

## REPORT SUMMARY

<b>REFERENCE NO - 16/504509/FULL</b>			
<b>APPLICATION PROPOSAL</b> Variation of condition 15 of 14/503167 (Residential development for 36 units and re-alignment of Cripple Street) - by amending the access arrangement serving the site by widening not realigning Cripple Street.			
<b>ADDRESS</b> Land At Cripple Street, Cripple Street, Maidstone, Kent, ME15 6BA			
<b>RECOMMENDATION - Permit</b>			
<b>SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL</b> The proposals comprise amendments to the re-alignment of Cripple Street as previously approved and the changes proposed are not considered to result in any unacceptable highways safety issues or significant planning harm.			
<b>REASON FOR REFERRAL TO COMMITTEE</b> Councillor Derek Mortimer has requested the application be reported to Committee for the reasons set out below.			
<b>WARD</b> South	<b>PARISH/TOWN COUNCIL</b> Tovil	<b>APPLICANT</b> Millwood Designer Homes Ltd <b>AGENT</b>	
<b>DECISION DUE DATE</b> 08/09/16	<b>PUBLICITY EXPIRY DATE</b> 15/07/16	<b>OFFICER SITE VISIT DATE</b> 12/06/16	
<b>RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):</b>			
<b>App No</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
15/510461/FULL	Minor material amendment to application 14/503167/FULL for residential development for 36 units and re-alignment of Cripple Street - with amendment to proposed plans	Resolution to grant at committee	28.4.2016
Reasons for approval: The proposals constitute minor material amendments to the previously approved scheme on this site for 36 residential units and the changes proposed are not considered to result in significant planning harm			
14/503167/FULL	Residential development for 36 units and re-alignment of Cripple Street.	Approved at appeal	5.10.2015
Approved at appeal. The Inspectors decision and conditions are attached at appendix 1			

## MAIN REPORT

### 1.0 DESCRIPTION OF SITE

- 1.1 The site is located to the west of the urban boundary and lies within a countryside location. The site comprises a broadly rectangular shaped plot sited to the west of Bockingford Farmhouse, a Grade II listed building which is located within the urban boundary. The site is located within the open countryside, an Area of Local Landscape Importance and to the east of the Loose Valley Conservation Area.
- 1.2 Planning permission was granted at appeal for 36 dwellings, of which 11 (30%) would be affordable housing and the re-alignment of Cripple Street. The approved

dwelling will be predominantly 2 storeys in height with the some 1½ storey chalet bungalows. The planning permission included the re-aligned of Cripple Street along the front of the site, inverting the curve of the road into the application site and creating a landscaped area between the re-aligned street and field to the south of the site. An area of open space is approved on the eastern side of the site adjacent to Bockingford Farmhouse.

- 1.3 The site comprises rough grassland with established landscaped borders and is adjacent to the urban area and the properties of Broadoak Avenue, Buxton Close and Richmond Way. The land has a gently sloping topography with the land sloping west towards the Loose Valley. This is a slight gradient which increases further to the west of the site.
- 1.4 Within the vicinity to the west there are a small number of residential properties sporadically placed with most fronting Cripple Street including the grade II listed Bockingford House and Little Bockingford. The area to the west of the site is designated as the Loose Valley Conservation Area.
- 1.5 The area to the east of the site comprises a residential area of 1960's construction with the houses on Broadoak Avenue, Buxton Close and Richmond Way backing onto the PROW which abuts the application site. Bockingford Farmhouse is the exception with frontage onto the PROW and faces toward the application site. This residential area is a mixed area of single storey and two storey properties with the scale and density reducing to the west of this area.
- 1.6 To the north of the site is an area which received planning permission under 12/1848 for a residential development of 127 dwellings and landscape works. This area only was allocated under policy H1 of the MBWLP 2000. Beyond this the urban area extends north with further urban residential development. The area directly north of the site is comprises Site Allocation H1 (20) as mentioned above.

- 1.7 A public right of way (PROW) abuts the north and east boundary of the application site running from north to south and east to west.

## **2.0 PROPOSAL**

- 2.1 Variation of condition 15 of 14/503167 (Residential development for 36 units and re-alignment of Cripple Street) - by amending the access arrangement serving the site by widening not realigning Cripple Street.
- 2.2 The approved scheme made fairly significant changes to the alignment of Cripple Street at the front of the approved housing development. This application seeks to vary the approved drawings numbers condition (Section 73 application) to retain the current road layout and instead seeks to widen Cripple Street by some 1m along a majority of the site frontage.
- 2.3 The above changes are considered to constitute minor material amendments and can be considered under the Section 73 application.

## **3.0 POLICY AND OTHER CONSIDERATIONS**

- The National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)
- Maidstone Borough-Wide Local Plan 2000: ENV6, ENV26, ENV28, ENV35, T13

- Supplementary Planning Documents: Affordable Housing Development Plan Document (2006), Open Space Development Plan Document (2006)
- Draft Maidstone Borough Local Plan (submission version) May 2016
- North Loose Neighbourhood Development Plan

#### 4.0 LOCAL REPRESENTATIONS

- 4.1 **Cllr Derek Mortimer:** *'Should the officer be minded to approve this application I wish it called in to committee because the application now contradicts with the appeal inspectors findings at appeal and changes the whole aspect of the original submission.'*

Further summarised comments from Cllr Mortimer:

- Concerns that the new junction will cause a safety issue.
- The widening of Cripple Street would cause speeding
- Proposes a mini roundabout rather than a T-junction.
- Proposes a 20mph speed limit along the whole of Cripple Street
- Road safety is a huge issue through the valley.
- The costs saved by not implementing the re-alignment to Cripple Street could be used for other road safety considerations

- 4.2 **Cllr Brian Clark:** Request the costs saved by not implementing the re-alignment to Cripple Street could be used for other road safety considerations

- 4.3 **Local Residents:** Some eight letters of objection have been received from neighbouring properties. Comments are summarised as follows:

- Some nine neighbour objections have been received as summarised below:
- Widening Cripple Street will increase traffic speeds.
- Footpaths and cycles paths should be considered.
- Traffic safety, increased accidents and additional congestion.
- Harm to the rural character of the area and Loose Valley CA.
- MBC can now demonstrate a 5 year housing land supply.
- Additional stress on local infrastructure.

One letter of support has been received as summarised as follows:

- Proposal improve visibility
- A widened passing area on Cripple would be sensible

- 4.4 **Tovil Parish Council:** *"TPC's Planning Committee submits that the road will remain too narrow for two wide vehicles to pass simultaneously. In addition, there will be the temptation for south bound vehicles to pull into the bay of the entrance road to the new homes which will be dangerous if a vehicles is exiting that road.*

*To aid safety, two passing lay-bys should be created on the open space facing Cripple Street – one bay on each side of the housing access."*

#### 5.0 CONSULTATIONS

- 5.1 **KCC Highways:** No objections. Advise all the recommendations in the safety audit produced in May 2016 need to be carried forward , including installation of SLOW markings, as recommended in the stage 2 safety audit, in line with existing bend

warning signs on Cripple Street to help advise drivers to reduce their speed accordingly and shall be secured via a S278 agreement.

- 5.2 **KCC PROW:** No objections. Request that the developer provide a new safe cycle crossing on Cripple Street and at the end of the new Greenway.
- 5.3 **MBC EHO:** No objections
- 5.4 **MBC Conservation Officer:** *'These amendments will cause no additional harm to the setting of the adjacent listed building or to the setting of the nearby conservation area'.*
- 5.5 **Kent Police:** No comments to add.
- 5.6 **UK Power Networks:** No objections
- 5.7 **Environment Agency:** No comments
- 5.8 **Natural England:** No comments to make
- 5.9 **Southern Gas Network:** No objections
- 5.10 **MBC Conservation Officer:** No objection on heritage grounds
- 5.11 **Southern Water:** No objections
- 5.12 **KCC Economic Development:** Confirm contribution request as per original permission.
- 5.13 **NHS:** Confirm contribution request as per original permission.

## **6.0 APPRAISAL**

- 6.1 The applicant has applied to vary the approved drawings (condition 15) of planning permission 14/503167/FULL to include the above changes. Since the original application was approved the council now considers that it can demonstrate a 5 year supply of housing. Notwithstanding the 5 year housing land supply there is an extant development for 36 houses on this site and under the terms of the Section 73 application only the above proposed changes will be assessed. The principle of the housing development, including (inter alia) the, landscaping, ecology, drainage and planning obligations, will not be revisited as these aspects are not considered to be affected by the proposed amendments. As such I consider the key considerations to be highways safety, design, heritage impact, amenity impacts and parking provision.

### **Visual impact**

- 6.2 The main change in the layout relates to the retention of the current layout of Cripple Street (save for the section which would be widened by some 1m) compared to the approved scheme which completely re-aligned Cripple Street along the front of the development. The area of open space between the re-aligned Cripple Street and front of the housing development on the approved scheme would now be located to the north of Cripple Street between the housing development and the road.
- 6.3 The change in layout means the front of the housing development (Plots 1, 2, 35 and 36) would be located further from Cripple Street than previously approved which would reduce the impact of the development on the streetscene.

- 6.4 The area of open space to the north of Cripple Street and unaltered housing plot layout would help retain a similar relationship and setting between the housing development and open countryside to the south of the site as previously approved.
- 6.5 Overall it is considered that the altered road layout and relocated section of open space would be visually acceptable in terms of the impact on the surrounding open countryside and streetscene.

#### **Residential Amenity**

- 6.6 The proposed amendments would result in only minor alterations to the current layout of Cripple Street and, by reason of the acceptable design, scale and separation distances, would respect the amenities of neighbour residents.

#### **Highways**

- 6.7 The application is accompanied by a Stage 2 Road Safety audit which has been assessed by KCC Highways. KCC highways raise no objections on highways safety grounds subject to all the recommendations in the Safety Audit being adhered to through a Section 278 Agreement. I have no reason to disagree with KCC Highways assessment on this matter. The proposal would not alter to the approved parking provision or the internal road layout. An additional condition is proposed to cover the alterations to Cripple Street including the provision of a safe cycle crossing point which would be secured via a S278 agreement with the Highways Authority.

#### **Heritage Assets**

- 6.8 The conservation officer has advised that the amendments would cause no additional harm to the setting of the adjacent listed building or to the setting of the nearby conservation area.

#### **Other Matters**

- 6.9 KCC Highways, the NHS, and MBC Parks and Open Space have all confirmed that the contributions sought and secured through the original Unilateral Agreement still apply and, the affordable housing department have confirmed the affordable housing provision as previously agreement is still applicable. A Deed of variation will be issued to tie this application to the original Unilateral Agreement to secure the contributions and affordable housing.
- 6.10 The alterations to the road layout would likely result in a cost saving for the development, however, all the required contributions, including 30% on-site affordable housing have been secured through the original Unilateral Agreement, therefore, it would not be reasonable or justified to request any further contributions through this section 73 application.

### **7.0 CONCLUSION**

- 7.1 The principle of residential development at this site has been accepted by the Planning Inspectorate and it is considered that the development of the site for residential purposes is acceptable and it is recommended subject to completion of a section 106 agreement (Deed of Variation) section 73 application to alter the road layout be granted. The S106 Deed of Variation will tie the decision for this application to the previously agreed and signed S106 in order to secure the agreed contributions / obligations.
- 7.2 Where an application under Section 73 is granted, the effect is the issue of a fresh grant of permission. A decision notice describing the new permission should be issued, setting out all the conditions pertaining to it.

**8.0 RECOMMENDATION – GRANT** Subject to the following conditions and Deed of Variation and Supplemental Deed linking the varied agreement to the Section 73 Application.

**CONDITIONS**

- (1) The development hereby permitted shall be begun before 3 November 2018.

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- (2) The hard and soft landscape works shall be carried out in accordance with the details approved under applications 16/500794/SUB and 16/503159/SUB.

Reason: To ensure a satisfactory appearance.

- (3) All hard and soft landscape works shall be carried out in accordance with the approved details. The works shall be carried out prior to the occupation of any part of the development or in accordance with the programme agreed with the local planning authority. Any trees or plants which within a period of 5 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 otherwise agreed in writing by the local planning authority.

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

- (4) The development shall not commence until an Arboricultural Method Statement in accordance with BS5837:2012 has been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory external appearance to the development and to safeguard the trees on site.

- (5) The development shall be carried out in accordance with the habitat management plan approved under application 16/503159/SUB and the site shall be managed in accordance with the approved habitat management plan thereafter.

Reason: To ensure a satisfactory appearance and setting to the development and in the interests of biodiversity protection and enhancement.

- (6) If ground works do not commence within 2 years of the Ecology Report dated August 2014, a further reptile survey of the site shall be undertaken and submitted to and approved in writing by the local planning authority. Any works required shall be undertaken in accordance with a timetable to be agreed in writing by the local planning authority.

Reason: To ensure a satisfactory appearance and setting to the development and in the interests of biodiversity protection and enhancement

- (7) The development shall be constructed in accordance for the cycle storage details approved under application 16/500794/SUB. The cycle storage shall be provided in accordance with the approved details prior to the first occupation of the development and thereafter retained.

Reason: To provide adequate transport arrangements.

- (8) The development shall be constructed in accordance with the refuse/recycling storage approved under application 16/500794/SUB prior to the first occupation of the development and thereafter retained.

Reason: In the interests of amenity and to safeguard the appearance of the area.

- (9) The development shall not commence until details of the proposed slab levels of the buildings and the existing site levels have been submitted to and approved in writing by the local planning authority. The development shall be completed in accordance with the approved details.

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

- (10) No development shall take place until the implementation of a programme of archaeological works has been secured, the details and timing of which shall have been submitted to and approved in writing by the local planning authority.

Reason: To ensure that features of archaeological interest are properly examined and recorded.

- (11) The development shall be constructed in accordance with the boundary treatment details approved under application 16/500794/SUB and the boundary treatment shall be completed before the buildings are occupied.

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

- (12) None of the dwellings shall be occupied until works for the disposal of sewage have been provided on the site to serve the development hereby permitted, in accordance with details to be submitted to and approved in writing by the local planning authority.

Reason: To ensure suitable foul and surface water sewerage disposal is provided.

- (13) The development shall be constructed in accordance with the materials approved under application 16/500794/SUB

Reason: To ensure a satisfactory appearance to the development.

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

S101; P105C; P110; P111A; P112A; P113; P114; P115A; P116A; P117A; P118A; P119A; P120; P121; P122A; P123; P124; P125; P126; P127; P128; P129; P130A; P131A; P132; P133B; 5500H/01D as approved under planning application 14/503167/FULL.

AND drawing numbers; 14032 / C101E; dated April 2016 and 2940\_DR\_008; dated 25.04.2016 and P102T; dated 22.05.2016

Reason:

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- (15) No development shall take place until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:

- i) a timetable for its implementation, and
- ii) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage scheme throughout its lifetime.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

- (16) The development shall not be occupied until a signed S278 Agreement, covering all the recommendations in the safety audit produced in May 2016 and the provision of a safe cycle crossing point on Cripple Street and at the end of the new Greenway, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the highways works covered in the S278 have been completed.

Reason: In the interests of highways safety.

## INFORMATIVES

Case Officer: Andrew Jolly

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