

Maidstone Borough Local Plan Examination

Session 13B Tuesday 29th November 2016
14:00 – 17:00 regarding 'Alternative Sites'

Representation R19107: H1 (68) Laddingford

By

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Replies to questions set by the Local Plan Inspector are as follows:

Issue (i) – whether the alternative site would be suitable, sustainable and deliverable.

Q 13.20 Does the site have any relevant planning history?

Yes. Maidstone Borough Council considered planning application MA/16/501263/FULL for a 25 unit scheme on 4th August 2016 and this was unanimously approved. A copy of the planning committee report and minutes of the meeting are attached at **Appendix 1.**

A S106 agreement is in the course of being finalised and this should be completed shortly, certainly before Christmas as it is a relatively simple document to complete.

Q 13.21 What's the site's policy status in the submitted Local Plan?

Please see the submitted proposals map for site H1(68). The main body of the site is the extent of the existing scrap yard. This is where redevelopment in terms of built form (25 units) will take place. This land is allocated for housing but with an indicative yield of only 10 dwellings.

The planning application (MA/16/501263/FULL) includes additional amenity land to the north which provides additional land for ecological mitigation and structural landscaping. This land will be accessed from the housing land with a pedestrian link running through the site.

Q 13.22 What is the site's policy status in any made or emerging Neighbourhood Plan?

There is no Neighbourhood Plan in place and the company has no knowledge that such a plan is to be prepared.

Q 13.23 Is the site greenfield or previously developed (brownfield) land according to the definition in the glossary of the National Planning Policy Framework?

Brownfield Land. The area to be redeveloped is a contaminated scrap yard which has been in existence for approximately fifty years.

Q 13.24 What previous consideration by the Council has been given to the site's development (e.g. inclusion in a Strategic Housing and Economic Land Availability Assessment (SHEDDLAA) and does the Representor have any comments on its conclusions?

The Borough Council has formally considered this site by resolving to grant planning permission under MA/16/501263/FULL as set out above. The Council have taken the view that the scheme is a high quality scheme which will significantly enhance the local environment and improve the quality of life for local people.

Q 13.25 **What is the site area and has a plan been submitted which identifies the site?**

Yes. The scrap yard is approximately 2 ha and the northern amenity land is approximately 0.6 ha.

Q 13.26 **What type, and amount of development could be expected and at what density?**

25 dwellings as set out under MA/16/501263/FULL. This makes provision for a mixture of 2,3,4 and 5 bed housing.

Due to viability issues which have been scrutinised by the Council's independent consultants it should be noted that no affordable housing is included.

Q 13.27 **When could development be delivered and at what rate?**

The site is currently being marketed by agents RPC Land and New Homes. It is anticipated that it will provide housing within the period 2017-2022; i.e. Within the short term 5 year land supply.

Q 13.28 **What evidence is there of the viability of the proposed development?**

The company engaged local agents RPC Land and New Homes to produce a confidential viability report (reports) which were closely scrutinised by Chartered Surveyors Dixon Searle who were engaged by the Council to check its findings.

Q 13.30 **Has the site been subject of sustainability appraisal and does the Representor have any comments on its conclusions?**

The Planning Committee considered this issue and unanimously agreed to grant planning permission to enhance the local environment.

The redevelopment of a 'non-conforming' brownfield site can often improve the quality of life in rural areas and also provides an opportunity to add to land supply where local objection is often non-existent or minimal.

Q 13.31 **What constraints are there on the site's development and how could any adverse impact be investigated?**

This is a contaminated site. Such sites are expensive to redevelop. Here the clean up costs are in the region of £1million. However, the emerging planning permission is capable of delivery as it has been scrutinised as being viable on the basis submitted.

Issue (ii) Whether the Plan would be unsound without the requested amendments to Policy H1 (68), Bentlett's Yard, Claygate Road, which the Representor considers would improve the policy?

Q 13.32 **Are these changes necessary for soundness, and if so, why?**

There are four tests of soundness – positivity prepared, justified, effective and consistent with National Policy. Such tests are at a broad based level and technically, the detailed policy changes requested here do not harm the soundness of the Plan. However, in terms of clarity, this is a minor modification to make the Plan more reflective of what is probable in terms of increased numbers on a brownfield site. Further, the extent of development area is defined along with additional structural landscaping land to the north of the site which mitigates to provide enhanced amenity land and ecological land as an integral part of the scheme.

APPENDIX 1

REPORT SUMMARY

REFERENCE NO - 16/501263/FULL		
APPLICATION PROPOSAL Erection of 25 dwellings with associated garages, car barns 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.		
ADDRESS Bentletts Scrap Yard, Claygate Road, Yalding, Kent, ME18 6BB		
RECOMMENDATION – Delegated powers be granted to the Head of Planning to grant planning permission subject to the imposition of the conditions and legal agreement.		
SUMMARY OF REASONS FOR RECOMMENDATION The proposed development does not conform with policy ENV28 of the Maidstone Borough-wide Local plan 2000 and the site is not located in a particularly sustainable location in transport terms. However, the existing scrapyards is visually and operationally damaging to the countryside, environment, amenity and the setting of the nearby listed building, such that the benefits of the proposed development are considered to outweigh any conflict with policy ENV28. <ul style="list-style-type: none"> • The site is allocated for housing development under emerging policy H1 (68) and the proposed development accords with the criteria within this policy. • 25 houses are proposed, 15 more than promoted under emerging policy H1 (68). The applicant's viability report demonstrates that 25 houses is the benchmark in order for the site to be viable for housing redevelopment due largely to the site decontamination costs. • The visual impact on the landscape character and setting of the grade II listed building is considered to be a visual improvement compared to the existing scrapyards. • The vehicle trip rate would increase for the proposed housing development (some 208 private cars compared to some 114 HGV/van/cars for the scrapyards use) but the large HGVs/commercial vehicles associated with the scrapyards use would be removed from the local road network. • A good quality housing layout / design is proposed. • Good quality open space / landscaping are proposed within the site. • Ecological mitigation and enhancement measures can be successfully implemented subject to conditions. • 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 Departure from Local Plan 2000.		
WARD Marden And Yalding Ward	PARISH/TOWN COUNCIL Collier Street	APPLICANT Wealden Ltd AGENT Wealden Homes
DECISION DUE DATE 08/06/16	PUBLICITY EXPIRY DATE 08/06/16	OFFICER SITE VISIT DATE 01/04/16
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites): 14/504061/FULL – Erection of 29 houses and 2 bungalows, with associated garages, car barns and parking spaces, landscaping, tree planting and new pond; with new shared surface access road off Claygate Road – Withdrawn 14/504397/FULL (The Pest House / grade II listed) - Demolition of existing single pitch rear		

extension and replace with erection of single storey pitched roof extension inclusive of external and internal alterations; demolition of rear single storey container shed and replace with a garage – Permitted

97/1322 - Extension to existing workshop – Refused

E/3/210 – Enforcement Notice at land at Bentletts Farm, Yalding – Change of use from agricultural use to a use in connection with the industrial use on the adjoining land including the storage cleaning, packing and adapting for sale of parts of vehicles without the grant of planning permission – Date served 13/07/1967

E/3/209 – Enforcement Notice at land at Bentletts Farm, Yalding – A change of use from land forming part of the curtilage of the dwellinghouse to a use as a car park in connection with industrial use on adjoining land without the grant of planning permission – Date served 13/07/1967

67/0182/MK3 – Access to depot – Approved.

66/0326/MKE – The erection of an open span concrete building to replace existing storage and industrial building – Part Allowed/Part dismissed.

1.0 BACKGROUND

1.1 The site is allocated as a housing site in the emerging Local Plan under policy H1 (68). This draft policy states:

'Bentletts Yard, as shown on the policies map, is allocated for development of approximately 10 dwellings at an average density of 5 dwellings per hectare. In addition to the requirements of policy H1, planning permission will be granted if the following criteria are met.

Design and Layout

1. The layout of development shall reflect the rural character of the area to create the appearance of one or more clusters of farm buildings.

2. Development proposals will be of a high standard of design and sustainability, incorporating the traditional domestic and agricultural building designs and materials of Kent Vernacular architecture.

3. Lighting on the site should be carefully designed so that it minimises landscape, heritage and ecological impacts.

Heritage Impact

4. Development should preserve and/or enhance the setting of the listed building known as The Pest House at the entrance to the site.

Landscape/ecology

5. The development proposals are designed to take into account the results of a landscape and visual assessment undertaken in accordance with the principles of guidance available at the time of the submission of an application.

6. The development proposals are designed to take into account the results of a detailed arboricultural survey, tree constraints plan and tree retention/protection plans.

7. Retention, enhancement and reinforcement of existing trees and hedgerows along the site's northern and southern boundaries to provide substantial structural landscaping to screen the development from the surrounding countryside.

8. The development proposals are designed to take account of the results of a phase 1 habitat survey and any species specific survey that may, as a result, be recommended together with any necessary mitigation / enhancement measures.

9. The development should be designed to ensure that land suitable for use as Great Crested Newt habitat should not be lost to development. Any landscaping and ecological enhancements at the western end of the site should include provision of a wildlife pond.

Land contamination and viability

10. It should be demonstrated that contamination of the site resulting from its scrap yard use has been remediated to the satisfaction of the local authority and the Environment Agency.

11. Any application should be accompanied by a detailed viability assessment and appraisal.

Flooding and water quality

12. The submission of a flood risk assessment which has been undertaken to a methodology agreed with the Environment Agency.

13. Measures should be secured to ensure adequate site drainage, including the implementation of sustainable drainage measures. Sustainable Urban Drainage measures should seek to enhance potential Great Crested Newt habitat.

Highways and transportation

14. Appropriate improvements to, or contribution towards, the junction with Claygate Road'.

2.0 DESCRIPTION OF SITE

2.1 The application site relates to a long standing Heavy Goods Vehicles (HGVs) scrap yard located within the open countryside off Claygate Road. The site amounts to approximately 2.5ha and is dominated by hardstanding with a number of industrial sheds mostly located in the eastern section of the site. A further building is located more centrally within the site at 90 degrees to the southern boundary. A majority of the site is used for open storage of HGVs and scrapyards operations. Sporadic trees planting lines the north and south site boundaries.

2.2 To the north, south and west of the site are agricultural fields / open countryside. To the east of the site there is a short linear development of residential properties fronting onto Claygate Road. The house located to the east of the vehicle entrance to the scrapyard is grade II listed and HGV movements entering and leaving the site pass in close proximity to this house. The grade II listed building is currently vacant and is in a state of deterioration.

2.3 A majority of the site is located in Flood Zone 1. Part of the site is located within Flood Zone 2.

2.4 Short to mid-range views of the open storage area (HGVs and scrapyard) and the industrial sheds are afforded from several points along Claygate Road; including the

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site entrance; between the houses to the east of the site, and across the agricultural fields.

3.0 PROPOSAL

- 3.1 Erection of 25 dwellings with associated garages, car barns and parking spaces, landscaping, tree planting and a new pond, inclusive of amenity area for nature conservation and new shared surface access road off Claygate Road.
- 3.2 The housing development is proposed within the existing area of the scrapyard site with an additional area of public open space and ecological habitat created to the north of the site in part of the adjoining agricultural field.
- 3.3 The existing vehicle access would be retained serving as the only vehicle access to the site. The existing access would be upgraded and resurfaced and the hedgerow on the west of the entrance would be retained and reinforced. A spine road is proposed through the centre of the site with short secondary roads branching off the spine road.
- 3.4 The layout is divided into small distinct housing zones. Changes in materials and architectural styles delineate each of the housing zones. Materials take cues from the nearby listed building and surrounding rural properties. Materials include brick and clay tile-hanging, black and white weatherboarding, facing brickwork and ragstone boundary walls. Houses are two storeys in height and generally front onto the roads and open space within the site.
- 3.5 A central green space is proposed within the development with pedestrian links to an ecological / area of open space to the north of the development. New tree and landscaping is proposed in the around three existing ponds. A pedestrian path is proposed through this area providing a circular walk through the site.

AMENDED PROPOSAL

- 3.6 As a consequence of consultation responses from Design South East there has been a minor alteration to the housing layout in the following respect:
- Plot 6 – flipped.
 - Plot 7 – Reoriented; detached house type with large adjacent landscaped area to north. (Previously two plots.- 7 and 8 in this location)
 - Plots 8 onwards to 12 renumbered but house types remain as originally submitted.
 - Plot 12 - same house type but renumbered as plot 12 not 13.
 - Plots 13, 14 and 15 are new plots / house designs at the apex of the spine road.
- 3.7 Further consultation was not deemed necessary in this instance as the amendments did not increase the number of units and are not considered to result in any amenity impacts over or above the original submission.

4.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Development Plan: ENV6, ENV28, ENV41, ENV49, T13, CF1

Affordable Housing DPD (2006)

Open Space DPD (2006)

Draft Maidstone Local Plan (submission version) May 2016: SS1, SP17, DM1, DM2, DM3, DM7, DM13, DM27, DM34, H1 (68)

5.0 LOCAL REPRESENTATIONS

A Site notice was put up outside the site. Letters were sent to neighbours adjoining the site. 6 representations have been received, three in support, two objections and one comment. The representations are summarised below:

- Flood risk
- Surface water flooding
- Houses preferred to the scrapyard
- Noise pollution and land contamination from scrapyard would be removed
- Noise and highways safety issues from vehicles associated with existing use
- Bus stop laybys required
- Proposal would result in additional vehicle movements / congestion
- This brownfield site should be development for housing
- Too many houses are proposed

6.0 CONSULTATIONS

Collier Street Parish Council: Support the application. Comments from the PC are summarised as follows:

- Assurances regarding flood risk and drainage are needed
- Concerns regarding number of vehicles accessing the site at peak times.
- Request contribution towards a new village centre / hall

Kent Police: No objections

NHS: Request contributions

Southern Water: No objections

MBC Landscape Officer: No objections subject to conditions

MBC Conservation Officer: No objections subject to conditions

KCC Drainage: No objections subject to conditions

KCC Highways: No objections subject to conditions

Upper Medway IDB: No objections. Recommend conditions.

Environment Agency: No objections subject to conditions

KCC Economic Development: Request contributions

MBC Environmental Health: No objections subject to conditions

Design South East: Endorse the layout and design

7.0 APPRAISAL

Principle of development

- 7.1 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).”*

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- 7.2 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 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.
- 7.3 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 and H1. In this instance the weight attached to ENV28 should be reduced due to the allocation of the site in the emerging local plan.
- 7.4 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)."*
- 7.5 Inevitably any major development in a rural area such as this will clearly have an impact upon the environment. The site comprises the redevelopment of a brownfield site in the countryside. Paragraph 51 of the NPPF is relevant to the redevelopment of commercial sites and states that Local Planning Authorities:
- 7.6 *'should normally approve planning applications for change to residential use and any associated development from commercial buildings (currently in the B use classes) where there is an identified need for additional housing in that area, provided that there are not strong economic reasons why such development would be inappropriate'.*
- 7.7 In addition 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."*
- 7.8 In allocating the site, the Council considers its use for housing is appropriate subject to the criteria outlined within draft MBLP policy H1(68) 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.

7.9 In conclusion the weight to give the emerging local plan and the draft site allocation policy H1 (68) is considered to be substantial and clearly indicates that the Council considers a housing allocation at the site is appropriate subject to suitable mitigation.

7.10 The application proposes 25 units, 15 more units than promoted under emerging policy H1 (68) and, 25 houses would clearly have a greater impact on the countryside than 10 houses. However, given the substantial cost of clearing the contamination from the existing site the redevelopment of the site for housing would only be viable with a minimum of 25 houses as demonstrated by the applicant's viability appraisal.

7.11 In the circumstances of this case, the key planning issues are considered to be visual impact, impact on heritage assets, residential amenity, access/highway safety, ecology/biodiversity, land contamination and flood risk.

Visual Impact and landscaping

7.12 The application site relates to a long standing HGV scrapyards located within the open countryside off Claygate Road. The site is dominated by hardstanding with a number of industrial sheds mostly located in the eastern section of the site. There is a further building located more centrally within the site at 90 degrees to the southern boundary. A majority of the site is used for open storage of HGVs and scrapyards operations. The existing use of the site, in particular the large open storage areas, is considered to be visually damaging to the countryside.

7.13 The construction of 25 houses on the site would clearly have an impact on the countryside, and at two stories in height the houses would be larger than the existing buildings and the HGVs stored / scraped on the site at present.

7.14 Short to mid-range views of the site would be afforded from various points along Claygate Road; at the site entrance; between the houses to the east of the site and, across the agricultural fields to the north of the site.

7.15 The provision of open space on the north boundary of the site is considered to provide a good landscape / natural buffer between the proposed housing development and countryside and would serve to limit the visual impact of the development on the open countryside and would screen views from Claygate Road and soften the impact of the housing development. Additional tree and hedgerow planting would also be carried out within the site and along the site boundaries and the proposed site plan shows that the proposed development includes a significant increase in landscape / tree planting compared to the existing site which is dominated by hardstanding. A detailed landscape scheme could be secured via condition to ensure suitable native tree and hedgerow planting throughout the site.

7.16 Due to the relatively flat nature of the application site, coupled by the additional landscaping proposed along the site boundaries and the new ecology area, I am of the view that the proposal would not appear significantly prominent from further ranging views.

7.17 Clearly, as considered above the character of the site would undoubtedly change and it is likely that some of the houses would be visible from public vantage points along Claygate Road, however, the application has to balance the many issues, impact, gains and losses involved in redeveloping the site for housing. Due to the location

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and character of the site, being a relatively flat site, coupled by the additional landscape planting along the site boundaries, I do not feel the development would cause significant wider harm to the landscape character of the area compared to the existing scrapyards. Houses in this location would not appear significantly out of keeping with the surrounding area as there are other residential properties in proximity to the site, although these are not planned housing developments.

- 7.18 An arboricultural report has been submitted and within this recommendations are made as to which trees should be removed. A majority of the site is currently hardstanding although there are trees located close to the boundary of the site. The proposal seeks to retain a majority of the trees on the site boundary with further tree and hedgerow planting proposed. There are no TPO's on the trees affected by the development and the landscape officer has not raised any arboricultural objections to the proposal.
- 7.19 The boundary treatment throughout the site would however be essential to achieving a good scheme. Particular care will need to be taken in the proposed area of open space in the north the site which would buffer the housing development from the open countryside and also the new replacement planting on the southern boundary of the site. A fully detailed landscaping scheme will need to demonstrate an appropriate mix of indigenous landscaping and long terms management plan.
- 7.20 When considering the visual impact of the proposed development and its siting in this rural location, it is my view that a well-designed scheme would be capable of being absorbed visually into the environment subject to a robust landscape proposal and management plan. Clearly there would be some visual harm arising from additional housing in the open countryside, however, in this instance the visual impact of the development is considered to be limited to short range views from the Claygate Road and a majority of the housing development would be screened by the existing and proposed landscaping.
- 7.21 It is my view that development in this location is acceptable in landscape terms and that with a suitably composed landscape management strategy that is overseen by a management company and secured through the S106 agreement, the provision of landscaping on the buffers can be safeguarded.
- 7.22 Overall, it is considered that development of the site would cause some visual harm which is inevitable with any built development in the countryside and there would therefore be some conflict with policies ENV28 of the Local Plan but this would be relatively low harm when weighed against the visual, environmental and amenity harm caused by the existing scrapyards use which would be removed from the site.
- 7.23 It is also acknowledged that the proposal for 25 houses would clearly have a greater visual impact on the countryside than 10 houses (emerging Policy H1 (68)). However, it is considered that the 15 additional houses could be accommodated on the site and additional landscaping, particularly along the north and south boundary would to some degree mitigate the visual impact of the proposed built development. As stated above the increase in the number of houses is supported by a viability report.

Layout / Design

- 7.24 The layout is divided into four distinct housing zones. Changes in materials and architectural styles delineate each of the housing zones. Materials take cues from the nearby listed building and surrounding rural properties. Materials include brick and clay tile-hanging, black and white weatherboarding, facing brickwork and

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ragstone boundary walls. Houses are two storeys in height and generally front onto the roads and open spaces within the site.

7.25 A central green space is proposed within the development with pedestrian links to an ecological area to the north of the development. New tree and landscaping is proposed around three existing ponds in the northern part of the site. A pedestrian path is proposed through this area providing a circular walk through the site.

7.26 The layout and design has been reviewed by Design South East (DSE) and minor layout amendments have been completed by the architect following suggestions by DSE. The design and layout has been endorsed by DSE, advising that the proposal represents a 'refreshing approach to site layout. Clusters give different character areas with a clear split offered by the "green swathe" through the centre of the site.'

Residential Amenity

7.27 To the north, south and west of the site are open field and countryside. To the northeast and east of the site is a small cluster of residential houses fronting onto Claygate Road, including the grade II listed Pest House located at the entrance of the site.

7.28 Residential vehicle movements would replace large tow-truck and HGVs movements along Claygate Road and directly past the grade II listed Pest House. Whilst vehicle movements are likely to increase compared to the existing use there would be a reduction in the size of vehicles and a reduction in the noise associated with the vehicle activity from the scrapyard and vehicles entering the site. In addition, notwithstanding construction noise, the proposed housing development is likely to generate less of noise and disturbance than the existing scrapyard business on the site. It is also noted that the scrapyard use is unrestricted and vehicle movements / noise disturbance could increase if the site is operated at capacity.

7.29 There would not be an unacceptable loss of neighbour amenity in terms of loss of light, outlook or privacy due to the separation distance between the proposed development and nearest neighbouring properties. It is also noted that housing proposed in the eastern part of the site would replace existing commercial buildings.

7.30 The existing use is considered to be an unneighbourly development and the redevelopment of the site for 25 houses would result in less noise and distance than the scrapyard business.

Heritage Impacts

7.31 The grade II listed Pest House is located at the vehicle entrance of the site. This residential property is a dilapidated state of repair. The proximity of the existing scrapyard is considered to have a harmful impact on the setting of the grade II listed building, in particular the HGV and other vehicle movements along the site entrance in close proximity to the grade II listed building. It is thought that the proximity of the scrapyard has led to a lack of investment to the listed building as the proximity to the site and vehicle entrance does not make it an attractive / marketable residential premise.

7.32 The NPPF states that 'Local planning authorities should look for opportunities for new development ... within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.'

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- 7.33 The council's conservation officer supports the proposed redevelopment of the site advising that the scrapyards has a significantly adverse impact on its setting and may be the reason for the listed building appearing somewhat run down. The conservation officer supports the proposed housing scheme and advises that the loss of the scrapyards would significantly enhance the setting of the listed building adding that the proposed development comprises a high quality development in a mix of vernacular and Georgian vernacular design.

Highways / accessibility

- 7.34 The existing vehicle access would be upgraded and resurfaced. A total of 87 car parking spaces are proposed of which 35 are in car barns, 6 in garages and 41 allocated open parking spaces and 5 visitor parking spaces. The proposed parking would be in accordance with KCC parking standards.
- 7.35 The proposed use would not give rise to an increase in vehicular movements over the existing uncontrolled scrapyards use. At present the Scrapyards is not operating at full capacity as the use being wound down on this site. Historically the site has been operating at near capacity generating some 32 HGV trips per day and some 82 car/van trips per day. The applicants transport statement advises that the proposed housing development would give rise to around 208 trips per day. However, the increase in vehicle trips is not considered to be significant compared to the existing use. Importantly, the HGV movements associated the scrapyards would cease with the new use. On balance it is considered that the benefits from removing HGV movements from the site / local road network would outweigh the harm caused by any increase in private motor car movements in this location. On this point it is considered that the proposed development of 25 houses would not result in a significant number of vehicle trips and the NPPF advises that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- 7.36 KCC Highways has no objections to the proposed development on highways safety, capacity or parking grounds.

Community infrastructure contributions and affordable housing

- 7.37 A development of this nature is likely to place extra demands on local services and facilities and it is important to ensure that such a development could be assimilated within the local community. As such suitable contributions to make the development acceptable in planning terms can be sought in line with policy CF1 of the Local Plan and the Council's Open Space DPD.
- 7.38 Any request for contributions needs to be scrutinised, in accordance with Regulation 122 of the Act. This has strict criteria setting out that any obligation must meet the following requirements: -
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.

7.39 NHS Property Services -

The NHS is seeking a contribution of £29,232 which is to be invested into supporting the 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 which are within a 2.5 mile radius of the development. This is considered to have been sufficiently justified by the NHS in order to mitigate the additional strain

the development would put on health services and complies with policy CF1 of the Maidstone Borough-Wide Local Plan (2000) and the three CIL tests above.

7.40 ***KCC Education –***

A contribution of £59,024.00 has been requested towards primary school education (based on the 25 applicable houses). The proposal would give rise to additional primary school pupils during occupation of this development. KCC has advised that this need, cumulatively with other new developments in the vicinity, can be met through the enhancement to Yalding Primary School. I am satisfied that this contribution is reasonable and would help meet the additional demand to borrow library books. There is no current requirement for secondary education contributions from KCC.

7.41 A contribution of £1200.40 has been requested towards the library Bookstock to mitigate the impact from this development (based on 25 dwellings). KCC advise that the additional stock will be made available locally as and when the monies are received. KCC have not indicated which local library the monies would be used at and there are no libraries particularly local to this site. As such I do not considered that this request is wholly CIL compliant and consider that the monies should be put towards an off-site affordable housing contribution instead given the absence of an on-site contribution to affordable housing.

7.42 A scheme of this size would be required to provide 40% on-site affordable housing in accordance with council Affordable Housing DPD (2006) and emerging policy DM13 of the draft Maidstone Local Plan (submission version) May 2016. No on-site affordable housing is proposed as backed up by a viability report from the applicant.

7.43 The applicant was aware of these contribution requests and the application was accompanied by a Viability Report by RPC Ltd which concludes that the development could only viably make £150,000 of contributions with no offer of affordable housing on the site. The viability report advises that 25 houses is the baseline for a viable development on this site which is attributed to the high cost for clearing contamination from the scrapyard prior to development for housing.

7.44 The council instructed Dixon Searle Partnership to review the applicants Viability Report. The Dixon Searle assessment concurs with the findings of the applicants Viability Report. Dixon Searle have confirmed that the key assumptions on sales values and build costs are fairly represented in the applicants Viability Report and as such it would appear that there is little scope beyond that indicated by the applicant's agent to improve the planning obligations package put forward. The viability report and independent review confirm that a maximum contribution of £150,000 could be provided for this development before the scheme becomes unviable.

7.45 The above contribution requests from the NHS and KCC total £89,456.40. Given that on-site affordable housing is not deemed to be viable on this scheme it is considered that the remaining £60,543.60 should be provided towards an off-site affordable housing contribution within the borough as confirmed by the Housing department.

Biodiversity implications

7.46 An Extended Phase 1 Habitat Survey, bat survey and great crested newt and reptile survey has been submitted as part of the application.

7.47 Some trees on the site were deemed suitable for roosting bats and roosts were found in two trees on the southern boundary. A revised site layout plan has been

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submitted which seeks to retain the trees on the north and south boundary such that none of these trees identified would be affected by the proposed development. An external lighting condition could be attached to ensure light spillage would not have a harmful impact on bat migration, or the character of this rural location.

7.48 The reptile surveys recorded a low population of grass snake within the site. The great crested newt survey advises that the site has a medium population of the species within 250m of the application boundary and a European Protected Species Mitigation (EPSM) licence will need to be sought and approved prior to the start of work. In regard to the EPSML, consideration must be given to whether the EPSML will be granted which requires consideration of the three derogation tests:

- The development activity must be for imperative reasons of overriding public interest or for public health and safety;
- There must be no satisfactory alternative; and
- Favourable conservation status of the species must be maintained.

7.49 The proposed layout includes an area of ecological enhancement to the north of the housing development approximately 0.5ha in size which provides ecology mitigation and enhancements for the site. There are also green spaces, ponds and tree / landscaping planting proposed within the development site. The existing ponds adjacent the site to the north would be incorporated into the ecological area and will benefit from the site being cleaned of contamination from the existing scrapyards use.

7.50 Ecological mitigation and biodiversity benefits incorporated into the open space in the northern part of the site would satisfy criterion three subject a detailed mitigation, enhancement and management strategy for the open space being secured by condition.

7.51 In respect to criterion one and two, I am of the opinion that the public benefits arising from the addition of 25 new houses contributing to the 5 year housing supply and the environmental and other benefits associated with the termination of the scrapyards business are sufficient justification to address these points.

Other matters

7.52 The application is supported by a FRA and proposed drainage strategy. Southern Water, the EA and KCC Sustainable Drainage have been consulted and do not raise any objection on flood risk, foul or surface water drainage grounds subject to conditions. The site is located in Flood Zone 1 with some areas of the site in Flood Zone 2 and Environment Agency raises no objections subject to conditions and as such the LPA are satisfied that the development would not result in a flood risk issue.

8.0 CONCLUSION

8.1 The proposed development does not conform with policy ENV28 of the Maidstone Borough-wide Local plan 2000 and the site is not located in a particularly sustainable location in transport terms. However, the existing scrapyards is visually and operationally damaging to the countryside and nearby heritage assets such that the benefits of the proposed development are considered to outweigh any conflict with policy ENV28.

8.2 The site is allocated for housing development under emerging policy H1 (68) and the proposed development accords with the criteria within this policy.

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- 8.3 25 houses are proposed, 15 more than promoted under emerging policy H1 (68). The applicant's viability report demonstrates that 25 houses is the benchmark in order for the site to be viable for housing redevelopment due to the site decontamination costs.
- 8.4 The visual impact on the landscape character and setting of the grade II listed building is considered to be a visual improvement compared to the existing scrapyards use.
- 8.5 Although there would be an increase in vehicle trips is expected, the increase would not be significant compared to the unrestricted scrapyards use. Further, large HGVs/commercial vehicles would be removed from the local road network. The proposal would be acceptable in terms of highways safety, capacity and parking.
- 8.6 A good quality housing layout / design is proposed. Good quality open space is proposed within the site and ecological mitigation and enhancement measures can be successfully implemented subject to conditions.
- 8.7 The redevelopment of the site would include a comprehensive scheme of decontamination bringing environmental benefits.
- 8.8 Potential harm caused by the development would be outweighed by the benefits of additional housing contributing to the 5 year housing supply and the environmental, ecology, heritage and other benefits associated with the termination of the scrapyards business on the site.
- 8.9 On balance it is therefore considered that the development of the site for residential purposes is acceptable and it is recommended that subject to the completion of a section 106 agreement planning permission is granted.
- 11.0 RECOMMENDATION – GRANT** subject to a legal agreement in such terms as the Head of Legal Services may advise to provide the following:
- Contribution of £59,024.00 towards the enhancement of Yalding Primary School.
 - Contribution of £29,232 towards 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.
 - Contribution of £61,744 towards off-site affordable housing in the borough.
 - Inclusion of a clawback requiring a further viability review to take account of any future increase in land value and/or reduction in decontamination costs of the site, which could result in a higher affordable housing contribution.

The Head of Planning and Development BE DELEGATED POWERS TO GRANT planning permission subject to the imposition of the conditions set out below:

CONDITIONS

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

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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. Finished floor levels for non-sleeping and sleeping accommodation shall be a minimum of 300mm and 600mm respectively, above the estimated flood level for the site.

Reason: To avoid flood risk.

3. The development hereby permitted shall not be commenced 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;

Any changes to these components require the express consent of the local planning authority. The scheme shall thereafter be implemented as approved.

Reason: In the interest of health and safety

4. Development shall not begin until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100yr storm) can be accommodated and disposed of through open infiltration features located within the curtilage of the site.

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Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and to ensure ongoing efficacy of the drainage provisions.

5. 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 ensure that the principles of sustainable drainage are incorporated into this proposal and to ensure ongoing efficacy of the drainage provisions.

6. Prior to any development above damp proof course 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 constructed using the approved materials;

Details shall include the use of swift bricks within the development.

Reason: To ensure a satisfactory appearance to the development.

7. The vehicle parking spaces and/or garages and vehicle loading/unloading and turning facilities shown on the submitted plans shall be permanently retained for parking and turning and shall not be used for any other purpose.

Reason: In the interest of highways safety and parking provision.

8. No development shall take place (including any vegetation clearance or ground works) until a detailed Reptile Mitigation Strategy, in accordance with the submitted Receptor Site Survey and Enhancement Plan by Greenspace Ecological Solutions dated January 2016, has been submitted to and approved in writing by the local planning authority. The content of the Strategy shall include the:

- a) purpose and objectives of the proposed mitigation works, including the creation of compensatory habitat and protection of reptiles during construction works;
- b) detailed design(s) and working method(s) to achieve stated objectives;
- c) identification of 'biodiversity protection zones', including the use of protective fences, exclusion barriers and warning signs;
- d) timetable for implementation, demonstrating that the mitigation works are aligned with the proposed phasing of development;
- e) persons responsible for implementing the works, including provision for specialist ecologists to be present on site to oversee reptile protection works.;
- f) provision for long-term management and monitoring of the compensatory habitat;
- g) provision for identification and implementation of remedial actions if monitoring shows that objectives are not being met.

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The approved Reptile Mitigation Strategy shall be implemented in accordance with the approved details.

Reason: In the interest of ecology and biodiversity enhancement.

9. Construction of the development shall not commence until details of the proposed means of foul water sewerage disposal have been submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure suitable foul and surface water sewerage disposal is provided.

10. Prior to any development above damp proof course level details of a scheme of landscaping, using indigenous species which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection during the course of development in the form of a Tree Protection Plan undertaken by an appropriately qualified party in accordance with BS5837:2012 and a programme for the approved scheme's implementation and long term management, shall be submitted to and approved in writing by the Local Planning Authority.

The landscape scheme shall be designed using the principle's established in the Council's adopted Landscape Character Assessment 2012 and shall include details of the repair and retention of existing hedgerows and tree lines within the site;

The implementation and long term management plan shall include long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned, domestic gardens. The landscaping of the site and its management thereafter shall be carried out in accordance with the approved details over the period specified;

Reason: To safeguard existing trees and hedges to be retained and ensure a satisfactory external appearance to the development and a high quality of design, and safeguard and enhance the character and appearance of the setting of adjacent listed buildings.

11. The use or occupation of each phase of the development hereby permitted shall not commence until all planting, seeding and turfing specified in the approved landscape details has been completed. All such landscaping shall be carried out during the planting season (October to February). Any seeding or turfing which fails to establish or any trees or plants which, within ten years from the first occupation of a property, commencement of use or adoption of land, die or become so seriously damaged or diseased that their long term amenity value has been adversely affected shall be replaced in the next planting season with plants of the same species and size as detailed in the approved landscape scheme unless the local planning authority gives written consent to any variation.

Reason: To ensure a satisfactory landscaped setting for the development.

12. No building hereby permitted shall be occupied until occupied until details of all fencing, walling and other boundary treatments have been 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 of the building(s) or land and maintained thereafter. Boundary treatment shall include:

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Cut-outs at ground level in the garden fences of the new residential houses to allow wildlife to move freely between gardens;

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

13. 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 and the development shall be completed strictly in accordance with the approved levels;

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

14. No building hereby permitted shall be occupied until details of any lighting to be placed or erected within the site have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include, inter alia, details of measures to shield and direct light from the light sources so as to prevent light pollution and illuminance contour plots covering sensitive neighbouring receptors. The development shall thereafter be carried out in accordance with the subsequently approved details.

Reason: In the interest of residential amenity

15. No building hereby permitted shall be occupied until details of facilities for the separate storage and disposal of waste and recycling generated by this development including arrangements for waste collection have been submitted for approval to the LPA. The approved facilities shall be provided before the first use of the building(s) or land and maintained thereafter.

Reason: In the interests of amenity and to safeguard the appearance of the area

16. The development shall not commence until an Arboricultural Method Statement in accordance with BS5837:2012 has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory external appearance to the development and to safeguard the trees on site.

17. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

- i. The parking of vehicles of site operatives and visitors
 - ii. Loading and unloading of plant and materials
 - iii. Wheel washing facilities
 - iv. Measures to control the emission of dust and dirt during construction
 - v. A scheme for recycling/disposing of waste resulting from demolition and construction works
 - vi. Provision of measures to prevent the discharge of surface water onto the highway.
- Reason: In the interest of highways safety.

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18. Prior to the occupation of the building(s) hereby permitted, a minimum of one electric vehicle charging point shall be installed at every residential dwelling with dedicated off street parking, and shall thereafter be retained for that purpose.

Reason: To promote the reduction of CO2 emissions through the use of low emissions vehicles in accordance with paragraph 35 of the NPPF.

19. Prior to the commencement of development above damp proof course level details of how decentralised and renewable or low-carbon sources of energy will be incorporated into the development hereby approved shall be 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.

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

22504A_10 Rev P1, 22504A_500 Rev P1, 22504A_502 Rev P1, 22504A_507 Rev P2, 22504A_508 Rev P2, 22504A_512 Rev P1, 22504A_513 Rev P1, 22504A_514 Rev P2, 22504A_519 Rev P1, 22504A_600 Rev P1; received 12.02.2016 and 22504A_50 Rev P5, 22504A_501 Rev P2, 22504A_503 Rev P2, 22504A_504 Rev P3, 22504A_505 Rev P2, 22504A_506 Rev P4, 22504A_509 Rev P3, 22504A_510 Rev P3, 22504A_511 Rev P3, 22504A_516 Rev P1; received 5.07.2016

And the following supporting documents:

Flood Risk Assessment with Drainage Strategy Layout by RCD Consultants Ltd; dated February 2016, Transport Statement; dated February 2016, Receptor Site Survey and Enhancement Plan; dated January 2016, Great Crested Newt and Reptile Survey; dated September 2014, Phase 1 Geo Environmental Desk Study and Preliminary Risk Assessment; dated February 2014, Extended Phase I Habitat, Bat Scoping Survey and Habitat Suitability Index Assessment; dated September 2014 and Bat Survey; dated 12 March 2015.

Reason: For the purpose of clarity and to ensure a satisfactory appearance to the development and a high quality of design.

INFORMATIVES

The site lies on clay geology and all precautions must be taken to avoid discharges and spills to the ground and controlled waters both during and after construction. For advice on pollution prevention, the applicant should contact the Environment Agency.

Case Officer: Andrew Jolly

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

Reference number: 16/501263

Further comments have been submitted by Collier Street Parish Council and Councillor Steve McLoughlin. Their comments are summarised as follows:

- Request the Primary School contribution is put towards St Margaret's Primary School in Collier Street rather than Yalding Primary School.
- Request £25,000 to fund a new Village Hall in Collier Street and suggest the Affordable Housing contribution could be reduced to allow for this additional contribution.
- Request a contribution towards the recreation ground in Collier Street.

Officer comments:

After further consultation with KCC Economic Development I can confirm that the Primary School contribution for this development will now be put towards St Margaret's Primary School in Collier Street. Amend the Primary School Head of Term under paragraph 11.0 of the committee report accordingly.

Cllr Steve McLoughlin has suggested reducing the s106 contributions by £25,000 with the developer making a contribution of the same amount directly to the Parish Council to help fund a new Village Hall. The contribution to fund a new Village Hall would not meet the relevant tests set out in the CIL Regulations 122 and 123 in that the contribution is not considered necessary to make the development acceptable in planning terms, and therefore cannot be included in the s106. As such the proposed contributions shall remain as set out in the committee report.

The development includes an overprovision of on-site open space therefore in accordance with the councils adopted Open Space DPD it would not be appropriate to seek a further off-site contribution.

The recommendation remains unchanged.

107. 16/501263 - ERECTION OF 25 DWELLINGS WITH ASSOCIATED GARAGES, CAR BARNs 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 - BENTLETTS SCRAP YARD, CLAYGATE ROAD, YALDING, KENT [PDF 143 KB](#)
- View the background to item 107.

Additional documents:

- 16/501263 - Committee Report , item 107. [PDF 189 KB](#)
- 16-501263 - Bentletts Scrap Yard Urgent Update , item 107. [PDF 53 KB](#) View as HTML (107./3) 6 KB
- 16-501263 - Bentletts Scrap Yard_ second urgent update , item 107. [PDF 56 KB](#) View as HTML (107./4) 8 KB
- 16-501263_photos , item 107. [PDF 1 MB](#)
 - Webcast for 107.

Minutes:

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

* Vote *