

REPORT SUMMARY

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| REFERENCE NO: MA/14/0095 | | | |
| APPLICATION PROPOSAL: 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. | | | |
| ADDRESS: LAND AT, CHURCH ROAD, HARRIETSHAM, KENT | | | |
| RECOMMENDATION: DELEGATED POWERS TO APPROVE SUBJECT TO CONDITIONS (see section 8 of report for full recommendation) | | | |
| SUMMARY OF REASONS FOR RECOMMENDATION The proposed development does not conform with policy ENV28 of the Maidstone Borough-wide Local plan 2000. However, the development is at a sustainable location, immediately adjoins an existing 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. | | | |
| REASON FOR REFERRAL TO COMMITTEE | | | |
| <ul style="list-style-type: none"> • Departure from the Development Plan • Harrietsham Parish Council have requested the application be reported to Committee for the reasons set out below. | | | |
| WARD Harrietsham and Lenham | PARISH/TOWN COUNCIL Harrietsham | APPLICANT: K E Monk & Son Ltd AGENT: DHA Planning | |
| DECISION DUE DATE: 05/09/14 | PUBLICITY EXPIRY DATE 21/05/14 | OFFICER SITE VISIT DATE 10/02/14 & 04/12/14 | |
| RELEVANT PLANNING HISTORY | | | |
| App No | Proposal | Decision | Date |
| 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 |

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The site comprises two separate agricultural fields immediately south of the A20 and divided by Church Road with a total area of approximately 4 hectares. The site is near the centre of the village but falls outside the settlement boundary in the Local Plan which runs along the north side of the A20. It is therefore in the countryside for planning purposes.

- 1.02 The western field has an oast house and other dilapidated agricultural buildings on the east side, and the eastern field is undeveloped and open. The 'East Street' Conservation Area runs along the southern edge of the eastern field and extends into a small part of the southeast corner of the western field. There are numerous listed buildings within the Conservation Area. To the north beyond the A20 are houses within the settlement boundary, and to the northeast the Ashford to London railway line which is raised and runs over the A20 on a bridge. To the east are a small group of houses on Rectory Lane. To the south of the eastern field is an area of woodland and houses within the Conservation Area, and to the south of the western field are detached houses on East Street. To the west is a caravan sales business with buildings and an open sales area.
- 1.03 Boundaries are made up of a line of tall trees along most of the A20 frontage and otherwise hedge/tree lines with breaks in places. Both fields slope gently to the south from the A20.
- 1.04 The site is located within the countryside for Development Plan purposes with no special landscape designation. The edge of the North Downs AONB is just over 400m to the north with built development between.
- 1.05 Near to the site around 180m to the west on the south side of the A20 is an application under consideration for 117 dwellings and retail store (Land South of Ashford Rd) and around 250m to the east an outline application for 49 houses (Mayfield Nursery).

2.0 PROPOSAL

- 2.01 This is a hybrid application with the main part seeking outline consent for residential development across both fields 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. Access would from the existing Church Road access onto the A20 but it is proposed to improve this junction to accommodate the development. This would involve alterations to the alignment of Church Road so it is perpendicular to the A20. The majority of the remainder of Church Road is not shown to be altered and would also provide access to the site from East Street to the south.
- 2.02 The illustrative plans, which have been provided to demonstrate that the site can accommodate this level of residential development, show a main road into either field with smaller roads running off these. The southern part of Church Road is shown linking with these roads.
- 2.03 Whilst the proposals are in outline with layout not being considered, the applicant wishes to establish the open space provision under this application. This is in the form of a large area on the east part of the site (1.22ha), which is also provided for heritage reasons that will be discussed below, and a play area within the developed part of the site. This will be discussed in more detail in the infrastructure section of the report. Affordable housing is proposed at 40% and Code for Sustainable Homes Level 4 is also proposed.
- 2.04 The second element of the hybrid application is detailed permission sought for a change of use and conversion of the oast house to a four bedroom dwelling with garaging.

3.0 POLICY AND OTHER CONSIDERATIONS

- The National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)
- Maidstone Borough-Wide Local Plan 2000: ENV6, ENV28, ENV45, T13, T21, T23, CF1
- MBC Affordable Housing DPD (2006)
- MBC Open Space DPD (2006)
- Draft Maidstone Borough Local Plan: SS1, SP1, SP3, SP5, H1, H2, DM2, DM4, DM10, DM30

4.0 LOCAL REPRESENTATIONS

Nine representations received raising the following points:

- Harm to listed buildings and Conservation Area.
- Traffic, highway safety and parking.
- Noise and disturbance from traffic.
- Drainage and flooding.
- Overshadowing.
- Loss of privacy.
- Ecology.
- Not in accordance with Neighbourhood Plan.

5.0 CONSULTATIONS

5.01 **Harrietsham Parish Council:** Wish to see the application REFUSED on the following (summarised) grounds and reported to planning committee:

- Application is premature, speculative and inconsistent with the emerging Neighbourhood Plan (NP).
- Harm to Conservation Area and listed buildings.
- The proposal only deals with the junction of Church Rd and A20 and not the wider issues of the A20 through the village.
- Links to village are poor.
- Does not integrate with pedestrian routes through village.
- Lack of drainage infrastructure.
- Need for local needs housing.
- Full survey for archaeology is needed.
- Contributions sought towards: Improvements to doctors surgery (in addition to any other health provision); improvements to village hall; village community facilities in NP; nature reserves; open space; youth facilities; former network rail footpath along A20; disabled lift for footbridge at Harrietsham station.

5.02 **MBC Housing Officer:** No objections and advice provided on potential affordable housing mix.

5.03 **MBC Landscape Officer:** No objections subject to conditions requiring an Arboricultural Method Statement in accordance with BS5837: 2012 and a landscape scheme including implementation details and a long term management plan.

5.04 **MBC Environmental Health Officer:** No objections subject to conditions regarding noise and contaminated land.

5.05 **MBC Parks & Leisure:** Based on some 1.22ha of open space and a play area being provided on site, seek an off-site contribution of £198.55 per dwelling towards repair, renewal, replacement and improvement of outdoor sports facilities and equipped areas at Booth Field and Glebe Field both within 400m of the development.

5.06 **MBC Conservation Officer:** Raises objections.

"In conclusion, I consider that the proposals would cause harm to the significance of designated heritage assets (listed buildings in East Street and the Conservation Area) by reason of its impact on their setting. It would also result in harm to the significance of the historic oast (which should be considered as a non-designated heritage asset), also by reason of its impact on its setting.

I would assess the level of harm to be less than substantial in both cases. Nevertheless, the NPPF requires that where this is the case, any public benefits accruing from the development should be weighed against the harm in accordance with paragraph 134 of the NPPF. My own view is that any public benefit would not outweigh the harm."

5.07 **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: £590.24 per applicable flat and £2360.96 per applicable house sought towards the build costs of extending Harrietsham Primary School.

"We would advise that whilst the secondary phase is predicted to be able to accommodate any pupil numbers that may be generated by this development, the primary phase is not. Consequently, KCC will require development contributions for primary at extension rates towards the expansion of Harrietsham Primary School. The development has been assessed against current schools' capacities, KCC's latest pupil forecast data and 'previous applications'. This development makes a demand on KCC school provision such that in its context the pupil product will exacerbate a deficit in pupil places."

Community Learning: £30.70 per household sought 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.

"There is an assessed shortfall in provision for this service: the current adult participation in the District in both Centres and Outreach facilities is in excess of current service capacity."

Youth Services: £8.44 per household sought to be used to address the demand from the development towards youth services locally.

"Forecasts indicate that there is sufficient capacity within the Outreach service to accommodate the increased demand generated through the development, therefore KCC will only seek to provide increased centre based youth services in the local area."

Libraries Contribution: £148.86 per household sought to be used to address the demand from the development towards additional bookstock and services at local libraries serving the development.

“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.”

Social Services: £15.94 per household sought 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.

“The proposed development will result in a demand upon social services which ‘Facilities for Kent Family & Social Care’ are under a statutory obligation to meet but will have no additional funding to do so.”

5.08 **KCC Highways**: No objections subject to new access being secured under a Section 38 agreement and contribution towards A20 improvement scheme.

5.09 **KCC Ecology**: No objections subject to a landscape and ecological management plan.

5.10 **KCC Heritage**: No objections subject to a condition requiring a programme of building recording.

5.11 **Natural England**: No objections.

5.12 **UK Power Networks**: No objections.

5.13 **Rural Planning Ltd**: *“Some soils in the locality of Church Road are freely draining loams; others are slowly permeable seasonally wet, loamy and clayey. On the 1:250,000 scale former MAFF ALC map, the land lies approximately on the border between areas of Grade 2 and Grade 3. That map does not distinguish between Grades 3a (good quality) and 3b (moderate quality), and is insufficiently reliable to determine grading on a field by field basis in any event. However detailed surveys of other fields around Harrietsham do indicate a local preponderance of Grade 2 and Grade 3a land, so it is quite possible that this site falls into the “best and most versatile” category. The issue could only be resolved by a detailed land classification survey of the site itself.”*

5.14 **NHS**: Seek a contribution of £360 per person.

“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:

- *The Glebe Medical Centre (branch to Len Valley Practice)*
- *Len Valley Practice*

All of the above surgeries are within a 2 mile radius of the development at Church Road. 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.”

5.15 **Environment Agency:** No objections subject to conditions relating to surface water drainage.

5.16 **English Heritage:** Not objecting.

“We do not agree with the suggestion on page 22 of the Design and Access Statement that the scheme would have no impact on the historic environment. Even where existing or proposed tree planting would screen the development from the conservation area, your Council should take into account in determining this application the extent to which the significance of the historic East Street conservation area is derived from its rural surroundings and historic separation from the modern village centre. These are the aspects of setting most affected by the current proposal. The East Street settlement would as a result of this development no longer be read or understood as a distinct historic place, but rather as part of the larger village centre.

In determining this application we therefore recommend that you seek advice from your specialist conservation officer and, having done so, give great weight to the conservation of the affected designated heritage assets in the manner required by paragraph 132 of the NPPF.

Recommendation

We would urge you to address the above issues, and recommend that the application should be determined in accordance with national and local policy guidance, and on the basis of your specialist conservation advice.”

5.17 **Southern Water:** Outline that their wastewater treatment works at Harrietsham is at capacity but they will be providing capacity through its prioritised Capital Programme. Condition recommended relating to surface and foul water drainage.

6.0 APPRAISAL

Principle of Development

6.01 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that all planning applications must be determined in accordance with the Development Plan unless other material considerations indicate otherwise.

6.02 The application site is outside but immediately south of the defined settlement boundary of Harrietsham. It is therefore upon land defined in the Local Plan as countryside.

6.03 The starting point for consideration is saved policy ENV28 of the Maidstone Borough-wide Local Plan 2000 which states as follows:-

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

*(1) That which is reasonably necessary for the purposes of agriculture and forestry;
or*

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

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

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

‘identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land;’
- 6.07 The Council has undertaken a Strategic Housing Market Assessment (SHMA) which was completed in January 2014. This work was commissioned jointly with Ashford and Tonbridge and Malling Borough Councils. A key purpose of the SHMA is to quantify how many new homes are needed in the borough for the 20 year period of the emerging Local Plan (2011 -31). The SHMA (January 2014) found that there is the “objectively assessed need for some 19, 600 additional new homes over this period which was agreed by Cabinet in January 2014. Following the publication of updated population projections by the Office of National Statistics in May, the three authorities commissioned an addendum to the SHMA. The outcome of this focused update, dated August 2014, is a refined objectively assessed need figure of 18,600 dwellings. This revised figure was agreed by Cabinet in September 2014.
- 6.08 Most recently calculated (April 2013), the Council had a 2.2 year supply of housing assessed against the objectively assessed housing need of 19,600 dwellings.
- 6.09 Taking into account housing permissions granted since April 2013 and the lower need figure, this position will have changed very marginally and would still remain well below the five year target.
- 6.10 This lack of a five year supply is a significant factor and at paragraph 49 of the NPPF it is states that housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing (such as ENV28 which seeks to restrict housing outside of

settlements) should not be considered up-to-date if a five year supply cannot be demonstrated. The presumption in favour of sustainable development in this situation means that permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits of the application, when assessed against the policies of the NPPF as a whole.

- 6.11 In terms of the location of the site, The NPPF advised that when planning for development i.e. through the Local Plan process, the focus should be on existing service centres and on land within or adjoining existing settlements. Harrietsham is a defined rural service centre (RSC), which outside of the town centre and urban area, are considered the most sustainable settlements in Maidstone's settlement hierarchy, under the draft Local Plan. The draft Local Plan outlines that, *"Rural service centres play a key part in the economic and social fabric of the borough and contribute towards its character and built form. They act as a focal point for trade and services by providing a concentration of public transport networks, employment opportunities and community facilities that minimise car journeys."* The settlement offers a good range of key services including primary school, employment, shop, post office, public house, and good public transport connections including the railway station. As such, the site is considered to be at a sustainable location and immediately adjoins the existing settlement.
- 6.12 The draft Local Plan, which has been out to Regulation 18 public consultation, is proposing 315 dwellings at Harrietsham and the application site is allocated for housing development of up to 95 dwellings (policy H1(28)).
- 6.13 In the light of the above five year supply position, bringing forward development on this sustainably located site immediately adjacent to a rural service centre would assist in helping to meet the shortfall in housing supply and I consider this to be a strong material consideration in favour of the development.
- 6.14 Representations have been received outlining that the application is premature and is not in accordance with the emerging Neighbourhood Plan (NP). (For this application site, the draft NP seeks housing development only over the west field with the east being open space due to the Conservation Area – the assessment and balancing of the impact upon the Conservation Area is considered below). Whilst work on the NP is progressing, there are still key stages ahead including the Local Authority lead public consultation (on which discussions are currently being held), independent examination and referendum. The NP is a material consideration, however, at this stage, I do not consider it grounds to refuse planning permission due to any conflict.
- 6.15 For the above reasons, I consider the policy principle of residential development at the site is acceptable. The key issue is whether any adverse impacts of the development would significantly and demonstrably outweigh the benefits of the application, when assessed against the policies of the NPPF as a whole. I will now go on to consider the key planning issues which are visual impact, heritage impact, access/highway safety, residential amenity, infrastructure, ecology, and drainage.

Visual/Landscape Impact

- 6.16 The site is visible from a section of the A20 outside the site, from Church Road and parts of East Street. Development of the site would inevitably result in a visual and character change from the current agricultural fields from these close range views. In longer range views, the applicant's landscape impact assessment outlines that the site would be visible in some views from high ground within the AONB, however, it would be seen in the context of the village and would not be discordant or result in

protrusion beyond built development. Indeed, the site is located between the built-up settlement on the north side of the A20 and development on East Street, Church Road and Rectory Lane to the south. Whilst development to the south is less dense, nonetheless the proposal does represent somewhat of an infill site. The site is also contained by the railway line and bridge to the northeast which screens any medium to long range views of the site from this direction. For this reason, development of the site would not result in any protrusion into open countryside. In terms of the morphology of the settlement, most development has been on the north side of the A20, however, there is development on its south side both to the west and east, including housing and commercial buildings of varying sizes. As the site would be contained by development, the proposals would not represent an extension of development away from the main built-up areas of the settlement, or be out on a limb. Overall, it is considered that development of the site would be visually acceptable.

Heritage

- 6.17 The Harrietsham East Street Conservation Area runs alongside the boundary of the eastern field and extends slightly into the southeast corner of the western field. There are Grade II listed buildings on the north side of East Street within the Conservation Area, including the Almshouses and there is a single Grade I listed building on the south side.
- 6.18 The NPPF at paragraph 132 states that, *“when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset’s conservation.”*
- 6.19 The Conservation Officer considers that, *“the land forming the subject of this application plays a very important role in the preservation of a rural backdrop to the conservation area, maintaining a gap between it and modern development added to the periphery of the West Street area. This setting is an important component of the conservation area’s character and development on it, as proposed, would inevitably have an adverse impact on this setting by effectively joining the East Street area to the rest of Harrietsham. English Heritage agree with this view.*
- 6.20 *Development in the manner proposed would not respect the historic linear plan form of the village and would be in the form of a modern suburban layout according to the illustrative plans submitted. It would also adversely affect views into the conservation area from the A20 – at present the open fields form an attractive foreground beyond which the roofs of buildings in the conservation area can be seen nestling in a slight depression, with open fields and woodlands again beyond. Whilst pre-application discussions have resulted in some improvement by leaving a large area behind the listed almshouses free of buildings, I do not consider that the submitted scheme fully overcomes the adverse impact on the conservation area’s setting.*
- 6.21 *I have no objection to the conversion of the oast house and welcome its re-use as the last surviving element of a historic farmyard group. However, it would lose its current rural context and be relegated to a rather incongruous survival within a modern housing development, thus adversely affecting its setting.*
- 6.22 *In conclusion, I consider that the proposals would cause harm to the significance of designated heritage assets (listed buildings in East Street and the Conservation Area) by reason of its impact on their setting. It would also result in harm to the significance of the historic oast (which should be considered as a non-designated heritage asset), also by reason of its impact on its setting.*

- 6.23 *I would assess the level of harm to be less than substantial in both cases.”*
- 6.24 The NPPF requires that when harm is considered to be ‘less than substantial’, any public benefits accruing from the development should be weighed against the harm in accordance with paragraph 134 of the NPPF.
- 6.25 Whilst layout is not currently being considered, through negotiation, a large area of open space is shown along the east edge of the eastern field to the north of the Almshouses both to provide public open space and to pay respect to the setting of the Conservation Area. To my mind this would provide an extensive open area that pays respect to the setting of the Conservation Area and listed buildings here, which can be secured by condition of outline permission. Nonetheless, the Conservation Officer considers there to be less than substantial harm and I will return to the balance of heritage impact later in the report.

Design Issues

- 6.26 Details of layout, scale and appearance are not being considered at this stage. However, development would be excluded within the open space area on the east edge of the site. Illustrative plans show 80 dwellings (including the oast) over the remainder of the site which equates to a density of around 29 dwellings per hectare, which I consider suitable for this edge of village site adjacent to the Conservation Area.
- 6.27 In terms of guiding any reserved matters application, I do not consider it necessary to place any limitations or parameters on scale or appearance as variations in both could be acceptable. Apart from providing the open space on the east side, I do not consider any layout parameters such as set-back distances are necessary. Setting houses back from the A20 will be necessary due to noise constraints. However, I do consider it appropriate to seek to retain some of the key features of the site which in this case is mainly boundary landscaping. The tree line along the northern boundary with the A20 is a positive feature of the site so I consider this landscaped edge should be retained and strengthened where appropriate. The tree/hedge line along the eastern boundary with Rectory Lane features broken lines of trees, however, this should be retained and strengthened. The tree/hedge lines along Church Road are broken but worthy of retention and strengthening in places. There is a hedge along the south boundary with East Street which again is broken and not of great quality, however, I consider this should either be improved or replaced here.
- 6.28 The development will be designed to achieve Code for Sustainable Homes Level 4 which can be secured by condition.

Highways Issues & A20 Improvements

- 6.29 Access is being considered at this stage and the primary access would be onto the A20 off Church Road utilising the existing access here. This would involve an improved junction with realignment and straightening of the northern part of Church Road. Access would also be possible via the south end of Church Road from East Street. A new footway is proposed on the south side of the A20 along the whole site frontage linking the site on foot to crossings and amenities further west. Improvements are also proposed to the existing ‘splitter island’ at the western end of the right turn lane for Church Road. A pram crossings point with tactile pavers will be provided to aid the crossing of the A20 in advance of reaching the signal controlled crossing to the west.

- 6.30 KCC Highways have assessed the application and have raised no objections to the proposed access points from a safety point of view. Nor have they raised any safety issues regarding the additional traffic from the development. As such, it is considered that there are no highway safety issues resulting from this development.
- 6.31 Parking and layout is not being considered at this stage but I consider a suitable level of parking could be provided and balanced against achieving a well designed scheme and layout.
- 6.32 Draft policy H1(28) refers to appropriate contributions towards a highways improvement scheme for the A20 as it passes through the village. The Borough Council is currently working with consultants and the County Council on an improvement scheme to redress the setting of the A20 from an outmoded and overbearing design incorporating excessive road space, to one which is more conducive to lower traffic speeds and resident user friendly conditions, thereby reducing the barrier that the A20 forms between the north and southern parts of the village. This would provide a reduction of the speed limit to 30mph with gateway features at either end, narrowing and realignment of the carriageway within the centre, shared pedestrian/cycle paths within the centre, street lighting, and a number of pedestrian crossing points. This would be designed to facilitate the access and footways proposed under this application and others to the west and east currently under consideration. Due to the proposed number of dwellings in the village both to the south and north of the A20 it is considered that this improvement is necessary to improve pedestrian links from south to north from a safety aspect, and provide a more appropriate highways environment generally, due to the increase in vehicles and pedestrians from new development in the village.
- 6.33 The cost of this has not been finalised but is likely to be in region of £3,500 per dwelling. As such delegated powers are sought to finalise the exact amount under the legal agreement.

Residential Amenity

- 6.34 Details of layout and appearance are not being considered however my view is that the development could be designed to prevent any unacceptable impact upon nearby properties in terms of privacy, light and outlook. I also consider the proposed properties could be designed to benefit from sufficient amenity.
- 6.35 A traffic noise assessment has been carried out which concludes that mitigation in the form of mechanical ventilation and enhanced glazing will be required for houses close to the A20 and gardens would need to be set back or behind houses. The Environmental Health officer raises no objections subject to the recommendations being followed.

Infrastructure

- 6.36 A development of this scale is clearly likely to place extra demands on local services and facilities and it is important to ensure that the development can be assimilated within the local community. As such suitable contributions to make the development acceptable in planning terms can be sought in line with policy CF1 of the Local Plan and the Council's Open Space DPD.
- 6.37 However, any request for contributions needs to be scrutinised, in accordance with Regulation 122 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.

6.38 The following contributions have been sought:

6.39 For primary education provision, £590.24 per applicable flat and £2360.96 per applicable house is sought towards the build costs of extending Harrietsham Primary School.

6.40 For community learning, £30.70 per household is sought 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.

6.41 For youth services, £8.44 per household is sought to be used to address the demand from the development towards youth services locally.

6.42 For libraries, £148.86 per household is sought to be used to address the demand from the development towards additional bookstock and services at local libraries serving the development.

6.43 For social services, £15.94 per household is sought 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.

6.44 Justification for the contributions is outlined at paragraph 5.07 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 three CIL tests above.

6.45 In terms of open space, as outlined above, 1.22ha of open space would be provided on the east part of the site. The Council's Parks & Leisure Section have outlined that whilst this amount is above that expected for this scale of development, the village is under provided in terms of Outdoor Sports Facilities and Allotments and Community Gardens. However, it is my view that such open space types would not be appropriate within this area due to the heritage issues and that this should remain as an open amenity green space with semi-natural areas. Based on this and a play area being provided within the development, an off-site contribution of £198.55 per dwelling is sought towards repair, renewal, replacement and improvement of outdoor sports facilities and equipped areas at Booth Field and Glebe Field both within 400m of the development.

6.46 In terms of healthcare, the NHS are seeking a contribution of £360 per person. I consider that this request has been sufficiently justified (see paragraph 5.14) to mitigate the additional strain the development would put on health services and complies with policy CF1 of the Maidstone Borough-Wide Local Plan (2000) and the three CIL tests above.

- 6.47 As outlined above, a contribution towards the A20 improvement scheme will also be sought with the amount to be finalised by officers.

Affordable Housing

- 6.48 Affordable housing is proposed at 40% in line with the 2006 DPD and emerging policy. MBC Housing have suggested a tenure split based on housing need bedroom allocation priorities as identified on the Housing Register, and reflecting what the latest SHMA is recommending in terms of future affordable mix. This will be finalised under the legal agreement.

Ecology

- 6.49 A phase 1 walk over survey of the site has been carried out. The site is made up of two agricultural fields with tree and hedges lines (many broken) on some of the site boundaries. The applicant's ecologist considers the site is of low nature conservation importance and that there would be no harmful impact upon protected species, to which KCC Ecology do not disagree. It is considered that there are opportunities to increase biodiversity through retention of strengthening of hedges and tree lines, new native landscaping, and bird and bat boxes. KCC Ecology have reviewed the information and are raising no objections. They are not advising any need for mitigation and recommend conditions relating to enhancements to be covered within a landscape and ecological management plan.

Drainage

- 6.50 In terms of surface water, SUDs techniques would be used so as not to increase run-off beyond the current situation. This could involve storage tanks, swales (in open space areas), and porous hard surfaces. The flood risk assessment demonstrates that these methods would be suitable and the Environment Agency have raised no objection subject to a condition to finalise such details.
- 6.51 In terms of foul drainage, Southern Water has stated that their wastewater treatment works at Harrietsham is at capacity but they will be providing capacity through its prioritised Capital Programme. I would therefore propose a condition that details of foul drainage are submitted for approval prior to commencement and no dwellings are occupied until adequate arrangements are in place.

Oast Conversion

- 6.52 Policy ENV45 of the Local Plan allows for conversion of rural buildings to dwellings. Whilst this seeks a business use first, in the context of the proposed surrounding residential development I consider this use is acceptable. The Conservation Officer raises no objections to the conversion works, but considers its current rural context would be lost. The building is not listed and I consider that this element of the proposal is acceptable.

Other Matters

- 6.53 An archaeological desk-based assessment has been carried out which has been assessed by the County Council. In view of the archaeological potential and the local heritage interest of the current farm buildings, conditions are recommended covering a programme of work and building recording.

- 6.54 According to the Council's evidence the land is Grade 3b agricultural land and therefore falls outside the best and most versatile land.

7.0 CONCLUSION

- 7.01 The proposed development is contrary to policy ENV28 in that it represents housing development outside a settlement boundary in the Local Plan. However, in the absence of a five year supply of housing the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development, and policies such as ENV28 cannot form grounds to object in principle.
- 7.02 The site is at a sustainable location adjoining the settlement boundary in the Local Plan, but essentially within the settlement of Harrietsham, which offers a good range of facilities and services. The visual impact of development at the site would be localised and would not result in any protrusion into open countryside. There are no highway objections and contributions would be secured to the A20 scheme. Appropriate infrastructure would be provided and affordable housing. There are no ecology objections or any other matters that result in an objection to the development. The Conservation Officer considers there would be 'less than substantial harm' to the setting of the Conservation Area although I consider a significant area of open space to the north of the Conservation Area would be provided.
- 7.03 I have taken into account all representations received on the application and the emerging Neighbourhood Plan. Considering the low level of harm caused by the development, in the context of a lack of 5 year housing supply, I consider that the low adverse impacts would not significantly and demonstrably outweigh the benefits of providing much needed housing, including affordable housing, at a sustainable location. This is the balancing test required under the NPPF. As such, I consider that compliance with policy within the NPPF is sufficient grounds to depart from the adopted Local Plan. Therefore I recommend permission is approved and that Members give delegated powers to the Head of Planning to approve the application, subject to the receipt of an appropriate S106 legal agreement and the following conditions.

8.0 RECOMMENDATION

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

- The provision of 40% affordable residential units within the application site.
- Contribution of £590.24 per applicable flat and £2360.96 per applicable house sought towards the build costs of extending Harrietsham Primary School.
- Contribution of £148.86 per household sought to be used to address the demand from the development towards additional bookstock and services at local libraries serving the development.
- Contribution of £30.70 per household sought 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.

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- Contribution of £8.44 per household sought to be used to address the demand from the development towards youth services locally.
- Contribution of £15.94 per household sought 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.
- Contribution of £360 per person towards extension, refurbishment and/or upgrade of the Glebe Medical Centre (branch to Len Valley Practice) and Len Valley Practice.
- Contribution towards highway improvement works to the A20 (final amount to be clarified by officers).

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 three 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 and strengthening of the tree lines along the northern boundary of the site with the A20.

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

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

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Reason: To ensure a satisfactory appearance and setting to the development.

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).

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

5. 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.

6. 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.

7. 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.

8. 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.

9. 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.

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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.

10. 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.

11. 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.

12. 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.

13. 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.

14. 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.

15. 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.

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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. 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.

18. 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.

19. 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.

20. 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 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.

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

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

22. The dwellings shall achieve at least Level 4 of the Code for Sustainable Homes. No dwelling shall be occupied until a final Code Certificate has been issued for it certifying that Code Level 4 has been achieved.

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

23. 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.

24. 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.

14/0095

Representations

Harrietsham PC

The Parish Council have made a representation (which has been sent to Members of the Planning Committee) in relation to the draft Neighbourhood Plan (NP). The main points relating to this application can be summarised as follows:

- *The Harrietsham Neighbourhood Plan should be afforded far more weight than it has been in reaching the recommendations:*
- *"The Secretary of State is keen that all planning appeal decisions should reflect the Government's clear policy intention when introducing neighbourhood planning, which was to provide a powerful set of tools for local people to ensure they get the right types of development for their community, while also planning positively to support strategic development needs" - Secretary of State's Ministerial Statement on 10 July 2014.*

It appears MBC officers have not had proper regard for the Secretary of State's views.

- *There is also evolving case law where draft neighbourhood plans have been used to determine applications (in Hurstpierpoint, West Sussex; Malmesbury, Wiltshire; and in Sayers Common, West Sussex). In these instances, draft neighbourhood plans have been given far more weight than being afforded to the Harrietsham Neighbourhood Plan.*
- *MBC is effectively undermining a substantial amount of good work undertaken by the Harrietsham Parish Council, work that tries to achieve balanced outcomes for the whole village and wider parish.*

Officer Comment

As outlined within the main report, the draft NP is a material consideration. However, it has key stages ahead including the Local Authority lead public consultation (on which discussions are being held), independent examination and referendum. The Borough Council have also advised that a Strategic Environmental Assessment of the NP (which involves further consultation) is required.

Paragraph 216 of the NPPF states that from the day of publication, decision-takers may give weight to the relevant policies in emerging plans, according to,

The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given).

The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater weight that may be given and

The degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater weight that may be given)

In view of the key stages ahead in the adoption process, including the need for a Strategic Environmental Assessment (which involves further consultation) it is considered that relatively limited weight can be given to the draft NP in this case.

Officers are aware of the Secretary of State's (SoS) decisions and Ministerial Statement referred to. In the cases referred to the SoS attached significant weight to emerging Neighbourhood Plans but this was also taking into account the fact that the Council's had failed to complete an up-to-date objectively assessed housing need analysis (OAN) against which to measure the overall NP proposals, and therefore an evidence base in line with the NPPF. The SoS therefore gave more weight to the emerging NP policies than to the Council's own (due to lack of an evidence base). In the case of Maidstone, there is an OAN and evidence base backing up the draft Local Plan so it is not considered that the same situation applies.

Taking all of the above into account, it is considered that the draft NP is not a ground to refuse planning permission for this application.

Local Resident Representation

The following issues have been raised:

- Overlooking
- Harm to the local area
- Traffic
- Lack of infrastructure

Officer Comment

These matters have been fully considered in the main report.

Amendment to Conditions

I wish to amend condition 3 to include retention and strengthening of hedgerow/tree lines along the southern part of Church Road and protection of all boundaries for biodiversity reasons as follows:

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 biosiveristy.

I wish to amend condition 9 to refer specifically to biodiversity enhancement measures as outlined in the ecological survey and to include management of the open space area for biodiversity enhancement as follows:

9. *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.*
 - 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.

Additional Conditions

Further discussions have been held with KCC Ecology following comments from Councillor Harwood in relation to the potential for reptiles within rubble heaps to the north of the oast. They advise that this is a small area and as the majority of the site is unsuitable for reptiles they suggest that it is cleared using a precautionary mitigation strategy and that this is a reasonable and proportionate response. As such the following condition is recommended:

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.*
- 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.

I wish to add an additional condition to require decentralised and renewable or low-carbon sources of energy to be incorporated into the design of the development.

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.

RECOMMENDATION

My recommendation remains unchanged subject to amendments to conditions 3 and 9 and additional conditions.

The Head of Planning and Development BE DELEGATED POWERS TO GRANT planning permission subject to a legal agreement and conditions