

## REPORT SUMMARY

<b>REFERENCE NO - 15/509907/OUT</b>		
<b>APPLICATION PROPOSAL</b> Outline application for the erection of 8 dwellings (access and layout being sought).		
<b>ADDRESS</b> Land South Of Sunny Brae Hubbards Lane Boughton Monchelsea Kent ME17 4HY		
<b>RECOMMENDATION</b> Permit		
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b> -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 considered 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.		
<b>REASON FOR REFERRAL TO COMMITTEE</b> The proposal represents a departure from the provisions of the Development Plan.		
<b>WARD</b> Coxheath And Hunton Ward	<b>PARISH/TOWN COUNCIL</b> Linton	<b>APPLICANT</b> Mrs F Beardswell & Mrs R Sand <b>AGENT</b> Consilium Town Planning Services Limited
<b>DECISION DUE DATE</b> 04/02/16	<b>PUBLICITY EXPIRY DATE</b> 04/02/16	<b>OFFICER SITE VISIT DATE</b> 12/1/16
<b>RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):</b> None directly relevant		

## MAIN REPORT

### 1.0 DESCRIPTION OF SITE

- 1.01 The application site is a roughly rectangular area of farmland with an area of approx. 0.45ha. It is located off the east side of Hubbards Lane, directly to the south of a line of housing and opposite part of the grounds of Cornwallis School. There are no existing buildings on the site (other than agricultural polytunnels) or any existing access direct to this parcel of land. There is a traditional field hedge along the road frontage behind the roadside footway.
- 1.02 The site is outside any settlement boundary; however it adjoins the rural settlement boundary of Loose (as defined in the Local Plan) to the north. This is land within the Southern Anti-Coalescence Belt (which is the subject of Local Plan Policy ENV32).

## **2.0 PROPOSAL**

- 2.01 Outline planning permission is sought to develop the site for 8 dwellings. Access arrangements and layout are to be determined at this stage, with scale, appearance and landscaping as reserved matters.
- 2.02 Vehicular access would be via a new access to Hubbards Lane towards the southern end of the site. This would lead to a central 'spine road' running north/south down the central portion of the site with four detached dwellings on the western side (forming a frontage development to Hubbards Lane) and four detached houses (linked by their garages) to the west of that central drive. All of the Hubbards Lane frontage housing would have access and garaging to the rear. Plots 5 and 6 of the frontage housing would have pedestrian access paths to the front, necessitating small breaches of the roadside hedge.
- 2.03 Whilst landscaping is a reserved matter, the submitted plans and information show the retention of existing hedging along the northern boundary and new lines of hedgerow planting along the southern and eastern boundaries.
- 2.04 Illustrative plans have been submitted (not for formal determination here) that show a four-bedroomed, detached dwelling, over two stories, for plot 8.

## **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: Policies ENV6, ENV28 and ENV32.

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(57): Hubbards Lane, 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

## **4.0 LOCAL REPRESENTATIONS**

- 4.01 Loose Parish Council: "Loose Parish Council met to discuss this application. They have agreed that it should be approved without referral to the MBC planning committee. However, they also wish to make comment on the unimaginative layout of the plan and hope that conditions would be put on the developer to enhance the site with considered landscaping."
- 4.02 Boughton Monchelsea Parish Council: "Would like to see the application approved".

- 4.03 Linton Parish Council: "The Parish Council has no objections to this application, however we believe that the estimated 64 additional trips generated each day adds to the urgency and priority for traffic flow improvements at Linton Crossroads."
- 4.04 One local resident has no objection per se but questions whether agricultural land should be developed and points out that the site plan is somewhat outdated.
- 4.05 One local resident has no objection but requires her privacy to be preserved and a fence erected to mark the boundary between properties.

## **5.0 CONSULTATIONS**

### **5.1 KCC Highways and Transportation comments:**

"The proposed access has good visibility and there is a good crash record along Hubbards Lane. There are adequate turning facilities within the site.

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 would prefer 2x independently accessible spaces, I do not feel that this will create a highway safety problem. For these reasons 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 wheel washing facilities 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 and permanent retention of the vehicle parking spaces and garages shown on the submitted plans prior to the use of the site commencing.

Please note that the access will require the applicant to enter into a Section 278 Agreement with the Highway Authority for works on the highway."

### **5.2 The KCC Senior Archaeological Officer has no comment.**

### **5.3 Southern Water has no objection.**

### **5.4 The MBC Landscape Officer comments:**

"There are no protected trees on, or immediately adjacent to, the development site.

The site is located within Maidstone Landscape Character Area 29, Boughton Monchelsea to Chart Sutton Plateau. The Maidstone Landscape Capacity Study: Sensitivity Assessment, January 2015, assesses this area as being of low overall landscape sensitivity and therefore tolerant of change.

It advises that housing development should be focussed within and immediately adjacent to existing settlements, in keeping with existing. The guidelines and mitigation requirements are as follows:

- Consider the generic guidelines for Greensand Orchards and Mixed Farmlands in the Maidstone Landscape Character Assessment 2012
- New development should respect the local vernacular in scale, density and materials
- Conserve and improve the extent of woodland cover
- Improve hedgerows and therefore habitat connectivity and landscape structure by gapping up where practicable
- Improve the sense of place by maintaining remaining open space between swathes of development
- New development should respect and reinforce the existing field pattern rather than sub-divide or amalgamate existing land parcels.

Although I appreciate that this is an outline application, I am concerned about the number of accesses shown through the hedgerow onto Hubbards Lane. Therefore, whilst I raise no objection on arboricultural grounds I would want to see a detailed scheme which omits the pedestrian accesses. Landscape details will clearly also be required.”

## 6.0 APPRAISAL

### Principle of Development

#### Local Plan Policy

- 6.01 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that all planning applications must be determined in accordance with the Development Plan unless other material considerations indicate otherwise. 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:
- 6.02 *“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.”*
- 6.03 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.

- 6.04 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

- 6.05 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;”*

- 6.06 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.
- 6.07 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.
- 6.08 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.

- 6.09 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

- 6.10 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".
- 6.11 The application site is located adjacent to an existing settlement boundary. There is an 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 sites. The policy is yet to be adopted; however it is considered that the site meets sustainability credentials.
- 6.12 Paragraph 55 of the NPPF states: "To promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities." Although outside the settlement boundary, the scheme adjoins it and due to the numerous houses and buildings close by it is not considered that the proposed dwellings would be 'isolated' as defined by Paragraph 55 of the NPPF.

Draft housing allocation

- 6.13 Policy H1(57) 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 8 dwellings, with the allocation seeking structural landscaping on the eastern and southern boundaries of the site to provide a suitable buffer between the site and the agricultural land to the east and the retention of the existing western boundary hedging. Access is to be from Hubbards Lane. The policy is yet to be adopted and carries limited weight; however some consideration of the policy in respect to the application is considered appropriate.
- 6.14 As stated earlier, the application is for 8 dwellings, with access from Hubbard's Lane. The northern and western boundary hedging would be retained and new hedging put in place on the southern and eastern boundaries. The development is therefore generally in accord with the framework provided by emerging Policy H1(57).
- 6.15 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)**

- 6.16 The site is outside a settlement boundary and as such is defined as being within the countryside. Guidance and Development Plan policy generally seek to protect the character of the countryside. 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.* The development would effectively represent an extension of Loose village into undeveloped agricultural land to the south. The housing and associated development would be clearly visible from Hubbards Lane; and to a lesser extent in more distant views from Heath Road. In my consideration this must cause some moderate harm to the character of the countryside, albeit ameliorated by the retention of existing and the planting of new hedgerows. This situation must also erode the openness of the Southern Anti-Coalescence Belt. Clearly these negative impacts need to be balanced against the emerging housing allocation and the need to boost housing land supply.

- 6.17 The current application seeks outline planning permission; as such the issue of appearance, scale, and landscaping are for future consideration. The layout presented, effectively with a 'double line' of housing, on either side of a central access road is acceptable in terms of visual impact. A single line, frontage development would be highly unlikely to achieve the yield of 8 dwellings put forward through the allocation. The architectural detail of the housing is for future consideration, as is landscaping, however the indication as to the retention and supplementation of boundary hedgerows is to be welcomed. I see that the Landscape Officer is concerned as to the breach of the front hedgerow by pathways but it seems to me that such access is necessary to provide frontage housing with direct access to the highway in the interests of sustainability.
- 6.18 In summary whilst the loss of open green space is always regrettable the loss of this space would not '*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 given 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**

- 6.19 There is nothing in the access and layout details presented to indicate that the housing would cause any significant loss of amenity to neighbours through loss of light, outlook or privacy; or through excessive noise and disturbance. Design detail would be controlled through a future application. Given the layout, the occupants of the prospective dwellings should enjoy at least a reasonable standard of amenity.

### **Highways**

- 6.20 The Highways Officer raises no objection and I agree that access, parking and turning arrangements are such that there is no justifiable reason to object. The layout shows 2 parking spaces per dwelling which is appropriate for this locality. The emerging allocation requires attention be paid for the potential for car parking associated with the Academy to affect the development: I have contacted the Highways Officer on this point and received a response to the effect that the new access would need to be the subject of a Section 278 Agreement with the Highway Authority and, at that stage, a Traffic Regulation Order would be considered and a review of car parking restrictions along Hubbards lane would take place. I consider this satisfactory and recommend that no objection be raised on this issue.

### **Ecology**

- 6.21 The submitted planning application is not accompanied by an ecological survey. 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". In view this intensively managed piece of agricultural land, currently under polytunnels, is unlikely to be of significant ecological interest. With the principle of development of the application site for residential development supported in the Regulation 19 Local Plan and the outline nature of the application it is considered that ecological information, mitigation and enhancement can be required through a planning condition.

## **7.0 CONCLUSION**

- 7.01 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.
- 7.02 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 consider acceptable for residential development.
- 7.03 The site represents a sustainable location with accessible links to local settlements.
- 7.04 The application would not cause significant harm to highways safety, residential or visual amenity.

## **8.0 RECOMMENDATION – GRANT** Subject to the following 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 and (c) 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) The approved details of the parking/turning areas shall be completed before the commencement of the use of the land or buildings hereby permitted and shall thereafter be kept available for such use. No development, whether permitted by The Town and Country Planning (General Permitted Development) (England) Order 2015

(or any order revoking and re- enacting that Order, with or without modification) or vehicular access to them;

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

- (4) 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.

- (5) 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.

- (6) 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.

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- (7) 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.

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

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

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

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

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

1:1250 Site Location Plan  
Drawing number 2332/1

Reason: To clarify which plans have been approved.

- (11) The development shall not commence until details of how decentralised and renewable or low-carbon sources of energy will be incorporated into the development hereby approved have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details and all features shall be maintained thereafter;

Reason: To ensure an energy efficient form of development.

Case Officer: Geoff Brown

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