

REFERENCE NO - 17/505255/FULL		
APPLICATION PROPOSAL Demolition of existing detached dwelling and erection of six dwellings, extension to new vehicular access via Church Lane, and provision of access drive, landscaping and other ancillary works.		
ADDRESS La Rochelle Church Lane Harrietsham Maidstone Kent ME17 1BG		
RECOMMENDATION Grant Planning Permission subject to planning conditions		
SUMMARY OF REASONS FOR RECOMMENDATION		
<ul style="list-style-type: none"> • The scale and character of the development is in keeping with the locality and in keeping with that already permitted on the adjoining site (see planning history). • Provides an acceptable living environment for future residents. • Safeguards the outlook and amenity of properties overlooking and abutting the site. • Is acceptable in terms of highway and parking impact • Makes satisfactory provision for wildlife and, • Makes a material windfall contribution towards meeting housing demand within the Borough in accordance with the provisions of policy SS1. 		
REASON FOR REFERRAL TO COMMITTEE Recommendation to approve contrary to the views Harrietsham Parish Council with the application called in by the planning committee.		
WARD Harrietsham And Lenham	PARISH/TOWN COUNCIL Harrietsham	APPLICANT Clarendon Homes Construction Limited AGENT Clarendon Homes
TARGET DECISION DATE 16/05/18		PUBLICITY EXPIRY DATE 18/12/17

Relevant Planning History

16/508090/FULL

Demolition of existing detached dwellings and erection of nine dwellings. Creation of new vehicular access via Church Lane and provision of access drive, landscaping and other ancillary works. Withdrawn Decision Date: 19.01.2017

17/500602:

This permission was granted in connection with the redevelopment of Benaiah immediately abutting the application site to the north and through which access will be gained to the application site. Demolition of existing detached dwelling and erection of six dwellings; creation of new vehicular access via Church Lane; and provision of access drive, car barns, landscaping and other ancillary works - Approved– 28th April 2017

MAIN REPORT

1. SITE DESCRIPTION

- 1.1 The application site is occupied by a detached bungalow and its associated garden area with access via a trackway onto Church Lane to west. The application site is set back from Church Lane to the rear of the Kingdom Hall Church and houses abutting this to the south west and Benaiah to the north which is currently being redeveloped for 6 houses.

- 1.2 The southern boundary of the application site backs directly onto houses in The Old Bailey, Hawthorn House, fronting Ashford Road. The eastern site boundary abuts the boundary with properties in Old Lain.
- 1.3 The site is within the settlement boundary of Harrietsham.

2. PROPOSAL

- 2.1 Planning permission is sought for the demolition of the existing detached dwelling and its replacement with six dwellings, comprising two pairs of 2 bedroom semi-detached bungalows and two 3 bedroom detached bungalows with two parking spaces per unit. Site access will be a continuation of that serving the development approved at Benaiah to the north.
- 2.2 The application site has an area of 0.19 ha resulting in a development density of 31.6 dwellings per hectare.
- 2.3 Following submission of the application the layout in the south east corner has been amended.
- 2.4 The application has been accompanied by hard and soft landscaping details, an external materials schedule, arboricultural survey and a refuse disposal strategy.

3 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Development Plan: SS1, SP6, SP20, DM1, DM2, DM12, DM20, DM23

4 LOCAL REPRESENTATIONS

Local Residents:

- 4.1 5 representations received from local residents raising the following (summarised) issues
 - Will harm the free flow of traffic and highway safety as insufficient room for large vehicles to manoeuvre in the development.
 - Local roads congested with parked vehicles – insufficient on site parking will lead to overspill parking on these roads.
 - Development will appear cramped and overcrowded in its setting.
 - Result in loss of privacy and outlook of house abutting the site to the south west in the Old Bailey.

5 CONSULTATIONS

(Please note that summaries of consultation responses are set out below with the response discussed in more detail in the main report where considered necessary)

Harrietsham Parish Council

- 5.1 Raise objections on the following grounds:
 - The development of Benaiah and La Rochelle would only have delivered 9 dwellings.
 - The approval granted at Benaiah for 6 dwellings and now a further 6 as proposed will result in total of 12 dwelling representing overdevelopment of the site.
 - Insufficient on site parking will result in overspill parking in Church Lane which already experiences parking conflict.
 - Insufficient provision for refuse storage and bin collection.

- Dealing with the development of the wider site in two packages resulting in both developments falling beneath the thresholds triggering developer contributions means the necessary community provision will not be provided.

Kent Highways

5.2 No objection to the proposal setting out its justification for this as follows:

- The anticipated amount of traffic generated by the development is not considered to be severe
- The NPPF states in paragraph 32 that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are 'severe'.
- Whilst it is recognised that parking within the immediate proximity of the access on Church Lane may restrict access for refuse freighters and lead to them waiting on Church Lane at collection times, there is no evidence to indicate this would be detrimental to road safety justifying an objection.
- Though the submitted drawings have not demonstrated the visibility characteristics of the access nevertheless visibility at the access is considered satisfactory for the scale of the development.
- A construction management plan should be secured to limit the highway impacts of the implementation phase of the proposal.

KCC Ecology

5.3 No objection subject to conditions.

Environmental Health Officer

5.4 No objection but as site appears to have been contaminated this needs to be addressed by condition.

6 APPRAISAL

6.1 The development needs to be screened as to whether it should have been accompanied by an Environmental Impact Assessment (EIA).

6.2 It is concluded the development is not of a scale or impact justifying an EIA. It should be stressed this is a technical assessment which has no bearing on the consideration of the planning merits of the development which is carried out below.

6.3 The key issues in relation to this application are considered to be principle, impact on the character and layout of the locality, amenity, highways, wildlife, affordable housing and developer contributions.

Principle

6.4 The application site lies within the settlement of Harrietsham. Harrietsham is identified as a rural service centre in the local plan. Policy SP6 gives support for, amongst other things, minor development.

6.5 Given the minor nature of the proposal which reflects the scale and character of development already permitted on the adjoining site, the proposal is considered acceptable in principle. Consideration therefore turns on the detailed impacts of the proposal.

Impact on character and layout of the locality

6.6 The application site represents an inward looking and self contained area set behind other development and not featuring in the Church Lane street scene.

6.7 The proposal involves low profile single storey development designed and laid out to act as a continuation of the development already under construction at Benaiah. As

such, unless the proposal unacceptably impacts on the outlook or amenity of properties abutting the site (which will be assessed later), it is considered it would be difficult to argue the development of the site will materially impact on the character and layout of the immediate locality, already characterised by a variety of dwelling designs, house and plot sizes and densities.

6.8 As such no conflict is identified with policy DM1 of the local plan.

Design and layout of the development

6.9 The proposed single storey dwellings are of a traditional pitched roof design and reflect the design approach already permitted at Benaiah.

6.10 Turning to the layout, the units face onto what is described as a parking court. The density of the development and the proposed layout reflects the approach already permitted at the neighbouring Benaiah and is considered acceptable.

6.11 Regarding the relation of units to one another, the proposal as originally submitted showed acceptable 'flank to flank' arrangements apart from unit 4 in the south east corner of the site. The deletion of a 'car barn' has enabled the layout in this part of the site to be improved so that all dwellings now face forward onto the parking court.

6.12 It is acknowledged all units have modest amenity areas. However in the absence of adopted standards, the assessment is whether they are of a usable size and shape. The areas are all broadly rectangular and of sufficient depth to provide enclosed patio areas therefore satisfying the usability criteria.

6.13 It is concluded that there is no conflict is identified with policy DM1 of the local plan.

Amenity

6.14 Though the proposed dwellings are set close to one another, given their orientation and size of amenity area they will provide an acceptable living environment.

6.15 The key assessment is whether the outlook and amenity of residents abutting the site will be materially affected by the proposed development. The application site is embedded within a residential area with housing abutting on all sides.

6.16 Cross section plans have been submitted showing the impact of development in relation to both 3 Old Lain that is immediately abutting the site to the east, and The Court Yard immediately abutting the site to the south. It is considered that these plans demonstrate that subject to no windows being installed in the roofs that the bulk and impact of the bungalows will not have a dominant or overbearing impact on either of these properties.

6.17 Properties in Marsham Close abutting the site to the west will have a rear to flank separation distance of just over 18 metres while the closest property to The Old Bailey in the south will be separated by a distance of just over 16 metres. In conjunction with the low profile of the proposed dwelling and recessive nature of the sloping roofs it is considered that the outlook and amenity of these properties will be safeguarded.

6.18 As such no conflict is identified with the amenity provisions of policy DM1 of the Local Plan.

Highways

- 6.19 Kent Highways are satisfied that based on the nominal traffic generation of the proposed development and sight lines to the access onto Church Road that there are no sustainable objections to the proposal based on harm to the free flow of traffic or highway safety.
- 6.20 Though not specifically addressed by Kent Highways concerns have been raised in other consultation responses that the proposed parking of two spaces per unit is insufficient and is therefore likely to result in overspill parking taking place in Church Lane.
- 6.21 Policy DM23 of the local plan relates to parking standards and the residential standards are set out in Appendix B of the local plan. Harrietsham is considered to fall within suburban edge/ village/ rural category. As such the minimum requirement for a two bedroom house is 1.5 spaces and for a 3 bedroom unit two spaces. The proposal satisfies these parking standards.
- 6.22 Concerns have also been raised regarding refuse storage and collection. The submitted refuse strategy shows wheelie bin storage for each property. On collection days these will be taken to a collection point. Refuse vehicles will enter and turn within the development as shown on the submitted plans.

Wildlife considerations

- 6.23 A bat emergence and reptile survey have been carried out. No bats were observed emerging from the building which is not likely to be a bat roost as a consequence. Nevertheless ecological enhancement are proposed to encourage bat activity.
- 6.24 A further report on the presence of reptiles, mitigation strategy and location of a receptor site has also been submitted. The receptor site is to be on land off Egerton Road, Charing Heath and within the administrative confines of Ashford BC.
- 6.25 The report concludes that:
- the receptor site has a low population of slow worms but is well connected to other areas of suitable reptile habitat in the immediate surroundings and directly adjacent to the receptor site.
 - Prior to reptile translocation being carried out the following enhancements shall be carried out at the receptor site:
 - Existing grassland should be left un-grazed, or grazed at a very low intensity, to allow a longer sward to establish.
 - Existing scrub at site peripherals to be retained and allowed to encroach into the existing grassland to establish grassland/scrub mosaic.
 - Scrub margins to be created along the southern boundary of the receptor site, to encourage greater connectivity between the existing areas of mature vegetation along the western site boundary and to the north of the site and to areas of unimproved grassland, pond and stream to the south-west of the site. This will also create transitional areas of shelter for reptiles from the elements and predators.
 - A minimum of one hibernacula to be created in sheltered areas with free draining soil.
 - Multiple brash piles comprising logs and branches to act as additional refugia.
- 6.26 Details of the receptor site preparation and management, species translocation and donor site clearance methodology and post development monitoring of the receptor site are also included.
- 6.27 The receptor site, its enhancement, long term management and post development monitoring is to be delivered by way of a s106 legal agreement. A planning obligation is recommended as part of a s106 agreement for the following "Provision

of a wildlife receptor site on land off Egerton Road Charing Heath to include its preparation, species translocation, management and monitoring to be carried out in accordance with the report by PJC Consultancy dated the 17th September 2018".

- 6.28 On site ecological enhancements involve
- the inclusion of nectar-rich plant species in soft landscaping areas attractive to night flying insects to enhance foraging opportunities for bats;
 - creation of additional linear habitat (tree-lines and hedgerows) along the site boundaries to provide additional commuting opportunities for bats; and
 - fixing bat boxes to mature retained trees to increase the roosting opportunities for bats within the site.
- 6.29 Native species hedgerows are also proposed along the site boundaries providing foraging and commuting opportunities for a number of species, including bats while on site lighting will be provided in accordance with current guidance on bats and lighting.
- 6.30 KCC Ecology are satisfied the measures to safeguard, support and maintain wildlife at the application and receptors sites are satisfactory. In the circumstances the proposed wildlife measures are proportionate to the scale and impact of the proposed development thereby meeting the provisions of the NPPF and policy DM3 of the Local Plan.

Community infrastructure contributions and affordable housing

- 6.31 Requests for contributions must be assessed in accordance with Regulation 122 of the Act. This has strict criteria setting out that any obligation must meet the following requirements being-
- (a) Necessary to make the development acceptable in planning terms;
 - (b) Directly related to the development; and
 - (c) Fairly and reasonably related in scale and kind to the development.
- 6.32 KCC identified a need for enhancements to Harrietsham Primary School and the provision of automatic doors at Lenham Library for disabled access seeking financial contributions for both these projects. It is considered the contributions sought meet the above criteria and as such previously have been secured by a S106 legal agreement.
- 6.33 However since the 1st October 2018 the Community Infrastructure Levy (CIL) has been in force being a non-negotiable financial levy on new floor space to help deliver infrastructure to support development in the Borough. The Regulation 123 List identifies the infrastructure types and/or projects which will be wholly or partly funded through CIL. This list makes clear the financial contributions sought by KCC now fall within the remit of CIL.
- 6.34 As such while the Parish Council concerns regarding developer contributions are noted, the introduction of CIL with its non-negotiable contributions towards local infrastructure means local community provision will now be addressed.
- 6.35 Turning to affordable housing (AH) this is not covered by CIL and will continue to be delivered via legal agreements. Policy SP20 of the local plan requires on site AH at 40% unless it can be demonstrated on viability grounds that such a requirement would make the scheme unviable.
- 6.36 The applicants submitted a financial appraisal which was the subject of an independent assessment in accordance with the provisions of policy SP20. The independent assessment supports the applicants findings that the development is unable to make any contribution towards AH if it is to remain viable. Failure to

deliver any AH, though regrettable, must be balanced against the importance attributed to housing delivery as a whole. The provision of 6 units will make a valuable windfall contribution towards meeting housing need in accordance with the provisions of policy SS1 of the local plan.

Other Matters

- 6.37 As stated above the proposed development is CIL liable. The actual amount of CIL can only be confirmed once all the relevant forms have been submitted and relevant details have been assessed and approved. Any relief claimed will be assessed at the time planning permission is granted or shortly after.
- 6.38 There is a requirement that surface water drainage be dealt with via a SUDS in order to attenuate water run off on sustainability and flood prevention grounds and is a matter can be dealt with by condition.

7.0 CONCLUSIONS

- 7.1 These can be summarised as follows:
- The scale and character of the development is in keeping with the locality and that already permitted on the adjoining site.
 - The development provides an acceptable living environment for future residents.
 - The development safeguards the outlook and amenity of properties overlooking and abutting the site.
 - Is acceptable in relation to highways and parking impacts
 - The development makes satisfactory provision for wildlife and;
 - The development makes a material windfall contribution towards meeting housing demand within the borough in accordance with the provisions of policy SS1.
- 7.2 It is therefore considered that the balance of issues fall significantly in favour of the proposed development and it is recommended that planning permission be granted as a consequence.

8. RECOMMENDATION

The Head of Planning and Development BE DELEGATED POWERS TO GRANT planning permission subject to the prior completion of a legal agreement to provide the following (including the Head of Planning and Development being able to settle or amend any necessary terms of the legal agreement in line with the matters set out in the recommendation resolved by Planning Committee):

- Provision of a wildlife receptor site on land off Egerton Road Charing Heath to include its preparation, species translocation, management and monitoring to be carried out in accordance with the report by PJC Consultancy dated the 17th September 2018.

and the imposition of the conditions as set out below:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission;
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. A bound surface shall be used for surfacing for the first 5 metres of the access from the edge of the highway and provision for cycle parking shall be as shown on the

approved plans with the parking available prior to first occupation and maintained thereafter.

Reason: In the interest of the free flow of traffic and highway safety and to encourage the use of sustainable transport.

3. No dwelling shall be occupied until the access, parking and turning serving it has been provided in accordance with the details shown on drawing no: PL01 revA, with the access, parking and turning serving maintained at all times thereafter with no impediment to their intended use.

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

4. External materials, hard landscaping and fencing to be used in the development hereby permitted shall be as shown on drawing nos: PL110, 11 and 112 (all rev A). Openings of sufficient size shall be provided in the fences to allow free movement of wildlife.

Reason: In the interests of visual amenity and wildlife.

5. Refuse collection from the site shall be as shown on the refuse strategy plan no: PL113 rev A that shall be provided prior to first occupation and maintained as such thereafter.

Reason: In the interests of amenity.

6. If during construction/demolition works evidence of potential contamination is encountered, works shall cease and the site fully assessed to enable an appropriate remediation plan to be developed. Works shall not re-commence until an appropriate remediation scheme has been submitted to, and approved in writing by, the Local Planning Authority and the remediation has been completed.

Upon completion of the building works, this condition shall not be discharged until a closure report has been submitted to and approved in writing by the Local Planning Authority. The closure report shall include details of;

a) Details of any sampling and remediation works conducted and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology.

b) Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site.

c) If no contamination has been discovered during the build then evidence (e.g. photos or letters from site manager) to show that no contamination was discovered should be included.

Reason: In the interests of pollution prevention and health and safety.

7. Prior to any part of the development hereby approved reaching damp proof course details of a sustainable surface water drainage scheme for the site shall be submitted to and approved in writing by the local planning authority including a programme of long term maintenance. The development shall be carried out in accordance with the approved details with the sustainable surface water drainage scheme in place prior to first occupation and maintained in accordance with approved details.

Reason: In the interests of flood prevention.

8. The landscaping scheme shown on drawing no: PL109 rev A shall be implemented in the first available planting season following first occupation of the development

hereby permitted. Any specimens which become dead, dying or diseased within 5 years of planting shall be replaced in the next planting season with specimens of the same species and size as detailed in the approved landscape scheme unless the local planning authority gives written consent to any variation.
Reason: In the interests of visual amenity.

9. The tree protection measures shown on drawing no: PL109 rev A shall be in place before the development hereby permitted commences and retained for the duration of the development phase.
Reason: To safeguard existing trees in the interests of visual amenity.
10. The development hereby approved shall be constructed at the levels shown on drawing no: PL15.
Reason: In the interests of visual amenity.
11. Any external lighting installed on the site (whether permanent or temporary) shall be in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority. These details shall include, inter alia, measures to shield and direct light from the light sources so as to prevent light pollution and illuminance contour plots covering sensitive neighbouring receptors. The development shall thereafter be carried out in accordance with the subsequently approved details and maintained as such thereafter;
Reason: In the interest of amenity.
12. The refuse strategy and collection details shown on drawing no: LN35-200.05 P3 shall be implemented prior to first occupation of any dwelling to which they relate and maintained as such thereafter.
Reason: In the interests of health and safety and the free flow of traffic and highway safety.
13. The development shall be carried out in accordance with the construction management plan dated November 2018 which shall be adhered to throughout the construction period and shall ensure that following are provided at all times.
 - i. The parking of vehicles of site operatives and visitors
 - ii. Loading and unloading of plant and materials
 - iii. Wheel washing facilities
 - iv. Measures to control the emission of dust and dirt during construction
 - v. A scheme for recycling/disposing of waste resulting from demolition and construction works.
 - vi. Provision of measures to prevent the discharge of surface water onto the highway.Reason: In the interests of highway safety and the free flow of traffic.
14. The photo voltaic panels shown on the dwellings hereby permitted shall be installed before first occupation of any of the dwellings to which they relate and shall be maintained at all times thereafter.
Reasons: To secure the provision of renewable energy in the interests of sustainable development.
15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no windows or other openings shall be installed in the south facing roofslopes of the units on plots 3-6 (inc).
Reason: To safeguard privacy in the interests of amenity.
16. The recommendations, ecological enhancements and bat sensitive lighting specifications shall all be implemented in accordance with the provisions of paragraph 5.12 of the preliminary ecological assessment by PJC Consultancy dated

28th September 2016, paragraphs 4.1-4.3.5 (inc) of the phase 2 Bat Emergence and Reptile Surveys carried out by PJC Consultancy dated the 4th June 2018 and shall include provision of replacement habitat for grass snakes. Precautionary donor site clearance measures shall be carried out as specified in paragraphs 6.3 – 6.4.2 (inc) of the Reptile Presence/Likely Absence Survey Report and mitigation strategy by PJC Consultancy dated the 17th September 2018. Reason: In the interests of wildlife.

17. The development hereby permitted shall be carried out in accordance with the following approved plans nos: EX01, 05, 06, PL04-08 (inc) 114, PL01-113 (inc) all rev A, 15 and C10101 and and 10102 (both revision A).
Reason: In the interests of amenity.

INFORMATIVES

- 1) The proposed development is CIL liable. The Council adopted a Community Infrastructure Levy on 25th October 2017 and began charging on all CIL liable applications approved on and from 1st October 2018. The actual amount of CIL can only be confirmed once all the relevant forms have been submitted and relevant details have been assessed and approved. Any relief claimed will be assessed at the time planning permission is granted or shortly after.
- 2) The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.
- 3) It is the responsibility of the applicant to ensure that before the development hereby approved is commenced, all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'.

Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil. Information about how to clarify the highway boundary can be found at

<https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>

The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on sit