

REPORT SUMMARY

REFERENCE NO - 13/2038			
APPLICATION PROPOSAL Outline application for residential development comprising 62 dwellings with associated car parking and landscaping, involving the demolition of existing dwelling to the north east of site, with access and layout considered at this stage and all other matters reserved for future consideration.			
ADDRESS Land At, Postley Road, Maidstone, Kent, ME15 6RH			
RECOMMENDATION DELEGATED POWERS TO APPROVE SUBJECT TO CONDITIONS (See Section 8 of report for full recommendation)			
SUMMARY OF REASONS FOR RECOMMENDATION The proposed development does not conform with policy ENV28 of the Maidstone Borough-wide Local plan 2000. However, the development is at a sustainable location, immediately adjoins an existing urban area, and given the current shortfall in the required five-year housing supply, any adverse impacts would not significantly and demonstrably outweigh the public benefits of providing much needed housing, including affordable housing. As such the development is considered to be in compliance with the National Planning Policy Framework and this is sufficient grounds to depart from the Local Plan.			
REASON FOR REFERRAL TO COMMITTEE <ul style="list-style-type: none"> • Departure from the Development Plan • Councillor D. Mortimer has requested the application be reported to Planning Committee for the reasons set out below. 			
WARD South Ward	PARISH/TOWN COUNCIL Tovil	APPLICANT Chailey Homes Ltd. AGENT Robinson Escott Planning	
DECISION DUE DATE 30/04/15	PUBLICITY EXPIRY DATE 20/11/14	OFFICER SITE VISIT DATE 13/02/14 & 19/05/15	
RELEVANT PLANNING HISTORY			
App No	Proposal	Decision	Date
15/501069/OUT	Outline application for the erection of four semi-detached dwellings with all matters reserved for future consideration.	PENDING	
73/0463/MK1	Outline Application for the erection of residential development	REFUSED & APPEAL DISMISSED	23/08/73
63/0584/MK1	The erection of dwellings	REFUSED & APPEAL DISMISSED	05/06/64
58/0271/MK1	The erection of dwellings	REFUSED	28/08/58

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The application site is a roughly rectangular parcel of land at the south end of Postley Road with an area of approximately 2.6ha. The site adjoins the settlement boundary of Maidstone in the adopted Local Plan which runs along the north and east boundaries of the site. To the north is a recent residential development of 127 dwellings and to the east are large areas of residential development including Richmond Way which is closest. The site adjoins the settlement boundary but is located within the countryside for Development Plan purposes, which here is designated an Area of Local Landscape Importance (Loose Valley) under policy ENV35.
- 1.02 There is an existing dwelling known as 'The Lodge' in the northeast corner and the remainder of the land is mainly grassed and currently in equestrian use with some stables and small buildings in the southwest corner. There are some scattered trees on site (with certain species protected under an area TPO) and some limited tree/hedge lines along parts of the boundaries. The land has a gentle slope to the west. The Loose Conservation Area adjoins the west boundary and small sections of the site extend into it by around 5-8m. 'Hayle Place' is a Grade II listed building and is around 155m west of the site. Other nearby listed buildings include Little Bockingford (GII) around 100m to the southwest, Bockingford Court (GII) around 80m to the southwest, and Bockingford Farmhouse (GII) around 90m to the south. Public Right of Way (PROW) KB33A runs along the east boundary and heads west along the south boundary. PROW KB22 heads southwards from the south boundary of the site. There is a private right of way along the north part of the site which runs west to Hayle Place.

2.0 PROPOSAL

- 2.01 This is an outline application for residential development comprising 62 dwellings with associated car parking and landscaping, involving the demolition of existing dwelling to the north east of site, with access and layout considered at this stage and all other matters reserved for future consideration.
- 2.02 Access would be taken off the south end of Postley Road via the existing access to 'The Lodge' in the northeast corner. Layout is being considered, which shows the access road curving into the site with an apartment block illustrated to be 2.5 storeys in height facing onto the road and an area of open space opposite where an LEAP (Local Equipped Area for Play) would be provided. The road would divide heading west on a loop where it would link back up with the main road towards the southeast corner. Houses would front the roads with landscaped front gardens and tree planting. Houses would be a mix of detached and semi-detached of two storeys but there would be eight bungalows along the east edge towards the southeast corner. A pedestrian route would run through the site from north to south linking with public footpaths to the south.
- 2.03 Affordable housing is proposed at 40% with a 60/40 split for rented/shared equity.

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, ENV35, T3, T13, T21, T23, CF1,
- MBC Affordable Housing DPD (2006)
- MBC Open Space DPD (2006)
- Guidance: 'The Sign of a Good Place to Live – Building for Life 12'
- DRAFT Maidstone Borough Local Plan (Regulation 18): SS1, SP5, H1, H2, DM2, DM4, DM10, DM11, DM12, DM13, DM24, ID1

4.0 LOCAL REPRESENTATIONS

4.01 Approximately 110 representations received raising the following (summarised) points:

- Harm to the landscape.
- Harm to listed buildings.
- Harm to Conservation Area.
- Not high quality design and out of character.
- Apartment block out of character.
- High density.
- Lack of green space in this area.
- Greenfield land.
- Highway safety on new access and local area.
- Access too narrow.
- Lack of parking.
- Increase car usage.
- Loss of privacy.
- Loss of light.
- Overshadowing.
- Loss of views.
- Harmful impact on wildlife.
- Light pollution.
- Strain in infrastructure.
- Anti-social behaviour from LEAP.
- Problems with water and drainage.
- Increased pollution.
- Loss of value.
- Problems with construction traffic.
- Lack of consultation with community.

4.02 **Ward Councillor Derek Mortimer:** Raises objection on the basis of highway safety; loss of 'The Lodge', harm to the landscape, harm to local amenity, greenfield land, harm to listed buildings, apartments unsuitable, archaeology, harm to wildlife, unsustainable location.

4.03 **Ward and County Councillor Brian Clark:** Raises objection on the basis of urban sprawl and harm to the landscape; traffic congestion; harm to wildlife; risk to wider area; unsustainable development.

4.04 **Borough Councillor Harwood:** Concern regarding ecological impact. Considers that the dead tree and surrounding vegetation should be retained due to its biodiversity value and mitigation/enhancement should be provided.

4.05 **North Loose Residents Association:** Object and raise the following summarised points:

- Harm to the landscape.
- Unsustainable development.
- Lack of local infrastructure.
- Dangerous access.
- Safety issues during construction.
- Apartment out of character.
- Harm to wildlife.
- Lack of open space within the area.
- Conflict with policy ENV22.
- Lack of community consultation.

4.06 **Helen Grant MP:** Has carried out a local survey with 1000 homes and received 202 responses with 96% opposed to development (Feb'15). Concerns raised over traffic, impact on the environment, and lack of infrastructure. Considered inappropriate for further development.

5.0 CONSULTATIONS

5.01 **Tovil Parish Council:** Recommend refusal for the following reasons:

- The mixed access of 4.8m for vehicles and pedestrians is an unacceptable form of access to this development.
- Inappropriate to be building on green field land.
- The proposed 3 storey block is inappropriate within this proposed development.
- Proposed road widths within the development, although within planning guidelines, we consider will be a problem with on street parking and the weekly rubbish collection/delivery vehicles.
- ENV22, 3.68 of Local Plan: The area in question forms part of the relief area and therefore makes a significant contribution to the overall quality of the environment.
- Bat survey: 3 different species of bat have been seen on the site and require protection, however no roosts appear to have been confirmed.
- Comparison has been made with the Hayle Park development, which is/was a brown field site. The area in question however is an acknowledged green field site bordering a conservation area.
- The development is not in accordance with Policies ENV22, ENV26 and ENV28.
- The development does not accord with the adjacent Conservation Area and the setting of the Grade II listed building, Hayle Place.
- The affordable housing should be reduced to 30% as Tovil and its immediate neighbourhood is already very well served with affordable housing.
- The proposed development does not meet with the Tovil Parish Community Plan Policies GD1, GD3, HD1 and HD2.
- The development does not allow for enough public open space ensuring that the development positively contributes to the setting of the development.
- We believe that the development/infilling of this site does not positively contribute to the locality's distinctive character.
- Would like to see s106 provide £100,000 for purchase of further land to enhance nature Reserve.
- Would like to see s106 provide £500,000 for road and transport improvements.
- Visitor parking should be increased.

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- Reduction in height of apartment due to overlooking.
- Road along the properties in Richmond Way should be relocated.
- Further buffer zones for landscaping should be included.
- Would like to see a s106 for the use of a minimum of 20% local labour on the construction.

5.02 **MBC Conservation Officer:** Raises objections and considers there would be harm to the significance of Hayle Place because of the impact on its setting and harm to the significance of the conservation area. Considers that the former parkland of Hayle Place should be considered as a non-designated heritage asset (NDHA) in its own right, and development of this part of it will necessarily result in harm to the significance of the NDHA.

5.03 **MBC Landscape Officer:** No objections. *“The tree survey is acceptable in principle and appears to indicate that it is feasible to retain the most significant trees on the site provided that the final layout is prepared in accordance with a tree constraints plan. I, therefore, raise no objection on arboricultural grounds subject to a condition requiring an arboricultural method statement (AMS), including tree protection details, to be provided in accordance with the recommendations of BS5837:2012.”*

5.04 **MBC Parks & Leisure:** No off site contribution is being sought: *“South Park is the closest site and (a contribution) would exceed CIL regs in requesting contributions here. Any other site either exceeds CIL regs also or is close to 1km or more away and would be difficult to argue is linked with the development site when there are other areas much closer (i.e South Park).”*

5.05 **MBC Housing:** No objections. *“The developer is proposing the following unit split for the affordable provision:*

1 bed units	13
2 bed units	10
4 bed units	2

Whilst ideally we would like to see provision of some 3 bed units for affordable use, the suggested units split is workable. There is no indication of the suggested tenure split of the affordable units. In accordance with adopted policy, 60% (15) of the units should be for affordable rent and 40% (10) for shared ownership.”

5.06 **Environmental Health:** No objections.

5.07 **Environment Agency:** No objections subject to a condition requiring a detailed surface water drainage scheme.

5.08 **Kent Highways:** No objections subject to a raised table or raised pedestrian crossing point at the mouth of the access into the site to reduce the potential turning in approach speeds into this site. (See main report for discussion)

5.09 **KCC Economic Development:** Seeks contributions as follows:

- The proposal will give rise to additional primary school pupils during occupation of this development. Primary Education @ £2360.96 per applicable house (x46) + £590.24 per applicable flat (x2) = £109,784.64 is sought towards the

enhancement of teaching space being towards an additional classroom through reconfiguration of the existing building at South Borough Primary School.

- There is an assessed shortfall in provision and overall borrower numbers in the local area are in excess of area service capacity, and bookstock for Maidstone Borough at 1339 per 1000 population is below the County average of 1349 and both the England and total UK figures of 1510 and 1605 respectively. The County Council will mitigate this impact through the provision of additional bookstock and services. Library bookstock £2928.96 - project: bookstock for the new residents of this development alone (supplied to Kent History & Library Centre, Maidstone).
- Youth equipment £514.84 - required for the new residents of this development alone (supplied to Infozone Youth Hub).
- Delivery of 1 Wheelchair Accessible Home within the affordable housing on site.
- Provision of Superfast Fibre Optic Broadband 'fibre to the premises' to all buildings of adequate capacity (internal min speed of 100mb to each building) for current and future use of the buildings.

5.10 **KCC Ecological Advice Service:** No objections subject to conditions (See main report for discussion)

5.11 **KCC Countryside Access** (Public Rights of Way (PROW)): No objections subject to a condition that the developers fund a Highways Act Section 119 diversion of public right of way KB33a to connect to with the newly adopted road between plots 54 and 55, in full agreement with the County Council's PROW and Access Service.

5.12 **KCC Heritage:** No objections subject to conditions regarding a programme of archaeology work, building recording, safeguarding measures for any important features, and foundation designs.

5.13 **KCC Food Risk Project Officer (Lead Local Flood Authority):** No objections subject to surface water drainage proposals subject to conditions.

5.14 **NHS Property Services:** Seeks a healthcare contribution of £35,280 towards extension, refurbishment and/or upgrade in order to provide the required capacity at Boughton Lane surgery branch to Mote Medical Practice, or Grove Park surgery.

5.15 **Historic England** (formally English Heritage): The application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.

5.16 **Natural England:** No objections.

5.17 **Rural Planning Ltd:** No objections

5.18 **Kent Wildlife Trust:** The development is of a size that its residents are likely to make a significant contribution to recreational pressure on the Loose Valley Local Wildlife Site (LWS – MA20) and so the Trust believes that the Council is justified (NPPF, paragraph 118) in seeking contributions from the Postley Road housing development towards such enhancement and management projects; impact upon bats should be taken into account; enhancements recommended relating to birds and management of green space.

- 5.19 **Southern Water:** Can provide foul sewage disposal to service the development.
- 5.20 **UK Power Networks:** No objections.
- 5.21 **Southern Gas:** Advise on the location of gas mains and precautions.
- 5.22 **Kent Police:** No approach has been made by the applicant.

6.0 APPRAISAL

Principle of Development

- 6.01 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.
- 6.02 The application site is outside but west of the defined urban settlement of Maidstone. It is therefore upon land defined in the Local Plan as countryside.
- 6.03 The starting point for consideration is saved policy ENV28 of the Maidstone Borough-wide Local Plan 2000 which states as follows:-

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

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

Proposals should include measures for habitat restoration and creation to ensure that there is no net loss of wildlife resources.”

- 6.04 The proposed development does not fit into any of the exceptions set out in policy ENV28, which is why it has been advertised as a departure from the Development Plan.
- 6.05 It is necessary therefore to consider two main issues in relation to the proposals. Firstly, whether there are any material considerations that would indicate that a decision not in accordance with the Development Plan is justified, and secondly whether the development would cause unacceptable harm. (Detailed issues of any harm will be discussed later in the report).
- 6.06 In terms of other material considerations, the National Planning Policy Framework (NPPF) is a key consideration, particularly with regard to housing land supply. Paragraph 47 of the NPPF states that 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;'

- 6.07 The Council has undertaken a Strategic Housing Market Assessment (SHMA) which was completed in January 2014. This work was commissioned jointly with Ashford and Tonbridge and Malling Borough Councils. A key purpose of the SHMA is to quantify how many new homes are needed in the borough for the 20 year period of the emerging Local Plan (2011 -31). The SHMA (January 2014) found that there is the "objectively assessed need for some 19, 600 additional new homes over this period which was agreed by Cabinet in January 2014. Following the publication of updated population projections by the Office of National Statistics in May, the three authorities commissioned an addendum to the SHMA. The outcome of this focused update, dated August 2014, is a refined objectively assessed need figure of 18,600 dwellings. This revised figure was agreed by Cabinet in September 2014.
- 6.08 Most recently calculated (April 2014), the Council had a 2.1 year supply of housing assessed against the objectively assessed housing need of 18,600 dwellings.
- 6.09 This lack of a five year supply is a significant factor and at paragraph 49 of the NPPF it is states 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. The presumption in favour of sustainable development in this situation means that permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits of the application, when assessed against the policies of the NPPF as a whole.
- 6.10 In terms of the location of the site, the NPPF advises that the planning system should, "*actively manage patterns of growth to make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are or can be made sustainable*" (para.17); and "*support a pattern of development which, where reasonable to do so, facilitates the use of sustainable modes of transport*" (para. 30). In this context, it is considered that the location of the site is sustainable in the terms of the NPPF as it is located on the edge of the defined urban area. The centre of Maidstone lies just under 2km by road to the north with its extensive range of shops, services and businesses. More local to the site are a small range of shops, health facilities and services on the A229 (Loose Rd) which are around 700m from the site. Also within 1.3km there are a number of schools providing primary and secondary education all of which can be reached by lit footways. There are bus stops located on Armstrong Road approximately 400m distance from the site. The draft Local Plan states the town of Maidstone cannot accommodate all of the growth that is required on existing urban sites, and the most sustainable locations for additional planned development are at the edge of the urban area.
- 6.11 In the light of the above five year supply position, bringing forward development on this sustainably located site immediately adjacent to the urban area would assist in helping to meet the shortfall in housing supply and I consider this to be a strong material consideration in favour of the development.

- 6.12 The draft Local Plan, which went out to Regulation 18 public consultation in 2014, allocates the site for housing for 80 dwellings (policy H1(20)). Cabinet subsequently agreed to amend the draft policy in February this year to allocate the site for 62 dwellings.
- 6.13 Representations have been received relating to conflict with the 'Tovil Parish Community Plan'. This plan dates from 2008 and whilst Tovil have applied to become a Neighbourhood Plan (NP) area, the plan has not been formally submitted to the Council so there are a number of key stages ahead including pre-submission to the Council, Local Authority lead public consultation, independent examination and referendum. This potential Neighbourhood Plan is a material consideration, however, at its current stage, I consider it holds very little weight and do not consider it grounds to refuse planning permission.
- 6.14 For the above reasons, I consider the locational policy principle of residential development at this site is acceptable. The key issue is whether any adverse impacts of the development would significantly and demonstrably outweigh the benefits of the application, when assessed against the policies of the NPPF as a whole. I will now go on to consider the key planning issues which are visual impact/design, heritage, access/highway safety, infrastructure, ecology, residential amenity, and drainage/flood risk.

Visual Impact/Design

- 6.15 The site is located on the edge of the urban boundary therefore classed as countryside, and falls within an Area of Local Landscape Importance. Policy ENV35 of the Local Plan (2000) advises these areas provide local distinctiveness which is unique to Maidstone's identity. In these areas particular attention will be given to the maintenance of the open space and the character of the landscape.
- 6.16 The site is a greenfield site and its development would clearly have an impact visually on the site. In terms of public vantage points, this impact would mainly be visible from the public footpaths bounding the site, so from short range views. From any more distant views from the other side of Loose Valley to the west, the development would be seen in the context of the existing urban area. The recent development to the north has projected west from the urban area and with this context, I do not consider the development would result in any significant intrusion or projection into open countryside that would be out of character here. Whilst more limited, there is the presence of development at Hayle Place and along Cripple Street to the southwest and so the development would not be out on a limb.
- 6.17 The density of the development is around 23 dwellings/hectare, which I consider is appropriate for the 'edge of urban' location and I note the recent development to the north was around 33 dwellings/ha. The layout is relatively spacious, maintaining and enhancing the landscaped boundaries of the site, and providing better spaced houses on the west edge which borders the Loose Valley.
- 6.18 In terms of the layout, many objections have been raised with regard to the apartment block at the entrance, which although scale is not being considered, is put forward by the applicant as being 2.5 storeys in height. There are 2.5 storeys on the development to the north and in my view 2.5 storeys would not be harmful to the area. To my mind this building and this height would actually provide a quality and meaningful 'entrance' building to the site that would face onto the

curved entrance road. Opposite the apartment building would be an area of public open space providing breathing space in front of the building so that the height would not be oppressive. I consider the apartment building and open space would serve to define the entrance providing a focus and a sense of place upon arrival.

- 6.19 Further into the site plots 28 and 29 would provide a focus at the junction where the road splits, and on other corners buildings are shown to have dual frontages and turn corners including on plots 36, 55, and 62. Bungalows are proposed along the east boundary in response to those on Richmond Way to the east. The most northern of these is shown as 1.5 storeys with a dual aspect to provide interest from the north.
- 6.20 The scheme would have good connections and integration with its surroundings with a new pathway running the length of the site and linking up with the public footpaths to the south. The roads are enclosed by buildings with the potential for good landscaping, as houses have landscape front gardens, and parking is mainly in tandem form to reduce the amount of hardstanding.
- 6.21 In terms of landscaping, the site currently lacks many strong features, with mainly sporadic hedge/tree boundaries which would be retained and strengthened. There is a good quality protected oak tree at the south end of the site, which would be retained and used as a focal feature around which houses would be placed. Within the site open gardens and tree planting is shown. The landscape officer is satisfied that the most significant trees on the site will be retained. The detail of the landscaping and boundary treatments will be very important, particularly along the east and south boundaries with the public footpaths so that fencing is not up against the path but is set back with planting in front. Landscaping along the west boundary will also be important to provide a soft edge to the development.
- 6.22 Overall, I consider there would be some harm to the landscape but this would be low and it would be seen in the context of existing development to the north and east, and I consider the layout of the development to be of a high quality standard which performs well against the 'Building for Life 12' guidance.

Heritage

- 6.23 As outlined above, the Loose Conservation Area adjoins the west boundary and small sections of the site extend into it by around 5-8m. 'Hayle Place' is a Grade II listed building and is around 155m west of the site. Other nearby listed buildings include Little Bockingford (GII) around 100m to the southwest, Bockingford Court (GII) around 80m to the southwest, and Bockingford Farmhouse (GII) around 90m to the south.
- 6.24 The Conservation Officer raises objections to the development and considers there would be harm to the significance of Hayle Place (GII) because of the impact on its setting and harm to the significance of the conservation area because of the impact upon its setting. He also considers that the former parkland of Hayle Place should be considered as a non-designated heritage asset (NDHA) in its own right, and development of this part of it will necessarily result in harm to the significance of the NDHA. No objections have been raised with regard to the setting of other nearby listed buildings.

- 6.25 It is acknowledged that there will be some harm to the setting of Hayle Place and the Conservation Area and clarification over the level of harm has been sought from the Conservation Officer, and this is considered to be 'less than substantial'. The NPPF outlines that where a proposed development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. It is considered that the provision of much needed housing (including affordable housing) in the context of the Council being a considerable way short of a 5 year housing land supply, and the NPPF aim of significantly boosting the supply of housing, would provide for public benefits that outweigh the harm in this case. I also consider the proposal is at a relatively low density with more spacious buildings on the west side adjacent to the Conservation Area, and with room for landscaping along the west edge to soften the impact.
- 6.26 The loss of 'The Lodge' has been raised in representations, however, this building is not considered to be of any merit to warrant objection to its loss and the Conservation Officer does not consider it to be a NDHA.

Highways

- 6.27 The applicant has submitted a Transport Assessment which has been assessed by Kent Highways Services (KHS). This shows the traffic generation associated with the development is expected to be in the region of 34 trips during the AM peak and 38 during the PM peak. The junction of Postley Road/Courtenay Road/Armstrong Road has been modelled using 'Arcady' which assesses the capacity queues and delays at roundabouts. The results indicate that the development generated traffic will not lead to any significant additional delays or queuing at this roundabout. Overall, it is advised that the local road network can accommodate the traffic from the development. The visibility at the new access where it joins Postley Road is also considered to be safe.
- 6.28 The access into the site is 4.8m wide and does not allow for a dedicated pavement alongside the proposed two way road. As such, it would be a shared surface for pedestrians and vehicles for around 35m in length. KHS have raised some concerns regarding this on the basis that the left turn into the site could effectively be interpreted as a straight through from Postley Road by some motorists, and that there is little scope for a safety margin should pedestrians need it in the event of vehicles travelling at less than desirable speeds on this section. However, it is advised that a raised table or raised pedestrian crossing point at the mouth of the junction, between the tactile paving shown, would be a sufficient introduction to the shared surface to reduce the potential turning in approach speeds into this site. Subject to this, it is confirmed that there are no highway objections. This is not currently shown on the plans but can be secured by condition.
- 6.29 The issue of access for emergency vehicles has been raised. Having discussed this with Kent Fire & Rescue, they outline that 3.7m road widths are acceptable to allow a fire engine to access into and around the site (the roads are around 4.8m). The layout is also such that a fire engine would be able to get within a suitable distance of all buildings (45m). The site does not have the option of providing an alternative 'emergency access' but having discussed this Kent Fire & Rescue, on the basis of the size of the development, no concerns were raised. I also note the site to the north for 130 dwellings (determined in 2012) did not have an emergency access and this was not considered grounds for refusal.

- 6.30 The internal road which loops around the west of the site is a shared surface and some concern has been raised in representations over its safety. This is not a through road and the curves of the road would serve to keep speeds relatively low. No objections have been raised by KHS and I consider it would be acceptable. Parking provision would be around 127 spaces excluding garages (ratio of 1:2), which is considered acceptable by KHS. The nearest bus stops are located on Forest Hill and along Armstrong Road and bus boarders (raised kerbs) are requested at the stops on Forest Hill to improve accessibility for the mobility impaired and shelters are requested at the 2 stops on Armstrong Road in order to encourage the use of the buses, which are considered reasonable and necessary request to encourage public transport use, and can be secured by condition. Overall there are not considered to be any highway matters that would warrant refusal of the scheme.

Infrastructure

- 6.31 A development of this scale is clearly likely to 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 suitable contributions to make the development acceptable in planning terms can be sought in line with policy CF1 of the Local Plan and the Council's Open Space DPD.
- 6.32 However, any request for contributions needs to be scrutinised, in accordance with Regulations 122 and 123 of the Community Infrastructure Levy (CIL) Regulations 2010. This has strict criterion that sets out that any obligation must meet the following requirements: -

(Reg. 122)

It is:

- (a) necessary to make the development acceptable in planning terms;*
- (b) directly related to the development; and*
- (c) fairly and reasonably related in scale and kind to the development.*

And

(Reg. 123)

A planning obligation ("obligation A") may not constitute a reason for granting planning permission to the extent that —

- (a) obligation A provides for the funding or provision of an infrastructure project or*

type of infrastructure; and

- (b) five or more separate planning obligations that—*

- (i) relate to planning permissions granted for development within the area of the charging authority; and*
- (ii) which provide for the funding or provision of that project, or type of infrastructure have been entered into before the date that obligation A was entered into.*

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- 6.33 Regulation 123 means that planning obligations cannot pool more than 5 obligations of funding towards a single infrastructure project or type of infrastructure (since April 2010).
- 6.34 The following contributions have been sought:
- 6.35 For primary education provision, £2360.96 per applicable house (x46) + £590.24 per applicable flat (x2) (£109,784.64) is sought towards the enhancement of teaching space being towards an additional classroom through reconfiguration of the existing building at South Borough Primary School.
- 6.36 For libraries, £2928.96 is sought towards bookstock for the new residents of this development (supplied to Kent History & Library Centre, Maidstone).
- 6.37 For youth equipment, £514.84 is sought for the new residents of this development (supplied to Infozone Youth Hub).
- 6.38 The provision of 1 Wheelchair Accessible Home within the affordable housing on site and superfast broadband to the houses is also sought for which suitable conditions could be worded.
- 6.39 Justification for the contributions is outlined at paragraph 5.09 and I consider that the requested contributions have been sufficiently justified to mitigate the additional strain the development would put on these services and comply with policy CF1 of the Maidstone Borough-Wide Local Plan (2000) and the CIL tests above.
- 6.40 In terms of open space, a LEAP is proposed on site with informal space around. The site is within walking distance of South Park (around 600m) and so I consider this level of 'equipped' on-site open space is suitable for the development. The MBC Parks team originally requested an off-site financial contribution reduced in view of the LEAP towards South Park to mitigate the impact from future residents. However, due to the '5 pooling limit' change to the CIL regulations from April this year, this request can no longer be secured. Other nearby sites have already secured 5 contribution and others are too distant to justification a request. In view of this, the MBC Parks team recommended contributions towards the Loose Valley Local Wildlife Site, which is managed by the Kent Wildlife Trust (KWT). Parts of the site are open to public use and it is considered that future residents of the development will increase impact upon this public space and so a contribution to mitigate this impact is considered to be reasonable, directly related, and necessary, and therefore passes the CIL Test. Some details have been provided from KWT on potential improvements and maintenance and costs but it is considered that more detail and information is required on this, and so delegated powers are sought to finalise these details and the contribution amount.
- 6.41 In terms of healthcare, the NHS is seeking a healthcare contribution of £35,280 towards extension, refurbishment and/or upgrade in order to provide the required capacity at Boughton Lane surgery branch to Mote Medical Practice or Grove Park surgery.
- 6.42 Affordable housing would be provided at 40% with a 60/40 split in favour of rented being in line with the Council's DPD. MBC Housing has advised that whilst ideally they would like to see provision of some 3 bed units for affordable use, the suggested units split is workable. The Parish Council consider it should

be reduced to 30% as Tovil and its immediate neighbourhood are considered to already be very well served with affordable housing. Whether this is the case or not, affordable housing is in high need Borough-wide and this would contribute toward this need plus I do not consider the amount of affordable housing (25 units) would result in any harm to the local community.

- 6.43 The above contributions are considered to be necessary to mitigate the impact of the development, and I have checked with those making the requests that there are not already 5 signed s106 agreements contributions towards the projects, and clarification has been given that there are not. As such the requests would meet the CIL regulations tests.
- 6.44 The Parish Council have requested £100,000 for purchase of further land to enhance the nearby nature reserve, £500,000 for road and transport improvements, and the use of a minimum of 20% local labour on the construction. No justification for the amount or the need for this money has been provided, and so the request does not pass the CIL tests. Nor do I consider there is sufficient justification or necessity for the use of local labour in construction.

Ecology

- 6.45 An Ecological Scoping Survey report and Bat Survey report have been submitted in support of this application. With regard to bats, the dead tree in the centre of the site provides opportunities for roosting bats. At the time of survey, no roosting bats were recorded emerging from the tree but KCC Ecology advise that the opportunities for bats to use the tree remain. It is advised that if permission is granted, depending on the timescale of reserved matters submissions and works commencing, it may be necessary for additional surveys of the tree to be carried out to ensure that no bats have moved in during the interim period. To minimise the potential for harm a soft felling method undertaken during September – November is recommended. It is advised that this is secured by condition, if permission is granted. The buildings in the north-eastern corner of the site have been assessed and are considered not to be suitable for bats, with which KCC Ecology agree.
- 6.46 Representations have been received suggesting retention of the dead tree within the site due to its ecological value, however, the applicant is not willing to retain this tree and it is not being used as a roost by bats. I do not consider the loss of the dead tree is grounds to refuse the application.
- 6.47 KCC advise that most of the site is grazed and provides little opportunity for wildlife. Scrub and trees which could offer some potential habitat are present along the boundaries of the site. There is potential for use of these features by nesting birds and, if permission is granted, they advise that an informative is provided to the applicant to ensure they are aware of the legal protection that nesting birds have. The main hedges and trees along boundaries would be retained and enhanced as outlined in the Design & Access Statement and this could be secured by condition. Other enhancements could be provided through native landscaping and through the introduction of bird and bat nesting/roosting features within buildings, which can be secured by condition.
- 6.48 Overall, I do not consider there would be any unacceptable impact upon ecology and enhancement can be secured.

Residential Amenity

- 6.49 New houses would be positioned at sufficient distance from neighbouring properties so as not cause any harmful impacts in terms of privacy, loss of light or outlook. The new access road would be positioned away from existing houses and so I consider any traffic noise would not be harmful. I also consider the layout of the development is suitable to provide acceptable living standards for future occupants in terms of garden sizes, outlook, and privacy.

Flood Risk & Drainage

- 6.50 The site falls within Flood Zone 1 (lowest risk) but being a major application, a flood risk assessment has been provided, which seeks to demonstrate that surface water run-off would be no worse than the current situation. The applicant is proposing a SUDs scheme being the use of soakaways (because the soils have relatively good permeability), and permeable hard surfacing. The Environment Agency has assessed this and raises no objections subject to full details of the scheme being submitted, formally approved and secured by condition, which can be achieved. In addition KCC as Lead Local Flood Authority have also assessed the proposals and raise no objections to the principles outlined subject to conditions to ensure the detail and on-going management.
- 6.51 In terms of foul drainage, Southern Water have confirmed that there is sufficient capacity in the local network to accommodate foul water flows from the development.

Other Matters

- 6.52 Following the technical housing standards review, the previous government issued a written ministerial statement withdrawing the code for sustainable homes in March 2015. The statement (which is a material planning consideration) says *"planning permissions should not be granted requiring, or subject to conditions requiring, compliance with any technical housing standards other than for those areas where authorities have existing policies on access, internal space, or water efficiency"*. As such, conditions cannot be attached to planning permission seeking a code level. Instead, the government will be introducing a new set of streamlined national technical standards that will be dealt with under Building Regulations, and it is advised that energy performance requirements in Building Regulations will be set at a level equivalent to the Code for Sustainable Homes Level 4.
- 6.53 Other issues raised and not addressed above include potential for anti-social behaviour from use of the LEAP, loss of value, conflict with policy ENV22, and lack of consultation with the local community. There is potential for some noise from use of the LEAP by children, however, I would not consider this would be to an unacceptable level. There is no guarantee of anti-social behaviour and I note the LEAP is well overlooked by houses which would help to discourage this. The loss of value to property is not a material planning consideration. Policy ENV22 of the Local Plan relates to open space areas (public and private) within settlements and villages such as parks, playing fields, sports fields etc. and not equestrian /agricultural land outside of settlement boundaries and so is not relevant. An apparent lack of consultation with the local community prior to submission is regrettable but not grounds for objection.
- 6.54 Members may be aware of the refusal of residential development on the land immediately to the south of the site and to the north of Cripple Street. This was

an application for 36 houses (ref. 14/503167) and was refused at Planning Committee on 19th March based on harm to the setting of Bockingford Farmhouse (GII) and the Conservation Area, and landscape harm. Whilst a material consideration, I must remind Members that each application must be assessed on its own merits.

- 6.55 KCC Public Rights of Way team are seeking a condition that the developers fund a Highways Act Section 119 diversion of public right of way KB33a to connect to with the newly adopted road between plots 54 and 55 on the basis that they consider the provision of a new route within the site would lessen the value of the existing route. The PROW is outside the application site and would remain. I do not consider it would be harmed by this development and do not consider this request is justified and therefore fails to pass the tests for planning conditions.

7.0 CONCLUSION

- 7.01 The proposed development is contrary to policy ENV28 in that it represents housing development outside a settlement boundary in the Local Plan. However, in the absence of a five year supply of housing the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development, and policies such as ENV28 cannot form grounds to object in principle.
- 7.02 The site is at a sustainable location adjoining the urban boundary of Maidstone in the Local Plan, with local services nearby and is in reasonable proximity to the wide range of key services in the town centre as well as good public transport links.
- 7.03 There would be some harm to the landscape but this is considered to be low, largely confined to short range views, and the development would be seen in the context of existing development to the north and east. The design of the development is considered to be of a high quality with a density suitable for this edge of urban area location.
- 7.04 The Conservation Officer considers there would be 'less than substantial harm' to the significance of Hayle Place (Grade II listed) and the Conservation Area because of the impact on their settings, and this is clearly a negative factor against the development. However, it is considered that the provision of much needed housing (including affordable housing) in the context of the Council being a considerable way short of a 5 year housing land supply, and the NPPF aim of significantly boosting the supply of housing, would provide public benefits that outweigh the harm in this case. The proposal is also at a relatively low density with more spacious buildings on the west side adjacent to the Conservation Area and with room for landscaping along the west edge to soften the impact.
- 7.05 There are no highway objections, contributions would be secured to mitigate impacts upon local infrastructure, and affordable housing would be provided at 40%. There are no ecology or amenity objections, or any other matters that result in an objection to the development.
- 7.06 I have taken into account all representations received on the application and the recent decision on the application site to the south. Considering the harm to heritage assets and low level of visual harm caused by the development, in the context of a lack of 5 year housing supply, I consider that any adverse impacts

would not significantly and demonstrably outweigh the public benefits of providing much needed housing, including affordable housing, at a sustainable location. As such, I consider that compliance with policy within the NPPF is sufficient grounds to depart from the adopted Local Plan. Therefore I recommend permission is approved and that Members give delegated powers to the Head of Planning to approve the application, subject to the receipt of an appropriate S106 legal agreement and the following conditions.

8.0 RECOMMENDATION

Subject to the prior completion of a legal agreement, in such terms as the Head of

Legal Services may advise, to provide the following:

- The provision of 40% affordable residential units within the application site.
- Financial contribution of £109,784.64 towards the enhancement of teaching space being an additional classroom through reconfiguration of the existing building at South Borough Primary School.
- Financial contribution of £2928.96 towards the provision of additional bookstock and services (supplied to Kent History & Library Centre, Maidstone).
- Financial contribution of £514.84 towards youth equipment required for the new residents of this development alone (supplied to Infozone Youth Hub).
- Financial contribution of £38,808 towards extension, refurbishment and/or upgrade in order to provide the required capacity at Boughton Lane surgery branch to Mote Medical Practice, or Grove Park surgery.
- Financial contribution towards improvements, and/or refurbishment and/or maintenance of publicly accessible areas of the Loose Valley Local Wildlife Site (amount to be finalised under delegated powers by the Head of Planning and Development).

The Head of Planning and Development BE DELEGATED POWERS TO GRANT planning permission subject to the imposition of the conditions set out below:

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

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

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

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

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2. The development shall not commence (including any demolition, ground works, site clearance) until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, using indigenous species which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development and long term management. The landscape scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines and shall follow the principles of the landscape strategy at section 6.6 of the Design and Access Statement and provide for the following:
 - (i) Retention and enhancement of boundary trees and vegetation with native planting.
 - (ii) The provision of a native landscape buffer along the west boundary of the site to include tree planting.
 - (iii) Native landscape planting between any boundary treatments and the site boundaries.
 - (iv) Native tree planting along streets.
 - (v) Details of locations for the retention of cordwood on site.

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

3. No development shall take place until an ecological design strategy (EDS) addressing ecological enhancements for the site, including bat roost provision, has been submitted to and approved in writing by the local planning authority. The EDS shall include the following:
 - a) Purpose and conservation objectives for the proposed works;
 - b) Review of site potential and constraints;
 - c) Detailed design(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 any 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.

The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: To protect and enhance biodiversity.

4. The development shall not commence until a Landscape and Ecological Management Plan (LEMP) has been submitted to and approved in writing by the local planning authority. The content of the LEMP shall include the following:
 - a) Description and evaluation of features to be managed.
 - b) Aims and objectives of management.

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- c) Management prescriptions for achieving aims and objectives.
- d) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period).
- e) Details of the body or organisation responsible for implementation of the plan.
- f) Details of on-going species and habitat monitoring; and
- g) Provision for remedial measures.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long-term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

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

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

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

6. The development shall not commence until, written details and samples of the materials to be used in the construction of the external surfaces of any buildings and hard surfaces have been submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the approved materials. The materials shall follow the principles outlined at section 6.7 of the Design and Access Statement and include weatherboarding, tile hanging, and clay roof tiles.

Reason: To ensure a satisfactory appearance to the development.

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

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

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

Reason: To ensure that historic building features are properly examined and recorded.

9. The development shall not commence until the applicant, or their agents or successors in title, has secured the implementation of

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- (i) Historic landscape assessment and field survey works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and
- (ii) Following on from the assessment and field survey, any safeguarding measures to ensure preservation in situ of important historic landscape features and/or further recording in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority.

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

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

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

11. The development shall not commence until details of foundations designs and any other proposals involving below ground excavation have been submitted to and approved by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: To ensure that due regard is had to the preservation in situ of important archaeological remains.

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

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

13. The development shall not commence until details of traffic calming measures at the mouth of the new junction/access point onto Postley Road have been submitted to and approved in writing by the local planning authority in consultation with the local highways authority. The approved measures shall be fully implemented prior to the occupation of the development.

Reason: In the interests of highway safety.

14. The development shall not commence until the details of the sustainable surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The detailed drainage scheme shall demonstrate that the surface water generated by this proposal can be accommodated and disposed of on-site without any increase to the on/off-site flood risk during any rainfall events up to and including the climate change adjusted 100yr critical storm.

Reason: To ensure that the new development does not increase the risk of surface water flooding.

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15. No occupation of the development hereby permitted shall take place until details of a scheme for the preparation, laying out and equipping of the play/amenity area, and its on-going maintenance have been submitted to and approved in writing by the Local Planning Authority. The facility shall be completed in accordance with the approved details prior to the first occupation of the development.

Reason: To provide open space to contribute to meeting the recreational needs of prospective occupiers.

16. No occupation of the development hereby permitted shall take place until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:
 - (i) A timetable for its implementation, and
 - (ii) A management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime

Reason: To ensure that the new development does not increase the risk of surface water flooding.

17. The approved details of the parking/turning areas shall be completed before the commencement of the use of the land or buildings hereby permitted and shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) Order 2012 (or any order revoking and re-enacting that Order, with or without modification) or not, shall be carried out on the areas indicated or in such a position as to preclude vehicular access to them;

Reason: In the interests of highway safety.

18. Details of a "lighting design strategy for biodiversity" for the site shall be submitted to and approved in writing by the local planning authority prior to the occupation of the development. The strategy shall:
 - a) Identify those areas/features on site that are particularly sensitive for bats and in which lighting must be designed to minimise disturbance, and;
 - b) Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory or having access to their breeding sites and resting places.

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

Reason: In the interest biodiversity protection.

19. The details submitted pursuant to condition 1 shall show no buildings over a height of 2.5 storeys (any third floor to be within the roof space).

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

20. No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that:
- (i) There is no resultant unacceptable risk to controlled waters
 - (ii) The ground has been shown to be suitably permeable (in accordance with BRE digest 365), and where the installation of soakaways will not result in ground instability.

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

Reason: To protect vulnerable groundwater resources.

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

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

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

Drawing no. 1366/C101B (Site Layout Plan), and 1366/SK07B (notwithstanding the traffic calming measures required under condition 13).

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

Case Officer: Richard Timms

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.