

REPORT SUMMARY

REFERENCE NO - 14/0828		
APPLICATION PROPOSAL The redevelopment of land south of Ashford Road for residential development comprising the erection of 113/114 dwellings, internal access road, landscaped public open space, a LAP, a convenience store and highways works to Ashford Road.		
ADDRESS Land South Of Ashford Road Harrietsham Kent		
RECOMMENDATION GRANT PLANNING PERMISSION SUBJECT TO PRIOR COMPLETION OF AN APPROPRIATE LEGAL MECHANISM AND CONDITIONS		
REASON FOR REFERRAL TO COMMITTEE The proposal is a departure from the Development Plan.		
WARD Harrietsham And Lenham Ward	PARISH/TOWN COUNCIL Harrietsham	APPLICANT Ward Homes AGENT Bidwells
DECISION DUE DATE 20/08/14	PUBLICITY EXPIRY DATE 20/08/14	OFFICER SITE VISIT DATE Various
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):		

- MA/14/0567 Request for a screening opinion as to whether the proposed development incorporating 117 dwellings and a food retail outlet of 300m² is development requiring an Environmental Impact Assessment- ENVIRONMENTAL STATEMENT NOT REQUIRED

- 59/0137/MK2 Outline application for residential development - REFUSED

Also various consultations during the late 1990s relating to CTRL development which are not relevant to the current application.

MAIN REPORT

1.0 DESCRIPTION OF SITE

1.01 The proposal site, which has an area of approximately 4.7ha and is located to the south of Ashford Road (A20), has an irregular shape which is a reflection of the former use of the land as a depot associated with the construction of the Channel Tunnel Rail Link (CTRL). This history is reflected in a covenant on the site and adjoining land which prevents built development from taking place within 40m of the boundary of the CTRL; although covenants are not a planning matter, it is worth noting that as a result of this legal agreement, no development is proposed in the southern part of the site.

1.02 The northern boundary of the site wraps around the southern boundary of the built development (including the Roebuck Business Park, which comprises a collection of one and a half storey and two storey buildings loosely modelled on the vernacular of Kentish oasthouses and barns in the vicinity of the site, and a small number of residential properties of more conventional single storey, one and a half storey and two storey design) and Harrietsham allotments to the south of the business park located to the south of the A20 in this location, and has a narrow frontage to Fairbourne Lane in the west, and a wider frontage to the A20 in the north east of the site. The southern boundary of the majority of the site

follows the path of the CTRL, which is in a cutting at this point, beyond which (to the south) is the M20, which is elevated. There is a slim band of heavily tree'd landscaping between the two routes. The history of the site and its physical relationship to the CTRL are reflected in the designation of the site in its entirety (together with other land) as being safeguarded for the CTRL under the scope of Maidstone Borough-Wide Local Plan 2000 policy T6, albeit that this is not a saved policy for the purposes of decision making, by virtue of the completion of the engineering project.

1.03 The land can be approximately divided into two discrete sections (east and west) which are joined by a slim strip of land in the south of the site, which is located in the vicinity of a waterway which runs approximately north-east/south-west through Harrietsham. The path of this waterway through the site appears to have been re-engineered and diverted at some point (possibly in association with the construction of the CTRL).

1.04 The western section of the site, on which no built development is proposed, represents approximately a quarter of the site by area, and the main part of it comprises a rectangular scrubby field located to the south of eight dwellings (all accessed from either the A20 or Fairbourne Lane), the Roebuck Business Park and allotment gardens. This part of the site has an enclosed feel as a result of its size and the character of its boundary treatments. It extends westwards to connect with Fairbourne Lane, from which vehicular access can be gained, and is connected to the eastern section of the site by the slim strip of land referred to above in paragraph 1.02, which is located adjacent to the CTRL to the south of the allotments, and provides pedestrian access between the two parts of the site.

1.05 The eastern section represents approximately three quarters of the site by area, and all built development under consideration is proposed on this land. For the avoidance of doubt I refer throughout the report to the "zone of built development" (ZBD); this excludes the western part of the site and the 40m CTRL exclusion area as described above in paragraph 1.01.

1.06 The core of this section of the site has a roughly rectangular shape aligned approximately north-east/south-west, with projections to the south west (joining the western section of the site) and south east (projecting into agricultural land), whilst the northern part of the land extends northwards with diminishing width towards the A20, from which vehicular access is gained, the width of the frontage to the highway being "pinched" by the existing development to the south of the A20 and reducing in width from 140m to 70m. This part of the site has an open character, predominantly as a result of its topography of the eastern part of the site forms a shallow valley running east to west which is manifested in land levels which fall gently within the site towards the south before rising again in the southern third of the site to a higher elevation than those of the north of the site, however there are no significant changes in land levels between the site and the adjacent land, other than those associated with the CTRL cutting and the watercourse, however views of the Greensand Ridge on ground with an elevation of approximately 150m aod approximately 2.75km to the south can be gained from the site and the A20 in this location.

1.07 The southern boundary of this section of the site is adjacent to the CTRL in the west (continuing that of the western section of the site), but diverges from it in the east, following a field boundary which runs slightly northwards away from the railway. The western boundary of this section of the site is defined by a mature native hedge which runs along the south eastern boundary of the Roebuck Business Park and the allotments to the south of this commercial area. The eastern boundary of the site adjoins the garden of 1 Taylor Close and the parking areas associated with this dwelling and numbers 2 to 6 Taylor Close (inclusive), a small scale late twentieth century development of twelve dwellings which front onto the A20, and then, further to the south, agricultural land from which it is separated by a post and rail fence. The northern boundary of the site adjoins the A20 opposite the junction of the highway with West Street, where the village green is located. This key area of the village to the north of the site is identified in the draft Harrietsham Neighbourhood Plan as the heart of

the village. West Street leads to community facilities including the railway station and the primary school, although other community resources including the recreation ground and parish hall are located further to the north east on Church Road, albeit still within reasonable walking distance. The A20 in this location is effectively built as a four lane highway at this point although it is marked up as having one lane in either direction with filter lanes in appropriate locations throughout the village, and is subject to a 40mph speed limit.

1.08 A number of formally recognised public rights of way (PROW) are located within the site boundaries, as well as other informal routes which are not protected by legislation. The PROWs recorded on the KCC definitive map are as follows. In the western part of the site, the KH652 runs from Fairbourne Lane eastwards into the southern part of the eastern part of the site, where it becomes the KH272, and after continuing east then veers north eastwards before reaching the eastern boundary of the site, continuing across the adjacent agricultural land before eventually reaching East Street and the Harrietsham (East Street) conservation area. A spur of the KH272 is located in the east of the site running northwards between two dwellings to the west of the Roebuck Business Estate, joining the KH652 and the A20 before continuing northwards towards West Street through a residential area. The KH275 runs along the western boundary of the eastern part of the site, between the KH652/KH272 and the A20. The KH276 conversely runs along the north eastern boundary of the site, continuing on its trajectory south-easterly direction across the agricultural land to the south east of the site. A plan showing these footpaths in the context of the site is attached as Appendix A to this report.

1.09 There are no immediately neighbouring heritage assets, however to the north of the site is a listed building, 62 West Street, which is severed from the proposal site by the A20 and the village green. The boundary of the Harrietsham East Street Conservation Area, within which are a number of listed buildings, is located approximately 150m to the east as the crow flies, and directly connected to the site by a public right of way, the KH272. The site is not located in an area recorded by the Environment Agency as being prone to fluvial flooding. Leaving aside the Roebuck Business Park and some small scale commercial uses including the Mace stores and the Taste of Bengal, the immediate area along Ashford Road in the vicinity of the site is characterised by residential development much of which, particularly to the north of the highway, turns its back to the A20, and even when fronting the road, is set considerably from the carriageway and severed from it through the use of various forms of screening (with the exception of the some of the properties to the west of the business park and number 1 Willow Close.

1.10 As set out above in paragraph 1.01, the site is washed over by the CTRL safeguarding policy, which is not saved for decision-making purposes, and otherwise has no specific environmental or economic designations. It is located to the south of the defined settlement boundary of Harrietsham, which runs along the site boundary and the south and eastern boundaries of the Roebuck Business Estate and the dwellings and associated gardens to the west, then crosses the A20, running along the northern side of the highway to the north of the site. The site is therefore in open countryside for development management purposes. Whilst the site has previously been used as a depot associated with the CTRL, it has been restored following cessation of this use, and as such is considered to represent agricultural land, which is the basis on which it was considered in the Strategic Housing and Economic Development Land Availability Assessment (SHEDLAA) 2014. The Housing Site Assessment of the site for the purposes of the SHEDLAA is attached as Appendix B to this report.

2.0 PROPOSAL

2.01 The application seeks full planning permission for a mixed use development comprising the erection of 113/114 dwellings and a retail unit of 365m², together with associated landscaping, access and parking. The proposal includes the provision of land in the western part of the site for allotments, and the provision of one fitted out unit, the “flat

above the garage” in the north of the site as a meeting and storage facility for Harrietsham Parish Council, which would, in the event of the Parish Council failing to take up its use, or deciding at a subsequent point that the facility was no longer required, contribute towards the onsite affordable housing (shared ownership) provision.

2.02 The proposed access to the development would be located centrally to the site frontage with the A20, in the approximate location of the existing access to the land. The entry to the development would be characterised by landmark gateway features of substantial scale comprising a part three storey, part two storey, apartment block (block 1) to the west of the access, and a single storey retail building to the east of the access. These are shown on the proposed layout as being set back from, and at an angle to, the A20. This siting allows for the provision of landscaping to the site frontage which echos the existing village green to the north of the A20, providing continuity between the village heart, as is, and the proposed development, rather than treating them as two discrete elements in the streetscape. The retail unit would have an articulated frontage to the A20 which follows the entrance to the site and allows for openness between it and the apartment block, which has a blunter rectilinear arrangement and relationship to the public highway. An enclosed courtyard to the rear of the retail unit would provide a service and delivery area.

2.03 The access splits immediately on entry to the site, and at the head of the resultant T-junction would be a small area of landscaping, behind which would be located a terrace of four two storey dwellings which would wrap around the inside of the accesses into the interior of the site. These buildings (block 1, the retail unit and the terrace) together with the associated landscaping would provide the immediate character of the site and establish its relationship to the existing streetscape and the highway and public realm works proposed as part of the wider A20 improvement scheme.

2.04 Members will be aware that the siting of block 1 and the retail unit are substantially different to that originally proposed. The positioning of these two elements of the scheme were inverted and the elements moved further into the site as a response to discussions between Council officers and the applicants in order firstly to allow the provision of a southward “extension” to the existing village green to the north of the A20, and secondly because of a concern that the previous arrangement of the retail unit, which was formerly proposed to be sited fully within the site, backing onto the Roebuck Business Estate with no true frontage to the public highway. It was considered that this relationship to the A20 would fail to represent considered engagement with the village and be likely to prejudice the long term success of the building as a retail unit.

2.05 Going further into the development, there would be a hierarchy of highways which would allow vehicular and pedestrian permeability. These would provide routes in the east and west of the main body of the development, incorporating a landscaped square within the heart of the site to provide a focal point and break up the mass of the development. This circular route would provide further access to areas in the south of the ZBD distant from the site access, which in the case of the development in the far south and east of the ZBD, would be connected by a pedestrian route.

2.06 The housing would predominantly comprise two and two and a half storey dwellings arranged as pairs of semi-detached properties and terraces of three units joined to others by way of attached garages and in five cases by “flats above garages” (FOGs), although there would be two larger terraces in the south of the ZBD, and nine detached dwellings (including five “attached detached dwellings”) along the eastern boundary of the site. There would also, in addition to block 1 described above in paragraph 2.02, be three other apartment blocks in the south of the site, which would be two and a half storey in height. These blocks, together with two terraces of four two storey dwellings, would provide the southern termination of the development, beyond which would be a semi wild area of open space along the CTRL

exclusion zone, which would include areas providing biodiversity mitigation such as wild flower and tree planting, and the provision of hibernacula.

2.07 The detailed architectural design of the proposed dwellings is of a traditional domestic Kentish vernacular, including features such as brickwork window arches, porches of various designs, brick plinths, pitched and flat roofed dormers of diminutive scale, and front gables, in a range of materials including red brick, timber weather boarding, hanging tiles and render. Dwellings located on key junctions within the site are dual aspect, and therefore provide visual interest in the streetscene, and natural surveillance to public areas. In critical locations within the development, such as the terrace located at the site entrance and the property on the central square fronting the main access point (plot 58), consideration has been given to providing a focal anchor to these elements of the development. Although all the dwellings are gable ended, this is relieved by the inclusion of subservient front gables to some of the dwellings, and the variety of ridge heights and roof pitches within the development. The scheme has been amended to increase the number of windows to side elevations of properties facing open spaces including parking areas which serves to increase natural surveillance and provide interest to flank elevations. This is considered, on the whole, to represent an acceptable response to the character of the historic fabric of the domestic built environment of Harrietsham.

2.08 The proposal, as set above in paragraph 2.01 above, includes the provision of a FOG in the north of the site to the south of block 1 which would be fitted out for occupation but in the first instance gifted to Harrietsham Parish Council for use as a meeting and/or storage facility. A requirement that, in the event that the Parish Council choose not to take up the facility, or at an unspecified point in the future cease the use, the unit reverts to affordable housing is discussed further in paragraph 7.29.

2.09 In the event that the Parish Council take up the offer of a community facility, the onsite affordable housing provision would represent 39% of the total, whilst if not, it would constitute 40%. The distribution of the affordable housing provision is shown on the drawing number 061302-WARD-04 rev A, and would be located in the north west of the site, and along the southern boundary of the site. The provision would include all four blocks of apartment accommodation, as well as sixteen dwellings and two FOGs (including the structure potentially provided for the Parish Council). The proposed housing mix for the affordable provision is set out in the table below:

Affordable – shared ownership	No.
2 bed apartment	10 (or 9, with 1 unit provided as a community facility to the Parish Council)
2 bed house	1
3 bed house	7
	(18/17)
Affordable – social rented	
1 bed apartment	3
2 bed apartment	16
2 bed house	2
3 bed house	6
	(27)

2.10 Leaving aside the undeveloped areas of the site in the south and west, the key areas of landscaping within the ZBD would be provided at the site access, where it would make a significant positive impact on the character of the public realm in this “village heart” location,

the central square within the site, and along the eastern boundary. In addition, landscaping buffers to many of the dwellings on site have been provided for. This has been achieved through a small reduction in the number of units which has allowed a “loosening” of the grain of the development, and has also contributed towards a commensurate reduction in car parking and improved layout, particularly of the courtyard areas within the interior of the site.

2.11 In addition to the above, the development would also provide land to be used for the provision of additional allotments (or alternative open space of an appropriate character). This would be located in the north of the western part of the site to the south of the Roebuck Business Estate and to the south west of the existing allotments, and the land is identified on drawing number 061302-WARD-PLAN2 received 20th January 2015, and this element of the proposal and the impact on Parks and Open Spaces contributions is discussed in detail in paragraph 7.40 below. No details have been provided as to the means of access to the allotments, however this, as well as details such as the arrangement of plots, etc. are not matters for consideration under the scope of the current application. The development would achieve Level 4 of the Code for Sustainable Homes.

3.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Maidstone Borough-Wide Local Plan 2000: ENV6, ENV26, ENV28, ENV49, T13, T21, T23, R1, R2, R10, R12, CF1

Supplementary Planning Documents: Affordable Housing Development Plan Document (2006), Open Space Development Plan Document (2006)

Maidstone Borough Council Draft Local Plan: SS1, SP3, SP5, H1(26), H2, DM2, DM4, DM6, DM10, DM11, DM12, DM13, DM19, DM23, DM24, DM30, DM40, ID1

Harrietsham Draft Neighbourhood Plan: COM01, COM02, MOV02

3.01 As set out in paragraph 1.10, the application site is located outside of the settlement boundary of Harrietsham, as defined in the Maidstone Borough-Wide Local Plan 2000 (MBWLP). Notwithstanding this, the northern half of the eastern part of the site is identified in Maidstone Borough Council Draft Local Plan policy H1(26) as a housing allocation with an expected yield of 70 units, subject to the development criteria set out in Appendix A (H1(26)) of the Local Plan.

3.02 The Council has recently finished its Regulation 18 consultation on its emerging Local Plan and representations from that consultation are currently being assessed. The emerging plan is a material consideration and can, however, be given some weight when considering planning applications by virtue of its progress through the stages in the adoption process.

3.03 Following the Regulation 18 consultation on the emerging Local Plan, a further call for sites was undertaken due to the shortfall of housing land provided by way of the SHEDLAA. Although the proposal site was not resubmitted as part of this exercise, the extent of the area proposed for built development, and therefore its yield, was reassessed in response to the application before Members, and in a report to the Planning, Transport and Development Overview and Scrutiny Committee on 20th January 2015 it was recommended that, in the absence of demonstrable harm resulting from the increase in developable area, draft Local Plan policy H1(26) be revised to include the entirety of the ZBD proposed under the scope of the current application. The conclusion of the Committee will be reported to Cabinet on 28th January 2015, and the outcome of this meeting will be the subject of an urgent update report.

3.04 The site is also identified in the Harrietsham Draft Neighbourhood Plan as a development opportunity for residential, retail and community facility (public open space, parish hall and allotments) development subject to the criteria set out under policies COM01 and COM02, and the section of the A20 to the immediate north of the site as a “new High Street” under policy MOV01. The relevant extracts from the draft Neighbourhood Plan are attached to this report as Appendix C. The Draft Neighbourhood Plan is a material consideration, however there are still key stages ahead in its progression.

4.0 LOCAL REPRESENTATIONS

4.01 Three site notices were displayed at the site access, outside the Roebuck Business Park and on Fairbourne Lane on 17th July 2014.

4.02 Thirteen neighbour representations were received from (or on behalf of) eleven households. Of these, all raised objection to or concern over the proposal. A representation on behalf of the existing village shop was also received. The following planning issues were raised:

- Location of site outside defined settlement boundary, remote from centre of village and core services and facilities.
- Overdevelopment of the site, excessive density of built development, visual impact upon the open countryside, loss of a green space and change of the character of Harrietsham from a village to a town.
- Design of the proposal being out of keeping with the character of the village.
- Highway issues, including traffic generation, inadequate provision of on site parking, speed of traffic/speed limit, design of proposed highways mitigation.
- Flood risk on and off the site.
- Harm to residential amenity of occupiers of existing dwellings by way of loss of privacy/overlooking, overshadowing and overbearing impact.
- Residential amenity of occupiers of development, in respect of air quality and noise.
- Poor design of the scheme, including the standard of architectural detailing and overall design approach, inappropriate layout in relation to the siting of buildings and open space, quality of treatment of frontage to A20 and open space within the site, design being more suitable for urban locations,
- Pressure on social infrastructure.
- Impact on biodiversity.
- Impact on heritage assets.
- Impact on existing local businesses.
- Lack of employment opportunities within Harrietsham.
- Inadequate scale of retail element.

4.03 In addition, a representation was received from Harrietsham against Reckless Development which raised objection to the proposal on the grounds of density, loss of views to the Greensand Ridge, highway safety and traffic generation, failure to give over land for future frontage development to the A20, and inadequate landscaping and on site open space provision. The objection also set out the group’s opposition in principle to large scale residential development in Harrietsham.

4.04 The matters of loss of private views and the motives of the applicant were also raised. Members will be aware that these are not planning matters, and will not be discussed further in this report.

5.0 CONSULTATIONS

5.01 Harrietsham Parish Council wish to see the application approved subject to the various criteria, as set out in the detailed comments below:

5.01.01 *“Further to the Parish Council’s objections to the above application dated 24th July 2014, Harrietsham Parish Council have now viewed the amended plans that have been submitted by the applicant.*

5.01.02 *Harrietsham Parish Council feel that the previous objections, which were listed, have been resolved in the resubmitted documents, subject to detailed legal agreements being finalised. This is aside from the fact that the application is still premature to the adoption of the Harrietsham Neighbourhood Plan. Following the offer made by Mr Jarman at the Planning Committee meeting held on the 18th December 2014, the Parish Council would welcome working with Officers to work on the detail required for the S106 agreement to ensure that the money from development is ring-fenced for the residents of Harrietsham.*

5.01.03 *The Parish Council would request that the S106 agreement takes into account the items listed in the Harrietsham Neighbourhood Plan, which was submitted to Maidstone Borough Council in June of this year:*

- *Contributions towards the highways improvement project planned for the A20 through the village, including the redesigning of the West Street junction by the village green*
- *Contributions towards extending the provision of retail facilities within the village.*
- *Open space and communal landscaping within the application site to be transferred to Harrietsham Parish Council, and we would propose ongoing consultation with residents as part of the management program*
- *Contributions towards preparation and maintenance of the open space including the allotments to be provided*
- *Local Needs housing allocation must be a priority within the affordable housing element of the application. This should be the same approach as the agreement arranged for the Crest Nicholson site (The Hollies)*
- *Contributions towards improvements to the Harrietsham Doctors Surgery in Church Road. This is a specific local provision owned by the community. Therefore provision should be in addition to any other health provision*
- *Contributions towards village community facilities proposed for the new village centre as part of the Neighbourhood Plan*
- *Contributions towards the provision of public recreational and sporting facilities in Harrietsham*
- *Contributions towards the provision of youth facilities in Harrietsham*
- *Contributions towards the provision of a disabled lift for the footbridge at Harrietsham Station*
- *Contributions towards the development of the newly established nature reserve of Teers Meadow and a contribution to the on-going maintenance fund of the Glebe Field and Pilgrims Lake Nature Reserve. These are all significant village amenities.*
- *Contributions towards improving the former Network Rail footpath that runs from the A20 along the edge of the Booth Field to Church Road. Also, the footpath connection from Station to Court Lodge Road. This access route is part of the Neighbourhood Plan and agreement has recently been achieved to make it available.”*

5.03 Primary Care Trust (NHS Property Services) seek contributions towards local primary and community health services, being the Glebe Medical Centre, Church Road, and

Len Valley Medical Centre, of £360.00 per occupier of market housing (based on calculated occupancy rates of market housing), being a sum of £71,028.

5.04 Kent County Council seek contributions towards community and education infrastructure in the local area as follows:

- Primary Education: £2360.96 per applicable house and £590.24 per applicable flat towards expansion of Harrietsham Primary School.
- Secondary Education: No current requirement.
- Libraries: £148.68 per dwelling.
- Community Learning: £30.70 per dwelling.
- Youth Service: £8.44 per dwelling.
- Adult Social Care: £63.56 per dwelling.

5.05 Kent County Council Highway Services raise no objection to the proposal subject to the new access being secured under a S38 agreement and contributions towards the A20 improvement scheme.

5.06 Maidstone Borough Council Parks and Open Spaces raise no objection to the proposal, but confirm that in the event of the allotments not being provided and/or the open land in the south of the site not being available for ecological or legal reasons for the provision of Parks and Gardens, Equipped areas of play, outdoor sports facilities, allotments/community gardens, contributions would be sought for improvements to Glebe Fields and Booth Field, both of which are within 1km of the site and strong focal hubs for the local community, making the following detailed comments:

5.06.01 *"The way I see it there are several possible outcomes.*

- 1. The developer provides the open space for allotments which is utilised as allotments and the ecological mitigation/POS strips of land are not suitable for any form of use*
- 2. As No.1 but the strips of land are suitable for use as Open Space*
- 3. The developer does not provide open space onsite for allotments and the strips are not suitable for use*
- 4. As No.3 but the strips of land are suitable*

5.06.02 *I have used swiftmap to gain a rough idea as to the area of the land that is proposed as being provided on site. I've estimated the "Allotment" area as 0.50ha and the strips of ecological/POS land as 1.37ha.*

5.06.03 *If outcome No.2 is achieved then we would accept that and not seek any form of offsite contributions as it would exceed the minimum required onsite open space.*

5.06.04 *Any other outcome would result in an offsite contribution being sought.*

5.06.05 *The typical amount requested per dwelling when no onsite open space is provided is £1575. With the development being 113 dwellings and the required minimum open space per 1000 people in Harrietsham and Lenham being 4.36ha the following calculation can work out how much would be requested per 0.01ha*

$$\begin{aligned} 113 \text{ dwellings} \times 2.4 \text{ people} &= 271.2 \\ 271.2/1000 &= 0.2712 \\ 0.2712 \times 4.36 &= 1.18\text{ha} \end{aligned}$$

5.06.06 *1.18ha is the minimum amount of onsite open space we would expect to be provided for a development of this size*

£1575/118 = £13.35 per dwelling for every 0.01ha below the minimum requirement

5.06.07 *If the "allotment" area (approx 0.50ha) is provided yet the rest of the space cannot be utilised due to ecological reasons then there would be a shortfall of 0.68ha onsite. Therefore we would request $68 \times £13.35 = £907.80$ per dwelling which would equate to £102581.40 (Outcome No.1)*

5.06.08 *If the "allotment" area isn't provided and the rest of the space cannot be utilised due to ecological reasons then there would be no onsite open space provided. Therefore we would request $113 \times £1575$ which would equate to £177975 (Outcome No.3)*

5.06.09 *If the "allotment" area isn't provided and the rest of the space can be utilised as POS then the provision would achieve the minimum requirement of onsite open space. However, the use of this open space would need to be a formal use that is relevant and able to be used by the residents of the development. When calculating the minimum requirement of onsite provision the categories of Green corridors, natural/semi natural green spaces are not included as there is no standard set. Therefore it would need to be of use in the form of Parks and Gardens, Equipped areas of play, outdoor sports facilities, allotments/community gardens."*

5.07 **Maidstone Borough Council Housing Services** raise no objection to the proposal, stating that the proposed provision of affordable housing (being 40%, or 39% in the event of a FOG being taken up by the Parish Council) is acceptable in the circumstances of this case, the reduction being a result of the provision of a community facility and the unit reverting to affordable housing in the event of the use of the unit not being taken up by the Parish Council or ceasing, subject to the community facility coming out of the shared ownership element of the affordable housing provision on the site. The tenure mix (being 60/40 affordable rent to shared ownership), the mix of units (as set out in the table above in under paragraph 2.09), and the distribution of the affordable units within the site are also considered to be acceptable. The Housing Manager also confirms that in the absence of an up-to-date local needs housing assessment for Harrietsham, that it is not appropriate to restrict the affordable housing to being for local needs.

5.08 **Kent County Council Public Rights of Way** raise no objection to the proposal subject to a financial contribution of £200 per dwelling towards the improvement and maintenance of public footpaths KH272, KH272A, KH652, KH275 and KH276, and the making of the necessary orders to secure the extinguishment of the KH276 and provision of an alternative route, and the imposition of conditions and informatives. The extinguishment of the northern section of the KH276 (discussed further in paragraph 7.57) has been suggested by the Kent County Council Public Rights of Way Officer and incorporated into the layout by the applicant.

5.09 **Kent County Council Biodiversity Officer** raises no objection to the proposal, subject to conditions requiring the implementation of the recommendations of the Ecological Appraisal and Reptile Survey Report, and the submission of Construction Environmental Management Plan and Ecological Design Strategy, and implementation of the approved plans.

5.09 **Natural England** raise no objection to the proposal, making reference to their standing advice.

5.10 **Kent Downs AONB Unit** raises no objection to the proposal, making reference to the Kent Downs Management Plan. Concern was raised over the “lack of tree cover” and additional landscaping was requested within the site; no comments have been received in response to the reconsultation on the amended scheme. Reference was made to the need for a sensitive external lighting scheme.

5.11 **Environment Agency** raises no objection to the proposal subject to conditions requiring the submission of details of sustainable surface water drainage (which should include the provision of surface storage such as swales), and contaminated land investigation and remediation, and implementation of the approved details.

5.12 **Kent County Council Sustainable Drainage Manager** raises concern over the level of over the level of information provided, the detail of the scheme, the reliance on underground storage rather than surface attenuation measures and the absence of a management strategy.

5.13 **Maidstone Borough Council Landscape Officer** raises no objection to the proposal subject to conditions requiring implementation of the Arboricultural Impact Assessment, and the submission of landscaping and implementation of the approved details.

5.14 **MidKent Environmental Health Manager** raises no objection to the scheme in respect of land conditions and air quality, subject to conditions requiring details of contaminated land investigation and remediation if appropriate and implementation of the approved details; the submission of a sustainable travel plan (including welcome pack for residents, provision of car club parking bays and plug in an low emission charging facilities) and implementation of the approved details. Concern was raised over the impact of existing noise sources on the occupiers of the development and of the retail facility on the occupiers of neighbouring dwellings, but conditions were suggested to overcome these matters.

5.15 **Kent Police** raise no objection to the proposal, but raise concern over compliance with Secured by Design and therefore the Code for Sustainable Homes.

5.16 **Southern Water** note that there is a public foul sewer on the land (which will be subject to replacement and rerouting), and that the existing Harrietsham wastewater treatment works does not have the capacity to accommodate the flows generated from the development. On this basis, no objection is raised to the proposal subject to conditions requiring diversion of the sewer prior to commencement of the development, preventing occupation of the dwellings prior to the completion of any works necessary to provide adequate capacity in the local wastewater works, and requiring the submission of details of foul and surface drainage, and implementation of the approved details.

5.17 **UK Power Networks** raise no objection to the proposal.

5.18 **Network Rail (High Speed)** raise no objection subject to a condition identifying the impact of the development on HIGHSPEED1 or HS1 Property.

5.19 **Rural Planning Consultant** raises no objection to the proposal and confirms that the land comprises recent infill and does not constitute “best and most versatile” agricultural land.

5.20 **Maidstone Borough Council Conservation Officer** raises no objection to the proposal in respect of the limited impact on neighbouring listed buildings, or the Harrietsham (East Street) Conservation Area.

5.21 Kent County Council Archaeological Officer raises no objection to the proposal subject to the imposition of a condition requiring the submission of a programme of archaeological work and implementation of the approved details, notwithstanding the submission of a desk based survey due to the moderate archaeological potential of the site in respect of activity since the prehistoric period.

6.0 BACKGROUND PAPERS AND PLANS

6.01 The development proposals are shown on drawing numbers 061302-WARD-06, 061302-WARD-A-E1 rev A, 061302-WARD-A-E2 rev A, 061302-WARD-AA-E1, 061302-WARD-AA-P1 rev A, 061302-WARD-AB-E1, 061302-WARD-AB-P1, 061302-WARD-AC-E1, 061302-WARD-AC-P1, 061302-WARD-AD-E1, 061302-WARD-AD-P1, 061302-WARD-B-P1, 061302-WARD-BCS01, 061302-WARD-BLK4-P1, 061302-WARD-C-E1, 061302-WARD-C-E2, 061302-WARD-C-P1, 061302-WARD-CP01, 061302-WARD-CP02, 061302-WARD-CS01, 061302-WARD-E-E1, 061302-WARD-E-P1, 061302-WARD-G-E1, 061302-WARD-G-P1, 061302-WARDS-GAR01, 061302-WARDS-GAR02, 061302-WARDS-GAR03, 061302-WARDS-GAR04, 061302-WARDS-GAR05, 061302-WARD-J-E1, 061302-WARD-J-P1, 061302-WARD-K-E1, 061302-WARD-K-P1, 061302-WARD-SH01, 061302-WARD-SH02, 061302-WARD-SH03, 3094_DR_001 and 3094_DR_004 all received 21st May 2014; drawing numbers 061302-WARD-A-E4 rev A, 061302-WARD-A-P2 rev A, 061302-WARD-B-E1 rev A, 061302-WARD-BCS02, 061302-WARD-BCS03, 061302-WARD-BLK1-E1 rev A, 061302-WARD-BLK1-E2 rev A, 061302-WARD-BLK1-E4 rev A, 061302-WARD-BLK1-P3 rev A, 061302-WARD-BLK2-E1 rev A, 061302-WARD-BLK2-E2 rev A, 061302-WARD-BLK2-E4 rev A, 061302-WARD-BLK2-P3 rev A, 061302-WARD-BLK3-E1 rev A, 061302-WARD-BLK3-E2 rev A, 061302-WARD-BLK3-E3 rev A, 061302-WARD-BLK3-P3 rev A, 061302-WARD-BLK4-E1 rev A, 061302-WARD-BLK4-E2 rev A, 061302-WARD-BLK4-P2 rev A, 061302-WARD-BLK4-P3 rev A, 061302-WARD-CP03, 061302-WARD-D-E1 rev A, 061302-WARD-D-P1 rev A, 061302-WARD-L-E1, 061302-WARD-L-P1, 061302-WARD-RET-E1 rev A, 061302-WARD-RET-E2 rev A, 061302-WARD-RET-E3 rev A, 061302-WARD-RET-E4, 061302-WARD-RET-P1 rev A, 061302-WARD-SUB01, and 3094_DR_002 rev C received 21st November 2014; drawing numbers 061302-WARD-PLAN1 and 061302-WARD-PLAN2, all received 20th January 2015; and drawing numbers 061302-WARD-00 rev A, 061302-WARD-01 rev B, 061302-WARD-02 rev B, 061302-WARD-03 rev B, 061302-WARD-04 rev B, 061302-WARD-05 rev B, 061302-WARD-A-E3 rev B, 061302-WARD-A-P1 rev C, 061302-WARD-AA-E2 rev B, 061302-WARD-AA-E3 rev B, 061302-WARD-AA-P2 rev C, 061302-WARD-AA-P3 rev C, 061302-WARD-BLK1-E3 rev B, 061302-WARD-BLK1-P1 rev B, 061302-WARD-BLK1-P2 rev B, 061302-WARD-BLK2-E3 rev B, 061302-WARD-BLK2-P1 rev B, 061302-WARD-BLK2-P2 rev A, 061302-WARD-BLK3-E4 rev B, 061302-WARD-BLK3-P1 rev B, 061302-WARD-BLK3-P2 rev A, 061302-WARD-BS-01, 061302-WARD-F-E1 rev A, 061302-WARD-F-P1 rev A, 061302-WARD-H-E1 rev A, 061302-WARD-H-P1 rev A and 061302-WARD-MF-01 rev A, all received 27th January 2015.

6.02 The application is supported by drawing numbers 13179/ATR05, 13179/ATR01 A, 13179/ATR02 A, 13179/ATR03 B, 13179/ATR04 B, 13179-110 and 13179-111, and an Arboricultural Impact Assessment (undertaken by Lloyd Bore, reference 3094_RP_003), Archaeological Desk-Based Assessment (undertaken by CgMs Consulting, reference DH/KB/16917), Design And Access Statement, Ecological Appraisal (undertaken by Aspect Ecology, reference ECO3367.EcoApp.dv6), Flood Risk Assessment (undertaken by Banners Gate, reference 13179 FRA), Hard Landscape Materials and Shared Surface Design Guide (undertaken by Lloyd Bore, reference 3094/RP/001), Landscape and Visual Impact Assessment, Noise Assessment (undertaken by Sharps Redmore, reference 1414270), Planning Statement, Reptile Survey Report (undertaken by Aspect Ecology, reference

ECO3367.Rept Survey.dv6), Statement of Community Involvement and Transport Assessment (undertaken by DHA Transport, reference JSL/10140), all received 21st May 2014; and drawing numbers 061302-WARD-PER01 rev A, 061302-WARD-PER02 rev A, 061302-WARD-PER03 rev A, 061302-WARD-SS01 rev A, 061302-WARD-SS02 rev A, 061302-WARD-SS03 rev A, 061302-WARD-SS04 rev A, 061302-WARD-SS05 rev A, and 061302-WARD-SS06 rev A, and a Design and Access Statement Addendum, Planning Statement Addendum, Agricultural Land Assessment (undertaken Tim O'Hare Associates, reference TOHA/RWA), and SUDS Methodology Statement (undertaken by Kirk Saunders Associates, reference 5699-D008 rev A), all received 21st November 2014.

7.0 APPRAISAL

Principle of Development

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

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

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

7.02 In this case, none of the exceptions against the general policy of restraint apply, and therefore the proposal represents a departure from the Development Plan. It then falls to be considered firstly whether there are any material considerations which indicate that a decision not in accordance with the Development Plan is justified in the circumstances of this case, and (if so) secondly whether a grant of planning permission would result in unacceptable harm, such that notwithstanding any material justification for a decision contrary to the Development Plan, the proposal is unacceptable.

7.03 The key material consideration outside of the Development Plan in the determination of applications for residential development in the open countryside is national planning policy as set out in the National Planning Policy Framework 2012 (NPPF) and the Council's position in respect of a five year housing land supply.

7.04 Paragraph 47 of the NPPF states that Councils should;

"identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land;"

7.05 Relevant to this, the NPPF requires that local authorities have a clear understanding of housing needs in their area, and as such they should prepare a Strategic Housing Market Assessment (SHMA) to assess their full needs; working with neighbouring authorities where housing market areas cross administrative boundaries. Maidstone has carried this out with Ashford Borough Council and Tonbridge and Malling Borough Council. The SHMA (2014) confirms the objectively assessed housing need for the borough over the plan period 2011 to 2031 as 19,600 dwellings (980 dwellings per annum). Subsequent to this, the objectively assessed housing need was revised downwards to 18,600. This figure, which is based on central government population projections based on 2011 census data, was reported to, and accepted by, Cabinet on 10th September 2014.

7.06 In April 2013 when most recently calculated, the Council had a two year supply of housing assessed against the objectively assessed housing need of 19,600 dwellings (at that time). Even when considered in light of the reduction in the assessed housing need and the housing permissions granted since that date, the Council remains in the position of being unable to demonstrate a 5 year housing land supply.

7.07 This lack of a five year supply is a significant factor and at paragraph 49 of the NPPF it is stated that housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing (such as ENV28 which seeks to restrict housing outside of settlements) should not be considered up-to-date if a five year supply cannot be demonstrated. This position has been reflected in recent appeal decisions issued since the publication of the NPPF. In this policy context, the presumption in favour of sustainable development identified in paragraph 14 of the NPPF means that permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits of the application, when assessed against the policies of the NPPF as a whole.

7.08 In respect of the circumstances of the specifics of this case, the proposal site is located adjacent to the settlement boundary of Harrietsham, identified as a Rural Service Centre (RSC) in the draft Local Plan under draft policy SP3, providing a range of key services including a school and community facilities, albeit that they will require improvement commensurate with any increase in population, and good public transport links to employment and retail centres.

7.09 RSC's are considered the most sustainable settlements in Maidstone's settlement hierarchy outside of the town centre and urban area, as set out in the draft Local Plan, by virtue of their accessibility, potential for growth and role as a service centre of surrounding areas. The draft Local Plan states that, "Rural service centres play a key part in the economic and social fabric of the borough and contribute towards its character and built form. They act as a focal point for trade and services by providing a concentration of public transport networks, employment opportunities and community facilities that minimise car journeys."

7.10 In this context, it is considered that the location of the site is sustainable in the terms of the NPPF and draft Local Plan.

7.11 Furthermore, the application site is a housing allocation within the emerging Local Plan for 70 dwellings under the scope of policy H1(26), albeit only the northern part, subject to the following detailed criteria:

- *An undeveloped section of land will be retained on the eastern and southern parts of the site to create a buffer between development and the adjacent open countryside.*

- *Provision is made on the northern frontage of the site with the A20 Ashford Road for small scale convenience shopping to enhance the quality and range of shops available in the village.*
- *Access will be taken from the A20 Ashford Road only.*
- *Development will be subject to the results and recommendations of a phase one ecological survey.*
- *Development will be subject to a noise survey to determine any necessary attenuation measures in relation to the M20 motorway and HS1 railway line.*
- *Provision of publicly accessible open space as proven necessary, and/or contributions.*
- *Appropriate contributions towards community infrastructure will be provided, where proven necessary.*
- *Appropriate contributions towards a highways improvement scheme for the section of the A20 Ashford Road that passes through Harrietsham.*
- *Appropriate contributions towards the provision of a safe pedestrian and cycle crossing point on the A20 Ashford Road, to be agreed with the Highways Authority.*
- *Improvements to and provision of pedestrian and cycle links to the village centre.*
- *Approximate development density of 30 dwellings per hectare.*

7.12 As set out above in paragraph 3.03, an amendment to the allocation to include the entirety of the ZBD is currently in the process of being considered by the Planning, Transport and Development Overview and Scrutiny Committee prior to being taken to Cabinet.

7.13 The Council is not in a position to demonstrate a five year housing land supply, and as such normal restraints on volume residential development in the open countryside in accordance with policy ENV28 of the adopted Local Plan is considered out of date, although considerations of sustainability and other harm remain to be considered. In such circumstances the NPPF advises that when planning for development through the Local Plan process and the determination of planning applications, the focus should be on existing service centres and on land within or adjoining existing settlements. The development of this site is therefore in accord with the objectives of the NPPF. The application is also supported by the allocation of the site for housing and retail in the emerging Local Plan, and also in the draft Harrietsham Neighbourhood Plan (which as stated above is a material consideration, although I do not consider it grounds to approve the application in its own right).

7.13 Furthermore, the bringing forward of development on this sustainable site adjacent to an RSC, identified as being suitable for residential development in the emerging Local Plan, will of itself contribute towards the provision of housing and therefore help in meeting the shortfall in housing supply. This also represents a strong material consideration in favour of the development.

7.14 In terms of the proposed retail use, this is contrary to adopted Development Plan policy insofar as it constitutes a convenience store located outside of a defined settlement boundary. However, set against this is the location of the proposed store in a sustainable

location on the edge of the village centre, and the recognition in the emerging Local Plan that new retail development will be supported in RSCs such as Harrietsham under the scope of policy SP3, with the proposal site being identified for such a use in Local Plan housing allocation H1(26) and Harrietsham draft Neighbourhood Plan policy COM01. In light of the age of the adopted Maidstone Borough-Wide Local Plan 2000, the presumption in favour of sustainable development and the promotion of prosperous rural economies set out in the NPPF, and the thrust of emerging policy and allocation of the site for such use in the draft Local and Neighbourhood Plans, whilst this element of the proposal represents a departure, on balance the introduction of a convenience retail store in this location is considered to be acceptable.

7.15 The concerns raised in respect of pre-maturity of consideration of the application due to the current status of the draft Local and Neighbourhood Plans is noted, however the Local Planning Authority has a duty to determine applications as and when submitted, and cannot refuse to determine applications on the basis that the policy framework is immature. Given the requirement for further work and procedural stages to be completed in respect of both documents, including examination, and the likely timetable for this to take place, and in light of the Council's position on its 5 year land supply (as discussed above) it is not appropriate or reasonable to delay consideration of the application in this regard.

7.16 For these reasons, it is considered that the principle of the development is, by virtue of national planning policy as set out in the NPPF and local planning policy as set out in the emerging Local Plan, acceptable in the circumstances of this case, subject to detailed consideration of whether any adverse impacts of the development would outweigh the benefits of the application in respect of the provision of housing in a sustainable location. In the circumstances of this case, the key planning issues are considered to be visual impact and landscaping; density of the development (including whether the site can suitably accommodate 113/114 dwellings) and cumulative impact; affordable housing and other contributions; residential amenity; access/highway safety; PROWs; ecology; flood risk, drainage and contaminated land; and the impact of the introduction of a new retail unit.

Visual Impact and Landscaping

7.17 The proposal is for the redevelopment of a greenfield site in the open countryside; as such, there will inevitably be a degree of visual impact as a result of the proposal. The development of agricultural sites on the edges of established settlements recognised as having the potential to accommodate volume housing development will inevitably result in some degree of visual change to the environment, however this must be set against the existing pattern of development local to the site and the absence of any local or national recognition of the site as a valued landscape. In the circumstances of this case, the impact of the development is increased by the visibility of the site in views from the A20 and the various public rights of way which run through and adjacent to the site. However, the site is not as prominent in medium and long distance views of the site as might be expected. This is due to a number of features particular to the site, including the topography of the ZBD which is set down in a shallow valley in relation to the A20 and the land to the south. This lower elevation would serve to diminish the visual impact of development within the site. In any case, development within the site would be screened in large part from direct views from the north by virtue of the arrangement of the retail unit, block 1 and the terrace fronting the site access, the dominance in the streetscene of which would be tempered by the set back of these buildings behind a landscaped public amenity space which would function as an extension to the existing village green. These design features, particularly the introduction of open space, the humanisation of the A20, and the introduction of a convenience retail unit, whilst contrary to the policies of the adopted MBWLP [albeit out of date in terms of the NPPF], are in accordance with the emerging Local Plan and Harrietsham Neighbourhood Plan, which seek to improve the retail offering within Harrietsham, focussing on the existing

heart of the village to the immediate north of the proposal site. The retail unit and block 1, whilst larger in scale than the neighbouring buildings, would to my mind provide a transition between the height of the “roundels” of the Roebuck Business Estate and the more modest domestic scale of the dwellings which make up Taylor Close. The arrangement of these gateway features, in maintaining the building line established by the existing built environment and allowing the introduction of extensive landscaping and public open space to the site frontage, represent a sensitive treatment of the relationship between the site, the A20, adjacent built development, and not least the historic village green.

7.18 Views into the site from the north are constrained by the presence of buildings with a screening effect, notably those of the Roebuck Business Estate, which in the “oast and barn” style buildings fronting onto the A20 immediately to the west of the site access, set a clear precedent for landmark buildings within the close vicinity of the site. A similar, albeit lesser, screening effect is provided by the residential properties along the south of the A20. In longer distance views from the Kent Downs Area of Outstanding Natural Beauty, the southern boundary of which is located to the north of the village, views are disrupted by the existing built form of Harrietsham and the route of the mainline railway line, which is elevated in relation to the site and has wooded embankments which of themselves provide a screening function within the wider landscape. In views from the south, the M20 motorway and CTRL corridor, which is partly elevated to the south of the site and intensively landscaped, again provides a screening effect. It is also the case that the proposed development would be seen against the built development of the Roebuck Business Estate and Taylor Close, and beyond, the main built form of the core of the village. There is in fact a strong argument to be made that the proposal, in addressing the matter of the siting of the frontage between a commercial use and residential properties, the village green and the physical and psychological over-dominance of the A20 in this location head on, would go a long way to reconciling this discordant combination of land uses, whilst retaining them, and tempering the detrimental impact of the A20 in this part of the village. However, notwithstanding the fact that the development would be seen against the backdrop of the existing built environment of Harrietsham, which includes development of a wide range of appearance and scale, and would be further framed to a certain extent by the existing major transport infrastructure to the north and south of the site, including the M20, the A20, the CTRL and the mainline railway, it is considered that a condition requiring the submission and approval of all external lighting is appropriate and necessary to minimise the visual impact of the site, particularly at night, when it might not otherwise appear so obvious in wider views.

7.19 It is also the case that the site boundaries to the north west and north east of the ZBD are robustly vegetated by mature native hedges, which provide a substantial degree of screening to the interior of the site from these perspectives. The indicative landscape masterplan shows these hedges to be retained, and open space and new landscaping, including tree planting, to be provided to the south and south east boundaries within the development in order to soften these edges to the ZBD, and in the case of the southern boundary of the development, provide a transition between the scheme and the open space being maintained in the south and west of the site for publicly accessible space (including land allocated for allotments) and ecological mitigation. In order to safeguard the effectiveness and long term survival of the necessary landscaping, which would make a wider positive contribution to the character of the immediate area, conditions are suggested requiring the submission of a detailed landscaping scheme arrived at in accordance with the recommendations of the Maidstone Borough Council Landscape Character Assessment 2012 and Maidstone Borough Council Landscape Character Assessment Supplement 2012 and a ten year implementation condition in order to allow the screening of this sensitive village edge site to mature and survive in the longer term. A condition requiring compliance with the submitted Arboricultural Impact Assessment and the submission of an Arboricultural Method Statement is also suggested in order to safeguard the existing hedgerows on and adjacent to the site, for a similar purpose.

7.20 Within the site, the architectural design is considered to be in keeping with the local vernacular of Harrietsham, and to include features that will promote visual interest within the streetscene and natural surveillance within the development. The quality of the proposed scheme can further be enhanced by way of the use of high quality natural and traditional materials, as well as architectural detailing which enhances the sense of place of the development as well as providing a physical connection to the historic fabric of the village, such as rafter feet and recessed joinery detailing. As such, conditions requiring the submission of details and samples of materials and architectural detailing are considered to be reasonable and necessary in the circumstances of this case.

7.21 For these reasons, in the circumstances of this case, the broad visual impact and design quality of the proposal is considered to be acceptable, subject to the conditions set out above.

Density and Cumulative Impact

7.22 Although the site spreads over an extensive area, as described above in section 1 above, built development is restricted to the northern part of the eastern portion of the site, and the net development density is therefore 37dpha, although the gross density is 23.75dpha. Whilst this is above the indicative density in the regulation 18 version of draft Local Plan policy H1(26), the developable area of the site as proposed has increased following further detailed site assessment as part of the application process. This is considered on balance, in the context of the village centre location (albeit outside the currently defined settlement boundary in the MBWLP 2000) to be acceptable in the circumstances of this case. This change is reflected in the proposed amendment of the site allocation in the emerging Local Plan presented to Members in the report to the Planning, Transport and Development Overview and Scrutiny Committee on 20 January, which will also be considered by Cabinet in due course.

7.23 Members will be aware that the current application is one of several that have come forward for volume residential development in and around the settlement of Harrietsham over the last year. These include the Hook Lane site (80 dwellings), the Tongs Meadows site (105 dwellings), the Mayfield Nursery site (49 dwellings) and the Church Road site (79 dwellings), the last two of which have recently been considered by the Planning Committee. These schemes, together with that currently under consideration, would provide a gross total of 426 dwellings. In the context of the emerging Local Plan, which has identified Harrietsham a Rural Service Centre suitable for accommodating residential growth due to its range of key services and good accessibility to Maidstone and other retail and employment centres, and as such the cumulative impact of the scheme is considered to be acceptable, subject to continuing improvements in community facilities such as the recent replacement primary school.

7.24 In terms of pressure on local social infrastructure, including highways, it is clear from the consultation responses that subject to financial mitigation being provided for the expansion or provision of additional services, Harrietsham is considered capable of absorbing the additional population which would result from a grant of planning permission in this case in addition to these other developments. These contributions are discussed in further detail below in paragraphs 7.27-7.43 below.

7.25 In any case, the applications relating to the Tongs Meadows site is currently undetermined, and those relating to the Mayfield Nursery and Church Road sites are outline; there is therefore no certainty that they will come forward for developing out in the foreseeable future.

7.26 For these reasons it is considered that the cumulative impact of the development, when assessed in the context of the existing consents on other sites in and around Harrietsham, is acceptable.

Affordable Housing and S106 Contributions

7.27 A development of this scale will place extra demands on local services and facilities and it is important to ensure that the development can be assimilated within the local community. As such, policy CF1 of the Maidstone Borough-Wide Local Plan 2000 and the Council's Open Space DPD allow for suitable contributions to make the development acceptable in planning terms to be sought in line with policies of the Local Plan.

7.28 This is supported by policy ID1 of the emerging Local Plan, which relates to infrastructure delivery. The preamble of the draft policy sets out the Council's progress towards developing its Community Infrastructure Levy (CIL), and in the event of competing demands for developer contributions towards the delivery of infrastructure for new development proposals, identifies the Council's hierarchy of prioritisation as follows:

affordable housing, transport, open space, public realm, health, education, social services, utilities, libraries and emergency services.

7.29 In this case, the applicant proposes 40% affordable housing built to lifetime Homes standards (39% if the community facility offer is taken up by the Parish Council), which is in accordance with the current Maidstone Borough Council Affordable Housing DPD. As set out above, in the circumstances of this case the Maidstone Borough Council Housing Manager has indicated that a reduction to 39% is acceptable. The proposed distribution of affordable housing within the site (blocks 2, 3 and 4 and plots 62 – 72 inclusive, 80 to 83 inclusive, and 97 and 98) and the mix of housing stock and tenure (60% social rented and 40% shared ownership), being a mix of 3 x 1-bed units, 27(26) x 2-bed units and 13 x 3-bed units have been arrived at in consultation with the Council's Housing Officer who has raised no objection to the details proposed. Therefore, subject to a S106 agreement safeguarding the proposed provision and the securing of the FOG on plot 9 for the provision of a community facility for use by the Parish Council OR its provision as a shared ownership affordable housing unit in the event of the Parish Council failing to take up, or ceasing, the use, this element of the proposal is considered to be acceptable in the circumstances of this case.

7.30 In terms of financial contributions towards social infrastructure other than affordable housing, any request for contributions needs to be scrutinised, in accordance with Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010. This has strict criteria that set out that any obligation must meet the following requirements: -

It is:

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development.

7.31 In this case, the following contributions have been sought in respect of the proposed development, which will be considered in detail below:

- **£2,360.96 per 'applicable' house and £590.24 per 'applicable' flat** is sought towards the expansion of Harrietsham Primary School.
- **£148.68 per dwelling** is sought to be used to address the demand from the development towards additional bookstock and services at local libraries serving the development.

- **£30.70 per dwelling** is sought to be used to address the demand from the development towards the provision of new/expanded facilities and services both through detailed adult education centres and through outreach community learning facilities local to the development.
- **£8.44 per dwelling** is sought to be used to address the demand from the development towards youth services locally.
- **£63.56 per dwelling** is sought to be used to address the demand for adult social care services from the development towards the provision of new/expanded facilities and services both on site and local to the development including assistive technology, and enhancement of local community facilities to ensure full DDA access.
- **£71,028** (£360 per person, per market housing unit calculated in accordance with NHS formulae of occupancy) is sought towards the improvement of primary care medical facilities local to the development.
- **A sum in the region of £3,500 per unit** (delegated powers to be sought to finalise the exact sum under the scope of the legal agreement) is sought towards the improvement of the A20 and associated public realm improvements.
- **The provision of land** identified on drawing number 061302-WARD-PLAN2 received 20th January 2015 for public allotments and **£102,581.40** (£907.80 per dwelling based on 113 residential units) towards the improvement of parks and open spaces within 1km of the proposal site OR **£177,975.00** (£1,575 per dwelling based on 113 residential units)
- **£200 per dwelling** is sought to be used for the improvement and maintenance of PROWs local to the site.

7.32 Kent County Council has requested a contribution of £2,360.96 per 'applicable' house and £590.24 per 'applicable' flat towards extension of Harrietsham Primary School. Evidence has been submitted that demand for places at this school will, as a result of the cumulative impact of developments in the vicinity of the village, exceed capacity. The contributions set out above would go towards meeting the additional strain placed upon the school facilities within the locality, and is considered to be a reasonable sum, related to the scale of the development. I am therefore satisfied that this contribution meets the tests as set out above.

7.33 A contribution of £148.68 per dwelling is sought by Kent County Council towards additional bookstock and services at the local library on the basis that the development would result in additional active borrowers when overall borrower numbers are in excess of area service capacity and bookstock in Maidstone generally below the County and UK average. I consider this request to be compliant with policy CF1 and to meet the tests set out above.

7.34 A contribution of £30.70 per dwelling is sought by Kent County Council towards the provision of new/expanded facilities and services for adult education centres and outreach community learning facilities in light of the current shortfall in provision and likely additional strain that would be placed on the service by the proposed development. I consider that this request is justified, compliant with policy CF1 and the three tests as set out above.

7.35 A contribution of £8.44 per dwelling is sought by Kent County Council towards local youth services in order to accommodate the additional strain that would be placed on the service by the proposed development. I consider that this request is justified, compliant with policy CF1 and the three tests as set out above.

7.36 A contribution of £63.56 per dwelling is sought by Kent County Council towards adult social services to be used towards provision of assistive technology and enhancement of

local community facilities to ensure full DDA compliant access to clients. I consider that this request is justified, compliant with policy CF1 and meets the three tests as set out above.

7.37 A contribution of £71,028 is sought to support the delivery of investments highlighted within the PCTs Strategic Service Development Plan. This would be directed towards local surgery premises at The Glebe Medical Centre and Len Valley Medical Centre. I consider this request to be justified, compliant with policy CF1 and the three tests as set out above. The Parish Council's desire that additional funding be secured for The Glebe facility over and above this is considered to fail the tests, and to ring fence the funds sought for this facility is unduly restrictive in the context of the need for the funds to be spent within set time frames.

7.38 A contribution of approximately £3,500 per unit (actual sum to be finalised under delegated powers) is sought towards the A20 improvement scheme which would provide traffic calming measures and public realm improvements to the A20 in Harrietsham in accordance with emerging Local Plan policy (including those relating to housing allocations in Harrietsham). Draft emerging Local Plan policy H1(26) refers to appropriate contributions towards a highway improvement scheme for the section of the A20 Ashford Road that passes through Harrietsham. The Borough Council is currently working with consultants and the County Council on an improvement scheme to redress the setting of the A20 from an outmoded and overbearing design incorporating excessive road space, to one which is more conducive to lower traffic speeds and user friendly conditions for pedestrian and other resident users, thereby reducing the detrimental impact of the A20 in forming a physical and psychological barrier between the northern and southern parts of the village, whilst the land freed up by the narrowing and re-alignment of the highway will be available for improvements to the public realm including the enlargement of the village green to the north of the A20. Members will be aware that this is consistent with the recent resolutions to grant planning permission subject to appropriate legal mechanisms in respect of the Mayfield Nursery and Church Road sites.

7.39 Due to the scale of new residential development proposed to both the north and south of the A20 in Harrietsham and resultant increases in vehicular and pedestrian movements which will inevitably result, and the need for the relevant authorities to fully consider the cumulative impact of the major housing schemes coming forward in the round, it is considered that the proposed works to the highway are reasonable, necessary and related to the planning applications in respect of lowering traffic speeds, re-engaging motor vehicle users with the village itself and improving the safety and overall environment of pedestrians and other road users. The sum is yet to be finalised as the precise detail of the highway improvement scheme is still in the process of being determined, however it is likely to be in the region of £3,500 per unit. This request is considered to be justified and compliant with Maidstone Borough-Wide Local Plan 2000 policy CF1, emerging Local Plan policy H1(26) and the draft Harrietsham Neighbourhood Plan, as well as the three tests as set out above.

7.40 The requirements in relation to Parks and Open Spaces are complex, as set out in paragraphs 5.06 to 5.06.09 inclusive above, which assess the four possible "outcomes". To my mind, outcomes 1 and 3 are the realistic options; the inclusion of the land in the south of the site is not to be relied upon as it is proposed to be used for ecological mitigation, and is also subject to extremely restrictive covenants relating to the CTRL. As such, its use for the forms of park and open space which would contribute towards provision (i.e. over and above the semi-wild open space which is currently proposed) and its loss as a landscaping buffer is unacceptable. Outcome 1 is the preferred option as it accords with the objectives of the draft Harrietsham Neighbourhood Plan, would allow for the "extension" of the existing allotments, and would provide on site mitigation well related to the proposed development. This would require the gifting of the land identified on drawing number 061302-WARD-PLAN2 for the

provision of public allotments within a set time frame and the provision of the sum of £102,581.40 (based on 113 residential units) to mitigate the shortfall in on site provision. In the event of the failure to comply with this, the full sum of £177,975.00 (based on 113 residential units) would be sought. I consider that this request is justified, compliant with the Maidstone Borough Council Open Spaces DPD, and emerging Local Plan policy CF1 and the three tests as set out above, and can be satisfactorily safeguarded by way of a legal mechanism.

7.41 The Kent County Council Public Rights of Way Officer has requested a contribution of £200 per dwelling towards the improvement of the KH272, KH272A, KH275, KH276 and KH652, which occupiers of the site would reasonably expect to use, including improvement of the surfaces. I consider that this request is justified, and meets the three tests as set out above. The request is also expressly compliant with policy H1(26) of the emerging Local Plan.

7.42 Members will note that there is uncertainty over the total number of residential units proposed due to the inclusion of an either/or provision in the proposal for the unit on plot 9 to be used either as affordable housing or a community facility; this will inevitably have an impact upon the pro rata contributions sought. As such, I propose that it be written into the legal agreement that, in the event of the use of the unit as a community facility not being taken up or ceasing, prior to first occupation (as a unit of shared ownership affordable housing) for residential purposes, the pro rata contributions in respect of education, libraries, adult education, youth services, adult social care services, A20 improvements and parks and open spaces, be paid to the appropriate party or parties. Contributions towards health care provision are not in respect of affordable housing so would be outside of the scope of this element of the legal agreement.

7.43 The contributions set out above are considered to be necessary to mitigate the impact upon local social and other infrastructure, to be reasonably related to the character and scale of the proposed development, to be fully financially justified, tested against the requirements of S122 of the Community Infrastructure Levy Regulations 2010, and otherwise compliant with existing and emerging Development Plan policy. The provision of these contributions by way of an appropriate legal mechanism is therefore considered to be acceptable.

Residential Amenity

7.44 The key properties that would be affected by the development are those of Taylor Close, in particularly number 1, the garden of which adjoins the KH276, beyond which is the proposed retail unit. This dwellinghouse is a two storey semi-detached dwelling fronting onto the A20, which has no openings to the facing elevation. Whilst there is a side garden between the building and the site, this has a width of approximately 2m, and its main (south facing) garden is to the rear of the property. strip of land proposal site.

7.45 The retail unit is the closest element of the development to this dwellinghouse. It is proposed to be located to the west of the dwelling, and its front elevation to be in line with that of the existing building. The retail unit would be a single storey building with a false hipped roof, with a depth of 14m, projecting rearwards beyond the rear elevation of the dwellinghouse by approximately 5m. To the rear of the building would be the service area of the unit.

7.46 Concerns have been raised in respect of the impact of the development on the occupiers of Taylor Close, and in particular number 1, in relation to noise, loss of light and loss of privacy.

7.47 The MidKent Environmental Health Manager has been consulted, and has recommended conditions requiring the submission and approval of details of all plant to be submitted and the approved details to be implemented. In addition to this, I propose additional conditions restricting the hours of operation of the unit, and the hours during which deliveries can be received, as well as a service yard management plan in order to safeguard the amenity of the occupiers of neighbouring dwellings.

7.48 In respect of the impact of light on the occupiers of the neighbouring dwelling, the adjacent property has no facing windows. In any case, the BRE light test indicates that the proposed building would not result in any loss of light to land within the adjacent plot. Whilst it will introduce built form to what is presently an open field, the scale of the retail unit and its design, together with the associated landscaping, and the separation distance between facing elevations of 5.5m, are such that it is not considered that it would give rise to harm by way of the introduction of a development of unduly overbearing presence.

7.49 No openings are proposed to the side elevation of the retail unit facing the dwelling, and as such it is not considered that this element of the proposal would give rise to loss of privacy, given that the roof of the building and the service area would not be available for public use. Elsewhere, the separation distances between existing and proposed dwellings are of sufficient magnitude for there to be no conflict.

7.50 In terms of the residential amenity of the future occupiers of the proposed dwellings, the scheme has been designed such as to not prejudice privacy or light, either from other properties within the development, or from the surrounding land uses. Concern has been raised by the MidKent Environmental Health Manager in regard to the residential amenity of future occupiers in respect of noise disturbance. An acoustic report has been submitted in support of the application, which indicates that mitigation is possible by way of enhanced glazing and mechanical ventilation although specific details of this have not been provided. The MidKent Environmental Health Manager, however, has suggested a condition to address this area of concern, which would require the submission of a further report including the necessary details of mitigation for dwellings and associated gardens.

7.51 For the reasons set out above, it is not considered that there is any objection to the proposal on the grounds of impact on residential amenity.

Highways

7.52 The proposed access would be located in the approximate position of the existing site access, which is central to the site frontage with the A20.

7.53 The proposed access and associated features have been fed into the draft A20 improvement scheme, which includes alterations to the highway which will serve the proposal site as well as achieving a reduction in the speed limit to 30 mph throughout the village, supported and enforced by way of the introduction of gateway features to the east and west of the village centre, narrowing and realignment of the carriageway, shared pedestrian/cycle paths, adjustments to street lighting, and the works to facilitate pedestrian movement across the highway, including the introduction of additional crossing points, and the repositioning/reworking of existing crossing points, all of which will cumulatively benefit and mitigate the highway impact of this and other developments coming forward in and adjacent to the village. A contribution towards the cost of the implementation of the final scheme is being sought, as set out above in paragraphs 7.31, 7.38 and 7.39, which is likely to be in the region of £3,500 per unit, delegated powers being sought to finalise the exact amount under the scope of the negotiation of the legal agreement.

7.54 The Kent County Council Highway Services Engineer has confirmed that the proposed arrangement of the access and the routes within the site is acceptable, and also that the parking layout and provision is suitable for both the retail and residential elements of the development, and in order to safeguard this, I propose a condition retaining parking and garaging areas for that purpose.

7.55 The Parish Council's request in relation to the improvement of Harrietsham railway station is noted, and further information has been sought in this regard. However, it transpires that the works to introduce a lift exceed £1,000,000, and have not been fully scrutinised, or monies sought in relation to other recently determined proposals for residential development in Harrietsham. As such, it is not considered reasonable to seek a contribution in relation to the current application.

7.56 For the reasons set out above, it is not considered that there is any objection to the proposal on the grounds of impact on highway safety.

Public Rights of Way

7.57 Following initial objections from the Kent County Council Public Rights of way Officer, the scheme has been redesigned to accommodate the route of the KH272, and as such no objection is raised to the scheme, subject to contributions towards the improvement and maintenance of PROWs local to the site, as described in paragraphs 5.08 and 7.29 above. The route of the KH275 has been excluded from the ZBD and as such will remain unchanged, although it will inevitably be more enclosed than previously as a result of the introduction of some built development, as well as parking and landscaped areas which will abut the route of the PROW. The scheme has also been amended, in response to comments from the Kent County Council Public Rights of Way Officer, to include the partial extinguishment of the KH276 where it is adjacent to the proposed retail unit. An alternative, appropriately surfaced and landscaped pedestrian route will extend between the proposed public space at the access to the development, to the rear of the retail unit where the footpath will continue along the site boundary. It is not considered that this would cause detriment to rights of access to the open countryside or be prejudicial to users of the public right of way network hereabouts, and would provide a more pleasant route, the current footpath requiring users to edge around an electricity substation located adjacent to the A20. The proposed extinguishment would also allow for additional screening to be introduced between the service area of the retail unit and the adjacent property. This element of the proposal will be required to be advertised as it is a late amendment to the scheme, and thus I propose to incorporate additional consultation responses into the recommendation accordingly.

7.58 Subject to the conclusion of the advertisement of the extinguishment of the KH276, as discussed above, appropriate contributions and imposition of a condition requiring the provision of an acceptable alternative pedestrian way prior to first occupation of the development, it is not considered that there is any objection to the proposal on the grounds of impact on PROWs.

Ecology

7.59 Concerns have been raised about the detrimental impact of the scheme on biodiversity assets. An Ecological Appraisal and Reptile Survey Report have been supplied in support of the application. These indicated that the ZBD had a low potential for reptiles, although the remainder of the site, particularly the west, had greater potential, and the site as a whole is otherwise of limited ecological value, although some bat activity was recorded. The reports suggest mitigation including the translocation of specimens to an appropriately managed receptor site in the south of the site, the use of reptile exclusion fencing, the

retention of mature hedges and trees, wildlife planting, the introduction of log piles and hibernacula, and the provision of bat and bird boxes and gaps in fencing to the fabric of the development.

7.60 The Kent County Council Biodiversity Officer raises no objection to the proposal on the basis of the information provided subject to implementation of the recommendations of the Ecological Appraisal and Reptile Survey Report, and the submission of Construction Environmental Management Plan and Ecological Design Strategy in order to safeguard habitat in the margins of the site and adjacent including mature hedgerows and the watercourse and to secure ongoing mitigation of an appropriate quality in the southern part of the site, and implementation of approved details, which are considered to be appropriate and necessary in this case.

7.61 Subject to the imposition of the relevant conditions, it is not considered that there is any objection to the proposal on the grounds of harm to biodiversity assets.

Flood Risk, Drainage and Contaminated Land

7.62 The site is not a location recorded by the Environment Agency as being prone to fluvial flood, and as such no objection is raised to the proposal on the grounds of flood risk. A flood risk assessment has been provided in support of the application, the focus of which is surface water flooding. The report recommends that a surface water management strategy be developed for the scheme, and that SUDS techniques be incorporated into the detailed design of the development. Subsequently, a SUDS Methodology Statement has been provided, however the Environment Agency and Kent County Council Sustainable Drainage Engineer (as the emerging drainage authority) raise concerns over the level of information provided, the detail of the scheme, the reliance on underground storage rather than surface attenuation measures and the absence of a management strategy. However, notwithstanding this, no objection is raised by the Environment Agency in respect of flood risk, subject to the imposition of pre-commencement conditions requiring the submission of details of a sustainable surface water drainage scheme, and implementation of the approved details.

7.63 In respect of foul water, Southern Water have confirmed that there is inadequate capacity in the current local waste water system for the transfer and treatment of additional material, and that therefore improvements to infrastructure including the Harrietsham waste water treatment works will be required to accommodate the proposed development. This would be dealt with by way of a S98 agreement by way of the provisions of the Water Industry act 1991, however in the circumstances of this case it is considered appropriate for a condition preventing occupation of the development until the necessary works required to the accommodate the waste have been implemented.

7.64 The land is not known to be contaminated, however its former use as a CTRL depot is such that there may be contaminants present, and conditions have been requested by the Environment Agency and the MidKent Environmental Health Manager in relation to the investigation and remediation of contaminated land. These are considered, in the circumstances of this case, to be reasonable and necessary.

Other Matters

7.65 The issue of restricting the affordable housing proposed as part of the development has been raised by both the Parish Council and Councillor Sams. As was the case in the consideration of the Church Road and Mayfield Nursery applications at recent Planning Committees, the proposal has been put forward and assessed on the basis of providing affordable housing to address general need in Maidstone Borough. The Maidstone Borough

Council Housing Manager has advised that although there is anecdotal evidence of local need for housing, this is not reflected in the make up of the housing register, or supported by any up to date assessment of housing need in Harrietsham. Given the local needs housing provided by way of the Hollies development (which was arrived at in conjunction with a report on local need provided by the applicant in 2011), it is not considered that a restriction in this respect is justified, particularly in relation to the social rented accommodation to be provided. This is consistent with the decisions taken in respect of the two recent applications referred to above.

7.66 A sustainable travel plan and conditions requiring the provision of electronic car charging points and a parking space for car club use have been requested by the MidKent Environmental Health Manager. The first of this is considered to be reasonable and necessary, however the second is unreasonable given the funding available to Kent County Council for the provision of such infrastructure (who should seek to work with the developers if the incorporation of such infrastructure is sought in the build out of new developments), and in the absence of a local car club scheme which would utilise the requested parking space, the latter is also considered to be unreasonable and unnecessary at the current moment in time, although this is not to say that it will not be in the future.

7.67 Concern has been raised in respect of the impact of the proposed development on designated and non-designated heritage assets, and it is recognised that the northern boundary of the site is located in close proximity to a Grade II listed building. However it is the view of the Council's Conservation Officer that the physical separation of the proposed development from the listed building by distance and the physical barrier of the A20 are factors that limit the impact on the setting of this heritage asset, and I concur with this assessment.

7.68 The site is recorded as being of some archaeological interest, and as such a condition has been requested from the Kent County Council requiring an archaeological watching brief. This is considered appropriate and necessary to safeguard heritage assets in the circumstances of this case.

7.69 Network Rail have requested a condition requiring the developer to contact them in order to assess the impact of the development on HS1 (CTRL). As all built development is outside of the covenanted exclusion zone, and the ecological mitigation and semi-wild open space proposed in this area does not significantly differ in respect to its current use, it is considered that this is a private matter between the landowners to resolve.

7.70 Concern has been raised in respect of the scale of the retail unit provided, and the impact upon local business. It is recognised in the emerging Local and Neighbourhood Plans that Harrietsham, as a RSC, is an appropriate focus for additional retail and other facilities to serve the community. In this case, the proposed retail unit is considered to be of a suitable scale and location to enhance the current retail offering in the village centre, and to serve the retail needs of current and future residents whilst not becoming a destination in its own right, which will further be safeguarded against by the imposition of a condition restricting the sale of goods to convenience, rather than comparison, goods. In terms of the impact upon existing businesses, some degree of competition will inevitably result from the proposal, however this will have an overall benefit for the residents of Harrietsham in enhancing retail choice. Members will be aware that it is not the role of the planning system to protect private commercial interests or to prevent competition, except where it would have a detrimental impact upon the viability or vitality of established retail areas, which is not the case here.

7.71 The proposed development is described in the application documentation as achieving Code for Sustainable Homes Level 4, and as such is compliant with emerging

Local Plan policy. A condition should be imposed safeguarding this standard of sustainable development in any subsequent reserved matters application.

8.0 CONCLUSION

8.01 The proposal is contrary to adopted Maidstone Borough-Wide Local Plan 2000 policy, however for the reasons set out above, being the absence of a five year housing land supply, the age of the Development Plan, the allocation of the site for housing and retail in the emerging Local Plan and for housing, retail and the provision of a community facility in the draft Harrietsham Neighbourhood Plan, and the location of the site adjoining an identified Rural Service Centre in a sustainable location, it is considered to be such that the proposal is acceptable in principle in the context of decision making that accords with the National Planning Policy Framework.

8.02 Whilst the development would be seen in public views, particularly from the A20 and to a more limited degree other public rights of way to the north, it would be seen in the context of the existing built form of Harrietsham. Conditions are suggested that will require the submission of details of landscaping, materials and requiring the retention of existing site boundaries of mature native hedging and trees. As a result it is considered that the overall visual impact of the proposed development is acceptable in the context set out above.

8.03 I have taken into consideration the consultation responses and other representations received in relation to the proposal, and assessed the application in respect of all material considerations. In this case, the limited harm that would result from the development, as mitigated by the proposed legal agreement and conditions, would not outweigh the demonstrable benefits of the provision of 113 dwellings, including affordable housing provision, a retail unit and a community facility in a sustainable location in the context of an inability to demonstrate a five year housing supply. As such compliance with the National Planning Policy Framework 2012 provides sufficient grounds for a departure from the Maidstone Borough-Wide Local Plan 2000. For this reason I recommend that Members grant delegated powers to the Head of Planning and Development to approve the application subject to the receipt of an appropriate S106 legal mechanism and the following conditions.

11.0 RECOMMENDATION – That subject to the receipt of any statutory consultee party responses received prior to the expiry of the public advertisement of the partial extinguishment of the KH 276 Public Right of Way as set out above, and the prior completion of a Section 106 legal agreement in such terms as the Head of Legal Services may advise to secure the following:

The provision of 40% affordable residential units within the application site OR the provision of 39% affordable housing within the application site and the provision of a community facility fully fitted out for occupation and use by the Parish Council on plot 9; and

A contribution of £2,360.96 per ‘applicable’ house and £590.24 per ‘applicable’ flat towards the build costs of extending Harrietsham Primary School; and

A contribution of £148.68 per dwelling to be used to address the demand from the development towards additional book stock and services at libraries local to Harrietsham; and

A contribution of £30.70 per dwelling to be used to address the demand from the development towards the provision of new/expanded facilities and services both through dedicated adult education centres and through outreach community learning facilities local to the application site; and

A contribution of £8.44 per dwelling to be used to address the demand from the development towards youth services through increased centre based youth services local to the application site; and

A contribution of £63.56 per dwelling to address the demand from the development for adult social services to be used towards the provision of new/expanded facilities and services both on site and local to the development, including assistive technology and enhancement of local community facilities to ensure full DDA access; and

A contribution of £71,028 (based on £360 per predicted occupier of market dwellings) to be prioritised firstly towards healthcare facilities at The Glebe Medical Centre, Harrietsham and then The Len Valley Medical Centre, Lenham; and

A contribution towards highway improvements to the A20 in Harrietsham (final amount to be confirmed); and

A contribution of £200 towards the improvement and maintenance of public rights of way in the vicinity of the site; and

The provision of land identified on drawing number 061302-WARD-PLAN2 received 20th January 2015 for public allotments and a contribution of £907.80 per dwelling towards the improvement of parks and open spaces within 1km of the proposal site OR a contribution of £1,575 per dwelling towards the improvement of parks and open spaces within 1km of the proposal site.

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

CONDITIONS to include

(1) The development hereby permitted shall be begun before the expiration of one year 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, and in order to encourage the commencement of development and boost the provision of new market and affordable housing supply in accordance with paragraph 47 of the National Planning Policy Framework 2012 and paragraph 027 of the National Planning Policy Guidance 2014.

(2) The development shall not commence until, written details and samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted, which shall include stock brick, plain clay tiles and timber weatherboarding, and incorporate bat boxes and swift bricks into the fabric of the buildings, have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed using the approved materials unless otherwise agreed in writing by the Local Planning Authority;

Reason: To ensure a satisfactory appearance to the development and a high quality of design, and to secure biodiversity enhancements within the development.

(3) No development shall take place until details in the form of large scale drawings (at a scale of 1:20 or 1:50) of the following matters have been submitted to and approved by the Local Planning Authority;

- i) Details of the roof overhangs and eaves, which shall include rafter feet to dwellings in prominent locations within the site.
- ii) Details of windows and doors and recesses/reveals (which shall be a minimum of 70mm).
- iii) Details of the junction of the timber boarding and the brickwork.
- iv) Details of the shop front to the retail unit.

The development shall be undertaken in accordance with the approved details and maintained thereafter;

Reason: To ensure a satisfactory appearance to the development and a high quality of design.

(4) The development shall not commence until details of all fencing, walling and other boundary treatments, which shall not include closeboarded fencing of a height greater than 1.8m, or closeboarded fencing or solid walling of a height of greater than 1m to the boundary of any public space unless screened by landscaping, and shall include, inter alia, the retention and where necessary reinforcement of boundary hedges to the site, gaps of appropriate width and height at ground level to allow passage of mammalian wildlife (including hedgehogs) and any physical mitigation required in association with the acoustic investigation required in association with condition 16 below, have been submitted to the Local Planning Authority and approved in writing. The development shall be carried out in accordance with the approved details before the first occupation and maintained thereafter;

Reason: To ensure a satisfactory appearance to the development, safeguard the amenity of future occupiers and prevent harm to biodiversity assets.

(5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by any order revoking and re-enacting that Order with or without modification) no development within Schedule 2, Part 1, Class(es) A, B, C, D, E, F and G, Schedule 2, Part 2, Class A, Schedule 2 Part 3 Classes CA, F and IA, and Schedule 2 Part 42 to that Order shall be carried out without the permission of the Local Planning Authority;

Reason: To ensure a satisfactory appearance to the development and safeguard the residential amenity of future occupiers.

(6) The approved details of the parking, garaging and turning areas, together with the anti-social parking prevention measures shown on drawing number 061302-WARD-BS-01 received 27th January 2015, shall be completed before the commencement of the use of the land or buildings hereby permitted and shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) Order 1995 as amended (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, garaging and turning provision is likely to lead to parking inconvenient to other road users and detrimental to the interests of road safety.

(7) No development shall take place until details of the cycle storage facilities provided for the retail unit have been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of sustainable travel.

(8) No development shall take place until a remediation strategy that includes the following components to deal with the risks associated with contamination of the site shall each be submitted to and approved, in writing, by the Local Planning Authority:

1) A preliminary risk assessment which has identified:

all previous uses;
potential contaminants associated with those uses; and
a conceptual model of the site indicating sources, pathways and receptors potentially unacceptable risks arising from contamination at the site.

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

3) The results of the site investigation and detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.

4) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

Any changes to these components require the express written consent of the Local Planning Authority. The scheme shall be implemented in full as approved.

Reason: to prevent pollution to the environment.

(9) The development shall not be occupied until a verification report demonstrating completion of works set out in the approved remediation strategy and the effectiveness of the remediation has been submitted to and approved by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include a plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan. The long-term monitoring and maintenance plan shall be implemented in full as approved;

Reason: To prevent pollution of the environment and protect controlled waters.

(10) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the Local Planning Authority) shall be carried out until the developer has submitted a revised investigation and remediation strategy to the Local Planning Authority, undertaken in accordance with the requirements of condition 7 above, detailing how this unsuspected contamination will be dealt with and written approval obtained from the Local Planning Authority. The revised remediation strategy shall be implemented in full as approved;

Reasons: To prevent pollution of the environment.

(11) The dwellings shall achieve at least Level 3 of the Code for Sustainable Homes. No dwelling shall be occupied until a final Code Certificate has been issued for it certifying that Code Level 4 or above has been achieved;

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

(12) The development shall not commence until details of all external lighting to be placed or erected within the site have been submitted to and approved in writing by the Local Planning Authority, and shall include the following:

- i. A layout plan (showing spillage and luminance levels) with beam orientation and a scheme of equipment in the design (luminaire, type, mounting height, aiming angle and luminaire profiles).
- ii. A schedule of proposed hours of use for the different components of the submitted light scheme
- iii. Details of measures to shield and direct light from the light sources so as to prevent light pollution and in order to minimise any impact upon ecology.

The lighting shall be installed, maintained and operated in accordance with the approved details and maintained thereafter unless the Local Planning Authority gives its written consent to any variation;

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

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

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

(14) The development permitted by this planning permission shall only be carried out in strict accordance with the approved Flood Risk Assessment prepared by Banners Gate, reference 13179 FRA, received 21st May 2014, and SuDS Methodology Statement prepared by Kirk Saunders Associates, reference 5699-D008 rev A, received 21st November 2014, subject to the details approved in respect of the following:

The development permitted by this planning permission shall not commence until a detailed surface water drainage scheme for the site based on sustainable drainage principles incorporating surface attenuation measures and an assessment of the hydrological and hydrogeological context of the development has been submitted to, and approved by, the Local Planning Authority. Off site discharges should be restricted to greenfield QBAR values for all events up to and including the 1 in 100 year plus climate change event.

The drainage details submitted to the Local Planning Authority shall:

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

Specify a timetable for implementation;

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

Relevant manufacturers details on all SUDS features should be provided within the Flood Risk Management Plan and the Health and Safety Plan Operation and Maintenance manuals.

The development shall be carried out in accordance with the approved details and maintained thereafter unless with the agreement in writing of the Local Planning Authority;

Reason: To reduce the impact of flooding on the proposed development and prevent any impact from the development on surface water storage and flood, and future occupiers.

(15) The development shall not commence until full details of the flood attenuation basins and swales required in association with the SUDS strategy required by condition 13, which shall include details of levels and details of the location and design of all gully pots which, where required, will be off-set from the kerbs by a minimum of 150mm and sloped kerbs will be positioned adjacent, as well as any associated ground works and infrastructure have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and maintained thereafter unless with the agreement in writing of the Local Planning Authority:

Reason: In the interest of flood prevention and safeguarding biodiversity assets.

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

Reason: In the interest of pollution and flood prevention.

(17) Notwithstanding the recommendations of the Noise Assessment prepared by Sharps Redmore, reference 1414270, received 21st May 2014, the development shall not commence until an acoustic report providing details of noise mitigation to dwellings (including private garden areas) which attains acoustic protection for future occupiers in accordance with the recommendations of BS8233:2014 "Guidance on sound insulation and noise reduction for buildings" has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved details and the mitigation maintained thereafter unless otherwise agreed in writing by the Local Planning Authority;

Reason: In the interest of safeguarding the residential amenity of future occupiers.

(18) The development shall not commence until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, using indigenous species which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development and a programme for the approved scheme's implementation and long term management.

The landscape scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines (Harrietsham Vale landscape type) and shall be based on the principles shown on drawing numbers 3094_DR_001 and 3094_DR_004 received 21st May 2014 and 3094_DR_002 rev C

received 21st November 2014, and the Design and Access Statement Addendum received 21st November 2014. The landscape scheme shall include, inter alia, the retention of all trees and hedges identified as such in the Lloyd Bore Arboricultural Impact Assessment reference 3094_RP_003 received 21st May 2014; a minimum of three pedestrian access points between the interior of the site and the KH276; full details (including a plan to a scale of 1:200 or 1:500 of a predominantly soft landscaped area featuring native tree planting and pollution tolerant landscaping to the public amenity area to the north of block 1 and the retail unit; the introduction of native hedging to the frontage of dwellings and adjacent to any acoustic fences required as noise mitigation in association with the noise report required by condition 16 above to soften the internal streetscape of the development; a landscaping buffer of a minimum of 25m which shall include native tree planting and a wild flower meadow area in the south of the site; the ecological mitigation identified in the Aspect Ecology Ecological Appraisal reference ECO3367.EcoApp.dv6 received 21st May 2014 and Aspect Ecology Reptile Survey Report reference ECO3367.Rept Survey.dv6 received 21st May 2014; and the use of reed beds in the swales and drainage basins associated with the approved SUDS details required by condition 13 above.

The implementation and long term management plan shall include long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens.

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

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

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

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

(20) The development shall not commence until there has been submitted to and approved in writing by the Local Planning Authority an Arboricultural Method Statement, which shall include provision for the protection of areas of new planting during construction, undertaken by an appropriately qualified party in accordance with BS5837:2012 and the recommendations of the Lloyd Bore Arboricultural Impact Assessment reference 3094_RP_003 received 21st May 2014. The development shall thereafter be carried out in accordance with the approved details and in compliance with the Lloyd Bore Arboricultural Impact Assessment reference 3094_RP_003 received 21st May 2014;

Reason: To ensure retained trees are protected during the course of development and to ensure a satisfactory external appearance to the development.

(21) The development shall be undertaken in strict accordance with the recommendations of the Aspect Ecology Ecological Appraisal reference ECO3367.EcoApp.dv6 and Aspect Ecology Reptile Survey Report reference ECO3367.Rept Survey.dv6 received 21st May 2014, subject to the additional information and mitigation required by conditions 21 and 22 below, and maintained thereafter;

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

(22) Notwithstanding the details and recommendations set out in Aspect Ecology Ecological Appraisal reference ECO3367.EcoApp.dv6 and Aspect Ecology Reptile Survey Report reference ECO3367.Rept Survey.dv6 received 21st May 2014, the development shall not commence until an construction environmental management plan undertaken by a suitably qualified party has been submitted to and approved in writing by the Local Planning Authority. The content of the construction environmental management plan shall incorporate the following:

- a) Risk assessment of potentially damaging construction activities;
- b) Identification of 'biodiversity protection zones';
- c) Practical measures (both physical measures and sensitive working practises) to avoid or reduce impacts during construction (may be provided as a set of method statements);
- d) The location and timing of sensitive works to avoid harm to biodiversity features;
- e) The times during construction when specialist ecologists need to be present on site to oversee works;
- f) Responsible persons and lines of communication;
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person;
- h) Use of protective fences, exclusion barriers and warning signs.

The approved construction environmental management plan shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority;

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

(23) No development shall take place until an ecological design strategy addressing the ecological enhancement of the site has been submitted to and approved in writing by the Local Planning Authority. The ecological design strategy shall include the following:

- a) Purpose and conservation objectives for the proposed works;
- b) Review of site potential and constraints incorporating up-to-date ecological surveys where necessary;
- c) Detailed design(s) and/or working method(s) to achieve stated objectives;
- d) Extent and location/area of proposed works on appropriate scale maps and plans;
- e) Type and source of materials to be used, e.g. native species of local provenance;
- f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development;

- g) Persons responsible for implementing the works;
- h) Details of initial aftercare and long-term maintenance;
- i) Details for monitoring and remedial measures.

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

(24) The approved details of the access, as shown in Appendix E of the Transport Assessment undertaken by DHA Transport reference JSL/10140 received 21st May 2014 shall be completed before occupation of the development and maintained thereafter unless with the agreement in writing of the Local Planning Authority;

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

(25) The development shall not commence until, details of satisfactory facilities for the storage of refuse and recycling on the site have been submitted to and approved in writing by the Local Planning Authority and the approved facilities shall be provided before the first occupation of the development and maintained thereafter;

Reason: No such details have been submitted and in the interest of amenity.

(26) The development shall not commence until details of the proposed materials to be used in the surfacing of all access roads, parking and turning areas and pathways within the site, and the design of kerb-stones/crossing points which shall be of a wildlife friendly design, have been submitted to and approved by the Local Planning Authority. The submitted details shall include, inter alia, a minimum of three pedestrian access points between the interior of the site and the KH276 to the south of the proposed retail unit and associated service yard, and the provision of an alternative route to the KH276 to be extinguished, through the northern part of the site, as indicated on drawing number 061302-WARD-01 rev B received 27th January 2015. The development shall be undertaken in accordance with the approved details and maintained thereafter;

Reason: To ensure a high quality external appearance to the development, safeguard pedestrian rights of way and in the interests of ecology and biodiversity.

(27) No works to extinguish the KH276 Public Right of Way will be undertaken prior to the approval of details of, and completion in accordance with the approved details, of the alternative route for pedestrians to the south and west of the retail unit hereby permitted. The development shall be carried out in accordance with the approved details and maintained thereafter;

Reason: to prevent harm to pedestrian access to the open countryside and harm to the public rights of way network.

(28) No part of the development shall be occupied until a Sustainable Travel Measures Action Plan, which shall include a Business Travel Plan for the retail unit (which shall include measures for its implementation, monitoring, review and subsequent enforcement) and Welcome Pack for residents of the proposed dwellings (which shall include maps showing the site in relation to walking, local buses, cycle routes, cycle stands, the nearest bus stops, and rail stations; approximate time it takes to walk or cycle to various local facilities; site specific public transport information including up to date public transport timetables; links to relevant local websites with travel information such as public transport operator information, cycling organisations and the Council; details of local car share and car club schemes,

including links to County & District Council sponsored schemes; information on public transport season tickets and offers; information on specific incentives including "Walk to Work" or "Cycle to Work" initiatives; and information on the health, financial and environmental benefits of sustainable travel) has been submitted to and approved in writing by the Local Planning Authority. The approved details shall be implemented in full;

Reason: In the interests of sustainable transport use.

(29) No development shall take place until details of the proposed slab levels of the buildings and the existing site levels have been submitted to and approved in writing by the Local Planning Authority and the development shall be completed strictly in accordance with the approved levels;

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

(30) No external meter cupboards, vents, or flues shall be installed on any external elevation without the prior agreement in writing of the Local Planning Authority;

Reason: To secure a high standard of design.

(31) The building provided for retail use falling within Use Class A1 of the Use Classes Order 1987 (as amended by any order revoking and re-enacting that Order with or without modification) of the unit hereby permitted shall be used for a maximum number of two retail units. Once initially occupied, no change to the number of retail units, including internal subdivision, will be permitted without the agreement in writing of the Local Planning Authority;

Reason: To define the permission and to ensure that any impact upon the village centre is controlled.

(32) The retail use falling within Use Class A1 of the Use Classes Order 1987 (as amended by any order revoking and re-enacting that Order with or without modification) hereby permitted shall be restricted to the sale of convenience goods, and no display or sale of comparison goods will take place on the site;

Reason: To define the permission and to ensure that any impact upon the village centre is controlled.

(33) The retail use hereby permitted shall only open to customers within the following times:

0700 to 2200 Monday to Saturday and 0800 to 2100 on Sundays and Public/Bank Holidays;

Reason: To protect the amenities of the neighbouring occupiers.

(34) No structure, plant, equipment or machinery shall be placed, erected, or installed on or above the roof or on external walls without the prior approval in writing of the Local Planning Authority;

Reason : In order not to prejudice the visual appearance of the building and in the interests of safeguarding the residential amenity of the occupiers of adjacent dwellings.

(35) Prior to the first occupation of the retail unit, details of any plant (including ventilation, refrigeration and air conditioning) or ducting system to be used in pursuance of this permission shall be submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall ensure that the noise generated at the boundary of any noise sensitive property shall not exceed Noise Rating Curve NR35 as defined by BS8233: 1999 Sound Insulation and Noise Reduction for Building Code of Practice and the Chartered Institute of Building Engineers (CIBSE) Environmental Design Guide 2006. The equipment shall be maintained in a condition so that it does not exceed NR35 as described above, whenever it's operating. The development shall be carried out in accordance with the approved details and maintained thereafter, and after installation of the approved plant, no new plant or ducting system shall be used without the prior written consent of the Local Planning Authority;

Reason: In the interests of safeguarding the residential amenity of the occupiers of adjacent dwellings.

(36) No commercial vehicle may arrive, depart, be loaded or unloaded in association with the use of the retail unit hereby permitted on the general site; nor shall vehicles equipped with refrigeration units be allowed to remain stationary in the service yard, except between the hours of 0700 hours and 2200 Mondays to Saturdays and 0800 hours and 1200 hours on Sundays and Bank/Public Holidays;

Reason: To safeguard the amenity of the occupiers of neighbouring dwellings and the character of the surrounding area.

(37) Prior to the first occupation of the retail unit, a scheme for the control of noise and vibration of any plant (including ventilation, refrigeration, air conditioning and air handling units) to be used in pursuance of this permission shall be submitted to and approved in writing by the Local Planning Authority. This shall then be so installed prior to the first use of the premises. The equipment shall be maintained and operated in compliance to the approved scheme whenever it is operation. The development shall be carried out in accordance with the approved details and maintained thereafter, and after installation of the approved plant, no new plant or ducting system shall be used without the prior written consent of the Local Planning Authority;

Reason: In the interests of safeguarding the residential amenity of the occupiers of adjacent dwellings.

(38) Prior to occupation of the retail unit hereby permitted, a service yard management plan, which shall include details of noise mitigation behaviours for vehicle operatives and the provision of heavy duty curtains to loading bays, shall be submitted to and approved in writing by the Local Planning Authority. The use shall be carried out in strict accordance with the approved details and maintained thereafter;

Reason: To safeguard the amenity of the occupiers of neighbouring dwellings and the character of the surrounding area.

(39) There shall be no external amplified sound within the service yard of the development hereby permitted;

Reason: in the interests of protecting the amenities of nearby residential property.

(40) The retail unit shall achieve at least a Very Good BREEAM Retail rating. The unit shall not be occupied until a final certificate has been issued for it certifying that at least a Very Good BREEAM Retail rating has been achieved;

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

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

drawing numbers 061302-WARD-06, 061302-WARD-A-E1 rev A, 061302-WARD-A-E2 rev A, 061302-WARD-AA-E1, 061302-WARD-AA-P1 rev A, 061302-WARD-AB-E1, 061302-WARD-AB-P1, 061302-WARD-AC-E1, 061302-WARD-AC-P1, 061302-WARD-AD-E1, 061302-WARD-AD-P1, 061302-WARD-B-P1, 061302-WARD-BCS01, 061302-WARD-BLK4-P1, 061302-WARD-C-E1, 061302-WARD-C-E2, 061302-WARD-C-P1, 061302-WARD-CP01, 061302-WARD-CP02, 061302-WARD-CS01, 061302-WARD-E-E1, 061302-WARD-E-P1, 061302-WARD-G-E1, 061302-WARD-G-P1, 061302-WARDS-GAR01, 061302-WARDS-GAR02, 061302-WARDS-GAR03, 061302-WARDS-GAR04, 061302-WARDS-GAR05, 061302-WARD-J-E1, 061302-WARD-J-P1, 061302-WARD-K-E1, 061302-WARD-K-P1, 061302-WARD-SH01, 061302-WARD-SH02, 061302-WARD-SH03, 3094_DR_001 and 3094_DR_004 all received 21st May 2014; drawing numbers 061302-WARD-A-E4 rev A, 061302-WARD-A-P2 rev A, 061302-WARD-B-E1 rev A, 061302-WARD-BCS02, 061302-WARD-BCS03, 061302-WARD-BLK1-E1 rev A, 061302-WARD-BLK1-E2 rev A, 061302-WARD-BLK1-E4 rev A, 061302-WARD-BLK1-P3 rev A, 061302-WARD-BLK2-E1 rev A, 061302-WARD-BLK2-E2 rev A, 061302-WARD-BLK2-E4 rev A, 061302-WARD-BLK2-P3 rev A, 061302-WARD-BLK3-E1 rev A, 061302-WARD-BLK3-E2 rev A, 061302-WARD-BLK3-E3 rev A, 061302-WARD-BLK3-P3 rev A, 061302-WARD-BLK4-E1 rev A, 061302-WARD-BLK4-E2 rev A, 061302-WARD-BLK4-P2 rev A, 061302-WARD-BLK4-P3 rev A, 061302-WARD-CP03, 061302-WARD-D-E1 rev A, 061302-WARD-D-P1 rev A, 061302-WARD-L-E1, 061302-WARD-L-P1, 061302-WARD-RET-E1 rev A, 061302-WARD-RET-E2 rev A, 061302-WARD-RET-E3 rev A, 061302-WARD-RET-E4, 061302-WARD-RET-P1 rev A, 061302-WARD-SUB01, and 3094_DR_002 rev C received 21st November 2014; drawing numbers 061302-WARD-PLAN1 and 061302-WARD-PLAN2, all received 20th January 2015; and drawing numbers 061302-WARD-00 rev A, 061302-WARD-01 rev B, 061302-WARD-02 rev B, 061302-WARD-03 rev B, 061302-WARD-04 rev B, 061302-WARD-05 rev B, 061302-WARD-A-E3 rev B, 061302-WARD-A-P1 rev C, 061302-WARD-AA-E2 rev B, 061302-WARD-AA-E3 rev B, 061302-WARD-AA-P2 rev C, 061302-WARD-AA-P3 rev C, 061302-WARD-BLK1-E3 rev B, 061302-WARD-BLK1-P1 rev B, 061302-WARD-BLK1-P2 rev B, 061302-WARD-BLK2-E3 rev B, 061302-WARD-BLK2-P1 rev B, 061302-WARD-BLK2-P2 rev A, 061302-WARD-BLK3-E4 rev B, 061302-WARD-BLK3-P1 rev B, 061302-WARD-BLK3-P2 rev A, 061302-WARD-BS-01, 061302-WARD-F-E1 rev A, 061302-WARD-F-P1 rev A, 061302-WARD-H-E1 rev A, 061302-WARD-H-P1 rev A and 061302-WARD-MF-01 rev A, all received 27th January 2015 and

drawing numbers 13179/ATR05, 13179/ATR01 A, 13179/ATR02 A, 13179/ATR03 B, 13179/ATR04 B, 13179-110 and 13179-111, and an Arboricultural Impact Assessment (undertaken by Lloyd Bore, reference 3094_RP_003), Archaeological Desk-Based Assessment (undertaken by CgMs Consulting, reference DH/KB/16917), Design And Access Statement, Ecological Appraisal (undertaken by Aspect Ecology, reference ECO3367.EcoApp.dv6), Flood Risk Assessment (undertaken by Banners Gate, reference 13179 FRA), Hard Landscape Materials and Shared Surface Design Guide (undertaken by Lloyd Bore, reference 3094/RP/001), Landscape and Visual Impact Assessment, Noise Assessment (undertaken by Sharps Redmore, reference 1414270), Planning Statement,

Reptile Survey Report (undertaken by Aspect Ecology, reference ECO3367.Rept Survey.dv6), Statement of Community Involvement and Transport Assessment (undertaken by DHA Transport, reference JSL/10140), all received 21st May 2014; and drawing numbers 061302-WARD-PER01 rev A, 061302-WARD-PER02 rev A, 061302-WARD-PER03 rev A, 061302-WARD-SS01 rev A, 061302-WARD-SS02 rev A, 061302-WARD-SS03 rev A, 061302-WARD-SS04 rev A, 061302-WARD-SS05 rev A, and 061302-WARD-SS06 rev A, and a Design and Access Statement Addendum, Planning Statement Addendum, Agricultural Land Assessment (undertaken Tim O'Hare Associates, reference TOHA/RWA), and SuDS Methodology Statement (undertaken by Kirk Saunders Associates, reference 5699-D008 rev A), all received 21st November 2014

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

INFORMATIVES

(1) The lighting scheme provided in accordance with condition 11 should adhere to the following advice from the Bat Conservation Trust and Institution of Lighting Engineers.

Bats and Lighting in the UK

Summary of requirements

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

1. The UV component. Low or zero UV installations are preferred to reduce attraction of insects to lighting and therefore to reduce the attraction of foraging bats to these areas.
2. Restriction of the area illuminated. Lighting must be shielded to maintain dark areas, particularly above lighting installations, and in many cases, land adjacent to the areas illuminated. The aim is to maintain dark commuting corridors for foraging and commuting bats. Bats avoid well lit areas, and these create barriers for flying bats between roosting and feeding areas.

UV characteristics:

Low

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

High pressure Sodium Lamps (SON) emit a small UV component.

White SON, though low in UV, emit more than regular SON.

High

Metal Halide lamps emit more UV than SON lamps, but less than Mercury lamps

Mercury lamps (MBF) emit a high UV component.

Tungsten Halogen, if unfiltered, emit a high UV component

Compact Fluorescent (CFL), if unfiltered, emit a high UV component.

Variable

Light Emitting Diodes (LEDs) have a range of UV outputs. Variants are available with low or minimal UV output. Glass glazing and UV filtering lenses are recommended to reduce UV output.

Street lighting

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

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

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

Security and domestic external lighting

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

Lighting should illuminate only ground floor areas -light should not leak upwards to illuminate first floor and higher levels;

Lamps of greater than 2000 lumens (150 W) must not be used;

Movement or similar sensors must be used -they must be carefully installed and aimed, to reduce the amount of time a light is on each night;

Light must illuminate only the immediate area required, by using as sharp a downward angle as possible;

Light must not be directed at or close to bat roost access points or flight paths from the roost -a shield or hood can be used to control or restrict the area to be lit;

Wide angle illumination must be avoided as this will be more disturbing to foraging and commuting bats as well as people and other wildlife;

Lighting must not illuminate any bat bricks and boxes placed on buildings, trees or other nearby locations.

(2) A formal application for connection to the public sewerage system is required to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (0330 303 0119 or www.southernwater.co.uk).

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

(4) For the purposes of discharge of conditions 33 and 34:

The rating level of noise emitted from the proposed plant and equipment to be installed on the site (determined using the guidance of BS 4142 : 1997 Rating for industrial noise affecting mixed residential and Industrial areas) shall be at least 5dB below the existing measured ambient noise level LA90, T during the night time period. For the purpose of the assessment the Authority will accept 2300 to 0700 hours as covering the night time period.

The rating level of noise emitted from the proposed plant and equipment to be installed on the site (determined using the guidance of BS 4142 : 1997 Rating for industrial noise affecting mixed residential and Industrial areas) shall be at least 5dB below the existing measured ambient noise level LA90, T during the day time period. For the purpose of the assessment the Authority will accept 0700 to 2300 hours as covering the night time period.

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

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

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

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

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

(6) Care should be taken during and after construction to ensure that all fuels, oils and any other potentially contaminating materials should be stored (for example in bunded areas secured from public access) so as to prevent accidental/unauthorised discharge to ground. The areas for storage should not drain to any surface water system.

Where it is proposed to store more than 200 litres (45 gallon drum = 205litres) of any type of oil on site it must be stored in accordance with the Control of Pollution (oil storage) (England) Regulations 2001. Drums and barrels can be kept in drip trays if the drip tray is capable of retaining 25% of the total capacity of all oil stored.

All precautions must be taken to avoid discharges and spills to the ground both during and after construction. For advice on pollution prevention, the applicant should refer to Environment Agency guidance PPG1 General guide to prevention of pollution, which is available online at www.environment-agency.gov.uk.

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

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

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

(7) No new planting should be introduced within 1m of the KH275 public right of way.

Public rights of way shall not be blocked either permanently or temporarily (including "Heras" or other fencing associated with construction works).

Should a Temporary Traffic Regulation Order be required for footpath KH272 whilst works are undertaken, the relevant Authority will need no less than 6 weeks notice for its processing.

(8) You are advised to ensure that the appointed contractor(s) is/are registered with the 'Considerate Constructors Scheme' and that the site is thereafter managed in accordance with the Scheme. Further information can be found at www.considerateconstructorsscheme.org.uk.

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

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

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

If site clearance works take place during the bird breeding season (March to August), such work should be undertaken in consultation with and under the supervision of a trained ecologist as it is an offence to disturb active nests and nesting birds.

(10) The applicant is advised that the site lies within a Area of Special Control of Adverts.

Case Officer: Catherine Slade

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