

REPORT SUMMARY

REFERENCE NO - 14/506419/FULL		
APPLICATION PROPOSAL Erection of 35 residential dwellings, together with associated highway works, and landscaping provision.		
ADDRESS Bell Farm, North Street, Barming, Kent		
RECOMMENDATION GRANT PLANNING PERMISSION SUBJECT TO PRIOR COMPLETION OF AN APPROPRIATE LEGAL MECHANISM AND CONDITIONS		
SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL 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 the existing urban boundary, and is not considered to result in significant planning harm. Given the current shortfall in the required five-year housing supply, the low adverse impacts of the development are not considered to significantly outweigh its benefits. As such the development is considered to be in compliance with the National Planning Policy Framework and this is sufficient ground to depart from the Local Plan. The site is included the draft Local Plan as site allocation H1 (19) and has been approved by Scrutiny Committee as being appropriate for 35 residential units. The applicant is prepared to enter into a legal agreement to ensure that justified contributions are met.		
REASON FOR REFERRAL TO COMMITTEE Barming Parish Council wish to see the application refused and have requested the application be reported to Committee for the reasons set out below. Teston Parish Council wish to see the application refused and have requested the application be reported to Committee for the reasons set out below. Councillor Fay Gooch objects and has requested the application be reported to Committee for the reasons set out below.		
WARD Barming	PARISH/TOWN COUNCIL Barming	APPLICANT Mr Dan Humpries AGENT Mr Chris Hawkins
DECISION DUE DATE 12/03/15	PUBLICITY EXPIRY DATE 12/03/15	OFFICER SITE VISIT DATE 07/01/2015

1.0 BACKGROUND

1.1 This application was deferred at 10 September 2015 planning committee to enable the Officers to ask the applicant if they would be willing to amend the scheme to secure the following (as per the minutes):

- *The retention of the hedgerow on the North Street frontage and including the field margin, which area should include an open SUDS feature;*
- *The relocation of the proposed footway to behind this area; to be a shared surface with no access drives created onto North Street;*
- *The houses may move back slightly, but would be the same density, design and orientation;*
- *The landscaping mix to include species native to Barming; and*
- *The inclusion of renewables and bat/bird bricks in the development.*

2. That the scheme is to be reported back to the next meeting of the Committee either to confirm that it will be amended to accommodate these changes or for Members to make a decision on it as it stands.

1.2 Following the deferral on 10 September 2015 the applicant met with Members and Officers to allow Members to clarify the reasons for deferring the item.

1.3 Following this meeting the applicant has confirmed that they will not be making the changes suggested by Members and request that the application be determined as currently submitted (plus additional SUDs information as set out below). In an email to the Planning Manager the applicant provides the following reasons stating why they would like the application to be determined as currently submitted:

'The application was submitted in December 2014, and was the subject of pre-application discussions and subsequent amendments following a change in the draft policy boundary to facilitate development being set back 5 metres from North Street following our meeting on 02 July.

The 02 July meeting followed the application being withdrawn from the Agenda of the 28 May meeting of the Planning Committee so that further reptile survey work could be undertaken.

Maidstone Borough Council issued the attached letter following our meeting setting out actions in order to seek to approve the amended application in the short term. This referred to both the draft allocation for the site - H1 (19) and the application.

The letter specifically stated that 'No objection will be raised to the removal of the hedgerow along North Street subject to suitable mitigation, as discussed during our meeting, and support from KCC Ecology.' This also aligned to the attached pre-application advice received before the planning submission, to secure a strong frontage to North Street, 'The quality of the roadside hedge/vegetation should be explored on the southern section as it appears not to be robust - It will be better to remove and have development addressing road here, rather than turning its back with close-board fencing.'

KCC Ecology were consulted on the additional survey work and the application was recommended for approval at the 10 September Planning Committee meeting.

It is appreciated that Members can take a different view to Officers, but we are disappointed that after what we considered to be clear guidance given by MBC the application was then deferred for further reasons that significantly change the design approach taken for the site, which moves away from Officers professional views on the application site to date.

We have considered the implications of the changes and are concerned about the implications and delays to the current application if we were to amend it. We discussed why a SUDs feature would not be practicable along the inside of the hedge and we will be separately be writing to you on this specific issue.

We therefore confirm that we would like the planning application taken back to the 01 October Planning Committee on the basis that no further amendments will be made to it. We understand that the application will then be reported back to the 22 October Planning Committee to be determined, in its current submitted form.

Maidstone Borough Council accepts that it does not have a 5 year supply of land and this is a site where an approval in the short term would assist in delivering much needed housing, including in this case 11 (30%) much needed affordable dwellings'.

2.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Maidstone Borough-Wide Local Plan 2000: ENV6, ENV28, ENV35, ENV42, ENV49, T13

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

Maidstone Borough Council Draft Local Plan: SS1, SP5, H1 (19), DM2, DM3, DM4, DM6, DM10, DM13, DM16, DM30, ID1

3.0 ADDITIONAL INFORMATION FROM THE APPLICANT

3.1 Following the deferral of the application at 10 September committee the applicant has provided a technical note to demonstrate that the preliminary surface water management proposals set out in the planning application makes best use of the available opportunities for sustainable drainage on the site and is thus SuDs compliant.

3.2 The drainage strategy is based on three keys aspects of the site:

- The site has no existing, established water course in which to discharge to directly;
- There are is no existing surface water drainage network in the immediate vicinity of the site;
- The ground conditions are such that infiltration can be achieved but at comparably limited rates.

3.3 The technical note advises that in order to deliver a SuDs compliant scheme, the use of infiltration techniques would likely be the most effective approach.

4.0 ADDITIONAL LOCAL REPRESENTATIONS

4.1 Since the committee meeting on the 10 September 2015 one additional objection letter has been received from a local resident. The following (summarised) issues were raised:

- The density of the development should be reduced as there is clear evidence this would benefit residents, the environment, ecological and rural nature of Barming.
- Policy H1 (19) is a draft Policy.
- It is still possible to reduce the density if Members are minded to.

5.0 APPRAISAL

5.1 The applicant has requested that the application be determined by Members as per the officer recommendation in the 10 September 2015 committee report (appendix 1), with the inclusion of the additional SuDs information for consideration.

5.2 The applicants drainage consultant have provided a technical note to demonstrate to Members that the preliminary surface water management proposal makes best use of the available opportunities for sustainable drainage on the site and is therefore SuDs compliant. The FRA and SuDs technical note explain that the SuDs

management will be based on control at source before recharging the underlying ground water in line with good SuDs practise.

5.3 The Environment Agency and Lead Local Flood Authority have reviewed the proposed drainage strategy and do not raise any objections and Members are therefore advised that drainage would not constitute a sustainable reason for refusal of this application.

5.4 No additional information has been submitted to the council which would alter the original recommendation outlined in the 10 September 2015 committee report.

6.0 CONCLUSION

6.1 Member are therefore requested to determine the application as per the 10 September 2015 committee report, whilst having regard to the additional SuDs information supplied by the applicant.

7.0 RECOMMENDATION as per the attached 10 September committee report.

7.1 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 30% affordable residential units within the application site. 60% rental and 40% shared ownership.
- Contribution of £27,216 to be sought from the NHS towards improvements to Blackthorne Medical Centre and College Practice (Barming).
- Contribution of £82,633.25 (£2360.96 per applicable house) towards the enhancement of teaching space at Barming Primary School
- Contribution of £82,593 (£2359.80 per applicable house) towards towards the enhancement of teaching space at Maplesden Oaks School.
- Contribution of £295.48 is sought to be used to address the demand from the development towards youth services locally to be supplied to Infozone Youth Hub.
- Contribution of £1680.55 towards new book stock supplied to Mobile Library service covering Barming.
- Contribution of £55,125 (£1575 per dwelling) towards the improvement of open space in the vicinity of the site.
- Contribution of £406 per dwelling towards a pedestrian crossing facilities at the Hermitage Lane/Heath Road junction
- S278 Agreement with KCC Highways in for road improvements including the provision of; a footway on western side of North Street; a raised table with informal and shared surface; a crossing point to the north of the site; street lighting.

7.2 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 hereby permitted shall be begun before the expiration of one year from the date of this permission;

Planning Committee Report

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

- (2) The development 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;

Reason: To ensure a satisfactory appearance to the development.

- (3) The vehicle parking spaces and/or garages and vehicle loading/unloading and turning facilities shown on the submitted plans shall be permanently retained for parking and turning and shall not be used for any other purpose.

Reason: In the interest of highways safety and parking provision.

- (4) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. the parking of vehicles of site operatives and visitors
- ii. loading and unloading of plant and materials
- iii. storage of plant and materials used in constructing the development
- iv. the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate
- v. wheel washing facilities
- vi. measures to control the emission of dust and dirt during construction
- vii. a scheme for recycling/disposing of waste resulting from demolition and construction works

Reasons: In the interest of highways safety and residential amenity.

- (5) The proposed development shall not be occupied until provision for cycle storage has been made in accordance with details to be submitted to and approved in writing by the Local Planning Authority. The approved cycle parking and refuse/waste storage arrangements shall be retained thereafter.

Reason: To provide adequate transport arrangements.

- (6) No development shall take place (including any vegetation clearance or ground works) until a detailed Reptile Mitigation Strategy, in accordance with the submitted Reptile Mitigation Strategy dated July 2015, has been submitted to and approved in writing by the local planning authority. The content of the Strategy shall include the:

- a) purpose and objectives of the proposed mitigation works, including the creation of compensatory habitat and protection of reptiles during construction works;
- b) detailed design(s) and working method(s) to achieve stated objectives;
- c) identification of 'biodiversity protection zones', including the use of protective fences, exclusion barriers and warning signs;
- d) timetable for implementation, demonstrating that the mitigation works are aligned with the proposed phasing of development;
- e) persons responsible for implementing the works, including provision for specialist

ecologists to be present on site to oversee reptile protection works.;

f) provision for long-term management and monitoring of the compensatory habitat;

g) provision for identification and implementation of remedial actions if monitoring shows that objectives are not being met.

The approved Reptile Mitigation Strategy shall be implemented in accordance with the approved details.

The implementation of additional recommendations identified in chapter 5 of the Ecological Appraisal report and subsequently confirmed by the applicant's ecologist must also be adhered to ensure that all potential ecological impacts are adequately avoided or minimised.

Reason: In the interest of ecology and biodiversity enhancement.

- (7) The development permitted by this planning permission shall only be carried out in accordance with the approved Flood Risk Assessment (FRA) (Reference 14-021, November 2014, C&A Consulting Engineers) and the following mitigation measures detailed within the FRA:

Development shall not begin until a sustainable surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 100yr critical storm will not exceed the run-off from the undeveloped site following the corresponding rainfall event, and so not increase the risk of flooding both on- or off-site.

The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

The drainage details submitted to the Local Planning Authority shall:

Include details of all sustainable drainage features; and

Specify a timetable for implementation; and

Provide a long term management and maintenance plan for the lifetime of the development which shall specify the responsibilities of each party for the implementation of the SUDS scheme and any other arrangements to secure the operation of the scheme throughout its lifetime; and Relevant manufacturers details on all SUDS features.

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.

- (8) Prior to the commencement of the development hereby approved, a scheme to demonstrate that the internal noise levels within the residential units will conform to the "good" design range identified by BS 8233 1999, Sound Insulation and Noise Reduction for Buildings - Code of Practice, shall be submitted to and approved in writing by the Local Planning Authority. The work specified in the approved scheme shall then be carried out in accordance with the approved details prior to occupation of the premises and be retained thereafter.

Planning Committee Report

Reason: In order to protect the occupiers of the dwellings from undue disturbance by noise in accordance with Policy EN1 of the Local Plan.

- (9) Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure suitable foul and surface water sewerage disposal is provided.

- (10) 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 during the course of development in the form of a Tree Protection Plan undertaken by an appropriately qualified party in accordance with BS5837:2012 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 2012 and shall include details of the repair and retention of existing hedgerows and tree lines within the site; including enhancements to the north, east and west boundary planting as shown on drawing number CSa/1683/118D; dated November 2014.

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 and a high quality of design, and safeguard and enhance the character and appearance of the setting of adjacent listed buildings.

- (11) The use or occupation of each phase of the development hereby permitted shall not commence until all planting, seeding and turfing specified in the approved landscape details has been completed. All such landscaping shall be carried out during the planting season (October to February). Any seeding or turfing which fails to establish or any trees or plants which, within ten years from the first occupation of a property, commencement of use or adoption of land, die or become so seriously damaged or diseased that their long term amenity value has been adversely affected shall be replaced in the next planting season with plants of the same species and size as detailed in the approved landscape scheme unless the local planning authority gives written consent to any variation.

Reason: To ensure a satisfactory landscaped setting for the development.

- (12) Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015, no further development shall take place on the site without the prior written consent of the Local Planning Authority;

Reason: To safeguard the character and appearance of the development and the enjoyment of their properties by prospective occupiers and surrounding neighbours.

Planning Committee Report

- (13) 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. Boundary treatment shall include:

Cut-outs at ground level in the garden fences of the new residential houses to allow wildlife to move freely between gardens;

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

- (14) 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.

- (15) No development shall take place until details of any lighting to be placed or erected within the site have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include, inter alia, details of measures to shield and direct light from the light sources so as to prevent light pollution and illuminance contour plots covering sensitive neighbouring receptors. The development shall thereafter be carried out in accordance with the subsequently approved details.

Reason: In the interest of residential amenity

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

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

- (17) Details of facilities for the separate storage and disposal of waste and recycling generated by this development as well as the site access design and arrangements for waste collection shall be submitted for approval to the LPA. The approved facilities shall be provided before the first use of the building(s) or land and maintained thereafter. The applicant should have regard to the Environmental services guidance document 'Planning Regulations for Waste Collections' which can be obtained by contacting Environmental Services.

Reason: In the interests of amenity and to safeguard the appearance of the area

- (18) The development shall not commence until an Arboricultural Method Statement in accordance with BS5837:2012 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 and to safeguard the trees on site.

Planning Committee Report

- (19) No development shall commence on site until a signed S278 Agreement, covering the alterations to North Street road layout, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the highways works covered in the S278 have been completed.
- (20) The proposed first floor north facing windows in the north elevation of the house on Plot 29 and Plot 30 hereby approved shall at no time be openable or glazed, otherwise than in obscured glass, below a minimum height of 1.75 metres above the relevant internal floor levels.

Reason: To ensure that the proposed development does not prejudice the amenities of adjoining occupiers.

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

Drawing numbers 8463A/01 and 8463B/01 1/1 and 8463B/01 2/2; dated June 2014 and 8463A/02 RevA; dated Sept 2014 and T.0273_10 and T.0273_11; dated 25.11.2014 and T.0273_03-3 and T.0273_03-2 and T.0273_03-4 and T.0273_03-4-2 and T.0273_03-6 and T.0273_03-7 and T.0273_03-9 and T.0273_03-10 and T.0273_03-11 and T.0273_03-12 and T.0273_03-14 and T.0273_03-081 and T.0273_03B; dated 4.12.2015 and T.0273_03-5A and T.0273_03-5A and T.0273_03-13A; dated 4.02.2015 (contained within the House Type Pack T.0273_03D) and T.0273_09-2A and T.0273_17A; dated 5.02.2015 and T.0273_06A and T.0273_09A and T.0273_13A; dated 23.02.2015 and T.0273_10A and T.0273_11A; dated 19.02.2015 and CSa/1683/119B and CSa/1683/118F; dated November 2014 and Archaeological Desk Based Assessment by Cgms (DH/KB/17266); dated November 2014 and Ecological Appraisal Report by CSa (CSa/1683/02a); dated October 2014 and Planning Statement by DHA (CJH/10313); dated December 2014 and Addendum to Planning Statement CH/RF/10313; dated March 2015 and Arboricultural Report (AP/8463A Rev.A/WDC); received 23.12.2014 and Revised Layout Highways Review Revision A by C & A Consulting Engineers; dated 25.02.2015 and Code for Sustainable Homes Pre-Assessment Report by FES; dated March 2013 and Design & Access Statement and Flood Risk Assessment & Preliminary Surface Water Drainage Strategy by C & A Consulting Engineers Ltd and CSa Landscape and Visual Appraisal and Planning Statement (Addendum) and Reptile Mitigation Strategy by CSa and Transport Assessment by C&A and T.0273_02H; all received on 28.07.2015

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

INFORMATIVES

Southern Water

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

8.0 APPENDIXES

Appendix 1: 10 September committee report

Appendix 2: SUDs Technical Note by C & A Consulting Engineers

Planning Committee Report

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