

# PLANNING COMMITTEE MEETING

Date: Thursday 18 October 2018  
Time: 6.00 p.m.  
Venue: Town Hall, High Street, Maidstone

## Membership:

Councillors Adkinson, Bartlett, Boughton, English (Chairman), Harwood, Kimmance, Munford, Parfitt-Reid, Perry, Round (Vice-Chairman), Spooner, Vizzard and Wilby

*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.*

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<b><u>AGENDA</u></b>	<b><u>Page No.</u></b>
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 Items withdrawn from the Agenda	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 - 25 October 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 27 September 2018	1 - 8
11. Presentation of Petitions (if any)	
12. Deferred Items	9 - 10
13. 18/501594 - The Potting Shed, Sutton Road, Langley, Kent	11 - 23

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**Issued on Wednesday 10 October 2018**

**Continued Over/**

*Alison Broom*

**Alison Broom, Chief Executive**

14.	18/503262 - 20 Pine Grove, Maidstone, Kent	24 - 30
15.	18/503831 - Land West of The Barn, Stilebridge Lane, Linton, Kent	31 - 40
16.	18/503935 - Oaklands, Gravelly Bottom Road, Kingswood, Maidstone, Kent	41 - 48
17.	18/504192 - The Stables, East Court, The Street, Detling, Maidstone, Kent	49 - 60
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## **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**

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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 27 SEPTEMBER 2018**

**Present:** Councillor English (Chairman) and Councillors Adkinson, Bartlett, Boughton, Hastie, Kimmance, Munford, Parfitt-Reid, Perry, Round, Spooner, Vizzard and Wilby

**Also Present:** Councillors Brice and Mrs Robertson

#### 142. APOLOGIES FOR ABSENCE

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

#### 143. NOTIFICATION OF SUBSTITUTE MEMBERS

It was noted that Councillor Hastie was substituting for Councillor Harwood.

#### 144. NOTIFICATION OF VISITING MEMBERS

Councillor Mrs Robertson indicated her wish to speak on the report of the Head of Planning and Development relating to application 18/501745/REM (Land to the East of Hermitage Lane, Maidstone, Kent).

It was noted that Councillor Brice had indicated her wish to speak on the reports of the Head of Planning and Development relating to applications 18/501928/FULL (Holman House, Station Road, Staplehurst, Kent) and 18/502553/FULL (Land to the South of The Gables, Marden Road, Staplehurst, Kent), and was on her way to the meeting.

#### 145. ITEMS WITHDRAWN FROM THE AGENDA

17/504579/OUT - OUTLINE APPLICATION FOR THE DEMOLITION OF EXISTING BUILDINGS AND THE ERECTION OF 8 NO. DWELLING HOUSES WITH ACCESS, LAYOUT AND SCALE TO BE CONSIDERED AT THIS STAGE AND ALL OTHER MATTERS RESERVED FOR FUTURE CONSIDERATION - DURRANTS FARM, WEST STREET, HUNTON, KENT

The Chairman sought the agreement of the Committee to the withdrawal of application 17/504579/OUT from the agenda to enable issues relating to affordable housing provision to be addressed.

**RESOLVED:** That agreement be given to the withdrawal of application 17/504579/OUT from the agenda.

146. 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 because they contained further information relating to the applications to be considered at the meeting.

147. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members or Officers.

148. EXEMPT ITEMS

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

149. MINUTES OF THE MEETING HELD ON 6 SEPTEMBER 2018

**RESOLVED:** That the Minutes of the meeting held on 6 September 2018 be approved as a correct record and signed.

150. PRESENTATION OF PETITIONS

There were no petitions.

151. 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.

18/501312 - PROVISION OF A CONTROLLED ATMOSPHERE STORE, CONCRETE HARDSTANDING, IRRIGATION LAGOON AND ASSOCIATED ENGINEERING OPERATIONS (INCLUDING LAND RAISING/EARTHWORKS) AND THE UPGRADING OF AN EXISTING TRACK AND ACCESS - SWANTON FARM, BICKNOR ROAD, BICKNOR, KENT

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

152. 17/500357 - HYBRID PLANNING APPLICATION COMPRISING: FULL APPLICATION FOR THE ERECTION OF 48 DWELLINGS AND ASSOCIATED INFRASTRUCTURE, LANDSCAPING AND OPEN SPACE; AND OUTLINE APPLICATION FOR THE ERECTION OF 102 DWELLINGS (ACCESS, LAYOUT AND LANDSCAPING SOUGHT) - LAND NORTH OF OLD ASHFORD ROAD, LENHAM, KENT

All Members except Councillors Boughton, Hastie and Spooner stated that they had been lobbied.

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

Mr McCreery addressed the meeting on behalf of Lenham Parish Council which had withdrawn its objections to the proposed development having considered the applicant's response to the reasons for deferral of the application by the Planning Committee and the Officers' revised recommendations.

**RESOLVED:**

1. That in the event that the decision notice is issued prior to 1 October 2018:

Subject to:

- (a) The prior completion of a legal agreement in such terms as the Head of Legal Partnership may advise to secure the following:
  1. £3,324 per applicable house and £831 per applicable flat towards Phase 1 of Harrietsham Primary School expansion;
  2. £4,635.22 towards installation of conversation and adult lip reading classes in the Village Hall;
  3. £1,281.28 towards Lenham Youth Service enhancement of mobile unit and equipment;
  4. £21,844.10 towards Lenham Library enhanced library services including additional stock;
  5. £9,597.56 towards provision of automatic doors for disabled access to Lenham Community Centre;
  6. £142,560 towards reconfiguration, refurbishment/upgrade to the Len Valley Practice or towards provision of new premises;
  7. £164,100 to deliver improvements to the children's play facilities, sports pitch and infrastructure at Ham Lane and William Pitt Field, or in the event that this location is allocated for development under a Neighbourhood Plan/Local Plan, to deliver open space improvements at alternative public open space within the Parish that is provided under a Neighbourhood Plan/Local Plan; and
  8. 40% affordable housing (60/40 split in favour of affordable rent/shared ownership); and
- (b) The conditions set out in the 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 and planning conditions in line with the matters set out in the recommendation and as resolved by the Planning Committee.

2. That in the event that the decision notice is not issued prior to 1 October 2018:

Subject to:

- (a) The prior completion of a legal agreement in such terms as the Head of Legal Partnership may advise to secure the following:

1. 40% affordable housing (60/40 split in favour of affordable rent/shared ownership); and
2. £164,100 to deliver improvements to the children's play facilities, sports pitch and infrastructure at Ham Lane and William Pitt Field, or in the event that this location is allocated for development under a Neighbourhood Plan/Local Plan, to deliver open space improvements at alternative public open space within the Parish that is provided under a Neighbourhood Plan/Local Plan; and

- (b) The conditions set out in the 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 and planning conditions in line with the matters set out in the recommendation and as resolved by the Planning Committee.

Voting:        13 – For        0 – Against        0 – Abstentions

153. 18/501745/REM - APPROVAL OF RESERVED MATTERS FOR APPEARANCE, LANDSCAPING, LAYOUT AND SCALE FOR PHASE 4 COMPRISING 71 DWELLINGS WITH ASSOCIATED INFRASTRUCTURE, PURSUANT OF OUTLINE APPROVAL 13/1749 - LAND TO THE EAST OF HERMITAGE LANE, MAIDSTONE, KENT

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

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

In presenting the report, the Principal Planning Officer advised the Committee that since the urgent update report was published on 25 September 2018, discussions had taken place with KCC Archaeology who had confirmed that they did not consider further information was needed at this stage and that condition 12 of the outline permission which required further archaeological work to be carried out on the Phase 4 site prior to commencement of development was sufficient.

Mr Tyman, an objector, Mrs Poletti of the New Allington Action Group, Mr Mendez, for the applicant, and Councillor Mrs Robertson (Visiting Member) addressed the meeting.

**RESOLVED:** That consideration of this application be deferred to:

- Examine in more detail the impact of vehicular access Options 2 and 5 through the woodland taking into account the visual impact of the works and any works necessary to meet health and safety requirements, including lighting; and
- Ask whether further renewable energy measures can be provided in this Phase of the development and whether tunnels can be provided under roads to facilitate the safe passage of wildlife.

Voting:        13 – For        0 – Against        0 – Abstentions

154. 18/502553/FULL - DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF TWO DETACHED DWELLINGS AND REPLACEMENT STORAGE BUILDING (RE-SUBMISSION OF 17/505937/FULL) - LAND TO THE SOUTH OF THE GABLES, MARDEN ROAD, STAPLEHURST, KENT

All Members except Councillors Parfitt-Reid and Spooner stated that they had been lobbied.

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

Dr Bradbury, an objector, Councillor Buller of Staplehurst Parish Council, Mr Garrod, the applicant, and Councillor Brice (Visiting Member) addressed the meeting.

**RESOLVED:** That permission be refused for the reason set out in the report.

Voting:        12 – For        0 – Against        1 – Abstention

155. 18/501928/FULL - CONVERSION OF EXISTING COMMERCIAL/RESIDENTIAL BUILDING, TOGETHER WITH SINGLE STOREY SIDE EXTENSION AND SINGLE STOREY REAR EXTENSION TO PROVIDE 7 NO. RESIDENTIAL APARTMENTS - HOLMAN HOUSE, STATION ROAD, STAPLEHURST, KENT

The Chairman and Councillors Perry, Round and Wilby stated that they had been lobbied.

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

In presenting the report the Development Manager corrected the description of the application since, as a result of negotiation, the terrace area above the rear projection had been removed from the scheme.

Ms Riva, an objector, Councillor Burnham of Staplehurst Parish Council, Mr Anthony, for the applicant, and Councillor Brice (Visiting Member) addressed the meeting.

**RESOLVED:**

1. That permission be granted subject to the conditions and informatives set out in the report with:
  - The amendment of conditions 6 (Parking/Turning Areas), 8 (Hard Landscape Works) and 13 (Landscaping) to accommodate a substantial landscape buffer to the northern boundary, extending into the site at least 2.5 metres, by relocating the access driveway and parking areas in order to soften and move cars away from that boundary; and
  - An additional condition requiring that prior to commencement of development an application be made to the statutory undertaker under S106 of the Water Industry Act 1991 requesting a connection to the public sewer.
2. That the Head of Planning and Development be given delegated powers to finalise the wording of the amended and additional conditions and to amend any other conditions as a consequence.

Voting:        6 – For        4 – Against        3 – Abstentions

Note: Councillor Hastie left the meeting after consideration of this application (8.50 p.m.).

156. 17/504579/OUT - OUTLINE APPLICATION FOR THE DEMOLITION OF EXISTING BUILDINGS AND THE ERECTION OF 8 NO. DWELLING HOUSES WITH ACCESS, LAYOUT AND SCALE TO BE CONSIDERED AT THIS STAGE AND ALL OTHER MATTERS RESERVED FOR FUTURE CONSIDERATION - DURRANTS FARM, WEST STREET, HUNTON, KENT

See Minute 145 above.

157. DRAFT LOCAL ENFORCEMENT PLAN

The Senior Enforcement Officer introduced her report setting out a new draft Local Enforcement Plan, including new Key Performance Indicators (KPIs) to drive enforcement activities. It was noted that:

- In May 2018 the Council instructed law firm Ivy Legal to undertake a review of the Enforcement Service and to draft a new Enforcement Plan, including the identification of new KPIs.
- The development of the new draft Local Enforcement Plan was informed by initial scope meetings with key stakeholders, including Enforcement Officers and Members; discussions with Members to understand key requirements and levels of actions required for



investigating breaches of planning control and the priorities associated with that action; discussions with key Officers to understand the levels of actions required for investigating breaches of planning control; appropriate benchmarking and research to inform the new policy; and recommendations around appropriate KPIs and the performance management of the emerging policy.

- The result of this work was the development of a new draft Local Enforcement Plan which is easy to follow and concise and which clearly sets out through targeting where the Council's priorities lie.

Members thanked the Development Manager and the Enforcement Team for their work in this area and congratulated the report author on the new document which was considered to be a considerable improvement on the current enforcement matrix. Members emphasised the need to ensure that the Enforcement Team remains fully resourced going forward to ensure that the proposed new KPIs can be met and that the Local Enforcement Plan can be implemented effectively. It was pointed out during the discussion that other Teams across the Council were very involved in the enforcement process and the Enforcement Team often took the lead in cross-agency working.

In response to comments by Members, the Officers confirmed that the table set out in the section of the new draft Local Enforcement Plan entitled "Initial Prioritisation of Case Types" would be amended to show that the target site visit in respect of Priority 1 cases would take place within one working day. Priority classification would be identified by a Senior Enforcement Officer in the first instance, but cases could be re-prioritised if necessary.

**RESOLVED:** That the new draft Local Enforcement Plan be noted and that the points raised in the discussion be included in the report to the Strategic Planning, Sustainability and Transportation Committee which will consider the Plan at its meeting on 9 October 2018.

#### 158. 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.

#### 159. STAFFING ISSUES

The Chairman informed the Committee that Mr Aaron Hill, Major Projects Manager, would be leaving the employment of the Council the next day. Mr Simon Rowberry would be working with the Planning Team as a Consultant until arrangements were made for a longer term appointment. Mr Matthew Crook, Conservation Officer, had also left the Council and arrangements had been made for a locum to start work the following week until a permanent appointment was made.

160. DURATION OF MEETING

6.00 p.m. to 9.15 p.m.

## **MAIDSTONE BOROUGH COUNCIL**

### **PLANNING COMMITTEE**

**18 OCTOBER 2018**

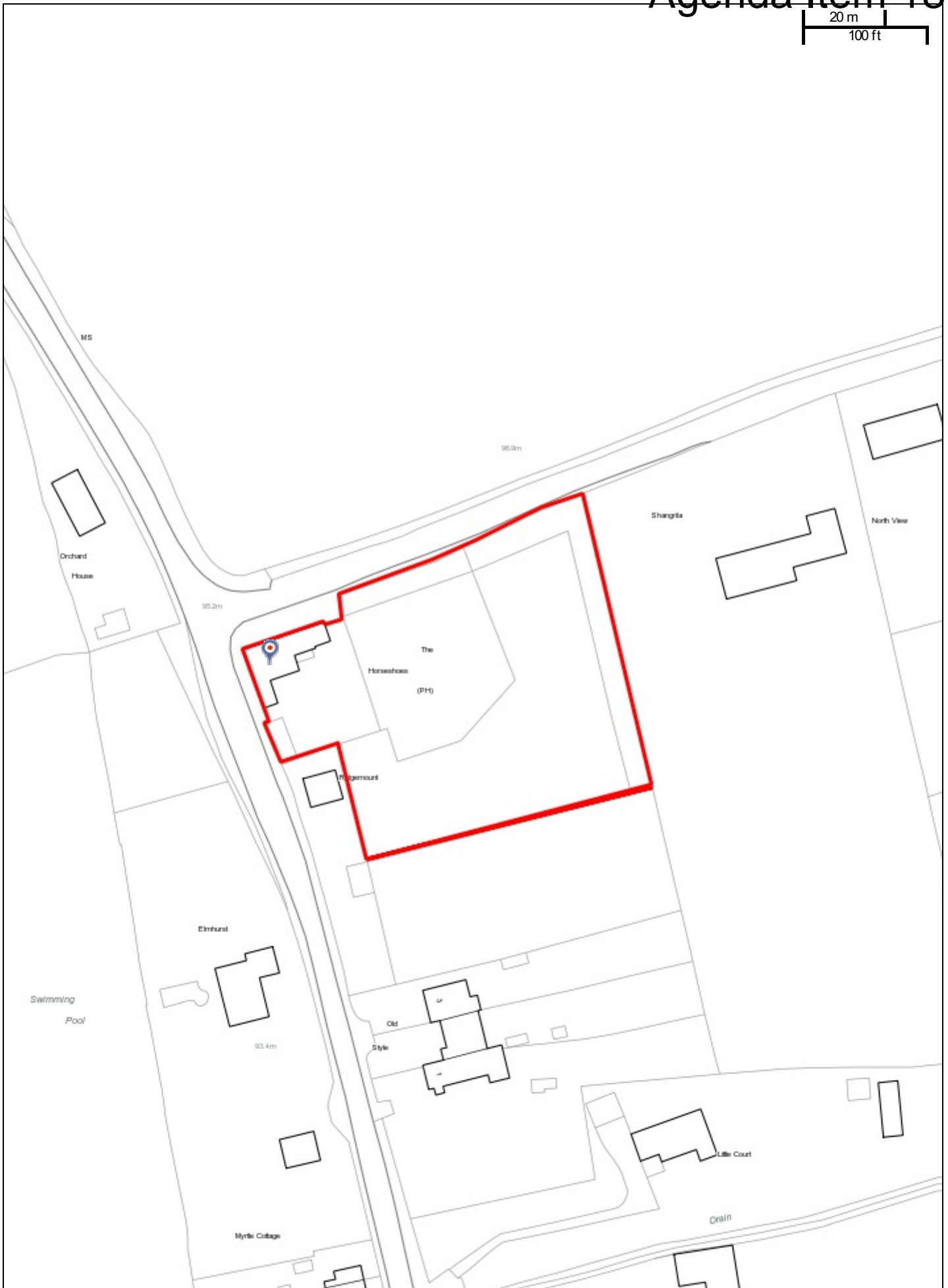
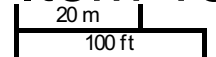
#### **REPORT OF THE HEAD OF PLANNING AND DEVELOPMENT**

##### **DEFERRED ITEM**

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.

<b>APPLICATION</b>	<b>DATE DEFERRED</b>
<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"> <li>• Check whether the correct certificates were served;</li> <li>• 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;</li> <li>• Investigate the potential for traffic calming measures on the shared access;</li> <li>• Seek details of the proposed landscaping scheme including what it would comprise and where it would be planted;</li> <li>• 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;</li> <li>• Discuss with the applicant the possibility of limiting the hours of operation on Saturdays; and</li> <li>• Enable a representative of Kent Highway Services to be in attendance when the application is discussed.</li> </ul>	<p>19 December 2017 adjourned to 4 January 2018</p>
<p><u>18/501312 - PROVISION OF A CONTROLLED ATMOSPHERE STORE, CONCRETE HARDSTANDING, IRRIGATION LAGOON AND ASSOCIATED ENGINEERING OPERATIONS (INCLUDING LAND RAISING/EARTHWORKS) AND THE UPGRADING OF AN EXISTING TRACK AND ACCESS - SWANTON FARM, BICKNOR ROAD, BICKNOR, KENT</u></p>	<p>6 September 2018</p>

<p>Deferred to:</p> <ul style="list-style-type: none"> <li>• Seek the submission of a detailed structural landscaping scheme comprising a significant area of woodland and wetland wrapping around the building to include the Bicknor Road frontage;</li> <li>• Seek further details of how views from the south east could be improved as a result of the landscaping proposed; and</li> <li>• Seek details of the energy efficiency of the building and how renewable energy measures could be incorporated into the scheme.</li> </ul>	
<p><u>18/501745/REM - APPROVAL OF RESERVED MATTERS FOR APPEARANCE, LANDSCAPING, LAYOUT AND SCALE FOR PHASE 4 COMPRISING 71 DWELLINGS WITH ASSOCIATED INFRASTRUCTURE, PURSUANT OF OUTLINE APPROVAL 13/1749 - LAND TO THE EAST OF HERMITAGE LANE, MAIDSTONE, KENT</u></p> <p>Deferred to:</p> <ul style="list-style-type: none"> <li>• Examine in more detail the impact of vehicular access Options 2 and 5 through the woodland taking into account the visual impact of the works and any works necessary to meet health and safety requirements, including lighting; and</li> <li>• Ask whether further renewable energy measures can be provided in this Phase of the development and whether tunnels can be provided under roads to facilitate the safe passage of wildlife.</li> </ul>	<p>27 September 2018</p>



**18/501594/FULL The Potting Shed, Sutton Road, Langley**

Scale: 1:1250

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<b>REFERENCE NO -</b> 18/501594/FULL		
<b>APPLICATION PROPOSAL</b> Erection of building for 6no. bed and breakfast rooms associated with The Potting Shed.		
<b>ADDRESS</b> The Potting Shed Sutton Road Langley ME17 3LZ		
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b> <p>The proposal represents the expansion of an existing economic premises within the countryside for tourism purposes.</p> <p>The scale of the proposal is considered to be acceptable for the proposed use and for the location. It would not be visible from public roads and would have an acceptable impact on the visual amenity of the surroundings.</p> <p>Subject to the imposition of conditions, the proposal would respect the amenities of occupiers of neighboring properties.</p> <p>The highways impact and parking provision for the proposal is considered to be acceptable.</p> <p>Other matters relating to construction impact, sewerage and archaeology can reasonably be dealt with by condition.</p> <p>The proposal therefore accords with local and national planning policy.</p>		
<b>REASON FOR REFERRAL TO COMMITTEE</b> <p>Langley Parish Council consider that the proposal will be an over development of the site. The loss of car parking spaces (during peak times at this public house) remains a cause for concern with cars spilling out and parking on the highway and/or pavement which is a detriment to highway safety.</p>		
<b>WARD</b> Sutton Valence and Langley	<b>PARISH/TOWN COUNCIL</b> Langley	<b>APPLICANT</b> Elite Pubs <b>AGENT</b> John Bullock Design
<b>TARGET DECISION DATE</b> 29/06/18	<b>PUBLICITY EXPIRY DATE</b> 20/06/18	

### **Relevant Planning History**

16/500692/FULL

Alterations and single storey extensions to provide kitchen and restaurant, food reception, refrigeration, pantry/store. Proposed new garden area and car park.  
Approved Decision Date: 19.04.2016

11/1731

Construction of an open sided shelter as shown on Drawing 260-02, scale 1:500 block plan and 12;50 site location plan and supporting Design and Access statement received on 10 October 2011

Approved Decision Date: 02.12.2011

96/1658

Minor extensions and alterations to public house including a new boiler house and new lobby as shown on dwg. nos. 137/02 05 07A 08 received on 13.12.96.

Approved Decision Date: 29.01.1997

## **MAIN REPORT**

### **1. DESCRIPTION OF SITE**

- 1.01 The proposal site is a public house that is located on the corner of Sutton Road and Horseshoes Lane within the parish of Langley. It on the eastern side of Sutton Road, and has 2 road frontages with a parking area behind.
- 1.02 The character of the immediate surrounding area largely consists of sporadic residential development and agricultural land; and for the purposes of the Development Plan, the proposal site is within the countryside.

### **2. PROPOSAL**

- 2.01 Permission is sought for the erection of a structure to the southern boundary at the rear of the site to provide 6 bed and breakfast rooms. The buildings are shown as being constructed within the banked element of the site so that although they would stand a total of 5.8m in height, only 3.6m of the buildings would protrude above the existing ground level to their rear.
- 2.02 The buildings each house a bedroom, ensuite and wardrobe area with pitched roofs. The rooms are shown as finished with green roofs and vertical weatherboard cladding. Small high level windows at the rear provide for ventilation and light.
- 2.03 They are sited in a row and face onto the beer garden at the rear of the pub and to the rear of the neighbouring dwelling – Ridgemount - on land that is currently used as beer garden space
- 2.04 The existing permitted car parking layout and capacity is shown as unaffected by the proposals. A delivery track is additionally shown as accessing the rear of the pub from the car park.

### **3. POLICY AND OTHER CONSIDERATIONS**

National Planning Policy Framework (NPPF)  
National Planning Practice Guidance (NPPG)  
Maidstone Borough Local Plan 2017 SP17, SP21, DM1, DM30, DM37

#### **4. LOCAL REPRESENTATIONS**

##### **Local Residents:**

4.01 4 representations received from local residents raising the following (summarised) issues

##### Objections (3)

- There is insufficient parking for the current pub and restaurant. The proposal would add to dangerous and chaotic parking.
- Foul sewerage is not clear – do not want a cess pit or septic tank near bedroom windows.
- Concerned about building technique and whether this would have an impact on neighbouring buildings.
- Concerned about light pollution from external lighting.
- Concerned about a power generator outside dwelling.
- Concerned about excessive noise and disturbance from the use.
- The area is becoming too industrial.

##### Support (1)

- Good design with minimal visual impact
- Although the building works might cause some disruption, long term it would be positive for the local economy, provide tourist accommodation, and help support local jobs.
- Useful to have restrictions on timings of building works

#### **5. CONSULTATIONS**

##### KCC - Minerals and Waste Planning Authority

5.01 The application details do not include a Minerals Assessment and does not discuss mineral safeguarding. However, it is clear that the development proposed is of a minor nature to an existing development in The Potting Shed, Langley (Public House). Therefore, it is the case that exemption criterion 6 of Policy DM 7 of the KMWLP is applicable and the Minerals and Waste Planning Authority has no further comments to make in relation to this application.

##### Kent Highways and Transportation

5.02 No objection subject to conditions regarding highways and parking impact during and after construction.

##### Kent Archaeology



- 5.03 No objection subject to a condition requiring an archaeological watching brief.

Environmental Protection

- 5.04 No objection

Langley Parish Council

- 5.05 Wish to see the application refused and referred to the planning committee. Will be an over development of the site. The loss of car parking spaces (during peak times at this public house) remains a cause for concern with cars spilling out and parking on the highway and/or pavement which is a detriment to highway safety.

## **6. APPRAISAL**

### **Main Issues**

- 6.01 The key issues for consideration relate to:

- Principle of development
- Design and visual amenity
- Residential amenity impact
- Highways and parking impact

### **Principle of development**

- 6.02 Policy SP17 of the local plan states that the countryside is defined as all those parts of the plan area outside the settlement boundaries of the Maidstone urban area, rural service centres and larger villages defined on the policies map. It requires that development proposals in the countryside are not be permitted unless they accord with other policies in the plan and will not result in harm to the character and appearance of the area.
- 6.03 Policy SP21 of the local plan states that the council is committed to supporting and improving the economy of the borough and providing for the needs of businesses. One of the ways through which this can be achieved is stated as '*supporting proposals for the expansion of existing economic development premises in the countryside, including tourism related development, provided the scale and impact of the development is appropriate for its countryside location, in accordance with policy DM37.*'
- 6.04 Policy DM37 of the local plan states that planning permission will be granted for the sustainable growth and expansion of rural businesses in the rural area where:

*'i. New buildings are small in scale and provided the resultant development as a whole is appropriate in scale for the location and can be satisfactorily integrated into the local landscape;  
ii. The increase in floorspace would not result in unacceptable traffic levels on nearby roads or a significant increase in use of an existing substandard access;  
iii. The new development, together with the existing facilities, will not result in an unacceptable loss in the amenity of the area. In particular the impact on nearby properties and the appearance of the development from public roads will be of importance; and  
iv. No open storage of materials will be permitted unless adequately screened from public view throughout the year.'*

6.05 The NPPF states that *'Planning policies and decisions should help create the conditions in which businesses can invest, expand and adapt. Significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development.'*

6.06 In terms of the rural economy, it requires planning policies and decisions to enable:

- the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings; and
- sustainable rural tourism

6.07 The proposal is for 6 bed and breakfast rooms associated with the public house and as such represents the expansion of an existing economic premises within the countryside for tourism purposes. Therefore, provided that the scale and impact of the development is found to be appropriate to the location, then it would accord with policy SP21 and the NPPF.

6.08 As required by Policy DM37, if the resultant development is considered to be appropriate in scale for the location and can be satisfactorily integrated into the local landscape, would not result in unacceptable traffic levels on nearby roads or a significant increase in use of an existing substandard access, will not result in an unacceptable loss in the amenity of the area, then it would be policy compliant and considered acceptable in principle.

### **Design and visual amenity**

6.09 Policy SP17 permits proposals in the countryside where, in this instance, they accord with other policies in the plan and will not result in harm to the character and appearance of the area.

- 6.10 The general design principles contained within policy DM1 are reiterated in Policy DM30 which relates specifically to development within the countryside, and states that proposals which satisfy the requirements of other policies in this plan and create high quality design will be permitted. In particular, it states that:
- The type, siting, materials and design, mass and scale of development and the level of activity should maintain, or where possible, enhance local distinctiveness including landscape features;
  - Impacts on the appearance and character of the landscape should be appropriately mitigated.
  - Where built development is proposed, there should be no existing building or structure suitable for conversion or re-use to provide the required facilities. Any new buildings should, where practicable, be located adjacent to existing buildings or be unobtrusively located and well screened by existing or proposed vegetation which reflect the landscape character of the area.
- 6.11 Policy DM37 requires that new buildings required in connection with the expansion of rural business should be appropriate in scale for the location and be satisfactorily integrated into the local landscape and not result in an unacceptable loss in the amenity of the area. In particular the impact on the appearance of the development from public roads will be of importance.
- 6.12 The proposal has been designed and sited to take advantage of the change in levels of the site with the rear elevation of each room being submerged into the bank to the edge of the site and only the pitched roof and front elevation impacting visually on the site. The roofs have been shown with a sedum finish and the front elevation is clad in vertical weatherboarding. Additional bunding is shown to the front of the units, which would screen them from the activities within the beer garden. They would appear as a high quality development which respects the local environment and the topography of the site, and would present a low scale and low impact development.
- 6.13 The units are unobtrusively located, and due to their low scale would be naturally well screened by the surrounding bank and the proposed additional bunding. Given the design and siting of the development and its location within an existing beer garden, it would not have a detrimental impact on the appearance or character of the landscape.
- 6.14 The scale of the proposal is considered to be acceptable for the proposed use and for the location. It would not be visible from public roads and would have an acceptable impact on the visual amenity of the surroundings. As such, it is considered to comply with policies DM1, DM30 and DM37 of the local plan.

### **Residential amenity Impact**

- 6.15 Policy DM1 states that proposals should respect the amenities of occupiers of neighbouring properties and provide adequate residential amenities for future occupiers of the development by ensuring that development does not result in or is exposed to excessive noise, vibration, odour, air pollution, activity or vehicular movement, overlooking or visual intrusion, and that the built form would not result in an unacceptable loss of privacy or light enjoyed by the occupiers of nearby properties.
- 6.16 Due to the design and siting of the units, there would be no impact on nearby residential dwellings through loss of daylight /sunlight / privacy or overshadowing. The units are shown as situated within an existing banked area of the garden of the public house in a semi-submerged position. Each unit contains a front door with a high level window above, and a high level window to the rear (for ventilation and light). Due to them being high level, the windows would not provide any outlook to the neighbouring dwellings, and the doors look towards the pub garden. Additional bunding is shown to the front and side of the development which would screen them from the activities within the beer garden, and would screen the neighbouring dwelling, Ridgemount, from the activity in the units.
- 6.17 The height of bunding has not been made clear on the plans, but this can be required through a condition relating to levels across the site (to make sure that it is neither too high or too low).
- 6.18 Concerns have been raised by a neighbouring occupier about excessive noise from the occupation of the units. However by their very nature, they would not facilitate large group occupation. Each unit contains a bedroom and bathroom with no 'socialising space' inside or outside. It is considered that the noise and disturbance from the development would be no greater than that from the permitted use of the land as a pub garden and therefore on balance, no objection could be raised in this regard.
- 6.19 To ensure occupation is kept to an appropriate level in terms of neighbouring amenity impact, it would be reasonable to impose a condition preventing amplified sound from the development. No other uses beyond the existing pub activities, and the proposed sleeping accommodation would be permitted through the proposal which is only for B&B accommodation.
- 6.20 It is not considered that there would be any additional impact through traffic movements from the proposal, as the parking for the units would be accommodated in the existing parking area.
- 6.21 A consultation comment has raised concern about the amenity impact of external lighting and noise from a generator (presumably to power the development). Excessive external lighting would have a detrimental impact on both neighbouring amenity and the character and appearance of the area and it would therefore be reasonable to impose a condition preventing external lighting without the prior approval of the Council.

- 6.22 Equally any plant, including a generator, could have a detrimental impact on neighbouring amenity and it would be reasonable to impose a condition to prevent any external plant being installed without the approval of the Council.
- 6.23 Subject to the imposition of conditions relating to amplified music, external lighting and plant equipment, the proposal would respect the amenities of occupiers of neighbouring properties in accordance with policy DM1 of the local plan.

### **Highways and parking impact**

- 6.24 Policy DM1 of the local plan states that proposals should safely accommodate the vehicular and pedestrian movement generated by a proposal on the local highway network and through the site access, and provide adequate vehicular and cycle parking to meet adopted council standards.
- 6.25 The proposal will be located on existing pub garden land and so will not result in additional trips as it will reduce the capacity of the use of the public house, resulting in a neutral highways impact. The use of the B&B units would be less transient than the use of the same area of land as a pub garden. The proposal does not alter the permitted parking layout of the pub, and provides for an additional delivery route at the rear of the property.
- 6.26 Kent Highways have raised no objection to the proposal subject to conditions regarding highways and parking impact during and after construction.
- 6.27 On balance therefore, the highways impact and parking provision for the proposal is considered to be acceptable and in accordance with the requirements of policy DM1 of the local plan.

### **Others**

- 6.28 A consultation response has raised concern about the impact of the construction of the proposal given its proximity to a neighbouring dwelling. The integrity of the building works would be controlled through building regulations and as such, is not a material planning consideration. The impact of the construction works can reasonably be managed through a condition requiring a construction management plan which could control matters such as hours of construction work.
- 6.29 A consultation response has raised concern about sewerage and the location of facilities close to the neighbouring occupier. This can also be dealt with by condition requiring that details of the location of sewerage provision be approved by the Council.

- 6.30 Owing to the location of the site within an area of potential archaeological importance, Kent Archaeology Officer has requested details of a watching brief be submitted prior to the commencement of any works.

## **7. CONCLUSION**

- 7.01 The proposal represents the expansion of an existing economic premises within the countryside for tourism purposes in accordance with local plan policy SP17 and SP21, and the NPPF.
- 7.02 The scale of the proposal is considered to be acceptable for the proposed use and for the location. It would not be visible from public roads and would have an acceptable impact on the visual amenity of the surroundings. As such, it is considered to comply with policies DM1, DM30 and DM37 of the local plan.
- 7.03 Subject to the imposition of conditions, the proposal would respect the amenities of occupiers of neighboring properties in accordance with policy DM1 of the local plan.
- 7.03 The highways impact and parking provision for the proposal is considered to be acceptable and in accordance with the requirements of policy DM1 of the local plan.
- 7.04 Other matters relating to construction impact, sewerage and archaeology can reasonably be dealt with by condition.

## **8. 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) The approved details of the parking area and access shall be completed before the commencement of the use of the land or buildings hereby permitted and shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) (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 provision is likely to lead to parking inconvenient to other road users and in the interests of road safety.

(3) The development hereby approved shall not commence until a method statement for the construction of the development hereby approved has been submitted to, and approved in writing by, the Local Planning Authority. The construction works shall be carried out in accordance with the approved method statement. Details submitted in respect of the method statement, incorporated on a plan, shall provide for wheel-cleaning facilities during the demolition, excavation, site preparation and construction stages of the development. The method statement shall also include details of the provision of parking facilities for contractors during all stages of the development (excavation, site preparation and construction) and the provision of a means of storage and/or delivery for all plant, site huts, site facilities and materials and hours of operation of building works

Reason: To ensure the construction of development does not result in highway safety.

(4) 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.

(5) No external lighting shall be installed on the site without the prior written consent of the Local Planning Authority.

Reason: In the interests of visual amenity

(6) There shall be no amplified music played from the development hereby permitted.

Reason: in the interest of neighbouring amenity.

(7) No external plant or apparatus shall be installed in connection with the development hereby permitted without the prior written approval of the Local Planning Authority.

Reason: In the interests of visual and aural amenity.

(8) The development hereby approved shall not commence until, details of the method and location of disposal of sewage have been submitted to and approved in writing by the local planning authority and these works shall be completed in accordance with the approved details before the first occupation of the building(s) or land.

Reason: To ensure adequate sewage disposal arrangements.

(9) The development shall be completed strictly in accordance with details in the form of cross-sectional drawings through the site showing proposed site levels, including bunding works, which shall have been submitted to and approved in writing by the Local Planning Authority prior to commencement of development..

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

(10) The landscaping and materials to be used in the development hereby approved shall be as indicated on the approved plans unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory appearance to the development

(11) The development shall be carried out only in accordance with the following approved plans:  
17095-P-01-B

Reason: in the interests of clarity

(12) The units shall only be used for bed and breakfast accommodation holiday purposes and for no other use. No occupiers shall stay in the development hereby approved for more than 14 nights at any one time and shall not return within a period of 2 months. A register shall be maintained of all occupiers on site. The register shall be available for inspection by the local planning authority on request.

## 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/highwayboundary-enquiries>

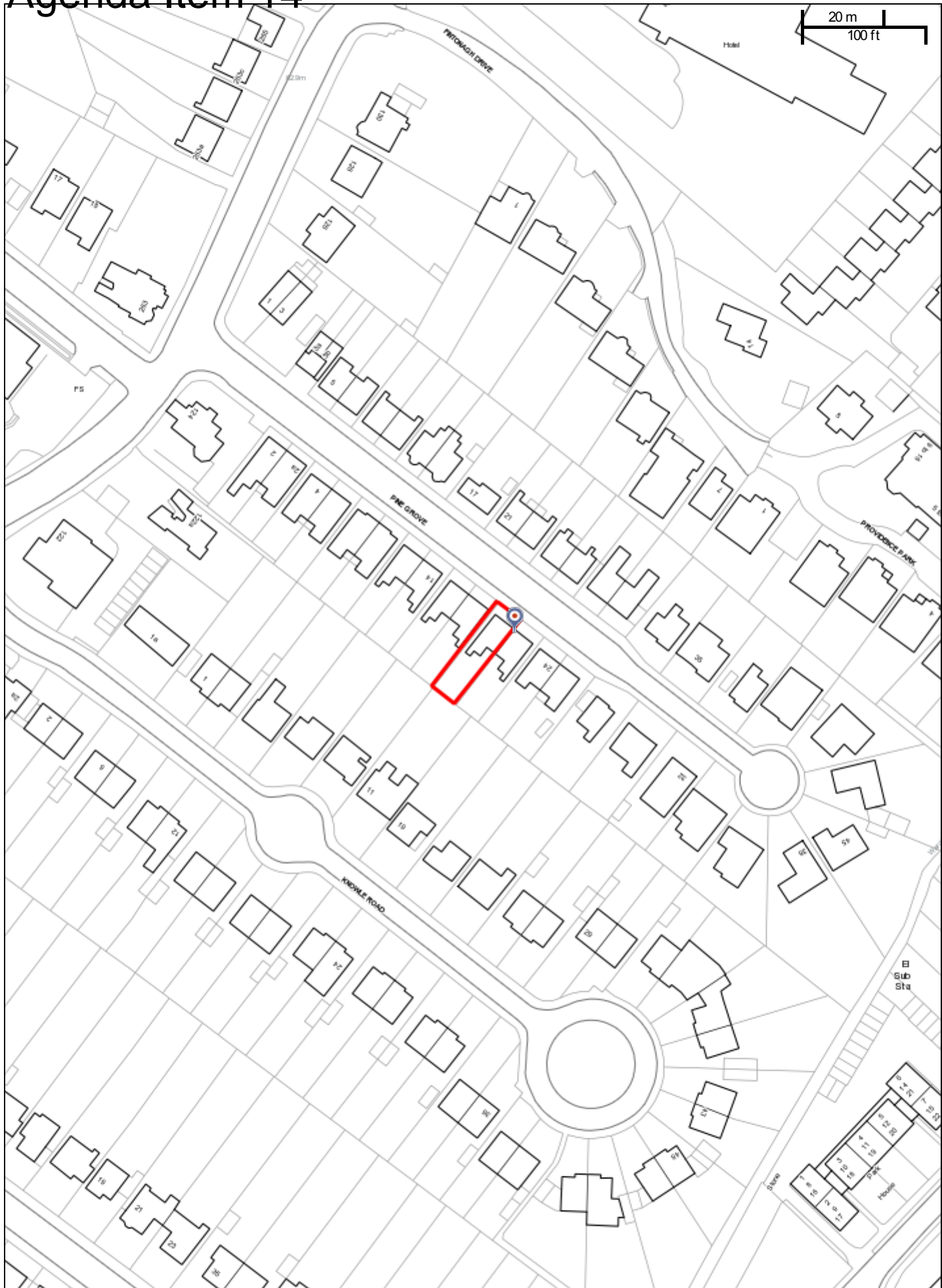
The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect



Planning Committee Report  
18 October 2018

Case Officer Joanna Russell

# Agenda Item 14



18/503262/FULL 20 Pine Grove, Maidstone

Scale: 1:1250

Printed on: 10/10/2018 at 9:44 AM by SummerF

REFERENCE NO 18/503262/FULL		
<b>APPLICATION PROPOSAL</b>		
Erection of a 3 metre first floor rear extension above existing single storey rear extension with external alterations to fenestration. (Revision to 18/501178/FULL)		
ADDRESS 20 Pine Grove Maidstone ME14 2AJ		
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b>		
The proposal has an acceptable impact on visual and residential amenity and as such complies with the adopted Local Plan.		
<b>REASON FOR REFERRAL TO COMMITTEE</b>		
<b>The application was called in by the Maidstone Borough Councillor for North Ward on 2<sup>nd</sup> July 2018 as the application has attracted considerable local interest because of the welfare issues informing it.</b>		
<b>WARD</b> North	<b>PARISH/TOWN COUNCIL</b>	<b>APPLICANT</b> Ms Rosemary Chance <b>AGENT</b> Richardson Architectural Designs
<b>TARGET DECISION DATE</b> 13/8/18	<b>PUBLICITY EXPIRY DATE</b> 23/7/18	

### **Relevant Planning History**

18/501178/FULL

First floor rear extension above existing single storey rear extension with external alterations to fenestration.

Refused Decision Date: 26.04.2018

18/503262/FULL

Erection of a 3 metre first floor rear extension above existing single storey rear extension with external alterations to fenestration. (Revision to 18/501178/FULL)

Pending Decision Decision Date:

### **MAIN REPORT**

#### **1. DESCRIPTION OF SITE**

- 1.1 The application site is a semi-detached two storey Edwardian dwelling located on the south-western side of Pine Grove. The property currently has a single storey rear projection of 4.5m with a garden of approximately 12.5m in length.

- 1.2 The adjacent dwelling to the north-west (No. 18) has been the subject of a two-storey rear extension, which gained permission in 1999, with a number of windows on the flank elevation facing the application site.
- 1.3 Pine Grove itself is located to the north-west of Maidstone Town Centre and is not subject to any designations. The street is characterised by a variety of dwelling styles and ages.
- 1.3 The site is not located within a Conservation Area, nor is it listed or locally listed.
- 1.5 The site is located in Flood Risk Zone 1 and therefore there is no likely harm arising from flood risk.

## **2. PROPOSAL**

- 2.01 This application seeks planning permission for the erection of a first floor rear extension above the existing single storey rear projections. The proposed extension will protrude 3m and will be set back from the existing single storey extension by approximately 1.5m. The extension will have a pitched roof with a gable end, lower than the main roof of the house. The application also seeks to change the fenestration of the north-west elevation and the rear elevation. The plans indicate two new windows within the north-west elevation, and the widening of the existing patio door on the rear elevation.

## **3. POLICY AND OTHER CONSIDERATIONS**

National Planning Policy Framework (NPPF)  
National Planning Practice Guidance (NPPG)  
Maidstone Borough Local Plan 2017 DM1, and DM9  
Supplementary Planning Documents: Maidstone Local Development  
Framework Residential Extensions Supplementary Planning Document  
(2009).

## **4. LOCAL REPRESENTATIONS**

### **Local Residents:**

- 4.01 Objections from the adjacent householder at no. 18 and 4 letters of support from nos. 8, 16, 24, and 25. The Council also received a letter in support of this application signed by a number of residents of Pine Grove (nos. 5, 10, 12, 16, 21, and 22). The following issues have been raised:
- 4.02 Objection summary:

The proposed extension will cause a significant loss of natural light to our property making habitable rooms gloomy.

The extension is proposed to be built directly from which much of our natural light comes. As the gap between the houses is only 7 feet an extension of the proposed height will have a significant impact.

The proposed windows in the extension will cause overlooking of our garden.

Support Summary:

The family requires an additional bathroom for the improvement of quality of life of existing resident.

Fail to see why there should be any concerns as to the potential loss of light for the adjacent properties. The houses on this side of Pine Grove are south facing and therefore benefit from sunlight for most of the day. Any loss of full light would be minimal during the day and therefore would not require significant remedial action. It is also noted that the houses were built close together originally.

Pine Grove benefits from a variety of architectural designs with a significant number of houses now having extensions of various sizes. Given the existing precedent, there should be no reason why this application should be rejected given the extension is similar in design to those already in place.

## **5. CONSULTATIONS**

None

## **6. APPRAISAL**

### **Main Issues**

6.01 The key issues for consideration relate to:

- Principle of development
- Visual amenity
- Residential amenity
- Others

### **Principle of Development**

6.02 The application site is within the built up area boundary where the principle of extensions and alterations area acceptable subject to proposals meeting the Council's policies.

### **Visual Amenity**

6.03 The Residential Extensions SPD notes that rear extensions usually have the least impact upon the street scene. The street is characterised by varying

styles of homes that are all closely built together. The rear extension will not project any wider than the existing dwelling and will therefore not be significantly visible, if at all from the street.

- 6.04 The materials to be used within the design of the proposed extension are to match the existing and are therefore acceptable.

### **Residential Amenity**

- 6.05 The proposed first floor extension is shown to project from the rear of the property by approximately 3m. This application is a resubmission of the application 18/501178/FULL, and has been revised by reducing the depth of the first floor extension, so that it no longer covers the whole of the existing single storey rear extension, but is set in by approximately 1.8m.
- 6.06 The Residential Extensions SPD states that for rear extensions for semi detached homes should not exceed 3m in depth from the rear of the property. In this case, the proposed extension will not exceed this depth and therefore is acceptable as long as it does not negatively impact the amenity of neighbouring properties.
- 6.07 It is noted that the previous application at this site was refused on the grounds that it would significantly reduce the amount of light reaching habitable rooms of the adjacent property (No. 18 Pine Grove) and was therefore not in keeping with the policies of the Council's Development Plan, in particular Policy DM9. Policy DM9 states that residential extensions will be permitted if the privacy, daylight, sunlight and maintenance of a pleasant outlook of adjoining residents would be safeguarded. It is believed that with this set back from the edge of the existing single storey extension that this will allow for sufficient light to reach the habitable rooms of the neighbouring property and will not cause a significant impact upon the amenity of these residents.
- 6.08 No. 18 has three main windows facing the site property, two at ground floor level and one at first floor level. These serve a dining room, a kitchen and a bedroom that has been converted to an office.
- 6.09 Whilst the extension will clearly be visible from these windows, the depth has been reduced from the previously refused proposal. It should be noted that the layout of no.18 has changed somewhat to how the property was originally built as a result of extensions to that property.
- 6.10 With regards to overlooking, the proposed fenestration of the first floor extension, although would be able to overlook into the garden of the neighbouring properties, the level of overlooking will be no higher than the existing, which is caused by the fact that the properties along Pine Grove were built so closely together.

- 6.11 Overall, whilst there may be some visual impact and loss of light to the adjacent occupier at no. 18 as a result of the increased size of the dwelling, it is not considered that the impact of the extension as revised from the previous scheme would be so great as to be materially harmful to the visual or residential amenities of the occupiers of that property.
- 6.12 In the opinion of officers, no harm is likely to arise to any other neighbouring occupier given the distance of the extension from neighbouring boundaries  
Others
- 6.13 Due to the proposed siting and nature of the application, the development will not have a highways impact.
- 6.14 It is not believed that the nature of the proposed development will affect the existing landscaping and no landscaping details are provided as part of this submission and therefore are not considered as part of this application.
- 6.15 It is noted that a number of comments have been received in relation to the personal circumstances of the applicant and the need for this extension to accommodate a safe and private shower room for the applicants son.
- 6.16 The personal circumstances of the applicant are a material consideration and this needs to be weighed in the planning balance. Nevertheless, such matters will rarely outweigh such issues as impacts on neighbouring amenity. In this case, whilst this can be given some limited weight, the principle issue is whether the extension harms neighbouring amenity.

## **7. CONCLUSION**

- 7.01 The proposals have been revised from the previously refused planning application. The proposals would have some impact on neighbouring amenity but this is not considered to materially harm the occupiers at no.18. Therefore, weighing up these issues it is considered that on balance permission should be granted.
- 7.02 This application for a first floor rear extension and change to fenestration to provide a bedroom and new bathroom is considered acceptable and I therefore recommend that planning permission be granted.

## **8. 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. The development hereby permitted shall be carried out in accordance with the following approved plans: Existing and Proposed Plans and Elevations (drawing number: RA1166/REV c/01

Reason: To clarify which plans have been approved.

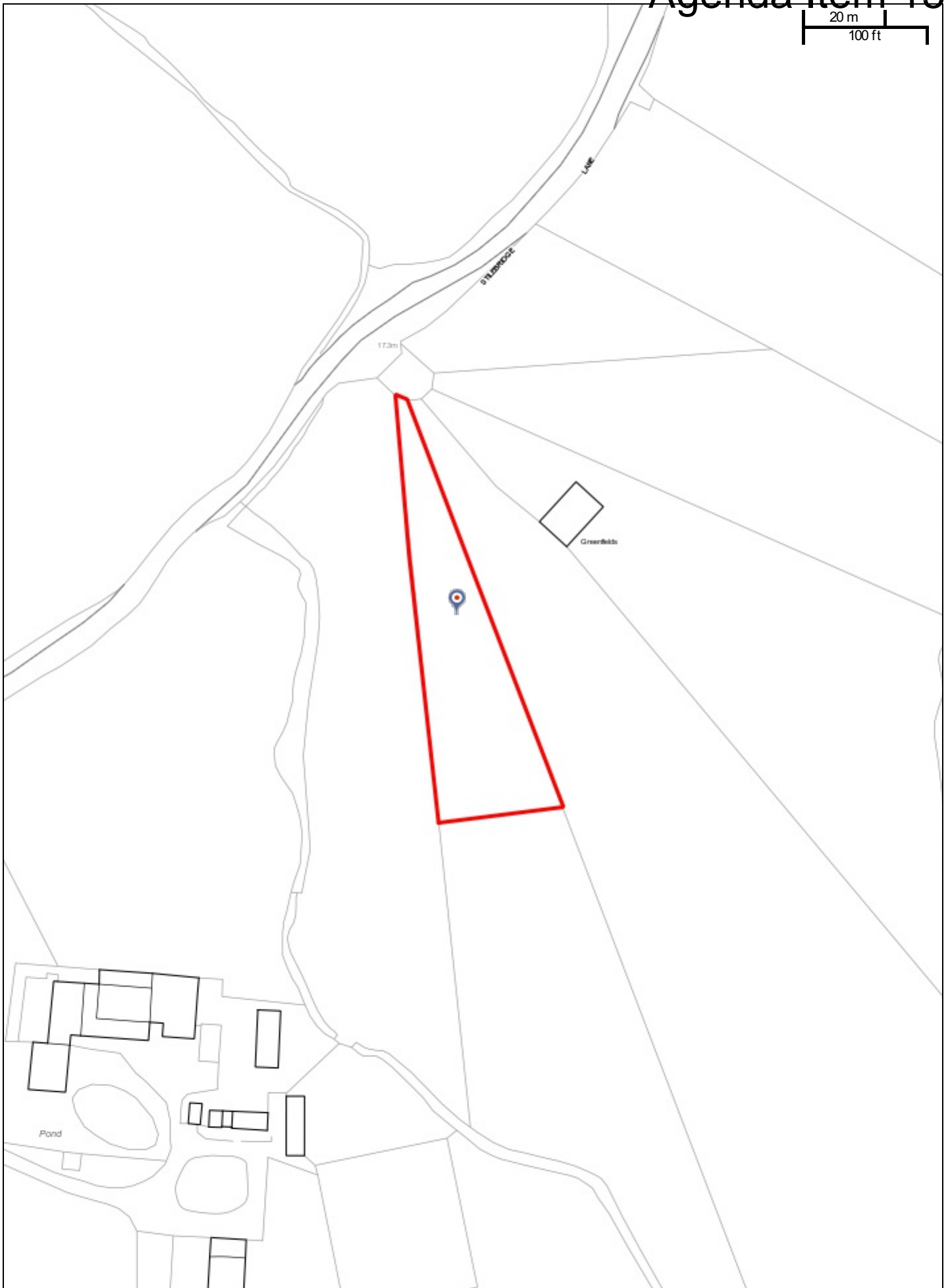
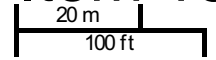
3. The materials to be used in the development hereby approved shall be as indicated on the approved plans and application form unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory appearance to the development

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)

Case Officer Tom Beard





**18/503831 - Land West of The Barn**

Scale: 1:1250

Printed on: 10/10/2018 at 9:33 AM by EllyH

18 October 2018

## REPORT SUMMARY

<b>REFERENCE No:</b> 18/503831/FULL		
<b>APPLICATION PROPOSAL:</b> Change of use of the land for the stationing of one static mobile home for Gypsy and Traveller accommodation in connection with the existing adjacent site, and for the provision of a utility building and associated hard and soft landscaping.		
<b>ADDRESS:</b> Land West of The Barn Stilebridge Lane Linton Kent ME17 4DE		
<b>RECOMMENDATION:</b> APPROVE		
<b>SUMMARY OF REASONS FOR RECOMMENDATION:</b> The proposed development complies with the policies of the Development Plan and there are no overriding material considerations to indicate a refusal of planning permission		
<b>REASON FOR REFERRAL TO COMMITTEE:</b> - The recommendation is contrary to the views expressed by Linton Parish Council		
<b>WARD:</b> Coxheath & Hunton	<b>PARISH COUNCIL:</b> Linton	<b>APPLICANT:</b> Mrs L. Penfold <b>AGENT:</b> SJM Planning Ltd
<b>DECISION DUE DATE:</b> 22/10/18	<b>PUBLICITY EXPIRY DATE:</b> 02/10/18	<b>OFFICER SITE VISIT DATE:</b> 02/08/18
<b>RELEVANT PLANNING HISTORY:</b>		

- 18/500750 - Stationing of 2 mobile homes for Gypsy accommodation and erection of day room – Refused for 2 reasons (11.04.18):
  1. *In the absence of relevant information regarding the Gypsy and Traveller status of one of the intended occupiers of the site, there is no justification for allowing this form of development which would be harmful to the rural character and appearance of the area.*
  2. *Proposal represents unjustified expansion of cluster of existing Gypsy and Traveller sites on Stilebridge Lane which would cumulatively erode openness of countryside and intensify concentration and associated adverse impact of build development. It would appear as a visually intrusive addition to this countryside location to the detriment of the amenities of the area.*
- 17/505881 - Stationing of 2 mobile homes for Gypsy and Traveller accommodation and erection of day room - Withdrawn
- MA/13/1748 - Change of use of land to mixed use of agriculture and caravan site for Gypsy and Traveller family (2 mobile homes) and erection of 2 amenity blocks – Approved (07.09.17)

### 1.0 SITE DESCRIPTION

- 1.01 For the purposes of the adopted Local Plan, the proposal site is located in the countryside, on the south-eastern side of Stilebridge Lane. The proposal site is located on the edge of an existing 'fan' of gypsy and traveller sites with varying planning history, with the majority of these sites benefiting from permanent (unrestricted) permissions. At the time of the site visit, no buildings or mobile homes were on the site.

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## **2.0 PROPOSAL**

- 2.01 This proposal is for the change of use of the land for the stationing of a static mobile home and for the erection of a utility building, with associated hard and soft landscaping. The mobile home and utility building would be located along the north-eastern boundary, and it would be connected to the adjacent site by a pedestrian access through the shared boundary.
- 2.02 The site already benefits from vehicle access and it is set back and screened from the road by existing fencing. The utility building would be some 7.7m by 4.5m in footprint and with its hipped roof it would stand some 3.8m in height.
- 2.03 For clarification, the 2 mobile homes on the adjacent site are occupied as follows: In one mobile home there is Mr and Mrs Penfold (the applicants); Mrs Penfold's mother (who is dependent on Mrs Penfold); and one son. In the second mobile home, Mr and Mrs Penfold's other son lives with his wife and 2 young children. These 2 mobile homes benefit from permanent (unrestricted) permission.
- 2.04 The proposed mobile home would be occupied by Mr and Mrs Penfold's son that currently lives with them. This son now has a partner and they are expecting their first child.

## **3.0 POLICY AND OTHER CONSIDERATIONS**

Maidstone Local Plan: SS1, SP17, GT1, DM1, DM3, DM8, DM15, DM30  
National Planning Policy Framework (2018)  
National Planning Practice Guidance  
Planning Policy for Traveller Sites (2015)  
Gypsy & Traveller and Travelling Showpeople Topic Paper (2016)

## **4.0 LOCAL REPRESENTATIONS**

- 4.01 **Local Residents:** No representations have been received.

## **5.0 CONSULTATIONS**

- 5.01 **Linton Parish Council:** If minded to recommend approval, the application should be referred to Planning Committee;

*"Insufficient justification for removal of farmland as it would remove openness of countryside, harming rural character & appearance of area. Application amounts to urban sprawl. Site would remove rural landscape barrier between other neighbouring plots of land that have buildings. This amounts to creation of development that would not be appropriate in countryside, contrary to policies SS1, SP17, DM1 and DM30 of Local Plan and the NPPF."*

- 5.02 **Kent Highway Authority:** Raise no objection.

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5.03 **Landscape Officer:** Raises no objection to proposed landscaping scheme.

## **6.0 APPRAISAL**

### **Main issues**

- 6.01 The most relevant Local Plan policy is DM15, which allows for gypsy and traveller accommodation in the countryside provided certain criteria are met, with SP17 allowing development provided it does not result in harm to the character and appearance of the area.
- 6.02 Another key consideration in the determination of this application is Government Guidance set out in 'Planning Policy for Traveller Sites' (PPTS) as amended in August 2015. The guidance places emphasis on the need for increased gypsy and traveller site provision, supporting self-provision (as opposed to local authority provision) and acknowledgement that sites are more likely to be found in rural areas. This is an exception to the principle of restraint in the countryside. Issues of need are dealt with below, but in terms of broad principle, Local Plan policies and central government guidance both permit gypsy and traveller sites to be located in the countryside as an exception to policies which otherwise seek to restrain development.
- 6.03 The site is approximately 2.5km to the south of the larger village of Boughton and whilst there would be some reliance on private motor vehicles to access local services and facilities, this is common of Gypsy and Traveller sites in rural locations. For these reasons, the site is considered to be reasonably located in respect of access to local services and facilities and would support the sustainability objectives of the NPPF.
- 6.04 In accordance with the relevant policies of the Maidstone Local Plan and central government guidance, the main issues for consideration are what the need and supply of gypsy sites are; whether the applicants qualify for gypsy status in planning terms; and the proposal's visual impact.

### **Need for gypsy sites**

- 6.05 The Maidstone Local Plan is adopted and there are policies relating to site provision for Gypsies and Travellers. Local planning authorities also have responsibility for setting their own target for the number of pitches to be provided in their areas in their Local Plans. Maidstone Borough Council, in partnership with Sevenoaks District Council commissioned Salford University Housing Unit to carry out a Gypsy and Traveller and Travelling Showpeople Accommodation Assessment (GTAA) dated January 2012 to cover the period October 2011 to March 2031. The GTAA concluded the following need for pitches over the remaining Local Plan period:

*Oct 2011 – March 2016 - 105 pitches  
Apr 2016 – March 2021 - 25 pitches  
Apr 2021 – March 2026 - 27 pitches*

18 October 2018

*Apr 2026 – March 2031 - 30 pitches*

*Total: Oct 2011 – March 2031 = 187 pitches*

- 6.06 This, is the best current evidence of need, and forms the evidence base to the Local Plan, although it should be acknowledged that the GTAA preceded the August 2015 publication of the revised PPTS, which redefines amongst other things, status qualifications, and as a result the accuracy (albeit not substantially) of the GTAA figures. The target of 187 additional pitches is included in policy SS1 of the Maidstone Local Plan. The GTAA predates publication of the revised PPTS, which sought to redefine the definition of Gypsies and Travellers. The GTAA is the best evidence of needs at this point, forming as it does part of the evidence base to the adopted Local Plan.

### **Supply of gypsy sites**

- 6.07 Accommodation for Gypsies and Travellers is a specific type of housing that councils have the duty to provide for under the Housing Act (2004). Local Plan Policy DM15 accepts that subject to certain criteria, this type of accommodation can be provided in the countryside.
- 6.08 Since 1<sup>st</sup> October 2011, the base date of the GTAA, the following permissions for pitches have been granted (net):
- *131 permanent non-personal pitches*
  - *25 permanent personal pitches*
  - *4 temporary non personal pitches*
  - *35 temporary personal pitches*
- 6.09 Therefore a net total of 156 permanent pitches have been granted since 1<sup>st</sup> October 2011. A further 31 permanent pitches are needed by 2031 to meet the need identified in the GTAA.
- 6.10 The PPTS states that local planning authorities should identify a future supply of specific, suitable Gypsy and Traveller sites sufficient for the 10 year period following adoption of the Local Plan. The Local Plan does allocate specific sites and these are sufficient to provide 41 additional pitches by 2031. In addition, it can reasonably be expected that some permanent consents will be granted on suitable 'unidentified' sites in the future and there will also be turnover of pitches on the two public sites in the borough. Overall, by the means of the site allocations, the granting of consents (past and future) and public pitch turnover, the identified need for 187 pitches can be met over the timeframe of the Local Plan.
- 6.11 The PPTS directs that the lack of a 5 year supply of Gypsy and Traveller pitches should be given weight when considering the expediency of granting consent on a temporary basis. The Council's position is that it can demonstrate a 5.2 year supply of Gypsy and Traveller sites at the base date of 1<sup>st</sup> April 2018. As the Council considers itself to be in a position to demonstrate a 5 year supply, paragraph 27 of the PPTS would not apply in

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the determination of this application and the direction to positively consider the granting of a temporary consent does not apply.

### **Gypsy status**

- 6.12 The Government revised the PPTS in August 2015, and the planning definition of 'gypsies & travellers' have been amended to exclude those who have ceased to travel permanently. The current definition is as follows;

*"Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling show-people or circus people travelling together as such."*

- 6.13 The definition still includes those who are of a nomadic habit of life, who have ceased to travel temporarily because of their own, or their dependants, health or education needs or old age. To determine whether an applicant falls within the definition (in terms of ceasing to travel temporarily), the PPTS advises that regard should be had to; a) whether they had previously led a nomadic habit of life; b) the reasons for ceasing their nomadic habit of life; and c) whether there is an intention of living a nomadic habit of life in the future and if so, how soon and in what circumstances.
- 6.14 The 2 mobiles on the adjacent site (MA/13/1748) were approved on 7<sup>th</sup> September 2017. At this time, it was accepted that both sons of Mr and Mrs Penfold met the planning definition of 'gypsies & travellers'. Subsequent to this, even though 18/500750 was refused on 11<sup>th</sup> April 2018 in part because of Gypsy status, this related to a lack of information surrounding Mrs Penfold's mother. The status of Mrs Penfold's mother is not now for deliberation and is considered to be a dependent of Mrs Penfold. Under 18/500750, the Gypsy status of Mr and Mrs Penfold's son (who is intending to live in the additional mobile home) was again accepted. In the 6 months that have passed since this decision, the agent has confirmed that Mrs Penfold's son continues to travel across the country for work purposes (horse breeding and dealing) and on this basis, no objection continues to be raised to this proposal on Gypsy status grounds.

### **Visual impact**

- 6.15 Guidance in the PPTS states that local planning authorities should very strictly limit new traveller development in the countryside but goes on to state that where sites are in rural areas, considerations are that sites do not dominate the nearest settled community and do not place undue pressure on local infrastructure. No specific reference to landscape impact has been outlined however this is addressed in Local Plan policies SS1, SP17, DM15 and DM30; and the NPPF. Specifically, policy DM15 of the Local Plan allows for Gypsy accommodation in the countryside provided certain criteria are

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met. This includes allowing development that does not result in significant harm to the landscape and rural character of the area.

- 6.16 The proposed development would be set back more than 45m from Stilebridge Lane and is considered to be adequately screened from this road when approaching the site from either direction, given existing built and natural form in the vicinity. The proposal site is also more than 370m away from A229, and no public footpath would come within 160m of the site.
- 6.17 When compared to the previous application that was refused (under ref: 18/500750), the proposal is for 1 mobile home and not 2; the mobile home and utility building are now shown to be sited close to the shared boundary with the adjacent Gypsy site, instead of being sprawled across the whole site; the site is largely given over to soft landscaping, including a native hedge to be planted along the south-western boundary of the site; the utility building has been noticeably reduced in size; and the level of hardstanding has also been reduced.
- 6.18 The proposed mobile home and utility building would now be contained to the front of the site, grouped close to existing lawful development, retaining a sense of openness within the site, by keeping built form away from the south-western and rear boundaries. This layout and the proposed landscaping shown would retain a soft barrier to the wider countryside and would not therefore harmfully erode the openness of the countryside hereabouts. Details of any external lighting would also have to be submitted to the local planning authority for approval in the interests of amenity.
- 6.19 It is therefore considered that the amended proposal would not appear visually intrusive and would not result in adverse harm to the landscape and rural character of the area. When considered cumulatively with other existing lawful gypsy sites, for the reasons given it would also not have an adverse impact upon the character and appearance of the countryside hereabouts.

#### **Other matters**

- 6.20 The proposal does not raise any highway issues and the highway authority has not raised objection. Given the location and well-kept condition of the site (in Flood Zone 1), no objection is raised to this application in terms of flood risk, ecology and arboricultural grounds. Details of foul sewage and surface water drainage will be requested via an appropriate condition.
- 6.21 A residential use is not generally a noise generating use; and the nearest house would be a significant enough distance away from the proposal for it to not adversely impact upon their residential amenity. The development would also not have an adverse impact upon the amenity of the near-by gypsy sites; and given the spacious size of the site and its surroundings, the amenity of future occupiers would also not be adversely impacted upon. It

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is not considered that this proposal, when considered cumulatively with other lawful gypsy sites in the vicinity, would be of such scale and density that would result in it having an unacceptable impact upon the existing residential community.

- 6.22 The comments made by Linton Parish Council have been considered in the assessment of this application. It should also be noted that the proposal site is not Grade 1 or Grade 2 classified agricultural land; it is a piece of land that has not been used for agricultural purposes for some time; and given its awkward shape and siting wedged between a lawful Gypsy site and a parcel of land that appears to have horses kept on it, it is considered unlikely that the land would ever be appropriately farmed again.

## **7.0 CONCLUSION**

- 7.01 There is Local Plan policy support to allow unallocated Gypsy sites in the countryside, provided that they do not result in significant harm to the character and appearance of the countryside. As set out in the main body of this report, this proposal is considered to not have an adverse impact upon the character and appearance of the countryside hereabouts, and it has overcome the previous reason for refusal. As such, the proposal is considered acceptable with regard to the relevant provisions of the Local Plan, the NPPF, and all other material considerations such as are relevant. A recommendation for a permanent, unrestricted permission is therefore made on this basis.

## **8.0 RECOMMENDATION – APPROVE 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. The site shall not be used as a caravan site by any persons other than Gypsies or Travellers, as defined in Annex 1 of the Planning Policy for Traveller Sites 2015;

Reason: The site is in an area where the stationing of caravans/mobile homes is not normally permitted.

3. No more than 2 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 (of which no more than 1 shall be a static caravans or mobile home) shall be stationed on the site at any time;

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



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4. When the land ceases to be occupied the use hereby permitted shall cease and all caravans, structures, materials and equipment brought onto the land in connection with the use shall be removed. Within 3 months of that time the land shall be restored to its condition before the use commenced;

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

5. The development hereby approved shall be carried out in accordance with the boundary treatment details, as shown on drawing 2017-068v2-PropBlock, and maintained as such thereafter;

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

6. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following this approval; 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 safeguard the character and appearance of the countryside.

7. Prior to the first occupation of the development hereby approved, details of the methods of foul sewage and surface water disposal shall be submitted to and approved in writing by the local planning authority. These works shall be completed in accordance with the approved details before the first occupation of the caravan or land;

Reason: To ensure adequate sewage disposal arrangements.

8. No external lighting, whether temporary or permanent, shall be placed or erected within the site unless details are submitted to and approved in writing by the local planning authority. These details shall include, inter alia, measures to shield and direct light from the light sources so as to prevent light pollution and illuminance contour plots covering sensitive neighbouring receptors. The development shall thereafter be carried out in accordance with the subsequently approved details and maintained as such thereafter;

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

9. No commercial activities shall take place on the land, including the storage of materials, no vehicles over 3.5 tonnes shall be stationed, stored or parked on the site, and not more than 5 vehicles shall be stationed, stored or parked on the site at any one time;

Reason: To ensure a satisfactory appearance to the development and prevent an inappropriate use in the countryside.

Planning Committee Report

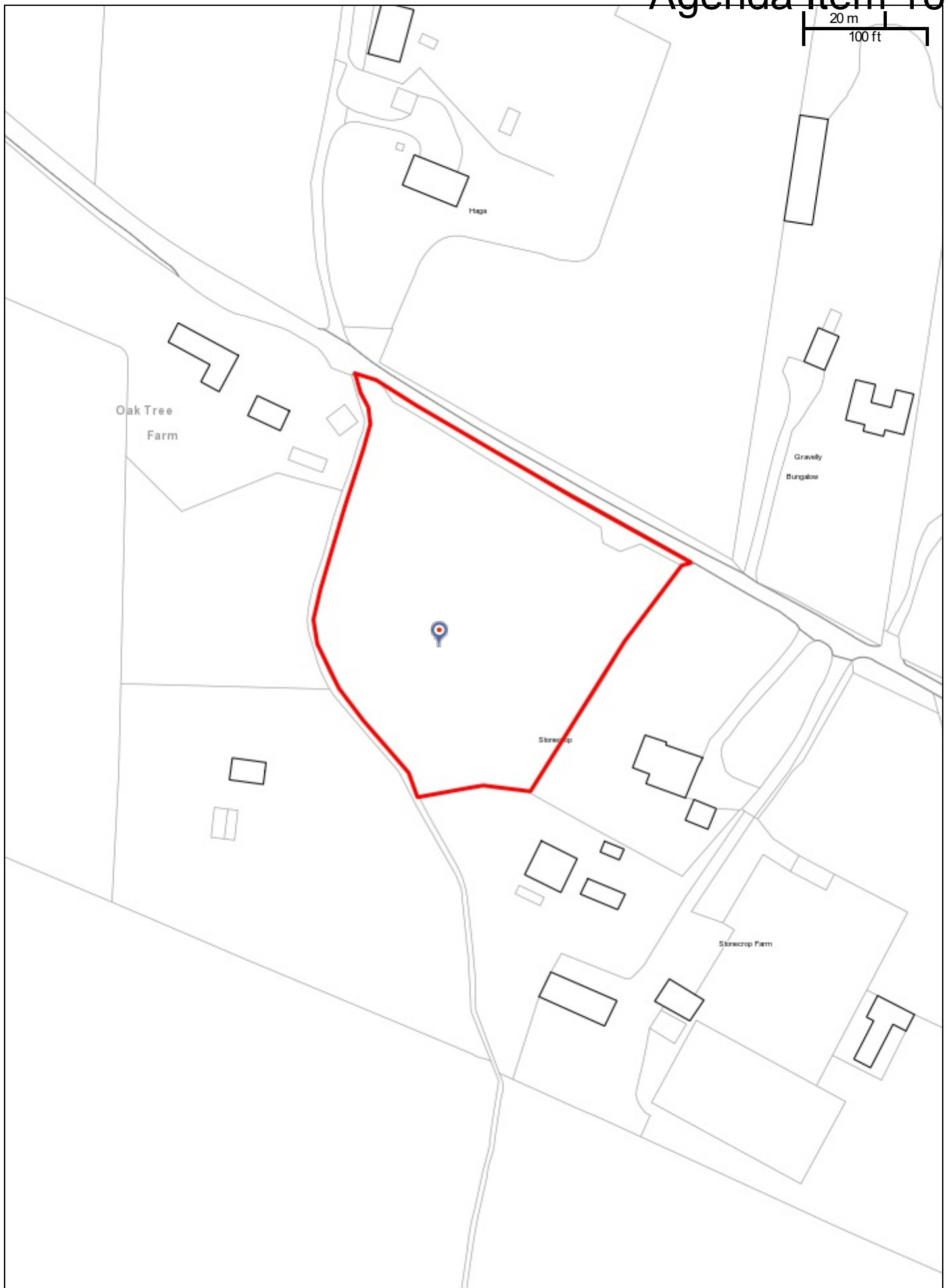
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10. The development hereby permitted shall be carried out in accordance with the following approved plans: 2017-068v2-Location; 2017-068v2-DayRoom and 017-068v2-PropBlock received 25/09/18;

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

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

Case Officer Kathryn Altieri



<b>REFERENCE NO - 18/503935/FULL</b>		
<b>APPLICATION PROPOSAL</b> Erection of timber garden store. (Retrospective)		
<b>ADDRESS</b> Oaklands, Gravelly Bottom Road, Kingswood, Kent, ME17 3NS		
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b> The development is a minor addition to the site and as such is not considered to have a detrimental impact to the character and appearance of the area. There are no policy grounds to refuse the application.		
<b>REASON FOR REFERRAL TO COMMITTEE</b> <ul style="list-style-type: none"> <li>• Development would not be in keeping with the character and appearance of the surrounding area or nearby properties</li> <li>• Retrospective planning applications.</li> <li>• Development not in keeping with temporary permission</li> <li>• The site is now developing into a more 'permanent' site.</li> </ul>		
<b>WARD</b> Leeds Ward	<b>PARISH/TOWN COUNCIL</b> Broomfield & Kingswood	<b>APPLICANT</b> Mr David Eldridge <b>AGENT</b> G M Everard Limited
<b>TARGET DECISION DATE</b> 03/10/2018		<b>PUBLICITY EXPIRY DATE</b> 21/09/2018

### **Relevant Planning History**

14/0668 - Retrospective application for the change of use of land from agricultural to residential involving the stationing of one mobile home and the laying of hard surfacing. Temporary permission granted.

16/506968/FULL Erection of outbuilding/summer house and precast concrete paving (Retrospective). Permitted

16/506240/SUB 16/506240/SUB - Submission of details pursuant to condition 4 (boundary treatments); condition 5 (landscaping); condition 7 (sewage treatment); condition 8 (refuse storage); condition 9 (ecological management plan); condition 10 (bat & bird boxes); condition 11 (hard surfacing); and Condition 12 (details of front gates) relating to MA/14/0668. As shown on drawings Oak/0514/01 Rev C and Oak/0514/02 Rev A, management of biodiversity report, and agent's e-mail received 28.02.18. Permitted

### **Enforcement History:**

18/500330/OPDEV Unauthorised structures on site and more people living on site. Application Submitted

17/500720/CHANGE Structure on agricultural land being used as a residence by several people. Pending Consideration

17/500524/OPDEV Removal of trees on Gravelly Bottom in preparation for foundations. Case Closed

16/500786/BOC Excavation works and storage of commercial vehicles. Case Closed

**Appeal History:**

N/A

**MAIN REPORT**

**1. DESCRIPTION OF SITE**

- 1.01 The application site is located on the southern half of Gravelly Bottom Road, an opening within the otherwise dense woodland. The application site has an area of approximately 6440m<sup>2</sup> and an area of ancient woodland adjoins the site to the south. For the purposes of the local plan, the site is located within the countryside.
- 1.02 Planning permission was granted under application reference 14/0668 for the change of use of land from agricultural to residential involving the stationing of one mobile home and the laying of hard surfacing. This permission is personal and temporary until 31 July 2023. Condition 1 of the permission requires that when the land ceases to be occupied by the applicant with his resident dependents, the use shall cease and any caravans, materials and equipment brought onto the land in connection with the use shall be removed.

**2. PROPOSAL**

- 2.02 Retrospective planning permission is sought for a detached timber clad outbuilding/garden store. The outbuilding is relatively modest in size with a width of 3.05m, a length of 6.05m, eaves of 1.53m and a maximum height of 2.23m.

**3. POLICY AND OTHER CONSIDERATIONS**

National Planning Policy Framework (NPPF)  
National Planning Practice Guidance (NPPG)  
Maidstone Borough Local Plan 2017 Policies:

- SP17 - Countryside
- DM1 – Principles of good design
- DM30 Design principles in the countryside

Supplementary Planning Documents Residential Extensions

**4. LOCAL REPRESENTATIONS**

**Local Residents:**

- 4.01 No representations were received from local residents.

**5. CONSULTATIONS**

KCC Rights of Way

- 5.01 No objections

Broomfield & Kingswood Parish Council

- 5.02 The Parish have requested that the application be refused..

- 5.03 they have expressed concern at the continued development of the site which has only temporary planning consent until July 2023. The second condition applied by MBC to this temporary consent stipulated that "no more than 1 static caravan or mobile home" should be erected "to safeguard the character and appearance of the countryside", since this condition was applied the size of the mobile home has more than doubled and the proposed shed is of such significant proportions it is considered to dominate the rural character of the plot and detrimentally effects the natural environment.

- 5.04 The third condition applied by MBC to the temporary consent stipulated that "No commercial activities shall take place on the land, including the storage of materials". An advertisement was displayed locally which indicated that a removal service was being run from the Oaklands location, Councillors have expressed concern that the building will be used for commercial purposes contrary to planning consents, therefore become an "inappropriate development which will affect the character and appearance of the countryside and nearby properties" and prevent the safeguarding of this rural amenity.

- 5.05 They consider that continued development of the site will impede the ability for it to return to its natural habitat at the conclusion of the temporary consent due to significant environmental damage caused.

- 5.06 Councillors requested that the application be reported to the planning committee if the recommendation of officers is contrary to the parish council.

**6. APPRAISAL**

**Main Issues**

6.01 The key issues for consideration relate to:

- Design and visual amenity
- Residential Amenity
- Highways
- Public Right of Way

**Design and visual amenity**

6.02 Policy SP17 permits proposals in the countryside where they accord with other policies in the plan and will not result in harm to the character and appearance of the area.

6.03 Policy DM30 relates specifically to development within the countryside, and states that proposals which satisfy the requirements of other policies in the plan and create high quality design will be permitted. In particular, it states that:

- The type, siting, materials and design, mass and scale of development and the level of activity should maintain, or where possible, enhance local distinctiveness including landscape features;
- Impacts on the appearance and character of the landscape should be appropriately mitigated.
- Where built development is proposed, there should be no existing building or structure suitable for conversion or re-use to provide the required facilities. Any new buildings should, where practicable, be located adjacent to existing buildings or be unobtrusively located and well screened by existing or proposed vegetation which reflect the landscape character of the area.

6.04 The detached timber clad outbuilding/garden store for which retrospective planning permission is sought is well set back (approximately 46m) from the Gravelly Bottom Road frontage. The outbuilding is relatively modest in size with a width of 3.05m, a length of 6.05m, eaves of 1.53m and a maximum height of 2.23m. There is a raised bank and trees along the majority of the site frontage to the road. As a result the outbuilding is only glimpsed from a distance at certain points along the road, and remains mainly obscured from public view.

6.05 Native hedge planting along the Gravelly Bottom Road frontage would further reduce the limited visual impact of the outbuilding in views from the public area along the road.

6.06 Whilst the outbuilding is sited quite close to the eastern boundary of the site, there is a high timber fence along this boundary, as well as dense vegetation, reducing visibility of the development in the wider area.

- 6.07 The timber clad outbuilding is a modest single-storey building and does not have a significant visual impact within the site or in views from public areas outside the site. The openness of the site is largely retained.
- 6.08 The outbuilding is very minor in terms of its scale, particularly considering the scale of the application site which has an area of approximately 6440m<sup>2</sup>. The shed has a floor space of approximately 18m<sup>2</sup>, which is less than 1% of the application site. It is not considered to be of such significant proportion that it dominates the application site.
- 6.09 The proposal would be appropriate to the current temporary use of the site. It is recommended that any permission should be personal and temporary, in keeping with previous permissions on the site. This will limit the long term impact of the development.
- 6.10 The scale of the proposal is considered to be acceptable for the proposed use and for the location. It would not be visible from public roads and would not have an acceptable impact on the visual amenity of the surroundings. As such, it is considered to comply with policies DM1, DM30 and DM37 of the local plan.

### **Residential Amenity**

- 6.11 The site is adjoined by detached residential properties on either side and there are further residential properties on the opposite side of Gravelly Bottom Road to the north. The outbuilding is relatively modest in size and height and the neighbouring residential properties are sufficiently distanced from the building to prevent the building having any unneighbourly impact.
- 6.12 Permission is sought for the outbuilding in connection with the temporary residential use of the site as permitted under application reference 14/0668, and is located a significant distance from the neighbouring residential properties. It is not considered that the use of the building (which would be incidental to the residential activity of the site) would have a significant impact on the residential amenities of occupiers of the neighbouring properties.

### **Highway Safety**

- 6.13 The existing mobile home on the site has an access drive to Gravelly Bottom Road and onsite parking adjacent to the mobile home. The outbuilding within the site for which retrospective planning permission is sought would not generate any significant increase in the movement of vehicles to and from the site, or impact on the level of parking within the site. The retrospective application is not considered to raise any highway safety issues.



### **Public Right of Way**

- 6.14 As stated above, the development is located alongside the eastern boundary of the application site. Due to the substantial size of the plot the development is not considered to detrimentally impact upon the public footpath which is located along the western boundary of the application site.

### **Other Matters – Enforcement**

- 6.15 Concerns have been raised about a business use taking place on the site. Enforcement investigations have not uncovered any evidence of an unreasonable number of commercial vehicles being stored on site. The permission sought relates to a residential outbuilding. Any unauthorised use of the building would be subject to enforcement action. As an application for a residential outbuilding, concerns about its alternative use are not a material planning consideration.
- 6.16 It would be reasonable to condition the use of the outbuilding so that it may only be used an incidental to the temporary residential use of the site.

## **7. CONCLUSION**

- 7.01 Subject to appropriate conditions, the development is considered to be an appropriate minor addition to the site, in connection with its temporary residential use. The scale of the proposal is considered to be acceptable for the proposed use and for the location. It would not be visible from public roads and would not have an acceptable impact on the visual amenity of the surroundings.
- 7.02 The development would not impede the ability of the application site to return to its natural state once the temporary permissions that have been granted at the site expire. The proposal accords with local and national policy.

## **8. RECOMMENDATION**

GRANT planning permission subject to the following conditions:

- 1) The retention of the outbuilding on the land shall be for a limited period until 31 July 2023, or until the site ceases to be occupied by Mr David Eldridge with his resident dependents, whichever is the shorter period.

On 31 July 2023 or when the site ceases to be occupied by Mr David Eldridge, whichever date is earlier, the outbuilding and all associated materials shall be removed from the site.

Reason: In accordance with the planning permission granted under reference MA/14/0668 for the use of the land for the stationing of one mobile home and in the interests of visual amenity within the open countryside location.

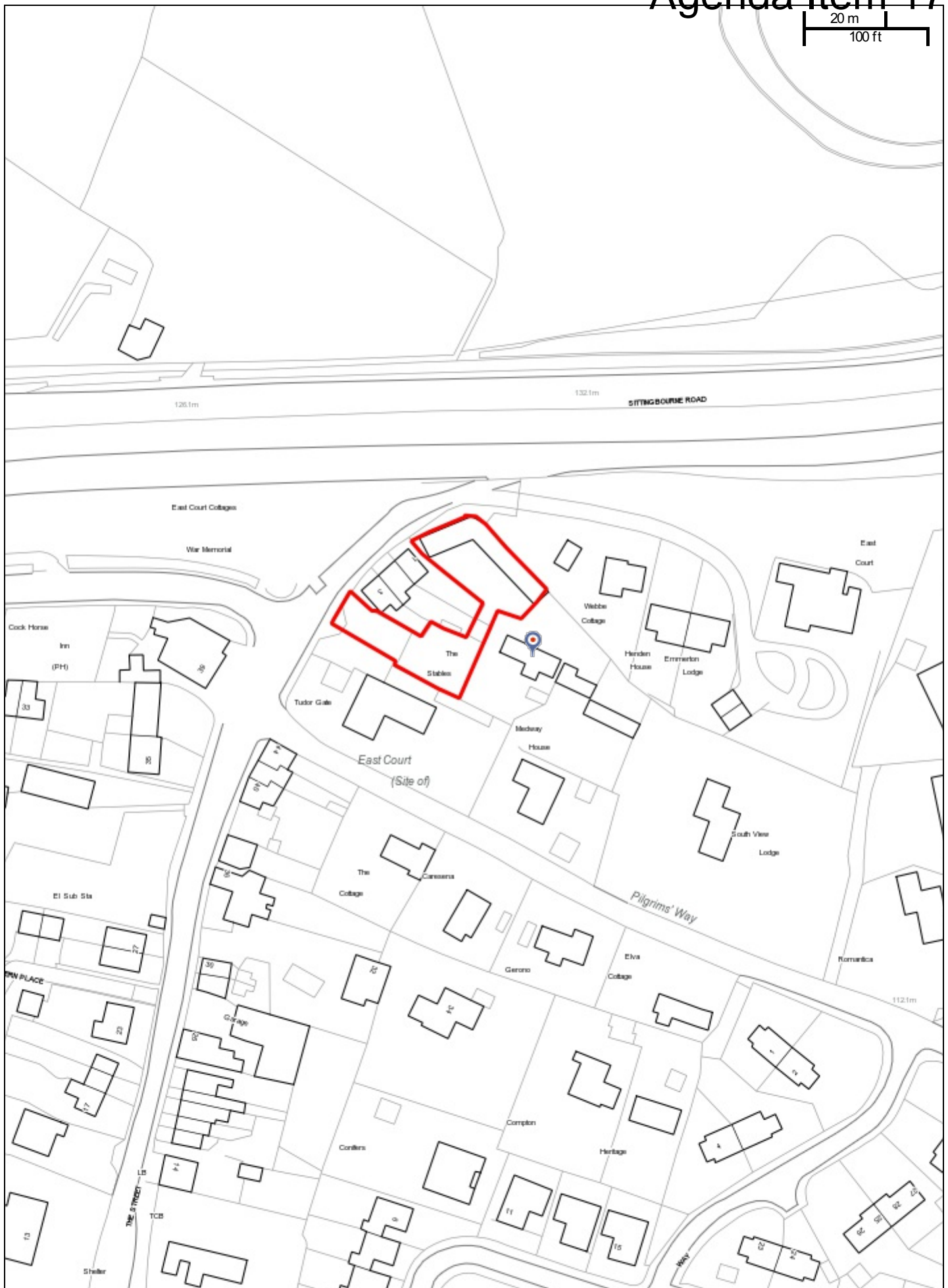
- 2) The outbuilding building hereby permitted shall only be used for purposes incidental to the occupation/use of the mobile home on the site and shall not be occupied/used as living accommodation associated with the mobile home on the site or sub-divided, separated, let or sold off, or altered in any way so as to create a separate, independent residential unit.

Reason: In the interests of the amenities of neighbouring occupiers and local amenity generally and to prevent further residential development in the open countryside.

(3) The outbuilding hereby permitted shall only be used for purposes incidental to the permitted temporary residential use of the site, and for no other purpose, including commercial purposes.

Reason: To prevent inappropriate development and safeguard the amenity, character and appearance of the countryside and nearby properties.

Case Officer William Fletcher



**18/504192 - The Stables**

Scale: 1:1250

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## Planning Committee Report

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### REPORT SUMMARY

<b>REFERENCE NO - 18/504192/FULL</b>		
<b>APPLICATION PROPOSAL:</b> 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).		
<b>ADDRESS:</b> The Stables East Court The Street Detling Kent ME14 3JX		
<b>RECOMMENDATION:</b> APPROVE		
<b>SUMMARY OF REASONS FOR RECOMMENDATION:</b> The proposal is not considered to adversely harm the character and appearance of the countryside and AONB hereabouts, or result in adverse harm to the amenity of any local resident, in accordance with the Maidstone Local Plan (2017) and the NPPF. As such, there are no overriding material considerations to indicate a refusal of planning permission.		
<b>REASON FOR REFERRAL TO COMMITTEE:</b> - Detling Parish Council wish to see application refused and reported to Planning Committee if case officer is minded to recommend approval		
<b>WARD:</b> Detling & Thurnham	<b>PARISH COUNCIL:</b> Detling	<b>APPLICANT:</b> Mrs L Ellis <b>AGENT:</b> Insight Architects
<b>DECISION DUE DATE:</b> 22/10/18	<b>PUBLICITY EXPIRY DATE:</b> 28/09/18	<b>OFFICER SITE VISIT DATE:</b> 30/08/18
<b>RELEVANT PLANNING HISTORY:</b>		

- 18/500563 - Construction of a pair of semi-detached cottages and associated parking – Refused as summarised (layout shown APPENDIX A):
  - (1) *Due to form, location and layout of proposed parking area and lack of landscaping shown on proposed layout, it will have detrimental impact on residential amenity. Detrimental effect on residential amenity is further underlined by risk of substantial noise and disturbance associated with proposed parking area*
  - (2) *Location and layout of proposed parking area and associated noise and disturbance would have negative impact on Detling Conservation Area*
  - (3) *In absence of landscape scheme for boundaries of new houses, proposal fails to demonstrate that setting of AONB & sensitive location will be protected*
- 17/504954 - 5 houses (inc. demolition of house & outbuildings) - Refused
- 15/503966 - Pair of semi-detached houses - Approved
- 18/503097 - Submission of details to discharge conditions: 3 (materials); 4 (boundary treatments); 5 (landscaping); 8 (drainage); 9 (cycle storage); and 10 (tree protection) subject to 15/503966 - Approved

### 1.0 SITE DESCRIPTION

- 1.01 The application site is located on the northern edge of Detling village, on the southern side of The Street and with the A249 located to the north. The irregular shaped site does have a noticeable change in land levels, and the site is currently occupied by a collection of animal shelters in a general 'L' shape form around the northern corner of the site. There are a number of heritage assets within the vicinity of the application site, including the

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boundary wall at the front of 'Tudor Gate' which is Grade II listed. The immediate surrounding area is predominantly residential.

- 1.02 For the purposes of the Local Plan, the proposal site is within the countryside that falls within the Kent Downs Area of Outstanding Natural Beauty (AONB); and the proposal site also partly falls within Detling Conservation Area (DCA). Part of the site (northern edge) is covered by woodland Tree Preservation Order no.10 of 1975; and an Area of Archaeological Potential is found to the south of where the proposed houses would be built.

## **2.0 PROPOSAL**

- 2.01 The proposal is for the construction of a pair of (4-bed) semi-detached houses. The animal shelters and front wall have been demolished. The two houses would be formed of red stock bricks with hanging peg tiles and plan clay roof tiles. The development would utilise a stepped ridge level taking account of the gradient of the land and the proposed roofs would have a barn hip with a two storey gable section at the front.
- 2.02 The proposed houses are of the same design, scale and siting as approved under planning permission 15/503966, and as proposed under 18/500563. In light of the recent refusal on the site, this proposal now shows 4 parking spaces within a low level covered parking area to the rear of 3 East Court Cottages; and additional planting is shown on the land to the south of 3 East Court Cottages as well as to the front and side of the proposed houses.

## **3.0 POLICY AND OTHER CONSIDERATIONS**

Local Plan (2017): SS1, SP17, SP18, DM1, DM2, DM3, DM4, DM23, DM30  
National Planning Policy Framework (2018)  
National Planning Practice Guidance  
Detling Conservation Area Appraisal (2008)  
Detling Conservation Area Management Plan (2010)  
Air Quality Guidance SPD (2017)

## **4.0 LOCAL REPRESENTATIONS**

- 4.01 **Local Residents:** 7 representations have been received and as summarised have raised concern over:
- *Visual impact/design/cramped development*
  - *Residential amenity*
  - *Land ownership/no right of way/loss of front boundary wall ownership*
  - *Traffic/highway safety/parking provision*
  - *Impact upon trees/landscaping*
  - *Light and noise pollution*
  - *Air quality*
  - *Loss of view*
  - *Heritage and AONB impacts*
- 4.02 2 representations have been received in support of proposal.

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## **5.0 CONSULTATIONS**

5.01 **Detling Parish Council:** Wish to see application refused and reported to Planning Committee if case officer is minded to recommend approval. In summary, the following matters have been raised:

- *Overlooking will result in loss of privacy to all existing properties*
- *Height of proposal will dominate original Victorian Cottages of East Court and would not be in keeping with surrounding environment*
- *Concerned proposal does not comply with CA Management Plan*
- *Location and layout of proposed parking area and associated noise and disturbance would have negative impact on Detling Conservation Area*
- *Absence of landscape scheme for front & side boundaries of proposal fails to demonstrate that setting of AONB & sensitive location will be protected*
- *Would cause loss of existing views from neighbouring properties*
- *Want clarification on land ownership issues*
- *Highway safety impact/parking provision*
- *Object to demolition of front boundary wall*
- *Supports local resident objections*
- *Close proximity of parking bays to rear gardens of 2 & 3 East Court Cottages and passing of Tudor Gate will cause disturbance with noise and fumes leading to poor level of amenity for existing residents*

5.02 **KCC Highways:** Raise no objection.

5.03 **Environmental Protection Team:** Raise no objection.

5.04 **Conservation & Landscape Officers:** Raised no objection under 15/503966.

## **6.0 APPRAISAL**

### **Main issues**

- 6.01 The principal focus for residential development in the borough is the urban area, then Rural Service Centres and then Larger Villages. In other locations, protection should be given to the rural character of the borough and development proposals in the countryside will not be permitted unless they accord with other policies in the Local Plan; will not result in harm to the character and appearance of the area; will not have a significant adverse impact on the setting of the AONB; and will respect the amenities of occupiers of neighbouring properties. Policies within the Local Plan also seek to ensure that new development affecting heritage assets (designated and non-designated) incorporates measures to conserve, and where possible enhance, the significance of the heritage asset and, where appropriate, its setting.
- 6.02 The proposed houses are of the same design, scale and siting as approved under planning permission 15/503966, and as proposed under 18/500563. It should be noted at this point that there continued to be no objection raised

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to the scale, design and siting of the houses under the most recent refusal. Furthermore, all pre-commencement conditions relating to the approved scheme for the 2 houses have been approved by the local planning authority and works have started on site. Whilst the proposal is now within the countryside and not within a defined village boundary as under the 2000 Local Plan when 15/503966 was approved, this situation is still a material planning consideration and fall-back position in the determination of this application.

### **Visual impact**

- 6.03 As accepted under planning applications 15/503966 and 18/500563, the design, scale, layout and palette of materials proposed for the 2 houses are considered to be in keeping with the character of the conservation area and in accordance with the Detling Conservation Area Appraisal/Management Plan. The proposal plans also demonstrate that there is scope for adequate planting for the front and side boundaries of the new houses, a provision not too dissimilar to the modest frontages for 1-3 East Court Cottages, and so it is considered that the setting of the AONB and this sensitive location will be protected.
- 6.04 With regards to the proposed parking area, this would now be set behind and largely screened from public view by an existing boundary wall, and set back more than 20m from the road. The roof of the covered parking area would also be low level and have a green sedum roof; and the existing lawn area behind the boundary wall adjacent the road (along southern flank of 3 East Court Cottages) would benefit from new planting. This approach would ensure the parking area/cars would be well screened from public view, as well as having the new planting enhancing the character and appearance of the area hereabouts that is in a conservation area and AONB.
- 6.05 It should also be noted that whilst the Detling Conservation Area Management Plan suggests an extension to the designated CA boundary (to include 'East Court', its grounds and outbuildings), since its adoption the grounds of 'East Court' have been developed and 3 new houses have been built. Furthermore, no objection continues to be raised to the demolition of the stable block, or to the removal of the front boundary wall (which is not mentioned in the Detling Conservation Area Appraisal/Plan and where the Conservation Officer did not raise an objection to its removal).
- 6.06 Whilst also considering the fall-back position on the site, it is considered that this proposal has overcome the previous reasons for refusal in visual amenity terms, and would not have an adverse impact upon the character, appearance, and setting of the conservation area, countryside and AONB hereabouts, in accordance with Local Plan policies and the NPPF.

### **Residential Amenity**

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- 6.07 As accepted under planning applications 15/503966 and 18/500563, no objection is raised on residential amenity grounds for surrounding residents and future occupants of the 2 new houses, in terms of loss of privacy, loss of light/outlook, or being over bearing. The key consideration is what impact of the location of the proposed parking area will have on the living conditions of neighbouring residents.
- 6.08 The car parking spaces are now shown to be largely enclosed on 3 sides by a car-port type structure that would have acoustic insulation. The new layout also removes car parking spaces from the southern flank of 3 East Court Cottages and from the open frontage of Tudor Gate. This would see the main manoeuvring area for cars being moved away from East Court Cottages and being set behind a substantial brick wall that separates Tudor Gate from the proposal site. The height of the proposed covered area would also ensure that it would not appear over bearing for the occupants of East Court Cottages when enjoying their garden areas. It is also considered that the vehicle movements of 2 additional households using this access would not be intrusive and harmful to the amenity of the occupiers of local residents. The proposal has now created an environment where the vehicle movements to and from the site and the associated general noise and disturbance (including from fumes and attendant noise etc.) would not result in a development that would have an unacceptable impact upon the living conditions of any neighbouring property.
- 6.09 It is therefore considered that the proposed parking area, given its form, location and layout, would not have a detrimental impact on residential amenity of any neighbouring property and the development has overcome the previous reasons for refusal.

#### **Highway safety implications**

- 6.10 The parking provision shown with this proposal is in accordance with Local Plan policy and the Highways Authority has raised no objection to the proposal. There is also on-street parking in the vicinity for visitors parking and the Highways Authority has also raised no objection in terms of the access/parking provision. As such, no objection continues to be raised in terms of highway safety.

#### **Other Matters**

- 6.11 As was the case under 15/503966 and 18/500563, no objection is raised in terms of archaeology, biodiversity, landscape and arboricultural issues; and no objection is raised in terms of refuse storage/collection. Surface water and foul sewage will be disposed of via soakaway and mains sewer respectively, and no further details are required in this respect.
- 6.12 The Environmental Protection Team have raised no objection in terms of land contamination and light pollution, but have requested conditions relating to noise and air quality, given the close proximity of the site to the A249. In



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accordance with the adopted Local Plan and the SPD on air quality, these conditions shall be duly imposed. In accordance with Local Plan policy, in the interests of sustainability and air quality, conditions will also be imposed for the provision of operational electric vehicle charging points for low-emission plug-in vehicles, and for details of decentralised and renewable or low-carbon sources of energy.

- 6.13 The issues raised by Detling Parish Council and local residents have been fully considered in the determination of this application. However, it should also be noted that a loss of a view is not a material planning reason to refuse an application. Furthermore, in response to the land ownership and rights of way issues, the agent has confirmed again that the ownership certificate served is correct; that the front boundary wall is within the applicant's title ownership; and that the verge to the front of the site is adopted highway. There is no reason to pursue this matter further in planning terms, or delay the determination of this application for this reason.
- 6.14 The proposed development is CIL liable. The Council adopted a Community Infrastructure Levy on 25<sup>th</sup> October 2017 and began charging on all CIL liable applications approved on and from 1<sup>st</sup> October 2018. The actual amount of CIL can only be confirmed once all the relevant forms have been submitted and relevant details have been assessed and approved. Any relief claimed will be assessed at the time planning permission is granted or shortly after.

## **7.0 CONCLUSION**

- 7.01 This proposal is considered to have overcome the previous reasons for refusal given under planning application reference 18/500563, and is considered acceptable with regard to the relevant provisions of the Local Plan (2017), the Detling Conservation Area Appraisal/Plan, the revised NPPF and all other material considerations such as are relevant. A recommendation of approval of this application is therefore made on this basis.

## **8.0 RECOMMENDATION - APPROVE 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 the commencement of development above damp-proof course level on any individual property, written details and samples of the materials to be used in the construction of the external surfaces of the houses, car port and hard surfaces (to include red stock facing brick, hanging peg tiles, plain clay roof tiles, and acoustic insulation for the car port) shall be submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the approved materials;

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Reason: To ensure a satisfactory appearance to the development.

- (3) Prior to the commencement of development above damp-proof course level on any individual property, details of all fencing, walling and other boundary treatments shall be submitted to and approved in writing by the Local Planning Authority, and the development shall be carried out in accordance with the approved details before the first occupation of the building or land 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.

- (4) Prior to the commencement of development above damp-proof course level on any individual property, details of a scheme of landscaping, using indigenous species which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with a programme for the approved scheme's implementation and long term management, have been submitted to and approved in writing by the Local Planning Authority. The landscape scheme shall be designed using the principle's established in the Council's adopted Landscape Character Assessment 2012 and shall include:

- (a) A minimum of 1 native tree (of Select Standard size) to the front of the houses hereby approved;
- (b) Details of planting (including planting species and size) to front of houses hereby approved;
- (c) A minimum of 1 native tree (of Select Standard size) to the lawned area to the south of 3 East Court Cottages;
- (d) Details of species mix for green sedum roof over the approved parking area;

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

Reason: To ensure a satisfactory appearance to the development.

- (5) The approved landscaping associated with individual dwellings shall be in place at the end of the first planting and seeding season following completion of the relevant individual dwelling. Any other communal, shared or street landscaping shall be in place at the end of the first planting and seeding season following completion of the final unit. Any trees or plants, which, within a period of 5 years from the completion of the development die, are

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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.

- (6) Prior to the commencement of development above damp-proof course level on any individual property, details for a scheme for the enhancement of biodiversity on the site shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall consist of the enhancement of biodiversity through integrated methods into the design and appearance of the extension by means such as swift bricks, bat tube or bricks. The development shall be implemented in accordance with the approved details and all features shall be maintained thereafter.

Reason: To protect and enhance the ecology and biodiversity on the site in the future.

- (7) Prior to the commencement of development above damp-proof course level on any individual property, 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.

- (8) 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 extension to any property shall be carried out without the permission of the Local Planning Authority;

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

- (9) Prior to the occupation of the buildings hereby permitted, details of a scheme to demonstrate that the internal noise levels within the residential units and the external noise levels in the back gardens 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;

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Reason: To ensure the quality of living conditions for future occupants.

- (10) Prior to the occupation of the buildings hereby permitted, a report shall be undertaken by a competent person in accordance with current guidelines and best practice, and submitted to the local planning authority for approval. The report shall contain and address the following:

1) An assessment of air quality on the application site and of any scheme necessary for the mitigation of poor air quality affecting the residential amenity of occupiers of this development.

Any scheme of mitigation set out in the subsequently approved report shall be implemented prior to the first occupation of the building and maintained thereafter;

Reason: To protect the health of future occupants.

- (11) Before the development hereby permitted is first occupied, the proposed first floor windows to the flank elevations shall be obscure glazed and shall be incapable of being opened except for a high level fanlight opening of at least 1.7m above inside floor level and shall subsequently be maintained as such;

Reason: To prevent overlooking of adjoining properties and to safeguard the privacy of existing and prospective occupiers.

- (12) The covered parking area, as shown on the submitted plans, shall remain open at the front and be permanently retained for parking and not used for any other purpose;

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

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

Reason: To promote reduction of CO<sup>2</sup> emissions through use of low emissions vehicles.

- (14) The development hereby permitted shall be carried out in accordance with the following approved plans: 17-110 011 Rev P1 and 17-110 010 Rev P2 received 14/08/18;

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

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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 whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil. Information to clarify can be found at: <https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>.

- (2) A formal application for the connection to the public sewerage system is required in order to service the development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW or [www.southernwater.co.uk](http://www.southernwater.co.uk).
- (3) The proposed development is CIL liable. The Council adopted a Community Infrastructure Levy on 25th October 2017 and began charging on all CIL liable applications approved on and from 1st October 2018. The actual amount of CIL can only be confirmed once all the relevant forms have been submitted and relevant details have been assessed and approved. Any relief claimed will be assessed at the time planning permission is granted or shortly after.

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

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**APPENDIX A: PROPOSED PARKING ARRANGEMENTS FOR 18/500563**



Case Officer Kathryn Altieri

## **THE MAIDSTONE BOROUGH COUNCIL** **PLANNING COMMITTEE – 18<sup>th</sup> October 2018**

### **APPEAL DECISIONS:**

**1. 17/501471/FULL**

Erection of a three storey secondary school with associated access, car parking and landscaping.

**APPEAL:** ALLOWED

Land At Valley Park School  
New Cut Road  
Maidstone  
Kent  
ME14 5SL

(COMMITTEE)

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**2. 17/504279/FULL**

Demolition of existing garage and construction of two storey dwelling with parking.

**APPEAL:** ALLOWED

Land Adjacent To  
1 Glebe Lane  
Maidstone  
Kent  
ME16 9BB

(COMMITTEE)

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