

## REPORT SUMMARY

<b>REFERENCE NO:</b> MA/14/0095			
<b>APPLICATION PROPOSAL:</b> Outline application for residential development with access considered at this stage and all other matters reserved for future consideration. Full application for a change of use and conversion of oast house to a single dwelling with garaging.			
<b>ADDRESS:</b> LAND AT, CHURCH ROAD, HARRIETSHAM, KENT			
<b>RECOMMENDATION:</b> DELEGATED POWERS TO APPROVE SUBJECT TO CONDITIONS (See section 5 of report for full recommendation)			
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b> The proposed development does not conform with policy ENV28 of the Maidstone Borough-wide Local plan 2000. However, the development is at a sustainable location, immediately adjoins an existing settlement, 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 grounds to depart from the Local Plan.			
<b>REASON FOR REFERRAL TO COMMITTEE</b> <ul style="list-style-type: none"> <li>To seek Members agreement to amend Section 106 contributions and amendments to conditions.</li> </ul>			
<b>WARD</b> Harrietsham and Lenham	<b>PARISH/TOWN COUNCIL</b> Harrietsham	<b>APPLICANT:</b> K E Monk & Son Ltd <b>AGENT:</b> DHA Planning	
<b>DECISION DUE DATE:</b> 05/09/14	<b>PUBLICITY EXPIRY DATE</b> 21/05/14	<b>OFFICER SITE VISIT DATE</b> 10/02/14 & 04/12/14	
<b>RELEVANT PLANNING HISTORY</b>			
<b>App No</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
MA/13/0707	Screening Opinion for proposed residential development (between 80 and 100 dwellings) including conversion of oast to a dwelling and demolition of agricultural buildings	ENVIRONMENTAL STATEMENT NOT REQUIRED	22/05/13
59/0044/MK2	The erection of dwellings	REFUSED	02/07/59
59/0043/MK2	The erection of dwellings	REFUSED	02/07/59

### 1.0 BACKGROUND

- 1.01 This is a hybrid application with the main part seeking outline consent for residential development, with access considered at this stage and all other matters reserved for future consideration. The number of houses is not outlined in the description but illustrative plans have been provided showing 79 houses with a large area of open space at the east edge.
- 1.02 The second element of the hybrid application is detailed permission sought for a change of use and conversion of an existing oast house on site to a four bedroom dwelling with garaging.

1.03 This application was heard at the Planning Committee on 18<sup>th</sup> December 2014. Members resolved to give Delegated Powers to approve the development subject to conditions and the prior completion of a Section 106 legal agreement in such terms as the Head of Legal Partnership may advise to secure the following:

- *The provision of 40% affordable residential units within the application site;*
- *A contribution for Kent County Council of £590.24 per applicable flat and £2,360.96 per applicable house towards the build costs of extending Harrietsham Primary School;*
- *A contribution for Kent County Council of £148.86 per household to be used to address the demand from the development towards additional book stock and services at local libraries serving the development;*
- *A contribution for Kent County Council of £30.70 per household to be used to address the demand from the development towards the provision of new/expanded facilities and services both through dedicated adult education centres and through outreach community learning facilities local to the development;*
- *A contribution for Kent County Council of £8.44 per household to be used to address the demand from the development towards youth services locally;*
- *A contribution for Kent County Council Social Services of £15.94 per household to be used to address the demand from the development towards the provision of new/expanded facilities and services both on site and local to the development including assistive technology and enhancement of local community facilities to ensure full DDA access;*
- *A contribution for the NHS of £360 per person towards the extension, refurbishment and/or upgrade of the Glebe Medical Centre (branch to Len Valley Practice) and Len Valley Practice;*
- *A contribution towards highway improvement works to the A20 (the details to be finalised in consultation with the Parish Council and Ward Members); and*
- *A commitment from the developer to deliver the proposal.*

1.04 In addition, Members resolved to amend condition 9 to include appropriate enhancement for farmland bird species.

1.05 The previous committee report and urgent update report are attached at the **Appendix** to this report, which provides further details on the application site, the proposals, representations, and the reasons for the previous recommendation.

## 2.0 REASON FOR REFERRAL BACK TO PLANNING COMMITTEE

2.01 As Members will be aware, the Community Infrastructure Levy (CIL) Regulations were amended in April 2015. Prior to this date, all contributions subject to a s106 agreement were required, under the terms of Section 122 of the CIL Regulations, to be tested in respect of being necessary to make the application

acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development only. Since April 2015, Section 123 of the CIL Regulations additionally requires that no more than five separate planning obligations (calculated back to April 2010) can contribute towards the funding or provision of a project or type of infrastructure (“the pooling restriction”). As such, the scope of contributions that can be sought in respect of new development is restricted, although affordable housing is excluded from the pooling restriction on contributions. This has affected the contributions that can be sought as set out below and Members agreement to these changes is sought.

- 2.02 In respect of the A20 improvement scheme, work on the scheme has progressed since last year and the cost of the scheme is such that a contribution of £3,500 per dwelling has been finalised to secure delivery of the highway and public realm improvements.
- 2.03 With regard to the proposed ‘commitment by the developer to deliver the proposal’, it is not considered appropriate to have such a wording within a legal agreement as there is no clear mechanism to achieve this. Instead it is considered appropriate to reduce the time limit for the submission of reserved matters to two years, as part of the reason for recommending permission is based on the need for housing and a lack of 5 year housing supply.
- 2.04 Some amendments to conditions are also proposed as set out below.

### **3.0 CHANGES TO SECTION 106 CONTRIBUTIONS**

- 3.01 The following contributions/Heads of Terms are now sought following re-consultation:
- *The provision of 40% affordable residential units within the application site;*
  - *Primary Education: £2360.96 per applicable house towards Harrietsham Primary School expansion Phase 2.*
  - *Library bookstock: £3841.27 towards bookstock for the new borrowers from this development supplied to the mobile Library service calling at Harrietsham.*
  - *Youth equipment: £675.42 required for the new attendees from this development supplied to Swadelands Youth Centre.*
  - *Health: A contribution of £360 per person towards the extension, refurbishment and/or upgrade of the Glebe Medical Centre (branch to Len Valley Practice) and Len Valley Practice;*
  - *Highways: A contribution of £3,500 per dwelling towards highway improvement works to the A20.*

### **4.0 CHANGES TO CONDITIONS**

- 4.01 Condition 4 (Public Open Space) has been amended to refer specifically to the provision of natural/semi-natural open space, and a condition has been added to secure details of the long-term management of this area.

- 4.02 Condition 22 sought to secure Level of 4 of Code for Sustainable Homes, which can no longer be secured. This condition is recommended for removal, however, a condition requiring the use of renewable energy sources was secured under the previous resolution, which is conditioned once more (condition 7).

## 5.0 RECOMMENDATION

Subject to the prior completion of a legal agreement, in such terms as the Head of Legal Services may advise, to provide the following;

- *The provision of 40% affordable residential units within the application site;*
- *A contribution of £2360.96 per applicable house towards Harrietsham Primary School expansion Phase 2.*
- *A contribution of £3841.27 towards bookstock for the new borrowers from this development supplied to the mobile Library service calling at Harrietsham.*
- *A contribution of £675.42 required for the new attendees from this development supplied to Swadelands Youth Centre.*
- *A contribution of £360 per person towards the extension, refurbishment and/or upgrade of the Glebe Medical Centre (branch to Len Valley Practice) and Len Valley Practice;*
- *A contribution of £3,500 per dwelling towards highway improvement works to the A20.*

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 outline element of the development shall not commence until approval of the following reserved matters has been obtained in writing from the Local Planning Authority:-

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

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

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

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

2. The development being the detailed element of this application (Oast conversion and works) hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved;

Reason: 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.

3. The details of landscaping submitted pursuant to condition 1 shall provide for the following:

- (i) Retention, strengthening and protection of the tree lines along the northern boundary of the site with the A20.

- (ii) Retention, strengthening and protection of the hedge and tree line along the eastern boundary of the site with Rectory Lane.

- (iii) Retention, strengthening and protection, or replacement of the hedge line along the southern boundary of the western field with East Street.

- (iv) Retention, strengthening and protection of the hedge and tree lines along the sides of Church Road from the curtilage of the oast house southwards to East Street.

Reason: To ensure a satisfactory appearance and setting to the development and in the interest of biodiversity.

4. The details of layout as required under condition 1 shall not show any housing development within the eastern part of the site as outlined in green on drawing no. DHA/7973/12 (Open Space Area Plan) and this area of land shall be used for natural/semi-natural public open space.

Reason: In order to protect the setting of the Conservation Area and listed buildings.

5. The development shall not be occupied until details of the long-term management and maintenance of the public open space required under condition 4, including details of mechanisms by which the long-term implementation of the open space will be secured by the developer with the management body(ies) responsible for its delivery, have been submitted to and approved in writing by the Local Planning Authority. The approved details shall thereafter be implemented and maintained.

Reason: In the interests of adequate open space provision and visual amenity.

6. The reserved matters submitted pursuant to condition 1 shall show no more than 80 dwellings at the site.

Reason: To ensure an appropriate density of development at the site.

7. The reserved matters submitted pursuant to condition 1 shall incorporate decentralised and renewable or low-carbon sources of energy into the detailed design of the development.

Reason: To ensure an energy efficient form of development.

8. The details of landscaping submitted pursuant to condition 1 shall include details of a scheme for the preparation, laying out and equipping of a play/amenity area and the land shall be laid out in accordance with the approved details.

Reason: To ensure a satisfactory external appearance to the development and the provision of adequate facilities to meet the recreational needs of prospective occupiers.

## Planning Committee Report

9. The development being the detailed element of this application (Oast conversion and works) shall not commence until, full details of the following matters have been submitted to and approved in writing by the Local Planning Authority:-

a) New external joinery in the form of large scale drawings.

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

Reason: To ensure the appearance and the character of the building are maintained.

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 in the course of development. The landscape scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines.

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

11. The development shall not commence until a landscape and ecological management plan (LEMP) for the site has been submitted to and approved in writing by the local planning authority. The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed;
- b) Ecological trends and constraints on the site that might influence management;
- c) Aims and objectives of management;
- d) Appropriate management options for achieving aims and objectives;
- e) Prescriptions for management actions;
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
- g) Details of the body or organisation responsible for implementation of the plan;
- h) Ongoing monitoring and remedial measures.
- i) Specific details and locations of the biodiversity enhancement measures outlined at table WM03 of the Phase 1 Habitat Survey and to include enhancement measures within the structure of buildings, and appropriate enhancement for farm land birds.
- j) Details of the management of the open space area to provide biodiversity enhancement.

The approved plan will be implemented in accordance with the approved details.

Reason: To ensure a satisfactory appearance and setting to the development and in the interests of biodiversity protection and enhancement.

12. No development shall commence until details of a precautionary reptile mitigation strategy have been submitted to and approved in writing by the Local Planning Authority. It shall include the following:

- Details of the precautionary mitigation
- Timings of any proposed works
- Map showing the following
- Areas of any suitable reptile habitat to be impacted by the development works.
- If any reptiles are present – the location of where they will be translocated to.

## Planning Committee Report

- Clarification that any translocation area is suitable for reptiles and will not be impacted by the development works.

The approved strategy shall be carried out in full.

Reason: In the interests of biodiversity.

13. 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.

14. 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.

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

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

16. The development shall not commence 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 (including an allowance for climate change) 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 details shall include, inter alia, a long term management and maintenance plan for the SUDS included in the approved scheme. 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 and disposal of surface water from the site.

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

Reason: In the interest of pollution and flood prevention.

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

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

19. 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.

20. 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.

21. The development hereby permitted shall not be commenced until the following components of a scheme to deal with the risks associated with contamination of the site shall have been submitted to and approved, in writing, by the Local Planning Authority:

- 1) A site investigation scheme, based on the GEA Desk Study and Ground Investigation Report reference J13245 received 7th November 2013, to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

- 2) A remediation method statement (RMS) based on the site investigation results and the detailed risk assessment (1). This should give full details of the remediation measures required and how they are to be undertaken. The RMS should also include a verification plan to detail the data that will be collected in order to demonstrate that the works set out in the RMS are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

- 3) A Closure Report is submitted upon completion of the works. The closure report shall include full verification details as set out in 2. This should include details of any post remediation sampling and analysis, together with documentation certifying quantities and source/destination of any material brought onto or taken from the site. Any material brought onto the site shall be certified clean;

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

Reason: To prevent pollution of the environment.

22. The approved details of the access, new footways and pedestrian crossing as shown on drawing no. T0180-02P2 within the 'Transport Assessment' at Appendix F shall be completed before the commencement of the use of the land and be maintained thereafter.

Reason: In the interests of road safety.

23. The development shall not be occupied 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



## Planning Committee Report

shield and direct light from the light sources so as to prevent light pollution. The development shall thereafter be carried out in accordance with the subsequently approved details.

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

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

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

25. The development shall be designed taken into account the Noise Assessment carried out by 'Grant Acoustics' dated January 2013, and shall fulfil the recommendations specified in the report.

Reason: In the interests of residential amenity.

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

With regard to the outline element and with respect to the open space provision on the east edge of the site only:

Drawing no. DHA/7973/12 (Open Space Area Plan).

With regard to the detailed element only:

Drawing nos. DHA/7973/03, DHA/7973/05, DHA/7973/07, DHA/7973/08, DHA/7973/09, and DHA/7973/10.

Reason: To ensure the quality of the development is maintained and in order to protect the setting of the Conservation Area and listed buildings.

Case Officer: Richard Timms

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