

REFERENCE NO - 14/500606/FULL			
APPLICATION PROPOSAL Demolition of x4 existing commercial buildings and existing detached bungalow 'Greentops' and redevelopment to provide x6 detached houses and garages			
ADDRESS Greentops Headcorn Road Sutton Valence Kent ME17 3EH			
REASON FOR REFERRAL TO COMMITTEE <ul style="list-style-type: none">Contrary to the policies of the Development Plan.			
WARD Sutton Valence And Langley Ward		PARISH/TOWN COUNCIL Sutton Valence	APPLICANT Ms Leigh Chivers AGENT Mr Phil Aelen
DECISION DUE DATE 10/09/14	PUBLICITY EXPIRY DATE 10/09/14	OFFICER SITE VISIT DATE	
RELEVANT PLANNING HISTORY			
App No	Proposal	Decision	Date
MA/13/1214	Demolition of 4 existing commercial buildings and existing bungalow, Greentops, and redevelopment to provide 8 detached dwellings and garages.	Withdrawn	17 th June 2014

1.0 DESCRIPTION OF SITE

- 1.1 The application site is located to the south of the village of Sutton Valence on the A274 Headcorn Road. It is essentially triangular in shape (its widest part fronting the road and narrowing to a point to the rear) and measures 0.4 hectares.
- 1.2 Whilst the site lies outwith any defined settlement, as defined in the Maidstone Borough Wide Local Plan 2000, it forms part of a developed frontage along Headcorn Road which includes a garage with car sales, kennels, former farm buildings and existing dwellings.
- 1.3 The site originally housed a bungalow and 4 commercial buildings together with their associated accesses and hardstandings. The bungalow however burnt down some years ago and there is currently a caravan on that part of the site, although various outbuildings and hardstandings remain within its curtilage.
- 1.4 The commercial buildings are of utilitarian construction. Unit 1 is a showroom/store and is single storey with a mono pitched roof in corrugated asbestos cement sheets. Unit 2 is a single storey Atcost building of concrete framed construction with blockwork walls and unlined asbestos roof sheeting. Unit 3 is a single storey 2 bay building which is concrete framed with masonry infill and corrugated asbestos clad walls and roof on a concrete slab. Unit 4 is of timber construction clad in blockwork with a mineralised felt roof. There is an inspection pit in the floor of unit 2 and a small outbuilding at the eastern end of the site. All of the commercial units have been vacant for a number of years and are generally in a poor state of repair.
- 1.5 Most of the external areas of the site are surfaced in asphalt with the south west corner, adjacent to the main road, being partly grassed and partly surfaced with

compacted stone as is the west end of the site. There are also a number of concrete bases to the north of unit 2.

- 1.6 The boundaries of the site are well defined with a range of Leylandii hedgerows and close boarded fencing to the north and south.
- 1.7 As set out above the site lies in the countryside for planning purposes and forms part of a Special Landscape Area.

2.0 PROPOSAL

- 2.1 This application seeks planning permission for demolition of the existing buildings and clearance of the site and the erection of 6 detached dwellings with garaging and access.
- 2.2 The development would utilise the existing access (with enhancements) leading to a central access road within the site. This access road would serve all 6 dwellings with the first half of the road being adoptable highway and the rear half less formally surfaced.
- 2.3 Four dwellings (plots 1 – 4) would be located across the wider frontage of the site (2 either side of the access road) with plots 5 and 6 to the rear of the site. All units would have a garage providing two internal car parking spaces, together with cycle storage, with space for a further two vehicles for each property externally. All of the dwellings would be served by private amenity space to their rear.
- 2.4 Units 1 and 2 would be three bed units, units 3 and 4 four bed units and units 5 and 6 larger five bed dwellings. The proposed dwellings are traditional in terms of design two storey dwellings with pitched roofs. The materials proposed are also traditional, with the drawings showing tiled roofs, brick elevations with some tile hanging.
- 2.5 It is also proposed to retain and enhance the existing planting to the site's boundaries and to provide a small element of footway into the site either side of the access road to facilitate pedestrian access.

3.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF) 2012: Chapters 1, 4, 6, 7, 11
National Planning Practice Guidance (NPPG) 2014
Maidstone Borough Wide Local Plan 2000: ENV6, ENV28, ENV49, ED2, T13
Maidstone Local Plan Regulation 18 Consultation 2014: SP5, DM1, DM2, DM4, DM6, DM10, DM13, DM16, DM18, DM30, ID1

4.0 LOCAL REPRESENTATIONS

- 4.1 **Parish Council:** *"The Parish Council wish to see this application approved and are prepared to go to committee. However, they would like to discuss this if the officer disagrees with this recommendation, before going to committee, to ascertain the reasons behind the refusal when it is currently a brownfield site and the development is close to a bus stop and a well stocked garage shop. The Parish Council would like to see the extension of the 40mph limit past this development southward."*
- 4.2 1 letter of objection has been received from a local resident. They make the following summarised comments.

- The bungalow, Greentops, was destroyed by fire a few years ago – there are caravans there now;
- All houses built in recent years in this area have been restricted to bungalow height. It would be discriminatory to permit the proposed houses to be full height and could result in compensation claims or other civil action;
- The access is on a blind bend to the north.
- The area is becoming a collision blackspot.
- The access does not meet safety standards on what is an extremely fast and dangerous stretch of road;
- There are no mains gas or sewerage services, making it an unsustainable site for residential accommodation.
- There is just one small service station shop within walking distance – otherwise the area has no amenities.
- Car use/vehicle movements will be higher than predicted.
- The bus service is hourly, finishing early at weekends.
- The cost of the proposed housing is likely to exceed what people would be prepared to pay, in area of fast traffic, attendant road noise, no facilities, poor bus service, dangerous access/egress, pollution and noise from an adjacent landfill/crushing/quarrying type of operation which is active at most times of the day.

5.0 CONSULTATIONS

5.1 **Environment Agency:** Have assessed this application as having a low environmental risk. Therefore have no comments to make.

5.2 **KCC Highways:** The application proposes 6 new homes served from an existing established access onto the A274 Headcorn Road to the south of Sutton Valence.

Adequate space is provided within the site for parking and turning and a shared surface 4.8m in width is proposed which is in line with guidance given in Manual for Streets and is considered to be acceptable to serve this development.

The proposed use of the site is likely to generate less traffic overall than could be expected from the existing uses which comprises 1 residential dwelling and 5 commercial units. The crash database has been interrogated and there have been no injury crashes at the junction of the site access within the latest 5 year period.

The site is some distance from the village centre and the nearest facility for residents is the petrol filling station which is located some 150m to the north of the site on the A274 and includes a shop. However residents from the site may have difficulty in walking to the garage during times of inclement weather as there is a short section of grass verge with no footway. I would recommend that the applicant provides this short section of footway in order to improve accessibility for residents.

I can confirm that I do wish to raise objection subject to the following conditions:

- Provision of a new section of footway along the eastern side of the A274, to the south of the petrol filling station, to link with the existing footway. Details to be agreed with KCC Highways.
- Provision of construction vehicle loading/unloading and turning facilities prior to the commencement of work on site and for the duration of construction.
- Provision of parking facilities for site personnel and visitors prior to commencement of work on site and for the duration of construction.

- Provision of measures to prevent the discharge of surface water onto the highway.
- Provision of wheel washing facilities prior to the commencement of work on site and for the duration.
- Provision and permanent retention of the vehicle parking spaces and/or garages shown on the submitted plans prior to the use of the site commencing.
- Provision and permanent retention of the turning facilities shown on the submitted plans prior to the use of the site commencing.
- Use of a bound surface for the first 5 metres of the access from the edge of the highway.
- Provision and permanent retention of the cycle parking facilities shown on the submitted plans prior to the use of the site commencing.
- Completion and maintenance of the access shown on the submitted plans prior to the use of the site commencing.
- The proposed roads, footways, footpaths, verges, junctions, street lighting, sewers, drains, retaining walls, service routes, surface water outfall, vehicle overhang margins, embankments, visibility splays, accesses, carriageway gradients, driveway gradients, car parking and street furniture to be laid out and constructed in accordance with details to submitted to and approved by the Local Planning Authority.

- 5.3 **Environmental Health:** A full contaminated land assessment should be carried out and be submitted to the Council, along with the proposed mitigation measures, for consideration and approval.

It is noted that there is corrugated asbestos and other asbestos based material associated with the buildings that are to be demolished. Removal of the material should only be carried out by a licensed contractor.

The area around Sutton Valence is known to experience elevated radon levels in some places. A radon survey should be carried out in order to establish if this location is susceptible and, if levels are elevated, the proposed mitigation measures, should be submitted to the Council for consideration and approval.

The submitted acoustic report has been assessed and the recommendations are considered acceptable.

Demolition and construction activities may have an impact on local residents so these should be addressed by following the standards adopted by the local authority in respect of demolition and construction sites.

No objection is raised subject to the imposition of conditions and informatives.

- 5.4 **Landscape:** The proposed development is achievable in the context of retention of existing trees/hedges subject to pre-commencement conditions requiring a detailed landscape scheme which accurately plots existing trees and hedges to be retained and an Arboricultural Method Statement (AMS) in accordance with the recommendations of BS5837:2012. The AMS should include tree protection details in relation to both demolition works as well as construction.

- 5.5 **KCC Ecology:** *"We are satisfied that sufficient information has been provided to determine the planning application."*

Bats

We are satisfied with the results of the bat scoping survey which have assessed that all the buildings within the site have a low or negligible potential to be used by roosting bats and no emergence surveys are required.

We advise that the precautionary mitigation strategy detailed within the report must be implemented as a condition of planning permission, if granted.

Lighting can be detrimental to roosting, foraging and commuting bats. We advise that the Bat Conservation Trust's Bats and Lighting in the UK guidance is adhered to in the lighting design.

Reptiles

The ecological scoping survey has detailed that there is a low potential for reptiles to be present within the site and as such recommended that a precautionary approach is used to clear the site and push any reptiles in to the adjacent habitat.

We had concerns that there was insufficient suitable habitat within the surrounding area for reptiles to be pushed in to using the proposed precautionary approach.

However, additional information has been provided confirming it is a very low potential for reptiles to be present and the hedgerows adjacent to the site provide suitable habitat if reptiles are present.

The precautionary mitigation detailed within the ecological report must be implemented as a condition of planning permission if granted.

Breeding Birds

There are suitable habitats within the site for breeding birds, all nesting birds and their young are legally protected under the Countryside and Wildlife Act 1981 (as amended). As such we recommend if planning permission is granted, that the buildings and vegetation are removed outside of the breeding bird season (March-August). If that is not possible an ecologist must examine the site and if breeding birds are recorded all work must cease in that area until all the young have fledged.

We note that a hedgerow is proposed around the boundary of the site which will provide alternative locations for nesting birds. We advise that the hedgerow must incorporate native/local provenance species.

Enhancements

One of the principles of the National Planning Policy Framework is that "opportunities to incorporate biodiversity in and around developments should be encouraged."

The ecological scoping survey has made recommendations for ecological enhancements which can be incorporated in the site. We advise that if planning permission is granted a landscape plan is produced clearly showing what ecological enhancements will be incorporated in to the site."

6.0 BACKGROUND PAPERS

- 6.1 The application is supported by a Planning Statement, Design and Access Statement, Preliminary Ecology Appraisal, Preliminary Roost Assessment, Noise Assessment, Contaminated Land Assessment and a Transport Assessment.

7.0 APPRAISAL

Principle of Development

- 7.1 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.
- 7.2 The application site is located in the countryside outside the defined settlement boundary of Sutton Valence. However, it lies within walking distance of the village.
- 7.3 The starting point for consideration is saved policy ENV29 of the Maidstone Borough Wide Local Plan 2000 which states as follows:

“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 purpose 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.”

- 7.4 The proposed development does not fit into any of the exceptions set out in policy ENV28 which is why it has been advertised as a departure from the Development Plan.
- 7.5 It is necessary, therefore to consider two main issues in relation to the proposals. Firstly, whether there are 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).
- 7.6 In terms of other material considerations, the National Planning Policy Framework (NPPF) is a key consideration, particularly with regard to housing supply. Paragraph 47 of the NPPF states that Council's 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 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.”

- 7.7 The Council has undertaken a Strategic Housing Market Assessment (SHMA) which was completed in January 2014. This work was commissioned jointly with Ashford and Tonbridge and Malling Borough Councils. A key purpose of the SHMA is to quantify how many new homes are needed in the borough for the 20 year period of the emerging Local Plan (2011 -31). The SHMA (January 2014) found there is the “objectively assessed need” for some 19,600 additional new homes over this period which was agreed by Cabinet in January 2014. Following the publication of updated

population projections by the Office of National Statistics in May, the three authorities commissioned an addendum to the SHMA. The outcome of this focussed update, is a refined objectively assessed need figure of 18,600 dwellings. The revised figure was agreed by Cabinet in September 2014.

- 7.8 Most recently calculated (April 2013), the Council had a 2.2 year supply of housing assessed against the objectively assessed housing need of 19,600 dwellings.
- 7.9 Taking into account housing permissions granted since April 2013 and the lower need figure, this position will have changed very marginally and would still remain well below the 5 year target.
- 7.10 This lack of a five year supply is a significant factor and at paragraph 49 the NPPF 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.
- 7.11 The NPPF sets out 12 Core Planning Principles and highlights the need to *“encourage the effective use of land, reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value.”*
- 7.12 The application site is considered to be previously developed/brown field land and it is, however, noted that the majority of the site was in commercial use and the residential redevelopment of the site will see this lost which would be contrary to the government's and local authority's commitment to securing economic growth.
- 7.13 In this instance, the commercial buildings on the site are vacant and have been for a number of years. When let they have failed to secure long term tenants. It is clear that the current buildings would have to be completely rebuilt to bring them up to the modern standards expected for commercial buildings. Whilst this is accepted, consideration must be given to whether the site could be redeveloped for commercial development, creating jobs and making a direct contribution to the economy.
- 7.14 A valuation report has been submitted in support of this application. It is based on an alternative proposal for the site of modern commercial redevelopment (12 storage/industrial premises totalling 950sqm) on a similar scale to the existing. The report concludes that the return on the capital needed to rebuild/redevelop the site to provide modern commercial units would be of a scale that would not satisfy bank lending criteria. Under these circumstances, the prospects of obtaining funding for commercial development/redevelopment are poor. It is, therefore, unlikely that there is a reasonable prospect of the site being retained in a viable employment generating use.
- 7.15 The NPPF states in paragraph 22 that *“Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose.”* It goes on to state that *“land allocations should be regularly reviewed”* and *“where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of the land or buildings should be treated on their merits having regard to market signals and the*

relative need for different land uses to support sustainable local communities.” This is reflected in the policy DM18 of the Council’s emerging Local Plan.

- 7.16 The application site is not specifically allocated for employment use, it has formed part of the stock of commercial buildings within the borough for a number of years and it is considered appropriate to consider against the above policy guidance.
- 7.17 Given the current condition of the commercial units on the site, the conclusion of the submitted valuation report in relation to a modern commercial redevelopment of the site, the proximity of the site to Sutton Valence, the fact that the site is previously developed/brownfield land and that its redevelopment for six dwellings would contribute to the Council’s housing supply, I consider the policy principle of residential development at the site is acceptable.
- 7.18 The key issue is whether any adverse impacts of the development would significantly and demonstrably outweigh the benefits of the application when assessed against the guidance of the NPPF and the policies of the Local Plan.

Density, Residential Amenity and Design

- 7.19 It is clear that using land efficiently means that each site will contribute more, so less land is needed in total. The NPPF supports such an approach and policy H2 of the Council’s emerging local plan sets out a range of densities for development within the Borough. These range from development within/close to town centres achieving densities of between 45 and 170 dwellings, sites adjacent to urban areas at 35 dwellings per hectare and sites within/adjacent to rural service centres and larger villages achieving 30 dwellings per hectare. It concludes that development proposals that fail to make efficient use of land for housing, having regard to the character and location of the area, may be refused permission.
- 7.20 This application is for 6 dwellings on the site measuring 0.4 hectares, giving a density of 15 dwellings per hectare. This density has been arrived at through a series of discussions between the applicant and the Council and given the site’s location and shape it is considered that this will allow this brownfield site to make a valuable contribution to the borough’s housing supply.
- 7.21 As set out above, development at this site was the subject of pre-application discussions with the Council and the previous scheme for 8 dwellings was considered to be an overdevelopment of the site which would have resulted in an adverse effect on the character and appearance of the surrounding area and adversely affect the residential amenity of adjoining occupiers. It was also considered that, with 8 dwellings on the site, the future occupiers of the dwellings would enjoy a reduced level of residential amenity. By reducing the number of units to 6, a more spacious layout can be achieved allowing much more of the existing boundaries to the site to be retained. I am satisfied that the development now proposed will provide a good level of residential amenity for both future occupiers and existing residents in the area.
- 7.22 This part of Headcorn Road is mixed in character, types and styles of buildings and the traditional approach proposed to be adopted here would be an acceptable addition to the street scene. Although, only limited views of the existing buildings are seen from Headcorn Road, it is considered that removal of the buildings and the erection of the proposed development will enhance the character and appearance of the site and the surrounding area.

Highways

- 7.23 A Transport Statement has been submitted to support this application. The report states that access to the site would be via the existing access to the site with enhancements visibility splays. The on site access road would allow for on site servicing and each unit would be provided with two internal car parking spaces with room for two further external spaces. It highlights that the trip generation from the proposed residential development of the site would be less than the traffic associated with the commercial and residential use that existed on the site. It also states that residents of the site would be well placed to take advantage of the regular bus services along Headcorn Road and that there are no outstanding safety concerns in relation to the site and its access.
- 7.24 KCC Highways have reviewed the proposal and the submitted transport statement. They agree that the proposal is likely to generate less traffic movements than the existing use of the site, that adequate parking and turning facilities would be provided within the site and that there are no specific highway safety issues in relation to the site and its access. They go on to raise concerns the site is some way from the village centre of Sutton Valence and that residents might have difficulty walking to the nearby petrol filling station and shop some 150m away as there is a short section of grass verge with no footway. They would recommend that the applicant provides this short section of footway to improve accessibility for residents. They raise no objections to the proposal subject to the imposition of planning conditions.
- 7.25 The applicants have confirmed that they will provide the area of footpath required by this would be secured via a planning condition.

Contamination

- 7.26 Given the commercial use of the site, the applicants have submitted a Contaminated Land Assessment Report. This concludes that there was some evidence of localised hydrocarbon contamination within the site and it is likely that some contamination of the site has occurred due its previous uses. The report recommends that a programme of soil testing is carried out to determine the extent and nature of contamination present. The results from this testing can then be used to inform a remediation strategy. It states that provided the recommendations of the remediation strategy are implemented there would be no increased risk to human health from the redevelopment of the site for residential use.
- 7.27 The Council's Environmental Health Team have reviewed the assessment and advise that they agree with the recommendations of the assessment and raise no objection subject to the imposition of planning conditions.

Noise

- 7.28 The applicants have submitted a noise assessment to support the scheme to establish the noise levels that would affect the proposed development. Internal noise predictions were undertaken for typical plots across the site to determine internal noise levels with windows open and closed and the type of glazing and ventilation required.
- 7.29 It was found that with windows open the plots 1-5 with facades facing the road would likely to experience internal noise levels exceeding the relevant WHO criteria. Alternative ventilation (acoustic or mechanical) would, therefore, be required for these plots to enable the windows to be kept closed. With the windows closed, enhanced glazing would be required for habitable rooms facing the A274 in plots 1 to 5. Triple

glazing is proposed for all plots which is considered acceptable to deal with this issue. External noise levels are predicted to fall within required levels.

- 7.30 The Council's Environmental Health Team agree with the findings of the assessment and the recommendations proposed. They advise that these should be secured via a planning condition and, subject to this, raise no objection to the application in relation to noise.

Landscaping

- 7.31 The Council's Landscaping Team initially advised that they could not form an informed view on the proposal as a Tree Survey was not submitted to support the application.
- 7.32 The applicants have subsequently provided a topographical survey of the site showing existing tree cover on the site.
- 7.33 Landscape have reviewed the submitted survey advise that they consider that the proposed development is achievable in the context of retention of existing trees/hedges subject to pre-commencement conditions requiring a detailed landscape scheme which accurately plots existing trees and hedges to be retained and an Arboricultural Method Statement (AMS) in accordance with the recommendations of BS5837:2012. The AMS should include tree protection details in relation to both demolition works as well as construction.

Ecology

- 7.34 The NPPF, Local Plan and the emerging local plan all seek to protect and enhance the natural environment. Development proposals will not be permitted where they lead to adverse impacts on natural assets for which mitigation measures appropriate to the scale and nature of the impact cannot be achieved.
- 7.35 The applicant has carried out a Preliminary Ecological Appraisal in support of the proposal.
- 7.36 KCC Ecology were satisfied with the results of the assessment which highlighted that there was the potential for bats, breeding birds and reptiles to be present within the site, but required additional information to be submitted prior to the determination of the application. They sought a detailed bat scoping survey to be carried out and clarification that there is sufficient habitat within the surrounding area for reptiles to be pushed into.
- 7.37 The applicants have provided a Preliminary Roost Assessment which assessed the bat potential of the existing buildings to be demolished. They also provided clarification about the character of the area surrounding the site and its appropriateness as reptile habitat.
- 7.38 KCC Ecology confirm that this additional information allows them to raise no objection to the application on ecology grounds, subject to the imposition of conditions and informatives.
- 7.39 The NPPF states that *"the planning system should contribute to and enhance the natural and local environment by minimising impacts on biodiversity and delivering net gains in biodiversity where possible."*

- 7.40 Some suggestions for gains in biodiversity are put forward in the Preliminary Ecological Assessment such as bird nesting and bat roosting boxes, as planting to encourage wildlife such as green walls. These suggestions are welcomed and considered appropriate and it is considered that a condition to secure these should be imposed.

Other Matters

- 7.41 The applicants state in their Design and Access Statement that the development seeks to achieve Code for Sustainable Homes Level 4/5. Sustainable development is a key principle of the NPPF and it is considered appropriate to secure this via a planning condition.

8.0 CONCLUSION

- 8.1 The proposed development is contrary to policy ENV28 in that it represents housing development outside a settlement boundary in the Local Plan. However in the absence of a five year supply of housing the NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development and policies such as ENV28 cannot form grounds to object in principle.
- 8.2 One of the core planning principles of the NPPF is to encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value.
- 8.3 The application site was previously developed land which housed a dwelling and 4 commercial units. The dwelling has subsequently been destroyed by fire and the commercial units are vacant and rather dated. A valuation report has been submitted which concludes it is unlikely that there is a reasonable prospect of the site being retained in a viable employment generating use.
- 8.4 There are no highway objections subject to conditions securing necessary works, no objections from the Environment Agency. The development could be designed to ensure no harmful impact upon existing amenity and future occupants would have sufficient amenity. The ecological impacts of the development can be suitably mitigated in line with the NPPF and mitigation/enhancement would be provided on site. KCC Ecology is raising no objections, subject to the imposition of conditions.
- 8.5 I have taken into account all representations received on the application and considering the low level of harm caused by the development, in the context of an objectively assessed need for 18,600 houses, and against the current housing supply, I consider that the low adverse impacts would not significantly and demonstrably outweigh the benefits of providing much needed housing on this brownfield site in a sustainable location. This is the balancing test required under the NPPF. As such, I consider that compliance with policy within the NPPF is sufficient grounds to depart from the Local Plan. Therefore, I recommend permission is approved and that Members give delegated powers to the Head of Planning to approve the application, subject to the receipt of an appropriate S106 agreement and conditions.

9.0 RECOMMENDATION – GRANT Subject to the following conditions:

1. The development hereby permitted must be begun not later than the expiration of 3 years from the date of this permission.

Reason: In order to comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

2. No development shall take place until an Arboricultural Method Statement (AMS) has been submitted to, and approved in writing by, the Local Planning Authority. The AMS shall be in accordance with the recommendations of BS5837:2012 and shall include tree protection details in relation to both demolition as well as construction.

Reason: To ensure that the proposed development is satisfactorily integrated with its immediate surroundings and provides for adequate protection of trees

3. No development shall take place until there has been submitted to, and approved in writing by, the Local Planning Authority a scheme of landscaping, 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 of maintenance. 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 adequate protection of trees.

4. Unless otherwise agreed, in writing by, the Local Planning Authority, development other than that required to be carried out as part of the approved scheme of remediation must not commence until conditions 5 to 8 have been complied with. If unexpected contamination is found after development has begun, development must be halted on that part of the site affected by unexpected contamination to the extent specified by the Local Planning Authority in writing until condition 8 has been complied with in relation to that contamination.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off site receptors.

5. An investigation and risk assessment, in addition to any assessment provided with the planning application, must be completed in accordance with a scheme to assess the nature and extent of any contamination on the site, whether or not it originates from the site. The contents of the scheme are subject to the approval, in writing, of the Local Planning Authority. The investigation and risk assessment must be undertaken by competent persons and a written report of the findings must be produced. The written report is subject to the approval, in writing, of the Local Planning Authority. The report of the findings must include:

- (i) A survey of the extent, scale and nature of any contamination;
- (ii) An assessment of the potential risks to:
 - Human health;
 - Property (existing or proposed) including buildings and crops;
 - Livestock, pets, woodland and service lines and pipes;
 - Adjoining land;
 - Groundwater and surface water;
 - Ecological systems; and
 - Archaeological sites and ancient monuments;
- (iii) An appraisal of remedial options and proposal of the preferred option(s).

This must be conducted in accordance with DEFRA and the Environment Agency's Model Procedures for the Management of Land Contamination, CLR 11.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off site receptors.

- 6. A detailed remediation scheme to bring the site to a condition suitable for the intended use by removing unacceptable risks to human health, buildings and other property and the natural and historic environment must be prepared and is subject to the approval, in writing, of the Local Planning Authority. The scheme must include all works to be undertaken, proposed remediation objectives, remediation criteria, timetable of works and site management procedures. The scheme must ensure that the site will not qualify as contaminated land under Part 2A of the Environmental Protection Act 1990 in relation to the intended use of the land after remediation.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off site receptors.

- 7. The approved remediation scheme must be carried out in strict accordance with its terms prior to the commencement of any development (other than the development required to enable the remediation process to be implemented) unless otherwise agreed, in writing, with the Local Planning Authority. The Local Planning Authority must be given two weeks written notification of commencement of the remediation scheme works.

Following completion of the measures identified in the approved remediation scheme, a verification report) that demonstrates the effectiveness of the remediation carried out must be produced and is subject to the approval in writing of the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can

be carried out safely without unacceptable risks to workers, neighbours and other off site receptors.

8. In the event that contamination is found at any time when carrying out the approved development that was not previously identified it must be reported in writing immediately to the Local Planning Authority. An investigation and risk assessment must be undertaken in accordance with the requirements of condition 1, and where remediation is necessary a remediation scheme must be prepared in accordance with the requirements of condition 2, which is subject to the approval in writing of the Local Planning Authority.

Following completion of measures identified in the approved remediation scheme a verification report must be prepared, which is subject to the approval in writing of the Local Planning Authority in accordance with condition 3.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off site receptors.

9. The applicant should be aware that the site is in a radon affected area with a 3-5% probability of elevated radon concentrations. No development shall take place until a test for radon gas has been carried out and the details of the test and results, submitted to, and approved in writing by, the Local Planning Authority.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other off site receptors.

10. The proposed noise mitigation measures recommended in the Grant Acoustics Report dated 4th may 2014 shall be implemented unless any variation is agreed, in writing, with the Local Planning Authority.

Reason: In the interests of amenity.

11. The development shall not commence until, written details and samples of the materials to be used in the external surfaces of the buildings 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

12. The development shall not commence until, details of all fencing, walling and other boundary treatments have been submitted to, and approved in writing by, the Local Planning Authority. The development shall be carried out in accordance with the approved details before the occupation of the buildings hereby permitted and maintained thereafter.

Reason: To ensure a satisfactory appearance to the development.

13. The development shall not commence until, details of satisfactory facilities for the storage of refuse on the site have been submitted to, and approved in writing by, the Local Planning Authority. The approved facilities shall be provided before the first occupation of the buildings hereby permitted and maintained thereafter.

Reason: In the interests of amenity.

14. The development shall not commence until a detailed scheme for the parking/turning areas is submitted to, and approved in writing by, the Local Planning Authority. The approved scheme shall be completed before the commencement of the use of the 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.

15. The development hereby permitted shall be built to a minimum four star rating within the Government's 'Code for Sustainable Homes' (2006). Prior to first residential occupation of the individual residential units hereby permitted a copy of the post construction review certificate produced by the relevant assessor for that dwelling (or for the totality of the development or parts thereof) verifying that the aforementioned minimum star rating has been achieved for that residential unit shall be submitted to the Local Planning Authority.

Reason: To ensure the development takes place in an environmentally friendly way.

16. The development shall not commence until details of the proposed materials to be used in the surfacing of all access roads, parking and turning areas and pathways within the site, and the design of kerb-stones/crossing points which shall be of a wildlife friendly design, have been submitted to and approved, in writing, by the Local Planning Authority. The first 5 metres of the access from the highway should be a bound surface. The development shall thereafter be undertaken in accordance with the subsequently approved details.

Reason: To ensure a high quality external appearance to the development.

17. The development shall not commence until details of any lighting to be placed or erected within the site have been submitted to and approved, in writing, by the Local Planning Authority. The submitted details shall include, inter alia, details of measures to shield and direct light from the light sources so as to prevent light pollution. The development shall thereafter be carried out in accordance with the subsequently approved details.

Reason: To prevent light pollution in the interests of the character and amenity of the area

18. The development shall not commence until details of foul and surface water drainage have been submitted to and approved, in writing, by the Local Planning Authority in consultation with Southern Water. The submitted details shall incorporate inter alia wildlife friendly drainage gullies and design features. The approved details and off site works shall be implemented in full prior to the first occupation of the development.

Reason: In the interests of pollution and flood prevention.

19. 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 level of the building(s) hereby permitted. Development shall be in strict accordance with the details agreed.

Reason: In the interest of amenity.

20. No development shall take place until a scheme for the incorporation of 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 first 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.

21. The development shall be designed taking into account the Preliminary Roost Assessment by the Ecology Consultancy, dated November 2014, and shall fulfil the recommendations specified in the report.

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

22. The development shall be designed taking into account the Preliminary Ecological Appraisal by the Ecology Consultancy, dated March 2013, and shall fulfil the recommendations specified in the report.

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

23. If the development hereby approved does not commence (or having commenced, is suspended for more than 12 months) within 2 years from the date of the planning consent, the approved ecological measures secured shall be reviewed and, where necessary, amended and updated. The review shall be informed by further ecological surveys commissioned to identify any likely new ecological impacts that might arise from any changes.

24. Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, the original approved ecological measures will be revised and new or amended measures, and a timetable for their implementation, will be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of the development. Works will then be carried out in accordance with the proposed new approved ecological measures and timetable.

Reason: In the interests of biodiversity protection.

25. No development shall commence until the works to the access as shown on the submitted plans have been carried out. The access shall, thereafter be retained.

Reason: In the interests of highway safety.

26. No development shall commence until a scheme for the provision of a new section of footway along the eastern side of the A274, to the south of the petrol fillings station and linking with the existing footway has been submitted to, and approved in writing by the, Local Planning Authority. This section of footway should be provided prior to the first occupation of the dwellings hereby permitted.

Reason: In the interests of amenity and pedestrian safety.

INFORMATIVES

If the probability of exceeding the Action level is 3% or more in England and Wales, basic preventative measures are required in new houses, extensions, conversions and refurbishments (BRE 1999, 2001 and 2007). If the probability rises to 10% or more, provisions for further preventative measures are required in new houses.

Adequate and suitable measures should be carried out for the minimisation of asbestos fibres during works, 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.

The applicant/developer should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development. Please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21, 2SW (0330 3030119) or www.southernwater.co.uk

Attention is drawn to Sections 60 and 61 of the COPA 1974 and to the Associated British Standard COP BS 5228:2009 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 requirements.

Clearance and burning of existing woodland or rubbish must be carried out without nuisance from smoke etc to nearby residential properties. Advice on minimising an potential nuisance is available from the EHM.

Plant and machinery used for demolition and construction shall only be operated within the application site between 0800 and 1900 hours Monday to Fridays and between 0800 and 1300 hours on Saturdays and at no time on Sundays and Bank Holidays.

Vehicles may only arrive, depart, be loaded or unloaded within the general site between 0800 and 1900 hours Monday to Fridays and between 0800 and 1300 hours on Saturdays and at no time on Sundays and Bank Holidays.

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

The applicant should have regard to the Environmental Services guidance document "Planning Regulations for Waste Collections" which can be obtained by contacting Environmental Services. This should ensure that the facilities for the storage and disposal of waste and recycling generated by this development, as well as the site access design and arrangements for waste collection are adequate.

All nesting birds are legally protected under the Wildlife and Countryside Act 1981 (as amended), as we recommend that all suitable habitat is removed outside of the breeding bird season (March – August inclusive). If that is not possible there is a need for an ecologist to examine the site prior to works starting and if any breeding birds are recorded all works in that area must cease until all the young have fledged.

The Bat Conservation Trusts Bats and Lighting in the UK guidance is adhered to in the lighting design.

It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that 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. 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 to progress this aspect of the works prior to commencement on site.

REASON FOR APPROVAL

The proposed development does not conform with policy ENV28 of the Maidstone Borough-wide Local plan 2000. However, the development is previously developed land in a sustainable location which has limited prospect of a viable employment generating use. There would be no adverse ecological, landscaping or highway impacts. 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.

Case Officer: Annabel Hemmings

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.