

REPORT SUMMARY

REFERENCE NO - 15/507493/OUT			
APPLICATION PROPOSAL Outline planning application for residential development of up to nine dwellings considering access from Chartway Street with all other matters (appearance, landscaping, layout and scale) reserved for future consideration.			
ADDRESS Land North Of Wind Chimes Chartway Street Sutton Valence Kent ME17 3JA			
RECOMMENDATION: Grant Planning Permission subject to planning conditions, the completion of a legal agreement and no new substantive issues being raised from the public consultation that expires on the 12 February 2016 with authority to issue a decision after this date delegated to the Head of Planning and Development.			
SUMMARY OF REASONS FOR RECOMMENDATION The proposed development does not conform with policy ENV28 of the Maidstone Borough-wide Local plan 2000. However, given the current shortfall in the required five-year housing supply, the 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 there are sufficient grounds to depart from the Local Plan.			
REASON FOR REFERRAL TO COMMITTEE The recommendation for approval is a departure from the Development Plan Sutton Valence Parish Council wish to see the application refused.			
WARD Sutton Valence And Langley Ward	PARISH/TOWN Sutton Valence	COUNCIL	APPLICANT Mr Vincent Woodcock AGENT Peter Court Associates
DECISION DUE DATE 05/04/16	PUBLICITY EXPIRY DATE 05/04/16	OFFICER SITE VISIT DATE 07/12/15	
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
History relating to application site			
13/0461	An application to vary condition 5 attached to MA/04/0268 to read "The use of the land hereby permitted shall only be used for the private keeping and exercising of horses in the ownership of the occupiers of the dwelling known as 'Wind Chimes' outlined in red on the attached plan and shall not be used in connection with any livery business or commercial use"	Permitted	09/05/13
06/0905	Application of 'Grastercrete' surfacing from stable to gate (existing) leading onto Chartway Street as shown on drawing number(s) H-030 01a, H-030 02f and H-030 01- received on 12/05/06.	Permitted	29/06/06
04/0268	Change of use of agricultural land for the keeping of horses and erection of stable block	Permitted	07/04/04

	together with a 'menage', as shown on dwg nos A-1189 101a, A-1189 100b, A3 plans/elevations and 2 No. A4 photos - received on 02.02.04., A4 menage specifications received on 09.02.04. and 3 No. A4 plans/elevations received on 13.02.04.		
History relating to Wind Chimes (Formerly known as land adjacent Grey Walls)			
03/1352	Erection of a four bedroom house with an integral garage with shared access, as shown on dwg nos A-1189/100b, 102a, 104b and 111a received on 07.07.03.	Refused	14/8/13
Reasons for refusal : <p>(1) <i>The proposed dwelling would constitute an unjustified development which would extend the line of residential development into the open countryside, contrary to policies ENV28 and H29 of the Maidstone Borough-Wide Local Plan 2000, policies ENV1, RS1 and RS5 of the Kent Structure Plan 1996 and the advice contained in PPG7: 'The Countryside - Environmental Quality and Social and Economic Development'.</i></p> <p>(2) <i>Due to its excessive height and bulk the proposed dwelling would be harmful to the character and appearance of the countryside, contrary to policies ENV28 and H29 of the Maidstone Borough-Wide Local Plan 2000, policies ENV1, RS1 and RS5 of the Kent Structure Plan 1996 and the advice contained in PPG7: 'The Countryside - Environmental Quality and Social and Economic Development.'</i></p>			
03/2400	Erection of a detached dwelling and a detached garage for the existing dwelling, as shown on drawing nos. A-1189 100b, 101a, 102b, 106-, 111d, 104c received on 19.12.03.	Refused	13/2/04
Reasons for refusal : <p>(1) <i>Due to its excessive height and bulk the proposed dwelling would be harmful to the character and appearance of the countryside, contrary to policies ENV28 and H29 of the Maidstone Borough-Wide Local Plan 2000, policies ENV1, RS1 and RS5 of the Kent Structure Plan 1996 and the advice contained in PPG7: 'The Countryside - Environmental Quality and Social and Economic Development'.</i></p> <p>(2) <i>The proposed dwelling results in overlooking of the adjacent property to the south of the site with a consequent loss of privacy to that property contrary to policy ENV28 of the Maidstone Borough-Wide Local Plan 2000.</i></p>			
04/0403	Erection of a detached dwelling with detached garage and a replacement garage with shared access (resubmission following refusal of MA/03/2400), as shown on dwg nos A-1189 114b, 106a received on 03.03.04 and 116b, 117b received on 01.04.04.	Approved	30/4/04
05/0621	Amendment to planning permission MA/04/0403 (Erection of a detached dwelling with detached garage and a replacement garage with shared access) in respect of velux windows to garages and relocation of garage for existing house as shown on received on drawings H-030 02d & 06e received on	Approved	23/05/05

	29/03/05 and as amended by H-030 02f & 06F and agent's letter received on 11/05/05.		
10/1839	Erection of a two storey side extension as shown on the site location plan and proposed floor plans and elevations received on 22/10/10.	Approved	14/12/10
Relevant history relating to The Oaks, Maidstone Road, Sutton Valence.			
04/0830	Demolition of existing dwelling and the construction of 10 new dwellings including associated garaging.	Appeal allowed	23/3/15
<p>In allowing this non-determination appeal the planning inspector made the following observations:</p> <ul style="list-style-type: none"> - The proposed development would be in a sustainable location in terms of access to services. - The proposed development would represent sustainable development - The appeal scheme would not cause harm to the character and appearance of the area. - The location of the site on the outside of the bend permits clear visibility from the access in both directions. Thus while this stretch of road can be busy with fast moving traffic, the proposal would not increase the risk of accidents in any significant way. 			

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The application site relates to a parcel of land sited on the junction of North Street (A274 to the west), and Chartway Street (to the north). The site measures approximately 0.9 hectares and its authorised use is for equestrian purposes (as approved under application 04/0268 and varied by application 13/0461). There is an existing menage and single storey stable building on the southern part of the application site. with an access from Chartway Street dissecting the site. The access currently serves the stables and the residential dwelling Wind Chimes (the authorised use of this access is discussed under other matters at paragraph 7.41-7.42 of this report).
- 1.02 There is existing sporadic residential development along Chartway Street itself and along the eastern part of North Street to the south of the site. Warmlake Nursery and Warmlake Place (Residential home) are located to the west of the application site. The land to the east of the site is open fields with Public Rights of way located across.
- 1.03 The site is outside the settlement boundary of Sutton Valence, which lies approximately 600m to the south of the site. The application site lies within an area identified as having archaeological potential.
- 1.04 The site is enclosed by mature trees and planting along the northern and western boundaries, with fencing. The southern boundary with Grey Walls is enclosed by fencing and mature hedging. To the east there is open wooden post fencing, affording views in and out of the application site. The site is relatively flat and predominantly laid to grass.

2.0 PROPOSAL

- 2.01 Outline planning permission is sought to develop the site for up to 9 dwelling. The original submission did not specify the number of dwellings proposed, although the layout plan showed 8 dwellings. The agent has subsequently confirmed that the submission relates to a maximum of 9 dwellings, this number has been incorporated into an amended description of development that has been the subject of re-consultation.
- 2.02 Only access arrangements are to be considered at this outline application stage with appearance, landscaping, layout and scale reserved for future consideration. In order to demonstrate that the site is capable of accommodating the scale of development proposed an illustrative site layout has been submitted as part of the application.
- 2.03 Vehicular access would be taken from Chartway Street. The formation of this access would involve the removal of some existing vegetation along the northern boundary to allow for improvements to visibility. The existing access from Chartway Street would be removed, blocked up and landscaped.
- 2.04 Off-site highway improvement works are also proposed. These include an extension of the existing footway in Chartway Street between the new site access and the existing footway. Other works include the relocation of the existing bus stop and the widening of Chartway Street.
- 2.05 The illustrative site layout plan shows the demolition of the existing stabling, construction of 8 detached dwellings, with a mix of integral and detached garaging. The indicative plan shows a new internal access road that would serve the new dwellings and the existing property to the south (Wind Chimes)
- 2.06 Whilst landscaping is a reserved matter, the submitted plans and information show the retention of existing trees and planting along the northern and western boundaries. The application site boundary (red line boundary) of the application site has been amended to include this planting as part of the application site.

3.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Development Plan:

Maidstone Borough Wide Local Plan 2000:

Policy ENV6: Landscaping, Surfacing and Boundary Treatment

Policy ENV28: Development in the Countryside

Policy T13: Parking Standards

Policy CF1: Seeking New Community Facilities

Affordable Housing DPD 2006

Open Space DPD 2006

Other documents:

Kent Design Guide Review: Interim Guidance Note 3: Residential Parking

4.0 LOCAL REPRESENTATIONS

4.01 Sutton Valence Parish Council

Original consultation: Recommend refusal

- A large number of HGVs frequently block this road, and adding more vehicles would be dangerous.
- This is a greenfield site which is a significant part of the surrounding countryside. The site is unsustainable as confirmed by the Council in the pre-application advice.
- There are numerous major traffic issues in this area and the nearby junction is a well-known accident black-spot.
- The relocation of the bus stop would be placing bus users and vehicle drivers in a dangerous situation.
- The development itself is not in keeping with its surroundings. This site was turned down in the SHLAA and also not approved in the pre-application advice.
- Surrounding homes already suffer with drainage issues.

Re-consultation: Nothing has altered from the original application with the exception of the situation being made worse by moving the bus stop closer to the crossroads and giving the HGVs a footpath to mount.

4.02 Adjoining neighbours were notified of the application as originally submitted and notified again on receipt of amended plans and description. A site notice was also put up at the site. 11 objections have been received in response to the original consultation which are summarised as follows:

- Site is unsustainable
- Highway concerns
- Moving the bus stop would be more dangerous
- Widening the road would not solve the problems
- Site not accepted as part of the SHLAA
- Trees have been removed
- Approval would set a precedent
- Concerns regarding air quality, pollution, noise and disturbance
- Drainage issues

5 further letters have been received following re-consultation, 2 of these letters re-iterate previous objections and in summary the following additional points:

- The photographs are misleading; they are taken at oblique angles to the site when the trees and shrubbery are in full leaf.
- The current access to Wind Chimes is unauthorised and planning permission has never been granted.
- Use of the road by HGVs
- Safety implications

The second letter notes the new landscape plan and extension of the footpath and withdraws their objection subject to highway works to widen road and extend the footpath.

The application has been advertised (by a newspaper advert and site notice) as a development which does not accord with the provisions of (a departure from) the development plan. The consultation period in this respect expires on 12 February 2016. On the basis that no further substantive issues are received by the 12 February the officer recommendation is to grant planning permission with authority to issue a decision after this date delegated to the Head of Planning and Development.

5.0 CONSULTATIONS

5.01 UK Power Networks

Original consultation (21/09/15): No Objection

5.02 Kent Police

Original consultation (23/09/15): No objection with the applicant provided with the following advice. The applicant/agent at this stage has not included crime prevention measures nor have they demonstrated of how they will apply the seven attributes of CPTED in their Design and Access Statement (D&AS), they have however stated that this is an outline application with the detail and layout of the units to be conditioned , as this is the case and the layout is indicative I suggest prior to the submission of any reserved matters application, the applicant, agents, or successors in title, are encouraged to undertake pre-application (reserved matters) discussion with the local Planning Authority. As part of this pre-application discussion, it may well be necessary to consult with external bodies such as Kent Police Crime Prevention Design Advisors (CPDAs) to ensure that a comprehensive approach is taken to Crime Prevention and Community Safety.

If this outline planning application is given approval then we would suggest that a condition be included as part of the outline planning approval to ensure that Crime Prevention is addressed effectively in the design and layout for reserved matters

5.03 Environmental Health Officer

Original consultation (22/09/15): No objection.

5.04 Area Public Rights of Way Officer

Original consultation (24/09/15): No objection. Would suggest an informative relating to the general works affecting a public right of way.

5.05 KCC Highways Officer

Original consultation (29/09/15): No objection subject to conditions and informatives. The scheme could not warrant a sustainable objection in terms of traffic generation. The professional transport study has appropriately studied and assessed traffic speeds, visibility standards and road safety. The measures to provide suitable visibility standards, footpath provision and connection and local road widening proposed is considered appropriate and acceptable.

Should this application be approved the measures described will need to be undertaken via a Section 278 agreement with this authority to ensure that appropriate construction details are implemented by an approved contractor. The S278 works will encompass closure of the existing access, localised road widening, establishing visibility splays and construction of the new access, footway and kerbing detail

including a step free raised border at the bus stop where suitable. Having studied the site area further it is also considered that some further footway provision may be possible and helpful at the corner of Chartway Street with Maidstone Road together with appropriate dropped crossing points to provide better connectivity to public transport services. Safety auditing will also be required in this process and the location of the new bus stop or retention of the existing may require some further scrutiny.

I note that it is intended for some of the internal road network to be adopted and in the example provided a suitable turning head has fittingly been included so that servicing and refuse collection can be undertaken safely and effectively. Should this application be approved, the applicant will need to enter into a Section 38 agreement with this authority similarly to ensure that appropriate construction details are implemented by an approved contractor. These matters are points of not insurmountable detail that can be established through further design work and do not in themselves warrant objection from a highways perspective at this outline application stage.

Re-consultation (06/01/16): I am grateful for the re-consultation regarding this application and note the additional documents submitted. I also note some of the concerns raised locally and particularly note comments regarding pedestrian safety and provision along Chartway Street. As part of the S278 agreement required with this authority to implement the new access proposed, it is considered that it would be beneficial if a 1.8m wide footway is also provided along the site frontage on the eastern side; a distance of ~ 35m. Should the Borough Council Planning Committee be minded to approve this application, it would be helpful if this requirement is referred to in any approval notice.

5.06 **KCC Flood Risk Project Officer**

Original consultation (5/10/15): No objection with the following advice to the applicant. As Lead Local Flood Authority, Kent County Council are required to provide technical advice and guidance on the surface water drainage strategies, designs and maintenance arrangements put forward by developers for any new major development. Whilst this development does not constitute major development we would like to offer the following comments regarding the proposals.

The Surface Water Drainage Strategy undertaken by Ambiental, dated July 2015, states that "the media infiltration coefficient ranges from poor to good. As such, this soil is considered unlikely to be suitable for infiltration drainage due its clayey nature; keeping a conservative point of view and under a safety side criteria". We would advise that actual ground investigation should be undertaken to prove this point, particularly as the British Geological Society Infiltration SuDS map details this area as "Probably compatible for infiltration SuDS".

The developer should also contact Southern Water with a view to obtaining their permission to connect into the existing network as our records indicate that only a foul sewer network is present here and so it may not be acceptable to Southern Water for Surface Water to be connected.

Re-consultation (08/01/16): No further comment to make on this application at this time.

5.07 **Southern Water**

Original consultation (29/09/15): No objection subject to a condition. No details of means of disposal of foul drainage from the site have been provided. A formal application would be required for a connection to the foul sewer and would suggest an informative should consent be granted.

Initial investigations indicate that there are no public surface water sewers in the area to serve this development. Alternative means of draining surface water from the development would be required. Reference is made to the use of Sustainable Urban Drainage Systems (SUDs) and details are outlined regarding this provision.

Would recommend a condition relating to proposed means of foul and surface water disposal should permission be granted.

5.08 **KCC Biodiversity Officer**

Original consultation (14/10/15): No objection subject to a condition. The ecological scoping survey concluded that the footprint of the proposed development site had limited potential for protected/notable species to be present and the greatest interest was the woodland along the western boundary.

The ecological interest of the woodland was confirmed during the bat activity survey as the highest number of bat passes (Soprano and common pipistrelle) was recorded along the western boundary.

We recommend that if planning permission is granted that the lighting within the development (particularly along the western boundary) is designed to minimise impact on foraging/commuting bats.

We recommend that the Bat Conservation Trust's *Bats and Lighting in the UK* guidance is adhered to in the lighting design (see end of this note for a summary of key requirements). Although limited the occasional presence of protected/notable species cannot be ruled out and we recommend that the precautionary mitigation detailed within the ecological scoping survey is implemented if planning permission is granted.

The greatest area of ecological interest is the woodland along the western boundary which is to be retained. As recommend within the ecological scoping survey we recommend that a simple management plan for the woodland is produced and implemented if planning permission is granted. We recommend that an ecological enhancement plan is submitted as a condition of planning permission, if granted. This plan must include the following:

- Details of the woodland management;
- Details of ecological enhancements which will be incorporated in to the site.

5.09 **Senior Archaeological Officer**

Original consultation (2/10/15): No objection subject to condition relating to archaeological work.

5.10 **Natural England**

Original consultation (08/10/15): No comment

5.11 Tree Officer

(20/01/16): No objection subject to conditions. There are no protected trees in the vicinity of this development site.

The Tree Survey (amended) produced by LaDeIIWood, received 4 January 2016 does not fully comply with the requirements of BS5837: 2012 in that it doesn't consider all the trees on, or immediately adjacent to, the site. Whilst there are potential future pressure for removal issues with the trees located to the north and west of the site, the current indicative layout is such that the relationship between the dwellings and the trees is acceptable. Therefore, there are currently no arboricultural objections I can raise to the proposed development subject to pre commencement conditions requiring the following:

- Compliance with the above mentioned Tree Survey
- An Arboricultural Method Statement (AMS) in accordance with BS5837: 2012 which should include details such as the positions of any service/ drainage runs and any access facilitation pruning requirements
- A detailed landscape scheme which includes a long term management plan for the tree belt.

6.0 BACKGROUND PAPERS AND PLANS

Application form
Planning Statement
Design & Access Statement
Ecology Phase 1 Habitat Survey
Ecology Bat Activity Surveys
Phase 1 Flood Risk Assessment
Phase 2 Surface Water Drainage Strategy
Transport Statement
Tree Survey Issue 2
Drawing number 2245/15/B/6A (Site Location Plan)
Drawing number 2245/15/B/0 (Site as existing)
Drawing number 2245/15/B/3A (Landscape Strategy Plan) (Illustrative)
Drawing number 2245/15/B/4A (Landscape Appraisal)
Drawing number 2245/15/B/5A (Site Layout) (Illustrative)

7.0 APPRAISAL

Principle of Development

Local Plan policy

- 7.1 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:
- 7.2 *"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.”*

- 7.3 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.
- 7.4 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.

Five year housing land supply

- 7.5 The update of the Maidstone Strategic Housing Market Assessment (June 2015) established an objectively assessed need for housing of 18,560 dwellings between 2011 and 2031, or 928 dwellings per annum, and these figures were agreed by the Strategic Planning, Sustainability and Transportation Committee on 9 June 2015. Taking account of the under supply of dwellings between 2011 and 2015 against this annual need, together with the requirement for an additional 5% buffer, the Council is able to demonstrate a housing land supply of 3.3 years as at 1 April 2015. The Council therefore cannot currently demonstrate a five-year supply of deliverable housing sites, and this position was reported to the Strategic Planning, Sustainability and Transportation Committee on 23 July 2015.
- 7.6 Paragraph 49 of the NPPF 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”. In considering the appeal on a nearby site (The Oaks, Maidstone Road, Sutton Valence) the inspector considered that Local Plan policy ENV28 related to the supply of housing (rather than the protection of the countryside) and therefore this policy was out of date. The NPPF states that unless material considerations indicate otherwise where “...relevant policies are out of date...” planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole.

Sustainable development

- 7.7 Paragraph 14 of the NPPF states that the “...presumption is favour of sustainable development...should be seen as a golden thread running through...decision making”.
- 7.8 The application site is located 600m from the settlement boundary of Sutton Valence which exceeds the normal recommended 400m walking distance. The nearby site at The Oaks, Maidstone Road, Sutton Valence is located 1000m walking distance from Sutton Valence. An appeal decision (MBC reference MA/14/0830, Appeal Ref:

APP/U2235/A/14/2228989) relating to ten dwellings on The Oaks site is considered relevant. In determining the appeal for 10 dwellings the inspector states that:

'This is not so far (1000m distance) that most people would not be able to walk and, while the route is not lit, I see no reason why it should be particularly dangerous given it would be along a pavement. Therefore, between the services on offer in Sutton Valence and Warmlake itself, future residents would be able to access a reasonable range of services on foot.'

- 7.9 The current application site is closer to Sutton Valence than the Oaks site. There are a number of bus stops and routes along the A274 and Chartway Street. The applicant has offered off site works to extend the existing footway to link the site with the existing footway along Chartway Street and then onto wider footway network along the A274, leading to both Warmlake and Sutton Valence.
- 7.10 It is considered that in terms of location, access and distances from neighbouring settlements the application site has similar characteristics to the site at The Oaks, In determining the appeal for ten dwellings on The Oaks site the Inspector concluded that the development *'would be in a sustainable location in terms of access to services.'*
- 7.11 Paragraph 55 of the NPPF seeks to *'promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.'* The development would 'infill' a corner site with existing dwellings or built form along the majority of the boundaries. Although there is no defined settlement boundary, due to the numerous houses and buildings in other uses and the proposed size of the development it is not considered that the proposed dwellings would be isolated as defined by Paragraph 55 of the NPPF.
- 7.12 In summary the application is in outline, with all matters other than access reserved. Whilst an outline submission the submitted indicative plans demonstrate that boundary planting could be retained, ecology could be satisfactorily addressed through conditions and that community needs could be secured through a legal agreement (all discussed in greater detail below). The site is considered accessible; the development would result in improvements to infrastructure and would address an identified housing need.
- 7.13 It is considered that the development of the site for housing would represent a sustainable form of development and in principle the scheme would be acceptable subject to an assessment of whether the impacts of development would demonstrably outweigh the benefits in accordance with Paragraph 14 of the NPPF. Further consideration in this respect is discussed below.

Visual Impact (including landscaping and trees)

- 7.14 The site is outside a settlement boundary and as such is defined as being within the countryside. No specific landscape designations relate to the site. Policy ENV28 of the Local plan states: *'In the countryside planning permission will not be given for development which harms the character and appearance of the area.'*
- 7.15 Paragraph 17 of the NPPF sets out core planning principles, these include: *'take account of the different roles and character of different areas...recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it.'*

'contribute to conserving and enhancing the natural environment.'

- 7.16 The current application seeks outline planning permission; as such the issue of appearance, scale, layout and landscaping are for future consideration. It is known that up to 9 dwellings would be proposed and access would be taken from Chartway Street.

Access arrangements

- 7.17 The existing access to the application site was approved under application reference 06/0905 and provided a 'grasscrete' surface to serve the equestrian use of the site. The existing access would be blocked up as part of the proposed scheme and would be re-landscaped. This is considered acceptable subject to a suitable landscaping scheme that can be requested through a planning condition.
- 7.18 The submitted proposal includes the relocation of the existing access from Chartway Street to a position further to the west. The new access would be located closer to the boundary with North Street. The new access would involve some loss of boundary planting, although there is currently a defined gap present in the planting along the northern boundary. In principle it is considered that subject to a suitable landscaping scheme the new access would be acceptable in terms of the impact on visual amenity (highways issues are discussed later in this report).

Visual impact

- 7.19 Undoubtedly the development of the site for residential dwelling would impact on the character and appearance of the site. The site is currently characterised as an open field, with any built form limited to the southern part of the site. The buildings (namely the stable block) and boundary treatment (around the menage and perimeter of the site) are low-key and characteristic of this countryside setting. The site occupies a prominent corner position, with views afforded into the site through gaps in the boundary treatment and landscaping.
- 7.20 The views into the site are limited by the boundary planting, which with deciduous planting the level of screening changing at different times of the year. Whilst the trees and boundary planting have no formal protection, the applicant has indicated that the planting and trees will be retained. It is recommended that planning conditions be used to ensure that the hedge and trees are retained and for their long term management.
- 7.21 The site is bordered by built form on all but one boundary. The development of the site would infill the existing linear development along North Street and Chartway Street. In considering the appeal relating to 10 dwellings on the nearby site called The Oaks the Inspector in her appraisal of this scheme stated the following in term of the impact on character and development:
- 'Moreover, although the development would extend onto presently open land, its overall depth would be similar to that which exists opposite the site stretching south to Warmlake Road.'*
- 7.22 In a similar fashion to the nearby appeal site the built form on the current application site would not extend significantly beyond the depth of development along North Street and the scheme could be designed in so far as the buildings could be located some distance from the eastern boundary.

- 7.23 In summary whilst the loss of open green space is always regrettable the loss of this space would '*demonstrably outweigh the benefits*' gained through the provision of housing. The proposal would retain existing boundary planting and the scheme can be designed to reflect the prevailing character of existing built form. The number of dwellings proposed can be reasonably accommodated on the size of the application site. The impact on visual amenity would be acceptable and it cannot be argued that the scheme would demonstrably outweigh the benefit of new housing in accordance with the policies set out in the NPPF.

Residential Amenity (future and existing occupiers)

- 7.24 Paragraph 17 of the NPPF sets out the 12 core principles of planning, and in terms of design these include:

'always seeking to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.'

- 7.25 The application seeks outline permission and as a result does not provide full details of layout, scale, design etc. The submission does provide an illustrative site layout which seeks to demonstrate that the site could accommodate the housing numbers proposed.
- 7.26 Existing residential properties adjoin the application site. It is considered that through the design and layout of the reserved matters scheme the amenity of adjoining occupiers can be suitably protected. As such there is no objection to the scheme in terms of the impact on neighbouring amenity.
- 7.27 The development of the site for up to 9 dwelling is not high density, and would accord with the prevailing character of the area (as discussed further in the previous section). It is considered that the site can comfortably accommodate 9 dwellings and provide accommodation of a suitable standard including in terms of privacy and outdoor space.

Highways, car parking, traffic and transport

- 7.28 Paragraph 29 of the NPPF states that:

'Transport policies have an important role to play in facilitating sustainable development.....The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel.....opportunities to maximise sustainable transport solutions will vary from urban to rural areas.'

- 7.29 As it is not a reserved matter, access arrangements to the site have to be considered as part of the current outline application submission. The proposal involves the relocation an existing access and the submitted plans show that the access would be further west in Chartway Street. The new access has been designed to facilitate the scale of the development proposed. It is considered that suitable visibility splays can be provided to ensure that the access arrangements are acceptable and that the development will not harm highway safety.
- 7.30 The applicant proposes off-site highway works along Chartway Street. These works relate to the widening of part of Chartway Street, the extension of the existing footway to join with the application site access and the relocation of the existing bus stop. These works would improve the access arrangements to the site and overall accessibility levels. These works are considered acceptable in principle with the

Highways Authority and would be carried out through a Section 278 agreement with the Highways Authority. It is recommended that a planning condition be used to ensure that these works are implemented prior to the occupation of any dwellings on the applications site.

- 7.31 The internal layout of the site would be considered as part of a future reserved matters application. It is considered that there is sufficient space available on the site to accommodate suitable parking provision, cycle storage and service arrangements for 9 dwellings. 4
- 7.32 The application is accompanied by a supporting transport study. This study has assessed traffic speeds, visibility standards and road safety. It is considered that the proposal is acceptable in relation to the impact on the local highway network and there have been no objections raised by the highways authority.

Ecology

- 7.33 Under the Natural Environment and Rural Communities Act (2006),
'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'.
- 7.34 In order to comply with this 'Biodiversity Duty', planning decisions must ensure that they adequately consider the potential ecological impacts of a proposed development.
- 7.35 The National Planning Policy Framework states that *'the planning system should contribute to and enhance the natural and local environment by...minimising impacts on biodiversity and delivering net gains in biodiversity where possible.'*
- 7.36 Paragraph 99 of Government Circular (ODPM 06/2005) Biodiversity and Geological Conservation - Statutory Obligations & their Impact within the Planning System states that:
"It is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted otherwise all relevant material considerations may not have been addressed in making the decision."
- 7.37 The application is accompanied by a Phase 1 Ecological Survey and a Bat Survey. The information provided is considered sufficient to assess the potential ecological impacts of the proposed scheme. The survey concluded that the proposed development site had limited potential for protected/notable species. The greatest potential existed in the woodland along the western boundary and this interest was confirmed in the bat activity survey which showed the highest number of bat activity in this area.
- 7.38 It is considered that the subject to the implementation of the mitigation measures detailed in the scoping survey, planning conditions relating to control of external lighting, woodland management and ecological enhancement the proposed development would be acceptable in terms of the ecological impact.

Archaeology

- 7.39 The application site lies within an area identified as having archaeological potential, lying within a broad area of prehistoric and Roman activity. Iron Age and Roman settlement and burials are known from Sutton Valence and towards Haven Farm area. In view of the site of the development and the archaeological potential it is considered that the scheme would be acceptable in terms of archaeological potential subject to a condition relating to a programme of archaeological work.

Other issues

- 7.40 Neighbours have raised the issue of the authorised use of the existing access from Chartway Street to serve Wind Chimes. The dwelling at Wind Chimes was granted planning permission under application MA/04/0403, as amended by application MA/05/0621. The consented scheme showed a shared access to be taken from the A274 to serve Grey Walls and Wind Chimes. Subsequently permission was granted for an access from Chartway Street to serve the equestrian use of the land to the north of Wind Chimes; this access was not shown to extend to allow use by Wind Chimes.
- 7.41 The as built situation differs in both respects, Grey Walls retains an access from the A274 and has an extended curtilage as a consequence. Wind Chimes uses the access from Chartway Street which has been extended into the site. Without the access from Chartway Street Wind Chimes would now be land locked.
- 7.42 The current authorised use of the access is not for consideration as part of the current application and does not preclude granting this outline permission. However it would be beneficial for the applicants to regularise this situation to aid in the future consideration of a reserved matters application as in principle the long internal road layout shown on the illustrative layout to enable its use by the existing and proposed dwellings is not ideal.
- 7.43 It is noted that representation received does not agree with the findings nor the method or timescales of the report, however as confirmed by the Highways Engineer it is considered that the report provides an appropriate study and assessment. The scheme would be for up to 9 dwellings and due to the scale of development it is not considered that an objection could be raised to traffic generation from the development.

Planning obligations

- 7.44 Policy CF1 of the Local Plan states:

'Residential development which would generate a need for new community facilities or for which spare capacity in such facilities does not exist, will not be permitted unless the provision of new, extended or improved facilities (or a contribution towards such provision) is secured by planning conditions or by planning obligations.'

- 7.45 Under the terms of section 122 of the CIL Regulations all planning obligations sought within a s106 agreement must be necessary to make the application acceptable in planning terms; directly related to the development; and fairly and reasonably related in scale and kind to the development.
- 7.46 Since 6th April 2015, section 123 of the CIL Regulations additionally requires that all contributions being sought by way of s106 agreements should relate to the funding or provision of an infrastructure project or type of infrastructure, and that no more than

five separate planning obligations (calculated back to April 2010) can contribute towards the funding or provision of a project or type of infrastructure (“the pooling restriction”). As such, the scope of contributions that can be sought in respect of new development is restricted. Affordable housing is excluded from the pooling restriction on contributions.

School places

- 7.47 Kent County Council has identified a need for additional primary school spaces associated with the proposed development. This need, cumulatively with other new development in the vicinity, can only be met through the enhancement of teaching space at Sutton Valence Primary School. It is considered that a request for a contribution towards school places to meet demand associated with the development would be compliant with the CIL regulations and a contribution of £2350.96 per dwelling is sought through a Section 106 agreement.

Library services

- 7.48 Kent County Council has identified an impact on library services associated with the proposed development. The development would elicit a requirement for additional library bookstock. Kent County Council have identified this requirement would go towards items for the mobile library service attending Sutton Valence and the most local library at Shepway in Maidstone. This requirement is considered compliant with the CIL regulations and would be sought through a Section 106 agreement at a contribution of £48.02 per dwelling.

Affordable housing

- 7.49 Policy AH1 of the Affordable Housing DPD sets out when affordable housing would be required with the document stating:

‘On housing sites or mixed-use development sites of 15 units or more, or 0.5 hectares or greater.’

- 7.50 The application site area is greater than 0.5 hectares and as such the proposal would fall within the remit of the policy. In line with the DPD, 40% on site affordable housing is sought as part of a legal agreement attached to a planning permission.

Open space

- 7.51 Similarly Policy OS1 of the Open Space DPD outlines the requirement for open space provision. This relates to residential developments of 10 dwellings or more and as such the scheme would not meet this requirement.
- 7.52 Overall subject to the completion of a S106 agreement in relation to the provision of monies towards Primary Education and Library Bookstock and the provision of 40% affordable housing it is considered that the proposed development is acceptable.

8.0 CONCLUSION

- 8.01 In the absence of a 5 year housing land supply, the NPPF advises that permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits of the application. For the above reasons it is considered that the location is suitable for the proposed housing development. For these reasons, permission is recommended subject to a legal agreement and planning conditions .

- 9.0 RECOMMENDATION** – GRANT PLANNING PERMISSION subject to the completion of a Section 106 legal agreement and planning conditions as set out below and no new substantive issues being raised from the public consultation that expires on the 12 February 2016 with authority to issue a decision after this date delegated to the Head of Planning and Development.

S106 Heads of terms:

1. The provision of 40% on site affordable housing;
2. A contribution of £2350.96 per dwelling towards the enhancement of teaching space at Sutton Valence Primary School.
3. A contribution of £48.02 per dwelling towards additional library bookstock for the mobile library service attending Sutton Valence and the most local library at Shepway in Maidstone

Planning conditions

- (1) The development hereby approved shall not commence until approval for the following reserved matters has been obtained in writing from the Local Planning Authority being:-

(a) appearance (b) landscaping (c) layout and (d) scale

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

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

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

- (2) Prior to the development reaching damp proof course level details of all external materials (including wearing surfaces for the roads, turning and parking areas), shall have been submitted in writing for the approval of the Local Planning Authority. The development shall only be carried out in accordance with the approved details.

Reason: In the interests of visual amenity.

- (3) Prior to development commencing the applicant, or their agents or successors in title, shall have secured the implementation of a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that features of archaeological interest are properly examined and recorded. This information is required prior to commencement as any site works have the potential to harm items of archaeological interest

- (4) Prior to development commencing, a scheme for the enhancement of biodiversity on the site shall have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall take account of any protected species that have been identified on the site, and in addition shall have regard to the enhancement of biodiversity generally. It shall be implemented in accordance with the approved proposals within it and shall be carried out in perpetuity.

Reason: To protect and enhance existing species and habitat on the site in the future and to ensure that the enhancement methods can be successfully implemented prior, during or post development. This information is required prior to commencement as any site works have the potential to harm any protected species that may be present.

- (5) Prior to development commencing, a woodland management plan for the site shall have been submitted to and approved in writing by the Local Planning Authority. It shall be implemented in accordance with the approved proposals within it and shall be carried out in perpetuity.

Reason: To protect and enhance existing species and habitat on the site in the future and to ensure that the plan can be successfully implemented prior, during or post development. This information is required prior to commencement as any site works have the potential to harm the woodland.

- (6) No external lighting shall be installed until details have been submitted to, and approved in writing by the Local Planning Authority. This submission shall include a layout plan with beam orientation and a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles). The approved scheme shall be installed, maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to the variation. The scheme shall be in accordance with the requirements outlined in the Bat Conservation Trust and Institution of Lighting Engineers documents Bats and Lighting in the UK.

Reason: To protect the appearance of the area, the environment and wildlife from light pollution.

- (7) The details submitted in pursuance of Condition 1 shall show adequate land, reserved for parking or garaging to meet the needs of the development. The approved area shall be provided, surfaced and drained in accordance with the approved details before the buildings are occupied and shall be retained for the use of the occupiers of, and visitors to, the premises. Thereafter, no permanent development, whether or not permitted by Town and Country Planning (General Permitted Development) Order 2015, shall be carried out on the land so shown (other than the erection of a private garage or garages) or in such a position as to preclude vehicular access to this reserved parking area.

Reason: Development without provision of adequate accommodation for the parking or garaging of vehicles is likely to lead to parking inconvenient to other road users and detrimental to amenity.

- (8) The details submitted in pursuance of Condition 1 shall show adequate land, reserved for vehicle loading/unloading and turning facilities to meet the needs of the development. The approved area shall be provided, surfaced and drained in accordance with the approved details before the buildings are occupied and shall be retained as such. Thereafter, no permanent development, whether or not permitted by Town and Country Planning (General Permitted Development) Order 2015, shall be carried out on the land so shown as vehicle loading/unloading and turning facilities

Reason: Development without provision of adequate manoeuvring space has the potential to be inconvenient to other road users and detrimental to amenity.

(9) Prior to development commencing the following shall be submitted to and approved in writing by the Local Planning Authority:

- details of facilities, by which vehicles will have their wheels, chassis and bodywork effectively cleaned and washed free of mud and similar substances at the application site. The approved facilities shall then be provided prior to the works commencing on site and thereafter shall be maintained in an effective working condition and used before vehicles exit the site and enter onto the adopted highway for the duration of the construction works.
- details of construction vehicle loading/unloading and turning facilities.
- details of parking facilities for site personnel and visitors during construction phase.

The works shall be carried out in accordance with the approved details and retained for the duration of the construction works.

Reason: To ensure that no mud or other material is taken from the site on to the neighbouring highway by wheels of vehicles leaving the site to the detriment of highway safety and the amenities of local residents and to ensure that adequate space is available on site to ensure construction phase can be carried out without a detrimental impact on highway safety and local amenities.

(10) Prior to development commencing, the proposed new access shall be provided and the area of land within the vision splays shown on the approved plan shall be reduced in level as necessary and cleared of any obstruction exceeding a height of 0.6 metres above the level of the nearest part of the carriageway and be so retained in accordance with the approved plan.

Reason: In the interests of highway safety this is necessary prior to commencement of development.

(11) Prior to occupation of the first dwelling, the existing vehicular access from Chartway Street shall be blocked up and landscaped in accordance with the details submitted and approved as part of the landscaping scheme.

Reason: To ensure a satisfactory appearance to the development.

(12) Prior to development reaching dpc level the developer shall enter into a Section 278 Agreement with the highways authority for works to include closure of the existing access, localised road widening, establishing visibility splays and construction of new access, footway and kerbing details including a step free raised border at the bus stop where suitable. All approved works, including any diversions of statutory undertakers equipment, and necessary signage and restrictions shall be completed prior to the occupation of any part of the development in accordance with a copy of the approved agreement for works that shall have been previously submitted to and approved by the Local Planning Authority.

(13) Prior to development commencing a scheme for the disposal of (a) surface water (which shall in the form of a SUDS scheme) and (b) waste water shall have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and retained permanently thereafter.

Reason: To prevent pollution of the water environment and to ensure satisfactory drainage in the interests of flood prevention.

- (14) Landscaping details submitted pursuant to condition 1 shall be implemented in the first available planting season following first occupation of the development hereby approved. Any part of the approved landscaping scheme that is dead, dying or diseased within 5 years of planting shall be replaced with a similar species of a size to be agreed in writing beforehand with the Local Planning Authority.

Reason: In the interests of visual amenity.

- (15) Prior to development commencing full details of tree protection shall have been submitted to and approved in writing by the Local Planning Authority. Any trees to be retained must be protected by barriers and/or ground protection in accordance with BS 5837 (2005) 'Trees in Relation to Construction-Recommendations'. The approved barriers and/or ground protection shall be erected before any equipment, machinery or materials are brought onto the site and 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 areas protected in accordance with this condition. The siting of barriers/ground protection shall not be altered, 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 high quality development.

- (16) No surface water shall discharge onto the public highway.

Reason: In the interests of the free flow of traffic of traffic and highway safety.

- (17) Prior to development commencing an Arboricultural method statement (AMS) in accordance with the current edition of BS 5837:2012 shall have been submitted to and approved in writing by the local planning authority. This shall include details such as the positions of any service/ drainage runs and any access facilitation pruning requirements.

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

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

Ecology Phase 1 Habitat Survey
Ecology Bat Activity Surveys
Transport Statement
Tree Survey Issue 2
Drawing number 2245/15/B/6A (Site Location Plan)
Drawing number 2245/15/B/5A (Site Layout) (Illustrative) - Matters relating to point of access only.

Reason: To clarify which plans have been approved.

INFORMATIVES

- (1) The applicant has advised that a formal application for connection to the public sewerage system is required in order to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk
- (2) The applicant is advised of the guidance from the Public Rights of Way Officer. No furniture may be erected on or across Public Rights of Way without the express consent of the Highway Authority. There must be no disturbance of the surface of the right of way, or obstruction of its use, either during or following any approved development without the permission of this office. There should be no close board fencing or similar structure over 1.2 metres erected which will block out the views. No hedging or shrubs should be planted within 1.0 metre of the edge of the Public Path. No materials can be stored on the Right of Way.
- (3) The applicant is advised that the granting of planning permission confers on the developer no other permission or consent or right to close or divert any Public Right of Way at any time without the express permission of the Highway Authority.

Note to Applicant:

The Council's approach to this application:

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework (NPPF), the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and proactive manner by offering pre-application advice, where possible, suggesting solutions to secure a successful outcome and as appropriate, updating applicants/agents of any issues that may arise in the processing of their application.

In this instance the applicant/agent was advised of minor changes required to the application and these were agreed, the application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the Committee and promote the application.

Case Officer: Rachael Elliott

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