6m to the front elevation is not excessive and the incorporation of hipped roof forms assists in lessening the bulk of the dwelling. Whilst the footprint of the dwelling is greater than the originally approved extensions, the increase of 3.05m in the width and 1.15m in depth would not be so excessive as to establish any distinctly identifiable harm, particularly given the proportions of the site.
- 6.15 The comments of MBC's Conservation Officer indicate that there are no objections to raise on heritage grounds. Furthermore, the difference between the 2014 approval and the current proposals would not result in any significant erosion to the intrinsic character of the site as identified in the Conservation Area Appraisal, i.e. the spacious grounds and low building height. In addition, the classification of 'neutral' is also a key factor in balancing the issues of this case as ultimately, the retention of the original property was not determined to be necessary.
- 6.16 In view of this, together with the guidance contained in paragraphs 200 and 202 of the NPPF and the requirements of Policy DM32, I conclude that the quality and character of Otham Conservation Area will not be compromised by this proposal and furthermore, the setting of the nearby listed buildings will not be impaired. Given the range of housing styles and designs in the locality, the proposals will not appear incongruous.
- 6.17 It is however critical in considering all of these issues to ensure that all aspects of development carried out on the site are sympathetic to the intrinsic character and visual qualities of Otham. To this end, the concerns raised in respect of the current condition of the site are an important issue. I therefore recommend the imposition of a condition that requires the submission of details of a hard and soft landscaping scheme for the entire site within 3 months of the decision being issued. The implementation and completion of the scheme can be secured through a Section 106 legal agreement that specifies a timeframe. Given the level of unauthorised works that have taken place at Bramley as well as the present condition of the site, a S106 will provide assurance that the proposed works will be completed and that this will take place within a timeframe that is acceptable to the Local Planning Authority.
- 6.18 In view of the guidance contained with paragraph 53 of the NPPF (tailoring planning controls to local circumstances) as well as paragraph 17 of Planning Practice Guidance, I do not believe that it would be reasonable to consider imposing a condition that removes permitted development rights, particularly as such rights are already more restrictive in designated conservation areas.

Other Matters

- 6.19 Policy DM1 of the local plan sets out at point viii that proposals should 'protect and enhance any on-site biodiversity and geodiversity features where appropriate, or provide mitigation.' Due to the nature of the proposal and the residential use of the site and the continued residential use, it is not considered appropriate/necessary to require any ecological surveys. However, when considering the level of development that has taken place on the site, it is considered appropriate to attach a condition requesting the submission of details of on-site mitigation measures which can be provided in the form of swift bricks,

bat tube or bricks, or through provision within the site curtilage of measures such as bird boxes, bat boxes bug hotels, log piles and hedgerow corridors.

- 6.20 Policy DM1 also notes in point vii that where possible, developments should be orientated such that the opportunity for sustainable elements are incorporated and to reduce the reliance upon less sustainable energy sources. The development proposed at Bramley presents such opportunities and accordingly, conditions are included in the recommendation requesting the submission of details of the incorporation of renewable or low carbon energy sources within the development. I also consider that the inclusion of an electric car charging point would be appropriate.

Ongoing Enforcement Issues

- 6.21 Bramley continues to be observed by MBC's Enforcement Section and issues regarding the condition of the site and other temporary/structures on the land are being actively monitored.

7. CONCLUSION

- 7.01 The application site has a lengthy planning history in recent years related to unauthorised works that have resulted in harm to the general character of the locality and quality of the Conservation Area. In planning terms, the original dwelling no longer exists due to the extent of unauthorised works that have taken place and the requirements of the enforcement notice subsequently served. The extensions approved in 2014 are a useful benchmark to guide the level of development that would be acceptable on the site and the above comparisons indicate that the current proposals are not excessively beyond what has previously been accepted on the site.
- 7.02 Policy DM32 of the Maidstone Borough Local Plan (2017) permits the rebuilding of dwellings in the countryside and the above assessments conclude that the development as proposed will retain the intrinsic qualities that are attributed to this site in the Conservation Area Appraisal, that is, a dwelling with a low pitched roof set within spacious surroundings. The conditions relating to materials and the submission and implementation of a hard and soft landscaping scheme will ensure that the visual qualities of the site are restored. Whilst there have been several objections to this scheme, the above assessments indicate that the issues raised can be satisfactorily overcome and within a timeframe that is bound by a legal agreement. I therefore recommend that this application is approved.

8. RECOMMENDATION

- 8.1 The Head of Planning and Development BE GIVEN DELEGATED POWERS TO GRANT planning permission subject to the prior completion of a Section 106 legal agreement to provide the following (including the Head of Planning and Development being able to settle or amend any necessary terms of the legal agreement in line with the matters set out in the recommendation resolved by Planning Committee):**

- 1) The proposed works to be completed in their entirety within a set timeframe and that the timeframe be delegated to the Head of Planning and Development to agree;
- 2) The hard and soft landscaping schemes (being part of conditions set out below) are completed within the first planting season following the completion of the development;

and the imposition of the conditions as set out below:

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: PA0000 Revision 02; PA0010 Revision 05; PA1000 Revision 04; PA1001 Revision 03; PA1020 Revision 03; PA1021 Revision 04; PA2000 Revision 06; PA2005 Revision 06; PA2020 Revision 06; PA2021 Revision 04; Heritage Impact Assessment.

Reason: To clarify which plans have been approved.

- 2) Within a period of 3 months of the date of this decision, written details and samples of the materials to be used in the construction of the external surfaces of the building(s) hereby permitted shall be submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the approved materials;

Reason: To ensure a satisfactory appearance to the development.

- 3) Within a period of 3 months of the date of this decision, details of all hard landscaping works, including any patios, stairways; paths and/or driveways, shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details;

Reason: To ensure a satisfactory appearance to the development

- 5) Within a period of 3 months of the date of this decision notice, a landscape scheme designed in accordance with the principles of the Council's landscape character guidance shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall show all existing trees, hedges and blocks of landscaping on and immediately adjacent to, the site and indicate whether they are to be retained or removed and 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

- 6) In accordance with the details of landscaping approved by condition 5 of this planning permission, any seeding or turfing which fails to establish or any trees or plants which, within ten years of being planted, 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.

- 7) Within 3 months of the date of this decision notice, details of a scheme for the enhancement of biodiversity on the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall consist of the enhancement of biodiversity through either integrated methods into the design and appearance of the dwelling by means such as swift bricks, bat tube or bricks, or through provision within the site curtilage such as bird boxes, bat boxes bug hotels, log piles and hedgerow corridors. The development shall be implemented in accordance with the approved details and all features shall be maintained thereafter.

Reason: To protect and enhance the ecology and biodiversity on the site in the future.

- 8) Within 3 months of the date of this decision, details of how decentralised and renewable or low-carbon sources of energy will be incorporated into the development hereby approved to provide at least 10% of total annual energy requirements of the development, shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be installed prior to first occupation and maintained thereafter;

Reason: To ensure an energy efficient form of development.

- 9) Within 3 months of the date of this decision, details of an electric vehicle charging point shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be installed prior to the first occupation of the development hereby approved and maintained thereafter;

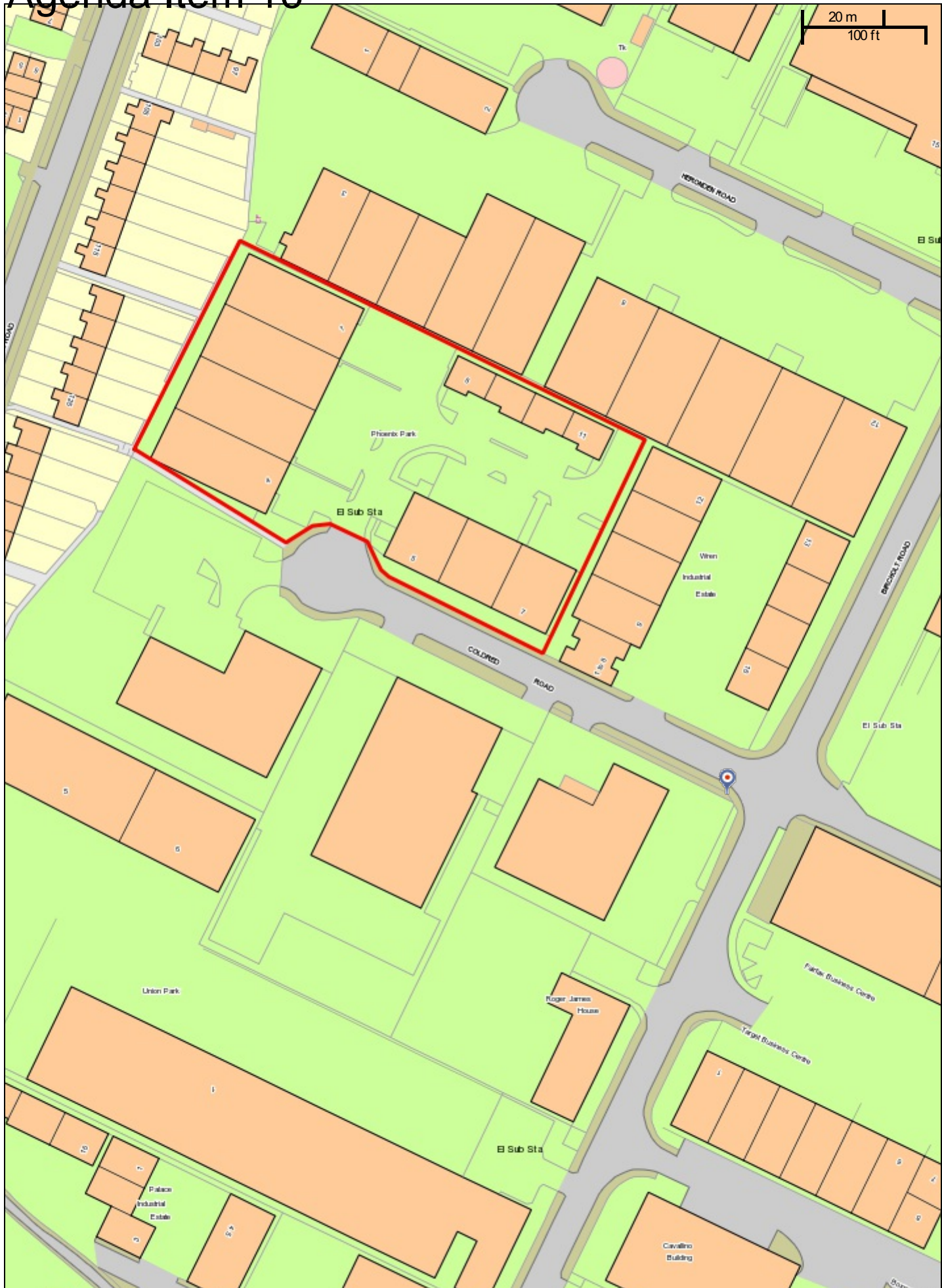
Reason: To promote the reduction of CO2 emissions through the use of low emissions vehicles in accordance with paragraph 35 of the NPPF.

INFORMATIVES

- 1) The applicant's attention is drawn to the fact that this planning permission relates only to the dwelling and not to any other structures that have been erected on the site. These matters will continue to be monitored by the Council's Enforcement Section.

Case Officer: Georgina Quinn

Agenda Item 16



20/500202/ADV Advertisement On Land At Coldred Road, Maidstone, Kent, ME15 9XN

Scale: 1:1250

Printed on: 16/3/2020 at 13:55 PM by JoannaW

REFERENCE NO - 20/500202/ADV		
APPLICATION PROPOSAL Advertisement Consent for 1no free standing directional sign.		
ADDRESS Advertisement On Land At Coldred Road Maidstone Kent ME15 9XN		
RECOMMENDATION		
SUMMARY OF REASONS FOR RECOMMENDATION The proposed sign accords with the local plan policies on advertisements.		
REASON FOR REFERRAL TO COMMITTEE The application is submitted by Maidstone Borough Council.		
WARD Park Wood	PARISH/TOWN COUNCIL Boughton Monchelsea	APPLICANT Maidstone Borough Council AGENT
TARGET DECISION DATE 27/03/20		PUBLICITY EXPIRY DATE 04/03/20

Relevant Planning History

No relevant planning history.

Enforcement History:

No enforcement history.

Appeal History:

No appeal history.

MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 The application site comprises a grass verge located to the south eastern corner of Coldred Road, adjacent to the junction with Bircholt Road. The locality is commercial in nature and features a range of businesses and light industrial enterprises. Coldred Road is an Economic Development Area in the Local Plan.

2. PROPOSAL

- 2.01 This submission seeks advertisement consent for a freestanding directional sign. The base of the sign will be 0.9m from ground level and it will measure 2.24m in height; 1.235m in width and 0.1m in depth. The sign will have a white background with blue lettering. The application form indicates that the sign will not be illuminated.
- 2.02 The sign is required to provide information on the location of business units in Phoenix Park on Coldred Road.

3. POLICY AND OTHER CONSIDERATIONS

Maidstone Borough Local Plan 2017 DM1; DM18
National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)

4. LOCAL REPRESENTATIONS

5. Local Residents:

5.01 No comments received.

5.02 **Boughton Monchelsea Parish Council:** No objection/comment.

6. 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)

Kent County Council Highways and Transportation:

6.01 It would appear that this development does not meet the criteria to warrant involvement from the Highway Authority in accordance with the current consultation protocol arrangements.

7. APPRAISAL

Main Issues

7.01 The display of advertisements is subject to a separate consent process within the planning system and is set out within the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended). Advertisements are controlled with reference to their effect on amenity and public safety only. The key issues for consideration are therefore:

- Amenity;
- Public Safety.

Amenity

7.02 Policy DM18 expresses support for commercial signage which is in sympathy with, and contributes positively towards, the visual amenity of their locality. Coldred Road and the adjoining Bircholt Road are characterised by commercial and light industrial businesses. Signage relating to these premises is commonplace on the buildings and in the general streetscene.

7.03 The proposed sign in terms of its location, height and appearance is characteristic of its surroundings and will not appear conspicuous. The sign will not be illuminated and is typical of others in the locality. It would however be prudent to include a condition that prevents the sign from being illuminated in order to protect this position going forward. I therefore conclude that the general amenities of the locality will not be compromised by this proposal.

Public Safety

- 7.04 The proposed sign is located on a verge adjacent to the footpath. The backdrop to the sign is a chain link boundary fence beyond which is a carpark relating to a neighbouring business. The location of the sign is such that it will not affect visibility splays on the junction or within the adjacent car park. Furthermore, its design and lack of any illumination will see that it does not distract drivers' attention. The sign will not impede pedestrians on the adjacent footpath.
- 7.05 The Highways Authority has not found it necessary to comment on this proposal. In addition, advertisement consent is subject to standard conditions, one of which requires the applicant to ensure that the sign is maintained in a safe condition at all times and therefore public safety is safeguarded on a permanent basis.

PUBLIC SECTOR EQUALITY DUTY

- 7.06 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.

8. CONCLUSION

- 8.01 Advertisements are controlled in respect of their impact on amenity and public safety. The above assessments indicate that the proposed sign will have no material impact in respect of these criteria. I therefore recommend approval subject to the standard conditions for this type of application.

9. RECOMMENDATION

GRANT advertisement consent subject to the following conditions:

- 1) i) No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.
- (ii) No advertisement shall be sited or displayed so as to:
 - (a) endanger persons using any highway, railway, waterway, dock, harbour or aerodrome (civil or military);
 - (b) obscure, or hinder the ready interpretation of, any traffic sign, railway signal or aid to navigation by water or air; or
 - (c) hinder the operation of any device used for the purpose of security or surveillance or for measuring the speed of any vehicle.
- (iii) Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site.
- (iv) Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

(v) Where an advertisement is required under these Regulations to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity.

Reason: In accordance with the provisions of Regulation 14 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

- 2) The advertisements for which consent is hereby granted must be removed in accordance with condition 1 (v) within five years of the date of this consent;

Reason: In accordance with the provisions of Regulation 14 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

- 3) The advertisement sign hereby permitted shall not be illuminated.

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

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

- 1:1250 site Location Plan, received 22nd January 2020;
- Signage Location Plan Proposed, received 22nd January 2020;
- Proposed Sign (Front Elevation), received 16th January 2020,
- Dimensions Plan, received 16th January 2020.

Reason: To clarify which plans have been approved.

Case Officer: Georgina Quinn



20/500153/FULL - 1 Rocky Hill Terrace, Terrace Road, Maidstone, Kent, ME16 8HT

Scale: 1:1250

Printed on: 15/5/2020 at 10:55 AM by JoannaW

REFERENCE NO - 20/500153/FULL		
APPLICATION PROPOSAL Change of use from 42 flats occupied by the elderly and warden flat to 35 residential dwellings, comprising 15 studio apartments, 6 one bedroom and 14 two bedroom apartments including refurbishment of the existing building with external and internal alterations. Conversion of existing garden pavilion to cycle storage.		
ADDRESS 1 Rocky Hill Terrace, Terrace Road, Maidstone, ME16 8HT		
RECOMMENDATION The Head of Planning and Development BE DELEGATED POWERS TO GRANT planning permission subject to the prior completion of a legal agreement to provide the following (including the Head of Planning and Development being able to settle or amend any necessary terms of the legal agreement in line with the matters set out in the recommendation resolved by Planning Committee): <ul style="list-style-type: none"> In the event that development has not commenced within 24 months of the planning permission decision date, a further financial viability appraisal shall be undertaken by the applicant to consider the ability of the proposal to provide a contribution towards affordable housing as part of a financially viable development with the cost of a third party review of the appraisal met by the applicant. With the applicant agreeing to provide any agreed level of affordable housing. 		
SUMMARY OF REASONS FOR RECOMMENDATION The submitted proposal has been found to be acceptable in relation to heritage impacts, the loss of existing residential accommodation, the standard of proposed residential accommodation, affordable housing, transport and traffic, access and servicing, car and cycle parking, ecology and biodiversity, trees and landscape and residential amenity		
REASON FOR REFERRAL TO COMMITTEE Cllr Purle has commented that this is quite a significant development concerning a listed building that should be subject to public discussion including in relation to affordable housing, CIL payments, and possible impact of meeting the needs of future occupants. If officers are minded to approve either the application for planning permission or listed building consent, I would ask that the matter be "called in" to the Planning Committee.		
WARD Bridge	PARISH/TOWN COUNCIL N/A	APPLICANT Mr Peter Hall (Sanctuary Housing Association) AGENT BM3 Architecture
TARGET DECISION DATE 31/05/2020 (EOT)		PUBLICITY EXPIRY DATE 20/02/20

Relevant planning history

- 20/500154/LBC Listed Building Consent for conversion of 42 flats occupied by the elderly and warden flat to 35 residential dwellings, comprising 15 studio apartments, 6 one bedroom and 14 two bedroom apartments, including replacement of all windows, external repairs to the building and detached garden pavilion, and internal alterations. Pending Consideration

- 87/1961 Take down top parapet wall, take out dormer windows, take down chimney stacks and rebuild, strip roof and take up kerbs. Approved: 17 March 1988

74/1050 Conversion of six houses to 42 'old peoples flats' comprising 18 bedsitters, 20 one bedroom flats, 3 two bedroom flats and a warden flat, with parking spaces
Approved: 04 April 1975

MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 The application site (0.3ha) is on the west side of Terrace Road (A20). The site is roughly rectangular in shape and occupies the block of land between the road junctions with Bedford Place to the north and Victoria Street to the south. Terrace Road is part of a one way gyratory with traffic travelling north past the site and joining with London Road to the east.
- 1.02 The character of the area to the west (rear) of the site is predominantly residential and immediately to the east, predominantly commercial. The town centre boundary, marked by the railway line, is located circa 190 metres to the east of the site. Maidstone West Railway Station is circa 230 metres to the south east of the site. To the north of the site on the opposite side of Bedford Place is Rock House, to the south on the other side of Victoria Street is 9 Terrace Road. At the rear of the site is Birnam Square, in contrast to other larger nearby properties Birnam Square consists of 20 small properties arranged in 4 terraced blocks with a small road running half way along the rear boundary of the application site
- 1.03 The application building dating from circa 1830 is set back from the road behind a hardstanding area providing circulation and parking and surrounded by landscaping. The building was originally constructed as a row of 6 terraced houses. The building is on the national list of historically important buildings (Grade II) and within the Rocky Hill Conservation Area. The trees on the Terrace Road frontage are protected under Tree Preservation Order no.17 of 1972.
- 1.04 The 6 buildings/building groups to the north of the application site, (located on the opposite side of Bedford Place and on the east side of London Road) are also Grade II listed. These are 3 Bedford Place; 4 to 7 (consec) Bedford Place; Rock House; 15 & 17 London Road; 19 (Rocky Hill House) London Road and 21 & 23 London Road.
- 1.05 The application building is currently vacant (since September 2017) following a fire but is currently laid out and was previously in use as 42 flats for the elderly (18 bedsits, 20 one-bed flats, 3 two-bed flats and a warden's flat). The building has accommodation on 5 floors (basement, ground, first, second and loft space) with basement lightwells and stepped access in the front elevation. There is a distinct rise in ground level towards the rear of the application site, with the rear amenity area and single storey garden pavilion building located on higher ground.

2. PROPOSAL

- 2.01 The submitted proposal is for internal alterations to convert the building to provide 35 residential dwellings, comprising 15 studio apartments, 6 one bedroom and 14 two bedroom apartments including refurbishment of the existing building with external and internal alterations. The proposal includes the conversion of the existing garden pavilion building to provide cycle storage for future occupants.

3. POLICY AND OTHER CONSIDERATIONS

- Maidstone Borough Local Plan 2017 SP1, SP18, SP19, SS1, DM1, DM3, DM4, DM6, DM9, DM23 and Appendix B
- Supplementary Planning Documents: London Road, Bower Mount and Buckland Hill Area' SPD, SPG4 'Kent Vehicle Parking Standards' Kent & Medway Structure Plan (2006).

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

Front (east) elevation facing Terrace Road



4. LOCAL REPRESENTATIONS

Local Residents:

- 4.01 Two representations have been received from local residents raising the following (summarised) issues.
- 4.02 One letter of objection states that:
- The development will place an additional strain on local on-street car parking for which there is currently high demand, especially in the evenings.
 - The submitted parking assessment relies on the 2011 census data which does not take into account developments at 3 Bedford Place (Bedford House) and Riverhill Apartments (formerly Concorde House) development along London Road.
- 4.03 One representation neither objecting or supporting the planning application stated:
- Cannot see any information about allocated parking spaces for the 35 residential properties, potentially up to 50 extra spaces could be needed with multi car households and visitors.
 - There is space to create parking within the property grounds,
 - Victoria Street is becoming increasingly difficult to find a space in, and with this amount of added cars, I assume being able to apply for permits, will only make the situation much worse.
 - I would like to see the building improved and put to use but only if there is consideration taken on the parking

Councillor Jonathan Purle

- 4.04 This is quite a significant development concerning a listed building, which should be subject to public discussion including in relation to affordable housing, CIL payments, and possible impact of meeting the needs of future occupants. Should officers be minded to approve either of these, I would ask that the matter be "called in" to the Planning Committee for members to decide.
- 4.05 Matters raised by neighbours and other objectors are discussed in the detailed assessment below.

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)

Historic England

- 5.01 No comment. On the basis of the information provided, we do not consider that it is necessary for this application to be notified to Historic England under the relevant statutory provisions.

Georgian Group

- 5.02 (Not objecting or supporting) The Group recommends that local authority requires more information from the applicant in regard to the date of the windows and their condition before determining this application. If the windows are confirmed to be original, this aspect of the scheme should be omitted.

Conservation Officer (MBC)

- 5.03 No objection subject to a planning condition requesting details of the bin storage area. The proposed conversion of the building to 35 residential dwellings is acceptable in heritage terms and would preserve the character and appearance of the Rocky Hill Conservation Area. (NB: Separate comments provided on the listed building application 20/500154/LBC).

Tree Officer (MBC)

- 5.04 No objection subject to a planning condition. I agree with this assessment that there will be no significant harm and welcome the replacement advanced nursery stock specimen.
- 5.05 The minor pruning works to lift the crowns of two trees over parking areas is reasonable, minor in extent and appropriate arboricultural management.

Environment Agency

- 5.06 No objection, as the site has a low environmental risk.

Natural England

- 5.07 No comment.

Southern Water

- 5.08 No objection subject to a condition requiring details of foul and surface water sewerage disposal.

Designing Out Crime Officer (Kent Police)

- 5.09 No objection. If this application is approved a Condition/Informative is requested to ensure that the development meets Secured by Design standards and shows a clear audit trail for Design for Crime Prevention and Community Safety to meet our and Local Authority statutory duties under Section 17 of the Crime and Disorder Act 1998.

Local Highways Authority (KCC)

- 5.10 No objection. The applicant has clarified that access to the cycle storage in the rear pavilion will be by way of a cycle rail.

6. APPRAISAL

Main Issues

- 6.01 The key issues for consideration relate to:
- Heritage
 - Loss of existing residential accommodation.
 - Standard of proposed residential accommodation.
 - Affordable housing

- Transport and traffic, access and servicing, car and cycle parking
- Ecology and biodiversity, trees and landscape.
- Residential amenity.

Heritage

- 6.02 Policy SP18 of the Local Plan relates to the historic environment and requires that, inter-alia, the characteristics of heritage assets are protected, and design is sensitive to heritage assets and their settings. Policy DM4 of the Local Plan also relates to development affecting designated heritage assets and requires applicants to ensure that new development affecting heritage assets conserve, and where possible enhance, the significance of the heritage asset.
- 6.03 The National Planning Policy Framework (paragraph 192) states: *"In determining applications, local planning authorities should take account of: a) desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; b) positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and c) desirability of new development making positive contribution to local character and distinctiveness"*.

Rear (west) elevation facing Birnam Square



- 6.04 NPPF Paragraph 193 advises *"When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance"*.
- 6.05 NPPF Paragraph 196 is also relevant advising *"Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use"*.
- 6.06 The relevant heritage considerations as part of the current development include the need to consider the potential impact on:
- the listed application building (Grade II), the setting of nearby listed buildings (Grade II), and
 - the Rocky Hill Conservation Area.

Impact on the listed application building and setting of nearby listed buildings.

- 6.07 When making a decision on all listed building consent applications, or any decision on a planning application for development that affects a listed building or its setting, a local planning authority must have special regard to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest which it possesses. Preservation in this context means not harming the interest in the building, as opposed to keeping it utterly unchanged. This obligation, found in section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (1), applies to all decisions concerning listed buildings.
- 6.08 The 6 buildings to the north of the application site, (along the opposite side of Bedford Place and on the east side of London Road) are also Grade II listed. These are 3 Bedford Place; 4 to 7 (consec) Bedford Place; Rock House; 15 & 17 London Road; 19 (Rocky Hill House) London Road and 21 & 23 London Road.
- 6.09 Unsympathetic changes have previously been made to the internal layout of the application building as part of the earlier conversion works from 6 houses to flats, this included the removal of staircases. Further damage was caused by a recent fire.
- 6.10 The works proposed as part of the current application seek to restore the historical significance of the application building, to bring the building back into beneficial use and maintain the building fabric where this is possible. These repair works are set out in the submitted master repairs schedule, and summarised in the separate report for Listed Building Consent. The proposed internal layout involves the removal of small sections of the original wall on all floors of the building. This work is required to allow internal circulation and to ensure the standard of the proposed accommodation
- 6.11 It is considered that the proposed restoration and repair works will conserve and enhance the current and future setting of the nearby listed buildings. The proposed works to remove small sections of original wall in the application building will result in less than substantial harm to the significance of this designated heritage asset. It is concluded that this less than substantial harm to the building is outweighed by the benefits from the building repairs and restoration and bringing the application building back into use that will help ensure its long term survival.

Rocky Hill Conservation Area map (with listed buildings marked in red)



Rocky Hill Conservation Area.

- 6.12 The Planning (Listed Buildings and Conservations Areas) Act 1990 provides specific protection for buildings and areas of special architectural or historic interest such as conservation areas.
- 6.13 The Act places a duty on local planning authorities in making its decisions to pay special attention to the desirability of preserving or enhancing the character or appearance of conservation areas.
- 6.14 The application site is located within the Rocky Hill Conservation Area which covers a group of high status 19th century housing in a prominent elevated position overlooking Maidstone town centre. The London Road, Bower Mount and Buckland Hill Area' SPD lists as positive local features the special historical interest of listed buildings and the conservation area.
- 6.15 The proposed external works to the application building will conserve the appearance of the building and the historic significance. As a result, it is considered that the works will enhance the character and appearance of the Rocky Hill Conservation Area in line with adopted policy and the NPPF.

Loss of existing residential accommodation

- 6.16 Local Plan policy SS1 seeks to focus the majority of development within the more sustainable parts of the borough. The most sustainable location is Maidstone's urban area, followed by the Rural Service Centres and the Larger Villages. The application site is located within the most sustainable area in the borough, the Maidstone Urban Area.
- 6.17 Local Plan policy SP 19 (Housing mix) states that the council will seek to ensure the delivery of sustainable mixed communities across new housing developments and within existing housing areas throughout the borough. The council will seek a sustainable range of house sizes, types and tenures that reflect the needs of those living in Maidstone Borough now and in years to come.
- 6.18 The application site is currently arranged to provide 42 flats for the elderly (18 bedsitters, 20 one bedroom flats, 3 two bedroom flats and a warden's flat) and a warden flat. Following a building fire in 2017 (believed to be an electrical fire in the basement) a review of the accommodation by the applicant found that it was not suitable for continued occupation by the elderly for a number of reasons including:
- The changing needs and expectation of older people requiring independent living accommodation.
 - Local policies regarding a diversity of unit sizes at individual sites; and
 - The need to retain and enhance the heritage value of Rocky Hill Terrace.
- 6.19 The applicant has advised that historic building features, including stepped entrances and flagstones, created access issues for older residents with mobility issues. Access to all units on the third floor of the building required tenants to scale at least two flights of stairs, and some units were considered not fit for purpose. A review of the communal facilities also highlighted that the facilities typically required in new older-persons sheltered housing scheme could not be provided without significant alterations to the orientation of the scheme and without a significant detrimental impact on heritage features.
- 6.20 The previous building was found not fit for purpose and a sustainable long-term use of the building which would maintain the heritage value of the site was sought. The current proposals have been developed in accordance with Local Policy SP19, to provide a broader range of accommodation whilst protecting the heritage asset.

- 6.21 The current application involves a reduction in the overall number of residential units in the building (from 42 flats to 35 flats) but a greater mix of accommodation consisting of 15 studio apartments, 6 one bedroom and 14 two bedroom apartments.
- 6.22 Local Plan policy SP19 states that the council will work with partners to support the provision of specialist and supported housing for the elderly, disabled and vulnerable. Whilst the current application involves the loss of accommodation (last used in 2017) for the elderly, it has been demonstrated that the accommodation cannot be properly adapted to modern mobility standards without harming the historical significance of the building. It is also highlighted that without any planning condition attached to the 1974 permission the use of the building is unrestricted to providing for the elderly and the building could be used for any residential use (use class C3) without the need for further planning permission.

Standard of the proposed residential accommodation.

- 6.23 Local Plan policy DM1 and paragraph 127 of the NPPF states that proposals will be permitted where they create high quality design and provide adequate residential amenities for future occupiers of the development by ensuring that development is not exposed to, excessive noise, vibration, odour, air pollution, activity or vehicular movements, overlooking or visual intrusion.
- 6.24 The proposed accommodation provides a good standard of residential accommodation with adequate internal space for the intended function of individual rooms. The submitted plans show that the accommodation is provided with sufficient daylight, sunlight and outlook for future occupiers. The accommodation is provided with an external amenity area to the rear of the site. Access to the rear shared amenity space is provided via the two external entrances on Victoria Road and Bedford Place. The basement flats are accessed via existing individual external staircases located to the front of the building.
- 6.25 The submitted Noise Assessment (January 2020 Ref: 25044_04_NA_01 Mewies Engineering Consultants Ltd) recommends the installation of double glazed units in order to reduce traffic noise levels from the A20. The primary consideration with the proposed listed building works is whether they would conserve and enhance the historic significance of the building and the retention of the original windows wherever possible is recommended.
- 6.26 Whilst outside the planning system Part E of the Building Regulations "Resistance to the Passage of Sound" highlights the difficulties associated with adapting historic buildings and the need to conserve special characteristics and allows special dispensation. The document advises that: *'the aim should be to improve sound insulation to the extent that it is practically possible, always provided that the work does not prejudice the character of the historic building, or increase the risk of long-term deterioration to the building fabric or fittings'*. A planning condition is recommended to seek a full condition survey of the existing windows with the emphasis on retaining windows where at all possible, followed by repair with replacement the last option.
- 6.27 A planning condition is recommended to seek measures that can be incorporated within the new accommodation that reduce the likelihood of crime whilst not harming the historical significance of the building.

Affordable housing

- 6.28 In line with Local Plan policy SP 20 and guidance in the NPPF and NPPG affordable housing is sought on sites that can provide 10 or more units and which have a maximum combined gross floorspace of no more than 1,000 square metres (gross internal area). On sites within the Maidstone Urban Area policy SP20 states that 30% affordable housing provision would be sought.

- 6.29 Where a developer considers that affordable housing provision would make a proposal financially unviable, policy SP20 sets out that the developer will need to submit a viability appraisal. This viability appraisal will then be subject to scrutiny by an independent third party assessor.
- 6.30 The submitted development fulfils the criteria where affordable housing would normally be sought at 30%. The applicant has submitted a viability appraisal that shows the proposal resulting in a considerable financial deficit even without any affordable housing.
- 6.31 A third party assessment of the developer's conclusions has been carried out. The third party assessment has agreed with these conclusions. It was found that the submitted proposal, with the heritage considerations and works to this listed building, would not be financially viable by some margin whilst including a contribution towards affordable housing. In line with policy SP20, a change in the tenure or mix has been considered but this would not resolve this issue. The proposed reduction in the number of flats in the building has the positive benefit of revealing more of the historic internal layout, in addition the proposal will enable the building repair and restoration works.
- 6.32 Unlike the majority of planning applications, the business of the current applicant Sanctuary Housing Association is the provision of affordable housing,. Sanctuary Housing Association who have a head office in Worcester advise on their website that *"Providing good quality, affordable housing is at the heart of what we do. With more than 50 years' experience and over 69,000 homes across England, Sanctuary Housing is one of the UK's leading social landlords. As a not-for-profit organisation, we reinvest any surplus we make back into our housing and services, making our communities a place our residents are proud to call home"*.
- 6.33 The independently verified evidence confirms that the submitted development is currently financially unviable with affordable housing provision in line with the requirements of policy SP20. Notwithstanding these conclusions, in light of their core business and using the viability information the applicant has said that they intend to make all efforts outside of the planning system to provide affordable housing on this site. The applicant will do this by looking for financial support from Homes England or by seeking other partners including potentially a partnership with the council.
- 6.34 A concern has been expressed in a consultation response that the future occupiers of the building will place a burden on local services. The proposal includes a reduction in the overall number of units from the previous use as accommodation for the elderly. There is no evidence to suggest that the impact from the proposal would be greater than any other similar proposal.
- 6.35 There is a high demand for affordable housing and no upper limit for affordable housing provision set out in adopted policy. The applicant has said that they *"...will seek to let units in the refurbished scheme to people and families who are able to manage and meet the obligations of their tenancies without extensive specialised support. Our Group mission is to create sustainable communities where people choose to live and our lettings policy will be guided by this mission"*.
- 6.36 With the independently verified financial viability appraisal, the applicant has satisfied the relevant tests in the Local Plan and there is no policy requirement for any affordable housing to be provided as part of the submitted development. As included on other developments in the borough and to provide greater certainty it is recommended that a s106 legal agreement is used to secure a viability review.

- 6.37 In the event that development has not commenced within 24 months of the planning permission decision date, the viability review would require a further financial viability appraisal to be undertaken by the applicant. The financial viability appraisal would consider again the ability of the proposal to provide a contribution towards affordable housing as part of a financially viable development. The cost of a third party review of the appraisal would be met by the applicant with the applicant agreeing to provide any agreed level of affordable housing.

Transport and traffic, access and servicing, car and cycle parking

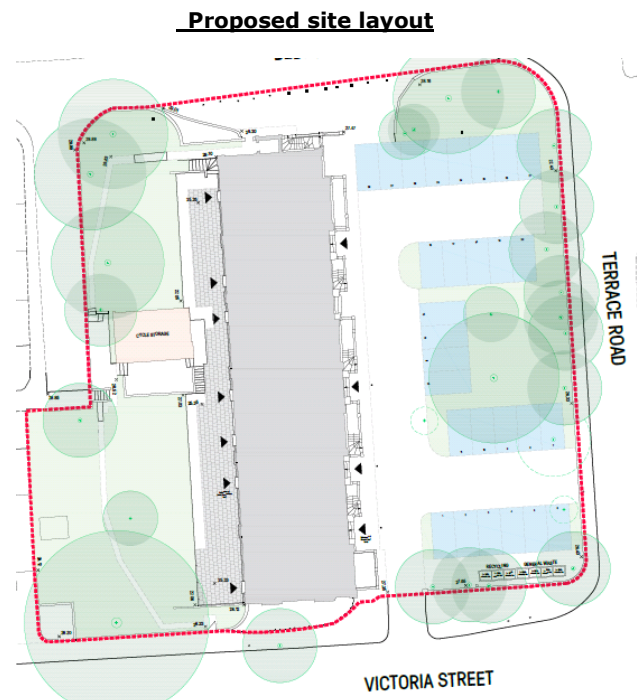
Access and servicing

- 6.38 Local Plan policy DM 1 states that proposals which create high quality design will be permitted, where they safely accommodate the vehicular and pedestrian movement generated by the proposal on the local highway network and through the site access.
- 6.39 The existing vehicle access to the site is from Victoria Street and this access is retained as part of the submitted proposal. The existing access is considered suitable including in relation to its width, driver sight lines and the future servicing of the accommodation. The bin storage will be located close to, and accessible for collection on foot from the Victoria Street frontage. Pedestrian access will be provided from both the Victoria Street and Bedford Place frontages.

Car parking

- 6.40 Local Plan policy DM 23 states that the car parking for residential development will take into account the type, size and mix of dwellings and the need for visitor parking. Parking shall secure an efficient and attractive layout of development whilst ensuring the appropriate provision of integrated vehicle parking. Car parking standards are set out at Local Plan Appendix B.
- 6.41 The application site is located at the edge of the town centre, in an area with existing on street parking controls. A CPZ (Zone W1) covers Bedford Place and Victoria Street operating Monday to Saturday 8am to 6.30pm. In addition to restrictions to permit holders only, some bays allow 2 hours non permit parking with no return within 2 hours.
- 6.42 Local Plan Appendix B advises that the car parking requirements applying to the application site are set as 'maximum' standards (as opposed to minimum). The guidance states that reduced, or even nil car parking provision would be acceptable for rented properties, subject to effective tenancy controls and where main provision is not allocated.
- 6.43 The application building is currently laid out as 42 flats (18 bedsitters, 20 one bedroom flats, 3 two bedroom flats and a warden's flat) with 18 off street car parking spaces provided to the front of the building. Although the building is currently vacant this previous use of the building could recommence without the need for any further planning permission.
- 6.44 The current proposal seeks to provide an additional 10 off street car parking spaces and reduce the overall number of residential units from 42 to 35. The car parking is split into five areas (see plan above with the blue areas showing proposed parking) each accommodating between 4 and 8 spaces. The majority of these parking spaces, within four of the five areas, are based on the current parking arrangements, with a further bank of 4 spaces running in front of the building.
- 6.45 The proposed 35 flats will be provided with a total of 28 off street car parking spaces which is in line with policy DM23 and the car parking standards which would require a maximum of 42 off street spaces (1 space per dwelling with 7 visitor spaces). This parking provision is considered acceptable in relation to local on street demand and there has been no objection from the local highways authority. The applicant has

suggested a planning obligation restricting future occupiers from obtaining permits. Case law has found this type of restriction unlawful and the level of parking provided is in line with adopted policy.



Cycle parking

- 6.46 Local Plan policy DM 23 states that cycle parking facilities on new developments will be of an appropriate design and sited in a convenient, safe, secure and sheltered location.
- 6.47 Cycle parking is proposed in the existing detached brick pavilion building at the rear of the site in the form of Sheffield type stands providing 36 spaces. This provision is in line with the minimum cycle standards of one cycle space per unit in Supplementary Planning Guidance SPG4 'Kent Vehicle Parking Standards' of the Kent and Medway Structure Plan (July 2006). With the provision of a cycle rail for access the proposed cycle parking is considered an appropriate design and sited in a convenient, safe, secure and sheltered location in line with policy DM23.

Transport and traffic

- 6.48 Local Plan DM23 states that new developments should ensure that proposals incorporate electric vehicle charging infrastructure. Planning conditions are recommended seeking the provision of a minimum of two electric vehicle charging points
- 6.49 A planning condition is recommended requesting the submission of measures to promote sustainable travel choices by future occupiers of the accommodation. This could include information given to new occupiers, including public transport timetables.
- 6.50 It is considered that the vehicle trips generated by the proposal can be safely accommodated on the road network with harm to highway safety.

Ecology and biodiversity, trees and landscape

Trees and landscape

- 6.51 Local Plan policy DM1 states that proposals should create high quality design and respect the topography and respond to the location of the site and sensitively

incorporate natural features such as trees, hedges and ponds worthy of retention within the site.

- 6.52 Policy DM3 states: "To enable Maidstone borough to retain a high quality of living and to be able to respond to the effects of climate change, developers will ensure that new development protects and enhances the natural environment by incorporating measures where appropriate to protect positive landscape character, trees with significant amenity value, and important hedgerows".

Existing pavilion building at the rear of the site



- 6.53 Several trees on site are protected by Tree Preservation Order and the site is located within the Rocky Hill Conservation Area that also offers tree protection. Whilst the works to the main building will have no impact on trees, the proposal includes works to make more efficient use of the land to the front of the site. These works include providing additional car parking bays, associated road widening and providing a bin storage area. The proposal includes the removal of 3 trees and works to raise the canopy of other trees on the site.
- 6.54 The works involve the removal of a Sycamore (T15 category U) which is in significant decline, and the removal of a low value Leyland cypress (T2 category C) to accommodate road widening. The third tree is a Sycamore (G1 Category B) which is to the south of a group of moderate value trees that are subject to Tree Preservation Order ref. T2 (Order no. 17 of 1972).
- 6.55 The submitted arboricultural assessment found that *"The removal of trees T2 and T15 is considered negligible due to their low value and poor condition respectively. The removal of tree G1 is considered a moderate arboricultural impact as the tree forms part of an established tree group of moderate collective value. However, the impact is not considered significant as the tree is not a notable individual feature and because the remaining group will be largely retained. It is therefore recommended that the tree is replaced as part of the proposed development, using an advanced nursery stock specification to offer instant impact"*.
- 6.56 Planning conditions are recommended to seek a landscape scheme for the site and for the implementation of the scheme by the end of the first planting season following first occupation. In terms of the location of a replacement tree the arboricultural assessment advises that this could be *"...at the north eastern corner of site, between trees T16 and T4. It is noted that tree T4 exhibits poor overall condition and therefore the removal of this tree with the replacement of 2-3 new*

trees in this location could offer the best long-term gain in terms of new tree planting”.

- 6.57 In order to mitigate the impact of additional surfacing within the root protection area (RPA) of retained trees the submitted arboricultural assessment recommends *“... that the areas of new surfacing within the RPAs adopt a ‘reduced-dig’ approach using a cellular confinement system laid on-top of the existing ground level, avoiding the need to excavate or compact the ground created by conventional surfacing techniques”.*
- 6.58 The loss of the trees to be removed and their status have been considered against the benefits of the changes to the layout at the front of the site. The proposed measures are considered sufficient to protect the long term health of the retained trees in relation to the work in root protection areas. A planning condition is recommended to secure these measures. It is considered that with the repair and restoration works and enhanced landscaping the proposal will preserve the character and appearance of that area in line with legislation.
- 6.59 The council’s tree officer has considered the submitted information and agrees with the conclusions subject to planning conditions. These conditions have been added to the recommendation.

Ecology and biodiversity

- 6.60 Local Plan policy DM3 states: *“To enable Maidstone borough to retain a high quality of living and to be able to respond to the effects of climate change, developers will ensure that new development protects and enhances the natural environment ...where appropriate development proposals will be expected to appraise the value of the borough’s natural environment through the provision of...an ecological evaluation of development sites...to take full account of the biodiversity present, including the potential for the retention and provision of native plant species”.*
- 6.61 A preliminary ecological appraisal has been submitted with the current planning application. The appraisal found that the existing two buildings are considered to offer ‘low’ potential to support roosting bats. In accordance with the Bat Conservation Trust’s ‘Bat Survey for Professional Ecologists, Good Practice Guidelines’ (Collins, 2016), the appraisal advises that one bat survey should be carried out for buildings with low suitability.
- 6.62 The appraisal highlights that bat surveys can only be undertaken in suitable weather conditions between May and September (inclusive) with at least one survey conducted between May and August. A planning condition is recommended to ensure that this survey takes place and in the unlikely event that the presence of bats is found for appropriate mitigation to be put in place.
- 6.63 The appraisal found no evidence or potential for any other protected species on the site. The appraisal advised that, other than the bat survey, no further surveys are required.
- 6.64 The appraisal recommends ecological enhancement with the installation of a range of bird box types including open fronted and hole fronted nest boxes. The appraisal recommends a wildlife-friendly planting scheme that uses native plant species, as this would be of benefit to invertebrates, and subsequently birds and bats. Planning conditions are recommended to seek these ecological enhancements including the wildlife friendly planting as part of a landscape scheme.

Neighbour amenity

- 6.65 Local Plan policy DM 1 states that proposals which would create high quality design and will be permitted where they respect the amenities of occupiers of neighbouring properties and uses by ensuring that development does not result in, excessive

noise, vibration, odour, air pollution, activity or vehicular movements, overlooking or visual intrusion, and that the built form would not result in an unacceptable loss of privacy or light enjoyed by the occupiers of nearby properties.

Looking north along the rear (west) elevation towards Bedford Place



- 6.66 The current proposal involves internal alterations to this existing building that will reduce the overall number of residential units. In these circumstances and the separation from nearby properties the submitted proposal is considered acceptable in relation to neighbour residential amenity.
- 6.67 The application site is located just outside the Air Quality Management Area that runs along the A20 and an air quality assessment has been submitted with the application. The application involves a reduction in the number of units that are provided in the building. The applicant is proposing due to viability issues a minimum of 2 electric charging points and a condition is recommended seeking a minimum of 2 up to a maximum of 20 for the proposed one and two bedroom apartments.

Other Matters

- 6.68 With the submitted development not including any affordable housing, 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

- 6.69 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 submitted proposal has been considered and has been found to be acceptable in relation to heritage, the loss of existing residential accommodation, the standard of proposed residential accommodation, affordable housing, transport and traffic, access and servicing, car and cycle parking, ecology and biodiversity, trees and landscape and residential amenity.

8. RECOMMENDATION

The Head of Planning and Development BE DELEGATED POWERS TO GRANT planning permission subject to the prior completion of a legal agreement to provide the following (including the Head of Planning and Development being able to settle or amend any necessary terms of the legal agreement in line with the matters set out in the recommendation resolved by Planning Committee):

- In the event that development has not commenced within 24 months of the planning permission decision date, a further financial viability appraisal shall be undertaken by the applicant to consider the ability of the proposal to provide a contribution towards affordable housing as part of a financially viable development with the cost of a third party review of the appraisal met by the applicant. With the applicant agreeing to provide any agreed level of affordable housing.

And the following planning conditions

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

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

- 2) No development shall take place other than in accordance with the following approved plans:
 - 70583-D003-Proposed site plan (Rev. A rec.06.04.2020)
 - 70583-D100A-Existing and Proposed Lower Ground Floor Plan (rec.06.04.2020)
 - 70583-D101A-Existing and Proposed Ground Floor Plan (rec.06.04.2020)
 - 70583-D102A-Existing and Proposed First Floor Plan (rec.06.04.2020)
 - 70583-D103A-Existing and Proposed Second Floor Plan (rec.06.04.2020)
 - 70583-D104-Existing and Proposed Third Floor Plan
 - 70583-D203-Existing and Proposed Garden Pavilion
 - 70583-D204 Proposed Front Elevation
 - 70583-D205 Proposed Side Elevations
 - 70583-D206 Proposed Rear Elevation
 - Air Quality Assessment
 - Master Repairs Schedule, documents 1 to 4
 - Noise assessment.
 - Transport Statement (Transport Planning & Highway Solutions Limited December 2019)
 - Arboricultural Impact Assessment (Tyler Grange Group Limited 7th January 2019 ref 12361_R01_JP_AS)
 - Heritage Statement (Heritage Collective January 2020, Project Ref 5074A)
 - Preliminary Ecological Appraisal (April 2019 Greenspace Ecological Solutions Ltd Report Number J20683)

Reason: In the interests of proper planning and to ensure the quality of the development is maintained.

- 3) No development shall take place until a construction management plan has been submitted to and approved in writing by the Local Planning Authority: The construction management plan shall be in place prior to work commencing, followed for the duration of the works and shall include the following (a) Routing of construction and delivery vehicles to / from site (b) Parking and turning areas for construction and delivery vehicles and site personnel (c) Timing of deliveries (d) Temporary traffic management / signage (e) Provision of measures to prevent the discharge of surface water onto the highway.

Reason In the interests of amenity.

- 4) No development shall take place until an Arboricultural Method Statement prepared in accordance with the current edition of BS 5837:2012 has been submitted to and approved in writing by the local planning authority. The method statement shall include procedures for 'reduce-dig' new surfacing and construction of bin storage platform within the Root Protection Areas of trees T1, G1, T14 and G3 and the phasing of arboricultural works. The development will proceed in accordance with the approved method statement.

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

- 5) The Arboricultural Method Statement shall include the locations and specifications for tree protection barriers and ground protection on a Tree Protection Plan, with all trees to be retained protected by barriers and/or ground protection. The Tree Protection Plan must take account of any works that have the potential to harm trees, including excavation of service runs, demolition operations, the location of site huts, waste and materials storage and access for construction vehicles such as skip lorries. Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development.
- 6) No equipment, plant, machinery or materials shall be brought onto the site prior to the erection of the 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.

- 7) No development shall take place until a bat survey has been undertaken with the results submitted to and approved in writing by the Local Planning authority, the survey shall be undertaken in suitable weather conditions between May and August

Reason: To ensure that bat species are protected, and their habitat enhanced, in accordance with the Wildlife and Countryside Act 1981.

- 8) In the event that evidence of bats is found on the site, prior to the commencement of development details of the provisions to be made for appropriate mitigation measures including potential for artificial bat roosting sites/boxes shall be submitted to and approved in writing by the Local Planning Authority. The approved works shall be implemented in full before first occupation of any part of the development.

Reason: To ensure that bat species are protected, and their habitat enhanced, in accordance with the Wildlife and Countryside Act 1981.

- 9) Within the 2 months following the commencement of development a landscape scheme designed in accordance with the principles of the Council's landscape character guidance shall be submitted to and approved in writing by the local planning authority. The scheme shall show all existing trees, hedges and blocks of landscaping on, and immediately adjacent to, the site and indicate whether they are to be retained or removed and include a planting specification, a programme of implementation and a [5] year management plan and shall include suitable trees for the replacement of those that are due to be removed (with an advanced nursery

stock specimen) and wildlife-friendly planting as set out in the Preliminary Ecological Appraisal.

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

- 10) The approved landscaping shall be in place at the end of the first planting and seeding season following first occupation of the residential development hereby approved. 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.

- 11) Prior to end of the first planting season following first occupation of the development hereby approved the ecological enhancements set out in section 6 of the Preliminary Ecological Appraisal (April 2019 Greenspace Ecological Solutions Ltd Report Number J20683) shall be in place, with the measures retained for the lifetime of the development

Reason: In the interest of ecology and biodiversity.

- 12) Prior to first occupation of the proposed dwellings a minimum of two electric vehicle charging points shall be installed and ready for use and in accordance with details that have previously been submitted to and approved in writing by the local planning authority that includes a programme for installation, maintenance and management with the points retained thereafter and maintained in accordance with the approved details.

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

- 13) Prior to occupation of the proposed dwellings the parking/turning areas shown on the approved plans shall be completed and shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015 (or any order revoking and re-enacting that Order, with or without modification) or not, shall be carried out on the areas indicated or in such a position as to preclude vehicular access to them. Reason: Development without adequate parking/turning provision is likely to lead to parking inconvenient to other road users and in the interests of road safety.

- 14) Prior to first occupation of the accommodation hereby approved the cycle parking in the rear pavilion building and the and all agreed measures to allow convenient access to the building shall be installed and ready for use with the cycle parking and the access arrangements maintained for the lifetime of the development.

Reason: To promote sustainable travel choices.

- 15) Prior to first occupation of the approved accommodation a bin storage enclosure shall be in place that has been designed to avoid ground compaction and is in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority and retained for the lifetime of the development.

Reason: To safeguard the appearance of the development and the visual amenities of the area

- 16) Prior to first occupation of the approved accommodation means of enclosure (gates, walls, fences etc) shall be in place that is in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority with the approved means of enclosure retained for the lifetime of the development.

Reason: To safeguard the appearance of the development and the visual amenities of the area.

- 17) Prior to first occupation of the development hereby approved crime prevention measures shall be in place that are in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority, with the approved measures retained for the lifetime of the development.

Reason: In the interests of amenity.

- 18) Prior to first occupation of the development hereby approved measures to encourage sustainable travel choices by future occupiers shall have been submitted to and approved in writing by the Local Planning Authority, the measures shall be in place prior to first occupation and maintained for the lifetime of the development.

Reason: In the interests of sustainable travel and pollution prevention.

- 19) Any external lighting installed on the site (whether permanent or temporary) shall be in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority. These details shall include, inter alia, measures to shield and direct light from the light sources so as to prevent light pollution and illuminance contour plots covering sensitive neighbouring receptors and demonstrate how the lighting meets Bat Conservation Trust guidelines. The development shall thereafter be carried out in accordance with the subsequently approved details and maintained as such thereafter.

Reason: In the interest of amenity.

- 20) Any works within the root protection area of trees shown as retained on the site including the bin enclosure, and the extension to the parking area shall be carried out in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority and shall include procedures for 'reduce-dig' new surfacing and construction of bin storage platform.

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

INFORMATIVES

- 1) It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.
- 2) The applicant is advised to comply with the Mid Kent Environmental Code of development Practice.
- 3) Adequate and suitable measures should be carried out for the minimisation of asbestos fibres, so as to prevent airborne fibres from affecting workers carrying out the work, and nearby properties.
- 4) The proposed development is CIL liable. The Council adopted a Community Infrastructure Levy on 25th October 2017 and began charging on all CIL liable applications approved on and from 1st October 2018. The actual amount of CIL can only be confirmed once all the relevant forms have been submitted and relevant

Planning Committee Report

28.05.2020

details have been assessed and approved. Any relief claimed will be assessed at the time planning permission is granted or shortly after

Case Officer: Tony Ryan



20/500154/LBC - 1 Rocky Hill Terrace, Terrace Road, Maidstone, Kent, ME16 8HT

Scale: 1:1250

Printed on: 15/5/2020 at 10:56 AM by JoannaW

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REFERENCE NO - 20/500154/LBC		
APPLICATION PROPOSAL . Listed Building Consent for internal alterations including removal of internal partitions (non original) and small sections of original walls and external repairs and restoration of the building, detached garden pavilion and boundary walls in connection with the conversion of the building from 42 flats occupied by the elderly and warden flat to 35 flats.		
ADDRESS 1 Rocky Hill Terrace, Terrace Road, Maidstone, ME16 8HT		
RECOMMENDATION Grant Listed Building Consent subject to conditions		
SUMMARY OF REASONS FOR RECOMMENDATION The external repair and restoration works to the application building will conserve and enhance the significance of this Grade II listed building and features of special architectural or historic interest using specialist skills with matching materials in line with Local Plan policies SP18 and DM4. In contrast to the outside of the building, a large amount of unsympathetic work has been carried out to the internal building layout as part of the conversion works from 6 houses to 42 flats for the elderly and a warden flat in 1974. Whilst it is not feasible to revert back to the original 6 houses, the submitted proposal seeks to reverse some of these changes and simplify the internal layout so that it more closely reflects the original building layout. As part of the works to reduce the number of units to 35 and to ensure that the layout of the accommodation adequately functions, the works involve the removal of a small section of original building wall on each floor. In terms of the NPPF assessment the impact of this demolition work is considered to be 'less than substantial'. In the context of the overall improvements that are proposed, the investment in the building and bringing the building back into beneficial use the proposed changes are considered acceptable and when assessed against NPPF paragraph 196 the public benefits of the proposal and securing a viable use outweigh the negative impact.		
REASON FOR REFERRAL TO COMMITTEE Cllr Purle has commented that this is quite a significant development concerning a listed building that should be subject to public discussion including in relation to affordable housing, CIL payments, and possible impact of meeting the needs of future occupants. If officers are minded to approve either the application for planning permission or listed building consent, I would ask that the matter be "called in" to the Planning Committee.		
WARD Bridge	PARISH/TOWN COUNCIL N/A	APPLICANT Mr Peter Hall (Sanctuary Housing Association) AGENT BM3 Architecture
TARGET DECISION DATE 31/05/2020 (EOT)		PUBLICITY EXPIRY DATE 20/02/20

Relevant planning history

- 20/500153/FULL Change of use from 42 flats occupied by the elderly and warden flat to 35 residential dwellings, comprising 15 studio apartments, 6 one bedroom and 14 two bedroom apartments including refurbishment of the existing building with external

and internal alterations. Conversion of existing garden pavilion to cycle storage.- pending consideration and assessed in a separate report.

- 87/1961 Take down top parapet wall, take out dormer windows, take down chimney stacks and rebuild, strip roof and take up kerbs. Approved: 17 March 1988
- 74/1050 Conversion of six houses to 42 'old peoples flats' comprising 18 bedsitters, 20 one bedroom flats, 3 two bedroom flats and a warden flat, with parking spaces Approved: 04 April 1975

MAIN REPORT

1. DESCRIPTION OF SITE

See separate report for 20/500153/FULL

2. PROPOSAL

- 2.01 This application is linked to the application for full planning permission under reference 20/500153/FULL. This application comprises the conversion of the existing 42 flats occupied by the elderly and a warden flat to provide 35 residential dwellings. The proposed 35 flats comprise 15 studio apartments, 6 one bedroom and 14 two bedroom apartments.
- 2.02 The application for listed building consent relates firstly to the external works to repair the main building and the detached garden pavilion, and secondly to the proposed internal alterations as part of the conversion works. The external works are outlined below followed by a summary of the internal works

Proposed external building works

Victoria Street (south) elevation

- Repair damaged and rotted timberwork to oriel window
- Ironmongery repaired and replaced where necessary,
- Sash windows restored where possible and new frames inserted to match existing where decay is too advanced for restoration (subject to the window condition survey required by a planning condition).
- Cracking to brick chimney stack to this side elevation repaired
- Section of garden wall rebuilt and repointed using the existing reused bricks due to a large crack

Terrace Road (east) elevation

- Full window condition survey by a specialist sash window company.
- The front entrance door to No. 2 unsealed and made operational
- Repair and redecorate second-floor cornice, lintel and render above the underside of the cornice which is cracked in places
- Repair copings to the basement wall and the stone facades to the basements
- Rendering will be raked out and repaired, prior to the redecoration of the elevations.
- Railings will have paint removed, rust remover applied and repainted.
- Louvre to the basement window will be removed making good all disturbed surfaces and replacing the glass as necessary.

Bedford Place (north) elevation

- Conserve damaged elements, including the entrance door architrave which is missing render over the door. This will be repaired and redecorated.
- Section of garden wall rebuilt and repointed using the existing reused bricks due to a large crack
- Replace badly damaged garden gate with a door and frame of the appropriate style, design and material.

- Repair and redecoration works to the damaged right-hand garden gate pier.

Birnam Square (west) elevation

- Repair windows
- Paint removed by specialist from facing brickwork
- The awning which is in a poor condition will be removed.
- Restore original double doors to the garden patio.
- Railings at the rear stripped of paint, rust remover applied and redecorated
- Repair cracks in the stone and concrete window seals
- Garden pavilion
- Repair roof replacing defective tiles to match material, colour and texture.
- Loose brickwork pointing raked out and repointed
- Sash windows repaired or replaced in line with the recommendations of the window survey undertaken by specialists.
- Replace entrance door to the pavilion.

Proposed internal building works

- Re-ordering of the spaces, taking a light-touch approach to change at all levels.
- Modern partitioning will be removed
- Rationalisation so plan form reflects more closely the original plan form.
- Modern partitioning removed to reveal larger spaces, as originally designed.
- Replace damage or absent floor board with matching boards
- Rake out and patch repairs to damaged or cracked plasterwork
- Small sections of the original 19th century spine walls will be removed to allow the proper functioning of the units, with nibs retained wherever possible.

3. POLICY AND OTHER CONSIDERATIONS

- Maidstone Borough Local Plan 2017
SP18, DM1, DM4,
- Supplementary Planning Document:
 - London Road, Bower Mount and Buckland Hill Area' SPD
- National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)

Side (south) elevation with access from Victoria Street



4. LOCAL REPRESENTATIONS

Local Residents:

See separate report for 20/500153/FULL)

Councillor Jonathan Purle

- 4.01 This is quite a significant development concerning a listed building, that should be subject to public discussion including in relation to affordable housing, CIL payments, and possible impact of meeting the needs of future occupants. Should officers be minded to approve either of these (Listed Building Consent and Full Planning Permission), I would ask that the matter be "called in" to the Planning Committee for members to decide.

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)

Historic England

- 5.01 No comment. On the basis of the information provided, we do not consider that it is necessary for this application to be notified to Historic England under the relevant statutory provisions.

Georgian Group

- 5.02 The Group recommends that local authority requires more information from the applicant in regard to the date of the windows and their condition. If the windows are confirmed to be original, this aspect of the scheme should be omitted. (NB: These comments have been discussed with the applicant and a condition is recommended seeking a full window survey).

Conservation Officer (MBC)

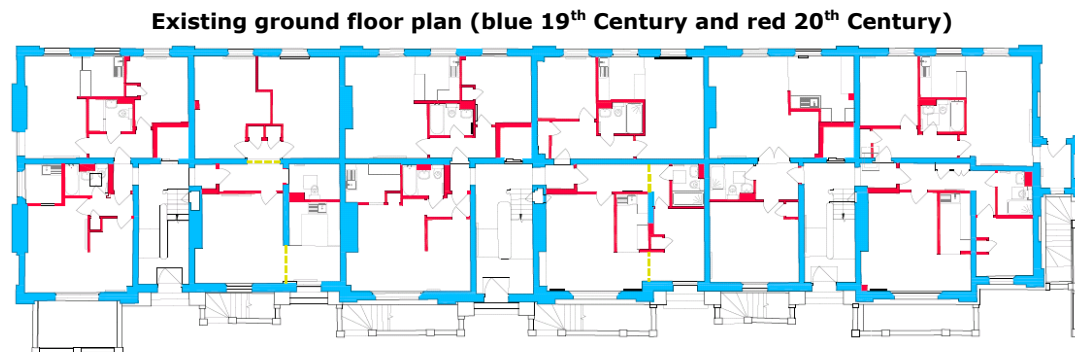
- 5.03 No objection subject to planning conditions. The proposed conversion of the building to 35 residential dwellings is acceptable in heritage terms and would preserve the architectural and historic interest of the listed building. The works would provide enhancements to the listed building including partial reinstatement of historic floor plan and extensive repairs and maintenance.
- 5.04 My preferred approach is the retention and repair of the existing windows and I suggest a window repairs schedule is required by condition.
- 5.05 I would be concerned if a proliferation of bathroom / kitchen extracts is proposed to serve each individual unit, and recommend details are requested.
(NB: Separate comments provided on the full planning application listed building application 20/500153/FULL)

**6. APPRAISAL
Main Issues**

- 6.01 The key issues for consideration with the application for Listed Building Consent relate to the potential heritage impacts on the Grade II listed application building.
- 6.02 Policy SP18 of the Local Plan relates to the historic environment and requires that, inter-alia, the characteristics of heritage assets are protected, and design is sensitive to heritage assets and their settings. Policy DM4 of the Local Plan also relates to development affecting designated heritage assets and requires applicants to ensure that new development affecting heritage assets conserve, and where possible enhance, the significance of the heritage asset.
- 6.03 The National Planning Policy Framework states: In determining applications, local planning authorities should take account of: a) desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; b) positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and c) desirability of new development making positive contribution to local character and distinctiveness.

- 6.04 When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
- 6.05 NPPF Paragraph 196 is also relevant advising "*Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use*".
- 6.06 When making a decision on all listed building consent applications or any decision on a planning application for development that affects a listed building or its setting, a local planning authority must have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Preservation in this context means not harming the interest in the building, as opposed to keeping it utterly unchanged. This obligation, found in sections 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (1), applies to all decisions concerning listed buildings.
- 6.07 The application site is occupied by a Grade II listed row of terraced houses dating to circa 1830. The Historic England listing from 1974 is as follows: "*2. Circa 1830. 3 storeys attic and basement with area stuccoed. Cornice and parapet above 2nd floor. Cornice above 1st floor and stringcourse above ground floor. 2 windows and 2 dormers to each house. Windows in moulded architrave surrounds with glazing bars intact. Doorcases in moulded architrave surrounds with projecting cornices over supported on consoles, rectangular fanlights and door of 8 moulded panels. Cemented balustrade to the areas. Nos 1 to 6 (consec) form a group. Listing NGR: TQ7534155553*".
- 6.08 The detached building to the rear of the site is part of a 19th century rear extension, and along with the ragstone boundary walls is considered curtilage listed (this is the garden pavilion building which is to be restored and used for secure cycle storage).
- 6.09 The submitted heritage statement advises that the building was built "*...to the designs of John Whichcord Senior (1790–1860). Whichcord was a prolific English architect notable for his contribution to local 19th century architecture in Maidstone, in particular public and institutional buildings in the town which include the churches of the Holy Trinity and St. Philip*".
- 6.10 The London Road, Bower Mount and Buckland Hill Area' SPD describes the building "*The listed Rocky Hill Terrace runs between Victoria Street and Bedford Place. Set behind a screen of trees and a landscaped parking area with a small communal garden, the terrace is an elegant 4 storey building in grey and white with maroon doors accessed via flights of steps. A balustrade runs along the length of the building and the central section of the front elevation is set back*".
- 6.11 There have been significant internal alterations previously carried out to the application building. The conversion of the terrace to provide 42 separate residential units in 1974 introduced a high number of internal building partitions, with the removal of sections of wall and several historically significant staircases. As a result of these works limited internal historic fabric remains apart from retained staircases, the floorboards, and the tiled floor in the oriel window.
- 6.12 The current proposal will provide a smaller number of units and an aim of the works was to rationalise and reduce the number of internal partitions to show more of the original building layout. Existing and proposed ground floor plans are provided above.

- 6.13 The earlier works to convert the building involved minimal change to the external appearance of the building and as a result the submitted heritage statement advises *"Architectural interest is principally derived from the external elevations of the terrace: the east elevation was clearly designed to be the main façade, with its stucco finish and classical giant pilasters demarcating it from the rear (west) elevation which is less elaborately detailed and has its brickwork exposed"* (paragraph 4.1). The proposed external works to the building seek to *"...conserve and repair the fabric in line with the significance of the asset"* including repairs to cracked render, copings and cills.



EXISTING GROUND FLOOR
Scale 1:100 @ A1

Proposed ground floor plan



PROPOSED GROUND FLOOR
Scale 1:100 @ A1

- 6.14 Whilst the windows are an important element of the application building, the original submission highlighted that the windows are in poor condition and as a result would require extensive alteration. In addition, it has been highlighted that in order to address poor thermal and acoustic qualities, secondary glazing would be required which can detract from the appearance of the window.
- 6.15 It is also highlighted by the applicant that the dormer windows at loft level appear to all have "1970s hinge fittings" and the replacement of the windows appears to have approved as part of application 87/1961 (description: *Take down top parapet wall, take out dormer windows, take down chimney stacks and rebuild, strip roof and take up kerbs*).
- 6.16 Following the consultation response from The Georgian Society and the council's conservation officer further discussion has taken place with the applicant in relation to the windows. The applicant has agreed *"...to conserve the windows in situ and replace any that are not capable of being repaired with like-for-like. For example, the dormer casement windows can all be replaced"*.

- 6.17 A planning condition is recommended seeking the submission of a full window survey. The condition will also require details of all the windows due to be retained , details of the method in which it is proposed to restore windows and details of the status of any windows that are considered beyond repair and the specification of the proposed replacement windows including frame sizes, proportions and quality.
- 6.18 The conservation officer has expressed a concern about the visual harm to the building caused by the potential proliferation of bathroom and kitchen extracts to serve each individual unit A planning condition is recommended to prevent this potential visual harm to the building with the condition also preventing cables, wires, aerials, pipework, meter boxes and ducting from the external faces of the building.
- 6.19 With the external appearance of the building generally preserved without any damaging alterations or extensions, the proposed external works concentrate on repair and restoration work to the building. The proposed repair and restoration works that have been outlined earlier in this report are sympathetic to the design and appearance of the original building, with these works ensuring the future use and maintenance of the building.
- 6.20 In addition to the removal of the partitions associated with the 1974 conversion, the submitted proposal also involves the removal of small sections of the original internal walls on all levels of the building. The removal of these internal walls is required to allow the proposed accommodation to function correctly in terms of the use of space and circulation.
- 6.21 With the previous negative building alterations and the other internal works now proposed aimed at simplifying the building layout it is considered that the removal of these small sections of wall is considered acceptable. Using the assessment set out in the NPPF the proposed works are considered to represent 'less than substantial' harm to the listed building.

7. CONCLUSION

- 7.01 The external repair and restoration works to the application building will conserve and enhance the significance of this Grade II listed building and features of special architectural or historic interest using specialist skills with matching materials in line with Local Plan policies SP18 and DM4.
- 7.02 In contrast to the outside of the building, a large amount of unsympathetic work has been carried out to the internal building layout as part of the conversion works from 6 houses to 42 flats for the elderly and a warden flat in 1974. Whilst it is not feasible to revert back to the original 6 houses, the submitted proposal seeks to reverse some of these changes and simplify the internal layout so that it more closely reflects the original building layout.
- 7.03 As part of the works to reduce the number of units to 35 and to ensure that the layout of the accommodation adequately functions, the works involve the removal of a small section of original building wall on each floor. In terms of the NPPF assessment the impact of this demolition work is considered to be 'less than substantial'. In the context of the overall improvements that are proposed, the investment in the building and bringing the building back into beneficial use the proposed changes are considered acceptable and when assessed against NPPF paragraph 196 the public benefits of the proposal and securing a viable use outweigh the negative impact. .

8. RECOMMENDATION

GRANT LISTED BUILDING CONSENT subject to the following conditions:

- 1) The works to which this consent relates must be begun before the expiration of three years from the date of this consent.

Reason: In accordance with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2) Full details (including size, appearance, location on the building method of installation and concealment) of any external building alteration (including installation of cables, wires, aerials, pipework, rainwater downpipes, meter boxes, ducting or flues) shall be submitted to and approved in writing by the Local Planning Authority prior to installation, the alteration shall be carried out in accordance with the approved details and maintained as such thereafter

Reason: To safeguard the appearance of the development, the historical significance of the building and the visual amenities of the area.

- 3) Prior to the commencement of any works to, or the removal of any external window or door in the building a condition survey shall be carried out by a specialist contractor of all the existing external windows and doors in the building with the survey results submitted to and approved in writing by the Local Planning Authority. The survey shall report the condition of every external window and door in the building and whether the window or door is to be retained, restored or replaced and the reason for this decision. Replacement will only be allowed where it is proven that the window is beyond repair/restoration.

Reason: To safeguard the appearance of the development, the historical significance of the building and the visual amenities of the area.

- 4) Prior to the replacement of any external window or door, details of the replacement window or door shall be submitted to and approved in writing by the Local Planning Authority with the works carried out and maintained in accordance with approved details

Reason: To safeguard the appearance of the development, the historical significance of the building and the visual amenities of the area.

- 5) Works to the listed building will proceed in accordance with the submitted Master Repairs Schedule, and be completed prior to first occupation of any of the residential units hereby approved. Any building fabric or architectural feature that are repaired or restored or any historic feature that fails shall be replaced on a like for like basis using the same materials. Reason: To safeguard the appearance of the development, the historical significance of the building and the visual amenities of the area.

- 6) Unless set out in the Master Repairs Schedule, all original architectural and any original decorative features and all those identified as having heritage significance as per the heritage statement undertaken by Heritage Collective, dated January 2020 shall be retained, this includes the original staircases, balustrades, windows, doors, and any other decorative features detailed within the heritage statement. In the event that any original architectural or decorative features need to be removed full details (including why removal is necessary and details of the replacement) shall be submitted to and approved in writing prior to removal taking place with the replacement in place in accordance with agreed timescales.

Reason: To safeguard the special architectural or historic interest of the listed building

Informative

The applicant is advised that the following plans and documents were considered as part of the assessment of this application:

- 70583-D003-Proposed site plan (Rev. A rec.06.04.2020)
- 70583-D100A-Existing and Proposed Lower Ground Floor Plan (rec.06.04.2020)
- 70583-D101A-Existing and Proposed Ground Floor Plan (rec.06.04.2020)
- 70583-D102A-Existing and Proposed First Floor Plan (rec.06.04.2020)
- 70583-D103A-Existing and Proposed Second Floor Plan (rec.06.04.2020)
- 70583-D104-Existing and Proposed Third Floor Plan
- 70583-D203-Existing and Proposed Garden Pavilion
- 70583-D204 Proposed Front Elevation
- 70583-D205 Proposed Side Elevations
- 70583-D206 Proposed Rear Elevation
- Air Quality Assessment
- Master Repairs Schedule, documents 1 to 4
- Noise assessment.
- Transport Statement (Transport Planning & Highway Solutions Limited December 2019)
- Arboricultural Impact Assessment (Tyler Grange Group Limited 7th January 2019 ref 12361_R01_JP_AS)
- Heritage Statement (Heritage Collective January 2020, Project Ref 5074A)
- Preliminary Ecological Appraisal (April 2019 Greenspace Ecological Solutions Ltd Report Number J20683)

Case Officer: Tony Ryan

THE MAIDSTONE BOROUGH COUNCIL **PLANNING COMMITTEE – 28th May 2020**

APPEAL DECISIONS:

- 1. 18/504596/FULL** **Change of use of land for residential caravan site for two gypsy families, each with one mobile home, one touring caravan and one amenity building, with associated hardstanding.**

APPEAL: ALLOWED

The Glen
Pitt Road
Kingswood
Maidstone
Kent
ME17 3NR

(Delegated)

- 2. 19/500583/FULL** Part retrospective and part proposed application for the material change of use of land to allow the stationing of two residential caravans and the storage of one touring caravan for use by a traveller family unit together with associated access, parking facilities, hardstandings, cesspit and landscaping (retrospective elements being the use of land for siting two residential caravans, the installation of an access and cesspit with proposed elements being revised siting of mobile homes and provision of new associated hard-standings and reduced access and parking areas).

APPEAL: ALLOWED

Broken Tree
Forstal Lane
Coxheath
Kent
ME17 4QF

(Delegated)

- 3. 19/501539/FULL** Erection of single dwelling (Resubmission to 19/500310/FULL).

APPEAL: DISMISSED

Land East Of Eyhorne Green House
Musket Lane
Hollingbourne
Maidstone
Kent
ME17 1UU

(Delegated)

- 4. 19/504564/FULL** Relocation of children's climbing frame.

APPEAL: DISMISSED

Delhi Spice Uk
87 Ashford Road
Bearsted
Maidstone
Kent
ME14 4BS

(Delegated)

- 5. 18/506459/LDCEX** Lawful Development Certificate (Existing) to establish the existing lawful siting of caravan on agricultural farm whilst building the barn.

APPEAL: DISMISSED

Willow Farm
Lughorse Lane
Yalding
Kent
ME18 6EB

(Delegated)

- 6. 19/501511/LAWPRO** Lawful Development Certificate for proposed loft conversion incorporating a flat roof dormer to the rear and 2 no. roof lights to the front. Part removal of rear mono pitch roof to create roof terrace with balustrade.

APPEAL: DISMISSED

10 Albany Street
Maidstone
Kent
ME14 5AJ

(Delegated)

7. 19/504341/FULL

Replacement of windows and doors.

APPEAL: DISMISSED

Kings Oast
Lees Road
Laddingford
Maidstone
Kent
ME18 6DB

(Delegated)
