

REPORT SUMMARY

REFERENCE NO - 14/506738/OUT		
APPLICATION PROPOSAL Outline application for the erection of up to 100 dwellings – reserved matters for which approval is being sought: Access, including access widening comprising relocation of wall (forming part of outer curtilage of Barty Nursing Home (Grade II listed))		
ADDRESS Land at Barty Farm, Roundwell, Bearsted, Kent ME14 4HN		
RECOMMENDATION GRANT PLANNING PERMISSION SUBJECT TO PRIOR COMPLETION OF AN APPROPRIATE LEGAL MECHANISM AND CONDITIONS		
SUMMARY OF REASONS FOR RECOMMENDATION A recommendation has previously been made on the proposed development (see Appendix A Officer's report). This report provides an update on the material changes that have occurred since the earlier resolution to grant planning permission. It does not alter the previous recommendation for approval.		
REASON FOR REFERRAL TO COMMITTEE Material change in circumstances since the application was previously reported to planning committee.		
WARD Bearsted	PARISH/TOWN COUNCIL Bearsted	APPLICANT Crabtree and Crabtree (Bearsted) Ltd AGENT Hobbs Parker Property Consultants
DECISION DUE DATE 06/04/15	PUBLICITY EXPIRY DATE	OFFICER SITE VISIT DATE Various

UPDATED PLANNING HISTORY since resolution taken on 28 April 2016

15/504667 Barty House, Roundwell, Bearsted, Kent: Listed Building Consent for alterations to boundary wall to facilitate improved access. **REFUSED** *The proposed development would cause harm to the setting of the Grade II Listed Barty Nursing Home and to the fabric of the curtilage wall. Notwithstanding the lack of a 5 year supply, it is considered that the benefits of the development are not sufficient to overcome the harm identified.*

14/506738/OUT Barty House, Roundwell, Bearsted, Kent: Outline application for the erection of 100 dwellings - reserved matters for which approval is being sought: Access, including access widening comprising relocation of wall forming part of outer curtilage of Barty Nursing Home (Grade II listed). **DELEGATED POWERS TO APPROVE SUBJECT TO COMPLETION OF AN APPROPRIATE LEGAL MECHANISM AND CONDITIONS 28/4/16**

1.0 EXECUTIVE SUMMARY

1.1 This application for up to 100 houses at Land at Barty Farm, Bearsted, has been considered by Members previously at the planning committee meeting held on 28 April 2016. The officer's report is attached in full at Appendix A and should be read

in conjunction with this report. At this meeting it was resolved to grant planning permission subject to conditions and an agreed Section 106 to secure the relevant developer contributions; the minutes of the meeting can be found at Appendix B to this report. At the same meeting the linked application 15/504667 which sought Listed Building Consent for the relocation and rebuilding of the wall to facilitate the access into the new housing development was refused. In effect, the applicant was left with a resolution for planning permission that could not be implemented.

- 1.2 Since the decision of the planning committee in April 2016, the applicant has sought expert advice from Heritage Consultants with a view to working up a scheme that would not compromise the integrity of the Grade II Listed Building and its setting. The applicant has considered the grounds of refusal and sought to address these in a revised submission. The revised Listed Building application (16/506735) is on the papers for a decision at this committee also.
- 1.3 This report considers the material changes that have taken place since the Appendix A report from 28 April 2016. Members are advised to consider these material changes and the significance of them. No further analysis has been undertaken of the issues previously discussed as these have already been subject to debate and resolution at committee.
- 1.4 The proposal is fundamentally as considered by Members in April 2016. The outline planning application comprises the erection of up to 100 dwellings with only access considered in detail. As stated, a resolution has already been agreed by members of the planning committee to grant the scheme and the S106 agreement could be progressed; the resolution is minuted in Appendix B. Only the material changes with respect to the specific details of the means of access to the site, along with policy material changes, are therefore being considered in this report.
- 1.5 The material changes that fall to be considered comprise:
 - The change in position with regard to the 5 year housing land supply;
 - The adoption of the Kent Minerals & Waste Local Plan 2016;
 - Amended/additional detail with regard to the resiting of the listed wall which aligns the proposed access.

2.0 THE CHANGES

2.1 The following additional documents have been submitted to inform the assessment of the application

- **Hobbs Parker Covering letter 23/9/16**
- **DAS Design & Access Statement (5/6/15)**
- **Barty House Boundary Wall Heritage Impact Assessment 05 Sep 16.**
- **Mineral Resource Assessment Report November 2016 (SLR global environmental solutions)**

The main differences between the amended plans and those previously considered are as follows:

- * **a stepped access from the rebuilt wall across the lawn accessed from the new footpath;**
- * **lowering of the rebuilt section of wall adjacent to the access track;**
- * **a more graduated transition between the new and existing wall adjacent to Roundwell;**
- * **a greater emphasis and indication of the landscaped finish to the lawn.**

Additional plans have been submitted for determination with regard to the wall detail and impact on Listed Building:

- Drawing No. 1460/001 Rev. B Landscape Plan.
- Drawing No. 2527-16 Proposed Landscaping.
- Barty House Boundary Wall 05 Sep 16.
- Proposed Boundary Wall plan is D&A Statement
- Drawing No. 2527-04C Section A-A.
- Drawing No. 2527-05C Section B-B.
- Drawing No. 2527-06B Section C-C.
- Drawing No. 2527-16 Boundary Wall Demolition Plan

4.0 POLICY AND OTHER CONSIDERATIONS

The policy reference numbers included in the Committee's April report refer to an earlier stage of plan preparation (the 2014 Regulation 18 version of the plan). To clarify, the application site is subject to the following policies of the Emerging Maidstone Borough Local Plan 2016 (for ease of reference, where different, the former 2014 policy numbers are in brackets):

SS1: Maidstone Borough spatial strategy
SP1 [SP2]: Maidstone urban area
H1: Housing site allocations
H1-21 [H1(17)]: Barty Farm, Roundwell, Thurnham

DM1 [DM4]: Principles of good design
DM2: Sustainable design
DM3 [DM10]: Historic and natural environment
DM5 [DM16]: Air quality
DM7 [DM6]: External lighting
DM11 [DM23]: Housing mix
DM12 [H2]: Housing density
DM13 [DM24]: Affordable housing
DM22 [DM11]: Open space and recreation
DM23 [DM12]: Community facilities
DM24 [DM13]: Sustainable transport
DM27 [new]: Parking standards
ID1: Infrastructure delivery.

Kent Minerals & Waste Local Plan 2016: policies DM7, DM9

5.0 LOCAL REPRESENTATIONS

As per Appendix A plus:

An additional 20 objections have been received from local residents (including those previously incorporated in the urgent update). The objections reiterate previous concerns and raise the following new issues:

- Previous officers report was inaccurate with regard to the 5 year housing land supply
- The application should be reheard as was rushed through previously at committee
- The proposed planting would compromise the improved access – it should be demonstrated that this will not happen
- Proposed planting will detract from Barty House setting and have the opposite effect of enhancing the setting
- To agree will compromise the stance at the EIP whereby it was stated that all primary school children should be able to walk to school
- Reinforce views that until school places are available the development is unsustainable
- Nothing has changed that would make development acceptable
- Photographs submitted of an accident attended by the police on Roundwell

Bearsted & Thurnham Society : no further comments received.

- 5.2 Councillor Cuming: previously objected. No further comments received. Objection still stands.

6.0 CONSULTATIONS

- 6.1 **Bearsted Parish Council**: previously objected. No further comments received. Objection still stands.

- 6.2 **Thurnham Parish Council**: previously objected. Further objections received as follows:

Thurnham Parish Council has considered the amendments to the above planning application and wish to register its strong objections for the following reasons: The Parish Council is concerned at the overall level of development and the precedent that this would set for further development at Junction 8 of the M20 and the infill between Water Lane and Thurnham Lane.

Development in this area would lead to the loss of viable agricultural land and will lead to the coalescence of part of Bearsted and part of Thurnham which will subtract from the rural character of the area.

The Parish Council has serious concerns regarding the proposed access to the development. The access would be situated on a sharp bend in the road and at the bottom of two slopes in which the topography restricts the sightlines for oncoming vehicles adjacent to the unrestricted limit.

The proposed development of a hundred new homes would increase traffic in the area and create an additional hazard on an already very busy road.

The application documentation makes reference to an additional 400+ car movements a day.

The Parish Council is concerned about the impact that these additional car movements would have on traffic at the A20 and through Bearsted.

We feel that it is inevitable that the majority of this traffic travelling to London would use Junction 7 to access the motorway rather than Junction 8, thus increasing the traffic movements through Bearsted Village.

6.3 **MBC HOUSING:** No further comments received. Previous comments apply.

6.4 **MBC PARKS & OPEN SPACE:** Previous comments still apply.

6.5 **MBC CONSERVATION OFFICER:** Raises objections and makes the following (summarised) comments

- There are no heritage benefits to this proposal
- The proposal causes harm to the fabric and setting of the Listed Building
- Concurs with the Heritage Statement that this is less than substantial harm
- The proposed wall will have less visual presence than the existing
- The proposed steps are inappropriate in this location (bringing focus to the subsidiary entrance)
- Views from the new wall are the most important for appreciating the original size and form of Barty House – this would be compromised
- The house will be left in a less spacious setting
- The wall could be rebuilt insitu
- The wall adds to the significance of the LB as it signals where the previous driveway entry point was

‘The proposals insofar as they relate to the demolition and rebuilding of the boundary wall will result in less than substantial harm to the significance of the Grade II listed Barty House. As such, in accordance with paragraph 134 of the NPPF, this harm needs to be weighed against the public benefits provided by the housing scheme for which a resolution to grant planning permission has been passed’.

6.6 **MBC LANDSCAPE OFFICER:** previous comments apply. No objection subject to conditions.

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- 6.7 **MIDKENT ENVIRONMENTAL HEALTH:** No further comments to previous 'no objection' subject to conditions.
- 6.8 **KCC FLOOD TEAM:** No further comments to previous 'no objection' subject to a SUDS condition.
- 6.9 **KCC ECONOMIC DEVELOPMENT:** No further update in terms of contribution level sought. Previous comments apply.
- 6.10 **KCC PAUL CRICK:** No further comments received. Previous objections to lack of primary school places still applies.
- 6.11 **KCC ARCHAEOLOGY:** No further comments received. Previous comment 'no objection subject to condition.'
- 6.12 **KCC ECOLOGY:** No further comments received. Previous comment 'no objections'
- 6.13 **KCC PROW:** No further comments received. Previous comments still apply.
- 6.14 **KCC HIGHWAYS:** Further comments received raising no objections subject to the visibility splays complying with relevant highway guidance.
- 6.15 **KENT POLICE:** Updated response reaffirming condition to be imposed.
- 6.16 **KENT WILDLIFE TRUST:** no further response. No objection raised previously.
- 6.17 **NATURAL ENGLAND:** no further comments to make.
- 6.18 **SOUTHERN WATER:** no further comments to make. Previously advised on capacity issues.
- 6.19 **ENVIRONMENT AGENCY:** confirmed no further comments and no objection subject to condition.
- 6.20 **NHS:** No further comments received. Previous request for contribution applies.
- 6.21 **AONB Unit:** updated comments received. Maintain objection as the additional information does not address previous comments (i.e. submission of a LVIA)
- 6.22 **Kent Fire & Rescue:** No further comments received.
- 6.23 **Agricultural Advisor:** Wishes to make no further comment.
- 6.24 **Arriva Bus Services:** No further comments received. Previously sought contributions.

- 6.25 **Highways England:** no opinion. They consider the proposal will have a 'de minimus' impact on the strategic highway network and has been factored in to transport modelling in the development plan.

Policy Allocation

The application site was found acceptable at the meeting held on 28 April 2016 where planning committee resolved to approve the outline application subject to conditions and the applicant entering into a S106 agreement. However, it has been brought back to committee due material changes which have taken place comprising the evolution of the Local Plan now at Examination in Public and the publication of the adopted Kent Minerals and Waste Local Plan.

The site went through the SHLAA process in both 2009 and 2014 and continues to be found acceptable.

Barty Farm, as shown on the policies map in the emerging Local Plan, is allocated for development of approximately 122 dwellings at an average density of 35 dwellings per hectare. In addition to the requirements of policy H1, the site specific criteria set out in Appendix A need to met. The criteria were considered when Members reached the resolution to grant planning permission subject to a S106 and conditions. Members were satisfied that the criteria had either been met through the outline application or could be met through Reserved Matters submission.

7.0 Update on the Local Plan

- 7.1.1 The National Planning Policy Framework states that, from the day of publication, decision-takers may give weight to relevant policies in emerging plans (NPPF, paragraph 16). The weight to be attached is relative to the following factors:
- 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).
- 7.1.2 The Maidstone Borough Local Plan 2016 (the Local Plan) was submitted on 20 May 2016 and the independent examination into the Plan commenced on 4 October 2016. An interim report has been received from the Inspector; the implications of this will be considered later in this report. Adoption of the Local Plan is expected spring/summer 2016. The emerging Local Plan is gathering weight as it moves forward and, at this stage of its preparation, it is considered that significant weight should be attached to it.
- 7.1.3 Land at Barty Farm is allocated under Policy H1(21) of the emerging Local Plan for an indicative 122 dwellings with supporting infrastructure. The policy specifically addresses design and layout, access, air quality, open space, community infrastructure, and highways and transportation requirements for the site. The allocated site was examined on 13 October 2016 during Session 6A 'Maidstone and other urban area housing' and, whilst the Local Plan Inspector has not issued his full

report at this stage, the site was not a matter of contention at the hearing session and the site is not mentioned in the Interim finding report.

7.1.4 The application is in outline with all matters, except access, reserved for subsequent approval. Previous comments set out in the Planning Committee report of 28 April 2016 still stand and are relevant to the determination of the current proposals: the illustrative scheme for 100 dwellings submitted with the outline application reflects the general requirements of Policy H1(21) and as mentioned earlier, Members have accepted that the application is in compliance with the policy criterion through the resolution made on 28 April.

7.1.5 The submission of reserved matters will need to meet the requirements of the above policies, including provision of 30% affordable housing (Policy DM13) and provision of publicly accessible open space in accordance with Policies H1(21)(5) and DM22. Although KCC Education has confirmed that the requisite primary school places cannot be provided at a school within the immediate locality of the site (Policy H1(21)(6)), should planning permission be granted, the County has indicated that financial contributions should be directed towards the South Borough Primary School, located approximately 2.7 miles from the site. Representation has been made that the Council advised at the EIP that its aim was for as many people as possible to be able to walk their children to primary school. The issue of primary school places was a focus of discussion at the committee meeting held on 28 April. In the resolution to approve the application, Members accepted the contributions requested by KCC as the Education Authority, including the contribution towards the South Borough Primary School. It would therefore be unreasonable to come to a different view over this matter when fully discussed and a decision to accept through the mechanism of a S106 was taken previously.

7.1.6 In terms of other material considerations, the National Planning Policy Framework (NPPF) is a key consideration, particularly with regard to housing land supply. Paragraph 47 of the NPPF states that Councils should:

“identify and update annually a supply of specific deliverable sites sufficient to provide five years’ worth of housing against their housing requirements with an additional buffer of 5% (moved forward from later in the plan period) to ensure choice and competition in the market for land. Where there has been a record of persistent under delivery of housing, local planning authorities should increase the buffer to 20% (moved forward from later in the plan period) to provide a realistic prospect of achieving the planned supply and to ensure choice and competition in the market for land”.

7.1.7 The Council has undertaken a Strategic Housing Market Assessment (SHMA) which was commissioned jointly with its housing market area partners: Ashford and Tonbridge & 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 Maidstone Borough Local Plan (2011 to 2031). The SHMA has been the subject of a number of iterations following the publication of updated population projections by the Office for National Statistics and household projections by the Department for Communities and Local Government. At the meeting of the Strategic Planning, Sustainability and Transport Committee on 9 June 2015, Councillors agreed an objectively assessed housing need figure of 18,560 dwellings for the period 2011 to 2031. This figure was adopted as the Local Plan housing target by Council at its meeting on 25 January 2016.

- 7.1.8 The Local Plan allocates housing sites considered to be in the most appropriate locations for the borough to meet its objectively assessed needs, and the Housing Topic Paper (which was submitted with the Local Plan) demonstrates that the Council has a five-year supply of deliverable housing sites.
- 7.1.9 Housing land supply monitoring is undertaken at a base date of 1 April each year. The Council's five-year housing land supply position includes dwellings completed since 1 April 2011, extant planning permissions, Local Plan allocations, and a windfall allowance from small sites (1-4 units). The methodology used is PPG-compliant in that it delivers the under-supply of dwellings in the past five years over the next five years; it applies a discount rate for the non-implementation of extant sites; and, in conformity with the NPPF paragraph 47, a 5% buffer is applied given the position that is set out in full in the Housing Topic Paper. As at 1 April 2016 the Council can demonstrate **5.12 years'** worth of deliverable housing sites against its objectively assessed need of 18,560 dwellings.
- 7.1.10 In September 2016, a desktop exercise was completed in order to test how the Council is continuing to meet its 20-year and five-year housing targets. Using the same methodology, the housing land supply calculation was rolled forward five months; the contribution from new planning permissions granted since April was included; the phased delivery of extant permissions and Local Plan allocations was reviewed; and the windfall contribution was adjusted to avoid double counting. The Housing Topic Paper Update reaffirmed that the Council's five-year housing land supply position is robust and that the assumptions being made are justified, demonstrating an uplift in the Council's position to 5.71 years. The purpose of the update was to show an indicative position as at 1 September: the update does not replace the 1 April 2016 Topic Paper because a full survey was not undertaken in September. A full five-year housing land supply update will be completed through the annual housing information audit to produce the 1 April 2017 position.

Since this time, the Inspector has submitted his Interim findings from the examination of the Maidstone Borough Local Plan to the Council. Whilst these findings are still being reviewed by officers, they do not raise doubt about the Council's stated position that it has a 5 year housing land supply.

- 7.1.11 Land at Barty Farm is an allocated housing site in the Maidstone Borough Local Plan which contributes towards the Council's 20-year and five-year housing land supply. The principle of the site's development for residential use has been established and, subject to the reserved matters meeting the policy requirements of the Local Plan, there is no policy objection to this outline application.

7.2 Heritage Impact

- 7.2.1 A specific Heritage Impact Assessment has been submitted in support of the application. This provides a more detailed assessment on the impact of relocating the wall than previous submissions. It also takes an amended approach to the treatment of the remaining lawn, opening up views to the elevation from the access track and providing a stepped access up from the new footpath to the lawn.
- 7.2.2 This revised approach gives greater emphasis on enhancing the setting of the Listed Building. Members may recall that the previous scheme comprised the relocation of the existing wall closer to the northern façade of Barty House at the same height as

existing. There were no breaks in this section of wall and the height only altered when stepping down to Roundwell and meeting the existing lower section of wall adjacent to Roundwell. It is now proposed to lower the height of the rebuilt section of wall in order to increase visibility to Barty House and midway through the section insert a stepped pedestrian access with formal landscaping either side.

- 7.2.3 It is also proposed to change the construction materials which would be used for the road widening. Materials include tumbled paving blocks with granite setts. The new footway would be edged with conservation kerbs. The landscaping details show extensive Yew hedging together with low shrub planting within the revised garden of Barty House – the planting would be set around hard landscaping comprising York stone style paving creating pathways and terraces for the users of Barty House.
- 7.2.4 Whilst I acknowledge the efforts made to provide an alternative scheme in conjunction with relocating the wall, the fact remains that the wall will be moved closer to Barty House and the ‘green’ lawn setting will be substantially reduced. The more gradual decline of the wall as it meets Roundwell is, in my view, a softer approach and the pedestrian steps across the lawn give a more formal garden approach to this elevation. My assessment remains that to reduce this lawn setting by moving the wall some 2.5 -3.5m into the garden will inevitably cause a degree of harm. The view of the Conservation Officer is stronger than mine with regard to his objections to the scheme.
- 7.2.5 This harm is balanced against the quality of the wall and the fact that it does contain a mix of materials from previous repairs and extended sections from when the change occurred years ago to the access arrangements. If undertaken with care, the wall is capable of being rebuilt stronger and ensuring longevity. However, this could be done in situ. The greater harm being caused, in my view is more to the setting of the Listed Building by a reduction in its curtilage. When balancing against the NPPF I consider it is less than substantial harm when weighing against the visual impact. Previous changes to the building and its setting also contribute to my assessment.
- 7.2.6 As per Appendix A, this report considers whether the impact is of significant harm to warrant refusal of the planning application. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special regard should be had to the desirability of preserving the building or its setting. It is clear from the assessment undertaken by the conservation officer that there is harm to the setting and fabric of this Listed Building and as such this should be given considerable importance and weight. The applicant also acknowledges that a level of harm will occur (Heritage Assessment). Therefore, with regard to section 66, I conclude that a level of harm will be caused.
- 7.3.5 It is therefore a case of balancing the benefits of the development versus the harm to the Listed building.
- 7.3.6 The NPPF requires that the harm be balanced against any public benefit accruing from the proposals. *‘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.’* Paragraph 134
- 7.3.7 In this instance it is therefore considered that the significant public benefits arising from an additional 100 houses together with 30% affordable housing and the resulting economic benefits that new residents would bring to the services and

amenities in Bearsted, would, in my view outweigh the limited harm to the setting and fabric of the Grade II listed building and should not prohibit the development of the site. I also consider that some mitigation will be provided as it is proposed to retain existing bricks from the wall and re-use in the reconstruction thereby retain some of the historic fabric of the wall. This can be subject to a planning condition, together with requiring details of wall bond/pointing details, appropriate mortar mix to ensure the original wall is reflected in both character and detail as far as can be.

- 7.3.8 In coming to my view, I have also taken note of the structural appraisal undertaken by 'Alan Baxter Partnership' dated 17 September 2015 and the Heritage Assessment submitted September 2016. The report notes a bulge and lean to the existing wall and the general poor condition throughout. I do not consider the findings of the report justification for the resiting of the wall – rather it confirms that the wall needs attending to but this could be done in situ or rebuilt in its existing position.

7.4 Design and layout

- 7.4.1 No changes have been made to the indicative design and layout of the housing development.

7.5 Residential Amenity

- 7.5.1 The impact on residential amenity is as discussed in my previous report to the April committee.

7.6 Highway Issues

- 7.6.1 Notwithstanding the reinforced objections from residents, the highway issues are as considered previously. Comments have been made from KCC Highways regarding the planting not compromising visibility splay – however, this can be dealt with through the approval of the specific planting species and the majority of planting is indicated as being low level shrub planting. A condition is also proposed to ensure the proposed planting does not compromise the visibility splays.

7.7 Affordable housing

- 7.7.1 There is no change in the 30% affordable housing to be provided. Details of the siting of this within the development will be finalised at the reserved matters stage. Tenure and triggers for provision will be set out within the S106.

7.8 Landscaping & Open Space

- 7.8.1 Landscaping is a matter reserved for future consideration. Notwithstanding this at the committee meeting held in April, it was resolved to grant planning permission and not seek a contribution to off-site provision of open space. Members felt that it was appropriate to provide all open space on site to respect the rural character of the location. This request has been carried through in the conditions and hence no off-site contribution is being sought.

7.9 Ecology and Air Quality

- 7.9.1 No material change since the report to Members in April 2016.

7.10 Flooding and Drainage

7.10.1 No material change since the report to Members in April 2016.

7.11 Minerals and Waste Assessment

7.11.1 The applicant has submitted a Mineral Resource Assessment Report in response to the recently published Kent Minerals & Waste Local Plan 2016. (KMWLP). The relevance of this is that the site lies within a Minerals Safeguarding Area for silica sand/construction sand which forms part of the Folkestone Formation. This is a new material consideration as the document forms part of the adopted Development Plan and was not a consideration at planning committee in April 2016.

7.11.2 Due to safeguarding, consideration needs to be given under Policies DM7 & DM9 of the KMWLP as to whether prior extraction of minerals should take place, if feasible; and whether it would be economically or environmentally viable to do so.

7.11.3 The results of the investigation by SLR found that the site offers 0.36 hectares of soft sand which has not already been sterilized by nearby adjacent development. If extracted, this would equate to a yield of 10,000 tonnes of sand. Whilst the site is safeguarded in the KMWLP, it is not allocated as a Preferred or Reserve site, which in my view would give it a higher priority status. KCC have been consulted on the SLR report but have not commented.

7.11.4 The conclusion of the report by SLR is that the relatively small tonnage that would be gained in extraction, would not be viable for the cost and impact it would require. In my view, it would not be reasonable to expect extraction from this site due to the limited contribution it would have to overall sand supplies. The fact that nearby development has already compromised the quality of the sand and that KCC has recently assessed and prioritised sites and this has not come out as a preferred or reserve site, also inform my conclusion.

7.12 Alterations to the Listed Wall

7.12.1 A number of objectors have highlighted the refused applications in March 2015 for both planning permission and listed building consent to demolish the existing boundary wall at Barty House. It has also been commented on by neighbour objections that the April committee was correct in its decision to refuse Listed Building Consent for the scheme linked to this outline.

7.12.2 The accompanying Listed Building Application is an alteration to the previous refusal, with more emphasis on landscape as a means of mitigation and enhancement. However, the fact remains that the access track will noticeably alter in character and have a resulting negative impact on the setting of Barty House. As I have stated previously without the justification in terms of the public benefit that the new housing development will bring about, then the correct decision on the relocation of the wall would be one of refusal. However, as explored previously in depth, the two applications are intrinsically linked and there is justification for allowing the compromise to the setting of Barty House.

7.12.3 As such my conclusion remains the same and the benefits brought about by bringing forward this allocation outweigh the harm to the Grade II Listed Barty House.

8.1.1 Heads of Terms

I have received no further updates or reassessment of the figures previously sought by consultees. Nor have requests for further clarification on how the requests meet the requirements of the three tests of Regulation 122 of the CIL Regulations 2010 and paragraph 204 of the NPPF 2012 been addressed. I remain concerned that the contribution sought by Arriva buses is excessive and has not been satisfactorily justified. I therefore conclude it does not meet the tests below.

- Necessary to make the development acceptable in planning terms;
- Directly related to the development; and
- Fairly and reasonably related in scale and kind to the development.

The requests Members are asked to endorse are as set out in the recommendation.

9.1 CONCLUSION

9.1.1 This application has been reported back to committee due to the material changes in policy terms. The emerging MBWLP plan is now considered to carry significant weight and the KM&WLP required consideration.

9.1.2 The significance of the site with regard to minerals value is not considered to be a reason to prevent or delay development when balanced against the public benefits of securing housing on this allocated site.

9.1.3 The proposed development does not conform with the adopted policy ENV28 of the Maidstone Borough-wide Local plan 2000. It would be greenfield development in a Special Landscape Area. However, as the site is an allocation for housing in the emerging local plan and falls within the proposed extended urban boundary as set out by Policy SP1 of the emerging plan, it reduces the weight that can be afforded to the adopted Policy ENV28. The development is considered to be in a sustainable location, will fall within the amended urban boundary and is not considered to result in significant planning harm. Given that this site contributes to securing the five-year housing supply and that the site is a proposed allocation in the Reg 19 plan, the low adverse impacts of the development are not considered to significantly outweigh its benefits. In addition, no adverse comments have been reported in the Inspector's interim findings or reported from the hearing session when this site was discussed. As such the development is considered to be in general compliance with the National Planning Policy Framework and material considerations indicate that it is appropriate to depart from the Local Plan.

9.1.2 Development at this site would extend the grain of development from the Maidstone urban boundary to the east. Whilst the development would have an impact upon the setting of the Grade II Listed Barty House and a loss of some fabric of the listed wall, I do not consider that this would be a significant impact such to resist development altogether. The site is on the boundary of the urban area in easy reach of a number of services and facilities located within Bearsted, including the Bearsted train station. The proposed development includes measures to enhance connectivity from the site to the centre of Bearsted (bus route) with its shops and services. The development of

this site for residential purposes would in my view represent an example of sustainable development and would conform to the aspirations of the NPPF.

9.1.3 Furthermore, the site, currently being on the edge of the urban area of Maidstone, would be in conformity with the Council's settlement hierarchy and preferred areas for development. The principal of which is supported in the Regulation 19 local plan which seeks to direct development to the urban area of Maidstone in the first instance – policy SS1 and SP1, followed by edge of urban sites. Therefore, the development of this site for residential purposes would conform with the Council's approach to the location of development.

9.1.4 This application has previously had a resolution to grant planning permission subject to the completion of a S106 legal agreement. It remains my recommendation that the development of the site for residential purposes is acceptable and it is recommended that subject to the completion of a section 106 that planning permission be granted.

RECOMMENDATION (this recommendation incorporates the changes sought by Members to conditions in the previous resolution and also additional conditions as set out in the urgent updates of planning committee April 28 2016.)

The **Head of Planning and Development** be given delegated powers to grant planning permission subject to the conditions set out below and to the prior completion of a legal agreement, in such terms as the Head of Legal Services may advise, to provide the following;

- The provision of 30% affordable residential units within the application site, 60% rental and 40% shared ownership.
- Contribution of £808.20 per Dwelling to be sought from the NHS towards improvements to Bearsted surgery.
- Contribution of £2360.96 per Applicable House towards the South Borough Primary School permanent expansion to 2FE.
- £2,359.80 per dwelling - towards Secondary education towards the second phase of expansion of Maplesden Noakes
- Contribution of £31.75 per Dwelling sought towards community learning to be used to address the demand from the development towards the provision of new/expanded facilities and services both through dedicated adult education centres and through outreach community learning facilities local to the development, project: new IT equipment to St Faiths Adult Education Centre in Maidstone
- Contribution of £31.78 per dwelling sought to be used to address the demand from the development towards youth services locally, project: new furniture for InFoZoNe Youth Centre
- Contribution of £127.09 per Dwelling sought to be used to address the demand from the development towards additional bookstock and services at local libraries serving the development, project: Bearsted Library enhancements, namely additional bookstock and moveable shelving

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- Contribution of £53.88 per Dwelling sought to be used to address the demand from the development towards the provision of new/expanded facilities and services both on site and local to the development including assistive technology, and enhancement of local community facilities to ensure full DDA access, project: enhancements to Dorothy Goodman Centre (Age UK) at Madginford.
- Contribution of up, but no more than, £15,000 for the provision of measures to promote sustainable access i.e cycle parking/shelters, disability ramps, security and information at Bearsted Railway Station.
- Contribution towards the upgrading of PRoW KH127 to Church Lane, officers to be granted specific delegated authority to liaise with KCC Prow & applicant to agree a final figure.

The inclusion of a LEMP together with the provision and on-going management on land north of the application site within the ownership of the applicant. The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed;
- b) Ecological trends and constraints on the site that might influence management;
- c) Aims and objectives of management;
- d) Appropriate management options for achieving the aims and objectives;
- e) Prescriptions for management actions;
- f) A work schedule;
- g) Details of the body or organisation responsible for implementation of the plan;
- h) Ongoing monitoring and remedial measures;
- i) Specific details of biodiversity enhancement measures to include enhancement for birds, bats and reptiles. (to include swift bricks, bat boxes, hedgerow habitat enhancement)

Conditions

1. No development shall take place until approval of all of the following reserved matters has been obtained in writing from the Local Authority:
a. Layout b. Scale c. Appearance d. Landscaping

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

Reason: No such details have been submitted and in accordance with the provisions of Section 92 of the Town and Country Planning Act 1990.

2. The development hereby permitted shall be begun before the expiration of two years from the date of the last of the reserved matters to be approved;

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Reason: No such details have been submitted and in accordance with the provisions of Section 92 of the Town and Country Planning Act 1990.

3. Prior to any dwelling hereby permitted being constructed to slab level written details and samples of the materials to be used in the construction of the external surfaces of any buildings and hard surfaces 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.

Reason: To ensure a satisfactory appearance to the development.

4. Prior to any dwelling hereby permitted being constructed to slab level, details of all fencing, walling and other boundary treatments 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 before the first occupation or as agreed by the Local Planning Authority and retained thereafter;

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

5. Prior to any dwelling hereby permitted being constructed to slab level, details of the proposed materials to be used in the surfacing of all access roads, parking and turning areas and pathways, and the design of kerb-stones/crossing points which shall be of a wildlife friendly design, relating to the detailed element, shall be submitted to and approved by the local planning authority and the development shall be carried out in accordance with the approved details before the first occupation of the dwellings or as agreed in writing with the Local Planning Authority and maintained thereafter.

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

6. No external lighting equipment shall be placed or erected within the site until details of such equipment 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 the interests of biodiversity. The development shall thereafter be carried out in accordance with the subsequently approved details.

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

7. (A) Prior to any dwelling hereby permitted being constructed to slab level, and pursuant to condition 1 of the Reserved Matters a landscape scheme which provides 1.05 hectares of useable open space within the site and designed in accordance with the principles of the Council's adopted landscape character guidance shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be fully implemented.

(B) The scheme shall show all existing trees, hedgerows and landscaping and indicate whether they are to be retained or removed. It shall detail measures for protection of species to be retained and include a planting specification, a

programme of implementation and maintenance and a 10 year management plan. The landscape scheme shall provide landscape buffer zones of no less area than shown in the illustrative site layout on drawing no. 2527-21 and specifically address the need to provide:

- Reinforced and new tree belt along the southern boundary of the site.
- New hedgerow and tree planting along the northern boundary (M20 motorway).
- Tree and hedge planting throughout the site.
- Area of semi-natural open space along the southern boundary.
- Swales and balancing ponds.
- Reinforced tree and hedgerow planting along the eastern and western boundaries.
- Naturalistic boundary along Water Lane

(C) The approved scheme shall be fully implemented prior to the occupation of the 50th dwelling unless otherwise agreed in writing with the Local Planning Authority.

Reason: No such details have been submitted and to ensure a satisfactory appearance and landscape setting to the development and satisfactory implementation, maintenance and management of the landscaped areas.

8. 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 sooner; any seeding or turfing which fails to establish or any trees or plants which, within five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation.

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

9. Any existing trees or hedges retained on site which, within a period of five years from the first occupation of a property, commencement of use or adoption of land, die or become, in the opinion of the local planning authority, so seriously damaged or diseased that their long term amenity value has been adversely affected, shall be replaced in the same location during the next planting season (October to February), with plants of an appropriate species and size to mitigate the impact of the loss as agreed in writing by the local planning authority.

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

10. All trees to be retained must be protected by barriers and/or ground protection in accordance with BS 5837 (2012) 'Trees in Relation to Construction- Recommendations' and in strict compliance with the Draft Arboricultural Method Statement by Chartwell Tree Consultants Ltd dated 9 March 2016. No equipment, machinery or materials shall be brought onto the site prior to the erection of approved barriers and/or ground protection except to carry out pre commencement operations approved in writing by the local planning authority. These measures 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

protected areas. No alterations shall be made to the siting of barriers and/or ground protection, 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 and to ensure a satisfactory setting and external appearance to the development

11. Prior to the commencement of any ground or tree works a programme of arboricultural supervision and reporting shall be agreed with the local planning authority in writing and the approved programme shall be carried out in strict accordance with the approved details.

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

12. Prior to commencement of the engineering works at both the site access points, full details of tree protection methods, including the laying of road construction where trees have been identified as to be retained, shall be submitted and approved in writing by the local planning authority. Details should include hand dig as appropriate. The works shall be carried out in accordance with the approved details.

Reason: To ensure the safe retention of trees of amenity value.

13. The details of landscaping submitted pursuant to condition 1 shall include details of a scheme for the preparation, laying out, and equipping of a play/amenity area and the land shall be laid out in accordance with the approved details;

Reason: To ensure a satisfactory external appearance to the development and the provision of adequate facilities to meet the recreational needs of prospective occupiers.

14. (A) The development shall not be occupied until details of the long-term management and maintenance of the public open space, including details of mechanisms by which the long term implementation of the open space (including play equipment) will be secured by the developer with the management body(ies) responsible for its delivery, have been submitted to and approved in writing by the Local Planning Authority;

(B) In addition to 'A' above, the details shall show the provision of a LAP within the open space, how this to be equipped and accord with the provisions above. The approved details shall be fully implemented prior to 50th occupation of the residential units.

Reason: In the interests of adequate open space provision and visual amenity.

15. The details pursuant to condition 1 shall show the height of the proposed dwellings to reflect the parameters set in the Design and Access Statement shown as between 2 and 2.5 storeys high.

Reason: In the interests of visual amenity

16. There shall be no occupation of the development hereby permitted until the provision, by way of a Section 278 Agreement between the applicant and Kent County Council Highways, of the works identified in the application are agreed with the planning and

highway authorities. Full details of the proposed details shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of highway safety.

17. The development shall not commence 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. The development shall be carried out thereafter in accordance with the approved details.

Reason: In order to secure a satisfactory form of development.

18. Prior to the commencement of development 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.

19. The development shall not commence until details of foul and surface water drainage, which shall include details of any necessary off-site improvements to the local network, have been submitted to and approved in writing with the Local Planning Authority in consultation with Southern Water. The approved details and off-site works shall be implemented in full prior to the first occupation of the development.

Reason: In the interest of water pollution

20. No development shall take place until a sustainable surface water drainage scheme based on details provided within the Surface Water Management Strategy prepared by RMB Consultants (Civil Engineering) Ltd dated December 2014, has been submitted to and approved in writing by the local planning authority. The surface water strategy should also be compliant with the Non-Statutory Technical Standards for Sustainable Drainage (March 2015), and should demonstrate the surface water run-off generated up to and including the 100yr critical storm (including an allowance for climate change) will not exceed the run-off from the undeveloped site following the corresponding rainfall event, so as not to increase the risk of flooding both on- or off-site. The strategy should also include details for the provision of long term maintenance of all surface water drainage infrastructure on the site. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

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

21. Prior to commencement of the development details of vehicle parking and cycle storage shall be submitted to the Local Planning Authority and approved in writing. The approved details of parking shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General

Permitted Development) Order 1995 as amended (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.

22. No infiltration of surface water drainage into the ground 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. The development shall be carried out in accordance with the approval details.

Reason: To protect vulnerable groundwater resources and source protection zones.

23. The existing wall which aligns the curtilage of Barty House shall not be taken down until a methodology statement has been submitted to cover the following areas:

- (i) Removal, cleaning and reuse of existing brickwork;
- (ii) Submission of sample replacement bricks where necessary;
- (iii) A sample panel to be erected on site to ensure appropriate bonding/mortar mix

Reason: To ensure appropriate materials and protection of the character of the wall.

24. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, no further development other than that hereby permitted shall take place on the site without the prior written consent of the Local Planning Authority;

Reason: To safeguard the character and appearance of the development and the enjoyment of their properties by prospective occupiers and surrounding neighbours.

25. Prior to the commencement of development the recommendations of the Callumma Ecological Services report dated October 2015 shall be carried out. A detailed mitigation strategy shall be submitted to the Local Planning Authority as set out in this report (CES) together with a monitoring timetable whilst works are ongoing with regard to the Great Crested Newt population within the identified ponds.

Reason: In the interests of Biodiversity.

26. Prior to occupation of the first dwelling a scheme for the installation of a piece of public art shall be submitted to the local planning authority for approval. The approved scheme shall be undertaken in accordance with the details and provided on site before the last unit is occupied.

Reason: In recognition of the local history in Bearsted and to provide a sense of place to the development.

27. The recommendations set out in the acoustic report by Peter Moore Acoustics ref 141101/1 shall be fully adhered to. Prior to occupation of the dwellings written

evidence shall be submitted that the recommendations have been incorporated within the development.

Reason: In the interests of providing a satisfactory environment for future occupants.

28. Details of a scheme to provide sources of renewable energy including solar power and where practical publicly accessible EV charging points, shall be submitted to the LPA with the application for approval of reserved matters and the approved details shall be implemented before the development is first occupied

Reason: In the interests of the environment.

29. 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 to show that no contamination was discovered should be included.

Reason: In the interests of protecting future occupants from contamination.

30. Prior to the commencement of the development a Code of Construction Practice shall be submitted to and approved in writing by the Local Planning Authority. The construction of the development shall then be carried out in accordance with the approved Code of Construction Practice and BS5228 Noise Vibration and Control on Construction and Open Sites and the Control of dust from construction sites (BRE DTi Feb 2003) unless previously agreed in writing by the Local Planning Authority.

The code shall include:

- An indicative programme for carrying out the works
- Measures to minimise the production of dust on the site(s)
- Measures to minimise the noise (including vibration) generated by the construction process to include the careful selection of plant and machinery and use of noise mitigation barrier(s)
- Maximum noise levels expected 1 metre from the affected façade of any residential unit adjacent to the site(s)
- Design and provision of site hoardings
- Management of traffic visiting the site(s) including temporary parking or holding areas
- Provision of off road parking for all site operatives
- Measures to prevent the transfer of mud and extraneous material onto the public highway

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- Measures to manage the production of waste and to maximise the re-use of materials
- Measures to minimise the potential for pollution of groundwater and surface water
- The location and design of site office(s) and storage compounds
- The location of temporary vehicle access points to the site(s) during the construction works
- The arrangements for public consultation and liaison during the construction works

Reason: In order to ensure the impact of the construction works are minimised in the locality.

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

- Drawing no.s: 475-108A; 474-112; 474-115; 474-116; 475-123; 475-125 A; 475-127A; 2527-21b; 2527-20Rev D; site location plan; 2527-22A; Drawing No. 1460/001 Rev. B Landscape Plan; 2527-03H; 2527-16; 2527-04C; 2527-05C; 2527-06B; 2527-16.

Reports: Great Crested Newt Survey October 2015, Calumma Ecological Services; Arboricultural report by Chartwell Tree Consultants December 2015, Arboricultural Method Statement 9 March 2016, Transport Assessment Addendum December 2016; Surface Water Management Strategy incorporating a Flood Risk Assessment dated December 2014.

Reason: To ensure the development is undertaken satisfactorily.

Informatives:

- 1 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.
- 2 The applicant is advised to take note of and refer to the Institute of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Lighting, GN01, dated 2005 (and any subsequent revisions) when submitting details in relation to condition 6.
- 3 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.
- 4 Should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site. The applicant is advised to discuss the matter with Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW. (Tel: 0330 303 0119) or www.southernwater.co.uk.