

AGENDA

PLANNING COMMITTEE MEETING



Date: Thursday 25 August 2016
Time: 6.00 pm
Venue: Town Hall, High Street
Maidstone

Membership:

Councillors Boughton, Clark, Cox, English,
Harwood, Hastie, Hemsley, Munford,
Perry (Chairman), Powell,
Prendergast, Round and Mrs Stockell

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1. Apologies for Absence
2. Notification of Substitute Members
3. Notification of Visiting Members
4. Items withdrawn from the Agenda
5. Date of Adjourned Meeting - 1 September 2016

Continued Over/:

Issued on Wednesday 17 August 2016

The reports included in Part I of this agenda can be made available in **alternative formats**. For further information about this service, or to arrange for special facilities to be provided at the meeting, **please contact Debbie Snook on 01622 602030**. To find out more about the work of the Committee, please visit www.maidstone.gov.uk

**Alison Broom, Chief Executive, Maidstone Borough Council,
Maidstone House, King Street, Maidstone Kent ME15 6JQ**

6. Any business the Chairman regards as urgent including the urgent update report as it relates to matters to be considered at the meeting
7. Disclosures by Members and Officers
8. Disclosures of lobbying
9. To consider whether any items should be taken in private because of the possible disclosure of exempt information.
10. Minutes of the meeting held on 4 August 2016 1 - 8
11. Presentation of Petitions (if any)
12. Deferred Items 9
13. 16/501604 - 3 - 5 Brewer Street And St Francis Church School, Maidstone, Kent, ME14 1RU 10 - 27
14. 15/503232 - 21 Eyhorne Street, Hollingbourne, Kent, ME17 1TR 28 - 35
15. 16/503775 - Land At Bicknor Farm, Sutton Road, Langley 36 - 86
16. 15/506851 - 2 Coldharbour Cottages, Coldharbour Road, Lenham 87 - 96
17. S106 Contributions 97 - 108
18. Appeal Decisions 109 - 112
19. Chairman's Announcements

PLEASE NOTE

The order in which items are taken at the meeting may be subject to change.

The public proceedings of the meeting will be broadcast live and recorded for playback on the Maidstone Borough Council website.

BACKGROUND DOCUMENTS: The background documents for the items on the agenda are to be found on the respective planning files for each application and on the files for those applications referred to in the history section of each report. Background documents are available for inspection during normal office hours at the Maidstone Borough Council Gateway Reception, King Street, Maidstone, Kent ME15 6JQ.

MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON 4 AUGUST 2016

Present: Councillor Perry (Chairman) and Councillors Boughton, M Burton, Clark, English, Fermor, Harwood, Hastie, Hemsley, Munford, Powell, Round and Mrs Stockell

Also Present: Councillors McLoughlin and Webb

95. **APOLOGIES FOR ABSENCE**

It was noted that apologies for absence had been received from Councillors Cox and Prendergast.

96. **NOTIFICATION OF SUBSTITUTE MEMBERS**

The following Substitute Members were noted:

Councillor M Burton for Councillor Prendergast
Councillor Fermor for Councillor Cox

97. **NOTIFICATION OF VISITING MEMBERS**

Councillor McLoughlin indicated his wish to speak on the report of the Head of Planning and Development relating to application 16/501263.

Councillor Webb indicated his wish to speak on the report of the Head of Planning and Development relating to application 13/1607 in his capacity as both Ward Member and Member/representative of Coxheath Parish Council.

98. **ITEMS WITHDRAWN FROM THE AGENDA**

There were none.

99. **URGENT ITEMS**

The Chairman said that, in his opinion, the update reports of the Head of Planning and Development should be taken as urgent items as they contained further information relating to applications to be considered at the meeting.

100. **DISCLOSURES BY MEMBERS AND OFFICERS**

There were no disclosures by Members or Officers.

101. EXEMPT ITEMS

RESOLVED: That the items on the agenda be taken in public as proposed.

102. MINUTES OF THE MEETING HELD ON 14 JULY 2016

RESOLVED: That the Minutes of the meeting held on 14 July 2016 be approved as a correct record and signed.

103. PRESENTATION OF PETITIONS

There were no petitions.

104. DEFERRED ITEMS

14/504109 - ADVERTISEMENT CONSENT FOR THE INSTALLATION OF 2 NO. NON-ILLUMINATED METAL POLE MOUNTED SIGNS (RETROSPECTIVE APPLICATION) - HUNTON C OF E PRIMARY SCHOOL, BISHOPS LANE, HUNTON, KENT

15/503223 - PART RETROSPECTIVE - CHANGE OF USE AND REBUILDING OF FORMER CATTLE SHED TO PROVIDE TOURIST ACCOMMODATION - BLETCHENDEN MANOR FARM, BLETCHENDEN ROAD, HEADCORN, KENT

The Development Manager advised Members that, with regard to application 14/504109, alternative locations for the signage were awaited. Further details were also awaited in respect of application 15/503223. In response to questions by Members about timescales, the Development Manager said that he would emphasise to the respective Case Officers the need to expedite the reporting back of these applications to the Committee.

105. 15/510179 - OUTLINE APPLICATION (ALL MATTERS RESERVED) FOR REDEVELOPMENT WITH UP TO 65 DWELLINGS AND ASSOCIATED VEHICULAR AND PEDESTRIAN ACCESS, CAR AND CYCLE PARKING, STREET AND EXTERNAL LIGHTING, MAIN SERVICES, BIN STORES AND OTHER ANCILLARY DEVELOPMENT - 5 TONBRIDGE ROAD, MAIDSTONE, KENT

Councillors Boughton and English stated that they had been lobbied.

The Committee considered the report and the urgent update reports of the Head of Planning and Development.

The Principal Planning Officer advised the Committee that, having regard to advice received from the Head of Legal Partnership, it was suggested that reference to the setting up of a management company to deal with parking enforcement and upkeep of any common areas within the site be removed from the Heads of Terms of the proposed S106 legal agreement and that the issue be dealt with by the imposition of the following condition to replace original condition 19:

Prior to the first occupation, a plan for the management of the communal areas of the site and estate roads shall be submitted for approval by the Local Planning Authority. Such a plan should include the following:

The areas within the scope of the management plan and the maintenance requirements of these;

Method and works schedule for maintaining communal areas and estate roads;

Details of the parking control measures to be implemented within estate and access roads;

Details on the enforcement of parking control measures;

The setting up of an appropriate management body;

The legal and funding mechanism(s) by which the long term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery; and

Ongoing monitoring of implementation of the plan.

The approved plan will be implemented in full accordance with the approved details and retained in operation thereafter.

Reason: To ensure the amenity of residents and the character and appearance of the development.

Mr Thurlow addressed the meeting on behalf of the applicant.

RESOLVED:

1. That subject to the prior completion of a S106 legal agreement in such terms as the Head of Legal Partnership may advise to secure the following:
 - A financial contribution of £2,360.96 per applicable house and £590.24 per applicable flat towards an extension to South Borough Primary School to allow permanent expansion to 2 Form Entry;
 - A financial contribution of £2,359.80 per applicable house and £589.95 per applicable flat towards the first phase of expansion of Maplesden Noakes School;
 - A financial contribution of £48.02 per dwelling towards additional book stock required to mitigate the impact of the new borrowers from this development;
 - A financial contribution of £30.70 towards community learning facilities; specifically towards portable equipment for the new adult learners in Maidstone;
 - A financial contribution of £8.49 per dwelling towards additional equipment to be supplied to InfoZone Youth Centre for the new attendees;

- A financial contribution of £55,296.00 to deliver investment in The Vine Practice, Lockmeadow Clinic or The College Practice; and
- A financial contribution of £1,575.00 per dwelling towards the resurfacing of the MUGA (Multi-Use Games Area), tennis courts and pathways within Clare Park as well as improvements to the bowls green, general maintenance, improvements and refurbishments of existing equipment of sports, play and ancillary items of Cornwallis Park or the improvement of paths, signage, shrub planting, tree improvement works, bins, benches and encouragement of access to the River Medway Area within the Maidstone Town Centre,

the Head of Planning and Development be given delegated powers to grant outline permission subject to the conditions and informatives set out in the report, as amended by the urgent update reports and by the Principal Planning Officer at the meeting (including the deletion of condition 15), and the additional conditions and informatives set out in the urgent update reports, with an additional condition and additional informatives as follows:

Additional Condition

The details submitted pursuant to condition 1 shall show all buildings to have a minimum set back of 7m from the front (northern) boundary of the site.

Reason: To ensure a satisfactory appearance to the development in its context.

Additional Informatives

The reserved matters application will be reported to the Planning Committee to consider the details of access, layout, scale, landscaping and appearance, as Members of the Planning Committee consider this to be a key site due to its prominent location adjacent to the railway station. In particular, Members of the Planning Committee want to address the set back of the development from Tonbridge Road and the elevational treatments to be used in the buildings.

When submitting the reserved matters application, the applicant is strongly encouraged to implement a staggered approach to the building line proposed along the front (northern) boundary of the site.

The applicant is advised that the Members of the Planning Committee wish to see high quality elevational materials used within the scheme such as panelling and tinted glass rather than render.

2. That the Head of Planning and Development be given delegated powers to agree conditions as necessary to facilitate a phased approach to the development.

Voting: 10 – For 0 – Against 3 – Abstentions

106. 16/504639 - TWO BEDROOM DWELLING - 529 TONBRIDGE ROAD, MAIDSTONE, KENT

Councillors Boughton and English stated that they had been lobbied.

The Committee considered the report and the urgent update report of the Head of Planning and Development.

RESOLVED: That subject to no representations raising new material issues being received in response to the re-notification exercise, the Head of Planning and Development be given delegated powers to grant permission subject to the conditions set out in the report.

Voting: 13 – For 0 – Against 0 – Abstentions

107. 16/501263 - ERECTION OF 25 DWELLINGS WITH ASSOCIATED GARAGES, CAR BARN AND PARKING SPACES, LANDSCAPING, TREE PLANTING AND NEW POND, INCLUSIVE OF AMENITY AREA FOR NATURE CONSERVATION AND NEW SHARED SURFACE ACCESS ROAD OFF CLAYGATE ROAD - BENTLETT'S SCRAP YARD, CLAYGATE ROAD, YALDING, KENT

Councillor Round stated that he had been lobbied.

The Committee considered the report and the urgent update reports of the Head of Planning and Development.

Mr Norton, for the applicant, and Councillor McLoughlin (Visiting Member) addressed the meeting.

RESOLVED: That subject to the prior completion of a S106 legal agreement in such terms as the Head of Legal Partnership may advise to secure the following:

- A financial contribution of £59,024.00 towards the enhancement of St Margaret's Primary School, Collier Street;
- A financial contribution of £29,232.00 to be invested in improvements within primary care by way of extension, refurbishment and/or upgrade in order to provide the required capacity at Yalding Surgery and The Pond Surgery; and
- A financial contribution of £61,744.00 towards off-site affordable housing in the Borough,

the Head of Planning and Development be given delegated powers to grant permission subject to the conditions and informative set out in the report.

Voting: 13 – For 0 – Against 0 – Abstentions

108. 13/1607 - CHANGE OF USE OF LAND FROM AGRICULTURE (ORCHARD AND OPEN GRASSLAND) TO TOURISM USE FOR CAMPING AND CARAVANNING WITH ASSOCIATED UTILITY BLOCK AND OFFICE/STORE - FORSTAL FARM, STOCKETT LANE, COXHEATH, MAIDSTONE, KENT

All Members stated that they had been lobbied.

Councillor Mrs Stockell stated that she was the County Councillor for Coxheath.

The Committee considered the report and the urgent update reports of the Head of Planning and Development.

Councillor Webb (Visiting Member) addressed the meeting in his capacity as both Ward Member (representing the parishes of Coxheath and East Farleigh which had made representations on the application) and Member/representative of Coxheath Parish Council (against).

RESOLVED: That permission be granted subject to the conditions and informatives set out in the report, as amended by the urgent update reports, with the amendment of conditions 13 and 20 and an additional condition as follows:

Condition 13 (amended)

No development shall take place until full details of a landscaping and planting scheme **comprising native and near native cultivars** for all internal planting (excluding boundary planting) has been submitted to and approved in writing by the Local Planning Authority and these works shall be carried out as approved before the commencement of the use or the occupation of any building hereby approved, unless otherwise agreed in writing by the Local Planning Authority. The details shall include on a plan, full details of the size, species, spacing, quantities and location of proposed plants, together with any hard surfacing, means of enclosure, and indications of all existing trees, hedges and any other features to be retained, and measures for their protection during the course of development. Any plants found to be dead, diseased or dying within a five year period following completion of the planting scheme shall be replaced with plants of an identical size and species.

Reason: To ensure a satisfactory appearance to the development.

Condition 20 (amended)

Prior to first use of the site approved by this permission, the 2 passing bays shown on drawing 1117.02 Rev C alongside the carriageway on

Forstal Lane shall be completed, surfaced, drained and adopted in accordance with a scheme secured through a S278 agreement with the Highways Authority.

Reason: In the interests of highway safety.

Additional Condition

The development shall not commence until details of biodiversity enhancements that shall include bat tubes within the utility building hereby approved have been submitted to and approved in writing by the Local Planning Authority. The development shall be built in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: In the interest of biodiversity protection.

Voting: 8 – For 2 – Against 3 - Abstentions

FURTHER RESOLVED: That Maidstone Borough Council Parking Services be requested to consider the making of a Traffic Regulation Order to prevent parking in the passing bays to be provided alongside the carriageway on Forstal Lane.

Voting: 13 – For 0 – Against 0 – Abstentions

109. 15/507291 - RETROSPECTIVE APPLICATION FOR THE PROVISION OF AN ADDITIONAL MOBILE HOME AND THE RE-LOCATION OF TWO MOBILE HOMES FOR EXTENDED GYPSY FAMILY'S RESIDENTIAL USE - MEADOW VIEW, MARDEN ROAD, STAPLEHURST, KENT

The Chairman and Councillor English stated that they had been lobbied.

The Committee considered the report of the Head of Planning and Development.

RESOLVED: That permission be granted subject to the conditions and informatives set out in the report.

Voting: 13 – For 0 – Against 0 – Abstentions

Councillor Clark left the meeting after consideration of this application (8.15 p.m.).

110. 15/507487 - VARIATION OF CONDITION 23 OF MA/12/1749 (ERECTION OF 40 NO. DWELLINGS (INCLUDING 40% AFFORDABLE HOUSING) TOGETHER WITH PUBLIC OPEN SPACE AND NEW VEHICLE AND PEDESTRIAN ACCESS FROM MARIGOLD WAY) - PEDESTRIAN REFUGE - WORKS NOT REQUIRED BY KHS - LAND OFF MARIGOLD WAY, MAIDSTONE, KENT

Councillors Boughton, English and Harwood stated that they had been lobbied.

The Committee considered the report of the Head of Planning and Development.

RESOLVED: That subject to the prior completion of a S106 legal agreement or deed of variation in such terms as the Head of Legal Partnership may advise to secure a financial contribution of £10,000.00 for pedestrian improvements/phasing to the traffic light signals on the crossroads of Hermitage Lane/Fountain Lane/Heath Road/St Andrews Road (in lieu of the condition requiring the provision of a pedestrian refuge), the Head of Planning and Development be given delegated powers to grant permission subject to the conditions and informatives set out in the report.

Voting: 8 – For 3 – Against 1 - Abstention

Councillor Boughton requested that his dissent be recorded.

111. APPEAL DECISIONS

The Committee considered the report of the Head of Planning and Development setting out details of appeal decisions received since the last meeting.

RESOLVED: That the report be noted.

112. CHAIRMAN'S ANNOUNCEMENTS

There were no announcements on this occasion.

113. INVOLVEMENT OF ELECTED MEMBERS IN PRE-APPLICATION DISCUSSIONS

Reference was made to the need to involve Members in pre-application discussions and to encourage Officers and applicants/agents to ensure as far as possible that they take place.

114. DURATION OF MEETING

6.00 p.m. to 8.50 p.m.

MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

25 AUGUST 2016

REPORT OF THE HEAD OF PLANNING AND DEVELOPMENT

DEFERRED ITEMS

The following applications stand deferred from previous meetings of the Planning Committee. The Head of Planning and Development will report orally at the meeting on the latest situation.

<u>APPLICATION</u>	<u>DATE DEFERRED</u>
<u>14/504109 - ADVERTISEMENT CONSENT FOR THE INSTALLATION OF 2 NO. NON-ILLUMINATED METAL POLE MOUNTED SIGNS (RETROSPECTIVE APPLICATION) - HUNTON C OF E PRIMARY SCHOOL, BISHOPS LANE, HUNTON, KENT</u> Deferred to enable the Officers to negotiate movement of the signage to locations that are less visually intrusive.	14 January 2016
<u>15/503223 - PART RETROSPECTIVE - CHANGE OF USE AND REBUILDING OF FORMER CATTLE SHED TO PROVIDE TOURIST ACCOMMODATION - BLETCHENDEN MANOR FARM, BLETCHENDEN ROAD, HEADCORN, KENT</u> Deferred (a) for further investigation of the flood evacuation plan, including seeking confirmation from the Environment Agency as to whether the initial warning/informing system is possible as the occupants would be holidaymakers and (b) to seek further information on details of the private flood defence system.	2 June adjourned to 9 June 2016

Agenda Item 13



16-501604

Scale: 1:1250

Printed on: 17/8/2016 at 10:06 AM

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REPORT SUMMARY

REFERENCE NO - 16/501604/FULL		
APPLICATION PROPOSAL Change of use and extensions to mixed commercial premises of 3-5 Brewer Street buildings into C1 use (Spa Hotel) together with partial demolition of No126a and expansion into land and buildings of St Francis of Assisi. Erection of a single storey extension to St Francis Church School.		
ADDRESS 3 - 5 Brewer Street And St Francis Church School Maidstone Kent ME14 1RU		
RECOMMENDATION - APPROVE		
SUMMARY OF REASONS FOR RECOMMENDATION The proposed development, subject to the conditions stated, is considered to comply with the policies of the adopted and submitted version of the Development Plan and there are no overriding material considerations to indicate a refusal of this planning application.		
REASON FOR REFERRAL TO COMMITTEE - It is contrary to views expressed by Historic England		
WARD East Ward	PARISH COUNCIL N/A	APPLICANT Mr O'Quigley AGENT Judd Architecture Ltd.
DECISION DUE DATE	PUBLICITY EXPIRY DATE 01/07/16	OFFICER SITE VISIT DATE 17/03/16
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):		

MA/11/0995 - Change of use from A1 to mixed use of B1 and D2 (dance academy) - Approved

MA/08/0405 - Redevelopment of existing retail/residential use to provide A1/A2/B1 uses, 14 flats with associated parking (Resub of MA/07/2070) - Refused (allowed on appeal)

MA/07/2070 - Redevelopment of existing retail/residential use to provide A1/A2/B1 uses, 14 flats with associated parking – Refused

MA/06/1966 - Redevelopment of existing retail/residential use to provide A1/A2/B1 uses and 14 flats with associated parking (Resub of MA/06/0832 which was withdrawn) – Refused (appeal dismissed)

MA/95/1610 - Change of use of storage area with retail counter to retail shop together with installation of shopfront - Approved

MA/95/1585 - Advert consent to display 1 internally illuminated fascia sign 1 externally illuminated fascia sign and one projecting sign – Approved

MA/95/1584 - Change of use of offices to two flats - Approved

MAIN REPORT

1.0 Site description

- 1.01 The proposal site relates to 3-5 Brewer Street and in part to the land to the rear that is in the ownership of St Francis of Assisi Church.
- 1.02 3-5 Brewer Street consists of a modern, single storey building that is set back from the road with a car park area in front and a 3-storey frontage building that whilst altered, originally dates from the late 1830's. To the rear of 3-5 Brewer Street are a number of industrial buildings which were still in use as a brass foundry in 1958. This part of the proposal site is now believed to be vacant and its last use was as a dance studio and separately operated business offices.
- 1.03 To the rear (north) of 3-5 Brewer Street is the Grade II* listed Grove House (Presbytery building, 126 Week Street), which is part of the St Francis of Assisi

Church. There are 2 buildings attached to this listed building, one being a 2-storey, twentieth century (flat roofed) church hall which projects eastwards away from Grove House; and the other being a smaller, 1930's 2-storey extension that is sited in front of the church hall. There is a single storey school building that dates from around 1863 which is attached to the southern flank of the 1930's building. There is also a smaller, detached and ancillary building within the site.

- 1.04 The Holy Trinity Church Conservation Area is found some 30m to the east of the proposal site; the rear boundary of 108 Week Street (a GII listed building) abuts the western boundary of the site; and the surrounding area is very much a mix of different commercial and residential uses in buildings of differing scale, style and age.
- 1.05 For the purposes of the adopted Development Plan, the proposal site is within the defined urban area and within the 'Tertiary Town Centre Area' of Maidstone.

2.0 Proposal

- 2.01 The proposal is for the creation of a hotel/spa facility with associated A3 and A1 uses at ground floor level. This would include the extension of the industrial buildings to the rear, both in terms of footprint and so that the buildings would largely become 3-storey; the demolition of the 1930's building and the 2 single storey school buildings to the rear of the site which belong to the church; and the refurbishment and the erection of a single storey extension to the northern elevation of the 2-storey church hall that is to remain.
- 2.02 The main hotel facility would have 35 rooms on the 1st and 2nd floors of the building; and at ground floor level there would be a swimming pool, treatment rooms and private dining area for guests. The ground floor would also have a hair salon/beauty business and a brasserie open to all members of the public.
- 2.03 Externally, the proposal will retain the town house at 5 Brewer Street and the elder structures behind with the additional extension and floors erected above. The mansard type roof will be clad in man-made slate material (with a section of sedum roof); a 'green wall' will cover the western flank of the town house; and the building's appearance will be a mix of render and painted brickwork.
- 2.04 In terms of access, patrons will use the main entrance on Brewer Street and the land to the rear of site will be used as staff and (pre-booked) visitor parking by way of a valet service (with access from Week Street). There will be 20 spaces (15 for pre-booked guests and 5 for staff and visitor parking).
- 2.05 The applicant has also provided details of how the front (western) elevation of the 2 storey church hall and the southern flank of the Grade II* Grove House will be 'made-good' once the 1930's building and the 2 single storey buildings are removed.

3.0 Policy and other considerations

- Maidstone Borough-Wide Local Plan 2000: T13, ED17, ED18, R9, ENV6
- National Planning Policy Framework
- National Planning Practice Guidance
- Submitted version of Local Plan: SP4, DM1, DM3, DM4, DM17, DM20, DM27
- Maidstone Destination Management Plan for MBC (July 2015)

4.0 Consultations

- 4.01 **Councillor English and Councillor Naghi:** Both Councillors have withdrawn their 'call-in' to planning committee given the case officer's recommendation for approval.
- 4.02 **Conservation Officer:** Raises objection (see report for details).
- 4.03 **MBC Culture and Leisure:** Supports the application.
- 4.04 **Historic England:** Raises objections (see report for details).
- 4.05 **Environmental Health Officer:** Raises no objection.
- 4.06 **KCC Biodiversity Officer:** Raises no objection.
- 4.07 **KCC Highways Officer:** Raises no objection.
- 4.08 **KCC Archaeology Officer:** Raises no objection.
- 4.09 **KCC Sustainable Drainage Officer:** Raises no objection.
- 4.10 **Southern Water:** Raise no objections.
- 4.11 **Scottish Gas:** Raises no objection.
- 4.12 **Upper Medway IDB:** Raises no objection.
- 4.13 **Kent Police:** Raises no objection and is satisfied that all crime prevention measures have been discussed and will be addressed if planning approval is given.
- 4.14 **Representations in support of application have been made by;**
- Parish of St Francis
 - C.P Hart (bathroom specialists)
 - Trash or Treasure, 112a Week Street
 - One Maidstone
 - 29 Brewer Street (except for concerns over traffic congestion)

5.0 Background information

- 5.01 There are 2 appeal decisions that should be noted which both included a 3-storey building abutting up to the rear boundary of the Grade II listed building at 108 Week Street. These were under MA/06/1966 and MA/08/0405 that were both for the redevelopment of the site to provide A1/A2/B1 uses and 14 flats.
- 5.02 Under MA/06/1966, the Planning Inspector dismissed the appeal (amongst other reasons) because the flank wall of the 3-storey element of the proposal would *"....be an over dominant feature which would have an unacceptable effect on the appearance of the streetscene and the setting of the listed building at 108 Week Street."*
- 5.03 Under MA/08/0405, the Planning Inspector allowed the appeal as the changes in design of the 3-storey element (setting the third storey away from the boundary and curving the roof) would *".....significantly reduce the impact of the proposed development on 108 Week Street."*

6.0 Relevant policy/guidance background

- 6.01 Saved policy ED18 of the adopted Development Plan supports the development of one or more town centre hotels and saved policy ED17 states:

WITHIN URBAN AREA AND VILLAGE BOUNDARIES AS DEFINED ON PROPOSALS MAP, A NEW HOTEL, GUEST HOUSE OR OTHER SERVICED ACCOMMODATION AND SELF-CATERING ACCOMMODATION FOR VISITORS, EXTENSION OR UPGRADING OF SUCH ACCOMMODATION OR CHANGE OF USE OF A BUILDING TO PROVIDE SUCH ACCOMMODATION WILL BE PERMITTED IF ALL FOLLOWING CRITERIA ARE MET:

- (1) IT IS COMPATIBLE WITH ITS SURROUNDINGS IN SITING, SCALE, DESIGN, MATERIALS AND LANDSCAPING; AND*
- (2) IT WILL NOT HARM AMENITIES OF PEOPLE LIVING NEARBY; AND*
- (3) IT WILL NOT HARM BUILDINGS OR AREAS OF HISTORIC OR ARCHITECTURAL INTEREST; AND*
- (4) IT WILL NOT IMPAIR ROAD SAFETY OR FREE FLOW OF TRAFFIC; AND*
- (5) IT WILL HAVE ENOUGH VEHICLE PARKING IN CURTILAGE OF PROPERTY; AND*
- (6) IT WILL NOT CAUSE LOSS OF RESIDENTIAL ACCOMMODATION IN A TOWN CENTRE COMMERCIAL AREA; AND*
- (7) ACCESS IS AVAILABLE BY A CHOICE OF MEANS OF TRANSPORT.*

- 6.02 Saved policy R9 of the adopted Development Plan allows for a variety of uses within the 'Tertiary Town Centre Area' (which includes Class C1), provided the vitality of the area is unharmed; there are no adverse residential amenity issues; and there is no loss of residential accommodation.

- 6.03 At the heart of the National Planning Policy Framework (NPPF) is a presumption in favour of sustainable development, which should be seen as a golden thread running through decision-taking. The report will go on to assess the application in terms of the 3 dimensions to sustainable development.

- 6.04 Paragraph 131 of the NPPF states:

In determining planning applications, local planning authorities should take account of:

- desirability of sustaining and enhancing significance of heritage assets and putting them to viable uses consistent with their conservation;*
- positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and*
- desirability of new development making positive contribution to local character and distinctiveness.*

- 6.05 Paragraph 134 of the NPPF states that;

"Where a development proposal will lead to less than substantial harm to significance of a designated heritage asset, this harm should be weighed against public benefits of proposal, including securing its optimum viable use."

- 6.06 In relation to development that could affect the setting of listed buildings, section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA Act) places a duty on decision takers to pay special regard to the desirability of preserving that setting before granting planning permission.

- 6.07 The submitted version of the Development plan went to the Secretary of State for examination on the 20 May 2016 and examination is expected to follow in October/November. This Plan is considered to hold significant weight and there is

policy support for this type of development in the town centre subject to the detail of the proposal which the report will go on to address.

- 6.08 The Maidstone Destination Management Plan (July 2015) is 3-year Plan for the Borough of Maidstone as a visitor destination. This proposal would help achieve the targets set out in this report, in terms of encouraging tourism investment in the borough.
- 6.09 So the provision of a hotel at this location is supported by policy subject to the main issues of its visual impact; heritage; economic/community benefits; biodiversity; residential amenity and highway safety.

7.0 Design, siting and appearance

- 7.01 The proposal would largely retain the town house, which is considered an attractive building that has its frontage onto Brewer Street. The 2-storey element of the extension to the rear of this building allows for a cohesive junction between the existing building and the extension, whilst setting the taller section of the proposal a good distance from this highway. The removal of the single storey building to the front is welcomed, and the creation of a more attractive and softened forecourt area that will then become an 'active' area rather than the dead space it is at the moment will only improve the appearance and vibrancy of the area. The addition of the large 'green-wall' is also considered a benefit, and views of this from Brewer Street and Week Street will enhance the character of the area.
- 7.02 From Week Street, the proposal will be largely screened by existing buildings that are of varying heights; and the change in material at 3rd floor level, the slight inset of the upper floor, the modelling of the brickwork to the flank elevation facing Week Street, the insertion of real and false window openings along this flank would add interest and reduce the bulk of the proposal. In addition, the 2-storey set back from the town house would further reduce views of the extension from Week Street; the single storey section towards the rear would also provide a break in the flank wall adjacent to Week Street; and the external finishes of reclaimed brick (which is to be painted) at the first 2 levels and the use of man-made slate for the mansard type roof is considered acceptable. The painting of the reclaimed brick work would help give the sense of one building and the proportions of the proposed fenestration detail would reflect the frontage of the existing townhouse. I am therefore of the view that this proposal is of an acceptable scale and design that would be seen in the context of the densely built environment from any public vantage point; and it should be noted that 3-storey buildings in this area are not unusual and there is a mix of differing materials palettes and styles of buildings.
- 7.03 Except for some shrubs to the rear of the site, there is no soft landscaping on the site. To further enhance the scheme, a condition will be imposed to secure appropriate native planting on the forecourt area of the Brewer Street frontage, and for the mix of the 'green wall' and sedum roof proposed. With this considered, the proposal will clearly bring a landscaping betterment to the site and the surrounding area. To further ensure the quality of the proposal, appropriate conditions will be imposed requesting details of external materials and surfacing.
- 7.04 I am therefore satisfied that this proposal would be of good quality and would not cause unacceptable harm to the character and appearance of the existing town house or the surrounding area. In this respect, the proposal is considered to be in accordance with policy ED17 of the adopted Local Plan.

8.0 Heritage implications

- 8.01 After receipt of amended plans, both the Conservation Officer and Historic England have maintained objections to the proposal. In summary, their comments/objections are as follows;

Grove House (GII*)

- The demolition of the school building would cause harm to the significance of the Grade II* listed Grove House, by removing important feature of the overall interest of the site as a complex of a Roman Catholic Church. Less than substantial harm would be caused to significance of Grove House. In accordance with NPPF, this harm must be weighed against any potential public benefit deriving from scheme and this harm should weigh heavily in the balance.
- No objection is raised by the Conservation Officer and Historic England in terms of the proposed 'making-good' of the original flank to Grove House.
- 1930s building is of no particular merit in its own right and has slightly awkward relationship with Grove House. However, current situation would be preferable to that proposed which would result in an even less happy relationship with the Grove House.

108 Week Street (GII)

- Proposal would adversely affect setting of GII listed 108 Week Street and have unacceptable effect on streetscene along Week Street due to its height.

3-5 Brewer Street (non-designated heritage assets)

- Buildings at 3-5 Brewer Street (townhouse and industrial buildings) should be considered non-designated heritage assets both for their architectural qualities and their local historical interest. Their significance would be almost entirely destroyed by the addition of 2 floors. Although the Conservation Officer comments that the proposed reduction of the southernmost section of rear extension to 3-5 Brewer Street to 2-storeys goes some way towards overcoming objections in terms of its impact upon the townhouse.

- 8.02 Historic England have also consider that there has not been enough detail to describe the significance of the school buildings to be lost; that the proposal would not make a positive contribution to local character and distinctiveness; and that the public benefits do not outweigh the harm caused by the loss of the school buildings.
- 8.03 The report will now set out the economic/public benefits of this proposal and section 10.0 will weigh up these heritage issues against those benefits in accordance with the NPPF.

9.0 Economic/public benefits

- 9.01 The applicant has set out what economic and community benefits this proposal would bring to the area and these are summarised as follows:

- It would provide more employment and training opportunities than previous uses of site. Indeed, previously, dance studios and separate office together had around 3 full-time and 4 part-time staff. The proposal would employ in the region of 25 full-time staff and 17 part-time staff.
- 2-storey school hall, which is dilapidated and rendered unsafe, will be brought back into use for church (who cannot afford to undertake repairs themselves). Proposal will bring building back into use for church and community, which can be secured by way of condition.

- Would increase numbers of visitors to town centre who would then contribute to both day and night time economies of Maidstone.
- 'High-end' nature of proposal will attract new target and affluent audiences to town centre.
- Local businesses will service/supply the proposal and there will be employment opportunities at construction phase.
- 2015 Maidstone Destination Management Plan for MBC states key growth market segments are of tourism business type and this proposal can promote these commitments.

9.02 The applicant has also submitted a supplementary planning statement with regards to the economic benefits of the proposed development. In summary, it states;

Construction phase -

- Project is expected to cost in region of £3 million.
- Tendering would go out to local building companies.
- Expected 2yr construction timeframe - estimated that 45 persons per year would be employed.
- Notional GVA (Gross Value added) of £55,075pa created for every construction job which is then filtered out, benefiting local businesses/organisations. Suggests over £2.4 million will circulate local economy for each year of expected 2yr period.

Operational phase -

- Projected that 25 full-time staff and 17 part-time staff employed.
- Notional GVA of £20,637pa is created for every position, equating to £598,473 per year circulated in local economy.
- Suggested proposal would generate 16 jobs in terms of outer-employment (i.e. suppliers/servicers)

Visitor impact -

- Hotel would have maximum capacity of 70 persons each night staying overnight; and research carried out by South West Research Company Ltd states that for Maidstone, overnight visitors spend an average of £50.64 per night. With this considered and an estimated hotel occupancy level of 100% for 266 days of the year, it is suggested that around £1 million additional spend into local economy would be had.

9.03 The Council's Economic Development and Regeneration Manager is satisfied that the report seems sound and the sources well respected and does support this application.

9.04 The Council's Culture and Leisure Team are also in full support of the application and are of the view that this proposal will provide a valuable addition to the offering in the town centre which is especially desirable located so close to the towns major businesses. Their comments are attached for review (appendix C).

10.0 Balancing heritage objections against economic/public benefits

10.01 In accordance with paragraph 134 of the NPPF, the less than substantial harm caused to the GII* Grove House needs to be weighed against any public benefits arising from the scheme. With the evidence before me, I accept the argument that a hotel of this scale and type in this location would provide employment opportunities at both the construction and operational stage, on a level that the current situation could not achieve for this length of time; and the potential additional income that would filter

into the local economy would benefit a number of businesses/services. In addition, there is an opportunity to bring back into use a church building for community use which is unlikely to happen without this development. In my view, the proposal would provide a significant level of economic and public benefits that would override the desire to retain the church buildings proposed for demolition that are largely screened from public view, have been in disrepair for a number of years, and have no foreseeable future in terms of being re-used.

- 10.02 The applicant has also provided details of two suggested methods of how the flank of Grove House would be 'made-good' and notwithstanding their objections, English Heritage and the Conservation Officer consider these works to be acceptable in general terms subject to specific details of reinstatement works to the flank elevation of Grove House. This will be duly secured by way of condition to safeguard the integrity and setting of Grove House and the other surrounding historic buildings.
- 10.03 Whilst the proposed 3-storey element of the proposal would have a certain level of harm upon the setting of the Grade II listed building at 108 Week Street, I do not consider this so harmful to warrant refusal of the application given the public benefits already set out. I am also of the view that whilst the appeal decisions previously mentioned are relevant, these were taken more than 7 years ago; the scheme under consideration is different in terms of detail and each application must be considered on its own merits; and there are clear public benefits from this proposal that outweigh any harm caused.
- 10.04 With regards to the heritage objections upon the impact to the buildings at 3-5 Brewer Street, which have been considered as non-designated heritage assets, the effect of the application on their significance has been taken into account in accordance with paragraph 135 of the NPPF. The buildings to the rear are partially dismantled, in poor condition and not in use; and the reduction in size of the proposed rear extension to 5 Brewer Street to 2-storeys does go some way towards overcoming the Conservation Officer's objections, resulting in a more cohesive junction between the existing building and the extension. Given the wider public benefits of the proposal, it is considered on balance that the harm to these non-designated buildings is not considered reason enough to warrant refusal.
- 10.05 In summary, the Conservation Officer is satisfied that sufficient information has been provided in order to progress this application and that the heritage issues have been appropriately considered. My assessment has concluded that the proposal would enhance the character and appearance of the area and that the significant public benefits outweigh the harm caused by the loss of the school buildings.

11.0 Residential Amenity

- 11.01 There are residential properties within the vicinity of the proposal site, but given the existing commercial use of the building; its town centre location where there are a number of businesses that operate for the night time economy and pedestrian movements in to the early hours of the morning, I am satisfied that the proposed use would not have a further significant impact upon the living conditions of any local resident. I am also satisfied that the building works would be far enough from any residential unit to not cause significant harm in terms of loss of privacy and being overbearing.

12.0 Highway safety implications

12.01 The key details in terms of access and highway safety are as follows:

- Land to rear of site will be used as staff and (pre-booked) visitor parking by way of a valet service. Here, there will be 20 spaces (15 for pre-booked guests and 5 for staff and visitor parking). This access to the rear from Week Street is existing.
- Patrons using hotel and spa facilities will generally be pre-booked guests. For those that have driven, they will either utilise existing forecourt from Brewer Street where valet staff will then move cars to private parking area or to near-by public car parks, or use public car parks themselves (which there are several in close proximity).
- For guests not driving, site is easily accessible from number of public transport links.
- Rear parking area will provide access for servicing spa plant area; and necessary goods and materials required to run proposed development will be provided by extension to existing deliveries for Mu Mus restaurant on Week Street (reducing need for additional delivery traffic).
- Deliveries to service proposal will be broadly in accordance with Maidstone's existing traffic restrictions which are dictated at this location.

12.02 The Highways Officer has reviewed the application and has confirmed that there have been no injury crashes on Week Street between Station Road and Brewer Street for at least the last 10 years; and that the larger delivery needs for this proposal will clearly be limited and there is no evidence to indicate that a limited extension of the current regime will be detrimental or have a severe or significant impact upon highway safety. No objection is raised in terms of parking provision, given the site's town centre location within walking distance of a number of public transport links. On the basis that Highways considers that the application should be approved, I am satisfied that this proposal would not cause a highway safety issue and raise no objection in this respect.

12.03 In terms of requesting a construction management plan, I do not consider this reasonable given the location and scale of the proposal, and take the view this is outside the remit of what is considered to be a material planning consideration.

13.0 Biodiversity implications

13.01 The application has included the submission of an Extended Phase 1 Habitat Survey, and a bat Emergence/Scoping Survey. On review, the Biodiversity Officer is satisfied the likelihood of protected and notable species to occur within the site is considered to be negligible and no further species specific surveys are required in this instance. The site has been used for foraging bats and so as recommended by the Biodiversity Officer, details of a lighting scheme will also be requested to minimise the impact upon bats.

13.02 One of the principles of the NPPF is that "*opportunities to incorporate biodiversity in and around developments should be encouraged*". The ecological reports have made recommendations for bird nesting features to be incorporated in to the site and the Biodiversity Officer recommends such enhancements are secured by condition which will be duly imposed. Furthermore, the introduction of the 'green wall' and

wildlife friendly planting will further enhance the site in ecological terms with the incorporation of native species.

14.0 Other considerations

- 14.01 The applicant has confirmed that surface water disposal and sewage disposal will be through the main sewers. The KCC Sustainable Drainage Officer raises no objection and Southern Water is satisfied that they can provide foul sewage disposal to service the proposed development, subject to a condition requesting details of a drainage strategy detailing the proposed means of surface water disposal and an implementation timetable. Details of foul and surface water sewerage disposal will also be requested by way of condition.
- 14.02 I do not consider it necessary or reasonable to impose conditions relating to hours of construction work; noise levels; air quality; and construction practice. Given the level of excavation and the historical use of the Maidstone area for industrial activities, I do consider it reasonable to impose a precautionary contaminated land condition.
- 14.03 The application does refer to the installation of plant equipment and machinery and ventilation and extract systems, although no details of type and levels of noise have been specified. I therefore consider it reasonable to impose a condition requesting such details prior to the first use of the development, in the interests of amenity.
- 14.04 The KCC Archaeology Officer has requested archaeological field evaluation works to be secured by condition. This is considered reasonable will be duly imposed.
- 14.05 The applicant has confirmed that rain water collection and solar panels can be incorporated into the scheme and I will seek to secure these elements by way of condition.

15.0 Conclusion

- 15.01 The recommendation for approval is contrary to the views of Historic England and the Conservation Officer. However, it has been demonstrated that a hotel of this scale and type in this location would provide employment opportunities at both the construction and operational stage, on a level that the current situation could not achieve for this length of time; and the potential additional income that would filter into the local economy would benefit a number of businesses/services. This is considered as a strong economic benefit in line with paragraph 7 of the NPPF, supporting growth for the borough and adding vitality to the town centre. The proposal would also assist in bringing a derelict church hall back into use for the community, playing a social role in terms of sustainability by supporting strong, vibrant communities; and the use of renewable energy resources, rain water harvesting, appropriate landscaping and improving the biodiversity on the site would contribute to enhancing the built environment in terms of an environmental role.
- 15.02 As set out under section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA Act), special regard to the desirability of preserving the setting of listed buildings has been given. In this instance, the public benefits outlined would outweigh the less than substantial harm caused to the character and setting of the GII* Grove House; the GII listed building at 108 Week Street; and the non-listed buildings at 3-5 Brewer Street in accordance with paragraph 134 of the NPPF.

- 15.03 In addition, this sustainable proposal would not have an adverse impact upon residential amenity; highway safety; and biodiversity; and it would make a positive contribution to the local character and distinctiveness of the area. On balance, it is therefore considered that this proposal is acceptable with regard to the relevant provisions of the Development Plan, the NPPF and all other material considerations such as are relevant and I therefore recommend conditional approval of the application on this basis.

11.0 RECOMMENDATION – GRANT Subject to the following conditions:

CONDITIONS:

- (1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission;

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- (2) The development shall not commence until written details and samples of the materials to be used in the construction of the external surfaces of any buildings and hard surfaces have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed using the approved materials and maintained thereafter unless otherwise agreed in writing by the local planning authority;

Reason: To ensure a satisfactory appearance to the development.

- (3) The development shall not commence until, full details of the following matters have been submitted to and approved in writing by the Local Planning Authority:-

- a) New external joinery in the form of large scale drawings;
- b) Details of all window/door recesses/reveals.

The development shall be carried out in accordance with the approved details;

Reason: To ensure the appearance and the character of the buildings are maintained.

- (4) Prior to the first use of the premises hereby approved, a detailed schedule of works for repairs to the exposed wall of Grove House and the 2 storey school building shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details and maintained thereafter;

Reason: To ensure the appearance and the character of the Grade II* listed building are maintained.

- (5) The approved repairs to Grove House and the 2 storey school building must be completed prior to the first use of the hotel hereby approved;

Reason: To ensure the repairs to these buildings are complete in the interests of public benefits.

- (6) The development shall not commence until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, using indigenous species which shall include wildlife friendly plants to benefit invertebrates, birds and bats. The landscape scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines and provide for the following:

- (i) Location, species and size of all new trees and shrubs to be planted;
- (ii) Native planting on forecourt area on Brewer Street frontage;
- (iii) Native planting mix for green wall on 5 Brewer Street flank and sedum roof;

Reason: To ensure a satisfactory external appearance to the development and in the interests of biodiversity.

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

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

- (8) The development shall not commence until details of the installation of a mixture of bird boxes, as recommended within the Greenspace Ecological Solutions Extended Phase 1 Habitat Survey, and bat boxes/tubes have been submitted to and approved in writing by the local planning authority. The approved details shall be implemented prior to the first occupation of the buildings and all features shall be retained in that manner thereafter.

Reason: To protect and enhance biodiversity.

- (9) Details of a lighting design strategy for biodiversity for the site shall be submitted to and approved in writing by the local planning authority prior to the occupation of the development. The strategy shall:

- a) Identify those areas/features on site that are particularly sensitive for bats and in which lighting must be designed to minimise disturbance, and;
- b) Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory or having access to their breeding sites and resting places.
- c) Include measures to reduce light pollution and spillage.

All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy.

Reason: To ensure impact upon bats is minimised.

- (10) No development shall take place until details of the proposed slab levels of the buildings and the existing site levels have been submitted to and approved in writing by the Local Planning Authority and the development shall be completed strictly in accordance with the approved levels;

Reason: In order to secure a satisfactory form of development having regard to the topography of the site.

- (11) The development shall not commence until details of how decentralised and renewable or low-carbon sources of energy and rain water collection will be incorporated into the development hereby approved have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details and all features shall be maintained thereafter;

Reason: To ensure an energy efficient form of development.

- (12) Development shall not commence above ground level until the applicant, or their agents or successors in title, will secure and implement:
- i) archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and;
 - ii) further archaeological investigation, recording and reporting, determined by the results of the evaluation, in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority

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

- (13) If during construction/demolition works evidence of potential contamination is encountered, works shall cease and the site fully assessed to enable an appropriate remediation plan to be developed. Works shall not re-commence until an appropriate remediation scheme has been submitted to, and approved in writing by, the Local Planning Authority and the remediation has been completed.

Upon completion of the building works, this condition shall not be discharged until a closure report has been submitted to and approved in writing by the Local Planning Authority. The closure report shall include details of;

- a) Details of any sampling and remediation works conducted and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology.
- b) Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site.
- c) If no contamination has been discovered during the build then evidence (e.g. photos or letters from site manager) to show that no contamination was discovered should be included.

Reason: To safeguard future occupants of the building.

- (14) Prior to the first use of the premises, details of any plant (including ventilation, refrigeration and air conditioning) or ducting system to be used in pursuance of this permission shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved

details. The scheme shall ensure that the noise generated at the boundary of any noise sensitive property shall not exceed Noise Rating Curve NR35 (in areas of low background sound levels a target of NR30 shall be achieved) as defined by BS8233: 2014 Guidance on sound insulation and noise reduction for buildings and the Chartered Institute of Building Engineers (CIBSE) Environmental Design Guide 2006. The equipment shall be maintained in a condition so that it does not exceed NR35 as described above, whenever it's operating. After installation of the approved plant, no new plant or ducting system shall be used without the prior written consent of the Local Planning Authority;

Reason: In the interests of safeguarding the amenity of neighbouring properties.

- (15) Development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water;

Reason: In the interest of pollution prevention.

- (16) Development shall not commence until a drainage strategy detailing the proposed means of surface water disposal and an implementation timetable, has been submitted to and approved in writing by, the local planning authority in consultation with the sewerage undertaker. The development shall be carried out in accordance with the approved scheme and timetable;

Reason: In the interests of flood risk.

- (17) No development (including demolition works) to which this permission relates shall commence until an appropriate programme of historic building recording and analysis has been secured and implemented in accordance with a written scheme of investigation which has been submitted to and approved in writing by the local planning authority. The development shall be carried out at all times in strict accordance with the approved scheme, or other such details as may be subsequently agreed by the local planning authority. Copies of the report(s) produced shall be deposited with the local planning authority and the Kent Historic Environment Record;

Reason: To capture a sense of the building prior to conversion.

- (18) The development hereby permitted shall be carried out in accordance with: PR114, PR115 and PR116 received 29/02/16; PR113 Rev A, PR117 Rev A received 02/03/16; PR100 Rev A, PR101 Rev A, PR102 Rev A, PR103 Rev A, PR104 Rev A, PR109 Rev B, PR112 Rev B and PR118 Rev A received 10/05/16; and PR116 Rev B received 24/06/16;

Reason: To safeguard the character, appearance and setting of the surrounding building and area and to safeguard residential amenity.

INFORMATIVES

- (1) 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 and Transportation to progress this aspect of the works prior to commencement on site.
- (2) Bats and Lighting in the UK - Bat Conservation Trust and Institution of Lighting Engineers Summary of requirements

The two most important features of street and security lighting with respect to bats are:

1. The UV component. Low or zero UV installations are preferred to reduce attraction of insects to lighting and therefore to reduce the attraction of foraging bats to these areas.
2. Restriction of the area illuminated. Lighting must be shielded to maintain dark areas, particularly above lighting installations, and in many cases, land adjacent to the areas illuminated. The aim is to maintain dark commuting corridors for foraging and commuting bats. Bats avoid well lit areas, and these create barriers for flying bats between roosting and feeding areas.

UV characteristics:

Low

Low pressure Sodium Lamps (SOX) emit a minimal UV component.

High pressure Sodium Lamps (SON) emit a small UV component.

White SON, though low in UV, emit more than regular SON.

High

Metal Halide lamps emit more UV than SON lamps, but less than Mercury lamps

Mercury lamps (MBF) emit a high UV component.

Tungsten Halogen, if unfiltered, emit a high UV component

Compact Fluorescent (CFL), if unfiltered, emit a high UV component.

Variable

Light Emitting Diodes (LEDs) have a range of UV outputs. Variants are available with low or minimal UV output.

Glass glazing and UV filtering lenses are recommended to reduce UV output.

Street lighting

Low-pressure sodium or high-pressure sodium must be used instead of mercury or metal halide lamps. LEDs must be specified as low UV. Tungsten halogen and CFL sources must have appropriate UV filtering to reduce UV to low levels. Lighting must be directed to where it is needed and light spillage avoided. Hoods must be used on each lamp to direct light and contain spillage. Light leakage into hedgerows and trees must be avoided.

If possible, the times during which the lighting is on overnight must be limited to provide some dark periods. If the light is fitted with a timer this must be adjusted to reduce the amount of 'lit time' and provide dark periods.

Security and domestic external lighting

The above recommendations concerning UV output and direction apply. In addition:

Lighting should illuminate only ground floor areas - light should not leak upwards to illuminate first floor and higher levels;

Lamps of greater than 2000 lumens (150 W) must not be used;

Movement or similar sensors must be used - they must be carefully installed and aimed, to reduce the amount of time a light is on each night;
Light must illuminate only the immediate area required, by using as sharp a downward angle as possible;
Light must not be directed at or close to bat roost access points or flight paths from the roost - a shield or hood can be used to control or restrict the area to be lit;
Wide angle illumination must be avoided as this will be more disturbing to foraging and commuting bats as well as people and other wildlife;
Lighting must not illuminate any bat bricks and boxes placed on buildings, trees or other nearby locations.

- (3) Evidence of breeding birds has been recorded within the site. All nesting birds and their young are protected under the Wildlife and Countryside Act 1981 (as amended) and the applicant is advised that works are carried out outside of the breeding bird season (March to August); and if that is not possible an ecologist should examine the site prior to works commencing and if any breeding birds are recorded all works should cease until all the young have fledged.
- (4) Attention is drawn to Approved Document E Building Regulations 2010 "Resistance to the Passage of Sound" - as amended in 2004 and 2010. It is recommended that the applicant adheres to the standards set out in this document in order to reduce the transmission of excessive airborne and impact noise between the separate units in this development and other dwellings.
- (5) Adequate and suitable measures should be carried out for the minimisation of asbestos fibres during demolition, so as to prevent airborne fibres from affecting workers carrying out the work, and nearby properties. Only contractors licensed by the Health and Safety Executive should be employed. Any redundant materials removed from the site should be transported by a registered waste carrier and disposed of at an appropriate legal tipping site.
- (6) A formal application for connection to the public sewerage system is required in order to service this development, Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk.
- (7) 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, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk.
- (8) If the swimming pool produces filter backwash water this would need to be discharged to the public foul sewer. The rate and times of discharge of this water to the sewer, and of the contents of the pool, if these need to be drained to the sewer, would have to be agreed with Southern Water. The applicant is advised to discuss the matter further with Southern Water's Trade Effluent Inspectors. Please see <https://www.southernwater.co.uk/BusinessCustomers/wasteServices/tradeEffluent/> for further information.
- (9) The applicant is advised that a wastewater grease trap should be provided on the kitchen waste pipe or drain installed and maintained by the owner or operator of the premises.
- (10) Detailed design of the proposed drainage system should take into account the possibility of surcharging within the public sewerage system in order to protect the development from potential flooding.

- (11) Scottish Gas advises that their mains record shows a low/medium/intermediate pressure gas main near the application site, and that there should be no mechanical excavations taking place above or within 0.5m of a low/medium pressure system or above or within 3.0m of an intermediate pressure system. Safe digging practices, in accordance with HSE publication HSG47 "Avoiding Danger from Underground Services" must be used to verify and establish the actual position of mains, pipes, services and other apparatus on site before any mechanical plant is used. It is the applicant's responsibility to ensure that this information is provided to all relevant people (direct labour or contractors) working for you on or near gas plant.

Case Officer: Kathryn Altieri

- 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.

Agenda Item 14



15/503232 21 Eythorne St
Scale: 1:1250
Printed on: 17/8/2016 at 9:59 AM

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REPORT SUMMARY

REFERENCE NO - 15/503232/FULL		
APPLICATION PROPOSAL Proposed conversion of 5 garages into self contained 2-bedroom dwelling along with external alterations to the front and side of the building.		
ADDRESS - 21 Eyhorne Street Hollingbourne Kent ME17 1TR		
RECOMMENDATION - APPROVE		
SUMMARY OF REASONS FOR RECOMMENDATION The proposed development is considered to comply with the policies of the Maidstone Borough-Wide Local Plan 2000, the Submission Version of the Maidstone Borough Local Plan, and the National Planning Policy Framework and there are no overriding material considerations to indicate a refusal of planning consent.		
REASON FOR REFERRAL TO COMMITTEE - It is contrary to the views of Hollingbourne Parish Council.		
WARD North Downs	PARISH COUNCIL Hollingbourne	APPLICANT Dudrich Developments Ltd AGENT Architecture Design
DECISION DUE DATE 29/08/16	PUBLICITY EXPIRY DATE 27/08/15	OFFICER SITE VISIT DATE 26/08/15
RELEVANT PLANNING HISTORY:		

- Planning permission for the first floor flat appears to have been granted under 61/0117/MK2, with the first floor extension approved under MA/75/0323.

MAIN REPORT

1.0 Site description

- 1.01 21 Eyhorne Street is a 2 storey building of rectangular shape that currently has 5 garages at ground floor level, which are owned by the applicant, and at first floor level there is an existing self-contained flat, with its access from external steps on its southern flank. This 1960's building is a simple brick and tile-hung building which is of no architectural merit has very little impact on the setting of the conservation area.
- 1.02 The proposal site is within the village envelope of Eyhorne Street and the North Downs Special Landscape Area (SLA) as shown by the Maidstone Borough-Wide Local Plan 2000 (MBWLP); and the property is adjacent, but outside, the conservation area. The building is unlisted, set behind the building line along Eyhorne Street, and the existing vehicle access from the street is used by a number of residents for either access to their property or the garages and the courtyard area. The building is on the western side of a courtyard area. The proposal site is also within an Area of Archaeological Potential.

2.0 Proposal

- 2.01 Planning permission is sought for the conversion of the building's ground floor into a 2-bedroom flat, with the flat above being retained. The proposal would also include external works which would include blocking up the garage doors with matching brick work; re-cladding at first floor level with tile hanging; fenestration detail alterations; and 2 dormer-type features to the front elevation. Each flat would benefit from the use of a garage space within the courtyard.

3.0 Policies and other considerations

- Maidstone Borough-Wide Local Plan 2000: H27, ENV34
- National Planning Policy Framework (2012)
- National Planning Practice Guidance (2014)
- Maidstone Local Plan (Submission version): SP11, SP14, DM1, DM2, DM3, DM4, DM27

4.0 Consultee responses

- 4.01 **Hollingbourne Parish Council:** Wish to see the application refused and reported to Planning Committee;

“Refusal was made due to the loss of five garages (the village has very little or no parking, and it is believed that at least two of the garages contain cars). It is also felt that the proposed conversion may restrict the access to another six garages around the back of the garages in question. At present, access to them is very tight in a vehicle, and the proposed conversion would make vehicular access impossible.”

- 4.02 **KCC Highways:** Raise no objection.
- 4.03 **Conservation Officer:** Raises no objection.
- 4.04 **Environmental Health Officer:** Raise no objection.
- 4.05 **KCC Archaeology Officer:** Raises no objection.
- 4.06 **Southern Water:** Raise no objection.

5.0 Neighbour responses:

- 5.01 32 representations have been made raising concerns over loss of parking spaces; highway safety; use of existing access; traffic congestion; emergency vehicle access; visual impact/design; impact upon setting of conservation area and listed buildings; breaking a covenant; right of way; impact on access beyond site; inaccurate plans; land ownership/notice issues; flood risk; potential damage to properties; amenity of existing and future residents; and refuse storage.

6.0 Principle of development

- 6.01 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that all planning applications must be determined in accordance with the Development Plan unless other material considerations indicate otherwise.
- 6.02 Saved policy H27 of the adopted Development Plan allows for minor housing development in this area; and central Government guidance within the National Planning Policy Framework (NPPF) does encourage new housing in sustainable locations as an alternative to residential development in more remote countryside situations. I consider the site to be in a sustainable location, within the village boundary of Hollingbourne.
- 6.03 The submitted version of the Development plan went to the Secretary of State for examination on the 20 May 2016 and examination is expected to follow in October/November of this year. This Plan is considered to hold significant weight; and there is policy support for this type of development in this location, subject to its details which the report will go on to assess.

7.0 Visual impact and design

- 7.01 The unlisted building is existing and already in part in residential use, and so I have no objection to this proposal in terms of its relationship with the pattern and grain of development in the area. There would be minimal (if any) views of the site from Eyhorne Street or any other public vantage point; the footprint and height of the building would not be altered; the modest fenestration changes are considered in keeping with the building and surrounding area; and the use of appropriate materials would ensure a satisfactory appearance to the building. Details of external materials will be required prior to the commencement of any work. The Conservation Officer

is also satisfied that the simply designed proposal would not cause unacceptable harm to the character and setting of the adjacent conservation area or near-by listed buildings, subject to the use of appropriate materials. It is therefore my view that this proposal would not appear out of context or cause adverse harm the character and appearance of the surrounding area that falls within a SLA, and I raise no objection to the development in this respect.

8.0 Residential amenity

- 8.01 At first floor level, the proposal would see the removal of the window in the southern flank of the building; no fenestration alterations to the northern and western elevations; and changes to the size of the windows, and one window serving a bedroom instead of the kitchen to the front (eastern) elevation. At ground floor level, new openings are restricted to the front looking onto the courtyard area. When compared to the existing situation, I am satisfied this element of the proposal would not cause further harmful overlooking/loss of privacy issues for the surrounding neighbours. The only extension to the building would be at first floor level, with the dormer-type features and as such I raise no objection in terms of loss of outlook to, or the development being more overbearing upon neighbouring properties when compared to the current situation.
- 8.02 The level of traffic movements resulting from the proposed development, which would make use of the existing access from Eythorne Street, would be of no more detriment to the amenity of local residents than the current situation, which is in fact likely to be improved given the loss of parking provision.
- 8.03 In terms of the proposed ground floor flat, the openings shown are considered to provide adequate light to the rooms they serve; and whilst it is not ideal that the kitchen does not have its own window, I do not consider this issue to be grounds alone to refuse the application. Like any ground floor residence, there will be a certain level of loss of privacy from passers-by. However, given that this property is not on a public highway, where footfall/vehicle movements would be greater, and the fact that the use of curtains/blinds is possible, I am of the view that acceptable levels of privacy could be maintained for any future occupant. With 2 of the garages in use in association with this proposal, there would be 6 garages in use by other persons; and the access that runs past the building leads to 7 parking spaces serving 5 other houses. Given the low frequency of car movements (travelling at slow speed) directly past this property, I do not object in terms of general noise and disturbance from vehicles to either flat. I also consider there to be no justifiable reason to refuse this application on outlook.
- 8.04 I am therefore satisfied that this proposal would not cause adverse harm to the amenity of existing and future occupants.

9.0 Highway safety implications

- 9.01 The proposal would see the loss of 5 garage spaces, and 2 of the other garages in the courtyard would be given over to the 2 flats (1 space each). The existing first floor flat does not currently benefit from an allocated parking space here.
- 9.02 The proposal would not see any built development encroach onto the access drive that runs along the front of the building serving the properties behind, and so no objection is raised in this respect. The Highways Authority have also raised no objection to the width of the access from Eythorne Street, and it is important to note that this is an existing access used by a number of vehicles for existing properties and garages; and in my view the removal of 5 garage spaces is likely to reduce the number of vehicles using this said access, improving the situation.

- 9.03 The parking is in accordance with the standards set out in the submitted version of the Local Plan and I am satisfied that there would be adequate provision for a development of this scale and nature in this sustainable location. In addition, the Highways Officer raises no objection because they are satisfied that in the context of the NPPF, this level of parking provision would not attribute to a tangible road safety issue.
- 9.04 If future occupants do have more than one car, extra demand for parking spaces in an area does not necessarily mean that highway safety issues would occur. I accept that the parking for the public house and village hall opposite the site are not public car parks, and whilst the possible increase in demand for parking spaces in the area could mean that future or existing users may not be able to park where they want to, such inconvenience is not grounds for objection. This view is echoed by the Highways Officer, who commented that a highway reason for refusal could not be sustained on these grounds.
- 9.05 The Highways Officer also does not object to the loss of the 5 garage spaces at ground floor level of the proposal building; and given that the proposal would make use of the existing garage facilities, I raise no objection in terms of manoeuvrability, the use of the access onto Eythorne Street and visibility splays. It should also be noted that the 5 garages are privately owned by the applicant and they have no obligation to lease out these spaces with or without planning permission for conversion. Currently, the 5 garages below the existing flat are vacant. The 2 garages to be given over to the development are tenanted as it stands, with 1 tenant living in Eythorne Street and the other living in Sittingbourne.
- 9.06 The agent has confirmed that there are to be no ground excavation works and given the relatively small scale nature of the proposal I do not consider it reasonable to request a construction management plan in this instance. The Highways Authority has also not requested such detail. Whilst potential structural and accidental damage to any property at construction phase is not a material planning consideration, the agent has confirmed the applicant is fully insured to cover any such event.
- 9.07 Bearing in mind Government advice to reduce car usage, the sustainable location of the site, and that there would be no significant highway safety issues arising from the development, I consider that an objection on the grounds of parking provision could not be sustained and the Highways Officer also raises no objection.

10.0 Other considerations

- 10.01 Given the nature, scale and location of the proposal, I consider it unnecessary and unreasonable to raise objection or request further information in terms of landscaping and arboricultural issues; biodiversity; flood risk; and air quality. Given the history of the site, and the levels of ground works, I consider it reasonable to impose a precautionary land contamination condition. The Environmental Health Team also recommends such a condition.
- 10.02 It is unknown at this stage how foul sewage would be disposed of, and in terms of surface water disposal this would be through a soakaway. Southern Water are satisfied that an informative could be added to advise the applicant that a formal application for the connection to the public sewerage system is required in order to service this development; and no objection from the Environmental Health Team has been raised in terms of the use of a soakaway.

- 10.03 The Environmental Health Team have recommended that prior to the commencement of works that an acoustic survey is submitted. However, given the modest scale of the development and the fact that the issue of sound insulation can be addressed under building regulations, I do not consider this to be reasonable in this instance.
- 10.04 The proposal site is within an Area of Archaeological Potential, but the agent has confirmed that the proposal would not involve any ground excavations.
- 10.05 As this is for a ground floor flat, I consider it unreasonable to seek further renewable or low-carbon sources of energy to be incorporated into the development. Under building regulations, fire engines must be able to get within 45m of a building, so the proposal site would be reachable in this respect. Whilst this is not a material planning consideration I felt it necessary to address this issue.
- 10.06 The main issues raised by Hollingbourne Parish Council and local residents have been addressed in the main body of this report. However, I would add that to the best of my knowledge the applicant has correctly served notice on the other landowners, and so I am satisfied that the application is valid in this respect; and any disputes between the owners would be a civil matter that needs to be dealt with privately. In addition, any issues relating to covenants, indemnity insurance, rights of way and party wall agreements are civil matters and are not material planning considerations in the determination of this application; refuse storage is shown to the front of the front of the building; cycle storage could easily be housed in the allocated garages; and whilst there have been disputes regarding the accuracy of the submitted plans, I am satisfied that a decision can be made based on the submitted details and undertaken site visits.

11.0 Conclusion

- 11.01 The scheme is acceptable in terms of its design; its impact on adjacent residents; and the local highway network. As such, it is considered overall that the proposal is acceptable with regard to the relevant provisions of the Development Plan, the NPPF and all other material considerations such as are relevant. I therefore recommend approval of the application on this basis.

12.0 RECOMMENDATION – APPROVE with conditions:

- (1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission;

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- (2) The development shall not commence until written details and samples of the materials to be used in the construction of the external surfaces of any buildings and hard surfaces have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed using the approved materials and maintained thereafter unless otherwise agreed in writing by the local planning authority;

Reason: To ensure a satisfactory appearance to the development.

- (3) If during construction/demolition works evidence of potential contamination is encountered, works shall cease and the site fully assessed to enable an appropriate remediation plan to be developed. Works shall not re-commence until an appropriate remediation scheme has been submitted to, and approved in writing by, the Local Planning Authority and the remediation has been completed. Upon completion of the building works, this condition shall not be discharged until a closure report has been submitted to and approved in writing by the Local Planning Authority. The closure report shall include details of;
- a) Details of any sampling and remediation works conducted and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology.
 - b) Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site.
 - c) If no contamination has been discovered during the build then evidence (e.g. photos or letters from site manager) to show that no contamination was discovered should be included.

Reason: In the interests of public safety and pollution prevention.

- (4) The approved details of the parking/turning areas shall be completed before the commencement of the use of the land or buildings hereby permitted and shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015 (or any order revoking and re-enacting that Order, with or without modification) or not, shall be carried out on the areas indicated or in such a position as to preclude vehicular access to them;

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

- (5) If the development hereby approved requires any groundwork/excavation (including installation/laying of services), no development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a watching brief to be undertaken by an archaeologist approved by the Local Planning Authority so that the excavation is observed and items of interest and finds are recorded. The watching brief shall be in accordance with a written programme and specification which has been submitted to and approved by the Local Planning Authority.

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

- (6) The development hereby permitted shall be carried out in accordance with the following approved plans: P(11) 01 Rev B, 02 Rev B, 03 Rev B and 04 Rev B received 07/09/15;

Reason: To ensure a satisfactory appearance to the development and to safeguard the enjoyment of their properties by existing and prospective occupiers.

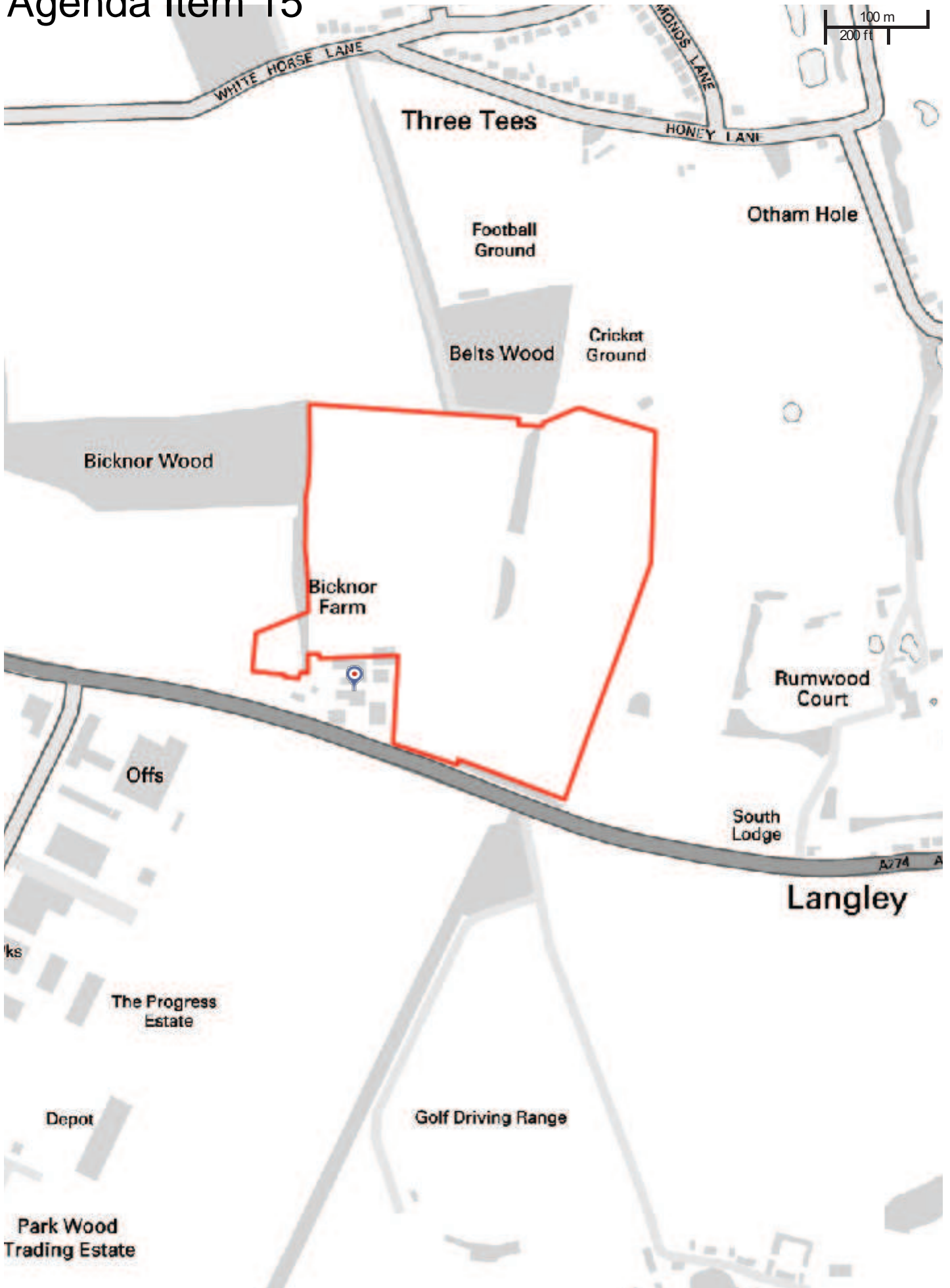
INFORMATIVES

- (1) A formal application for the connection to the public sewerage system is required in order to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (tel: 0330 303 0119) or www.southernwater.co.uk.
- (2) 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 and Transportation to progress this aspect of the works prior to commencement on site.
- (3) The applicant is advised that no demolition/construction activities shall take place, other than between 0800 to 1800 hours (Monday to Friday) and 0800 to 1300 hours (Saturday) with no working activities on Sunday or Bank Holiday.

Case Officer: Kathryn Altieri

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.

Agenda Item 15



REPORT SUMMARY

REFERENCE NO - 16/503775/FULL			
APPLICATION PROPOSAL Residential development of 271 dwellings including 30% affordable housing, access and associated infrastructure.			
ADDRESS Land at Bicknor Farm Sutton Road Langley Kent ME17 3NG			
RECOMMENDATION: Grant planning permission subject to the conclusion of a section 106 legal agreement and the imposition of suitable planning conditions as necessary to make the proposed development acceptable in planning terms. That the Head of Planning and Development be given delegated powers in consultation with the Head of Legal Partnership to negotiate and agree the precise details of the S106 legal agreement (see section 11 of report for full recommendation)			
SUMMARY OF REASONS FOR RECOMMENDATION 1. The proposed development would be acceptable in principle. 2. The impact on the highway would not be severe, adequately mitigated through highway capacity improvements, measures to relieve traffic congestion and improvements to bus frequency along Sutton Road. 3. Ecological mitigation measures can be successfully implemented subject to conditions. 4. The visual impact on the landscape character is considered to be low to moderate. 5. The impact on surrounding heritage assets would amount to less than substantial harm. 6. Over provision of good quality open space within centre of site. 6. Potential harm caused by the development would be outweighed by the benefits of additional housing contributing to the 5 year housing supply.			
REASON FOR REFERRAL TO COMMITTEE 1) The recommendation is contrary to the views of Parish Councils. 2) It is a departure from the adopted local development plan.			
WARD Downswood & Otham		PARISH/TOWN COUNCIL Otham	APPLICANT Jones Homes (Southern) Ltd AGENT DMH Stallard LLP
DECISION DUE DATE 29/07/16		PUBLICITY EXPIRY DATE 29/07/16	OFFICER SITE VISIT DATE Various visits
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
14/500532/EIASC R	EIA screening opinion was issued setting out that the most significant implications would be from increased road traffic and resultant air quality and visual impact which could have a cumulative effect with other developments on Sutton Rd but would be at a local level. Concluded that an EIA was not required and impacts could be adequately mitigated.	EIA not required	30/06/2014
14/506264	Residential development of 271 dwellings	Resolved	14/07/2016

	including 30% affordable housing, access and associated infrastructure.	to approve. Non-determination appeal pending	
Planning History – Surrounding Sites			
13/1523	The erection of 100 dwellings together with associated new access road, car parking, landscaping, and open space at land west of Bicknor Farm, Sutton Road.	Approval	14/11/2014
13/1149	Outline application for the erection of up to 600 dwellings, with associated local centre comprising convenience store (Use Class A1) (1,300sqm - 1,500sqm Gross Floor Area (GFA), retail/commercial units (Use Class A1, A2, A3, A5 and/or D1) (400sqm GFA), and public house (Use Class A4) (550sqm - 700sqm GFA); a two form entry primary school (with pre-school provision and a community facility); public open space; allotments; nature conservation area; and landscaping at land At Langley Park, Sutton Road.	Approval	06/02/2014
13/0951	Full application for residential development of 186 dwellings comprising a mixture of 2, 3, 4 and 5 bedroom properties with associated parking, landscaping, amenity space and engineering works at Imperial Park (land north of Sutton Road, Otham).	Approval	26.09.2014
15/509251	Outline application for residential development with associated vehicular, pedestrian and cycle access, and associated works, including provision of public open space. (All matters reserved for future consideration with the exception of access). Land North Of Bicknor Wood.	Approval	14.07.2016
15/509015/OUT	Outline application for residential development, together with non-residential uses (including potentially A1 (retail), A3 (sale of food and drink on the premises e.g. restaurant), A4 (public house), D1(a) (medical use), D1(b) (creche/day centre/day nursery), or B1 (office), up to 0.4 ha of land reserved for C2 (residential care), the reservation of 2.1 ha of land for	Approval	14.07.2016

	primary education (use class D1), public open space in the form of natural green space, allotments, play facilities and informal open space together with landscaping, parking, footpath and cycle links and the necessary servicing, drainage and the provision of necessary utilities infrastructure, with all matters reserved for future consideration with the exception of access.		
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1.0 BACKGROUND INFORMATION

- 1.01 On 14th July 2016, members resolved that had the appeal not been submitted against planning application 14/506264 (for the same development as this duplicate application), the Council would have granted planning permission subject to the conclusion of a section 106 legal agreement and planning conditions considered necessary to make the proposed development acceptable in planning terms. As such, the Council will not contest the appeal but will be represented at the appeal inquiry to assist the Inspector appointed to determine the appeal.
- 1.02 This full application is a duplicate of application 14/506264 for the same development which picks up on and addresses the issues and recommendations discussed by members at the committee meeting on the 14th July and as set out in the agreed minutes.
- 1.03 Consequently it would be inconsistent for the Committee to take a different view on any material issue than it did on 14th July. In such circumstances, without substantive difference to the previously approved proposal, a different overall decision would be considered unreasonable and would be lead to a likely risk of costs application against the Council.

MAIN REPORT

2.0 DESCRIPTION OF SITE

- 2.01 The site is located on the south-eastern edge of Maidstone within the Parishes of Otham and Langley to the north of Sutton Road, adjacent to the built up area boundary. It is located outside the defined settlement, adjacent to other allocated housing sites which are currently being built out and/or currently have live applications submitted to the Council.
- 2.02 The site area is contained within two field parcels and small areas of associated utility space adjacent to the farmyard buildings and is accessed via a gate from the A274 Sutton Road to the southern boundary and is one of the major routes from the south to the town centre being two-way and subject to a 40mph speed limit.
- 2.03 The topography of the site area reflects the immediate surrounding landscape, and is relatively level with a gentle fall across the site area predominantly from the eastern edge toward the north western corner of the site area.

- 2.04 The site is edged to the east by the paddock land and setting of Rumwood Court and to the northern boundary with further paddock enclosures. A woodland block known as Belts Wood directly adjoins the northern boundary between the nearby cricket and football grounds and the agricultural land south of White Horse Lane and Honey Lane beyond which lies the village of Three Tees. Further north lies the village and conservation area of Otham and the scattered blocks of Ancient Woodland including East Wood. To the west the site is edged with the Ancient Woodland block of Bicknor Wood and the scrubland lying adjacent to the northern edge of Sutton Road approaching the urban eastern edge of Maidstone. To the south the site is defined by Sutton Road, lined with a mature belt of trees and vegetation and the curtilage of Bicknor Farm to the south western corner.
- 2.05 The buildings of Bicknor Farm are largely contained from view within the site by the outlying barns and sheds of the yard and an array of large disused lorry containers immediately west of the existing site entrance. Further associated paraphernalia includes large skips and abandoned plant vehicles. Areas of hardstanding and access surrounding the enclosed farmyard development are becoming overrun with scrub and ruderal vegetation and have been utilised for the storage of excavation debris, rubble and waste material forming large spoil heaps. The field to the east of the proposed site is occasionally used for car boot fairs accessed from the Sutton Road entrance via a hard surfaced track.
- 2.06 An existing Public Right of Way (PRoW) runs directly through the site linking Sutton Road in the south to White Horse Lane and the western edge of Threes Tees in the north beyond Belts Wood and the adjacent football ground and agricultural field.
- 2.07 To the south of the site, beyond Sutton Road is Langley Park, a development of up to 600 new homes, is directly opposite the site and will provide further sustainability credentials to the site as the proposals include a new retail hub, primary school, allotments and open space.
- 2.08 Bicknor Farm Farmhouse is a Grade II Listed Building but also benefits from commercial mixed uses. Rumwood Court, also a Grade II Listed Building is to the east of the site.

3.0 PROPOSAL

- 3.01 The site forms part of the emerging strategic housing allocations set out in Policy SP3 and Policy H1 (9) of the Submission Version of the Maidstone Borough Local Plan for approximately 335 dwellings.
- 3.02 The application seeks full planning permission for the development of the Site for 271 dwellings on 10.8ha of land on the edge of the defined development boundary of Maidstone. It will be accessed via a new 'arm' on the roundabout proposed as part of the permitted Langley Park scheme. An emergency access is also proposed as well as other possible pedestrian links to the wider area. The scheme represents a mix of housing sizes and types including 30% affordable housing.
- 3.03 The proposed development comprises a mix of 2, 2.5 & 3 storey properties constituting a density of 25dph.

Private Housing:

1 bed	2 bed	3 bed	4 bed	5 bed	Total
0	24	93	56	17	190

0%	13%	49%	29%	9%	70%
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Affordable Housing:

1 bed	2 bed	3bed	4 bed	5 bed	Total
Shared Ownership					
10	15	6	0	0	31
12%	19%	7%	0	0	11.5%
Social Rented					
18	16	12	4	0	50
22%	20%	15%	5%	0	18.5%
Total					
28	31	18	4	0	81
35%	38%	22%	5%	0	30%

- 3.04 Access to the site is via the new Langley Park roundabout where a feature entrance to the site would comprise grassed verges and two pairs of houses on an offset sweeping bend opposite a pocket of open space fronting Sutton Road. The main spine access road would be planted with trees within a verge to create an avenue leading to a forked junction which splits the site into 4 distinct districts where the open space would be the main focal feature. The large central tree belt is retained and provides a backdrop for the open space provision within the north east section of the site. The north-east section provides a low density area with large detached dwellings to act as transition between the urban and rural edge. The south-east and western parts of the site are high density mixed development of 1, 2 and 3 bed private and affordable dwellings. The central areas, along the access road comprise low density detached housing.
- 3.05 The scheme provides 2.34ha of open space comprising a mix of formal and informal open space and landscape buffers of which approximately 1.04ha is useable open space and 1.28ha being landscape and visual buffer zones. A landscape strategy is also submitted demonstrating how open space and planting/landscaping could be provided; this includes 15m buffer zone between the houses and Bicknor Woods together with buffer strips to the edges of the site. Any under provision of open space will be provided for by a financial contribution to be secured by the S106 agreement as per the adjoining and adjacent sites granted permission and under construction. The public footpath PROW KM94 will be retained and enhanced continuing the link between Sutton Road and White Horse Lane.
- 3.06 The design and appearance of the buildings will take reference from the local vernacular buildings in terms of scale, form, materials and detail and would be a contemporary interpretation of traditional housing, of relatively simple form, incorporating materials to include brick, weatherboard, render and tile hanging.
- 3.07 Parking provision is generally in accordance with KCC's parking standards . It will be a mixture of parking within plot curtilages and parking courts and will include some garages. Overall, 600 spaces are provided (566 allocated and 34 unallocated). Cycle parking will be provided with garages, outbuildings or in secure cycle stores.

4.0 PLANNING CONSTRAINTS

- Setting of grade II listed building at Bicknor Farm
- Allocated Site – housing/economic development
- Airfield Detling DVOR Technical Site
- Ancient Woodland
- Potential Archaeological Importance
- MOD Thurnham Multiple (Spatial)
- Public Right of Way KM94
- Thurnham Exclusion Zone Multiple (Spatial)
- Tree Preservation Order Point MBC_SBC Multiple (Spatial)
- Tree Preservation Order Polygon MBC_SBC Multiple (Spatial)

5.0 POLICY AND OTHER CONSIDERATIONS

5.01 In determining applications for planning permission, section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990, regard must be had to all material planning considerations and the application must be determined in accordance with the development plan unless material considerations indicate otherwise.

5.02 National and local planning policy and guidance relevant to this application include:

- The National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Maidstone Borough-Wide Local Plan 2000: H1, T1, T2, T13, ENV6, ENV21, ENV26, ENV28, ENV32, ENV35, ENV41, CF1
- Supplementary Planning Documents: Affordable Housing Development Plan Document (2006), Open Space Development Plan Document (2006)
- Maidstone Landscape Character Assessment (2012) (amended 2013), Landscape Capacity Study (2015) and Landscapes of Local Value (2015)
- Maidstone Integrated Transport Strategy 2012-2026
- Draft Maidstone Borough Local Plan (Submission Version): SS1, SP3, SP5, SP17, H1(9), H2, DM1, DM2, DM3, DM11, DM12, DM13, DM14, DM23, DM24, ID1

5.03 Material considerations relevant to this planning application include:

- The Transport White Paper (2011);
- KCC Local Transport Plan (2011-2026);
- Safer Places, The Planning System and Crime Prevention.

5.04 The Maidstone Borough Local Plan will provide a framework for development until 2031. It plans for homes, jobs, shopping, leisure and the environment, and will plan infrastructure to support these. The Local Plan is emerging and its policies are material to the consideration of this application and as the plan has reached submission stage to the Secretary of State, the plan is afforded significant weight.

5.05 Section 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 requires that decision makers pay special regard to the desirability of preserving listed structures potentially affected by the scheme or their settings or any features of special architectural or historic interest that they may possess. Such special regard has been paid in the assessment of this planning application.

6.0 LOCAL REPRESENTATIONS

- 6.01 **Otham Parish Council** – No response received to this application. However, the Parish's objection to the previous application should be noted.
- 6.02 **Langley Parish Council** – No response received to this application. However, the Parish's objection to the previous application should be noted.
- 6.03 **Neighbours/Interested Parties:** The Council posted site notices, advertised a press notice and wrote to surrounding neighbours of the site. Neighbours were re-consulted when material amendments to the proposed development were received by the Council.
- 6.04 In total, 6 representations of objection from 5 households were received in response to the consultation exercise and are summarised as follows:
- Sutton Road already busy and has high level of noise pollution from cars.
 - Construction of houses will cause additional noise.
 - Lack of GP services in the area.
 - Loss of trees and open fields would affect natural beauty of area.
 - There have already been a huge amount of dwellings approved here.
 - Building on top quality agricultural land.
 - Proposal does not "recognise the intrinsic character and beauty of the countryside" and would further despoil the rapidly shrinking area of open country between Maidstone & Langley.
 - The area is remote from any railway station and buses are near non-existent.
 - The existing road infrastructure is totally inadequate and already close to full capacity.
 - The increased concreting over of green spaces could result in flooding especially around the Langley Church area.
 - The existing infrastructure in the Langley area is completely inadequate for the houses either built or in the process of being built.
 - Loss of habitat.
 - Langley boasts a great number of listed properties, including Rumwood Court, which would be compromised or threatened.
 - Nearest hospital is over 5 miles away.
 - Sutton Road is already at capacity and runs to a bottle neck at its junction with Loose Road at the Wheatsheaf. Access to the M20 for commuters will swamp Leeds Road and village together with the lanes that run through Langley and Otham. Willington Street will also be severely affected.
 - Most journeys would be done by car so site is not sustainable.

7.0 CONSULTATIONS

- 7.01 **KCC Highways:** KCC strongly objects on the basis that the development would cause a severe worsening of congestion and associated consequential effects along the A274, and in the absence of any conclusive evidence to demonstrate that the impact can be fully mitigated. KCC draw attention to the extensive comments provided on the previous application 14/506264 which are also pertinent to this application and are summarised as follows:
- *KCC Highways wish to maintain the objection previously raised in relation to this development proposal on account of the worsening levels of congestion that will result in an unacceptably severe impact on the highway network.*

- *In the event that the Borough Council are minded to grant planning approval against Highway Authority advice, and in the absence of an agreed transport strategy, KCC Highways would seek agreement with the Borough Council on the use of monies equivalent to the value of the proposed highway works on Sutton Road.”*

7.02 Subsequently after submission of a further technical note from the applicant's Transport Consultants to provide supplementary information including further traffic modelling of the local highway network and junction designs, KCC Highways provided a further response and is summarised as follows:

- The conclusion that the impact on A274 Sutton Road/Willington Street/Wallis Avenue Junction should not be regarded as severe undervalues the importance of the A274 (Sutton Road) as a key arterial route serving south and south eastern Maidstone and the extent to which existing congestion will be made worse.
- The applicant's Transport Note argues the impact on the A274 Sutton Road/Horseshoes Lane Junction is not severe and no mitigation is proposed. KCC regards the worsening of conditions on this part of the A274 to contribute to the overall severe impact that would arise on this route and mitigation should be provided to prevent further delays to road users.

7.03 KCC Highways has the following comments regarding the additional commentary presented in the *'Executive Transport Summary'*:

- The applicant has expressed the view that any interpretation of the A274 Sutton Road/Willington Street/Wallis Avenue capacity modelling results must consider queuing and delay across the junction arms as a whole, rather than focusing solely on individual lanes. KCC Highways can confirm that the overall effects of the proposed mitigation on the junction operation were accounted for within the review of the modelling outputs.
- KCC Highways detailed examination of individual lanes at the junction reflects the critical importance of movement along the key A274 route. The modelling results have demonstrated that, even when the proposed mitigation is implemented, the queue associated with westbound traffic on the A274 will be nearly three times longer than would otherwise be the case in the AM peak. This is reconfirmed in the *'Executive Transport Summary'*. KCC Highways does not agree with the applicant's view that this represents a *'minor worsening'* of conditions that should only be viewed in the context of the junction operation as a whole. KCC Highways therefore raises an objection to this development proposal due to the severe traffic impact that it will have on the A274 road corridor.
- Within the *'Executive Transport Summary'*, the applicant has used excerpts from previous KCC Highways comments to support the view that the proposed A274 Sutton Road/Langley Park/Site Access junction will mitigate the impact of the development. This is somewhat misleading as the quoted KCC Highways comments were contrasting the capacity modelling results associated with the amended junction design against those submitted previously. It is therefore important to note that the capacity modelling has identified how the junction would operate close to capacity, thereby contributing in part to the overall levels of congestion and delay on the A274 road corridor.
- In the case of the A274 Sutton Road/Horseshoes Lane junction, the modelling analysis had indicated that the proposed development would add traffic movements to a junction that would already be operating over capacity. In the absence of any proposed mitigation and having regard to forecast conditions

elsewhere on the A274 corridor, KCC Highways views any further worsening of congestion to be unacceptable.

7.04 **Highways England:** No objection to the proposal, however, may impact on the local highway network in proximity to M20 J7 which would affect movements to and from the strategic road network.

7.05 **KCC Public Rights of Way and Access:** No objection subject to conditions.

7.06 **KCC Ecological Service:** No response to this application. However, as there are no changes from the previous application, the previous response of no objection subject to conditions is relevant.

7.07 **KCC SUDS/flood risk officer:** Objection on grounds of increased flood risk. No response received to revised drainage strategy submitted by the applicants to address the concerns raised.

7.08 **KCC Archaeology:** No objection subject to conditions.

7.09 **KCC Economic Development:** If permission granted for the proposal, the following financial contributions are to be secured by way of a section 106 planning obligation:

Primary Education -	£903,000
Secondary Education -	£532,725
New school land acquisition costs -	£609,893
Community Services -	£37,313.99
Libraries -	£13,013.42

7.10 **MBC Planning Policy:** No objection. The site has been brought forward to Regulation 19 stage of the emerging MBLP. The submitted scheme appears to address the criteria of Policy H1(9) of the emerging plan; retains and enhances local habitat and connectivity links.

7.11 **MBC Landscape Officer:** No objection subject to conditions relating to a landscaping strategy.

7.12 **MBC Conservation Officer:** No response to this application. However, as there are no changes from the previous application, the previous response that the proposal would result in less than substantial harm to the surrounding heritage assets and their setting is still relevant.

7.13 **MBC Housing:** No response to this application. However, as there are no changes from the previous application, the previous response of no objection is still relevant..

7.14 **MBC Arboricultural Officer:** No response to this application. However, as there are no changes from the previous application, the previous response of no objection subject to conditions is relevant.

7.15 **MBC Parks & Leisure:** No response to this application. However, as there are no changes from the previous application, the previous response of no objection subject to a contribution of £400 per dwelling towards off site open space is relevant.

7.16 **MBC Environmental Health:** No objection subject to conditions relating to ground contamination, air quality emissions assessment and vehicle charging points.

- 7.17 **MBC Environment & Street Scene:** No response to this application. However, as there are no changes from the previous application, the previous response of no objection subject to conditions is relevant.
- 7.18 **NHS:** No objection subject to a financial contribution of £224,892 towards healthcare needs at local surgeries within the local area secured by way of a section 106 planning obligation.
- 7.19 **Environment Agency:** No response to this application. However, as there are no changes from the previous application, the previous response of no objection subject to conditions is relevant.
- 7.20 **Crime Prevention Design Advisor (Kent Police)** – No objection subject to further consultation covered by condition.
- 7.21 **Southern Water** – No objection subject to conditions.
- 7.22 **Natural England** – No specific comment and refer to their standing advice.

8.0 BACKGROUND PAPERS AND PLANS

- Planning Statement dated December 2014
- Icen Transport Technical Note dated March 2016
- Transport Assessment dated December 2014
- Extended Phase 1 Habitat Survey dated August 2014
- Bat Survey dated August 2014
- Reptile Survey dated August 2014
- Flood Risk Assessment & Drainage Strategy dated December 2014
- Draft Travel Plan dated December 2014
- Agricultural Land Classification and Soil Resources dated July 2016
- Air Quality Assessment dated December 2014
- Contamination Phase 1 Desk Study July 2014
- Noise Assessment dated December 2014
- Sustainability Report November 2014
- Cultural Heritage Desk Based Assessment dated December 2014
- Landscape and Visual Impact Assessment dated 4th December 2014
- Landscape and Ecology Mitigation Proposals – Landscape Design Strategy dated 13 July 2016 Rev 01
- Construction Traffic Management Plan dated November 2015
- Proposed Schedule of External Materials received 21.07.2016
- LLD1020/03-01 – Tree protection & retention plan sheet 1
- LLD1020/03-02 - Tree protection & retention plan sheet 2
- LLD1020/01-01 – Tree constraints plan sheet 1
- LLD1020/01-02 – Tree constraints plan sheet 2
- LLD1020/02-01 – TPO plan sheet 1
- LLD1020/02-02 – TPO plan sheet 2
- Existing Tree Schedule and Schedule of Tree Works received 21.07.2016
- Arboricultural Impact Assessment. Tree Protection – Method Statement received 21.07.2016

3642/2.03 A 'Langley' 3 bed 2 storey semi-detached or mews house plans & elevations

3642/2.04 A 'Thornton' 3 bed 2 storey semi-detached or mews house plans & elevations

3642/2.05 A 'Davenham' 4 bed 2 storey detached house plans & elevations
3642/2.06 B 'Holcombe' 4 bed 2 storey detached house plans
3642/2.07 A 'Banbury' 4 bed 2 storey detached house plans & elevations
3642/2.08 A 'Ashby' 3 bed 2 storey semi-detached house plans & elevations
3642/2.09 A 'Birch' 3 bed 2 storey semi-detached or mews house plans & elevations
3642/2.10 A 4 bed 2 storey semi-detached house plans & elevations
3642/2.11 A 'Cranford' 2 bed 2 storey mews house plans & elevations
3642/2.12 A 'Hartford' 4 bed 2 storey detached house plans & elevations
3642/2.13 A 'Hartford Regent' 4 bed 2 storey detached house plans
3642/2.14 A 'Knightsbridge 2' 5 bed 2 storey detached house plans
3642/2.15 A 'Latchford' 5 bed 2 storey detached house plans & elevations
3642/2.16 A 'Stratton' 4 bed 2 storey detached house plans & elevations
3642/2.17 A 'Westbourne' 4 bed 2 storey detached house plans & elevations
3642/2.18 A 'Knightsbridge A' 5 bed 2 storey detached house plans
3642/2.19 A 'Connaught' (front entry garage) 5 bed 2 storey detached house plans
3642/2.20 A 'Connaught' (side entry garage) 5 bed 2 storey detached house plans
3642/2.21 'Chester' & 'Chester 2' 4 bed 3 storey town house plans
3642/2.22 A 'Chester' & 'Chester 2' 4 bed 3 storey town house elevations
3631/2.26/1 D Streetscape
3642/2.26/2 D Streetscape
3642/2.26/3 D Streetscape
3642/2.26/4 D Streetscape
3642/2.26/5 D Streetscape
3642/2.26/6 D Streetscape
3642/2.26/7 D Streetscape
3642/2.26/8 D Streetscape
3642/2.27 A 3B LTH 3 bed 2 storey semi-detached house elevations
3642/2.28 B 2B LTH & 3B LTH 2 & 3 bed 2 storey semi-detached or mews house plans
3642/2.29 'Connaught' (front entry garage) 5 bed 2 storey detached house elevations
3642/2.30 'Connaught' (side entry garage) 5 bed 2 storey detached house elevations
3642/2.31 'Holcombe' 4 bed 2 storey detached house elevations
3642/2.32 A 'Hartford' (front entry garage) 4 bed 2 storey detached house elevations
3642/2.33 'Hartford Regent' 4 bed 2 storey detached house elevations
3642/2.34 'Knightsbridge 2' 5 bed 2 storey detached house elevations
3642/2.35 'Knightsbridge A' 5 bed 2 storey detached house elevations
3642/2.37 A 2B LTH & 3B LTH 2 & 3 bed 2 storey semi-detached or mews house elevations
3642/2.39 'Hartford' (side entry garage) 4 bed 2 storey detached house elevations
3642/2.40 Apartments 1 & 2 bed 2 storey plans
3642/2.41 A Apartments 1 & 2 bed 2 storey elevations
3642/2.42 Apartments 1 & 2 bed 3 storey plans
3642/2.43 Apartments 1 & 2 bed 3 storey elevations
3642/2.44 Apartments 1 & 2 bed 3 storey plans
3642/2.45 Apartments 1 & 2 bed 3 storey elevations
3642/2.46 3B LTH (side entry) 3 bed 2 storey semi-detached house elevations
3642/2.47 2B LTH & 3B LTH (side entry) 2 & 3 bed 2 storey semi-detached or mews house plans
3642/2.48 2B LTH & 3B LTH (side entry) 2 & 3 bed 2 storey semi-detached or mews house elevations
3642/3.00 Q Site layout
3642/3.01 Location plan
22663A/SK01 – Coloured Site Layout Plan
22663A/SK05 – Site Sectional Elevations AA and BB
22663A/SK05 – Site Sectional Elevations CC and DD

9.0 APPRAISAL

Local planning policies – weight

- 9.01 Paragraph 215 of the NPPF states that, *“due weight should be given to relevant policies in existing plans according to their degree of consistency with this framework (the closer the policies in the plan to the policies in the Framework, the greater the weight that may be given).”*
- 9.02 Saved policy ENV28 seeks to protect the countryside by restricting development beyond identified settlement boundaries. In general terms, this policy is consistent with the NPPF, which at paragraph 17, recognises the intrinsic character and beauty of the countryside. However, the draft MBLP evidence base identifies objectively assessed needs for additional housing over the plan period 2016-2031 (which will be discussed in detail below), which the draft MBLP addresses, in part, by way of site allocations for housing outside sites outside existing settlement boundaries. The draft MBLP was submitted to the Secretary of State for Independent Examination on 20 May 2016 and examination hearings are expected to take place in September 2016. The draft MBLP will deliver the development (and infrastructure to support it) to meet objectively assessed over the plan period. Saved policy ENV21 relates to the protection of the character, appearance and functioning of strategic routes within the Borough and in relation to protecting of the character and appearance of strategic routes within the Borough is not out of step with the NPPF aim of protecting and enhancing the natural and built environment and so would attract full weight.
- 9.03 The existing settlement boundaries defined by the adopted Local Plan (2000) will be revised by the MBLP to deliver the development necessary to meet identified needs in accordance with the site allocations in draft MBLP policies SP3 and H1. Consequently, although saved policy ENV28 continues to be a material planning consideration, as the settlement boundaries in the adopted Local Plan will not be retained in their current form and would unduly restrict the supply of housing in the Borough contrary to paragraph 47 and 49 of the NPPF, the weight it should have is limited. The emerging MBLP is at an advanced stage and was submitted to the Secretary of State for examination on 20 May 2016. The independent examination has commenced and examinations hearings are expected to be held in September 2016. Policy SP17 of the draft MBLP, which relates to development in the countryside and Policy SP3 relating to the Maidstone South East Strategic Development Location are relevant together with Policy H1(9) which allocates the site for housing development comprising approximately 335 dwellings. As such, whilst the site is located within the countryside, outside of the existing settlement boundary having regard to the sites allocation for housing within an extension of the urban development boundary set out in Policies SP3 and H1(9) of the draft MBLP extending into the countryside (as restrained by Policy ENV28 of the adopted development plan), the proposed development would accord with the draft MBLP which should be afforded significant weight in the determination of this application. The non-compliance with saved policy ENV28 must be considered in the context of the site's inclusion within a planned eastern extension to the edge of Maidstone, albeit in a fully contained and screened setting. The Council can demonstrate a five-year housing land supply that is based, in part, on the allocation of housing sites in the draft MBLP, which will alter the existing development boundary. Those allocations include this site (draft MBLP policy H1(9)). Accordingly, although this application does not comply with ENV28 as it proposes development in

the 'countryside', limited weight should be accorded to that non-compliance, as the site is allocated for development in the draft MBLP.

9.04 Paragraph 216 of the NPPF states that,

"From the day of publication, decision-takers may also give weight to relevant policies in emerging plans according to:

- the stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);*
- the extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and*
- the degree of consistency of the relevant policies in the emerging plan to the policies in this Framework (the closer the policies in the emerging plan to the policies in the Framework, the greater the weight that may be given)."*

9.05 Inevitably any major development on a greenfield site will clearly have an impact upon the environment. In this respect at paragraph 152 the NPPF advises that,

"Local planning authorities should seek opportunities to achieve each of the economic, social and environmental dimensions of sustainable development, and net gains across all three. Significant adverse impacts on any of these dimensions should be avoided and, wherever possible, alternative options which reduce or eliminate such impacts should be pursued. Where adverse impacts are unavoidable, measures to mitigate the impact should be considered. Where adequate mitigation measures are not possible, compensatory measures may be appropriate."

9.06 In allocating the site, the Council considers its use for housing is appropriate subject to the criteria outlined within draft MBLP policy H1(9) to mitigate the impact as far as possible. On this basis, it is considered that in general, the proposed allocation is consistent with the principles and policies set out in the NPPF when taken as a whole.

9.07 In conclusion the weight to give that plan and the draft site allocation policy H1 (9) is considered to be substantial and clearly indicates that the Council considers a housing allocation at the site is appropriate subject to suitable mitigation.

9.08 **Principle of Development**

9.09 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning applications must be determined in accordance with the Development Plan unless other material considerations indicate otherwise. In this case the Development Plan comprises the Maidstone Borough-Wide Local Plan 2000, and as such the starting point for consideration of the proposal is saved policy ENV28 which relates to development within the open countryside. The policy states that:

"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.”*

- 9.10 None of the exceptions against the general policy of restraint apply, and therefore the proposal represents a departure from the adopted Development Plan. It then falls to be considered firstly whether there are any material considerations which indicate that a decision not in accordance with the Development Plan is justified in the circumstances of this case.

- 9.11 In terms of other material considerations, the National Planning Policy Framework (NPPF) is a key consideration, particularly with regard to the national planning priority to boost significantly the supply of housing to meet identified needs (in paragraph 47 which states that local planning authorities 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;’

- 9.12 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 (OAN) 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. Since that date revised household projection figures have been published by the Government and as a result the SHMA has been re-assessed. At the meeting of the Strategic Planning, Sustainability and Transport Committee on 9 June 2015, Councillors agreed a new OAN figure of 18,560 dwellings.

- 9.13 The yearly housing land supply monitoring carried out at 1 April 2016 calculated the supply of housing, assessed extant permissions, took account of existing under delivery and the expected delivery of housing. A 5% reduction from current housing supply was applied to account for permissions which expire without implementation. In conformity with paragraph 47 of the NPPF, a 5% buffer was applied to the OAN. The monitoring demonstrates the council has a 5.12 year supply of housing assessed against the OAN of 18,560 dwellings.

- 9.14 Policy SP3 of the emerging local plan relating to the Maidstone urban area south east strategic development location, sets out that land to the south east of the urban area is allocated as a strategic development location for housing growth with supporting infrastructure providing approximately 2,651 new dwellings on six allocated sites. The application site is allocated under Policy H1(9) of the emerging plan for development of approximately 335 dwellings and sets out the criteria to be met whereby planning permission would be granted.

9.15 The application involves the provision of 271 units which is below the H1(9) policy allocation of 335 units. This is due to the provision of 2.34ha of open space which is nearly double the minimum provision of 1.23ha set out in criteria 9 of the policy and the provision of a 15 metre buffer zone to the sites western boundary. As a result, it is considered that the reduced density and increased areas of open space would create a higher quality design and layout. The site is located close to public transport routes and in close proximity to the Langley Park development opposite which would enhance the sustainability of the site through the provision of new retail, school and commercial development and the provision of other local services and facilities. This also represents a strong material consideration in favour of the development.

9.16 For these reasons, it is considered that the principle of the development is acceptable in principle, having regard to relevant national and local planning policy in the NPPF the draft MBLP, respectively. Accordingly, applying the presumption in favour of sustainable development in paragraph 14 of the NPPF, planning permission should be granted unless the adverse impact of granting planning permission would significantly and demonstrably outweigh the benefits having regard to the policies of the NPPF considered as a whole. Accordingly, in the following paragraphs of this appraisal, detailed consideration is given to the impact of the proposed development.

9.17 Highway Impact

9.18 Saved Policy T2 of the adopted MBWLP, which carries significant weight, states that within bus and Hackney carriage corridors as set out in the proposals map, preference measures may include priority to buses at junctions, prioritisation within traffic management schemes and enhanced waiting, access facilities and information systems for passengers.

9.19 Paragraph 32 of the NPPF states that all development which generate significant amounts of movement should be supported by a Transport Statement or Transport Assessment. Decisions should take account of whether:

- the opportunities for sustainable transport modes have been taken up depending on the nature and location of the site, to reduce the need for major transport infrastructure;
- safe and suitable access to the site can be achieved for all people; and
- improvements can be undertaken within the transport network that cost effectively limit the significant impacts of the development. Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.

9.20 The housing allocation in draft MBLP Policy H1(9) sets out the following Highways and Transportation criteria required to secure planning permission:

“10. Bus prioritisation measures on the A274 Sutton Road from the Willington Street junction to the Wheatsheaf junction, together with bus infrastructure improvements.

11. Improvements to capacity at the junctions of Willington Street/Wallis Avenue and Sutton Road.

12. Package of measures to significantly relieve traffic congestion on Sutton Road and Willington Street.

13. Improvements to capacity at the A229/A274 Wheatsheaf junction.

14. Connections to the existing cycle network from Park Wood to the town centre, and by upgrading the PROW network to accommodate cycles.

15. Improvements to frequency and/or quality of bus services along A274 Sutton Road corridor”.

- 9.21 The applicant has submitted a Transport Assessment and associated Transport Technical Notes, which consider the traffic and transportation implications and present capacity testing of highway junction models in close vicinity of the site and whether they have sufficient capacity with the additional development traffic flows. Highway mitigation measures are subsequently recommended to address the increase in traffic associated with the application site, committed development sites and surrounding housing sites where planning applications have been submitted to the Council but not as yet determined.

Existing Conditions

- 9.22 The A274 Sutton Road forms one of the major routes from areas to the south and east of Maidstone into the town centre. It also provides a route (via the B2163 through the villages of Langley Heath and Leeds) to Junction 8 of the M20. Junction 8 of the M20 is some 6km northeast of the Site. At the point adjacent to the site frontage, Sutton Road is a two-way single lane carriageway with an approximate width of 7.5 metres and is subject to a 40mph speed limit.
- 9.23 Approximately 1km south east of the site, Horseshoes Lane forms a simple priority junction with the A274 Sutton Road and forms the signposted route from the northwest to Langley Heath and Leeds villages, which in turn provides onwards travel to Junction 8 of the M20.
- 9.24 Approximately 1.5km to the west of the site, the A274 Sutton Road forms a staggered signal controlled junction with Willington Street and Wallis Avenue. This includes the provision of a toucan crossing in the centre of the stagger and sign-posted cycle routes to Maidstone Town Centre, with a controlled pedestrian crossing on Willington Street and uncontrolled pedestrian crossing of Wallis Avenue.
- 9.25 Pedestrian routes in the vicinity of the site provide connections to existing bus stops, employment sites, surrounding residential areas, schools, health services and local centre shops.
- 9.26 Regular bus services served by 3 routes are currently accessible within short walking distance of the site. Future residents and their visitors will have the opportunity to access the site by a choice of travel modes.
- 9.27 The local and wider highway network in the vicinity of the site is of a good standard and is suitable for providing access to the proposed development. A review of accident records for the most recently available five-year-period shows that there are no particular highway safety concerns relating to the existing operation of local roads.

Traffic Impact Assessments

- 9.28 The Council have commissioned transport consultants Mott MacDonald to assess the likely impact of the proposal, and other relevant planning applications in the area and have reviewed all the information that has been submitted by the applicant's transport consultant Icen and have advised the Council accordingly.
- 9.29 Analysis was undertaken of the traffic flows used within the traffic modelling to further consider which committed development would demonstrate this degree of certainty to proceed by 2018. Each of the following sites detailed in the table below were considered for inclusion with the traffic modelling.

Summary of Committed Developments:

Site	No. of units (as specified in relevant TA)	Included with 2014 TA modelling	Considered likely to be built/started before 2018	Notes
Land rear of police headquarters, Sutton Road	112	N	Y	Planning permission granted
Land rear of Kent Police training school, St Saviours Road	90	N	Y	Scheme still awaiting completion of S106
Langley Park	600	Y	Y	Only 170 units considered likely by 2018, however 600 units include in modelling (source: iTransport TA)
Land north of Sutton Road	285	Y	Y	
North of Bicknor Wood	250	Y	Y	Not included with previous Icen modelling June 2015 given the absence of planning consent
West of Church Road	440	Y	Y	Not considered likely to be delivered by 2018 given current stage in pre-planning.
Land South of Sutton Road	950	N	N	Not considered likely to be started by 2018 due to scale of development and stage in planning process

9.30 It was requested that the proposed Countryside development at Land South of Sutton Road be included within the 2027 committed development scenario of the traffic modelling. Whilst it was accepted that this development was unlikely to be delivered by 2018, it was considered by MBC/Mott MacDonald that given a planning application for the scheme had been submitted that it should be included within the future 2027 assessment year modelling for completeness.

9.31 The following sites have been included as committed developments within the modelling assessments:

2018 Assessment

- Land Rear of Police Headquarters, Sutton Road
- Land Rear of Kent Police Training School, St Saviours Road
- Langley Park (170 units only)
- Land North of Sutton Road
- North of Bicknor Wood

2027 Assessment

- Land Rear of Police Headquarters, Sutton Road
- Land Rear of Kent Police Training School, St Saviours Road
- Langley Park
- Land North of Sutton Road
- North of Bicknor Wood
- Land South of Sutton Road

- 9.32 The following junctions have been identified for a traffic impact assessment as a result of the impact of the proposed development and cumulatively with other committed developments in the vicinity,:

- 1) Sutton Road / Willington Street / Wallis Avenue; and
- 2) Sutton Road / Horseshoes Lane.
- 3) Sutton Road/ Langley Park/ Site Access

Sutton Road / Willington Street / Wallis Avenue Traffic Impact Assessments

2018 Assessments:

- 9.33 A LinSig model has been used to assess the operation of the A274 Sutton Road / Willington Street / Wallis Avenue junction for '2018 + committed development' and '2018 + committed + development' traffic flows.
- 9.34 The layout presented in the Langley Park TA is considered to be a committed scheme and the '2018 + committed' scenario was therefore assessed based on this layout. The '2018 committed + development' scenario was assessed based on a proposed improvement layout.
- 9.35 Both schemes can be provided on currently adopted highway land. The proposed layout will be funded by financial contribution from Maidstone strategic sites relative to their impacts.
- 9.36 The results are set out in Table 3 and 4 of the Transport Note dated March 2016. They demonstrate an improvement to the operation of the junction as a result of the proposed junction improvements with both peaks being within capacity for the '2018 + committed + development' (with proposed layout) scenario, whereas the '2018 + committed' (with committed layout) AM peak is slightly over capacity.

2027 Assessment:

- 9.37 The traffic modelling results include committed cumulative development and associated committed junction improvements, and therefore provide a baseline against which the impact of the proposed development should be evaluated.
- 9.38 When evaluating the impact of the proposed development on the Sutton Road/Wallis Avenue/Willington Street junction, it is important to consider who the development affects across the junction as a whole, on the most constrained arm in terms of Degree of Saturation (DoS) and on the Practical Reserve Capacity (PRC).
- 9.39 The modelling results show that the junction is predicted to operate within capacity during the AM and PM peak hour with the inclusion of development traffic in the 2018 future assessment year. The results also demonstrate a significant improvement in operation, following the proposed modifications to the design of the junction. It is therefore considered that the impact of the development in 2018 is acceptable.

9.40 The outcome of the junction modelling for 2027 shows that it would be operating in excess of the theoretical capacity during both the AM and PM peak hours for both the Base + Committed (with the committed Langley Park junction layout) and the Base + Committed + Development Traffic Scenarios (with the proposed junction layout). However the operation of the junction is significantly improved in the Base + Committed + Development Traffic Scenario, with the Practical Reserve Capacity value improving in the AM peak from -30.3% to -17.6%, and in the PM peak hour from -21.6% to -13.0%. This is further demonstrated when considering both the Max Degree of Saturation value and associated Mean Max Queues predicted for the AM and PM peak hours. The Max DoS value is shown to fall from 117.3% to 105.9% in the AM peak, and 109.4% to 101.7% in the PM peak. The corresponding Mean Max Queues are also shown to fall from 88 pcus to 55 pcus in the AM peak and 96 pcus to 43 pcus in the PM peak hour.

9.41 In their recent consultation response, KCC Highways assert that the proposals would result in a severe impact on the A274 in the absence of effective mitigation. However, the figures demonstrate that the proposed modifications to the Sutton Road/Wallis Avenue/Willington Street junction scheme more than mitigate the impacts of the inclusion of development traffic and result in an improvement in the operation of the junction. As such, it is clear that effective mitigation is identified and the impact of the proposed development cannot be considered as severe in the context of the criteria outlined within the NPPF.

Sutton Road / Horseshoes Lane Traffic Impact Assessments

9.42 A Picady model has been used to assess this junction. The 2018 results included in the original TA indicated that the junction would operate within capacity in both peaks and scenarios (without and with development traffic). More recent analysis with updated traffic flows has therefore only been undertaken for the 2027 scenario.

2027 Assessment:

9.43 The results show that the junction is predicted to exceed its theoretical capacity in the 2027 Base + Committed and Base + Committed + Development Traffic scenarios. The maximum predicted queuing at the junction is shown to increase from 18 PCU's (passenger car units) to 24 PCU's in the AM peak hour and from 5 PCU's to 7 PCU's in the PM peak hour for the right turn from Horseshoes Lane into A274.

9.44 KCC Highways considers that the worsening of conditions on this part of the A274 to contribute to the overall severe impact that would arise on this route and mitigation should be provided to prevent further delays to road users. However, in response to this, an increase in maximum level of queuing of 6 vehicles and 2 vehicles during the respective peak hours falls short of the level of impact that could be considered severe. As such, the Council's transport consultants Mott MacDonald agree with the submitted information that it is not necessary to mitigate the impact of the proposed development at this junction.

Sutton Road/ Langley Park/ Site Access

9.45 The Arcady model for the Sutton Road/ Langley Park/ Site Access roundabout, which will serve the proposed development via the north arm, has been updated in accordance with the comments provided by Mott MacDonald. The updated traffic flows have been entered into the model to produce the results for the 2018 and 2027 scenarios. The layout of the junction has been modified from that detailed within the submitted Transport Assessment so as to improve the operation of the junction.

9.46 The results for the 2018 scenario show that the proposed site access junction

operates within capacity following the inclusion of development traffic and the conversion to a 4-arm roundabout, with a maximum ratio of flow to capacity (RFC) value of 0.52, and maximum queue of 2 vehicles during the PM peak hour.

- 9.47 The results indicate that the junction can still operate satisfactorily in the 2027 assessment year with the addition of development traffic. The results also show a significant improvement in operation of the junction and reduction in predicted maximum level of queuing following conversion to a 4-arm roundabout (new access arm) in this assessment year.
- 9.48 The maximum RFC is shown on the Sutton Road (west) arm of the junction at 0.94, and associated maximum vehicle queue of 12 during the PM peak hour. This should be further considered in the context of the Base + Committed scenario which shows a maximum RFC in the AM peak hour of 0.97 and associated queuing of 16 vehicles and a maximum RFC of 1.09 in the PM peak hour and associated queuing of 70 vehicles. Whilst the maximum RFC for the Base + Committed + Development scenario is above the ideal maximum value of 0.85, the results above clearly show an improvement in the operation of the junction, and that the proposed layout of the 4-arm roundabout more than mitigates the impact of the proposed development.
- 9.49 The provision of these off-site works would be secured by a Grampian condition to be implemented prior to commencement of the development.

'Rat Running'

- 9.50 At the Planning Committee Meeting of 7 July 2016, a survey demonstrating "100,000 vehicles rat running along the lanes" was cited by members. To date, we have not had sight of this survey and therefore are not able to comment on the survey.
- 9.51 The applicant for South of Sutton Road in their original TA dated October 2015 considered the potential for rat running along Gore Court Road and the B2163 through Leeds village. The relevant paragraphs for Gore Court Road are as follows:
- 9.52 Paragraph 5.2.6: *"As can be seen from Table 5-2 the traffic flows on Gore Court Road can be considered relatively light, with no more than 118 vehicles in the morning peak hour travelling southbound and 84 vehicles travelling northbound. This equates to an average of no more than two vehicles per minute in either direction, which suggests that the route is of limited attractiveness as a 'rat-run'."*
- 9.53 Paragraph 5.2.7: *"Traffic speed was also recorded by the ATC, and this shows vehicles entering the urban area travelling at 34.61mph (85th percentile) and heading north away from the urban area at 35.21mph (85th percentile), which reflects Gore Court Road's limited width and restricted forward visibility. It should be noted that Gore Court Road is subject to a 60mph speed limit at this location."*
- 9.54 Given the highway improvements proposed by the applicant and the junction assessment results presented in this paper which show improved junction performance at the key junctions, it is considered unlikely that the development would result in rat running along the lanes to the north of Sutton Road.
- 9.55 Notwithstanding the above, an additional Section 106 Heads of Terms is suggested to undertake annual monitoring and reporting of the effect of displaced traffic on highway routes surrounding the site and provision of a financial contribution to mitigate any significant adverse traffic flow conditions established by the monitoring exercise.

Conclusion

- 9.56 The supporting transport documents contain assessments for three junctions; the access roundabout, the junction of A274 Sutton Road / Willington Street / Wallis Avenue, and A274 Sutton Road / Horseshoes Lane. The impact of the proposed junction layout at A274 Sutton Road / Willington Street / Wallis Avenue tested with development flows is shown to reduce overall queuing and delays when compared to the Langley Park committed scheme with committed traffic only. The impact of the proposed development on the junction of A274 Sutton Road / Horseshoes Lane is not considered to be severe with limited additional queuing.
- 9.57 The design of the proposed four-arm site access roundabout from A274 Sutton Road is shown to operate within capacity in 2018 in both AM and PM peak hours. In 2027 the desirable capacity is slightly exceeded. However, compared to the 3-arm roundabout implemented by Langley Park, the addition of a 4th arm together with amendments to the roundabout would result in a significant decrease in queuing when comparing with and without development scenarios.
- 9.58 In addition to the implementation of the 4-arm access roundabout, the applicant would make proportionate financial contributions towards the implementation of the proposed improvement scheme for A274 Sutton Road / Willington Street / Wallis Avenue and towards bus improvement measures involving provision of a five year subsidy from the development for improvements to bus frequency and quality in accordance with Policy H1(9) of the emerging local plan. Further more detailed information, explanation and justification is included in the Urgent Update to application 14/506264 which is attached as Appendix B to this report.
- 9.59 In accordance with criteria 15 of Policy H1(9) of the MBLB and saved Policy T2 of the adopted Maidstone Local Plan which relates to bus and Hackney Carriage preference measures, a Grampian style condition will require the provision of additional bus shelters and bus stops close by to the site, pedestrian footpaths and crossing points to reach bus stops and local services and facilities comprehensively linking the site to the surrounding area. An additional financial contribution is recommended towards the subsidy required to enable the improvement of the bus service on routes 12 and 82 out to Bicknor Farm, into the land south of Sutton Road development with the prioritisation of high quality bus services serving Headcorn Railway Station, Bearsted Railway Station and the Cornwallis Academy with Real Time Information and Fast Tracking. Whilst this proposal does not seek bus prioritisation measures to contribute a pro-rata basis, the rationale for this is set out in paras 9.151 of the main report and appendix A of the highway mitigation apportionment table. This seeks to comprehensively mitigate the highway impacts of the south east Maidstone strategic housing allocations as a whole.
- 9.60 The Council's transport consultants Mott McDonald consider that with the appropriate mitigation measures put forward, the impact of the proposed development cumulatively with the other developments is mitigated and therefore cannot be considered to be severe.
- 9.61 KCC Highways fails to demonstrate by reference to relevant and reliable evidence that granting permission for the amended proposal would cause any adverse impacts that would significantly and demonstrably outweigh the benefits of the proposal and that the residual cumulative impacts of development are severe. Even if the 'as developed' scenario would potentially be 'materially worse', it does not follow that permission should necessarily be refused as the assessment must balance any worsening of the already severe conditions against the benefits of the proposal. In this case, the Council is satisfied that the applicant has submitted reliable evidence to

demonstrate that the 'as developed' mitigated scenario would be 'no worse' or 'no materially worse' than the existing scenario and cannot therefore be considered to be severe. As such, it is considered that the proposal would accord with paragraph 32 of the NPPF.

- 9.62 The Committee meeting at the 14th July considering the appeal proposal the Committee did not raise an objection on highways grounds. It would be unreasonable for the council to raise an objection on such a ground now.

Agricultural Land Classification

- 9.63 The National Planning Policy Framework (2012) requires the presence of best and most versatile agricultural land (defined as land in grades 1, 2 and 3a of the agricultural land classification) to be taken into account alongside other sustainability considerations. The framework expresses a preference for development to be directed to land outside of this classification (3b, 4 and 5).
- 9.64 The Council has undertaken strategic housing and economic development land availability assessments to assess the boroughs capacity for delivering its targets. The assessments have considered the availability and suitability of land and site constraints. The studies show that the local housing target can be met from within the existing built up area and on sites with the least constraints at the edge of Maidstone and at identified strategic locations.
- 9.65 The housing allocation sites set out in Policy SP3 of the draft MBLP are located on the Maidstone urban edge in the most sustainable location in the settlement hierarchy which is a strategic location for housing growth with supporting infrastructure. At this location, the intention is to limit the extension of development further into the countryside to ensure the more sensitive landscapes in this area will remain protected and development consolidated around the urban edge to make best of new and existing infrastructure.
- 9.66 The site has been rigorously tested through the Strategic Housing Land Availability Assessment, sustainability appraisal and the draft Local Plan testing to be suitable for housing development in a sustainable location. As such, the loss of best most versatile agricultural land within this site has been taken into consideration in its designation for housing in order to provide much needed housing to meet housing needs and the Councils 5 year housing supply target. Whilst material to the consideration of the application it does in my view weigh heavily against the benefits of the proposal in the planning balance.
- 9.67 The Committee meeting at the 14th July considering the appeal proposal the Committee did not raise an objection on the grounds of loss of agricultural land. It would be unreasonable for the council to raise an objection on such a ground now.

Landscape and Visual Impact

- 9.68 Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes. The intrinsic character and beauty of the countryside should be recognised. Saved policy ENV28 seeks to protect the countryside by restricting development beyond identified settlement boundaries. In general terms, this policy is consistent with the NPPF, which at paragraph 17, recognises the intrinsic character and beauty of the countryside.

- 9.69 The immediate surrounding landscape is of a gentle spread of undulating land across a mix of agricultural and wooded landscape, before localised and more extensive hills and dip slopes rise and fall in the terrain of the wider landscape. The topography of the site area reflects the immediate surrounding landscape, and is relatively level with a gentle fall across the site area predominantly from the eastern edge toward the north western corner of the site area.
- 9.70 The site occupies an area of existing farmland of Bicknor Farm, contained to the south by the main A274 Sutton Road. The site is edged to the east by the paddock land and setting of Rumwood Court and to the northern boundary with further paddock enclosures. A woodland block known as Belts Wood directly adjoins the northern boundary between the nearby cricket and football grounds and the agricultural land south of White Horse Lane and Honey Lane beyond which lies the village of Three Tees. Further north lies the village and conservation area of Otham and the scattered blocks of Ancient Woodland including East Wood. To the west the site is edged with the Ancient Woodland block of Bicknor Wood and the scrubland lying adjacent to the northern edge of Sutton Road approaching the urban eastern edge of Maidstone.
- 9.71 The site is lined with mature treeline vegetation to the southern edge adjacent to which runs the A274 Sutton Road. The land extends beyond Sutton Road with a large elongated open agricultural field, edged to the east by the Langley Park Driving Range and to the west by the trading estate development of Bircholt Road. To the east of the driving range is the horticultural nursery development of Rumwood Nurseries.
- 9.72 The Low Wealden landscape of open farmland and woodland cover lies further to the south whilst the elevated ridge of the North Downs rises beyond the M20 corridor to the north east. Away from the urban built environment and influence of Maidstone west of the site, the wider landscape is predominantly of an open agricultural nature with a mix of arable and pasture land and extensive nurseries spreading to the north, east and south with intermittent woodland blocks and treebelts giving way to field boundary hedge lined lanes.

Landscape Character Impact

- 9.73 The applicants have submitted a Landscape Visual Impact Assessment to demonstrate the potential impact of the development on the surrounding landscape. The assessment examines the effects of the proposed development in isolation and cumulatively with the surrounding housing developments. In summary, the assessment concludes that due to the proposed development largely enclosed and contained within the site area by the existing mature boundary tree lines and woodland block vegetation to the site boundaries, the change and effect upon the landscape character area would be '*moderate adverse*' effect upon the landscape resource of the character area and setting of Bicknor Wood. The scale of the proposals is considered slight and limited within the more immediate setting of the site and would not be readily perceived within the larger scale character areas and landscape effects are assessed to be '*negligible neutral*'.
- 9.74 The development proposals would not be perceptible from the Otham conservation area to the north. There would be '*no change*' upon the historic landscape component due to the consequential effects of the development proposals. The Grade II listed Bicknor Farmhouse would undergo a '*slight adverse*' effect due to the proximity of the building setting adjacent to the proposed development.

Landscape Visual Impact

- 9.75 The proposed development would not be highly visible from beyond the immediate site area and boundary frontages. The views made from publicly accessible areas and Public Right of Way footpaths predominantly range between '*negligible neutral*' and '*no change*'; due to the encompassing woodland block and treeline features, areas of existing built settlement areas combined with the level topography and lack of public access in the vicinity of the site.
- 9.76 The Public Right of Way which passes through the site would receive a greater magnitude of views. The surrounding environment also contains detracting elements and the proximity to the A274 Sutton Road degrades the experience and the proposals would therefore be deemed to have a '*moderate adverse*' significance.
- 9.77 Views made locally from north of the site are distinctly more rural in nature and a number of viewpoints potentially receive more open views to the site from more sensitive and publicly accessible space. The views tend to be glimpsed or limited in extent and otherwise filtered by existing landscape features. A single view from White Horse Lane adjacent to the western edge of Three Tees would receive '*slight adverse*' visual effects consequential to the development proposals.

Cumulative Visual Impact

- 9.78 There would be '*negligible neutral*' in-combination effects due to the lack of the amalgamated views of the combined developments. Whilst the exposure of the proposed development would allow sequential views to be made in addition to the amalgamated development, these would predominantly be oblique and of short frequency.
- 9.79 The sequential cumulative effects made from the A274 Sutton Road highway corridor would be of '*minor*' sensitivity; the sequential views would be dominated by long term intrusive elements such that the views would hold little visual amenity and the proposals would not have a marked effect upon the visual quality of the view. The development proposals would be perceptible but would not be a dominating element and the magnitude of change is assessed to be '*low*'; the significance of the cumulative effects consequential to the development proposals to the A274 Sutton Road highway corridor are judged to be '*negligible neutral*'.
- 9.80 The sensitivity of sequential views to the north and west is assessed to be '*Low*'. There would potentially be a noticeable awareness of the proposals in the short term which would have a '*medium*' magnitude of change. The significance of cumulative effects is judged to be '*Slight Adverse*' as a consequence of the development proposals in combination with the amalgamated developments.
- 9.81 In conclusion, whilst there will be some negative impact arising from the proposed development, it is considered that the site is well contained within the existing mature vegetation to the boundaries and the adjoining site from long distance views and landscape mitigation measures to strengthen the boundary vegetation would reduce the perceptibility of the site from public viewpoints. As such it is considered that whilst there will be some harm to the landscape character in conflict with Policy ENV28, the visual impact would be localised to short distance views and the conflict with Policy ENV28 would be limited. The proposal would accord with Policies ENV6, and ENV26 of the Maidstone Local Plan and Policy H1(9) of the emerging Local Plan.
- 9.82 The Committee meeting at the 14th July considering the appeal proposal the Committee did not raise an objection on grounds of visual landscape impact. It would be unreasonable for the council to raise an objection on such a ground now.

Design and Layout

- 9.83 Paragraph 17 of the NPPF states that planning should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
- 9.84 Paragraph 56 of the NPPF attaches great importance to the design of the built environment and considers it key to sustainable development. It is indivisible from good planning and should contribute positively towards making places better for people.
- 9.85 Paragraph 58 of the NPPF states that developments should function well and add to the overall quality of an area, establish a strong sense of place, optimise the potential of the Site to accommodate development, respond to local character and history, create safe and accessible environments and be visually attractive as a result of good architecture and appropriate landscaping.
- 9.86 The Kent Design Guide (2005) (KDG) emphasises that design solutions should be appropriate to context and the character of the locality. Development should reinforce positive design features of an area; include public areas that draw people together and create a sense of place; avoid a wide variety of building styles or mixtures of materials; form a harmonious composition with surrounding buildings or landscape features; and seek to achieve a sustainable pattern and form of development to reduce the need to travel and improve the local context.
- 9.87 The site is served by a main access from Sutton Road (A274) from a new arm of the new Langley Park roundabout. The site frontage would incorporate a prominent feature entrance to the west side of the frontage and communal and private garden areas set behind a belt of trees fronting Sutton Road to the east side.
- 9.88 The development layout has been criticised for being too urban in this edge of countryside/suburban location. However, it is similar in scale and layout to the adjoining developments already granted planning permission and incorporates a reduced density of 25dph as opposed to a 32dph figure set out in the draft MBLP policy H1(9) of the housing allocation. The proposed layout uses the existing landscape features and constraints to dictate the general layout and to protect and retain the existing landscape resources (including the designated ancient woodland of Bicknor Wood with the provision of a 15 metre wide landscape buffer) and include extensive structural reinforcement of the site boundaries; the site edges would be bolstered and enhanced through structural planting of native tree, hedge and boundary vegetation supplemented with wildflower grassland fringes. Substantial ecology landscape buffers would be maintained and enhanced as part of the landscape mitigation and open space strategy to form protective space to the adjacent existing woodland belts and treelines.
- 9.89 The layout has been designed to incorporate green infrastructure throughout the site providing structure to the residential areas whilst promoting the provision for public open space through the core of the site and to the site boundaries. The residential properties would include garden plots providing separation to the architectural layout with frontage and feature amenity planting proposed through the site.
- 9.90 The development frontages and architectural street arrangement would be edged with boundary hedge lines and accent focal planting areas to the residential elements; the street frontages would be planted with a number of specimen trees

adjacent to the vehicular and pedestrian access. The proposed ornamental planting scheme would reinforce the residential dwelling frontages within the scheme, and compliment the style and design of the proposed development architecture. The planting would become a design feature providing identity and character to the proposed residential development scheme.

- 9.91 The main spine access road would be planted with trees within a verge to create an avenue leading to a forked junction which splits the site into 4 distinct districts where the open space would be the main focal feature. with street scenes providing views to key spaces and glimpses of the existing tree belt to the north. Streets have active frontages, and open spaces are overlooked providing natural surveillance, and where possible all properties have dual aspects to avoid blank facing walls and 'dead' frontages.
- 9.92 The layout has made provision for possible future pedestrian/vehicular access to adjoining development sites to the north and west increasing permeability through the site to surrounding developments and the wider townscape to produce a more integrated comprehensive strategic extension to the South East of Maidstone and avoid isolated piecemeal development. It should be noted that the proposed development would not result in coalescence with Langley due to the distance between the site and Langley village. A condition is recommended to secure off-site footpaths and crossing points linking the development to bus stops and future local services and facilities within adjoining and adjacent sites.
- 9.93 The design approach to the houses and apartments is traditional and of a good quality design, incorporating house types and apartment blocks of a similar architectural theme of 2, 2.5 and 3 storeys in height to incorporate materials such as facing brick, render, painted weatherboarding, tile hanging and Kent ragstone walls to front elevations of several house types in prominent and highly visual locations. The majority of houses/buildings are 2 storeys in height. The 3 storey houses are located to the north west quarter of the site where views into the site would be obscured by the mature vegetation to the north and west boundaries, Bicknor Wood and the 2 storey houses to the front of the site.
- 9.94 It is considered, therefore, that the scale, density, and massing is appropriate to the site and location and reflect the quality applied to the detailing and appearance of the scheme and reflect the design approach adopted on surrounding sites in order to provide an integrated comprehensive approach to this strategic housing area.
- 9.95 The Committee meeting at the 14th July considering the appeal proposal the Committee did not raise an objection on design and layout grounds. It would be unreasonable for the council to raise an objection on such a ground now.

Open Space Provision

- 9.96 Policy H1(9) of the draft MBLP requires provision of a minimum of 1.23ha of open space within the site together with contributions towards off-site provision/improvements as required in accordance with policy DM22 of the draft MBLP and should be sited to maximise accessibility to new and existing residents.
- 9.97 The figure of 1.23ha set out in the policy was calculated based on the land available to provide open space on the site if the site was to be developed in accordance with Policy H1(9) to provide 335 dwellings at a density of 35dph. As the application involves a lower provision of 271 units, a larger amount of land is available for open space and thus 2.34ha of open space is provided within the centre of the site

comprising a mix of formal and informal semi-natural open space and landscape buffers. The open space is centred mainly around the cluster of TPO trees within the centre of the site which provide an opportunity to highlight these important landscape features as a significant focal point within the site contributing to a sense of place.

- 9.98 A green habitat corridor extends from the open space to the adjoining site to the east where the reptile receptor site is to be located to enhance existing habitat within the centre of the site and to ensure connectivity is retained between the receptor site and proposed development.
- 9.99 The siting of the surrounding houses and the spinal access road around the periphery of the open space adequately addresses the space which will provide an element of natural surveillance and create a useable and meaningful space for residents. In addition, a condition is recommended requiring the provision of a childrens play area together with details of its location within an appropriate area, arrangement, design, type of equipment to be provided and details of its management.. As such, it is considered that the proposed development would accord with the open space requirements of Policy H1(9) of the draft MBLP.
- 9.100 The Committee meeting at the 14th July considering the appeal proposal the Committee did not raise an objection on to the issue of open space provision. It would be unreasonable for the council to raise an objection on such a ground now.

Ecology

- 9.101 The Conservation of Habitat and Species Regulations 2010 (as amended) contain certain prohibitions against activities affecting European Protected Species, such as bats. These include prohibitions against the deliberate capturing, killing or disturbance and against the damage or destruction of a breeding site or resting place of such an animal. The Habitats Directive and Regulations provides for the derogation from these prohibitions in certain circumstances. Natural England is the body primarily responsible for enforcing these prohibitions and is responsible for a separate licensing regime that allows what would otherwise be an unlawful act to be carried out lawfully.
- 9.102 As local planning authority, the Council is obliged to consider whether granting planning permission engages the legal requirements of the Habitats Directive and Habitats Regulations 2010. Where granting planning permission will engage relevant statutory provisions within the Regulations prohibiting and regulating the disturbance of European protective species and their habitat, the Council is obliged to consider the likelihood of a licence being subsequently issued by Natural England and the 'three tests' under Regulation 53 being satisfied. Natural England will grant a licence where the following three tests are met:
- There are “imperative reasons of overriding public interest including those of a social or economic nature and beneficial consequences of primary importance for the environment”;
 - there is no satisfactory alternative; and
 - the action authorised will not be detrimental to the maintenance of the population of the species concerned at a favourable conservation status in their natural range.
- 9.103 Section 40 of the Natural Environment and Rural Communities Act (2006) states that ‘Every public authority must, in exercising its functions, have regard, so far as is consistent with the proper exercise of those functions, to the purpose of conserving biodiversity’. Section 40(3) of the same Act also states that ‘conserving biodiversity

includes, in relation to a living organism or type of habitat, restoring or enhancing a population or habitat'.

- 9.104 Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural and local environmental by minimising the impacts on biodiversity where possible, contributing to the Government's commitment to halt the overall decline in biodiversity, including by establishing coherent ecological networks that are most resilient to current and future pressures.
- 9.105 Paragraph 118 of the NPPF states that when determining planning applications, local planning authorities should aim to conserve and enhance biodiversity, Where development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated or compensated for, then planning permission should be refused. Development proposals where the primary objective is to conserve or enhance biodiversity should be permitted. Opportunities to incorporate biodiversity in and around developments should be encouraged.
- 9.106 Saved Policy ENV41 states that development will not be permitted which would lead to the loss of ponds, or which would harm their visual and wildlife functions.
- 9.107 The applicants have submitted a Phase 1 Ecology Report identifying the potential ecological constraints on the site which identified potential for roosting bats within trees, reptiles under trees and within the scrub and grassland, badgers and breeding birds. The site was not considered to be suitable habitat for dormice and amphibians. Thus, the applicants have submitted reptile and bat surveys to determine the likely presence, numbers and activity on the site.

Bats

- 9.108 The submitted surveys provide a good understanding of how the site is used by foraging and commuting bats and highlights where the main bat foraging areas are located. A number of trees have been identified as containing suitable features for roosting bats. No bats were recorded emerging from the trees during the emergence surveys however there is still potential that bats will occasionally roost within the trees. It appears that the only tree with bat roosting features to be lost is tree T9 (as numbered within the Bat Survey Report). A condition is recommended to ensure that tree T9 must be felled following the precautionary mitigation strategy detailed within the Bat Survey Report.
- 9.109 There is a need to ensure that the lighting for the site and, in particular, the main bat foraging area is designed to minimise impact on foraging bats. A condition is therefore recommended requiring full details of a lighting plan or how the proposed lighting would minimise any impact on foraging bats.

Reptiles

- 9.110 A reptiles presence/absence survey was carried out and the only reptile found on site were Slow Worms albeit a low population was found. However, the number was significant enough to require a mitigation strategy which would involve capturing and relocating the Slow Worms to an offsite receptor area identified within the adjacent field to the east. The strategy involves trapping and moving the animals out of the development area to the habitat enhanced receptor area and exclusion fencing installed to prevent the animals moving back into the development area.
- 9.111 The KCC Ecologist is satisfied with the proposed receptor site but it is recommended that connectivity between the proposed receptor site and the proposed development is retained. The development is proposing to enhance existing habitat within the site

to create a habitat corridor within the centre of the site which, once completed, will provide suitable habitat for reptiles and there is a need to ensure connectivity is retained between the receptor site and proposed development to ensure that reptiles can re-colonise the site once construction works have been completed. A condition is recommended requiring this to be demonstrated within the submission of a Landscape and Ecological Management Plan together prior to commencement of development.

Badgers

- 9.112 An active badger sett has been recorded within the development site within an area to be retained. The submitted information has advised that an up dated badger survey is carried out and this would be conditioned as such. The area where the badger sett is located is to be retained within the development site, however, as the construction of the development and after completion is likely to result in an increase in disturbance to the sett, additional information would be required to be submitted detailing what measures to be provided to ensure the badgers will not be impacted by the proposed development during construction and after occupation and secured by condition.

Breeding Birds

- 9.113 There is suitable habitat within the site for breeding birds although no nests were recorded during the ecological scoping survey it's still possible that birds will nest within the site in future years. All nesting birds and their young are legally protected under the Wildlife and Countryside Act 1981 (as amended). As such we advise that any vegetation is removed outside of the breeding bird season (March – August) and if that is not possible an ecologist must examine the site prior to works starting. If any nesting birds are recorded all work must cease in that area until all the young have fledged.

Enhancements

- 9.114 One of the principles of the National Planning Policy Framework is that “opportunities to incorporate biodiversity in and around developments should be encouraged”.
- 9.115 The landscape proposals would enhance the species and biodiversity within the development site with habitat diversification and creation to the development site boundaries, retaining and strengthening through management the habitat fringes of the existing groups of mature broad-leaved trees to the eastern and southern site boundaries. Planting of native tree, hedgerow, understorey shrub planting and wildflower grassland seeded areas with ornamental flowering shrub species, specimen and accent planting within the residential gardens would also be included.
- 9.116 Areas of existing habitat within the site boundary to the central site area would be mitigated and enhanced through initial management and retention of significant vegetation and by the planting of native understorey shrubs and herb layer visually strengthening the existing vegetation and enhancing the site's potential for biodiversity and wildlife interest, maintaining habitat and wildlife corridors for Reptiles, Birds, and Bats adjacent to the proposed areas of Public Open Space central to the development.
- 9.117 The landscape mitigation strategy would enclose the development edge and reinforce the hedge rowed containment and character of the surrounding landscape environment. The landscape and ecological strategy proposals would improve the site's potential for ecological connectivity, through the creation of a habitat and wildlife corridor to the eastern boundary.

- 9.118 The western site boundary is edged with mature trees and the ancient woodland of Bicknor Wood. The landscape mitigation proposals would comprise a landscape Buffer zone of 15.0m offering protection of the ancient woodland and a landscape corridor between Bicknor Wood and Belts Wood to the north west corner of the site. The landscape and ecology mitigation strategy would seek to enhance the woodland edge through the implementation of wildflower grassland seeded areas fringing a planting mix of native mixed species understorey shrubs and scattered trees and to create a strong boundary treatment to the north of the site. The planting proposals would further protect the landscape resource whilst reinforcing the site provision and creation of connective habitat with existing valued ecological features.
- 9.119 Areas of wildflower grassland combined with native species planting of trees, shrubs and hedgerows would create ecological habitat, providing an enhancement of site bio-diversity and connectivity with the existing landscape and ecological resource, with increased foraging and hibernating potential for protected species.
- 9.120 It is considered that there is a significant need to ensure that these enhancement measures will be managed appropriately to benefit biodiversity. As such, a condition is recommended requiring that they should be addressed within the submission of the Landscape and Ecological Management Plan.

Residential Amenity

- 9.121 The NPPF makes clear that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings.
- 9.122 Paragraph 123 of the NPPF states that planning decisions should aim to avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development.

Residential Amenity and Air Quality Impact

- 9.123 The applicants have undertaken an Air Quality Assessment as the site is located on the edge of the Maidstone Air Quality Management Area which has considered levels of nitrogen dioxide concentrations and particulate matter, mainly as a direct result of associated traffic movements, on areas of ecological importance. The assessment concludes that the significance of nitrogen dioxide exposure would be negligible and particulate matter exposure would also be expected to be negligible. The impact can be mitigated by planning conditions to reduce the reliance on car use, promote alternative modes of transport and provision of pedestrian paths into surrounding sites and routes
- 9.124 Saved Policy ENV28 of the Maidstone Borough-Wide Local Plan (2000) states that in the countryside, planning permission will not be given for development which harms the amenities of surrounding occupiers.
- 9.125 The impact upon surrounding residential amenity will be very limited due to the site's significant distance from the nearest residential properties and the presence of mature trees and vegetation surrounding the site. With the exception of Bicknor Farm, it is noted that the property is already surrounded by high fences, barns and commercial sheds in association with the commercial activity within the grounds which would to a greater extent screen the proposed development from the residential farmhouse.
- 9.126 Whilst a number of objections have been received with regards to the impact upon

residential properties within Otham and Langley, due to the distance between this site and the village, it is considered that there would be no significant harm caused by this proposal to these residents in terms of overlooking, overshadowing, or the creation of a sense of enclosure. Similarly, there would be very little, if any, harm caused by noise and disturbance from the occupation of the development, only from the construction of the development albeit for a temporary period and during working hours.

- 9.127 With regards to the additional traffic movements, the majority of these will be along the main thoroughfares of Sutton Road, Willington Street and Wallis Avenue. Whilst a number of objections have been received concerning potential rat running through the lanes and narrow tracks surrounding the site as a direct result, the proposed highway mitigation initiatives set out above would alleviate any potential increase in traffic which may result, thereby negating any need to use surrounding roads. In any event, there is no evidence to show that using surrounding roads would provide a quicker, shorter, indirect route than the main thoroughfares.
- 9.128 Other objections relate to increased air pollution from the increased traffic levels generated by the proposed development and the cumulative impact with the surrounding housing developments. The applicants have undertaken an Air Quality Assessment as the site is located on the edge of the Maidstone Air Quality Management Area and has considered impacts on nitrogen dioxide concentrations and particulate matter, mainly as a direct result of associated traffic movements,
- 9.129 The Air Quality Assessment concludes that prior to the implementation of appropriate mitigation measures such as dust suppression, the risk of impacts from the construction phase has been assessed as 'low risk' at the worst affected receptors.
- 9.130 The significance of the effects of the proposed development from traffic associated with the development with respect to NO₂ exposure is determined to be 'negligible'. With respect to predicted PM₁₀ exposure, the significance of the proposed development is also determined to be 'negligible'. All modelled residential receptor locations are predicted to meet the national AQO's for both NO₂ and PM₁₀ in both the 'do minimum' and 'do something' scenarios. However, a condition is recommended requiring an emissions statement setting out the pollutant emissions costs and a scheme detailing and quantifying what measures or offsetting schemes are to be included in the development which will reduce the transport related air pollution of the development. Following the adoption of the recommended mitigation measures, the development is not considered to be contrary to any of the national, regional or local planning policies.
- 9.131 With regards the noise impact, the proposed development is not expected to have an 'adverse impact' on health or quality of life. Similarly, it is considered that all 'adverse impacts on health and quality of life' (relating to noise) are mitigated by the use of an appropriate glazing and ventilation strategy as set out in the submitted noise assessment.
- 9.132 Environmental Protection have been consulted and raise no objection to the conclusions of the assessments. As such, subject to the relevant conditions, it is considered that the proposed development is not likely to result in an unacceptable impact existing or future residents in respect of additional noise, or air quality.
- 9.133 The Committee meeting at the 14th July considering the appeal proposal the Committee did not raise an objection on to the issue of impact on residential amenity

and air quality. It would be unreasonable for the council to raise an objection on such a ground now.

Heritage

- 9.134 Sections 66(1) of the Planning (Listed Building and Conservation Areas) Act 1990 requires that decision makers pay special regard to the desirability of preserving heritage assets potentially affected by the scheme or their settings or any features of special architectural or historic interest that they may possess. Such special regard has been paid in the assessment of this planning application.
- 9.135 Paragraph 131 of the NPPF states that in determining planning applications, local planning authorities should take account of:
- the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation;
 - the positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and
 - the desirability of new development making a positive contribution to local character and distinctiveness.
- 9.136 Paragraph 132 sets out that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Substantial harm to or loss of a grade II listed building, park or garden should be exceptional. Substantial harm to or loss of designated heritage assets of the highest significance, notably scheduled monuments, protected wreck sites, battlefields, grade I and II* listed buildings, grade I and II* registered parks and gardens, and World Heritage Sites, should be wholly exceptional.
- 9.137 Paragraph 133 states that where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:
- the nature of the heritage asset prevents all reasonable uses of the site; and
 - no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
 - conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
 - the harm or loss is outweighed by the benefit of bringing the site back into use.
- 9.138 Paragraph 134 states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
- 9.139 Planning Practice Guidance (PPG) states that great care should be taken to ensure heritage assets are conserved in a manner appropriate to their significance, including the impact of proposals on views important to their setting. As the significance of a

heritage asset derives not only from its physical presence, but also from its setting, careful consideration should be given to the impact of development on such assets.

- 9.140 The development site lies immediately adjacent to the listed building at Bicknor Farmhouse, which is a 17th Century timber-framed building with later extensions. Further to the East lies the Grade II Rumwood Court, a large 15th/16th Century timber-framed property with extensive late Victorian additions now divided into flats. The eastern part of the application site lies within land shown on the 1933 Six Inch OS map as being parkland associated with Rumwood Court and some vestigial tree-planting of parkland character remains. The current formal gardens of Rumwood Court lie some distance further to the East and are bounded on their western side by a significant tree belt.
- 9.141 Bicknor Farmhouse originally occupied an isolated and entirely rural location. Housing developments currently under way have severely truncated this to its western side and the current proposals, wrapping around its northern and eastern sides, would remove this rural setting entirely. However, Bicknor Farmhouse has not had a direct inter-relationship with this rural background for some time, the listed building being hemmed in to the North and East by substantial modern agricultural/ industrial/ storage buildings and lorry parking areas which detract significantly from its setting. For the most part these buildings and structures will remain and will screen the listed building from the new development now proposed. Although the development proposals will have some detrimental impact on the setting, it is considered that this would be slight.
- 9.142 The loss of some of the former parkland to Rumwood Court will remove some of the historic context of that building, but the land seems to be no longer directly related to it and a further field will remain undeveloped before the well-landscaped boundary of the existing gardens is reached. It is considered, therefore, that there will be no significant impact on the setting of Rumwood Court. It is recommended, therefore, that conditions are imposed concerning the submission of full details of materials and landscaping.
- 9.143 With regard to archaeological significance at the site, the submitted Heritage Statement concludes that the site would have low potential for remains of all archaeological periods. However, due to the sites location on free draining land near a river stream, the presence of archaeological remains cannot be ruled out. A standard archaeological condition is, therefore, recommended appropriate in this case.
- 9.144 As such, on balance it is considered that there are insufficient heritage grounds to justify refusal of this application and the proposed development would have no significant impact on the significance of surrounding Heritage assets and their setting and would thus amount to less than substantial harm. The extent of the harm will be addressed in the conclusion section in weighing up the harm against the public benefits of the proposed development.
- 9.145 The Committee meeting at the 14th July considering the appeal proposal the Committee did not raise an objection on to the impact on heritage. It would be unreasonable for the council to raise an objection on such a ground now.

Contributions

- 9.146 Any request for contributions needs to be scrutinised, in accordance with Regulation

122 of Community Infrastructure Regulations 2010. These stipulate that an obligation can only be a reason for granting planning permission if it is:

- (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.

Affordable Housing

- 9.147 The adopted Affordable Housing DPD requires that a 40% affordable housing provision be made on developments of 15 units or more. The application proposes a 30% affordable housing provision on grounds that a 40% provision would render the development unviable.
- 9.148 The applicant submitted a viability assessment in support of the application which the District Valuation Office has independently appraised. Notwithstanding the outcome of the viability assessment appraisal, draft MBLP Policy DM13 sets out target rates for affordable housing of 30% within the Maidstone Urban Area and 40% within the countryside, rural service centres and larger villages. Policy DM13 is underpinned by draft MBLP Policy SP3 (relating to the Maidstone urban area: south east strategic development location) which extends the Maidstone Urban Area to accommodate the application site and 5 other strategic housing sites identified in draft MBLP Policies H1(5) to H1(10) inclusive. As such, as the site is an allocated housing site (Policy H1(9)) within the Maidstone urban area extension and the proposed development has come forward in accordance with the criteria set out in this policy, it is considered that a 30% affordable housing provision would be appropriate in the circumstances.
- 9.149 It is acknowledged that whilst relevant draft MBLP Policies have not been adopted and do not carry full weight at this stage, as stated above, those draft policies should be accorded significant weight in the determination of this application.
- 9.150 As such, it is considered appropriate timing wise to apply draft Policy DM13 to this allocated housing site which would bring forward earlier than anticipated, the implementation of a strategic housing site which would provide a significant proportion of the Council's strategic 5 year housing supply. As such, I am of the view that in this instance there are material considerations that indicate that a 30% affordable housing provision is acceptable in the circumstances.

KCC Contributions

- 9.151 Kent County Council has requested that contributions be made towards primary education, secondary education, new school land acquisition, libraries, Community Services and Adult Social Care. These contributions are considered to have been fully justified, necessary and related to the scale of development proposed and are in accordance the aforementioned regulations.

Primary Education -	£905,000
Secondary Education -	£533,904.75
New school land acquisition costs -	£611,243.84
Community Services -	£37,453.72
Libraries -	£13,012.28
Adult Social Care – Provision of 6 wheelchair accessible units as part of the affordable housing provision.	

Primary Education

- 9.152 The proposal gives rise to 63 additional primary school pupils during occupation of

this development and cumulatively with other developments in the vicinity can only be met through the provision of a new primary school at Langley Park. The school forms part of the outline element of planning application (MA/13/1149) for 600 houses at the Langley Park site. An area of land within the Langley Park site is to be set aside for a new two form entry primary school. Significant negotiations have taken place with Kent County Council education, and it has been agreed that the developers of this site, together with the developers of neighbouring land would all make contributions towards the land acquisition costs, and the cost of construction.

- 9.153 In order to ensure that this school could be delivered, it would be necessary for contributions of £4000.00 per applicable house and £1000.00 per applicable flat together with the associated costs of purchasing the land which amount to £2701.63 per applicable house and £675.41 per applicable flat. The site acquisition cost is based upon the price KCC is required to pay for the school land and the strategy agreed by the Borough Council when determining previous development proposals in the area. KCC Education consider it necessary to seek the provision of this school in order to accommodate the additional pupil numbers, and this is borne out by the fact that it is included within the emerging Local Plan Policy. Education provision is a strong material consideration with regards to the provision of community facilities, and the creation of good development. It is considered, therefore, that this element of the proposal does meet the tests as set out above.

Secondary School Provision

- 9.154 A contribution is sought based on the additional need required, where the forecast secondary pupil product from new developments in the locality results in the maximum capacity of local secondary schools being exceeded. The proposal is projected to give rise to 45 additional secondary school pupils from the date of occupation. This need can only be met through the provision of new accommodation within the locality. A contribution of £2359.80 per applicable house and £589.95 per applicable flat is requested for the construction of a phase of extending Cornwallis Academy Maidstone.

Community Services

- 9.155 KCC requests that the development contribute to the community facility which is being delivered as part of the school. The proportionate cost of this additional part of the building is £37,453.72.

Libraries

- 9.156 There is currently an assessed shortfall in provision. Bookstock in Maidstone at 1339 per 1000 population is below the County average of 1349 and both the England and UK figures of 1510 and 1605 respectively. The assessment shows that 13.28% of new residents in the development will be active library borrowers. To mitigate this increase in demand, KCC will purchase and provide new books for these residents, the cost of which is £18,005.93 resulting in a contribution of £48.02 per household.

Parks and Open Space

- 9.157 For a development of this size, a minimum of between 2.85ha and 3.52ha of meaningful on-site open space would be required. The proposal involves the provision of 2.34ha of open space within the site. The shortfall would therefore trigger a contribution towards offsite open space for surrounding open space which is likely to see an increase in usage as a result of this development. Senacre Recreation Ground is approximately 400 metres away and is a large area of open space providing outdoor sports facilities. An offsite contribution is requested towards this site for the improvement, maintenance, refurbishment and replacement of facilities such as play equipment and play areas, ground works, outdoor sports provision and

pavilion facilities. The contribution would equate to a sum of £400 per dwelling x 271 amounting to £108400.

- 9.158 It is considered that the contributions sought would ensure that the provision of contributions and facilities would accommodate the impact made by the proposal upon existing infrastructure.

NHS Contributions

- 9.159 The NHS has been consulted and have confirmed that no new provision is required on site. The NHS has indicated that the existing provision within the locality can be expanded to accommodate this growth. As such, contributions are sought to upgrade surgeries within the locality, which include the Wallis Avenue Surgery, Orchard Surgery Langley, Mote Medical Practice, and Northumberland Court Surgery. The above surgeries are within a 1.3 mile radius of the development and the contribution will be directly related to supporting the improvements within primary care by way of extension, refurbishment and/or upgrade in order to provide the required capacity.

- 9.160 A contribution of £360 per person is sought based on the following predicted occupancy rates per dwelling size as follows.

1 bed unit	@	1.4 persons
2 bed unit	@	2 persons
3 bed unit	@	2.8 persons
4 bed unit	@	3.5 persons
5 bed unit	@	4.8 persons

- 9.161 As such, the calculated contribution requested is £210,960 in connection with securing the contribution. The NHS confirms that not more than 5 pooled contributions for the sites listed above have been incorporated and thus meets with CIL regulations. It is considered that the request meets the specific tests set out above.

Highway Contributions

- 9.162 In assessing the transport and highways impact of the proposals (Land North of Bicknor Wood, Land South of Sutton Road and Bicknor Farm), the Planning Department has looked strategically at all the sites and apportioned mitigation works to each. These works have been considered by transport advisors Mott MacDonald as necessary to mitigate the increase in traffic caused by the proposals.

- 9.163 In the case of this proposal (Bicknor Farm), the following mitigation is proposed:

- 9.164 A financial contribution of £2938 per dwelling amounting to £798,095 in total towards improvements to capacity at the junctions of Willington Street/Wallis Avenue and Sutton Road to be secured prior to commencement of development. This is the recommended apportionment set out in the apportionment table in the attached appendix A.

- 9.165 A financial contribution of £365,850 towards the subsidy required to enable the improvement of the bus service on routes 12 and 82 out to Bicknor Farm and into the land south of Sutton Road development. This is the recommended apportionment set out in the apportionment table in the attached appendix A.

- 9.166 In drawing up this apportionment, the following considerations have been followed:

- That the mitigation is necessary to address the highways impacts of the proposals;
- That the overall cost of the mitigation was proportionate with the number of units being proposed in each scheme;
- Ensuring that the proposals were compliant with the Regulations 122 and 123 of the CIL Regulations 2010, in being reasonable, proportionate and directly related to the development and the restrictions on pooling section 106 planning obligations (limiting the number of contributions per mitigation) to no more than 5 obligations.

9.167 Appendix A attached seeks to demonstrate apportionment of highways mitigation works across the draft strategic site allocations in South East Maidstone, in order to provide a comprehensive package of highways mitigation measures which meet the CIL Regulation 122 and 123 tests. This table demonstrates how officers have sought to apportion the necessary contributions for each site on a **pro-rata** basis (with schemes that mitigate their own impacts to be dealt with via Grampian condition). This is a dynamic process and as a consequence it is requested that delegated authority be granted to the Head of Planning to agree any subsequent amendments to the apportionment table to ensure the delivery of strategic South East Maidstone highways mitigations works.

10.0 CONCLUSION

10.01 Policy SP3 of the emerging local plan sets out that land to the south east of the urban area is allocated as a strategic development location for housing growth with supporting infrastructure providing approximately 2,651 new dwellings on six allocated sites. The application site is allocated under Policy H1(9) of the emerging plan for development of approximately 335 dwellings and sets out the criteria to be met whereby planning permission would be granted. Due to the advanced stage of the emerging Draft Local Plan submitted to the Secretary of State for examination on the 20 May 2016, these policies now afford significant weight in the determination of this application.

10.02 As an appeal has been submitted, the Council has no jurisdiction to determine this planning application, which the merits of which will be considered by a planning inspector appointed by the Secretary of State to consider and determine the submitted appeal. However, the Council must inform PINS of the decision it would have made on the application, had the appeal not been submitted. If the Planning Committee decides that it would have granted planning permission, the Council would not contest the appeal but would be represented at any hearing or inquiry as explained above. If the Planning Committee decides that it would have refused planning permission, the Council must defend that decision at the appeal. Any putative reasons for refusal must be clearly justified by reference to relevant development plan policies and must be based upon relevant and reliable evidence. Otherwise, the Council will be at risk of an adverse costs award being made if an unreasonable failure to defend any reasons for refusal causes the appellant to incur wasted expenditure.

10.03 The proposed development is contrary to saved policy ENV28 in that it proposes housing development outside a settlement boundary in the adopted Maidstone Borough-wide Local Plan (2000)

10.04 Paragraph 49 of 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 policy ENV28) should not be considered up-to-date if the local planning authority cannot demonstrate a five-year supply of deliverable housing sites. The Council can demonstrate a five year supply of deliverable housing sites.

- 10.05 The site is in a sustainable location adjoining the settlement boundary of Maidstone in the Local Plan, which offers a good range of facilities and services. The visual impact of development at the site would be localised and would not result in any significant protrusion into open countryside beyond existing developed areas. Appropriate infrastructure and highway mitigation could be provided together with the provision of 30% affordable housing. Drainage issues have been fully considered and mitigation for the development could be achieved. There are no objections from the Environment Agency in terms of flooding. There are no ecology objections or any other matters that result in an objection to the development. The Conservation Officer considers that the harm to the setting of the listed building would be slight and would thus amount to less than substantial harm.
- 10.06 Accordingly, Paragraph 14 of the NPPF provides that planning permission should be granted unless any adverse impacts would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole. In determining whether the proposal would be a sustainable form of development there are three dimensions to consider giving rise to the need for the planning system to perform environmental, economic and social roles. I consider that the development would provide economic benefits through delivering houses, associated construction jobs, and the likelihood of local expenditure (economic benefits commonly recognised by Inspectors at appeal). Officers consider there would be social benefits through providing needed housing, including affordable housing, community infrastructure, and I do not consider the impact upon existing residents would be unduly harmful. There would be some impact upon the landscape but this would be limited and localised, and otherwise there would be no significant harm to the environment or the significance of the listed building. As such, it is considered that the development would perform well in terms of economic, social and environmental roles required under the NPPF and would constitute sustainable development. It is considered, therefore, that the harm caused would not outweigh the public benefits of providing additional housing in a sustainable location which would provide a significant proportion of the Council's strategic 5-year housing supply.
- 10.07 The development would be acceptable in terms of its impact on the landscape, biodiversity, heritage, on neighbours' living conditions and highways subject to appropriate planning conditions and obligations. In relation to biodiversity, taking into account mitigation measures, it is likely there would be an improvement and enhancement of the ecological value of the site.
- 10.08 Considering the low level of harm that will be caused by the proposed development, it is considered that those adverse impacts would not significantly and demonstrably outweigh the benefits of providing much needed housing, including affordable housing, in a sustainable location. As such, the presumption in favour of sustainable development in paragraph 14 indicates that planning permission should be granted. the NPPF. As such, I consider that compliance with policy within the NPPF would have been sufficient grounds to depart from the adopted Local Plan.
- 10.09 I would be inconsistent for the Committee to take a different view on any material issue than it did on 14th July . In such circumstances, without any substantive difference to the previously approved proposal, a different overall decision would be

considered unreasonable and would lead to a [likely](#) risk of costs [application](#) against the Council.

10.10 Heads of Terms and planning conditions that are recommended are listed below.

11.0 RECOMMENDATION –

11.1 Grant planning permission subject to the conclusion of a section 106 legal agreement and the imposition of suitable planning conditions as necessary to make the proposed development acceptable in planning terms.

11.2 That the Head of Planning and Development be given delegated powers in consultation with the Head of Legal Partnership to negotiate and agree the precise details of the S106 legal agreement to provide the following:

- The provision of 30% affordable residential units within the application site. Tenure split to be 38% shared ownership (31 units) and 62% social rented (50 units);
- A financial contribution of £798,095 as calculated in Appendix A to the report of the Head of Planning and Development, towards improvements to capacity at the junctions of Willington Street/Wallis Avenue and Sutton Road to be secured prior to commencement of development subject to final amendments to be negotiated between the Head of Planning and Development acting under delegated powers and developers;
- A financial contribution of £365,850, as calculated in Appendix A to the report of the Head of Planning and Development towards the subsidy required to enable the improvement of the bus service on routes 12 and 82 out to Bicknor Farm and into the land south of Sutton Road development with the prioritisation of high quality bus services serving Headcorn Railway Station, Bearsted Railway Station and the Cornwallis Academy with Real Time Information, Fast Track etc, subject to final amendments to be negotiated between the Head of Planning and Development acting under delegated powers and developers;
- Financial contribution of £609,893 towards the land acquisition costs for provision of new school at Langley Park and £903,000 towards construction costs;
- Financial contribution of £37,313.99 towards the community facility being delivered as part of the new school at Langley Park;
- Financial contribution of £532,725 towards the construction of a phase of extending Cornwallis Academy Maidstone;
- Financial contribution of £13,013.42 towards libraries to address the demand from the development towards additional bookstock;
- Financial contribution of £108,400 towards the improvement, maintenance, refurbishment and replacement of off-site facilities for play equipment and play areas, ground works, outdoor sports provision and pavilion facilities at Senacre Recreation Ground;

- Financial contribution of £224,892 to the NHS to upgrade surgeries as required at the Wallis Avenue Surgery, Orchard Surgery Langley, Mote Medical Practice, and Northumberland Court Surgery;
- Annual monitoring and reporting of the effect of displaced traffic on highway routes surrounding the site (“rat running” monitoring);
- A financial contribution towards suitable mitigation measures to combat any significant adverse traffic flow conditions as may be established by the monitoring exercise to be conducted;
- The establishment of a ‘development monitoring committee’ to be responsible for the review of all aspects of the development including design, phasing, quality etc., with such members to include an Officer of the Council, Ward Member(s), representatives of the appropriate Parish Council(s) and a representative of the developers; and
- A financial contribution towards the setting up and running of this “development monitoring committee”.

Planning Conditions:

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004, and in order to encourage the commencement of development and boost the provision of new market and affordable housing supply in accordance with paragraph 47 of the National Planning Policy Framework 2012 and paragraph 027 of the National Planning Policy Guidance 2014.

- 2) Except as set out in these conditions, the development hereby permitted shall not be carried out except in accordance with the approved plans, drawings, reports and supporting documents:

- Planning Statement dated December 2014
- Icen Transport Technical Note dated March 2016
- Transport Assessment dated December 2014
- Extended Phase 1 Habitat Survey dated August 2014
- Bat Survey dated August 2014
- Reptile Survey dated August 2014
- Flood Risk Assessment & Drainage Strategy dated December 2014
- Draft Travel Plan dated December 2014
- Agricultural Land Classification and Soil Resources dated July 2016
- Air Quality Assessment dated December 2014
- Contamination Phase 1 Desk Study July 2014
- Noise Assessment dated December 2014
- Sustainability Report November 2014
- Cultural Heritage Desk Based Assessment dated December 2014
- Landscape and Visual Impact Assessment dated 4th December 2014
- Landscape and Ecology Mitigation Proposals – Landscape Design Strategy dated 13 July 2016 Rev 01
- Construction Traffic Management Plan dated November 2015

- Proposed Schedule of External Materials received 21.07.2016
- LLD1020/03-01 – Tree protection & retention plan sheet 1
- LLD1020/03-02 - Tree protection & retention plan sheet 2
- LLD1020/01-01 – Tree constraints plan sheet 1
- LLD1020/01-02 – Tree constraints plan sheet 2
- LLD1020/02-01 – TPO plan sheet 1
- LLD1020/02-02 – TPO plan sheet 2
- Existing Tree Schedule and Schedule of Tree Works received 21.07.2016
- Arboricultural Impact Assessment. Tree Protection – Method Statement received 21.07.2016

- 3642/2.03 A 'Langley' 3 bed 2 storey semi-detached or mews house plans & elevations
- 3642/2.04 A 'Thornton' 3 bed 2 storey semi-detached or mews house plans & elevations
- 3642/2.05 A 'Davenham' 4 bed 2 storey detached house plans & elevations
- 3642/2.06 B 'Holcombe' 4 bed 2 storey detached house plans
- 3642/2.07 A 'Banbury' 4 bed 2 storey detached house plans & elevations
- 3642/2.08 A 'Ashby' 3 bed 2 storey semi-detached house plans & elevations
- 3642/2.09 A 'Birch' 3 bed 2 storey semi-detached or mews house plans & elevations
- 3642/2.10 A 4 bed 2 storey semi-detached house plans & elevations
- 3642/2.11 A 'Cranford' 2 bed 2 storey mews house plans & elevations
- 3642/2.12 A 'Hartford' 4 bed 2 storey detached house plans & elevations
- 3642/2.13 A 'Hartford Regent' 4 bed 2 storey detached house plans
- 3642/2.14 A 'Knightsbridge 2' 5 bed 2 storey detached house plans
- 3642/2.15 A 'Latchford' 5 bed 2 storey detached house plans & elevations
- 3642/2.16 A 'Stratton' 4 bed 2 storey detached house plans & elevations
- 3642/2.17 A 'Westbourne' 4 bed 2 storey detached house plans & elevations
- 3642/2.18 A 'Knightsbridge A' 5 bed 2 storey detached house plans
- 3642/2.19 A 'Connaught' (front entry garage) 5 bed 2 storey detached house plans
- 3642/2.20 A 'Connaught' (side entry garage) 5 bed 2 storey detached house plans
- 3642/2.21 'Chester' & 'Chester 2' 4 bed 3 storey town house plans
- 3642/2.22 A 'Chester' & 'Chester 2' 4 bed 3 storey town house elevations
- 3631/2.26/1 D Streetscape
- 3642/2.26/2 D Streetscape
- 3642/2.26/3 D Streetscape
- 3642/2.26/4 D Streetscape
- 3642/2.26/5 D Streetscape
- 3642/2.26/6 D Streetscape
- 3642/2.26/7 D Streetscape
- 3642/2.26/8 D Streetscape
- 3642/2.27 A 3B LTH 3 bed 2 storey semi-detached house elevations
- 3642/2.28 B 2B LTH & 3B LTH 2 & 3 bed 2 storey semi-detached or mews house plans
- 3642/2.29 'Connaught' (front entry garage) 5 bed 2 storey detached house elevations
- 3642/2.30 'Connaught' (side entry garage) 5 bed 2 storey detached house elevations
- 3642/2.31 'Holcombe' 4 bed 2 storey detached house elevations
- 3642/2.32 A 'Hartford' (front entry garage) 4 bed 2 storey detached house elevations
- 3642/2.33 'Hartford Regent' 4 bed 2 storey detached house elevations
- 3642/2.34 'Knightsbridge 2' 5 bed 2 storey detached house elevations
- 3642/2.35 'Knightsbridge A' 5 bed 2 storey detached house elevations
- 3642/2.37 A 2B LTH & 3B LTH 2 & 3 bed 2 storey semi-detached or mews house elevations
- 3642/2.39 'Hartford' (side entry garage) 4 bed 2 storey detached house elevations
- 3642/2.40 Apartments 1 & 2 bed 2 storey plans

3642/2.41 A Apartments 1 & 2 bed 2 storey elevations
3642/2.42 Apartments 1 & 2 bed 3 storey plans
3642/2.43 Apartments 1 & 2 bed 3 storey elevations
3642/2.44 Apartments 1 & 2 bed 3 storey plans
3642/2.45 Apartments 1 & 2 bed 3 storey elevations
3642/2.46 3B LTH (side entry) 3 bed 2 storey semi-detached house elevations
3642/2.47 2B LTH & 3B LTH (side entry) 2 & 3 bed 2 storey semi-detached or mews house plans
3642/2.48 2B LTH & 3B LTH (side entry) 2 & 3 bed 2 storey semi-detached or mews house elevations
3642/3.00 Q Site layout
3642/3.01 Location plan
22663A/SK01 – Coloured Site Layout Plan
22663A/SK05 – Site Sectional Elevations AA and BB
22663A/SK05 – Site Sectional Elevations CC and DD
22663A/SK05 – Site Sectional Elevations EE and FF

Highways

- 3) Prior to the commencement of development, off-site works to provide vehicular access to the site by the completion of the fourth arm of the Langley Park roundabout together with associated pavement and pedestrian crossing shall be completed in accordance with approved plan no. 15-T047 06.2.

Reason: In order to facilitate construction traffic and vehicular access to the site.

- 4) Prior to the commencement of development, full details of connection to the cycle network together with details of upgrading and surfacing materials to the PROW to accommodate cycles shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be carried out in accordance with the approved details prior to occupation of the first dwelling.

Reason: In order to reduce the reliance on the private car and provide an alternative form of transport to increase permeability through the site..

- 5) Prior to construction of the development reaching DPC level, full details of provision of new bus shelters and pedestrian crossing points along Sutton Road including details of public footpaths connecting the site to surrounding pedestrian routes, bus stops and local services and facilities shall be submitted to and approved in writing by the Local Planning Authority. The works shall be carried out in accordance with the approved details prior to occupation of the first dwelling.

Reason: To ensure connectivity of the site to surrounding sites, paths, improved public transport facilities and local services.

- 6) Prior to commencement of work on site there shall be provision for construction vehicle loading/unloading and turning facilities prior and parking facilities for site personnel and visitors and for the duration of construction.

Reason: In the interests of highway safety.

- 7) The approved details of the parking/turning areas shall be completed before the commencement of the use of the land or buildings hereby permitted and shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 1995

(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.

Landscaping

- 8) A Landscape and Ecological Management Plan (LEMP) shall be submitted to and approved in writing by the local planning authority prior to the commencement of the development. The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed.
- b) Ecological trends and constraints on site that might influence management.
- c) Aims and objectives of management.
- d) Appropriate management options for achieving aims and objectives.
- e) Prescriptions for management actions.
- f) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five year period).
- g) Details of the body or organisation responsible for implementation of the plan.
- h) On-going monitoring and remedial measures.
- i) Details of the measures to protect the 15metre buffer area between the development and the ancient woodland of Bicknor Wood.
- j) Details of the measures to ensure connectivity is retained between the reptile receptor site and proposed development through a habitat and wildlife corridor to ensure that reptiles can re-colonise the site once construction works have been completed.
- k) Confirmation that the areas of open space shall be designated as public open space for the benefit of residents and visitors to the site.
- l) Details of the management of an on-site play area.

The LEMP shall also include details of the legal and funding mechanism(s) by which the long term implementation of the plan will be secured by the developer with the management body(s) responsible for its delivery. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers fully functioning biodiversity objectives. The approved plan will be implemented in full accordance with the approved details.

Reason: In order to ensure long term management of the site in the interests of public amenity and access and to ensure a satisfactory setting and external appearance.

- 9) No development shall commence 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 those to be retained, together with details of enhancement, boundary strengthening, buffer zone planting and measures for their protection in the course of the development and programme for maintenance. The submitted details shall include, inter alia, the

following using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines :

- i) Means of protection from trimmer and mower damage; and
- ii) Details of tree planting pits for street trees, including root guidance systems to avoid disruption of surfaces and services.
- iii) Use of a minimum of nursery standard size trees of appropriate native species for street tree planting within the development and at turning heads.
- iv) A mix of scrub and grassland meadow to the 15 metre buffer between the development and the ancient woodland.
- v) Details of tree planting to create a strong boundary treatment to the immediate north of the site to create a landscape corridor between Bicknor Wood and Belts Wood.

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

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

- 10) Prior to commencement of development, full details of the alignment of public footpath PROW KM94 together with surfacing material details shall be submitted to and approved in writing by the Local Planning Authority. The details shall ensure a naturalistic approach to the surface of the footpath to include limestone chippings or bark surfacing, and not black top, and the footpath shall not be adopted.

The works shall be carried out in accordance with the approved details prior to occupation of the first dwelling

Reason: The submitted plan no 22663A/SK01 does not show the definitive alignment of the PROW and to ensure good quality connectivity and acceptable appearance through the site.

- 11) Prior to commencement of development, full details of an equipped children's on-site play area to be provided as part of the public open space shall be submitted to and approved by the Local Planning Authority. The approved play area shall be available for use before the first occupation of the housing hereby permitted. The details shall include the location of the play area and the arrangement and design of play equipment to be provided.

Reason: In order to ensure that the occupiers of the housing are provided with adequately set out and equipped play space for children.

Ecology/Trees

- 12) No works required in association with the planning permission hereby granted shall take place (including demolition, ground works and vegetation clearance) shall take place until an ecological design strategy (EDS) addressing all species mitigation (for all species recorded within site) has been submitted to and approved in writing by the Local Planning Authority.

The EDS shall include the following:

- a) Purpose and conservation objectives for the proposed works; and
- b) Review of site potential and constraints; and
- c) Detailed method statements to achieve stated objectives for each species; and
- d) Extent and location/area of proposed mitigation for all species on appropriate scale maps and plans; and
- e) Type and source of materials to be used where appropriate, e.g. native species of local provenance; and
- f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development; and
- g) Persons responsible for implementing the works; and
- h) Details of initial aftercare and long term maintenance; and
- i) Details for monitoring and remedial measures; and
- j) Details for disposal of any wastes arising from works.
- k) Swift bricks and bat boxes integral to buildings, wildlife friendly gullies and retention of cordwood on site

The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter;

Reason: In the interests of biodiversity and ecology.

- 13) No works required in association with the planning permission hereby granted shall take place (including demolition, ground works and vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the Local Planning Authority. The CEMP: Biodiversity shall include the following:

- a) Risk assessment of potentially damaging construction activities;
- b) Identification of biodiversity protection zones;
- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements);
- d) The location and timing of sensitive works to avoid harm to biodiversity features;
- e) The times during construction when specialist ecologists need to be present on site to oversee works;
- f) Responsible persons and lines of communication;
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person; and
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the Local Planning Authority;

Reason: In the interests of biodiversity, ecology and residential amenity.

- 14) The development shall not commence until an Arboricultural Method Statement (AMS) and Tree Protection Plan (TPP) including details of any tree works that would be necessary to implement the proposal, which shall include details of all trees to be retained and the proposed measures of protection, undertaken in accordance with BS 5837:2012 "Trees in relation to design, demolition and construction - Recommendations" has been submitted to and approved in writing by the Local

Planning Authority. The AMS shall include full details of areas of hard surfacing within the root protection areas of retained trees which should be of permeable, no-dig construction and full details of foundation design for all buildings within root protection zones, where the AMS identifies that specialist foundations are required. The approved barriers and/or ground protection shall be erected before any equipment, machinery or materials are brought onto the site and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed, nor fires lit, within any of the areas protected in accordance with this condition. The siting of barriers/ground protection shall not be altered, nor ground levels changed, nor excavations made within these areas without the written consent of the Local Planning Authority.

Reason: To safeguard existing trees to be retained, ensure a satisfactory setting and external appearance to the development.

- 15) Tree T9 as shown on the submitted bat survey plan shall be felled immediately following the precautionary mitigation strategy detailed within the bat survey report.

Reason: In the interests of protecting and enhancing protected species in and around the site.

- 16) Prior to any works commencing (including vegetation clearance) a badger survey must be carried out and submitted to the LPA for approval. The badger survey must provide details of mitigation to avoid impacting badgers or badgers setts during the construction or operational phase of the development. The works shall be carried out in accordance with the agreed mitigation.

Reason: In the interests of protecting and enhancing biodiversity in and around the site.

- 17) Prior to the development reaching slab level, full details of bat roosting features and bird nesting opportunities within the site shall be submitted to and approved in writing by the local planning authority. The work shall be implemented in accordance with the approved details.

Reason: In the interests of protecting and enhancing biodiversity in and around the site.

- 18) The development shall not commence until details of any external 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 and in order to minimise any impact upon ecology. The development shall be carried out in accordance with the approved details and maintained thereafter.

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

Materials

- 19) The development shall not commence until, written details and samples of the materials to be used in the construction of the external surfaces of any buildings, hard landscaped surfaces and road surfaces have been submitted to and approved in writing by the Local Planning Authority. Materials used shall include but not limited to clay hanging and roof tiles, painted weather boarding, locally sourced brick

reflecting local vernacular, ragstone walls and plinths, painted render and pallet of colours to be used. The development shall be constructed using the approved materials.

Reason: To ensure a satisfactory appearance to the development.

- 20) 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 submitted details shall include, inter alia, the provision of a minimum of two pedestrian access points from the residential development hereby permitted along the south eastern boundary, and a minimum of three pedestrian access points between the residential development hereby permitted and the area of public open space to the north west of the site. The development shall be carried out in accordance with the approved details before the first occupation of the building(s) or land and maintained thereafter;

Reason: To ensure a satisfactory appearance to the development, safeguard the enjoyment of their properties by existing and prospective occupiers and secure adequate pedestrian permeability between residential properties and public open space.

- 21) No development shall take place until details of the following matters have been submitted to and approved in writing by the Local Planning Authority:
- i) Details of the roof overhangs and eaves,
 - ii) Details of windows and doors including garage doors,
 - iii) Details of window reveals and recesses,
 - iv) Details of decorative brickwork, lintels to fenestration, string courses and plinths.

Reason: To ensure a satisfactory appearance to the development.

Other

- 22) The development shall not commence until details of foul water drainage have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details and no dwelling shall be occupied until adequate foul water drainage has been provided;

Reason: In the interest of pollution prevention.

- 23) The development shall not commence until a detailed surface water drainage scheme for the site following the principles established in the flood risk assessment and drainage strategy, based on sustainable drainage principles, has been submitted to and approved in writing by the Local Planning Authority. The details shall include, inter alia, a long term management and maintenance plan for the SUDS included in the approved scheme. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed;

Reason: To reduce the impact of flooding on the proposed development and prevent any impact from the development on surface water storage and flood, and future occupiers.

- 24) No building hereby permitted shall be occupied until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:
- i) a timetable for its implementation, and
 - ii) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime.

Reason: To reduce the impact of flooding on the proposed development and prevent any impact from the development on surface water storage and flood, and future occupiers.

- 25) No infiltration of surface water drainage into the ground, other than that allowed under the sustainable surface water drainage scheme approved under condition 19 above, is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters.

Reason: To prevent pollution of the environment and protect controlled waters

- 26) No development shall take place until the following has been secured:
- i) archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and
 - ii) following on from the evaluation, any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority.

Reason: To ensure appropriate assessment of the archaeological implications of any development proposals and the subsequent mitigation of adverse impacts through preservation in situ or by record.

- 27) The development shall not commence until the following components of a scheme to deal with the risks associated with contamination of the site shall have been submitted to and approved, in writing, by the local planning authority:
- 1) A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site.
 - 2) A site investigation, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - 3) A remediation method statement (RMS) based on the site investigation results and the detailed risk assessment (2). This should give full details of the remediation measures required and how they are to be undertaken. The RMS should also include a verification plan to detail the data that will be collected in order to demonstrate that the works set out in the RMS are complete and identifying any requirements for

longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

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

If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved, verified and reported to the satisfaction of the Local Planning Authority.

Reason: There is always the potential for unexpected contamination to be identified during development groundworks. This condition is necessary to protect the underlying aquifer from potential contamination risks.

- 28) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved, verified and reported to the satisfaction of the Local Planning Authority.

Reason: In the interests of human health and pollution prevention.

- 29) The development shall not commence above ground level until details of 10% renewable energy production placed or erected within the site have been submitted to and approved in writing by the Local Planning Authority. The work so approved shall be carried out in accordance with the approved details at the time of development.

Reason: In order to achieve a high standard of design and contribute towards achieving the NPPF environmental role of sustainability, supporting the transition to a low carbon future and encouraging the use of renewable sources.

- 30) Due to the scale of this proposal, a calculation of pollutant emissions costs from the vehicular traffic generated by the development should be carried out, utilising the most recent DEFRA Emissions Factor Toolkit and the latest DEFRA IGCB Air Quality Damage Costs for the pollutants considered, to calculate the resultant damage cost. The calculation should include:

- Identifying the additional trip rates generated by the proposal (from the Transport Assessment);
- The emissions calculated for the pollutants of concern (NO_x and PM₁₀) [from the Emissions Factor Toolkit];
- The air quality damage costs calculation for the specific pollutant emissions (from DEFRA IGCB);
- The result should be totalled for a five year period to enable mitigation implementation.

- The calculation is summarised below:

Road Transport Emission Increase = Summation [Estimated trip rate for 5 years
X Emission rate per 10 km per vehicle type X Damage Costs]

The pollution damage costs will determine the level of mitigation/compensation required to negate the impacts of the development on local air quality.

- No development shall commence until the developer has developed a scheme detailing and where possible quantifying what measures or offsetting schemes are to be included in the development which will reduce the transport related air pollution of the development during construction and when in occupation. The report should be submitted to and approved by the Local Planning Authority, prior to development. [The developer should have regard to the DEFRA guidance from the document *Low Emissions Strategy -using the planning system to reduce transport emissions January 2010.*]

Reason: to ensure the impact of the proposal upon air quality is mitigated.

- 31) No building shall be occupied until underground ducts have been installed to enable it to be connected to telephone and internet services, electricity services and communal television services without recourse to the erection of distribution poles or overhead lines within the development hereby permitted. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any other or subsequent Order revoking or re-enacting that Order, no distribution pole or overhead line shall be erected within the site of the development hereby permitted.

Reason: In the interests of proper planning.

Case Officer: Richard Elder

- NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.



REPORT SUMMARY

REFERENCE NO - 15/506851/FULL			
APPLICATION PROPOSAL Conversion of 3 stables, feed room and hay barn into a 2 bedroom annexe, erection of a shed and demolition of old garage building at 2 Coldharbour Cottages (part retrospective)			
ADDRESS 2 Coldharbour Cottages Coldharbour Road Lenham Kent ME17 2EA			
RECOMMENDATION - PERMIT			
SUMMARY OF REASONS FOR RECOMMENDATION: <ul style="list-style-type: none"> • Residential annexe to main house and so will not create a separate dwelling in the countryside; • Stables have been used for ancillary domestic purposes for over 10 years; • Conversion of an existing building ensures no increase in built form and minimal visual impact on surrounding countryside, SLA and AONB; • Proposal raises no conflict with policies H33, ENV28, ENV33 & ENV34 of the adopted local plan. 			
REASON FOR REFERRAL TO COMMITTEE Objection from Parish Council.			
WARD North Downs	PARISH/TOWN COUNCIL Otterden	APPLICANT Mrs C McKeough AGENT	
DECISION DUE DATE 02/03/16	PUBLICITY EXPIRY DATE 02/03/16	OFFICER SITE VISIT DATE	
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
03/1344	Single storey conservatory.	Permit	29/08/03
<i>Summarise Reasons:</i> No harm to residential amenity or surrounding countryside.			
98/1778	Single storey side extension for ground floor bedroom and bathroom for elderly relative.	Permit	19/01/98
<i>Summarise Reasons:</i> No harm to residential amenity or surrounding countryside. Provided ground floor bedroom and bathroom with wheelchair access.			
78/0556	Two storey side extension.	Permit	08/06/78
<i>Summarise Reasons:</i> No harm to residential amenity or surrounding countryside.			

MAIN REPORT**1.0 DESCRIPTION OF SITE**

- 1.01 2 Coldharbour Cottage is a semi-detached cottage located within a Special Landscape Area and Area of Outstanding Natural Beauty within the countryside of Otterden, to the north east of Lenham and to the north of the A20 Ashford Road. It is the end property in a row of three dwellings located on the north western side of

Coldharbour Road. It has land that is used for the grazing of horses to the north and east of the stables. The south western side of Coldharbour Road is very open with long distance views across the AONB. There is a small bungalow on the south western side of the road, approximately 35 metres away.

- 1.02 Over the years 2 Coldharbour Cottages has had three extensions, but has retained its rural cottage appearance. It has had a two storey extension, a single storey side extension and a conservatory. The most recent of these was built over 13 years ago.
- 1.03 The stables that are the subject of this application for conversion to an annexe are located to the north of the cottage. They are already mostly converted to an annexe and occupied by the applicant's son. The timber weatherboarding has been retained on much of the building and minimal new openings created for windows in the rear, retaining a rural appearance. There are two openings on the front elevation in the position of the original doors. There is existing timber fencing to the front of the stables, which screens the building from the road. In front of this is the parking and turning area and the vehicular access onto Coldharbour Road. An existing hedgerow runs along the front boundary adjacent to Coldharbour Road.

2.0 PROPOSAL

- 2.01 The proposal relates to the conversion of 3 stables, feed room and hay barn into a 2 bedroom annexe, erection of a shed (adjoining the stables) and demolition of an old garage building (part retrospective). The stables are located to the north of the cottage. They were used in connection with the surrounding fields for the keeping of horses, but were last used for horses approximately 13 years ago when the applicant's daughter left home to get married. The neighbour at 1 Coldharbour Cottage now rents and uses these fields for horse grazing and their horses are kept in stables to the north west of number 1. As a result, the stables at 2 Coldharbour Cottage have been redundant for over 10 years and have only been used for domestic storage purposes, resulting in the stables and their immediate curtilage forming part of the residential curtilage of 2 Coldharbour Cottage rather than having an equestrian use. The conversion of the existing stables for the provision of the annexe prevents the creation of an increase in built form on the site as all of the annexe accommodation is provided within the existing building.
- 2.02 Although the proposal is mostly retrospective, the applicant submitted the application entirely without any intervention from the Council once she realised that an annexe required planning permission when providing facilities such as a kitchen that result in the unit being capable of independent occupation. There was no complaint against the development prompting enforcement action.
- 2.03 The conversion of the stables provides for a two bedroom annexe for the applicant's son and very young grandson. The annexe shares the cesspit that serves the main dwelling house. All services such as electricity gas and water and also supplied via the main dwelling house with all meters located in the main dwelling. The stables do not have any independent bills or post.
- 2.04 It is standard practice for annexes such as this one to have a condition imposed preventing the annexe from becoming an independent dwelling. The applicant has agreed to this restriction. The front of the stables is linked by a footpath from the rear of the main dwellinghouse. To the front it is screened by an existing timber fence and gate, which was originally erected for security reasons when horses were kept on site. This fence has been retained so that from the front of the site there is no

visible change to the appearance of the building or the site. This fence also clearly defines the curtilage of 2 Coldharbour Cottage and the ancillary stable building from the adjacent fields.

- 2.05 There are no new openings on the frontage of the building. One of the existing stable doors has been removed and replaced with a half glazed front door to provide access and light into the hallway. The second stable door has been retained as existing, retaining the existing rural character of the building. The main new windows to serve the living area, bedroom 2 and bathroom are located on the rear of the building overlooking the horse grazing field, which is fenced and bordered by existing trees and hedgerow. They can only be seen from the private land of 2 Coldharbour Cottage and are not widely visible from the wider countryside due to existing trees and topography where the land slopes slightly upward to the north west. The window openings that serve bedroom 1 are existing. All windows frames to the rear are dark brown upvc, to blend in with the weatherboarding. The windows on the barn end of the stables (bedroom 1) are to be wooden, dark stained double glazed windows.
- 2.06 The pitch, height and design of the stable roof will remain unaltered and will be tiled with dark brown concrete tiles. The stables were timber clad and this black stained weatherboarding has been retained externally, but insulated behind.
- 2.07 As part of the conversion of the stables to the annexe, a wooden building was removed that was located in front of the stables, nearer to the road. This served as a shed/storage barn and garage. The location and siting of the building is shown on the location/ plan and is clearly visible on older aerial photographs. It measured 4.5m wide by 7m deep with a pitched roof.
- 2.08 The attached shed to the north east of the stables is a small building measuring 2.9m wide and 7.2m deep. It has a ridge height of just 3.2m due to its narrow width, with a pitched corrugated roof. It is weatherboarded to match the stables and has two doors on its front elevation. It is proposed to be used for storage of equipment to maintain the land, which was previously located in the demolished shed/garage. The existing fencing visibly separates the new shed from the stables. The new shed is clearly located in the field rather than within the natural curtilage of the main house and the stables, marking a clear divide between the two uses. It is far less visible in the landscape than the larger storage building it replaced, being set back further from the road, with a smaller footprint and lower height.
- 2.09 The annexe will share the existing access, parking and turning area that serves the main house. The access has good sight lines and a wide entrance. There is a large area available for parking as previously the area was used for the parking of a horse box. The access into the fields is from the existing parking and turning area, which will remain unaffected by this proposal. There is also another access to the fields via a gate from the fields owned by 1 Coldharbour Cottage.

3.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Development Plan: Maidstone Borough-Wide Local Plan 2000, Policies ENV28
Countryside, ENV33 AONB, ENV34 SLA, H33 Extensions to residential dwellings;
Emerging Maidstone Borough Local Plan (Regulation 19) Feb 2016, Policies SP17
Countryside, DM34 Design, DM36 Extensions to dwellings in countryside.
Supplementary Planning Documents:

4.0 LOCAL REPRESENTATIONS

- 4.01 One letter of an objection was received from a resident of the wider area of Otterden. The comments are as follows:

“Looking at the description of the proposal it seems to suggest that only the original barn structure has been converted. There is no mention of the relatively new addition on the southern end, with the lower roof, which seems to have been incorporated. However, it might be detailed on the plans which I have not seen, but can be clearly seen on Google Earth.

Section 14 of the proposal states that the barn was becoming derelict, but in fact was in sufficiently good condition to be used as storage and also I believe a garage. In the materials section it also states that the barn has not been changed externally and in the description states the barn structure remains. Tends to suggest the barn was becoming derelict.

I think the above points to be relevant when looking at Local Plan ENV28 and in particular Policy ENV45. I’m afraid I’m no expert on planning policies so hope my understanding is correct.

3.143 Conversion of Rural Buildings for Residential Purposes. I would think this application goes against the general restraint on housing in the countryside and in particular in an AONB. The paragraph together with ENV45 A and B seem to suggest that conversion is only allowed if re-use is not possible... which it was having been used for storage and garage.... or that a building is worthy of retention for its character..... which obviously it’s not.

A final point I would like to make is that if this application is approved it may well set a precedent for other potential conversions in the area. The area having a number of significant equestrian properties with similar barns.”

- 4.02 The Planning Officer comments on this are that the barn on the lower end of the stables is included within the proposal and comprises bedroom 1. The stable building has indeed been used for storage/garaging purposes associated with the main dwelling house, which is why it is considered that the stable now forms part of the residential curtilage of the dwelling house and no longer has an equine use. As such, the proposal falls to be considered under Policy H33 of the Local Plan, extensions to dwellings in the countryside. The stable is located immediately adjacent to the rear garden of 2 Coldharbour Cottage and is closely linked by a short footpath from the back door of the main house. Therefore, it is considered that the proposal is unlikely to set a precedent as not many stables will have acquired a domestic use or be so closely related to the domestic curtilage of the main dwelling. The curtilage is clearly defined by the existing fence with the adjacent shed attached on the northern end of the stable being in equine use as it is accessed solely via the fields. Even if a domestic use of the buildings had not been established, the stables are so close physically to the main dwelling house that their conversion to a residential annexe would not create a visual intrusion into the countryside and would actually provide a good re-use of an existing rural building, that although in need of repair was not derelict or likely to fall down within the immediate future. The re-use of the building for other purposes would be greatly limited due to its close proximity to the main house.

5.0 CONSULTATIONS

Scientific Officer, Environmental Health

- 5.01 The Scientific Officer raises no objection to the proposal. It is stated that traffic noise and air quality will not be a problem on this rural site. Had the development not been largely retrospective, a contamination condition would have been prudent, but there is no indication of any significant chance of high radon concentrations for the site. It is recommended that a condition be imposed to deal with foul drainage as although the application states that the foul sewage is to be dealt with by the existing cess pit also used for the main living accommodation at 2 Coldharbour Cottages, this cesspit may not have sufficient capacity and/or may require repairs. Informatives are also recommended in relation to demolition/construction activities and also asbestos. The relevant conditions and informatives have been attached to the recommendation.

Otterden Parish Council

- 5.02 Otterden Parish Council made the following comments on the proposal:

- *“The property stands with an AONB*
- *Why was planning permission not sought before any conversion works were undertaken*
- *Would the former stables building be of suitable structure to become dwelling, i.e. suitable groundworks/ footings etc.*
- *Has any of the conversion works been inspected by the council inspector with regards to building regulations*
- *If this application was approved, it could set a precedent for other property owners in the parish to convert out buildings into dwellings”.*

- 5.03 The Parish Council concluded that *“therefore it is the view of the committee that the application be turned down and that the building be reverted to its original use as stables”.*

- 5.04 The Planning Officer comments that landscape does take priority in Areas of Outstanding Natural Beauty and Special Landscape Area, but this does not prevent all forms of development. In this instance, the conversion of an existing building has very little visual impact, particularly when the building is so well screened from view. It should be noted that it is not an offence to undertake certain works prior to obtaining planning permission and the applicant contacted the Council for advice as soon as she realised it was required. The building is of a sound, sturdy and permanent construction, but the detailed inspection of the conversion works is the responsibility of building control and is not relevant to the consideration of the planning application. As set out in paragraph 4.02, the proposal is unlikely to create a precedent for conversion of other stables to dwellings. The proposal is for a residential annexe and so it will not be able to be used as an independent dwellinghouse and this will be the subject of a condition. Furthermore, the unique siting of the stables so close the main dwelling, results in it being ideally located for being used in connection with the main house, especially as they are redundant for their original use. Most stables are located much greater distances away from residential dwellings. As a result, even if the redundant stables did not form part of the residential curtilage of 2 Coldharbour Cottage and still had an equine use, it is considered that the conversion to an annexe would still not cause any harm to interests of acknowledged importance due to the close relationship of the redundant stables to the main house.

6.0 BACKGROUND PAPERS AND PLANS

- 6.01 The application comprises the following documents:

- Planning Application Forms;
- 1:100 Scale Plans and Elevations, dated 15 September 2015;
- 1:50 Scale Floor Plans, dated 15 September 2015;
- Drainage details and Sections, dated 15th September 2015;
- Site Location and Layout plan, dated 6th January 2016.

7.0 APPRAISAL

Principle of Development

- 7.01 The existing stables appear to have been used for storage and other ancillary domestic uses for over ten years. As a result, it is considered that they no longer have an equine use, but are ancillary to the domestic use of the main house. As such, policy H33 of the adopted local plan is the relevant policy which allows extensions to dwellings in the countryside so long as they do not overwhelm or destroy the original form of the house, are poorly designed or unsympathetically related to the existing buildings or would result in a development which individually or cumulatively is visually incongruous in the countryside. Residential annexes are frequently granted under this policy, but a condition is imposed to prevent the annexes from being occupied independently from the main dwelling house (see condition 4).
- 7.02 Besides the domestic use of the stables, the close relationship of the building to the main house makes them ideally located for an annexe and it prevents the need for any new buildings within the curtilage of 2 Coldharbour Cottage. A condition is included within the recommendations that will remove permitted development rights for the property so that no further curtilage buildings can be erected without the consent of the LPA. It also restricts other permitted development rights so as to safeguard the site and the surrounding area from the potential damage of cumulative development (please refer to condition 3). The small storage shed has replaced a much larger and more prominent building and so raises no objections in principle, being used only for storage of equipment to maintain the land.

Visual Impact

- 7.03 As the annexe relates entirely to the conversion of existing buildings, its visual impact is greatly limited. The fields and topography to the south east of the site are very open with the property having long distance views to the south east. However, the stable building is screened by the existing fence and so the minor alterations to the building are not widely visible. To the rear, the creation of new window openings will have no adverse visual impact as they will not be visible beyond the exiting horse paddock due to the trees located around the site boundary.
- 7.04 Clearly the landscape takes priority in the AONB and SLA, but a development as well screened as this will have no adverse visual impact on the wider area. Indeed, the close siting of the stable building to the main house ensures that the single storey building is viewed in the context of the existing house, rather than an isolated development within an open field. Only a small section of the stable building is even visible above the boundary fence that borders the parking area. The new shed is smaller than the building it replaced and so will be less visible being further set back from the road and viewed as part of the stables building. As such, it is considered that the proposal will have no adverse visual impact and will cause no harm to the AONB or the SLA.

Residential Amenity

- 7.05 The annexe is located approximately 30 metres away from the adjacent neighbour at 1 Coldharbour Cottage, approximately 60 metres away from Meadow Bank on the opposite side of Coldharbour Road and 65 metres away from Haven. None of the local residents have raised any objections. A local resident from the wider area commented on the application, but the comments raised related more to the principle of the development rather than any concerns over residential amenity (see paragraphs 4.01 & 4.02 where the comments have been set out and addressed).
- 7.06 The provision of a two bedroom annexe would be unlikely to generate any significant increase in activity and noise disturbance. Furthermore, the distances involved to the nearest dwelling will also prevent any noise impact and also ensure that there could be no loss of privacy or outlook as a result of the annexe. It is single storey, well screened and closely linked to the main dwellinghouse and so causes no overlooking, especially as most of the windows are located on the rear of the stables or on the south western side looking out onto the garden area of the main house.

Highways

- 7.07 There are no highway issues in relation to this proposal as the site has a good access onto the highway and existing parking and turning area that will continue to serve the main house and the annexe. A two bedroom annexe would not create a significant increase in traffic generation and, in this instance, it is serving a close relative and will remain in such use as a result of the close relationship with the main house and suggested condition 4.

Landscaping

- 7.08 The close proximity of the annexe to the garden of the main house results in no new landscaping being necessary as it will enjoy access to the garden of the main house. The curtilage is bounded by an existing fence and shrubs adjacent to the parking area and the small open area to the front of the stables comprises grass. There are existing hedgerows along the field boundary of the site that are of mature, native species and screen the new shed. The garden area of the main house is already mature. There is no curtilage to the rear of the building and this will be left open to the field so as to retain the rural appearance of the rear of the building. The introduction of additional landscaping to the rear would actually domesticate the land that is intended to remain as fields. .

Other Matters

- 7.09 The Scientific Officer has requested that the a condition be imposed in relation to foul drainage to ensure that the existing cesspit has sufficient capacity to cope with the additional demands placed on it by the annexe. Condition 5 deals with this issue.

8.0 CONCLUSION

- 8.01 The conversion of the stable building to a residential annexe will not create a separate dwellinghouse in the countryside as a condition will be imposed to prevent this. The condition will ensure that the annexe shall permanently remain ancillary to main house and shall only be occupied by family members related to those occupying the main dwelling house. Policy H33 of the adopted Local Plan allows for extensions to dwellinghouses in the countryside (including annexes), so long as they

do not create accommodation that is independent or separate from the main house. Many annexes have been granted in the countryside under this policy and have been suitably controlled via the use of a restrictive condition.

- 8.02 It has been demonstrated that the stables have had an ancillary domestic use for over ten years and that the building lies within the curtilage of the dwelling. Furthermore, the conversion of the existing building to an annexe will prevent the construction of additional curtilage buildings, resulting in minimal visual impact on the surrounding countryside, SLA and AONB. A priority to the protection of the countryside and landscape is required by policies ENV28, ENV33 & ENV 34. A further condition is recommended to restrict permitted development rights on the property to protect residential amenity and the character and appearance of the surrounding area from cumulative development at the site. The stable building and shed is already well screened and is closely linked to the main dwelling in visual terms, location and through shared services and access. As such, it is considered that its conversion to a residential annexe will not cause any harm to residential amenity, highway safety or to the landscape. It is recommended that planning permission be granted, subject to conditions and informatives.

9.0 RECOMMENDATION – GRANT Subject to the following conditions:

1. The development hereby permitted shall be carried out in accordance with the following approved plans:

1:100 Scale Plans and Elevations, dated 15 September 2015; 1:50 Scale Floor Plans, dated 15 September 2015; Drainage details and Sections, dated 15th September 2015; Site Location and Layout plan, dated 6th January 2016.

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

2. Within three months of the date on the decision notice, details of the design and materials to be used on the two doors on the frontage (south east) elevation of the building and details of the final treatment to the external blockwork wall on all elevations of the building shall be submitted to and approved in writing by the Local Planning Authority and the development shall be constructed in accordance with the approved details.

Reason: To ensure the stable door features are retained and to ensure a satisfactory appearance to the development.

3. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking or re-enacting that Order with or without modification) no development within Schedule 2, Part 1, Classes A-E to that Order shall be carried out on the site without the permission of the Local Planning Authority;

Reason: To safeguard the residential amenity of existing and prospective occupiers and to safeguard the character, appearance and functioning of the surrounding area.

4. The annexe accommodation hereby permitted and as shown on the approved plans shall only be used as a residential annexe and shall permanently remain ancillary to main dwelling house known as 2 Coldharbour Cottage. It shall only be occupied by family members related to those occupying the main dwelling house.

Reason: To prevent the creation of a separate residential dwelling in the countryside in accordance with Policy H33 of the Maidstone Borough-Wide Local Plan 2000.

5. Details on the proposed method of foul sewage treatment must be submitted to and approved by the LPA within three month of the date of the decision.
These details should include the size of any individual cesspools and/or septic tanks and/or other treatment systems. Information provided should also specify exact locations on site plus any pertinent information as to where each system will discharge to, (since for example further treatment of the discharge will be required if a septic tank discharges to a ditch or watercourse as opposed to sub-soil irrigation). If a method other than a cesspit is to be used, the applicant should also contact the Environment Agency to establish whether a discharge consent is required and provide evidence of obtaining the relevant discharge consent to the local planning authority.

Reason: To maintain the quality of the environment and surrounding watercourses.

6. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), the shed hereby permitted and as shown on the approved plans shall only be used for the storage of equipment used to maintain the surrounding fields and for no domestic or other purpose.

Reason: To prevent the need for further storage buildings and to safeguard the character, appearance and functioning of the surrounding area.

INFORMATIVES

As the development involves demolition and/or construction, I would recommend that the applicant is supplied with the Mid Kent Environmental Code of Development Practice. Broad compliance with this document is expected.

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

Any redundant materials removed from the site should be transported by a registered waste carrier and disposed of at an appropriate legal tipping site.

Case Officer: Diane Chaplin

- 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.



S.106 CONTRIBUTIONS SECURED & HELD (JUNE 2016) TOWARDS:

PUBLIC OPEN SPACE AND RECREATION	£ 2, 189, 024
HEALTHCARE	£ 763,023
TOWN CENTRE	£ 121,453
CAR PARK WORKS	£ 24,062
CYCLE STORE	£ 15,095
WILDLIFE	£ 823

Traffic Light Analysis	Less than 2 years to spend	3-5 years to spend	No spend by date or 6 years + to spend
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S106	Public Open Space & Recreation	Healthcare	Town Centre/ Misc	Spend By Date
Hadlow College, Oakwood Park 10/0485	£80,556.18 Towards Oakwood Park Open Space			No date
Land West of Sandling Place (North) 03/0886	£30,000 upgrade open space within 5 mile radius			No date
Land at Depot Site, George Street (High Street) 12/059	£51,975 Collis Millennium Green, South Park Mote Park			February 2023
Westree Works, Hart Street (Fant) 05/0492	£53,000 to Mote Park Improvement Project £14,162.49 to Mote Park play area			No date
Land at 390-408 Loose Road (South) 06/0273	£15,530 Towards enhancing & upgrading outdoor amenity space & play equipment at South Park			Oct 2019
Land At Waterside, Fairmeadow 05/0211	£30,027.15 Towards landscaping and enhancing Brenchley Gardens			No date
Convent of Mercy Bicknor Road (Parkwood) 06/1044	£6,412.51 For Parkwood recreation Ground			No date

S106	Public Open Space & Recreation	Healthcare	Town Centre/ Misc	Spend By Date
Former Kent Police Workshops site Sutton Road (Park Wood) 06/1116	£13,113.14 Improvements to off site play area			No date
Furfield Quarry (Boughton Monchelsea) 01/1904	£34,000 improvement repair and enhancement of the Parkwood Play area including Parkwood Rec			Sept 2022
Land east of Ecclestone Road (High Street) 05/0279	£31,064 Towards multi-sport facility at South Park			July 2016 MUGA now completed and spent
Beaconsfield Road (Cartem Site) South 05/0335	£30,000 off site POS drainage works at Woodbridge Drive & resurfacing play area at Bridge Mill Way £10,000 On site open space			Oct 2016 drainage works and the play area surfacing are currently due to progress
22-27 High Street & 1-9 Pudding Lane (High Street) 06/2134 (planning condition)	£48,029 Off site Whatman Park/Mote Park/Buckland Hill Allotments			No date
Victoria Court 17-21 Ashford Road (High Street) 94/0156			£24,062.80 Car Park works to serve the town	No date
Fintonaugh House (Providence Park) Fintonaugh Drive Penenden Heath 05/1101	£12,076 Penenden Heath Play Area resurfacing			December 2023

S106	Public Open Space & Recreation	Healthcare	Town Centre/ Misc	Spend By Date
Former Leonard Gould Factory (Loose) 04/1363	£530 Residue Allocated for King George playing fields & Loose POS			June 2020 Completed
Land at Oakwood Park Oakwood Road (Heath) 07/2328	£31,500 Off site renewal, improvement, replacement or maintenance of local play areas and public spaces within one mile of the site (Gatland Lane)			Feb 2020
46 Sittingbourne Road (East) 08/0108	£22,050 Improve Existing POS Within one mile radius of site			June 2021
Former Trebor Basset Site (Bridge) 02/0820	£71,532.33 1: expend part of the Sum on improvements to the existing high level footbridge next to the railway line spanning the River Medway and linking Buckland Hill/St Peter Street & Maidstone East Station/Week St 2: expend the remainder of the Sum on improvements to the river towpath lying to the north of the Site			No date
58-64 Sittingbourne Road (East) 09/0996	£17,325 Towards Off site open space and parks within the vicinity of the development	£6,327 (towards Northumberland Court Surgery)		No date

S106	Public Open Space & Recreation	Healthcare	Town Centre/ Misc	Spend By Date
Senacre College Site (Parkwood) 10/1413 & 0846	£300,000 towards 1. MUGA in Parkwood 2. In Shepway North & South 3. Within a 3 km radius of the central point of land 4. Elsewhere in the borough			April 2022
Threeways Depot (Headcorn) 06/0389	£71,515.07 Provision of open space within one mile of site (for Headcorn PC)			May 2023
115 Tonbridge Road (Fant) 08/2323	£13,912.81 Towards replacement repair or maintenance of open space within one mile radius of site	£5,980 Towards the provision of facilities Within one mile radius		Feb 2018
Cedarwood, Queens Road (Bridge) 07/0415	£15,326.16 Towards Allington Millennium Green/Giddyhorn Lane amenity space			Nov 2022
Parisfield, Headcorn Road (Staplehurst) 07/0629	£18,900 Enhancement & provision of outdoor/ amenity space facilities within the parish of Staplehurst Surrenden Road play area			Nov 2017 Discussions with the PC projects in pipeline
Ecclestone Road (High Street) 10/1478	£55,214.38 Improvement of river side walk or the improvement of open space within Woodbridge Drive play area or the provision of a community facilities within a 2km radius of the site			No date
Land adj 27 Hartnup St (Fant) 06/0767 (planning condition)	£17,325 Open space to meet needs arising from the site	£9,900 Towards facilities in Maidstone Borough		No date

S106	Public Open Space & Recreation	Healthcare	Town Centre/ Misc	Spend By Date
Astley Road (Kent Music School) Hastings Road (High Street) 10/0594	£39,554.79 Towards improvements to Mote Park play area and any unexpended sums on improvements to the Len Valley Nature Reserve	£21,240 improve existing healthcare facilities to the surgery sited at King Street NHS England are aware of the spend date		Dec 2022 (POS) Dec 2017 (PCT)
Land At Depot Site George Street (High Street) 12/0590	£51,975 Towards the enhancement maintenance and repair and renewal firstly at Collis Millenium Green & secondly at South Park & thirdly Mote Park			February 2023
Eclipse Park (Next Store) (Boxley) 12/2314			£121,453.67 to be allocated to the Council's Maidstone Town Team or it's equivalent successors for projects to improve the vitality of Maidstone Town Centre	Dec 2018
Rear of 48-54 Buckland Road (Bridge) 07/2477		£15,120 towards provision of primary healthcare services or facilities within a 3 mile radius of the land		Mar 2019
Land at James Whatman Way 09/0863		£ 81,370 Towards the provision of primary healthcare services and facilities		August 2019
13 Tonbridge Road (Fant) 11/1078 & 12/0774 DOV	£16,092.61 Improvement , repair, refurbishment and renewal of the off site play area or open space within 2 KM radius of site	£11,444.04 Towards Vine Medical Centre		July 2023 (POS) July 2023(KCC) July 2020 (PCT)

S106	Public Open Space & Recreation	Healthcare	Town Centre/ Misc	Spend By Date
59 Wheeler Street/Sherway Close (Headcorn) 06/1940	£ 22,503.18 Off Site towards the refurbishment upgrading and improvement at Days Green and Hoggs Bridge Recreational grounds or any other such play areas within the Parish of Headcorn			Sept 2023
Land to rear of 125 Tonbridge Road (Fant) 12/0381	£3,349.54 Towards Allotments adjacent to Bower St. Rocky Hill & Buckland Hill	£3,177.28 within one mile radius of the site		Nov 2018 Parks are in the process of a project with councillors in this area
The Willows, Church Green, (Marden & Yalding) 10/0562	£16,770.60 Improvement works to the open space south of the development known as The Cockpit			Nov 2020
The Hollies, Land at Hook Lane (Harrietsham) 11/0592		£56,099.17 Upgrade/ improve doctors surgery in Harrietsham to serve development	Wildlife Sum £823.48 towards management of receptor sites identified for the translocation of any relevant wildlife from the site	Nov 2024
Former Rose PH, Farleigh Hill, Tovil (South) 12/0367	£22,306.31 Green spaces & Play Areas in Tovil Parish and South ward for improvements to play equipment and ancillary items and access to Woodbridge Drive play area and secondly required tree works along the footpath at Hudsons Quarry			Feb 2024

S106	Public Open Space & Recreation	Healthcare	Town Centre/ Misc	Spend By Date
Former BP Garage 531 Tonbridge Road 12/0825	£22,443.50 Toward enhancement, maintenance, repairing and renewal of play areas and green spaces within 1 mile of the Land, specifically at Gatland Lane Park	£12,078.67 Towards the provision of primary healthcare services and facilities within a five mile radius of the land		March 2020
Land at Hillbeck Res Home, (Bearsted) 12/1012		£5,850.03 For upgrading and improving up to 3 local surgeries known as Bearstead Medical Practice, Downswood Surgery and Grove Green Surgery, all within 2 miles of the Property		No date
Former Car Sales Site, Ashford Road (Harrietsham) 11/2154	£15,750 Improvements to play areas at Glebe Field Harrietsham	£10,080 upgrading facilities at Glebe/ Sutton Valance/ Cobtree/ New Grove Green Medical Centres/ surgery		Sept 2019
Hayle Place Hayle Mill Road 11/0580	£167,049.08 Towards off-site open space South Park, Armstrong Road	£50,728.81 Towards the provision of primary healthcare services and facilities to meet the needs arising from the development and on sites within a two mile radius of the land		Nov 2019 Parks are looking at projects inc fencing
The Old School 92A Melville Road (High Street) 11/2108		£6,090.90 Towards all or any of the medical centres; Marsham St, St Lukes, Holland Rd, Brewer St and Grove Park		June 2025

S106	Public Open Space & Recreation	Healthcare	Town Centre/ Misc	Spend By Date
Land at Hook Lane (The Hollies) Harrietsham MA/11/0592		£56,099.17 Improvements to existing services and facilities (inc upgrading and improving the doctors' surgery within Harrietsham) which will serve the dev or other PCT facilities within Harrietsham		Nov 2024
Land at Oliver Road (Staplehurst) 12/2106	£20,165.70 (50%) Towards provision of allotments and outdoor sports facilities and for improving, enhancing and replacing the play area equipment at Surrenden Road play area	£18,920.75 (50%) Towards new healthcare services and facilities within the Parishes of Staplehurst and Marden		March 2025
The MAP Depot Site, Goudhurst Road, Marden 13/0115	£88,000 Towards the cost of upgrading Marden Playing Fields	£27,321.58 Towards expansion works at Marden Medical Practice	Cycle Store £15,095.60 Towards provision of cycle stores at Marden Rail Station, Library and Post Office	June 2025
Westree Court Rowland Close 13/0718	£57,602.87 Refurbishment, enhancement, maintenance and repair including play equipment of POS within 1 mile radius of the Land, equal priority given to Cornwallis Park, Clare Park, Whatman Park, Mote Park or allotment sites at Rocky Hill and Buckland Hill			May 2025
Land at Oakapple (Former Nurses Home) Hermitage Lane 14/500412/FUL	£108,675 Towards open space/equipped play and outdoor sports facilities within one mile radius of site			June 2022

S106	Public Open Space & Recreation	Healthcare	Town Centre/ Misc	Spend By Date
Westwood Grange Ham Lane Lenham 09/0315 (planning condition)	£29, 925 towards parks and open space, improvements to the play equipment and open space within the locality of the development (Lenham Parish)			No date
Land North Sutton Road (Imperial Park) Maidstone 13/0951	£134, 545.19 Towards improvements, refurbish and replacement of facilities inc pavilions, play equipment and play areas ground works and facilities at Senacre Recreation Ground or Park Wood Recreation Ground or any other MBC open space within 2 miles of the Land	£133,919.97 For extension, refurbishment and/or upgrade at the 4 doctors surgeries at Wallis Avenue, Orchard Langley, The Mote and Cobtree		January 2026
Land at Northland and Groom Way, Old Ashford Road (Lenham) 12/1777		£ 9,139.42 Towards the costs of health services		No date
Land at Langley Park, Sutton Road 13/1149		£106,200 (50%) Towards improvements to health care provision within the locality of the development		November 2025
22-26 Tonbridge Road 13/0941	£60,096.09 Towards parks and leisure areas within one mile radius of the site			November 2025

S106	Public Open Space & Recreation	Healthcare	Town Centre/ Misc	Spend By Date
Buckland Hill, Maidstone MA/13/1213	Off-site Open Space contribution £102,922.11 For enhancement, maintenance, repair and renewal of play areas & green space within one mile radius of Whatman Park	Primary Healthcare £24,260.21 For primary healthcare services & facilities within the Borough primarily to support the delivery of investments to surgeries at St Andrews Road (Blackthorn), Allington Park and College Road Maidstone		Jan 2021
Land off Marigold Way, Wyatt Grove Maidstone MA/12/1749	Parks & Leisure Sum £64,449.20 towards repairing, improving and enhancing existing facilities within 1 mile radius of the site including improving the existing playing field and children's play area located adjacent to the development	£26,516.24 Towards Blackthorn and College surgeries		Healthcare Feb 2023 Parks Feb 2026
Land North of Lenham Road, Headcorn MA/14/505162/FULL	Off-Site Play Area £30,350.77 -50% Towards improvements (including equipped play) refurbishment and maintenance to Hoggs Bridge Green Play Area to mitigate the impact of the Development			Within 10 years of date 2 nd instalment is paid
Former Russell Hotel 136 Boxley Road, Maidstone MA/14/500997/FULL	50% £ 11,533.85 No allocation identified in the agreement	50% £ 6,168.96 No allocation identified in the agreement		No Date

S106	Public Open Space & Recreation	Healthcare	Town Centre/ Misc	Spend By Date
Eyhorne Street, Hollingbourne MA/14/0475	£22,050 Provision for the maintenance, replacement and renewal of existing play equipment and outdoor sports facilities and/or installation of new facilities at Hollingbourne Recreation Ground and Cardwell Play Areas	£20,880 Towards the extension, refurbishment and /or upgrade of Orchard Surgery Langley, Glebe Surgery Harrietsham and Yeomans Lane Surgery Bearsted all of which are within a 2.5 mile radius of the development		POS (May 2026) Health (May 2021)
Moat House (Retirement Village) Moat Park 16/3/07 & 13/05/11 MA/10/0748		£38,110.96 Towards Northumberland Road and Shepway Surgery		No Date

THE MAIDSTONE BOROUGH COUNCIL **PLANNING COMMITTEE – 25th August 2016**

APPEAL DECISIONS:

1. 15/506773

Conversion of existing annex to provide new separate detached dwelling

APPEAL: Dismissed

The Barn, Hazel Street Cottage, Hazel Street
Stockbury, Kent, ME9 7SB

(Delegated)

2. 15/509683

Demolition of existing outbuildings, erection of dormer bungalow, division of land to provide existing house with allocated, separate garden and alterations to driveway arrangements to form access to new dwelling.

APPEAL: Dismissed

Salts Farm House, 51 Linton Road, Loose
Kent, ME15 0AH

(Delegated)

3. 15/507506

Change of use of an existing out building with B1 use to residential dwelling as shown on drawing numbers PL-01 and PL-02; dated May 2015 and PL-03A and PL-04A and PL-05 and PL-06A and PL07A; dated June 2015.

APPEAL: Dismissed

Little Benover Barn, Benover Road, Yalding
Kent, ME18 6AS

(Delegated)

4. 15/509996

Outline planning application for the erection of six detached dwellings and other associated works, with access and layout to be considered at this stage and all other matters reserved for future consideration.

APPEAL: Allowed with Conditions

Appleacres , Maidstone Road, Sutton Valence
Kent, ME17 3LR

(Delegated)

5. 15/509106

Construction of 2no. pitched roof dormers set into front elevation plus construction of pitched roof porch extension at front, pitched roof over front bay window and block paved parking area.

APPEAL: Dismissed

11 The Grove, Bearsted, Kent, ME14 4JB

(Delegated)

6. 15/502999

Construction of front boundary wall, brick piers and wooden gates.

APPEAL: Dismissed

Graynoth Place, Otham Street, Otham
Kent, ME15 8RL

(Delegated)

7. 16/501323

Proposed conversion of hip to gable to form additional habitable floor space in existing roof void and extension of existing rear dormer. Change of vertical tile hanging to painted weatherboard to existing and extended dormers.

APPEAL: Dismissed

66 Heath Road, Maidstone, Kent, ME16 9JU

(Delegated)

8. 15/508348

Change of use of an existing farm building to provide 3no. residential dwellings with associated parking, access, landscaping and infrastructure works on the land at Hockers Farm.

APPEAL: Dismissed

AWARD FOR COSTS: Refused

Hockers Farm, Hockers Lane, Detling, Kent,
ME14 3JN

(Committee)

- 9. 15/509992** Part single/part two storey rear extension and replacement garage.

APPEAL: Dismissed

8 Ash Grove, Maidstone, Kent, ME16 0AA

(Delegated)

- 10. 15/508874** 4 x three bedroom houses

APPEAL: Dismissed

Land To The Rear Of 244 To 250 , Upper Fant
Road, Maidstone, Kent, ME16 8BX

(Delegated)

- 11. 15/510004** Erection of a single storey side extension, front porch extension and first floor rear extension

APPEAL: Dismissed

56 Valley Drive, Loose, Kent, ME15 9TL

(Delegated)

- 12. 15/505786** TPO application for works to 1no. Horse Chestnut tree:
PART A: target prune branches to achieve 2m clearance from lamp column; lift crown periphery on north, south and west to 6m above ground level; target prune branches to achieve a 3m separation from building.
PART B: remove 4no.lowest limbs directly over building.

APPEAL: Dismissed

Vicars Hall, 19 Linton Road, Loose, Kent, ME15
0AG

(Delegated)
