

APPLICATION: MA/13/0966 Date: 30 May 2013 Received: 3 June 2013

APPLICANT: Hillreed Homes

LOCATION: LAND AT HOCKERS FARM OFF, ORCHARD VIEW, DETLING, KENT

PARISH: Detling

PROPOSAL: Proposed erection of 7 new dwellings and garaging, together with the provisions of landscaping, access and ancillary works on Hockers Farm as shown drawings DHA9710/01, 02, 03, 04, 05, 06, 07, 08, 09, 10, 11 and JEC/338/01A and 02, together with the Planning Statement, Design and Access Statement, Extended Phase 1 Habitat Survey and Landscaping Specification Notes and Planting Schedule received on the 30th May 2013

AGENDA DATE: 10th October 2013

CASE OFFICER: Annabel Hemmings

The recommendation for this application is being reported to Committee for decision because:

- It is contrary to views expressed by the Parish Council.

1. POLICIES

- Maidstone Borough-Wide Local Plan 2000: ENV6, ENV33, H1, T13
- National Planning Policy Framework 2012: Chapters 4, 6, 7, 9, 10, 11

2. RELAVENT HISTORY

MA/07/1371 – Erection of nine dwellings and garaging. Refused 6th September 2007. Appeal dismissed 27th November 2008.

MA/04/1750 – Outline application for the construction of new housing development with all matters reserved for future consideration apart from means of access. Refused 5th November 2004.

MA/02/2181 – Outline application for the construction of a new housing development with public open space, with all matters reserved for future consideration. Refused 19th September 2003. Appeal dismissed 15th December 2004.

MA/97/0747 – Erection of 11 detached houses with associated garages (Orchard View). Approved 6th February 1998.

MA/91/0527 – Outline application for redevelopment of farmyard for residential purposes. Refused 30th April 1991.

MA/91/0526 – Outline application for redevelopment of farmyard for residential purposes. Refused 30th April 1991.

MA/89/2098 – Outline application for redevelopment of existing farmyard and adjoining orchard for residential purposes and public open space. Withdrawn 29th August 1990.

MA/89/2097 – Outline application for redevelopment of existing farmyard for residential purposes. Approved 19th October 1990.

3. CONSULTATIONS

- 3.1 **NHS Property Services (14th June 2013):** Will not be asking for S106 contributions in this instance, as the application is for fewer than 10 dwellings.
- 3.2 **UK Power Networks (19th June 2013):** No objection to the proposed works.
- 3.3 **Natural England (26th June 2013):** Statutory nature conservation sites – no objection. This application is in close proximity to the Wouldham to Detling Escarpment Site of Special Scientific Interest (SSSI). This SSSI forms part of the North Downs Woodlands Special Area of Conservation (SAC).
 - 3.3.1 The proposal, if undertaken in strict accordance with the details submitted, is not likely to have a significant effect on the interest features for which North Downs Special Area of Conservation has been classified. Natural England, therefore advises that your authority is not required to undertake an appropriate assessment to assess the implications of this proposal on the site's conservation objectives.
 - 3.3.2 In addition, Natural England is satisfied that the proposed development being carried out in strict accordance with the details of the application, as submitted, will not damage or destroy the interest features for which the Wouldham to Detling Escarpment SSSI has been notified.
 - 3.3.3 We therefore advise your authority that this SSSI does not represent a constraint in determining this application. Should the details of this application change, Natural England draws your attention to Section 28(I) of the Wildlife and

Countryside Act 1981 (as amended), requiring your authority to reconsult Natural England.

- 3.3.4 This application falls within Kent Downs AONB. Natural England has no comments to make on this proposal as we do not believe that this development is likely to adversely affect the purpose of the Kent Downs AONB
- 3.3.5 Given the location of the development, your Authority should seek the view of the AONB Unit, prior to determining this planning application, as they may have more detailed comments to make on the location, nature or design of this development.
- 3.3.6 It is noted that a survey for European Protected Species has been undertaken in support of this proposal. Natural England does not object to the proposed development would be unlikely to affect bats and great crested newts.
- 3.3.7 For clarity, this advice is based on the information currently available to us and is subject to any material changes in circumstances, including changes to the proposals or further information on the impacts to protected species.
- 3.3.8 The advice we are giving at the present time relates only to whether, in view of the consultation materials presently before us (including with reference to any proposed mitigation measures), the proposal is likely to be detrimental to the maintenance of the species concerned at a favourable conservation status in their natural range (i.e. the 'Favourable Conservation Status' test). We have not considered whether the proposal satisfies the three licensing tests or whether a licence would be issued for this proposal. This advice is based on the information currently available to us and is subject to any material changes in circumstances, including changes to the proposals or further information on the protected species.
- 3.3.9 We have not assessed the survey for badgers, barn owls and breeding birds², or widespread reptiles. These are all species protected by domestic legislation and you should use our protected species standing advice to assess the adequacy of any surveys, the impacts that may results and the appropriateness of any mitigation measures.
- 3.3.10 This application may provide opportunities to incorporate features into the design which are beneficial to wildlife, such as the incorporation of roosting opportunities for bats or the installation of bird nest boxes. The authority should consider securing measures to enhance the biodiversity of the site from the applicant, if it is minded to grant permission for this application. This is in accordance with Paragraph 118 of the National Planning Policy Framework. Additionally, we would draw your attention to Section 40 of the Natural

Environment and Rural Communities Act (2006) which states that 'Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity'. Section 40(3) of the same Act also states that 'conserving biodiversity includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'.

- 3.3.11 This application may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment; use natural resources more sustainably; and bring benefits for the local community, for example through green space provision and access to and contact with nature. Landscape characterisation and townscape assessments, and associated sensitivity and capacity assessments provide tools for planners and developers to consider new development and ensure that it makes a positive contribution in terms of design, form and location, to the character and functions of the landscape and avoids any unacceptable impacts.
- 3.4 **Environment Agency (28th June 2013):** Have assessed this application as having a low environmental risk. Therefore have no comments to make.
- 3.5 **Kent County Council (Highways) (4th July 2013):** *"The development comprises 5 x 4 bedroom houses and 2 x 3 bedroom houses and a new access road is proposed leading from Orchard View. The access is a shared surface 4.1m in width narrowing to 3m within the site.*
- 3.5.1 *Each of the 4 bedroom houses are provided with adequate parking, however the 2 x 3 bedroom houses have only 1 independently accessible space each which is likely to lead to parking on street or in the visitor parking space.*
- 3.5.2 *The Interim Guidance Note recommends a minimum of 2 independently accessible spaces for each 3 and 4 bedroom dwelling in village/rural locations with an additional 0.2 spaces per dwelling for visitor parking.*
- 3.5.3 *Whilst the shortfall in parking is not great I am concerned as the access road is 4.1m wide therefore any parking on street will obstruct access for deliveries, refuse collection and emergency services vehicles. For this reason I would recommend that the initial section of the access is widened to 4.8m or an additional parking space is provided for the 3 bedroom houses.*
- 3.5.4 *The applicant is proposing to provide trees each side of the site entrance and 2m x 2m pedestrian vision splays should be maintained from the accesses."*

- 3.6 **Southern Water (4th July 2013):** There is a foul sewer crossing the site. The exact position of the foul sewers must be determined by the applicant before the layout of the proposed development is finalised.
- 3.6.1 It might be possible to divert the foul sewer, so long as this would result in no unacceptable loss of hydraulic capacity, and the work was carried out at the developer's expense to the satisfaction of Southern Water under the relevant statutory provisions.
- 3.6.2 Alternatively, the applicant may wish to amend the site layout, or combine a diversion with amendment of the site layout.
- 3.6.3 Southern Water requires a formal application for connection to the public sewer to be made by the applicant or developer.
- 3.6.4 Our initial investigations indicate that there are no public surface water sewers in the area to serve this development. Alternative means of draining surface water from this development are required. This should not involve disposal to a public foul sewer.
- 3.7 **Environmental Health (12th June 2013):** The site is in a semi rural area, but located between the A249 on one side (approximately 500m) and the M20 plus Channel Tunnel Rail link on the other side (approximately 400m). At this distance do not believe that noise is likely to be a significant problem at this site.
- 3.7.1 The site is outside the Maidstone Town Air Quality Management Area and do not consider the scale of this development and/or its position warrant an air quality assessment. Any demolition or construction activities may have an impact on local residents.
- 3.7.2 Given the historic use of the site for agricultural purposes and, the fact that this currently continues, it would be prudent to set a contaminated land condition Section 54 of the Clean Neighbourhoods and Environment requires developers to produce a site waste management plan for any development which is over £300,000. The plan must be held on site and be freely available for view by the local authority at any time.
- 3.8 **Parish Council (5th July 2013):** 'Wish to register its objections to the above planning application and wishes to make the following comments:
- Have concerns over the access and consequent loss of a turning facility in Orchard View;
 - Feel that access to the farm should be through the proposed development and not via the existing hammerhead turn facility;

- The plans show no pavements along the road through the development, which narrows, making access difficult, beyond the existing Orchard View road; and
- Feel that the lack of adequate parking facilities will add to the congestion in Orchard View.

3.8.1 The Parish Council are aware that these concerns have also been raised by some residents of Orchard View therefore wish to see this application refused or referred to the Planning Committee.'

4. REPRESENTATIONS

4.1 Five letters of objection have been received from local residents. Their comments are summarised below:

- Loss of privacy from windows and rooflights within the new houses;
- Concerned about intrusion and loss of light from the proposed development;
- The plans show 3 bed detached houses which are not in keeping with the appearance of the detached properties in Orchard View;
- When was the village envelope changed to incorporate housing on Hockers Farm;
- Proposed development is outside the village envelope and not an area that has , or is defined as an area of, permitted development
- Site is within an Area of Outstanding Natural Beauty (AONB) and should not be developed;
- This is a variation on a theme of many previous similar planning applications, made by the same applicant, all of which have been refused;
- One previous application went to appeal and was declined based on the fact that it was AONB, would be seen from the North Downs and was perceived as a blot on the landscape;
- The application states that the site has been neglected by the current owners, but this is not a valid reason to building an AONB;
- Although Maidstone Borough Council has a remit for 700 houses to be built in the Borough, Detling has not been identified as a suitable area for these;
- Detling has built many new houses recently. Consequently, there is unlikely to be a real need for any further housing in the village;
- The design of the proposal is hazardous. There is no turning circle and a single width road;
- There will be parking problems on the site, overspill parking, on the already busy, Orchard View plus difficulties for bin collections and emergency services to access the development;
- If this development is allowed, a dangerous precedent will be made. There will be no restrictions that can be imposed on any future proposals to build on the remainder of the farm land;

- Any rural countryside will soon be swallowed up by a sea of concrete with no break between linear settlements;
- Worrying potential for further linked development behind the gardens of properties in Hockers Lane;
- Note that the scheme has been designed to allow further development of the rest of the farm land at Hockers Farm at a later date;
- The village profile has changed in the last five years, we have lost the school, local shop, post office and three major employers reducing the rationale for further development beyond the recent developments;
- Each new house only has parking for two cars – a garage and a driveway for 1 car. Garages are rarely used for parking. The allocation of parking for 15 vehicles (including 1 visitor space) is insufficient; and
- There are no pavements in the proposed development raising issues of safety.

5. CONSIDERATIONS

5.1 Site Description

- 5.1.1 The application relates to an area of land to the east of Hockers Lane, Detling and immediately beyond Orchard View, a small cul-de sac of houses built following the grant of planning permission in 1997. The properties within Orchard View are two storey detached properties, that are set back between 6 and 8 metres from the highway. This highway is constructed of tarmac, with paths on either side. The properties are each provided with off street car parking.
- 5.1.2 The site is rectangular and has an area of 0.25 hectares (54m by 46m). A disused agricultural barn lies adjacent to the north of site, with an operational storage building sited to the east. The residential curtilages of existing dwellings to the south form the southern boundary. The site is however very open when viewed from the north and the east, and appears from longer distances as relatively open despite being previously developed land.
- 5.1.3 The site comprises scrub and grass ground cover with hardstanding forming an access track from Orchard View to the existing barn buildings.
- 5.1.4 The site lies within the village envelope of Detling and within the Kent Downs Area of Outstanding Natural Beauty, a Special Landscape Area and a Strategic Gap.

5.2 Proposal

- 5.2.1 This application seeks consent for the erection of seven dwellings, comprising 5 detached dwellings and a pair of semi detached units at a density of 28 dwellings per hectare.
- 5.2.2 Orchard View would be extended into a new private driveway giving access to all 7 dwellings which would be laid out in a U shape extending the form of dwellings fronting Orchard View and then closing off the view out across open countryside at the eastern end of the site. A new access to Hockers Farm would be created adjacent to no 9 Orchard View.
- 5.2.3 Plots 1 and 2 would be located adjacent to the new farm access and no 9 Orchard View with their rear gardens to the north. Plots 3, 4 and 5 would form the eastern edge of the proposed development, with their rear gardens to the east. The remaining 2 plots (6 and 7) would be orientated north south with their rear gardens running down to meet the gardens of the existing residential dwellings to the south.
- 5.2.4 Plots 1 and 2 would be semi detached two storey dwellings. Their ground floor would house a hall, kitchen diner and living room and toilet and the first floor would have three bedrooms (one with ensuite) and a family bathroom. An attached garage would serve each property together with an additional parking space. Plot 1 would have a garden of approximately 117sqm and plot 2 100sqm.
- 5.2.5 Plots 3, 4, 5, 6 and 7 are all detached two storey dwellings served by attached single garages, except plot 3 whose garage is detached. Their ground floors would comprise a hall, kitchen diner (or dining room), utility room, lounge, study and wc and their first floor four bedrooms (one with ensuite) and a family bathroom. Their gardens would be approximately 133, 114, 186, 101 and 164.32sqm respectively.
- 5.2.6 Plots 1, 2 and 4 would be red brick with weatherboarding to the 1st floor on the front and side elevations. Plots 3 and 5 would be red brick as would plot 6 which would have tile hanging to the first floor front and sides. Plot 7 would be yellow brick.
- 5.2.7 The proposal is supported by a Planning Statement, Design and Access Statement, Extended Phase 1 Habitat Survey and Landscaping Specification Notes and Planting Schedule. The applicant's have confirmed that the dwellings will be constructed to meet Code for Sustainable Homes Level 3. In addition, the applicants have indicated a number of the features that would be incorporated within the dwellings. This includes water butts, high levels of insulation, increased levels of air tightness, slow flow taps and showers. Furthermore,

features such as bat boxes and swift bricks are to be incorporated in the fabric of the building.

5.2.8 The applicant has provided a good level of detail with regards to the proposed landscaping within the development. This includes the provision of a double staggered hedge along the exposed boundaries, as well as a good level of tree planting both within the site, and along its boundaries.

5.3 Principle of Development

5.3.1 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.

5.3.2 The site is an allocated site (vii) under policy H1 of the Maidstone Borough Wide Local Plan 2000. The allocation within the plan is for 7 dwellings and the allocation is shown on the proposals map. The site is also part of the Kent Downs Area of Outstanding Natural Beauty and Special Landscape Area.

5.3.3 As can be seen from the planning history, planning applications for residential on this site have previously been refused. The reason for these refusals was on the basis that a Moratorium had been placed on the release of a number of Greenfield housing sites, including the application site. This moratorium was reaffirmed in 2008. This decision was taken in the context of:

- National guidance (PPG3 Housing) that directed local authorities to develop sites for housing before releasing Greenfield sites for development;
- A government target for residential development of 60% brownfield sites, and a focus on higher density development;
- The Maidstone Borough Council Urban Capacity Study (2002 and 2006), which demonstrated that Maidstone could deliver its housing target through the potential development sites listed in the document; and
- A healthy 5 year housing land supply supported by the availability of town centres for higher density flatted development.

5.3.4 However, the position has significantly changed since 2008. The NPPF was published in March 2012, and the transition period for local plan compliance with the NPPF ended in March 2013 and there is now a presumption in favour of development in sustainable locations unless any adverse impacts would significantly and demonstrably outweigh the benefits of the development when assessed against the NPPF as a whole. Although the NPPF still encourages local authorities to make best use of brownfield land, the 60% target has been removed, and local authorities can set out their own approaches towards housing densities. The NPPF moves away from the urban capacity study approach and

local authorities must identify deliverable sites for 5- year housing land calculations and specify developable sites or locations for years 6 to 10 and (where possible) years 11 to 15.

5.3.5 The importance of demonstrating a 5-year housing land supply was highlighted in an appeal decision where the Inspector referred to the NPPF and concluded:

“The Framework says that where the relevant policies in a Local Plan are out-of-date permission should be granted unless any adverse impacts would significantly outweigh the benefits when taken against the policies in the Framework as a whole, or the policies in the Framework indicate it should be restricted. It also confirms that, in accordance with the Government’s aim to promote housebuilding, relevant policies for the supply of housing should not be considered up-to-date if the local planning authority cannot demonstrate a 5-year supply of deliverable housing sites.” (Ref: Valley Drive APP/U2235/A/12/2174289).

5.3.6 Until such times as a 5-year supply can be demonstrated, planning applications on greenfield sites cannot be refused on the grounds of prematurity and must be assessed on individual merit (including sustainability). The Council has already received a number of residential planning applications on greenfield sites and further applications, particularly for the strategic site allocations, are expected to be submitted after March.

5.3.7 The reasons for reaffirming the moratorium in 2008 no longer applied, by virtue of the change from PPS3 to the NPPF, the lack of a five year supply (at that point in time) and by virtue of an imbalance in the type of property provided, and its location. There was therefore no justification in maintaining it. As such, the Council revoked the moratorium on the release of the balance of Greenfield housing sites allocated in the Maidstone Borough Wide Local Plan 2000 in March 2013. I consider that irrespective of whether the Council has a five year supply or not, by virtue of the changes in the policy landscape, the moratorium would not be re-confirmed. As such, I see no policy objection to this site coming forward at this point in time.

5.3.8 Whilst the issue of the Council’s five year land supply is a material consideration in determining this application, it is only one of many. Firstly and principally, the site is allocated within the Local Plan and it would be seen against the existing village and is previously developed land with its agricultural buildings and hard standing. The National Planning Policy Framework published in 2012 states that “the purpose of planning is to achieve sustainable development. In this instance, given the site’s character and proximity to the village boundary, the site would be seen in the context of the residential development within Detling rather than

open undeveloped countryside and would be an example of sustainable development. This proposal can therefore be supported in principle.

5.4 Design and Residential Amenity

- 5.4.1 The proposed development has been designed to act as a terminus to Orchard View and would be seen against this and the wider built up area of Detling.
- 5.4.2 The proposed houses take their lead from existing properties and are largely traditional in design and would utilise a mix of red and yellow brick, tile hanging and weatherboarding within the site reflecting those within the village. This approach is considered appropriate. In addition, I consider that the detailed design of the proposed dwellings is acceptable. The properties have brick plinths, chimneys, exposed rafter feet, and all elevations are articulated when visible from a public vantage point. However, to ensure that these features are delivered to a high standard, I recommend that a condition be imposed upon any permission that requires precise details to be submitted and approved prior to works commencing. To my mind, due to the sensitive location of the site – within an AONB – and the fact that the site would be highly visible from long distance views, the materials, and the detailing are key to ensure a high quality finish, which would not detract from this landscape of importance.
- 5.4.3 The applicants have also sought to introduce elements from the surrounding area into the design of the proposed dwellings, these include half hips and porches. These will help to add interest to the houses and link them to the existing dwellings in Orchard Close.
- 5.4.4 The proposed dwellings would be of a similar scale to those in Orchard Close and have been designed to respect the residential amenities of existing occupiers.
- 5.4.5 In terms of the layout of the development, I consider this to be a natural continuation of the existing development within Orchard View. The existing road would retain its turning head, with a new turning area created within the site. The properties would be spaced in an acceptable manner – I do not consider the development to be over dense – and they would be provided with adequate open space, both to the front and to the rear.
- 5.4.6 The landscaping scheme is discussed in more detail later within the report, however, I consider that the scheme proposed would provide a suitable level of planting within. At pre-application stage, the importance of tree planting within the boundary was stated, in order to soften the proposal from the north and the east. The tree planting shown, together with the double staggered hedge would provide a suitable boundary treatment, which would not screen, but rather soften the development from these longer distance views.

- 5.4.7 Internally, I would wish to see all driveways and parking areas to be constructed of brick/block paving. This would reduce the levels of tarmac within the site, and provide a softer finish, more appropriate for a site within the AONB.
- 5.4.8 Should the materials be of a suitably high standard, and the details as set out above provided, I am of the opinion that this would be of a suitable design quality to approve.
- 5.4.9 No issues of overlooking, loss of light or overcrowding would result from the development. The proposed dwellings would essentially reflect the relationships between the existing dwellings and continue these on into the new area.
- 5.4.10 The properties would be served by adequate amenity space and landscaped to enhance the street scene.
- 5.4.11 Some local residents in Orchard View and the properties to the south of the proposed plots 5 and 6 have raised concerns about the details of the proposed dwellings and their properties. The applicants have provided clarification on these points.
- 5.4.12 The proposed dwellings have been orientated in such a way to prevent overlooking and loss of privacy to the occupiers of existing dwellings. Close boarding fencing would also be provided to the boundaries of the development to secure them prior to the landscaping becoming fully established.

5.5 Highways

- 5.5.1 Vehicular access would be taken from the site from Orchard View with a new vehicular access to serve Hockers Farm located between number 9 Orchard View and plot 1 of the proposed development.
- 5.5.2 KCC highway guidance recommends that a minimum of two independently accessible spaces for each 3 and 4 bedroom dwelling in village/rural locations with an additional 0.2 spaces per dwelling for visitor parking. This has not, however, been formally adopted by Maidstone Borough Council.
- 5.5.3 Fifteen parking spaces, including one visitor space, would serve the development and each dwelling would also be provided with a single garage.
- 5.5.4 Kent County Council's Highway advisor expressed concerns that whilst the shortfall in parking is modest, there is the possibility that onstreet parking had the potential to obstruct access. They suggested that the initial section of the

access could be widened or an additional parking space created for the 3 bedroom houses.

5.5.5 In this instance, given the end of the cul-de-sac location and scale of the proposed development, it is not considered that traffic generation and parking would be of such a concern that would give rise to any highway safety issues. It is my opinion that the parking spaces and garages proposed are considered sufficient to serve the proposed scheme without an overspill on the neighbouring highways that would result in additional safety concerns.

5.7 Landscaping and Ecology

5.7.1 The site is located within the Kent Downs Area of Outstanding natural Beauty and is currently an agricultural yard with areas of associated hard standing access. The areas of vegetation on the site have been left unmanaged for some time and, as a result, the habitat mosaic on the site is dominated by dense continuous scrub fringe with areas of rough semi-improved grassland. An Extended Phase 1 habitat Study was carried out in support of this application and its conclusions are set out below.

5.7.2 Badgers may use the site for foraging and commuting, but due to the relative abundance of suitable habitat in the local area around the site, the development of the site would not have a significant effect on the local badger population. The trees bordering the site appear to have a negligible potential for roosting bats and the development would not be constrained by the presence of bats within the buildings or trees within the site. There were no ponds within the site boundary at the time of the survey, although there is one pond within 500 metres of the site. 500 metres is the natural range of Great Crested Newts (GCN) from their breeding ponds as long as the surrounding habitat is suitable. In this instance, the pond is separated from the site across a heavily grazed field which is not suitable habitat for GCNs as it provides no cover.

5.7.3 The areas of rough semi improved grassland within the site are thought to have good potential to support common reptiles and due to the nature of the development and potential for habitat loss it is recommended that a pre-development reptile survey be undertaken to ascertain whether a population of common reptiles is present and to gauge its size. If the presence of reptiles on site is confirmed an appropriate mitigation strategy should be developed.

5.7.4 The application was also supported by Landscape Proposal, Planting Plan and Specification Notes and Planting Schedule. These set comprehensive landscaping and planting proposals for the proposed development. The Council's Landscape Officer has assessed the proposals, as considered that the species proposed would be suitable for this location. The implementation of the landscaping would

be secured by condition. It is hoped that the introduction of landscaping and planting to the area will also secure ecological benefits. The applicant has also advised that they are happy to increase the biodiversity of the development via the use of bat boxes and swift bricks.

5.8 Sustainability

5.8.1 At the heart of the NPPF is a presumption in favour of sustainable development, this is reflected in Council policies. Code for Sustainable Homes is the national standard for the sustainable design and construction of new homes. The code aims to reduce emissions and create homes that are more sustainable. It was introduced in May 2008, but public consultation on the code was carried out from December 2005 to March 2006.

5.8.2 In this instance, the agent advises that the proposed dwelling would achieve Code Level 3. This is considered acceptable and would secure benefits such as reduced levels of CO2 emissions by increased levels of insulation, saving energy via low energy light fittings and the provision of Home Users Guides to provide future occupiers of the dwellings with energy saving, water reduction and recycling tips. Code 3 would be secured by a planning condition.

6. CONCLUSION

6.1.1 The site is an allocated site under Policy H1 of the Local Plan, is sustainably located on the edge of the village and well located to the existing development. The proposed development is considered acceptable in principle.

6.2.1 It would not adversely affect the residential amenities of surrounding occupiers, have a significant adverse effect in terms of highways, contamination or ecology.

6.1.3 In formulating the recommendation, all other matters which were drawn to the Council's attention have been taken into account, but nothing of sufficient weight was found to override the factors which led to this recommendation.

7. RECOMMENDATION

GRANT PLANNING PERMISSION SUBJECT TO THE FOLLOWING 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 landscaping of the site shall be carried out in accordance with the details shown on drawings JEC/338/01A and JEC/338/02A. All planting, seeding or turfing comprised in the approved scheme shall be carried out in the first planting and seeding season following commencement of the development (or such other period as may be agreed in writing by the Local Planning Authority) and 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 the Local Planning Authority gives written consent to any variation.

Reason: To ensure that the proposed development is satisfactorily integrated with its immediate surroundings and provides for landscaping.

3. No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority details of the locations, heights, designs, materials and types of all boundary treatments to be erected on site. The boundary treatments shall be completed in strict accordance with the approved details before the buildings hereby approved are occupied.

Reason: In the interests of visual amenity, privacy and to ensure that the proposed development is satisfactorily integrated with its immediate surroundings.

4. The areas shown on the approved plan as car parking spaces or garages shall be provided prior to the first occupation of the dwellings they serve and thereafter kept available for such use. Notwithstanding the Town & Country Planning (General Permitted Development) Order 1995, or any subsequent re-enacting Order, no permanent development shall be carried out on the site so as to preclude vehicular access to these parking spaces or garages.

Reason: In the interest of highway safety and amenity.

5. The visibility splays shown on the permitted plans shall be implemented with no obstruction to visibility at or above a height of 600mm when measured from the level of the adjoining highway carriageway and the visibility splays shall thereafter be retained and maintained as such.

Reason: In the interest of highway and pedestrian safety.

6. The developer shall give 48 hours notice of commencement of development to the Local Planning Authority and afford access at all reasonable times to any Archaeologist or suitably qualified person nominated by the Local Planning Authority, and shall enable that person to observe the excavations and record items of interest and finds.

Reason: To ensure that the archaeological history of the site is recorded.

7. The development hereby permitted shall not be commenced until the following components of a scheme to deal with the risks associated with contamination of the site shall have been submitted to, and approved in writing by, the Local Planning Authority:

- 1) A preliminary risk assessment which has identified:

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

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

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

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

Any changes to these components require the express consent of the local planning authority.

8. No development shall take place until details have been submitted to, and agreed in writing by, the local planning authority showing the existing and proposed site and floor levels of the development hereby approved.

Development shall be carried out in strict accordance with the approved plans.

Reason: In the interest of amenity.

9. None of the buildings hereby permitted shall be occupied until the access roads to the site and the remainder of Hockers Lane have been constructed in accordance with the details on the approved plans.

Reason: In the interests of amenity and highway safety.

10. Notwithstanding the information on the approved plans, no development shall take place until samples of the materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in strict accordance with the approved details.

Reason: In the interests of amenity and to ensure that the proposed development is satisfactorily integrated with its immediate surroundings.

11. All electrical and telephone services to the development shall be run underground.

Reason: In the interest of visual amenity and the integrity of the design.

12. The development hereby permitted shall be built to a minimum three star rating within the Government's 'Code for Sustainable Homes' (2006). No dwelling shall be occupied until a final Code Certificate has been issued for it certifying that Code Level 3 has been achieved.

Reason: To ensure that development takes place in an environmentally sensitive way and to assist the Government in meeting its targets of reducing carbon dioxide emissions.

13. Notwithstanding the details illustrated on the approved plans, prior to the first residential occupation of any of the residential units hereby permitted a detailed lighting plan for the development including the road, car parking areas, footways/ cycleways, shall be submitted to and agreed in writing with the Local Planning Authority. Such details shall include the siting and design of any lighting together with details of the spread and intensity of the lighting. The lighting shall be installed in strict accordance with the agreed details prior to first residential occupation of the dwellings hereby permitted and thereafter retained and maintained in the agreed form without any further additions.

Reason: In the interests of highway safety and amenity.

14. No development shall take place until a scheme for the incorporation of bat boxes, bird nesting boxes and swift bricks has been submitted to, and approved in writing by the Local Planning Authority. The scheme shall be implemented as agreed prior to the 1st occupation of the residential units hereby permitted and thereafter permanently retained.

Reason: In the interests of supporting and promoting the biodiversity interests of the site.

15. The development hereby permitted shall be carried out in accordance with the following approved plans:
drawings DHA9710/01, 02, 03, 04, 05, 06, 07, 08, 09, 10, 11 and JEC/338/01A and 02, together with the Planning Statement, Design and Access Statement, Extended Phase 1 Habitat Survey and Landscaping Specification Notes and Planting Schedule received on the 30th May 2013

Reason: To ensure the quality of the development is maintained and to prevent harm to the residential amenity of neighbouring occupiers.

16. Prior to the commencement of the development hereby permitted, details in the form of large scale drawings (at a scale of 1:20 or 1:50) of the following matters shall be submitted to and approved by the local planning authority;

- i) Details of the roof overhangs.
- ii) Details of windows and doors and recesses/reveals
- iii) Details of the brick plinths
- iv) Details of the exposed rafter feet
- v) Details of the chimneys

The development shall thereafter be undertaken in accordance with the subsequently approved details.

Reason: To ensure a satisfactory external appearance to the development in the interests of the visual amenity and character of the surrounding area in accordance with the National Planning Framework (2012).

Informatives set out below

Adequate and suitable measures should be carried out for the minimisation of asbestos fibres during demolition, so as to prevent airborne fibres from affecting workers carrying out the work, and nearby properties. Only contractors licensed by the Health and Safety Executive should be employed.

No burning shall take place on site.

Attention is drawn to Sections 60 and 61 of the Control of Pollution Act 1974 and to the Associated British Standard Code of Practice BS5228:1997 for noise control on construction sites. Statutory requirements are laid down for control of noise during works of construction and demolition and you are advised to contact the Environmental Health Manager regarding noise control requirements.

Adequate and suitable provision in the form of water sprays should be used to reduce dust from demolition work.

The importance of notifying local residents in advance of any unavoidably noisy operations, particularly when these are to take place outside of normal working hours is advisable.

The developer shall implement a scheme for the use of wheel cleaning, dust laying and road sweeping, to ensure that vehicles do not deposit mud and other materials on the public highway in the vicinity of the site or create a dust nuisance.

You are advised to ensure that the appointed contractor(s) is/are registered with the Considerate Constructors Scheme and that the site is thereafter maintained in accordance with that scheme. Further information can be found at www.considerateconstructorscheme.org.uk

Note to Applicant:

In accordance with paragraphs 186 and 187 of the NPPF, Maidstone Borough Council (MBC) takes a positive and proactive approach to development proposals focused on solutions. MBC works with applicants/agents in a positive and proactive manner by:

Offering a pre-application advice and duty desk service.

Where possible, suggesting solutions to secure a successful outcome.

As appropriate, updating applicants/agents of any issues that may arise in the processing of their application.

In this instance:

The application was acceptable as submitted and no further assistance was required.

The application was approved without delay.

The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.

The proposed development, subject to the conditions stated, is considered to comply with the policies of the Development Plan (Maidstone Borough-Wide Local Plan 2000) and there are no overriding material considerations to indicate a refusal of planning consent.