

REPORT SUMMARY

REFERENCE NO - 16/500014/OUT			
APPLICATION PROPOSAL			
Outline planning application for residential development of eleven dwellings considering access from Hubbard's Lane with all other matters (appearance, landscaping, layout and scale) reserved for future consideration.			
ADDRESS Land West Of 73 Haste Hill Road Boughton Monchelsea Kent ME17 4LN			
RECOMMENDATION Grant Outline Planning Permission subject to planning conditions and the completion of a legal agreement.			
SUMMARY OF REASONS FOR RECOMMENDATION			
-Given the current shortfall in the required five-year housing supply, the impacts of the development do not significantly outweigh its benefits. As such the development is in compliance with the National Planning Policy Framework and there are sufficient grounds to depart from the Local Plan.			
-The site is on land allocated for residential use in the draft Regulation 19 Local Plan, notwithstanding the fact that the plan is yet to be examined the site is consider acceptable for residential development.			
-The site represents a sustainable location with accessible links to local settlements.			
-The application would not cause significant harm to highways safety, residential or visual amenity.			
REASON FOR REFERRAL TO COMMITTEE			
The recommendation is a Departure from the Development Plan			
WARD Loose	PARISH/TOWN Loose	COUNCIL	APPLICANT Mr B Piper AGENT Consilium
DECISION DUE DATE 13/04/16	PUBLICITY EXPIRY DATE 26/02/16	OFFICER SITE VISIT DATE 29/01/16	
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
57/0060/MK3	The erection of dwellings	Refused	27/06/57

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The application site relates to a parcel of land sited on the junction of Haste Hill Road (to the north), and Hubbard's Lane (to the west). The site measures approximately 0.49 hectares and it's currently classified as agricultural land. There are no existing buildings on the site. There is an existing farm access from Hubbard's Lane, fairly centrally within the boundary, this is enclosed by a

metal 'farm' gate and serves the application site and fields behind (also within the applicants ownership).

- 1.02 There is existing linear development along both Haste Hill Road and Hubbard's Lane. Properties on Hubbard's Lane are predominantly two-storey semi-detached dwellings and those on Haste Hill Road bungalows/chalet bungalows.
- 1.03 The site is outside any settlement boundary; however it adjoins rural settlement boundaries (as defined in the Local Plan) to the east and south. The application site lies within an area identified as having archaeological potential.
- 1.04 The site is enclosed by mature hedging along the northern and western boundaries. To the east, the boundary with 73 Haste Hill Road is enclosed by hedging varying in height and the south by low level wooden post fencing.

2.0 PROPOSAL

- 2.01 Outline planning permission is sought to develop the site for 11 dwellings. The original submission included access and layout as matters for consideration, however following concerns raised by officers regarding the indicative layout, this is now a reserved matter.
- 2.02 As such 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 and dwelling design has been submitted as part of the application.
- 2.03 Vehicular access would be taken from Hubbard's Lane and would utilise the existing access with any improvements necessary to provide visibility splays.
- 2.04 The indicative plan shows 11 detached dwellings with garaging located around an internal roadway. It is indicated that 9 of the dwellings would be two-storey and 2 of the dwellings would be bungalows. The indicative design shows simply designed dwellings with pitched roofs and projecting front gables.
- 2.05 Whilst landscaping is a reserved matter, the submitted plans and information show the retention of existing hedging and planting along the northern and western boundaries. Additional planting is indicated along the southern and eastern boundaries.
- 2.06 The indicative block plan also shows a new farm access from Hubbard's Lane to replace the existing which currently dissects the application site. This access would be located adjacent to the southern boundary of the site. It is shown to be enclosed by new planting. The access is outside the application site, not included within the red line and the submitted statement makes it

clear that this would be applied for separately. The access is therefore shown for indicative purposes only and does not form part of the application.

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:

Maidstone Borough Local Plan Publication (Regulation 19) February 2016 :

Policy SP11 : Larger villages

Policy SP12 : Boughton Monchelsea Larger Village

Policy H1 : Housing site allocations

Policy H1(52) Hubbards Lane and Haste Hill Road, Loose

Policy DM1 : Principles of good design

Policy DM2 : Sustainable design

Policy DM11 : Housing Mix

Policy DM12 : Density of housing development

Policy DM24 : Sustainable transport

Policy DM25 : Public transport

Policy DM27 : Parking standards

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

4.0 LOCAL REPRESENTATIONS

4.01 Loose Parish Council

Would like to see the application approved.

4.02 Boughton Monchelsea Parish Council (application site adjoins the Parish boundary)

No comments received

4.02 Adjoining neighbours were notified of the application. A site notice was also put up at the site. 3 letters have been received in response to the consultation which are summarised as follows :

- Led to believe that the development of this area was going to be single storey.
- Two storey houses being proposed that will overlook the rear gardens of 73 and 71 Haste Hill Road.
- Agree that the site is suitable for development but not at the cost of invading the privacy and devaluation.
- Site is currently a green gap.
- Inappropriate development and would spoil the 'village edge' appearance of the area.
- Impact of increase traffic.

5.0 CONSULTATIONS

5.01 Kent Police

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.

5.02 Environmental Health Officer

The site is in a semi-rural area, and traffic noise is unlikely to be a significant problem for this particular site. The site is outside the Maidstone Town Air Quality Management Area, and I do not consider the scale of this development and/or its site position warrants either an air quality assessment or an Air Quality Emissions Reduction condition applied to it. However, low emission transport initiatives should be supported by the developers in some way.

The historical use of the site for agricultural purposes (orchards and allotments) indicates it would be prudent to set a contaminated land condition

on any permission granted, but there is no indication of any significant chance of high radon concentrations.

No objection subject to conditions relating to Land Contamination and Car charging points.

5.03 **KCC Highways Officer**

The proposed access has adequate visibility and there is a good crash record along Hubbards Lane. There is sufficient space within the site for vehicles to turn.

The parking provision proposed does not meet our standards set out in IGN3. This document stipulates that 4+ bedroom houses require 2x independently accessible spaces. The fact that large garages are proposed as parking spaces may lead to parking problems within the site. Whilst this is not ideal and we would prefer 2x independently accessible spaces, I do not feel that this will create a highway safety problem.

For the reasons outlined above I do not wish to raise objection on behalf of the local highway authority subject to:

- Provision of construction vehicle loading/unloading and turning facilities prior to commencement of work on site and for the duration of construction.
- Provision of parking facilities for site personnel and visitors prior to commencement of work on site and for the duration of construction.
- Provision of measures to prevent the discharge of surface water onto the highway.
- Provision of wheel washing facilities prior to commencement of work on site and for the duration of construction.
- Provision and permanent retention of the vehicle parking spaces and/or garages shown on the submitted plans prior to the use of the site commencing.

5.04 **KCC Flood Risk Project Officer**

Kent County Council Flood & Drainage team, as Lead Local Flood Authority have no objection in principle to the proposed development but insufficient information regarding means of surface water disposal has been provided for us to make detailed comment at this stage.

However given the outline nature of this application we would recommend a planning condition would be acceptable.

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 conveyance of storm runoff using sustainable drainage techniques.

5.05 **Southern Water**

Foul drain goes along rear of the site which would need to be investigated to establish its exact location prior to finalising the layout.

5.06 **Senior Archaeological Officer**

The site lies within c.300m of Boughton Camp, an Iron Age oppidum and a Scheduled Monument. Iron Age activity sites have been located around the main Iron Age site and there is potential for Iron Age remains to survive on this site. No objection subject to a condition.

5.7 **Upper Internal Drainage Board**

I can confirm that as this site is outside of the IDB district, and as surface water is proposed to be disposed of by means of soakaways, IDB interests are unlikely to be affected. The soakaways should however be designed in accordance with KCC's Soakaway Design Guide (July 2000).

5.8 **Southern Gas Networks**

Provided a plan showing the location of the gas main and guidance notes.

5.9 **KCC Developer Services**

Request contribution towards Library Bookstock (£48.02/dwelling) and condition relating to the provision of fibre optic broadband.

5.10 **NHS Property Services**

NHS Property Services Ltd seeks a healthcare contribution of £9,266.40 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.

5.11 **Landscape Officer**

There are no protected trees on, or adjacent to, this site.

The existing hedges on site boundaries appear to be retained in the indicative layout. Any proposed enhancement should include the planting of a number of hedgerow trees and comply with the principles of the Maidstone Landscape Character Guidelines. The suggested new hedgerow on the southern boundary adjacent to the farm track is also important if development is considered appropriate in this location. I therefore raise no objection on arboricultural grounds subject to conditions requiring protection details for the existing hedge to be retained and any new areas of landscaping in accordance with BS5837: 2012 and landscaping conditions.

6.0 BACKGROUND PAPERS AND PLANS

Application form
Design and Access Statement
Planning Statement
Transport Statement
1:1250 Site Location Plan
Drawing 2353/1/ (Block Plan) – Indicative Only
Drawing 2353/3/ (Plot 3. Plans and Elevations) – Indicative Only

7.0 APPRAISAL

Principle of Development

Local Plan policy

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

7.02 *“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.”

7.03 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.

7.04 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

- 7.05 The National Planning Policy Framework (NPPF) is a key consideration, particularly with regard to housing land supply. Paragraph 47 of the NPPF states that Councils should;

'identify and update annually a supply of specific deliverable sites sufficient to provide five years' worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land;'

- 7.06 The Council has undertaken a Strategic Housing Market Assessment (SHMA) which was completed in January 2014. This work was commissioned jointly with Ashford and Tonbridge and Malling Borough Councils. A key purpose of the SHMA is to quantify how many new homes are needed in the borough for the 20 year period of the emerging Local Plan (2011 -31). The SHMA (January 2014) found that there is the objectively assessed need (OAN) for some 19, 600 additional new homes over this period which was agreed by Cabinet in January 2014. Following the publication of updated population projections by the Office of National Statistics in May, the three authorities commissioned an addendum to the SHMA. The outcome of this focused update, dated August 2014, is a refined objectively assessed need figure of 18,600 dwellings. This revised figure was agreed by Cabinet in September 2014. Since that date revised household projection figures have been published by the Government and as a result the SHMA has been re-assessed. At the meeting of the Strategic Planning, Sustainability and Transport Committee on 9 June 2015, Councillors agreed a new OAN figure of 18,560 dwellings.
- 7.07 The new Local Plan has advanced and is out to Regulation 19 publication being the Plan that the Council considers is ready for examination. The Plan is scheduled for submission to the Planning Inspectorate for examination in May 2016, with the examination expected to follow in September. The Plan allocates housing sites considered to be in the most appropriate locations for the Borough to meet the OAN figure, and will enable the Council to demonstrate a 5 year supply of deliverable housing sites when it is submitted to the Inspectorate in May. Clearly the Local Plan is gathering weight as it moves forward, but it is not considered to have sufficient weight to rely solely on to refuse or approve a planning application.
- 7.08 Notwithstanding this, it remains the case the most recently calculated supply of housing, which assesses extant permissions and expected delivery, is from April 2015. This demonstrates a 3.3 year supply of housing assessed against

the OAN of 18,560 dwellings. A desk based review of housing supply undertaken in January 2016 to support the Regulation 19 Local Plan housing trajectory suggests that there remains a clear and significant shortfall of supply against the five year requirements.

- 7.09 The Council's five year supply position will be formally reviewed in April/May in order to support the submission of the Local Plan to examination in May. Before the Local Plan is submitted however, the Council will remain unable to demonstrate a 5 year supply of deliverable housing sites.

Sustainable development

- 7.10 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".
- 7.11 The application site is located adjacent to existing settlement boundaries. There is existing footway along the full extent of Hubbard's Lane and Haste Hill Road with access to both Boughton Monchelsea and Loose. Boughton Monchelsea is considered as a larger village within the Draft Local Plan, considered as a sustainable location for limited new housing and an increase in population would help to support village services and facilities. The policy allows for new housing on allocated site. The policy is yet to be adopted, however in the sites consideration to be allocated it is considered that it meets sustainability credentials.
- 7.12 In accordance with Paragraph 55 of the NPPF which 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 of built form along the majority of the boundaries. Although outside the settlement boundary, it adjoins it and due to the numerous houses and buildings adjacent 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.

Draft housing allocation

- 7.13 Policy H1(52) of the Maidstone Borough Local Plan, Publication (Regulation 19) seeks to allocate the application site for residential development. The policy would allocate the site for approximately 20 dwellings, with the allocation seeking to retain and enhance the boundary hedging along the southern and eastern boundaries, provide access from Hubbard's Lane and seek appropriate contributions towards improvements at the junction of Heath Road and the A229. The policy is yet to be adopted policy and carries limited weight; however some consideration of the policy in respect to the application is considered appropriate.
- 7.14 Access would be taken from Hubbard's Lane, utilising the existing access and boundary hedging is shown to be retained and could be improved as part of a landscaping scheme at reserved matters stage.

- 7.15 The proposed allocation site includes a larger site area than that put forward with the current application. This is to allow for a separate agricultural access to serve agricultural fields which the agent suggests are in productive use for growing soft fruits (cherry orchards). This reduced site area has led to lesser numbers than the 20 dwellings suggested in the policy, with a proposed density of 22 dwellings/hectare. This density is lower than the 30 being taken forward in Policy DM12 of the Draft Local Plan. However due to the site constraints, the threat of existing neighbouring development and the location of the site it is considered acceptable to have a lower density in this case. Highways matters are discussed later in the report.
- 7.16 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 hedging could be retained, ecology, highways and drainage matters 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 and would address an identified housing need.
- 7.17 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)

- 7.18 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.'*
- 7.19 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.'* and *'contribute to conserving and enhancing the natural environment.'*
- 7.20 The current application seeks outline planning permission; as such the issue of appearance, scale, layout and landscaping are for future consideration. It is known 11 dwellings would be proposed and access would be taken from Hubbard's Lane.

Access arrangements

- 7.21 The submitted proposal includes the re-use of the existing access for the proposed residential development. The access would require minimal loss of additional hedging, solely to ensure suitable visibility. In principle it is

considered that subject to a suitable landscaping scheme the access arrangements would be acceptable in terms of the impact on visual amenity (highways issues are discussed later in this report).

Visual impact

- 7.22 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 an absence of built form. The site occupies a corner position, with views afforded into the site through gaps in the boundary treatment and landscaping.
- 7.23 The existing hedge and potential enhancement soften the views into the site and would provide an important landscape buffer. It is recommended that planning conditions be used to ensure that the hedge is retained and for its long term management.
- 7.24 The site is bordered by built form on two existing boundaries. The development of the site would infill the existing linear development along Haste Hill Road and Hubbard's Lane.
- 7.25 The indicative plans show a mix of two storey and single storey dwellings which would be an acceptable approach to the development of the site, notwithstanding the current arrangement shown is unlikely to be supported.
- 7.26 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)

- 7.27 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.'
- 7.28 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.
- 7.29 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.

- 7.30 The development of the site for 11 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 11 dwellings and provide accommodation of a suitable standard including in terms of privacy and outdoor space.

Highways, car parking, traffic and transport

- 7.31 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.’

- 7.32 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 re-use of the existing access. 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.
- 7.33 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 11 dwellings.
- 7.34 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

- 7.35 The submitted planning application is not accompanied by an ecological survey. The planning agent in the supporting statement requests that matters relating to ecology be dealt with by condition. Advice within National Planning Policy Guidance states that ecological surveys “...should be proportionate to the nature and scale of development proposed and the likely impact on biodiversity”.
- 7.36 With the principle of development of the application site for residential development supported in the draft regulation 19 Local Plan and the outline nature of the application it is considered that ecological information, mitigation and enhancement can be requested through a planning condition.

Archaeology

- 7.37 The site lies within c.300m of Boughton Camp, an Iron Age oppidum and a Scheduled Monument. Iron Age activity sites have been located around the main Iron Age site and there is potential for Iron Age remains to survive on this site. 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.

Planning obligations

- 7.38 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.’

- 7.39 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.

- 7.40 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.

Library services

- 7.41 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 library services. 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

- 7.42 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.’

- 7.43 The application site area is no greater than 0.5 hectares (measured at 0.49ha) and as such the proposal would fall below the remit of the policy.

Open space

- 7.44 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 meet the policy requirement.
- 7.45 A consultation response is awaited from the Parks and Leisure Service to assess whether there is a requirement for contributions towards Open Space. The applicant has indicated his willingness to include a contribution should it be required and Members will be updated as necessary.

NHS

- 7.46 A need has been identified for contributions to support the delivery of investments highlighted within the NHS 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:

- Orchard Medical Centre
- Stockett lane Surgery
- Mote Medical Practice
- Boughton Lane Surgery

- 7.47 The above surgeries are within a 1.3 mile radius of the development at Haste Hill Road. This contribution will be directly related to supporting the improvements within primary care by way of extension, refurbishment and/or upgrade in order to provide the required capacity.

Highways improvements

- 7.48 Policy H1(52) of the Draft Local Plan seeks '*Appropriate contributions towards improvements at the junction of the B2163 Heath Road with the A229 Linton Road/Linton Hill at Linton Crossroads.*' A similar requirement is included on a number of other site allocations within the Coxheath and Boughton Monchelsea.
- 7.49 The application site represents a development of a smaller scale/numbers than a number of other allocated sites, monies have been secured for these works through existing Legal Agreements and the CIL regulations restricts the pooling of contributions. As such due to the level of contribution which could be secured, pooling numbers, the Local Plan yet to be adopted and the number of alternative larger allocations which include the policy it is not

considered that contributions towards highways improvements should be requested in this case.

- 7.50 Overall subject to the completion of a S106 agreement in relation to the provision of monies towards Library Bookstock, Medical Services, and Open Space it is considered that the proposed development is acceptable. The applicant has indicated his willingness to enter into an agreement.

Other matters

- 7.51 Southern Water has identified a foul sewer located to the east of the site. The location of this sewer needs further investigation to identify its position and any layout and landscaping scheme would need to take into consideration its location. An informative will make the applicant aware.
- 7.52 Matters relating to drainage and flood risk could suitably be dealt with by planning conditions.
- 7.53 The Environmental Health Officer has suggested that there may be a likelihood of land contamination on the site due to the former agricultural use of the land. This likelihood is unlikely but could be suitably addressed by condition.

8.0 CONCLUSION

- 8.01 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 this is sufficient grounds to depart from the Local Plan.
- 8.02 The site is proposed to be allocated as part of the Local Plan and has been assessed to meet the criteria for allocation, notwithstanding the prematurity and the plan is yet to be examined the site is considered acceptable for residential development.
- 8.03 The site represents a sustainable location with accessible links to local settlements.
- 8.04 The application would not cause significant harm to highways safety, residential or visual amenity.

9.0 RECOMMENDATION – Grant Outline Planning Permission subject to planning conditions and the completion of a legal agreement as set out below.

S106 Heads of terms:

1. A contribution of £48.02 per dwelling towards additional library book stock.
2. A contribution of £9,266.40 towards healthcare provision at Orchard Medical Centre - 146 Heath Road, Coxheath, ME17 4PL, Stockett Lane Surgery, 3

Stockett Lane, Coxheath ,ME17 4PS, Mote Medical Practice, St Saviours Road, ME15 9FL or 1 Boughton Lane, Loose ME15 9QJ or Boughton Lane Surgery 1 Boughton Lane, Loose, ME15 9QJ towards improvements within primary care by way of extension, refurbishment and/or upgrade in order to provide the required capacity.

3. A contribution towards open space in accordance with necessary mitigation outlined by the Parks and Leisure section.

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) 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.

- (5) 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.

- (6) 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.

- (7) The details submitted in pursuance of Condition 1 shall include a Phase 1 Ecological Survey and any additional reports identified in the survey. These details shall include a scheme for any mitigation and enhancement of biodiversity on the site. 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.

(8) 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. This information is required prior to commencement as any works may result in the nuisance that this condition seeks to prevent.

(9) Prior to development commencing, the proposed 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 as construction vehicles will use the existing access.

(10) Development shall not begin until a sustainable surface water drainage scheme, 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). 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 and disposal of surface water from the site. This information is required prior to

commencement as any construction work may restrict the extent of a drainage scheme.

- (11) 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.

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

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

- (13) The development hereby permitted shall not be commenced until the following components of a scheme to deal with the risks associated with contamination of the site shall have been submitted to and approved, in writing, by the local planning authority:

1) A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

2) A site investigation, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

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

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

Any changes to these components require the express consent of the local planning authority. The scheme shall thereafter be implemented as approved.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. This information is required prior to commencement as any construction work may spread any contamination that could be present.

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

Transport Statement

1:1250 Site Location Plan

Drawing number 2353/1/- (Block Plan) (Indicative Only) - Matters relating to point of access only.

Reason: To clarify which plans have been approved.

INFORMATIVES

- (1) Planning permission does not convey any approval for construction of the vehicular crossings, or any other works within the highway, for which a statutory licence must be obtained separately. Applicants should contact Kent County Council Highways (www.kent.gov.uk or 03000 41 81 81) for further information.
- (2) The applicant should be aware of the location of the public foul sewer to the eastern boundary of the site as identified by Southern Water in their letter dated 16/2/16. The location of the sewer should be identified prior to finalising the layout and taken into consideration when designing the layout and considering a landscaping scheme.

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.