

**REPORT SUMMARY**

<b>REFERENCE NO - 14/506738/OUT</b>		
<b>APPLICATION PROPOSAL</b> Outline application for the erection of 100 dwellings – reserved matters for which approval is being sought: Access, including access widening comprising relocation of wall (forming part of outer curtilage of Barty Nursing Home (Grade II listed))		
<b>ADDRESS</b> Land at Barty Farm, Roundwell, Bearsted, Kent ME14 4HN		
<b>RECOMMENDATION</b> GRANT PLANNING PERMISSION SUBJECT TO PRIOR COMPLETION OF AN APPROPRIATE LEGAL MECHANISM AND CONDITIONS		
<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 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 grounds to depart from the Local Plan.  Similarly whilst the proposal will have an impact on the setting of the adjacent Grade II Listed Building and involve the re-alignment of the curtilage wall, having considered the advice contained in the LB Act and NPPF the benefits of the development are felt to outweigh the harm caused.  The applicant is prepared to enter into a legal agreement to ensure that justified contributions are met.		
<b>REASON FOR REFERRAL TO COMMITTEE</b> The proposal is a departure from the Development Plan.  Bearsted Parish Council wish to see the application refused and have requested the application be reported to Committee for the reasons set out below.		
<b>WARD</b> Bearsted	<b>PARISH/TOWN COUNCIL</b> Bearsted	<b>APPLICANT</b> Crabtree and Crabtree (bearsted) Ltd <b>AGENT</b> Hobbs Parker Property Consultants
<b>DECISION DUE DATE</b> 06/04/15	<b>PUBLICITY EXPIRY DATE</b>	<b>OFFICER SITE VISIT DATE</b> Various

**RELEVANT PLANNING HISTORY (including relevant history on adjoining sites):**

**14/506798/FULL** Barty House Roundwell Bearsted Kent: Demolition and reposition of part boundary wall **REFUSED** *The construction of a new boundary wall and adjustment to the parking area would detract from the historical setting and heritage value of this grade II\* listed building and as such would result in substantial harm to this listed building contrary to advice contained in The National Planning Policy Framework 2012.*

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**14/506799/LBC** Barty House Roundwell Bearsted Kent: Demolition and reposition of part

boundary wall REFUSED *The construction of a new boundary wall and adjustment to the parking area would detract from the historical setting and heritage value of this grade II\* listed building and as such would result in substantial harm to this listed building contrary to advice contained in The National Planning Policy Framework 2012.*

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## **MAIN REPORT**

### **1.0 DESCRIPTION OF SITE**

- 1.1 The application site lies adjacent to the eastern edge of the settlement of Bearsted and is located in Roundwell, Thurnham, east of Water Lane and north of residential development fronting on to Roundwell Lane. The site forms part of the Barty Farm complex and comprises 3.9 hectares of sheep pasture; it is enclosed entirely by fencing and around the boundary can be seen areas of hawthorn hedging and tree lines. The north-west boundary (adjacent to the ancient route of Water Lane) is a significant landscape feature in that it is formed by a steep bank, lined with trees (mainly mature oak); the bank is approximately 6m deep.
- 1.2 The land is classified as Grade 3 agricultural land. The site does not lie within an Area of Outstanding Natural Beauty although this is approximately 1km to the north. The site does fall within the North Downs Special Landscape Area as defined in the Maidstone Borough-wide Local Plan 2000. Bearsted Conservation Area is located 388 metres west of the site boundary; Bearsted Holy Cross Church Conservation Area is located 337 metres west of the site boundary. Barty House (currently in use as a nursing home) is a Grade II Listed early 18<sup>th</sup> Century house and is situated approximately 38 metres south of the site boundary.
- 1.3 To the north of the site, separated by another field parcel is the main Ashford to London railway line and beyond this further separated by field parcels is the M20. In addition to the fields to the north, there are also fields to the east/south east. The proposed access to the site is from an existing access to the south/south east corner. The access is currently used by the Grade II Listed Barty nursing home and beyond this the remaining Barty Farm complex including Glenrowan House, The Oast House and End Cottage.
- 1.4 To the west of the site are dwellings in Mallings Lane and Mallings Drive. The general character of the area is of detached dwellings on Roundwell bordering the southern edge of the site and semi-detached/detached dwellings to the west.

- 1.5 The land rises in a north-easterly direction towards the railway line and Barty Farm buildings. The rise is from an elevation of 45AOD in the western corner to 55AOD where it meets the boundary of Glenworan House. In the south west half of the site are two shallow linear valleys. The underlying geology is identified as sandstone by the British Geological Society. There are no buildings within the application site.
- 1.6 The site at Barty Farm is located some 300m from the application site at Cross Keys whereby it was recently resolved to granting planning permission for a residential development of 50 dwellings subject to a legal agreement being entered into.

## **2.0 PROPOSAL**

- 2.1 The proposal is in outline and seeks planning permission for the erection of up to 100 dwellings together with open space, on site play if required and associated parking, garaging and road infrastructure. Along with the approval for the principle of a change of use from agriculture to residential, only the specific details of the means of access to the site is being considered at this stage and all other matters (layout, appearance, scale and landscaping) are reserved for future consideration.
- 2.2 The vehicular access to the development would be from the existing farm track which serves Barty Nursing Home and beyond this a cluster of residential properties from the Barty Farm complex (as named in the section above). The access will require widening and upgrading. Full details have also been submitted seeking permission to part demolish and re-align/rebuild the existing wall which forms part of the boundary of Barty nursing home closer to the building; a Listed Building application has also been submitted for these details and the report being finalised.
- 2.3 Although with an outline application the applicant is not required to provide any details of the reserved matters at this stage, an indicative layout has been submitted together with a design and access statement that provide an insight into how the applicant sees the site being built out, and also in order to demonstrate how the site could accommodate the housing numbers that are proposed.
- 2.4 The scheme would make provision for 30% affordable housing. The indicative layout shows 70 private dwellings and 30 affordable units (slightly short of the 122 in the proposed allocation). The scheme proposes a mix of 1 and 2 bedroom flats, terraced, semi-detached and detached dwellings. The site is shown to be developed

at a lower density in the eastern section. The indicative layout has been designed to meet the KCC minimum parking standards. In addition to an indicative plan, the following documents have also been submitted to inform the assessment of the application:

- Planning Statement (June 2015)
- Design & Access Statement (December 2014 + addendum dated June 2015)
- Archaeological Desk Based Assessment (October 2014)
- Transport Assessment
- Acoustic Assessment
- Arboricultural Report
- Phase 1 Habitat Survey
- Foul Water Management Strategy
- Surface Water Management Strategy (incorporating Flood Risk Assessment)
- Utilities Statement
- Statement of Community Involvement
- Report on the structural stability of Barty House Wall

2.5 The following plans have been submitted for determination:

- Site Boundary Plan
- Re-alignment of Barty House boundary wall: drawing 2527-03E
- 475-108A Works to Barty House to provide visibility splay
- 475-111A Proposed emergency access
- 474-112 Proposed highway improvements western gateway
- 474-113 Proposed highway improvements Water Lane junction with Roundwell
- 474-114 Proposed highway improvements Water Lane jw emergency access
- 474-115 Proposed highway improvements eastern gateway
- 474-116 Proposed highway improvements Roundwell junction with site access

2.6 The proposed vehicular access into the site would be via the existing farm track which leads to the Barty Farm complex. This would require upgrading and also widening. In order to facilitate the widening of the track, the existing wall which forms the curtilage of Barty Nursing Home would need to be set back closer to the Listed Building (a separate Listed Building application has also been submitted). It is

proposed to carefully take down the existing wall, cleaning each brick which is capable of being reused and storing until the rebuild in the new location. The revised position of the wall will take it between 2.5 – 3.5m closer to the western elevation of Barty House.

- 2.7 The existing track will need to be upgraded in order to accommodate the vehicle movements and this will involve the use of stronger surface materials than existing. A plan has been submitted showing the initial entry point as being of tarmac surface for the first 8m into the entrance, then 'silver haze' block paving for the majority of the remainder length before the road will turn into the development site. Parallel to the road on the eastern side will be a 'charcoal' block paved footpath.
- 2.8 There will be two aspects to the rebuilding of the wall, the wall itself as seen and behind this the retaining wall which is essential due to the level difference between the garden of Barty House and the road level. Where the wall is to be rebuilt adjacent to Roundwell, the main set back is on the corner turning into the site to provide visibility splays, the majority of the wall is then reduced in height (very minor) to 600mm.
- 2.9 A pedestrian and cycle access is shown to be provided at the western end of the site on to Water Lane. This point of access will also serve as an emergency access and general use by other vehicles will be prevented through the provision of lockable bollards.

### **3.0 PLANNING CONSTRAINTS**

Barty House Grade II Listed Building east of the site. Listing as follows:

Bertie House Grade II

*House. Early C18 with early C19 and later additions. Red brick with plain tile roof. 2 storeys attics and basement with moulded brick string course, moulded brick eaves cornice and plain stone-coped parapet. Ground floor painted red with traces of tuck or painted pointing. Roof hipped to right, gabled behind parapet to left. End stacks. 2 hipped dormers. Regular 5-window front of glazing-bar sashes, with rubbed brick voussoirs, those on ground floor with segmental heads. First floor windows have blind hoods. Large early C19 porch up 4 steps with fluted Doric columns carrying deep entablature and flat hood over. Early C19 door with fielded panels and ornate rectangular fanlight. Left end elevation: has 2-storey canted bay in same style as front elevation but merged with C19 rear additions. 2-storey C19 red brick additions to rear.*

#### 4.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF) 2012  
National Planning Practice Guidance (NPPG)  
Planning (Listed Buildings and Conservation Areas) Act 1990  
Maidstone Borough-Wide Local Plan 2000: ENV6, ENV28, ENV34, ENV49, T3, T13, T21, T23, CF1, CF16.  
Supplementary Planning Documents: Affordable Housing Development Plan (AH1) Document (2006), Open Space Development Plan Document (2006) (OS1)  
Maidstone Borough Council Draft Local Plan: SS1, SP2, SP5, H1 (17), H2, H3, DM2, DM3, DM4, DM6, DM10, DM11, DM12, DM13, DM23, DM24, DM30, ID1.  
Maidstone Landscape Character Assessment (MLCA 2012)

#### 5.0 LOCAL REPRESENTATIONS

A site notice was displayed at the site on 29 January 2014. The application has been advertised as a departure from the local plan.

71 objections were initially received from local residents. The following issues were raised:

- Encroachment on green space;
- Development outside the urban area is unacceptable;
- Bearsted is already overdeveloped;
- An extra 200 cars onto an already congested road system; the junction with Roundwell is already suffering
- Highway safety, access points not safe and road use not sustainable;
- Existing road network inadequate, main road through village substandard/pinch points and conflict between pedestrians and vehicular movements e.g between Cross Keys and The Green – too much on street parking makes The Street a single carriageway.
- Do not trust the traffic survey – data is flawed and inaccurate.
- Lack of school places (Roseacre is full), lack of appropriate transport, dependence on private car; tax payer will have to bare the cost of school travel if places not allocated locally;
- GP surgery overloaded, no NHS dentist, no post office in the village.
- Blind corner. Water Lane totally unsuitable for emergency access;
- Loss of agricultural land;
- Impact on the AONB; interrupt views across the fields to the North Downs;
- Harm to the character of the countryside, contrary to ENV28 and ENV34 of the MBWLP 2000.
- Noise pollution, light pollution, loss of habitat for bats and other wildlife;
- Undesirable extension and consolidation of sporadic development in the SLA.
- The application should not be considered until the emerging plan is at Regulation 19 stage;
- The proposed alterations are significant in terms of impact on Barty House
- Proposed access widening and resurfacing of the farm track will destroy the rural setting of countryside and listed building;
- The land is part Grade 2 not all Grade 3 as indicated in the planning statement.
- Inability for a fire engine to turn into the emergency access road – Water Lane too narrow.

- Proposed emergency access will destabilize the bank.
- Pedestrian access unacceptable from Water Lane – no lights, paths or speed limit.
- Localised flooding at the junction of Water Lane with Roundwell.
- Existing path too narrow, no opportunity to improve cycle routes – contrary to proposed policy.
- Inability to comply with policy criteria re: secure vehicle and cycle parking.
- Proposal does not comply with NPPF re: sustainable transport.
- Pedestrian route shown on plans not achievable.
- Development fails to provide 40% affordable housing as per the adopted DPD

After second consultation a further 32 letters were received reiterating previous comments and making the following additional ones:

- The proposed highway amendments/measures are more dangerous than existing;
- Removal of centre line with cause rise in accidents and not cause drivers to slow down;
- A Counsel opinion was submitted drawing attention to:
  - the previous two applications refused in March 2015 relating to Barty House;
  - advising that the Conservation Officer could not draw a different conclusion on this application;
  - considers the proposal unsustainable development due to lack of school places;
  - considers that ENV28 should still hold significant weight as recently quoted by the Inspector on the J8 Waterside Park appeal decision.
  - The full opinion was submitted as a representation and available to be viewed on the Council's website.

After a third and final consultation a further 14 letters were received objecting/reinstating objections regarding the importance of Barty House as a Listed Building and the impact of removing/relocating the wall. Attention is drawn to two different drawings with regard to the proposed wall works.

Councillor Cuming has objected to the proposal for the following (summarised reasons): Objects strongly on the following grounds:

- Proposed development would have a significant impact on the Bearsted Ward and use of its already over-stretched facilities;
- 'Land South of Crosskeys' acknowledged lack of primary school places when presented by James Bailey at planning committee;
- Pedestrian access via Water Lane is totally inappropriate and dangerous, as the lane is narrow, with no pavement or speed limit there
- Concerns have been raised by statutory consultees regarding sewage capacity, flooding in Roundwell, visibility at the junction of proposed access road with Roundwell, speed limit on Water Lane etc.

## 6.0 CONSULTATIONS

### 6.1 **Bearsted Parish Council:** objects to the application on the following grounds:

The Parish Council would object on the application for the following reasons:  
Encroaching on the Countryside  
This application would affect the setting of the AONB  
Loss of Agricultural Land

Detrimental effect on the special landscape area  
Means of access cannot be provided due to wall (the Parish Council objected on a previous application to the relocation of the wall)  
Traffic generation  
Detrimental to local residents  
Lack of school places  
The emergency access into Water Lane is grossly inadequate and will create traffic problems.

**6.2 Thurnham Parish Council:**

Thurnham Parish Council has considered the above planning application and wish to register its strong objections for the following reasons:

The Parish Council is concerned at the overall level of development and the precedent that this would set for further development at Junction 8 of the M20 and the infill between Water Lane and Thurnham Lane.

Development in this area would lead to the loss of viable agricultural land and will lead to the coalescence of part of Bearsted and part of Thurnham which will subtract from the rural character of the area.

The Parish Council has serious concerns regarding the proposed access to the development. The access would be situated on a sharp bend in the road and at the bottom of two slopes in which the topography restricts the sightlines for oncoming vehicles adjacent to the unrestricted limit.

The proposed development of a hundred new homes would increase traffic in the area and create an additional hazard on an already very busy road.

The application documentation makes reference to an additional 400+ car movements a day.

The Parish Council is concerned about the impact that these additional car movements would have on traffic at the A20 and through Bearsted.

We feel that it is inevitable that the majority of this traffic travelling to London would use Junction 7 to access the motorway rather than Junction 8, thus increasing the traffic movements through Bearsted Village. We are also very concerned at the proposed emergency access onto Water Lane. We feel that emergency access onto this lane is unacceptable, this area is already prone to significant water run-off and flooding at the junction with Roundwell and we feel that a development in this area would increase this problem.

There are no footpaths along Water Lane and therefore access here would increase the risk to pedestrians using this route.

The Parish Council object strongly to this proposed development on grounds of lack of infrastructure in the area. This development would increase the pressure on local services and schools. The schools in the immediate area are oversubscribed and do not have the capacity for expansion on their existing sites, in addition to this development would also put a similar pressure on medical practices in the area.

The Parish Council notes that Kent Police have also admitted submitted its strong objections to this application on the grounds that it does not believe that the proposed development is sustainable. The Parish Council fully supports these objections.

In summary Parish Council wish to put forward its strong objections to the proposals to develop Barty Farm on the grounds that we believe that this development is unsustainable, the lack of infrastructure and dangerous access.

We would therefore wish to see this planning application refused by the Borough Council.

Further comments: Thurnham Parish Council has considered the additional details for the above planning application and wish to reiterate its strong objections for the following reasons:



The Parish Council is concerned at the overall level of development and the precedent that this would set for further development at Junction 8 of the M20 and the infill between Water Lane and Thurnham Lane.

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In summary Parish Council wish to put forward its strong objections to the proposals to develop Barty Farm on the grounds that we believe that this development is unsustainable, the lack of infrastructure and dangerous access.

We would therefore wish to see this planning application refused by the Borough Council.

- 6.3 **MBC HOUSING:** Raise objection to the application only proposing 30% affordable housing as per the emerging local plan. Housing do not consider this acceptable given that the emerging plan is just that. The Housing department are putting forward their recommendation for this proposed policy to change as part of the local plan consultation process and in the meantime consider that the adopted DPD should be adhered to. They consider a separate viability assessment should be undertaken to support the proposal at 30%. They express disappointment that no one bed units are proposed (57% need on the Council's register), but do acknowledge the outline status of the application. In summary, they suggest changes to the level, mix and house types proposed and request dwellings are built to life time homes standard.

- 6.4 **MBC SPATIAL POLICY:** State the following 'As you are aware, the site was included as a proposed development site in the Regulation 18 Consultation draft of the Maidstone Borough Local Plan 2014 as policy H1 (9). The representations made at Reg. 18 Consultation stage have recently been considered by the Planning, Transport and Development Overview and Scrutiny Committee (January 2015) and the Council's Cabinet (2 and 4 February 2015). Cabinet rejected the recommendation of the O&S Committee that the site be deleted as an allocation resolving as follows:

**'H1 (17) – Barty Farm, Roundwell (122 units)**

**RESOLVED:** That Members rejected the recommendation of the Committee and that the site go forward to Regulation 19 consultation subject to amendment of the site policy to respond to concerns about future primary education provision and an additional criterion that Section 106 contributions are spent in Thurnham and Bearsted first unless proven otherwise.

5 – Agreed

1 – Against'

A further additional criterion was also agreed at the meeting.

The development proposals are designed to take into account the results of a detailed Heritage Impact Assessment that addresses the impact of the development on the character and setting of the designated heritage assets adjacent to the site.'

It is currently anticipated therefore that the policy will go forward in its amended form to the regulation 19 Consultation version of the draft Local Plan when that is published later in the year.

I note that the submitted application is in outline with all matters, except access, reserved for subsequent approval.

The illustrative layout submitted with the application does appear to include the required buffers on the western and southern boundaries, clearly it is a matter for yourself to determine whether sufficient space has been provided. As will be whether the layout, albeit illustrative, meets the requirements of criterion 2.

I also note that an emergency access is shown to Water Lane again justification for this given criterion 3 of the policy is a matter for yourself to consider in conjunction with Kent Highway Services.

A key issue for determination in relation to this application will be the impact of development on local community infrastructure.

Approval on this site would be a departure from the Development Plan as things currently stand and should be advertised as such. The site is however, earmarked for development in the emerging local plan and Members have given a clear indication that the site should go forward to Regulation 19 consultation stage.

In addition, as part of the consideration of the application you should take into account the current position with regard to the 5-year housing land supply (currently 2.1 years). Development of the site would make a contribution towards meeting the supply.

I would therefore raise no objections to the application from a spatial policy point of view subject to the application successfully addressing the revised criteria.'

**NB** The 5 year supply now stands at a 3.3 year housing land supply.

- 6.5 **MBC PARKS & OPEN SPACE:** It is noted that there is planned provision of onsite open space amounting to approximately 1ha. The development site is situated with Detling and Thurnham Ward, and is close to the ward of Bearsted.

It is also noted however that the design and layout is currently indicative and so is subject to change. The indication is that a LAP will be provided on site. This is not

an acceptable size of onsite play facility and we would question the value of a small token area of play to a development this size. A LEAP should be the minimum play provision with the possibility of a NEAP being explored and provided.

For a development of this size we would expect a minimum of 1.05ha.

We would therefore expect a contribution towards offsite open space.

This department would seek an additional off-site contribution for surrounding open space which is likely to see an increase in usage as a result of this development. Elizabeth Harvie Field is approximately 0.25 miles away and is a large area of open space providing outdoor sports facilities.

We would envisage an increase in usage of facilities at this site as well as any others within a one mile radius of the development. Bearsted Green is 0.33 miles away and is also a well used facility by local residents.

We would request that an offsite contribution be made towards these sites for the improvement, maintenance, refurbishment and replacement of facilities within these areas. Facilities would include but not be restricted to pavilions, play equipment and play areas, ground works, outdoor sports provision and facilities.

The financial contribution requested would depend on the open space provided on site. Natural and Semi Natural open space is not included in the provision tables as it is ANGsT set. Similarly if the developer only plans to provide a LAP then the number of children able to use the facility will be limited and will leave nothing for older age groups.

- 6.6 **MBC CONSERVATION OFFICER:** Raises objections for the following reasons: Whilst the housing development in itself will have only a limited impact on the setting of the Grade II listed Barty House, works to improve the access to the site will have a far greater impact.

The proposal seeks to demolish an existing boundary wall defining the curtilage of Barty House at the edge of the unmade track leading to the side of the listed building and to rebuild a new wall further back into the site. The reason for the re-positioning of the wall is to create a widened vehicular access to service the proposed housing development site on land behind properties fronting Roundwell.

The wall in question, which acts as a retaining wall, appears for almost its entire length along the track to be of late 18<sup>th</sup>/ early 19<sup>th</sup> Century date. It is an attractive feature which makes a positive contribution to the setting of the listed building. It appears to be the last surviving section of the original boundary enclosure of Barty House. The curved section towards the junction with Roundwell indicates where the former driveway which ran across the frontage of Barty House entered the plot. For these reasons I consider that it adds to the significance of the listed building.

Whilst the wall shows evidence of some cracking and bulging which may require attention, in my view this should be addressed by careful and conservative in situ repair. The proposal is to build a similar new wall, but sited some 2 metres or so further back in to the plot. This will reduce the curtilage of Barty House on this side, leaving the house in a less spacious setting. Views of the house from this direction are the most important ones as it is only from this side that the listed building can be appreciated in its original form and size, without the large modern nursing home extensions being readily visible. The setting would be further damaged by the change

from an unmade track to a surfaced and engineered road with pavements which would be an urbanising feature. I therefore consider that the proposals will cause harm to the significance of the listed building because of the loss of historic fabric and the impact on the setting of the listed building. The submitted supporting statement admits that some harm to the setting of Barty House would be caused by the loss of the existing historic wall.

In my view the harm would amount to less than substantial harm. This being the case, the NPPF requires that the harm be balanced against any public benefit accruing from the proposals. In coming to a decision, the Council is obliged by Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving the building or its setting and the courts have made it clear that where there is harm to the setting of a listed building this is a consideration which should be given considerable importance and weight.

- 6.7 **MBC LANDSCAPE OFFICER:** There are no trees currently subject to Tree Preservation Orders on the site. There is a significant belt of trees along the bank on the Water Lane Frontage. The indicative layout suggests that these would largely be retained, which I welcome both in visual terms and because of their function in maintaining the stability of the bank. The proposed emergency access will cut through the southern end of the tree belt, but having looked at the tree survey details, it is clear that it will not result in the removal of individual trees of any particular value and I therefore raise no objection to this part of the proposal. Given the areas of new planting proposed, I consider that there is scope to be able to mitigate the loss of these trees with replacements as part of a new landscaping scheme.

Turning to the proposals for upgrading and widening of the access adjacent to Barty House, I am not satisfied with the details relating to tree retention. The tree report submitted suggests that the best trees present will be retained – principally T5 Deodar Cedar in the grounds of Barty House and T8 Black Pine in the grounds of Barty Cottage. The tree report suggests that these would be retained, but does not include any detail to demonstrate how this would be successfully achieved, i.e. whether the proposals would occupy an unacceptable large area of new hardstanding within root protection areas and if non-damaging construction techniques could be achieved within root protection areas. The tree report details other tree removals to accommodate the widened access road – T6 Larch (to which I raise no objection) and T7 Poplar (to which I raise no particular objection, although it is not clear from the plans why this one would need to be removed to accommodate the road proposal). However, T5 Cedar and T8 Pine are large, prominent, mature specimens of significant amenity value which contribute to the character of the area and the setting of Barty House and Barty Cottage respectively and their successful retention is particularly important in those terms.

I am particularly concerned by the plans detailing the road widening and new access to Barty House, such as drawing 475/109 and the proposed boundary wall drawings, which omit T5 Cedar tree entirely, so it is not possible to relate the position of the tree to the proposals to be able to determine if it would definitely need to be removed in order to accommodate the proposal or if it might be possible to retain with specialist construction techniques. I suspect the former, due to the position and levels of the footway and the position of the new wall to the east of the proposed Barty House access. The information contained in the tree report cannot therefore be relied upon as a true indication that the tree is, or could, be retained.

T8 Pine would be more likely to be successfully retained in relation to the position and levels of the proposed access road, as these do not differ significantly from the

existing on its northwestern edge and the proposed levels could be achieved without excavation. However, I am concerned about the indicated '1.0m wide service strip' shown on the road widening plans. I assume that that this is intended to be the proposed route for services (gas/water/electricity etc) to be delivered into the site. This would pass directly through the RPA of T8 and could potentially result in significant root severance, such that the tree would be destabilised and therefore need to be felled. Whilst specialist techniques are available (such as moling) to install services within RPAs, my experience is that sites are not always suitable for these to be used and that this can sometimes only be determined by trying; where it is unsuccessful the only option is to resort to traditional trenching methods. I would only support an application that shows the service route relocated outside of RPAs. The emergency access might be a suitable alternative location.

I therefore object to the application on the basis of the potential loss of T5 and likely loss of T8 in the absence of any detail to demonstrate how they would be successfully retained.

6.8 **MIDKENT ENVIRONMENTAL HEALTH:** raise no objections on air quality (the site is next to an AQMA), although comment that more detail in terms of evidence could have been provided in the submitted report.

6.9 **KCC FLOOD TEAM:** as Lead Local Flood Authority have no objection to the proposed development with respect to means of surface water disposal and are pleased to offer the following comments.

The Surface Water Management Strategy prepared by RMB consultants (Civil Engineering) Ltd dated December 2014 proposes that surface runoff can be managed by using infiltration methods. A design for surface water infrastructure has been prepared based upon a relatively low rate of permeability and so the proposed drainage design is likely to be feasible.

However, it is essential a ground investigation is undertaken to identify the permeability of the ground at a range of locations across the site, in order to confirm the proposed strategy will be feasible.

Shallow flooding of the highway on Roundwell has been observed in the past and therefore, KCC may object if an alternative strategy is subsequently proposed which suggests increasing the volume of discharge into the existing highways network. We therefore recommend the following as a condition of planning.

#### **Condition**

Development shall not begin until a sustainable surface water drainage scheme based on details provided within the Surface Water Management Strategy prepared by RMB Consultants (Civil Engineering) Ltd dated December 2014, has been submitted to and approved in writing by the local planning authority. The surface water strategy should also be compliant with the Non-Statutory Technical Standards for Sustainable Drainage (March 2015), and 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, so as not to increase the risk of flooding both on- or off-site. The strategy should also include details for the provision of long term maintenance of all surface water drainage infrastructure on the 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.

We strongly recommend this condition be considered prior to or in conjunction with, approval of road and housing layout to ensure the optimum space can be allocated for storage and conveyance of storm runoff using sustainable drainage techniques.

- 6.10 **KCC ECONOMIC DEVELOPMENT:** We have reviewed this application having had regard to the 5 Obligation restriction towards a 'project' or 'type of infrastructure'. The previous request would have been based upon pooling a large number of developments to deliver an infrastructure project which as you appreciate from the Regulations post April 2015 can only be achieved through CIL.

Without CIL in place, we have had to review with Service providers, to identify projects that can be delivered with 5 planning obligations.

The Government introduced CIL to replace pooling of contributions - as confirmed by the attached recent correspondence with Steve Quartermain's Office – Chief Planning Officer.

The revised KCC requirements for this development are now:

- \*Primary Education @ £2360.96 per 'applicable' house (x100) ('applicable' excludes 1 bed units of less than 56sqm GIA and sheltered accommodation) - towards the South Borough PS permanent expansion to 2FE.
- Secondary education @ £2359.80 per applicable house - towards the second phase of expansion of Maplesden Noakes
- Library £12,709.00 - project: Bearsted Library enhancements, namely additional bookstock and moveable shelving
- Youth Service £3178.00 - project: new furniture for InFoZoNe Youth Centre
- Community learning £3175.00 – project: new IT equipment to St Faiths Adult Education Centre in Maidstone
- Social Care £5388.00 – project: enhancements to Dorothy Goodman Centre (Age UK) at Madginford

As set out in the original request letter, KCC would request:

- Delivery of 2 Wheelchair Accessible Homes within the affordable housing on site
- a Condition be included for the provision of **Superfast Fibre Optic Broadband**, namely:

Before development commences details shall be submitted (or as part of reserved matters) for the installation of fixed telecommunication infrastructure and High Speed Fibre Optic (minimal internal speed of 100mb) connections to multi point destinations and all buildings including residential, commercial and community. This shall provide sufficient capacity, including duct sizing to cater for all future phases of the development with sufficient flexibility to meet the needs of existing and future residents. The infrastructure shall be laid out in accordance with the approved details and at the same time as other services during the construction process.

INFORMATIVE – The BT GPON system is currently being rolled out in Kent by BDUK. This is a laid fibre optical network offering a single optical fibre to multi point destinations i.e. fibre direct to premises.

\*Please note the revised Primary School project is now South Borough Primary School permanent expansion to 2 forms of Entry. South Borough PS is a similar distance to the previous Langley Park Primary School project, and should the application proceed to determination, the comments in Paul Crick (KCC) letter dated 11 February 2015 still apply.

6.11 **KCC PAUL CRICK:** I write to set out the objection from Kent County Council – as the Local Education Authority – to the outline planning application for the erection of 100 dwellings at the above site.

This is consistent with the objection submitted (5 February 2015) to the application at 'land to the south of Cross Keys, BEARSTED' (ref. 14/504795/FULL), situated immediately to the south west of land at Barty Farm.

The National Planning Policy Framework (NPPF) recognises (paragraph 38) that, *"Where practical, particularly within large-scale development, key facilities such as primary schools and local shops should be located within walking distance of most properties"*. Paragraph 72 of the Framework states (my **emphasis** added):

*"The Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. **Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement**, and to development that will widen choice in education. They should:*

- give great weight to the need to create, expand or alter schools; and*
- work with schools promoters to identify and resolve key planning issues before applications are submitted.*

KCC Education Planning & Access (EPA) strongly object to this planning application on the ground that the detrimental impact of the development on sustainable local Education provision would not be outweighed by the contribution to housing land supply.

The Commissioning Plan for Education Provision in Kent 2015-2019 indicates the pressure on primary school places in the local area ('Maidstone East'), despite the expansion of St. John's CEP School in 2013/14. In addition the adjacent planning group of Maidstone North is identified as facing significant additional demand for pupil places which will necessitate the expansion of one or more schools.

The quantum of development proposed in this planning application does not justify the provision of a new primary school. Furthermore, the primary schools within the local area are not capable of accommodating the forecast net pupil demand without expansion which is restricted by the building and site constraints and the availability of land.

Additional pupils arising from housing development in the area are unlikely to be accommodated locally, therefore increasing the need to travel to areas further afield which do have sufficient provision, i.e. the new primary school at Langley Park situated approximately four miles (one hour walk) to the south of the application site. The cost of travel imposes an unnecessary financial burden on the Local Education Authority and does not contribute to the social wellbeing of the local community. This is contrary to the aims and principles contained within the NPPF which seeks to promote healthy communities.

In the event that planning permission for this development is granted, the County Council will need to ensure that the impact on Education provision is appropriately mitigated. The letter from Allan Gilbert dated 30 January 2015 sets out the KCC request for development contributions, including towards primary and secondary school provision.

- 6.12 **KCC ARCHAEOLOGY:** No objections. The site lies within an area of general archaeological potential associated with prehistoric and later activity. There has been evidence for prehistoric activity to the north and the topography suggests this area would have been favourable for prehistoric settlement and occupation sites. Thurnham Roman villa is to the west and there were indications of prehistoric and early medieval activity around the main site.

Barty Farm itself is considered to be of 17<sup>th</sup> century or earlier origins and there are medieval farmsteads known to the north and south. Water Lane may well be one of the access routes or even a drove road linking the grazing area of the Downs with the lower pasturelands and settlements to the south. Remains associated with Barty Farm may survive within the application site. Barty Farm is a Grade II Listed Building and is identified on the HE Farmstead Survey. There needs to be careful consideration of the impact on the setting of this designated asset and proposals should seek to enhance its setting wherever possible.

I note the application is supported by a Deskbased Assessment by Trust for Thanet Archaeology. This assessment is generally fine although it does not cover historic landscape issues in detail. There is potential for archaeology to survive on this site and as such I recommend the following condition is placed on any forthcoming consent:

*Prior to the commencement of development the applicant, or their agents or successors in title, will secure and implement:*

- i archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and*
- ii further archaeological investigation, recording and reporting, determined by the results of the evaluation, in accordance with a 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.

- 6.13 **KCC ECOLOGY:** Two sets of comments have been received. The first requested additional information (although it transpired some of this had been submitted). The second sought additional information in relation to Great Crested Newts in terms of identifying the surveyed ponds and advising of a mitigation scheme. The requested information has been received and addresses the outstanding issues sufficiently that there is no objection on ecological grounds.

- 6.14 **KCC PROW:** Seek improvements for the following:
- The crossing of 'The Roundway' from the site to the existing footway.
  - Improvements to the footway between the site and the village
  - Improvements to public footpath KH127 as a means of access to schools and recreational open space (a contribution is sought towards this)

They are satisfied that public footpath KH131 is adequately protected through the provision of the footway adjacent to the new access.

- 6.15 **KCC HIGHWAYS:** I note from paragraph 10.2 of the Transport Assessment that it is considered that a visibility splay to the south east of 51m, in accordance with the speed measurements undertaken, is possible. I also note the discussions on pages 27, 29 and 30 of the Transport Assessment regarding visibility splays and (non-impeding) traffic calming techniques. At this outline stage I consider it would be



helpful if the works required for a full 51m visibility splay option could be illustrated. It is normal in my experience when removal of centre lines are proposed, that this is accompanied with a series of edge line treatments and it would be helpful if the applicant could also consider and illustrate this.

I note the proposals for an alternative emergency access and that under normal circumstances it is intended that vehicular use of this route is prevented which I consider is appropriate. The gradients proposed for this route appear acceptable. I do consider however that the views of Kent Fire and Rescue Service should be sought and that paragraphs 6.7.2 and 6.7.3 of the Department for Transport's Manual for Streets should be considered and discussed.

I would be grateful if these points could be considered and if the additional information requested could be provided before completing my response on behalf of the Highway Authority to this proposal.

Following my response to you of 2nd February focusing on vehicular safety aspects of this application, I note my colleague's response from PROW and Access Service. I would like to endorse and re-iterate the need for pedestrian safety and infra-structure to also be considered.

I note the applicant's comments that according to standards regarding vehicular movement that a right turning lane at the main access point is not necessary. It is considered however that the applicant still needs to address a requirement for pedestrians to safely access the southern side of Roundwell. I would be grateful if the applicant could also comment on the width of footway on the southern side of Roundwell and opportunities to improve the footway width. It is further considered that opportunities to provide pedestrian safety infrastructure at the junction with Water Lane needs to be discussed. Finally I note, and I apologise for not discussing this previously, that a short section of Water Lane (approximately 60m) is subject to a 30mph speed limit. It is considered that currently with the emergency and sustainable access route proposed, that a relocation and highlighting of this change in speed limit would be appropriate. Information regarding the above is considered necessary in addition to the further information requested on 2nd February.

*Latest response:* Thank you for re-consulting me on this application. I note that the applicant has proposed several additional transport measures. Firstly visibility splays in accordance with the traffic speeds measured are proposed. This comprises relocation of the boundary wall to Barty House to provide inter-visibility with traffic approaching Bearsted from the south. An enhanced gateway to the speed limit boundary is proposed and an initial interactive speed limit sign is also proposed. A gateway type feature comprising coloured surfacing and SLOW carriageway markings is proposed to the east of Cross Keys. Removal of the centre line and introduction of variable edge line markings between these points is proposed which would highlight the existence of accesses to through traffic and provide a virtual or visual road narrowing. It is considered that these measures will provide a traffic calming effect and road safety benefits.

Some areas of new footway and enhancements to existing footways are proposed. It should be noted that it is my understanding that the rights of way officer has also requested funds to provide public footpath improvements. Alterations to the location of the speed limit and lining regimes at the southern end of Water Lane are also proposed an association with a proposed emergency and sustainable access point to the site.

The outline application is for a development of up to 100 dwellings and under Kent guidelines proposals of this scale require transport statement to be provided (Guidance on Transport Assessments and Travel Plans – October 2008). The applicant anticipates that peak hour movements of ~ 55 trips will be generated. It is considered that this level of traffic can be accommodated on the surrounding network

without severe impact. It is further considered that there is no evidence that the proposal will exacerbate the existing good injury crash record of the surrounding roads.

On behalf of the highway authority I write to confirm that I have no objection to this outline application. The off-site measures proposed will require the applicant to enter into a Section 278 agreement with this authority in order to satisfactorily ensure their implementation. This includes the main access point, the emergency access proposed off Water Lane and the other measures described. These measures for completion at any full application stage will require not least drainage assessments, a street lighting review and safety auditing procedures to be undertaken. I would be grateful, if this application is approved, if reference is made to this in any approval notice.

- 6.16 **KENT POLICE:** Two letters have been received making separate representation. One seeks a financial contribution to provide funding for additional staff, equipment, vehicles and the like. The other raises concerns that the applicant/agent has not engaged with the Police Architectural Liaison Officer and considers the site to be unsustainable development.
- 6.17 **KENT WILDLIFE TRUST:** raise no objections to the application in respect of ecological interests.
- 6.18 **NATURAL ENGLAND:** no response
- 6.19 **SOUTHERN WATER:** Advise there is currently inadequate capacity in the local network to provide foul sewage disposal to service the proposed development. Southern Water advise that additional off-site sewers, or improvements to existing sewers, will be required to provide sufficient capacity to service the development. Section 98 of the Water Industry Act 1991 provides a legal mechanism through which the appropriate infrastructure can be requested (by the developer) and provided to drain to a specific location.
- 6.20 **ENVIRONMENT AGENCY:** Raise no objections on flooding or contamination grounds and request the following condition:

**Condition:** 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.

- 6.21 **NHS:** No objections, advise as follows '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:

- Bearsted Medical Practice

The above surgeries are within a 1 mile radius of the development at Barty Farm. 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.

NHS Property Services Ltd will continue with NHS West Kent formulae for calculating s106 contributions for which have been used for some time and are calculated as fair and reasonable. NHS Property Services will not apply for contributions if the units are identified for affordable/social housing.

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:

<b>Predicted Occupancy rates</b>	<b>Total number in planning application</b>	<b>Total occupancy</b>	<b>Contribution sought (Occupancy x £360)</b>
<b>2</b>	<b>2</b>	<b>4</b>	<b>£1,440</b>
<b>2.8</b>	<b>25</b>	<b>70</b>	<b>£25,200</b>
<b>3.5</b>	<b>43</b>	<b>150.5</b>	<b>£54,180</b>
			<b>£80,820</b>

NHS Property Services Ltd therefore seeks a healthcare contribution of £80,820, plus support for our legal costs in connection with securing this contribution. This figure has been calculated as the cost per person needed to enhance healthcare needs within the NHS services.

I can confirm that we have no more than 5 pooled contributions for these premises so our request meets CIL regulations’.

6.22 **AONB Unit:** raise objections and comment as follows: the application should be accompanied by a LIVA to fully assess the impact on the AONB. The application documents provide little information on the visual impact of the scheme. They set out recommendations as to what the design/layout to give careful consideration to.

6.23 **Kent Fire & Rescue:** Confirm that they have looked at the plans and the location and that the proposals meet the criteria for fire service access.

6.24 **Agricultural Advisor:** Confirms the site appears to be Grade 3 agricultural land from the relevant mapping system.

## **Background**

The application site was found acceptable through the SHLAA process in both 2009 and 2014. The emerging plan at Regulation 18 stage states that Site H1(17) Barty Farm, Thurnham, located on land to the north of Roundwell and east of Water Lane has given an indicative figure of 122 new residential units - as agreed by Cabinet on 2 February 2015 subject to, the following criteria

### **Design and layout**

1. An undeveloped section of land will be retained along the southern and western boundaries of the site, and landscape buffers will be included in these areas to protect the amenity and privacy of residents living in Water Lane and Roundwell.
2. The eastern section of the site will be built at a lower density to reflect the existing open character of the countryside beyond.

### **Access**

3. Access will be taken from Roundwell only.

### **Ecology**

4. Development will be subject to the results and recommendations of a phase one ecological survey.

### **Air quality**

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

### **Open space**

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

### **Community infrastructure**

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

### **Highways**

8. Improvements to and provision of pedestrian and cycle links to the village centre.
9. Appropriate contributions towards improvements to secure vehicle and cycle parking at Bearsted railway station.
10. (new criteria added for reg 19 consultation) submission of a Heritage Impact Assessment.

## 7.0 APPRAISAL

### 7.1 Principle of Development

7.1.1 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:

*“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.”*

7.1.2 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.

7.1.3 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.

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;”*

7.1.4 The National Planning Policy Framework further 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.

- 7.1.5 This lack of a 5 year supply 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.
- 7.1.6 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 to the east of Bearsted, in reasonable proximity to a range of key services available in the village as well as good public transport links via Bearsted train station and bus routes into Maidstone town centre.
- 7.1.7 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 of Maidstone. The Maidstone urban boundary ends at the western edge of the application site where it abuts Water Lane. The application site is therefore located directly adjacent the edge of the urban area of Maidstone and is considered to represent a sustainable location in accordance with the draft Local Plan.
- 7.1.8 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 application site is located just over 1km from Bearsted train station with half hourly services to Maidstone, Bromley South, London Victoria and Ashford. Bearsted Green is located 1km from the site with a range of services on the edge of the green including pubs, restaurants, a convenience store, butchers, delicatessen and a computer shop. All of these facilities can be accessed by foot from the application site along lit pedestrian pavements. The nearest bus stop is approximately 100 metres on Roundwell, served by Bus Route 19 and an hourly service to Maidstone. Roseacre Junior school and the GP surgery are located approximately 1.9km distance from the application site. The site is an edge of urban location with an acceptable level of services readily accessible.
- 7.1.9 The Council is not in a position to demonstrate a five year housing land supply, and as such normal restraints on volume 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 that when planning for development through the Local Plan process and the determination of planning applications, the focus should be on sustainable development. The development of this site is therefore in accord with the objectives of the NPPF being located directly adjacent to the edge of the urban area of Maidstone and in a sustainable location.
- 7.1.10 Furthermore, the bringing forward of development on this site 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. The Framework is a material planning consideration that sets a presumption in favour of sustainable development with a view to building a strong competitive economy, creating a high quality built environment and protecting and enhancing the natural, built and historic environment.

- 7.1.11 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. The key planning issues are considered to be as follows: loss of agricultural land, the visual/landscape impact, impact on existing residents, heritage impact, density of the development, access/highway safety, infrastructure considerations and ecology.
- 7.1.12 In relation to development that could affect the setting of listed buildings and assets of a Listed Building, section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA Act) places a duty on decision takers to pay special regard to the desirability of preserving that setting before granting planning permission. This Act will be taken into consideration when assessing the heritage impact of the development.

## **7.2 Education**

- 7.2.1 KCC Economic Development department provided a consultation response in their email response dated 30 January 2015 confirming KCC would seek to mitigate the impact of the proposed development via suitable contributions. Further correspondence from KCC Economic Development received by email on 30 June 2015 proposed a change to the Primary School that would receive contributions sought through the development and amended the level of contributions in light of CIL Regs 123.
- 7.2.2 Paul Crick Director of KCC Environment, Planning and Enforcement wrote to the council in a letter dated 11 February 2015 setting out strong objections on education grounds from the KCC Education Planning & Access (EPA) department. Mr Crick's letter raises objections to the application due to the impact on local primary school places which he considers are not able to accommodate the forecast additional pupils. The proposal would give rise to 28 additional primary school pupils and KCC Education attest the impact of the development would be detrimental to sustainable local Education provision as the 28 additional children may not be able to access the schools most local to the application site. A great number of letters of objection have been received on the issue of school places and it has been contested that the lack of spaces within the most local schools renders the application unsustainable development and contrary to the NPPF.
- 7.2.3 The NPPF states in paragraph 38 that, '*Where practical, particularly within large-scale development, key facilities such as primary schools and local shops should be located within walking distance of most properties*'. In my view whilst this is a wholly reasonable statement to make, in this instance the majority of key facilities are available within walking distance. However, the Primary Schools within the immediate vicinity of Barty Farm which comprise Thurnham Cof E Infants (approx 1 mile away), Roseacre Junior School (approx 1 mile away) Madginford Park (approx. 1.6miles away), and St Johns CofE Primary (2.9 miles) are all presently full. It is therefore a case that the proposed development may result in unsustainable local education provision with pupils not being afforded access to the most local schools. However, this is one element of sustainability that is promoted by the NPPF and the site performs well in other aspects of location and access to services and amenities. I also consider that whilst this is the current state of play this may change with new school provision planned and coming on-line, so it is difficult to quantify at any given time. The development of this site may also not come on line for some time and so this situation may change. I do not therefore consider it is reasonable to refuse planning permission on this aspect only.

- 7.2.4 However, taking into the overall picture the KCC Commissioning Plan for Education Provision in KENT, 2015 – 2019 indicates that planning applications in Maidstone should not be reviewed in isolation and that the overall school capacity within the Maidstone Urban area should be considered when assessing proposed housing developments and the impact of the development would be detrimental to sustainable local education provision.
- 7.2.5 In their correspondence KCC Economic Development advise that the school site contribution process will *'be kept under review and may be subject to change (including possible locational change) as the Local Education Authority has to ensure provision of sufficient pupil spaces at an appropriate time and location to meet its statutory obligation under the Education Act 1996 and as the Strategic Commissioner of Education provision in the County under the Education Act 2011.*
- 7.2.6 *KCC will commission additional pupil places required to mitigate the forecast impact of new residential development on local education infrastructure generally in accordance with its Commissioning Plan for Education Provision 2015-19 and Delivering Bold Steps for Kent - Education, Learning and Skills Vision and Priorities for Improvement, Dec 2013'.*
- 7.2.7 KCC is currently in the process of obtaining permission and building a new 2 form entry school at Langley Park (420 spaces) and has plans for a new primary school at Hermitage Lane (up to 420 spaces) creating a total of up to 840 additional school spaces in the borough. KCC also intends to commission up to 2.1 forms of entry at existing schools in the RSCs (approx. 440 spaces) and a form of entry expansion in Headcorn/Sutton Valance (210 spaces). KCC have also specifically sought contributions to the expansion of South Borough School off the Loose Road in response to this application. Therefore KCC are seeking to significantly increase the capacity of primary school provision in the borough.
- 7.2.8 Whilst KCC do not propose to increase the size of the primary schools closest to the site, by building new schools at Langley Park and Hermitage Lane KCC anticipate that adding additional provision within these strategic sites will add capacity to the Maidstone urban area as a whole. With the opening of Langley Park KCC anticipate that there will be a realignment of pupils' school choices freeing up space at schools in the Maidstone urban area.
- 7.2.9 I also note the comments of my colleague in his report on the application for the Cross Keys development to the south west of the application site where he states *'Additionally, it is noted that KCC has not objected to similar development within the borough. KCC Education did not object to a similar site at Land to the rear of Milton Street and Hartnup Street, Milton which is approx. 5.1 miles drive away from Langley Park and gives rise to 5 additional primary pupil places. KCC Stated in their response to this application: "This need, cumulatively with other new developments in the vicinity, can only be met through the provision of new Primary Schools in Hermitage Lane & Sutton Road Maidstone, as identified in the Maidstone Borough Interim Local Plan Policies, as the forecast primary pupil product in the locality results in the maximum capacity of local primary schools being exceeded"* KCC did not object to this development on the grounds of distance from primary education.'
- 7.2.10 It is acknowledged that the development would result in some harm to sustainable education provision, however, given the proposed development only give rise to an additional 28 primary school pupils the level of harm is not considered to warrant a sustainable reason for refusal and is outweighed by the public benefits of the development including an additional 100 residential units, of which 30% would be



affordable. In addition, KCC confirm they will commission additional pupil places required to mitigate the forecast impact of new residential development on local education infrastructure.

- 7.2.11 It is considered that the provision of new / expanded schools within the borough would free up space in the Maidstone urban area, as anticipated by KCC. Further, pupils entering primary school at age 4/5 will have their applications assessed using KCC's over subscription criteria, i.e the distance from school or sibling rule. With extra school capacity coming up at Langley Park pupils arising from these new sites in Bearsted are more likely to be offered a school place at Bearsted or other closer local schools as opposed to children living further away in Parkwood/Shepway who will be able to be accommodated where the new capacity is at Langley Park. This together with the ever fluid displacement of pupils when personal circumstances change, i.e parents relocating or choosing to change their child's school for a variety of other reasons and the timing of development coming on line (as explained in para 7.2.3), I believe will result in a balancing out of journey distances.

### **7.3 Heritage Impact**

- 7.3.1 Archaeology and Heritage has been considered when taking a 1km radius from the centre of the site. The assessment identifies 42 Listed Buildings within the study area (9 of which are within 500m of the site). The concerns raised relate to Barty House and no objection is raised to the impact on the conservation areas. The County Archaeologist has raised no objection to the proposed development subject to condition.
- 7.3.2 The council conservation officer has objected to the development of the application site, with specific regard to the resiting of the boundary wall to facilitate the access. He objects due to the loss of the historic fabric (the wall) and the impact on the setting of the Grade II Listed Barty House that arises. The objection was anticipated and consistent with the two previously refused applications (planning and listed building) as detailed in the history section of this report.
- 7.3.3 Barty House is located at the entrance to the proposed development site at approximately 38m to the south. The significance of the building is set out in the listing at the beginning of the report. The building has been significantly extended at the rear (north/east elevation) - the mass of this is not fully appreciated from the principal elevation of the building. At present the access to Barty House is an unmade farm track to the Barty Farm complex and Barty House. The main view is informal and due to the alignment of the street, the prominent view from the south/west is of the house in its garden setting enclosed with boundary wall. The proposal will result in a formal foreground of greater width and a reduced 'green' setting. There are therefore two aspects of harm which have been identified and these comprise the reduction in the current spacious setting and the loss of the material fabric – the wall.
- 7.3.4 I concur with the officer's view that the proposed development would inevitably have a visual impact on the setting of Barty House and hence this section assesses whether the impact is of significant harm to warrant refusal of the planning application. In order to reach a conclusion it is essential to consider Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which states that special regard should be had to the desirability of preserving the building or its setting. It is clear from the assessment undertaken by the conservation officer that there is harm to the setting and fabric of this Listed Building and as such this should be given considerable importance and weight. The applicant also acknowledges that

a level of harm will occur. Therefore, with regard to section 66 I conclude that a level of harm will be caused.

- 7.3.5 In my mind, this is a clear case of balancing the benefits of the development versus the harm to the Listed building. The proposed development would undoubtedly have a visual impact on the setting of the nearby Grade II listed building and result in the loss of fabric of the building, in this instance the wall. In my view and that of the conservation officer, the level of harm would be less than substantial.
- 7.3.6 The NPPF requires that the harm be balanced against any public benefit accruing from the proposals. *'Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.'* Paragraph 134
- 7.3.7 In this instance it is therefore considered that the significant public benefits arising from an additional 100 houses (which include affordable housing) would, in my view and in light of the significant shortfall with regard to the 5 year supply, outweigh the limited harm to the setting and fabric of the Grade II listed building and should not prohibit the development of the site. I also consider that some mitigation will be provided as it is proposed to retain existing bricks from the wall and re-use in the reconstruction thereby retaining some of the historic fabric of the wall. This can be subject to a planning condition, together with requiring details of wall bond/pointing details, appropriate mortar mix to ensure the original wall is reflected in both character and detail as far as can be.
- 7.3.8 In coming to my view, I have also taken note of the structural appraisal undertaken by 'Alan Baxter Partnership' dated 17 September 2015. The report notes a bulge and lean to the existing wall and the general poor condition throughout. I do not consider the findings of the report justification for the resiting of the wall – rather it confirms that the wall needs attending to but this could be done in situ or rebuilt in its existing position.

#### **7.4 Design and layout**

- 7.4.1 The application is in outline with all matters reserved save for the access. As such the drawings in terms of layout that have been submitted are illustrative in form and designed to show how a development of 100 dwellings could be accommodated on the site.
- 7.4.2 The number of units and density is considered appropriate for the edge of urban boundary location (27 dwellings per hectare) and the retention of the western tree belt and indicative margin for a new planting strip along the southern boundary is in accordance with the proposed site specific criteria in the emerging local plan.
- 7.4.3 The Design and Access Statement considers existing styles of development in the surrounding area and the materials used. It also considers the historical pattern of development looking at maps dating back to 1798. The indicative layout shows a central access off the access to Barty Farm and then an internal link road which takes the form of an elongated circle within the site with spurs going off into cul-de-sacs. Within the middle of the development a 'green' is shown and a local area of play is indicated (LAP) to be provided. However, I am mindful of my colleagues comments in Parks and Open Space whereby a LAP would not be managed by MBC, it is my view that a contribution to off site play is more appropriate for a development of this size.

- 7.4.4 Permeability is indicated throughout the site with a north-south cycleway and pedestrian route. A link is shown through two dwellings on Roundwell, however this path is not a PRoW and as such the reserved matters will need to reroute within the site and exit either via Water Lane or the main access. Whilst disappointing it is not essential that a link is achieved in this location.
- 7.4.5 Indicative elevations have been provided showing a flavour of the character of development for the site. Materials will be subject to a condition requiring detailed samples to be submitted as the house types are not yet being established. Whilst it is suggested that the storey heights will be 2 /2.5 across the site, again the precise details will be determined at reserved matters stage and slab levels will also be considered in conjunction with these details.
- 7.4.6 Indicative information is given on proposed materials which are reflective of the character of the area. Clearly this will be dealt with through the reserved matters as will materials for the emergency access and cycle path. In general terms the arrangement of houses is considered acceptable and certainly demonstrates the number of dwellings can be accommodated on site with legible routes throughout. I would recommend the heights indicated are conditioned to set clear parameters for the reserved matters.

## **7.5 Residential Amenity**

- 7.5.1 A number of objections have been received relating to loss of amenity including loss of privacy and loss of outlook. I have walked the locality outside the application site and considered the aspect from properties in Roundwell that back onto the site and also those which back on to Water Lane (Mallings Drive).
- 7.5.2 On the indicative layout the separation distances from existing to new dwellings is upwards of 30m and in many instances is greater. Due to the importance of the boundary treatment for ecological purposes, it is proposed to set a parameters condition to ensure the buffers as shown are not reduced. As such, it means that even if the layout changes, the separation distances are unlikely to fall below the 30m. The distance together with the separation of Water Lane on one side of the development and the tree boundaries ensure there can be no loss of amenity to these properties in terms of overlooking or privacy.
- 7.5.3 In terms of the outlook from some of the properties I fully accept that this would change as a result of the proposed development. The residential properties located on the north side of Roundwell would abut the application site and would be located in closest proximity to the proposed development site with rear gardens backing onto the site. The properties in Mallings Drive back initially onto Water Lane and then the land level rises to the development site. However, it is considered that for reasons similar to those set out above (distance/boundary treatment) the development would not have an overbearing impact or loss of amenity in terms of light. The proposed criteria in the emerging policy is adhered to with respect to boundaries to the south and west as a landscape buffer.
- 7.5.4 Barty Cottage and Barty Nursing Home both align the widened access road and there will be an amenity impact for the residents concerned. As it stands the access currently serves a very small number of private properties and the nursing home and traffic using the existing track is limited. The introduction of an engineered access road to serve 100 dwellings is a harsh change in visual terms from the existing informal track. Furthermore, there will clearly be an intensification of the use of the

access should the development proceed. Whilst this arrangement can likely be seen around many housing developments, I accept it is less satisfactory when it is an existing dwelling/buildings affected. There is a distance of between 6 – 8m from the edge of Barty Cottage to the access road to the east and then approximately 46m from its rear elevation to the access road into the site. There would be approximately 8m from Barty Nursing home to the access road. In both instances I am of the view that the distances are sufficient and would not result in an unacceptable impact on amenity of the occupiers.

7.5.5 Overall, it is considered that, notwithstanding its outline form, the proposed development could be delivered without compromising loss of residential amenity to existing residents in terms of loss of light, outlook or privacy.

7.5.6 With regard to future residents, the indicative layout demonstrates that an appropriate level of amenity can be afforded within the constraints of the site for these residents also.

## **7.6 Highway Issues**

7.6.1 The site is located almost immediately north of Roundwell. Roundwell gives direct access to Bearsted to the northwest and to the A20 to the southeast; it is an important link road therefore and access is also provided by the A20 to junction 8 of the M20.

7.6.2 Concern has been raised with regard to the impact on the existing road network. Existing residents are concerned that the proposal will increase traffic congestion on the local road network with specific reference to the already poor permeability through the village with its pinch points and the increased likelihood of accidents at the junction of Roundwell with the A20. The application includes a full Transport Assessment which has been considered by Kent Highways.

7.6.3 The transport assessment dated December 2014 was submitted by RMB Consultants and was carried out in accordance with Guidance on Transport Assessments and Travel Plans October 2008 which is a Kent Highways publication. The report considers the transport effects of the existing use of the site and that of the proposed development covering the following topics:

- National and local transport policy;
- Existing transport conditions;
- Future traffic flows (excluding the proposed development);
- Future transport conditions (including the proposed development);
- Consideration of a Travel Plan;
- Assessment of parking and internal layout of application site;
- Impact of the proposed development on the transport network
- Impact of the development on the safety of existing transport network users and development site users.

7.6.4 TRICs has been used to estimate the traffic generated by the development and this indicates that there is likely to be 57 peak hour movements and 470 daily movements for a development of this size. To put this into context the Department for Transport traffic count site at Bearsted indicates a total of 13,522 vehicle movements a day (2013 data). The number of trips generated is not therefore considered to be a

significant increase in this location and is considered not to result in an unacceptable highways impact onto Roundwell or the A20.

- 7.6.5 A number of objections have been received regarding the reliability of the Transport Assessment. I can confirm that the methodology used is that accepted by Kent Highways and that they are satisfied with the data submitted. To conclude, in terms of vehicle movements, it is considered that the local roads would be able to accommodate the proposed development and additional traffic.
- 7.6.6 Turning to the detail of the highway proposals, following initial comments from Kent Highways amended plans were received and the following works are proposed:
- Widening of the existing access track to the Barty Farm complex
  - New/extended footpath works
  - Creation of an emergency access with pedestrian and cycle access off Water Lane (gradient of 8%)
  - Visibility splay of 51m to the south east
  - Removal of centre lines and addition of edge line treatments
  - Enhanced gateway to the east of crosskeys comprising coloured surfacing and SLOW carriageway markings
  - Alterations to the position of the speed limit boundary and interactive speed limit sign
- 7.6.7 One main access is proposed to serve the development and one emergency access. The primary access is to be taken off the farm track which serves Barty House and the complex of buildings to the north at Barty Farm. In order for the access to be acceptable in highway terms the width needs to be widened at the junction with Roundwell and extend beyond this – thus the need to relocate the wall discussed earlier in this report. KCC Highways are satisfied that the access proposals would be safe, useable and comply with the relevant guidance.
- 7.6.8 The proposal to remove the centre lines of the carriageway has caused great concern with residents who feel this will increase the likelihood of accidents as people will be unclear of the demarcation between the opposite flows of traffic. However, I am advised by Kent Highways that this action, together with the variable edge line marking, is an effective means of traffic calming and offers road safety benefits.
- 7.6.9 Turning to the internal layout of the site, it is acknowledged that this is an outline application and the layout could change. However, the illustrative layout and parking ratio demonstrates that satisfactory parking can be achieved within a development of 100 houses in accordance with KCC parking standard guidance. Cycle parking storage can be secured via condition.
- 7.6.10 In their most recent letter dated 19 October 2015 Kent Highways confirm that there is no objection to the application on highway safety grounds, traffic generation and indicative parking provision – all of which are in accordance with KCC Highway guidelines and considered likely to be acceptable in terms of highway safety audit which will be required at a later stage should planning permission be granted.
- 7.6.11 Concern has been raised with regard to the acceptability of the emergency access for the fire service. The fire service has been consulted on the application and confirms that the access meets with their guidance.

7.6.12 The KCC PRow department has been consulted on the application. The application proposes a number of enhancements to the pedestrian connectivity in the vicinity. Measures include ensuring the PRow running adjacent to the main access is safeguarded (inclusion of a footway on the eastern side), providing a safe means to cross over to the south side of Roundwell, improving the existing footway towards the village and including a contribution towards upgrading the existing PRow to Church Street.

## 7.7 Affordable housing

7.7.1 It is proposed to deliver 30% affordable housing within the development. Whilst not in accordance with the adopted DPD for Housing, it is in accordance with the emerging local plan (Policy DM24) and the most recent Viability Appraisal (June 2015) for a site of this nature. The earlier Peter Brett Viability report in 2012 considered a greenfield site on the edge of the urban area suitable to provide 25% affordable housing in viability terms. I am also mindful of the Counsel advice received earlier this year in relation to the reasonableness of trying enforce the 2005 DPD when far more recent viability studies have been undertaken. I therefore consider 30% affordable housing an acceptable level in light of more up to date data.

7.7.2 Turning to the location of the affordable units shown on the illustrative layout, I concur with the views of my colleagues in Housing that to locate these in one area of a site of 100 dwellings is not ideal, it is also not in accordance with the advice in the NPPF. I would expect a reserved matters application therefore to come forward with two/three areas providing the affordable element of the scheme.

7.7.3 The developer's indicative affordable unit split is:

1 Bed units	0	0%
2 Bed units	9	30%
3 Bed units	18	60%
4 Bed units	3	10%

In order to ensure compatibility with the Housing need in Maidstone a S106 agreement would ensure a 60/40 split between Affordable Rented units and Shared Ownership Units. Concern has been raised by the Housing officer that there are no 1 bed units proposed – which is the largest need when viewing the Councils need register. The indicative mix in this application does include 1 bed units for private sale and I would encourage a reserved matters application, when re-considering the location of affordable units, to take the opportunity to incorporate 1 bed units within the scheme.

## 7.8 Landscaping & Visual Impact

7.8.1 Landscaping is a matter reserved for future consideration. Notwithstanding this, an illustrative site layout has been submitted which shows the retention of the landscaped boundaries, save for where the access routes would enter the site. Where possible all existing trees and hedgerows would be retained and enhanced. Additional tree planting would be carried out within the site and hedgerows reinforced/gaps plugged. A detailed landscape scheme would indicate the existing species to be retained and new native species to be planted.

## Planning Committee Report

- 7.8.2 An Arboricultural report has been submitted and within this recommendations are made as to which trees should be removed. In order to facilitate the access road and emergency access onto Water Lane, it is proposed to remove a section of hawthorn hedgerow at the main entry to the site and a further six trees including Larch, Poplar, (main access) Ash (x2), Hawthorn and Oak (emergency)
- 7.8.3 The removal of five other trees is recommended on purely arboricultural grounds due to their poor condition, these trees are Cherry, Poplar, Larch, Ash and Sycamore. Protection of all trees to be retained on the boundaries of the application site could be secured by a suitably worded condition.
- 7.8.4 The landscape officer has been consulted on the application and considered the results of the Arboricultural report. There are no TPO's on the trees affected by the development. It is noted that no objections are raised with regard to the loss of trees to facilitate the emergency access by the landscape officer. However, he does raise objection to the impact on two trees which would be affected by the development. The trees in question are T5 a Deodar Cedar in the grounds of Barty House and T8 a Black Pine in the grounds of Barty Cottage. Whilst the trees are shown to be retained, the landscape officer questions if this will work in reality due to level changes, hard surfacing and proximity of the road widening to the trees. In my view, whilst all will be done to ensure the trees retention in this scheme, such as conditions to demonstrate how they can be afforded protection, the trees are not subject to a Tree Preservation Order. Their amenity value is noted and it is possible that further details can be provided to ensure their retention.
- 7.8.5 The site is a greenfield site and its development for residential development would clearly have an impact visually on the locality. It is important to assess the impact of the proposed development in its setting and surrounding context.
- 7.8.6 The Design and Access Statement identifies that new planting will take the form of a tree belt along the southern and western edges of the site together with landscaping. The retention of hawthorn hedgerows on the eastern boundary is key to enhancing the setting of the site. The northern boundary is shown to be landscaped and whilst I appreciate the importance of the other boundaries in terms of softening the impact on existing residents, I also consider the northern boundary important with regard to setting. This is because further north and the other side of the M20 is the North Downs AONB. Section 85 of the Countryside and Rights of Way Act 2000 requires a relevant authority, when exercising any functions in relation to, or affecting land in, an AONB to have regard to the purpose of conserving or enhancing the natural beauty of the AONB.
- 7.8.7 In this instance the AONB is approximately 500m to the north of the site boundary. I accept that there will be views of the site from the North Downs and clearly what is currently greenfield pasture land will change to an urban form. However, having walked the locality and considering the grain of development, it is my view that the scheme will form a natural extension to the existing built form at this end of Bearsted. The proposed development would be seen in the context of the neighbouring residential development on the southern and western boundaries and would not therefore appear out of character given the built form along these boundaries of the site.
- 7.8.8 I have considered both the local impact on the landscape and from further ranging views. I have viewed/attempted to view the site from the Pilgrim's Way and find that when seeking the site out it will appear as minimal addition to the existing landscape

character where built development meets the countryside. I do not consider the development will cause 'harm' to the setting of the AONB as the scale and location of the development in relation to the existing built environment will not appear out of character in this location, but clearly at the reserved matters stage the attention to detail points raised by the Kent Downs AONB Unit will need to be taken on board, namely:

- Building materials and colours.
- Orientation of buildings and position.
- Use of non-reflective roofing materials and any solar panels/photovoltaics to face south to avoid glint and glare.
- Height of dwellings.
- Control of lighting.

7.8.9 The site is also located within the Special Landscape Area, although I would advise this designation is not being carried forward in the emerging local plan. However, at the present time Policy ENV34 is still a relevant saved policy which seeks to protect and conserve the 'scenic quality and distinctive character' of the SLA. Clearly, as considered in the section on the AONB, the character will undoubtedly change from greenfield site to built development, however the application has to balance the many issues, impact, gains and losses involved in meeting the need for houses. Due to the location of this site I do not feel it causes wider harm to the landscape character of the area, but clearly the loss of the site itself will transform that element of the SLA.

7.8.10 The boundary treatment throughout the site will however be essential to achieving a good scheme. As noted above, particular care will need to be taken in the buffer zones between new and existing development and where the northern boundary abuts the open countryside. A fully detailed landscaping scheme will need to demonstrate an appropriate mix of indigenous landscaping.

7.8.11 When considering the visual impact of the proposed development and its siting in relation to the existing urban boundary, it is my view that a well designed scheme will be capable of being absorbed visually into the environment at this end of Bearsted. It is not disputed that the character of the area as currently seen will change but in terms of the wider impact it will not be significant. The proposed allocation sets out criteria in relation to landscaping to ensure appropriate buffers are retained and the landscape setting respected. It is my view that development in this location is acceptable in landscape terms and that with a suitably composed landscape management strategy that is overseen by a management company and secured through the S106 agreement, the provision of landscaping on the buffers can be safeguarded.

## **7.9 Ecology**

7.9.1 The application includes a Phase 1 Habitat Survey of the site. Whilst the current application is for 100 dwellings, the report refers to the 122 dwellings which the proposed allocation in the emerging local plan considers is an appropriate number for the site. Whilst objectors have raised the issue of differing numbers given in the different technical reports within this application, it does not affect the soundness or relevance of the reports.

7.9.2 The site and adjacent land is not subject to any statutory nature conservation nature designations. The survey reveals that the greatest ecological interest on the site was within the hedgerows around the site boundary. There are no ponds within the



application site, but there are several within 500m. Results show that Great Crested Newts (GCNs) were found in two ponds and KCC Ecology are satisfied with the results. A plan showing the position of the surveyed ponds, a review of the survey data and any resulting mitigation works has recently been submitted.

7.9.3 I am satisfied with the advice of KCC that the implementation of the mitigation measures set out in the report by Caluma Ecological Services will ensure that GCN's are protected from harm.

7.9.4 The Habitat survey states that there is potential for reptiles to be within the site and if so, these are most likely to be within the hedgerows. A condition requesting a precautionary mitigation strategy to be submitted is recommended by the KCC Ecologist.

7.9.5 Due to the presence of bats foraging along the site boundaries, careful consideration will need to be given to the lighting around the perimeter of the site. The bat activity survey raises the issue and KCC endorse this by recommending a lighting scheme be submitted (with ecologist input) by way of a condition.

7.9.6 With regard to breeding birds, the KCC ecologist is satisfied that the management of the site reduces the potential for Ground Nesting Birds to be present.

7.9.7 Planning guidance states that in addition to mitigation, development should seek to enhance ecological interests. The application promotes ecological enhancement through the retention of the vast majority of the boundary hedgerows where the ecological interest is present. Furthermore, the following additional measures can be introduced within the development:

- Enhancement of habitats for reptiles and bats (reinforcing hedgerows)
- Use of bat bricks and tiles (particularly in dwellings close to boundary edge, esp southern)
- Incorporate swift bricks within dwellings
- Protection of site buffer and future management to preserve/enhance habitat

## **7.10 Flooding and Drainage**

7.10.1 Southern Water advises that there is currently inadequate capacity in the local network to provide foul sewage disposal to service the proposed development. The proposed development would increase flows to the public sewerage system and they have advised that additional off-site sewers, or improvements to existing sewers, will be required to provide sufficient capacity to service the development. The application includes a Foul Water Management Strategy which has been developed following consultation with Southern Water. There are two possible options to provide wastewater disposal and these are:

- i) Connection to Leeds WTW, 2,600m to the east.
- ii) Improvements to the foul drainage network west of the site.

7.10.2 The developer proposes to requisition foul sewers under Section 98 of the Water Industry Act 1991 in order to establish the best solution for providing sewerage infrastructure. It is apparent from the comments of Southern Water and the detail provided in the Strategy that it will be possible to adequately serve the development by foul sewers provided improvements to the existing network are carried out. The

precise nature of the improvements will need to be agreed by Southern Water and can be dealt with through a planning condition.

7.10.3 The application also includes a Surface Water Strategy incorporating a Flood Risk Assessment which indicates that surface water will be managed through the use of SUDS comprising mainly soakaways, detention/infiltration basins and permeable paving. The application has been considered by the KCC Flood Team who find the proposed Strategy acceptable and suggest a condition to ensure fuller detail is submitted once the ground conditions are confirmed.

7.10.4 The FRA was submitted due to the site area being greater than 1 hectare. The site however, lies within Flood Zone1 due to it being assessed as having a less than 1 in 1000 annual probability of river or sea flooding in any one year. Overall it has a low probability of being flooded from other sources. The Environment Agency has raised no objection to the development of the site and deems the site acceptable for residential development in terms of the flood risk perspective.

**Other issues:**

7.11.1 A number of objectors have highlighted the refused applications in March 2015 for both planning permission and Listed Building consent to demolish the existing boundary wall at Barty House. Whilst I have taken this into consideration, I consider there is sufficient justification, as set out in this report, to reach a different conclusion when balancing all the issues within the current application. The previously refused two applications were considered in isolation as they were not directly linked to this application for outline planning permission. As such the balancing exercise could not be undertaken with regard to lack of a 5 year supply.

7.11.2 The agricultural land classification has been questioned by objectors. I have consulted the Council's agricultural advisor and am informed that the relevant maps for this area indicate the site as being grade 3 with grade 2 areas in close proximity.

**8.1.1 Heads of Terms**

The consultees have requested a number of contributions to be secured through the application. It is important that any contributions that are secured through a Section 106 agreement would meet the requirements of the three tests of Regulation 122 of the CIL Regulations 2010 and paragraph 204 of the NPPF 2012.

These are set out below:-

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development.

8.1.2 The NHS have requested £80,820 based on an average occupancy in relation to the size of the residential units towards improvements at Bearsted Medical Practice which is within 1 mile of the site. It is clear that the proposed development of 100 dwellings 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.

8.1.3 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. The monies contribute towards the South Borough PS permanent

expansion to 2FE. There will be a greater demand placed on schools within the borough from the occupants of the new 100 dwellings and information submitted by the County Council shows that these are at capacity and as such the contribution is considered justified and appropriate.

- 8.1.4 In addition to a new primary school Kent County Council as the Local Education Authority require contributions towards additional secondary school places by extending existing secondary Schools in the Town at a cost of £2359.80 per applicable house. The identified project would contribute towards the second phase of expansion of Maplesden Noakes. There will be a greater demand placed on the local schools from the occupants of the new 100 dwellings and information submitted by County shows that these are at capacity and as such the contribution is considered justified and appropriate.
- 8.1.5 Kent County Council has sought contributions of £3175 towards community learning which would be used to pay for adult learning classes or Outreach Adult Learning in Maidstone. In this instance the identified project is new IT equipment to St Faiths Adult Education Centre in Maidstone. It is clear that the proposed development of 100 dwellings 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.
- 8.1.7 There is a request of £3178 sought by Kent County Council which would pay towards the provision of staff and equipment for Maidstone Borough Youth Outreach services in the area. In this instance the identified project is new furniture for InFoZoNe Youth Centre. It is clear that the proposed development of 100 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.
- 8.1.8 There is a request from Kent County Council to provide £12,709 which would be used to provide for expansion of Library services locally and additional bookstock & equipment to deal with the addition usage from this development. In this instance the identified project is Bearsted Library enhancements, namely additional bookstock and moveable shelving. It is clear that the proposed development of 100 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.
- 8.1.9 Kent County Council has sought contributions of £5388 which would put towards projects including the expansion of the services and facilities for older people care needs and adults with learning and physical disabilities. In this instance the project identified is: enhancements to the Dorothy Goodman Centre (Age UK) at Madginford. It is clear that the proposed development of 100 dwellings would result in additional demand placed on the social services provided by Kent County Council and I consider that it would be appropriate if approving the application to secure the appropriate level of contribution.
- 8.1.10 The provision of 30% affordable residential units within the application site. This is in accordance with the most recent viability assessments for a site in a location such as this.
- 8.1.11 Kent Highways seek a contribution towards sustainable access. This is in accordance with the proposed policy and will strengthen the sustainability of this site.

- 8.1.12 KCC PRoW seek a contribution of £30,000 towards the improvement of the PRoW in the vicinity which is a key route in proximity to the development site. The funds would be spent on improvements to the surfacing and environment of Public Footpath KH27 which will improve pedestrian access from the site to community centre and recreational facilities at Church Landway. I am currently seeking further clarification on how this request meets the CIL regulations and will provide an update of this for committee.
- 8.1.13 Kent Police have also requested contributions, however these do not meet the CIL regulations and cannot be sought.
- 8.1.14 Whilst not a Head of term the applicant/developer will also need to enter into a S278 agreement to secure the following:

Works to Barty House to provide visibility splay (475-108A)  
Proposed emergency access (475-111A)  
Proposed highway improvements western gateway (474-112)  
Proposed highway improvements Water Lane junction with Roundwell (474-113)  
Proposed highway improvements Water Lane junction emergency access (474-114)  
Proposed highway improvements eastern gateway (474-115)  
Proposed highway improvements Roundwell junction with site access 474-116

## 9.1 CONCLUSION

- 9.1.1 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 grounds to depart from the Local Plan.
- 9.1.2 Development at this site would extend the grain of development from the Maidstone urban boundary to the east. Whilst the development would have an impact upon the setting of the Grade II Listed Barty House, I do not consider that this would be a significant impact such to resist development altogether. The site is on the boundary of the urban area in easy reach of a number of services and facilities located within Bearsted, including the Bearsted train station. The proposed development includes measures to enhance connectivity from the site to the centre of Bearsted with its shops and services. The development of this site for residential purposes would represent an example of sustainable development and would conform to the aspirations of the NPPF.
- 9.1.3 Furthermore, the site, being on the edge 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. Therefore, the development of this site for residential purposes would conform with the Council's approach to the location of development.
- 9.1.4 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.

## 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 30% affordable residential units within the application site, 60% rental and 40% shared ownership.
- Contribution of (pro-rata) £1575 per dwelling towards open space (final amount will be a percentage dependent of on site provision).
- Contribution of £80,820 to be sought from the NHS towards improvements to a named local surgery.
- Contribution of £2360.96 per applicable house towards a school expansion. In South Borough Maidstone.
- Contribution of £2359.80 per applicable house towards secondary education provision in Maidstone.
- Contribution of £3175 sought towards community learning 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.
- Contribution of £3178 sought to be used to address the demand from the development towards youth services locally.
- Contribution of £12709 sought to be used to address the demand from the development towards additional bookstock and services at local libraries serving the development.
- Contribution of £5388 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 up to £15,000 for the provision of measures to promote sustainable access i.e cycle parking/shelters, disability ramps, security and information.
- Contribution towards the upgrading of PRoW KH127 to Church Lane (to be confirmed)

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

### Conditions

1. No development shall take place until approval of the following reserved matters has been obtained in writing from the Local Authority:
  - a. Layout
  - b. Scale
  - c. Appearance
  - d. Landscaping

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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.

2. The development hereby permitted shall be begun before the expiration of two years from the date 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.

3. 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

4. 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 or as agreed by the Local Planning Authority and retained thereafter;

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

5. The development hereby permitted shall not commence until details of the proposed materials to be used in the surfacing of all access roads, parking and turning areas and pathways, and the design of kerb-stones/crossing points which shall be of a wildlife friendly design, relating to the detailed element, have been submitted to and approved by the local planning authority and the development shall be carried out in accordance with the approved details before the first occupation of the dwellings or as agreed in writing with the Local Planning Authority and maintained thereafter.

Reason: To ensure a high quality external appearance to the development.

6. No external lighting equipment shall be placed or erected within the site until details of such equipment 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 in the interests of biodiversity. 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 and biodiversity.

7. No development shall take place until a landscape scheme designed in accordance with the principles of the Council's landscape character guidance has been submitted to and approved in writing by the local planning authority. The scheme shall show all existing trees, hedgerows and landscaping and indicate whether they are to be retained or removed. It shall detail measures for protection of species to be retained and include a planting specification, a programme of implementation and maintenance and a 10 year management plan. The landscape scheme shall provide landscape buffer zones of no less area than shown in the indicative layout in the Design and Access Statement and specifically address the need to provide:

- Reinforced and new tree belt along the southern boundary of the site.
- New hedgerow and tree planting along the northern boundary.
- Tree and hedge planting throughout the site.
- Area of semi-natural open space along the southern boundary.
- Swales and balancing ponds.
- Reinforced tree and hedgerow planting along the eastern and western boundaries.

Reason: No such details have been submitted and to ensure a satisfactory appearance and landscape setting to the development and satisfactory implementation, maintenance and management of the landscaped areas.

8. 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 sooner; any seeding or turfing which fails to establish or any trees or plants which, within 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 setting and external appearance to the development.

9. Any existing trees or hedges retained on site which, within a period of five years from the first occupation of a property, commencement of use or adoption of land, die or become, in the opinion of the local planning authority, so seriously damaged or diseased that their long term amenity value has been adversely affected, shall be replaced in the same location during the next planting season (October to February), with plants of an appropriate species and size to mitigate the impact of the loss as agreed in writing by the local planning authority.

*Reason: To safeguard existing landscaping and to ensure a satisfactory setting and external appearance to the development.*

10. All trees to be retained must be protected by barriers and/or ground protection in accordance with BS 5837 (2012) 'Trees in Relation to Construction-Recommendations'. No equipment, machinery or materials shall be brought onto the site prior to the erection of approved barriers and/or ground protection except to carry out pre commencement operations approved in writing by the local planning authority. These measures shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed, nor fires lit, within any of the protected areas. No alterations shall be made to the siting of barriers and/or ground protection, nor ground levels changed, nor excavations made within these areas without the written consent of the local planning authority.

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

11. Prior to commencement of the engineering works at both the site access points, full details of tree protection methods, including the laying of road construction where trees have been identified as to be retained, shall be submitted. Details should include hand dig as appropriate.

Reason: To ensure the safe retention of trees of amenity value.

12. 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.

13. The development shall not be occupied until details of the long-term management and maintenance of the public open space, including details of mechanisms by which the long term implementation of the open space (including play equipment) 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.

14. 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 the aims and objectives;
- e) Prescriptions for management actions;
- f) A work schedule;
- g) Details of the body or organisation responsible for implementation of the plan;
- h) Ongoing monitoring and remedial measures;
- i) Specific details of biodiversity enhancement measures to include enhancement for birds, bats and reptiles. (to include swift bricks, bat boxes, hedgerow habitat enhancement)

Reason: In the interests of biodiversity.

15. The details pursuant to condition 1 shall show the height of the proposed dwellings to reflect the parameters set in the Design and Access Statement shown as between 2 and 2.5 storeys high.

Reason: In the interests of visual amenity

16. There shall be no occupation of the development hereby permitted until the provision, by way of a Section 278 Agreement between the applicant and Kent County Council Highways, of the works identified in the application are agreed with the planning and highway authorities.

Reason: In the interests of highway safety.

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.



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

18. Prior to the commencement of development the following details will be secured and implemented:

- (i) archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and
- (ii) further archaeological investigation, recording and reporting, determined by the results of the evaluation, in accordance with a 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.

19. 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 with the Local Planning Authority in consultation with Southern Water. The approved details and off-site works shall be implements in full prior to the first occupation of the development.

Reason: In the interest of water pollution

20. No development shall take place until a sustainable surface water drainage scheme based on details provided within the Surface Water Management Strategy prepared by RMB Consultants (Civil Engineering) Ltd dated December 2014, has been submitted to and approved in writing by the local planning authority. The surface water strategy should also be compliant with the Non-Statutory Technical Standards for Sustainable Drainage (March 2015), and 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, so as not to increase the risk of flooding both on- or off-site. The strategy should also include details for the provision of long term maintenance of all surface water drainage infrastructure on the 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.

21. The approved details of the vehicle parking and turning areas and cycle parking shall be completed before the commencement of the use of the land or buildings hereby permitted and shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any order revoking and re-enacting that Order, with or without modification) or not, shall be carried out on the areas indicated or in such a position as to preclude vehicular access to them;

Reason: Development without adequate parking/turning provision is likely to lead to parking inconvenient to other road users and in the interests of road safety.

22. No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

*Reason: To protect vulnerable groundwater resources and source protection zones.*

23. The existing wall which aligns the curtilage of Barty House shall not be taken down until a methodology statement has been submitted to cover the following areas:
- (i) Removal, cleaning and retention of existing brickwork;
  - (ii) Submission of sample replacement bricks/ragstone where necessary;
  - (iii) A sample panel to be erected on site to ensure appropriate bonding/mortar mix

The works then thereafter be carried out in accordance with the approve details.

Reason: To ensure appropriate materials and protection of the character of the wall.

24. Prior to the commencement of development the recommendations of the Callumma Ecological Services report dated October 2015 shall be carried out. A detailed mitigation strategy shall be submitted to the Local Planning Authority as set out in this report (CES) together with a monitoring timetable whilst works are ongoing with regard to the Great Crested Newt population within the identified ponds.

Reason: In the interests of Biodiversity.

- 25 .The development hereby permitted shall be carried out in accordance with the following approved documents:

Drawing no.s 2527-03E (realignment of Barty Wall), 475-108A, 475-111A, 474-112, 474-113, 474-114, 474-115, 474-116, 2527-21 (illustrative site layout), 2527-20 rev C (site location plan).

Reports: Great Crested Newt Survey October 2015, Calumma Ecological Services; Arboricultural report by Chartwell Tree Consultants December 2014, Design and Access Statement December 2014 and Addendum June 2015;Transport Assessment Decemebr 2014; Surface Water Management Strategy incorporating a Flood Risk Assessment dated December 2014.

Reason:To ensure the development is undertaken satisfactorily.