

REPORT SUMMARY

REFERENCE NO - 14/502009			
APPLICATION PROPOSAL Outline application for the erection of 40 dwellings and associated works with garages/carports, public open space, access road and pedestrian links with access to be considered at this stage and appearance, landscaping, layout and scale reserved for future consideration.			
ADDRESS Land south of Court Lodge Road, Harrietsham, Kent ME17 1AS			
RECOMMENDATION: Permission be refused			
SUMMARY OF REASONS FOR RECOMMENDATION These are set out in the conclusions section of the report			
REASON FOR REFERRAL TO COMMITTEE Contrary to adopted Maidstone Boroughwide Local Plan 2000 and emerging Maidstone Borough Local Plan but identified as possible housing site in the Harrietsham Neighbourhood Plan			
WARD	PARISH COUNCIL Harrietsham	APPLICANT Hillreed Homes AGENT Alister Hume	
DECISION DUE DATE 21/10/14	PUBLICITY EXPIRY DATE 19/9/14	OFFICER SITE VISIT DATE 4/6/2014 & 26/9/14	
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
MA/13/2124:	Outline application for 40 dwellings and associated works, etc.	Refused Appeal lodged	14/3/14 Withdrawn

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MAIN REPORT

DESCRIPTION OF SITE

1.1 The application site is a rectangular shaped piece of land currently in agricultural use. It is located to the north of the railway line beyond the defined village boundary of Harrietsham and is within an extensive area of open countryside which forms part of the North Downs Special Landscape Area, as designated by policy ENV34 of the Maidstone Borough-Wide Local Plan (2000). It is bounded on its western and northern sides by the Kent Downs Area of Outstanding Natural Beauty, and policy ENV33 refers.

1.2 Immediately to the south of the site is the Maidstone – Ashford railway line separated from the site by a mature tree belt. South of the railway line is the northern extent of the village boundary, to the west is agricultural land separated by a belt of semi-mature trees (3 in depth). To the east are the residential developments of Lake Cottage, Whistler Manor and Pilgrims Lakes, which are accessed from Church Road. The northern boundary of the site is defined by Court Lodge Road, an unadopted road with a small group of dwellings on its northern side.

1.3 The topography of the appeal site is undulating rising southwards from Court Lodge Road before falling gently towards the railway line (a drop of approximately 8m to its lowest point in the south east corner). North of Court Lodge Road the land rises steeply to the North Downs within the Kent Downs Area of Outstanding Natural Beauty to the Pilgrims Way and further north. To the south of the railway the land falls towards Harrietsham village.

1.4 There are a number of Public Rights of Way in the surrounding area which provide near and distant views of the application site. Footpath KH207A runs north-south along the western boundary of the site then west to the footbridge at Harrietsham station. A Public Bridleway runs along the unadopted Court Lodge Road along the northern boundary of the site. Footpath KH207 crosses the field to the north of Court Lodge Road and links to the North Downs Way (KH152) at Pilgrims Way, to the north of the site.

2.0 PROPOSAL

2.1 The application was submitted in outline for the erection of 40 dwellings and associated works with garages/carports, public open space, access road and pedestrian links with access to be considered at this stage and appearance, landscaping, layout and scale reserved for future consideration.

The indicative plans show the northern part of the site retained as open space with the proposed access road running through it to the residential development in the southern part of the site to the north of the railway.

2.2 The indicative layout shows a two ringed development inside and outside a looped access road. The indicated dwellings are a mix of detached and semi-detached dwellings with garaging and driveways.

2.3 When originally submitted the previous application made no provision for affordable housing and instead a commuted sum was offered. It was claimed that there were no providers interested in providing affordable housing on the site, but no supporting evidence was submitted. However, the applicant subsequently agreed to provide 40% affordable housing to comply with the Council's Affordable Housing DPD. This has been carried forward in the current application and forms part of a Draft S106 Agreement which was submitted in October 2014.

2.4 There was no indication of the level on the Code for Sustainable Homes that would be provided. However, this can be conditioned and is generally determined at design stage.

2.5 The current application relates to a similar scale and form of development and seeks to address the main objections to the application including the impact on the landscape and heritage assets, the deficiencies in the FRA, and lack of an appropriate legal agreement regarding the infrastructure contributions.

3.0 POLICY AND OTHER CONSIDERATIONS

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.

3.2 The application site is located outside the defined settlement boundary of Harrietsham, as defined in the Maidstone Boroughwide Local Plan, adopted in 2000. The adopted Local Plan confirms the location of the site in the countryside and the emerging Draft Local Plan does not propose to change the planning policy context. The appeal site is situated close to the built-up confines of the village, but is physically separated from the main built-up extent of the village by the railway line to the south and the ornamental gardens of Lake House to the east.

3.3 Representations have been received outlining that the application is in accordance with the emerging Harrietsham Neighbourhood Plan (NP). For this application site, the draft NP proposes residential development on the southern part of the site with the northern part allocated as open space. Whilst work on the NP is progressing, there are still key stages ahead including the Local Authority lead public consultation (on which discussions are currently being held), independent examination and referendum. The NP is a material consideration, however, at this stage, I do not consider it grounds in itself to allow planning permission.

3.4 The starting point for consideration is saved policy ENV28 of the adopted 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 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.”

The proposed development does not comply with any of the exceptions set out in Policy ENV28 and is therefore contrary to the development plan. The principle of the proposed development is therefore unacceptable.

3.5 It is necessary therefore to consider two main issues in relation to the current proposals. Firstly, whether there are any material considerations that would indicate that a decision which is not in accordance with the Development Plan, and secondly whether the development would cause unacceptable harm to the appearance and character of the surrounding area. These issues are discussed in more detail in the Appraisal - Section 6 below.

4.0 LOCAL REPRESENTATIONS

38 letters have been received from local residents objecting to the application for the following reasons:

- Many of the objections to the previous application apply to the current proposal.
- Additional vehicle movements in Court Lodge Road via Church Road and A20

- Present road system cannot be upgraded to accommodate additional traffic
- Unacceptable impact on AONB, SLA and setting of lake and listed buildings
- Significant harm to character and appearance of the landscape
- Contrary to Local Plan policies ENV33 and ENV34
- Opposition to allocation of this site in Neighbourhood Plan – claimed that it does not reflect the views of the community as a whole.
- Proposed east-west pedestrian access would be unsuitable and unsafe
- Loss of good quality agricultural land (Grade 2)
- Loss of amenities to surrounding properties – privacy, outlook, disturbance, etc.
- Increased risk of flooding due to additional surface water runoff from proposed development.

5.0 CONSULTATIONS

5.1 Parish Council:

Object on the following grounds:

'Harrietsham Parish Council wish to see the above application refused on the following grounds:

1. Housing

We would like to see a reference and commitment to an affordable dwellings element.

2. Highways

More detail is required on “passing points” on Court Lodge Road and we would wish to see more surveys conducted at the Church Road and A20 junction.

3. Impact on the adjacent Area of Outstanding Natural Beauty

Harrietsham Parish Council is concerned about possible impact and would expect to see evidence of improved mitigation.

4. Urban nature of the design

The site has the beauty spot / nature reserve of Pilgrims Lakes on one side and the AONB on two other sides. Any development here should be sympathetic to this and reflect the high quality picturesque rural environment.

5. Service Provision

Harrietsham is designated as a Rural Service Centre. The Parish Council therefore asserts that it must be a condition for any significant development within the village that provision is made to link all properties to a public foul sewer and to public surface water sewerage.

Currently as per the Site Utilities Appraisal Report, Southern Water confirms that the public infrastructure to allow this does not currently exist. The application is therefore premature.

Alternative local foul sewer management is we feel inappropriate for this site. Any proposed development of this scale should include a link to the public foul sewer.

We have concerns on the mitigation of excess water and its impact on the Pilgrim Lakes (a local nature reserve) or the exit stream that crosses the centre of the village at West Street and the allotments.

The Church Road foul sewer still requires emergency intervention by Southern Water periodically. We would certainly concur that it is already at its effective capacity. There are also long term issues in the Church Lane Area with surface water blockages. The stream to West Street requires constant attention to prevent it causing localised flooding.

Therefore Harrietsham Parish Council asserts alternative access to the public surface water sewage system should be provided.

6. Provision for Community Infrastructure
Should permission be granted then Harrietsham Parish Council would require the following contributions under section 106 agreements:-
 - a) The public space comprising of the 2.5 hectares at the Northern portion of the site should be transferred to the ownership of Harrietsham Parish Council.
 - a. A financial contribution to cover the conversion from agricultural land to community usage. The Parish Council would seek public consultation an appropriate usage.
 - b. A financial contribution towards the on-going maintenance of the community area.
 - b) A financial contribution towards the on-going maintenance of the adjacent Pilgrims Lake and nature reserve.
 - c) Contributions towards the highways improvement project planned for the A20 through the village, including the redesigning of the West Street junction by the village green.
 - d) Improvements to the rural footpath from the site to the station. After rain it is impassable without boots.
 - e) Contribution towards the provision of a disabled lift for the footbridge at Harrietsham Station.
 - f) Contributions towards improving the rural footpath that run or could be added at the boundaries to the site.
 - g) Contribution towards improvements to the Harrietsham Doctors Surgery in Church Road.
 - h) Contribution towards improvements to the Harrietsham Village Hall in Church Road.
 - i) Contribution towards the maintenance of the newly established nature reserve of Teers Meadow.
 - j) Contribution towards the provision of public recreational and sporting facilities in Harrietsham
 - k) Contribution towards the provision of youth facilities in Harrietsham

7. Archaeology

Local information on the prehistoric circular enclosure (4.4.5 of desk top study) from Kent Archaeological Field School presentations to Harrietsham History Society and Lenham Archaeological Society is likely to be of National significance. The Harrietsham Henge at 50m in diameter is larger than Stone Henge and in active use for festivals over a much longer period.

Preliminary dating, suggest it dates back to 2500BC and was in use for 2000 years so we would expect to see a planning condition in place allowing appropriate time to extract and document any site findings.

8. Footpaths Cycle ways

The provision of footpaths and cycle ways on and adjacent to the site requires further consultation

9. Application is premature and inconsistent with the process of the emerging Harrietsham Neighbourhood Plan currently deposited with Maidstone Borough Council Regulation 16 Consultations

The Community of Harrietsham has made considerable investment of time, money and resources into the Neighbourhood Planning process. This attempts to provide a total village view of proposed developments and community infrastructure and to integrate them. It is long term and covers the position out to 2031.

This application considers just a single site without a total reference to the infrastructure requirements that are integral to the Neighbourhood Planning Process. Harrietsham Parish Council therefore considers this application to be flawed and premature and that it may be seen to subvert the Neighbourhood Planning process for short-term developer gain.

Harrietsham Parish Council seeks support for the integrity of the Neighbourhood Plan. This should be allowed to complete its legal and democratic process as deposited with Maidstone Borough Council in its current standing for Regulation 16 Public Consultation prior to referendum. Therefore, we believe that Outline Planning Permission is inappropriate at this stage of the NHP process.'

5.2 Kent Downs AONB Unit

The AONB remain concerned about the following:

"Pressures on the adjoining AONB"

The KDAONB made a request for Conditions and Clauses in a Section 106 which would ensure the conservation and enhancement of the adjoining AONB through management and maintenance of a proportion of the neighbouring PRow network and their gates, stiles, surfaces and boundaries. This would need to be initially funded by a contribution from the developer but with a mechanism for funding this in perpetuity. (Due to the fact that the PRow are likely to be outside the control of the applicant and will need consultation and agreement with neighbouring owners, the work needed and mechanism for both the initial funding and work, and the contribution to funding in perpetuity would need to be agreed through legal agreement. The mechanisms for contributions to long term funding through service charges to a management body for the estate or through Parish Precept etc. also needs to be addressed legally.) This is required to ensure that increased usage of the PRow does not challenge the conservation of the AONB in both the short and the long term.

These requests have not been addressed in the Section 106 nor have they been addressed in Mr. Hume's latest email. No mention is made of the network accessing and within the AONB (which have connection with the North Downs LDR) or the increased usage of Bridleway KH289 (Court Lodge Road).

The future ownership of the area designated as POS

Despite Mr. Hume's assurances in his email the handing over of the area identified for POS to the Parish is not covered in the Section 106 and is vital to the amelioration of the impact on the AONB.

Green infrastructure THROUGH the site

Large trees within built development from the perspective of views over and across the site are vital to ameliorate the impact of built form. We raised these issues of green infrastructure in relation to design in our original comments on both this and the previous application. No street trees are indicated in this layout. There is no biodiversity connectivity either. (Trees in private gardens if conditioned can help but are not sufficient and often removed by owners.) Mr Hume has indicated that further discussion is needed to address these points. This is however a matter for the applicant's landscape design team and plans need to be drawn up for comment and as part of the outline application. Areas set aside within the development for GI will impact on the final design of the detailed application, as will any necessary SUDS. These are all needed at the Outline stage to determine the number of dwellings the area can support within the mitigation required.

Lighting

More information on the lighting of the development is required. The KDAONB have indicated that lighting of the development is unnecessary. A condition would be needed to ensure that the development is unlit in perpetuity, that neither street or private lighting is provided in the development. Conditions restricting any future private lighting should restrict it to low level, heat sensitive and located close to front doors only. Installation should be subject of the written approval of the LPA. Ideally the KDAONB would wish there to be a moratorium on all exterior lighting.

KCC have indicated that they do not wish KH207A to be lit and the KDAONB support this view. It will increase the suburbanisation of this area and increase light pollution. There would also be an issue of who would maintain the lighting. Poorly maintained lighting can be even more intrusive.

Court Lodge Farm Road

The details provided for the treatment of Court Lodge Farm Road do not reflect the KDAONB Streets and Lanes Guidance (which is adopted by KCC) the plans show that kerbing will be provided which will alter the character of this lane.

Unless these issues and the others raised in our original consultation responses can be addressed through either legal agreement or conditions the Kent Downs AONB Unit maintain objection to the application since it will:

- ☐ challenge the conservation and enhancement of the Kent Downs AONB in this vicinity through the loss of tranquillity
- ☐ challenge the quality of the views out from the AONB scarp
- ☐ challenge the conservation and enhancement of the landscape of the AONB through increased usage of the PRoW network and impact of trespass on the AONB
- ☐ challenge the character and quality of the Court Lodge Road/bridleway which is on the boundary of the AONB."

5.3 KCC Highways: comments dated 3/12/14:

"I have received further information from the applicant regarding the pedestrian connections between the site and the village. My previous concern was that the new homes, if permitted, must be linked to the railway station (and hence the centre of the village) and to the village hall/medical centre by routes that had a bound surface and would be lit. If these were not to be provided, I would consider that the existing pedestrian access would be inadequate.

The additional information supplied has identified discussions between the applicant and the KCC Public Rights of Way Team over the potential for enhancement..

My understanding is that the applicant now proposes :-

a)The applicant will apply for the route from the station to become part of a public bridleway. Thereby KCC would take over the maintenance of the surface, which would be bound and three metres wide where possible.. The route would be equipped with motion-sensitive bollard lighting- ie the lights would be activated by pedestrians passing rather than be permanently lit in order to minimise the impact on the woodland environment. KCC would not maintain this lighting, so that improvements and maintenance of the route would have to be secured by S106.

b)The remainder of PROW KH207A up to its junction with Court Lodge Road would also be made up to a bound surface of three metre width where possible, but not lit.

c) The Woodland Walk to Church Road would also be provided with a bound surface and bollard lighting. The applicant would ensure that this route would be maintained. I understand that this is acceptable to the Parish Council (who own this area, through which the permissive path passes).

d)Court Lodge Road itself would be remain generally at 4.1 metres width, with a passing bay provided to allow the large farm vehicles to pass other traffic. It would not be equipped with street lighting, and the kerbs would be replaced with timber sleepers.

Overall, I consider that the acceptability of the pedestrian routes is the key to the sustainability of the site in transport terms. The two routes identified, that to the railway station and through the Parish Council's Woodland Walk, would both make connections to destinations within the village, and so allow the opportunity to make local trips without using cars. Ideally, both routes would have a properly bound surface, be three metres wide where possible (to allow shared use with cyclists) , and be provided with street lighting in the form of conventional columns. This would provide the maximum level of convenience and security for pedestrians using what are currently isolated areas of woodland.

However, I recognise the environmental perspective that full standard footpaths, particularly the lighting associated with them, would have an impact on the environment and natural habitat of the woodlands. KCC does not normally light Public Rights of Way, and this site is particularly sensitive in AONB and landscape terms - although the construction of the 40 homes in itself would change the landscape irrevocably. My instinct is that the lower level of lighting - motion-sensitive bollards - would be reasonable for the Woodland Walk section to the village hall, provided that their maintenance could be guaranteed in perpetuity through condition or obligation. I consider that the route to the railway station, and subsequently to the village centre should be the subject of further consideration

In summary, I would not wish to maintain an objection to the development, but if Members are minded to permit the application, the standard of lighting the pedestrian route should be revisited. Low level motion-activated bollards would have an amenity value, but would be much more susceptible to vandalism, even with a planning obligation for long term maintenance in place.

5.4 KCC Economic Development:

“The County Council has assessed the implications of this proposal in terms of the delivery of its community services and is of the opinion that it will have an additional impact on the delivery of its services, which will require mitigation either through the direct provision of infrastructure or the payment of an appropriate financial contribution.

The Planning Act 2008 and the Community Infrastructure Levy Regulations 2010 (the CIL Regulations) (Regulation 122) require that requests for development contributions of various kinds must comply with three specific legal tests:

1. Necessary,
2. Related to the development, and
3. Reasonably related in scale and kind

These tests have been duly applied in the context of this planning application and give rise to the following specific requirements (the evidence supporting these requirements is set out in the attached Appendices).

Request Summary applicable House		Per	Total (x40)
Primary Education <i>(extension of Harrietsham Primary)</i>		£2360.96	£94,438.40
Secondary Education		No Current requirement	
Per Dwelling (x40)		Total	
Community Learning		£30.70	£1227.86
Youth Service		£8.44	£337.69
Libraries		£144.66	£5786.53
Adult Social Care		£63.56	£2542.40
<i>Highways Kent Highway services will respond separately</i>			

Please note that these figures are valid for 3 months from the date of this letter after which they may need to be recalculated due to changes in district council housing trajectories, on-going planning applications, changes in capacities and forecast rolls, and build costs.

Primary Education

The proposal gives rise to additional primary school pupils during occupation of this development. This need, cumulatively with other new developments in the vicinity, can only be met through the expansion of Harrietsham Primary School as the forecast primary pupil product in the locality results in the maximum capacity of local primary schools being exceeded.

This proposal has been assessed in accordance with the KCC Development Contributions Guide methodology of 'first come, first served' assessment; having regard to the indigenous pupils, overlain by the pupil generation impact of this and concurrent new residential developments on the locality.

The County Council requires a financial contribution towards extension of Harrietsham Primary school at £2360.96 per applicable house; 'applicable' means: all dwellings except 1 bed of less than 56sqm GIA, and sheltered accommodation.

Please note this process will be kept under review and may be subject to change (including possible locational change) as the Local Education Authority has to ensure provision of sufficient pupil spaces at an appropriate time and location to meet its statutory obligation

under the Education Act 1996 and as the Strategic Commissioner of Education provision in the County under the Education Act 2011.

KCC will commission additional pupil places required to mitigate the forecast impact of new residential development on local education infrastructure generally in accordance with its Commissioning Plan for Education Provision 2013-18 and Delivering Bold Steps for Kent - Education, Learning and Skills Vision and Priorities for Improvement, Dec 2013.

Community Learning

There is an assessed shortfall in provision for this service: the current adult participation in the District in both Centres and Outreach facilities is in excess of current service capacity, as shown in Appendix 2, along with cost of mitigation.

The County Council will mitigate this impact through the provision of new/expanded facilities and services both through dedicated Adult Education centres and through outreach Community learning facilities local to the development.

The projects will be delivered as the monies are received and to accord with the LPA's Infrastructure Delivery Plan (where applicable).

The County Council therefore requests £30.70 per household to address the direct impact of this development.

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Youth Services

The service caters for young people from 11 to 25 years though the prime focus is on hard to reach 13 to 19 year olds. The service is provided on a hub and spoke service delivery model. The hub offers the full range of services whilst spokes provide outreach provision. Outreach provision can take a number of forms, including detached youth workers, mobile services, affiliated voluntary and community groups etc.

Forecasts indicate that there is sufficient capacity within the Outreach service to accommodate the increased demand generated through the development, therefore KCC will only seek to provide increased centre based youth services in the local area.

The County Council therefore requests £8.44 per household.

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Libraries and Archives

There is an assessed shortfall in provision (Appendix 2) : overall borrower numbers in the local area are in excess of area service capacity, and bookstock for Maidstone Borough at 1339 per 1000 population is below the County average of 1349 and both the England and total UK figures of 1510 and 1605 respectively.

The County Council will mitigate this impact through the provision of additional bookstock and services at local Libraries serving the development (including mobiles) and will be delivered as and when the monies are received and will accord with the LPA's Infrastructure Delivery Plan (where applicable).

The County Council therefore requests £144.66 per household to address the direct impact of this development.

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Social Care

Facilities for Kent Family & Social Care (FSC) (older people, and also adults with Learning or Physical Disabilities) are fully allocated. The proposed development will result in a demand upon social services which FSC are under a statutory obligation to meet but will have no capacity or additional funding to do so. The proportionate cost of providing additional services for this proposed development is set out in Appendix 3.

The County Council will mitigate this impact through the provision of new/expanded facilities and services both on site and local to the development.

The mitigation will comprise the following projects:

Project 1: Building Community Capacity: Capital improvement works enhancing/adapting existing community facilities to enable the additional social care clients arising (Older Persons, and also clients with Physical Disabilities and Learning Difficulties) to participate in community life, (activities and groups), and remain active.

Project 2: Assistive Technology (also referred to as Telecare): installation of technology items in homes on this development (including: pendants, fall sensors, alarms, etc.) to enable existing & future clients to live as independently and secure as possible in their own homes on this site.

These projects will be delivered once the moneys are collected except where the implementation of the proposed project(s) relies upon pooled funds, then the project will commence as soon as practicable once the funding target has been reached.

The County Council therefore requests £63.56 per household.

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Superfast Fibre Optic Broadband

To provide: 'fibre to the premise' (Superfast fibre optic broadband) to all buildings (residential, commercial, community etc) of adequate capacity (internal min speed of 100mb to each building) for current and future use of the buildings.

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Implementation

The County Council is of the view that the above contributions comply with the provisions of regulation 122 of the CIL Regulations and are necessary to mitigate the impacts of the proposal on the provision of those services for which the County Council has a statutory obligation. Accordingly, it is requested that the Local Planning Authority seek a Section 106 obligation with the developer/interested parties prior to the grant of planning permission. The obligation should also include provision for the reimbursement of the County Council's legal costs, surveyors' fees and expenses incurred in completing the Agreement.

Would you please confirm when this application will be considered and provide us with a draft copy of the Committee report prior to it being made publicly available. If you do not consider the contributions requested to be fair, reasonable and compliant with CIL Regulations, Regulation 122, it is requested that you notify us immediately and allow us at least 10 working days to provide such additional supplementary information as may be necessary to assist your decision making process in advance of the Committee report being prepared and the application being determined.

5.5 Environment Agency:

"We have no objection to the proposal based on the drainage strategy described in section 7.4 of the Flood Risk Assessment issue 3 prepared by Herrington Consulting, dated 16 June 2014.

We do however recommend the following as a condition of planning:

Condition: Development shall not begin until a sustainable surface water drainage

scheme for the site has been submitted to and approved in writing by the local planning authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 100yr critical storm (including an allowance for climate change) will not exceed the run-off from the undeveloped site following the corresponding rainfall event, and so not increase the risk of flooding both on- or off-site. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

Reason: To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

We strongly recommend this condition be considered prior to or in conjunction with, approval of road and housing layout to ensure the optimum space can be allocated for storage and conveyance of storm runoff using sustainable drainage techniques.”

6 APPRAISAL

The main planning issues are considered to be whether the proposed development is acceptable in planning policy terms, its visual impact, whether the site can suitably accommodate 40 houses, the heritage impact, access/highway safety, ecology, and drainage.

6.1 Policy Considerations

6.1.1 It is necessary to consider two main issues in relation to the current application. Firstly, whether there are any material considerations that would support a decision which is not in accordance with the Development Plan, and secondly whether the development would cause unacceptable harm to the appearance and character of the surrounding area.

6.1.2 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;’

6.1.3 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 that 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 focused update, dated August 2014, is a refined objectively assessed need figure of 18,600 dwellings. This revised figure was agreed by Cabinet in September 2014.

6.1.4 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. 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 five year target.

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 focused update, dated August 2014, is a refined objectively assessed need figure of 18,600 dwellings. This revised figure was agreed by Cabinet in September 2014.

6.1.5 In April 2013 the Council had a 2 year supply of housing assessed against the objectively assessed housing need of 18,600 dwellings, which is the figure against which the supply must be assessed. Taking into account housing permissions granted since that date, this position is unlikely to have changed significantly and remains below the 5 year target.

6.1.6 The lack of a five year supply is a significant factor and at paragraph 49 of the NPPF it is stated 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 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.”

6.1.7 In terms of the location of the site, the NPPF advises 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. Harrietsham is a defined rural service centre (RSC), which outside of the town centre and urban areas, are considered the most sustainable settlements in Maidstone's settlement hierarchy in the draft Local Plan.

6.1.8 The draft Maidstone Local Plan states that,

“Rural service centres play a key part in the economic and social fabric of the borough and contribute towards its character and built form. They act as a focal point for trade and services by providing a concentration of public transport networks, employment opportunities and community facilities that minimise car journeys.”

Harrietsham offers a range of facilities and services including a shop, pubs, primary school, doctor's surgery and railway station and a sizeable level of employment.

6.1.9 In the light of the situation regarding the five year housing supply, it is acknowledged that bringing forward development on this site adjacent to a rural service centre would assist in meeting the shortfall in housing supply which is a material consideration in favour of the proposed development.

6.1.10 For the above reasons, although the policy principle of residential development may be acceptable in the context of Policy ENV28 alone should not be used as a principle objection to this residential development. 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 policies of the NPPF as a whole.

6.2 Visual and Landscape Impact

6.2.1 The location of the site on the edge of the village within the North Downs SLA and adjoining the Kent Downs Area of Outstanding Natural Beauty are material considerations of significant weight. The AONB is a national designation and recognises the value of the North Downs as landscape of national importance. Although the site adjoins the AONB boundary there is no discernible difference in character and appearance between the open countryside to the west of the application site which is within the AONB and the site itself, other than its

more open character and the lack of trees and hedges. The application site forms part of this wider tract of open countryside and is considered to be of equal landscape value.

6.2.2 The site is within the North Downs Special Landscape Area. Within the context of saved policy ENV34 of the adopted Maidstone Borough-Wide Local Plan (2000) priority is given to the landscape over other planning considerations.

6.2.3 There are many public vantage points from which the site can be seen in particular from the footpath that runs along the western boundary of the site and from Court Lodge Road itself. These are generally short range views and there would be a considerable change in the character of the site that would be visually harmful. Short range views are to be expected when developing a greenfield site for housing and in certain circumstances may generally be considered acceptable.

6.2.4 However, due the characteristics of the surrounding countryside, particularly to the north and west, the site is visible from longer distances. There are a number of vantage points in the surrounding area which offer views of the site, particularly from the footpath to the west, from Court Lodge Road and from the North Downs Way.

6.2.5 The site is clearly visible from footpath KH207 which is within the Kent Downs AONB, which is approximately 25m higher than the appeal site. The path is approximately 400m from the northern boundary of the site and approximately 600m from the edge of the indicated position of the proposed housing.

6.2.6 In addition, there are views of the site from the Pilgrims Way to the north which forms part of the North Downs Way, a long distance footpath designated as a National Trail which runs the entire length of the North Downs from Winchester to Dover. There is general concern that views of the development from the surrounding footpath network, including from within the AONB, would materially change the rural character and appearance of the area.

6.2.7 There are other public footpaths in the vicinity of the site which also provide views of the site. The footpath which runs along the western boundary of the site from Court Lodge Road to the station is only 10m from the site boundary. The belt of trees along the western boundary is relatively immature and offers frequent views of the site, particularly during the winter when the trees are not in leaf.

6.2.8 The future change is even more marked as Harrietsham village itself is not visible from these vantage points. The group of trees between the site and the railway line provides some degree of screening but the commercial buildings immediately to the south of the railway line are visible from the North Downs. However, this screening combined with the fact that the development within the village is approximately 10m lower than the site, means that most of the built up area of the village is not visible when viewed from within the AONB. Due to the presence of the railway and the mature woodland to the east the proposed development would be physically separate and appear somewhat disjointed from the existing built up area of Harrietsham.

6.2.9 The Landscape Character Assessment (LCA) identifies this area as being in good condition with high sensitivity. The development of this site would not conform with the guidance contained in the LCA as confirmed by the Council's Landscape Officer.

6.2.10 Overall, it is concluded that the development of this site would result in material harm to the intrinsic beauty of the surrounding landscape and would fail to comply with the landscape designation policies of the Maidstone Borough-Wide Local Plan (2000). The local and national importance of the landscape and the extensive network of local footpaths within

the Kent Downs Area of Outstanding Natural Beauty which afford views of the site indicate that the proposed development of this site would have an unacceptable visual impact.

6.3. Impact on Heritage Assets

6.3.1 To the west of the site is an ornamental lake and two listed buildings, Lake Cottage (Grade II) and the former boathouse/ gazebo (Grade II*). The two listed buildings lie within extensive grounds which were formerly associated with Stede Hill. The ornamental lakes and grounds are of at least 18th century origin, although the lakes may have been constructed as medieval fishponds. The proposed development would be in close proximity to the eastern boundary and within approx. 60m of Lake Cottage and the boathouse/gazebo. Notwithstanding the presence of a mature tree screen within the curtilage of the listed buildings it is considered that their proximity to the proposed development would adversely affect their setting, as confirmed by the Conservation Officer.

6.3.2 The Conservation Officer considers that the development would have an adverse impact on the setting of the listed buildings:

"I initially objected to the inclusion of this site as a potential housing site under the SHLAA exercise, when I pointed out that development was likely to impinge on the secluded settings of two listed buildings, Lake Cottage and the Grade II boathouse/ gazebo. These are set within ornamental grounds with lakes which were formerly associated with Stede Court which lies some distance away on the top of the North Downs escarpment. These ornamental grounds date from at least the early 18th century, but it is possible that they may have been created around pre-existing fishponds or millponds.*

Hasted, writing in the 1790s, in his History and Topographical Survey of the County of Kent, notes in his introductory paragraph to Harrietsham that:

"On the summit of the hill here called Stede Hill, is Harrietsham Place, having a beautiful and extensive prospect over the country southward. At a small distance below the foot of the hill stands the church, with the parsonage close to it, and about a quarter of a mile further ...is Harrietsham Street, near which there is a pleasure ground, belonging to Harrietsham Place, in which there is a summer house, shrubbery and plantation, with a large sheet of water and several cascades..."

The summer house mentioned is presumably the Grade II boathouse/ gazebo. Harrietsham Place was later renamed Stede Court.*

In my view these former pleasure grounds should be considered as a non-designated heritage asset. They are important both in their own right and for their essential contribution to the character of the setting of the two listed buildings. The whole complex derives much of its essential character from its quiet and secluded nature, despite the slight erosion of the pleasure grounds by the development of Pilgrims Lakes in the early 1990s – development of this site had been previously resisted but permission was granted in 1989 for a smaller development on the back of a Legal Agreement which secured the restoration of the derelict boathouse/ gazebo and the transfer of the southern part of the site into the ownership of the Parish Council for public open space purposes. An earlier housing development (Lakelands) which borders the ornamental grounds to the south had already been developed in the mid-1960s.

Although these developments have somewhat eroded the original entirely rural setting of the pleasure grounds, this setting remains intact to the west of them. This is the site it is now proposed to develop.

Development of the site would inevitably have some impact on the setting of the heritage assets by reason of the loss of rural context. However, I accept that the level of harm would be relatively slight, particularly given the dense screening which exists on the boundary between the two sites and the inclusion of a substantial area of public open space at the north end of the application site. The illustrative layout has also been amended to ameliorate any possible visual intrusion caused by the new housing when viewed from the current public open space around the lakes. Development would, however, result in a level of noise and activity which could impinge upon the quiet enjoyment of this public open space.

In conclusion, therefore, I consider that the proposal has the potential to cause some limited degree of harm to the significance of adjacent heritage assets; this would be less than substantial and therefore needs to be balanced against any public benefit which the proposed development might provide.

Recommendation:

- **I OBJECT to this application on heritage grounds for reasons as detailed above.”**

6.3.4 Since the previous application was refused the applicant has made efforts to reduce the impact of the proposed development on the setting of the heritage assets to the east as part of the current application by proposing additional planting to reinforce the landscape screening along the eastern boundary and to the north of the development adjacent to the open space. Although this would assist in mitigating the visual impact viewed from the surrounding countryside it would not be sufficient to effectively screen the development from Court Lodge Road and the network of footpaths to the north and west.

6.3.5 Further planting is proposed in an effort to mitigate the impact on the setting of the listed buildings to the east. Although the additional planting would strengthen the existing vegetation screen along the eastern boundary the physical separation distance between the proposed residential development and the heritage assets would be the same. It is concluded that the screening effect would not be insufficient unless the development was moved further away from the eastern boundary.

6.4 Highways and Sustainability

6.4.1 The proposal would involve a new access being created from Court Lodge Road into the development. The existing frontage is open in character with very little natural screening and affording extensive views into the site. The proposed access would increase this openness and cause some visual harm which would exacerbate the harm identified above being further engineering works across the northern part of the application site. However, purely from a highway safety aspect there would be no issues with the design and layout of the proposed access.

6.4.2 Court Lodge Road is a straight stretch of road that would be upgraded as part of the proposed development to an adoptable standard. The visibility and use of road with farm traffic would be acceptable.

6.5.3 The site is close to the railway station at Harrietsham and there is an existing footpath linking the station to the footpath adjacent to the western boundary of the site. However, this footpath does not at present provide an attractive route as it is dark, poorly surfaced and liable to flooding. Improvements are proposed to these pedestrian links, including resurfacing and lighting of the section between the application site to the station to increase their attractiveness as alternatives to driving. However, there are no firm details at this stage and

there are concerns that any improvements to the lighting of the footpath or alterations to the surfacing could cause additional harm to the character and appearance of the area.

6.5 Ecology

6.5.1 A phase one habitat survey has been undertaken and this identified the requirement for further reptile and bat surveys which have also been undertaken. All surveys undertaken are to an acceptable standard and the Council's ecological advisors at Kent County Council raise no objections on ecological grounds.

6.5.2 In the event of an approval conditions are recommended in relation to ecological mitigation method statement, sensitive lighting strategy and ecological design.

6.6 Flood Risk

6.6.1 In relation to flooding a Flood Risk Assessment (FRA) was submitted in support of the application. However, following consultation the Environment Agency recommended refusal of the application. There was concern that the FRA submitted with the application did not comply with the requirements set out in paragraph 9 of the Technical Guide to the National Planning Policy Framework.

6.6.2 The FRA submitted with the first application did not provide a suitable basis for assessment to be made of the flood risks arising from the proposed development and this formed the basis of the third reason for refusal.

In particular, the submitted FRA failed to:

- 1. Consider how appropriate SuDS can be integrated within the proposals in the event that soakage potential within the site is inadequate*
- 2. Provide evidence that soakage rates are suitable for the implementation of a SuDs strategy reliant on the infiltration capacity given that there are no other viable discharge points for site run-off.*
- 3. Following confirmation on soakage rates consider the need for making space available within the masterplan for other forms of SuDs features within the site*
- 4. Consider overland flow routes from rural land to the north of the site, and where appropriate, integrate interception cut-off ditches along the relevant site boundaries.*

This deficiency has been addressed in the current application and the EA have confirmed they have no objections subject to a safeguarding condition that Development shall not begin until a sustainable surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority.

6.6.3 Southern Water stated that there is currently inadequate capacity in the local network to provide foul sewage to service the proposed development. Additional off site sewers or improvements to existing sewers are required to provide adequate capacity. As a solution, Southern Water seek a legal mechanism under the Water Industry Act 1991 to ensure adequate provision for sewage disposal for the proposed development.

7. Draft S106 Agreement

7.1 A development of this scale would place extra demands on local services and facilities and it is important to ensure that, if permitted, the development can be assimilated within the local community. As such, suitable infrastructure contributions to make the development

acceptable in planning terms may be sought in line with policy CF1 of the Local Plan and the Council's Open Space DPD.

7.2 However, any request for contributions needs to be scrutinised, in accordance with Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010. This has strict criteria that any obligation must meet the following requirements: -

- (a) necessary to make the development acceptable in planning terms;*
- (b) directly related to the development; and*
- (c) fairly and reasonably related in scale and kind to the development*

7.3 No draft legal agreement was submitted with the previous application and this formed the basis of the final reason for refusal. A draft S106 Agreement was submitted in October 2014 in support of the current application. The following provisions and contributions have been requested by KCC as a result of additional demand from the development:-

Heads of Terms

- 40% affordable housing.
- £45,540 towards extension, refurbishment and/or upgrade in order to provide the required capacity at the Glebe practice and/or the Len Valley Medical Centre.
- £2360.96 per dwelling towards the expansion of Harrietsham Primary school, a total of £94,438.40.
- £30.70 per dwelling towards community learning through the provision and improvements to adult education centres. A total of £1227.87.
- There is adequate provision of Outreach facilities so a contribution of £8.44 per dwelling towards increased centre based youth facilities.
- £122.01 per dwelling towards additional bookstock and services at local libraries. A total of £4880.47.
- £15.95 per dwelling towards social care for an assistive technology project and the enhancement of local community facilities. A total of £638.
- There should be the provision of broadband facilities to each dwelling.

7.4 Affordable Housing It is considered that the requested affordable housing provision and contributions are appropriate in this case - The provision of affordable housing would be in accordance with the Council's adopted DPD requiring 40% affordable housing. The first application as originally submitted did not include any affordable housing but negotiations subsequently secured the required 40% affordable housing and this has been confirmed in the current application. No details of the affordable housing including design, location, layout, etc. have been provided at this stage and will be dealt with as reserved matters.

7.5 Open Space - With regard to public open space and the Council's adopted DPD, the northern part of the site is shown on the indicative plan as being set aside for open space following discussions between the applicant and the Parish Council. Further details would be required at the reserved matters stage to show how the open space will be laid out and managed.

7.6 Healthcare - The contributions are sought in order to deliver the extension, refurbishment and/or upgrade in order to provide the required capacity at the Glebe practice and/or the Len Valley Medical Centre. It is considered that this is directly related to the proposed new housing, necessary and reasonable and therefore accords with policy CF1 and passes the CIL tests.

7.7 Education. KCC has requested a contribution towards extension of Harrietsham Primary school. Evidence has been submitted that the schools in the vicinity are nearing capacity and that the projections over the next few years, taking into account this development and those permitted, show that capacity would be exceeded. The requested contribution for school expansion complies with policy CF1 of the Maidstone Borough-Wide Local Plan (2000) and the three tests above.

7.8 Community Facilities A community learning contribution is sought towards new/expanded facilities and services for adult education centres and outreach community learning facilities. This complies with policy CF1 and the three tests as set out above.

7.9 Youth Services - A contribution towards local youth services is sought as the current youth participation is in excess of current service capacity. I consider that this request is justified, compliant with policy CF1 and the three tests as set out above.

7.10 Libraries - KCC have identified that there would be an additional requirement for bookstock at local libraries on the basis that the development would result in additional active borrowers and therefore seek a contribution. I consider this request to be compliant with policy CF1 and to meet the tests set out above.

7.11 Social services - A contribution towards adult social services to be used towards provision of 'Telecare' and enhancement of local community facilities to ensure full DDA compliant access to clients. 'Telecare' provides electronic and other resources to aid independence including falls, flooding or wandering alarms, secure key boxes and lifeline. I consider that this request is justified, compliant with policy CF1 and meets the three tests as set out above.

8 CONCLUSION.

8.1 The site is situated to the north-west of the present built up extent of Harrietsham village, which has a range of facilities. However, the site is located beyond the confines of the village and within the countryside where applications for residential development are generally resisted. It is accepted that the current lack of a five year land supply for housing weighs in favour of releasing this site for development. However this issue is currently being addressed in the preparation of the Regulation 18 Maidstone Local Plan.

8.2 The site is bounded on two sides by the Kent Downs Area of Outstanding Natural Beauty and is within the North Downs Special Landscape Area. The development of this site would not assimilate into the village as the railway line to the south and mature tree belt to the east act as a significant visual break to such an extent that the views from footpaths to the north would see this site in isolation and not in the context of the village. The land to the north and east is significantly more open in character and appearance and affords view of the site from many public vantage points.

8.3 The development of this site would be harmful to the heritage assets to the east, including the Grade II* listed boathouse and Lake Cottage. The listed buildings are situated within attractive ornamental grounds laid out with ponds which were formerly associated with Stede Hill to the north. These ponds and grounds date from the 18th century but may have originated as medieval fishponds. Development of this site would adversely affect the secluded setting of these listed buildings and the ornamental grounds.

8.4 There are a number of requests that have been made as a result of consultations and in accordance with policy CF1 of the Maidstone Borough-Wide Local Plan (2000) and the Council's DPD on affordable housing. The proposed affordable housing provision and

various community contributions are considered to be appropriate and form part of the submitted Section 106 legal agreement.

8.5 Overall, whilst the lack of a five year supply of housing is a material consideration it is considered that the impact on the landscape and heritage assets are material considerations of greater weight to the extent that permission should be refused.

Recommendation

Permission be refused for the following reasons:

1. The development of this prominent greenfield site which lies outside the built up extent of Harrietsham would result in significant harm to the character, appearance and landscape beauty of the surrounding area which is designated as being within the North Downs Special Landscape Area and adjoining the Kent Downs Area of Outstanding Natural Beauty, from which distant and local views of the site are available, contrary to policies ENV33 and ENV34 of the Maidstone Borough-Wide Local Plan (2000) and paragraph 109 of the National Planning Policy Framework.

2. The development would materially harm the secluded setting of two listed buildings, the former boathouse/gazebo (Grade II*) and Lake Cottage, and adversely affect the tranquil setting of their ornamental grounds contrary to paragraph 132 of the National Planning Policy Framework.

Note:

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

Case Officer : Tim Bloomfield

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.

