

PLANNING COMMITTEE MEETING

Date: Thursday 24 May 2018
Time: 6.00 p.m.
Venue: Town Hall, High Street, Maidstone

Membership: To be appointed at the Annual Meeting of the Council on
19 May 2018

The Chairman will assume that all Members will read the reports before attending the meeting. Officers are asked to assume the same when introducing reports.

AGENDA

Page No.

1. Apologies for Absence
2. Notification of Substitute Members
3. Notification of Visiting Members
4. Items withdrawn from the Agenda
5. Date of Adjourned Meeting - 31 May 2018
6. Any business the Chairman regards as urgent including the urgent update report as it relates to matters to be considered at the meeting
7. Disclosures by Members and Officers
8. Disclosures of lobbying
9. To consider whether any items should be taken in private because of the possible disclosure of exempt information.
10. Minutes of the meeting held on 26 April adjourned to 30 April 2018 1 - 13
11. Minutes of the meeting to be held on 22 May 2018 - to follow
12. Appointment of Political Group Spokespersons
13. Presentation of Petitions (if any)
14. Deferred Items 14 - 16

Issued on Wednesday 16 May 2018

Continued Over/:

Alison Broom

Alison Broom, Chief Executive

15.	17/506306 - Hen And Duckhurst Farm, Marden Road, Staplehurst, Tonbridge, Kent	17 - 39
16.	15/507909 - Walderslade Woods Including Land Off Wildfell Close, Boxley, Kent	40 - 65
17.	18/500352 - Hill Farm, Lenham Road, Ulcombe, Maidstone, Kent	66 - 92
18.	18/501196 - Land North Of 61 And 62 Knaves Acre, Headcorn, Ashford, Kent	93 - 102
19.	18/501016 - Lea Farm, Faversham Road, Lenham, Kent	103 - 110
20.	Appeal Decisions	111 - 112
21.	Chairman's Announcements	

PLEASE NOTE

The order in which items are taken at the meeting may be subject to change.

The public proceedings of the meeting will be broadcast live and recorded for playback on the Maidstone Borough Council website.

For full details of all papers relevant to the applications on the agenda, please refer to the public access pages on the Maidstone Borough Council website. Background documents are available for inspection by appointment during normal office hours at the Maidstone Borough Council Reception, King Street, Maidstone, Kent ME15 6JQ.

PUBLIC SPEAKING AND ALTERNATIVE FORMATS

If you require this information in an alternative format please contact us, call **01622 602899** or email committee@maidstone.gov.uk.

In order to speak at this meeting, please contact Democratic Services using the contact details above, by 4 p.m. on the working day before the meeting. If making a statement, you will need to tell us which agenda item you wish to speak on. Please note that slots will be allocated for each application on a first come, first served basis.

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MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON 26 APRIL **ADJOURNED TO 30 APRIL 2018**

Present: **Councillor English (Chairman) and**
26 April **Councillors Boughton, Clark, Cox, Harwood, Munford,**
2018 **Perry, Powell, Round, Spooner and Vizzard**

Also Present: **Councillor Garten**

460. **APOLOGIES FOR ABSENCE**

It was noted that apologies for absence had been received from Councillors Prendergast and Mrs Stockell.

461. **NOTIFICATION OF SUBSTITUTE MEMBERS**

It was noted that Councillor Perry was substituting for Councillor Prendergast.

462. **NOTIFICATION OF VISITING MEMBERS**

Councillor Garten indicated his wish to speak on the report of the Head of Planning and Development relating to application 17/503118 (Land to the West of Windmill Lane, Eythorne Street, Hollingbourne, Kent) and his possible wish to speak on the report of the Head of Planning and Development relating to application 17/506323 (Maple Leaf Garage, Ashford Road, Hollingbourne, Kent). In the event, Councillor Garten left the meeting before consideration of the report relating to application 17/506323.

463. **ITEMS WITHDRAWN FROM THE AGENDA**

There were none.

464. **URGENT ITEMS**

The Chairman stated that, in his opinion, the update reports of the Head of Planning and Development should be taken as urgent items as they contained further information relating to matters to be considered at the meeting.

465. **DISCLOSURES BY MEMBERS AND OFFICERS**

There were no disclosures by Members or Officers.

466. EXEMPT ITEMS

RESOLVED: That the item on Part II of the agenda be taken in private as proposed.

467. MINUTES OF THE MEETING HELD ON 5 APRIL 2018

RESOLVED: That the Minutes of the meeting held on 5 April 2018 be approved as a correct record and signed.

Note: Councillor Harwood entered the meeting prior to consideration of this item (6.05 p.m.).

468. PRESENTATION OF PETITIONS

There were no petitions.

469. DEFERRED ITEMS

17/503291 – ERECTION OF 6 NO. LIGHTWEIGHT COMMERCIAL/INDUSTRIAL UNITS - THE PACKHOUSE, QUEEN STREET, PADDOCK WOOD, TONBRIDGE, KENT

The Development Manager said that he had nothing further to report in respect of this application at present.

17/503237 - OUTLINE APPLICATION (SOME MATTERS RESERVED) FOR DEMOLITION OF EXISTING BUILDINGS, AND CESSATION OF COMMERCIAL USE ON SITE; ERECTION OF RESIDENTIAL DEVELOPMENT PROVIDING 18 NO. UNITS, OF WHICH 12 X 1 BED AND 6 X 2 BED. PROVISION OF 16 PARKING SPACES/2 DISABLED SPACES AND 4 VISITOR SPACES. ACCESS, LAYOUT AND SCALE BEING SOUGHT - J B GARAGE DOORS, STRAW MILL HILL, TOVIL, MAIDSTONE, KENT

The Development Manager said that he had nothing further to report in respect of this application at present.

17/505995 - ERECTION OF A DETACHED FIVE BEDROOM DWELLING WITH ASSOCIATED PARKING - COURT LODGE FARM, THE STREET, TESTON, MAIDSTONE, KENT

The Development Manager said that he had nothing further to report in respect of this application at present.

470. 18/500353 - VARIATION OF CONDITION 6 OF PLANNING PERMISSION MA/13/1645 (ERECTION OF POLYTUNNELS) TO ALLOW POLYTUNNELS TO BE COVERED WITH POLYTHENE BETWEEN THE 14 FEBRUARY AND 15 NOVEMBER - CHURCH FARM, ULCOMBE HILL, ULCOMBE, KENT

The Committee considered the report and the urgent update report of the Head of Planning and Development.

Councillor Round stated that he had been lobbied. Councillor Round advised the Committee that since this was an emotive issue within his Ward, he intended to refrain from the discussion and abstain from the voting.

Ms Banham, an objector, Councillor Kenward of Ulcombe Parish Council, and Mr Charlton, the applicant, addressed the meeting.

RESOLVED: That permission be granted subject to the conditions set out in the report as amended by the urgent update report.

Voting: 8 – For 0 – Against 3 – Abstentions

471. 16/502993 - DEMOLITION OF EXISTING BUILDINGS AND CONSTRUCTION OF 18 NEW C2 EXTRA CARE RETIREMENT HOMES, CLUB HOUSE, CAR PORTS, BIN STORES, LANDSCAPE SCHEME AND ACCESS ROAD. DEMOLITION OF GARAGE TO REAR OF 70 CHURCH STREET AND ERECTION OF NEW OAK FRAMED CAR PORT TO REAR GARDEN - LAND TO WEST OF 70 CHURCH STREET, BOUGHTON MONCHELSEA, KENT

The Committee considered the report and the urgent update report of the Head of Planning and Development.

Mr Osborne, for the applicant, addressed the meeting. Mr Osborne said that the draft S106 legal agreement had been received by the applicant earlier that day, but the wording "to be agreed with the Local Planning Authority" had been omitted from the Head of Terms regarding occupation of the units as set out in the Minutes of the meeting held on 16 March 2017 and the report and the urgent update report of the Head of Planning and Development.

The representative of the Head of Legal Partnership advised the Committee that this omission would be rectified before the S106 legal agreement was signed and sealed.

RESOLVED: That subject to:

- (a) The prior completion of a S106 legal agreement in such terms as the Head of Legal Partnership may advise to provide for the Heads of Terms set out in the report as amended by the urgent update report; AND
- (b) The conditions set out in the report and the additional condition and informative set out in the urgent update report,

the Head of Planning and Development be given delegated powers to grant permission and to be able to settle or amend any necessary Heads of Terms in line with the matters set out in the recommendation and as resolved by the Planning Committee.

Voting: 11 – For 0 – Against 0 – Abstentions

472. 17/503118 - ERECTION OF 10 DWELLINGS AND ASSOCIATED WORKS INCLUDING ASSOCIATED GARAGING AND CONSTRUCTION OF ACCESS ROAD - LAND TO THE WEST OF WINDMILL LANE, EYHORNE STREET, HOLLINGBOURNE, KENT

All Members except Councillor Perry stated that they had been lobbied.

The Committee considered the report of the Head of Planning and Development.

Mr Cobbett, an objector, Councillor Bennett of Hollingbourne Parish Council, Mr Osborne, for the applicant, and Councillor Garten (Visiting Member) addressed the meeting.

RESOLVED: That subject to:

- (a) The prior completion of a legal agreement in such terms as the Head of Legal Partnership may advise to provide for the Heads of Terms set out in the report; AND
- (b) The conditions and informatives set out in the report with the amendment of condition 4 (Landscaping) to include a proportion of small-leaved Lime trees in the woodland buffer along the south-western boundary (the wording to be finalised by the Head of Planning and Development acting under delegated powers),

the Head of Planning and Development be given delegated powers to grant permission and to be able to settle or amend any necessary Heads of Terms in line with the matters set out in the recommendation and as resolved by the Planning Committee.

Voting: 8 – For 3 – Against 0 – Abstentions

473. ITEMS ROLLED OVER TO THE ADJOURNED MEETING OF THE COMMITTEE SCHEDULED TO BE HELD ON 30 APRIL 2018

After consideration of the report of the Head of Planning and Development relating to application 17/503118 (Land to the West of Windmill Lane, Eythorne Street, Hollingbourne, Kent), the Chairman advised the Committee that, due to the number of items on the agenda, the following reports of the Head of Planning and Development would be rolled over to the adjourned meeting of the Committee scheduled to be held on 30 April 2018:

18/500563 – The Stables, East Court, The Street, Detling, Maidstone, Kent
5003-2018 – Tree Preservation Order – 5 Southways, Sutton Valence, Maidstone, Kent

474. 18/500229 - RESERVED MATTERS OF SCALE, APPEARANCE AND LAYOUT TO APPLICATION 17/504144/OUT FOR ERECTION OF 51 DWELLINGS AND ASSOCIATED VEHICULAR AND PEDESTRIAN ACCESS, CAR AND CYCLE

PARKING, STREET AND EXTERNAL LIGHTING, MAIN SERVICES, BIN STORES AND OTHER ANCILLARY DEVELOPMENT - 5 TONBRIDGE ROAD, MAIDSTONE, KENT

The Committee considered the report and the urgent update report of the Head of Planning and Development.

RESOLVED: That the reserved matters be approved subject to the conditions set out in the report as amended by the urgent update report.

Voting: 11 – For 0 – Against 0 – Abstentions

475. 18/500718 - RESERVED MATTERS APPLICATION FOR ACCESS (CONDITIONS 1, 2 AND 4) AND PHASE 1 LANDSCAPING (CONDITIONS 1 AND 3) OF 17/504144/OUT (REMOVAL OF CONDITION 14 (SCHEME OF MITIGATION TO ADDRESS POOR AIR QUALITY SHALL BE PROVIDED) OF PLANNING PERMISSION 15/510179 (ALL MATTERS RESERVED) FOR REDEVELOPMENT WITH UP TO 65 DWELLINGS AND ASSOCIATED VEHICULAR AND PEDESTRIAN ACCESS, CAR AND CYCLE PARKING, STREET AND EXTERNAL LIGHTING, MAIN SERVICES, BIN STORES AND OTHER ANCILLARY DEVELOPMENT) - 5 TONBRIDGE ROAD, MAIDSTONE, KENT

The Committee considered the report of the Head of Planning and Development.

RESOLVED: That the reserved matters be approved subject to the condition and informative set out in the report.

Voting: 11 – For 0 – Against 0 – Abstentions

476. 18/500469 - DEMOLITION OF AN EXISTING GARAGE AND THE ERECTION OF A NEW THREE BEDROOM DWELLING - 99 SUTTON ROAD, MAIDSTONE, KENT

The Committee considered the report of the Head of Planning and Development.

RESOLVED: That permission be granted subject to the conditions and informatives set out in the report.

Voting: 11 – For 0 – Against 0 – Abstentions

477. 17/504412 - DEMOLITION OF STORAGE BUILDINGS AND ERECTION OF 5 DETACHED DWELLINGS, 2 CAR PORTS FOR PLOTS 1 AND 5, AND 2 TWO BAY CAR PORTS FOR THE EXISTING HOUSE AND BARN CONVERSION APPROVED UNDER 14/505872/FULL - IDEN GRANGE, CRANBROOK ROAD, STAPLEHURST, TONBRIDGE, KENT

Councillor Perry stated that he had been lobbied.

The Committee considered the report and the urgent update report of the Head of Planning and Development.

Councillor Sharp of Staplehurst Parish Council and Mr Court, for the applicant, addressed the meeting.

RESOLVED: That consideration of this application be deferred to:

- Seek the submission of a strategy for an open, wet Sustainable Urban Drainage system, identifying how it will work and where it will be positioned within the existing layout; and
- Seek modifications to boundary fencing to allow the passage of wildlife.

Voting: 11 – For 0 – Against 0 – Abstentions

478. 17/505877 - APPROVAL OF RESERVED MATTERS APPLICATION (APPEARANCE, LANDSCAPING, LAYOUT AND SCALE BEING SOUGHT) PURSUANT TO 15/509402/OUT FOR A RESIDENTIAL DEVELOPMENT OF 30 DWELLINGS CONSIDERING THE ACCESS ARRANGEMENTS FROM MOUNT AVENUE AND BLUNDEN LANE - LAND AT MOUNT AVENUE/BLUNDEN LANE, YALDING, KENT

The Committee considered the report and the urgent update report of the Head of Planning and Development.

Councillor Brown of Yalding Parish Council and Mr Bland, for the applicant, addressed the meeting.

RESOLVED:

1. That permission be granted subject to the conditions set out in the report with:
 - The amendment of condition 3 (Fencing, Walling, Railings and Other Boundary Treatments) to include the requirement to have gaps under fences to allow the passage of wildlife;
 - An additional condition to the effect that notwithstanding the details shown in drawing no. 3042-LLB-ZZ-XX-DR-L-0002 rev P05 (Landscape Strategy), a revised Landscape Strategy showing prickly hedging to deter pedestrian access through to Vicarage Road and the incorporation of cordwood on the site shall be submitted to and approved in writing by the Local Planning Authority; and
 - An informative advising the applicant of the Council's concerns regarding the use of excessive external lighting and for this to be considered when discussions take place with KCC Highways regarding the adoption of the road and the need for lighting to the highway.

2. That the Head of Planning and Development be given delegated powers to finalise the wording of the amended and additional conditions and the additional informative.

Voting: 8 – For 0 – Against 3 – Abstentions

479. 17/506323 - DEMOLITION OF EXISTING STORES, OFFICES AND WCS, AND ERECTION OF NEW OFFICES WITH DRY STORE AND ASSOCIATED PARKING - MAPLE LEAF GARAGE, ASHFORD ROAD, HOLLINGBOURNE, KENT

The Committee considered the report of the Head of Planning and Development.

Councillor Bennett of Hollingbourne Parish Council addressed the meeting.

During the discussion, the Committee agreed unanimously that an informative relating to Members' concerns about traffic speed and the visibility of the vehicle site entrance and advising the applicant to discuss with KCC Highways measures to alert and improve visibility for drivers should be attached to any planning consent.

RESOLVED:

1. That permission be granted subject to the conditions set out in the report with:

- The amendment of condition 6 (Renewables) to include the requirement for the incorporation of photovoltaic panels within the development and an additional condition relating to the requirement for the incorporation of rainwater harvesting and grey water recycling measures within the development;
- The amendment of the reason for condition 19 (External Lighting) to read:

In the interest of biodiversity protection and visual amenity and to ensure that there is no negative impact on road safety.

- An informative relating to Members' concerns about traffic speed and the visibility of the vehicle site entrance and advising the applicant to discuss with KCC Highways measures to alert and improve visibility for drivers.
2. That the Head of Planning and Development be given delegated powers to finalise the wording of the amended and additional conditions and the informative.

Voting: 10 – For 0 – Against 0 – Abstentions

Note: Councillor Harwood left the meeting before consideration of this application (8.30 p.m.).

480. 18/500563 - CONSTRUCTION OF A PAIR OF SEMI-DETACHED COTTAGES ON NORTHERN SECTION OF PLOT INCLUDING ROOFLIGHTS AND ASSOCIATED PARKING. (DEMOLITION OF EXISTING KENNEL BUILDINGS AND GARDEN WALL) - THE STABLES, EAST COURT, THE STREET, DETLING, MAIDSTONE, KENT

See Minute 473 above.

481. TREE PRESERVATION ORDER NO.5003-2018 - 5 SOUTHWAYS, SUTTON VALENCE, MAIDSTONE, KENT

See Minute 473 above.

482. APPEAL DECISIONS

This item was rolled over to the adjourned meeting of the Committee scheduled to be held on 30 April 2018.

483. CHAIRMAN'S ANNOUNCEMENTS

The Chairman expressed his regrets at the passing of Morel D'Souza, a former Member of the Council and Mayor of Maidstone.

The Chairman also said that he would arrange for an item relating to renewables to be included on the agenda for a future meeting of the Chairman, Vice-Chairman and Political Group Spokespersons of the Planning Committee.

484. EXCLUSION OF THE PUBLIC FROM THE MEETING

RESOLVED: That the public be excluded from the meeting for the following item of business because of the likely disclosure of exempt information for the reasons specified having applied the Public Interest Test:

**Head of Schedule 12A and
Brief Description**

Enforcement Tracker

2 – Identity of an Individual
6 (a) and (b) – Enforcement/Court Proceedings
7 – Prevention, Investigation or Prosecution of Crime

485. ENFORCEMENT TRACKER

The Committee considered the report of the Head of Planning and Development setting out the Enforcement Tracker which provided the current status of enforcement cases that had had formal notices served. It was noted that it was the intention to report the Tracker to the Committee on a quarterly basis, and it would be updated to reflect outcomes.

The Development Manager advised the Committee that the Strategic Planning, Sustainability and Transportation Committee would be reviewing the current Enforcement Protocol, and that Members would have input through workshop sessions. The Officers were taking a proactive approach to breaches of planning control, having regard to the sensitivity of the issues.

The Committee welcomed the introduction of the Enforcement Tracker report, and wished to place on record their support and thanks for the work being undertaken by the Planning Enforcement Team. It was suggested, and agreed, that the Communications Team be asked to publicise the successful outcomes of enforcement action.

RESOLVED:

1. That the report be noted.
2. That the Planning Enforcement Team be thanked for their work in dealing with breaches of planning control.
3. That the Communications Team be asked to publicise the successful outcomes of enforcement action.

486. ADJOURNMENT OF MEETING

Following consideration of the report of the Head of Planning and Development concerning planning enforcement, the Committee:

RESOLVED: That the meeting be adjourned until 6.00 p.m. on 30 April 2018 when the remaining items on the agenda will be discussed.

487. DURATION OF MEETING

6.00 p.m. to 9.35 p.m.

MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON 26 APRIL
ADJOURNED TO 30 APRIL 2018

Present: **Councillor English (Chairman) and**
30 April **Councillors Boughton, Clark, Cox, Harwood, Munford,**
2018 **Perry, Powell, Prendergast, Round, Spooner and**
 Vizzard

488. APOLOGIES FOR ABSENCE

It was noted that apologies for absence had been received from Councillor Mrs Stockell.

489. NOTIFICATION OF SUBSTITUTE MEMBERS

It was noted that Councillor Perry was substituting for Councillor Mrs Stockell.

490. NOTIFICATION OF VISITING MEMBERS

There were no Visiting Members.

491. ITEMS WITHDRAWN FROM THE AGENDA

There were none.

492. URGENT ITEMS

The Chairman stated that, in his opinion, the update report of the Head of Planning and Development should be taken as an urgent item as it contained further information relating to matters to be considered at the meeting.

493. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members or Officers.

494. EXEMPT ITEMS

RESOLVED: That the items on the agenda be taken in public as proposed.

495. 18/500563 - CONSTRUCTION OF A PAIR OF SEMI-DETACHED COTTAGES ON NORTHERN SECTION OF PLOT INCLUDING ROOFLIGHTS AND ASSOCIATED PARKING. (DEMOLITION OF EXISTING KENNEL BUILDINGS

AND GARDEN WALL) - THE STABLES, EAST COURT, THE STREET,
DETLING, MAIDSTONE, KENT

All Members except Councillors Boughton and Perry stated that they had been lobbied.

The Committee considered the report of the Head of Planning and Development.

Ms Furze, an objector, and Councillor Howells of Detling Parish Council addressed the meeting.

Contrary to the recommendation of the Head of Planning and Development, the Committee agreed to refuse permission. In making this decision, Members felt that:

- The proposal due to the form, location and layout of the proposed parking area and the lack of landscaping shown on the proposed layout, would have a detrimental impact on residential amenity. The detrimental effect on residential amenity was further underlined by the risk of substantial noise and disturbance associated with the proposed parking area. The proposal would be contrary to policy DM1 (iv) of the Maidstone Borough Local Plan Adopted 2017;
- The location and layout of the proposed parking area and the associated noise and disturbance would have a negative impact on the Detling Conservation Area contrary to policy DM1 (ii) and (vi) of the Maidstone Borough Local Plan Adopted 2017; and
- In the absence of a landscape scheme for the front and side boundaries of the proposed houses the proposal failed to demonstrate that the setting of the AONB and sensitive location would be protected contrary to policy SP17 of the Maidstone Borough Local Plan Adopted 2017.

RESOLVED: That permission be refused for the following reasons:

1. The proposal due to the form, location and layout of the proposed parking area and the lack of landscaping shown on the proposed layout, will have a detrimental impact on residential amenity. The detrimental effect on residential amenity is further underlined by the risk of substantial noise and disturbance associated with the proposed parking area. The proposal would be contrary to policy DM1 (iv) of the Maidstone Borough Local Plan Adopted 2017.
2. The location and layout of the proposed parking area and the associated noise and disturbance would have a negative impact on the Detling Conservation Area contrary to policy DM1 (ii) and (vi) of the Maidstone Borough Local Plan Adopted 2017.
3. In the absence of a landscape scheme for the front and side boundaries of the proposed houses the proposal fails to demonstrate

that the setting of the AONB and sensitive location will be protected contrary to policy SP17 of the Maidstone Borough Local Plan Adopted 2017.

Voting: 12 – For 0 – Against 0 – Abstentions

496. 5003/2018 - TREE PRESERVATION ORDER - 5 SOUTHWAYS, SUTTON VALENCE, MAIDSTONE, KENT

The Committee considered the report and the urgent update report of the Head of Planning and Development concerning Tree Preservation Order No. 5003/2018 which was made to protect four Wellingtonia trees to the front of 5 Southways, Sutton Valence, Maidstone. It was noted that:

- Objections to the Order had been received on behalf of the owners of 5 Southways from Alex Chapman, Bradford and Company Solicitors and Ben Larkham Associates (Arboricultural Consultant) in the form of a detailed tree report.
- The grounds for objection related to the limited views of the trees from North Street; the negative impact of the trees on local amenity given the overbearing relationship to the property and adverse impact on the open appearance of Southways; the loss of sunlight to the property caused by the trees together with damage to existing lightly loaded structures and maintenance issues; and potential for future structural influence.
- A representation in support of the objections had been received from County Councillor Eric Hotson and a letter had been received from Savills estate agents supporting concerns about the effect of the trees on the saleability of the property.
- The Officers did not consider that the grounds for objection or the evidence submitted demonstrated that the harm to amenity that would result from the intended felling of the trees was outweighed.

Mr Chapman and Ms Simmonds of Savills estate agents addressed the meeting on behalf of the owners of 5 Southways.

RESOLVED: That Tree Preservation Order No. 5003/2018 be confirmed without modification.

Voting: 9 – For 2 – Against 1 – Abstention

497. APPEAL DECISIONS

The Committee considered the report of the Head of Planning and Development setting out details of appeal decisions received since the last meeting.

RESOLVED: That the report be noted.

498. CHAIRMAN'S ANNOUNCEMENTS

This being the last meeting of the Committee during the 2017/18 Municipal Year, the Chairman thanked Members, the Vice-Chairman in particular, and Officers for their help and support.

499. DURATION OF MEETING

6.00 p.m. to 7.10 p.m.

Agenda Item 14

MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

24 MAY 2018

REPORT OF THE HEAD OF PLANNING AND DEVELOPMENT

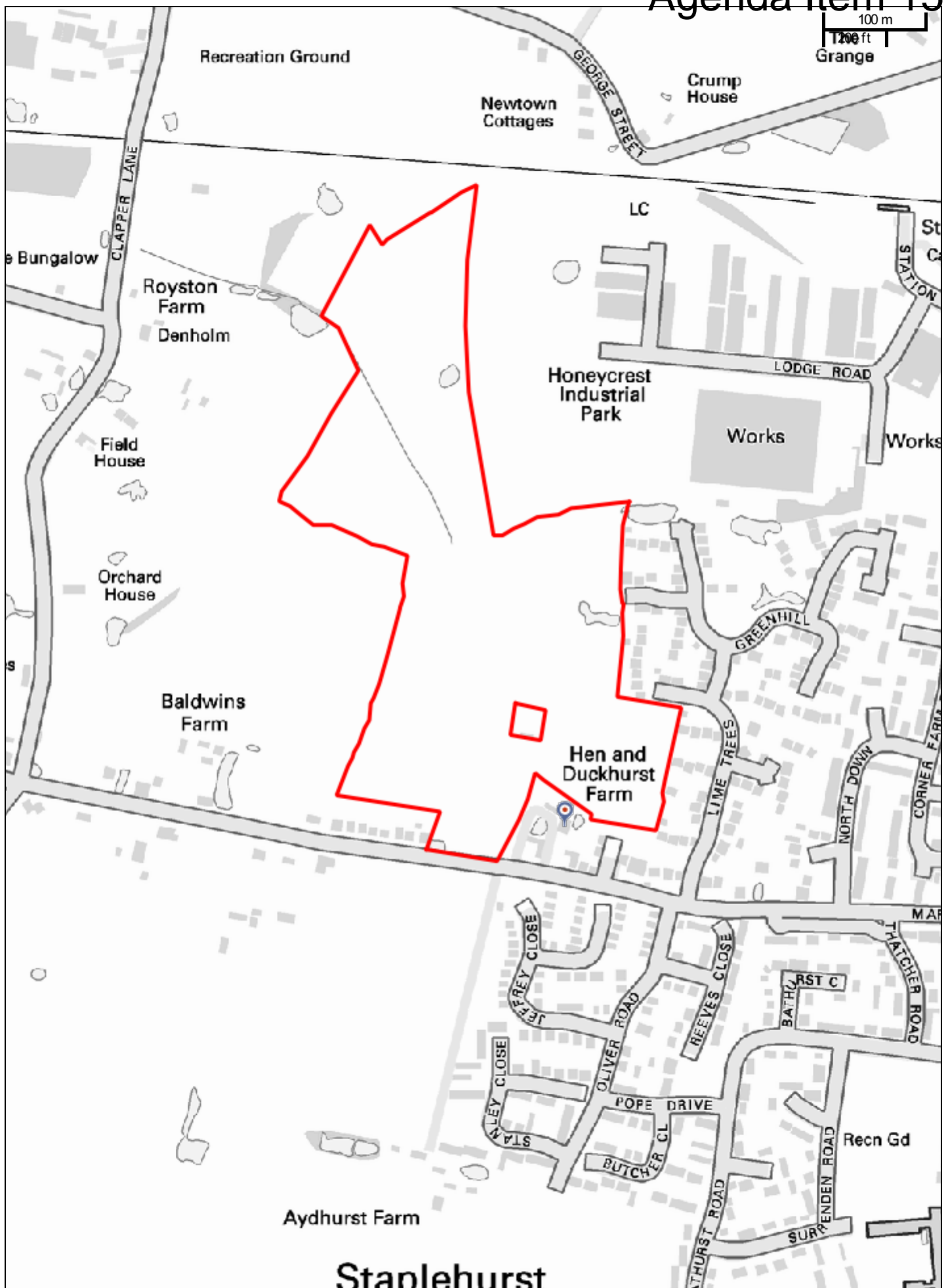
DEFERRED ITEMS

The following applications stand deferred from previous meetings of the Planning Committee. The Head of Planning and Development will report orally at the meeting on the latest situation.

APPLICATION	DATE DEFERRED
<p><u>17/503291 - ERECTION OF 6 NO. LIGHTWEIGHT COMMERCIAL/INDUSTRIAL UNITS - THE PACKHOUSE, QUEEN STREET, PADDOCK WOOD, TONBRIDGE, KENT</u></p> <p>Deferred to:</p> <ul style="list-style-type: none">• Check whether the correct certificates were served;• Seek the views of Kent Highway Services on the implications of the potential use of HGVs to serve the site taking into account possible business growth;• Investigate the potential for traffic calming measures on the shared access;• Seek details of the proposed landscaping scheme including what it would comprise and where it would be planted;• Enable the Officers to draft suggested conditions to prevent the amalgamation of the units into one enterprise and to link the hours of illumination to the hours of opening of the premises;• Discuss with the applicant the possibility of limiting the hours of operation on Saturdays; and• Enable a representative of Kent Highway Services to be in attendance when the application is discussed.	<p>19 December 2017 adjourned to 4 January 2018</p>
<p><u>17/503237 - OUTLINE APPLICATION (SOME MATTERS RESERVED) FOR DEMOLITION OF EXISTING BUILDINGS, AND CESSATION OF COMMERCIAL USE ON SITE; ERECTION OF RESIDENTIAL DEVELOPMENT PROVIDING 18 NO UNITS, OF WHICH 12 X 1 BED AND 6 X 2 BED. PROVISION OF 16 PARKING SPACES/2 DISABLED SPACES AND 4 VISITOR SPACES. ACCESS, LAYOUT AND SCALE BEING SOUGHT - J B GARAGE</u></p>	<p>1 February 2018 adjourned to 8 February 2018</p>

<p><u>DOORS, STRAW MILL HILL, TOVIL, MAIDSTONE, KENT</u></p> <p>Deferred to:</p> <ul style="list-style-type: none"> • Investigate the scope for improved pedestrian links from the site entrance to existing footways; • Seek the advice of Kent Highway Services on the cumulative impact of new development in the area on the highway network; • Enable a representative of Kent Highway Services to be in attendance when the application is discussed; • Review the density, design and layout of the scheme having regard to the topography, setting and history of the site and seek to secure the provision of structural landscaping; and • Discuss with the Council's Parks and Open Spaces Team whether the proposed Open Space Contribution might be spent at other sites within the immediate area subject to CIL compliance checks. 	
<p><u>17/505995 - ERECTION OF A DETACHED FIVE BEDROOM DWELLING WITH ASSOCIATED PARKING - COURT LODGE FARM, THE STREET, TESTON, MAIDSTONE, KENT</u></p> <p>Deferred to:</p> <ul style="list-style-type: none"> • Amend the application to extend the site area to include the private road up to the point where it meets the public highway and to serve a Certificate B notifying all persons having an interest in the private road providing site access; • Seek details of the S106 agreement restricting further development at the site; and • Enable the Conservation Officer to be in attendance when the application is discussed. 	<p>22 February 2018</p>
<p><u>17/504412 - DEMOLITION OF STORAGE BUILDINGS AND ERECTION OF 5 DETACHED DWELLINGS, 2 CAR PORTS FOR PLOTS 1 AND 5, AND 2 TWO BAY CAR PORTS FOR THE EXISTING HOUSE AND BARN CONVERSION APPROVED UNDER 14/505872/FULL - IDEN GRANGE, CRANBROOK ROAD, STAPLEHURST, TONBRIDGE, KENT</u></p> <p>Deferred to:</p> <ul style="list-style-type: none"> • Seek the submission of a strategy for an open, wet Sustainable Urban Drainage system, identifying 	<p>26 April 2018 adjourned to 30 April 2018</p>

<p>how it will work and where it will be positioned within the existing layout; and</p> <ul style="list-style-type: none"> • Seek modifications to boundary fencing to allow the passage of wildlife. 	
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17/506306/REM Hen and Duckhurst Farm, Marden Road, Staplehurst, Tonbridge, Kent

Scale: 1:5000

Printed on: 16/5/2018 at 11:50 AM by JoannaW

REFERENCE NO - 17/506306/REM			
APPLICATION PROPOSAL			
Approval of reserved matters application for the erection of 250 dwellings (Appearance, Landscaping, Layout and Scale being sought) and details of Conditions 5, 7, 9, and 10 relating to phasing, landscaping and ecology, pursuant to 14/502010/OUT (Outline application for the erection of residential development for up to 250 dwellings with access and garaging with access considered at this stage and all other matters reserved for future consideration.)			
ADDRESS Hen And Duckhurst Farm, Marden Road, Staplehurst			
SUMMARY OF REASONS FOR RECOMMENDATION – (APPROVE SUBJECT TO CONDITIONS)			
<ul style="list-style-type: none"> • The principle of 250 houses with access off Marden Road has been approved under the outline consent. • The submitted details of the appearance, landscaping, layout and scale are considered to be acceptable and provide a high quality development in accordance with the outline permission, site allocation policy H1(48), and other relevant policies within the Local Plan. • The submitted details are considered to fundamentally comply with the Staplehurst Neighbourhood Plan and any minor conflict with regard to the impact upon existing views is not considered grounds for refusal. • Permission is therefore recommended. 			
REASON FOR REFERRAL TO COMMITTEE			
Staplehurst Parish Council wish to see the application refused and request the application to be referred to MBC Planning Committee for the reasons set out below			
WARD Staplehurst	PARISH COUNCIL Staplehurst	APPLICANT David Wilson Homes AGENT None	
DECISION DUE DATE 01/06/18		PUBLICITY EXPIRY DATE 04/05/18	
RELEVANT PLANNING HISTORY			
App No	Proposal	Decision	Date
18/501146	To form a temporary access onto the land formally known as Hen and Duckhurst Farm from Marden road, to allow site vehicles access in conjunction with planning application 17/506306/REM	UNDER CONSIDERATION	
14/502010	Outline application for the erection of residential development for up to 250 dwellings with access and garaging with access considered at this stage and all other matters reserved for future consideration.	APPROVED	03/02/17

1.0 DESCRIPTION OF SITE

- 1.01 The site is an irregular shaped area of pasture land of some 12.2ha in area on the west side of Staplehurst, to the north of Marden Road. The site extends some 600metres northwards of Marden Road and varies in width. There is a housing estate to the east, a line of houses fronting Marden Road to the southwest, medium sized fields to the west, the railway line to the north, and the Lodge Road Industrial Estate to the northeast. The site is generally bounded by hedge/tree lines apart from the northern section which dissects an open field and there is no physical boundary or hedge/tree line on the east edge of the site here. The site itself is dissected by a number of hedge/tree lines and there are a number of ponds within the site. There is also an electricity substation with access at the southern end which is outside the application site. The land is mainly grassed and open apart from the northwestern part of the site which has numerous trees and scrub areas. The site is generally level throughout.
- 1.02 There are two listed buildings nearby, ‘Hen & Duckhurst’ (Grade II) immediately to the south/southeast and ‘Coppwilliam’ (Grade II) to the southwest,
- 1.03 The site is allocated in the Local Plan for approximately 250 dwellings under policy H1(48) and for 250 dwellings under policy H4 in the Staplehurst Neighbourhood Plan,

2.0 BACKGROUND

- 2.01 Outline permission was granted under application 14/502010 for up to 250 houses with access onto Marden Road in the form of a new roundabout. Apart from the details of access, all other detailed matters were reserved for future consideration, and this application now seeks permission for these other matters.

3.0 PROPOSAL

- 3.01 The application seeks permission for the remaining reserved matters of appearance, landscaping, layout and scale for 250 dwellings and includes areas of public open space including allotments and a play area. The layout and design will be discussed in more detail in the assessment below.
- 3.02 The application also seeks to discharge a number of conditions attached to the outline consent relating to phasing (Condition 5), hard and soft landscaping/boundary treatments (7), landscape management (9), and tree/hedge protection (10).
- 3.03 It is important to note that under the outline application, the principle of up to 250 houses has been accepted by the Council and it is only the specific detail in terms of the layout of the development, its design, scale and landscaping that is now being considered. The wider impacts of 250 houses on matters such as the local highway network, ecology, surface water and foul drainage, and impact upon infrastructure have been considered and conditions attached to the outline permission and the legal agreement would mitigate such impacts. The outline consent did set a number of parameters on the design which would need to be adhered to. *(The outline permission is attached as an **Appendix** for information)*

4.0 POLICY AND OTHER CONSIDERATIONS

- Maidstone Borough Local Plan (2011-2031): SS1, SP10, SP18, SP19, SP20, SP23, H1, ID1, H1(48), DM1, DM2, DM3, DM4, DM6, DM8, DM12, DM19, DM20, DM21, DM23
- Kent Waste and Minerals Plan 2016
- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended)
- MBC Air Quality Planning Guidance (2018)
- MBC Public Art Guidance (2018)

5.0 LOCAL REPRESENTATIONS

5.01 **Local Residents:** 44 representations received raising the following (summarised) points:

- Impact on infrastructure.
- Traffic impact.
- Highway safety.
- Lack of parking.
- Density too high/cramped in southeast area.
- Design and materials are not in keeping.
- Loss of privacy.
- Overshadowing/loss of light.
- Impact on wildlife.
- Flood risk.
- Who will maintain surface water drainage and ditches.
- Flooding has occurred on neighbouring properties.
- Damage to local roads.
- Low water pressure.
- Proposals do not comply with the Neighbourhood Plan and illustrative plan for the site.
- Boundary treatments unclear.
- Playground should be more central.
- Harm to the landscape.
- Loss of trees and hedges.
- Impact on trees.
- Existing sewerage problems.
- Foul drainage system is not sufficient.
- Phasing is poor.
- Poor consultation with the community by the developer.
- Disturbance from building works.
- When will monies be paid toward local healthcare.

6.0 CONSULTATIONS

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

6.01 **Staplehurst Parish Council:** Wish to see the application refused and request the application to be referred to MBC Planning Committee and refer to the following (summarised) reasons:

- Inconsistent with Staplehurst Neighbourhood Plan policy H4: fails to provide an overall site master plan showing a long term plan of how the land could eventually be linked to the Lodge Road; does not demonstrate how development could be integrated with the existing village while respecting the privacy, well-being and quality of life of residents currently living on the western edge of Staplehurst (particularly by the green edges shown on the illustrative layout associated with policy H4); insufficient proposals for positive planting and recreational routes along the boundaries as required by policies H4(6) and E1; plans fail to show clearly the footpath links and overall integration with the rest of the village.
- Footway provision around the main entrance needs to extend further along Marden Road.
- Development at the southern end of the site too dense.
- Intensive development would exacerbate surface water drainage problems on an area with a high water table.
- Proposal don't show clearly how current drainage channels and boundaries (hedges and ditches) would be addressed.
- Replacement of some hedges by close-board fencing, as implied in some plans, would be inappropriate.
- Provision needed to be made for recycling of rainwater and installation of solar power, sprinklers and adoptable street-lighting.
- Foul drainage proposals are unclear.
- Uniformity of black doors and proliferation of block paving unimaginative and, in the case of block paving, unsuitable in the long term on areas with clay substrata.
- How will allotments and open space areas be managed.
- Reptile-related documents old and documentation generally lacked detail.
- Current unmade footpath from the end of Greenhill onto the site should logically be closed off.
- Concern re. maintenance of drainage ditches.
- New footpath links should be of equal standing.
- The play area should be relocated due to its proximity to the existing play area at Greenhill.

6.02 **Natural England: No objections/comments** to make.

6.03 **Environment Agency: No objections/comments** to make.

6.04 **KCC Highways: No objections.**

6.05 **KCC Lead Local Flood Authority: No objection.** Advise that a condition is required re. maintenance and management arrangements, and verification that the drainage scheme will function as approved.

6.06 **KCC Ecology: No objections.** Comment that the site layout plan has included all habitats required as part of the ecological mitigation strategy. In relation to the landscape

management plan they are satisfied with the proposed management for the ecology areas of the site.

- 6.07 **MBC Landscape: No objections** to the landscaping scheme. The submitted Arboricultural Impact and Method Statement is considered to be acceptable.
- 6.08 **MBC Environmental Health: No objections** subject to conditions relating to contamination/noise from substation (*Condition was applied to outline consent*), air quality emissions reduction, and installation of electric vehicle charging points.
- 6.09 **Southern Water: Comments under original outline application apply:** Advised that there is inadequate capacity in the local network to provide foul sewage disposal to service the proposed development. Additional off-site sewers, or improvements to existing sewers, will be required to provide sufficient capacity to service the development. Section 98 of the Water Industry Act 1991 provides a legal mechanism through which the appropriate infrastructure can be requested (by the developer) and provided to drain to a specific location. (*Condition was applied to outline consent*)
- 6.10 **Kent Police: No objections.**

7.0 APPRAISAL

- 7.01 The principle of residential development of up to 250 houses with access in the form of a new roundabout off Marden Road has been accepted under the original outline permission at the site. This reserved matters application is concerned with the detail of the development being its appearance, landscaping, layout and scale, which is assessed below. Since the outline permission, the new Local Plan has been adopted (October 2017) and the Staplehurst Neighbourhood Plan (SHNP) was made in September 2016, so these matters will be assessed against the site allocation policy and any other relevant policies in the Local Plan and relevant policies in the SHNP. There are also a number of parameters set by condition under the outline consent which need to be adhered to.

Layout & Character

- 7.02 Considering the site policy requirements first, the layout ensures that the existing hedges and trees along the northern and western boundaries can be retained, and the landscaping proposals include new tree planting and native shrubs/hedges, particularly along the western boundary to strengthen and enhance. New native hedging would be provided around the electricity substation in addition to retaining some of the existing hedging. The layout also provides approximately 4.8ha of formal/semi-natural open space, including allotments (policy requirement is for 4.66ha). This is in accordance with the design, layout and open space criterion for the site policy H1(48).
- 7.03 In relation to the relevant outline parameters (condition 1) requires at least 0.04ha (400m²) of land to the north and west of the Hen and Duckhurst Grade II listed building as open space or structural open space to minimise so far as possible any impact on the setting of the listed building. Around 0.05ha is being provided to the north and west of the listed building and so the layout achieves the policy and outline parameter requirements, and I will now discuss the layout generally in more detail.

- 7.04 The layout is very much shaped by the ecological constraints/opportunities. The areas with the highest ecological value are the western and eastern fields (where there is pond with a population of Great Crested Newts (GCN)), and near the centre of the site and so these areas are retained with the least development. They would be linked by a central ‘village green’ space where existing hedges and tree groups are kept and new wet areas link across from the eastern pond. This creates a substantial green corridor through the centre of the site to provide connectivity for GCN and other wildlife, and this in turn provides a positive character area for the development. The pond in the SW corner also has a population of GCN and this would link with the central corridor along the west edge of the development. This aligns with criterion 5 of the SNHP site policy (H4). Houses are then proposed in the less sensitive areas for landscape/ecology reasons being the south eastern and south western fields, and the northern part of the site.
- 7.05 The density and layout of the development parcels is generally split into four character areas. In the SE area this reflects the density and layout of the existing housing estate to the east; in the SW area this is of a similar density as it adjoins existing development on Marden Road; the central area is more open within the green corridor; and the northern area has a lower density and is more rural in layout as it adjoins open countryside/fields. I consider the principles of the layout and the different development areas is appropriate and creates a unique character based on the site’s existing positive features.
- 7.06 More specifically, the roundabout onto Marden Road has been approved and the layout sees houses fronting it on the east side to create a streetscape rather than the entrance being dominated by the roundabout itself. Areas of landscaping and new trees would also be provided so the layout provides an attractive entrance. Low ragstone walls would be provided outside the two houses fronting the main road into the site.
- 7.07 From the entrance a main spine road runs northwards through the centre of the site with a circular road to the west where buildings address the streets and turn the corners to ensure active streetscenes. Where boundary fencing cannot be avoided there would be landscaped areas outside to soften the impact. On the east side would be two small cul-de-sacs and houses are positioned to help screen views of the electricity substation.
- 7.08 The spine road leads north and recent amendments include the provision of low ragstone walling and railing to provide a quality streetscene which then opens onto the large central open space or ‘green’. On the south side of the ‘green’ there is a small block paved area bounded by a ragstone wall with seating to provide a focal point and a good area of public realm. The village green would include drainage ditches around the outside but there would be a good useable space with seats in the centre accessed by small bridges with ragstone walling. The northern part would retain existing hedging and trees. Larger detached houses would face onto, and frame the ‘green’. There would also be a children’s playground to the east and this whole area would provide a high quality public zone and distinct sense of place within the centre to the development which aligns with the SHNP site policy H4 criterion 7.
- 7.09 The southeast section follows a density and layout similar to the housing estate to the east, and buildings address roads/turn corners to create strong streetscenes. The northern section has a lower density being adjacent to open countryside and fields. As there is no physical boundary along the east edge here, development is mainly set back from the field with landscaping. Where development goes closer to the boundary, landscaping is proposed. Allotments would be provided at the far north end of the site.

Buildings are set back with varying sizes of front garden, with most houses having parking to the sides. Where some terrace properties have parking areas to the front these are broken by landscaped areas.

- 7.10 In terms of connectivity, the site would provide two pedestrian/cycle links to the east in line with the site policy to link with the existing community, and these provide routes to the open space areas for the new development. The site is therefore well connected to existing neighbourhoods. Recreational routes are provided around the western field which aligns with the SHNP site policy H4 criterion 6 and open space borders much of the western boundary in line with policy E1. The spine road is designed so that it could provide two-way traffic access from Marden Road to the Lodge Road Industrial estate if a link is provided in the future on the adjoining land (outside the applicant's control). There are also two other points of access to future-proof connectivity to this adjoining land and any potential railway bridge crossing as envisaged in the SHNP. This aligns with the outline consent, and criterion 1, 2, and 3 of the SHNP site policy H4.
- 7.11 Houses and gardens would be laid out to ensure sufficient privacy and outlook. Environmental Health has raised the issue of noise from the substation requesting a condition to ensure increased sound insulation, however, this was conditioned on the outline permission. Houses are a sufficient distance from the railway line so any infrequent noise would not be harmful.
- 7.12 With regard to the amenity of existing properties, representations have been received relating to the impact upon privacy, outlook, and views from properties along the east and south boundaries of the site. Criterion 4 of the site policy H4 in the SHNP has been referred to which seeks to ensure the development respects the privacy, well-being and quality of life of residents currently living on the western edge of Staplehurst, requiring specific attention with regard to points of access and existing views of open countryside. Representations have also referred to the illustrative plan within the SHNP which shows large open areas in the SE corner. This is only an 'illustrative' plan and it states that it is only to provide guidance to developers. The development does not have to follow this plan and it is the text to the policy that is paramount. Policy DM1 of the Local Plan also seeks to respect the amenities of existing properties.
- 7.13 In terms of privacy, new houses would be set between 15m and 24m from existing houses along the eastern edge of the site. Where closest, the new houses face the flank walls of houses, rather than being back to back, and these distances are considered to be sufficient to maintain the privacy of existing properties here. Number 14 Marlfield would have new houses to its rear and side but the distances (36m and 16m respectively) are considered sufficient to maintain privacy. These distances, and bearing in mind the houses are two storeys, are also considered to be sufficient to maintain acceptable sunlight and daylight to these properties. In terms of outlook, numbers 5 and 7 Further Field and 6-14 Marlfield (7 houses) have their front/rear outlook onto the site at differing distances. The set back of between 24m-36m from these properties is considered sufficient to not result in an unacceptable outlook from these properties. For the houses in the SE corner, they face north/south and with the separation distances, their outlook would not be harmed. For these reason the proposals are considered to respect the privacy, well-being and quality of life of residents currently living on the western edge of Staplehurst

- 7.14 The loss of a view is not a material planning consideration, however, the SHNP refers to the existing views of open countryside. To maintain views of existing countryside would require an undeveloped corridor running right across the site near to the properties referred to above. For the reasons outlined above, the layout sees a green corridor through the centre where the main ecological constraints exist, and to provide another undeveloped area here would not be realistic as it would result in high densities/taller buildings in other areas of the site and compromise the sound layout principles followed. Therefore, to maintain views of countryside for these properties is not considered appropriate due to ecological issues and to achieve a suitable development for the wider site.
- 7.15 For the properties to the south of the site on Marden Road, the separation distances (between 21m and 36m) are considered sufficient so as not to result in unacceptable harm in terms of privacy, light, or outlook.
- 7.16 In terms of parking, KCC Highways have raised no objections. The scheme provides there would be a total of 467 allocated parking spaces and 44 visitor spaces, not including garages. There are many tandem spaces but this allows more space for landscaping and I consider the approach here strikes the right balance between adequate provision and securing an attractive layout as per policy DM23. The roundabout would be implemented as per the outline permission.
- 7.17 Overall, the layout is considered to use the ecological constraints of the site to create a positive and unique character mainly from the substantial green corridor through the centre of the site and around the edges. The density is higher in the southern half but this is considered to be appropriate bearing in mind these areas adjoin the existing settlement. The proposals create a high quality and attractive layout providing active frontages, focal buildings, quality open spaces, and complying with the requirements of policy H1(48), policy DM1 of the Local Plan, fundamentally policy H4 of the SHNP, and the outline permission requirements.

Appearance & Scale

- 7.18 The site policy has no specific requirements for appearance and scale but policy DM1 seeks high quality design and positive responses to local character. The SHNP seeks the design of new houses to be principally informed by the traditional form, layout, character and style of the village's vernacular architecture using high quality materials but outlines that larger development's may develop their own distinctive characters.
- 7.19 The applicant has proposed a traditional appearance with detached, semi-detached, and terrace houses. Buildings are two storeys with some focal buildings having dormer windows in the roofs. There would be two apartment blocks which would also be two storeys in height with dormer windows.
- 7.20 The buildings mainly have gabled roofs but with some corner buildings being hipped. Two storey gables are provided on some and projecting bay windows to provide interest. Detailing is provided on houses including decorative plinth courses, detailing above door and window openings, dormer windows, and bay windows. Materials proposed include stock bricks, tile hanging, and white boarding to elevations, and tiled roofs and would be formally discharged under condition 6. Ragstone is used in walls around the site.

- 7.21 Overall, I consider the appearance and scale of the buildings to be to a high standard in accordance policy DM1 of the Local Plan and the SHNP.

Surfacing & Boundary Treatments

- 7.22 Surfacing includes tarmac for the main spine road but with block paving for parking spaces. The remaining roads would be mainly block paved. Paths around the open space and linking to the estate to the east would be resin bonded gravel. Boundary treatments would include ragstone walling and railings at key locations, and brick walling on exposed corners. Fencing within gardens would provide privacy. Overall, I consider these details would provide a high quality appearance to the development.

Landscaping & Ecology

- 7.23 The landscaping scheme retains and strengthens boundary hedges/trees and existing hedges within the centre of the site. Some hedges have been removed to facilitate development in the southern half. As outlined above the green corridor across the centre of the site is retained and strengthened and will include new meadow grass planting with groups of new trees near the housing areas, and native woodland planting and groups of trees within the western field. Within the built up areas, many trees would be provided within streets to provide an attractive environment. Front gardens and parcels of landscaping on corners would be more ornamental in character which is considered acceptable within housing areas. Along the eastern boundary with existing houses where some hedging and trees exists, new planting will provide a further buffer to soften the development edge and provide an attractive setting. This is the same for the south boundary near to the listed building where woodland planting is proposed. Overall, the landscaping scheme is of high quality, with much native planting, and would provide an attractive environment and setting for the development.
- 7.24 With regard to ecology, the layout ensure all habitats are retained/enhanced in line with the ecological mitigation strategy which is considered acceptable by KCC Ecology, as is the management plan. The section 106 secures specific details of the landscape and ecology management plan (LEMP). The western field would be greatly enhanced with GCN hibernacula, wetland planting, and new ponds. Other enhancements include bird and bat boxes across the site.

Other Matters

- 7.25 With regard to the nearest listed building, 'Hen & Duckhurst' (Grade II) which is immediately to the south/southeast, the benefits of the development were considered to outweigh the limited harm to its setting under the outline permission. The outline consent seeks at least 0.04 hectares of land to the north and west of the listed building to be set aside as an open space or structural open space to minimise harm to the setting of the listed building. This provision has been increased to 0.05ha and native woodland planting is proposed to the north to supplement the existing vegetation and trees to the south of the site. The listed building is not highly prominent from the site due to the distance away and vegetation between and so I consider the approach taken is acceptable. New buildings would be 31m from the listed property and there are existing buildings surrounding it. The application site does provide some openness to its rear, however, I consider the development, with the landscape buffer and set back would have a low impact upon the listed building and that the benefits of the development continue to

outweigh the limited harm in line with policies SP18 and DM4 of the Local Plan and the NPPF. With regard to 'Coppwilliam' (Grade II) to the southwest, the separation distance from new houses (58m) is sufficient so that it would not cause harm to the setting of this building and the open areas to the north and west of it would not be affected.

- 7.26 Many representations have been received raising concerns regarding surface water flooding, maintenance of drainage ditches, and evidence of this flooding occurring in recent extreme rainfall has been provided. I also noted the site was relatively wet on my site visit in early April. The surface water strategy for the development is to maintain the existing drainage ditch regime and store the excess run off created to maintain the current run off rate. This will be stored through the introduction of additional swales, ponds, permeable paving and storage creates. There are a number of existing ditches that are situated along the site boundaries as well as running across the development site. These will be cleared out where applicable and maintained by a management company. A number of the existing ditches will be diverted due to the development layout and these will be the subject of a watercourse consent with Kent County Council. KCC Drainage have raised no objections but highlight the need to maintain access to ditches along boundaries, which will be possible. They recommend conditions relating to maintenance of the surface water drainage system and a verification report which I consider is reasonable and necessary.
- 7.27 With regard to foul drainage, specific details are required under condition 18 of the outline consent. The applicant has stated that drainage has been looked at in detail and it is proposed to take a limited number of units into the foul sewage system on Marden Road and a pumping station in the middle of the site will take the rest north under the railway and link into the system there. Any necessary upgrades to the local network be secured with Southern Water under the Water Industry Act.
- 7.28 Environmental Health has requested an Air Quality Emissions Reduction condition, however, a mitigation strategy for air quality is required by condition 13 under the outline consent.
- 7.29 With regard to affordable housing, 40% would be provided and the house sizes are generally in accordance with the current need. The tenure split would 60/40 in favour of rent as required by the section 106 agreement. The houses would be integrated across the development in a number of areas which is acceptable.
- 7.30 The outline permission secures the other site policy requirements being traffic calming and extension of the 30mph limit on Marden Road, a pedestrian and cycle crossing on Marden Road, in addition to financial contributions towards the train station, health, public open space, libraries, primary and secondary education, youth services, and the affordable housing. Money towards potential improvements to the crossroads was also secured. Conditions and the s106 agreement on the outline permission cover ecological mitigation/management and enhancement, tree/hedge protection, contaminated land, archaeology, SUDs, and foul drainage.
- 7.31 The site is allocated in the Local Plan and so with regard to the Council's Public Art and Air Quality Guidance, these only apply to application submitted after 1st January 2018. With regard to the Kent Minerals Plan, the site does not fall within a minerals safeguarding area.

- 7.32 The Parish Council has raised a number of issues many of which have been considered above. They have questioned how the allotments and open space areas be managed. The s106 agreement requires that these areas are managed by the applicant via a management company or other body. I do not consider there is any reason to move the play area as suggested.
- 7.33 Many local residents have raised issues relating to principle matters including traffic and local infrastructure which were fully considered and decided upon at the outline stage. Otherwise material matters raised have been considered in the assessment above.

Conditions

- 7.34 The application also seeks discharge of Conditions 5, 7, 9 and 10 relating to phasing, landscaping and ecology of the outline permission.
- 7.35 For condition 5 (phasing), the roundabout would be constructed first with the development being built in five phases, generally from the south, northwards, and the final phase in the northeast corner. This phasing is considered acceptable and condition 25 secures that areas of public open space are provided within 6 months of the occupation of the 50th house so it is in place early on for new residents. For condition 7 (hard and soft landscaping), as outlined at paragraphs 7.20 and 7.21 above, the hard surfacing and landscaping is of high quality and acceptable. For condition 9 (landscape management plan) this is considered to be acceptable. For condition 10 (tree/hedge protection), this is considered acceptable by the landscape officer.

8.0 CONCLUSION

- 8.01 I have considered all representations received on the application and for the above reasons the reserved matters details are considered to be acceptable and provide a high quality development in accordance with site policy H1(48), other relevant policies within the Local Plan, and the outline permission. There is a minor conflict with the SHNP in that views of the open countryside are not maintained for properties along the current west edge of Staplehurst. For the reasons outlined above, this is not considered reasonable or appropriate and the layout and impact upon residential amenity is considered acceptable. This matter is not considered grounds to refuse the application. Permission is therefore recommended for the reserved matters subject to the following conditions.

9.0 RECOMMENDATION:

9.01 Grant approval of the Reserved Matters details subject to the following conditions:

1. No development above slab level shall take place until a sample panel of the ragstone for the walling shown on the approved plans has been submitted to and approved in writing by the Local Planning Authority. Such details as approved shall be fully implemented on site.

Reason: To ensure a high quality design.

2. No building hereby permitted in any phase shall be occupied until an operation and maintenance manual for the proposed sustainable drainage scheme is submitted to (and approved in writing) by the local planning authority. The manual at a minimum shall include the following details:

- A description of the drainage system and its key components
- An general arrangement plan with the location of drainage measures and critical features clearly marked (I've deleted *as built* as we can't provide as built drawings of drainage for a system that will be built in phases)
- An approximate timetable for the implementation of the drainage system
- Details of the future maintenance requirements of each drainage or SuDS component (including existing ordinary watercourses), and the frequency of such inspections and maintenance activities
- Details of who will undertake the above inspections and maintenance activities, including 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

The drainage scheme as approved shall subsequently be maintained in accordance with these details.

Reason: To ensure that any measures to mitigate flood risk and protect water quality on/off the site are fully implemented and maintained (both during and after construction), as per the requirements of paragraph 103 of the NPPF and its associated Non-Statutory Technical Standards.

3. No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report for an agreed catchment area in accordance with the implementation schedule pertaining to the surface water drainage system, carried out by a suitably qualified professional, has been submitted to the Local Planning Authority which demonstrates the suitable operation of the drainage system such that flood risk is appropriately managed, as approved by the Lead Local Flood Authority. The Report shall contain information and evidence (including photographs) of earthworks; details and locations of inlets, outlets and control structures; extent of planting; details of materials utilised in construction including subsoil, topsoil, aggregate and membrane liners; full as built drawings; and topographical survey of 'as constructed' features.

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with the National Planning Policy Framework.

4. The development hereby permitted shall be carried out in accordance with the boundary treatments as shown on drawing nos. 1737.03 RevF and 402 RevN before the first occupation of the building(s) or land to which they relate and maintained thereafter;

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

5. No development above slab level shall take place until details of the laying out and equipping of the play area have been submitted to and approved in writing by the Local Planning Authority. Such details as approved shall be fully implemented on site.

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

6. The development hereby permitted shall be carried out in accordance with the approved plans as listed on the Drawing Issue Sheet received on 14/05/18.

Reason: In the interest of visual and residential amenity and to clarify which plans have been approved.

Case Officer: Richard Timms

Mr Philip Aelen
C/O Mr Martin Page
Eclipse House
Eclipse Park
Sittingbourne Road
Maidstone
Kent
ME14 3EN



3 February 2017

PLANNING DECISION NOTICE

APPLICANT:	Mr Philip Aelen
DEVELOPMENT TYPE:	Large Maj Dwellings
APPLICATION REFERENCE:	14/502010/OUT
PROPOSAL:	Outline application for the Erection of residential development for up to 250 dwellings with access and garaging with access considered at this stage and all other matters reserved for future consideration.
ADDRESS:	Hen And Duckhurst Farm Marden Road Staplehurst Kent TN12 0PD

The Council hereby **GRANTS** OUTLINE planning permission subject to the following Condition(s):

- (1) Details of appearance, layout, scale and landscaping, (the reserved matters) for any phase shall be submitted to and approved in writing by the local planning authority before any development begins on that phase. Development shall be carried out in accordance with the approved details.

The layout reserved matters details shall ensure that at least .04 Ha of land to the north and west of the Hen and Duck Farm listed buildings is set aside as an open space or structural open space as part of a deliberate strategy to minimise so far as possible harm to the setting of the listed buildings.

MKPS – Working in Partnership with: Maidstone Borough Council

Please Note: All planning related correspondence for MBC should be sent to:

Mid Kent Planning Support, Maidstone House, King Street, Maidstone ME15 6JQ

Email: planningsupport@midkent.gov.uk

Access planning services online at: www.maidstone.gov.uk; or submit an application via www.planningportal.gov.uk

The landscaping reserved matters details shall be designed using the principle's established in the Council's adopted Landscape Character Assessment 2012 and using indigenous species which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained.

- (2) Application for approval of the reserved matters shall be made to the local planning authority not later than 12 months from the date of this permission.

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.

- (3) The development hereby permitted shall begin no later than two years from the date of approval of the last of the reserved matters to be approved.

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.

- (4) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan DHA/9702/01 Rev B and drawing site access round about T0191/SK01 RevP4 forming part of Appendix E of Transport assessment report.

Reason: To ensure that the location of the vehicular access is defined.

- (5) No development shall take place until a Scheme of Phasing has been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved Scheme of Phasing.

Reason: To ensure that the development is carried out in a satisfactory manner and in compliance with NPPF advice regarding good design.

- (6) Prior to the commencement of development of each phase of development as agreed under condition 5 of this permission, no development shall commence (in relation to that specific phase being pursued) until a materials schedule detailing the types and colours of external materials to be used, including colour of mortar and windows, 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 and retained as such thereafter.

Reason: In the interests of visual amenity of the area and to ensure that the proposed development is satisfactorily integrated with its immediate surroundings.

- (7) No development shall take place until full details of both hard and soft landscaping for the site have been submitted to and approved in writing by the Local Planning Authority. The details to be submitted shall include existing and proposed contours and finished ground levels and structures (e.g. street furniture, refuse or other storage units, signs, lighting etc.). Soft landscaping details shall include planting plans; written specifications (including cultivation and other operations associated with plant and grass establishment); schedules of plants, noting species, plant sizes and proposed

numbers/densities where appropriate; and an implementation programme. Development shall be carried out in accordance with the approved details. The scheme shall include full details of all proposed boundary treatments and shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines.

Reason: In the interest of visual amenity of the area.

- (8) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following first occupation of any of the dwellings hereby permitted, or completion of development, whichever is the sooner. Any trees or plants, which, within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.

Reason: In the interest of visual amenity of the area.

- (9) A landscape management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscaped and open areas allotment other than privately owned domestic gardens, shall be submitted to and approved in writing by the local planning authority prior to first occupation of any dwelling on the site. The landscape management plan shall be carried out as approved.

Reason: In the interest of residential and visual amenity of the area.

- (10) Prior to the commencement of any development, a scheme for the protection of trees and hedges to be retained on site shall be submitted to and approved in writing by the local planning authority. All trees to be retained must be protected by barriers and or ground protection in accordance with BS5837 (2012) "Trees in relation to Construction Recommendations". No work shall take place on site until full details of protection have been submitted to and approved in writing by the Local Planning Authority. The approved barrier and/or ground protection measures shall be erected before any equipment, machinery or materials are brought onto the site and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed nor fires lit, within any of the area protected in accordance with this condition. The siting of barriers/ground protection shall not be altered, nor ground level changed, nor excavations made within these area without the written consent of the Local Planning Authority.

Reason: To Safeguard existing trees to be retained and to ensure a satisfactory setting and external appearance to the development in compliance with National Planning Policy Framework 2012.

- (11) Prior to the commencement of each phase of development as agreed under condition 5 of this permission, no works (in relation to that specific phase being pursued) shall take place until a measured survey of that phase has been undertaken and a plan prepared to a scale of not less than 1:500 showing details of existing and intended final ground levels and finished floor levels in relation to a nearby datum point which shall be submitted to and approved in writing by the local planning authority. The development shall be completed and thereafter retained in accordance with the approved details.

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

- (12) Prior to the commencement of each phase of development as agreed under condition 5 of this permission, no works (in relation to that specific phase being pursued) shall take place until a construction management plan has been submitted to and approved in writing by the local planning authority. The plan shall make provision for arrangements during the period up until the last dwelling is completed and shall include details of:
- (a) A programme for the phasing of work to construct the development, including the roads, landscaping and open space;
 - (b) The location of temporary site buildings, compounds and areas used to store plant and materials;
 - (c) Arrangements for the routing, turning and access of lorries into the site;
 - (d) Arrangements for the parking of vehicles of site operatives and visitors;
 - (e) Measures to control and mitigate noise and vibration from construction activities, including piling;
 - (f) Arrangements for the storage, collection and disposal of waste;
 - (g) Measures to prevent mud and dust being deposited on the highway;
 - (h) The erection and maintenance of security hoarding, including any decorative displays and facilities for public viewing;
 - (i) Temporary lighting; and
 - (j) Noise generating plant.
 - (k) Details of how landscape features acting as existing biodiversity networks, including hedgerows, will be retained and protected during the construction phase.

Development shall take place in accordance with the approved plan.

Reason: In the interests of residential amenities in the area and in the interests of biodiversity and ecology.

- (13) Prior to the commencement of each phase of development as agreed under condition 5 of this permission, no works (in relation to that specific phase being pursued) shall take place until details of a scheme to address risks associated with contamination of the site and mitigation shall be submitted to and approved in writing by the local planning authority. Those details shall include:
- (i) Assessment of radon affect and mitigation measures.
 - (ii) Assessment of electromagnetic radiation from the electricity sub- station and mitigation measures.
 - (iii) An acoustic assessment in respect of noise from Railway line to the north and noise from the electricity sub-station to the south and mitigation measures.
 - (iv) An Air quality assessment and submission of a mitigation strategy.

The approved mitigation measures shall be carried out in accordance with the approved details.

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

- (14) If during the course of development of each phase approved under condition 5, any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.

Reason: In the interests of amenities of the future occupiers of the dwellings.

- (15) Prior to the commencement of development of each phase as agreed under condition 5 of this permission, an archaeological investigation of the phase shall be carried out comprising:-

- (i) Historic landscape survey and assessment in accordance with a specification and written timetable which has been submitted to
- (ii) Following on from the survey and assessment, any safeguarding measures to ensure and approved by the Local Planning Authority; and preservation in situ of important historic landscape features and/or further historic landscape recording in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority

Reason: To ensure appropriate assessment of the historic landscape implications of any development proposals and the subsequent mitigation through preservation in situ and integration into main development scheme or preserved by record.

- (16) Prior to the commencement of development of each phase as agreed under condition 5 of this permission, an archaeological investigation of the phase shall be carried out to secured the implementation of:-

- (i) Archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and
- (ii) Following on from the evaluation and assessment, any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority

Reason: To ensure appropriate assessment of the archaeological implications of any development proposals and the subsequent mitigation of adverse impacts through preservation in situ or by record.

- (17) No development shall take place until a sustainable surface water drainage scheme for the site has been submitted to and approved in writing by the Local Planning Authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 100yr critical storm (including an allowance for climate change) will not exceed the run-off from the undeveloped site following the corresponding rainfall event, and so not increase the risk of flooding both on or off site. The scheme shall subsequently be implemented in accordance with the approved details prior to first occupation of the dwellings.

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

- (18) The development hereby permitted shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with the Southern Water. The submitted details shall incorporate inter-alia wildlife friendly drainage gullies and design features and shall be completed in full prior to the first occupation of the dwellings hereby permitted.

Reason: To ensure that foul and surface water is satisfactorily managed and disposed of from the site and in the interests of protection of local wildlife.

- (19) Underground ducts shall be installed by the developer to enable telephone, electricity and communal television services to be connected to any premises within the site without recourse to the erection of distribution poles, satellite dishes and overhead lines and notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order amending, revoking and re-enacting that Order), no distribution pole satellite dish or overhead line shall be erected within the site area.

Reason: To avoid visual harm to the character of the area.

- (20) During the construction period, no construction or deliveries to the site shall take place on Sundays or Bank Holidays or outside the following times:

0800 to 1800 on Mondays to Fridays; and 0900 to 1300 on Saturdays.

Reason: In the interests of amenities of the occupiers of surrounding properties.

- (21) No development shall take place until full details of the vehicular access and emergency access have been submitted to and approved in writing by the local planning authority. The details shall include footway and verge crossings; visibility splays; and three-dimensional representations. No dwelling shall be occupied until the means of access have been constructed in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of Highway safety.

- (22) The roads and footways within the development shall be constructed and finished in accordance with a programme that has been submitted to and approved in writing by the local planning authority. No dwelling shall be occupied until it has a direct connection with an existing highway.

Reason: In the interests of highway safety and residential amenities.

(23) No dwelling shall be occupied until highway works agreed under section 278 of the 1980 Highway Act have been implemented in full to the satisfaction of the Local Planning and Highways Authorities. These works comprise:

- (i) Pedestrian and cycle links to be provided to the existing residential development to the east of the application site via Further Field and Marlfield.
- (ii) A link for vehicular traffic through the development site towards Lodge Road is to be safeguarded.
- (iii) Bus boarders are to be provided at two relevant bus stops.
- (iv) Parking provision is to be provided in accordance with IGN3
- (v) Traffic calming is to be provided along Marden Road and the 30 mph speed limit is extended.
- (vi) A pedestrian and cycle crossing to be provided on Marden Road to ensure safe access to the village centre from the site.

Reason: In the interests of highway safety and amenity.

(24) Cordwood above 20cm in diameter from the site should be retained and placed within the site in locations and quantities to be agreed with the local planning authority prior to any tree felling take place.

Reason: In the interests of biodiversity and ecological enhancement in compliance with NPPF.

(25) Within 6 months of the occupation of the 50th dwelling house the public open space shall be accessible to the public as open-space and shall be maintained as such.

Reason: In the interests of amenities of the prospective residents of the development.

Informative(s):

- (1) Applicant is strongly advised that details pursuant to condition 18 be considered prior to or in conjunction with, approval of road and housing layout to ensure the optimum space can be allocated for storage and conveyance of storm runoff using sustainable drainage techniques.
- (2) The applicant/developer should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development. Please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Tel. 0330 303 0119) or www.southernwater.co.uk.
- (3) During the construction and fitting out of the development hereby permitted, there shall be no burning of waste material on the site.

Please note you must comply with all the conditions attached to this permission. Otherwise the permission may not be valid and any development may be unauthorised.

The Council's approach to this application:

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework (NPPF), the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and proactive manner by:

Offering pre-application advice.

Where possible, suggesting solutions to secure a successful outcome.

As appropriate, updating applicants/agents of any issues that may arise in the processing of their application.

In this instance:

The application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the Committee and promote the application.

R. L. L. Jarman

Rob Jarman
Head of Planning Services
Maidstone Borough Council

IMPORTANT - YOUR ATTENTION IS DRAWN TO THE ATTACHED NOTES

NOTIFICATION TO APPLICANT FOLLOWING REFUSAL OF PERMISSION OR GRANT OF PERMISSION SUBJECT TO CONDITIONS

This decision does not give approval or consent that may be required under any act, bylaw, order or regulation other than Section 57 of the Town and Country Planning Act 1990.

Appeals to the Secretary of State

If you are aggrieved by the decision of your local planning authority (LPA) to refuse permission for the proposed development, or to grant it subject to Conditions, then you can appeal to the Secretary of State (SoS) under Section 78 of the Town and Country Planning Act 1990. **Please see “Development Type” on page 1 of the decision notice to identify which type of appeal is relevant.**

- If this is a decision on a planning application relating to the same or substantially the same land and development as is already the subject of an enforcement notice and if you want to appeal against the LPA's decision on your application, then you must do so within **28 days** of the date of this notice.
- If an enforcement notice is served relating to the same or substantially the same land and development as in your application and if you want to appeal against the LPA's decision on your application, then you must do so within **28 days** of the date of service of the enforcement notice, or within **6 months [12 weeks in the case of a householder or minor commercial application decision]** of the date of this notice, whichever period expires earlier.
- If this is a decision to refuse planning permission for a **Householder** application or a **Minor Commercial** application and you want to appeal the LPA's decision, or any of the conditions imposed, then you must do so within **12 weeks** of the date of this notice.
- In all other cases, you will need to submit your appeal against the LPA's decision, or any of the conditions imposed, within **6 months** of the date of this notice.

Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or online at www.planningportal.gov.uk/pcs.

The SoS can allow a longer period for giving notice of an appeal but will not normally be prepared to use this power unless there are special circumstances which excuse the delay in giving notice of appeal.

The SoS need not consider an appeal if it seems to the SoS that the LPA could not have granted planning permission for the proposed development or could not have granted it without the conditions they imposed, having regard to the statutory requirements, to the provisions of any development order and to any directions given under a development order.

REPORT SUMMARY

REFERENCE NO - 15/507909/FULL			
APPLICATION PROPOSAL Change of use of woodland and grassland to provide for formal public open space with associated ancillary structures (including seating and natural play equipment), improvement to paths and landscaping; and the erection of 9 no. dwellings with garaging, landscaping and access on land west of Wildfell Close.			
ADDRESS Walderslade Woods including Land Off Wildfell Close Boxley Kent			
RECOMMENDATION GRANT SUBJECT TO PRIOR COMPLETION OF AN APPROPRIATE LEGAL MECHANISM AND CONDITIONS SET OUT IN SECTION 8.0			
SUMMARY OF REASONS FOR RECOMMENDATION The proposal would result in the on-going management and maintenance of a wide tract of open space which makes a significant contribution to the wider area. In the absence of alternative funding the provision of 9 new dwellings and associated paraphernalia on a greenfield site within the urban area is considered acceptable and the impact on protected trees and Ancient Woodland is considered on balance outweighed by the overall benefit of providing finance to facilitate the protection of the wider site. All other material matters are considered acceptable and could be condition or secured through a legal agreement.			
REASON FOR REFERRAL TO COMMITTEE The application is made by Boxley Parish Council and although not strictly a departure from current policy and guidance, it is considered that the application should be determined by the planning committee, due to the wider issues of a public nature that are raised by this application.			
WARD Boxley		PARISH/TOWN COUNCIL Boxley	APPLICANT Boxley Parish Council AGENT DHA Planning
DECISION DUE DATE 23/02/16		PUBLICITY EXPIRY DATE 17/10/16	OFFICER SITE VISIT DATE Visited on a number of occasions
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
15/508029/ADJ	Adjoining Authority Consultation from Medway Council - Article 10 Consultation for change of use of woodland and grassland to provide for formal public open space with associated ancillary structures (including seating and natural play equipment), improvement to paths and landscaping; and the erection of 12 dwellings with garaging, landscaping and access on land west of Wildfell Close	No objection	29/4/18
08/1235	Erection of a 12 (no) dwellings, public path and play area	Refused	7/10/08
1. In the absence of a robust enabling development case, the proposed development would result in intrusion of permanent buildings, hardstanding and associated paraphernalia into an area of			

<i>open grassland on this greenfield site thereby causing harm to the open character and appearance of the site contrary to policies QL1 and HP2 of the Kent and Medway Structure Plan (2006).</i>			
2.	<i>In the absence of information to the contrary, the provision of an additional 12 dwellings is likely to lead to additional pressure on existing local health services to the detriment of existing local residents and future occupiers of the development. To permit the development without a satisfactory method for improving local health services and local open space provision the development would be contrary to Policy CF1 of the Maidstone Borough-Wide Local Plan (2000) and Policy QL12 of the Kent & Medway Structure Plan (2006).</i>		
95/0507	Use of land as recreational open space	Permitted	9/6/95

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The application site lies to the north of the borough and relates to a tract of land measuring approximately 34 hectares, which borders and in part is within the neighbouring boroughs of Tonbridge and Malling and Medway. The site relates to land which is currently a mix of grassland, woodland and recreation open space.
- 1.02 The topography varies across the site, with plateau areas of grassland and woodland areas of Round Wood, Cossington Valley and Tunbury Bottom, with these areas separated by rather steep embankments. There are existing public rights of ways and more informal paths through the site. There is one single point of vehicular access to the extreme west of the site off Wildfell Close (approved under reference MA/95/0507), although this does not appear to be extensively used.
- 1.03 The site is currently absent of building or permanent development and therefore the site is classified as a greenfield site within an urban area. The site is subject to a number of designations, including ancient woodland, tree preservation orders, local wildlife site, area of landscape importance and village green status. These constraints are expanded on within the report, with a brief summary of the areas covered by the designations set out as follows :

Ancient Woodland – Trees protected by ancient woodland status predominantly are located at buffer points around the existing residential development, fronting Walderslade Woods Road and other areas within the wider site area.

Area of Special Control of Advertisement

Local Wildlife Sites : This designation covers most of the wider side area, notably excluding the area to the extreme east of the site (where the new dwellings are proposed and an area to the south-west of the site fronting Walderslade Woods Road

Public Rights of Way (KH655, MR441, KH32A, KH656) – These dissect the wider site area at various points, notably between the swathes of existing residential development linking the roads at the north (Beechen Bank Road and Woodlands) with Walderslade Woods Road to the south

Tree Preservation Order : The site is covered by numerous protected trees, with both individual and woodland TPOs covering the site.

Within the urban settlement boundary

Area of Local Landscape Importance : An area of land to the west of the wider site

- 1.04 The site is interspersed with existing residential development, and the site follows around these areas. The Walderslade Woods Road lies to the south of the site which forms a bypass around Walderslade, further south is the M2 Motorway. There is an existing village hall to the east of the site (Beecham Hall).

2.0 PROPOSAL

- 2.01 The application consists of two main elements :

- The change of use of woodland and grassland to provide for formal public open space with associated ancillary structures
- Erection of 9 no. dwellings with garaging, landscaping and access on land west of Wildfell Close

The change of use of woodland and grassland to provide for formal public open space

- 2.02 The site area measures approximately 34 hectares and falls partly within the authorities of Maidstone, Tonbridge and Malling and Medway. Approximately 5.4 hectares within Tonbridge and Malling to the west of the site area, approximately 0.14 within Medway to the north-west of the site and the remaining majority within the Maidstone Borough.
- 2.03 This land is currently a mix of woodland and grassland in the ownership of Kent County Council. It is proposed to change the use of the land to public open space to be transferred to and managed by Boxley Parish Council in order to secure measures to enhance and consolidate the use of the land.
- 2.04 The application is accompanied by a Planning Statement, Vision Plan, Management Plan, and a vision and implementation plan. These documents set out a summary of the works proposed, these would include general works to keep the site safe and tidy, maintain boundaries, identified works to secure the protection of the trees and woodland, protection of historic features and wildlife and allow for the enhancement of community activities.
- 2.05 New features would include the provision of security/bike barriers, new footpaths, new signage and seating, new recreation areas and equipment and new noticeboards.

Erection of 9 no. dwellings with garaging, landscaping and access on land west of Wildfell Close

- 2.06 This relates to an area of approximately 0.3 hectares to the east of the wider application site. The 9 dwellings are proposed as enabling development to ensure the on-going management of the wider area for a period of at least the next 35 years. This would involve the transfer of the wider land from Kent County Council to the Parish Council

who will take on responsibility for the upkeep and maintenance of the wider area of open space.

Dwellings

2.07 9 dwellings are proposed. 3 detached dwellings (units 1-3) are proposed to the north of the site, these would face towards Walderslade Woods Road to the south and the rear gardens would be orientated towards Saracen Fields to the north of the site. 6 dwellings (units 4-9) would be within a curved terrace fronting towards Wildfell Close, with the rear gardens orientated towards the woodland to the west.

2.08 The dwellings would all be 3-storeys with a contemporary design.

2.09 Units 1-3 would have pitched roofs and would be approximately 10.6m in height with an eaves height of approximately 7.6m. They would have an attached single garage, with a maximum width of approximately 9.6m and a maximum depth of approximately 11m.

These units would be 4-bedroomed.

2.10 Units 4-9 would also have pitched roofs and would be approximately 10.2m in height with an eaves height of approximately 6.6m. They would be approximately 5.5m in width and a depth of approximately 10m.

These units would be 3-bedroomed.

2.11 Each dwelling would benefit from a private rear garden, varying in dimensions. The materials would be a mix of render and timber cladding with slate roofs. Windows would be aluminium.

Access and parking

2.12 Vehicular access would be from Wildfell Close and include a short section of internal roadway within the site to serve the dwellings, with is proposed to be built to adoptable standards and would include a turning head.

2.13 26 car parking spaces are proposed. Units 1-3 would have two off street parking spaces and one space within the attached garage. Units 4-9 would have one off street parking space. Three additional off street parking spaces would be provided on the perimeter of the Ancient Woodland buffer to the east of the site.

2.14 18 cycle parking spaces are proposed. Two spaces would be provided within the rear gardens of each of the dwellings proposed.

Landscaping

2.15 Indicative additional tree planting is shown on the proposed site plan. This includes a new tree within the rear and front gardens of units 4-9 ,a new tree to be planted to the front gardens of units 1-3 and new tree planting around the perimeter of the proposed play area, adjacent to the access and within the north-eastern corner of the site.

3.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)

Development Plan:
Maidstone Borough Local Plan October 2017

Policy SP19 : Housing Mix
Policy SP20 : Affordable housing
Policy SP23 : Sustainable transport
Policy DM1 : Principles of good design
Policy DM2 : Sustainable design
Policy DM3 : Natural environment
Policy DM8 : External lighting
Policy DM12 : Density of housing development
Policy DM19 : Open space and recreation
Policy DM20 : Community facilities
Policy DM23 : Parking standards
Policy ID1 : Infrastructure Delivery

Other documents:

Maidstone Borough Council Blue and Green Infrastructure Plan
Kent Design Guide Review : Interim Guidance Note 3 : Residential Parking

4.0 LOCAL REPRESENTATIONS

- 4.01 Adjoining neighbours were notified of the application as originally submitted. A site notice was also put up at the site. 13 letters of representation were received objecting on the following grounds (in summary) :

- Increase in car numbers and highways implications
- Loss of natural woodland and open space for wildlife, trees and hedges
- Noise and disturbance from additional households
- High water levels on the site, what would be the impact of more concrete
- Will a independent environmental impact investigation be carried out
- Impact on schooling
- Why build on Greenfield sites, should build on brownfield sites
- Impact on doctors

Following the submission of additional information (not consulted upon) 15 letters of support have been received.

5.0 CONSULTATIONS

- 5.01 **Boxley Parish Council:** Recommend approval - Wish to see approved. In order to be open and accountable the Parish Council would like to point out that it is the applicant for this application.

5.02 **Kent Wildlife Trust** : Subject to the imposition of conditions to require the submission (and approval) of details as described and prescribed in the DHA email no objection

5.03 **UK Power Networks**: No objection

5.04 **Natural England** :

The proposal is unlikely to affect any statutorily protected sites.

No comment on protected landscapes.

Not assessed application for protected species, refer to Standing advice.

5.05 **Medway Council** : No objection

5.06 **Tonbridge & Malling Borough Council** : No objection

5.07 **Crime Prevention Design Advisor**: Application does not demonstrate how they have designed out crime.

Draw applicants attention to the Kent Design Initiative.

Would suggest the applicant contacts them to discuss designing out crime.

Would recommend a condition if no contact is made.

5.08 **Public Right of Way Officer** (8/12/15) : No objection subject to informatives.

5.09 **KCC Highways** : No objection subject to conditions

5.10 **Landscape and tree Officer** : The revised application is a significant improvement on the original proposed layout in that there is now only a minor infringement within the ancient woodland buffer and, on average, the buffer meets the minimum 15m requirement. Concerns about the widening and formalising of the access track in relation in this respect and the removal of protected trees to the west of plot 3 (G4 in the applicant's tree survey) and the problematic relationship of the protected trees to the west of plots 4 to 9. The close proximity of trees to these dwellings will lead to post development pressure for removal.

However, if it is decided that there is an overriding justification for this development on planning grounds recommend conditions are attached to any permission

5.11 **Parks & Open Space** : No comments received

5.12 **Environmental Services** : Noise report update could be dealt with by condition.

5.13 **Scotland Gas Networks** : Standing advice and location plan showing position of apparatus

5.14 **Forestry Commission** : No objection, refer to standing advice

- 5.15 **Medway Internal Drainage Board** : No comments received
- 6.16 **KCC Drainage** : No objection subject to conditions
- 5.17 **Southern Water** : Suggest condition and informative should consent be granted.
- 5.18 **Environment Agency** (comments sent to Medway) : No objection
- 5.19 **KCC Biodiversity** : We have reviewed the ecological information submitted in support of this application and advise that sufficient information has been provided to determine the planning application. No objection subject to conditions.
- 5.20 **NHS Property Services**: Seek a healthcare contribution of £12 852 towards Lordswood Community Healthy Living Centre, Walderslade Village Surgery or Tunbury Avenue Surgery.
- 5.21 **KCC Development Contributions** : I confirm that KCC will leave this matter to Medway to deal with any arising contributions as the site is closer to Medway facilities than any KCC facilities. We agreed Medway dealt similarly with the recent neighbouring successful Gleamingwood Drive appeal.

6.0 APPRAISAL

- 6.01 The key issues for consideration relate to:
- Principle of development
 - Sustainable development
 - Enabling case
 - Impact on trees and landscaping
 - Impact on neighbouring residential amenity
 - Highways impact

Background

Previous planning application

- 6.02 Application MA/08/1235 sought planning permission for the erection of 12no. dwellings, public path and play area. This application was refused by Planning Committee on 3 June 2008 for reasons broadly relating to the absence of an enabling case, impact on the character and appearance of the site and loss of greenfield site and the absence of a mechanism to secure community improvements.
- 6.03 The application solely included the smaller site area relating to the proposed housing. The argument was put forward that the development of the site would create funding for the management and maintenance of the woodland, however this was not substantiated by a financial argument or robust detail to support this case. Concern was raised regarding the introduction of permanent built development within an area of open grassland, fundamentally changing the character and appearance of the area.

- 6.04 The design and impact on neighbouring residential amenity were considered to be acceptable and other matters relating to noise, crime, sustainable homes and fire safety were considered acceptable and could be dealt with by conditions or through other legislation.
- 6.05 This application seeks to overcome the previous reasons for refusal and demonstrate the acceptability of the proposals.

Changes in circumstances since earlier decision

Changes in policy

- 6.06 Since the earlier refusal in 2008 the Kent and Medway Structure Plan, Planning Policy Statement (PPS), Planning Policy Guidance (PPG), the South-East plan and The Maidstone Borough Wide Local Plan 2000 have all been revoked or superseded and are no longer policy considerations.
- 6.07 There has been the publication of the National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG) since the earlier refusal. The focus of which weighs heavily on sustainable development.
- 6.08 The Maidstone Borough Local Plan 2017 has been adopted.

Allocation for school

- 6.09 Policy CF8 of the superseded 2000 local plan allocated part of the application site at Round Wood for a new primary school. The policy sets out that *'planning permission will not be granted for development which would prejudice the implementation of these proposals unless a satisfactory local alternative is provided.'*
- 6.10 A scheme for the development of the site for a primary school did not come forward within the plan period and the site is no longer identified in the adopted local plan for school provision and the Infrastructure Development Plan (IDP) does not identify the site for school provision. Kent County Council have given no indication that the site should remain allocated for school provision and their granting of village green status (discussed below) further indicates that the site is no longer considered for development. The sites allocation for a primary school can be considered to have fallen away.

Village Green status

- 6.11 Traditionally, Town and Village Greens have derived from customary law and until recently it was only possible to register land as a new Town or Village Green where certain qualifying criteria were met ; i.e where it could be shown that the land in question had been used 'as of right' for recreational purposes by the local residents for a period of at least 20 years.
- 6.12 However a new provision has been introduced by the Commons Act 2006 which enables the owner of any land to apply to voluntarily register the land as a new Village Green without having to meet qualifying criteria. Section 15 states :

‘(8) The owner of any land may apply to the Commons Registration Authority to register the land as a town or village green.

(9) An application under subsection (8) may only be made with the consent of any relevant leaseholder of, and the proprietor of any relevant charge over the land’

- 6.13 Land which is voluntarily registered as a Town or Village Green under section 15(8) of the Commons Act 2006 enjoys the same level of statutory protection as that of all other registered greens and local people will have a guaranteed right to use the land for informal recreational purposes in perpetuity. This means that once the land is registered it cannot be removed from the formal Register of Town or Village Greens (other than by statutory process) and must be kept free of development or other encroachments.
- 6.14 The Growth and Infrastructure Act 2013 made a number of significant changes to the law on registering new town and village greens. Section 16 of the 2013 Act inserted new Section 15C and Schedule 1A into the 2006 Act, which exclude the right to apply for the registration of land in England as a town or village green where a trigger event has occurred in relation to the land excluding the land to be registered as a green until a terminating event occurs. This broadly relates to whether land is identified for potential development in the planning system. The application however was made and approved prior to the 2013 Act and therefore did not need to consider trigger events such as the sites allocation in the former adopted local plan (2000) for a new school.
- 6.15 An application under the Act to register a large section of the application site as a village green was submitted on 22nd May 2012 and approved by the Kent County Council’s Regulation Committee Member Panel on 21st January 2013. This application and designation excludes only the area under Medway’s jurisdiction (measuring approximately 0.1 hectares to the northernmost part of the site and unable to be registered under the application as within another Council’s administrative area) and excludes the westernmost area of the site where the new dwellings are proposed to be sited.
- 6.16 This designation is a material planning consideration.

Larger site included

- 6.17 The application site now includes the wider tract of land, including the woodland and grassland areas. Seeking to demonstrate the extent of the area that would be managed by the enabling development (9 dwellings) and by changing the use of the entire area to public open space ensuring the long-term accessibility of the site and allowing for changes to accord with the management plans.

Submission of financial reports

- 6.18 The applicant has provided a 25 year business plan and a Market Valuation Report, both of which have been requested to be kept as commercially confidential. These documents seek to demonstrate that the provision of the 9 no. dwellings would allow for and finance the management of the wider land area for a period of at least 25 years.

The change of use of woodland and grassland to provide for formal public open space with associated ancillary structures

Principle of development

- 6.19 The land proposed to be changed to public open space covers approximately 34 hectares and is subject to a number of designations and constraints, including Ancient Woodland, Tree Preservation Orders, Local Wildlife Site, Area of Landscape Importance, Public Rights of Way and Village Green status.
- 6.20 The core principles of the NPPF at paragraph 17 sets out that planning should :

*'promote mixed use developments, and encourage multiple benefits from the use of land in urban and rural areas, **recognised that some open land can perform many functions** (such as for **wildlife, recreation**, flood risk mitigation, carbon storage or food production.)* (Officers emphasis)
- 6.21 Paragraph 73 of the NPPF sets out that : *'Access to high quality open spaces and opportunities for sport and recreation can make an important contribution to the health and well-being of communities. Planning policies should be based on robust and up-to-date assessments of the need for open space, sports and recreation facilities and **opportunities for new provision.**'* (Officers emphasis)
- 6.22 Policy DM19 of the local plan relates to open space and recreation and sets out policy criteria for new open space provision. These include that new open space and recreation provision should reinforce existing landscape character, respect neighbouring amenities (in particular from noise and light pollution).
- 6.23 The Green and Blue Infrastructure Strategy sets out key objectives which include *Integrating sustainable movement and access for all, Maintaining and enhancing biodiversity, water and air quality, Providing opportunities for sport recreation, quiet enjoyment and health and Retaining and enhancing a quality environment for investment and through development.*
- 6.24 Tonbridge and Malling Borough Council have approved the change of use of the area of land within their administration through application TM/15/03113, including conditions relating to ecological mitigation/enhancement and external lighting. Part of the site to the south-eastern also benefits from consent for use as recreation open space under application reference MA/95/0507.
- 6.25 The sites village green designation recognises and acknowledges the owners (KCC) and Boxley Parish Councils (the applicant for the village green application) aspiration for the site to be used by the public for sports and recreation.
- 6.26 The site is currently used mainly by dog walkers and includes a series of pathways through the site (both informal pathways and PROWs). The proposals set out indicative improvements to the site which would include nature/heritage trail, new benches and information points, the creation of small open glades and improved footpaths and stepped paths. The exact extent of the proposed improvements is not finalised and is sought to be dealt with by condition should the application be successful.

- 6.27 The site is proposed to be transferred to the Parish Council from KCC whom would manage the site.
- 6.28 It is considered that the proposed change of use of the land to formalise its use as public open space would be in accordance current policy and guidance and the principle should be considered acceptable. It would enable the long-term protection and improvement of the land as open space, improve accessibility, regularise the position in accordance with the Village Green status and allow for additional open space provision in accordance with the Councils Blue and Green Infrastructure Strategy.

Visual amenity

- 6.29 The proposed works that would affect visual amenity would be low-key and would be in keeping with the character of the site. It is likely that the long-term works would improve the visual appearance of the area. The detailed matters of the proposals can be satisfactorily dealt with by planning conditions.

Residential amenity

- 6.30 Paragraph 17 of the NPPF sets out that planning should seek *‘a good standard of amenity for all existing....occupants of land and buildings.’*
- 6.31 Policy DM19 of the emerging local plan sets out at point 6 :

‘Proposals for, and including, new publicly accessible open space and recreation provision shall respect the amenities of neighbouring occupiers, by ensuring that development does not result in excessive levels of noise or light pollution.’
- 6.32 The application site is bounded by residential development, with rear gardens generally facing towards the site. The application although seeking to change the use, does historically benefit from accessibility to the public. Existing levels and the informal nature of the footpaths does restrict the visitor numbers, however the land is not private nor is access restricted to those who wish to visit or pass through the site.
- 6.33 The proposals however intend to increase the attractiveness of the site by improving footways, providing education through information boards and talks, the provision of informal play equipment and nature trails and ancillary facilities such as benches, bins etc.
- 6.34 The policy in seeking to protect neighbouring amenity focuses on lighting and noise. It is considered that lighting could be satisfactorily controlled by condition and due to the siting of the site and proposed siting of the main areas for activity and the informal/low-key nature of the indicative improvements it is considered that the proposal would be unlikely to significantly harm neighbouring residential amenity.

Ecology and landscaping

- 6.35 The application is accompanied by tree and ecology reports which seek to demonstrate the acceptability of the proposals. The works to provide the open space are endorsed by the Kent Wildlife Trust, the Woodland Management Plan has been produced by the Forestry Commission (whom have not commented on the application), the KCC

Biodiversity Officer is happy with the proposal and the Councils landscape/tree officer has raised no objection to the proposed change of use.

- 6.36 It should be noted that the existing designations would remain, including the TPO, Ancient Woodland and Local Wildlife Site status. As such any future works to the site would need to comply with these designations and with appropriate conditions and legal mechanisms it is considered that the harm to ecology and landscaping would be acceptable and would be likely to be improved/enhanced.

Other matters

- 6.37 Matters relating to sustainability are discussed later within the report.

Erection of 9 no. dwellings with garaging, landscaping and access on land west of Wildfell Close

Principle of Development

- 6.38 The proposed housing would be located on a small part of the wider application site to the south-eastern corner. This area forms part of the recreation open space approved under application reference MA/95/0507. This considered to be greenfield land within the urban boundary.

Housing provision

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

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

- 6.40 The Council can demonstrate a 5 year housing land supply and as such there is no overriding need to provide additional housing. In accordance with Paragraph 14 of the NPPF, the development therefore needs to be considered in accordance with the development plan and in accordance with paragraph 49, the application for housing should be considered in the context of the presumption in favour of sustainable development.

Loss of recreational open space

- 6.41 Paragraph 74 of the NPPF seeks to protect existing open space, setting out :

‘Existing open space, sports and recreational buildings and land, including playing fields, should not be built on unless :

-an assessment has been undertaken which has clearly shown the open space, building or land to be surplus to requirements; or
-the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
-the development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss.

- 6.42 Policy DM19 of the local plan sets out that the loss of open space will not be permitted unless there is a proven overriding need for the development, there is no resulting deficiency and alternative provision with equivalent benefit can be provided to replace the loss. Seeking to develop existing open areas within the urban area, regard will be had to the impact of the loss of the contribution that site makes to existing character, amenity and biodiversity.
- 6.43 Planning permission was granted for the use of this part of the application site as recreation open space in 1995. This granted consent for a wider extent of area, which included land at the higher plateau. There is very limited evidence on the site that it is currently used for recreation purposes other than as a pathway through for dog walkers. The housing site appears to be affected by fly-tipping, and the vehicular access and gate appears to be in need of upgrading.
- 6.44 The area does however represent an open area of grassland, which does make a contribution to the character and appearance of the surrounding area and forms part of the visual break in development, compared to the densely developed area within this part of Walderslade. As acknowledged within the earlier refused scheme the development of the site would undoubtedly cause harm by the introduction of permanent built development with buildings and areas of hard standing, associated domestic paraphernalia and vehicle parking.
- 6.45 The application however seeks to provide the mechanisms for the upkeep, maintenance and protection of the wider area of open space compared to the proposed loss. A total of approximately 33 hectares would become properly managed, improved and made more accessible compared to the loss of approximately 0.3 hectares. In terms of the loss of the open space on face value the benefit would outweigh the loss.

Enabling case

- 6.46 The earlier 2008 application was refused in part as the application failed to robustly justify the enabling development case. As such the current application seeks to demonstrate this case, and demonstrate that the identified harm would be outweighed by the benefits of the scheme.
- 6.47 In addition to the information previously provided, the application is now accompanied by a statement of community involvement, a 25 year business plan, market valuation report, management plan, vision and implementation plan and the site area includes the wider site area and includes the change of use of this land to open space.
- 6.48 These documents seek to demonstrate the positive role that allowing the development of the 9 dwellings would have on the wider area.
- 6.49 The Woodland Management Plan (WMP) outlines the long term vision setting out :

'The long term objective is to maintain and enhance the existing wildlife habitats within the Walderslade Woodland, through use of traditional management techniques where possible, and to encourage community and educational usage of the site. As currently unmanaged woodland the long term aim is to have the woodland under appropriate management to ensure it remains in optimum condition to support wildlife, provide a resource for the local community, and to prevent further loss of an already rare chalk woodland habitat.'

- 6.50 Identifying the main threats and constraints including the number of interested parties (including several local authority and parish boundaries and ownership of the site), sloping ground, market value for coppice products, protected species, TPOs, public access, non-native species and anti-social behaviour.
- 6.51 Currently in the ownership of Kent County Council (KCC), it is proposed that the land would be transferred to Boxley Parish Council and a Charitable Incorporated Organisation (CIO) would be set up. The WMP sets out that the works recently carried out by KCC have been small scale/low intensity, such as the removal of branches overhanging residential gardens and maintenance of the lights. A Walderslade Woodland Volunteer Group carries out active small scale woodland management.
- 6.52 Both KCC and the Parish Council have indicated that there is a lack of funds and if the situation continues as is, it is likely that open spaces and tree margin ecosystems that exist at the moment would become over-grown and disappear and tree canopies would become thicker reducing light to the woodland floor, resulting in adverse impacts to existing flora and wildlife (taken from Walderslade Woods Vision and Implementation Plan).
- 6.53 The Kent Wildlife Trust, Woodland Management Advice sets out the rationale for a management plan. This includes the acknowledgement that this *ancient semi-natural woodland...have become irreplaceable, and so the appropriate management of such habitats to ensure their conservation is of great importance.'*
- 6.54 The aim of the management plan is to balance the improved amenity value of the woodland to the local population without detrimental impact on the woodland and maximising benefits for wildlife.
- 6.55 The applicant seeks to demonstrate the quantum of dwellings proposed through the Market Valuation Report and balance sheet (which have both been requested to be considered as commercially confidential). In summary these documents demonstrate the monies expected to be generated through the scheme for 9 new dwellings and how these monies would be spent through a 25year period. The documents demonstrate there to be a surplus of ring fenced funds after the 25year period to enable continued funding after this period. The level of monies available would depend on the market value of selling the site (the Parish Council are not proposing to develop the site themselves but would sell the site to a developer once planning permission is received), the level of developer contributions required (as discussed in detail below) and other factors, but the minimum value towards the woodland fund is fixed at £500 000 through the heads of terms and legal transfer of the land between KCC and the Parish Council. If a lesser value is secured the deal could not proceed. It is expected that based on current market value (with planning consent) in excess of this amount is likely to be

achieved. The supporting documents set out that the monies likely to be achieved would allow for the management of wider area for approximately the next 34 years.

- 6.56 As such a lesser number of units could achieve the necessary initial input of funds to secure the 25 year business plan, however the lifetime of the management would not end after 25 years and therefore the initial input of funds generated by proposing a larger number of units would secure the longer term management of the site and negate the need for further future enabling development in the foreseeable future.
- 6.57 The monies generated from the development of the new dwellings could be secured to be ring-fenced for the management of the wider site area through a legal agreement.

Sustainability (incorporating the proposed open space and new housing)

- 6.58 Paragraph 49 of the NPPF sets out that housing applications should be considered in the context of the presumption in favour of sustainable development. Paragraph 7 sets out the three strands of sustainability, these being the economic, social and environmental roles.

Economic

- 6.59 The proposed development would provide employment through construction of the 9 dwellings. The management of the wider open space would also generate some economic benefit through its maintenance (for example tree coppicing, bramble clearance etc), improvement (for example the provision of play equipment, footpath surfacing) and the use of the area (for example through education and talks which may illicit contributions of payment). The scheme for housing seeks to generate finance and economic benefit to support the long-term maintenance and management of the proposed open space.

Social

- 6.60 The social role seeks to *support strong, vibrant and healthy communities*. Paragraph 73 of the NPPF recognises the important contribution access to high quality open space plays to the health and well-being of communities. The provision of the open space would result in an active social role, resulting in the improvement and accessibility of a large area of open space which would significantly benefit the wider community.
- 6.61 It is recognised that notwithstanding the Councils 5 year housing land supply position the development would result in additional dwellings. Supporting the social role of sustainability.
- 6.62 The site is within the urban area. It is considered that it would have satisfactory links and access to local schools, doctors, shops and other services. These facilities would be accessible by foot and/or public transport and would benefit from the same relationship to these services as the wider urban area surrounding the site.

Environmental (including visual impact)

- 6.63 The environmental role seeks to *contribute to protecting and enhancing our natural, built and historic environment; and, as part of this, helping to improve biodiversity*. The

application demonstrates that there would be a significant improvement to the natural environment and support to improve biodiversity through the change of use of the land to open space. This would allow for the management, maintenance and it provision for future generation in allowing the change. It is accepted in order to enable this provision of the new housing would have some harmful impact on the surrounding area and character and result in the loss of an area of open grassland. However as demonstrated above it is considered that the benefits of the wider change of use would outweigh the harm of the new housing.

- 6.64 Overall it is considered that the proposal would represent sustainable development.

Landscaping, ecology and trees (including Ancient Woodland)

Trees (including Ancient Woodland)

- 6.65 Paragraph 118 of the NPPF set out in its aim to converse and enhance biodiversity that :

'Planning permission should be refused for development resulting the loss or deterioration of irreplaceable habitats, including ancient woodland.....unless the need for, and the benefits of, the development in that location clearly outweigh the loss.'

- 6.66 Policy DM3 of the emerging local plan sets out that development should :

'Protect positive historic and landscape character.....areas of Ancient Woodland, trees with significant amenity value....and the existing public rights of way networks from inappropriate development and ensure that these assets do not suffer any adverse impacts as a result of development.'

'Protect and enhance the character, distinctiveness, diversity and quality of Maidstone's landscape and townscape by the careful, sensitive management and design of development.'

- 6.67 Natural England and the Forestry Commission standing advice in reference to the impacts of development nearby Ancient Woodlands, sets out the following pertinent effects :

- Breaking up or destroying connections between woodlands and other habitats*
- Reducing the amount of semi-natural habitats next to ancient woodland*
- Increasing damaging activities like flytipping and the impact of domestic pets*
- Changing the landscape character of the area*

- 6.68 Mitigation measures set out include :

-leaving an appropriate buffer zone of semi-natural habitat between the development and the ancient woodland or tree (depending on the size of the development, a minimum buffer should be at least 15metres)

- 6.69 The Forestry commission standing advice sets out that *'Developments such as gardens must not be included within buffer zones as there is limited control over how they may be used, or developed in the future.'*

- 6.70 The scheme has been amended from the original submission to reduce the number of units from 12 to 9, this is to allow for the provision of an approximate 15m buffer with the Ancient Woodland that wraps around the eastern area of the site. The dwellings themselves would now not encroach into the 15m buffer. There would however still remain encroachment to provide 3 parking spaces, the turning head and the vehicular access into the site.
- 6.71 To facilitate the development partial removal of the groups of protected trees along the western boundary would be required to provide the rear gardens for units 4-9, together with some trees within the area proposed for the access into the site.
- 6.72 The quantum of trees now proposed to be removed is less due to the removal of 3 units from the development, the removal of the play area and there is now additional space retained on the site where additional landscaping could take place.
- 6.73 The loss of trees and encroachment into the Ancient Woodland and associated buffer is regrettable, however the scheme as proposed does now represent a significant improvement on the original submission.
- 6.74 There would still remain some future threat to surrounding trees due to their proximity to the proposed units, their elevated position and the small plot sizes of the proposed units, whereby there is likely to be future pressure for pruning due to overshadowing and overhanging branches. This again is not ideal, but is representative of development in the surrounding area whereby many rear gardens back onto the protected woodland. Any works to these trees in the future would require an application and would be considered on its merits, thus allowing for the ongoing protection of the trees.
- 6.75 The balance of judgement is therefore whether the economic benefit of providing the dwellings which would facilitate the long-term future management and maintenance of the wider site and woodland would outweigh the harm that would result to protected trees and the Ancient woodland.

Landscaping

- 6.76 The application is not accompanied by a detailed landscaping scheme for the area where the dwellings would be proposed. However as amended there is sufficient area available to provide landscaping, which could include replacement tree planting, the matters of which could be conditioned.

Ecology

- 6.77 The application is accompanied by reports which seek to address the ecological impact of the proposed development. These reports have been reviewed by the KCC biodiversity officer and are considered acceptable subject to conditions. It is considered that there is opportunity to provide ecological enhancements on this part of the site and details of which could be set out in the legal agreement/conditioned.

Residential Amenity

- 6.78 The nearest neighbouring property would be number 10 Saracen Fields. This property would be approximately 30 metres from the proposed dwelling at plot 1 on the proposed

housing development. This distance, the angle involved (approximately 40m from the rear wall of plot 1) and the level of existing and proposed planting would ensure that there would be no loss of light, loss of privacy to the occupiers. The number of storeys would mean that the dwellings would be relatively high, however, the distance of approximately 40metres would ensure there would be no overwhelming impact on occupiers. Therefore, the current level of amenity enjoyed by the occupiers of number 10 Saracen Fields would be maintained.

- 6.79 Other properties in Saracen Fields and Wildfell Close would be further from the proposed development and would therefore not result in a reduced level of residential amenity.
- 6.80 The proposed balconies and roof terraces would not result in significant overlooking to any existing residential properties. In addition the design of the proposed properties and the position and projection of the flank wall of the properties in the terrace would ensure that prospective occupiers of the dwellings would have a satisfactory level of amenity when in the back garden.
- 6.81 Each of the proposed properties would be considered family dwellings and each would have sufficient private amenity space in the form of rear gardens, balconies and roof terraces.

Highways and parking

- 6.82 The application adequately demonstrates that safe access and egress from the site could be provided and there would be sufficient parking and turning within the site itself.

Planning Obligations

Affordable housing

- 6.83 Policy SP20 of the emerging local plan relates to Affordable housing. This sets out that development of 11 units or more on sites with a floor area exceeding 1000sq/m require 30% affordable housing.
- 6.84 The proposed development in terms of number of units would now not exceed the 11 unit threshold, however due to the proposed size of the units the proposed floor area would exceed 1000sq/m at approximately 1035sq/m.
- 6.85 The need for the proposed dwellings is being argued on the case of enabling development, the provision of on-site affordable units or off-site affordable housing contributions would reduce the value of the site and thus the net monies generated for the on-going management and maintenance of the wider site. As such it is considered on balance that the benefits that would result through the enabling case for the benefit of a wide tract of woodland and open space outweigh the policy requirement for affordable housing in this case.

Other obligations

- 6.86 Due to the reduction in the number of units, Medway Council have withdrawn their request for contributions towards education. No further comments have been received

from the NHS in response to the reduced number of units. In terms of the balance of judgement it is considered that for the reasons set out above relating to affordable housing no contributions towards healthcare should be sought due to the enabling need for the development.

Other Matters

- 6.87 There is an issue of background noise from Walderslade Woods Road and the M2 beyond, both to the south. A traffic noise impact assessment has been submitted, this report however dates from May 2007. The Environmental Health Officer has been consulted and has requested that an updated report be produced, however it is accepted that this could be dealt with by planning condition.
- 6.88 The application is accompanied by a drainage statement which adequately addresses drainage matters subject to detailed designed which could be conditioned.

7.0 CONCLUSION

The proposal would result in the on-going management and maintenance of a wide tract of open space which makes a significant contribution to the wider area. In the absence of alternative funding, the provision of 9 new dwellings and associated paraphernalia on a greenfield site within the urban area is considered acceptable and the impact on protected trees and Ancient Woodland is considered on balance to be outweighed by the overall benefit of providing finance to facilitate the protection of the wider site. All other material matters are considered acceptable and could be condition or secured through a legal agreement.

- 8.0 RECOMMENDATION** – The Head of Planning and Development BE DELEGATED POWERS TO GRANT planning permission subject to the prior completion of a legal agreement to provide the following (including the Head of Planning and Development being able to settle or amend any necessary terms of the legal agreement in line with the matters set out in the recommendation resolved by Planning Committee):

- (1) Development of the 9 no. housing shall not commence until the transfer of the wider tract of land from KCC to the Parish Council (or future named owners –the detail of which to be supplied to the LPA) has occurred and the LEMP for the future management of the wider site has been agreed and any monies from the sale of the land for housing be ring-fenced for the future management and maintenance of the wider site area identified within the red line.
- (2) Landscape and Ecology Management Plan (LEMP) – wording and content of which to be agreed in consultation with KCC biodiversity officers.
- (3) The wording of the LEMP plan to be agreed under 2) above shall include provisions that the management plan, including any updates to the plan and accounts should be made available for public inspection and that the future owners of the land shall provide details of publication to be approved by the Council.

and the imposition of the conditions as set out below:

- (1) The development hereby permitted shall be begun before the expiration of 3 years from the date of this decision.

Reason: To comply with the requirements 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) The development hereby permitted shall be carried out in accordance with the following approved plans:

Lloydbore letter dated 18th November 2015 regarding ecology information
Arboricultural Impact Assessment Revision A dated 22/10/15
Ecological Appraisal dated 9/9/15
Reptile report dated 9/9/15
Noise Impact Assessment Report dated May 2007
Walderslade Woods Vision and Implementation Plan dated August 2015
Design and Access Statement

Drawing number 07.10.08 Rev C (Proposed Floor and Roof Plans (House Type 3))
Drawing number 07.10.01 Rev E (Site location plan and Proposed Site Plan (with Ancient woodland outline))
Drawing number 07.10.02 Rev E (Site location plan and Proposed Site Plan (without Ancient woodland outline))
Drawing number 07.10.04 Rev E (Proposed Front and Rear Elevations (House Type 1))
Drawing number 07.10.05 Rev E (Proposed Site Elevation (House Type 1))
Drawing number 07.10.07 Rev E (Proposed Front and Rear Elevations (House Type 2))
Drawing number 07.10.09 Rev C (Proposed Front and Rear Elevations (House Type 3))
Drawing number 07.10.10 Rev C (Proposed Site Elevation (House Type 3))
Drawing number 07.10.03 Rev E (Proposed Floor and Roof Plans (House Type 1))
Drawing number 07.10.06 Rev E (Proposed Floor and Roof Plans (House Type 2))

Reason: To clarify which plans have been approved.

Conditions relating to housing

- (3) Before the development of the 9 no. dwellings reaches damp proof course written details including source/ manufacturer, and samples of bricks, tiles and cladding materials to be used externally shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out using the approved external materials.

Reason: In the interests of visual amenity

- (4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order with or without modification), no development shall be carried out within Classes A-E of Part 1 of Schedule 2 of that Order (or any Order revoking and re-enacting that Order).

Reason: In the interests of protecting the character and amenities.

- (5) Before any of the 9 no dwellings hereby approved are occupied, details for the storage and screening of refuse shall be 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 facilitate the collection of refuse, preserve visual amenity and to reduce the occurrence of pests.

- (6) Prior to the occupation of the first dwelling hereby permitted the access shown on the submitted plans shall be completed.

Reason : To ensure safe access and egress from the site.

- (7) The area shown on drawing 07.10.02 Revision E as vehicle parking space, garages and turning shall be provided, surfaced and drained in accordance with details submitted to and approved in writing by the Local Planning Authority before and of the dwellings hereby approved are occupied, and shall be retained for the use of the occupiers of, and visitors to, the development, and no permanent development, whether or not permitted by the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking and re-enacting that Order), shall be carried out on that area of land so shown or in such a position as to preclude vehicular access to this reserved parking space.

Reason: Development without provision of adequate accommodation for the parking of vehicles is likely to lead to parking inconvenient to other road users.

- (8) Before the development of the 9 no. dwellings reaches damp proof course a landscape scheme for the housing site designed in accordance with the principles of the Council's landscape character guidance has been submitted to and approved in writing by the local planning authority. The scheme shall show all existing trees, hedges and blocks of landscaping on, and immediately adjacent to, the site and indicate whether they are to be retained or removed. It shall detail measures for protection of species to be retained, provide details of on site replacement planting to mitigate any loss of amenity and biodiversity value together with the location of any habitat piles and include a planting specification, a programme of implementation and a 10 year management plan. The details shall include the provision of a knee rail fence to demarcate the buffer of the Ancient Woodland and safeguard encroachment.

Reason: In the interests of visual amenity and landscape impact.

- (9) The planting, seeding and turfing specified in the approved landscape details shall be carried out prior to the occupation of the first dwelling hereby approved or shall be carried out in the planting season (October to February) following first occupation whichever is the sooner. Any seeding or turfing which fails to establish or any trees or plants which, within five 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: In the interests of visual amenity.

- 10) No development of the 9 no dwellings hereby approved shall take place until an Arboricultural Method Statement and details of tree protection in accordance with the current edition of BS 5837 have been submitted to and approved in writing by the local planning authority. All trees to be retained must be protected by barriers and/or ground protection.

Reason: To safeguard existing trees to be retained and to ensure a satisfactory setting and external appearance to the development. The details are required prior to commencement as the details submitted currently relate to the original scheme for 12 units, whereas the proposed scheme now relates to 9 units and would require lesser trees to be removed and the protection to be located in a different position.

- 11) Prior to occupation of the first of the dwellings hereby approved the approved bicycle storage shown on the approved plans shall be provided and shall thereafter be retained.

Reason: To ensure the provision and retention of adequate off-street parking facilities for bicycles in the interests of highway safety.

- 12) Prior to the commencement of development of the 9 no. dwellings, including site clearance, the reptiles within the application site shall be captured and relocated to the identified receptor site as shown on the submitted "Reptile Relocation Plan (Lloydbore, April 2016)", in accordance with good practice guidelines. Once completed, details shall be submitted to the Local Planning Authority confirming relocation has occurred.

Reason : In the interests of protected species and the works are required to be carried out prior to commencement to ensure adequate protection of protected species.

- 13) Prior to the occupation of the first dwelling, details of how the development will enhance the quality and quantity of biodiversity within the red line boundary of the site will be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with those approved details and thereafter retained.

Reason: To protect and enhance existing species and habitat on the site in the future.

- 14) Prior to the commencement of the construction of the dwellings hereby approved, a scheme to demonstrate that the internal noise levels within the residential units and the external noise levels in back garden and other relevant amenity areas will conform to the standard identified by BS 8233 2014, Sound Insulation and Noise Reduction for Buildings - Code of Practice, shall be submitted to and approved in writing by the Local Planning Authority. The work specified in the approved scheme shall then be carried out in accordance with the approved details prior to occupation of the premises and be retained thereafter.

Reason : To ensure adequate amenity for future occupiers. These details are required prior to commencement to ensure that the necessary levels can be achieved through the construction of the dwellings.

- 15) Prior to the commencement of the construction of the dwellings hereby approved 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 100 year storm) can be accommodated and disposed of within the curtilage of the site without increase to flood risk on or off-site. The drainage scheme shall also demonstrate that silt and pollutants resulting from the site use and construction can be adequately managed to ensure there is no pollution risk to receiving waters.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding. These details and accompanying calculations are required prior to the commencement of the development as they form an intrinsic part of the proposal, the approval of which cannot be disaggregated from the carrying out of the rest of the development.

- 16) 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:

- a) a timetable for its implementation, and
- b) 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 any measures to mitigate flood risk and protect water quality on/off the site are fully implemented and maintained (both during and after construction), as per the requirements of paragraph 103 of the NPPF and its associated Non-Statutory Technical Standards.

- 17) Where infiltration is to be used to manage the surface water from the housing development hereby permitted, it will only be allowed within those parts of the site where details have been submitted demonstrating, to the Local Planning Authority's satisfaction, that there is no resultant unacceptable risk to controlled waters and/or ground stability. The development shall only then be carried out in accordance with the approved details.

Reason: To protect vulnerable groundwater resources and ensure compliance with the National Planning Policy Framework.

Conditions relating to public open space

- 18) In accordance with the submitted vision plan details of any physical paraphernalia proposed to be sited within the open space shall be submitted to and approved in writing by the local planning authority prior to its installation. These shall include but not be limited to such details as footpaths, benches, play equipment etc.

Reason : In the interests of the visual amenity of the area and the aims of the site to provide accessible and usable open space.

INFORMATIVES

- (1) 1. No furniture may be erected on or across Public Rights of Way without the express consent of the Highway Authority.
2. There must be no disturbance of the surface of the right of way, or obstruction of its use, either during or following any approved development without the permission of this office.
3. There should be no close board fencing or similar structure over 1.2 metres erected which will block out the views.
4. No hedging or shrubs should be planted within 1.0 metre of the edge of the Public Path.
5. No Materials can be stored on the Right of Way

The applicant is made aware that the granting of planning permission confers on the developer no other permission or consent or right to close or divert any Public Right of Way at any time without the express permission of the Highway Authority.

- (4) As the development involves demolition and / or construction, I would recommend that the applicant is supplied with the Mid Kent Environmental Code of Development Practice. Broad compliance with this document is expected.
- (5) The exact position of the public water main must be determined on site by the applicant. All existing infrastructure, including protective coatings and cathodic protection, should be protected during the course of construction works. No excavation, mounding or tree planting should be carried out within 4 metres of the public water main without consent from Southern Water.

For further advice, the applicant is advised to contact, Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire S021 2SW (Tel: 03303030119) or www.southernwater.co.uk".

Please note there is a deed of easement for water distribution main within the site.

- (6) A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire S021 2SW (Tel: 0330 3030119) or www.southernwater.co.uk".
- (7) It is the responsibility of the applicant to ensure , before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are

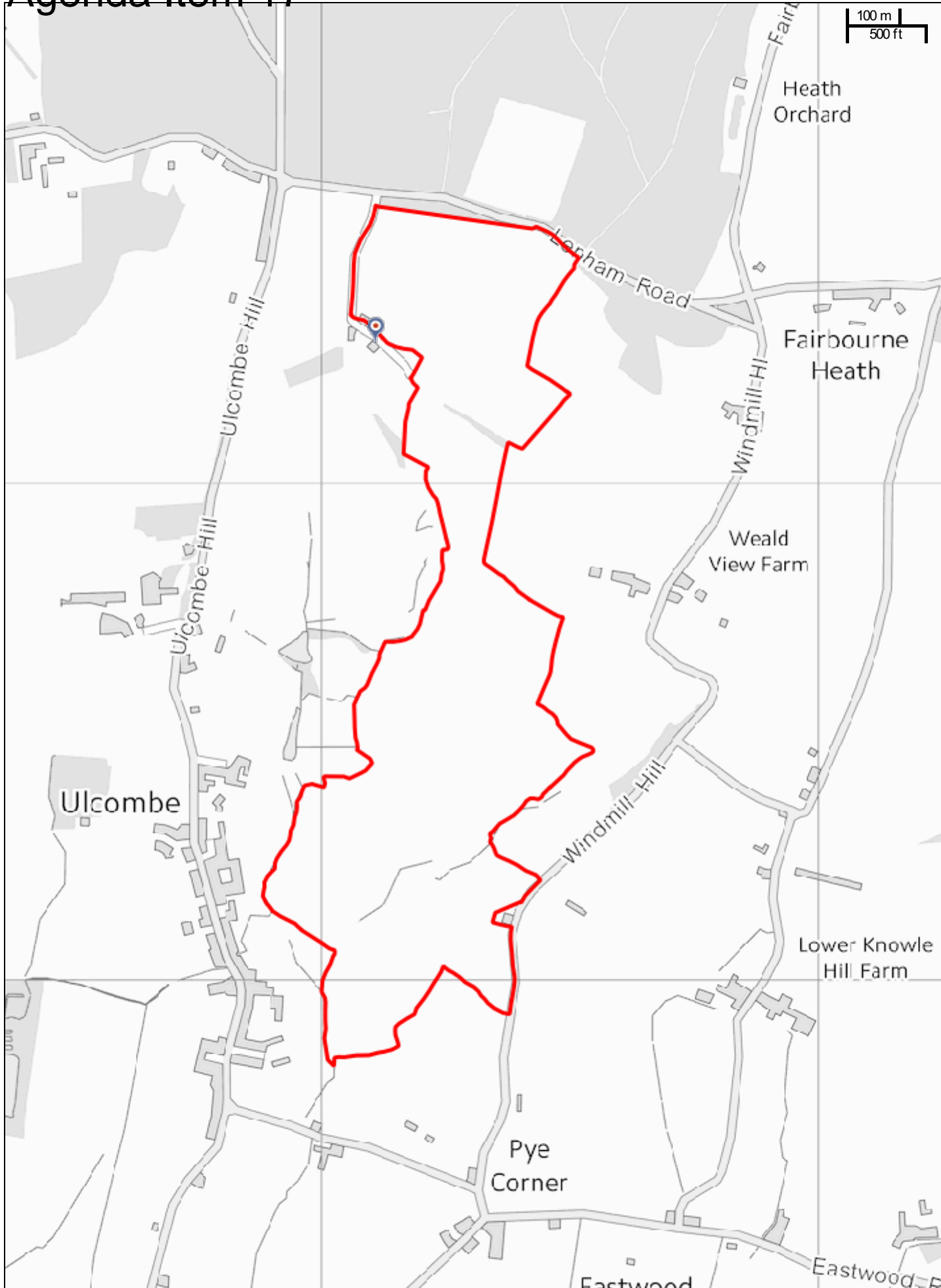
owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil.

Information about how to clarify the highway boundary can be found at <http://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land> The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

Case Officer: Rachael Elliott

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

Agenda Item 17



18/500352/FULL Hill Farm, Lenham Road, Ulcombe, Maidstone, Kent

Scale: 1:10000

Printed on: 16/5/2018 at 11:20 AM by JoannaW

REPORT SUMMARY

REFERENCE NO - 18/500352/FULL		
APPLICATION PROPOSAL Variation of condition (3) appended to planning permission 14/504784/FULL to permit the polytunnels to be covered between the 14th February and the 15th November (currently restricted to between the 1st March and the 31st October)		
ADDRESS Hill Farm Lenham Road Ulcombe Maidstone Kent ME17 1LT		
RECOMMENDATION Grant Planning Permission subject to conditions		
SUMMARY OF REASONS FOR RECOMMENDATION It is considered the proposal is justified on agricultural grounds and will not result in any material change to the rural or landscape character of the area compared to the impact of the development already permitted under planning permission ref:14/504784.		
REASON FOR REFERRAL TO COMMITTEE Recommendation contrary to the views of Ulcombe Parish Council		
WARD Headcorn	PARISH/TOWN Ulcombe	COUNCIL APPLICANT Mr S Charlton AGENT DHA Planning
DECISION DUE DATE 20/04/18	PUBLICITY EXPIRY DATE 02/03/18	OFFICER SITE VISIT DATE 01/02/18

MAIN REPORT

1.0 SITE DESCRIPTION

- 1.1 Hill Farm is located to the north east of Ulcombe on the south facing slope of the Greensand Ridge.
- 1.2 The application site is located on land at the northern end of the farm adjacent to Lenham Road and on the gently sloping land to the south and the northeast of Ulcombe village. The boundaries of the farm consist of hedgerows and trees which extend along the boundaries with Lenham Road and the western boundary of the village. The application site is generally characterised by a patchwork of enclosed arable fields. There are several areas of ancient woodland adjacent to the application site, including Marshalls wood located to the north east and smaller sections of woodland to the south west of the site.
- 1.3 The application site is not generally visible in the landscape from public highways due to existing landscape screening on the site boundaries. Part of the farm is visible from the residential property located on the top of Ulcombe Hill and from public footpaths running through the site.
- 1.4 Two public footpaths (PROW) cross the application site. PROW KH312 runs east to west and is located in the northern section of the site. PROW KH317 runs southwest to northeast and is located in the southern section of the site. Greensands Way runs to the south of the southern polytunnel field.

2.0 PROPOSAL

- 2.1 Planning permission was granted under ref: 14/504784 for a mixed development comprising the erection of polytunnels, general purpose agricultural storage building, hard surface yard area, water storage tanks, drainage works, balancing pond below ground pumping chamber, reservoir and landscaping. (Report attached as **APPENDIX 1**)
- 2.2 The plans relating to this development will be shown to Members at the meeting. In relation to the polytunnel element of the development which is the subject of this application, planning permission was granted for 20 ha (49 acres) of polytunnels to provide for strawberry production. Each polytunnel is constructed from hooped tubular steel frameworks, these are 7.8 metres in width and 3.75 metres high and covered in polythene sheeting. The polytunnels have a north/south alignment following land contours falling in a north to south direction.
- 2.3 The polytunnels are set back from the existing field and hedgerow boundaries to allow for maintenance and ecology enhancements.
- 2.4 Condition 3 appended to the planning permission ref: 14/504784 is worded as follows:
- The polytunnels hereby permitted shall only be covered with polythene between the 1st March and the 31st October.*
- Reason: In the interests of visual amenity.*
- 2.5 The proposal seeks to extend the period to cover the polytunnels to between the 14th February and the 15th November (a further two weeks at the beginning and end of the season amounting to a four additional weeks in total).
- 2.6 The following supporting information has been submitted:
- Now generally accepted that normal growing season is February to November.
 - Need to extend coverage to meet market demand and requirements of UK food retailers who are seeking greater output at lower prices.
 - If demand not met locally high risk applicant will lose market share having a negative impact on the business and local rural economy.
 - Given uncertainty associated with Brexit must prepare business for future requiring greater flexibility in use of resources.
 - Site relatively enclosed while in November many trees still partly in leaf helping to further screen the polytunnels for the period sought.

3.0 RELEVANT PLANNING HISTORY

- 3.1 **15/504174:** Submission of landscaping details pursuant to condition 8 appended to planning permission 14/504784.- **APPROVED** - The approved landscaping details will be shown at the meeting.

- 3.2 **14/504784:** Erection of polytunnels, general purpose agricultural storage building, hard surface yard area, water storage tanks, drainage works, balancing pond below ground pumping chamber, reservoir and landscaping – **APPROVED** subject to conditions.

4.0 **POLICY AND OTHER CONSIDERATIONS**

The National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Development Plan: SP17, DM30, DM36
Supplementary Planning Documents: Maidstone Landscape Character Assessment

5.0 **LOCAL REPRESENTATIONS**

- 5.1 188 neighbouring properties notified – 3 objections received which are summarised below:
- Polytunnels already clearly visible from surroundings - allowing extended coverage will increase their visual impact in a harmful manner.
 - Resulting additional production will result in further traffic and noise and activity from extended use of the polytunnels.
 - Allowing polytunnels to remain for longer will expose them to harsher weather which has already caused damage.
 - Already fail to comply with existing condition.
 - Will result in additional runoff.

6.0 **CONSULTATIONS**

- 6.1 **Ulcombe PC:** Object as extending coverage period for a further 4 weeks will result in harm to visual amenity.
- 6.2 **MBC Landscape:** The landscape implications of the erection of polytunnels and associated works were considered fully when granting planning permission granted for application ref: 14/504784/FULL. Whilst increasing polytunnel coverage time will exacerbate the landscape impacts due to reduced screening provided by deciduous foliage this needs to be balanced against the agricultural need for the development.
- 6.3 **Agricultural Advisor:** Under 14/504784/FULL the Council approved the erection of 20 ha of polytunnels for soft fruit production on the applicants' rented 54 ha fruit holding, which is managed as part of a larger farm enterprise based at Rumwood Green Farm, Langley.

Condition 3 limits the period of cover with polythene to between 01 March and 31 October in any year. It is now proposed to extend this period to between 14 February and 15 November, adding a further month overall. The rationale for this is the need to extend the growing season to meet supermarket customers' demand and to enable the applicants business to remain competitive against other growers and maintain market share against foreign imports.

Consider the proposal can be regarded as necessary to agriculture.

6.4 **EHO:** No objection

7.0 APPRAISAL

- 7.1 The proposal has been 'screened' to assess whether it falls within the categories of development where an EIA is normally required. Given the nature of the proposal and that the site does not fall within an AONB, there is no requirement for the application to be accompanied by an EIA.
- 7.2 Moving onto consideration of the proposal, the NPPF seeks to promote a prosperous rural economy, by amongst other things, promoting the development and diversification of agricultural and other land-based rural businesses.
- 7.3 Policy SP17 states that proposals which accord with other policies in the plan and which do not harm the countryside will be permitted.
- 7.4 Though Policy DM30 sets out general design principles for development in the countryside specific requirements for agricultural buildings and structures are set out in policy DM36.
- 7.5 Policy DM36 states that proposals for new agricultural buildings or structures on land in use for an agricultural trade or business will be permitted subject to meeting certain criteria. In this case the criteria relevant to this proposal are (a) whether necessary for agriculture (b) will not have an adverse impact on the amenity of existing residents and in relation to polytunnel development how will surface water run-off will be dealt with and controlled and inclusion of a rotation programme for the covering/uncovering of the structures/frames, which explores the possibility of following the seasons.
- 7.6 As the proposal relates to committed polytunnel development where landscape issues were considered in detail (see report attached at **APPENDIX 1**) the key issues here are (a) whether there is an agricultural need for the proposed development and (b) visual amenity and landscape considerations.

Agricultural need:

- 7.7 This is a significant local agricultural enterprise providing employment and as such can be seen to support the local rural economy. It is therefore important to ensure that in line with Government Guidance and the local plan, support is given to the business where a clear cut case of agricultural need is identified, unless other material considerations weigh against this.
- 7.8 The agricultural advisor accepts that to enable the business to remain competitive and maintain market share it is necessary to extend the soft fruit growing season by the means proposed.
- 7.9 Given this advice it is accepted there is an agricultural case for the development.

Landscape Impacts:

- 7.10 The Maidstone Character Land Assessment (LCA) identifies the majority of the application site as falling with the Sutton Valence Greensand Ridge with part in the Ulcombe Mixed Farmland, both areas falling within Special Landscape Areas as identified within the former local plan.
- 7.11 The current local plan now identifies these as Landscapes of Local Value to which the provisions of policy SP17 and DM30 apply.
- 7.12 When planning permission for the polytunnels was granted under ref: 14/504784 a key consideration was impact on the landscape (See report attached at **APPENDIX 1**). It acknowledged the polytunnels had the potential to have an adverse impact on the wider landscape. However when taking into account the lie of the land, existing tree cover and proposed landscaping it was accepted the landscape impacts could be sufficiently mitigated. Planning permission was granted on this basis along with restriction on the period of polytunnel coverage.
- 7.13 As such the polytunnels can currently be covered for up to 8 months in a year. The key issue is whether there will be any material increase in visual impact compared to what has already been permitted.
- 7.14 Much of the surrounding tree cover is deciduous – nevertheless it is already permitted to cover the polytunnels from the first of March when leaf cover is still minimal. Given this, allowing the polytunnels to be covered from two weeks earlier will not, it is considered, add significantly to their visual impact at the beginning of the year.
- 7.15 Removal of the polytunnels is currently required by the 31st October when leaf fall can already be taking place. Again extending coverage of the polytunnels by a further two weeks will not, it is considered, add significantly to the impact of the polytunnels on the landscape.

Amenity:

- 7.16 Only long range views over the site are available from houses in the locality. Loss of a view is not a material consideration as such. However given the landscape is protected in the wider public interest, and that the landscape impacts are not considered to be significant, no loss of amenity is identified.

Other matters:

- 7.17 Concerns has been raised that the proposal will permit additional traffic, noise and activity from use of the site which will be harmful to amenity. However as no increase in the number of polytunnels is proposed this will not be in excess of existing committed levels of daily activity.
- 7.18 Regarding additional runoff, again as no increase in the number of polytunnels are proposed there will be no change in anticipated run off.

8.0 CONCLUSION

- 8.1 It is considered that an agricultural case for the proposed change has been made and in the absence of any identified harm to the rural character and wider landscape of the area it is recommended that planning permission is granted.

10.0 RECOMMENDATION – Grant Planning Permission subject to the following conditions:

- (1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission; 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) If the land is not used for soft fruit production for more than two years in a row the polytunnels, all related structures and coverings shall be removed from the site and the land restored to its former condition, Reason: Permission has been granted to meet the needs of agriculture and to avoid undue proliferation of built mass within the countryside
- (3) The polytunnels hereby permitted shall only be covered with polythene between the 14th February and the 15th November. Reason: In the interests of visual amenity.
- (4) The polytunnels shall at all times be located in such a manner to ensure a minimum clear width of 2 metres is achieved for all public footpaths crossing the application site. Reason: To ensure the Public Rights of Ways remain free and unobstructed.
- (5) No external lighting shall be installed on site unless details of such lighting, including the intensity of illumination and predicted lighting contours, have been first submitted to, and approved in writing by, the Local Planning Authority prior to first occupation/use of the site. Any external lighting that is installed shall accord with the details so approved. Reason: To satisfactorily protect the character and appearance of the area and the residential amenities of nearby occupiers.
- (6) The development hereby permitted shall continue to be carried out in accordance with the Flood Risk Assessment approved in connection with application ref: 14/504748 being (FRA) (09/01/15, 10409 FRA January 2015) and the following mitigation measures detailed within the FRA: 1. A 600mm green buffer will be provided between the poly tunnels which will be maintained as grassland to reduce the risk of soil erosion and the formation of drainage gullies exacerbating overland flow (paragraph 5.1.1). 2. The poly tunnels will not provide a barrier to any overland surface water flows, allowing water to flow freely under the polytunnels (paragraph 5.1.1). 3. Infiltration trenches will be constructed in the grass buffer strip on the South and West boundaries, as stated in paragraph 5.2.3, 5.2.4 and Appendix 7. 4. An infiltration basin will be constructed, as detailed in paragraph 5.2.7 to accommodate the contributing runoff for all return periods up to and including the 1:100 year + 30% for climate change. 5. rainwater from the roof of the agricultural storage building will be stored in the above ground tanks which will be used for irrigation throughout the year (paragraph 5.2.11). 6. An infiltration trench shall be constructed as detailed in Appendix 7 to allow for the drainage of the hard standing area and overflow from the above ground storage tanks. These mitigation measures

shall be fully implemented in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority. Reason: To prevent an increase in flood risk downstream by managing the potential increase in overland flow associated with the poly tunnels and agricultural storage building.

- (7) Landscaping for the development shall as approved for application ref: 15/504174 Reason: To safeguard existing trees and hedges to be retained and ensure a satisfactory external appearance to the development.
- (8) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation; Reason: To ensure a satisfactory external appearance to the development.

Informatives:

- 1. Nothing may be erected on or across Public Rights of Way without the express consent of the Highway Authority.
- 2. There must be no disturbance of the surface of the right of way, or obstruction of its use, either during or following any approved development without the permission of this office.
- 3. No hedging or shrubs should be planted within 1.0 metre of the edge of any Public Path.

Case Officer: Graham Parkinson

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

NOTES FOR TECH:		
APPLICATION PROPOSAL		Ref No 14/504784/FULL
Erection of polytunnels, general purpose agricultural storage building, hard surface yard area, water storage tanks, drainage works, balancing pond below ground pumping chamber, reservoir and landscaping as shown on drawing nos. DHA/10409/05, DHA/10409/04, DHA/10409/03, DHA/10409/02 REV A, DHA/10409/01, 5028 dated OCT 2014, Reservoir and Balancing Pond Site Location Plan; received 11.11.2014, Reservoir Plan and Section; dated 3.10.2.2014, Landscape and Visual Assessment (JE/10409) by DHA; dated October 2014, Section and Contour Plan of the Farm Building by Rural Partners Limited; received 10.12.2014, Balancing Pond and Weir details by Fieldwater Irrigation shown associated documents including drawing nos. 5028 and Charlton58; received on 11.11.2014, Flood Risk Assessment (CS/10409) by DHA; dated January 2015, Specification for Soft Landscaping and Maintenance Work; dated October 2014, Design and Access Statement (ERP/10409) by DHA; dated October 2014 and page 10 superseded on 26.11.2014.		
ADDRESS Hill Farm Lenham Road Harrietsham Kent ME17 1LT		
RECOMMENDATION - PER		
WARD Headcorn	PARISH/TOWN COUNCIL Ulcombe	APPLICANT G Charlton And Sons AGENT Eric Przyjemski
DECISION DUE DATE 19/01/15	PUBLICITY EXPIRY DATE 07/01/15	OFFICER SITE VISIT DATE 17/12/14

Maidstone Borough-Wide Local Plan 2000: ENV6, ENV26, ENV34, ENV28, ENV43
National Planning Policy Framework (NPPF)
National Planning Policy Guidance (NPPG)

The Maidstone Landscape Character Assessment 2012 and The Maidstone Landscape Character Assessment Supplement 2012

RELEVANT HISTORY:

Hill Farm, Lenham Road, Harrietsham Kent ME17 1LT

14/504784/FULL - Erection of polytunnels, general purpose agricultural storage building, hard surface yard area, water storage tanks, drainage works, balancing pond below ground pumping chamber, reservoir and landscaping. PCO

14/505357/ENVSCR - EIA Screening Opinion - Erection of polytunnels, general purpose agricultural storage building, hard surface yard area, water storage tanks, drainage works, balancing pond below ground pumping chamber, reservoir and landscaping (14/504784 refer) - EIA not required

03/0345 - An application for listed building consent for the erection of a replacement porch on southern elevation and new porch on northern elevation and insertion of replacement window, as shown on drawing nos. 600/2A and 600/3 received on 19.02.03. PER

94/0721 - Listed Building Consent for demolition of 1920's brick built outside W.C. and replacement with a lobby incorporating a W.C. PER

03/0339 - Erection of replacement porch to southern elevation, erection of new porch on northern elevation, provision of garden room and provision of garage, as shown on amended drawing No. 600/3A received on 27.05.03. PER

Enforcement History:

CONSULTATIONS

Newspaper Advertisement Expiry Date: 19.12.2014 (Major Development and development affecting a Public Right of Way)

Parish Council:

'Ulcombe Parish Council unanimously agrees to the planning application 14/ 504784 - Hill Farm, Ulcombe, but with conditions below, as agreed during the recent public forum with over 20 parishioners present:

1) in addition to the screening already planned:

a) as agreed with the applicant, at the two open areas on the southern boundary of the south polytunnel field and at the south western corner of the south polytunnel field where the screening is poor, to put in a 2 metre earth bund and on top of the bund to erect up to 5m of posts and mesh as a temporary screen until the trees and hedges to be planted there grow up. This will reduce the visual impact from Ulcombe Hill and The Street.

b) as agreed with the applicant, to enhance the hedge screening in the north field on the east side, only where necessary, between the storage barn and the Lenham Road. The west side is already in the application.

2) as agreed with the applicant, reduce the height of the storage barn by sinking it more into the ground to reduce its visual impact

3) as agreed with the applicant, that any security lighting at the storage barn should limit the impact of light pollution (motion sensors ?) rather than having floodlights fully on in an " intrinsically dark landscape ", as per the NPPF para 125

4) as agreed with the applicant, to employ a low pressure pounder to construct the reservoir to reduce vibration, given the close proximity of houses, including historic listed buildings of some longevity without foundations.

5) that an Environmental Impact Assessment (EIA ref No. 14/505357/ENVSCR) is commissioned by Maidstone Borough Council and circulated to the Parish Council as a priority. Given the not unnatural strength of concern raised by parishioners in the recent local parish forum, and discussions that parish councillors have had with the applicant, it is important that the EIA must contain an independent flood risk assessment.

6) It was noted that the applicant has given assurances to the Parish Council and individual parishioners that the transportation of produce from these fields will be undertaken by tractor and trailer to an off-site processing hub and not by lorry. This will minimise heavy vehicle use connected to the applicant's business activity via Lenham Road.'

Rural Advisor:

'To summarise, in my view the agricultural requirements for the polytunnels, and for the reservoir works, and for a building of the sort of floor area proposed, have been reasonably demonstrated.

Therefore the remaining issue (in terms of agricultural need) is whether the whole building needs to be the sort of height proposed. As I see it, the current requirements would allow for a reduction in height of a good part of the area. The case for the 8m height of the whole building relates more to possible unspecified future needs; whether that height and design

is acceptable, nevertheless, will depend in essence on the view taken by the Council as to on the visual impact of the building in that form, in its (now amended) setting’.

Natural England:

‘No Natural England Comment – Advise consultation with Kent Downs AONB partnership’.

Officer comment: The site is not located within the ANOB therefore Kent Downs ANOB not consulted.

MBC landscape Advisor:

‘There are no protected trees on the site but there are potentially ‘important’ hedgerows as defined under the Hedgerow Regulations. There are, however, significant trees within hedgerows and along the lines of field boundaries as well as small woodland blocks, most notably to the northern tip of the site. It should also be noted that immediately to the north of the site, north of Lenham Road, is Kings Wood which is designated as ancient replanted woodland and protected by TPO No. 22 of 2009.

In relation to the Maidstone Landscape Character Assessment (LCA), the applicant’s Landscape and Visual Assessment states that the polytunnel site is located within landscape character area 35, Sutton Valence Greensand Ridge, and the reservoir is located within landscape character area 42, Ulcombe Mixed Farmlands. It should also be noted that the very northern part of the site, the wooded area referred to above, is located in landscape character area 31, Kingswood Plateau.

The landscape guideline for LCA area 35 is conserve and the relevant summary of actions are as follows:

- Avoid agricultural intensification and conserve the sense of enclosure and the field pattern provided by native hedgerows
- Conserve the species rich hedgerow boundaries and promote enhanced species diversity within hedgerows where this has been weakened
- Conserve orchards and hop gardens and the traditional small scale field pattern
- Resist further conversion to arable land
- Conserve the scattered pattern of development and the rural character of this landscape
- Conserve the rural setting of traditional buildings and settlements
- Consider this exposed landscape in views from the Low Weald to the south

The landscape guideline for LCA area 42 is also conserve and the relevant summary of actions are as follows:

- Promote enhanced species diversity within hedgerows where this has been weakened
- Conserve and promote pastoral land use and avoid agricultural intensification
- Promote the conversion of intensively managed grassland and arable land to species rich neutral grassland where there is potential
- Conserve and increase extent of clean water ponds and small farm reservoirs
- Conserve the largely undeveloped landscape with its scattered development pattern and isolated farmsteads
- Consider views towards any proposals across the Low Weald from the elevated Greensand Ridge which rises to the north and the High Weald which rises to the south west
- Conserve the extensive tree cover provided by frequent woodland blocks, orchards and oak trees
- Conserve the pastoral land use and resist conversion to arable land
- Conserve and enhance the small scale, mosaic like field pattern
- Avoid further field segregation using post and wire fencing and encourage the reinstatement of native hedgerow boundaries where these have been removed
- Conserve the distinctive amount of oak trees within the landscape, and plant new isolated specimens and hedgerow standards to replace ageing specimens
- Conserve the distinctive linear pattern of settlements

- Conserve the rural setting of traditional buildings and settlements
- Soften the visual impact of large scale agricultural buildings with native planting

Whilst photographs have been provided to demonstrate viewpoints from inside and outside of the applicant's defined visual envelope there is no evidence to show that this work has been undertaken in accordance with current Landscape Institute advice, Advice Note 01/11 , Photography and photomontage in landscape and visual impact assessment.

*In terms of the landscape proposals, although native planting is proposed, the list of species does not take account of the advice within the LCA supplement (landscape guidelines) for the appropriate landscape character area. The guidelines suggest a predominance of Hazel (*Corylus avellana*) although, clearly, appropriate mixed species hedgerow planting is welcomed. New hedgerows should also incorporate the planting of standard trees at irregular intervals along their length, with Oaks (*Quercus robur*) being particularly appropriate.*

Whilst it appears that no trees are proposed to be removed, there is inadequate information provided to ensure that no trees or hedgerows will be adversely affected by the proposed infrastructure required in association with this development proposal. The following details are therefore required before the impact of the proposed development can be properly assessed:-

A tree survey and arboricultural implications assessment (AIA) in accordance with the recommendations of BS5837:2012. The AIA should include a realistic assessment of the probable impact of any proposed development on trees and hedgerows, including their roots, together with details of any tree works or hedgerow works that would be necessary to implement the proposal.

Where the AIA identifies a conflict between the proposal and retained trees and hedges, details should be provided to demonstrate that the trees can be successfully retained. Particular reference should be made to any excavations and construction activities, including those relating to pipelines and other associated infrastructure'.

Southern Water: No objections – request informatives

UK Power Networks: No objections

Environmental Health:

'It appears that the site has been used for agricultural purposes historically and the proposed use is still agricultural, although under cover. This poses no particular environmental protection issues.

It is noted that the reservoir exceeds 25,000m³ in storage volume and as such will need to be registered with the Environment Agency.'

KCC Highways:

'Thank you for inviting me to comment on this application. There is no indication that this proposal will have any effect on traffic movements and I write to confirm therefore on behalf of the Highway Authority that with respect to these proposals, I have no objection. I can confirm that there have been no records of injury crashes at the site access point on Lenham Road for at least the last nine years.

I note the proposals include a reservoir of 5.5m – 6m depth and 42,750m³ capacity. It would be helpful if the applicant could expand on the construction of this reservoir i.e. what movement of materials are involved’.

Planning officer comments: Further details were received from the agent stating that no imported material will be used for the construction of the balancing pond or the reservoir. The material from the excavations of the balancing pond will be used for the construction of the earth bund/embankment for the reservoir. The material from the excavation of the reservoir will be used for the construction of the embankment together with the excavated material from the balancing pond.

Additional KCC Highways comments:

‘The answer from DHA is fine from our perspective and should provide you with additional comfort. As there’s no waste importation I see no need to comment further and can rely on my earlier email’.

Public Rights of Way Officer:

‘The proposed development site is crossed by several Public Rights of Way including footpath KH312 and KH317. The locations of these footpaths are indicated on the attached map extract. The existence of the right of way is a material consideration.

The Definitive Map and Statement provide conclusive evidence at law of the existence and alignment of Public Rights of Way. While the Definitive Map is the legal record, it does not preclude the existence of higher rights, or rights of way not recorded on it.

I note that this development affects the Rights of Way here. I have previously met the applicants on site and agreed that a minimum clear width of 2 metres should be left for public footpaths where they cross the development. At points where the footpaths may be used for vehicular access or there are drainage issues, then the width between the polytunnels will need to be greater to avoid affecting use of the paths by pedestrians.

*If these conditions are included in any permissions then I have **no objection** to the application. Please inform the applicant of the following general informatives:-*

- 1. No furniture may be erected on or across Public Rights of Way without the express consent of the Highway Authority:*
- 2. There must be no disturbance of the surface of the right of way, or obstruction of its use, either during or following any approved development without the permission of this office.*
- 3. No hedging or shrubs should be planted within 1.0 metre of the edge of the Public Path.*
- 4. No Materials can be stored on the Right of Way.*

Please also make sure that the applicant is made aware that the granting of planning permission confers on the developer no other permission or consent or right to close or divert any Public Right of Way at any time without the express permission of the Highway Authority’.

KCC Archaeology:

‘The site lies within an area of general archaeological potential associated with prehistoric activity. Remains associated with Iron Age or later occupation and settlement may be revealed during groundworks and I recommend the following condition is placed on any forthcoming consent:

No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a watching brief to be undertaken by an archaeologist approved by the Local Planning Authority so that the excavation is observed and items of interest and

finds are recorded. The watching brief shall be in accordance with a written programme and specification which has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that features of archaeological interest are properly examined and recorded'.

Environment Agency:

*'We have **no objection** to the proposal providing the following conditions are added to any planning permission granted:*

The proposed development will only meet the requirements of the National Planning Policy Framework if the following measures as detailed in the Flood Risk Assessment submitted with this application are implemented and secured by way of a planning condition on any planning permission.

Condition: *The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) (09/01/15, 10409 FRA January 2015) and the following mitigation measures detailed within the FRA:*

- 1. Polytunnels will only be covered for an 8 month period between the months of March and October (paragraph 4.1.2).*
- 2. A 600mm green buffer will be provided between the polytunnels which will be maintained as grassland to reduce the risk of soil erosion and the formation of drainage gullies exacerbating overland flow (paragraph 5.1.1).*
- 3. The polytunnels will not provide a barrier to any overland surface water flows, allowing water to flow freely under the polytunnels (paragraph 5.1.1).*
- 4. Infiltration trenches will be constructed in the grass buffer strip on the South and West boundaries, as stated in paragraph 5.2.3, 5.2.4 and Appendix 7.*
- 5. An infiltration basin will be constructed, as detailed in paragraph 5.2.7 to accommodate the contributing runoff for all return periods up to and including the 1:100 year + 30% for climate change.*
- 6. rainwater from the roof of the agricultural storage building will be stored in the above ground tanks which will be used for irrigation throughout the year (paragraph 5.2.11)*
- 7. An infiltration trench shall be constructed as detailed in Appendix 7 to allow for the drainage of the hard standing area and overflow from the above ground storage tanks.*

These mitigation measures shall be fully implemented in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: *To prevent an increase in flood risk downstream by managing the potential increase in overland flow associated with the polytunnels and agricultural storage building'.*

LOCAL REPRESENTATIONS

Several objections have been received from local residents. The matters of objection are summarised as follows.

- Flood Risk
- Visual impact on the character of the village and open countryside
- Waste water displacement into existing waterways
- Increased traffic during and post construction
- Waste associated with the polytunnel use
- Wildlife impact
- Views from PROW
- Works have commenced prior to formal planning approval
- Precise location of pumping chamber unclear

CONSIDERATIONS

Site Visited: 17th December 2014

SITE DESCRIPTION:

Hill Farm is located to the north east of Ulcombe on the south facing slope of the Greensand Ridge

The application site is located on land at the northern end of the farm adjacent to Lenham Road and on the gently sloping land to the south and the northeast of Ulcombe village. The boundaries of the farm consist of hedgerows and trees which extend along the boundaries with Lenham Road and the western boundary of the village. The application site is generally characterised by a patchwork of enclosed arable fields. There are several areas of ancient woodland adjacent the application site, including Marshalls wood located to the north east and smaller sections of woodland to the south west of the site.

The application site is not generally visible in the landscape from public highways due to existing landscape screening on the site boundaries. Part of the farm is visible from the residential property located on the top of Ulcombe Hill and from public footpaths running through the site.

Two public footpaths (PROW) dissect the application site. PROW KH312 runs east to west and is located in the northern section of the site. PROW KH317 runs southwest to northeast and is located in the southern section of the site. Greensands Way runs to the south of the southern polytunnel field.

In addition to the proposed polytunnels, general purpose agricultural storage building, hard surface yard area, water storage tanks, drainage works, balancing pond below ground pumping chamber, reservoir and landscaping are also proposed.

DESCRIPTION OF PROPOSAL:

Planning permission is sought for the erection of 20 ha (49 acres) of polytunnels to provide for strawberry production on the land together with a general purpose agricultural storage building, hard surface yard area, water storage tanks, drainage works, balancing pond below ground pumping chamber, reservoir and landscaping

Each polytunnel will be constructed from a hooped tubular steel framework. The polytunnels will be approximately 7.8 metres in width and 3.75 metres high and be covered in polythene sheeting. The polytunnels would be set out on a north south alignment and follow the contours of the land which falls from north to south.

The polytunnels will be set back from the existing field and hedgerow boundaries by some 5 metres to allow for maintenance and to provide for ecology enhancements.

The polytunnels would be covered for an 8 month period from March to the end of October. For the remaining period of the year the tunnels will be uncovered and the covering will be rolled-back and strapped to the sides of the frames which will remain permanently in situ all year round.

The applicant advises that the polytunnels are required as a result of the need to meet customer and market demand for strawberry production. It is anticipated the polytunnels would facilitate approx. 800-900 tonnes of fruit per year.

A new drainage ditch is proposed in the northern part of the site and would run south along the edge of the field to connect to existing drainage ditches and water courses and to the proposed reservoir further down the site.

The balancing pond would measure some 58m by 32m with a maximum depth of 2.5m, constructed at existing ground level. The pond would provide additional storage capacity in event of heavy surface run-off from the proposed polytunnels.

The proposed reservoir would measure some 178m by 1374m by 70m providing storage capacity for approximately 42,750m³. The reservoir would be enclosed by an earth embankment seeded with grass. The reservoir would be utilised to irrigate the polytunnel crop.

The proposed agricultural building would measure externally 55.8m by 25.5m, 5m high to the eaves and 7.95m to the ridge. The building would be clad in metal profile sheeting coloured Juniper Green above a concrete brick plinth with Anthracite grey sheeting to the roof. The building would provide agricultural storage for the following:

- Picking trays – approx. 930 pallets (each pallet measures 1m x 1.2m) = 1116 sq.m. Divided by the average height they can be stacked at 2.5m = 446 sq. m of coverage with no gaps around pallets;
- Picking barrows – approx. 500 (each barrow measures 0.75m x 1.5m) = 563 sq. m divided by the average height they can be stacked at 3m = 190 sq. m of coverage with no gaps;
- Tractors – approx. 10 No. (each tractor measures approx. 2m x 5m) = 100 sq. m without any area around them parked wheel to wheel;
- Mowers – approx. 3 No. (each mower measures approx. 2m x 2.5m) = 15 sq. m with no space around them;
- Sprayers – approx. 3 No. (each measures approx. 5m x 2m) = 30 sq. m with no space around them;
- Self-propelled platforms (scissor lifts) – 4 No. (each measures 5 x 2.5) = 50 sq. m with no space around them;
- Irrigation control room (within the building) 5m x 20m = 100 sq. m;
- Fertiliser Bags – approx. 50 No. (each bag measures 1m x 1m) = 50 sq. m divided by stack height of 2 = 25 sq. m;
- Fertiliser Liquid – approx. 50 No. (each container measures 1m x 1m) = 50 sq. m divided by double stack height = 25 sq. m
- Jumbo rolls of tunnel polythene – approx. 30 No. (each roll measures 1m x 3m) = 90 sq. m (These cannot be stacked)

Three above ground storage tanks are proposed to the southwest of the building measuring 3m in height.

Additional indigenous landscaping is proposed to reinforce the established field boundaries.

AMENDMENTS:

Additional plans by Rural Partners Limited showing the northern section of the proposed agricultural building to be cut into the ground by some 3.3m.

DISCUSSION:

The key issues in relation to this application are considered to be (a) principle (b) justification (c) impact on the rural and Special Landscape character of the area (d) impact on general amenity (e) wildlife and habitats (f) flooding and (g) highway and parking considerations.

Principle:

Policy ENV28 supports development in the countryside that is reasonably necessary for the purposes of agriculture.

Policy ENV34 of the adopted local plan seeks to resist development in Special Landscape Areas (SLA) where landscape protection and conservation will be given priority over other landscape considerations.

One of the 12 core planning principles set out in paragraph 17 of the NPPF states that LPA's should:

- take account of the different roles and character of different areas, promoting the vitality of our main urban areas, protecting the Green Belts around them, recognising the intrinsic character and beauty of the countryside and supporting thriving rural communities within it;

In addition the NPPF also seeks to promote a prosperous rural economy and at paragraph 28 amongst other things states that:

Planning policies should support economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development by:

- promoting the development and diversification of agricultural and other land-based rural businesses.

The northern section of the site containing the polytunnels is not located within any special designated areas in the open countryside while the southern part of the site containing the reservoir falls within an SLA, and the NPPF makes clear at paragraph 115 that great weight should be given to conserving landscape and scenic beauty in, amongst other things, AONB's. No specific countryside protection is afforded to areas outside AONB's on landscape quality grounds apart from recognition of the intrinsic character and beauty of the countryside.

Given that polytunnels are now (a) an accepted part of agricultural infrastructure in many rural areas providing benefits both in operational terms while meeting acknowledged consumer demand for produce and (b) taking into account the requirements of the NPPF to support the rural economy, it is therefore considered that unless there are compelling landscape concerns incapable of being addressed, the development is acceptable in principle and matters turn to detailed considerations.

Justification:

Given the recognition of the intrinsic character and beauty of the countryside set out in the NPPF, the Council first needs to be satisfied that the proposal is justified and proportionate to the scale of need that has been identified.

In this context the Rural Planning advisor considers that the proposed polytunnels, which are now a recognised part of agricultural operational development, are necessary to the developing agricultural production of this holding. In addition the Rural Planning advisor accepts the justification for the agricultural building at the floor area proposed and the reservoir. In these circumstances and taking into account the weight given in the NPPF to supporting agricultural enterprises such as this, it is considered there is sufficient economic and operational justification to support the proposed development.

Impact on the rural and Special Landscape character of the area:

Though the proposed polytunnels will have a low height and profile and for part of the year will not be covered, with only the hoops left in situ, when in use they will have a significant cumulative visual impact. As such they have the potential to have an adverse impact on the wider landscape unless the site levels and existing and proposed landscaping all combine to provide sufficient visual mitigation.

The application site for the proposed polytunnels covers three separate fields, a majority of which benefit from significant mature vegetation screening along the field boundaries. Additional landscaping is also proposed along the field boundaries which currently allow partial public views into the site.

At present the most prominent views of the polytunnel site would be from the top of Ulcombe Hill and along Lenham Road when approaching the site from the west, as the western boundary of the northern most polytunnel field does not benefit from substantial vegetation screening. Additionally, the south / southwest boundary of the northern polytunnel field and west boundary of the central polytunnel field currently benefits from a good level of mature vegetation screening, however, it is recognised that the site can be partially viewed from the small cluster of residential properties surrounding Hill Farm. Further, long distance public views of the southern field can be afforded from PROW KH318. The Greensand Way public footpath KH314 is located to the south of the southern polytunnel field and broken views of the site are afforded through the mature line of trees and hedgerow located on the site boundary. There is long distance limited / partial views of the site from the Eastwood Road located to the south of the site.

Although the majority of the three proposed polytunnel fields benefit from significant mature landscape screening which prevent public views into the site the applicant has proposed additional planting along the boundaries of the site which would be visible from public views, as highlighted above. Aside from the cluster of residential properties located in proximity to Hill Farm the polytunnels would be located a significant distance from other residential properties in the area and would be screened from view by the existing boundary screening and the north-south sloping levels of the land.

Given the wide separation distances from residential properties, coupled by the changing levels of the site, generally low profile of the polytunnels and the significant screening along a majority of the site boundaries, together with the additional hedgerow and landscape planting, it is considered that the polytunnels would not be readily visible in the surrounding landscape. The proposed polytunnels are therefore considered not to result in unreasonable harm to the character and appearance of the open countryside or views from the nearby SLA.

Dealing with views from public vantage points from close range, there are two public footpaths crossing the site. PROW KH312 crosses the northern field from west to east and PROW KH317 crosses the southern polytunnel field from southwest to northeast. Close range views of the polytunnels would be clearly visible from these public footpaths however polytunnels are now a common feature of Kent agricultural practices and the impact on the usability and visual amenities afforded from these relatively small sections of PROW is not

considered to warrant a suitable reason for refusal, taking into account the requirements of the NPPF to support the rural economy and the economic benefits of the proposal.

Further, it would be difficult to fully screen the footpaths crossing the site. Additional screen planting on either edge of the footpaths would need to be of a sufficient height to obscure the polytunnels and would inappropriately enclose the open character of these footpaths. Boundary screen along the footpaths would also create operational problems regarding the polytunnel management.

Turning to the visual impact of the reservoir and balancing pond located in the southern section of the site, partial views of the reservoir would be afforded from lower sections of Ulcombe Hill and Eastwood Road through the existing field boundary vegetation. Views of the reservoir would also be afforded from public footpath KH320 and KH321 and from the rear of the properties located on the east side of Ulcombe Hill, located within the village envelope of Ulcombe.

However, these types of proposed water bodies are considered a common characteristic of agricultural land and, by virtue of their form, size, siting and appearance, would not result in any unreasonable visual impacts on the character, appearance and setting of the countryside and SLA. In terms of cumulation, there is an existing reservoir located to the east of the site. Reservoirs are characteristic of agricultural development for irrigation purposes, and the proposed and existing reservoir in combination would have a volume / surface area considered appropriate for the type of irrigation projects proposed / in use, as confirmed by the Rural Planning advisor. The potential cumulative impact of the two reservoirs is therefore considered acceptable from a visual perspective and the development has been suitably justified for the type of farming practices it would support and, would not in my view result in any detrimental visual impacts in the open countryside and SLA.

The proposed agricultural building would be located within the eastern section of the site, adjacent to the southern point of the northern polytunnel field. At some 7.95m to the ridge and some 55.8m by 25.5m, the building would undoubtedly be a large structure however an assessment needs to be made with regard to the visual impact of the building and justification for its size and height. The Rural Planning advisor indicates that the footprint of the building can be justified by the requirements of the farming functions which it would support as indicated by the agent and listed previously in this report. The Rural Planning advisor has questioned the need for a building of the height proposed across the full length and the applicant has responded stating the height is required for the changing and future needs of the farm. Farm buildings of this size are generally considered common features on modern farms and its need at Hill Farm is considered to be justified to allow the farm to operate table top farming production and potentially expand in the future as supported by the NPPF. It is therefore necessary to assess the visual impact of the proposed building on the character of the open countryside.

Due to the proposed central location of the building within the cluster of arable fields and the significant separation distances from residential properties, nearby public roads and public views, I am of the opinion that the farm building would not appear readily visible within the open countryside and only long distance, screened views would be afforded of the buildings roof. Given the existing woodland screening along the northern section of the site and the orientation of the land which slopes down from north to south, the building would not be visible from Lenham Road. Additionally, the proposed materials would be suitably muted and characteristic of a typical of an agricultural building.

The most prominent views of the building would be afforded from Windmill Hill and the cluster of properties surrounding Tillman Gate Oast. In order to mitigate the visual impact of the agricultural building the applicant has provided an additional section drawing showing the

northern section of the proposed agricultural building to be cut into the ground by some 3.3m. In addition the building would be screened by an existing hedgerow and a sporadic tree line located along the eastern boundary of the application site. The agricultural building and water tanks would also be located a significant distance from the nearest public vantage point – some 430m from Windmill Hill and some 360m from the cluster of properties at Tillman Oast.

Given the significant separation distances coupled by the existing boundary screening and proposal to cut the base of the building some 3.3m into the ground, it is considered that the bulk of the building would not be overtly visible and the visual impact on the character and appearance of the surrounding countryside would be acceptable. However, in accordance with the council Landscape Character Assessment a landscape condition would be attached to increase the tree planting along the eastern section of the site to further mitigate the visual impact of the building.

Views of the agricultural building would be afforded from PROW KH312 however, given the significant separation distances involved and sloping nature of the land I am of the opinion that these views would not be unreasonably detrimental to the enjoyment of the footpath, nor would they be uncharacteristic of a working farm.

Turning to the comments made by the MBC landscape advisor, regarding the impact on the existing trees on the site, the proposal will not have a significant effect on the existing tree cover in the locality. In response to the landscape officers comments regarding trees on the site the applicant has confirmed that none of the existing trees/hedgerows on the farm site will be affected by the proposed polytunnels and storage building and will be retained and unharmed by the development. The polytunnels will be set in a minimum of at least 6 metres from the field boundary and any trees or hedgerows along the boundaries. The field margins/headlands are necessary to allow for clear access for a tractor and trailer and pickers etc. In terms of the proposed drainage ditch this will be constructed within the clear field margins/headlands and away from the boundary trees/hedgerows. The route of the ditch has been carefully planned to avoid breaking through any existing trees/hedgerows and I can confirm that none of the existing trees/hedgerows will be impacted upon. As shown on the proposed drawings.

The landscape officer also adds that the proposed landscape scheme is not strictly in accordance with the Maidstone Landscape Character Assessment (LCA) for this area but notes that the proposed landscaping is formed of indigenous species and is therefore welcomed. The landscape officer has requested additional tree planting in accordance with the Maidstone Landscape Character Assessment (LCA) that new hedgerows should also incorporate the planting of standard trees at irregular intervals along their length, with Oaks (*Quercus robur*) being particularly appropriate. This additional request can be suitably dealt with via condition.

Regarding conservation of pastoral land use and resistance of conversion to arable land, the application site is already in use for this purpose. However, as the use of land for agriculture is 'not development' it is difficult to see how this aspiration can be secured without the voluntary agreement with landowners.

Conservation and enhancement of the small scale, mosaic like field pattern is another aspiration. The proposed polytunnels will sit within existing field boundaries and as such there will be no changes to the existing field pattern. However, there will also not be any enhancement of the exiting field pattern. However in the absence of an adopted policy to secure such enhancements, it is not considered that this can be delivered as part of this application.

In connection with the need to avoid further field segregation by use of post and wire fencing while encouraging the reinstatement of native hedgerow boundaries where these have been removed, the proposal does not affect existing hedgerows nor does it propose additional fencing. However the applicants propose a 6 metre wide margin around the respective field boundaries to allow for maintenance of the polytunnels and for biodiversity enhancements. While this is considered to go some way to meeting the aspirations set out given wider concerns relating to the visual impact of the polytunnels in general and their siting in this sensitive landscape, it is considered that a condition should be imposed requiring additional landscaping to meet the above aspirations.

There is also the need to conserve distinctive oak trees within the landscape, plant new isolated specimens and hedgerow standards to replace ageing specimens. No existing trees or hedgerows are affected by the proposal. Again imposition of a landscaping condition is considered appropriate in addressing this.

It is therefore concluded that notwithstanding the sheer scale of the proposed site coverage, given the low height and profile of the polytunnels, that the undulating nature of the site will help to further reduce their combined impact, retention of existing hedgerows along with provision of additional landscaping, retention of an 5 metres wide separation zone around the site and conditions requiring covers to be removed as specified by the applicants, it is considered that their impact on the SLA and rural character of the area is acceptable.

Impact on residential amenity:

The nearest residential properties to the proposed polytunnels would be the cluster of properties surrounding Hill Farm. The existing and proposed screening along the southwest boundary of the northern field is fairly dense however additional landscaping is proposed which is considered sufficient to mitigate the visual impact of the polytunnels from these properties.

The agricultural building and water tanks would be located some 360m distance from the nearest residential properties. The aspect of the proposed development is not considered to result in an unreasonable loss of amenity in terms of loss of light, outlook and visual intrusion as a result given the separation distances and screening.

The proposed reservoir and balancing pond would be partially visible from the properties located on the eastern side of Ulcombe Hill. Given the separation distances involved, height in relation to existing ground level and general nature of the development, no material harm is identified to the visual amenity of these properties.

Concern has been raised with respect to the location of the pumping chamber in proximity to residential properties. At some 70m distance from the nearest house and located below ground it is considered that the pumping chamber would not result in an unreasonable loss of residential amenity in terms of noise pollution.

Wildlife and habitat considerations:

The application has not been accompanied by an ecological appraisal. However the application site comprises species poor, regularly farmed, arable farmland. However the hedgerows and trees to be retained on the site perimeters clearly provide habitats for wildlife.

The polytunnels will be set back from the existing field and hedgerow boundaries by 5m allowing for maintenance and to provide for ecology enhancements. In conjunction with the additional landscaping required by condition, will, it is considered, be sufficient to meet the requirements to conserve and enhance biodiversity set out in paragraph 118 of the NPPF.

There are areas of ancient woodland located adjacent the application site in places. However, none of the proposed development would result in the direct loss or destruction of any ancient woodland. The proposed agricultural building and hard standing would be located a significant distance from the ancient woodland while light weight polytunnels would be located closer but allowing for a suitable buffer zone between the woodland. Additionally, none of the proposed development would impact on the root protection areas of any trees in the ancient woodland due to the separation distances afforded. Further, the proposed development would be located on existing arable farmland and would not result in the fragmentation and significant loss of ecological connections with surrounding woodland and the wider natural landscape, nor would the proposed agricultural development increase exposure to pollutants from the surrounding area over or above the current situation. Overall, the proposal is considered to be in accordance with the standing advice by Natural England and the Forestry Commission.

Flooding:

The applicants advise that water run-off during the spring and summer months when the tunnels are covered will drain naturally to the surrounding uncovered land and into the new and existing drainage ditch. Hill Farm and the proposed polytunnels are not located within a designated Flood Zone however the areas to the south of the site in Ulcombe have been known to flood in the past.

Following initial correspondence with Environment Agency the applicant provided a FRA to address the potential flood risk to residential properties located on lower ground to the south of the site.

The Environment Agency have reviewed the FRA and do not raise an in principle objection subject to the conditions recommended.

Contamination:

Several local residents have raised concerns regarding the use of pesticides and chemicals and potential for contamination of the local water courses. The application site currently operates as arable agricultural land and the proposed development would not alter the use of the land therefore the planning department has no control over the use of pesticides and chemicals on the site. As this is an established agricultural use this matter falls under the remit of Defra.

Highway and parking considerations:

In traffic generating terms the use of the land for agriculture does not require planning permission. Given that the use of the land is not subject to planning control it therefore follows that the polytunnels cannot be seen as traffic generators in their own right over and above existing background traffic generated as part of the normal operational requirements of the farm. The agricultural building would facilitate storage in connection with the existing agricultural use of the land and the additional traffic generation is considered not to be significant as confirmed by KCC highways.

Several local residents have commented on the traffic generation during construction works which does not constitute a material planning consideration. Moreover, given the significant separation distances from neighbouring residential properties and the capability of the site to accommodate construction vehicles, a construction method statement is not deemed necessary.

Conclusions:

- No objection is identified to the principle of development particularly given the advice contained in NPPF promoting the development and diversification of agricultural and other land-based rural businesses.
- That the polytunnels, agricultural building and reservoir are justified in agricultural terms.
- The visual impact on the SLA and rural character of the area and public footpath crossing the site is acceptable.
- That the proposal will enable sufficient provision to be made for wildlife in accordance with the requirements of the NPPF
- No objection is identified on highway or parking grounds.
- No unreasonable amenity objections have been identified.

In the circumstances it is considered that the balance of issues fall in favour of the proposal and planning permission should therefore be granted.

RECOMMENDATION – Grant subject to the following conditions:

CONDITIONS/REASONS

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

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) The polytunnels, including all structures and polythene hereby permitted, shall be removed and the land upon which they are sited, restored to its former condition, if the land is not used for soft fruit production for more than two years in a row;

Reason: Permission has been granted to meet the needs of agriculture and to avoid undue proliferation of built mass within the countryside

(3) The polytunnels hereby permitted shall only be covered with polythene between the 1st March and the 31st October.

Reason: In the interests of visual amenity.

(4) The construction of the agricultural building and associated hardsurfacing shall not take place until the applicant, or their agents or successors in title, has secured the implementation of a watching brief to be undertaken by an archaeologist approved by the Local Planning Authority so that the excavation is observed and items of interest and finds are recorded. The watching brief shall be in accordance with a written programme and specification which has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that features of archaeological interest are properly examined and recorded.

(5) The polytunnels shall be located in such a manner to ensure a minimum clear width of 2 metres is achieved for all public footpaths crossing the application site.

Reason: To ensure the Public Rights of Ways remain free and unobstructed.

(6) No external lighting shall be installed on site unless details of such lighting, including the intensity of illumination and predicted lighting contours, have been first submitted to, and

approved in writing by, the Local Planning Authority prior to first occupation/use of the site. Any external lighting that is installed shall accord with the details so approved.

Reason: To satisfactorily protect the character and appearance of the area and the residential amenities of nearby occupiers.

(7) The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) (09/01/15, 10409 FRA January 2015) and the following mitigation measures detailed within the FRA:

1. A 600mm green buffer will be provided between the polytunnels which will be maintained as grassland to reduce the risk of soil erosion and the formation of drainage gullies exacerbating overland flow (paragraph 5.1.1).
2. The polytunnels will not provide a barrier to any overland surface water flows, allowing water to flow freely under the polytunnels (paragraph 5.1.1).
3. Infiltration trenches will be constructed in the grass buffer strip on the South and West boundaries, as stated in paragraph 5.2.3, 5.2.4 and Appendix 7.
4. An infiltration basin will be constructed, as detailed in paragraph 5.2.7 to accommodate the contributing runoff for all return periods up to and including the 1:100 year + 30% for climate change.
5. rainwater from the roof of the agricultural storage building will be stored in the above ground tanks which will be used for irrigation throughout the year (paragraph 5.2.11)
6. An infiltration trench shall be constructed as detailed in Appendix 7 to allow for the drainage of the hard standing area and overflow from the above ground storage tanks.

These mitigation measures shall be fully implemented in accordance with the timing / phasing arrangements embodied within the scheme, or within any other period as may subsequently be agreed, in writing, by the local planning authority.

Reason: To prevent an increase in flood risk downstream by managing the potential increase in overland flow associated with the polytunnels and agricultural storage building.

(8) The development shall not commence until there has been submitted to and approved in writing by the Local Planning Authority 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 in the course of development. The landscape scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines and should include consideration of how the boundary hedgerows can be managed and retained in the long term. In addition to the submitted documents the landscaping scheme shall include the following:

- (a) Plant new specimen of trees, including oak trees, along the eastern boundary of the site adjacent the proposed agricultural building and within the landscape in sitings to be agreed in writing with the Local Planning Authority beforehand while replacing aging specimens in existing hedgerow.
- (b) Additional hedgerow and tree planting along the northeast boundary of the northern field adjacent Lenham Road
- (c) Additional hedgerow and tree planting to dissect the northern polytunnel field from east to west.

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

(9) 4. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation;

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

(10) The development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing nos. DHA/10409/05, DHA/10409/04, DHA/10409/03, DHA/10409/02 REV A, DHA/10409/01, 5028 dated OCT 2014, Reservoir and Balancing Pond Site Location Plan; received 11.11.2014, Reservoir Plan and Section; dated 3.10.2.2014, Landscape and Visual Assessment (JE/10409) by DHA; dated October 2014, Section and Contour Plan of the Farm Building by Rural Partners Limited; received 10.12.2014, Balancing Pond and Weir details by Fieldwater Irrigation shown associated documents including drawing nos. 5028 and Charlton58; received on 11.11.2014, Flood Risk Assessment (CS/10409) by DHA; dated January 2015, Specification for Soft Landscaping and Maintenance Work; dated October 2014, Design and Access Statement (ERP/10409) by DHA; dated October 2014 and page 10 superseded on 26.11.2014.

Reason: To ensure the quality of the development is maintained and to prevent harm to the residential amenity of neighbouring occupiers.

INFORMATIVES

(1) Due to changes in legislation that came in to force on 1st October 2011 regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the site. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required before any further works commence on site.

The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House, Otterbourne, Hampshire, SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk

- (2) 1. No furniture may be erected on or across Public Rights of Way without the express consent of the Highway Authority:
2. There must be no disturbance of the surface of the right of way, or obstruction of its use, either during or following any approved development without the permission of this office.
3. No hedging or shrubs should be planted within 1.0 metre of the edge of the Public Path.
4. No Materials can be stored on the Right of Way.

The applicant is advised that the granting of planning permission confers on the developer no other permission or consent or right to close or divert any Public Right of Way at any time without the express permission of the Highway Authority.

(3) The infiltration ditches and infiltration basins should be maintained regularly to ensure no loss in performance and to prevent blockages. Over time, these will become prone to sedimentation if they are not appropriately maintained. Also, we would recommend the

addition of small check dams in the infiltration ditches to encourage infiltration along their entire length.

(4) If you impound (store) water on a watercourse, for example to create a reservoir, you will need an impoundment licence from us.

(5) With the mitigation measures described within the FRA (09/01/15, 10409 FRA January 2015), this development should not increase risk to the communities downstream. However, as there is some evidence of surface water gullies surcharging on The Street (ref. Maidstone Stage 1 SWMP) and local impacts as a result of groundwater flooding (stated in paragraph 4.5.5 of the FRA) we would recommend that the local planning authority consult with Kent County Council to assess any other flood risk concerns based upon their local flood risk knowledge.

(6) Any watercourse within the boundary of the site would be classified as an ordinary watercourse and would not be maintained by the Agency or by an Internal Drainage Board. In the absence of any express agreement to the contrary, maintenance is the responsibility of the riparian owners. Under the terms of the Land Drainage Act 1991 (as amended by regulations of the Flood and Water Management Act 2010), any culvert, diversion, weir, dam, or like obstruction to the flow of the watercourse requires the consent from the Lead Local Flood Authority (Kent County Council)). For details of the ordinary watercourse consent application process in Kent, please refer to the Kent County Council website at www.kent.gov.uk/land_drainage_consent.

Enquires and applications for ordinary watercourse consent should be made to Kent County Council via email at suds@kent.gov.uk

(7) If you abstract more than 20 cubic metres (m³) of water per day from ground waters or surface waters, you must obtain an abstraction licence from us.

(8) Reservoir's that are capable of holding more than 25,000m³ of water above natural ground level, must register with us. You must appoint a panel engineer to supervise and inspect it.

For information about reservoir safety and how to register your reservoir, please refer to our website or contact the reservoir safety team at reservoirs@environment-agency.gov.uk.

to Applicant: APPROVAL

The Council's approach to this application:

In accordance with paragraphs 186 and 187 of the National Planning Policy Framework (NPPF), the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and proactive manner by:

Offering pre-application advice.

Where possible, suggesting solutions to secure a successful outcome.

As appropriate, updating applicants/agents of any issues that may arise in the processing of their application.

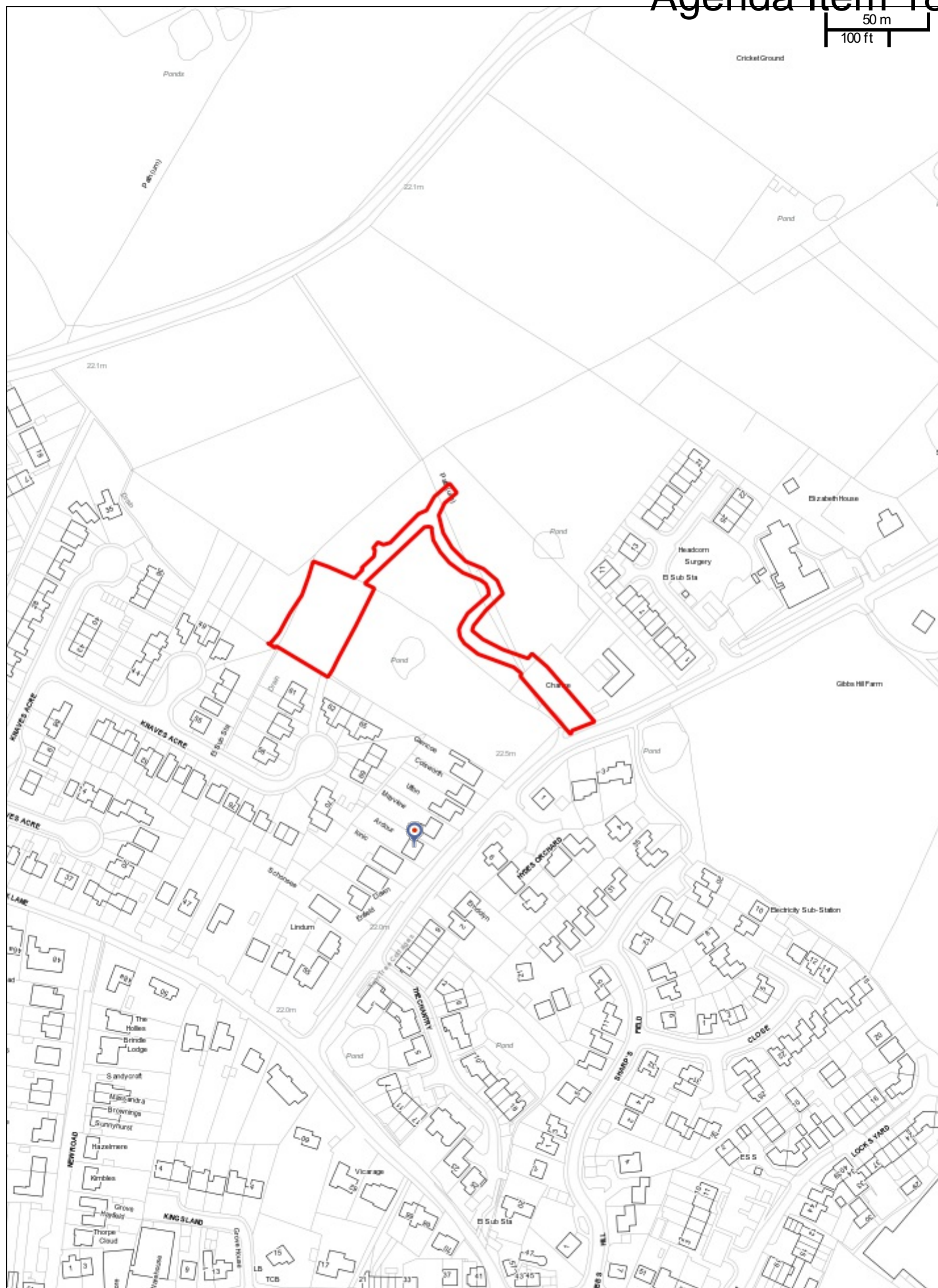
In this instance:

The applicant/agent was advised of minor changes required to the application and these were agreed.

Case Officer Andrew Jolly

Case Officer Sign:	Date:
Delegated Authority Sign:	Date:
TL/DM Countersign if refused:	Date:

50 m
100 ft



18/501196/FULL Land North of 61 and 62 Knaves Acre, Headcorn, Kent

Scale: 1:2500

Printed on: 16/5/2018 at 11:36 AM by JoannaW

REPORT SUMMARY

REFERENCE NO - 18/501196/FULL		
APPLICATION PROPOSAL Two storey detached house, with double garage with access off Grigg Lane.		
ADDRESS Land North Of 61 And 62 Knaves Acre Headcorn Ashford Kent TN27 9TJ		
RECOMMENDATION - APPROVE		
SUMMARY OF REASONS FOR RECOMMENDATION The proposal is considered acceptable in terms of its design and layout; and its access and in highway safety terms. The proposal is also considered acceptable in ecological, arboricultural and residential amenity terms, and the fall-back position here is for 1 dwelling to be built, as approved under 15/504300. It is also considered that the proposal has overcome the previous reasons for refusal (under 17/503890), and it is therefore recommended that this application is approved on this basis.		
REASON FOR REFERRAL TO COMMITTEE - Headcorn Parish Council wishes to see application refused and reported to Planning Committee.		
WARD Headcorn	PARISH COUNCIL Headcorn	APPLICANT Wealden Limited AGENT Wealden Homes
DECISION DUE DATE 25/05/18	PUBLICITY EXPIRY DATE 20/04/18	OFFICER SITE VISIT DATE 22/03/18
RELEVANT PLANNING HISTORY:		

- 17/503890 – Erection of dwelling – Refused on 13/10/17 for following reasons:
 - *New vehicle access and driveway would puncture through well-established tree/hedge line along northern boundary, which contributes positively to local area, would cause unacceptable visual harm to character and appearance of area.*
 - *Without evidence to contrary, new vehicle access sited within RPA of Grade A Oak would be likely to result in unjustified harm to, or loss of this tree, which would reduce this tree's longevity and amenity value.*
- 15/504300 - Outline for house (landscape reserved) – Approved
- MA/80/1119 - Outline for dwelling – Refused

MAIN REPORT

1.0 SITE DESCRIPTION

- 1.01 The proposal site relates to a parcel of land that is of a general rectangular shape that measures some 0.15ha in area. The site benefits from an existing access point in the southern corner of the site that is taken from Knaves Acre. The trees along the south-eastern boundary of the site are protected under Tree Preservation Order no.3 of 1978 and they are to be retained. The surrounding land to the north of the site is being built out with residential development; and a public footpath (KH606) runs along the northern boundary of the site. For the purposes of the Local Plan (2017), the site is allocated under policy H1(39) for approximately 5 dwellings, and covered by a Landscape of Local Value designation.

2.0 PROPOSAL

- 2.01 This proposal is for the erection of a single detached (5-bed) dwelling, with vehicle access to be taken from the northern boundary of the site, from a new estate road that leads onto Grigg Lane. The proposal would see the loss of an Ash tree and a group of Hawthorn and Field maple that are all categorised as Grade C trees.

2.02 Unlike under the previous application that was refused, this submission is now accompanied by an arboricultural implications assessment (AIA) that assesses the impact of the proposal on the trees, and additional landscaping has been shown along the front boundary of the site.

2.03 It should also be noted that there is an outline permission (decision date: 7th April 2017) for a development of a similar scale and design as what is now proposed under 15/504300, although the orientation of the approved house faces towards Knaves Acre, where the vehicle access was shown. This was approved by Planning Committee.

3.0 POLICY AND OTHER CONSIDERATIONS

- Local Plan (2017): SS1, SP5, SP7, H1, H1(39), DM1, DM2, DM3, DM23
- National Planning Policy Framework (2012)
- National Planning Practice Guidance (2014)
- Headcorn Neighbourhood Plan (Draft)

4.0 LOCAL REPRESENTATIONS

4.01 **Local Residents:** 3 representations have been made raising concerns over: the impact on the public footpath; highway safety; and land ownership.

5.0 CONSULTATIONS

5.01 **Headcorn Parish Council:** Wishes to see application refused and reported to Planning Committee for following (summarised) reasons;

- *Concerns about safety of proposed access - accessing site directly across PROW.*
- *Access entirely unsuitable for access by construction traffic.*
- *PROW already diverted to allow larger developments to be completed & idea was to create scenic & natural environment for parishioners to enjoy*
- *Plans indicate number of trees & shrubs removed - At odds with nature of area.*
- *Proposal will cut off wildlife corridor of trees & hedge line growth, plus wet ditch areas*

5.02 **Landscape Officer:** Raises no objection.

5.03 **KCC Highways Officer:** Raise no objection.

5.04 **Biodiversity Officer:** Raises no objection.

5.05 **Natural England:** Has no comments to make.

5.06 **KCC PROW Officer:** Confirms PROW KH606 has recently been diverted along south-western boundary of site and this should not affect determination of this application.

5.07 **Southern Water:** Raises no objection.

6.0 APPRAISAL

Main issues

6.01 The development refused under 17/503890 (dwelling with access off Grigg Lane) was considered under the 2000 Maidstone Local Plan and the modified policies of the Final Draft Maidstone Local Plan. The new Local Plan was adopted in October 2017,

superseding the 2000 Local Plan. The previous reasons for refusal are a material consideration in the determination of this current application.

- 6.02 Policy H1(39) of the Local Plan allocates this site for approximately 5 houses. However, it is a material planning consideration that the principle for 1 dwelling on this site has been granted under extant outline permission 15/504300/OUT. This earlier extant permission is the fall-back position.
- 6.03 In accordance with the relevant policies of the Local Plan (as stated above) and specifically policy H1(39), the main issues to be considered are the proposal's design and layout and then access. The report will then focus on other matters outside policy H1(39) such as biodiversity/arboricultural impacts, residential amenity implications, and other relevant material planning considerations.
- 6.04 Headcorn is recognised as a Rural Service Centre in the Local Plan, which is considered to be the second most sustainable settlements in the hierarchy to accommodate growth.
- 6.05 The details of this planning application will now go on to be considered.

Design and layout

- 6.06 The housing allocation policy (policy H1[39]) states that the function of public footpath along the northern boundary of the site should be retained, and that consideration is given to the safety of future users and occupiers of the development. The KCC Public Rights of Way Officer and the KCC Highways Officer have both raised no objection to the proposal and so it is considered that the proposal would be acceptable in this respect.
- 6.07 Other issues in terms of the proposal's design and layout shall now be assessed.
- 6.08 The proposed dwelling is similar to that approved under outline application 15/504300, albeit orientated differently, and so there is no objection raised in terms of the scale and appearance of the buildings themselves. However, this proposal would now see the creation of a vehicle access through the northern boundary of the site. The agent has confirmed that access cannot be taken from Knaves Acre because of a land ownership/right of way issue that would be timely and costly to resolve.
- 6.09 Unlike under the previous application that was refused, this submission is now accompanied by an arboricultural implications assessment (AIA) that assesses the impact of the proposal on the trees. The Landscape Officer has reviewed this report as part of this application and is now satisfied that the site could accommodate a dwelling from an arboricultural viewpoint, without the loss of the Oak tree. It should also be noted at this point that the Landscape Officer is satisfied that the Grade A Oak tree referred to in the previous reason for refusal is in fact a Grade B tree, as established in the now submitted AIA.
- 6.10 This said, the proposed access route still conflicts with the root protection area of a semi-mature Oak on the northern boundary, and the driveway also conflicts with the root protection areas (RPAs) of mature Oaks on the western boundary. The previously refused application made no attempt to demonstrate that this was technically possible without unacceptable levels of damage to tree roots, but this application now addresses the previous reason for refusal. The Landscape Officer is now satisfied that it has been

demonstrated that the proposal is achievable given the arboricultural constraints (through no-dig construction); and no objection is raised to the proposed tree removal and pruning works specified within the arboricultural report. As the Landscape Officer is now satisfied that the proposal would not reduce the longevity and amenity value of any retained tree, the character and visual amenity of the surrounding area would not be adversely impacted upon in this respect, and the new access is therefore considered to be acceptable in visual amenity terms.

- 6.11 The Landscape Officer also raises no objection to the loss of the category C trees and the proposed soft landscaping, subject to details of the size of planting and the replacement of *Prunus Amanogawa* (Japanese Cherry Blossom) substituted for a different species that is native or near-native and suitable for the area. This will be secured by way of appropriate condition.

Access

- 6.12 The housing allocation policy (policy H1[39]) states that access will be taken from Knaves Acre only, and as previously set out, access would be from the northern boundary of the site and not from Knaves Acre. The proposal is not policy compliant in this respect, but as set out above the proposal is considered to be acceptable in terms of its visual/arboricultural impact and in highway safety terms, so there are no reasonable grounds to refuse the application on this basis alone.

CONSIDERATIONS OUTSIDE POLICY H1(39)

Biodiversity implications

- 6.13 The applicant has submitted a Preliminary Ecological Appraisal Report and a Great Crested Newt (GCN) Survey as part of this application. The Biodiversity Officer has reviewed this information and advises that it provides a good understanding of the ecological impacts associated with the proposed development.
- 6.14 Notwithstanding this, in having regard to the 3 tests for a European protected species mitigation licence (given the impacts upon GCNs). As requested by the Biodiversity Officer, the agent has submitted amended landscaping plans that clearly show both the hibernaculum and the meadow area as being separated and physically demarcated from the garden areas of the new house. This layout (and its long term management) will be secured by way of appropriate condition, as accepted by Members of the Planning Committee under the previously approved scheme. It is therefore reasonable to assume that these terrestrial habitat areas can be maintained in the long-term and the Biodiversity Officer is satisfied with this approach.
- 6.15 Subject to the relevant mitigation conditions, the Biodiversity Officer has raised no objections to the proposal in terms of its potential impact upon any other protected species (including reptiles).
- 6.16 Notwithstanding this, one of the principles of the NPPF is that “...*opportunities to incorporate biodiversity in and around developments should be encouraged*”. The Preliminary Ecological Appraisal Report has made a number of recommendations for ecological enhancements which can be incorporated in to the site, and a suitable condition will be imposed to ensure that these enhancements are incorporated in to the development.

Residential amenity

- 6.17 Given the separation distances between the new house and any neighbouring property (existing and proposed) and given the proposal's scale, design and siting, it is considered that the proposal would not result in a significant loss of privacy, light or outlook to any neighbour, and it would not appear overbearing for any neighbour when enjoying their garden. It is also considered that a new dwelling here with its associated comings and goings and use of the existing access would not result in an unacceptable increase in general noise and disturbance to any existing/future neighbours.

Other Matters

- 6.18 Foul sewage disposal will be via the mains sewer and surface water will be disposed of via SUDS, and no objection is raised in this respect. Given the scale, nature and location of the site, no further details are required in terms of land contamination, flood risk and air quality; and Southern Water has also raised no objection to this proposal. The site would also benefit from adequate turning and parking facilities.
- 6.19 In terms of the Headcorn Neighbourhood Plan, the Planning Inspector concluded that the Plan should not proceed to a referendum. As such, the draft Headcorn Neighbourhood Plan is considered to carry very limited weight in the determination of this application.
- 6.20 The issues raised by Headcorn Parish Council and the local residents have been addressed in the main body of this report, and it should be noted that assessing the details of the construction phase of the development is not a material planning consideration in the determination of this application. Furthermore, this proposal does not include a new public right of way linking Knaves Acre and the new estate to the north of the site. Indeed, there is no policy basis to insist on this pedestrian link; Headcorn Neighbourhood Plan carries very limited weight in the determination of this application; the driveway leading to Knaves Acre is not in the applicant's ownership; and the need for the ecological enhancements (that will run along the eastern boundary) outweighs any desire for a new footpath here. This reasoning was previously accepted by Members of the Planning Committee under 15/504300.

7.0 CONCLUSION

- 7.01 The proposal is considered acceptable in terms of its design and layout; and its access and in highway safety terms, and the fall-back position here is for 1 dwelling to be built. The proposal is also considered acceptable in ecological and residential amenity terms. The proposal has overcome the previous reasons for refusal and it is therefore recommended that this application is approved on this basis.

8.0 RECOMMENDATION – grant planning permission subject to following conditions:

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

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) Prior to commencement of works/development above damp-proof course (DPC) level, written details and samples of the materials to be used in the construction of the external surfaces of the buildings and hardsurfacing shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed using the approved materials and maintained thereafter;

Reason: To ensure a satisfactory appearance to the development.

- (3) The development hereby approved shall be carried out in accordance with the boundary treatments as shown on drawings WH-PL-04 Rev B and WH-PL-10 (incorporating gaps for the passage of wildlife in the close boarded fencing). All boundary treatments shall be in place prior to the first occupation of the building and maintained as such thereafter;

Reason: To ensure a satisfactory appearance to the development, and in the interests of residential amenity and biodiversity.

- (4) Prior to commencement of works/development above damp-proof course (DPC) level, details of a scheme of landscaping, using indigenous species which shall include indications of all existing trees and hedgerows on the land and on adjoining sites, and details of any to be retained, together with measures for their protection in the course of development 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 principles established in the Council's adopted Landscape Character Assessment 2012 and shall include:

- a) Retention of all boundary trees as shown on drawing WH-PL-05 Rev B;
- b) Additional tree planting along southern boundary of site, as shown on drawing WH-PL-05 Rev B, subject to Japanese Cherry Blossom (*Prunus Amanogawa*) being substituted for a different native or near-native species suitable for the area (e.g. Wild Service (*Sorbus Tominalis*), Hazel (*Corylus avellana*), Oak (*Quercus robur*) or Holly (*Ilex aquifolium*);
- c) Size of all new tree/hedge planting;
- d) Native hedgerow planting along northern and eastern boundaries;
- e) Details of wildflower meadow mix as shown on drawing WH-PL-05 Rev B.

Reason: To safeguard future of existing trees and to ensure a satisfactory appearance to the development.

- (5) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the first occupation of the building or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species;

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

- (6) Prior to the commencement of any works/development on site, a revised Arboricultural Method Statement (AMS) in accordance with BS5837:2012 shall be submitted to and approved in writing by the Local Planning Authority. The AMS shall include:

- a) Existing and proposed levels;
- b) Details of driveway construction where it conflicts with root protection areas (RPAs) (including existing and proposed levels);
- c) Engineering method of how the new access would cross the watercourse along the northern boundary.

The development shall be carried out in accordance with the approved details;

Reason: Details are required prior to the commencement of work on site in order to safeguard the future retention and longevity of the retained trees.

- (7) In accordance with the submitted Preliminary Ecological Appraisal Report and prior to commencement of works/development above DPC level, an ecological method statement which details what enhancements are going to be implemented and where and how, shall be submitted to and approved in writing by the local planning authority, and shall include the following;

- i) Provision of bird boxes within the site, including integral bird bricks/boxes on northern elevation of building;
- ii) Provision of bat roosting spaces within eaves of building(s) and/or installation of ready-made bat boxes;
- iii) Provision of owl boxes in retained trees.

The development shall be built in accordance with the approved ecological mitigation strategy and all features shall be retained in that manner thereafter;

Reason: In the interests of biodiversity enhancement.

- (8) The development shall be carried out in accordance with the mitigation proposals set out in section 5.3 of the submitted Great Crested Newt Survey, including the ecological mitigation area with hibernaculum and log piles (along eastern boundary of site) and the area of wildflower meadow (along northern boundary of site), as shown on drawings WH-PL-03 Rev B and 05 Rev B. Prior to the commencement of works/development above DPC level, details of a long-term management plan for the ecological mitigation area shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with these approved details and maintained as such thereafter;

Reason: To ensure appropriate mitigation and protection of species.

- (9) Prior to the commencement of development, details of decentralised and renewable or low-carbon sources of energy to be used as part of the approved development shall have been submitted to and approved in writing by the Local Planning Authority including details of how they will be incorporated into the development. The approved measures shall be in place before first occupation of the development hereby approved and maintained as such at all times thereafter;

Reason: To secure an energy efficient and sustainable form of development. Details are required prior to commencement of development to ensure that the widest range of options are available (i.e. ground source heat pumps).

- (10) Prior to the first occupation of the building hereby permitted, a minimum of one operational electric vehicle charging point for low-emission plug-in vehicles shall be installed and shall thereafter be retained and maintained for that purpose;

Reason: To promote reduction of CO2 emissions through use of low emissions vehicles.

- (11) The approved details of the parking/turning areas (including the garage) shall be completed before the commencement of the use of the land or building hereby permitted and shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015 (or any order revoking and re-enacting that Order, with or without modification) or not, shall be carried out on the areas indicated or in such a position as to preclude vehicular access to them;

Reason: Development without adequate parking/turning provision is likely to lead to parking inconvenient to other road users and in the interests of road safety.

- (12) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extensions to the property or the erection of outbuildings shall be carried out;

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

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

WH-PL-01; WH-PL-07; and WH-PL-08 received 02/03/18;

WH-PL-10 received 19/04/18; and

WH-PL-03 Rev B; WH-PL-04 Rev B; and WH-PL-05 Rev B received 09/05/18.

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

INFORMATIVES

- (1) It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil. Information about how to clarify the highway boundary can be found at <https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>

- (2) The granting of planning permission confers no other permission or consent on the applicant. It is therefore important to advise the applicant that no works can be undertaken on a Public Right of Way without the express consent of the Highways Authority. In cases of doubt the applicant should be advised to contact this office before commencing any works that may affect the Public Right of Way. Should any temporary closures be required to ensure public safety then this office will deal on the basis that:
- The applicant pays for the administration costs
 - The duration of the closure is kept to a minimum
 - Alternative routes will be provided for the duration of the closure.
 - A minimum of six weeks notice is required to process any applications for temporary closures.

This means that the Public Right of Way must not be stopped up, diverted, obstructed (this includes any building materials or waste generated during any of the construction phases) or the surface disturbed. There must be no encroachment on the current width, at any time now or in future and no furniture or fixtures may be erected on or across Public Rights of Way without consent.

- (3) A formal application for connection to the public sewerage system is required in order to service this development, and please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk. Please read Southern Water's New Connections Services Charging Arrangements documents which has now been published and is available to read on Southern Water's website via the following link: <https://beta.southernwater.co.uk/infrastructurecharges>.

Case Officer: Kathryn Altieri

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



18/501016/FULL - Lea Farm, Faversham Road, Lenham, ME17 2EX

Scale: 1:2500

Printed on: 16/5/2018 at 9:50 AM by JoannaW

REPORT SUMMARY

24th May 2018

REFERENCE NO - 18/501016/FULL		
APPLICATION PROPOSAL - Conversion of barn to holiday let accommodation		
ADDRESS - Lea Farm Faversham Road Lenham ME17 2EX		
RECOMMENDATION - GRANT PLANNING PERMISSION subject to conditions		
SUMMARY OF REASONS FOR RECOMMENDATION - <p>The proposal would preserve the character and appearance of the Area of Outstanding Natural Beauty and there is no material harm to the amenity of neighbouring occupiers or any significant highways safety concerns. It accords with the relevant policies of the development plan and the NPPF and will bring the building into viable use, whilst contributing towards the rural economy.</p>		
REASON FOR REFERRAL TO COMMITTEE - Lenham Parish Council have requested that the application is reported to the Planning Committee if the Officer is minded to recommend approval.		
WARD Harrietsham And Lenham	PARISH/TOWN COUNCIL Lenham	APPLICANT Booth Properties Ltd AGENT Architectural Designs
DECISION DUE DATE 03/05/18	PUBLICITY EXPIRY DATE 17/11/17	OFFICER SITE VISIT DATE 14/03/2018 & 09/05/2018
No relevant planning history		

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The application site is located in the open countryside approximately 1 mile north of the settlement of Lenham. The site forms part of the designated Area of Outstanding Natural Beauty in the adopted Maidstone Borough Local Plan (2017). The topography of the surrounding area varies. The application building and neighbouring development occupies a prominent position in relation to the surrounding area and ground levels at the site are generally flat.
- 1.02 The application building is located to the north of a small cluster of residential properties largely surrounded by agricultural land and paddocks. It is a single storey detached rectangular shaped brick built barn of approximately 75 square metres, with a hipped tiled roof. The building which was previously used for storage purposes in connection

with the residential use at Lea Farm Cottage, but now appears empty. The application building and surrounding buildings are served by an access track which runs east from Faversham Road, some 330 metres to the south of the junction with West Street.

- 1.03 There is post and rail fencing and some planting running between the southern boundary of the application site with the neighbour to the south (Lea Farm Cottage). The site boundary to the north east and west is generally open. There are a number of Public Rights of Way in the vicinity of the site, the closest being KH288A which runs just outside the eastern boundary of the site and KH384 which runs along the north side of the access track.

2.0 PROPOSAL

- 2.01 Planning permission is sought for the conversion of the barn into a holiday let, together with the external alterations and internal reconfigurations necessary to carry out the conversion. It requires the creation of additional window openings on the rear elevation of the building together with alterations to the doors on the front elevation.
- 2.02 The proposal includes the provision of a shingle hardstanding car parking space and erection of new post and rail fencing along the northern and western perimeter of the site. The floor plans indicate provision of a bedroom, bathroom, living and dining area and kitchen.

3.0 POLICY AND OTHER CONSIDERATIONS

- 3.01 The National Planning Policy Framework (NPPF): 28, 49, 50, 53, 55, 56, 57, 58 and 61

National Planning Practice Guidance (NPPG):

Development Plan: SP8, SP17, DM1, DM3, DM8, DM30, DM31 of the adopted Maidstone Borough Local Plan (2017)

Supplementary Planning Documents:

4.0 LOCAL REPRESENTATIONS

- 4.01 **Local Residents:** One representations received from a local resident raising the following (summarised) issues:
- Loss of privacy
 - Highway Safety
 - Inaccurate existing and proposed block plans

5.0 CONSULTATIONS

- 5.01 **KCC Highways and Transport:** Comments that the proposal does not meet the criteria to warrant the involvement of the Highways Authority.

- 5.02 **West Kent PROW:** Comments that Public Rights of Way KH288A runs along the eastern boundary of the site and should not affect the application.

6.0 APPRAISAL

Main Issues

- 6.01 The application seeks planning permission for the conversion of the barn into holiday let and the main issues for consideration are:
- Principle of development;
 - Visual impact;
 - Residential amenity;
 - Parking and Highways impact;
 - Ecology;
 - Other matters.

Principle of Development

- 6.02 The National Planning Policy Framework supports appropriate rural businesses, including tourism, where they respect the character of the countryside and where they promote the diversification of agriculture. It states that appropriate rural development could include both the conversion of existing buildings and well designed new buildings (paragraph 28) and paragraph 58 seeks to optimise the potential of sites to accommodate development.
- 6.03 Policy DM31 of the adopted local plan is generally supportive of the principle of the conversion of rural buildings to business uses, including tourism. The policy does state that the buildings should be capable of conversion without major or complete reconstruction. In this case after an on site inspection the building of brick construction with a hipped roof appears to structural sound and therefore complete reconstruction is not required.
- 6.04 A further criteria set out in policy DM31 is that the amenity of future users is not harmed by the proximity of farm uses or buildings. The application building forms part of a small cluster of buildings which are in residential use and as there is no evidence to suggest that the amenities of the occupants of the existing dwellings have been harmed by the proximity to farm uses, it is not considered that there would be any significant adverse impact on the amenities of users of the proposed tourist accommodation resulting from the surrounding farm uses.
- 6.05 The proposal is considered to constitute sustainable development, because it would bring this redundant building to suitable use for this rural location, which has extensive walking opportunities for holiday makers, whilst contributing towards the rural economy. Having regard to the above, the principle of the proposal has strong policy support in the

adopted Maidstone Borough Local Plan and government guidance in the NPPF and the development is acceptable as a consequence.

Visual Impacts:

- 6.06 Visually, the application building does not display any important architectural features and its existing form and character would be largely maintained. The only change proposed involves insertion of window openings on the rear elevation, together with alterations to the doors on the front elevation of the building. The proposed materials which include timber windows would enhance the visual appearance of the building and its setting. Therefore, no visual harm would result to the character, appearance and openness of the Kent Downs Area of Outstanding Natural Beauty resulting from the conversion of the building for holiday let usage.

Residential Amenity:

- 6.07 In terms of residential amenity, the existing building is single storey and the indicated openings would not be at a level or in a position to cause any significant loss of privacy to the occupiers of the neighbouring property.
- 6.08 Given the scale of the development, it is not considered that significant noise and disturbance issues would result from the use of the vehicle access. With regards to noise for users of the accommodation, as the proposed use is for a tourism use, rather than a dwelling, the use is less intense or sensitive.
- 6.09 It is not considered that the proximity of the working farm makes this location unsuitable for holiday let accommodation and indeed this location would contribute towards enhancing the rural feel of the accommodation which could be of interest to holidaymakers.

Parking and Highway Safety:

- 6.10 Policy DM31 of the adopted local plan seeks to ensure that, the traffic generated by developments involving the re-use and adaptation of existing rural building do not result in the erosion of roadside verges, and are not detrimental to the character of the landscape.
- 6.11 The development would not generate any significant highways issues, due to its small scale and the fact that an existing access would be used. The traffic impact of development is assessed against the impact of the existing lawful use operating at full capacity. In this case the traffic generated by the proposed seasonal use is likely to be less than that generated by the existing storage use. With reference to submitted objections it is not considered that the vehicular traffic that would result from this proposal would cause erosion of roadside verges, compromise highway safety, the integrity of the country lanes or local amenity in the vicinity of the site. The development would utilise the existing access track which runs east from Faversham Road such that no material harm would result to the character of the landscape.

- 6.12 The proposed holiday use would have adequate off street parking provision compliant with requirements set out in policy DM23 of the adopted local plan.

Ecology:

- 6.13 With regards to ecology, it is understood that the application building has been used for storage purposes, therefore, the development is not considered to result in any significant ecological issues or loss of habitat. Moreover, no important trees would be lost as a result of the proposed development.

Other Matters:

- 6.14 Comments have been received from Lenham Parish Council and a neighbour objecting to the proposal on grounds that the submitted plans fails to indicate the neighbouring property immediately to the south of the site (Lea Cottage) and therefore the plans are misleading. Design amendments were submitted by the applicant following a request by the Council which addresses this issue with the potential impact on this property assessed as part of the planning application.
- 6.15 With regards to the objections raised on grounds that development would result in loss of privacy, no window opening on the proposed holiday let would overlook any neighbour. The tourism use proposed would not have any significant adverse impact on the amenities of any neighbouring residential property in terms of overlooking or loss of privacy.
- 6.16 It is recommended that a condition is attached to an approval to ensure that the use remains for holiday occupancy and not as a dwelling, as this is a location where housing would not normally be looked upon favourably.
- 6.17 The development is not considered to require an Environmental Impact Assessment due to its scale and nature. It is not considered to result in any significant visual, ecological or residential amenity issues, as stated above.
- 6.18 The other issues raised by Lenham Parish Council and local residents have been addressed in the main body of this report.

7.0 CONCLUSION

- 7.01 Taking all of the above into account, I conclude that the proposal would preserve the character and appearance of the Area of Outstanding Natural Beauty and residential amenity and that it complies with Development Plan Policy, and Government Guidance. There are no overriding material considerations to indicate a refusal and I therefore recommend approval with conditions as set out below.

8.0 RECOMMENDATION

- 8.01 GRANT planning permission subject to the following conditions:

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

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. The development hereby permitted shall be carried out in accordance with the following approved plans unless otherwise agreed in writing by the local planning authority:

Drawing number 18/0881 Rev A received on 17/04/18;

Reason: To ensure the quality of the development is maintained and to prevent harm to the residential amenity of neighbouring occupiers.

3. The materials to be used in the construction of the external surfaces of the development hereby permitted shall be as stated upon the submitted application form unless otherwise agreed in writing by the local planning authority;

Reason: To ensure a satisfactory appearance to the development.

4. Before the development hereby approved commences a detailed landscaping scheme (including provision for its long term maintenance) shall be submitted to and approved in writing by the Local Planning Authority. The proposed scheme shall include a new hedgerow to enclose the whole length of the southern perimeter of the application site. The approved landscaping shall be in place by the end of the first planting season following occupation. Any part of the approved hedgerow of landscaping becoming dead, dying or diseased within 5 years of planting shall be replaced with a similar species of a size to be agreed in writing with the Local Planning Authority and shall be retained at all times in accordance with the terms of this condition

Reason: In the interests of visual amenity and residential amenity of neighbouring occupiers.

5. The accommodation hereby permitted shall only be used as a holiday let and shall not be used as a dwelling or dwellings;

Reason: In the interests of sustainable development.

6. No external lighting shall be installed at the site without details having been first submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and retained as such thereafter.

Reason: To protect the night-time rural environment in the interest of visual amenity.

7. Prior to the commencement of the development hereby approved details of the foul and surface water drainage and an assessment of the hydro-geological context of the development, incorporating sustainable drainage principles shall be submitted to and agreed in writing with the Local Planning Authority. The agreed scheme shall be

implemented in strict accordance with the approved plans prior to first occupation of the development hereby permitted.

Reason: To ensure that adequate drainage is provided for the development

8. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that order with or without modification) no development within Schedule 2, Part 1, Classes A, B, C, D, E and F and Part 2 Class A shall be carried out without the permission of the local planning authority.

Reason: To safeguard the openness, character and appearance of the countryside.

Informative

- 1) The applicant is encouraged to look at installing appropriate insulation to prevent high levels of noise from the existing farm operations entering the building.
- 2) Attention is drawn to Sections 60 & 61 of the COPA 1974 and to the Associated British Standard COP BS 5228:1997 for noise control on construction sites. Statutory requirements are laid down for control of noise during works of construction and demolition and you are advised to contact the Environmental Health Manager regarding noise control requirements.
- 3) Clearance and burning of existing woodland or rubbish must be carried out without nuisance from smoke etc to nearby residential properties. Advice on minimising any potential nuisance is available from the Environmental Health Manager.
- 4) Plant and machinery used for demolition and construction shall only be operated within the application site between 0800 hours and 1900 hours on Mondays to Fridays and between 0800 hours and 1300 hours on Saturdays and at no time on Sunday and Bank Holidays.
- 5) No vehicles may arrive, depart, be loaded or unloaded within the general site outside the hours of 0800 hours and 1900 Mondays to Fridays and 0800 to 1300 hours on Saturdays and at no time on Sundays and Bank Holidays.
- 6) Adequate and suitable measures should be carried out for the minimisation of asbestos fibres during demolition, so as to prevent airborne fibres from affecting workers carrying out the work, and nearby properties. Only contractors licensed by the Health and Safety Executive should be employed.

Case Officer: Francis Amekor

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

THE MAIDSTONE BOROUGH COUNCIL **PLANNING COMMITTEE – 24th May 2018**

APPEAL DECISIONS:

1. 17/505248/FULL

Erection of a single storey rear extension.

APPEAL: ALLOWED

49 Marsham Street
Maidstone
Kent
ME14 1HH

(Delegated)

2. 17/505680/FULL

Demolition of existing single story side extension with garage. Erection of a two storey side extension providing garage, dining, utility and master bedroom. (Re-submission of 17/504275/FULL)

APPEAL: DISMISSED

1 Marian Square
Staplehurst
TN12 0SQ

(Delegated)

3. 17/505563/FULL

Demolition of existing conservatory and side porch, erection of front porch, two storey side and single storey rear extension and external alterations.

APPEAL: DISMISSED

46 Jeffery Close
Staplehurst
Tonbridge
Kent
TN12 0TH

(Delegated)

4. 17/500110/FULL

Construction of 2 no. detached dwellings each with attached triple garage.

APPEAL: DISMISSED

Land At
Ashford Road
Hollingbourne
Kent

(Delegated)

5. 17/502297/FULL

Change of use of Ragstone Barn to create one dwelling, works to include the partial demolition and replacement of the northern section

APPEAL: DISMISSED

Ragstone Barn
Linden Farm
Stockett Lane
Coxheath
Maidstone
Kent
ME15 0QD

(Delegated)