

MC/18/0705

Date Received: 2 March 2018

Location: Land At Brickfields Darland Farm Pear Tree Lane Hempstead

Proposal: Application for approval of reserved matters being appearance, landscaping, layout and scale pursuant to planning permission MC/16/2776 - Outline application for a residential development of up to 44 dwellings with associated garaging, access, landscaping and open space

Applicant Mr Iskandar

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Ward: Hempstead And Wigmore Ward

Case Officer: Doug Coleman

Contact Number: 01634 331700

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**Recommendation of Officers to the Planning Committee, to be considered and determined by the Planning Committee at a meeting to be held on 24th October 2018.**

**Recommendation - Approval with Conditions**

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

Drawing numbers:

Layout

1727-P-10.01: Location Plan

House types

1727-P-20.02: Type PT2-Elevations - The Avenue  
1727-P-20.04: Type PT2-Elevations - The Approach  
1727-P-20.12: Type PT3-Elevations - The Avenue  
1727-P-20.14: Type PT3-Elevations - The Approach

1727-P-20.21:	Type PT4-Floor plans
1727-P-20.22:	Type PT4-Elevations - The Avenue
1727-P-20.23:	Type PT4-Elevations - The Avenue
1727-P-20.24:	Type PT4-Elevations - The Lanes
1727-P-20.25:	Type PT4-Elevations - The Lanes
1727-P-20.31:	Type PT5-Floor plans
1727-P-20.32:	Type PT5-Elevations - The Avenue
1727-P-20.33:	Type PT5-Elevations - The Approach
1727-P-20.41:	Type PT6-Floor plans
1727-P-20.42:	Type PT6-Elevations - The Avenue
1727-P-20.43:	Type PT6-Elevations - The Lanes
1727-P-20.52:	Type PT7-Elevations - The Avenue
1727-P-50.01:	Double garage 1
1727-P-50.02:	Double garage 2

Received 2 March 2018:

#### Layout

1727-P-10.03/Rev A:	Refuse strategy
1727-P-10.05/Rev A:	Finishes

#### House types

1727-P-20.01/Rev A:	Type PT2-Floor plans
1727-P-20.03/Rev A:	Type PT2-Elevations - The Lanes
1727-P-20.11/Rev A:	Type PT3-Floor plans
1727-P-20.13/Rev A:	Type PT3-Elevations - The Lanes
1727-P-20.51/Rev A:	Type PT7-Floor plans
1727-P-10.53/Rev A:	Type PT8-Elevations - The Lanes

#### Street scene

1727-P-40.01/Rev A:	Street scenes 1-3
1727-P-40.02/Rev A:	Street scenes 4-9
1727-P-40.03/Rev A:	Street scenes 10-15

#### Tree Protection/Landscaping

ABBEY21669 03/Rev A (4 plans):	Tree Protection Plan
ABBEY21669 11/Rev A(1):	Landscape Proposal 1 of 6
ABBEY21669 11/Rev A(2):	Landscape Proposal 2 of 6
ABBEY21669 11/Rev A(3):	Landscape Proposal 3 of 6
ABBEY21669 11/Rev A(4):	Landscape Proposal 4 of 6
ABBEY21669 11/Rev A(5):	Landscape Proposal 5 of 6

ABBEY21669 11/Rev A(6):  
ABBEY21669 14/Rev A:

Landscape Proposal 6 of 6  
Proposed Tree Canopy Plan

Received 13 June 2018:

Layout

1727-P-10.02/Rev B:  
1727-P-10.04/Rev B:

Site layout  
Boundary treatments

Received 31 July 2018

Reason: For the avoidance of doubt and in the interests of proper planning.

- 2 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no windows or similar openings shall be constructed in the side elevations of the houses on the following plots without the prior written approval of the Local Planning Authority:

2-6, 14-22, 24, 25, 28-32, 35-44

Reason: To regulate and control any such further development in the interests of amenity and protection of privacy for neighbouring properties, in accordance with Policy BNE2 of the Medway Local Plan 2003.

**For the reasons for this recommendation for approval please see Planning Appraisal Section and Conclusions at the end of this report.**

## **Proposal**

This application is for the approval of reserved matters (appearance, landscaping, layout and scale), following the grant of outline planning permission on 15 March 2017 (under reference MC/16/2776) for a residential development of up to 44 dwellings.

Access to the site was approved at outline stage and would be via a gate off the old Pear Tree Lane, which it is proposed to widen to 5.5m. The proposed development has been grouped into three character areas. To promote legibility within the scheme each character area has been developed to provide its own clear identity in terms of form, building design, details and materials and landscaping. The character areas are identified as:

- The Approach: comprising the 8 no. dwelling-houses focussed around the access road and the landscaped open space which defines the arrival into the development.
- The Avenue: This area essentially flanks the central band that runs east-west through the site, corresponding with the lowest contours, along which roads and deep landscaped frontages have been situated. There are 23 no. dwellings in this character area, which have been positioned to either

address the sympathetically landscaped 'Avenue' or are clustered within 'courtyard' type arrangements.

- The Lanes: This character area proposes two individual clusters of development served by single points of access from the central portion of the site.

Six house types are proposed as follows:

- PT2: Four bedroom detached house (14);
- PT3: Five bedroom detached house (7);
- PT4: Five bedroom detached house (3);
- PT5: Five bedroom detached house (10);
- PT6: Five bedroom detached house (4);
- PT7: Five bedroom detached house (6).

Each house would have a double garage.

Dwelling houses within 'The Approach' character area have been designed to suggest a grander feel, providing a sense of arrival. The elevational treatments promoted within 'The Avenue' character area have been designed to harmonize with the elegant tree-lined avenue whilst also providing a transition between the grand dwellings of 'The Approach' and the more rustic buildings seen within 'The Lanes' character area. The dwelling-houses in 'The Lanes' character area have been designed with a more rustic feel to reflect the intimate residential environment which underpins this area.

The boundary treatment would comprise 1.8m high close-boarded fences separating the rear private garden areas of each property, and 1,8m high brick walls separating the rear private garden areas from public areas. A 1.8m high close-boarded fence with a 0.6m high trellis on top would be provided along the north-eastern boundary to Plots 8-17 to provide an ecology buffer to the Darland Banks Nature Reserve. A 1.8m high post and wire deer fence will separate the areas of open space within the site from the Nature Reserve. No access is proposed from the site to the Nature Reserve.

A detailed Landscaping scheme including a Landscape Specification and a Landscape Management and Maintenance Plan has been submitted. This covers the retention of existing trees, public spaces, private planting areas and the interaction between hard and soft landscaping.

### **Site Area/Density**

Site Area: 4.2 hectares (10.3 acres)

Site Density: 10.4 dph (4.2 dpa)

### **Relevant Planning History**

MC/18/0839

Details pursuant to conditions 6, 7, 8, 9, 10, 11, 14, 15,

	16, 17, 18, 19 & 20 of MC/16/2276- Outline application with some matters reserved (appearance, landscaping, layout and scale) for a residential development of up to 44 dwellings with associated garaging, access, landscaping and open space. Under consideration
MC/16/2776	Outline application with some matters reserved (appearance, landscaping, layout and scale) for a residential development of up to 44 dwellings with associated garaging, access, landscaping and open space. Approved by Committee on 18 December 2016 Decision issued 15 March 2017 following completion of S106 agreement
MC/16/2052	Screening Opinion under Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 2011 (as amended) for the construction of a residential development. EIA not required 27/05/2016
MC/16/1620	Construction of three 4-bedroomed detached dwellings with associated parking Approval With Conditions 27/06/2016
MC/15/1035	Prior notification of a proposed change of use from 3 agricultural buildings to 3 residential dwellings (C3) Prior Approval Required - Approved 18/05/2015
MC/14/3778	Prior notification of a proposed change of use from 3 agricultural buildings to 3 residential dwellings (C3) Prior Approval Required - Refused 12/02/2015
GL/88/316	Golf course and private residential development. Refused 12/12/1988

## **Representations**

The application has been advertised on site and in the press as a major development and as development contrary to the development plan, and by individual neighbour notification to the owners and occupiers of neighbouring properties.

KCC Archaeology, KCC Biodiversity, RSPB, the Environment Agency, Natural England, NHS Property Services, Rochester Airport Consultative Committee, Kent Wildlife Trust, Kent County Constabulary, Southern Water Services, EDF Energy and Southern Gas Networks have also been consulted.

**One** letter has been received raising the following objections to the submitted

details:

- Plot 21 is too close to an existing property and would overlook its rear garden;
- Requested that a rear service road be provided to the rear of Plots 21, 22 & 23

**Six** letters have been received raising objection to the principle of the development for the following reasons:

- Proposal is contrary to current Local Plan;
- Loss of agricultural land;
- Too many houses are being built;
- Impact on roads, infrastructure, hospitals, schools etc.;
- Proposal would add to traffic congestion in Pear Tree Lane, Capstone Road, Ash Tree Lane and Luton Road
- Impact on Darland Banks SSSI;
- Proposal will do nothing to meet housing need;
- Land should be joined to Darland Banks.

**One** further letter has been received objecting on the following grounds:

- Loss of picturesque landscape and home to diverse species;
- Area attracts visitors;
- Disturbance to local homeowners and businesses;
- Increase noise and visual pollution.

The **Environment Agency** has written advising that it does not wish to comment as the application falls outside their remit.

**Southern Water** has written advising that it does not wish to comment.

**Kent Police Crime Prevention Design Advisor** comments that no communication has been received from the applicant with regard to Secure by Design and if planning permission is granted an appropriate condition is recommended.

**Kent Wildlife Trust** has written objecting on the grounds that:

- The information regarding boundary treatments appears to be incomplete. Of particular concern is the boundary with the Local Nature Reserve/Local Wildlife site (Darland Banks) in the north-west corner of the development site, where open space is proposed, which has been subject to informal, unauthorised access into the Local Nature Reserve causing damage to the fencing and habitats. The outline application suggested an access point, although no access is shown in the reserved matters application. This should

be subject to appropriate infrastructure and access management to prevent damage to habitats and disturbance to species through 'ad-hoc' access creation;

**The applicant's agent** has responded to the responses from the Kent Wildlife Trust & Kent Police as follows:

#### *Kent Wildlife Trust*

- The boundary treatment plan has been revised to include perimeter boundary treatment; & was submitted on the 12<sup>th</sup> June.
- No link is to be provided into the Local Nature Reserve.

#### *Kent Police*

- All garden fencing is 1.8m high
- Fence added between garages plots 10/11 & 12/13 and revised site layout & boundary treatment plans submitted).
- Window specification PAS24:2016, to be specified as suggested.
- The applicants will be in contact with the police when a decision has been issued]

### **Development Plan**

The Development Plan for the area comprises the Medway Local Plan 2003 (the Local Plan). The policies referred to within this document and used in the processing of this application have been assessed against the National Planning Policy Framework 2012 and are considered to conform.

### **Planning Appraisal**

#### *Background*

Outline planning permission for a residential development of up to 44 dwellings with associated garaging, access, landscaping and open space was approved by the Planning Committee on 18 December 2016 and a decision issued 15 March 2017 following completion of S106 agreement. Means of access to the site was approved but appearance, landscaping, layout, scale and means of access within the site were reserved for future consideration.

The applicant entered into a Section 106 agreement to secure the following:

1. A contribution of £1,875,000 towards the provision of off-site affordable housing in lieu of providing affordable units within the proposed development;
2. A contribution of £20,589.80 towards the provision of healthcare facilities;
3. A contribution of £40,268.80 towards the provision of nursery school facilities;
4. A contribution of £98,841.60 towards the provision of primary school facilities;

5. A contribution of £99,985.60 towards the provision of secondary school facilities;
6. A contribution of £26,312.00 towards the provision of sixth form facilities;
7. A contribution of £122,734.90 towards improvements to Capstone Country Park and/or Luton Recreation Ground;
8. A contribution of £9,837.52 (£223.58 per dwelling) towards appropriate mitigation measures within Special Protection Areas;
9. A contribution of £28,000 towards the initial capital costs and £21,600 towards ongoing management cost necessary to mitigate the impact of the development on the Darland Banks Site of Nature Conservation Interest and Local Nature Reserve;
10. The following off site highway works to be completed prior to occupation of the development (in accordance with drawing number 16-007-008 rev A):
  - A. Provision of new priority junctions on old Pear Tree Lane, including new kerb lines and associated road markings and highway signs as required;
  - B. Provision of traffic calming and a system of street lighting on the western section of old Pear Tree Lane between the site access and Capstone Road;
  - C. Amendments to the existing traffic islands on Capstone Road and the provision of an uncontrolled crossing suitable for pedestrians and cyclists;
  - D. Provision of a new section of footway on the western side of Capstone Road;
11. To pay the Council's Legal and Monitoring Officer costs.
12. A contribution of £5,000 towards securing a Traffic Regulation Order to reduce the speed limit along this section of Pear Tree Lane from 50 mph to 40 mph

In addition to the approval of reserved matters, conditions were attached requiring the approval of materials and a Landscape Management Plan under Condition 1. A condition also required parking to be shown on the submitted drawings.

#### *Matters of principle*

The principle of development was accepted with the grant of outline planning permission having regard to current development plan policies and relevant government guidance. Regard was also had to the highways impact of a development of 44 houses in this location, flood risk, archaeology and biodiversity impacts of the proposed development. Appropriate developer contributions were secured by means of a Section 106 agreement including a contribution towards the



provision of off site affordable housing in lieu of providing affordable units within the proposed development. No further matters of principle are raised by this application for the approval of reserved matters.

### *Design and appearance*

The design process has evolved following the grant of outline planning permission having regard to the opportunities and constraints afforded by the site with particular reference to the fixed access point, the topography of the site, surrounding landform, features and development and the importance of minimising any adverse impact on the Area of Local Landscape Importance (ALLI).

The initial section of the access road serving the proposed development has been re-aligned from that shown on the illustrative drawings which accompanied the outline planning application to take account of the steep gradient close to the site entrance. In addition, account has been taken on the fact that the lowest part of the site is at risk of flooding and no houses can be built on that land, creating a corridor through the site.

Open space is an integral part of the design. The variation in land levels has been utilised to create an area of open space close to the site entrance which would be a focal point for 'The Approach' character area and the first notable feature when entering the site. Another area of open space is proposed in the north-western corner of the site adjacent to the Darland Banks Nature Reserve

All buildings are two storey and all buildings are detached, in accordance with the terms of the outline planning permission. Attention has been paid to detail, with a variety of materials and features – brickwork, roof tiles, rendering, tile hanging and weatherboarding. Traditional features such as chimneys, bay windows, gabled roof front porches and dormers etc. have all been incorporated into the design. The following materials are proposed:

- A. Weinerberger Chartham Multi bricks;
- B. Ibstock Leicester Weathered Red bricks;
- C. Ibstock Surrey Red Multi bricks;
- D. Forterra Woodside Mixture;
- E. Natural slate roof tiles;
- F. Marley Smooth Plain Grey roof tiles;
- G. Marley Old English Dark Red roof tiles;
- H. Marley Hawkins Dark Heather plain roof tiles;
- I. Marley Eternit Cedral Cladding (Cream White);
- J. Monocouche Ivory coloured render; and
- K. Redland Heathland Autumn 23 tile hanging (sanded finish).

It is considered the proposed development is acceptable in terms of layout, scale, mass, appearance, materials and general detailing and would, in this regard, comply with Policy BNE1 of the Medway Local Plan 2003 and Paragraph 124 and 127 of the

NPPF 2018. The development would also comply with Policy BNE34 of the Local Plan which states that development within an Area of Local Landscape importance should be sited, designed and landscaped to minimise harm to the area's landscape character and function.

In schemes such as this, landscaping of the site is an integral part of the design process and has been taken into account when assessing the design of the proposed development. However, landscaping will be assessed in more detail below.

### *Occupier Amenity*

In terms of occupier amenity, the proposal falls to be assessed against the DCLG's Nationally Described Space Standard which specifies a minimum Gross Internal Floor Area (GIA) of 115 sq. m. for a 4 bedroom/7 person/2 storey dwelling and 128 sq. m. for a 5 bedroom/8 person/2 storey dwelling. The minimum size for bedrooms is 11.5 sq. m. for a double or twin bedroom and 7.5 sq. m. for a single bedroom.

The GIA for each of the dwelling types is as follows:

House type	DGLG standard	GIA	Bedroom 1	Bedroom 2	Bedroom 3	Bedroom 4	Bedroom 5
PT2	115 sq. m.	141 sq. m.	14.5 sq. m. (double)	13 sq. m. (double)	11.5 sq. m. (double)	7.5 sq. m. (single)	/
PT3	128 sq. m	167 sq. m.	14 sq. m. (double)	11.5 sq. m. (double)	11.5 sq. m. (double)	12 sq. m. (double)	8.75 sq. m. (single)
PT4	128 sq. m.	217 sq. m.	20 sq. m. (double)	18.4 sq. m. (double)	11.8 sq. m. (double)	11.8 sq. m. (double)	9 sq. m. (single)
PT5	128 sq. m.	203 sq. m.	17.5 sq. m. (double)	12.7 sq. m. (double)	12.4 sq. m. (double)	14 sq. m. (double)	9.2 sq. m. (single)
PT6	128 sq. m	172 sq. m.	12.5 sq. m. (double)	11.5 sq. m. (double)	12 sq. m. (double)	12.7 sq. m. (double)	7.7 sq. m. (single)
PT7	128 sq. m.	170 sq. m.	16.2 sq. m. (double)	11.5 sq. m. (double)	11.5 sq. m. (double)	11.6 sq. m. (double)	7.5 sq. m. (single)

The proposal would, therefore, comply with the Nationally Described Space Standard. Due to the layout and the low density of the proposed development, adequate private garden space would be provided for each of the proposed houses. No objection is, there raised in terms of occupier amenity under Policy BNE2 of the Local Plan and Paragraph 127 of the NPPF 2018.

### *Amenity*

The site is relatively isolated, although there are neighbouring properties to the west (The Gleanings) and to the east (Darland Farm). Coachman Cottages at Darland

Farm is approx. 35m to the east of the proposed house on Plot 1. There would be a gap of approx. 25m from the rear of the house on Plot 3 to the side wall of the single storey dwelling under construction at Darland Farm (Unit 1). There are no windows in the flank wall of that unit. Similarly, there would be a gap of approx. 24m from the rear of the house on Plot 4 to the flank wall of the other unit (Unit 2). Again, there are no windows in the flank wall of that single storey unit.

The only other proposed property close to The Gleanings, would be plot 23 which would be approx. 25m from the rear (north facing) elevation of The Gleanings. At its closest point the corner of the Gleanings would be 25m from the flank wall of the house on Plot 30. There would, therefore be no adverse impact on existing properties adjoining the site as a result of the proposed development in terms of light, privacy or outlook.

The proposed development has been designed so that there is no unacceptable impact in terms of light, privacy or outlook within the site. There is a minimum distance of 25m between the rear elevations of the proposed dwellings. The house types have been carefully arranged so that there are no windows in the flank walls where this would be likely to have an adverse impact on neighbouring properties in terms of light, privacy or outlook.

Having regard to the above considerations, no objection is raised in terms of neighbour amenity under Policy BNE2 of the Local Plan and Paragraph 127 of the NPPF 2018.

### *Landscape*

Condition 8 states that the details submitted pursuant to condition 1 shall be accompanied by a scheme of hard and soft landscaping and boundary treatment, whilst condition 9 requires the submission and approval of a Landscape Management Plan.

There are two landscape aspects to be considered when assessing the proposed development: the proposed landscaping submitted as part of this application, including the Landscape Management Plan, and the wider impact of the landscape of Capstone Valley within which the site is situated.

The latter was considered at the outline stage, having regard to the fact that the site is within and forms part of the Capstone, Darland and Elm Court Area of Local Landscape Importance (ALLI). The outline application was also assessed against the Medway Landscape Character Assessment (MLCA) (2011), which identified the site within the Darland Banks Landscape Character Area.

It was concluded that the proposal would have an impact on the Landscape Character Area and the ALLI, although measures were proposed to mitigate and minimise the impact. It was, therefore considered that although the proposed development would be contrary to Policy BNE34(i) of the Local Plan and Paragraph 109 of the 2012 NPPF, in this instance, the economic and social benefits of the proposal in terms of its contribution to addressing the issue of housing land supply, plus the proposals to mitigate and minimise harm to landscape, outweighed the local

landscape harm.

Detailed landscaping proposals for the site have been submitted as part of the application. These show tree, grass and shrub planting for the areas of open space, the landscaped corridor, small areas adjacent to the highway and in private garden areas. The boundary treatment, comprising 1.8m high close-boarded fences and 1.8m high brick walls, forms an integral part of the landscaping scheme, which, together with the treatment to the north-eastern boundary to provide the boundary to the Darland Banks Nature Reserve, is considered acceptable and as amended would address the concerns raised by Kent Wildlife Trust.

The application is accompanied by a Soft Landscape Specification and a Soft Landscape Management and Maintenance Plan.

The landscaping proposals, as submitted, together with the Landscape Specification and the Landscape Management and Maintenance Plan are considered to be acceptable and no objection is raised under Policies BNE6 and BNE34 of the Local Plan and Paragraph 127 of the NPPF 2018.

### *Trees*

Condition 11 relates to tree protection measures and requires the submission and approval of an arboricultural impact assessment and method statement. This has been submitted under application MC/18/0839 and is currently under consideration.

### *Highways*

Condition 10 of the outline planning permission states:

*“The details submitted in pursuance of Condition 1 shall show land reserved for parking or garaging in accordance with the adopted County Parking Standards.*

The submitted layout drawing shows that each of the proposed houses would have a double garage plus space for further parking on driveways. Accordingly, no objection is raised in terms of parking under Policy T13 of the Local Plan.

Other highway issues - trip generation and access to the site were considered at the outline stage and no further issues are raised in this regard. The following off site highway works have been secured by means of a Section 106 agreement:

- Provision of new priority junctions on old Pear Tree Lane, including new kerb lines and associated road markings and highway signs as required.
- Provision of traffic calming and a system of street lighting on the western section of old Pear Tree Lane between the site access and Capstone Road
- Amendments to the existing traffic islands on Capstone Road and the provision of an uncontrolled crossing suitable for pedestrians and cyclists
- Provision of a new section of footway on the western side of Capstone Road.

Accordingly, no objection is raised under Policies T2 and T3 of the Local Plan and Paragraph 108 of the NPPF 2018

### *Air Quality*

Condition 6 of the outline planning permission required the submission and approval of an Emissions Mitigation Assessment. This Assessment has been submitted and is considered to be satisfactory. Condition 6, has, therefore been discharged.

### *Archaeology*

Condition 12 requires the implementation of a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority. These details are still to be submitted.

### *Flood Risk/Drainage*

Condition 14 of the outline planning permission requires the submission and approval of a scheme showing details of the disposal of surface water, based on sustainable drainage principles, including details of the design, implementation, maintenance and management of the surface water drainage scheme. Details pursuant to this condition have been submitted under application MC/18/0839 and are currently under consideration.

### *Biodiversity*

Conditions 17-20 of the outline planning permission all relate to biodiversity. Condition 17 requires the submission and approval of a method statement for ecological mitigation (including reptiles, nesting birds, dormice and bats. Condition 18 requires a bat activity survey to be carried out with full details of appropriate bat mitigation measures, and to be submitted to and approved by the Local Planning Authority. Condition 19 requires the submission and approval of a lighting design strategy for biodiversity for the site boundaries, whilst condition 20 requires the submission and approval of details of how the development will enhance the quality and quantity of biodiversity as outlined in Section 4.3 of the extended Phase 1 Habitat Survey. These details have all been submitted under application MC/18/0839 and are currently under consideration.

### *Other matters*

A request has been made for a service road to be provided to the rear of Plots 21, 22 and 23. Such a service road would open up the development to additional traffic, other than that generated by the proposed development, passing through the site and into 'The Lanes'. The rear gardens of the houses would have to be significantly reduced to accommodate this service road, and it would impact upon the trees in the neighbouring property – The Gleanings. This service road would serve one property in Capstone Road, which has a 65m deep rear garden. Accordingly this request has not been taken forward

### *Local Finance Considerations*

There are no local finance considerations raised by this application.

### **Conclusions and Reasons for Approval**

The principle of development was considered to be acceptable with the grant of outline planning permission. The details submitted under the current application are considered to be acceptable in terms of layout, scale, mass, appearance, materials, detailing, landscaping and boundary treatment and parking and would comply with Policy BNE1, BNE2, BNE6, BNE34, T2 and T13 of the Medway Local Plan 2003 and Paragraphs 108, 124 and 127 of the NPPF 2018. The application is, therefore recommended for approval.

The application is being reported for Committee determination due to the number of letters of representation received contrary to the Officer's recommendation.

The application was considered by the Committee on 29 August 2018 when Members resolved to defer the application pending further clarification on the requirement for the provision of a footpath from the development to Hempstead.

When the outline planning application (MC/16/02776) was considered on 18 December 2016, the recommendation included the provision of a pedestrian footway linking the proposed development to Hempstead.

Following the resolution to grant outline planning a draft Section 106 agreement was prepared and forwarded to the applicant's Solicitor. During subsequent discussions the applicant's agent advised that such a footpath could not be justified and could not be delivered by the applicant due to land ownership issues. In highway terms, Pear Tree Lane was not considered suitable as a pedestrian route. Other routes were looked at but were found not to be practical.

There is a distance of approx. 0.6 miles between the south-eastern end of the old Pear Tree Lane and the built up area of Hempstead. Pear Tree Lane is tree lined along its entire northern length including Grove Wood Site of Nature Conservation Interest. The southern side of Pear Tree Lane is partly tree lined and partly farmland. To build a footpath along this road would involve the carrying out of highway works on private land on either side, or possible both sides of the carriageway, and the possible provision of a crossing point. In addition, lighting may be required.

Geographical, the application site adjoins the small settlement of Hale, to which there is a footpath link via the old Pear Tree Lane. The Wagon at Hale PH, and Luton Recreation ground are close to the site and can be accessed via this link. From Hale, there is a footpath link to the local shopping centre at Luton High Street (approx. 1.1km from the site) and Luton Primary School (approx. 1.3 km from the site).

The footpath link to Hale, also provides access to a bus stop with a bus service to Hempstead. There is a small local centre at Hempstead, which includes the Flying Saucer PH (approx. 1.2m from the site), although the main facility is at Hempstead

Valley (approx. 2km away). Hempstead Primary School is beyond the local shopping centre, approx. 1.6km from the site. In all probability, occupiers of the proposed development using facilities at Hempstead would travel by private car or by bus from the local bus stop.

The Section 106 agreement includes provision for the following highway improvements:

- Provision of new priority junctions on old Pear Tree Lane, including new kerb lines and associated road markings and highway signs as required.
  - Provision of traffic calming and a system of street lighting on the western section of old Pear Tree Lane between the site access and Capstone Road
  - Amendments to the existing traffic islands on Capstone Road and the provision of an uncontrolled crossing suitable for pedestrians and cyclists
  - Provision of a new section of footway on the western side of Capstone Road.
  
  - In addition, a contribution of £5,000 towards securing a Traffic Regulation Order to reduce the speed limited along this section of Pear Tree Lane from 50 mph to 40 mph is required under the Section 106 agreement.
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## **Background Papers**

The relevant background papers relating to the individual applications comprise: the applications and all supporting documentation submitted therewith; and items identified in any Relevant History and Representations section within the report.

Any information referred to is available for inspection in the Planning Offices of Medway Council at Gun Wharf, Dock Road, Chatham ME4 4TR and here <http://publicaccess.medway.gov.uk/online-applications/>