

**Aylesford**  
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**573605 157152 8 March 2011**

**TM/11/00617/OA**

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Proposal: Outline Application: 43 residential units and open space  
Location: Bunyards Farm London Road Allington Maidstone Kent ME16  
0LP  
Applicant: Kingsway Properties (Bristol)

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## **1. Description:**

- 1.1 Members will recall that at the meeting of APC3 on 19 August 2010 application TM/06/03825/OA for 18 apartments was deferred for investigations into whether the site could accommodate a considerably larger development capable of accommodating 40% affordable housing. As a result of this deferral the applicants have submitted a revised application for residential development on this site.
- 1.2 This current application proposes the development of 43 residential units on an enlarged site from the previous submission that was only on the land occupied by the existing transport yard. This application is submitted in outline form with the access, layout and scale to be determined under this submission and the appearance and landscaping reserved for future consideration.
- 1.3 The submitted details indicate a scheme of 43 1, 2, 3 & 4 bedroom dwellings, with 17 of these units scheduled to be affordable housing. The built form is indicated to be a mixture of 2 and 3 storey buildings to be flats, terraced, semi detached and detached houses. A total of 91 parking spaces are indicated on the layout plan.
- 1.4 The overall density of the development is approximately 31 dwellings per hectare.

## **2. Reason for reporting to Committee:**

- 2.1 The application is reported to Committee due to the planning history on the site.

## **3. The Site:**

- 3.1 The site is currently occupied by a transport yard. The yard is made up of a selection of buildings in various states of repair, a number of storage containers and a secure compound. The land is approximately 3 – 5 metres lower than Beaver Road and is screened from the road by mature evergreen trees. To the east of the site is the Park and Ride car park and to the west is open land and the railway line.
- 3.2 The site is on the border with Maidstone Borough and is located within the Strategic Gap and is not within any urban and rural confines as defined in the LDF. The land on the opposite side of Beaver Road is within the urban confines of Maidstone. To the south west of the site is an area of land that has extant planning permission for a golf course.

#### 4. Planning History:

- 4.1 There have been numerous applications in the vicinity of the site for a golf course but the following relate specifically to the application site.

TM/79/11102/FUL Grant with Conditions 19 March 1979

Increase in retail display area at Kent Garden Centre.

TM/80/10011/OUT Refuse 29 September 1980

Outline application for residential development of 74 acres of land.

TM/82/10087/FUL Grant with Conditions 13 October 1982

Erection of storage building, creation of 35 car parking spaces and use of land for the storage of materials and display of fencing together with area for landscaping.

TM/82/10857/FUL Application Withdrawn 22 January 1982

Use of land as retail sale display area for camping equipment and erection of sectional wooden sales building with ancillary car parking.

TM/84/10374/FUL Grant with Conditions 21 December 1984

Detached farm manager's house with detached double garage and cesspool drainage.

TM/84/11300/OUT Refuse 13 July 1984

Outline application for superstore with associated car park and access.

TM/87/11166/OUT Application Withdrawn 21 May 1987

O/A erection of football stadium to accommodate 10,000 spectators, 30000 sq.ft. sports hall car parking new access arrangements five acres of p.o.s. footpath link to Barming Station and ancillary facilities.

TM/88/10853/FUL grant with conditions 16 March 1988

Renewal of permission TM/85/651 for the erection of a storage building, creation of 35 car parking spaces and use of land for the storage of materials and display of fencing etc.

TM/91/10585/FUL grant with conditions 27 March 1991

Change of use of existing buildings to 81.

TM/98/00038/FL      Application Withdrawn      1 May 1998

25m lattice tower with six antennas and 3 x 600mm link transmission dishes with ID cabin within a fenced compound

TM/98/00040/FL      Application Withdrawn      1 May 1998

25m lattice tower with six antennas and 3 x 600mm link transmission dishes with ID cabin within a fenced compound

TM/03/01345/FL      Grant With Conditions      19 December 2003

Surface water drainage works to the public open space kick-about area, plus footpath to be extended to western boundary

TM/03/01528/A10      No Objection      19 December 2003

Article 10 Consultation by Maidstone Borough Council for Surface water drainage works to the public open space kick-about area, plus footpath to be extended to western boundary

TM/03/02150/LDCE      Certifies      27 February 2004

Lawful Development Certificate Existing: Use of land for the parking of five lorries

TM/06/00835/OA      Application Withdrawn      29 September 2006

Outline Application for 25 no. apartments, access, parking and associated open space

TM/06/01227/A10      Application Withdrawn      25 May 2006

Article 10 Consultation by Maidstone Borough Council: Outline application for the creation of 20 no. apartments with access, parking and associated open space. Siting, means of access, design and external appearance to be considered at this stage and landscaping reserved for future consideration

TM/06/03825/OA      Section 106 Agreement  
Pending

Outline Application for 18 apartments, access, parking and associated open space

TM/06/03939/A10      Approved      28 February 2007

Article 10 Consultation by Maidstone Borough Council: Outline application for the creation of 18 no. apartments, access parking and associated open space with layout, scale, appearance and access to be considered at this stage and landscaping reserved for future consideration

**5. Consultees:**

- 5.1 PC: No objection. We would expect some contribution towards the PC for recreational help and play equipment as per 106 Agreement. We trust the rail noise level of 82 dB is addressed with the design of the properties.
- 5.2 MBC: Object. Whilst this application represents a redevelopment of an existing range of buildings, the extent and scale of the redevelopment is such that it would involve a significant erosion of the Strategic Gap to the north west of the town, harmful to the character and setting of the town. This would involve a significant departure from the provisions of Core Strategy Policy CP5. Notwithstanding this objection any development contemplated in the Strategic Gap should be in the highest quality in terms of design and landscaping. In this Council's view, the submitted layout fails to demonstrate high quality design and the landscaping provision would appear to be wholly inadequate given that this scheme represents an expansion into open countryside.
- 5.3 DHH: No objection subject to conditions
- 5.4 KCC (Highways): No objection in principle.
- 5.5 KCC (Estates): Contributions required towards library provision, youth and community facilities and social services.
- 5.6 West Kent PCT: Request contributions towards provision of health care.
- 5.7 Private Reps: 21/0X/0R/0S + ART8 + Press: None received.

**6. Determining Issues:**

- 6.1 The principal considerations relating to this application are the principle of development proposed within the Strategic Gap and the layout, access and scale of the works balanced against the desire for the site to provide 40% affordable housing.
- 6.2 The site is within the Strategic Gap and also outside any settlement confines as defined in the LDF. Policy CP5 of the Core Strategy 2007 states that development will not be proposed the Strategic Gap that would harm its function as a physical break to maintain the separation and separate identities of the built-up areas of Maidstone, Medway Towns and the Medway Gap.
- 6.3 Although, on a *prima facie* basis, this proposal is contrary to policy, there is a need to consider other material planning considerations. The lawful existing use of the site is a transport yard that consists of areas of hardstanding, numerous buildings, storage containers and a secure compound. Planning Policy Statement 3 (PPS3): Housing states that Local Planning Authorities should continue to make effective use of land by re-using land that has been previously developed. This land can be vacant or derelict as well as land that is currently in use but which has potential for

redevelopment. Given the fact that the site is in use, it is considered to be previously developed land and as such its redevelopment for housing need not be inconsistent with national planning objectives, notwithstanding its location outside the defined urban area. It is acknowledged that the site area has been extended to include an area of land outside the previously agreed extent of the previously developed land but it is not considered that the alteration in the site area is of such significance as to affect the functioning of the Strategic Gap at this point. The proposed landscaped buffer and the fact that part of the additional land is laid out as an access track further limits the effect of this intrusion.

- 6.4 Given the existing use of the site as a transport yard the application would remove a non-conforming use from a countryside site. The size of the development would not extend the built confines of any existing settlement and, given the existing built development and open air uses on the site, would not harm the function of the Strategic Gap in providing a physical break in the built up areas. The nature of the development proposed is therefore considered to be acceptable in principle.
- 6.5 With regard to the more detailed aspects of the development, the application is submitted in outline form but with the landscaping and appearance reserved for future consideration. This application is therefore concerned with the layout, access and scale of the development proposed.
- 6.6 The application proposes a different built form to the previous single apartment block in a parkland setting proposed before in that the development is now proposed to be a mix of 1 bedroom flats and 2-4 bedroom properties of between 2 and 3 storeys in height. The change in development type is required to enable the site to fulfil the desires expressed by Members when the site was previously reported to APC3 and was deferred to seek a proposal that would enable the provision of 40% affordable housing on the site. The layout makes the most of the topography of the site in that the larger 3 storey house types are located on the lower parts of the land to make the most of the existing boundary screening that remains. Although the layout would result in a greater built form than that previously proposed it is considered that the scale of the development in relation to the existing topography and the existing screening afforded by existing vegetation would mean that the development would not have an adverse impact on distant views through the Strategic Gap.
- 6.7 Concerns have been raised by MBC regarding the layout but it is considered that the layout is acceptable as it sets the properties in the context of their countryside setting and also lays the buildings out around a shared surface 'home zone' creating an area with an informal ambience.
- 6.8 It is considered that the changes required to the scale and layout of the development to accommodate the provision of 40% affordable housing do not therefore conflict with the aspirations of the Strategic Gap and therefore this level of development is considered acceptable in principle.

- 6.9 The submitted layout plan indicates an access as before immediately to the north of 1 Beaver Road. This access is considered to have adequate visibility and is suitable for the level of traffic generation expected. The site itself would provide 91 parking spaces at a ratio of just over 2 per dwelling. In this location that number is considered adequate, especially given the close proximity of public transport links in the vicinity. The access through the site enables adequate turning provision for refuse freighters but also reduces in scale across the site as traffic flows allow to reduce the amount of hard surfaced area within the site.
- 6.10 A desktop contamination report has been submitted. The report indicates that there is a likelihood of contamination given the use of the site. The nature of the contamination would not preclude the site from being used for residential purposes subject to appropriate decontamination measures which can be controlled by condition. Whilst the site is in an area that would be affected by both road and rail noise this is also a matter that can be controlled by condition.
- 6.11 Developer contributions have been requested by both the West Kent PCT and KCC Estates. However, no specific schemes have been identified that require these contributions so it is not considered appropriate to request them. On top of the 40% affordable housing the applicant has offered to provide £35,000 towards local recreation facilities in Aylesford Parish and it is considered that this, along with the affordable housing, would be secured through a S106 Legal Agreement.
- 6.12 Overall, whilst the proposal is departure from planning policy it is considered that the development has the potential to enhance the character of the Strategic Gap and open countryside in general and would remove a non-conforming use from the area. In light of this analysis, and particularly the status of the majority of the site as previously developed land, I do not consider that the departure from Development Plan policies is so significant as to render the scheme unacceptable.

## **7. Recommendation:**

- 7.1 **Grant Planning Permission** in accordance with the following submitted details: Letter dated 08.03.2011, Drawing 0648/11/3 dated 08.03.2011, Proposed Plans 0648/11/4 b dated 08.03.2011, Proposed Plans 0648/11/5 dated 08.03.2011, Drawing 0648/11/6 dated 08.03.2011, Proposed Plans 0648/11/7 dated 08.03.2011, Drawing 0648/11/8 dated 08.03.2011, Survey 0648/11/2 dated 08.03.2011, Survey 0648/11/1 dated 08.03.2011, Proposed Plans 0648/10/02 D dated 08.03.2011, Design and Access Statement dated 08.03.2011, Ecological Assessment dated 08.03.2011, Report dated 08.03.2011, Survey dated 08.03.2011, Report dated 08.03.2011, Report dated 08.03.2011 and subject to:

- The applicant entering into a Section 106 Legal Agreement to seek commuted payments towards local recreational community facilities and the provision of 40% affordable housing.

- The following conditions:

1. Approval of the details of the landscaping of the site and appearance of the building(s) (hereinafter called the “reserved matters” shall be obtained from the Local Planning Authority.

Reason: No such approval is given

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

Reason: In pursuance of Section 92(2) of the Town and Country Planning Act 1990.

3. The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later.

Reason: In pursuance of Section 92(2) of the Town and Country Planning Act 1990.

4. The details submitted in pursuance of condition 1 shall indicate two storey buildings with a ridge height no greater than 7.4 metres and three storey buildings with a ridge height no greater than 9.8 metres.

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to ensure compliance with the outline approval

5. No development shall take place until details and samples of materials to be used externally have been submitted to and approved by the Local Planning Authority, and the development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not harm the character and appearance of the existing building or the visual amenity of the locality.

6. No building shall be occupied until that part of the service road which provides access to it has been constructed in accordance with the approved plans.

Reason: To ensure the safe and free flow of traffic.

7. The access drive shall be constructed no steeper than 1 in 14.3 for the first 4.5 metres from the edge of the highway and no steeper than 1 in 8 on any other part.

Reason: To ensure the safe and free flow of traffic.

8. The use of the access shall not be commenced until turning facilities have been provided within the curtilage of the site and these facilities shall be retained thereafter free from any obstruction.

Reason: In order that a vehicle may enter and leave the site in a forward direction to ensure the safe and free flow of traffic.

9. The access shall not be used until vision splays of 2m x 2m x 45° between the driveway and the back of the footway have been provided. The area of land within these vision splays shall be reduced in level as necessary and cleared of any obstruction exceeding a height of 0.6m above the level of the nearest part of the carriageway. The vision splays so created shall be retained at all times thereafter.

Reason: In the interests of highway safety.

10. The building shall not be occupied nor the use commenced until the area shown as parking space on the approved plans has been drained and surfaced and that area shall not thereafter be used for any purpose other than the parking of vehicles.

Reason: Development without provision of adequate accommodation for the parking of vehicles is likely to lead to hazardous on-street parking.

11. The details submitted in pursuance of condition 1 shall be accompanied by a scheme of landscaping and boundary treatment which shall include a tree survey specifying the position, height, spread and species of all trees on the site, provision for the retention and protection of existing trees and shrubs and a date for completion of any new planting and boundary treatment. The scheme as approved by the Authority shall be implemented by the approved date or such other date as may be agreed in writing by the Authority. Any trees or plants which within 10 years of planting 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 Authority gives written consent to any variation.

Reason: Pursuant to Section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality.

12. No development shall be commenced until full details of a scheme of acoustic protection of habitable rooms having windows that will be exposed to a predicted level of road traffic or railway noise in Noise Exposure Category B, as set out in Policy SQ6 of the Tonbridge and Malling Local Development Framework Managing Development and the Environment Development Plan Document have been submitted to and approved in writing by the Local Planning Authority. The scheme of acoustic protection shall be sufficient to secure internal noise levels no greater than 30 LAeq dB in bedrooms and 40 LAeq dB in living rooms with windows closed. If, with one window open in any room, predicted noise levels exceed LAeq 48dB in living rooms during the day, or LAeq 40dB in bedrooms during the night, additional ventilation will be required. The additional means of ventilation shall be sufficient to maintain comfortable conditions in summer,

without the need to open windows. Additional ventilation shall also be provided to bedrooms having openings into facades that will be exposed to a predicted level of road traffic or railway noise in excess of 78 L<sub>Amax</sub> (Slow) time weighting. The approved scheme shall be implemented prior to the first occupation of the dwelling to which it relates and shall be retained at all times thereafter.

Reason: To safeguard the aural amenity of the occupiers of the dwelling(s) hereby approved.

13. No development shall commence until details of a scheme for the storage and screening of refuse has been submitted to and approved by the Local Planning Authority. The approved scheme shall be implemented before the development is occupied and shall be retained at all times thereafter.

Reason: To facilitate the collection of refuse and preserve visual amenity.

14. The area shown on the approved plan as private open space shall be laid out and made available for use within three months of the completion of the development and be permanently retained thereafter.

Reason: To ensure the availability of private open space for the recreational needs of the residents.

15. No development shall be commenced until:

(a) a site investigation has been undertaken to determine the nature and extent of any contamination, and

(b) the results of the investigation, together with an assessment by a competent person and details of a scheme to contain, treat or remove any contamination, as appropriate, have been submitted to and approved by the Local Planning Authority. The assessment and scheme shall have regard to the need to ensure that contaminants do not escape from the site to cause air and water pollution or pollution of adjoining land.

The scheme submitted pursuant to (b) shall include details of arrangements for responding to any discovery of unforeseen contamination during the undertaking of the development hereby permitted. Such arrangements shall include a requirement to notify the Local Planning Authority of the presence of any such unforeseen contamination.

Prior to the first occupation of the development or any part of the development hereby permitted

(c) the approved remediation scheme shall be fully implemented insofar as it relates to that part of the development which is to be occupied, and

(d) a Certificate shall be provided to the Local Planning Authority by a responsible person stating that remediation has been completed and the site is suitable for the permitted end use.

Thereafter, no works shall take place within the site such as to prejudice the effectiveness of the approved scheme of remediation.

Reason: In the interests of amenity and public safety.

16. No development shall take place until details of the slab levels of the building and section drawings through the site have been submitted to and approved by the Local Planning Authority, and the development shall be carried out in accordance with the approved details.

Reason: To ensure that the development does not harm the character and appearance or visual amenity of the locality.

17. Prior to the commencement of the development hereby approved the existing commercial use of the site will cease with no commercial uses or operations being undertaken from any part of the site in perpetuity.

Reason: To avoid an overintensive use of the site and to protect and enhance the locality.

### **Informatives**

1. With regard to the construction of the pavement crossing, the applicant is asked to consult The Highway Manager, Kent Highways, Joynes House, New Road, Gravesend, Kent, DA11 0AT. Tel: 08458 247 800.
2. Surface water disposal to be dealt with on site.
3. The applicant is also advised to take particular account of the climate the development is likely to experience over its expected lifetime and consider the scope for maximising cooling and avoiding solar gain in the summer through, for example, the layout and orientation of the buildings and landscaping. The applicant is urged to have regard to the Government's 'Code for Sustainable Homes' and Kent County Council's 'Kent Design Guide' for further details on the range of measures that could be considered.
4. The Local Planning Authority supports the Kent Fire Brigade's wish to reduce the severity of property fires and the number of resulting injuries by the use of sprinkler systems in all new buildings and extensions.
5. The applicant is encouraged, through the design of the development, to minimise the future energy consumption of the proposal. Where practicable, consideration should be given to measures including the installation of photovoltaic cells and the appropriate use of Sustainable Urban Drainage Systems (SUDS).
6. The proposed development is within a road which has a formal street numbering scheme and it will be necessary for the Council to allocate postal address(es) to the new property/ies. To discuss the arrangements, you are invited to write to the Legal Services Partnership Manager, Tonbridge and Malling Borough

Council, Gibson Building, Gibson Drive, Kings Hill, West Malling, Kent, ME19 4LZ or contact Trevor Bowen, Principal Legal Officer, on 01732 876039 or by e-mail to [trevor.bowen@tmbc.gov.uk](mailto:trevor.bowen@tmbc.gov.uk). To avoid difficulties for first occupiers, you are advised to do this as soon as possible and, in any event, not less than one month before the new properties are ready for occupation.

Contact: Robin Gilbert