

REFERENCE NO - 19/502182/FULL		
APPLICATION PROPOSAL Variation of condition 1 of 18/504343/FULL (Minor Material Amendment to condition 10 of application 14/503411/FULL (Residential Development comprising erection of 23 dwellings)) to allow a gradual occupation of the scheme, starting with 6no. social rented properties, prior to the completion of the traffic island.		
ADDRESS The Paddock Grove House Old Ashford Road Lenham Maidstone Kent ME17 2PX		
RECOMMENDATION – GRANT PLANNING PERMISSION subject to conditions and the completion of a Supplemental Deed		
SUMMARY OF REASONS FOR RECOMMENDATION The site has the benefit of planning permission for development with the erection of 23 dwellings for social housing and the dwellings are now substantially completed. A condition of the planning permission requires highway works secured by an Agreement under S278 of the Highways Act 1980 to be carried out before any of the dwellings are first occupied. The current application seeks to vary the condition to allow the occupation of 6no. social rented properties before completion of the final part of the required highway works (the provision of a traffic island outside the site entrance within Ashford Road (A20)). The other parts of the highway works will be completed prior to first occupation of any of the dwellings as currently required by the condition. The highway works secured by Agreement under S278 of the Highways Act 1980 and the planning condition are required in the interests of highway safety and Kent Highways raise no objection on highway safety grounds to the proposed variation of the condition. In the absence of an objection to the proposed variation of the condition from Kent Highways it is not considered that a refusal of permission on highway safety grounds could be pursued in this case.		
REASON FOR REFERRAL TO COMMITTEE The Ward Councillors have called the application in to Committee, reiterating the Parish Council's concerns on the grounds of safety.		
WARD Harrietsham And Lenham	PARISH/TOWN COUNCIL Lenham	APPLICANT West Kent Housing Association AGENT Architects Plus
TARGET DECISION DATE 14/08/19		PUBLICITY EXPIRY DATE 21/06/19

Relevant Planning History

14/503411/FULL - Residential Development comprising erection of 23 dwellings. Approved 27.01.2017

17/503227/SUB - Submission of details to discharge condition 5 (Landscape Management); condition 6 (Landscaping Scheme); condition 12 (Biodiversity Method Statement); condition 13 (Ecological Design and Management Strategy); condition 14 (Archaeology); and Condition 20 (Biodiversity Enhancements) Subject to 14/503411/FULL. Approved 21.12.2017

17/504207/SUB - Submission of Details to Discharge Conditions 11 (Boundary Treatments); Condition 18 (Lighting); Condition 19 (Renewable Energy) Subject to 14/503411/FULL. Approved 28.11.2017

17/504498/SUB - Submission of details pursuant to Condition 4: Details of materials (original application ref: 14/503411/FULL). Approved 28.11.2017

17/504674/SUB - Submission of details to discharge condition 9 (foul and surface water disposal) and condition 17 (slab levels) subject to 14/503411/FULL.
Approved 12.12.2017

18/504343/FULL - Minor Material Amendment to condition 10 of application 14/503411/FULL (erection of 23 dwellings) to reposition access road and to lay new footpath. Approved 03.01.2019

19/502033/SUB - Submission of Details to Discharge Condition 9 (Drainage) and Condition 18 (Lighting) Subject to 14/503411/FULL. Pending Consideration

MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 The site is located on the south side of Ashford Road (A20), approximately 80m to the east of the junction of Faversham Road with Ashford Road, and the generally rectangular shaped site has a frontage of 125m approx. along Ashford Road. The site has the benefit of planning permission for development with the erection of 23 dwellings and the dwellings are substantially completed.
- 1.02 The site is within the defined village boundary of Lenham village as shown on the Policies Map to the adopted Local Plan (2017) and Lenham village is a designated rural service centre in the Local Plan. The site is adjoined to the south, east and west by existing residential development and the village community centre also adjoins to the east. On the opposite side of Ashford Road to the north is the southern edge of the Kent Downs AONB.

2. PROPOSAL

- 2.01 The site has the benefit of planning permission granted under reference 14/503411/FULL for development with the erection of 23 dwellings. A minor material amendment to the planning permission was approved 03.01.19 under reference 18/504343/FULL and a new planning permission was issued under that reference.
- 2.02 Condition 1 of the new planning permission issued under reference 18/504343/FULL (Condition 2 of the original planning permission granted under reference 14/503411/FULL) requires highway works secured by an Agreement under S278 of the Highways Act 1980 to be carried out before any of the dwellings are first occupied. The current application seeks to vary the condition to allow the occupation of 6no. social rented properties before completion of the final part of the required highway works (the provision of a traffic island outside the site entrance within Ashford Road (A20)).
- 2.03 The approved dwellings for social housing are now substantially completed and the current application states that due to a road works embargo on the A20 by KCC and housing need pressure, an amendment to the condition is sought to allow six of the dwellings to be occupied before completion of the final part of the required highway works.

3. POLICY AND OTHER CONSIDERATIONS

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Maidstone Borough Local Plan 2017: Policies SS1, SP5, SP8, SP19, SP20, DM1, DM2, DM5, DM6, DM8, DM12, DM23

4. LOCAL REPRESENTATIONS

Local Residents:

- 4.01 No responses/representations received from local residents following consultation on the current variation of condition application.

5. CONSULTATIONS

(Please note that summaries of consultation responses are set out below with the response discussed in more detail in the main report where considered necessary)

Lenham Parish Council

- 5.01 Object on safety grounds. Comment that the completion of the traffic island prior to occupation of the development is stipulated in the S106 agreement and should be honoured in conjunction with the TRO on the A20 from 60mph to 50mph, at what is a particularly hazardous stretch of road close to the Faversham Road junction.

Kent Highways

- 5.02 No objection to the proposal on the understanding that the proposal is for the occupation of 6 houses (for social housing) only. Comment that the traffic island forms part of the required development access provision for highway safety reasons, occupation (prior to completion of the traffic island) must be limited to 6 houses only, and a scenario where the development is substantially or fully built out without the island in place would be unacceptable.

Southern Water

- 5.03 No comments to make in respect in respect of the variation of condition application.

KCC Ecology

- 5.04 No comments to make on the condition variation.

Natural England

- 5.05 No comments to make on the variation of condition application.

Environment Agency

- 5.06 No comments to make on the variation of condition application.

6. APPRAISAL

Main Issues

- 6.01 The key issues for consideration relate to:

- Principle
- Provision of affordable housing
- Highway safety

Principle

- 6.02 The site has the benefit of planning permission granted under reference 14/503411/FULL for development with the erection of 23 dwellings. A minor material amendment to the planning permission was approved 03.01.19 under reference 18/504343/FULL and a new planning permission was issued under that

reference. The more recent planning permission is currently being implemented and the 23 dwellings are now substantially completed.

- 6.03 The current application is only assessing the proposed amendments to condition 1 of the planning permission approved under reference 18/504343/FULL to allow the occupation of 6no. social rented properties before completion of the final part of the required highway works (the provision of a traffic island outside the site within Ashford Road (A20)). Condition 1 of the planning permission currently requires the works within the highway secured by an Agreement under S278 of the Highways Act 1980 to be implemented before any of dwellings are occupied. Kent Highways raise no objection to the proposed amendment to the condition.

Provision of affordable housing

- 6.04 The site is being developed for social housing by the applicants, West Kent Housing Association, and the development will provide 23 affordable dwellings. The dwellings are now substantially completed and the current application states that due to a road works embargo on the A20 by KCC and housing need pressure, the applicants are seeking to occupy some of the dwellings (6no. social rented properties) before completion of the final part of the required highway works (the provision of a traffic island outside the site within Ashford Road (A20)). The proposed amendments to condition 1 of the planning permission granted under reference 18/504343/FULL will assist in meeting a pressing need for social rented properties in the borough.

Highway safety

- 6.05 The requirements of condition 1 of the planning permission granted under reference 18/504343/FULL include:

a) the provision of new footway along the south side of Ashford Road between the access to the site and the existing pedestrian refuge to the west and the provision of a footway/cycle link to Groom Way (to the east), and

b) the reduction in the speed limit on the A20 from 60mph to 50mph to include the section of Ashford Road between Ham Lane to the west and Old Ashford Road to the east with the terminal signs being provided in advance of those junctions. Both these requirements are in the interests of highway safety.

The current application to vary condition 1 states that both these requirements, a) and b), will be complied with by the time of first occupation of any of the dwellings.

- 6.06 The works within the highway secured by Kent Highways by an Agreement under S278 of the Highways Act 1980 also include the provision of a traffic island in Ashford Road outside the access into the site off Ashford Road.
- 6.07 The traffic island is required in the interests of highway safety to protect vehicles turning into the site off the A20 Ashford Road. The approved dwellings are now substantially completed and due to a road works embargo on the A20 by KCC, the full S278 Agreement highway works (the provision of the traffic island outside the site within Ashford Road (A20)) will not be implemented prior to some of the dwellings being completed and available for occupation.
- 6.08 In the circumstances the applicants are seeking to vary condition 1 of the planning permission granted under reference 18/504343/FULL, which makes reference to the Agreement under S278 of the Highways Act 1980, to allow some of the dwellings (6no. social rented properties) to be occupied before completion of the final part of the required highway works (the provision of a traffic island outside the site within Ashford Road (A20)).

- 6.09 Kent Highways raise no objection to the current proposal on the understanding that the proposal is for the occupation of 6 houses (for social housing) only. The planning condition can be varied to limit the occupation of up to 6 houses only prior to the completion of the final part of the required highway works (the traffic island in Ashford Road).

Other Matters

- 6.10 The objection raised by Lenham Parish Council on safety grounds is noted. The current variation of condition application is not seeking to remove the requirement to carry out highway safety measures/highway works secured by Agreement under S278 of the Highways Act but is seeking to allow the development to be partially occupied (up to six dwellings) prior to completion of the final part of the S278 highway works (the provision of a traffic island within Ashford Road) only. The proposed variation of the condition will assist in meeting a pressing need for social rented properties in the borough. Kent Highways raise no objection to the variation and in the circumstances it is not considered that a refusal of permission on highway safety grounds could be pursued in this case.
- 6.11 All other planning issues were considered and assessed under the previous applications reference 14/503411/FULL and more recently 18/504343/FULL and the development of the site with 23 dwellings was considered acceptable in these regards. The current application has no implications for these other planning issues.
- 6.12 A new Supplemental Deed will need to be completed to tie any new planning permission issued into the Deed of Agreement pursuant to Section 106 dated 26.01.17 and the Deed of Variation dated 27.01.17 relating to the original planning permission reference 14/503411/FULL and the Supplemental Deed made pursuant to Section 106 relating to the new planning permission reference 18/504343/FULL.

7. CONCLUSION

- 7.01 The application seeks vary a planning condition to allow the development of 23 social housing dwellings to be partially occupied (up to six dwellings) prior to completion of the final part of the S278 highway works (the provision of a traffic island within Ashford Road) only. The proposed variation of the condition will assist in meeting a pressing need for social rented properties in the borough. Kent Highways raise no objection on highway safety grounds to the variation and in the circumstances it can be recommended that the relevant condition be varied as appropriate and a new planning permission issued subject to the conditions set out below.

8. RECOMMENDATION

GRANT planning permission subject to the completion of a Supplemental Deed and the following conditions:

- 1) The development shall not be occupied until the applicant has entered into an Agreement under S278 of the Highways Act 1980 to secure the following works within the highway which shall be implemented within the timescales indicated:
 - a) Prior to first occupation of any of the approved dwellings provide a new footway along the south side of Ashford Road between the proposed access to the site and the existing pedestrian refuge to the west and to provide a footway/cycle link to Groom Way.
 - b) Prior to first occupation of any of the approved dwellings reduce the speed limit on the A20 from 60mph to 50mph to include the section of Ashford Road between Ham Lane to the west and Old Ashford Road to the east with the terminal signs being provided in advance of those junctions.

c) No more than 6 no social rented properties within the development shall be occupied until such time as the traffic island within Ashford Road outside the access into the site required as part of an Agreement under S278 of the Highways Act 1980 has been fully completed;

Reason: In the interests of highway safety.

- 2) Visibility splays of 2.4m x 215m in each direction shall be provided prior to occupation of the development at the proposed access from the site onto the A20 as indicated on the submitted plan approved under planning application reference 18/504343/FULL and shall be permanently maintained;

Reason: In the interests of highway safety.

- 3) The development shall be carried out in accordance with the external materials as approved under planning application reference: 17/504498/SUB and maintained as such thereafter;

Reason: To ensure a satisfactory appearance on completion.

- 4) The development shall be carried out in accordance with the Landscape Management Plan, Arboricultural Method Statement and Tree Protection Plan as approved under planning application reference: 17/503227/SUB;

Reason: To safeguard existing trees to be retained and to ensure a satisfactory setting and external appearance to the development in the interests of visual amenity.

- 5) The development shall be carried out in accordance with the landscaping scheme as approved under planning application reference: 17/503227/SUB;

Reason: To ensure an appropriate appearance and setting to the development.

- 6) The approved landscaping associated with individual dwellings shall be in place at the end of the first planting and seeding season following completion of the relevant individual dwelling. Any other communal, shared or street landscaping shall be in place at the end of the first planting and seeding season following completion of the final unit. Any trees or plants, which, within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species;

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

- 7) The garages and parking spaces hereby permitted shall be kept available for the parking of motor vehicles at all times. The garages/car parking spaces shall be used solely for the benefit of the occupants of the dwellings of which they form part and their visitors and for no other purpose and permanently retained as such thereafter;

Reason: To ensure satisfactory parking provision within the site in the interests of highway safety.

- 8) The development shall be carried out in accordance with the foul and surface water sewage disposal details as approved under planning application reference: 17/504674/SUB;

Reason: in the interests of flood prevention and public health.

- 9) The development hereby permitted shall not be carried out except in complete accordance with the details shown on the submitted plans approved under application reference: 18/504343/FULL:

Location Plan - 2512-01A;

Detailed floor plans and elevations (plots 1-23) ref: 2512-10 to 2512-61;

Garage details - 2512-62/63/69;

Sections - ref: 2512-64/65/66;

Perspectives - ref: 2512-67/68;

Topographical survey - ref: 2512-70; and

Proposed site plan – Drawing No. 17799-WDS-02 Rev. C1G received 28/09/18;

Reason: To ensure that the development conforms with the details shown on the submitted plans.

- 10) The development shall be carried out in accordance with the fencing, walling and other boundary treatment details as approved under planning application reference: 17/504207/SUB. The development shall be carried out in accordance with the approved details before the first occupation of the buildings or land and maintained thereafter;

Reason: In the interests of the visual and residential amenities of the area.

- 11) The development shall be carried out in accordance with the method statement for minimising the potential for impacts to bats, during works to the on-site building and to trees with level 1 and 2 roosting potential, as approved under planning application reference: 17/503227/SUB;

Reason: In the interests of biodiversity.

- 12) The development shall be carried out in accordance with the Ecological Design and Management Strategy as approved under planning application reference: 17/503227/SUB. The development shall be carried out in accordance with the approved details before the first occupation of the buildings or land and maintained thereafter;

Reason: In the interests of biodiversity.

- 13) The development shall be carried out in accordance with the archaeological field evaluation works and safeguarding measures as approved under planning application reference: 17/503227/SUB;

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.

- 14) There shall be no vehicular access to the site via Grovelands to the south of the application site;

Reason: In the interests of the residential amenities of the area.

- 15) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any order revoking and re-enacting that Order with or without modification), no extensions to the dwellings hereby permitted shall be erected;

Reason: in the interests of the visual amenities of the area.

- 16) The development shall be carried out in accordance with the proposed ground levels and finished slab and floor levels as approved under planning application reference: 17/504674/SUB;

Reason: in the interests of the visual and residential amenities of the area.

- 17) The development shall be carried out in accordance with the external lighting details as approved under planning application reference: 17/504207/SUB;

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

- 18) The development shall be carried out in accordance with the renewable energy details as approved under planning application reference: 17/504207/SUB, and the approved details shall be implemented before the development is first occupied;
Reason: to achieve a sustainable form and energy efficient form of development.

INFORMATIVES

- 1) This decision must be read in conjunction with the Supplementary Deed which ties the grant of planning permission into the s.106 agreement dated 26 January 2017 and the Deed of Variation dated 27 February 2018 made pursuant to s.106 relating to the original grant of planning permission under reference 14/503411/FULL, and the Supplemental Deed dated 31 December 2018 made pursuant to the provisions contained within s.106 relating to the new planning permission issued under reference 18/504343/FULL.

Case Officer: Jon Barnes