

REFERENCE NO - 19/503104/FULL			
APPLICATION PROPOSAL Engineering operations to alter the levels within the public open space in the eastern area of the site.			
ADDRESS Land at Church Road, Harrietsham, Kent			
SUMMARY OF REASONS FOR RECOMMENDATION – (APPROVE SUBJECT TO CONDITIONS) The proposed level changes in the open space area would not cause any harm to the local area or nearby heritage assets and so are in accordance with the Local Plan.			
REASON FOR REFERRAL TO COMMITTEE			
<ul style="list-style-type: none"> • Harrietsham Parish Council wish to see the application refused and reported to Planning Committee for the reasons set out below. • Councillors Tom and Janetta Sams have called the application to Committee for the reason set out below. 			
WARD Harrietsham & Lenham	PARISH COUNCIL Harrietsham	APPLICANT Crest Nicholson AGENT N/A	
DECISION DUE DATE 20/12/19		PUBLICITY EXPIRY DATE 25/09/19	
RELEVANT PLANNING HISTORY			
App No	Proposal	Decision	Date
16/504378	Reserved matters of appearance, landscaping, layout and scale pursuant to outline permission 15/510628/OUT for the residential development of 96 units with access.	APPROVED	07/09/16
15/510628	Variation of Condition (06) of planning permission 14/0095 to allow no more than 96 dwellings at the site.	APPROVED	17/08/16
14/0095	Outline application for residential development with access considered at this stage and all other matters reserved for future consideration.	APPROVED	10/12/15

1.0 DESCRIPTION OF SITE

1.01 The application relates to the area of public open space to the east of the largely completed housing development either side of Church Road on the south side of the A20 in Harrietsham. The open space adjoins Rectory Lane which is to the east. The site was covered by mounds of earth that were removed during construction of the adjacent houses and earth is currently being removed in preparation should planning permission be approved.

1.02 The site is allocated as natural/semi-natural public open space under policy OS1 of the Local Plan. It adjoins but is outside the defined settlement of Harrietsham and so falls within the 'countryside' for planning policy purposes. The 'Harrietsham East Street' Conservation Area runs along the south boundary of the site and there are a number of listed buildings within it, including the Grade II listed Almshouses, the curtilages of which adjoin the south boundary.

2.0 PROPOSAL

2.01 The original approval of the open space area included some land-raising but permission is sought for higher land levels, which would involve retaining and re-profiling some of the earth currently on site, and removing that which is left over. The difference between the approved levels and that proposed will be discussed in more detail below. The area would be landscaped as previously approved.

3.0 POLICY AND OTHER CONSIDERATIONS

- Maidstone Borough Local Plan (2011-2031): SS1, SP6, SP17, SP18, OS1(7), H1(34), DM1, DM3, DM4, DM8, DM19, DM30
- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)

4.0 LOCAL REPRESENTATIONS

4.01 **Local Residents:** 6 representations received raising the following (summarised) points:

- Trees and vegetation in southeast corner should not be removed.
- Seems like an improvement on what is currently on site.
- Impact upon properties in Rectory Lane.
- Could encourage anti-social behaviour if out of view.
- Potential loss of privacy.
- Trees must be planted.
- Surface water issues.
- Some answers on the application form are incorrect.
- Plans are not clear.

4.02 **Harrietsham Parish Council:** Raise the following (summarised) points:

- Poor views of current open space which is an eyesore from new houses.
- Lack of regard of impact upon new houses/residents.
- Plans are misleading.
- Visualisation doesn't reflect what is on site.
- Some answers on the application form are incorrect.
- How will soil be removed from the site.
- Some of the soil appears unstable.
- How will land be landscaped and footpath finished.

- 4.03 **Councillors Tom & Janetta Sams:** *"If you are minded to approve this application we would request it goes before the planning committee as we believe it is a substantial departure from the original application agreed by the planning committee, and will have a dramatic effect upon the amenity and enjoyment of residents who live within this estate."*

5.0 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)

- 5.01 **Conservation Officer:** No objections. *"I agree with the conclusions of the heritage statement submitted with the application, and consider the amended landscape levels would not result in any harmful impacts to the setting of listed buildings or the Harrietsham East Street Conservation Area."*

- 5.02 **Landscape Officer:** No objections.

6.0 APPRAISAL

- 6.01 The application essentially proposes different land levels within the approved public open space. Therefore the main issues are as follows:

- Impacts upon the character and appearance of the local area.
- Impacts upon heritage assets.
- Impacts upon residential amenity and other matters.

Visual Impact

- 6.02 As stated above, the original approval for the open space did involve land raising in the form of three raised mounds. The approved landscaping plans showed the levels which ranged from around 1.5m-2m to the top of the mounds from the level of the new adjacent houses. The open space also included a play area at the north end, pathway around the space, an underground SUDS attenuation tank at the south end, and new landscaping.
- 6.03 The proposal remains essentially for three raised mounds but they would be of slightly different shape, and around 0.5m higher, with the main change being that they would cover much more of the open space area. The top of the mounds would now all be around 2.5m above the level of the adjacent houses but their slopes and thus the amount of land raising would extend close to all the site boundaries. There would be a new raised mound in the southwest corner and slight increases in levels at the south end of no more than 1m above the original ground level. The land would gently slope towards the new houses on the west side but there would be additional land raising that would be relatively steep along the east boundary.

6.04 The visual impact of the proposals is not significantly different to that which has already been approved. The land raising is not excessive in height (2.5m) and the slope of the land is gradual on the west side where it is more visible from public view with the steeper parts on the east side which benefits from some screening from the existing trees and hedging here. As before, the open space would be landscaped with the planting of numerous native trees (beech, field maple, pine, oak, lime) to assimilate the space into the local area and the majority of the area planted as a wildflower meadow. The footpath would be a 'hoggin' finish which is appropriate for this site and its context. For these reasons the proposals would not cause any harm to the character or appearance of the local area in accordance with policy SP17 and DM30.

6.05 The submitted Tree Protection Plan shows that land levels will be retained within the root protection areas of trees so there would be no harm caused and no objections are raised by the Landscape Officer.

Heritage Impacts

6.06 The proposed works have the potential to affect the setting, and significance, of a number of designated heritage assets. These comprise the Grade II listed garden wall, Almshouses and separately listed Sheds to their rear, the Harrietsham East Street Conservation Area, and the Grade II listed 'The Brenchleys' and 'Little Brenchleys' all to the south.

6.07 One of the main purposes of having this part of the housing scheme undeveloped was to ensure space was provided to the Conservation Area and listed Almshouses complex to preserve their settings. I agree with the applicant's Heritage Assessment that the changes to the open space area would still maintain the open space to the north of the Conservation Area and listed building and so preserve the semi-rural context. Views of the listed garden wall and listed buildings would be maintained as would the edge of the Conservation Area. For these reasons the proposals would conserve and not cause any harm to the setting or significance of the listed buildings or Conservation Area and this is a view echoed by the Council's Conservation Officer. This is in accordance with policies SP18 and DM4 of the Local Plan.

Residential Amenity

6.08 The land raising is not of a height or gradient that would be oppressive to the outlook of any nearby properties. The issue of privacy has been raised by the Parish Council but the changes beyond that already approved would not result in any unacceptable impacts upon the privacy of nearby properties. This is an area of public open space so public views from it will occur.

Other Matters

6.09 The changes to the open space would not diminish its quality particularly as the space is designed and sought under policy OS1 as an area of natural/semi-natural space rather than wholly useable amenity land. The

play space at the north end would now be more enclosed by mounding but it would only be 1m higher than the play area and the footpath would run adjacent to it so adequate surveillance would be maintained. The open space would still be of high quality in accordance with policy DM19 of the Local Plan. The legal agreement that accompanies the planning permission for the wider housing site requires implementation of the public open space and conditions secure its use as such. I will attach a condition to ensure the land is still only used as public open space.

6.10 Issues of surface water drainage have been raised and the applicant has confirmed that the surface water storage crates at the south end of the open space are designed to accommodate all surface water run-off from the open space area including with the new levels.

6.11 Issues relating to the stability of the earth and how soil would be removed have also been raised. The earth on site had been tipped during construction whereas the proposal is to remodel the land which would involve ensuring it is stable. How soil would be removed is not a planning consideration but the applicant has confirmed that it would be loaded onto trucks and taken away.

7.0 CONCLUSION

7.01 For the above reasons the proposal would not cause harm to the character or appearance of the area, would preserve the setting and significance of nearby listed buildings and the Conservation Area, and would not cause harm to residential amenity. This is in accordance with the relevant policies within the Development Plan and permission is therefore recommended subject to the following conditions.

8.0 RECOMMENDATION

GRANT PLANNING PERMISSION subject to the following conditions with delegated powers for the Head of Planning to be able to settle or amend any necessary planning conditions in line with the matters set out in the recommendation and as resolved by the Planning Committee.

Conditions:

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. The development hereby permitted shall be carried out in accordance with drawing nos. 14604-LP-001 (Site Location Plan), 14604/TA/3302 Rev C9 (Site Levels), and 14604-5500 P1 (Sections).

Reason: In the interest of visual and residential amenity and to clarify which plans have been approved.

3. The landscaping shall be carried out in accordance with drawing nos. 14604-5004 Rev T7 and 14604-5005Rev T7.

Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development.

4. All planting, seeding and turfing specified in the approved landscape details shall be carried out in the first planting season (October to February) following the completion of the development, and any seeding or turfing which fails to establish or any trees or plants which, within five years from completion of the development, die or become so seriously damaged or diseased that their long term amenity value has been adversely affected shall be replaced in the next planting season with plants 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 landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development

5. All trees shall be protected by the tree barrier fencing as shown on drawing no. 9155-KC-XX-YTREE-TPP01Rev0. No equipment, plant, machinery or materials shall be brought onto the site prior to the erection of approved barriers and/or ground protection except to carry out pre commencement operations approved in writing by the local planning authority. Nothing shall be stored or placed, nor fires lit, within any of the protected areas. No alterations shall be made to the siting of barriers and/or ground protection, nor ground levels changed, nor excavations made within these areas without the written consent of the local planning authority. These measures shall be maintained until all equipment, machinery and surplus materials have been removed from the site.

Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development.

6. The land shall be used as public open space in perpetuity and for no other purpose.

Reason: To ensure adequate open space for residents of the neighbouring development.