

REPORT SUMMARY

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| 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 |
| RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites): None relevant This application was withdrawn before the 28 May 2015 Committee meeting as lizards were found in the hedgerow fronting onto North Street which is proposed for removal, prior to the committee meeting. The scheme was also deferred to increase the set back from North Street. Further ecological surveys and an amended layout were requested prior to presenting the scheme back to planning committee. For clarity this is a fresh report and includes additional correspondence from consultees and further representations following re-consultation. | | |

1.0 MAIN REPORT

1.1 Site Background

1.2 The site was promoted in response to the Borough Council's "call for sites" in 2013 and was identified as having the potential to accommodate 35 houses. The site reference in the draft Local Plan is H1 (19) - North Street, Barming. The draft allocation states:

1.3 North Street development criteria

Planning permission will be granted if the following criteria are met:

Design and layout

1. The character of this development will be complementary to its semi-rural location at the edge of the urban area.
2. The North Street frontage will be set back a minimum of 5m from the road to maintain the open character of this location.

Access

3. Access will be taken from North Street only.

Air quality

4. Appropriate air quality mitigation measures will be implemented as part of the development.

Open space

5. Provision of publicly accessible open space as proven necessary, and/or contributions.

Community infrastructure

6. Appropriate contributions towards community infrastructure will be provided, where proven necessary.

Highways

7. Appropriate highway improvements to North Street will be implemented as proven necessary.

1.4 This site was accepted by Cabinet on 2 February 2015 as suitable for 35 residential units. The site allocation H1 (19) was taken back to Strategic Planning, Sustainability and Transportation Committee on the 23 July 2015, and the site was approved for inclusion in the draft local plan and Regulation 19 consultation to include a 5 meter set-back for the development from North Street frontage and a 5 meter boundary extension to the west as per the amended site plan.

2.0 DESCRIPTION OF SITE

2.1 The application site relates to two parcels of agricultural land located on the west side of North Street in Barming. The sites are located within the open countryside as defined within the Local Plan Proposal Maps and are designated as Areas of Local Landscape Importance.

2.2 A high level hedgerow located on the eastern boundary of the two sites abuts North Street. The hedgerow becomes lower in the northern most section of the north site.

2.3 The surrounding area to the west of the site is characterised by open countryside and arable fields. To the north, east and south of the site is predominantly residential properties of vary designs and styles. Two listed buildings, Broumfield and The Oast are located on the opposite side of the road at the junction of North Street and

Heath Road. 23 North Street is a listed building and is located to the south of the southern site. Residential properties located to the east and south of the site are located within the urban area of Maidstone as defined on the Proposal Maps.

3.0 PROPOSAL

- 3.1 The application proposes 35 dwellings, of which 11 (30%) would be affordable housing.
- 3.2 The affordable units will comprise 6 x 2 bed and 5 x 3 bed houses. The private units comprise 12 x 3 bed and 12 x 4 bed houses. These will be provided together with off-street parking spaces / garages.
- 3.3 The proposed dwellings will be 2 storeys in height with a mix of terrace, semi-detached and detached properties. The development proposes a uniformed approach to materials with key materials being utilised throughout the site including facing brickwork, ragstone detailing, contrasting brick heads and weatherboarding. Roofs would be formed of clay tiles and slate.
- 3.4 The North site would accommodate two rows of houses with a row of frontage properties facing North Street, each with independent access and parking located to the front / side of each house. These properties would be set back from the road with landscaped gardens located at the front of the houses. A new junction with North Street would be located in the northeast section of the northern site providing vehicle / pedestrian access to a row of properties behind. The properties to the rear of the site would face west and have rear gardens backing onto the rear gardens of the frontage properties.
- 3.5 A new pedestrian footpath is proposed along the west side of North Street at the front of the larger / northern site. A new pedestrian crossing is proposed on North Street to the north of the application site. It is also proposed to widen North Street at several points adjacent the development.
- 3.6 The southern site would be accessed via a new street / junction with North Street with the proposed houses fronting the new street and double fronted properties at the new junction at North Street. The new junction in the south site would constitute a shared surface comprising a raised table formed of a different road surface material.
- 3.7 The existing hedgerow along the western side of North Street would be removed to accommodate the proposed development. Tree planting and hedgerows would be planted along North Street to the front of the proposed houses. New native hedgerow / tree planting are proposed along the western boundary of both sites. Hedgerow enhancements are proposed on the northern boundary of the north site.

4.0 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

5.0 Amended plans

- 5.1 Amended plans were received on March 2015. The revised drawing altered the roof pitch on two house types in order to accommodate natural roof tiles. Landscape enhancements were provided on the western site boundary at the junction of 'street 4' and North Street. Plot 25 has been re-orientated slightly to read better onto North Street and openings have been provided in the flank elevation of Plot 6 to create an active elevation onto the cul-de-sac within the development. Plot 6 has also been moved further west on the site.
- 5.2 Further amendments and additional ecological surveys were submitted on 31 July 2015 to address the reasons for withdrawing the scheme from 28 May committee. The amended layout includes a 5 meter set-back for the houses fronting onto North Street and a 5 meter boundary extension to the west to accommodate the set back from North Street. The vehicle drives onto North Street have been reduced in width and the hedgerow planting along the road frontage has increased as a result. The wildlife corridor in the northern section of the site has been increased.

6.0 LOCAL REPRESENTATIONS

- 6.1 A site notice was displayed at the site on 7th January 2015. Letters were sent to local residents and an advert was published in the local paper.
- 6.2 Some 57 local residents objected. The following (summarised) issues were raised:
- Additional traffic / road congestion and lack of infrastructure
 - Highways safety
 - Impact on local infrastructure including schools and doctors surgeries
 - Design and layout
 - Shared space in 'street 4'
 - The land to the rear will also be developed
 - Loss of privacy
 - Parking for delivery vehicles
 - Loss of trees and hedgerows
 - Impact on historic buildings
 - Parking overspill
 - Development in the open countryside
 - Loss of wildlife habitat
 - Road widening would exacerbate the current traffic situation
 - Impact on sewerage and drainage
 - Loss of agricultural land
 - Loss of a view
 - Inaccurate plans
 - Noise and disturbance from construction (non material planning consideration)
 - Developers consultation process
 - Development out of character with existing residential development
 - Street and other lighting will disturb neighbours sleep
- 6.3 Councillor Fay Gooch has objected to the application for the following (summarised) reasons:
- Inappropriate design for ribbon development
 - Fails to respect the village vernacular of Barming in terms of scale and density
 - Highways safety issues

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- Visually harmful to the wider local landscape
- Impact on local infrastructure

6.4 Following re-consultation on 17.03.2015 some 17 local residents objected to the development. All of the objectors had previously objected and reiterated their original objections. Some 16 objections were received following re-consultation on 7.08.2015 in relation to the amended plans and additional ecology information. Local residents state the amendments have not overcome previous objections which still stand. Additional objections include:

- Further agricultural grade 2 land on the western boundary of the application will be used up
- Insufficient wildlife corridor and reptile mitigation
- Amended layout encourages tandem parking
- Print crash report and traffic surveys have not been updated.

7.0 CONSULTATIONS

7.1 Barming Parish Council has objected to the application on the following (summarised) grounds:

- Design and layout
- Impact on pedestrian and highways safety
- Insufficient on-site turning
- Additional traffic generation
- Insufficient car parking
- Erosion of the setting of the Local Landscape Importance and countryside
- Loss of agricultural land
- Errors in the Design and Access Statement

7.2 Teston Parish Council has objected to the application on the following (summarised) grounds:

- Loss of agricultural land
- Pressure on local infrastructure
- Traffic congestion
- Road safety issues
- Pollution and air quality
- Loss of visual amenity

7.3 Teston and Barming Parish Council reiterated their original objections following re-consultation. Additional Concerns were raised regarding highways safety relating to a recent vehicle collision along North Street and highways visibility in relation to the proposed houses fronting North Street. Barming Parish Council noted the 5m extension to the site to enable modest layout improvements but reiterated their previous objections to the development of this site.

7.4 **KCC Highways:** No objections

'In the context of the NPPF it is not considered that the scale of this development will generate traffic levels that could be described as a severe impact. The car parking allocations proposed for each dwelling are also within the County Council standards. With regards to visitor parking the allocation at the southern end is acceptable and there are opportunities for visitor parking in the northern private cul-de-sacs. I note

the use of long driveways for the majority of the residences proposed fronting North Street and the visitor parking allocation for properties to the rear are also within County standards and acceptable.

The waste collection strategy plan provided is drawn in a way that I have not seen before and I'm not sure I fully understand. Looking at the nominated bin collection points however, it is considered that refuse collection can be undertaken in an efficient and satisfactory manner.

I note the proposals to:-

- *improve pedestrian connectivity at the northern end with Heath Road*
- *give footway provision on the western side of North Street where the site fronts this road, and*
- *to provide a raised table with informal and shared surface approach to design at the southern end.*
- *I also note the comments regarding street lighting given in the Transport Assessment (paragraphs 4.41 and 4.42).*

Should this application be approved, all the above are considered necessary and the applicant will need to enter into a S278 agreement with this authority in order to achieve their implementation. The measures will be subject to the necessary stages of safety auditing in order to establish suitable design details and the outcomes of this work may require some street lighting to be implemented. I note the proposed adoption plan submitted and design and construction details of these extents will be subject to a Section 38 agreement with this authority in order to achieve satisfactory standards.

Subject to the above I write to confirm on behalf of the Highway Authority that I have no objection to this application. Other conditions considered necessary are as follows:-

- *Provision of construction vehicle loading/unloading and turning facilities prior to commencement of work on site and for the duration of construction.*
- *Provision of parking facilities for site personnel and visitors prior to commencement of work on site and for the duration of construction.*
- *Provision of wheel washing facilities prior to commencement of work on site and for the duration of construction.*
- *Provision of measures to prevent the discharge of surface water onto the highway.*
- *Provision and permanent retention of the vehicle parking spaces and/or garages shown on the submitted plans prior to occupation.*
- *Provision and permanent retention of the vehicle loading/unloading and turning facilities shown on the submitted plans prior to the use of the site commencing.*
- *Provision and permanent retention for storage of cycles at a rate of 1 per bedroom'.*

Further comments were received from KCC Highways on 24 August 2015 following the submission of an amended layout. No objections were raised. Details of boundary treatment were requested as condition and KCC have requested a contribution of £406 per dwelling be sought towards pedestrian crossing facilities at the Hermitage Lane/Heath Road junction.

7.5 Environment Agency: No objections

'We have no objection to the proposed development but request that the following condition be included in any permission granted:

Condition: *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’.

Reason: *To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site’.*

7.6 **KCC Flood Risk Officer:** *‘This application was submitted prior to the introduction of the LLFA’s responsibility as statutory consultee. Accordingly, Kent County Council have no comment to make on the management of surface water at this Location ... As the Environment Agency have previously provided comments on the drainage strategy, we would recommend that they are consulted on the discharge of any related Condition or any future amendments to the scheme that may prove necessary’.*

7.7 **KCC Development Contributions:** *‘The County Council has assessed the implications of this proposal in terms of the delivery of its community services and is of the opinion that it will have an additional impact on the delivery of its services, which will require mitigation either through the direct provision of infrastructure or the payment of an appropriate financial contribution’.*

Primary Education Provision: Primary Education contribution at £2360.96 per applicable house (x35) = £82,633.25 towards the enhancement of teaching space at Barming Primary School

This proposal has been assessed in accordance with the KCC Development Contributions Guide methodology of ‘first come, first served’ assessment; having regard to the indigenous pupils, overlain by the pupil generation impact of this and concurrent new residential developments on the locality’.

Secondary Education Provision: A contribution of £2359.80 (x35) = £82,593 towards the enhancement of teaching space at Maplesden Oaks School.

‘The proposal is projected to give rise to 7 additional secondary school pupils from the date of occupation of this development. This need can only be met through the provision of new accommodation within the locality’.

Youth Services: A contribution of £295.48 is sought for the new residents of this development alone (supplied to Infozone Youth Hub).

‘Forecasts indicate that there is insufficient capacity within local Centres to accommodate the increased demand generated through the development, therefore

KCC require contributions to provide increased centre based youth services in the local area.'

Libraries Contribution: A contribution of £1680.55 towards new book stock supplied to Mobile Library service covering Barming.

'There is an assessed shortfall in provision: 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.'

7.8 NHS: *'In terms of this particular application, a need has been identified for contributions to support the delivery of investments highlighted within the Strategic Service Development Plan. These improvements to the primary care infrastructure will enable support in the registrations of the new population, in addition to the commissioning and delivery of health services to all. This proposed development noted above is expected to result in a need to invest in a number of local surgery premises:*

- Blackthorne Medical Centre
- College Practice (Barming)

The above surgeries are within a 1 mile radius of the development at North Street. This contribution will be directly related to supporting the improvements within primary care by way of extension, refurbishment and/or upgrade in order to provide the required capacity.

The application identifies unit sizes to calculate predicted occupancy multiplied by £360 per person. When the unit sizes are not identified then an assumed occupancy of 2.34 persons will be used.

Predicted Occupancy rates

1 bed unit @ 1.4 persons
 2 bed unit @ 2 persons
 3 bed unit @ 2.8 persons
 4 bed unit @ 3.5 persons
 5 bed unit @ 4.8 persons

For this particular application the contribution has been calculated as such:

| Predicted Occupancy rates | Total number in planning application | Total occupancy | Contribution sought (Occupancy x £360) |
|---------------------------|--------------------------------------|-----------------|--|
| 2.8 | 12 | 33.6 | £12,096 |
| 3.5 | 12 | 42 | £15,120 |
| | | | £27,216 |

NHS Property Services Ltd therefore seeks a contribution of £27,216'

7.9 MBC Housing: Objects

'The development is for a total of 35 units with the applicant proposing 30% affordable housing which equate to 11 units.

The applicant has sought to justify only supplying a 30% affordable provision on this site at chapter 10 of the submitted planning application. The applicants are highlighting the 30% affordable housing provision which is in the emerging local plan.

The applicants are latching on to the policy within the interim approved Local Plan, and suggest that it should be afforded due weight in the determination of planning applications. It is their view that development schemes within the strategic locations should provide for affordable housing in accordance with emerging policy.

Housing does not concur with this view. The key word being 'emerging' policy. It is not formally adopted as yet, and housing are still not entirely convinced of the affordable percentage ask requirements being suggested within the emerging policy. Housing are currently putting forward officer recommendations for change following the period of public consultation on the draft Local Plan and further viability testing is to be undertaken. It is housing's view that until such time as the new Local Plan and policies within it are adopted (or at least all agreed and closer to adoption than at present); the current Affordable Housing Development Plan document should be adhered to.

The applicants are referring to the viability study that has been undertaken by Peter Brett Associates which concluded that 30% affordable housing could be offered on sites such as this one. We would like to see a separate viability assessment independently assessed which confirms this is the case. This advice was also given to the developers in a pre-application advice meeting, as 3.3.2 of the application states:

'The Council's Affordable Housing DPD (2006) requires a 40% provision with the affordable rent / shared equity split 60/40. You advised that it would likely that there would be a 30% provision in line with emerging policy. I appreciate the emerging policy is based on recent viability work and taking into account other policy requirements, however this is generalised (not site specific), and in view of the Development Plan position, you would need to demonstrate that 40% is not achievable (and what levels achievable) for this development through a full viability appraisal.'

Housing therefore agrees with the above view as stated by the planning officer in the pre-application meeting that a full viability appraisal be submitted.

Unfortunately, Housing was not involved in any pre-application discussions and, as such, has not been aware of the proposed affordable mix until the full planning application had been submitted.

The developer's indicative affordable unit split is:

| | | |
|-------------|---|-----|
| 1 Bed units | 0 | 0% |
| 2 Bed units | 6 | 54% |
| 3 Bed units | 5 | 46% |
| 4 Bed units | 0 | 0% |

It is disappointing to see another development which is offering no 1 bed provision for the affordable units as this is the need for 57% of the applicants on the Councils housing register.

We are currently working on the following percentages for affordable housing units for sites that are able to provide a range of unit sizes:

Affordable Rented Units (60%)

1-Beds (35%), 2-Beds (30%), 3-Beds (25%), 4-Beds (10%)

Shared Ownership Units (40%)

1-Beds (20%), 2-Beds (50%), 3-Beds (30%)

This would equate to the following mix for 40% affordable provision:

| Size | Total Units | Rental | Shared Ownership |
|-----------|-------------|--------|------------------|
| 1 Bedroom | 4 | 3 | 1 |
| 2 Bedroom | 5 | 3 | 2 |
| 3 Bedroom | 4 | 2 | 2 |
| 4 Bedroom | 1 | 1 | 0 |
| Total | 14 | 9 | 5 |

For a 30% affordable provision, this would equate to:

| Size | Total Units | Rental | Shared Ownership |
|-----------|-------------|--------|------------------|
| 1 Bedroom | 3 | 2 | 1 |
| 2 Bedroom | 4 | 2 | 2 |
| 3 Bedroom | 3 | 2 | 1 |
| 4 Bedroom | 1 | 1 | 0 |
| Total | 11 | 7 | 4 |

However, we acknowledge that to amend the site plans at this stage of the planning process may not be an option.

The applicants are suggesting that the affordable housing be split in to two locations on the site. Due to the number of units involved this would be agreeable with us. In terms of unit sizes, we would be looking for 2-bed 4 person dwellings, as well as 3-bed 6 person dwellings to help maximise occupancy, in accordance with need.

Provision for lifetime homes across all the affordable dwellings is also encouraged'.

7.10 Conservation Officer: Objects to the proposal

'The proposal affects two sites on the western side of North Street, Barming. The southernmost one lies adjacent to the listed medieval cottage at No 23 (listed as St. Cuthbert's Cottage and Bridge Cottage); the larger northern site lies opposite two Grade II listed buildings, Broomfield and the adjacent oast house.

Despite the mixed age and character of development, North Street still has the feel of a semi-rural village street, particularly at its northern end; the narrowness of the road, lack of pavements and the hedgerowed verge all contribute to this character. Barming is a village of linear form running North-South with the main "centre" being to the South of Tonbridge Road; historic maps show North Street only ever to have been sporadically developed, largely around farmhouses with their attendant clusters of farm buildings. The submitted Planning Statement suggests that the rural setting of the listed buildings has been removed by extensive late 20th Century housing development on the eastern side of the road and that their context has been severely compromised. It therefore reasons that development as proposed would not have any significant impact on the setting of these listed buildings.

It cannot be denied that the impact of this modern development has had a significantly detrimental impact on the setting of the listed buildings. However, development of the sites as proposed would remove the last vestiges of a rural setting and would impact particularly severely on the significance of Broomfield and the adjacent oast. Broomfield has its "polite" Classically designed main frontage facing towards the application site (its other elevations facing its former farmyard being of an irregular vernacular character). To some extent, therefore, it may be considered that this principal frontage, which is of high significance, was oriented so as to take advantage of the open views over farmland (which at this point are particularly good ones of the Medway Valley). English Heritage has produced a guidance note on The Setting of Heritage Assets (October 2011) which points out that:-

"Where the significance of a heritage asset has been compromised in the past by unsympathetic development affecting its setting...consideration still needs to be given to whether additional change will further detract from...the significance of the asset. Negative change could include severing the last link between an asset and its original setting..."

This, indeed, would be the case here and in my opinion development of these sites would result in such negative change and result in harm to significance. The level of harm would be less than substantial, so this needs to be weighed against any public benefit arising from the proposals in accordance with the tests set out in the NPPF.

In terms of the design and layout of the proposals, the scheme as put forward shows a development which would be significantly denser in nature than is the norm in North Street; it would therefore not be in character with its surroundings. In terms of house design, attempts have been made to reflect local vernacular practice, only partially successfully in my view. Two house types in particular (the Yewdale and the Easdale) feature roofs of very low pitch which look unattractive and would require covering in a synthetic tile or slate rather than a natural product. Rear elevations are uniformly bland'.

7.11 MBC Parks and Open Space:

MBC Parks and Open Space department advise that no provision of onsite open space has been provided and have therefore requested an off site contribution of £55125 (£1575 x 35) towards North Pole Road Allotments and Beaumont Road Allotments for improvement works with an equal split of monies between the two sites.

7.12 MBC Environmental Health: No objections subject to conditions regarding land contamination and sound insulation.

7.13 KCC Ecology: No objections

'The Ecological Appraisal Report has been submitted in support of this application. We are satisfied that there has been sufficient ecological assessment work with which to inform the determination of the proposed development in respect of potential ecological impacts.

The arable fields are not considered to be of significant ecological value, though it is acknowledged that they provide nesting and foraging opportunities for farmland bird species (though the only specialist farmland birds recorded during surveys were starlings). The site hedgerows are of intrinsic ecological value, with two hedgerows identified as 'important' under the Hedgerows Regulations criteria. The boundary

features also provided bat foraging and commuting areas, and nesting opportunities for birds.

The area of field margin and scrub along the northern boundary of the site has been identified as having potential to provide reptile habitat.

Recommendations are provided in the report to ensure that the potential for ecological impacts is minimised:

Retain the field margin habitat along the northern boundary of the site;

Retain and protect hedgerows H1 (northern boundary of northern land parcel), H3 (southern section of eastern boundary of northern land parcel) and H7 (eastern boundary of southern land parcel), or create compensatory hedgerows;

- *Lighting designed to be sensitive to bats and other wildlife;*
- *Mature trees to be retained, or felled under a method statement;*
- *Badger survey to be carried out prior to construction;*
- *Retention and enhancement of vegetated corridors around the site boundaries;*
- *Timing of vegetation removal to avoid impacts to nesting birds;*
- *Provision of bird foraging opportunities within the landscaping of the proposed development.*

The submitted plans for the site do not appear to have implemented all of the recommendations within the report and as such it is somewhat unclear whether all potential ecological impacts have been avoided and/or adequately mitigated. We advise that clarification is sought regarding this point.

In particular, the 'important' hedgerows are lost as a result of the proposals, and while the soft landscaping proposals appear to provide replacement native species hedgerows (this is a little difficult to tell due to the poor quality of the soft landscaping document on the planning portal), we would expect these new hedgerows to be much wider to provide habitat and corridors for wildlife.

One of the principles of the National Planning Policy Framework is that "opportunities to incorporate biodiversity in and around developments should be encouraged". Ecological enhancement recommendations are provided in the report:

- *Landscape planting includes native species of local provenance, enhances wildlife corridors and provides increased opportunities within the gardens and areas of open space;*
- *Erection of bat boxes on retained trees and within new buildings;*
- *Erection of bird boxes within new buildings;*
- *Allow wildlife to travel between gardens by leaving gaps beneath fences, or by planting hedgerows instead of using fencing.*

We advise that the inclusion of ecological enhancement measures within the site landscaping is secured by condition, if planning permission is granted'.

Further comments have been received from KCC Ecology following the submission of an additional ecology survey and report which was submitted to address the potential for reptile populations on the site, in particular the hedgerow proposed to be removed adjacent North Street. KCC raises no objection on ecology grounds in relation to this additional information and states:

'We are satisfied with the principles of the proposed mitigation and advise that it has been adequately demonstrated that there is appropriate, achievable mitigation available.'

We advise that there are some additional points that will need to be incorporated into a more detailed mitigation strategy; including (but not necessarily limited to) the need for the compensatory habitat to be identified on a plan, and the inclusion of an ecological watching brief during the site vegetation clearance and soil stripping. We advise that this mitigation strategy can be secured by condition'

7.14 MBC Landscape: No objections

'There are no protected trees on this site but there are potentially important hedgerows/ hedgerow trees along boundaries with agricultural land. The applicant's Arboricultural Report is considered generally acceptable but ecological advice is likely to be required to determine the 'importance' of the hedgerows in relation to the Hedgerow Regulations.'

The site is located within the Teston Valley Side landscape character area (area 21) and detailed landscape character area 21-1, Barming Slopes, of the Maidstone Landscape Character Assessment 2012 (amended 2013). The guideline for this detailed area is improve and reinforce and the summary of actions is:

- *Consider the generic guidelines for Greensand Orchards and Mixed Farmlands*
- *Conserve traditional buildings and the striking isolated location of the church*
- *Improve the definition of, and strengthen the boundary with, the urban edge*
- *Improve the quality of existing boundaries through restoring hedgerows*
- *along fence lines and along road corridors*

The applicant's Landscape and Visual Appraisal does generally comply with the principles of GLVIA 3. It would, however, have been helpful if the photographs of the viewpoints clearly marked the extent or location of the development. Reference has been made to the landscape character areas but the document does not specifically address how the proposal relates to the guideline and summary of actions as outlined above.

*The proposed landscape scheme puts much reliance on 'instant' hedging, albeit using native species. The proposed single species hedges appear to consist mainly of Beech (*Fagus sylvatica*) but I would suggest that this is substituted by Hornbeam (*Carpinus betulus*) as it is both more appropriate to the landscape character area as well as being more versatile in terms of its requirements. Mixed native hedges should take reference from the LCA guidelines (supplement) for appropriate predominant species. Details of specific maintenance and long term management for the 'trough grown hedges' will be necessary to ensure that successful establishment is achieved. Additionally, I would expect to see all native tree planting used along the western boundary, to appropriately delineate between the development and the countryside beyond, not predominantly non-native species as currently shown'.*

7.15 KCC Heritage: No objections

'The site lies within a general area of archaeological potential associated with prehistoric activity. There is a focus for Roman activity to the south but there is little recorded close to the site itself. This may, however, reflect the limited nature of formal archaeological investigations rather than a lack of archaeology.'

The application is supported by a reasonable archaeological deskbased assessment by CgMs and I am broadly in agreement with their assessment. There is some potential for archaeology within the site and I recommend the following condition is placed on any forthcoming consent:

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'.

7.16 Kent Police: No objections subject to conditions

7.17 Southern Water: No objections. Southern Water can provide foul sewage disposal to service the proposed development. Southern Water requires a formal application for a connection to the public sewer to be made by the applicant or developer. Recommends conditions and informatives. .

7.18 MBC Environmental Steetscene: No objections subject to conditions

7.19 UK Power Networks: No objections

8.0 APPRAISAL

8.1 Principle of Development

8.2 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:

8.3 *"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."*

8.4 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.

8.5 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.

- 8.6 The National Planning Policy Framework states that "relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites" (paragraph 49). The update of the Maidstone Strategic Housing Market Assessment (June 2015) established an objectively assessed need for housing of 18,560 dwellings between 2011 and 2031, or 928 dwellings per annum, and these figures were agreed by the Strategic Planning, Sustainability and Transportation Committee on 9 June 2015. Taking account of the under supply of dwellings between 2011 and 2015 against this annual need, together with the requirement for an additional 5% buffer, the Council is able to demonstrate a housing land supply of 3.3 years as at 1 April 2015. The Council therefore cannot currently demonstrate a five-year supply of deliverable housing sites, and this position was reported to the Strategic Planning, Sustainability and Transportation Committee on 23 July 2015. 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 National Planning Policy Framework as a whole.
- 8.7 The Council is unable to demonstrate a 5 year supply of housing land which 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 5 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.
- 8.8 In respect of the circumstances of the specifics of this case, the proposal site is located on the edge of the urban boundary of Maidstone, in reasonable proximity to the wide range of key services in the town centre as well as good public transport links.
- 8.9 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.
- 8.10 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 some 2.5 miles by road to the east with its extensive range of shops, services and businesses. There are bus stops located on North Street adjacent to the site and further bus stops at the junction with Tonbridge road with access into Maidstone town centre. More local to the site is a local convenience store at the junction of Tonbridge Road / South Street / North Street, as well as two local pubs within proximity to the site. Barming Primary school is located less than 0.3 miles from the site.
- 8.11 The Council is not in a position to demonstrate a five year housing land supply, and as such normal restraints on residential development in the open countryside do not currently apply as the adopted Local Plan is considered out of date. In such circumstances the NPPF advises sustainable development should be granted

permission unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits and that key facilities such as primary schools and local shops should be located within walking distance of most properties. The development of this site is therefore in accord with the objectives of the NPPF being located in proximity to schools and shops and directly adjacent to the edge of the urban area of Maidstone and in a sustainable location.

- 8.12 Furthermore, bringing forward development on this sustainable site adjacent to the urban area of Maidstone, would 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.
- 8.13 In addition, the site is included as an allocated development site (ref: H1 (19)) in the draft Local Plan as being appropriate for 35 residential units. The site was approved by Cabinet in February 2015 with further amendments approved in July 2015, and will now move forward to the Regulation 19 stage of the Local Plan adoption.
- 8.14 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. In the circumstances of this case, the key planning issues are considered to be visual impact, heritage, density of the development (including whether the site can suitably accommodate 35 dwellings), residential amenity, access/highway safety and ecology.

9.0 Visual Impact

- 9.1 The site is located on the edge of the urban boundary in the open countryside and within an Area of Local Landscape Importance. Within the context of saved policy ENV35 of the adopted Maidstone Borough-Wide 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.
- 9.2 The site is a greenfield site and its development for residential and other development would clearly have an impact visually on the site. It is important to assess the impact with regard to the coverage of the development proposed.
- 9.3 The proposed residential development is comprised of detached, semi-detached and terraced 2 storey residential dwellings. Combined, the two sites occupy a long frontage to North Street and the proposed development would be clearly visible.
- 9.4 There is a consistent row of residential properties fronting onto North Street to the north and south of the two application sites and the proposed development would sit comfortably within the existing built streetscene. Properties fronting onto North Street would be set back a minimum of 5m from the edge of the proposed pavement with many properties in the northern parts of the site significantly exceeding this set back to respect the building line along North Street further north of the site. The residential area to the south of the site on the same side of North Street is also located within the defined urban area of Maidstone.
- 9.5 To the east of the site on the opposite side of North Street is the built up urban area of Maidstone which is characterised predominately by residential properties, and the proposed development would not appear significantly incongruous to the residential development on the opposite side of the street.

Additionally, the development site would infill between the residential properties located along North Pole Road (located in the urban area of Maidstone) and Cedar Drive, and would not project outwards into the open fields beyond the existing built development. Short range views are to be expected when developing a greenfield site for housing and in this instance the application site is considered to be well related to the existing settlement, and would effectively in-fill a gap between existing residential properties, and the views from North Street are considered to be acceptable and in keeping with the neighbouring residential development.

- 9.6 To the west of the site is open countryside and arable fields. Mature hedgerow and tree planting located on the edge of the field further to the west of the site would screen the bulk of the proposed development from mid to long range views and would reduce the visual impact of the development. There are no significant long distance views over the site as a result. It is also noted that the development would not be significantly visible from any public footpaths located to the west of the application site due to existing tree and hedgerow planting along field boundaries. In addition to this the proposal has sought to respond positively to the semi-rural nature of the locality by proposing to plant a new native species hedgerow along the western boundary of the site which would soften the impact of the proposed development. From the west views of the proposed development would be seen against the backdrop of the existing built development located within the urban area of Maidstone on the south and east of the site and also the existing residential development located along North Pole Road.
- 9.7 The amendment to the site boundary would result in the development shifting 5m to the west into the countryside, however, the western section of the site is mainly comprised of vehicle access roads which would be screened by proposed boundary planting. The additional 5m encroachment into the countryside is not considered to have a significant visual impact which would warrant refusal of the application.
- 9.8 It is also noted that the southern site is almost completely surrounded by existing residential development as no.25 North Street is located to the west of this site.
- 9.9 The new footpath would be in keeping with footpaths in other areas of North Street and is considered to improve pedestrian safety along this section of the street.
- 9.10 Therefore, I consider that the visual impact of the development would be acceptable. Whilst it would change the character of the site, there would not be any significant wider visual harm that would be harmful to the character and appearance of the area. I consider that the general principle of development of this site to be acceptable in relation to the visual change to the site and the development of this site represents a modest extension to the urban boundary with existing residential properties located on three side of the development.
- 9.11 In addition to this, the NPPF attaches less weight to the protection of locally designated landscapes such as the areas of local landscape importance which is applicable in this case.

10.0 Heritage Impact

- 10.1 The council Conservation Officer has objected to the development of the application site due to the impact on the setting of the nearby listed buildings, No 23 North Street, Broumfield and the adjacent oast house.

- 10.2 The submitted Planning Statement suggests that the rural setting of the listed buildings has been removed by extensive late 20th Century housing development on the eastern side of the road and that their context has been severely compromised. It therefore reasons that development as proposed would not have any significant impact on the setting of these listed buildings.
- 10.3 The Conservation Officer advises that the setting of Broumfield would be most affected by the proposed development as the setting and view across the farmland would be lost as a result of the development. In this regard Broumfield is located on the opposite side of North Street and the road physically separates the farmland from this listed building and the development is therefore not considered to significantly harm the setting of the listed building. As regard to the section of the proposed development located opposite Broomfield the architect has sought to soften the impact on this grade II listed building by setting the houses back from the street frontage which has increased following the July amendments (the houses would be approximately 25m distance from the listed building). In addition, a high standard and sensitive palette of materials are proposed on the buildings opposite Broumfield as is a landscape buffer. A condition will be attached to ensure materials are a high standard of design.
- 10.4 The setting of the oast would be less affected by the proposed development due to its siting behind Broumfield. Similarly, no.23 North Street is well screened by existing landscaping which would form a buffer from the proposed development. No.23 would be separated from the application site by some 20m which includes areas of soft landscape screening and the access track to no.25 North Street.
- 10.5 The roof pitches of the two house types (the Yewdale and the Easdale) which the Conservation Officer refers have been amended to accommodate natural roof coverings.
- 10.6 The proposed new development would inevitably have a visual impact on the setting of the nearby listed buildings. However, as the conservation officer advises the level of harm would be less than substantial, so this needs to be weighed against any public benefit arising from the proposals in accordance with the tests set out in the NPPF.
- 10.7 In this instance the harm to the setting of the listed buildings would be less than substantial as advised by the conservation officer and the public benefits arising from the additional 35 residential units, including 11 affordable units, is considered, on balance, to weigh in favour of the proposed development and would outweigh the harm identified by the conservation officer to the setting of the grade II listed buildings.
- 11.0 Design and layout**
- 11.1 In terms of the acceptability of the layout, this has been the subject of pre-application discussion between the applicant's and planning officers in order to achieve the most effective outcome.
- 11.2 The Design and Access Statement considers existing styles of development in the surrounding area and the materials used. The D&A Statement advises the development has been designed to fit into its surroundings through the use of vernacular materials and styles, including facing brickwork, ragstone detailing, contrasting brick heads and weatherboarding with roofs formed of clay tiles and slate.

- 11.3 There is a wide variety of building styles within the immediate and wider area and the proposed development fronting onto North Street would not appear unacceptably incongruous within the predominantly residential streetscape. Materials will be subject to a condition requiring detailed samples to be submitted, however in principle I consider the proposals acceptable subject to finalisation of finishes.
- 11.4 The loss of the existing hedgerow along the west side of North Street would be regrettable but necessary in order to achieve an active residential street frontage in keeping with the existing residential development neighbouring the application site. Amended plans have been submitted which reduce the width of the access drive along North Street which would allow for increased levels of new hedgerow planting. In this regard the proposed development would face toward North Street in a similar fashion to the neighbouring residential properties in the street and the properties would be set back from the road with landscaped front gardens in accordance with policy H1 (19), including a minimum 5m set back. Corner properties would be double fronted to create an active frontage.
- 11.5 The demarcation in road surfaces within the site would serve to break up the hardstanding and act as natural traffic calming. All units would benefit from off-street parking in the form of garages and parking spaces in keeping with the surrounding residential development in North Street.
- 11.6 A relatively low density housing development is considered acceptable in this instance due to the urban periphery location and is considered to make the best use of the land. The general layout and scale is considered to be appropriate for this semi-rural location on the edge of the village.

12.0 Residential Amenity

- 12.1 The closest residential properties would be White Gates located to the north of the northern site, no.43 North Street located to the south of the northern site and nos. 23, 25 and 35, which are located adjacent the south site.
- 12.2 Properties located on the east side of North Street would be separated from the development by the width of the public highway therefore no objections are raised with regard to loss of amenity to these properties.
- 12.3 Amended plans have been received which moves Plot 6 further away from the existing residential property known as White Gates which is located to the north of the site. Given the orientation between Plot 6 and White Gates, coupled by the separation distance and landscape screening, only oblique views would be afforded toward the rear elevation of White Gates.
- 12.4 Similarly, the impact upon nos. 23, 25, 35 and 43 North Street are considered to be acceptable given the separation distance involved, landscape screening and orientation between the existing and proposed development. North facing openings on Plots 29 and 30 would be limited and obscure glazing would be secured via condition on first floor openings facing north.
- 12.5 Whilst the outlook from some of these properties would undoubtedly change as a result of the proposed development, overall it is considered that there would be sufficient separation distances between the new houses and the existing neighbouring properties and, the proposed development is considered not to result in an unreasonable loss of amenity in terms of loss of light, outlook or privacy which would warrant refusal of the planning application.

13.0 Transport

- 13.1 Concern has been raised with regard to the impact on the existing road network. Existing residents are concerned that the proposal will increase the risks on the public highway and add to congestion.
- 13.2 Accompanying the application is a full Transport Assessment assessing accident data, predicted trip generation, visibility assessments and traffic capacity assessments. The Highway Authority considers that the traffic generated by the proposal can be accommodated by the surrounding road network and has raised no objection to the application.
- 13.3 Access to the northern site has been designed as a priority junction which includes minor widening of the carriageway between the access and Heath Road, to a 5.5m wide carriageway with a 2m footpath included on the western side of North Street where the site fronts this road. A crossing point is also proposed to the north to improve pedestrian safety.
- 13.4 The access to the south site comprises traffic calming measures on North Street to integrate access to the south site. The design includes a shared space comprising the use of different surface materials, landscape features and ramped access and, has been formulated through discussions with KCC highways Authority.
- 13.5 A number of objections have been received in relation to the shared pedestrian and vehicle space on 'street 4' and the danger, inter alia, to pedestrians. The design of the junction has been formulated by national design guidance and through discussions with KCC Highways. In addition to this the shared space within the development would only serve 7 residential units within a cul-de-sac in an area where there would not be a significant number of vehicle movements.
- 13.6 Turning to the internal layout of the site, there is no objection to the siting and size of the parking provision which would be in accordance with the councils parking standards and includes garages and some tandem parking. Cycle parking storage would be secured via condition.
- 13.7 Additionally, the site is not considered to be located within an unsustainable location and bus stops located in proximity to the site provide regular services to Maidstone Town centre.
- 13.8 KCC have requested contributions towards crossing facilities at the Hermitage Lane/Heath Road/Fountain Lane/St. Andrews Road junction. Given the proposed development would have an impact on the junction KCC have requested £406 per unit which is regarded as a reasonable and proportionate approach to securing the necessary funding.

14.0 Affordable housing

- 14.1 The proposed scheme comprises the provision of 30% affordable housing (11 units) provided in two sections of the site. The affordable housing would consist of 6 x two beds and 5 x three bed units.
- 14.2 The affordable housing policy in the Adopted Local Plan (2000) has not been saved. It has been replaced by a blanket requirement of 40%, as set out in the Council's Affordable Housing DPD that was adopted in 2006. The adopted DPD states that the council should seek to negotiate 40% affordable housing on sites of this scale. This policy document remains current and relevant; however, the council has emerging policy (CS9) within the draft Local Plan which requests 30% affordable

housing provision in areas such as the application site. It is acknowledged that the draft Local Plan is in the early stages and therefore only holds limited weight in the decision making process. However, draft policy CS9 is based on housing assessment commissioned by the council to assess the viability of the emerging Local Plan within Maidstone Borough. The Viability Testing was undertaken by Peter Brett Associates (PBA); dated April 2013 and represents the most up to date and comprehensive data and methodology on affordable housing provision in the Borough.

14.3 The Viability Testing advises the proportions of affordable housing sought by the Council should be 20% in the urban area, 25% on the urban periphery and 40% in rural areas and at villages.

14.4 Following assessment of the viability report the Council accepted the need to differentiate the required provision according to location, but deviated slightly from PBA's recommendations. The draft local plan, policy DM 24 therefore shows that the council will seek the delivery of affordable housing as follows:

Previously developed land-urban - 15%
Greenfield-urban and urban periphery - 30%
Countryside, rural service centres and larger villages – 40%.

14.5 The applicant has used the PBA assessment to underpin their proposal to provide 30% affordable housing and have provided a viability commentary which seeks to justify the level of affordable housing at this specific site, in accordance with the information contained within the PBA report. Whilst it is acknowledged that PBA assessment does use more up to date methodology, the Affordable Housing DPD 2006 remains the adopted policy. Whilst the DPD is still a material consideration it is significantly older than the Peter Brett report having been adopted in 2006, and in my view, greater weight should be afforded to the most up to date document and data in this instance. The application site represents a reasonable comparison to the urban periphery sites utilised in the Peter Brett Report which advises 25% affordable housing provision, whereas this scheme proposes 30%.

14.6 In addition, the affordable housing commentary provided by the applicant compares the application site to similar sites assessed within the PBA Report, provides several examples of similar applications where the council have not objected to 30% affordable housing and attest that the level of contributions sought all justify the 30% affordable housing proposed within this application.

14.7 Furthermore, there is a good housing mix on the site and the affordable housing tenure split would be in accordance with council policy therefore the provision of 30% affordable housing does not warrant the development being unacceptable.

14.8 The Council's housing department has raised concern about the lack of one bed affordable units. In this instance, given the sensitive nature of the site, in proximity to listed buildings and semi-rural location, apartment developments are not deemed wholly appropriate and the opportunity for one bed units is therefore limited and would not make the best use of the land.

15.0 Landscaping and Ecology

15.1 A comprehensive landscaping scheme has been proposed through amended plans which have addressed the comments of the councils Landscape officer and KCC Ecology Officer. Further ecology surveys have been undertaken following the deferral of the application at 28 May planning committee.

15.2 The loss of the hedgerow along the west side of North Street is regrettable but necessary to achieve the best design approach and also in order to provide a pedestrian footpath along this side of the street. An amended layout has reduced the width of the private drives which in turn would allow for more replacement hedgerow planting along the North Street frontage. Substitute hedgerow and tree planting would be provided along the entire west boundary of the application site which would serve as a landscape buffer and wildlife habitat. New landscaping and tree planting is also proposed at the front of the proposed houses fronting onto North Street and the landscape buffer to the north of the northern site would be enhanced as part of the landscape proposals.

15.3 Few trees would be removed from the application site. The council's Arborist has not raised any objections to the removal of these trees subject to the additional tree planting proposed in the landscape scheme. Protection of the trees located on the boundaries of the application site could be secured by a suitably worded condition.

15.4 A phase 1 ecological statement has been submitted with further surveys undertaken in July 2015 following lizards being found near to the hedgerow adjacent North Street. The ecology submissions have been endorsed by KCC Ecology following the submission of additional information / improved landscaping and no ecological objections are raised subject to conditions to secure suitable mitigation for existing habitats within the site. Planning guidance states that in addition to mitigation, development should seek to enhance ecological interests. The application promotes ecological enhancement through the provision of the following:

- Native landscape planting along the western boundary and enhancement to existing hedgerow boundaries.
- Erection of bird and bat boxes
- Cut-outs at ground level in the garden fences of the new residential houses, so as to ensure wildlife is able to move freely between gardens;

16.0 Loss of agricultural land

16.1 The loss of grade II agricultural land is regrettable however in this instance the application site is include within the draft Local Plan as an allocated residential site. It is clear that there is insufficient brownfield land to meet the Borough's housing need and the fact that the Council does not have a five year land supply means that some development greenfield sites and best and most versatile land is inevitable.

17.0 Flooding

17.1 The site is located within a Zone 1 (low risk) area and not subject to any significant risk from fluvial, coastal or tidal flooding. The flood risk assessment that was submitted has demonstrated that there would be no significant flood risk to the development and also that through the integration of sustainable drainage systems that there would be no significant surface water run off problems from the site. The Environment Agency has raised no objections to the application on this basis.

18.0 Other issues

18.1 A number of the objectors have made reference to the land at the rear / west of the application site, indicting that this will also be development. Members are advised that the current application relates to the 35 new units only and this site has been moved forward to the regulation 19 stage of the draft Local Plan.

19.0 Heads of Terms

Planning Committee Report

- 19.1 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:

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.

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.

- 19.2 The above section came into force on 6th April 2015 and means that planning obligations cannot pool more than 5 obligations of funding towards a single infrastructure project or type of infrastructure (since April 2010).

- 19.3 The NHS have requested £27,216 based on an average occupancy in relation to the size of the residential units towards improvements at the named surgeries of Blackthorne Medical Centre and College Practice (Barming) both of which are within 1 mile of the site. It is clear that the proposed development of 35 dwellings (24 market units) would result in additional demand placed on the health facilities and I consider that it would be appropriate if approving the application to secure the appropriate level of contribution.

- 19.4 The Council’s Parks and Open Space request £1575 per dwelling to cover towards North Pole Road Allotments and Beaumont Road Allotments for improvement works. It is clear that the proposed development of 35 dwellings would result in additional demand placed on the existing allotments and I consider that it would be appropriate if approving the application to secure the appropriate level of contribution.

- 19.5 There are requests made by Kent County Council as the Local Education Authority towards primary school education contributions that amount to £2360.96 per applicable house towards the enhancement of teaching space at Barming Primary School. There will be a greater demand placed on schools within the borough from the occupants of the new 35 dwellings and information submitted by County shows that these are at capacity and as such the contribution is considered justified and appropriate.

- 19.6 In addition to a new primary school Kent County Council as the Local Education Authority require contributions of £2359.80 per applicable house towards the enhancement of teaching space at Maplesden Oaks School. There will be a greater demand placed on the local schools from the occupants of the new 35 dwellings and information submitted by County shows that these are at capacity and as such the contribution is considered justified and appropriate.

- 19.7 There is a request of £295.48 toward youth services sought by Kent County Council. This contribution would pay towards the provision of staff and equipment for Maidstone Borough Youth Outreach services supplied to Infozone Youth Hub. It is clear that the proposed development of 35 dwellings would result in additional demand placed on the youth facilities available in the area and I consider that it would be appropriate if approving the application to secure the appropriate level of contribution.
- 19.8 Kent County Council has sought £1680.55 towards library services for new bookstock supplied to Mobile Library services covering Barming. It is clear that the proposed development of 35 dwellings would result in additional demand placed on the bookstock at Maidstone library and I consider that it would be appropriate if approving the application to secure the appropriate level of contribution.
- 19.9 KCC Highways Authority has sought £406 per dwelling towards pedestrian crossing facilities at the Hermitage Lane/Heath Road junction. It is clear that the proposed development of 35 dwellings would have an additional impact on the junction and I consider that it would be appropriate if approving the application to secure the appropriate level of contribution.
- 19.10 Provision of 30% affordable housing (11 units). The affordable housing would consist of 6 two bed units and 5 three bed units with a tenure split of 60% for rental and 40% of dwellings as shared ownership.
- 19.11 Justification for the contributions is outlined at paragraph 7.4, 7.7 and 7.8 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.

20.0 CONCLUSION

- 20.1 The application site is included in the Draft Local Plan under policy H1 (19) as being appropriate for the development of 35 residential houses and the development of the site has been agreed by Scrutiny Committee and will now progress to Regulation 19 Stage of the Local Plan.
- 20.2 Development at this site would infill a gap of residential development along the west side of North Street and would not project outwards into the open fields beyond established neighbouring development. The level of affordable housing would be contrary to policy, however, the 30% provision has been influenced by the overall density of the development, level of contributions sought and similar approved applications. Whilst it is acknowledge that the development would have an impact upon the setting of the listed buildings, it is not considered that there would be significant harm to their setting to resist development altogether. In addition to this, the need to provide sites suitable for housing holds significant weight which is considered to outweigh this harm. The site is located on the boundary of the urban area in easy reach of a number of services and facilities as well as regular bus routes, and the development of this site for residential purposes would represent an example of sustainable development and would conform to the aspirations of the NPPF.
- 20.3 Furthermore, the site, being on the periphery of the urban area of Maidstone, would be in conformity with the Council's hierarchy of development which seeks to direct

development to the urban area of Maidstone in the first instance followed urban fringe sites.

- 20.4 It is therefore considered that the development of the site for residential purposes is acceptable and it is recommended that subject to the completion of a section 106 agreement planning permission is granted.

21.0 RECOMMENDATION

- 21.1 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 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.

- 21.2 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;

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.

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.

- (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;

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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.

- (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.

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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.

{bNote to Applicant: APPROVAL}

The Council's approach to this application:

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework (NPPF), the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and proactive manner by:

NPPF Approval – standard informative

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.

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