

<b>REFERENCE NO – MA/13/1480</b>		
<b>APPLICATION PROPOSAL</b> An outline application for the demolition of existing industrial units and the construction of 9 no. new houses with garaging. Landscaping is reserved for future consideration as shown on site location plan and drawing nos. 13-13-100, 101, 102, 103, 104, 105, 106, 107 received on 18/6/14.		
<b>ADDRESS</b> Tyland Corner, Tyland Lane, Sandling, Kent, ME14 3BL		
<b>RECOMMENDATION: PERMIT</b>		
<b>SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL</b> The proposed development does not conform with Policy ENV28 of the Maidstone Borough-Wide Local Plan 2000. However, the development is at a reasonably sustainable location, is close to an existing settlement, and is not considered to result in significant visual harm to the area. Given the current shortfall in the required five-year housing supply, the low adverse impacts of the development are not considered to significantly outweigh its benefits. As such the development is considered to be in compliance with the National Planning Policy Framework and this is sufficient grounds to depart from the Local Plan.		
<b>REASON FOR REFERRAL TO COMMITTEE</b> The application is contrary to the provisions of the Development Plan.		
<b>WARD</b> Boxley	<b>PARISH/TOWN COUNCIL</b> Boxley	<b>APPLICANT</b> P. Fulker & J. Burbridge <b>AGENT</b> Primefolio Ltd.
<b>DECISION DUE DATE</b> 03/11/13	<b>PUBLICITY EXPIRY DATE</b> 03/11/13	<b>OFFICER SITE VISIT DATE</b> 15/11/13
<b>RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):</b> The site has a history of commercial use which appears to have started in the 1980s, the most recent history being:		
MA/12/1627	Retrospective application for change of use to private taxi booking office and associated workshop to maintain taxi vehicles	Permitted
MA/86/1367	Erection of storage warehouse and formation of new vehicular access	Permitted

## MAIN REPORT

### 1.0 DESCRIPTION OF SITE

- 1.01 The application site is located in the rural area just over 1km 'as the crow flies' to the north of the defined urban boundary of Maidstone. This is land within the Kent Downs Area of Outstanding Natural Beauty (AONB), the North Downs Special Landscape Area (SLA) and the Strategic Gap. The site is located at the corner of Tyland Lane and the Old Chatham Road, with the A229 approx. 100m away to the west.
- 1.02 This is an irregularly-shaped piece of land of approx. 0.3ha that is in use for a variety of commercial uses. As can be seen from the history, permission was granted under reference MA/12/1627 for part of the site for the base of operations for a taxi company. Access from the Old Chatham Road leads to a hardsurfaced 'yard' area

used for parking, loading, etc. around which is found a range of buildings in commercial use: principally a fairly low modern building off the north side of the yard and a more traditional two storey 'barn' off the south side. The buildings occupy the western half of the application site, with the eastern half given over to a largely undeveloped grassed area akin to a lawn. The overall site is generally bordered by hedging and the land slopes down from north to south with the Tyland Road frontage appearing as a hedged bank.

- 1.03 The site is bordered to the north by open farmland; to the east and south east by houses fronting Tyland Lane and their long rear gardens; to the south by the carriageway and footway of Tyland Lane itself; and to the west by the Old Chatham Road, beyond which is the historic group of buildings that make up the Kent Wildlife Trust's Tyland Barn premises.

## **2.0 PROPOSAL**

- 2.01 The application is in outline with all matters to be considered except landscaping. It involves the demolition of all of the buildings on site and replacement with a residential development of nine detached dwellings. Before amendment the application involved eight new dwellings and the conversion of the traditional 'barn' on the site to a further dwelling: the application has now been amended to remove the 'barn' completely and erect the nine dwellings referred to.
- 2.02 In terms of general layout, the existing access is shown to be retained to serve the development. The access road passes between Plots 1 and 9 which serve as frontage development to the Old Chatham Road. The access leads to an internal courtyard development in the north eastern part of the site that has Plots 2, 3, 4 and 5 facing into a communal central space of front gardens, garage buildings and circulation space. Plots 6, 7 and 8 would occupy the southern portion of the site providing frontage development to Tyland Lane. Those houses would have pedestrian access to Tyland Lane but not vehicular access: that would be achieved from the main access road to their rear.
- 2.03 Proposed landscaping would involve the significant thickening and widening of the native hedging along the northern boundary and the maintenance of the existing evergreen hedging on the east and south east boundaries. The landscaped bank to Tyland Lane would be maintained, albeit breeched by the proposed single access pathway from Plots 6, 7 and 8 that would require the installation of steps in that bank. Ecology issues are discussed in detail below but the application indicates that bat boxes, bird boxes and log piles are proposed to be put in place, although no detail is provided at this stage.
- 2.04 The scheme involves detached, four-bedroomed, two storey dwellings. In terms of the design approach Plots 1 and 9 on the Old Chatham Road frontage are in a vernacular style and clearly take influence from the Tyland Barn group of former agricultural buildings to the west of the site. These dwellings present low eaves heights to views from the road and varied hipped rooflines that hint at an 'organic' development for those particular buildings. These dwellings generally show restrained fenestration to the outer edges of the development with more openings on the inner-facing elevations. The housing turns the corner formed by the two roads by linking Plots 8 and 9 with a low range akin to farm outbuildings. Plots 1 and 9 would exhibit a mixed palette of traditional materials: principally brick plinths with black weatherboarding under clay-tile roofs. A section of the Tyland Lane frontage would be in ragstone to reinforce the concept of an organic development.

- 2.05 The remaining plots show a more conventional housing approach although clearly still taking influence from traditional housing features. Two storey dwellings are shown with hipped roofs and fairly restrained fenestration. Materials would involve brickwork and tile-hanging under clay-tile roofs. Proposed garaging generally involves a cart-lodge style with weatherboarding under slate roofs.

### **3.0 POLICY AND OTHER CONSIDERATIONS**

The National Planning Policy Framework (NPPF)  
National Planning Practice Guidance (NPPG)  
Development Plan: Maidstone Borough-Wide Local Plan 2000 Policies ENV6, ENV28, ENV31, ENV33, ENV34, T1, T2, T3, T13  
Maidstone Borough Local Plan Regulation 18 Consultation 2014 Policies SS1, SP5, H1, H2, H3, DM1, DM2, DM4, DM30

### **4.0 LOCAL REPRESENTATIONS**

A PETITION OF OBJECTION HAS BEEN RECEIVED WITH 137 NAMES. The grounds of objection can be summarised thus:

- a) The development would adversely affect the character of the AONB.
- b) If permitted this would create a precedent for further similar developments.
- c) The scheme would adversely affect the ecology of the area.
- d) There would be parking problems, access difficulties and highways problems on local roads.
- e) Surrounding houses would experience extra noise, disturbance, pollution and loss of privacy.
- f) There would be blocking of light and views.
- g) This land should be for agricultural use.
- h) There would be a loss of trees and landscape features.
- i) The local school is already full.

LETTERS OF OBJECTION HAVE BEEN RECEIVED FROM THREE LOCAL HOUSES, The grounds of objection are as above with the following additional points:

- a) This would be a high density overdevelopment of the site harmful to local character and historic buildings.
- b) The bus stop may need relocation for safety reasons.
- c) Extensions on a neighbouring house are not shown.
- d) There would be a loss of value to local houses.

### **5.0 CONSULTATIONS**

- 5.01 BOXLEY PARISH COUNCIL has no objection to the planning application but has concerns as outlined below:

- The sustainability of the development in a village that lacks local facilities, services and has poor public transport.
- The effect the development would have, due to its height and bulk, on the AONB.
- Access and egress is close to the Chatham Rd/Tyland Lane junction. Lorry's and HGVs using the parking facility north of the village have to use this junction to exit onto the A229.
- Lack of sufficient on-site car parking.
- Loss of a commercial site.

The parish council has been notified that residents are extremely concerned by the potential development.”

5.02 THE KCC ARCHAEOLOGICAL OFFICER has no objection subject to a ‘watching brief’ condition.

5.03 KCC HIGHWAYS AND TRANSPORTATION states:

“The proposal is not likely to lead to any significant increase in traffic movements from the existing access and adequate space is provided within the site for parking and turning. I confirm that I would not wish to raise objection however I would recommend that the existing bus stop adjacent to the site access on Old Chatham Road is brought up to DDA standard by providing raised kerbs in order that the stop is accessible by those residents of the site with mobility problems. Additionally a dropped kerb crossing is required at the pedestrian exit onto Tyland Lane.”

5.04 THE KCC BIODIVERSITY OFFICER has no objection.

5.04 THE MBC ENVIRONMENTAL HEALTH OFFICER has no objection subject to a condition to cover potential land contamination.

## **6.0 APPRAISAL**

### **Principle of Development**

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

6.02 The application site is located in the countryside outside the defined urban boundary.

6.03 The starting point for consideration is saved Policy ENV28 of the Maidstone Borough-Wide Local Plan 2000 which states:

“In the countryside planning permission will not be given for development which harms the character and appearance of the area or the amenities of surrounding occupiers, and development will be confined to:

- (1) That which is reasonably necessary for the purposes of agriculture and forestry; or
- (2) The winning of minerals; or
- (3) Open air recreation and ancillary buildings providing operational uses only; or
- (4) The provision of public or institutional uses for which a rural location is justified; or
- (5) Such other exceptions as indicated by policies elsewhere in this plan.

Proposals should include measures for habitat restoration and creation to ensure that there is no net loss of wildlife resources.”

6.04 The proposed development does not fit into any of the exceptions set out in policy which is why it has been advertised as a departure from the Development Plan.

6.05 It is necessary therefore to consider two main issues in relation to the proposals. Firstly, whether there are any material considerations that would indicate that a

decision not in accordance with the Development Plan is justified, and secondly whether the development would cause unacceptable harm. (Detailed issues of harm will be discussed later in the report).

- 6.06 In terms of other material considerations, the National Planning Policy Framework (NPPF) is a key consideration, particularly with regard to housing land supply. Paragraph 47 of the NPPF states that Councils should;
- “Identify and update annually a supply of specific deliverable sites sufficient to provide five years worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land.”
- 6.07 Relevant to this, the NPPF requires that local authorities have a clear understanding of housing needs in their area, and as such they should prepare a Strategic Housing Market Assessment (SHMA) to assess their full needs; working with neighbouring authorities where housing market areas cross administrative boundaries. Maidstone has carried this out with Ashford Borough Council and Tonbridge and Malling Borough Council. The SHMA (2014) confirms the objectively assessed housing need for the Borough over the plan period 2011 to 2031 as 19,600 dwellings (980 dwellings per annum) and this was agreed by Cabinet and included within the draft Local Plan.
- 6.08 In April 2013 when most recently calculated, the Council had a 2.0 year supply of housing assessed against the objectively assessed housing need of 19,600 dwellings, which is the figure against which the supply must be assessed. Taking into account housing permissions granted since that date, this position will not have changed significantly and would still remain below the 5 year target.
- 6.09 This lack of a five year supply is a significant factor and at paragraph 49 of the NPPF it is states that housing applications should be considered in the context of the presumption in favour of sustainable development and that relevant policies for the supply of housing (such as ENV28 which seeks to restrict housing outside of settlements) should not be considered up-to-date if a five year supply cannot be demonstrated. The presumption in favour of sustainable development in this situation means that permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits of the application, when assessed against the policies of the NPPF as a whole.
- 6.10 In terms of the location of the site, The NPPF advised that when planning for development i.e. through the Local Plan process, the focus should be on existing service centres and on land within or adjoining existing settlements. The site is reasonably close to the urban area and benefits from the public transport opportunities along the A229. Clearly the urban area offers a full range of services.
- 6.11 In the light of the above five year supply position, bringing forward development on this ‘brownfield’ site, in a reasonably sustainable location would assist in helping to meet the shortfall in housing supply and I consider this to be a strong material consideration in favour of the development. Commercial floorspace would be lost but such considerations need to be balanced against the significant housing need.

- 6.12 For the above reasons, I consider the policy principle of residential development at the site is acceptable. The key issue is whether any adverse impacts of the development would significantly and demonstrably outweigh the benefits of the application.

### **Visual Impact and Landscaping**

- 6.13 Additional housing in this locality would add to sporadic residential development in the urban fringe. To my mind the new housing here would be clearly visible from the local road network.
- 6.14 There are some factors here that mitigate that harm. Whilst the existing situation is not especially harmful to the character of the AONB/SLA, the redevelopment of the site would rid the area of the utilitarian structures on the site. It would also remove the incidence of parked vehicles, vans being loaded/unloaded and commercial paraphernalia that occurs around these buildings.
- 6.15 Secondly the proposed development would lead to a significant 'greening' of the locality with new planting of native species put in place as a part of a comprehensive landscaping scheme. The hedge along the northern boundary would be strengthened with new trees planted at 4m intervals to provide a significant 'green edge' to the site's boundary with open countryside. In my view this substantial removal of hardstandings and replacement with landscaped areas in a planned manner represents a significant mitigating factor. There are no individual trees of significant ecological value on the site.
- 6.16 The design of the new houses is, in my view, satisfactory without being exceptional. The scheme successfully turns the corner of the site and addresses the two road frontages well. The layout is advantageous in that access, garaging and parking/circulation space is essentially tucked away behind the built frontages thereby avoiding the commonly encountered problem of where to site utilitarian garaging, bin stores, etc. At Plots 1 and 9 the scheme takes influences from the agricultural origins of the Tyland Barn group to the west and I regard this as positive design with an interesting range of design features and palette of materials on the site corner. I do not regard nine dwellings on this site to be an overdevelopment. There are no listed buildings on site and the 'barn' on site is not of sufficient quality or interest to merit its retention. The setting of listed buildings is not directly affected here.
- 6.17 In all, new housing in locations such as this adds to sporadic development in the AONB/SLA but there are significant mitigating factors here which lead me to conclude that the harm is sufficiently ameliorated. Given that this site is already developed I do not consider that the separation function of the Strategic Gap would be significantly compromised.

### **Residential Amenity**

- 6.18 The only properties directly affected by this development are the dwellings that front Tyland Lane to the south east, the nearest being Well House. In my view those dwellings are too far removed from the proposed housing to suffer any significant loss of light or outlook. As to privacy, the new housing has been designed to avoid direct overlooking of windows or private areas. I do not consider that this scheme would lead to noise, disturbance and pollution above and beyond the existing situation. I conclude that a redevelopment for housing would not be harmful to the amenities of local residents.

## **Highways**

- 6.20 I note there is no objection from the Highways Officer. I agree that there should be no objection in terms of access arrangements (which are essentially as existing) and parking and turning. Through garaging and 'open' spaces a total of 18 spaces are proposed for the nine houses which I consider appropriate to this location. I note the request from the Highways Officer for alterations to roadside kerbing with regard to the bus stop and a dropped kerb related to the new pathway onto Tyland Lane but (at a total of nine houses) I am not satisfied that the intensity of use of the proposed development justifies such improvements.

## **Ecology**

- 6.21 The application is accompanied by an Ecological Scoping Survey (carried out by the Kent Wildlife Trust). The KCC Biodiversity Officer has examined the report and agrees with its conclusions, pointing out that ecological enhancement works should be put in place. The report essentially concludes that the site is of limited ecological value and recommends only a cautious approach in terms of the means of construction, an informative on lighting and encourages ecological enhancements. The landscaping of the site is in itself an enhancement and the application indicates that bat boxes, bird boxes and log piles are proposed to be put in place. Such measures can be the subject of a condition and I consider there to be no grounds to object to this application on ecology grounds.

## **Other Matters**

- 6.22 With regard to the Code for Sustainable Homes a condition can be imposed to secure a sustainable build at Code Level Level 4. Looking at the comments made by consultees and local residents, there is currently no requirement for a financial contribution to fund school places for a nine dwelling development. I have noted the layout and design of neighbouring houses and am satisfied that their amenities would not be significantly compromised. Loss of value of property is not a planning consideration.

## **7.0 CONCLUSION**

- 7.01 Having regard to the situation as regards the five-year housing land supply and my view that this development would not cause significant harm to the character and appearance of the countryside, I consider that a departure from the provisions of the Development Plan is warranted and I recommend that this application be approved.

## **8.0 RECOMMENDATION – GRANT subject to the following conditions:**

1. The development shall not commence until approval of the following reserved matters have been obtained in writing from the Local Planning Authority:

- a. Landscaping

Application for the approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.

The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be

approved;

Reason: 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 the following approved plans:  
drawing nos. 13-13-100, 101, 102, 103, 104, 105, 106, 107 received on 18/6/14.

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

3. The development shall not commence until written details and samples of the materials to be used in the construction of the external surfaces of the building(s) and the hardsurfacings hereby permitted have been submitted to and approved in writing by the local planning authority and the development shall be constructed using the approved materials;

Reason: To ensure a satisfactory appearance to the development.

4. The approved details of the parking/turning areas shall be completed before the commencement of the use of the land or buildings hereby permitted and shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) Order 1995 as amended by the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2008 and the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any order revoking and re-enacting that Order, with or without modification) or not, shall be carried out on the areas indicated or in such a position as to preclude vehicular access to them;

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

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 as amended by the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2008 and the Town and Country Planning (General Permitted Development) (Amendment) (No.2) (England) Order 2008 (or any order revoking and re-enacting that Order with or without modification) no development within Schedule 2, Part 1, Classes A, B, C, D, E and F to that Order shall be carried out without the permission of the local planning authority;

Reason: To safeguard the character, appearance and functioning of the surrounding area.

6. No development shall take place until there has been submitted to and approved in writing by the local planning authority a scheme of landscaping, using indigenous species which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development and a programme for the approved scheme's implementation and long term management. The scheme shall include full details of all proposed boundary treatments and shall be designed using the principles established in the Council's adopted Landscape Character Assessment and



Landscape Guidelines. The scheme shall include the provision of a 3-4m wide indigenous species hedge with interspersed trees along the northern boundary of the site;

Reason: No such details have been submitted.

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

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

8. The dwellings shall achieve at least Code 4 of the Code for Sustainable Homes. A final code certificate shall be issued not later than one calendar year following first occupation of the dwellings certifying that level 4 has been achieved.

Reason: To ensure a sustainable and energy efficient form of development.

9. The development shall be carried out in accordance with the Kent Wildlife Trust Ecological Survey (September 2013). No development (including demolition, ground works and site clearance) shall take place until full details of ecological enhancement works (to include the installation of bat boxes, bird boxes and log piles) has been submitted to and approved by the local planning authority. The submitted details shall include a timetable for installation and the development shall be carried out in accordance with the approved details;

Reason: In the interests of ecology.

10. 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
- 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 risk 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 (2). 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. The scheme shall thereafter be implemented as approved;

Reason: In order to ensure that potential contamination is properly dealt with.

11. Prior to the commencement of any development, details shall be submitted to, and agreed in writing by, the local planning authority showing the existing and proposed site levels and the finished floor levels of the buildings hereby permitted. The development shall be carried out in strict accordance with the details agreed;

Reason: In the interest of amenity.

12. No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a watching brief to be undertaken by an archaeologist approved by the local planning authority so that the excavation is observed and items of interest and finds are recorded. The watching brief shall be in accordance with a written programme and specification which has been submitted to and approved by the local planning authority;

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

#### INFORMATIVE

The Council advises that the Bat Conservation Trust's *Bats and Lighting in the UK* guidance should be considered in the design of any external lighting.

Case Officer: Geoff Brown

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.  
The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.