

PLANNING COMMITTEE MEETING

Date: Tuesday 19 December 2017
Time: 6.00 p.m.
Venue: Town Hall, High Street, Maidstone

Membership:

Councillors Boughton, Clark, Cox, English (Chairman), Harwood,
B Mortimer, Munford, Powell, Prendergast,
Round (Vice-Chairman), Spooner, Mrs Stockell and Vizzard

<u>AGENDA</u>	<u>Page No.</u>
1. Apologies for Absence	
2. Notification of Substitute Members	
3. Notification of Visiting Members	
4. Items withdrawn from the Agenda	
5. Provisional Date of Adjourned Meeting - 4 January 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 30 November 2017 adjourned to 7 December 2017 - to follow	
11. Presentation of Petitions (if any)	
12. Deferred Item	1
13. 16/508512 - Horseshoe Paddock, Chart Hill Road, Chart Sutton, Kent	2 - 8

Issued on Monday 11 December 2017

Continued Over/:

Alison Broom

Alison Broom, Chief Executive

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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.

ALTERNATIVE FORMATS

The reports included in Part I of this agenda can be made available in **alternative formats**. For further information about this service, or to arrange for special facilities to be provided at the meeting, **please contact 01622 602030 or committeeservices@maidstone.gov.uk**. To find out more about the work of the Committee, please visit **www.maidstone.gov.uk**

MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

19 DECEMBER 2017

REPORT OF THE HEAD OF PLANNING AND DEVELOPMENT

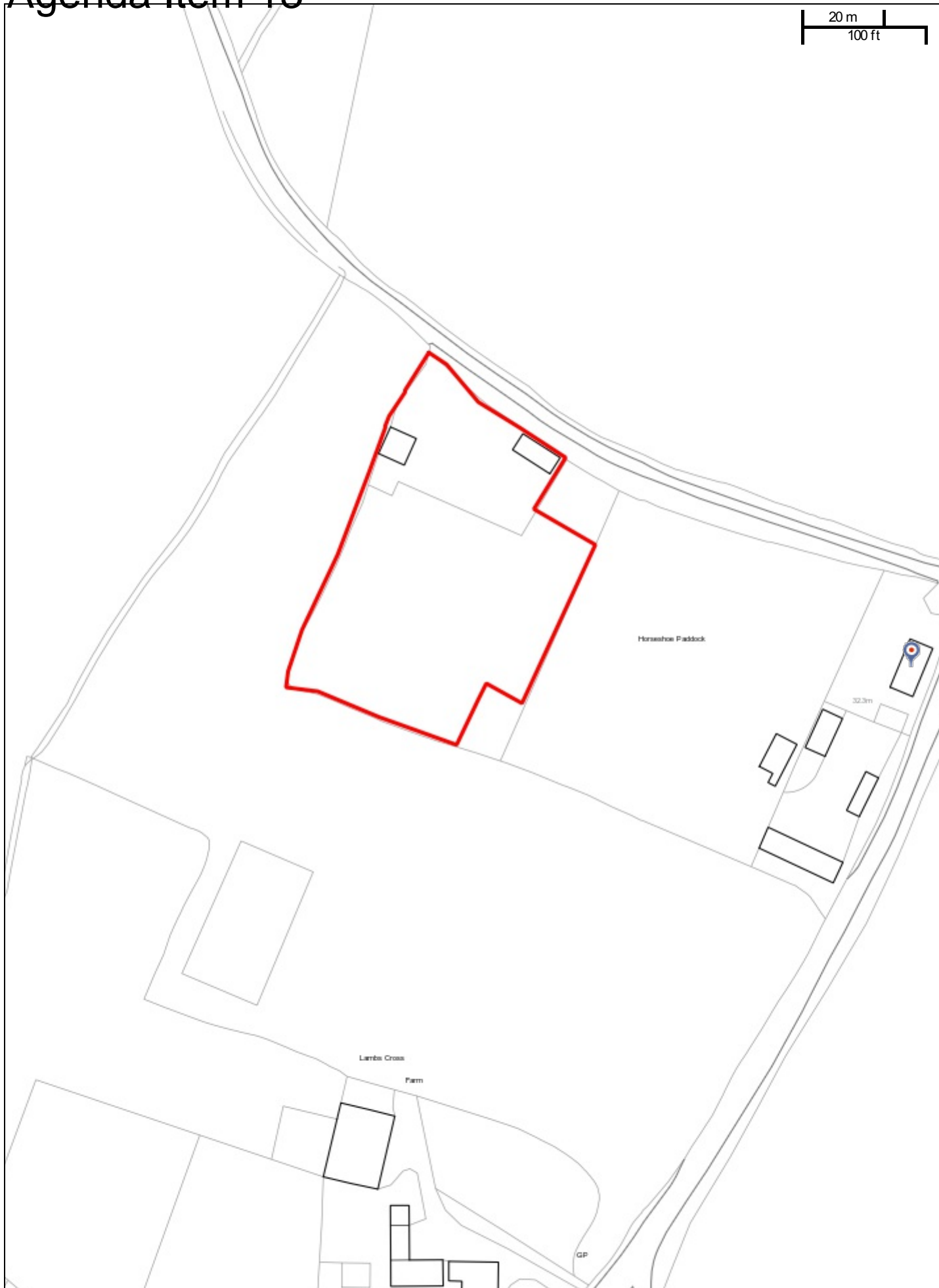
DEFERRED ITEM

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

APPLICATION	DATE DEFERRED
<u>16/506349 - VARIATION OF CONDITION APPLICATION IN RELATION TO INSTALLATION OF 6 NO. FLOODLIGHTING COLUMNS REF. MA/09/1616 (ALLOWED ON APPEAL) WITH AMENDMENT TO CONDITION 3) THE FLOODLIGHTING SHALL NOT BE USED BETWEEN 1ST MAY AND 31ST AUGUST IN ANY CALENDAR YEAR; AND CONDITION 4) THE FLOODLIGHTING SHALL NOT BE USED OUTSIDE THE HOURS OF 15:00-22:30 ON TUESDAYS, WEDNESDAYS AND THURSDAYS, 15:00-21:30 ON SATURDAYS AND NOT AT ALL ON ANY OTHER DAY OF THE WEEK - BEARSTED FOOTBALL CLUB, HONEY LANE, OTHAM, KENT</u> Deferred to consider the impact of the additional hours and month of the floodlighting on ecology grounds, specifically in relation to bats.	7 September 2017 adjourned to 14 September 2017

Agenda Item 13

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16/508512 - Horseshoe Paddock

Scale: 1:1250

Printed on: 11/12/2017 at 11:59 AM by ElyH

REPORT SUMMARY

19 December 2017

REFERENCE NO - 16/508512/full			
APPLICATION PROPOSAL – Change of use of land for stationing of mobile home (retrospective).			
ADDRESS - Horseshoe Paddock, Chart Hill Road, Chart Sutton, Kent, ME17 3EZ			
RECOMMENDATION – REFUSE PLANNING PERMISSION			
SUMMARY OF REASONS FOR RECOMMENDATION - In the absence of information pertaining to Gypsy and Traveller status there is no justification for allowing this development with the harm it would cause to the countryside, and the visual impact on the rural character and appearance of the area. As such the proposal is contrary to the NPPF and the PPTS, and to policies SP17 (The Countryside) and DM15 (Gypsy, Traveller and Travelling Show-persons accommodation) of Maidstone Local Plan (2017)			
REASON FOR REFERRAL TO COMMITTEE - Chart Sutton Parish Council has requested that the application be referred to planning committee.			
WARD Boughton Monchelsea And Chart Sutton	PARISH COUNCIL Chart Sutton	APPLICANT Mr Ronald Webster AGENT – N/A	
DECISION DUE DATE 01.05.2017.	PUBLICITY EXPIRY DATE 31.03.2017	OFFICER SITE VISIT DATE 21.06.2017	
RELEVANT PLANNING HISTORY			
App No	Proposal	Decision	Date
15/504872/FULL	Use of land as a residential gypsy site with the stationing of two mobile homes, existing outbuildings and stable block, associated hardstanding, boundary wall and gates (part retrospective). <i>Reasons for refusal</i> <i>“In the absence of information pertaining to Gypsy and Traveller status there is no justification for allowing this development due to the urbanising influence it would have upon rural character resulting in an unsustainable pattern of development in a manner contrary to national and local planning policies, factors which outweigh the need to provide gypsy and traveller sites. As such the proposal is contrary to the NPPF and the PPTS, and to policies SP17 (The Countryside) and DM15 (Gypsy, Traveller and Travelling Show-persons accommodation) of Maidstone Local Plan 2017”.</i>	Refused	05.12.2017
11/0675 Land west of Horseshoe Paddock	Retrospective application for the change of use of land from agriculture to residential for a Gypsy family with the stationing of 3 mobile homes, 2 touring caravans and the erection of 2 timber shed	Granted	

MA/03/1654 Horseshoe Paddock – Southern part of the above application site	Allowed at Appeal (Personal Permission) - Stationing of mobile home and erection of 5 stables, change of use from grazing to a mixed use of keeping horses and residential.	Granted (Allowed appeal)	
MA/00/0254 Horseshoe Paddock – Northern part of current application site	Allowed at Appeal (Personal Permission) - Change of use from agriculture to residential and stationing of one mobile home and one touring caravan.	Granted (Allowed appeal)	

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 Horseshoes Paddock is a site located at the junction of Charthill Road, a twin track highway to the east and Lucks Lane a minor single track lane to the north. The site has been developed as a Gypsy and Traveller site. A separate approved site with three pitches lies in close proximity to the east.
- 1.02 The site is located in a relatively flat area of countryside and is bounded by tall mature hedgerows along the highway boundary. Flat open arable farmland lies beyond the southern and western site boundaries. Access to the site is from a gap in the boundary hedge and a gate to Lucks Lane.
- 1.03 The site is located in the countryside approximately 1.5 kilometres south east of Chart Sutton. There are no relevant Local Plan or National landscape designations. The site is not within a flood risk area.

2.0 PROPOSAL

- 2.01 Change of use of land for stationing of mobile home (retrospective). The submitted block plan shows the footprint of a mobile home in the south west corner of the site measuring 6 metres by 10.4 metres

3.0 POLICY AND OTHER CONSIDERATIONS

- National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)
- Planning Policy for Traveller Sites 2015 (PPTS)
- Maidstone Local Plan (2017) Adopted (25.10.2017): SS1, SP16, SP17, and DM15.

4.0 LOCAL REPRESENTATIONS

- 4.01 **Local Residents:** No representations received from local residents.

5.0 CONSULTATIONS

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

Chart Sutton Parish Council

- 5.01 Raises objections and recommends refusal on the basis of an over-concentration of local sites that are damaging the character and appearance of the open countryside. This proposal is therefore contrary to ENV28. The site is an unsustainable location, with poor transport links to local services such as schools, health facilities and shops.

Mid Kent Environmental Health

- 5.02 No objections subject to a condition requiring details of foul sewage treatment, potable water provision and waste disposal and an informative about Mid Kent Environmental Code of Development Practice.

Kent Highway Authority

- 5.02 No objections. Due to its small size the proposal will not impact upon highway safety. In a consultation response to an adjoining application the highway authority confirmed that no incidents have been recorded at the junction of Lucks Lane with Chart Hill Road for at least the last nine years. The highway authority has confirmed that they have no objection to this proposal.

6.0 APPRAISAL

Main Issues

- 6.01 The key issues for consideration relate to:

- Need for gypsy sites
- Supply of gypsy sites
- Gypsy status
- Visual impact
- Sustainability
- Residential amenity
- Flooding and drainage
- Highways impact

Need for gypsy sites

- 6.02 Local Authorities 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. The GTAA concluded the following need for pitches over the remaining Local Plan period:

- Oct 2011 – March 2016 - 105 pitches
- April 2016 – March 2021- 25 pitches
- April 2021 – March 2026 - 27 pitches
- April 2026 – March 2031 - 30 pitches

Total: Oct 2011 – March 2031 - 187 pitches

- 6.03 The target of 187 additional pitches is included in Policy SS1 of the Maidstone Borough Local Plan.

- 6.04 The GTAA was completed prior to the refinement to the definition of Gypsies and Travellers contained in the revised PPTS published in August 2015. The GTAA is the best evidence of needs at this point, forming as it does part of the evidence base to the DLP. It is considered to be a reasonable and sound assessment of future pitch needs, albeit that actual needs may prove to be a degree lower as a result of the definition change. The current GTAA provides the best evidence of need but each decision must be taken on evidence available at the time of a decision made.

Supply of gypsy sites

- 6.05 Under the terms and conditions of The Housing Act (2004), accommodation for Gypsies and Travellers is a specific form of housing, which Councils have a duty to provide.
- 6.06 Since the base date of the GTAA (1st October 2011) a net total of 128 permanent pitches have been provided. This means that a further 59 permanent pitches are required by 2031 to meet the objectively assessed need identified in the GTAA. The level of current provision can be broken down as follows:
- 107 Permanent non-personal mobiles
 - 21 Permanent personal mobiles
 - 3 Temporary non-personal mobiles
 - 38 Temporary personal mobiles
- 6.07 The 'Planning Policy for Traveller Sites' (PPTS) states that LPA's should identify a future supply of specific, suitable Gypsy and Traveller sites sufficient to meet the 10 year period following Local Plan adoption. The Draft Plan allocates a number of sites 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. 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 realistically be achieved over the timeframe of the Local Plan.
- 6.08 The 'Planning Policy for Traveller Sites' (PPTS) states that LPA's should identify a future supply of specific, suitable Gypsy and Traveller sites sufficient to meet the 10 year period following Local Plan adoption. The Draft Plan allocates a number of sites 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. 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 realistically be achieved over the timeframe of the Local Plan.
- 6.09 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 5.6 year supply of gypsy and traveller sites at the base date of 1st April 2016. As the Council considers itself to be in a position to demonstrate a 5 year supply the PPTS direction to positively consider the granting of a temporary consent does not apply.

Gypsy status

- 6.10 Annex 1 of the PPTS defines gypsies and travellers as:-

“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.”

- 6.11 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, the PTS 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.
- 6.12 A permanent non personal permission is sought in this instance, i.e. any Gypsy Traveller could occupy the site providing they fall within the definition of a Gypsy Traveller.
- 6.13 Whilst it has been requested no information has been forthcoming in relation to the gypsy status of the applicant or his family. As a result the Local Planning Authority has not been able to assess whether the applicant satisfies the test for Gypsy Traveller status.

Visual Impact

- 6.14 The proposal relates to extension of a previously approved (at appeal) Gypsy and Traveller site. At the time of the original appeals the Inspector found that the site appeared incongruous. The site lies in open countryside but is generally well screened from public views during 6 months of the year but less so during the winter months. The site is visible to views from surrounding private farmland.
- 6.15 Guidance in the PPTS states that Local Planning Authorities should very strictly limit new traveller development in the countryside. Although the PPTS does not refer to landscape impact this is addressed in the NPPF and Policy SP17 of the adopted Local Plan which states that provided proposals do not harm the character and appearance of an area, small scale residential development necessary to meet a proven need for Gypsy and Traveller accommodation will be permitted.
- 6.16 Policy DM15 states that, permission will be granted if a site would not result in significant harm to the landscape and rural character of the area due to visual impacts, including cumulative visual impact and is well screened by existing landscape features. Previous permissions on this site have been granted only on a personal basis due to the personal circumstances of the applicants.
- 6.17 The site lies within open countryside where development is strictly controlled. The proposal would result in harm to the countryside, and visual impact on the rural character and appearance of the area. In the absence of any information on the personal circumstances of the applicant or gypsy and traveller status there is no justification for this visual harm and it is not possible to make the necessary assessment between this harm and the need for this type of accommodation.

Sustainability

- 6.18 The site is considered to be reasonably located in respect of access to local services and facilities. Although the village of Chart Sutton, 1.5km to the north has little in the way of essential services, other than a limited bus service, there is a large supermarket and other facilities on the fringes of Maidstone a further 2.5km to the

north. Some reliance on private motor vehicles to access local services and facilities is common of Gypsy and Traveller sites in rural locations.

Residential Amenity and cumulative impact

- 6.19 The site is some distance from the nearest permanent dwellinghouses and is sufficiently removed from other Gypsy and Traveller development so as not to give rise to localised amenity issues. The site is relatively spacious and the two proposed pitches do not appear to intrude unacceptably upon each other. There would be no conflict with Policy DM1(iv) of the Maidstone Local Plan in respect of residential amenity.
- 6.20 Were permission to be approved it would result in 4 authorised pitches along this part of Luck Lane. Although there are other authorised Gypsy and Traveller sites in the area, these are not so numerous as would threaten social cohesion or otherwise result in an unacceptable accumulation of such sites.

Flooding/Drainage

- 6.21 The site lies within Flood Zone 1 where flooding is not an issue. A condition would however ensure that permeable surfacing accords with SUDS best practice.

Highways

- 6.22 The proposal does not raise any highway issues and the highway authority has not raised objection.

7.0 CONCLUSION

- 7.01 The applicant has not demonstrated that the two additional mobile homes would be occupied by members of the Gypsy and Traveller community or that personal circumstances pertain to warrant permission for G&T development in the countryside. As such the proposal is contrary to the NPPF, the PPTS and to Local Plan Policies SP17 and DM15.

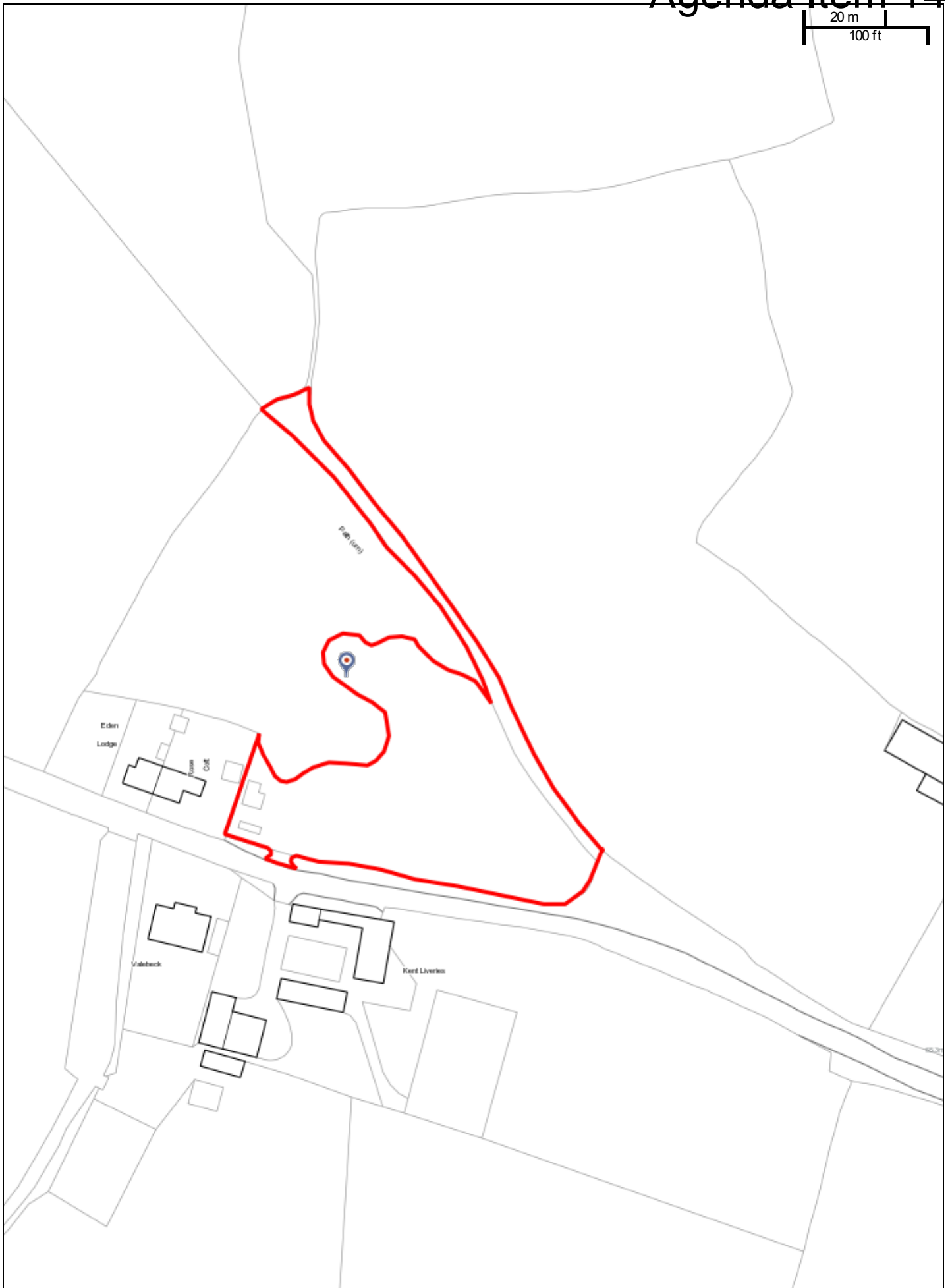
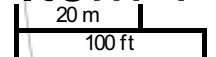
8.0 RECOMMENDATION

REFUSE PLANNING PERMISSION for the following reasons:

In the absence of information pertaining to Gypsy and Traveller status there is no justification for allowing this development with the harm it would cause to the countryside, and the visual impact on the rural character and appearance of the area. As such the proposal is contrary to the NPPF and the PPTS, and to policies SP17 (The Countryside) and DM15 (Gypsy, Traveller and Travelling Show-persons accommodation) of Maidstone Local Plan (2017).

Case Officer: Tony Ryan

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



17/501477 - Land at Pye Corner

Scale: 1:1250

Printed on: 11/10/2017 at 10:39 AM by ElyH

REPORT SUMMARY
19 December 2017

REFERENCE NO - 17/501477/FULL		
APPLICATION PROPOSAL: Use of land for the siting of 1 No. mobile home, parking for 1No. touring caravan and erection of an amenity building for a member of the travelling community.		
ADDRESS: Land at Pye Corner, Ulcombe, Kent ME17 1ED		
RECOMMENDATION: Grant permanent permission subject to conditions.		
SUMMARY OF REASONS FOR RECOMMENDATION: The proposal is considered to comply with the policies of the Maidstone Borough Local Plan (Adopted October 2017) and the provisions of the NPPF while no overriding material planning considerations are identified that would otherwise justify refusal of planning permission.		
REASON FOR REFERRAL TO COMMITTEE: The recommendation is contrary to the views of Ulcombe Parish Council who have requested the application be determined by Planning Committee.		
WARD Headcorn	PARISH/TOWN COUNCIL Ulcombe Parish Council	APPLICANT – Mrs Rhiannon Gilham AGENT – The Rural Planning Practice
DECISION DUE DATE 16.10.2017.	PUBLICITY EXPIRY DATE 27/04/2017	OFFICER SITE VISIT DATE 15/08/2017

MAIN REPORT

- 1.1 This application was deferred at the meeting of the Planning Committee on the 19th October 2017 (Committee Report and updates for this meeting attached as **Appendix 1** to this report).
- 1.2 Members resolved to defer consideration of the application to enable officers to secure an amended site layout involving relocation of the mobile home towards the eastern part of the site both to reduce its visual impact and impact on neighbouring residential amenity.
- 1.3 In response to the above amended plans have been received as follows:
 - The application site area as defined by the red outline has been substantially reduced in size. It now only comprises the south eastern part of the triangular shaped field originally comprising the whole application site.
 - Native species screen planting continues to be shown running the whole length of the north east site boundary though additional planting is shown along the west site boundary just in from the access.
 - The mobile home was originally shown at right angles to the road. This has been resited to give a longitudinal relation with the road. The proximity of the mobile home to the western site boundary has now been increased from just under 40 metres to just under 45 metres with the setback from the road to increasing from just under 12 metres to just under 15 metres.
 - Other changes include resiting the amenity building to abut the eastern side of mobile home and reducing the size and amending the configuration of the parking and turning area.

- 1.4 In addition further information is summarised below:
- Have been living at 179 South Park Road, Maidstone for the past 4 years but do not own the property.
 - Required to vacate property and for the past few months have been staying in tourer a few nights a week at the Ulcombe caravan site.
 - Not good for us as a family as the tourer is too small to permanently live in and it is putting a huge strain on our marriage.
 - Currently on the waiting list for a pitch on Ulcombe caravan site but pitches rarely become available with a waiting times of years.
 - Previous to living in 179 South Park Road always lived in caravans travelling around the UK and Europe.
 - Continue travelling to various parts of the country for work and attending horse fairs as part of heritage and culture.
 - Still going to be travelling the country, but need a stable base as eldest daughter will be starting her primary education at local school.
 - Have lived whole life in Ulcombe as does wider family network and have extremely close ties to Ulcombe as a consequence.

- 1.5 Also wish to respond to the following concerns:
- Regarding PROW running across back border application shows a post and wire fence erected along the back border to ensure that the community can continue to use it freely, comfortably and safely.
 - Kent PROW Officer already confirms the PROW should not be affected by the development while there will be screen planting to minimise views of the development.
 - Regarding comments stating that family would bring anti-social behaviour to the community both applicant and her family have been a part of the Ulcombe community for several decades and have never had problems with any one.

2.0 LOCAL REPRESENTATIONS:

- 2.1 4 objections received in connection with the revised plans which are summarised below:
- Reiterate harm to the character of the area and given the Council is now able to demonstrate a 5 year supply of gypsy and traveller sites can see no justification for permitting development of this site.
 - Will affect Greensand Ridge and Ancient Burial Footpath.
 - Applicants not homeless as they have a property address in Maidstone.
 - Will result in loss of rural land while already 10 established gypsy and traveller sites within a 3 mile radius of Ulcombe.
 - Proposed screening will take time to establish while concerns over continued use of public footpath.
 - Two statutory declarations submitted to the effect that at a Parish Council meeting in April 2017 the applicant stated she did not have a traveller lifestyle and wanted to live permanently in Ulcombe.

3.0 CONSULTEES:

3.1 Ulcombe Parish Council:

- Awaiting a legal opinion on how PPTS 2015 should be interpreted in relation to "gypsy and nomadic status" and "domination" both of which seem to have been disregarded.
- Moving the mobile park home closer to other neighbours and the footpath ignores the fundamental issues of gypsy and nomadic status and domination.

- Have Statutory Declarations confirming the applicant in a well attended parish council meeting in April 2017 where she stated she did not have a traveller lifestyle and wanted to live permanently in Ulcombe.
- Planning Committee should not consider application until the matters of gypsy and traveller status and what constitutes domination have been clarified.

3.2 **KCC Public Rights of Way:** No further comment regarding revised plans.

4.0 **APPRAISAL:**

4.1 Since Members first considered this application the Local Plan has been adopted. The key relevant policies SP17 and DM15 therefore carry full weight. Furthermore it remains the position that the Council's current position in relation to gypsy and traveller sites is that it can demonstrate a 5.6 year supply at the base date of 1st April 2016. However even where it can be demonstrated a 5 year supply of G&T sites exists this does not preclude further gypsy and traveller sites being permitted if the provisions of policies SP17 and DM15 of the local plan are considered to be satisfied. Unidentified or 'windfall' G&T sites also contribute to meeting the adopted targets for gypsy and traveller development within the Borough.

4.2 This assessment has already been undertaken in the Committee report attached as **APPENDIX 1** where it was concluded that the impacts of this gypsy and traveller proposal were acceptable.

4.3 It is considered the revised siting of the mobile home further to the east and its reorientation, layout changes and additional landscaping near the access, further reduce the impact of the development on its setting and impact on adjoining dwellings in accordance with Members wishes.

Other matters

4.4 Just to remind Members, the application was accompanied by a statutory declaration (SD) from the applicant, which amongst other things, confirmed she fully intended to continue her families gypsy lifestyle.

4.5 However at a subsequent Parish Council meeting she apparently confirmed she did not have a traveller lifestyle and wanted to live permanently in Ulcombe. Two SD's have been received from objectors to this effect.

4.5 Given this contradicts the SD originally submitted with the application clarification was sought. It transpires the applicant, who is not used to public speaking, may have inadvertently contradicted herself. It is maintained that despite the impression that may have been given the applicants intention is to continue to live a gypsy lifestyle.

5.0 **RECOMMENDATION**

GRANT Full permanent 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. No more than two 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 static caravans) shall be stationed on the site at any time.

Reason: To accord with the terms of the application and to safeguard the amenity, character and appearance of the area.

3. The site shall not be used as a caravan site by any persons other than gypsies or Travellers and their family and/or dependants, as defined in Annex 1 of the Planning Policy for Traveller Sites 2015

Reason: The site is in the countryside where the stationing and occupation of caravans/mobile homes is not normally permitted other than by members of the Gypsy and Travelling community.

4. No external lighting shall be erected on the site at any time unless previously agreed in writing. Lighting shall only be erected in accordance with approved details and retained as such at all times thereafter.

Reason: To safeguard the rural character and appearance of the countryside and to prevent light pollution.

5. No commercial activities shall take place on the land, including the outdoor storage of materials.

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

6. Notwithstanding the provisions of Schedule 2 Part 4 of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any order revoking or re-enacting that Order with or without modification), no temporary buildings or structures shall be stationed on the land without the prior permission of the local planning authority.

Reason: To prevent overdevelopment of the site and to safeguard the rural character and appearance of the countryside.

7. Details of a scheme of landscaping, using indigenous species which shall be in accordance with BS:5837(2012) 'Trees in relation to design, demolition and construction - Recommendations' and include a programme for the approved scheme's implementation, maintenance and long term management plan shall be submitted for approval in writing by the Local Planning Authority, prior to the commencement of development. The scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines and include the following:

- 70m belt of mixed native hedge, shrubs and tree planting as shown on Drawing No. 4803/03 rev D.
- Tree planting shall include Nursery light standard size trees (6-8cm girth, 2.5-2.75m height).
- Native hedge planting to supplement the existing hedge alongside Eastwood Road.

Reason: To safeguard the character and appearance of the countryside, and in the interests of biodiversity.

8. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following commencement of development, 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, and in the interests of biodiversity.

9. Details of all boundary treatments and fencing to include the site entrance splays and gateway, shall be submitted to and approved by the Local Planning Authority and thereafter erected prior to occupation of the site. The boundary treatment shall reflect the rural nature of the site and allow for establishment of landscaping and shall thereafter be maintained for all time.
Reason: To safeguard the character and appearance of the countryside and the amenity of adjoining occupiers.
10. Details of all hard landscaping to include vehicular hard-standings, turning areas and the site access road shall be submitted to and approved by the Local Planning Authority prior to that stage of the development. All surfacings shall be permeable to enable surface water to percolate directly to the ground below and avoid overflow onto the public highway and shall be retained as such thereafter.
Reason: To minimise flooding of neighbouring land and the highway in the interests of sustainable drainage and to ensure a satisfactory standard of development.
11. The vehicle parking spaces and turning facilities shown on the approved plans shall be provided prior to first use of the site. The approved parking spaces and turning facilities shall thereafter be retained.
Reason: In order to secure a satisfactory form of development.
12. The site access shall unless otherwise agreed by the Local Planning Authority be constructed so as to ensure that any gates open away from the highway and are set back a minimum of 5.5 metres from the edge of the carriageway.
Reason: In order to ensure a satisfactory and safe means of access and egress.
13. Notwithstanding the provisions of Schedule 2 Part 2 Class A (Minor Operations) of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any order revoking or re-enacting that Order with or without modification), no gates, walls, fences or other means of enclosure shall be erected on the land without the prior permission of the local planning authority.
Reason: To prevent unsympathetic urbanisation and safeguard the rural character and appearance of the countryside.
14. The development hereby permitted shall be carried out in accordance with the following approved plans drawing nos: 4803 01 rev C, 03 rev D and 04.
Reason: In the interests of amenity.

Case Officer: Graham Parkinson

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

REPORT SUMMARY

REFERENCE NO - 17/501477/FULL		
APPLICATION PROPOSAL: Use of land for the siting of 1 No. mobile home, parking for 1No. touring caravan and erection of an amenity building for a member of the travelling community.		
ADDRESS: Land at Pye Corner, Ulcombe, Kent ME17 1ED		
RECOMMENDATION: Grant permanent permission subject to conditions.		
SUMMARY OF REASONS FOR RECOMMENDATION: <p>The proposed change of use of the land, subject to imposition of conditions as herein recommended, is considered to comply with the policies of the Development Plan (Maidstone Borough Wide Local Plan 2000), the Final Draft Maidstone Local Plan (2011-2031) and the provisions of the NPPF and there are no overriding material planning considerations justifying a refusal of permission.</p>		
REASON FOR REFERRAL TO COMMITTEE: <p>The recommendation is contrary to the views of Ulcombe Parish Council who have requested that the application be determined by Committee.</p>		
WARD Headcorn	PARISH/TOWN COUNCIL Ulcombe Parish Council	APPLICANT – Mrs Rhiannon Gilham AGENT – The Rural Planning Practice
DECISION DUE DATE (Extended) 16.10.2017.	PUBLICITY EXPIRY DATE 27/04/2017	OFFICER SITE VISIT DATE 15/08/2017

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.1 The site occupies an irregular shaped plot of flat grazing land, and is located in the countryside on the north side of Eastwood Road approximately 250m to the east of Ulcombe at its junction with Headcorn Road. The site is fully enclosed by mature, native species hedgerows interspersed with occasional trees.
- 1.2 A semi-detached pair of traditional two storey dwellinghouses fronting Eastwood Road occupy the south western corner of the site, and are screened from the site by the field hedgerow abutting their rear garden curtilages. A stable complex, comprising both converted traditional farm buildings and purpose built stabling, with adjoining bungalow, lie on the south side of Eastwood Road opposite the access to the site.
- 1.3 Ulcombe comprises a small rural village straddling Headcorn Road/The Street. It benefits from a Primary School but is too small to qualify as a service centre. A footpath runs from Ulcombe in a south easterly direction passing through the site close to its north eastern boundary before emerging on to Eastwood Road in the south east corner of the site.
- 1.4 The site is undeveloped save for two timber/corrugated shelter buildings and a metal container. The site falls within a SLA in the current Local Plan but this falls away in the emerging Plan.

2.0 PROPOSAL

- 2.1 The proposal has been amended, reducing the extent of the red-line application boundary.
- 2.2 Full planning permission is sought for a change of use of land within the amended red line boundary to use as a residential caravan site for a member of the travelling community to include the siting of 1 mobile home, parking for 1 touring caravan and erection of an amenity building.
- 2.3 Two of the three existing site buildings would be removed, while the remaining larger building would be retained for use as storage for maintenance equipment and animal feed. The proposed mobile and its associated facilities would be located towards the south east corner of the site, largely out of public view. Stock fencing would be provided parallel to the public footpath which would for practical purposes delineate the useable extent of the site.
- 2.4 A multi-level screen of indigenous native species trees some 70m in length would be planted to screen the caravans and associated areas from the view of members of the public utilising the footpath. A new 'bellmouth' access would be formed in lieu of the existing field gate arrangement, and lined with hedging. The remainder of the site would remain as grazing land.

3.0 PLANNING HISTORY

- 3.1 The site comprises previously undeveloped grazing land. There is no relevant planning, appeal or enforcement history.

4.0 POLICY AND OTHER CONSIDERATIONS

- Maidstone Borough-Wide Local Plan 2000: ENV6, ENV28,
- National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)
- Planning Policy for Traveller Sites 2015 (PPTS)
- Final Draft Maidstone Local Plan (2011-2031): SP17, DM15
- Neighbourhood Plan: N/A

5.0 LOCAL REPRESENTATIONS

- 5.1 Ulcombe Parish Council has raised objection and recommends refusal for the following reasons:
- The applicant is not nomadic, although of gypsy descent and lives in Maidstone, with her husband. The applicant family does not fit the definition of Gypsies and Travellers, contrary to (PPTS) 2015, which says applicants have to show they are of nomadic habit and that they have ceased to travel only temporarily.
 - There is consequently no "unmet or proven need" to consider. MBC now has a 5.6 year supply of traveller pitches and should apply existing policies to protect the countryside.

- The site is in open countryside and can be seen from the Greensand Ridge (a Landscape of Local value in the Draft Local Plan) and from the Greensand Way. The site is in the Low Weald Special Landscape Area and in a part of the countryside designated as Ulcombe Mixed Farmlands. It is also a Low Weald National Character Area, and conflicts with Policy ENV34. In the Low Weald particular attention will be given to the protection and conservation of the scenic and distinctive character of the area and priority will be given to the landscape over other planning considerations.
- The site is inappropriate for a mobile home and will overlook neighbours' gardens and cause loss of amenity. It can also be seen from the houses in Chestnut Close and the Headcorn Road. A 20 metre long mobile home is more like a bungalow. The application is contrary to saved policy ENV 28 which states that 'in the countryside, planning permission will not be given for development which harms the character and appearance of the area or the amenities of the surrounding occupiers'. It is also contrary to policy SP17 para 6 in the draft Local Plan 'The distinctive landscape character of the Greensand Ridge ... and Low Weald as defined on the policies map will be conserved, maintained and enhanced where appropriate as landscapes of local value.' Any development on this site will not enhance the landscape.
- The site is visible from the footpath KH321 which runs the length of the northern boundary which happens to be Ulcombe's historic burial path to its Grade 1 church. This application conflicts with the NPPF's protection of heritage assets as this site is visible from the main village and affects the setting of the historic burial path, which the application wants to fence off and make into a constricted urban style pathway in open countryside.
- 6 Because of the proximity of this site to the immediate neighbours and to the settled community near the centre of the village, the addition of another traveller site will aggravate the social cohesion in the village which is contrary to the intent of PPTS 2015 and in particular para 14 'when assessing the suitability of sites in rural or semi-rural settings, local planning authorities should ensure that the scale of such sites does not dominate the nearest settled community'. The school has already grown from 25% traveller children in 2013 to 75% traveller children in 2017 (the school's figure) and this has resulted in a loss of social cohesion between the settled and traveller communities because of this "domination". This is a serious consequence of previous decisions, and we do not want to make matters worse. Ulcombe already has the highest percentage of traveller sites in Maidstone Borough for a small village.
- The site does not fulfil the definition of "sustainability" in policy DM16 in the Draft Local Plan as Ulcombe has no shops, no health centre and no recreational facilities. There are only 4 buses a day to Maidstone (8 miles away) with the last one at 1.32pm, and no buses to Headcorn (over 3 miles away). Headcorn has the nearest local services including the railway station, doctors and dentists, chemist, library, and shops etc, all of which are not accessible from Ulcombe on foot or by public transport.
- There are also issues of ecology and environment given the nearby stream, ponds and reservoir and the effect on wildlife with a development on a greenfield site.

5.4 Eleven letters of objection have been received. The objector's comments can be summarised as follows:

- Inappropriate development which threatens the unique character of the village
- Can be seen from Green Sand Ridge Path which is in an AONB
- There are 3 traveller community encampments within 3 miles of Ulcombe, housing 10 families. Further development of rural land for this use is inappropriate.

- Access onto the lane is awkward for caravans and could be dangerous
- Continued enjoyment of the footpath could be jeopardised, it is a much used route for dog walking and conflict with site dogs is envisaged, use will be diverted to the road which does not have footways and would be dangerous
- The scale of the mobile home will not be perceived as 'temporary'.
- Will imperil the village by introducing anti-social behaviour and noise
- Not within the village envelope, will spoil the setting of the village and must remain as agricultural land
- The applicant lives in a permanent home, is not nomadic and does not qualify for Gypsy status.

6.0 CONSULTATIONS

6.1 KCC PROW : No objections.

6.2 KCC Highways: No objections subject to conditions in respect of the following (which pass the tests for conditions): Gates to open away from the highway and to be set back a minimum of 5.5 metres from the edge of the carriageway.

7.0 APPRAISAL

7.1 Policy Background

The site lies in open countryside and is therefore subject to Local Plan Policy ENV28 which states that 'Planning permission will not be given for development which harms the character and appearance of the area or the amenities of surrounding occupiers. Although the policy sets out permissible forms of development it excludes G&T development as this was covered under a separate policy which was subsequently not 'saved'. At this moment in time there are no saved Local Plan policies relating directly to G&T development

However the emerging Local Plan seeks to maintain the thrust of former G & T Policies through Policy DM15 and is closely approaching full weight, particularly as the Inspector's Final Report does not conflict with the GTAA or with draft G&T policy.

A 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.

It is accepted that the proposal represents development contrary to the provisions of Policy ENV28. This policy is due to be replaced upon adoption of the emerging Plan by Draft Policy SP17, which follows the broad thrust of Policy ENV28. Policy DM15 is specific to gypsy development, allowing for development subject to compliance with certain criteria, which includes sustainability, landscape character, the cumulative effect of development, highway safety, flooding and ecology. Given the advanced status of the emerging Plan, Policies SP17 and DM15 are approaching full weight.

Regard must be given to Policy ENV34 however Policy ENV34 is due to expire upon adoption of the emerging plan anticipated for this month. The emerging Plan does not designate the site or its surroundings in landscape terms and consequently affords no special protection other than that afforded through SP17, the implications of which are described above.

Issues of need are dealt with below, but in terms of broad principle, Local Plan Policies and Central Government Guidance both permit G&T sites to be located in the countryside as an exception to policies which otherwise seek to restrain development.

7.2 Need for Gypsy sites

Although the emerging local plan is well advanced, there are not yet any adopted Development Plan policies relating to site provision for Gypsies and Travellers. Local Planning Authorities are required to set their own Local Plan targets for pitch provision in their area. In order to address this, Salford University were commissioned to carry out a Gypsy and Traveller and Travelling Show-people Accommodation Assessment (GTAA) which was published in 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

April 2016 – March 2021 - 25 pitches

April 2021 – March 2026 - 27 pitches

April 2026 – March 2031 - 30 pitches

Total: Oct 2011 – March 2031 - 187 pitches

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 emerging Maidstone Borough Local Plan which itself was agreed by Full Council on 20th January 2016 and has been accepted by the DLP inspector in his interim report.

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 DLP. The GTAA had already asked those surveyed whether they had ceased to travel. The only recognised omission was whether those who had ceased to travel intended to resume travelling. The Inspector concluded that a new survey to address this would be unlikely to result in anything but small changes to the needs figures. The Inspector concluded that the needs evidence is adequate.

7.3 Supply of Gypsy Sites

Under the terms and conditions of The Housing Act (2004), accommodation for Gypsies and Travellers is a specific form of housing, which Councils have a duty to provide. Draft Local Plan Policy DM16 accepts that subject to certain criteria, this type of accommodation can be provided in the countryside.

Between the base date 01.10.2011 of the GTAA and 21.08.2017, a net total of 110 permanent pitches were provided. This means that a further 77 permanent pitches are required by 2031 to meet the objectively assessed need identified in the GTAA. The level of provision to 21.08.2017 can be broken down as follows:

92 permanent non-personal pitches

18 permanent personal pitches

3 temporary non personal pitches
36 temporary personal pitches

The PPTS states that LPA's should identify a future supply of specific, suitable Gypsy and Traveller sites sufficient to meet the 10 year period following Local Plan adoption (currently anticipated as late 2017). The Draft Plan allocates a number of sites sufficient to provide 41 additional pitches by 2031. Although this figure does not satisfy identified demand there will be potential uplift through the provision of windfall sites yet to come forward. Accordingly it is considered that the objectively assessed need (OAN) for 187 pitches can realistically be achieved.

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 5.6 year supply of G&T sites at the base date of 1st April 2016. As the Council considers itself to be in a position to demonstrate a 5 year supply the PPTS direction to positively consider the granting of a temporary consent does not apply.

7.4 Gypsy status

Permission is sought on the basis that the applicant is from the Travelling community and intends to continue with this lifestyle. Rhiannon has submitted a Statutory Declaration setting out her Romani-Gypsy family history and heritage, evidence of cultural events attended and travelling for work associated with horses, fruit picking and Gypsy craft enterprise. It is accepted that she qualifies for Gypsy status in accordance with the provisions of the Governments PPTS.

7.5 Visual/Landscape Impact

The site is screened along Eastwood Road by a mature hedgerow with limited views available of the site interior. Although open to public view from the public footpath to the north east, substantial multi-tiered screening has been proposed which upon establishment and with the passage of time will provide effective screening of the development. While the site would be temporarily exposed to view from the public footpath pending establishment of the proposed screen planting, the development would not obstruct long range views of the surrounding countryside from footpath vantage points and would as a presumption only be experienced by a limited number of people.

Guidance in the PPTS states that Local Planning Authorities should very strictly limit new traveller development in the countryside but also states that where sites are in rural areas they not should dominate the nearest settled community and or place undue pressure on local infrastructure. Although the PPTS does not refer to landscape impact this is addressed in the NPPF, while Policy ENV28 of the adopted local plan and Policy SP17 of the DLP state that provided proposals do not harm the character and appearance of an area, small scale residential development necessary to meet a proven need for G&T accommodation will be permitted.

In addition Policy DM15 of the emerging Plan 'Gypsy, Traveller and Travelling Show-people accommodation', states that, permission will be granted if a site is well related to local services, would not result in significant harm to the landscape and rural character of the area due to visual impacts, including cumulative visual impact and is well screened by existing landscape features, is accessible by vehicles, not located in an area at risk of flooding and wildlife considerations are taken into account.

The site is currently well screened from public vantage points and subject to further screening will become, with time, better assimilated into its surroundings. In this instance Policy ENV28, Policy SP17 of the emerging Local Plan, and the provisions of the NPPF would be satisfied.

7.6 Highways

KCC has provided a list of requirements relating to access provision. Those that pass the relevant tests for conditions will be applied.

7.7 Cumulative Impacts:

The site comprises an isolated G&T site in the countryside and would be of such scale and density so as not to result in any cumulative impact to the detriment of the existing resident community.

7.8 Ecology Impacts.

The land is semi-improved horse pasture, generally considered to be species poor. There is no evidence of protected species and subject to precautionary condition in respect of nesting birds, there is no reason to withhold permission on ecology grounds.

7.9 Sustainability

Although this is a rural site, it lies in close proximity to Ulcombe which benefits from a primary school and bus service. Although not in a highly sustainable location having regard to shopping opportunities and other such facilities, Gypsy sites are traditionally located in rural areas as that contributes to the lifestyle choice. In accordance with Policy DM15 this is not so serious as to warrant refusal.

7.10 Residential amenity

There are no adjoining Gypsy sites. The adjoining dwellinghouses occupied by the settled community are sufficiently distant and well screened and as such would not be compromised by noise and disturbance, or potential overlooking and any resulting loss of privacy. The site layout is generous and the living conditions of the proposed future residents would not be unacceptably compromised.

7.11 Flooding

Although a small watercourse is shown to lie alongside the western site boundary, the watercourse or subject site has not been indicated as being susceptible to flooding and lies wholly with Flood Zone 1.

8.0 CONCLUSION

- 8.1 Although this site will have a visual impact on the character and appearance of the rural area, policy allows that subject to strict control and in order to satisfy the Borough's responsibility to satisfactorily accommodate the Gypsy and Traveller community in development commensurate with their traditional lifestyle, Gypsy sites can be acceptable in the countryside. In this instance the development would be at a site where there is already a presence of development, would not be prominent from Eastwood Road and significant landscaping would in time screen/soften views from the public footpath.

- 8.2 A Grant of planning approval, would assist in meeting the Council's unmet need for viable Gypsy and Traveller accommodation in the Borough and would comply with the provisions of the Development Plan (Maidstone Borough-Wide Local Plan 2000), the emerging Local Plan and with National Planning Guidance. Material circumstances indicate that subject to imposition of conditions full permanent planning permission should be granted.

9.0 RECOMMENDATION

GRANT Full permanent 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. No more than two 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 static caravans) shall be stationed on the site at any time.

Reason: To accord with the terms of the application and to safeguard the amenity, character and appearance of the area.

3. The site shall not be used as a caravan site by any persons other than gypsies or Travellers and their family and/or dependants, as defined in Annex 1 of the Planning Policy for Traveller Sites 2015

Reason: The site is in the countryside where the stationing and occupation of caravans/mobile homes is not normally permitted other than by members of the Gypsy and Travelling community.

4. No external lighting shall be erected on the site at any time unless previously agreed in writing.

Reason: To safeguard the rural character and appearance of the countryside and to prevent light pollution.

5. No commercial activities shall take place on the land, including the outdoor storage of materials;

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

6. Notwithstanding the provisions of Schedule 2 Part 4 of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any order revoking or re-enacting that Order with or without modification), no temporary buildings or structures shall be stationed on the land without the prior permission of the local planning authority.

Reason: To prevent overdevelopment of the site and to safeguard the rural character and appearance of the countryside.

7. Details of a scheme of landscaping, using indigenous species which shall be in accordance with BS:5837(2012) 'Trees in relation to design, demolition and construction - Recommendations' and include a programme for the approved scheme's implementation, maintenance and long term management plan shall be submitted for approval in writing by the Local Planning Authority, prior to the commencement of development. The scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines and include the following:

- 70m belt of mixed native hedge, shrubs and tree planting as shown on Drawing No. 4803/03 - Site Plan (Block Layout) as Proposed 1:500

Reason: To safeguard the character and appearance of the countryside, and in the interests of biodiversity.

8. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following commencement of development, 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, and in the interests of biodiversity.

- 9 Details of all boundary treatments and fencing to include the site entrance splays and gateway, shall be submitted to and approved by the Local Planning Authority and thereafter erected prior to occupation of the site. The boundary treatment shall reflect the rural nature of the site and allow for establishment of landscaping and shall thereafter be maintained for all time.

Reason: To safeguard the character and appearance of the countryside and the amenity of adjoining occupiers.

- 10 Details of all hard landscaping to include vehicular hard-standings, turning areas and the site access road shall be submitted to and approved by the Local Planning Authority prior to that stage of the development. All surfacings shall be permeable to enable surface water to percolate directly to the ground below and avoid overflow onto the public highway and shall be retained as such thereafter.

Reason: To minimise flooding of neighbouring land and the highway in the interests of sustainable drainage and to ensure a satisfactory standard of development.

- 11 The vehicle parking spaces and turning facilities shown on the approved plans shall be provided prior to first use of the site. The approved parking spaces and turning facilities shall thereafter be retained.

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

- 12 The site access shall unless otherwise agreed by the Local Planning Authority be constructed so as to:

- a) Ensure that any gates open away from the highway and are set back a minimum of 5.5 metres from the edge of the carriageway.

Reason: In order to ensure a satisfactory and safe means of access and egress.

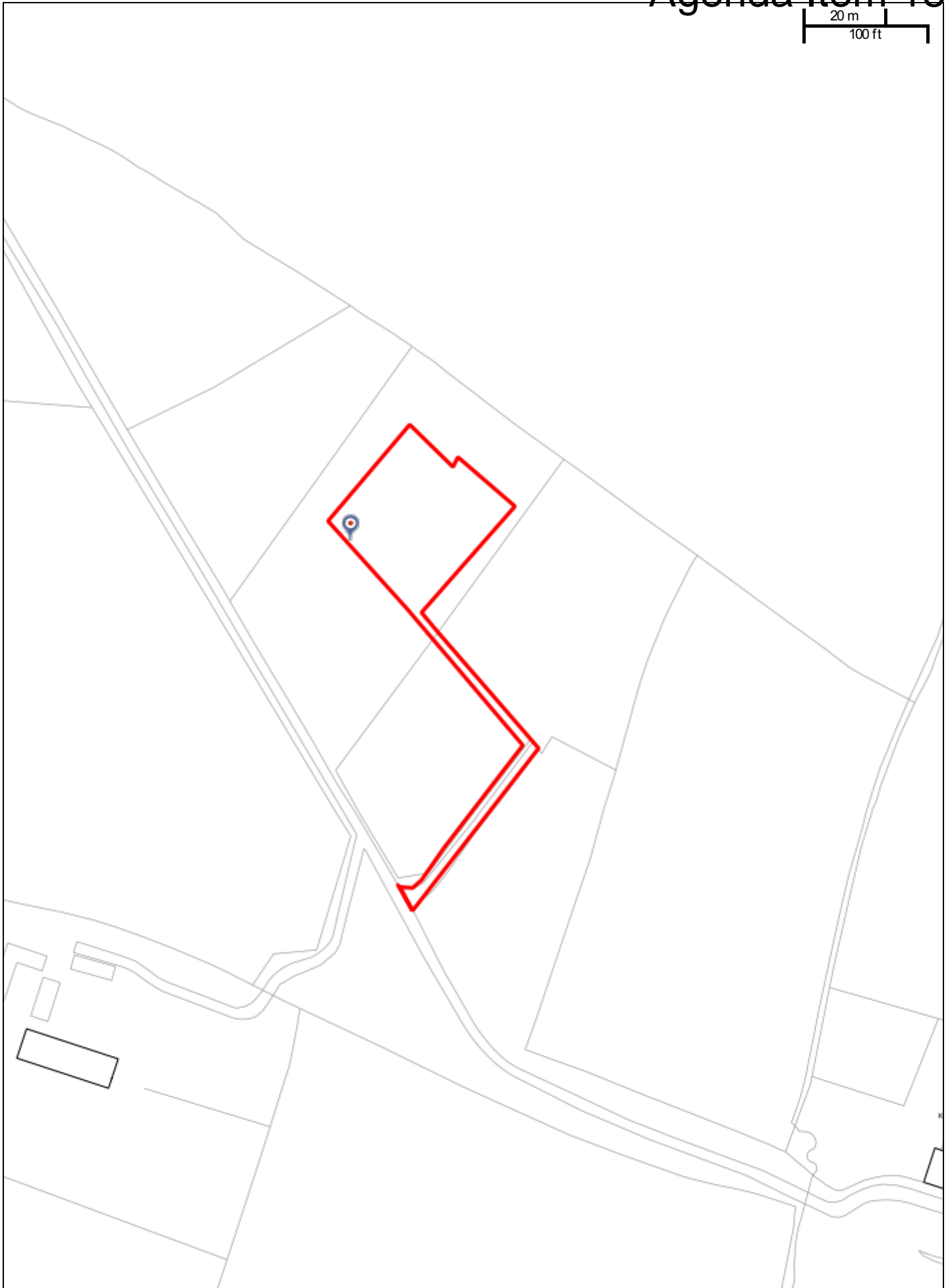
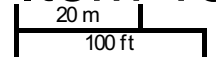
13 The development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing No. 4803/01RevB - OS Location Plan 1:2500

Drawing No. 4803/03RevC - Site Plan (Block Layout) as Proposed 1:500

Drawing No. 4803/04 - Amenity Building Plans and Elevations 1:50

Reason: To facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.



17/502714 - Caravan 2 Hawthorn Farm

Scale: 1:1250

Printed on: 11/12/2017 at 13:09 PM by ElyH

REPORT SUMMARY

19th December 2017

REFERENCE NO – 17/502714/FULL			
APPLICATION PROPOSAL: Change of use of land to create two additional plots adjacent to an existing Gypsy site, for the accommodation of two Gypsy Traveler families. Each plot to contain one static caravan, one touring caravan, a septic tank, parking for two vehicles and associated hardstanding.			
ADDRESS: Caravan 2, Hawthorn Farm, Pye Corner, Ulcombe, Kent ME17 1EF			
RECOMMENDATION: GRANT subject to the planning conditions set out in Section 8.0 of the report			
SUMMARY OF REASONS FOR RECOMMENDATION: The proposed change of use of the land, subject to imposition of conditions as herein recommended, is considered to comply with the policies of the Development Plan (Maidstone Local Plan 2016), and the provisions of the NPPF and there are no overriding material planning considerations justifying a refusal of permission.			
REASON FOR REFERRAL TO COMMITTEE: The recommendation is contrary to the views of Ulcombe Parish Council who has requested that the application be determined by Committee.			
WARD Headcorn	PARISH/TOWN COUNCIL Ulcombe Parish Council	APPLICANT – Mrs B Cash AGENT – Joseph Jones, BFSGC	
DECISION DUE DATE (Extended) 31.10.2017.	PUBLICITY EXPIRY DATE 22/06/2017	OFFICER SITE VISIT DATE 14/07/2017	
App No	Proposal	Decision	Date
14/504606/FULL	Change of use of land to create two additional plots for the accommodation of gypsies. Each plot to contain, one static caravan, a septic tank, parking for two vehicles and associated hardstanding.	Refused	11/7/16
<i>(1) By virtue of the lack of sufficient information submitted, it is not possible to adequately assess the impact that the proposal would have upon protected species and their habitats within the application site. The application thereby fails to comply with central government planning policy as set out in section 11 of the National Planning Policy Framework 2012 and Circular 06/2005'.</i>			
Adjoining site for Hawthorn Farm			
MA/09/0208	Change of use to Gypsy caravan site to include 2 mobile homes, 2 touring caravans, 2 utility blocks and 2 stables and tack-room	Permitted	18/8/10

MAIN REPORT

The application was withdrawn from the 17th October 2017 Committee agenda to seek clarification regarding the Gypsy Status of the proposed occupiers. The earlier report set out that the application was not for specific occupiers, whereas the application does include these details which are now considered in the report below.

1.0 DESCRIPTION OF SITE

- 1.1 The site is contained within a larger triangular shaped level field enclosure defined by mature native species hedgerows and located in the countryside approximately 1kilometre south of Ulcombe and 5km to the north of Headcorn.

- 1.2 The field enclosure contains 'Hawthorn Farm' an existing Gypsy and Traveller site. The field is accessed via an unmade track, which serves other properties including Roydon Farm and other G&T sites and extends to Kingsnood Farm and Kingsnood Oast some 150m to the south-east. The access track joins the public highway at Eastwood Road, an unclassified county road, 400m to the north-west. The track is also designated as a public footpath.
- 1.3 The site and its environs have been designated as a Landscape of Local Value (LLV) within the Local Plan. The site is not subject to national landscape designation.
- 1.4 Hawthorn Farm has been allocated as a Gypsy and Traveller site for a total of 5 pitches in accordance with Policy GT1(15) of the Maidstone Borough Local Plan (subject to certain landscaping requirements). This allocation includes the existing 3 authorised pitches at Hawthorn Farm. The allocation site is separate from the current proposal site.

2.0 PROPOSAL

- 2.1 This application seeks full planning permission for a change of use of land to use as a residential caravan site for 2 Gypsy families each with 2 caravans of which no more than one would be a static mobile home, a septic tank, parking for two vehicles and associated hard-standing.
- 2.2 The pitches would be located to the north-west of the existing Hawthorn Farm Gypsy and Traveller site and within the larger field enclosure. This would be outside but adjoining the site allocation area. Access would be via the existing site access which would be shared with the existing site occupant. The future occupants of the site have been identified as belonging to the Gypsy and Traveller community.
- 2.3 The application is supported by the following documents:
 - Ecology Statement
 - Health and Education Statement
 - Gypsy Status Declaration
 - Design and Access Statement
 - Kent Reptile and Amphibian Group Report (KRAG)

3.0 POLICY AND OTHER CONSIDERATIONS

- National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)
- Maidstone Local Plan (2011-2031): Policies SS1, GT1(15), SP17, DM15
- Planning Policy for Traveller Sites 2015 (PPTS)
- Neighbourhood Plan: N/A

4.0 LOCAL REPRESENTATIONS

- 4.1 Ulcombe Parish Council has raised objection on the grounds that the application is contrary to MBC countryside policies, NPPF guidance and PPTS 2015. Refusal is recommended for the following reasons:
 - As MBC has a 5.6 year supply of traveller pitches there is now no need to expand this unsustainable and visually harmful site.

- The applicant is not nomadic, although of traveller descent, and has been resident in Hawthorn Farm for over 12 years and therefore does not fit the definition of "Gypsies and Travellers", contrary to the Planning Policy for Traveller Sites (PPTS) 2015.
- There is no regulated water and electricity supply.
- The effect of the proposal on protected species - The Ecology Survey is seriously at fault because there was no survey in late spring and summer.
- The effect of the proposal on the character and appearance of the countryside.
- The site is in open countryside and in the Low Weald Special Landscape Area and in a part of the countryside designated as Ulcombe Mixed Farmlands. It is also a Low Weald National Character Area, and sites like this need to be protected from harmful visual intrusion.
- The application conflicts with saved policy ENV34, which states that in the Low Weald, particular attention will be given to the protection and conservation of the character of the area and priority will be given to the landscape over other planning considerations.
- The immediate neighbours at Kingsnoad overlook this site.
- Two extra mobile homes will increase noise, disturbance and a further loss of privacy and amenity for neighbours.
- The lane is not designed to take the current volume of traffic. There are already 15 mobile homes, 12 permitted tourers and 2 unauthorised tourers along this footpath, and it is already difficult to pass oncoming vehicles on this half mile stretch of track. The large number of mobile homes along this track dominate the nearest settled community of 3 houses at Kingsnoad.
- The application is contrary to saved policy ENV28 'planning permission will not be given for development which harms the character and appearance of the area or the amenities of the surrounding occupiers'.
- Contrary to the application statement, the site is visible from the public footpath which runs along the length of the western boundary.
- The addition of another traveller site will aggravate the social cohesion in the village.
- The school has grown from 25% traveller children in 2013 to 85% traveller children in 2017 (the school's figure) and this has resulted in a loss of social cohesion between the settled and traveller communities, contrary to the intent of PPTS2015
- Ulcombe already has the highest percentage of traveller sites in Maidstone Borough for a small village. There are now 94 traveller pitches either in, or within a mile of, the Ulcombe Parish boundary. We hope this fact will persuade MBC to see the cumulative impact of what may on the surface appear to be only modest individual traveller applications.
- The site does not fulfil the definition of "sustainability" in policy DM16 in the Draft Local Plan. Ulcombe has no shops, no health centre and no recreational facilities. There are only 4 buses a day to Maidstone (8 miles away) with the last one at 1.32pm from the Ulcombe bus stop 1.5 miles away from this site. There are no buses to Headcorn (over 3 miles away). Headcorn has the nearest local services including the railway station, doctors and dentists, chemist, library, and shops etc, all of which are not accessible from Ulcombe on foot or by public transport.

4.2 One letter of objection has been received from a member of the public. The objector's comments can be summarised as follows:

- Already overlooked by existing site caravans during winter and without full screening and fencing between the site and our land this will be exacerbated.
- The shared track accessing the site is in a terrible state of repair and increased numbers on the site at Hawthorn Farm will aggravate the problem.
- The highway between Pye Corner and the Ulcombe - Headcorn road has deteriorated significantly in recent years due to increased usage.

- Already high number of refuse bins around collection days giving rise to health and rodent concerns and making access to and from the track more problematic.
- Further hard standing, fencing, buildings and caravans of no aesthetic merit will cause further erosion of what has been an attractive rural environment.
- We have had problems with dogs from the site chasing and disturbing our livestock and believe increased numbers on this site might lead to same.
- Concern that noise pollution would increase.

5.0 CONSULTATIONS

5.1 KCC Ecology

Due to the site being intensively managed KCC are satisfied that the submitted report provides a good understanding of the ecological interest of the site. No additional surveys are required but if planning permission is granted there is the opportunity to enhance the site for biodiversity and this can be secured by condition.

6.0 APPRAISAL

Policy Background

- 6.1 Policy SS1 is a spatial strategy policy for all of Maidstone Borough. The policy refers to a Gypsy and Traveller and Travelling Showpeople Accommodation Assessment (GTTSA) that sets the quantitative need for sites and the methodology for site delivery.
- 6.2 The site is within the Low Weald Landscape of Local Value (LLV), which Policy SP17 seeks to conserve and enhance these landscapes.
- 6.3 Local Plan Policy SP17 'The Countryside', follows the broad thrust of Policy ENV28 which it has replaced. The policy states that 'development proposals in the countryside will not be permitted unless they accord with other policies in the plan and they will not result in harm to the character and appearance of the area.'
- 6.4 Local Plan Policy DM15 is specific to gypsy development, allowing for development subject to compliance with certain criteria, which includes sustainability, landscape character, the cumulative effect of development, highway safety, flooding and ecology.
- 6.5 Policy GT1 establishes that allocated sites, will deliver a total of 41 pitches for Gypsy and Traveller accommodation; while Policy GT15 is specific to Hawthorn Farm and establishes that planning permission for 3 additional permanent pitches will be granted providing certain criteria are met. The policy states that the total site capacity is 5 pitches and that a landscaping scheme for the site is approved.
- 6.6 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.

Need for Gypsy sites

- 6.7 Local Planning Authorities are required to set their own Local Plan targets for pitch provision in their area. In order to address this, Salford University were commissioned to carry out a Gypsy and Traveller and Travelling Show-people Accommodation

Assessment (GTAA) which was published in 2012 to cover the period October 2011 to March 2031.

- 6.8 The GTAA concluded the following need for pitches over the remaining Local Plan period:

Oct 2011 – March 2016 - 105 pitches

April 2016 – March 2021 - 25 pitches

April 2021 – March 2026 - 27 pitches

April 2026 – March 2031 - 30 pitches

Total: Oct 2011 – March 2031 - 187 pitches

- 6.9 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.

- 6.10 The target of 187 additional pitches is included in Policy SS1 of the Maidstone Borough Local Plan.

- 6.11 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 DLP. The GTAA had already asked those surveyed whether they had ceased to travel. The only recognised omission was whether those who had ceased to travel intended to resume travelling. The Inspector concluded that a new survey to address this would be unlikely to result in anything but small changes to the needs figures. The Inspector concluded that the needs evidence is adequate.

Supply of Gypsy Sites

- 6.12 Under the terms and conditions of The Housing Act (2004), accommodation for Gypsies and Travellers is a specific form of housing, which Councils have a duty to provide. Local Plan Policy DM15 accepts that subject to certain criteria, this type of accommodation can be provided in the countryside.

- 6.13 Between the base date 01.10.2011 of the GTAA and 21.08.2017, a net total of 110 permanent pitches were provided. This means that a further 77 permanent pitches are required by 2031 to meet the objectively assessed need identified in the GTAA. The level of provision to 27.10.2017 can be broken down as follows:

107 permanent non-personal pitches

21 permanent personal pitches

3 temporary non personal pitches

38 permanent personal pitches

- 6.14 The PPTS states that LPA's should identify a future supply of specific, suitable Gypsy and Traveller sites sufficient to meet the 10 year period following Local Plan adoption (currently anticipated as late 2017). The Local Plan allocates a number of sites sufficient to provide 41 additional pitches by 2031. Although this figure does not satisfy identified demand there will be potential uplift through the provision of windfall sites yet to come forward. Accordingly it is considered that the objectively assessed need (OAN) for 187 pitches can realistically be achieved.

- 6.15 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 5.6 year supply of Gypsy and Traveller sites at the base date of 1st April 2016. However even where it can be demonstrated a 5 year supply of Gypsy and Traveller sites exists this does not preclude further gypsy and traveller sites being permitted if the provisions of policies SP17 and DM15 of the local plan are considered to be satisfied. Unidentified or 'windfall' Gypsy and Traveller sites also contribute to meeting the adopted targets for gypsy and traveller development within the Borough.

Gypsy status

- 6.16 Permission is sought on the basis that the proposed two pitches are required to satisfy an identified need for two Gypsy and Traveller families. The agent has submitted that the intended occupiers of the site qualify for Gypsy and Traveller status for planning purposes and has listed the following information of Horse Fairs, Drives and Event as evidence of events that the proposed occupiers attend:

- 6.17 List of Horse Fairs, Fairs and Events that the applicants attend, or have attended in recent years.

Not all the fairs listed will be attended every year, for various reasons. Some of the fairs will last for a number of days. These fairs need to be considered together with the fact that the family also continue to travel for work for a significant part of the year, individually and collectively with other members of the family. The applicants also travel to attend cultural events and family events throughout the year, to different sites and to various locations across the UK.

January - Peterborough Show Horse Fair

February - Red Lee Show Day, Shepperton

March - Smithfields Horse Mkt, Dublin, Ireland; St Patrick's Day Fair, Dartford, Kent; Merton Show (weekend) Faversham Showground

*April - Langley Fair, Slough Bucks **

May - Stow Horse Fair, Stow on the Wold, Oxon; Stepping Cob Show & Drive, Lingfield; Wickham Horse Fair, Wickham

June - Appleby Horse Fair, Appleby, Westmoreland; Epsom Derby, Epsom; Cambridge Midsummer Fair, Cambridge

July - Seamer Fair Scarborough; Darling Buds of May Fair, Pluckley, Kent; Big O Festival, Orpington; Chilli Farm Festival, Dover, Kent

August - Kent Horse Fair, Staplehurst; Hellingley Festival of Transport, East Sussex

September - Smithfields Horse Mkt, Dublin, Ireland; Dereham Horse Fair; Horsemonden, Kent; Barnet Horse Fair, North London; Kenilworth Horse Fair

October; Ballinasloe Horse Fair Ireland; Stow Fair, Cotswolds.

*November; Battersea Horse Fair, London; Shaun Stanley Drive Pool, Fair & Drive in Dorset; * Jimmy's Fair, Langley Horse Fair, Langley, Slough, SL3 8BQ*

(NB Jimmy's fair, organised by Jimmy Smith, took over from the Southall Horse Market which took place every Wednesday in a yard behind Southall High Street. The former market was organised by the Lovelace, family and was very popular with members of the Gypsy Traveller community. Now the Horse Market/Fair is held monthly throughout the year).

- 6.18 In addition the agent confirms that none of the family has ceased to travel, the family units and individuals travel separately and together in differing combinations, the family travel for work, traditional and cultural purposes and members of the family also travel with other families.

- 6.19 The families for which permission is sought are homeless and are related to the other Irish Traveller families, living in the area. That is one of the reasons that the site was chosen, as the families will be able to support each other in times of stress, need or illness.
- 6.20 Upon implementation the occupants of the site comprising the application site and Hawthorn Farm would include members of the Cash family. It is understood that the some of the residents of the additional pitches are those who previously lived on the consented site at the Hawthorns, but now require their own accommodation due to marriage and age.
- 6.21 It is submitted that there will be four children resident on site, two of pre-school age and two of early secondary school age. There is an obvious need for schooling and a structured family life.
- 6.22 Based on the evidence available it can be reasonably concluded that the intended occupants are of Gypsy heritage and are from the travelling community. A condition is recommended to ensure that the site shall not be used as a caravan site by any persons other than Gypsies or Travellers and their family and/or dependants, as defined in Annex 1 of the Planning Policy for Traveller Sites 2015.

Visual/Landscape Impact

- 6.23 The larger triangular shaped field is bordered by mature hedgerows which provide effective screening except during the winter months when foliage dies back and it can be glimpsed from the public footpath, particularly at the site entrance. The opportunity exists for site visibility to be addressed in the long term by provision of a robust screen of fast growing native species landscape planting, secured through planning condition. Such landscaping would supplement existing landscaping in line with policy DM15. Although there would be an impact on visual amenity in the short term, such impact would be localised, would be seen in the context of neighbouring Gypsy and Traveller development and would be insufficient to warrant refusal of planning permission.
- 6.24 Policies SP17 and DM15 of the Local Plan are particularly relevant in this context. Policy DM15 states that planning permission for Gypsy and Traveller development will be granted if the proposal would not result in inappropriate harm to the landscape or rural character of the area. The site has been located so as to have minimal impact on its surroundings. It is considered that the proposal complies with the criteria set out in Policies SP17 and DM15.
- 6.25 The Parish Council has drawn attention to the Low Weald Special Landscape Area (SLA) setting and the need to protect such designations from harmful visual intrusion. The SLA designation has now been superseded; however the site does remain within the LLV. In this instance the site is reasonably well screened from public vantage points within the adjoining PROW and providing existing natural screening is reinforced in accordance with the provisions of DM15 this will ensure that the development will become, with time, better assimilated into its surroundings and reduce perceived harm to the character of the surrounding countryside. In addition Policy GT15 related to the allocated site provision, requires reinforced landscape screening to certain areas of the 'larger' field enclosure site. A landscape condition in respect of the current application would satisfactorily address all concerns pertaining to site development. As such harm to the Low Weald would not be unacceptable.

Highways

- 6.26 There are no highway issues as an existing access is to be used. Although the track running from the unclassified county road also benefits from footpath status, the track is also subject to vehicular rights of access.

Cumulative Impacts:

- 6.27 The site lies in close proximity to several existing Gypsy and Traveller sites. In accordance with Policy GT1 (15) Hawthorn Farm has been allocated a total of 5 pitches, to include the 2 existing pitches. A further allocation for a single additional pitch at Neverend Lodge, Pye Corner, has been made in accordance with Policy GT1 (16) on land to the west of the site accessed from Eastwood Road. The Parish Council has expressed concern that although such applications viewed in isolation may seem reasonable, the cumulative impact of Gypsy and Traveller development is in serious danger of undermining social cohesion within the resident community, and they have provided figures demonstrating the extent to which local schools now predominately cater for the Gypsy and Traveller community.
- 6.28 The NPPF and PPTS 2015 provides some guidance in respect of cumulative impact. The Government's aim is to reduce tension between the settled and travelling communities and in order to achieve this PPTS 2015 requires that when assessing the suitability of sites in rural or semi-rural settings, local planning authorities should ensure that the scale of development does not dominate the nearest settled community. In this instance, the Council's Planning Policy team considered the implications of cumulative impact during the Gypsy and Traveller site allocation process and in so doing determined that the site was suitable for 5 pitches. Currently there are the 2 original pitches and a further 3 pitches within the allocation. Were this application to be approved, there would be a potential increase in pitches at Hawthorn Farm to 7 pitches. The 7 pitches would be contained within a field enclosure of generous dimensions, delineated by mature hedgerows, which has been identified as land suitable for Gypsy and Traveller site expansion (albeit up to quantum of 5). However in this instance, the proposal would not result in an overtly cramped form of development or one that would unacceptably dominate the existing residential community. In addition a generous area of open space would surround the development and the proposal would not represent overdevelopment of the land.

Ecology Impacts.

- 6.29 A previous application was refused due to the lack of ecology information submitted. This application is now supported by a Phase 1 Ecology Survey. The survey emphasises that within the proposed footprint of development, the land has no potential for habitat and that there is no evidence of protected species. The Ecology and Biodiversity Officer agrees with this conclusion and has taken the view that a condition to enhance existing site biodiversity would be acceptable in this case. As such there would be no conflict with Policy DM15.

Sustainability

- 6.30 Although the site would be approximately 5km from a Local Service Centre, the location has been considered by the Council in the context of their Gypsy and Traveller site needs assessment and allocated in the emerging Local Plan Gypsy and Traveller development. Although the occupants of the site would be largely reliant on private motor vehicles to access local services and facilities, this is not untypical of Gypsy and Traveller lifestyle choices which results in a preference for sites in rural locations.

Although not highly sustainable in respect of location, the site is not so far removed from basic services and public transport opportunities as to justify refusal on this basis

Residential amenity

- 6.31 The two proposed pitches would be of sufficient size to ensure that, spatially, living conditions would be acceptable for future occupiers. Although concern as to loss of privacy and potential for noise pollution has been expressed by the neighbour to the south east, the development would be located to the other side of an existing Gypsy and Traveller site and would be reasonably distant and as such would not be readily visible to that neighbour. In addition additional landscaping would be introduced, secured by condition, which with the passage of time would provide enhanced screening and provide enhanced separation. Consequently the impact on residential amenity is considered acceptable.

Flooding/Drainage

- 6.32 The site lies within Flood Zone 1 and as a consequence flooding is not an issue. A planning condition will however be imposed in order to secure permeability of site hardstanding and assist in surface water drainage. Details submitted with the application in respect of sanitation are considered acceptable. The application would comply with Policy DM 15 in all such respects.

7.0 CONCLUSION

- 7.1 Although this site will have some visual impact on the character and appearance of the rural area, policy allows that subject to strict control and in order to satisfy the Borough's responsibility to satisfactorily accommodate the Gypsy and Traveller community in development commensurate with their traditional lifestyle, Gypsy sites can be acceptable in the countryside. In this instance the field enclosure has been allocated in part for Gypsy and Traveller development. The proposed development would be largely screened to long distance views while additional landscape planting would mitigate views from the PROW and from neighbouring residential curtilages in accordance with policy DM15. As a result the impact of development upon the character of the countryside and the amenity of the settled community would be acceptable.
- 7.2 Grant of planning permission would assist in meeting the Council's unmet need for Gypsy and Traveller accommodation in the Borough and would comply with the Development Plan comprising the Maidstone Local Plan and with National Planning Guidance. Material circumstances indicate that subject to imposition of conditions full permanent (non-personal) planning permission should be granted.

8.0 RECOMMENDATION

GRANT planning permission subject to the following conditions:

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

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

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

Reason: To accord with the terms of the application and to safeguard the amenity, character and appearance of the area.

3. The site shall not be used as a caravan site by any persons other than Gypsies or Travellers and their family and/or dependants, as defined in Annex 1 of the Planning Policy for Traveller Sites 2015;

Reason: The site is in the countryside where the stationing and occupation of caravans/mobile homes is not normally permitted other than by members of the Gypsy and Travelling community.

4. No external lighting shall be erected on the site at any time unless previously agreed in writing.

Reason: To safeguard the rural character and appearance of the countryside and to prevent light pollution.

5. No commercial activities shall take place on the land, including the outdoor storage of materials;

Reason: To prevent inappropriate development and safeguard the amenity, character and appearance of the surrounding Landscape of Local Value.

6. Notwithstanding the provisions of Schedule 2 Part 4 of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any order revoking or re-enacting that Order with or without modification), no temporary buildings or structures shall be stationed on the land without the prior permission of the local planning authority;

Reason: To prevent overdevelopment of the site and to safeguard the rural character and appearance of the surrounding Landscape of Local Value.

7. The development shall not commence until a landscape scheme designed in accordance with the principles of the Council's landscape character guidance has been submitted to and approved in writing by the local planning authority. The scheme shall include a planting specification, a programme of implementation and a [5] year management plan. The landscape scheme shall specifically address the need to provide:

- Retention and landscape reinforcement of the existing hedge along the south west and north east boundaries of the field enclosure with native hedge and tree species.
- A new double staggered mixed native hedge with trees on the outside of all boundaries of the site and outside the edges of the site access track.

Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development.

8. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following commencement of development, 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 surrounding Landscape of Local Value.

9. Details of all boundary treatments shall be submitted to and approved by the Local Planning Authority prior to occupation of the site. The boundary treatment shall allow for establishment of landscaping and shall thereafter be maintained for all time.

Reason: To safeguard the character and appearance of the surrounding Landscape of Local Value.

10. All hard-standings shall be permeable to enable surface water to percolate directly to the ground below and shall be retained as such thereafter.

Reason: To minimise flooding of neighbouring land and the highway and in the interests of sustainable drainage.

11. Prior to occupation of the site hereby approved, details of how the development will enhance biodiversity will be submitted to and approved in writing by the Local Planning Authority. The approved details will be implemented and thereafter retained.

Reason: In the interests of biodiversity.

12. The development hereby permitted shall be carried out in accordance with the following approved plans:
Drawing Number LP-04 'OS Location Plan' 1:2500
Drawing Number BP-04 'Site Layout Plan' 1:500
Drawing Number TS-0102017 'Existing Trees and Hedges with proposed landscape planting' 1:200

Reason: To facilitate any future application to the Local Planning Authority under Section 73 of the Town and Country Planning Act 1990.

Case Officer: Rachael Elliott

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

20 m
100 ft



17/503291 - The Packhouse

Scale: 1:1250

Printed on: 11/12/2017 at 11:41 AM by ElyH

REPORT SUMMARY

19 December 2017

REFERENCE NO - 17/503291/FULL			
APPLICATION PROPOSAL - Erection of 6 No lightweight commercial/industrial units.			
ADDRESS - The Packhouse Queen Street Paddock Wood Tonbridge Kent TN12 6PJ			
RECOMMENDATION – GRANT PLANNING PERMISSION subject to conditions			
SUMMARY OF REASONS FOR RECOMMENDATION – The submitted details are considered to comply with the policies of the Development Plan, where relevant, and the National Planning Policy Framework, and there are no overriding material considerations to indicate a refusal of planning consent.			
REASON FOR REFERRAL TO COMMITTEE - Yalding Parish Council have requested that the application be reported to the Planning Committee if Officers are minded to recommend approval.			
WARD Marden And Yalding		PARISH/TOWN COUNCIL Yalding	APPLICANT Money Investments Ltd. AGENT Mr Steve Derhun
DECISION DUE DATE 27/11/17		PUBLICITY EXPIRY DATE 03/11/17	OFFICER SITE VISIT DATE 10/10/2017
RELEVANT PLANNING HISTORY			
App No	Proposal	Decision	Date
MA/05/1537	Retention of Class B1 (C) light industrial and B8 storage and distribution uses without compliance with condition 2 (Hours of working) and condition 3 (Close boarded fencing and internal block work) of planning permission MA/01/1868	Approved	02/06/2006
MA/01/1868	Change of use of fruit pack house to mixed B1(c) light and B8 storage and distribution use	Approved	14.03.2002
MA/06/0741	An application for a certificate of lawfulness for an existing development being the use of the site for class B2/B8 use as described in application MA/06/0741/S and as amended by additional document(s) being doc 1a and 1b , 2No letters and an email received on	Approved	16/06/2006

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The application site (0.22 hectares) is a parcel of previously developed land located on the West Side of Queen Street, approximately 1 mile from the settlement of Paddock Wood, in the open countryside. The previous building at the site, a former agricultural packhouse was converted to Class B1 (light industrial), B2 (Industrial) and B8 (storage and distribution) uses under application reference number MA/01/1868 and MA/06/0741. The building was demolished following a fire in 2016.

- 1.02 The site has no specific designation in the adopted Maidstone Borough Local Plan (2017). The southern boundary of the site is adjacent to the residential dwelling known as Little Fowle Hall Cottage. To the north west of the site is Little Fowle Hall Farm with Queen Street immediately adjoining the eastern boundary. Access to the site is gained from shared private road which runs along its northern boundary onto Queen Street (B2079). Ground level at the site is generally flat.
- 1.03 Although now demolished, significant weight is still derived from previous lawful uses which relates to mixed B1 (Light Industrial), B2 (Industrial) and B8 (Storage and Distribution) uses. The scheme now proposed seeks to accommodate the same type of commercial use in the proposed lightweight industrial and commercial building. This site is located in an area designated by the Environment Agency as falling within Flood Zone 3. There are a number of established trees along the eastern boundary which are not the subject of TPOs.

2.0 PROPOSAL

- 2.01 Planning permission is sought for the erection of 6 individual lightweight industrial/commercial units for B1 (light industrial) and B8 (storage and distribution) uses. The development would have a rectangular shaped foot print occupying more or less the same floor area as the previous building at the site. The building would be 27 metres in width and 24 metres in depth, with each individual unit measuring 6 metres in width and 12 metres in depth. The building would have a height just above 7 metres from the ground level to the highest point of the pitched roof, which incorporates roof light windows.
- 2.02 Each of the 6 individual units would have large north and south facing roller shutters in addition to separate entrance doors. The site would be enclosed on three sides by hedging and vegetation and would retain an open frontage along the northern boundary. The application proposes two vehicle parking spaces per unit to be located immediately on the frontage of each unit. The two parking spaces per unit proposed in this scheme amounts to a total of 12 parking spaces. A landscaped buffer is proposed within the grounds of the site which would extend to the boundary on the west and south of the site.

3.0 POLICY AND OTHER CONSIDERATIONS

Maidstone Borough Local Plan 2017: Policies SP17, SP21, DM5, DM8, DM23 and DM30 are of relevance to the development
National Planning Policy Framework (NPPF) Paragraphs 28, 56, 60 and 61 are relevant
National Planning Practice Guidance (NPPG)

4.0 LOCAL REPRESENTATIONS

- 4.01 **Local Residents:** Six representations received from local residents raising the following (summarised) issues:
- Insufficient parking provision for the 6 units proposed
 - Highways safety from HGVs and intensified use of the site
 - Loss of parking and turning area for HGVs
 - Surface drainage and sewerage connection

- Proposed steel cladding out of character with surrounding properties
- Density of proposed unit

5.0 CONSULTATIONS

- 5.01 **Environment Agency:** No Objection, subject to finished floor levels of the proposed development set at 14.7mAOD.
- 5.02 **Environmental Health:** No objection subject to condition requesting the submission of details for odour, fume extraction and filtration scheme including its predicted acoustic performance.
- 5.03 **KCC Flood and Water Management:** No objection.
- 5.04 **KCC Highways and Transport:** No objection to B2 use of the site subject to conditions.

6.0 APPRAISAL

Main Issues

- 6.01 The key issues are:

- Principle of development
- Visual impact
- Residential amenity
- Highways impact

Principle of Development

- 6.02 The site is located in the open countryside approximately 1 mile from the settlement of Paddock Wood as defined by the adopted Local Plan (2017) policy map. Policy SP17 of the adopted Local Plan sets out that 'Development proposals in the countryside will not be permitted unless they accord with other policies in this plan and they will not result in harm to the character and appearance of the area. Policy DM37 of the adopted Maidstone Borough Local Plan (2017) is supportive of business in rural locations, subject to an acceptable scale and impact. Policy DM37 of the adopted Local Plan is supportive of economic development in the countryside. Policy DM5 allows for the redevelopment of brown field sites in current or previous economic use in countryside locations subject to acceptable scale and impact. The National Planning Policy Framework is generally supportive of appropriate rural businesses where they respect the character of the countryside.
- 6.03 The application site previously accommodated mixed Lawful B1 (Light Industrial), B2 (Industrial) and B8 (Storage and Distribution) uses and therefore, the proposed redevelopment of the site to accommodate the similar type of commercial use is considered to be acceptable in planning policy terms. Having regards to the above, the principle of replacement lightweight commercial/industrial units on brownfield land in a countryside location is considered to be acceptable.

Visual Impact

- 6.04 The proposed building covers a floor area of approximately 650m² which is similar to the scale of the previous development within the site and it is considered that the proposal would be appropriate for the size of the plot. The proposed building would be set back from Queen Street by approximately 13 metres and would benefit from screening provided by trees and vegetation along its eastern boundary. The southern and western boundaries have existing established hedge which would be retained. The proposed building would be set back from the shared northern access by approximately 7 metres and would not appear prominent or over dominant within the street or the vicinity of the site. The proposal includes a landscaped buffer on the south and west which would help soften its appearance.
- 6.05 The applicant has received pre-application advice which suggested that the 8 units proposed are reduced to 6 units to avoid any overbearing impact on Little Fowle Hall Cottage located to the south of the site. The advice recommended replacement of the hard standing car parking area proposed along the southern boundary with soft landscaping in the interest of amenities of the countryside. It is considered being a like for like replacement in terms of scale, the proposal is appropriately designed and in keeping with the general character of the location.
- 6.06 In terms of design and materials, the existing dwellings in the vicinity of the site are a mixture of render, hanging tiles and facing brickwork and whilst the proposed steel cladding would not replicate the design of dwellings in the vicinity of the site, the appearance of the light industrial building that would result from this proposal, represents a significant improvement in terms of visual appearance when compared with the previous building at the site. Considering that it is of a similar scale and height when compared with the previous building at the site, the development would be sympathetic to the general context of the vicinity of the site. The extensive landscape buffer provided within this scheme would help soften the appearance of the development considering that the existing hardstanding would be reduced. It is not considered that this proposal being more or less a like for like replacement would cause any significant harm to the character and appearance of the area. It is acceptable on design and would assimilate well within the locality.

Residential Amenity

- 6.07 The proposal is located within a well enclosed site with trees and boundary vegetation along the western, southern and eastern boundaries. The proposal has a separating distance of approximately 30metres with the neighbouring dwelling to the south of the site, Little Fowle Hall Cottage. Apart from the roof light openings, no window openings are included in this development. Therefore, it is not considered that there would be any unacceptable overlooking or loss of privacy issues resulting from the proposed development. The site is a sufficient distance from the nearest neighbour to ensure that the potential for noise and disturbance that would be generated would not significantly affect residential amenity

Highways

- 6.08 Car parking standards for B1 & B8 uses are found within SPG4 (parking standards for Land Use Class B1: Business & Land Uses Class B8: storage and Distribution). SPG4 recommends 1 space per 25m² for B1 use and 1 goods vehicle space per 300m² and 1 car parking space per 110m² for B8 uses. Whilst the formal marked car parking provision in this proposal comprising 650m² is below the recommended

numbers set out within SPG4, there is sufficient hard standing area around the site to accommodate additional informal parking if required. Clearly, the car parking requirements for B8 uses are significantly lower and the proposal is well within the recommended range.

- 6.09 KCC Highways and Transport does not raise any objections to this application on parking or highways safety grounds and considers the proposed parking provision to be acceptable for a B1 use. Therefore it is considered that the proposal would not cause highways safety issues and there is no objection in regards to highways.

Landscaping

- 6.10 No trees on this site or immediately adjacent to the site are TPO protected. There are small trees and hedging around the margins of part of the site which are to be retained. The submitted plans show that new native trees and hedging would be planted to the south and west of the site, including the provision of a landscaped buffer. The plans do not indicate provision of any soft landscaping along the site frontage and it is necessary to condition the proposed hard standing and areas to be constructed from permeable block paving. It is considered that the landscaping proposals within this scheme are acceptable and will support the aspirations of policy DM3 of the adopted Local Plan.

Other Matters

- 6.11 Although concern has been raised with regards to the sewerage system, it is not considered that the proposed development which essentially replaces the existing building at the site would cause significant additional sewerage issues and I do not consider that an objection on this ground could be maintained.

7.0 CONCLUSION

- 7.01 The proposal would not cause visual harm to countryside interest. It would not cause any significant harm to residential amenity of current and future occupants of neighbouring residential dwellings and there is no objection in terms of highway safety. The proposed lightweight commercial/industrial units is therefore considered acceptable with regards to the relevant provisions of the adopted Local Plan, the NPPF and all other material considerations such as are relevant. Therefore, approval is recommended subject to conditions.

8.0 RECOMMENDATION

- 8.01 GRANT Planning Permission subject to the following conditions:

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. No activity in connection with the uses hereby permitted, other than the cleaning of the premises, shall be carried out outside of the hours of 07:00 and 22:00 and not at any time on Sundays, Bank or Public Holidays;

Reason: To safeguard the enjoyment of their properties by adjoining residential occupiers.

3. Notwithstanding the information on the approved plans, no development shall take place above slab level until samples of materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reasons: in the interest of amenity and to ensure that the proposed development is satisfactorily integrated with its immediate surroundings.

4. No development shall take place above slab level until details of hard landscape works which shall include the use of permeable paving upon the hardstanding parking areas indicated on the approved plans, have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details before first occupation of the building or land;

Reason: To ensure satisfactory appearance to the development and in the interest of sustainable water drainage.

5. No development shall take place above slab level until details of the particulate odour, fume extraction and filtration scheme including its predicted acoustic performance shall be submitted to and approved in writing by the Local Planning Authority. Any equipment, plant or process provided or undertaken in pursuance of this condition shall thereafter be installed, operated and retained in compliance with the approved scheme.

Reason: In the interest of the amenities of the occupiers of neighbouring dwellings.

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

Reason: In the interest of residential amenity

7. No development shall take place until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of within the curtilage of the site without increase to flood risk on or off-site. The drainage scheme shall also demonstrate that silt and pollutants resulting from the site use and construction can be adequately managed to ensure there is no pollution risk to receiving waters.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding. This information is required pre commencement as any construction work would reduce the range of drainage options available.

8. No development above slab level shall take place until details of how decentralised and renewable or low-carbon sources of energy will be incorporated into the development hereby approved, have been submitted to and approved in writing by the local planning authority. The approved details shall be installed prior to first occupation and maintained thereafter;

Reason: To ensure an energy efficient form of development. Details are required prior to commencements as these methods may impact or influence the overall appearance of development.

9. Prior to occupation of each individual unit hereby approved a minimum of one corresponding electric vehicle charging point shall have been installed for use by occupiers or visitors to the individual units, the installed electric vehicle charging points shall thereafter be retained for that purpose.

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

10. All planting, seeding and turfing specified in the approved landscape details shall be carried out either before or in the first season (October to February) following the occupation of the buildings or the completion of the development, whichever is the sooner; and seeding or turfing which fails to establish or any trees or plants which, within five years from the first occupation of a property, commencement of use or adoption of land, die or become so seriously damaged or diseased that their long term amenity value has been adversely affected shall be replaced in the next planting season with plants of the same species and size as detailed in the approved landscape scheme unless the local planning authority gives written consent to any variation.

Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development

11. The approved details of the parking areas indicated on the approved plans shall be completed before the commencement of the use of the land or building hereby permitted and shall thereafter be kept available for such use.

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

12. The development hereby approved shall not commence above slab level until, details of satisfactory facilities for the storage of refuse on the site have been submitted to and approved in writing by the local planning authority and the approved facilities shall be provided before the first occupation of the building(s) or land and maintained thereafter;

Reason: No such details have been submitted and in the interest of amenity.

13. The building hereby approved shall be used for B1(Light Industrial), B2 (Industrial) and B8 (Storage and Distribution) uses only and for no other purpose (including any other purpose in Class C3 of the Schedule to the Town and Country Planning (Use

Classes) Order 1987 or permitted under the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any statutory instrument revoking and re-enacting those Orders with or without modification);

Reason: Unrestricted use of the building or land would cause demonstrable harm to the character, appearance and functioning of the surrounding area and/or the enjoyment of their properties by adjoining residential occupiers.

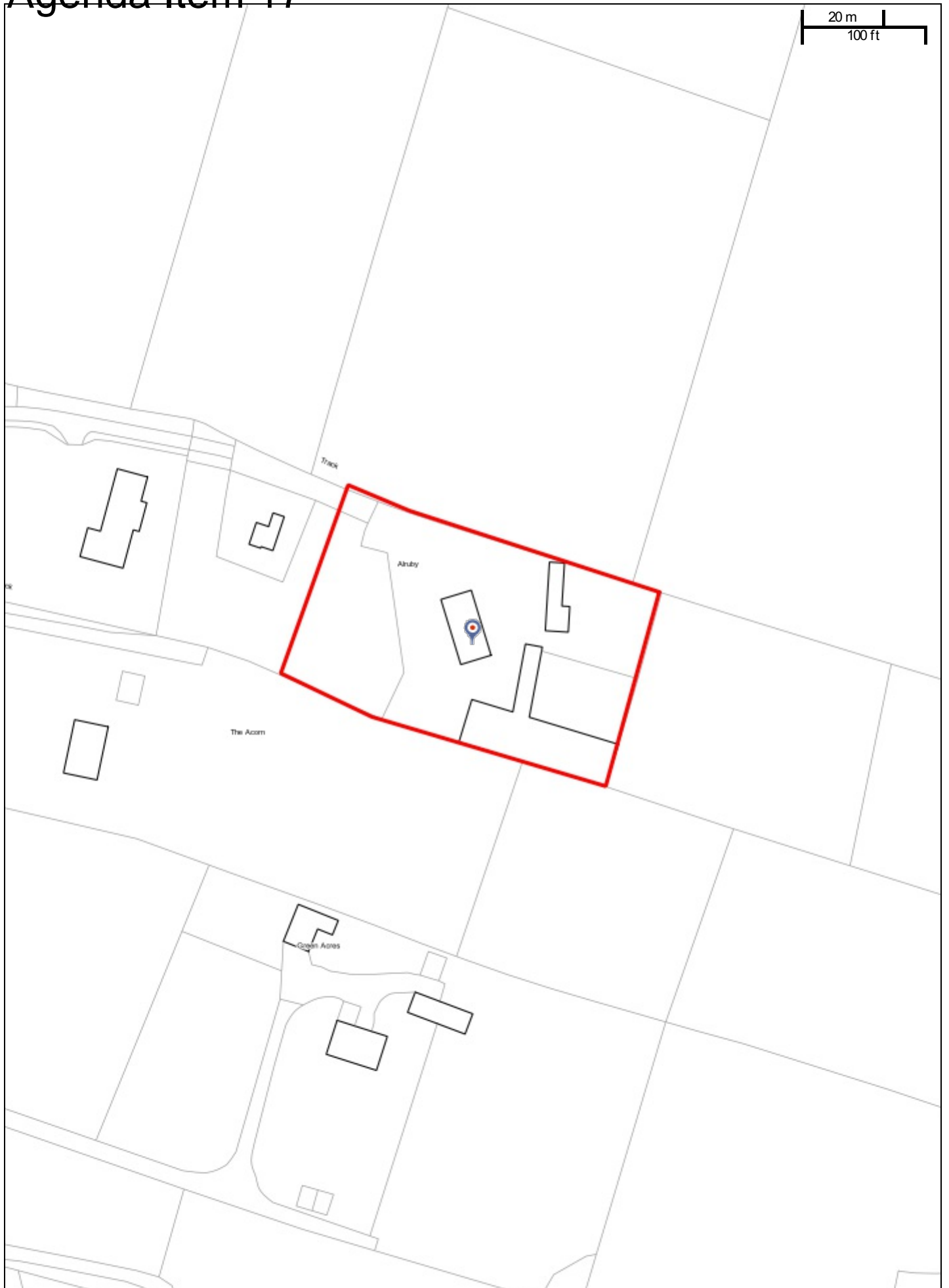
14. No open storage of plant, materials, products, goods for sale or hire or waste shall take place on the land outside of the building outlined on the approved plan;

Reason: To safeguard the character and appearance of the surrounding area.

Case Officer: Francis Amekor

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

Agenda Item 17



17/503401 - Catharos Lithos

Scale: 1:1250

Printed on: 11/12/2017 at 13:21 PM by ElyH

REPORT SUMMARY

REFERENCE NO - 17/503401/FULL			
APPLICATION PROPOSAL Change of use from C3 (residential) to mixed use C3 (residential) and Sui Generis for the training of canines and associated boarding and activities (Retrospective).			
ADDRESS Catharos Lithos Yelsted Road Yelsted Sittingbourne Kent ME9 7UU			
RECOMMENDATION - GRANT subject to the planning conditions set out in Section 8.0 of the report			
SUMMARY OF REASONS FOR RECOMMENDATION The use of the site for the training of dogs is considered acceptable in this location and the application demonstrates that there would not be significant harm to residential or visual amenity and the use would not have a significant impact on highway safety and subject to conditions the issues associated with the use can be suitably addressed and all other materials planning considerations are considered acceptable.			
REASON FOR REFERRAL TO COMMITTEE The application has been called-in by Cllr Garten due to the sensitivity of the site and concern in the community. The recommendation is also contrary to the views of Stockbury Parish Council who have requested the application be presented to the Planning Committee			
WARD North Downs		PARISH/TOWN COUNCIL Stockbury	APPLICANT Mr Owolabi Abimbola AGENT Planning Direct
DECISION DUE DATE 29/08/17		PUBLICITY EXPIRY DATE 04/12/17	OFFICER SITE VISIT DATE 28/7/17
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
88/0804	Replacement bungalow for residential use	Permitted	7/12/88
53/0196/MK2	The erection of a bungalow or the alteration of existing building to a bungalow	Permitted	10/3/54
52/0023/MK2	The erection of a bungalow in connection with a smallholding	Permitted	29.05.1952
Land to the west (Bungalow at Hillview)			
17/500819	Detached double garage with pitched roof and storage in the loft space.	Permitted	20/11/17
16/502175	Replacement of existing mobile home with the erection of a chalet-style detached bungalow.	Permitted	13/5/16
15/506969	The replacement of the existing caravan with a detached bungalow property.	Permitted	24/11/15
12/2232	Application for the approval of all reserved matters pursuant to outline permission MA/10/1121 (Outline application for the	Permitted	30/4/13

	erection of a bungalow (to replace existing residential caravan) with all matters reserved for future consideration)		
10/1121	Outline application for the erection of a bungalow (to replace existing residential caravan) with all matters reserved for future consideration	Permitted	19/5/11
10/0522	An application for a certificate of lawfulness for an existing use being the stationing of a caravan for use as an independent residence.	Permitted	20/5/10
96/0486	Erection of a detached replacement dwelling (amended design to that permitted under reference MA/94/0588N	Permitted	7/8/96

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The application site is located along a long access road from Yelsted Road to the west of the site. This access serves the application site, Cherriamber Lodge and a recently completed replacement dwelling to the west of the site.
- 1.02 The application site measures approximately 0.64hectares and includes the residential dwelling known as Catharos Lithos and land to the east. The existing dwelling is a modest single storey bungalow. The area of land to the east is subdivided into two areas, that immediately to the east of the dwelling which contains a number of single storey buildings used as a training area and kennels. This area is enclosed by wooden fencing with mesh wire and contains a number of wooden structures used in association with the dog training. The adjoining field is enclosed by hedging and planting along the northern and southern boundaries with post and wire fencing separating the site from neighbouring land. This area is used as ancillary dog training space. Additional land to the east of the site is also within the applicants ownership. At the time of application the new dwelling to the west of the site was also within the applicants ownership.
- 1.03 The site is outside any settlement boundaries as defined in the local plan and as such is within the open countryside and the Kent Downs Area of Outstanding Natural Beauty (AONB).

2.0 PROPOSAL

- 2.01 The application seeks to regularise the use of the site for the training of canines, including the associated boarding and activities.
- 2.02 The applicant operates a business under the company name DDR Guard Dogs. The business trains dogs such as Rottweiler, German Shephard, Doberman, Malinois and Mastiff. It specialises in working dogs and problem dogs that could be a social risk and with animals that genetically have a higher probability to be fierce. The aim of the training is to take away the decision making from these dogs so they understand to make the right choices. The primary aim of the training is to instil obedience.

- 2.03 The Design and Access Statement sets out that that the business employs four staff on a part-time basis. This equates to two full-time employees, together with the applicant. The employees work 09:00-13:00.
- 2.04 The existing buildings have been upgraded to accommodate an indoor training area within the larger building and kennels are provided in the two smaller buildings. The number of kennels totals 18, with 9 in each of the two buildings.
- 2.05 The application sets out that that there are a maximum of 2-3 clients per day, with no more than 3-4 per week.
- 2.06 The training activities generally take place between the hours of 09:00-14:00 and the applicant is willing to accept a condition which restricts the hours of training to 09:00 – 15:00 Monday to Friday.
- 2.07 Informal parking is provided adjacent to the existing dwelling and there is existing fencing which separates the main operations of the training business from the residential dwelling.
- 2.08 Overnight kennelling is provided for those dogs whom are undergoing training and cannot be brought back to the site on a daily basis. Any kennelling provided is purely in association with the dog training.
- 2.08 The applicant owns a number of his own dogs which reside at the site, these are either bred or brought onto the site and sold once trained. This use by the applicant should be considered as distinct from those dogs brought to the site by external clients to be trained. It is unclear whether the staffing levels are also independent or part of both the care and training of the owners dogs, together with those from clients.

3.0 POLICY AND OTHER CONSIDERATIONS

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

Maidstone Borough Local Plan October 2017 : Policies SP17, SP21, DM1, DM3, DM7, DM8, DM30, DM31 and DM37

4.0 LOCAL REPRESENTATIONS

4.01 Stockbury Parish Council

The Parish Council objects to the application, in summary for the following reasons :

- Site subject to a number of enforcement investigations
- The site is within the Area of Outstanding Natural Beauty and the proposed business use is not in keeping with the character of the area
- Application contains inaccuracies regarding the activities that took place at the site prior to the applicants ownership
- Impact of noise and disturbance
- Character of the area is residential
- Inadequate security of the site
- No provision for waste disposal

4.02 Adjoining neighbours were notified of the application as originally submitted. A site notice was also put up at the site. 8 objections have been received in response to the consultation which are summarised as follows:

- Set distance in planning law between boarding kennels and other properties
- Noise and disturbance
- Safety of dogs
- Impact on AONB
- Number of adjacent residential properties
- Traffic
- Inaccuracies in statements
- Overdevelopment of site
- Threat to nearby farms, farm animals and horses due to escaping dogs
- No provision to deal with waste

4.03 Following the submission of additional information neighbours were re-consulted and 3 comments were submitted (from previous contributors), these provided the following additional comments :

- Inaccuracies in reports
- Reports not based on the number of dogs proposed to be kept at the site
- Biased noise report
- Highway safety

5.0 CONSULTATIONS

5.01 Environmental Health Officer : No objection subject to conditions

6.0 APPRAISAL

6.01 The key issues for consideration relate to:

- **Principle of development**
- **Sustainable development**
- **Impact on neighbouring residential amenity**
- **Highways impact**

Principle of Development

6.02 The application site is within the countryside, whereby Policy SP17 sets out that development proposals in the countryside will not be permitted unless they accord with other policies in the plan and would not result in harm to the character and appearance of the area. There are no policies that specifically relate to canine uses, however there are policies which support economic development.

6.03 Policy SP21 seeks to support the economy of the borough and this can be achieved through prioritising the commercial re-use of existing rural buildings and supporting proposals for the expansion of existing economic development within the countryside. Policy DM31 allows for the conversion of rural buildings subject to a number of criteria which relate to the quality of the existing building, the structural integrity of the buildings, impact on landscape, parking implications and potential harm from boundary treatment/subdivision. Traffic implications are also a consideration when the building is proposed to be used for commercial purposes. Policy DM37 allows for the expansion of rural businesses, which although not fully relevant as the site

has not previously benefitted from any commercial consent, the policy does provide useful criteria which are pertinent for consideration, including impact on the landscape, traffic implications and impact on neighbouring amenity.

- 6.04 Paragraph 28 of the NPPF supports the sustainable growth and expansion of all types of business and enterprise in rural areas, both through the conversion of existing buildings and well designed new buildings.
- 6.05 The property history highlights that consent was granted for a residential dwelling on the site in the 1950s, which the description suggests this was in association with a smallholding. This dwelling was replaced in the 1980s with the bungalow that currently exists on the site. There is no planning history relating to the other buildings on the site (those used for the training and kennelling), however these buildings have been on the site for some time. The Design and Access Statement suggests that the buildings were built by the previous owner as kennelling and for the keeping of horses (likely to date from the 1990's). These buildings are certainly immune from any enforcement action due to the passage of time and although they have been recently upgraded, those works have not been considered to require planning permission in themselves.
- 6.06 The design and access statement suggests that the previous occupier used the site for the kennelling of security dogs and dog breeding and at points of time employed a professionally qualified dog trainer. The applicant asserts that the site is being used in a similar manner to the historical use of the site, however no certificate of lawful development exists to verify a lawful use of the site
- 6.07 In principle, the operations of the business re-uses existing buildings on the site and relate to a rural enterprise which requires open space for training and as such requires a rural or semi-rural location where there is space available. In principle the use may be acceptable subject to all other material planning considerations being acceptable. These matters are discussed below.

Sustainable development

- 6.08 Paragraph 7 of the NPPF sets out the three dimensions to sustainable development, these being the economic, social and environmental roles. Paragraph 14 sets out that at the heart of the NPPF is the presumption in favour of sustainable development and for decision making this means approving development proposals that accord with the development plan without delay, unless material considerations indicate otherwise.

Economic role

- 6.09 As set out above, both national and local plan policies support economic development within rural areas. The application however provides limited economic benefit as it only employs 2 full-time staff members.

Environmental role (including visual impact)

- 6.10 The NPPF sets out that that role should support strong, vibrant and healthy communities....and by creating a high quality built environment, with accessible local services that reflect the community's needs.

- 6.11 The environmental role as set out in the NPPF states that the planning system should *'contribute to protecting enhancing our natural, built and historic environment.'*
- 6.12 Policy SP17 sets out that great weight should be given to the conservation and enhancement of the Kent Downs Area of Outstanding Natural Beauty, mirroring that set out in Paragraph 115 of the NPPF, which recognises that AONB's have the highest protection in relation to landscape and scenic beauty.
- 6.13 Criteria set out in Policies DM1, DM30 and DM31 of the local plan re-iterate the importance of the landscape. Also DM37 and DM41 which although not directly relevant do relate to rural business and equestrian development which can draw parallels to this application and both highlight impact on the landscape as a key consideration.
- 6.14 The application re-uses existing buildings and although some degree of enclosure has been created to sub-divide and enclose parts of the site, the type of fencing is such that it does not have a significant impact on the character and appearance of the area and the landscape designation. The fencing is akin to an equestrian development which are common within the AONB and wider countryside and although cumulatively can have an impact, in this case it is not considered that the harm is significant. Some paraphernalia associated with the training activities is sited on the land immediately adjacent to the buildings, however this is low key and a condition could be attached to ensure that this paraphernalia is not spread into the lower field.
- 6.15 It was noted at the officer's site visit that there is a larger wooden structure on the site in the lower field which provides a viewing platform. This does not form part of the current application and the enforcement team are aware.
- 6.16 Overall it is not considered that the use of the site for dog training would result in significant harm to the character and appearance of the AONB nor the wider countryside setting.

Social role

- 6.17 The NPPF sets out that that role should support strong, vibrant and healthy communities....and by creating a high quality built environment, with accessible local services that reflect the community's needs.
- 6.18 The Design and Access Statement sets out that :

'there is currently a dire shortage of dog training facilities throughout the UK. To put this into context at a local level there are no licensed facilities within the Maidstone BC area, even though the number of dogs within the borough is just short of one million.

Following research undertaken by the applicant and Planning Direct we have been unable to identify a single dog training facility within 200 miles of this site. Furthermore within the UK there is not even one licensed facility which deals with out of control dogs.'
- 6.19 The licensing that the statement refers to is the National Association of Security Dog Users (NASDU), the statement however goes on to suggest that a license is not

obligatory and therefore the likelihood of training facilities existing is greater than suggested in the statement.

- 6.20 This said there is a likely need for training facilities, although the number of dogs the applicant has been training from external clients is relatively low at 3-4 per week. It is understood that the applicant also trains his own dogs which are bred or brought onto the site and sold once trained.
- 6.21 In terms of location the site cannot be described as sustainable, as movements to and from the site are reliant on private vehicles. The site is some distance from the urban area or any rural service centres or larger villages. This said it is unlikely that any sustainable modes of transport would be suitable for transporting dogs to and from the site, so where-ever the use was located it is likely that private vehicles would be relied upon. The applicant also seeks to reduce traffic movements by providing overnight kennelling for those clients who live further afield. The number of traffic movements referred to are also limited to a maximum of 4 staff members and 3-4 'clients' per week.
- 6.22 The nature of the use is such that it requires a rural or semi-rural location due to a need for space to enable the dogs to be trained and for exercise purposes. It is not uncommon to find dog related uses such as boarding kennels within a similar location, there are existing examples locally along Yelsted Road, for example Beaux Aires Boarding Kennels.
- 6.23 There is a balance to be struck between the unsustainable location and the characteristics of the use. In this case the use does not propose any new buildings and the visual harm as set out above is considered acceptable. The site requires a location with space available, there is a suggested need for such a use, the number of movements associated with the use is limited and a similar use in any location is unlikely to utilise sustainable modes of transport.

Overall

- 6.24 The application demonstrates that there would not be significant visual harm that would result from the use, thus fulfilling the environmental role of sustainable development. Although the use would be a small employment generator, it would provide a service and facility that there is a suggested need for and that the site is suggested to have been used in a similar fashion by previous occupiers (although this use have not been subject to a lawful development certificate and there are differing opinions between the applicant and representation on this matter). The use would re-use existing buildings and would be unlikely to generate significant traffic movements or would generate similar traffic movements if the use was located elsewhere. As such it is considered that the application overall can be considered as sustainable development in accordance with the NPPF.

Residential Amenity

- 6.25 Paragraph 17 of the NPPF sets out the core planning principles which includes :
- 'Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.'*
- 6.26 Policy DM1 of the emerging local plan sets out at para iv that proposals shall :

'Respect the amenities of occupiers of neighbouring properties and uses and provide adequate residential amenities for future occupiers of the development by ensuring that development does not result in excessive noise, vibration, odour, air pollution, activity or vehicular movements, 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.'

- 6.27 The nearest residential dwelling is Catharos Lithos itself, this property is included within the application site and the application seeks a sui generis use for the entire site which would include the residential dwelling. As such the property would be linked to the dog training use and it is considered appropriate that a condition be attached that the dwelling be kept in the same ownership as the dog training business to protect the amenity of this nearest property.
- 6.28 Other neighbouring properties are located to the west, namely Bungalow at Hill View (at time of application in the applicants ownership) and Cherriamber Lodge. To the south is Green Acres, to the south-west The Acorn and to the east Plum Tree Cottage and Plum Tree Farm. To the north and north-west other properties are located approximately 250m from the application site (Poppyview and High Vistas).
- 6.29 The buildings themselves are a significant distance from neighbouring properties not to be harmful. The main issue relates to the impact of the dog training on the amenity of the neighbouring properties by reason of noise and disturbance, together with the impact of clients to the site using the single track that links the site with Yelsted Road.
- 6.30 Firstly considering the use of the access track. The use of the site for dog training will create additional traffic movements that would be associated with the use of Catharos Lithos as a single dwellinghouse. However due to the number of visitors that the applicant refers to (3-4 per week, plus daily staff movements) it is not considered that this level of traffic movements (which could be restricted to the morning and early afternoon by condition) is considered significant to warrant refusal on ground of noise and disturbance.
- 6.31 Secondly considering the matter of noise and disturbance from the dog training. The noise from dogs has been a subject of investigation from the planning enforcement team and the environmental protection team. The site has been subject to a noise abatement notice and monitoring for some years (with some investigations pre-ceeding the applicants ownership of the site). The latest abatement notice was served due to a number of complaints and on basis that on the balance of probability that due to the number of kennels at the site the noise and disturbance could be problematic unless properly managed. Since that time the number of complaints has reduced and there have been changes to the buildings on site and to the management of the use. The training building was previously open sided, but now is enclosed with double glazing and insulation. The kennels have been fitted with new thicker doors. Other measures to combat noise have been implemented which include anti bark collars, specialist food and diet. Construction works on the new dwelling have also finished. It should be noted that regardless of the planning decision, the nuisance investigation by the environmental protection team is likely to remain an ongoing case.
- 6.32 These environmental matters and investigations although background, it should be noted that those investigations carried out by the environmental protection team are under separate legislation to that of planning. The planning thresholds relate to the impact on general amenity and sets a lower bar than that under environmental

legislation which considers whether the harm is a statutory noise nuisance. Determining this current application needs to be considered on the merits of the application and the evidence submitted.

- 6.33 At the request of the Environmental Health Officer (EHO) the application is now accompanied by a noise survey which seeks to assess the impact of the training activities. This report has been assessed by the EHO who is satisfied with the general methodology of the report and subject to conditions relating to the use of the outside training area and a management plans, it is not considered for the purposes of planning permission that the use of the site for dog training results in noise of a significant level to warrant refusal of the application.
- 6.34 The application sets out the methods which seek to control noise which have included the upgrading of the kennels and training areas, keeping kennel doors shut, anti bark collars and specialist food to tackle boredom. A condition is suggested to provide a management plan which would set out how the management of noise and disturbance occurs and would form part of the approval.
- 6.35 It is accepted that there have been on-going complaints about the use of the site and associated dog noise, however the applicant has provided robust evidence to demonstrate that the noise levels can be mitigated to an acceptable level and it is not considered that the application can be refused on the grounds of noise and disturbance in its own right.

Highways

- 6.36 The use relies on the use of private vehicles, however the number of traffic movements, totalling 4 staff movements per day and 3-4 training clients per week (which could be conditioned) is not considered significant to cause significant harm to highways safety. The existing site has sufficient space available to provide parking for the use.

7.0 CONCLUSION

- 7.01 The use of the site for the training of dogs is considered acceptable in this location and the application demonstrates that there would not be significant harm to residential or visual amenity and the use would not have a significant impact on highway safety and subject to conditions the issues associated with the use can be suitably addressed and all other materials planning considerations are considered acceptable.

8.0 RECOMMENDATION – GRANT Subject to the following conditions

- (1) The development is hereby permitted in accordance with the following approved plans:

Drawing 1 Revision 1 (Existing/Proposed Site)
Drawing 2 (Floor plan – Kennels)
Drawing 3 (Floor plan – Kennels)
Drawing 4 (Floor plan – Training Area)

Reason: To clarify which plans have been approved.

- (2) The number of client dogs brought onto the site for training or accommodated overnight shall not exceed four customers with one dog per customer per calendar

week and a log of these customers shall be kept. This log shall be kept available for inspection by the Local Planning Authority on request.

Reason : To mitigate the harm from traffic movements and noise and disturbance to neighbouring amenity.

- (3) The total number of dogs kept on the site at any one time shall not exceed 18.

Reason : To mitigate the harm from noise and disturbance to neighbouring amenity and there is sufficient kennelling to accommodate 18 dogs.

- (4) Within 3 months of the date of this decision, details of the means of disposal of faecal, bedding or other waste arising from the animals housed within the development shall be submitted for approval to the Local Planning Authority. Such waste material arising from the animals so housed shall be disposed of solely in accordance with the approved details.

Reason: In the interests of the protection of the amenity of the surrounding area.

- (5) Within 3 months of the date of this decision, details of any permanent or temporary gates, walls, fences or other means of enclosure sited within the site area shall be submitted to and approved in writing by the Local Planning Authority and implemented in strict accordance with the approved details.

Reason: To enable the Local Planning Authority to protect the visual amenities of the locality.

- (6) The field to the extreme east of the site as shown on Drawing Number 1 Revision 1 and marked as a training field shall be used solely for exercise of the dogs and no associated paraphernalia shall be brought onto or stored in the said field.

Reason : To protect visual amenity

- (7) Within 2 months of the date of this decision a management plan to minimise noise shall be submitted for approval to the local planning authority. Once approved the plan shall be implemented in accordance with the approved details. The plan shall be reviewed annually and in response to complaints submitted to the Council about noise. The plan shall include details of training and exercise programmes (including details of hours, number of dogs at each time, whether the training/exercise is external or internal).

Reason : To mitigate the harm from noise and disturbance to neighbouring amenity

- (8) The dwelling known as Catharos Lithos and included within the application site shall not be occupied independently of the use hereby permitted.

Reason : The harm from noise and disturbance may adversely affect residential amenity if in separate ownership

- (9) Any boarding of customer dogs shall be in association with their training and shall be limited to the number set out in Condition 2.

Reason : To ensure that the boarding of dogs remains ancillary to the training use.

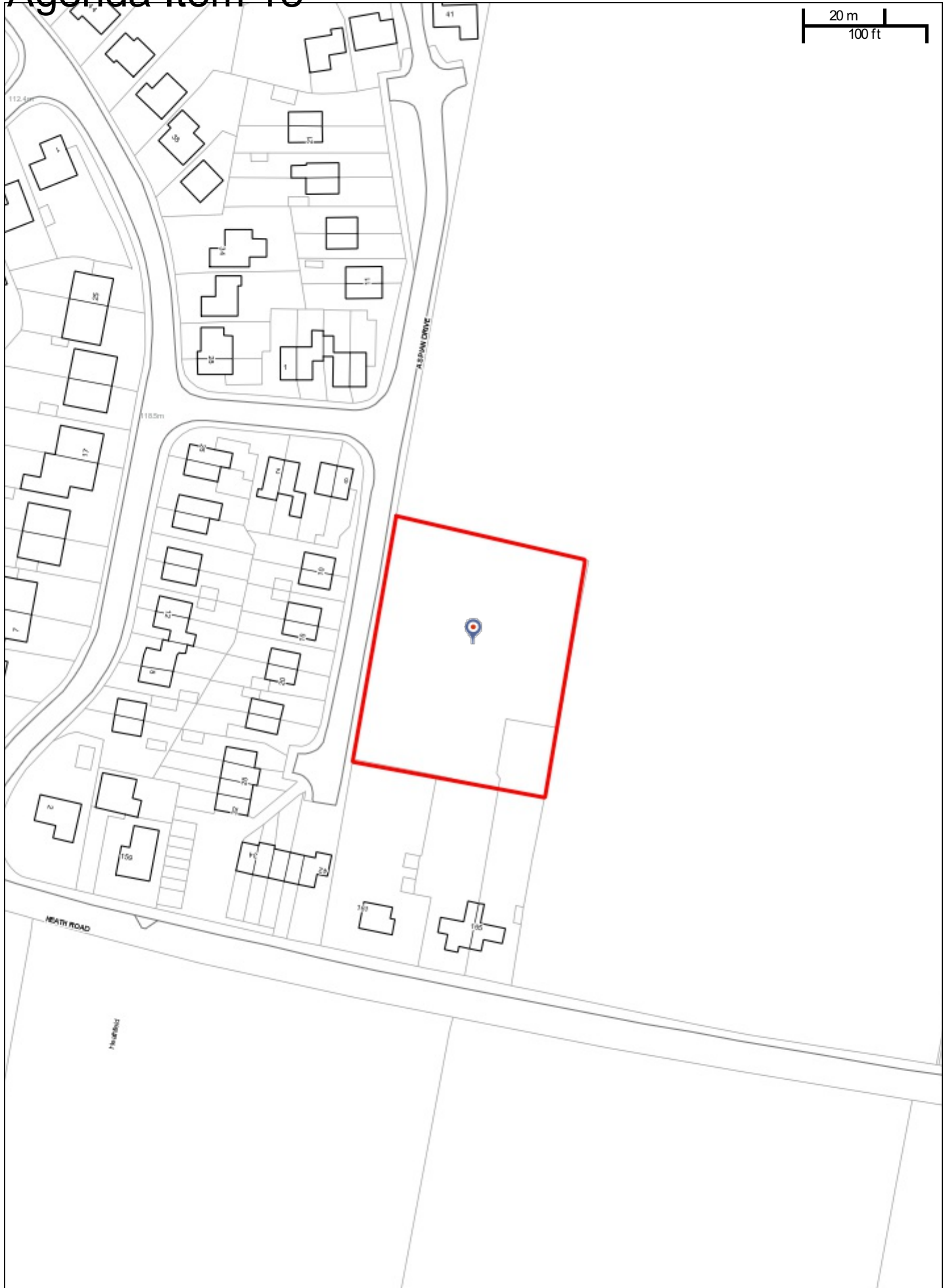
INFORMATIVES

- (1) The wooden structure located within the training field does not form part of this consent.
- (2) The application has been considered on the basis of the submitted information which sets out that no more than four dogs not in the applicants ownership are brought onto the site for training within any given week. If the use of the site changes and this number increases a new application or variation of condition may be required.
- (3) The applicant is advised that the condition details required by Condition 7, may require an updated noise survey to ensure that the training/exercise programme proposed would not result in undue noise and disturbance.

Case Officer: Rachael Elliott

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

Agenda Item 18



17/504314 - Land Rear of 161 Heath Road

Scale: 1:1250

Printed on: 11/12/2017 at 12:19 PM by ElyH

REPORT SUMMARY

REFERENCE NO - 17/504314/OUT			
APPLICATION PROPOSAL Outline application (with all matters reserved) for erection of 10 dwellings (fronting Aspian Drive) comprising two detached and four pairs of semi detached homes of two storey design with associated access, parking and landscaping. (Resubmission of 16/507895/OUT)			
ADDRESS Land Rear of 161 Heath Road Coxheath Kent ME17 4PA			
RECOMMENDATION - GRANT subject to the planning conditions set out in Section 8.0 of the report			
SUMMARY OF REASONS FOR RECOMMENDATION The site although being defined as countryside, does not form part of the open countryside and is land locked by existing or proposed residential development and it is not considered that the development would harm the intrinsic character of the countryside which policy and the NPPF seek to protect. It is not considered that the development of the site can be resisted in principle and the applicants have reduced the proposed quantum of development compared to the earlier refused scheme, to on balance an acceptable level which would be appropriate for the context of the site. The proposed development would not cause significant harm to neighbouring amenity and would allow for appropriate mitigation regarding landscaping, ecological matters and suitably addresses highways and parking matters and all other matters can suitably be addressed through appropriate conditions and the reserved matters submission.			
REASON FOR REFERRAL TO COMMITTEE The application has been advertised as a departure and relates to a major development within land defined as countryside. The recommendation is contrary to views of the Parish Council (although not explicitly requested to be presented to Planning Committee for this reason)			
WARD Coxheath and Hunton	PARISH/TOWN COUNCIL Coxheath	APPLICANT Brookworth Homes Limited AGENT Robinson Escott Planning	
DECISION DUE DATE 02/03/2018	PUBLICITY EXPIRY DATE 03/11/17	OFFICER SITE VISIT DATE 16/10/17	
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
16/507895/OUT	Outline application (with all matters reserved) for erection of 14 dwellings on land fronting Aspian Drive with associated access, parking and landscaping.	Refused	5/5/17
(1)The proposed development to provide 14 dwellings would result in a cramped and overdeveloped scheme by reason of the loss or future pressure on boundary trees and landscaping and limited scope for replacement or enhancement, a development dominated by hardsurfacing and parking and a form of development which would be uncharacteristic to the surrounding area contrary to the National Planning Policy Framework 2012, National Planning			

Practice Guidance 2012), Policies ENV6 and ENV28 of the Maidstone Borough Wide Local Plan 2000, Policies SP11, SP13, SP17, DM1, DM3, DM12 and DM34 of the Maidstone Borough Local Plan May 2016 (submitted version)

(2)The proposed development to provide 14 dwellings would be likely to cause harm to the future occupiers of the dwellings to the north of the site, as approved under application 14/0836 and the future occupiers of the proposed development by reason of causing significant harm through overlooking and loss of privacy contrary to the National Planning Policy Framework 2012, National Planning Practice Guidance 2012), Policy DM1 of the Maidstone Borough Local Plan May 2016 (submitted version)

(3)In the absence of appropriate legal mechanism to secure the delivery of affordable housing, and to mitigate the additional impact on local community facilities in respect of education, libraries, open space and healthcare provision the development would fail to contribute to meeting local need for affordable housing and would be detrimental to existing local social infrastructure and therefore would be contrary to policy CF1 of the Maidstone Borough-Wide Local Plan (2000), Affordable Housing DPD (2006), Open Space DPD (2006), Policies DM13, DM22 and DM23 of the Maidstone Borough Local Plan May 2016 (submitted version), Policy SP20 of the Maidstone Borough Local Plan Proposed Main Modifications dated March 2017 and central government planning policy as set out in the National Planning Policy Framework 2012 and National Planning Practice Guidance 2012

Current appeal.

80/1400	Outline application for erection of 3 pairs of semi-detached houses (6 houses) - Refused	Refused	9/10/80
79/2128	Outline application for three pairs of semi detached houses – Refused	Refused	8/2/80
Site to the north/east			
14/0836	Erection of 110 dwellings with creation of a new access and landscaping - Permitted	Permitted	18/9/15
Land to the south			
17/503285	Erection of four dwellings with parking provision and highways access.	Permitted	27/10/17

MAIN REPORT

The application was withdrawn from the 30th November 2017 Committee agenda to seek clarification regarding the ownership of a strip of land separating the application site from the back edge of the highway. The owner of this strip of land has now been identified and the submitted plans have been amended to include this strip of land and notice has been served on the owner of the land.

1.0 DESCRIPTION OF SITE

- 1.01 The application site relates to a parcel of land to the rear of 161 Heath Road in Coxheath. The land in part forms rear gardens to the properties fronting Heath Road and the remainder is a small parcel of agricultural land totalling approximately 0.30 hectares. The land centrally has been cleared of previously coppiced woodland, with some tree and hedge planting remain around the perimeter of the site. There is currently no formal access into the site. The northern and eastern boundaries adjoin land recently granted planning permission for 110 new dwellings and the western boundary adjoins the cul-de-sac of Aspian Drive.

- 1.02 The site is outside the defined village boundary for Coxheath with the boundary wrapping around the site in the adopted plan. As such the site is defined as being within the countryside, albeit the site is enclosed along all boundaries by existing residential development and/or that currently under construction.

2.0 PROPOSAL

- 2.01 The application seeks outline consent for the erection of 10 dwellings with all matters reserved.

The indicative information submitted shows the following :

- Access from Aspian Drive to the west of the site, with two entrances, one to the north and one to the south
- 4no. pairs of semi-detached properties
- 2no. detached dwellings
- Rear gardens to the north and south of the site
- Individual tandem parking
- 2-storey dwellings with a mix of hipped/gabled dwellings. Brick built and tile hanging
- Hedge buffer planting along the western frontage (fronting Aspian Drive)
- Tree planting along the north and southern boundaries.

The site area measures approximately 0.3hectares and the provision of 10 dwellings would result in a density of approximately 30 dwellings/hectare.

3.0 POLICY AND OTHER CONSIDERATIONS

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

Maidstone Borough Local Plan October 2017 : Policies SP11, SP13, SP17, SP19, SP20, DM1, DM3, DM8, DM12, DM19, DM20, DM23 and DM30

4.0 LOCAL REPRESENTATIONS

4.01 Coxheath Parish Council

Object to the application In summary, for the following reasons :

- The proposed development is still an overdevelopment of the countryside and the style and density of housing is out of keeping with the surrounding are
- The site is not included in the Maidstone Local Plan;
- The site has historically been the habitat of bats and badgers;
- The proposed development would have a detrimental effect on traffic movement and parking in a narrow and quiet cul-de-sac, thereby adversely affecting the residential amenity of neighbouring properties;
- Other sites in the vicinity have been refused for the reasons, particularly at (1) above;
- Local intelligence indicates that asbestos is present on parts of the site;
- We are led to believe that recent changes to planning policy have reduced the level of building at which affordable housing has to be included on a site. This does not seem to be addressed.

- 4.02 Adjoining neighbours were notified of the application as originally submitted. A site notice was also put up at the site. 14 objections have been received in response to the consultation which are summarised as follows:

- Increase traffic and noise
- Loss of trees
- Loss of outlook and privacy
- Parking problems
- Impact on ecology
- No more houses are needed
- Noise, dust and aggravation of building at Countryside site, don't want this to persist
- Loss of green space
- Outside local plan and neighbourhood plan
- Pressure on infrastructure
- No surface water drainage strategy

5.0 CONSULTATIONS

- 5.01 KCC Drainage : No objection subject to condition
- 5.02 Kent Police : Advise regarding designing out crime
- 5.03 UK Power Networks : No objection
- 5.04 NHS : No contributions sought
- 5.05 Natural England : No comments
- 5.06 Southern Water : Foul sewer crosses the site. Advice regarding diversion and suggested informative.
- 5.07 Parks and Open Space Officer : Request for contribution of £15 750 towards Whitebeam Drive play area.
- 5.08 Environmental Health Officer : No objection subject to conditions and informatives.
- 5.09 KCC Archaeology : No objection subject to condition
- 5.10 KCC Ecology (comments received on previous application) : We have reviewed the ecological information submitted in support of this planning application and advise that sufficient information has been provided. We advise that a condition is attached to any granted planning permission to provide net gains for biodiversity. Planning informatives should be attached for the protection of breeding birds and removal of invasive species.
- 5.11 KCC Highways : Raises a number of points relating to type of application, access, parking, sustainable transport and refuse strategy. (these matters are addressed further within the report below)

6.0 APPRAISAL

Main issues

- 6.01 The key issues for consideration relate to:

- **Principle of development**
- **Sustainability**
- **Residential amenity**
- **Highways**
- **Ecology and tree matters**

Principle of Development

- 6.02 The application site is outside any defined settlement boundary and as such is within the countryside as defined in the local plan. Policy SP17 of the local plan makes it clear that development proposals in the countryside will not be permitted unless they accord with other policies in this plan and do they will not result in harm to the character and appearance of the area. Recent approvals for new surrounding residential development have altered the character of the area and the site no longer forms part of the open countryside but is enclosed by housing along all boundaries. A recent resolution by this Committee to approve development of 4 new dwellings to the south of the site (within existing residential curtilages) further encroaches into this small area of undeveloped land.
- 6.03 Policy SP17 and other policies within the adopted policy and guidance do not readily support residential development in the countryside, but at the heart of the NPPF is the presumption in favour of sustainable development and the sites contribution to windfall sites within the Borough is also a factor in favour of the development. This is discussed in further detail below, together with other material planning considerations.

Sustainability

- 6.04 Paragraph 7 of the NPPF sets out the three dimensions to sustainable development, these being the economic, social and environmental roles. Paragraph 14 sets out that at the heart of the NPPF is the presumption in favour of sustainable development and for decision making this means approving development proposals that accord with the development plan without delay, unless material considerations indicate otherwise.

Economic role

- 6.05 The proposal is for a housing scheme of 10no dwellings. If granted the development would create jobs during the construction phase and therefore could be considered to have minor impact on the local economy and provide increased population to sustain the facilities that Coxheath has to offer.

Social role and Environmental role (including impact on visual amenity of the street scene)

- 6.06 The NPPF sets out that that role should support strong, vibrant and healthy communities by providing the supply of housing required to meet the needs of present and future generations, and by creating a high quality built environment, with accessible local services that reflect the community's needs.
- 6.07 The environmental role as set out in the NPPF states that the planning system should '*contribute to protecting and enhancing our natural, built and historic environment.*' With overlap to the social role above.

- 6.08 The Council can demonstrate a 5YHLS, as such there is no overriding need to identify additional housing sites and although windfall development would contribute to the overall supply, such development should be focussed on sites where the local plans support such proposals.
- 6.09 The site is clearly outside the settlement boundary within the adopted local plan, with the boundary lying to the western boundary of the site. However due to the allocated land to the north and east (which is currently undergoing construction for 110 dwellings), the settlement boundary now extends around the entire perimeter of the site, excluding the application site and numbers 161-165 Heath Road from within the defined boundary.
- 6.10 Following completion of the neighbouring development the site will become completely enclosed by residential development and although the site does presently have some localised amenity value in that it represents an area of undeveloped land within the wider development, it is difficult to argue that the site represents countryside characteristics and in this case it is considered that policies relating to countryside restraint carry limited weight for the consideration of whether or not the principle of development on the site would be acceptable. The considerations of impact on the character and appearance and quality of the environment do however carry weight to consideration of whether the development would be acceptable or not.
- 6.11 The social role, however also requires the creation of a high quality built environment. Policy SP17 of the adopted local plan sets out the criteria for assessing development within the countryside which includes, the type, siting, materials and design, mass and scale of the development and level of activity maintains or where possible enhancing local distinctiveness.
- 6.12 Policy DM30 of the local plan sets out that *'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 reflects the landscape character of the area.'*
- 6.13 Policy DM12 of the local plan sets out :
- 'All new housing will be developed at a density that is consistent with achieving good design and does not compromise the distinctive character of the area in which it is situated.'*
- 3. At sites within or adjacent to the rural service centres and larger villages as defined under policies SP5-10 and SP11-16 respectively new residential development will be expected to achieve a net density of 30 dwellings per hectare.'*
- 6.14 Policy DM1 of the emerging plan sets out amongst other criteria :
- 'Respond positively to and where possible enhance, the local....character of the area. Particular regard will be paid to scale, height, materials, detailing, mass, bulk, articulation and vernacular materials where appropriate.'*
- 6.15 The application is only in outline with all matters reserved. As such the layout, scale and appearance of the proposed dwellings are all reserved for future consideration. The application is however accompanied by an indicative layout which seeks to demonstrate that 10 dwellings could be satisfactorily accommodated onto the site.

The submitted plan shows two access points from the Aspian Drive frontage, this would lead to half the houses each and their respective parking areas.

- 6.16 The indicative layout shows some planting along the Aspian Road frontage, with some tree planting along the boundaries. The indicative layout also shows the landscaping associated with the neighbouring countryside development. The indicative layout indicates the removal of the existing tree/hedge planting along the western boundary fronting Aspian Road (which were shown to be retained on the earlier refused application) and the retention of the hedge along the northern and eastern boundaries. This hedging is currently formed of Holly, Hawthorn and Hazel.

- 6.17 The retention of boundary planting is important to retaining the character of the site and mitigating the loss of this former coppiced woodland area. Point (v) of DM1 sets out that development should :

'Respect the topography and respond to the location of the site and sensitively incorporate natural features such as trees, hedges and ponds worthy of retention within the site. Particular attention should be paid in rural and semi-rural areas where the retention and addition of native vegetation appropriate to local landscape character around the site boundaries should be used as positive tool to help assimilate development in a manner which reflects and respects the local and natural character of the area;'

- 6.18 The removal of the planting along the Aspian Drive is considered as a negative to the proposed scheme and the indicative layout does not allow sufficient space along the Aspian Drive frontage to provide significant or meaningful replacement planting.

- 6.19 However the proposal would result in a density of approximately 30 dwellings per hectare, thus in accordance with the 30 dwellings set out in policy DM12. As all matters are reserved the layout is not fixed and there is the opportunity to add conditions which could provide parameters for the reserved matters application which could include the retention or meaningful replacement of the planting along the Aspian Drive frontage. There is opportunity for the footprint of the proposed dwellings to be reduced thus enabling a greater buffer along the western boundary.

- 6.20 The only matter for consideration under this submission is the principle of the development of the site for 10 dwellings and notwithstanding concerns regarding the indicative layout it is considered that on balance the site could accommodate the quantum of development proposed and would not be out of character with the surrounding area.

Residential amenity (future and existing occupiers)

- 6.21 Paragraph 17 of the NPPF sets out the core planning principles which includes :

'Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.'

- 6.22 Policy DM1 of the emerging local plan sets out at para iv that proposals shall :

'Respect the amenities of occupiers of neighbouring properties and uses and provide adequate residential amenities for future occupiers of the development by ensuring that development does not result in excessive noise, vibration, odour, air pollution, activity or vehicular movements, 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.'

- 6.23 The application is submitted in outline with all matters reserved, this said the indicative plan provides an indication of how layout could be achieved to provide 10 dwellings on the site.
- 6.24 To the south and west of the site it is considered that a suitable level of separation exists that no significant harm to neighbouring amenity of existing occupiers would result.
- 6.25 To the east of the site the dwellings currently under construction have flank walls facing the application site. Although the indicative layout shows flank walls associated with the application site in close proximity to the boundary, it is considered that any new opening could be restricted and the wall would not be overly overbearing or overshadowing to the future occupiers of the neighbouring occupiers.
- 6.26 To the north there are two principle new buildings being built in close proximity to the boundary, these being a two-storey apartment block and a flat over a garage (FOG). These would both have windows facing towards the application site. These windows principally serve bedrooms in the apartment block and a living/dining/kitchen in the FOG (this room is dual aspect with an additional window facing northwards). The earlier application for 14 dwellings was refused on the grounds that there would be harm to these dwellings. The indicative layout however now shows a greater level of separation and due to the reduced quantum of development proposed it is considered that the development of 10 dwellings could be accommodated without significant harm to the neighbouring residential amenity of these occupiers.
- 6.27 It is considered that a development of 10 dwellings would not harm the residential amenity of neighbouring dwellings.

Trees and landscaping

- 6.28 There are no protected trees on the site and the site has been substantially cleared of the former coppice woodland trees. The trees along the boundaries have predominantly been retained (although currently proposed to be removed as part of the indicative layout). It is unfortunate that the site has been cleared, however the trees were not protected and as such was an area of unmanaged woodland.
- 6.29 The application is accompanied by a tree survey which the contents of are considered and representative of the current site. As described above the existing hedge along the northern boundary would be retained and is shown to be re-enforced, together with the retention of the hedge along the eastern boundary and proposed new planting to the south.
- 6.30 As described above the loss of the planting along the western boundary (fronting Asplan Drive) is considered unacceptable, especially in the absence of any meaningful replacement. However as concluded above as matters of layout and landscaping are reserved there remains opportunity to either retain or replace this frontage planting through the reserved matters scheme.
- 6.31 As such it is considered the proposed development for 10 dwellings would secure the necessary mitigation through a robust landscaping scheme and the future pressure on any retained existing trees would not be significant such that the proposed quantum of development proposed is considered acceptable.

Highways and parking

- 6.32 The proposal to provide 10 dwellings would not give rise to significant highways implications that would result in the ability to sustain a reason for refusal on grounds of highways implications.
- 6.33 The Highways officer has raised queries regarding whether the application is truly outline or there are some matters for consideration. It is clear by way of description that all matters are reserved. In terms of the potential access consideration, two points of access are currently shown on the indicative layout and the single point of access was considered on the earlier application as acceptable by the Highways Officer. If the two points of access were carried forward to reserved matters stage these are considered a suitable distance apart and details securing visibility splays could be secured by condition.
- 6.34 Indicative parking is shown on the proposed plans, this would predominantly be tandem parking and no visitor parking is shown. Current parking standards sets out that parking spaces are best provided side by side and tandem parking arrangements are often under-utilised and that visitor parking should be secured at 0.2 spaces per unit in on-street areas. Although not ideal this is not to say that tandem parking could not be utilised to some extent and the finalised layout could seek to ensure an acceptable level of parking and potentially some visitor parking. Due to the outline nature of the application and the plan being indicative the parking could be secured by condition.
- 6.35 The highways officer has also requested cycle parking and details of tracking for refuse vehicles, both matters could be suitably addressed by conditions as part of the approval.
- 6.36 Overall it has been demonstrated that a suitable access could be provided and the addition of 10 new dwellings would not give rise to significant impact on traffic movements to warrant refusal. Other matters relating to highways and parking could be suitably addressed through conditions.

Ecology

- 6.37 The application is accompanied by an ecological report and the contents of which were considered by the KCC Biodiversity Officer as part of the earlier refused scheme. The report has been amended slightly to reflect the reduction in numbers, however the report does suggest that the western boundary hedge would be retained which is contradictory to the arboricultural report and indicative layout.
- 6.38 The contents of the report further highlight the importance of the retention of the hedge or as described in paragraph 4.46 of the report replaced if removed. As such it is considered that providing that the finalised layout either retains or replaces the western boundary hedge the proposal can be considered acceptable on ecological grounds subject to appropriate conditions relating to enhancement.

Other matters

Surface water drainage

- 6.39 The application is accompanied by a drainage strategy which has been assessed by KCC Drainage and no objection is raised subject to a condition.

Public sewer

- 6.40 Southern Water records show that a public sewer dissects the site from the south-east corner, diagonally across the site toward Aspian Drive (approximately in front of no. 14). Southern Water comments have not raised an objection to the proposed scheme but have advised that the exact position of the sewer needs to be ascertained and that a diversion may be necessary. This is a matter that although may inform the future planning layout, it is a matter that would need to be resolved between the applicant and Southern Water rather than making the scheme unacceptable in planning terms.
- 6.41 A condition attached to the consent will ensure that the matters are addressed fully at reserved matters stage.

Affordable Housing

- 6.42 Policy SP20 of the Local Plan relates to Affordable housing. This sets out that development of 11 units or more or sites with a floor area exceeding 1000sq/m require 40% affordable housing.
- 6.43 The proposed development is for 10 units, falling below the 11 threshold set out in policy SP20. The indicative layout suggests a floorspace of approximately 1071sq/m which would consequently exceed the floor area threshold and require the provision of affordable housing. The proposed floorspace is extremely close to the threshold and in the absence of a detailed scheme it may be that the final floorspace may either increase or decrease. As such a condition is considered necessary to secure affordable housing should the reserved matters scheme exceed the 1000sq/m threshold. This would include details which would require details of mix, quatum, tenure etc.

Financial contributions

- 6.44 Policy ID1 of the Local Plan sets out that :
- 'Where development creates a requirement for new or improved infrastructure beyond existing provision, developers will be expected to provide or contribute towards the additional requirement being provided to an agreed delivery programme. In certain circumstances where proven necessary, the council may require that infrastructure is delivered ahead of the development being occupied.'*
- 6.45 These contributions can include Affordable housing, Transport, Open space, Public realm, Health, Education, Social services, Utilities, Libraries, Emergency Services and Flood defences.
- 6.46 Policy DM20 re-iterates these points and sets out that where a need for new community facilities is generated these would be secured through appropriate means.
- 6.47 The NPPG sets out that :
- 'contributions should not be sought from developments of 10-units or less, and which have a maximum combined gross floorspace of no more than 1,000 square metres (gross internal area)'*

- 6.48 A contribution request has not been received from KCC as the thresholds set out above are not currently met, together with no request sought from the NHS. A contribution request has been received from the Parks and Open Space officer, but as set out above the indicative floorspace (measured externally rather than internally) would exceed the threshold, but as part of detailed scheme this could increase or decrease. In line with the NPPG and ministerial advice it is not considered that based on the information currently available that a contribution request would meet the necessary tests.
- 6.49 However as the reserved matters application could result in a floorspace of greater than 1000sq/m a condition is considered necessary and reasonable which would set out that should this threshold be exceeded then details of a mechanism to secure the appropriate mitigation would need to be submitted as part of the reserved matters scheme.

7.0 CONCLUSION

- 7.01 The site although being defined as countryside, does not form part of the open countryside and is land locked by existing or proposed residential development and it is not considered that the development would harm the intrinsic character of the countryside which policy and the NPPF seek to protect. It is not considered that the development of the site can be resisted in principle and the applicants have reduced the proposed quantum of development to an acceptable level which would be appropriate for the context of the site. Some concerns still exist about buffer planting along Aspian Drive, however it is considered that these matters could be suitably addressed through the reserved matters submissions. The proposed development would not cause significant harm to neighbouring amenity and would allow for appropriate mitigation regarding landscaping, ecological matters and suitably addresses highways and parking matters and all other matters can suitably be addressed through appropriate conditions and the reserved matters submission.

8.0 RECOMMENDATION

GRANT planning permission subject to the following conditions:

- (1) The development hereby approved shall not commence until approval for the following reserved matters has been obtained in writing from the Local Planning Authority being:-

(a) appearance (b) landscaping (c) layout and (d) scale (e) access

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

The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved.

Reason: No such details have been submitted and in accordance with the provisions of Section 92 of the Town and Country Planning Act 1990.

- (2) Prior to the development above damp proof course level details of all external materials (including wearing surfaces for the roads, turning and parking

areas), shall have been submitted in writing for the approval of the Local Planning Authority. The development shall only be carried out in accordance with the approved details.

Reason: In the interests of visual amenity.

- (3) Prior to development commencing the applicant, or their agents or successors in title, shall have secured the implementation of a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that features of archaeological interest are properly examined and recorded. This information is required prior to commencement as any site works have the potential to harm items of archaeological interest

- (4) Prior to development commencing, 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 approved scheme shall take account of any protected species that have been identified on the site, shall include the enhancement of biodiversity through integrated methods into the design and appearance of the dwellings by means such as swift bricks, bat tube or bricks and in addition shall have regard to the enhancement of biodiversity generally. It shall be implemented in accordance with the approved proposals prior to occupation and shall be maintained in perpetuity.

Reason : To protect and enhance existing species and habitat on the site in the future and ensure that the enhancement methods can be successfully implemented prior. During or post development. This information is required prior to commencement as any site works have the potential to harm any protected species that may be present.

- (5) No external lighting shall be installed until details have been submitted to, and approved in writing by the Local Planning Authority. This submission shall include a layout plan with beam orientation and a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles). The approved scheme shall be installed, maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to the variation. The scheme shall be in accordance with the requirements outlined in the Bat Conservation Trust and Institution of Lighting Engineers documents Bats and Lighting in the UK.

Reason: To protect the appearance of the area, the environment and wildlife from light pollution.

- (6) The details submitted in pursuance of Condition 1 shall show adequate land, reserved for parking or garaging to meet the needs of the development in line with the residential parking standards set out in Appendix B of the Maidstone Borough Local Plan 2017. The approved area shall be provided, surfaced and drained in accordance with the approved details before the buildings are occupied and shall be retained for the use of the occupiers of, and visitors to, the premises. Thereafter, no permanent development, whether or not permitted by Town and Country Planning (General Permitted Development) Order 2015, shall be carried out on the land so shown (other than the erection of a private garage or garages) or in such a position as to preclude vehicular access to this reserved parking area.

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

- (7) The details submitted in pursuance of Condition 1 shall show adequate land, reserved for vehicle loading/unloading and turning facilities to meet the needs of the development. These details shall include vehicle tracking details showing the manoeuvrability for refuse vehicles. The approved area shall be provided, surfaced and drained in accordance with the approved details before the buildings are occupied and shall be retained as such. Thereafter, no permanent development, whether or not permitted by Town and Country Planning (General Permitted Development) Order 2015, shall be carried out on the land so shown as vehicle loading/unloading and turning facilities

Reason: Development without provision of adequate manoeuvring space has the potential to be inconvenient to other road users and detrimental to amenity.

- (8) The proposed new access approved pursuant to Condition 1 shall be provided prior to occupation and the area of land within the vision splays shown on the approved plan shall be reduced in level as necessary and cleared of any obstruction exceeding a height of 0.6 metres above the level of the nearest part of the carriageway and be so retained in accordance with the approved plan.

Reason: In the interests of highway safety this is necessary prior to commencement of development.

- (9) Prior to development commencing a scheme for the disposal of (a) surface water and (b) waste water shall have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and retained permanently thereafter.

Reason: To prevent pollution of the water environment and to ensure satisfactory drainage in the interests of flood prevention.

- (10) Landscaping details submitted pursuant to condition 1 shall be implemented in the first available planting season following first occupation of the development hereby approved. Any part of the approved landscaping scheme that is dead, dying or diseased within 5 years of planting shall be replaced with a similar species of a size to be agreed in writing beforehand with the Local Planning Authority. The details relating to landscaping shall include the retention of the hedge along the western boundary or its meaningful replacement and a landscape scheme designed in accordance with the principles of the Council's landscape character guidance. The scheme shall show all existing trees, hedges and blocks of landscaping on, and immediately adjacent to, the site and indicate whether they are to be retained or removed, provide details of on site replacement planting to mitigate any loss of amenity and biodiversity value and include a planting specification, a programme of implementation and a [5] year management plan.

Reason: In the interests of visual amenity.

- (11) Prior to development commencing full details of tree protection shall have been submitted to and approved in writing by the Local Planning Authority. Any trees to be retained must be protected by barriers and/or ground protection in accordance with BS 5837 (2005) 'Trees in Relation to Construction-Recommendations'. The approved barriers and/or ground protection shall be erected before any equipment, machinery or materials are brought onto the site and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed, nor fires lit, within any of the areas protected in accordance with this condition. The siting of barriers/ground protection shall not be altered, nor ground levels changed, nor excavations made within these areas without the written consent of the Local Planning Authority;

Reason: To safeguard existing trees to be retained and to ensure a high quality development.

- (12) The details submitted in pursuance of Condition 1 shall include details of how decentralised and renewable or low-carbon sources of energy will be incorporated into the development hereby approved have been submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details and all features shall be maintained thereafter.

Reason: To ensure an energy efficient form of development.

- (13) Prior to occupation each dwelling shall be provided with an electric vehicle charging point and shall thereafter be retained.

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

- (14) Details pursuant to Condition 1 shall include details of the exact location of the public sewer which may dissect the site and the measures which will be undertaken to protect/divert the public sewers. These details shall be considered in consultation with Southern Water Prior to the commencement of development or in an agreed timescale the approved protection measures/diversion shall be carried out in accordance with the approved details.

Reason : An existing sewer is identified to dissect the site and the details are necessary prior to commencement as this may inform whether the development be implemented.

- (15) Before any building is occupied, details for the storage and screening of refuse shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To facilitate the collection of refuse, preserve visual amenity and to reduce the occurrence of pests.

- (16) No development shall take place until details of bicycle storage facilities showing a covered and secure space have been submitted to an approved in writing by the Local Planning Authority. The approved bicycle storage shall be completed prior to occupation of the development and shall thereafter be retained.

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

- (17) If during construction/demolition works evidence of potential contamination is encountered, works shall cease and the site fully assessed to enable an appropriate remediation plan to be developed. Works shall not re-commence until an appropriate remediation scheme has been submitted to and approved in writing by, the Local Planning Authority and the remediation has been completed.

Upon completion of the building works, this condition shall not be discharged until a closure report has been submitted to and approved in writing by the Local Planning Authority.

The closure report shall include details of;

- a) Details of any sampling and remediation works conducted and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology.
- b) Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site.
- c) If no contamination has been discovered during the build then evidence (e.g. photos or letters from site manager) to show that no contamination was discovered should be included.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors.

- (18) Should the gross internal floor area pursuant to Condition 1 exceed 1000sq/m then the submission pursuant to Condition 1 shall include details of measures to secure affordable housing as part of the development. The details shall include but not be limited to the following :
- (i) the numbers, type, tenure and location on the site of the affordable housing provision to be made, which shall consist of not less than 40% of housing units comprising 70/30 mix as set out in Policy SP20 of the Local Plan;
 - (ii) the timing of the construction of the affordable housing and its phasing in relation to the occupancy of the market housing;
 - (iii) the arrangements for the transfer of the affordable housing to an affordable housing provider [or the management of the affordable housing] (if no RSL involved);
 - (iv) the arrangements to ensure that such provision is affordable for both first and subsequent occupiers of the affordable housing; and
 - (v) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

The development shall be carried out in accordance with the approved details relating to affordable housing.

Reason : In the interests of securing affordable housing.

- (19) Should the gross internal floor area pursuant to Condition 1 exceed 1000sq/m then the submission pursuant to Condition 1 shall include details of a mechanism to secure mitigation measures as necessary to mitigate the impact of the development in respect of Open space, Public realm, Health, Education, Social services, Utilities and/or Libraries.

Reason : In the interests of appropriate mitigation to offset the impact of the development.

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

Drawing Number 22564A/01 Rev A (Site Location Plan)

Reason: To clarify which plans have been approved.

INFORMATIVES

- (1) The applicant is reminded that, under the Wildlife and Countryside Act 1981, as amended (section 1), it is an offence to remove, damage or destroy the nest of any wild bird while that nest is in use or being built. Planning consent for a development does not provide a defence against prosecution under this act. Trees and scrub are likely to contain nesting birds between 1st March and 31st August inclusive. Trees and scrub are present on the application site and are to be assumed to contain nesting birds between the above dates, unless a recent survey has been undertaken by a competent ecologist to assess the nesting bird activity on site during this period and has shown it is absolutely certain that nesting birds are not present.
- (2) Invasive species
The site has a population of yellow archangel, an invasive non-native species listed on schedule 9 of the wildlife and countryside act 1981 (as amended) which makes it an offence to plant or otherwise cause it to grow in the wild. Planning consent for a development does not provide a defence against prosecution under this act. Measures will need to be undertaken to ensure that the plant is eradicated prior to commencement of development to ensure that no offences may occur.
- (3) It is the responsibility of the applicant to ensure , before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil. Information about how to clarify the highway boundary can be found at <https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>

The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common

law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

- (4) Sewer records show the approximate position of a public foul sewer crossing the site. The exact position of the public sewers must be determined on site by the applicant before the layout of the proposed development is finalised. It might be possible to divert the public sewer, so long as this would result in no unacceptable loss of hydraulic capacity, and the work was carried out at the developer's expense to the satisfaction of Southern Water under the relevant statutory provisions.

Should the applicant wish to divert apparatus:

1. The public foul sewer requires a clearance of 3 metres either side of the sewer to protect it from construction works and allow for future access for maintenance.
2. No development or new tree planting should be located within 3 metres either side of the centreline of the public sewer
3. No new soakaways should be located within 5 metres of a public sewer.
4. All other existing infrastructure should be protected during the course of construction works.

A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sewer capacity check to identify the appropriate connection point for the development, please contact Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk

- (5) Your attention is drawn to the following working practices which should be met in carrying out the development:

- Your attention is drawn to Sections 60 & 61 of the COPA 1974 and to the Associated British Standard COP BS 5228: 2009 for noise control on construction sites. Statutory requirements are laid down for control of noise during works of construction and demolition: if necessary you should contact the Council's environmental health department regarding noise control requirements.
- Clearance and burning of existing woodland or rubbish must be carried without nuisance from smoke etc. to nearby residential properties. Advice on minimising any potential nuisance is available from the Council's environmental health department.
- Plant and machinery used for demolition and construction should only be operated within the application site between 0800 hours and 1900 hours on Mondays to Fridays and between 0800 hours and 1300 hours on Saturdays and at no time on Sunday and Bank Holidays.
- Vehicles in connection with the construction of the development should only arrive, depart, be loaded or unloaded within the general site between the hours of 0800 hours and 1900 Mondays to Fridays and 0800 to 1300 hours on Saturdays and at no time on Sundays and Bank Holidays.
- The importance of notifying local residents in advance of any unavoidably noisy operations, particularly when these are to take place outside the normal working hours is advisable. Where possible, the developer shall provide residents

with a name of a person and maintain dedicated telephone number to deal with any noise complaints or queries about the work.

- Adequate and suitable provision in the form of water sprays should be used to reduce dust from the site.

- It is recommended that the developer produces a Site Waste Management Plan in order to reduce the volumes of waste produced, increase recycling potential and divert materials from landfill. This best practice has been demonstrated to both increase the sustainability of a project and maximise profits by reducing the cost of waste disposal.

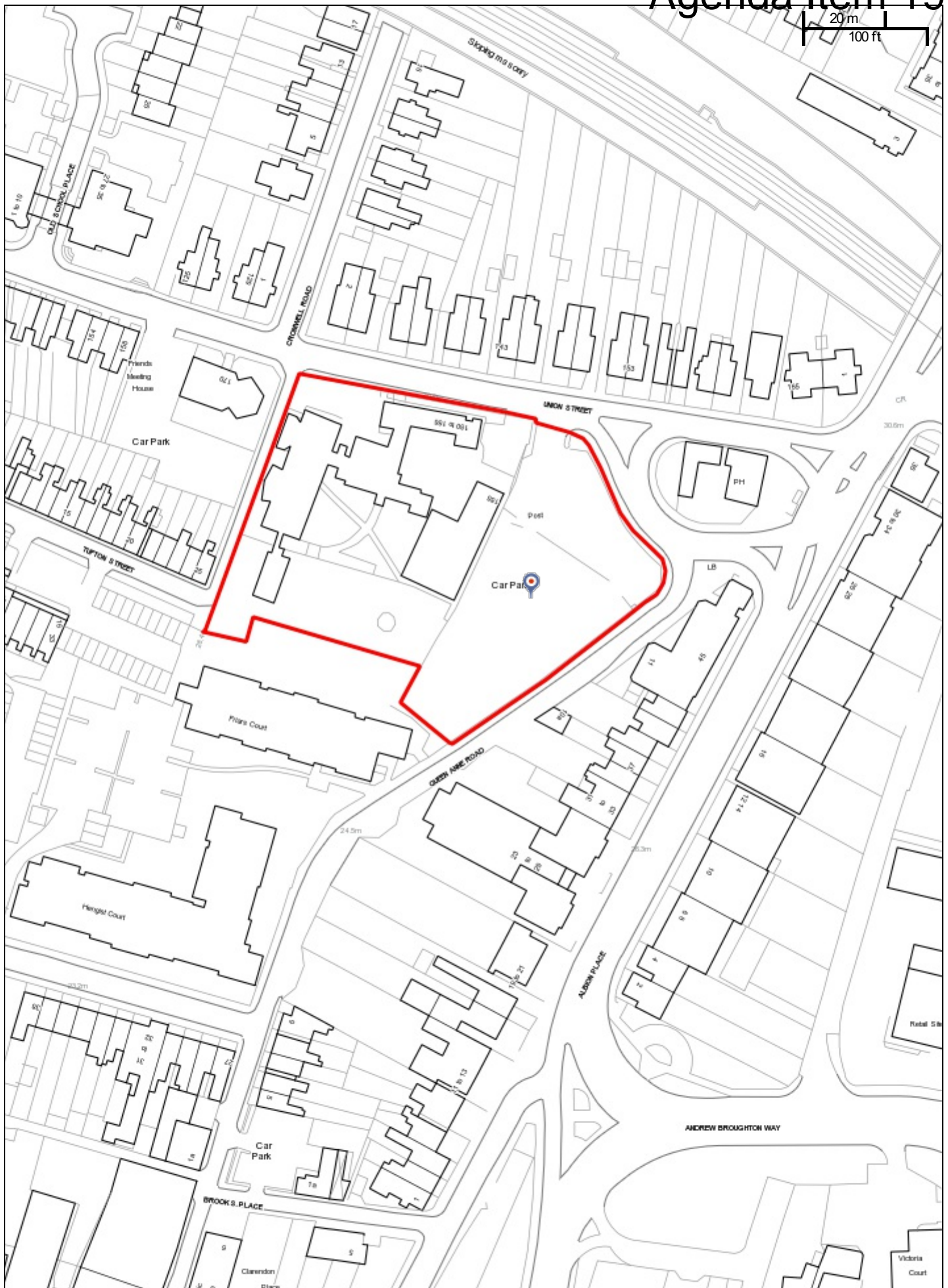
- Adequate and suitable measures should be carried out for the minimisation of asbestos fibres during demolition, so as to prevent airborne fibres from affecting workers carrying out the work, and nearby properties. Only contractors licensed by the Health and Safety Executive should be employed.

If relevant, the applicant must consult the Environmental Health Manager regarding an Environmental Permit under the Environmental Protection Act 1990.

- (6) The applicant is advised to seek pre-application advice prior to the submission of any reserved matters application and the future details should take into consideration the location of the public sewer (in consultation with Southern Water), the provision of buffer planting (in particular the retention/re-enforcement of the landscaping along the western boundary fronting Aspian Drive) and take into consideration the need for residential parking requirements for the occupiers themselves and visitors.

Case Officer: Rachael Elliott

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



17/504428 - Maidstone Borough Council Car Park

Scale: 1:1250

Printed on: 11/12/2017 at 12:34 PM by ElyH

REPORT SUMMARY

REFERENCE NO - 17/504428/FULL			
APPLICATION PROPOSAL			
Creation of a new 48 space public car park, together with 30 flats, a row of 6 semi-detached houses, and two terraced rows providing 11 houses (total 47 units), together with a new estate road, allocated parking and soft landscaping.			
ADDRESS Maidstone Borough Council Car Park, Corner of Union Street & Queen Anne Road, Maidstone, Kent.			
RECOMMENDATION - APPROVE			
SUMMARY OF REASONS FOR RECOMMENDATION			
The development is considered to be fundamentally in accordance with the Development Plan and there are no overriding material considerations to indicate a refusal of planning permission.			
REASON FOR REFERRAL TO COMMITTEE			
Maidstone Borough Council is the applicant			
WARD High Street	PARISH/TOWN N/A	COUNCIL	APPLICANT MBC Regeneration & Economic Development AGENT Calfordseaden LLP
DECISION DUE DATE 23/11/17	PUBLICITY EXPIRY DATE 02/10/17	OFFICER SITE VISIT DATE 06/12/17	
RELEVANT PLANNING HISTORY			
App No	Proposal	Decision	Date
15/508437	Outline application for the demolition of existing buildings and the erection of up to 44 dwellings with access to be considered (all other matters of appearance, layout, scale and landscaping reserved for future consideration).	Withdrawn	26/05/16

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The application site is to the south of Union Street, and turns the corner to Queen Anne Road which is to the east and southeast and is a one-way road running northwards. The eastern part of the site includes a 48 space MBC public car park and a 44 space car park reserved to NHS Staff and is set approximately 1m higher than the road. The larger western part is a former NHS site that had a number of low level buildings which have been cleared. There is a ragstone wall along the northern (Union Street) frontage and western (Tufton Street) boundaries of the site. Land levels fall towards the south in excess of 2m, and there are a small number of trees within the site.
- 1.02 Union Street to the north is predominantly characterised by semi-detached Victorian/Edwardian houses with front gardens; to the east, Queen Anne Road features rear car parking areas of office buildings fronting onto Albion Place and the Queen Anne Public House is located at the northern end of this road; and to the south there is 'Friars Court' (sheltered accommodation) that is at a lower level than the site but 4 storeys in height.

- 1.03 The vast majority of the site (apart from the north eastern corner) is allocated in the Local Plan for housing under policy H1(12), which will be discussed in more detail below. Otherwise the site has no specific designations. There are two trees along the frontage to Union Street protected by TPO No. 8 of 1997. These lime and horse chestnut trees are replacements for the two original copper beech trees that were removed because of disease/decay. There is a Conservation Area around 50m to the south.

2.0 PROPOSAL

- 2.01 Full permission is sought for a total of 47 dwellings at the site. This would be in the form of 30 flats within a 4 storey stepped apartment block, which would wrap around the Queen Anne Road frontage. Along Union Street would be 3 pairs of semi-detached properties of 3 storey height, and within the site would be two rows of 3 storey terrace buildings providing 11 units. Access to the flats and terrace properties would be via the existing access to the car park off Union Street, and the semi-detached properties would have their own accesses.
- 2.02 The design would be of a contemporary style with flat roofs to all buildings and top floors recessed, large amounts of glazing and juliet balconies. Materials would include cladding panels, face-brickwork, ragstone infill panels, render and standing seam cladding. The design will be discussed in more detail in the assessment below.
- 2.03 Permission is also sought to create a new public car park at the western end of the site. This would provide 48 spaces in a rectangular space adjacent to Tufton Street, with vehicular access off Union Street using an existing access.

3.0 POLICY AND OTHER CONSIDERATIONS

- **Maidstone Borough Local Plan (2011-2031):** SS1, SP1, SP19, SP20, SP23, H1, ID1, H1(12), DM1, DM2, DM5, DM6, DM8, DM12, DM19, DM20, DM21, DM23
- **The National Planning Policy Framework (NPPF)**
- **National Planning Practice Guidance (NPPG)**
- **Draft MBC Air Quality Planning Guidance (2017)**

4.0 LOCAL REPRESENTATIONS

- 4.01 **Local Residents:** 12 representations received from local residents raising the following (summarised) issues:
- Overlooking from balconies and in general.
 - Noise and disturbance.
 - Lack of local parking and parking for development.
 - Strain of infrastructure.
 - Car park must be lit.
 - Comments on design issues.
 - Harm to amenity.
 - Over-development.
 - Congestion, traffic and highway safety.
 - Noise and air pollution.
 - Loss of trees.

4.02 **Councillor Harwood:** Has made the following (summarised) observations:

- Lack of landscaping on street frontages and lack of native species.
- Integral ecology enhancements should be provided.
- SuDs should be used.
- Render should be avoided.
- Solar PV and electric charging points should be provided.

5.0 CONSULTATIONS

5.01 **KCC Highways:** No objections subject to (matters which pass conditions tests) securing off-site highway improvements on Union Street and Tufton Street; securing vehicle and cycle parking provision; completion and maintenance of the accesses; provision and maintenance of 2 metres x 2 metres pedestrian visibility splays behind the footway on both sides of the accesses with no obstructions over 0.6m above; upgrading the pedestrian crossing on King Street; and provision of a bus shelter on Sittingbourne Road.

5.02 **KCC SUDs:** No objection subject to conditions.

5.03 **MBC Environmental Health:** No objections re. air quality, noise or contaminated land subject to conditions.

5.04 **MBC Parks & Open Spaces:** Request £74,025 towards improvements to access on the north/west side of Brenchley Gardens and improvements at and Brewer Street Graveyard Open Space.

5.05 **MBC Housing:** No objections

5.06 **MBC Landscape:** No objections to removal of TPO and other trees subject to mitigation, although comment that space for landscaping only allows room for small stature trees.

5.07 **KCC:** Request £71,466.00 towards the permanent expansion of East Borough Primary School enhancement; £109,469.40 towards Phase 1 of the new Maidstone Free School – School of Science and Technology, Valley Park; and £2,256.74 towards additional bookstock required to mitigate the impact of the new borrowers from this development.

5.08 **NHS:** Request £29,304 towards investment in one or more of Albion Place, Brewer Street, or Bower Mount practices. The healthcare contribution would be directly related to supporting improvements to primary care infrastructure by way of extension, refurbishment and/or upgrade to existing buildings or as a contribution towards the cost of a new primary healthcare facility serving this population

5.09 **KCC Ecology:** No objections subject to securing enhancements.

5.10 **Southern Water:** Confirm local capacity.

5.11 **Kent Police:** Have raised some concerns regarding the new car park and recommended lighting and CCTV.

5.12 **UK Power Networks:** No objections

6.0 APPRAISAL

6.01 The majority of the site is allocated for approximately 30 dwellings under policy H1(12) and as such the development needs to be predominantly considered under this policy. For the remainder (which is part of the public car park) policy DM5 supports the development of brownfield sites subject to respecting the character and appearance of the area. For these reasons, the residential development is acceptable in principle and the main issues, in line with the allocation policy and Local Plan, are as follows:

- Design, Layout & Landscaping
- Access, Highways & Parking
- Residential Amenity
- Air Quality
- Infrastructure & Affordable Housing

6.02 The car park would replace existing facilities and is considered acceptable in principle. Detailed issues relating to it will also be discussed below.

Design, Layout & Landscaping

6.03 The layout of the residential development has the building's strongly addressing Union Street and Queen Anne Road, something the site fails to do at present being a car park and vacant site. Amendments have been sought to provide improved landscaping with trees along the Queen Anne Road frontage through siting bin/bike stores to the rear, and removing a parking space. A low ragstone wall would be provided as well to ensure a high quality frontage. On Union Street new semi-detached buildings would be set back with new ragstone wall sections to replace the existing wall. Whilst the allocation policy seeks retention of the existing wall, there would be replacement sections and new low walling to the car park so that there would still remain a strong presence of such walling, which is considered acceptable. New landscaping and trees inside the replacement walling for the houses would be in-keeping with the character of front gardens on the north side of Union. Internally, space is provided for landscaping, parking and circulation space, and it strikes the right balance between these requirements.

6.04 In terms of height, the largest apartment block on the east part of the site would be 4 storeys but with the top floor recessed, which would reduce its impact, and it also drops to 3 storeys at the south end (in line with policy H1(12)). Buildings on Queen Anne Road include 4 storeys at 'Friars Court' to the southwest, 4 storeys at the offices/medical centre to south and 3 storeys to the east, and so the building would be in-keeping here. Whilst the block extends towards Union Street where buildings lower generally to 2 storeys, I consider it is important to create a strong presence on this corner, and on balance it is acceptable. On Union Street, where houses are two storey with some rooms in the roofspace, the semi-detached buildings would be 3 storeys, however, the top floor would be recessed thus reducing its impact and houses on the north side are set at a slightly higher level so this height would be acceptable. Overall, the scale of the development is considered to be acceptable.

6.05 With regard to appearance and as outlined above, the buildings would be of modern design with flats roofs. The height and mass of the buildings are broken up by the use of extensive glazing with timber cladding, ragstone sections, brickwork to the lower floors and grey cladding to the top floors. Also, there would be full height

glazed projections and recessed sections on the elevations to provide further interest/breaks. The local area includes a mixture of building design, including more traditional houses to the north and more modern buildings to the east and south. As such, a modern approach is acceptable here, and subject to the specific samples of the materials being provided by condition, the appearance and design is considered to be of a high quality that will improve the appearance of the local area.

- 6.06 Surface materials would include block paving for the access and parking areas divided by granite setts, and resin bonded gravel for paths which would ensure a high quality finish.
- 6.07 Excluding the new car park, the density of the development is approximately 94 dwellings per hectare. This is significantly above the allocation policy which seeks around 56dph. However, for the reasons outlined above the layout, scale and design are considered to be acceptable and so this density is suitable in this case.
- 6.08 All 6 existing trees at the site would be removed including the two protected trees along Union Street. In terms of the protected trees, I agree with the landscape officer's opinion that these trees are not sufficiently mature or of such large stature to pose a constraint to the development proposal, subject to replacement trees being planted to mitigate their loss. Four of the other trees are located towards the rear of the site and their loss would not be unduly harmful to the local area. The London plane tree on the Queen Anne Road frontage would struggle to survive in close proximity to the new building. To compensate, landscaping would be provided around the outside of the site to provide a soft edge to the development, including prominent native/near native planting in the form of hedging and new trees, mixed with shrubs. There would also be tree and shrub planting inside the site. The planting would involve 29 new trees including 7 within the streetscene, which is considered to mitigate the loss of on-site trees in line with the allocation policy. The landscaping scheme will provide an appropriate setting to the development with good interest and colour, and a mix of native/near native and ornamental species appropriate for this urban site.
- 6.09 Overall, the design of the development is considered to be of a high quality in accordance with Local Plan policies.

Access, Highways & Parking

- 6.10 Kent Highways have raised no objections in terms of the safety of the access points or the impact of traffic on the local highway network, which includes taking into account the loss of the 44 space 'NHS' car park. Such parking for NHS staff would potentially be displaced within the local area but it is not considered this would result in any highway safety issues to warrant objection and the area is clearly accessible by public transport. In terms of parking for the new residential units, the maximum standards are 59 spaces including 9 visitor's spaces. The development would provide 32 spaces with 15 for the thirty flats, 1 each for the six semi-detached properties and 1 each for the eleven terrace houses (which would be under-croft). This is below the maximum standards but as this site is near to the town centre and so within walking distance of numerous facilities including public transport links, this provision is considered acceptable. In terms of any impact upon local parking, the applicant has confirmed that they would be willing to accept a planning condition that restricts some residents from applying for parking permits in this area. However, this is not enforceable and so does not pass the conditions tests. If Members wished to pursue this, it would need to be outside of the planning system with the Council's parking section.

- 6.11 To encourage public transport use and promote safety, a bus shelter will be provided on the west side of Sittingbourne Road for northbound journeys, and the pedestrian crossing on King Street will be upgraded. Secure cycle parking would also be provided to promote such use. This is in accordance with policies DM21 and DM23

Residential Amenity

- 6.12 Concerns have been raised regarding overlooking from the development, with some relating to the proposed balconies. With regard to houses on Union Street, the new dwellings and balconies would be 16m from the houses and at this distance, and with the road in between, there would not be any unacceptable overlooking. The distance to 'Friars Court' to the southwest would be a minimum of 20m, which would ensure no harmful impacts. On Queen Anne Road, permission has been granted for flats that would be opposite the proposed apartments. Whilst windows would face one another, the public road would be in between and it is not considered there would be any unacceptable privacy issues. Otherwise the distance to other properties means there would be no harmful impacts upon privacy, light or outlook. For new occupants, sufficient living space, privacy and outdoor space, including gardens for larger properties, would be provided to ensure acceptable living conditions. In terms of noise, the Environmental Health officer recommends a condition to ensure appropriate internal noise levels. This is in accordance with policy DM1.

Air Quality

- 6.13 An assessment has been provided and the Environmental Health officer advises it, *"concludes that the residents of the proposed dwelling will not be affected by poor air quality and the development is unlikely to have a significant impact on the air quality management area. Recent modelling of air quality supports this conclusion, however the holistic impact of emissions caused by the development should be mitigated."* Due to the low impact, a condition can require mitigation to be provided which would include electric vehicle charging points on all semi-detached houses and terrace properties, and this is proportionate in this case and in accordance with the site policy and DM6.

Infrastructure & Affordable Housing (Heads of Terms)

- 6.14 In line with policy DM20 major residential development will put pressure on existing services and requests for monies to mitigate the impact of the development towards health, primary and secondary education, public open space, and libraries have been requested (see consultation section above). I have assessed these requests and consider them to be necessary to mitigate the impact of the development due to the additional pressure future occupants would place upon these services, and consider them to pass the legal tests for securing financial contributions.
- 6.15 Affordable housing would be provided at 30% (14 units) which is in accordance with the Local Plan for urban area sites. All of the affordable would be for affordable rental whereas policy SP20 seeks a target of 30% being shared ownership. However, the housing section has raised no objection stating this is welcomed in a town centre location, and I consider this is acceptable.
- 6.16 As the Council is the applicant the KCC contributions would be provided via a unilateral undertaking to KCC. As the public open space, NHS monies, and affordable housing would be dealt with by the Council (and the Council owns the site) it is not possible to secure these under a Section 106 Agreement under the Town &

Country Planning Act. The mechanism to secure this is a Memorandum of Understanding between the Directors of Housing and Planning to provide the necessary monies and affordable housing.

Car Park

- 6.17 Whilst the provision of a car park is not in line with policy H1(12), through using the NHS car park area in the northeast corner outside the allocation, housing numbers in line/above the allocation can be achieved, and for this reason the car park element is considered to be acceptable. The car park would be in the west part of the site and enclosed by the existing ragstone wall on Tufton Street which would be retained in accordance with the site policy. Lower ragstone walling would be provided on the Union Street frontage. Whilst a car park is not aesthetically pleasing, there was/are the presence of others in the area and it would be enclosed by ragstone walling. Concerns have been raised by Kent Police regarding the safety of the car park and so additional windows have been provided on the dwellings to provide more surveillance, and conditions will ensure lighting and an option for CCTV if necessary.

Other Matters

- 6.18 As per the national policy requiring major development to incorporate Sustainable Development Urban Systems (SUDS) as an integral part of development, the applicant plans to deal with surface water in a variety of ways. This will be through deep borehole soakaways if feasible but if not, underground storage tanks would be used and water discharged to the nearest surface water sewers (as a last resort). Permeable surfaces would also be used within the scheme. KCC have been consulted and advise that being that this is an existing site with evidence of a drainage system with no surface water sewer in the vicinity they would presume it is currently drained by soakaways within its own curtilage, essentially it has a form of drainage already. As such, they recommend conditions to finalise the detailed drainage system, which shall look to use infiltration first, and its management.
- 6.19 The ecological value of the site is low and the development would have no impact upon protected species. As such, enhancements are proposed through the landscaping scheme, measures such as bird and bat boxes, and integral bird and bat bricks. Solar panels would be provided on all buildings and green roofs on the bike and bin stores and part of the semi-detached properties, which would promote sustainable measures in line with policy DM2.
- 6.20 The development would be visible from the Conservation Area to the south. The proposed apartment block would be seen behind the large 4 storey residential and office buildings to the west and east and would have no harmful impact upon the setting of the Conservation Area.

7.0 CONCLUSION

- 7.01 Whilst there is some conflict with criterion 3 under policy H1(12) regarding retention of the ragstone wall along Union Street, this is considered acceptable for the reasons explained at paragraph 6.03 and not grounds to refuse the application. The density is higher than the allocation policy but the design, layout, and scale are considered acceptable for the reasons outlined above. Otherwise the proposals accord with policy H1(12) and are in accordance with all other relevant policies within the Local Plan. Permission is therefore recommended subject to conditions and a legal agreement to secure monies to necessary infrastructure and affordable housing.

8.0 RECOMMENDATION:

Subject to the prior completion of a legal agreement to provide for the Heads of Terms set out below and subject to the conditions as set out below, the Head of Planning and Development **BE DELEGATED POWERS TO GRANT** to grant planning 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.

Heads of Terms

1. £29,304 towards extension, refurbishment and/or upgrade to existing buildings at either Albion Place, Brewer Street, or Bower Mount practices or as a contribution towards the cost of a new primary healthcare facility serving this population.
2. £71,466.00 towards the permanent expansion of East Borough Primary School.
3. £109,469.40 towards Phase 1 of the new Maidstone Free School – School of Science and Technology, Valley Park.
4. £2,256.74 towards additional bookstock required to mitigate the impact of the new borrowers from this development.
5. £74,025 towards improvements to access on the north/west side of Brenchley Gardens and improvements to the planting on the north-west and north-east edges of the gardens to improve accessibility, and improvements to the natural open space to make it more accessible for local residents at Brewer Street Graveyard Open Space.
6. 30% affordable Housing (100% affordable rent).

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. No development (excluding the car park development) shall take place until details of the proposed slab levels of the building(s) and the existing site levels have been submitted to and approved in writing by the local planning authority and the development shall be completed strictly in accordance with the approved levels;

Reason: In order to secure a satisfactory form of development having regard to the topography of the site.

3. No development (excluding the car park development) shall commence until the developer has developed a scheme detailing and where possible quantifying what measures or offsetting schemes are to be included in the development which will reduce the transport related air pollution of the development during construction and when in

occupation. The report should be submitted to and approved by the Local Planning Authority, prior to development. [The developer should have regard to the DEFRA guidance from the document Low Emissions Strategy -using the planning system to reduce transport emissions January 2010.]

Reason: In the interests of protecting health.

4. No development shall take place until the following components of a scheme to deal with the risks associated with contamination of the site has been submitted to and approved, in writing, by the local planning authority:

1) A remediation method statement (RMS) based on the site investigation results and the detailed risk assessment provided in the Lustre Consulting Site investigation report submitted with the application reference 1626\cw\4-2017\652. This should give full details of the remediation measures required and how they are to be undertaken. The RMS should also include a verification plan to detail the data that will be collected in order to demonstrate that the works set out in the RMS are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

2) A Closure Report is submitted upon completion of the works. The closure report shall include full verification details as set out in 3. This should include details of any post remediation sampling and analysis, together with documentation certifying quantities and source/destination of any material brought onto or taken from the site. Any material brought onto the site shall be certified clean;

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

Reason: In the interests of protecting the health of future occupants from any below ground pollutants.

5. No development shall take place until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall demonstrate that due consideration as first been given to the possibility of utilising infiltration techniques and that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of within the curtilage of the site without increase to flood risk on or off-site. Should the use of infiltration prove to beyond being reasonable practical then any surface water leaving site shall not exceed a discharge rate of 29l/s for all rainfall events. The drainage scheme shall also demonstrate that silt and pollutants resulting from the site use and construction can be adequately managed to ensure there is no pollution risk to receiving waters.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding.

6. No development above slab level (excluding the car park development) shall take place until a scheme to demonstrate that the internal noise levels within the residential units and the external noise levels in back garden and other relevant amenity areas will conform to the standard identified by BS 8233 2014, Sound Insulation and Noise Reduction for Buildings has been submitted to and approved in writing by the Local Planning Authority. The work specified in the approved scheme shall then be carried out

in accordance with the approved details prior to occupation of the premises and be retained thereafter.

Reason: In the interests of amenity.

7. No development above slab level (excluding the car park development) shall take place until written details and samples of the materials to be used in the construction of the external surfaces of the building(s) hereby permitted have been submitted to and approved in writing by the local planning authority and the development shall be constructed using the approved materials. Materials shall include the use of ragstone on buildings and in walling as shown on the approved plans, stock bricks, (if render is used it must be dark coloured), and timber cladding.

Reason: To ensure a satisfactory appearance to the development.

8. No development above slab level (excluding the car park development) shall take place until a sample panel of the ragstone for the buildings and walls has been submitted to and approved in writing by the Local Planning Authority. Such details as approved shall be fully implemented on site.

Reason: To ensure a high quality design.

9. No development above slab level shall take place until, written details and samples of the surface materials to be used in the construction of the development hereby permitted have been submitted to and approved in writing by the local planning authority and the development shall be constructed using the approved materials. The details shall follow the landscape masterplan (no. TD895_03A) and (excluding the car park) provide block paving for access and parking areas, resin bonded gravel for paths, and granite setts.

Reason: To ensure a satisfactory appearance to the development.

10. No development above slab level shall take place until, details of all fencing, walling and other boundary treatments have been submitted to and approved in writing by the local planning authority and the development shall be carried out in accordance with the approved details before the first occupation of the building(s) or land and maintained thereafter. Details shall include ragstone walling along the Union Street and Queen Anne Road frontages as shown on the approved plans.

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

11. No development above slab level (excluding the car park development) shall take place until details of any external meter cupboards, vents, pipes, flues, and guttering have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details. Such features shall be installed to limit their visibility from public view points.

Reason: To secure a high standard of design.

12. No development above slab level shall take place until details of any lighting to be placed or erected within the site have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include, inter alia, details of measures to shield and direct light from the light sources so as to prevent light pollution, illuminance contour plots covering sensitive neighbouring receptors, and lighting of the

car park area. The development shall thereafter be carried out in accordance with the subsequently approved details.

Reason: In the interest of residential amenity and safety.

13. The car park hereby approved shall not be used until details of CCTV or similar measures for the car park have been submitted to and approved in writing by the Local Plan Authority, and subsequently installed and thereafter maintained.

Reason: In the interest of public safety.

14. No development above slab level (excluding the car park development) shall take place until specific details of the location of photovoltaic panels to be installed on all buildings have been submitted to and approved in writing by the local planning authority. The approved details shall be installed prior to first occupation and maintained thereafter;

Reason: To ensure an energy efficient form of development. Details are required prior to commencements as these methods may impact or influence the overall appearance of development.

15. The approved details of the access points as shown on drawing no. A(0)103 RevE shall be completed before the commencement of the use of the land or buildings hereby permitted and include the provision and maintenance of 2m x 2m pedestrian visibility splays behind the footway on both sides of the accesses with no obstructions over 0.6m above footway level.

Reason: In the interests of road safety.

16. No building hereby permitted shall be occupied until the following off-site highways works have been fully implemented:

- Provision of a bus shelter at the northbound bus stop on Sittingbourne Road (to the northeast of no. 1 Sittingbourne Road upon the railway bridge).
- Upgrading of the existing pedestrian crossing on King Street to provide additional crossing detectors and reconfiguration of the controller.
- Modifications to the existing footway on Union Street due to the new access points.

Reason: In the interests of highway safety and sustainable transport use.

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

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems.

18. No building hereby permitted shall be occupied until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:

- a) a timetable for its implementation, and
- b) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime.

Reason: To ensure that any measures to mitigate flood risk and protect water quality on/off the site are fully implemented and maintained (both during and after construction).

19. The semi-detached and terrace houses hereby approved shall not be occupied until a minimum of one electric vehicle charging point has been installed on each property, and shall thereafter be retained for that purpose.

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

20. All planting, seeding and turfing specified in the approved landscape details (drawing nos. TD895_01B (sheet1) & TD895_02B (sheet 2)) shall be carried out either before or in the first season (October to February) following the occupation of the building(s) or the completion of the development, whichever is the sooner; and seeding or turfing which fails to establish or any trees or plants which, within five years from the first occupation of a property, commencement of use or adoption of land, die or become so seriously damaged or diseased that their long term amenity value has been adversely affected shall be replaced in the next planting season with plants of the same species and size as detailed in the approved landscape scheme unless the local planning authority gives written consent to any variation.

Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development

21. The approved details of the vehicle parking/turning and cycle parking areas associated with the residential development shall be completed before the commencement of the use of the land or buildings to which they relate 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/turning provision is likely to lead to parking inconvenient to other road users and in the interests of road safety and sustainability.

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

Reason: To protect groundwater resources.

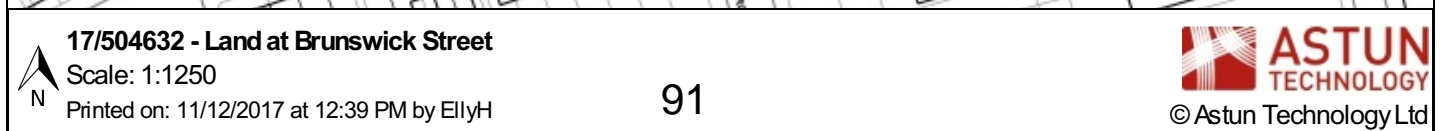
23. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extension of any residential properties or enlargement of any roofs shall be carried out without 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.

24. The development hereby permitted shall be carried out in accordance with the approved plans listed on the Drawing Issue Sheet 100 Series, Drawing Issue Sheet 200 Series, and Drawing Issue Sheet 300 received on 07.12.17; and plans TD895, TD895 01B, and TD895 02B received on 24.11.17.

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

Case Officer: Richard Timms



REPORT SUMMARY

REFERENCE NO - 17/504632			
APPLICATION PROPOSAL – Proposed demolition of all existing buildings and introduction of a new 33 space public car park, together with 24 flats in a four storey block fronting Upper Stone St. A row of 6 houses constructed over 3 storeys fronting Orchard St. 2 rows of 4 houses each constructed over 3 storeys fronting Brunswick St, and George St and 9 flats in a stepped block overlooking the new pay and display car park. The development will include allocated parking and soft landscaping.			
ADDRESS – Land at Brunswick Street, Maidstone			
RECOMMENDATION – Approved subject to completion of S106 and planning conditions			
SUMMARY OF REASONS FOR RECOMMENDATION – The site lies within the urban area of Maidstone whereby the principle of the scheme is considered to be acceptable subject to other policies. The scheme will utilise a brownfield site for a mix of market and affordable homes including those available for market rent. The buildings are considered to be well-designed, appropriate to their context and the street scene and subject to conditions will assimilate within the area without harm to nearby properties. The scheme will provide a mix of 2-4 bedrooms flats and houses which will provide a good standard of accommodation which exceeds national standards. Whilst the status of the site as a public car park is noted and there will be loss of some on-street parking, the scheme will retain a public car park and on-street parking provision that is commensurate with recorded demand. Further information has been provided in respect of air quality to demonstrate there are no impacts on off-site receptors and the scheme has been revised to deal with air quality to ensure the future occupants are protected from air quality effects. This includes sealed balconies, mechanical ventilation and other measures. The scheme is considered acceptable in relation to all other relevant planning matters and will comply with the development plan. On this basis, it is recommended planning permission is granted subject to planning conditions and legal agreement			
REASON FOR REFERRAL TO COMMITTEE – Land owned by MBC			
WARD MS- High Street	PARISH/TOWN COUNCIL n/a	APPLICANT MBC AGENT Calford Seaden LLP	
DECISION DUE DATE 6.12.2017	PUBLICITY EXPIRY DATE 13.10.2017	OFFICER SITE VISIT DATE 4.11.17	
RELEVANT PLANNING HISTORY			
App No	Proposal	Decision	Date
12/0285	Advertisement consent	PER	
96/0389	Change of use of part of car park for use by adjoining premises in Upper Stone St	PER	

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The site is a rectangular site contained by Upper Stone Street to the east, George Street to the south, Orchard Street to the west and Brunswick Street to the north. The eastern part of the site contains a number of buildings including a commercial car dealer and a private function hall, which fronts onto Upper Stone Street with the

remainder of the site laid out as car parking. The northern part of the site is a pay and display public car park with 71 spaces and the southern part is laid out as unmarked parking area which is currently closed. The levels fall across the site with the northern part of the site being lower than the southern part with a central retaining wall running east to west across the site. The commercial buildings to the frontage are 2 storeys in nature with a parking court to the boundary with Upper Stone Street.

- 1.02 The street scene in Upper Stone Street is varied in nature, with two storey blocks to the north and south of the application site with larger scale development further north. Opposite the site to the east are a car repair premises and more traditional two storey buildings with commercial uses on the ground floor. The area itself is mix of uses, with Upper Stone Street have a variety of uses including Class A uses, residential and industrial uses with the area to the west being more residential in nature. Brunswick Street and Orchard Street have a close knit 19th Century street pattern with two storey dwellings tightly fronting onto the footpath edge, whereas to the south it consists of more modern development of 2/3 storeys which are set back with small front gardens. Whilst this part of the area is a traditional close knit urban form, more recent developments have taken place with 4 storey modern flatted blocks to the north west and south west of the application site which introduces additional height to the otherwise traditional street scene.

2.0 PROPOSAL

- 2.1 The application relates to the demolition of all existing buildings and redevelopment to include a new 33 space public car park together with the construction of 47 dwellings, associated garden space, parking and landscaping. The new dwellings will be constructed in five blocks which will include the following;
- A 4 storey block fronting onto Upper Stone Street which will contain 24 flats (Block 1)
 - 6 houses fronting Orchard St (Block 2),
 - A block containing 9 flats in a stepped block overlooking the new pay and display car park (Block 3)
 - 8 x 3 storey houses fronting Brunswick St, and George St (Blocks 4 and 5)
- 2.2 The scheme will deliver 24 flats for private market rent, 9 affordable flats for rent, 4 x 3 bedroom houses for shared ownership with the remaining 10 dwellings being market sale properties.
- 2.3 The scheme includes the use of SUDS, renewable energy, electric charging points and native landscaping. The scheme will also involve the relocation of existing parking bays from the southern side of Brunswick Street to the northern side and from the northern side of George Street to the southern side to create space for access for the new site and maximise on-street parking provision for existing residents.
- 2.4 The application was supported by assessments in respect of air quality, transport, energy, planning and design and access statements and the application seeks to integrate the recommendations of those reports within the scheme.

3.0 POLICY AND OTHER CONSIDERATIONS

National Planning Policy Framework (NPPF): Section 1, 2, 4, 6, 7 8 and 10
National Planning Practice Guidance (NPPG)
Supplementary Planning Documents: Affordable Housing DPD, Open Space DPD
Adopted Maidstone Local Plan (2011-2031): SP1, SP19, SP20, SP23, ID1, DM1, DM2, DM3, DM5, DM6, DM12, DM19, DM21, DM23.
Draft Air Quality Planning Guidance

4.0 LOCAL REPRESENTATIONS

4.01 **Local Residents:** 35 representations were received from local residents raising the following (summarised) issues:

- Loss of parking – not enough parking – wider adverse impacts on highway
- Loss of light to surrounding properties
- Infrastructure at breaking point
- Congestion
- Overlooking
- Noise and disturbance
- No recreational space
- Height and scale of development
- Gardens should be instead used for parking
- Impacts of Wrens Cross development on parking demand
- Ruining of views
- Congestions

5.0 CONSULTATIONS

5.01 **KCC Highways:** No objections subject to conditions relating to revisions to on-street parking, construction management plan and cycle parking

5.02 **KCC Drainage :** Awaiting formal response. Will be provided as an update to committee

5.03 **Southern Water** No objections on foul sewerage but cannot accommodate surface water flows

5.04 **Environment Agency** No objections subject to condition relating contamination and piling

5.05 **Natural England** No comments

5.06 **Kent NHS** No objections subject to contribution to local surgeries

5.07 **KCC Economics** No objections subject to primary, secondary and library contributions

5.08 **MBC Housing** No objections

5.09 **MBC Parks and Leisure** No objection subject to contributions for off-site provision

6.0 APPRAISAL

Main Issues

6.01 The key issues for consideration relate to:

- Brownfield status and existing uses
- Highway issues including parking
- Design and street view issues
- Amenity impacts
- Air quality

Brownfield status and existing uses

6.02 The site represents a brownfield site in a sustainable location which fully accords with the strategic objectives of the Local Plan and its policies, notably DM5. It is noted there are existing uses on site, namely that of a car sales business and a private community hall which is used by the Jubilee Church, which occupies the site to the south, on Upper Stone Street. Whilst it is recognised the car sales business generates employment for a number of staff and Policy SP21 sets out a general policy strategy for retaining economic development premises although it does allow release of these sites where the location is not appropriate. Furthermore, whilst the loss of the employment weighs against the scheme, the existing car sales use is a sui generis which is a use not strictly protected by the policy. It could also be argued that the location of the use, adjacent to existing residential properties in a close knit urban area is not ideal for such use. Therefore, it is not considered the loss of the employment represents a factor that could justify the refusal of the application.

6.03 It is also recognised to the west of the car sales building is a private hall which is used periodically by the Jubilee Church which is located to the south. It is understood this is not open to the public and only to the private members of the church and is used irregularly and infrequently. The church would remain in use to the south and is unaffected by this application. Due to this private access and lack of regular use, it is not this building would classify as a community facility as set out by Policy DM20 and thus its loss would not be contrary to this policy.

6.04 The site is not of high environmental value and the development will reflect the density parameters set out in DM12 and will respect the character of its surroundings. On this basis it is not considered the loss of the existing uses would represent matters on their own which would justify the refusal of the application or would be directly contrary to any policy of the Local Plan. The scheme would accord with Policy DM5 in supporting the reuse of brownfield land.

Highways issues and the car park

6.05 The existing site is a public and private car park with commercial units to the Upper Stone Street frontage and thus provides a service in terms of parking for shoppers, visitors and workers alike. The public car park currently provides 71 spaces and the private car park, known as the Jubilee car park, provides 70 car parking spaces although it is understood this private car park is no longer in use. Surrounding the site is on-street parking which provides parking in designated parking bays to the southern side of Brunswick Street and to the north of George Street. The site lies within the urban area of Maidstone whereby there is a demand for parking from a variety of users, including residents.

- 6.06 Turning firstly to the redevelopment of the public car park, the development will provide a new public car park of 33 spaces but it is acknowledged this will result in the loss of 38 spaces. However, having regard to parking beats surveys undertaken in 2014, it is clear the car park was not being used to its full capacity, with an average demand being 24 spaces. Indeed at the time of the officer's site visit, the car park was around half full. On request of the officer, the MBC team undertook a review of the number of tickets sold in October 2017 per day and the average number of tickets brought per day was 27 which add further support to the reduction in parking provision. On this basis, the reduction of the car park to 33 spaces is not considered to have an adverse impact on town centre parking or wider highway considerations. In terms of the standard of the new car park the parking spaces turning and access are considered to be acceptable and have been reviewed by KCC Highways. The current 70 space Jubilee car park is closed and is only used periodically. KCC Highways have reviewed the impacts on the reduction of car parking on the site and have no objections on highway grounds.
- 6.07 Turning to the impacts on the on-street parking, the Transport Assessment calculates there is currently 42 on-street parking bays contained within three parking bays, which border the site, in Brunswick Street, Orchard Street and George Street. Due to the need to access the southern and northern parts of the application site for parking and access, there will be a loss of 14 spaces in the Brunswick and George Street Parking bays. The 10 space parking bay in Orchard Street will be unaffected by the application. The applicant refers to a parking survey by Maidstone BC which recorded a demand for parking within these bays of around 26-27 spaces during AM and PM at peak time. A personal account of one of the residents recorded 28 cars parked around the three roads and indeed one of the days of the parking beat recorded 35 cars parked. The original scheme as submitted retained 28 spaces within the on-street parking bays and this was considered to be adequate to deal with the likely demand by KCC Highways. Notwithstanding this, following comments from KCC Highways suggesting enhancements to the road layout in this location to minimise parking loss, the application is now proposing amendments to the layout of the parking bays.
- 6.08 The applicant undertook a review of the implications on parking capacity of the creation of a one way system and also the part relocation of some of the existing parking bays from the southern side of Brunswick Street to its north side and vice versa in George Street where the bays could be relocated from the northern to the southern side of George Street. These options had the potential to increase the on street parking provision to 35 spaces. KCC Highways have reviewed these options and consider the one way system to be disproportionate to the scale of the project but consider the proposal to relocate the parking bays to opposite sides of the road at Brunswick Road and George Street to be reasonable and would create improvements to existing residents. As a result of these amendments to the application, the development will retain 35 on street spaces and limit the loss to 7 spaces rather than the original loss of 14 spaces. Having regard to the demand set out above and the maximum recorded number of cars parked, it is considered these amendments are necessary and deal with any fluctuations in terms of demand. These changes to the highway would be secured by a Section 278 agreement which would be subject of a planning condition.
- 6.09 In terms of the overall parking provision to serve the residential development, there will be 45 parking spaces within the site which is set out as follows;
- 1 space for each 4 bedroom unit fronting onto Orchard Street (6 spaces)- Block 2
 - 1 space each for the 3 bedroom units fronting onto Brunswick Street and Orchard Street (8 spaces). Block 4 and 5.

- 6 spaces to serve the block of 9 flats (Block 3)
- 25 spaces within an undercroft parking area to serve the Upper Stone Street (Block 1)

- 6.10 This level of provision would accord with the Council's parking standards where there is a maximum suggested parking level of 1 space per unit with the advice stating reduced provision is encouraged in support of the efficient use of land. The proximity of the site to the town centre and its proximity within walking distance of three mainline railway stations and bus routes justify a lower provision. DM23 states the level of provision will take account of the type, size and mix of units whilst ensuring parking should be integrated within developments in an attractive manner. It is considered when having regard to the type of units, the sustainable location and the balance between the constraints of the site and making efficient use of land, it is considered the parking provision is adequate. Furthermore, the use of undercroft parking, on-plot parking in a landscaped context, complies with part 1(ii) of the policy. KCC Highways have reviewed the parking provision and have no objections to this. The scheme will also include cycle parking as per the standards and it is recommended planning conditions are imposed to secure both vehicular and cycle parking post development.
- 6.11 Having regard to the trip rates associated with the development, there will a minor increase of 7 trips in the AM peak and 9 trips as opposed to the existing vehicles sales use. There is also the potential for a reduction in overall trips when one takes account of the larger car park use and other uses which have not been taken into account by the applicant to ensure a robust assessment of the traffic impacts. On this basis it is considered the application has been properly assessed as to the traffic impacts of the scheme, in accordance with Policy DM21, and there are no highway grounds to weigh against the development.

Design and Street View matters

- 6.12 The application follows the pre-application process with officers and members which has refined the design and layout of the scheme to its current form. The scheme was originally proposed with a building located more centrally within the site. However, it was advised that due to the close knit nature of the area that it was preferable that the development addressed the street to replicate the enclosure of the existing street pattern. The development is broken into 5 blocks, which vary from single dwellinghouses along the Brunswick, Orchard and George Streets to flatted development on Upper Stone Street. The two flatted blocks will be located either side of the public car park which itself will be reduced to 33 spaces.
- 6.13 The principle part of the scheme is a 4 storey block (Block 1) which will front onto Upper Stone Street. The building will be set back by around 8 metres to create a landscaped frontage and to align this with the building line of adjacent buildings to the north and south. This will extend to 3/4 storeys which will step down with 4 storeys to the north of the site and 3 storeys to the southern elevation which is consistent with the existing levels on the site. The residential development will be laid out over the upper three floors with parking on the ground floor which will be partly dug into the slope of the site. This will have an overall height of between 12 and 14 metres from the natural ground levels and will site comfortably in the street scene, with the two storey block to north and 4 storey block to the north west and south west and the large block of the jubilee centre to the south.
- 6.14 As the building will utilise the levels of the site, the building will be 3 storeys adjacent to the Jubilee Building, which has a lower profile, and at its northern elevation where the

scheme will extend to 4 storeys, the building will be seen within the backdrop of the 4 storey apartment building to the north west. The building is considered to represent good design having regard to its proportions and palette of materials. The scheme adopts a consistent approach across the site using a range of compatible materials to articulate its elevations including red stock brick, seamed metal panels and timber cladding with glazed balconies to serve each flat. Block 1 will overlook the new public car park to the west with areas for amenity and tree planting being located along the western boundary with the car park. The car park itself is split into two parts, with access from Brunswick Street and George Street respectively. This division allow additional planting to be undertaken within the central part of the car park and also to its boundaries and between some parking spaces. Internally, the building will provide 24 flats over the 1st-3rd floors of the building with 8 x 2 bedroom units per floor. The units will exceed the National Space Standards and are considered to provide a good internal environment for new residents. Each flat will also be served by an external enclosed glazed balcony.

- 6.15 The second block of flats, Block 3, contains 9 units and will be located to the west of the car park and will incorporate a stepped roof line and will extend to 3 storeys which will be a maximum of 10 metres in height, thus providing a stepped reduction from the larger block to the east. The building will follow the design approach of the frontage block with red stock brick, timber cladding and grey aluminium glazing. Each floor of the building will contain 3 x 2 bedroom flats, each with an external balcony, all of which will exceed the National Space Standards.

- 6.16 The central part of the site will be laid out with lower density to reflect its traditional surroundings. There will be four attached dwellinghouses fronting onto Brunswick Street and to George Street, which will be laid out back to back. The units will be three storeys consisting with red stock brick and with the upper floor recessed and being clad with grey seamed metal. The scale of these dwellings is 7 metres to its parapet wall, with the recessed third floor extending the building to 9 metres but set further into the site. This recessed third storey and the modest nature of the main element part of the dwellings, will provide an acceptable relationship with the more traditional properties on Brunswick Street and George Street. The units will have undercroft parking and will address Brunswick Street in a manner consistent with the original urban grain of the area. These units will have rear gardens which will back onto the properties fronting onto George Street. These units to George Street will be identical in design.

- 6.17 The western end of the site will consist of a terrace of 6 dwellings which will again have a stepped roof line to take account of the levels of the site. The dwellings will be set over 3 storey which will be 9 metres high with the upper floor recessed to create a balcony area. The dwelling will be set into the site by over 10 metres to create a front garden and parking area to these properties along with a new footpath to the street. The building would consist of stock brick, timber cladding and grey aluminium glazing with the upper floors consisting of grey standing seam metal cladding. These units would each have private rear gardens to the east of the units.

- 6.18 The site is considered to be well considered scheme with the higher scale flatted development located to the eastern part of the site where this fronts onto Upper Stone Street and where the site adjoins similar built form such as the existing 4 storey apartment blocks on Brunswick Street and corner of Salem Street/George Street. The landscaped frontage to Upper Stone Street with new street tree planting, including small leafed lime trees and hedging and ragstone walling to the road frontage will secure a significant enhancement over the existing parking court. As the site extends westwards, the area takes on a more traditional residential street pattern and the

design takes account of this with a lower flatted block with the remainder of the site laid out as residential dwellings.

- 6.19 In terms of density, the scheme would represent 97dph which would accord with the parameters set out in Policy DM13 of the local plans which considered a range between 45 and 170 dph to be acceptable at this type of location. The scale, massing and approach to the design is considered to have taken account of the site context, site levels and the character and scale of the surrounding built form.
- 6.20 Therefore, it is considered the scheme represents good quality design which takes account of its context and would accord with policy DM1 of the Local Plan and Section 7 of the NPPF.

Residential Amenity

- 6.21 There have been a number of responses in respect of the impacts on surrounding residential properties in terms of overlooking and loss of outlook. Having regard to the close knit urban grain of the area, there is a balance between creating an appropriate street scene and context to the development and protecting amenity. In this case the design approach sought to replicate the close knit character of the area with properties addressing the street scene and creating a built form that reflects the scale and layout of the existing area, albeit in a modern format. Thus as a consequence this has brought properties closer to the boundaries with the site and that of the adjoining properties.
- 6.22 However, it is considered the scheme will maintain the amenity of the adjoining properties. Firstly taking account of the properties facing onto Orchard Street, due to the position of the dwellings some distance into the site, this will create separation distances of around 16m, which includes the width of Orchard Street. Whilst, the upper floor contains a smaller terrace, the separation distance and its position on the front elevation will avoid any significant impacts to privacy. The development is separated from the existing properties on Brunswick Street, by the highway and parking bays and on this basis, the potential loss of privacy from ground floor windows is obscured by the presence of parked cars and general activity. Whilst there will be facing windows at 1st and 2nd floor, the separation distances range from around 12-14 metres. These distances are considered acceptable in such an urban environment, indeed similar relationships exist further along Brunswick Street. Furthermore, the 1st floor windows will serve bedrooms to the proposed dwellings, which are likely to be in use at night, or used with curtains closed and thus will in practical terms will present limited likely impacts in terms of overlooking. To the south, the dwellings are located a similar distance from properties in George Street but for the same reasons as above, it is not considered the scheme will create any significant loss of privacy to these units. Whilst the upper floors of blocks 4 and 5 would have a balcony area at 2nd floor these areas will be contained by privacy screens to avoid any overlooking. Whilst these units also have a small balcony area to the front elevation, due to the views onto an active street and the minor nature of these areas, it is not considered these areas will have any significant impact on amenity of surrounding properties. The development is considered to be set back sufficiently to avoid any adverse impacts on the outlook of any existing property.
- 6.23 Turning to the relationship between the proposed units within the development itself, the housing units on George and Brunswick Street will achieve back to back distances of around 18 metres which is considered acceptable in this location and will ensure a good standard of amenity. The units facing onto Orchard Street, will be approximately

15m from the private area of the nearest unit fronting onto George/Brunswick Street which is considered sufficient in an urban area. The relationship of Block 3 and the gardens of the dwellinghouses to the west is also considered acceptable as the facing windows will be to stairwells and to bedrooms, which themselves be obscure glazed to their lower pane in order to prevent overlooking. Whilst Block 3 will have windows facing those of Caroline Court, which will be around 13 metres between the facades, these windows will be narrow windows, serving kitchen areas and this together with the distance will ensure no significant impact will be caused to the amenity of the nearest flats.

- 6.24 The application is also supported by a daylight/sunlight report which assessed the impact of the development on the neighbouring properties in terms of levels of sunlight/daylight. The report concluded that of the 130 windows assessed only 3 windows of habitable rooms to adjacent properties would fail the BRE Daylight test. These would serve kitchens and bedrooms and following further investigation it has been calculated the two kitchens would retain 95% of their existing daylight and the bedroom 84% of its existing daylight. Whilst there would be some minor impact, this is lessened by the type of rooms that these will serve which are largely either used at in the evening or periodically when cooking. However, whilst this impact is limited by the scale of the reduction in daylight and the type of room, it is a matter that will weigh against the scheme in the overall planning balance.
- 6.25 In terms of the proposed units, they will be served by sufficient daylight as per the BRE guidelines and will have floorspaces in excess of the national space standards. All units will have access to some form of amenity space despite their urban location with is considered a benefit to the scheme. Furthermore, it is considered necessary to impose higher standards of glazing to deal with traffic noise associated with that of Upper Stone Street. This will be secured by condition and will require standards based upon a noise assessment to be carried out.
- 6.26 Due to the distance from the adjoining properties and the close knit nature of the area, whereby similar relationships are already present in the area and the layout and design of the development, it is considered the development would maintain the amenity of the surrounding properties in accordance with policy DM1 and Paragraph 17 of the NPPF.

Air Quality

- 6.27 The application has been supported by an Air Quality Assessment (AQA) which has been reviewed by the council's Environmental Health department who drew attention to the monitored levels of pollutants in the monitoring points in Upper Stone Street. The nearest points are measured on Upper Stone Street, both north and south of the application which amount to 94 µg/m³ (north of the site) to 71 µg/m³ (south of the site). The site lies with the Maidstone Air Quality Management Area with the UK Air Quality Objectives requiring Nitrogen Dioxide to not exceed 40 µg/m³. Thus it can be clearly seen the site lies within an exceedance area of the AQMA.
- 6.28 The Environmental Health department raised an initial objection to the application on the grounds of impacts against human health of the occupants on the development, potential impacts off-site by reason of canyoning effects and inadequacies of the original AQA. The applicant has responded to these concerns by revising the methodology of the assessment by taking into account of the gradient of the road and the potential canyon affect in its revised methodology. The applicant has then undertaken a further assessment using this revised methodology and assessed the

impacts upon on-site and off-site receptors which have been agreed with Environment Health. This shows that there are negligible impacts on off-site receptors as a result of canyoning or overall air quality impacts. Therefore in summary, it can be concluded that there will not be a negative impact on the AQMA or the other off-site receptors as a result of the development.

- 6.29 It is also clear that the air quality levels on the site and at the façade of the buildings on the frontage of the site will be excess of the national air quality objectives and thus the design of the scheme will have to include mitigation in order to safeguard the health of occupants in the development. The scheme originally contained 24 balconies to Block 1 and these have been removed and replaced with sealed glazed balconies which will be mechanically ventilated along with the remainder of this block to ensure the occupants are not exposed to any harmful pollutants. Furthermore, the inclusion of hedging and trees on the site frontage and general measures such as electric charging points for the car park and parking for the residential unit as per the Council's draft Air Quality Guidance document. It is suggested that planning conditions are imposed to require this mitigation to be secured over the lifetime of the development.
- 6.30 On this basis it is considered the scheme will not have negative effects on air quality and that the future occupants will not be exposed to air quality impacts subject to the imposition of the suggested conditions. Thus the scheme will accord with Policy DM6.

Other matters

- 6.31 The Site is located within Flood Zone 1 which is at the lowest risk of flooding and thus following the hierarchical approach to directing development to areas at the lowest risk of flooding. The scheme will accord with the national policy requiring major development to incorporate Sustainable Development Urban Systems (SUDS) as an integral part of development. The applicant plans to deal with surface water by way of attenuation or infiltration which is a betterment compared to the existing brownfield site which is almost fully impermeable. Thus, the inclusion of soft landscaped areas and the SUDS network within the site, there will be benefits to reducing surface water flooding in the area at times of heavy rainfall and taking account of climate change. At the time of writing the report KCC Drainage had not responded and this will be provided as an update to the committee.
- 6.32 In terms of ecology, the site at present offers a very low value in terms of biodiversity. In line with Policy DM3 and Paragraph 118 of the NPPF, the application will seek to incorporate bird boxes and swift bricks within the buildings, with swift bricks to be used in the higher 4 storey blocks and sparrow terraces to be inserted within the elevations of the other units to take account of the urban environment and likely species that could be attracted. The landscaping will include native trees, such as small leaf lime, and shrubs and where flower beds are provided, plants which are good pollinators will be required. Further detail in respect of these ecological enhancements and landscaping will be secured by planning condition.
- 6.33 The site is supported by a contamination report which highlights the potential contamination risks facing the site particularly having regard to the history of the site having a range of uses including a petrol filling station. The report confirms the use of the site is not prohibitive to the proposed use but recommends a Phase 2 contamination report to cover all risks and require remedial works if required. This will be secured by planning condition.

- 6.34 The application also proposes the use of renewable energy in the form of Solar PV panels which are shown indicatively on the roofs of the units. Together with passive design features and renewables, the applicant anticipates a 33% reduction in carbon emissions can be achieved by the inclusion of such features. A planning condition is recommended to secure the use of the renewable energy provision and further detail of the proposed energy efficiency measures to be employed in the scheme.

Infrastructure and Housing

- 6.35 In line with policy ID1 and DM20 major residential development will put pressure on existing services and there will be a requirement to contribute to improving infrastructure to mitigate impacts primary and secondary education, libraries, healthcare public open space as requested by (see consultation section above). KCC have requested Primary Education contributions of £73,959.00 which will go towards an additional classroom at South Borough Primary School, Secondary Education contributions of £52,505.55 towards Phase 1 of Maidstone Grammar School expansion and Library contributions of £2,256.74 towards new bookstock. NHS has requested 28,872 towards the improvement to the primary care infrastructure at the Albion Place, Allington Clinic, Bower Mount, Brewer Street Surgery, College Road Surgery and Mote Medical Practice. I have assessed these requests and consider them to be necessary to mitigate the impact of the development due to the additional pressure future occupants would place upon these services, and consider them to pass the legal tests for securing financial contributions. MBC Parks and Leisure have requested a contribution of 74,025 which will go towards the Amphitheatre, River Lee Corridor and Square Rose Garden.
- 6.36 Affordable housing would be provided at 28% with 9 units to be provided as affordable rent units and 4 units to be provided for shared ownership. Furthermore, 24 units will be retained for private rental units which will assist in meeting housing need within the area. Whilst this is slightly under the SP20 target of 30%, the provision of market rent and the wider mix, including 2-4 bedroom units, mitigated for this very minor shortfall. The affordable units and the private rental units will be secured by legal agreement. The housing section has raised no objection stating to this provision, and I consider this to be acceptable.
- 6.37 As the Council is the applicant the KCC contributions would be provided via a unilateral undertaking to KCC. As the public open space, NHS monies, and affordable housing would be dealt with by the Council (and the Council owns the site) it is not possible to secure these under a Section 106 Agreement under the Town & Country Planning Act. The mechanism to secure this is a Memorandum of Understanding between the Directors of Housing and Planning to provide the necessary monies and affordable housing and private rent.

7.0 CONCLUSION

- 7.01 The site is located within the urban area of Maidstone, within a predominately residential area to where redevelopment of a brownfield site is acceptable in principle. The existing uses of a car sales and private hall and public car park are not considered to be constraints to the redevelopment of the site subject to the provision of a replacement public car park. The development will result in the loss of some on-street parking but through changes to the existing street layout, the new layout will retain sufficient parking

to meet demand. The existing public car park is under utilised and the replacement car park will meet the measured demand in order sufficient parking provision is retained.

- 7.02 The scheme will provide a mix of housing, including flats and 3 and 4 bedroom houses each which are served by amenity space. The scheme is considered to be well designed and the landscaping of the frontage will create enhancements to the wider street scene and the scheme will incorporate measures such as renewable energy and ecological enhancements. The scheme has been assessed in relation to air quality and contamination and the scheme has been amended and suitable planning conditions are suggested to ensure a good living environment for future occupants. The scheme will also be served by sustainable urban drainage systems and there is foul water capacity to serve the development.
- 7.03 Whilst the loss of employment and minor impact on amenity will weigh against the scheme the many benefits of the development including the delivery of housing and efficient use of the brownfield site will outweigh these matters. In summary, the scheme is considered to be acceptable in planning terms and will meet the policies of the development plan subject to the imposition of planning conditions and the legal agreement. There are no other material considerations which indicate planning permission should be withheld.

8.0 RECOMMENDATION

:

Subject to the prior completion of a legal agreement to provide for the Heads of Terms set out below and subject to the conditions as set out below, the Head of Planning and Development **BE DELEGATED POWERS TO GRANT** to grant planning 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.

Heads of Terms

- 1 **Primary Education** £73,959.00 towards additional classroom at South Borough Primary School.
- 2 **Secondary Education** £52,505.55 towards Phase 1 of Maidstone Grammar School expansion.
- 3 **Library** £2,256.74 towards additional bookstock required to mitigate the impact of the new borrowers from this development.
- 4 **Open Space** a contribution of 74,025 which will go towards the Amphitheatre, River Lee Corridor and Square Rose Garden.
- 5 **NHS/Healthcare** £28,872 towards improvement to the primary care infrastructure at the Albion Place, Allington Clinic, Bower Mount, Brewer Street Surgery, College Road Surgery and Mote Medical Practice
- 6 28% Affordable Housing (9 affordable rent units and 4 shared ownership units).

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 approved shall not commence until a method statement for the demolition and/or construction of the development hereby approved has been submitted to, and approved in writing by, the Local Planning Authority. The demolition and construction works shall be carried out in accordance with the approved method statement. Details submitted in respect of the method statement shall include measures to prevent dust and air quality impacts, 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 means of recycling materials, 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.

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

- (3) The development hereby approved shall not commence above slab level until, details of satisfactory cycle storage facilities on the site have been submitted to and approved in writing by the local planning authority and the approved facilities shall be provided before the first occupation of the building(s) or land and maintained thereafter;

Reason: No such details have been submitted and in the interest of amenity.

- (4) No development (excluding the car park development) shall take place until details of the proposed slab levels of the building(s) and the existing site levels have been submitted to and approved in writing by the local planning authority and the development shall be completed strictly in accordance with the approved levels;

Reason: In order to secure a satisfactory form of development having regard to the topography of the site

- (5) No development above slab level shall take place until details of any lighting to be placed or erected within the site have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include, inter alia, details of measures to shield and direct light from the light sources so as to prevent light pollution, illuminance contour plots covering sensitive neighbouring receptors, and lighting of the car park area. The development shall thereafter be carried out in accordance with the subsequently approved details.

Reason: In the interest of residential amenity and safety.

- (6) No development approved by this planning permission shall commence until a remediation strategy to deal with the risks associated with contamination of the site has been submitted to, and approved in writing by, the Local Planning Authority. This strategy will include the following components:
- (i) A site investigation scheme based upon the recommendations of the submitted Phase 1 Desk Study report ref. 1625\CW\11-2016\577, dated December 2016 prepared by Lustre Consulting Ltd to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - (ii) The results of the site investigation and the detailed risk assessment referred to in (i) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 - (iii) A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (ii) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

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

Reason: To ensure that the development is not put at unacceptable risk from, or adversely affected by, unacceptable levels water pollution in line with paragraph 109 of the National Planning Policy Framework.

- (7) Prior to any part of the permitted development being occupied a verification report demonstrating the completion of works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to, and approved in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason: To ensure that the site does not pose any further risk to human health or the water environment in with paragraph 109 of the National Planning Policy Framework.

- (8) Prior to the commencement of any works above damp proof course level, written details and samples of the materials, to be used in the construction of the external surfaces of any buildings and surfacing of, parking and turning areas and pathways shall be submitted to and approved in writing by the Local Planning Authority. This shall include shall include red stock brick, timber cladding, standing metal seam cladding, grey aluminium windows and doors. Once approved, the development shall be constructed using the approved materials.

The details and samples of the materials submitted shall include details of swift and sparrow bricks incorporated into the proposed building;

Reason: To ensure a satisfactory appearance to the development

- (9) Prior to the commencement of any works above damp proof course level details of the PV panels as set out in the submitted Energy Report shall be submitted to the Local Planning Authority and approved in writing. The development shall be carried out in accordance with the approved details;

Reason: In the interests of promoting renewable energy and securing a high standard of design.

- (10) Prior to the commencement of any works above damp proof course level details of a maintenance programme for maintaining the external appearance of the new building and the communal areas of the site, including the landscaped areas of the development, shall be submitted to and approved by the Local Planning Authority. The programme shall thereafter be implemented in accordance with the subsequently approved details.

Reason; To maintain and preserve the character and appearance of the buildings in the interests of the visual amenities and character of the area

- (11) Prior to the commencement of any works above damp proof course level details a scheme of landscaping, using indigenous species which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development and long term management shall be submitted and approved by the Local Planning Authority. The programme shall thereafter be implemented in accordance with the subsequently approved details. The landscape scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines

- (12) The approved details of the parking/turning areas 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) 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: In the interests of highway safety

- (13) Development shall not begin until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority and connection to the public sewer agreed with Southern Water. The detailed drainage scheme shall demonstrate that the surface water generated by this proposal can be accommodated and disposed of on-site without any increase to the on/off-site flood risk (during any rainfall events up to and including the climate change adjusted 100yr critical storm) and ground investigation demonstrates that the use of infiltration does not present an unacceptable risk of ground movement.

No building hereby permitted shall be occupied until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:

- i) a timetable for its implementation, and
- ii) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime.

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

- (14) No development above slab level shall take place until a scheme to demonstrate that the internal noise levels within the residential units and the external noise levels in back garden and other relevant amenity areas will conform to the standard identified by BS 8233 2014, Sound Insulation and Noise Reduction for Buildings has been submitted to and approved in writing by the Local Planning Authority. The work specified in the approved scheme shall then be carried out in accordance with the approved details prior to occupation of the premises and be retained thereafter.

Reason: In the interests of amenity.

- (15) The car parks hereby approved shall not be used until details of crime prevention measures such as CCTV surveillance and security measures for the public car park, have been submitted to and approved in writing by the Local Plan Authority, and subsequently installed and thereafter maintained.

Reason: In the interest of public safety.

- (16) No building hereby permitted shall be occupied until the following off-site highways works have been fully implemented:

- The existing parking bays to the southern side of Brunswick Street have been relocated in accordance with the TPA technical note dated October 2017 and drawing no. PL2
- The existing parking bays to the northern side of George Street have been relocated in accordance with the TPA technical note dated October 2017 and drawing no.PL2
- Modifications to the footpaths to create new vehicle crossover from new access points and car parks.
- New footpath to Orchard Street

Reasons: To ensure the delivery and safeguard the public car park provision.

- (17) Prior the commencement of development above damp proof course, details of EV rapid charge points (of 22kW or faster) should be submitted for approval by the Local Planning Authority. This should be on the basis of one space per 10 residential dwellings (where no dedicated off-street parking is provided) and where dwellings have dedicated off-street parking, they should be provided with their own charge points for low-emission plug-in vehicles. The public car park should also provide 3 electric charging points. Once approved, the details shall be implemented prior occupation of the dwellings and retained thereafter.

Reason: to promote sustainable travel and reduce vehicle emissions vehicles.

- (18) The development hereby approved shall not commence above slab level until, details of all fencing, walling and other boundary treatments have been submitted to and approved in writing by the local planning authority. Such details shall include ragstone walling to the eastern frontage area and shall include detail of bond, mortar mix and pointing detail. The development shall be carried out in accordance with the approved details before the first occupation of the building(s) or land and maintained thereafter;

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

- (19) The glazing to the windows on the western elevation of Block 3 as shown on approved plan A(3)303 Rev E shall be fitted as obscured glazed and retained thereafter.

Reason: to protect the amenity of the adjacent properties.

- (20) Details of the privacy screens to be installed to the terrace areas on the second floor to Blocks 4 and 5 as shown on drawings shall be submitted for approval by the Local Planning Authority. The approved privacy screens shall be installed prior to first use of the dwellings and retained in place thereafter.

Reason: to protect amenity of adjacent properties

- (21) Prior to the commencement of development above damp proof course, details of the glazed balconies to Block 1 as shown on the approved plan A(1)300 and 301 rev E shall be submitted for approval by the Local Planning Authority. The development shall then be carried out in accordance with these details and retained thereafter.

- (22) Before the development hereby approved commences details of the following shall be submitted in respect of Block 1 as shown on the approved site plan A(0)102 for prior approval in writing by the Local Planning Authority being:

- The proposed ventilation system to demonstrate it is capable of providing acceptable air quality and acoustic attenuation for residents of the proposed flats.
- Any trunking and mechanical parts of the system such as fans and motors to demonstrate they are acceptable in acoustic terms and;
- Long term maintenance of the ventilation system.

The approved sound attenuation and air quality measures shall be installed before first occupation of any part of the development hereby approved and maintained in good order at all times thereafter.

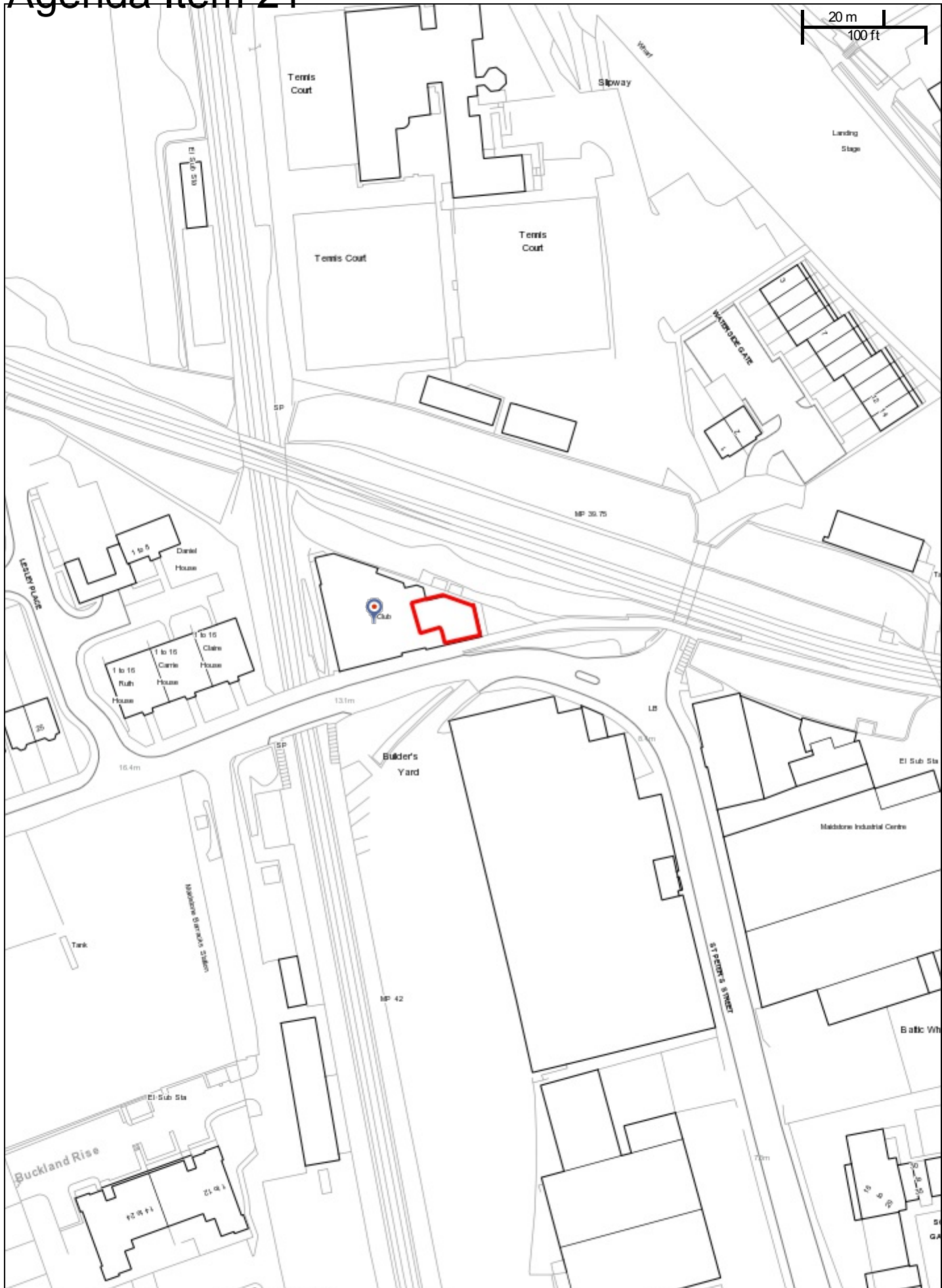
Reason: To secure an acceptable aural and air quality environment in the interests of amenity.

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

Block 1 elevation A(1)300 Rev E
Block 1 elevation A(1) 301 Rev E
Block 1 Ground A(1) 200 rev E
Block 1 1st A(1) 220 Rev E
Block 1 2nd A(1) 240 Rev E
Block 1 3rd A(1) 260 Rev E
Block 1 Roof Plan A (1) 280 Rev E
Block 2 Ground A(2) 200 Rev D
Block 2 1st A(2)220 Rev D
Block 2 2nd A(2)240 Rev D
Block 2 Elevations A(2) 300 Rev D

Block 2 Elevations A(2)301 Rev D
Block 3 ground Floor A(3) 200D
Block 3 1st Floor A(3) 220 D
Block 3 2nd Floor A(3) 240 D
Block 3 Roof Plan A(3) 260 D
Block 3 Elevations A(3) 301 Rev E
Block 3 Elevation A(3) 300 Rev D
Block 4 Ground floor A(4) 200 D
Block 4 1st Floor A(4) 220 D
Block 4 2nd floor A (4) 240D
Block 4 Roof Plan A (4) 260D
Block 4 elevations A(4)301 Rev E
Block 4 elevation A(4)300 Rev E
Block 5 Ground floor A(5) 200 C
Block 5 1st Floor A(5) 220 C
Block 5 2nd floor A (5) 240C
Block 5 Roof Plan A (5) 260C
Block 5 elevations A(5)301 Rev D
Block 5 elevation A(5)300 Rev D
Site location plan existing A(0)100
Site existing plan A(0)101
Proposed Site Plan A(0)102 Rev K

Agenda Item 21



REPORT SUMMARY

19 December, 2017

REFERENCE NO - 17/504979/FULL			
APPLICATION PROPOSAL - Proposed change of use of part of D2 (snooker club) to A1 (sandwich shop) with alterations to fenestration			
ADDRESS - Maidstone Snooker Club Buckland Hill Maidstone ME16 0SQ			
RECOMMENDATION – GRANT PLANNING PERMISSION subject to conditions			
SUMMARY OF REASONS FOR RECOMMENDATION - The current application overcomes the Council’s previous reasons for refusal on the basis that the proposed change from D2 to A1 use is permitted within the Use Classes Order, with the proposed alterations to fenestrations acceptable with regards to the relevant provisions of the adopted Local Plan, the NPPF and all other material considerations such as are relevant. Therefore, planning permission is recommended subject to conditions.			
REASON FOR REFERRAL TO COMMITTEE – Cllr David Pickett requested that the application be determined by the planning committee if the case officer was minded to recommend approval due to the lack of parking provision within the scheme and highways safety concerns.			
WARD Bridge		PARISH/TOWN COUNCIL	APPLICANT Mr Timur Albay AGENT Barron Edwards Ltd
DECISION DUE DATE 08/12/17		PUBLICITY EXPIRY DATE 10/11/17	OFFICER SITE VISIT DATE 18/10/2017
RELEVANT PLANNING HISTORY			
App No	Proposal	Decision	Date
12/0354	Change of use of part of the snooker club to A1 retail shop, including alterations to the front of the premises (retrospective).	Refused	29.04.2012
09/0219	Retrospective application for part change of use of snooker club to supermarket (A1), installation of shopfront and security shuttering	Refused	24.05.2009
08/1406	Alterations to front elevation fenestration as shown on site location plan, drawing number 150.08/01 and 02 received 14 July 2008	Permitted	21.09.2008
07/1335	Change of use of part of the snooker club from class D2 to A5 for use as a takeaway and installation of extraction flue system	Refused	20.08.2007

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The application relates to an existing snooker club on the north side of Buckland Hill. The premises occupy a triangular shaped plot of land located within the Maidstone Town Centre boundary as designated in the adopted Local Plan (2017) policy map. The site is bounded by the Maidstone West railway line to the west and the Maidstone east railway line to the north east. To the west of the site beyond the railway line are three residential apartment blocks and further residential developments. To the south and east are a variety of commercial and industrial premises.

- 1.02 Buckland Hill runs west to eastwards across the southern façade of the premises. The site has a relatively narrow street frontage with no footway on its south side. The width of the road is further reduced to the west of the site where it passes over the railway line serving Maidstone Barracks Station, situated below this part of Buckland Hill. The existing pedestrian access points on the south side of the road leads down to the station platforms. There are three schools within 0.5km of the site.

2.1 PROPOSAL

- 2.01 The current application is a resubmission of MA/12/0354 for retrospective change of use of part of the snooker club to A1 use, together with associated external alterations to the building. This previous application was refused on grounds of highway safety and external appearance of the proposed surface mounted shutter box installed upon the façade of the premises.
- 2.02 It involves the change of use of a section of the snooker club from D2 (Assembly and Leisure) to A1 (Shop) for the establishment of a sandwich shop, together with alterations to fenestration.
- 2.03 Since the previous application was determined, amendments to the Use Classes Order now permit a change from D2 uses to A1 for a period of two years. Therefore, councillors are reminded that the only element for determination in this submission is the proposed fenestration changes involving transformation of one of the windows on the façade of the building into a door and the permanent (rather than a temporary 2 year period) nature of the change of use .

3.0 POLICY AND OTHER CONSIDERATIONS

Maidstone Borough Local Plan 2017: SP4 and DM1 are of relevance to this proposal. National Planning Policy Framework (NPPF) Paragraph 23, 58 and 59 are of relevance.

4.0 LOCAL REPRESENTATIONS

- 4.01 **Local Residents:** Two representations received from local residents raising the following (summarised) issues:
- Lack of parking provision
 - Highway Safety

5.0 CONSULTATIONS

- 5.01 **KCC Highways and Transport:** No objection
- 5.02 **Environmental Health:** No objection subject to conditions covering restrictions on times of use and hours of working (demolishing/construction).

6.0 APPRAISAL

Main Issues

6.01 The key issues for consideration are:

- Principle of development
Visual impact
- Residential amenity
- Highways impact

Principle of Development

6.02 The application site is located within the Maidstone Town Centre Boundary as defined by the adopted Local Plan (2017) policy map. Policy SP4 of the adopted local plan supports the sustainable growth of the Maidstone Town Centre. Policy DM1 sets out the Council's objectives of achieving high quality design throughout the borough. The National Planning Policy Framework NPPF identifies good design as a key objective in planning, setting out the need for development proposals to be of high quality and requiring development to add to the overall character of areas, whilst responding to local character. (paragraphs 58 and 59).

6.03 The application is for change of use of part of the building from D2 (Assembly and Leisure) to A1 (Shop), together with alterations to the fenestrations. As the element of the proposal involving the change of use is permitted within the Use Classes Order, the only aspect of the application for determination is the proposed alterations to fenestrations, involving replacement of a window with a door. Notwithstanding the Council's previous refusal on a similar scheme and having regards to the above, the principle of the proposed alteration is acceptable.

Visual Impact:

6.04 The application building which is on the fringe of residential development in Buckland Hill has a distinctive character derived from brown brick work, coupled with the disposition of the windows on its façade which reflects its recreational use. The mix of high level and casement windows originally served the ancillary accommodation on the right side of the entrance which includes toilets and storage.

6.05 The external alteration currently proposed in this application involves replacement of one window opening on the façade of the building with a door. Councillors should note that the proposed fenestration has changed from that previously refused by the Council, with the removal of the roller shutter and surface mounted shutter box installed upon the façade of the premises. The current proposal would not have any significant adverse impact when viewed in the context of the character of the application building. It would not disrupt the visual coherence of the building's façade and is considered acceptable in terms of design.

Residential amenity:

6.06 In terms of neighbour amenity, considering the minor nature of the alterations proposed, I do not believe that any significant harm would be caused to the residential amenity of surrounding commercial and residential properties.

Highways impact:

- 6.07 The application premises are at the bottom of Buckland Hill near a sharp bend where the road turns south to join St Peters Street. Car parking standards for land use Class A1 (shops) within SPG4 recommends 1 car parking space 18m². The proposal covering 106 square metres of floor area would normally require provision of 6 car parking spaces.
- 6.08 Whilst a number of objections have been raised on grounds of highways safety, which also formed the basis for the Council's decision to refuse the previous application, it is recognised that the A1 use currently proposed is allowed in the Use Classes Order. In the circumstances, an overriding planning objection on highway safety grounds cannot be sustained.
- 6.09 The Planning Statement accompanying the current submission states that customers of the proposed shop are anticipated to be mainly pedestrians passing by the site. In the intervening time between the previous and current applications, traffic bollards have been installed on the edge of the pavement along this part of Buckland Hill, which is a significant material consideration that needs to be taken into account in determining this application. The bollards would make it physically impossible for vehicles to straddle the pavement along the site frontage. With the bollard serving as a deterrent for unlawful parking, customers intending to visit the shop would have to park on nearby roads with public parking, mitigating any highways safety concerns.
- 6.10 The application site is located within Maidstone Town Centre boundary (with good bus links) to all parts of Maidstone. The application site is in a highly sustainable location and could be accessed without the use of a private car and where needed public transport alternatives to the use of the private car. KCC Highways and Transport does not raise any objection to this application on parking or highways safety grounds. In the event, any highways safety objections cannot be sustained.

7.0 CONCLUSION

- 7.01 For the reasons set out above, I conclude that the proposed change from D2 use to A1 use and the associated alterations is in accordance with the development plan and that there are no overriding material considerations to indicate a refusal of planning permission. I therefore recommend approval with conditions set out below.

8.0 RECOMMENDATION

- 8.01 GRANT Planning Permission subject to the following conditions:

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

Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. The development hereby permitted shall be carried out in accordance with the following approved plans/drawings; PW03 and PW04 received on 26 September 2017

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

3. The materials to be used in the construction of the external work to the building hereby permitted shall match those used in the existing building;

Reason: To ensure a satisfactory appearance to the development

4. The use hereby permitted shall only be carried out between the hours of 07:00 to 22:00hrs Monday to Friday, 10:00 to 16:00hrs on Saturdays & Sundays with no use on Bank Holidays.

Reason: In the interest of the amenities of neighbouring residential owners/occupiers.

INFORMATIVES

1. **Construction**

The Mid Kent Environmental Code of Development Practice is highlighted to the applicant in relation to proposed construction works.

2. **Asbestos**

The applicant is reminded that adequate and suitable measures should be carried out for the minimisation of asbestos fibres during demolition, so as to prevent airborne fibres from affecting workers carrying out the work, and nearby properties. Only contractors licensed by the Health and Safety Executive should be employed. Any redundant materials removed from the site should be transported by a registered waste carrier and disposed of at an appropriate legal tipping site.

3. **Food plus Health & Safety issues**

The applicant is advised of the requirement to register their food business establishment with the Local Authority at least 28 days before food business operations commence, by virtue of Regulation (EC) 852/2004 on the hygiene of foodstuffs. Prior to use, Environmental Health should be contacted to ensure compliance with the Food Safety Act 1990 and all relevant statutes. Prior to use, Environmental Health should also be contacted to ensure compliance with the Health and Safety at Work etc. Act 1974 and all relevant statutes.

Case Officer: Francis Amekor

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



REPORT SUMMARY
19th December 2017

REFERENCE NO - 17/505399/FULL			
APPLICATION PROPOSAL - Garage/Store (works started).			
ADDRESS - The Stables, Street Farm, The Street, Boxley, Kent, ME14 3DR			
RECOMMENDATION - APPROVAL			
SUMMARY OF REASONS FOR RECOMMENDATION – Although this is a retrospective application, the submission is considered to comply with the policies of the Development Plan and National Planning Policy Framework, and there are no overriding material considerations to indicate a refusal of planning permission.			
REASON FOR REFERRAL TO COMMITTEE – At the request of Boxley Parish Council			
WARD Boxley		PARISH/TOWN COUNCIL Boxley	APPLICANT Mr. K. Done
DECISION DUE DATE 20/12/2017	PUBLICITY EXPIRY DATE 29/11/2017	OFFICER SITE VISIT DATE 08/11/2017	
RELEVANT PLANNING HISTORY			
App No	Proposal	Decision	Date
16/500889/FULL	Variation of Condition (02) of planning permission MA/13/1348 - Demolition of redundant cattle shed and other structures and conversion of traditional courtyard buildings to provide 2 no. dwellings with access, parking and landscaping (to allow the use of hand made clay tiles in place of Kent peg tiles).	Refused	11.04.2016
14/0682	An application to discharge conditions relating to MA/13/1348 (Demolition of redundant cattle shed and other structures and conversion of traditional courtyard buildings to provide 2 no. dwellings) being conditions 3 (materials), 6 (landscaping), 8 (fencing), 9 (drainage), and 12 (lighting).	Approval	19.08.2014
14/501511/FULL	Conversion of redundant farm building to dwelling	Approval	26.02.2015
13/1348	Demolition of redundant cattle shed and other structures and conversion of traditional courtyard buildings to provide 2 no. dwellings with access, parking and landscaping	Approval	26.09.2013
10/1732	Demolition of redundant cattle shed and other structures and conversion of disused traditional courtyard buildings to provide 4.no. dwellings with access, parking and landscaping	Approval	02.03.2011

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 Street Farm is located on the western edge of Boxley village within the open countryside as defined by the Maidstone Borough Local Plan. It is also within the Kent Downs Area of Outstanding Natural Beauty (AONB). Street Farm is comprised of a complex of former farm buildings that have been converted into 3 residential dwellings. To the south and west is open farmland and directly to the west is a large, modern agricultural building. To the east there are grade II listed buildings known as Malthouse Cottage and Yew Trees House which are residential in use. They are separated from the application site by brick boundary wall.
- 1.02 The application itself relates to the northernmost dwelling which is known as The Stables and is part of the complex of former farm buildings that have been converted to residential. The property has private amenity space to the south with access and parking to the west. The western boundary of the property is defined by a close boarded fence together with brick piers.

2.0 PROPOSAL

- 2.01 This application seeks retrospective planning permission for the erection of a garage/store building for the dwelling within the Street Farm that is now known as The Stables. This is the northernmost building within the complex and the garage/store is located some 4.5m from the southern elevation of the property, within its private garden area. The building is largely finished, with works yet to be completed in respect of the tiling of the roof.
- 2.02 The building is 5m in width and 14m in length. It has a pitched roof with a height to eaves of 2.2m and a maximum height of 3.8m. The ground varies in level, rising slightly to the north and consequently, there is a retaining wall of 600mm in height around the northern end of the building. The exterior of the garage/store is finished in timber boarding with cedar shingles. The only opening is located on the western elevation and this is comprised of solid timber garage doors.

3.0 POLICY AND OTHER CONSIDERATIONS

Maidstone Local Plan 2017: SP17; SP19; DM1; DM3; DM4; DM30 and DM32
National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Supplementary Planning Documents: Residential Extensions 2017

4.0 LOCAL REPRESENTATIONS

- 4.01 **Local Residents:** No comments received.

5.0 CONSULTATIONS

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

5.01 **Boxley Parish Council:**

Objection. The original development on this site was granted in 2010 with the permission emphasising the importance of retaining the character including the 'traditional courtyard' and open nature of the original farm. At the time of granting, MBC imposed conditions on materials to ensure this happened. The developer has ignored previous conditions and has now erected a structure that does not resemble or reflect the buildings that exist around it. The new structure has cedar shingles and not clay tiles used in other buildings. It is therefore considered not in keeping with the character of the immediate area, and it will have a harmful effect on the visual impact as viewed from the AONB. The Parish Council is appalled to see this application submitted when the applicant has not complied with the conditions on the two previous applications which have result in an appeal. The Parish Council does not approve of retrospective applications. The Paris Council would like this reported to the planning committee.

6.0 **APPRAISAL**

Main Issues

6.01 The key issues for consideration relate to:

- **Design and visual impact with particular reference to the AONB;**
- **Retrospective planning permission.**

Design and Visual Impact

- 6.02 The building has been designed with reference to the character and appearance of the residential conversions that were recently approved at Street Farm. The buildings have a somewhat courtyard feel in terms of their arrangement and proximity to each other and the boundaries around them are mostly defined by close boarded timber fencing. The building that is subject of this application is situated at 90° to the host dwelling and there is a separation distance of 4.5m. It is also located on a lower ground level to The Stables and is seen within the context of the amenity space for the property. The building is largely screened to the north by The Stables; to the east by the existing brick boundary wall; to the south by the other dwellings within the Street Farm complex; and to the west by the boundary fence and brick piers as well as the existing substantial agricultural building. Essentially, its presence is contained within the existing built form that surrounds it.
- 6.03 In terms of design, the garage/store is reflective of the rural character of the other buildings within Street Farm. Timber boarding is representative of Kentish design. I have considered the concerns raised by the Parish Council in respect of the use of cedar shingles for the roof instead of Kent peg tiles however, the overall colour and texture will blend in satisfactorily with its surroundings, particularly when they have weathered. The Street Farm complex lies outside of the Conservation Area and I do not believe that the garage/store will detract from the setting of the neighbouring listed buildings.
- 6.04 Essentially, the scale, design and materials used in this development are, in my opinion, appropriate to this location and will not detract from the character of the countryside or quality of the AONB.

Retrospective Planning Permission

- 6.05 The comments of the Parish Council raise their disapproval of retrospective planning applications. I would agree that it is regrettable that permission was not sought prior to the commencement of construction however, in advising on effective planning enforcement, Planning Practice Guidance states that as there are a range of ways in which local authority's can tackle alleged breaches of planning control. The type of action taken should be proportionate. This is also advised in paragraph 207 of the NPPF. Accordingly, a retrospective planning application can be invited if this is the most effective means of regularising the situation and this is the case here. Given that there is no material harm identified by the retention of this building I believe that a retrospective application is the most suitable means of dealing with this particular breach of planning control.

Other Matters

- 6.06 The Parish Council have raised their concerns over issues relating to the original planning permission for the conversion of the existing buildings to residential dwellings in respect of roof tiles and rainwater goods. It is my understanding that these matters are presently the subject of an appeal that is awaiting decision.

7.0 CONCLUSION

- 7.01 On balance, I consider that this proposal is acceptable having regard to the relevant provisions of the Development Plan; NPPF and all other material considerations. I therefore recommend approval.

8.0 RECOMMENDATION

GRANT planning permission subject to the following conditions:

1. The development hereby permitted shall be carried out in accordance with the following approved plans: SGLP1; SGSP1; SFG1.

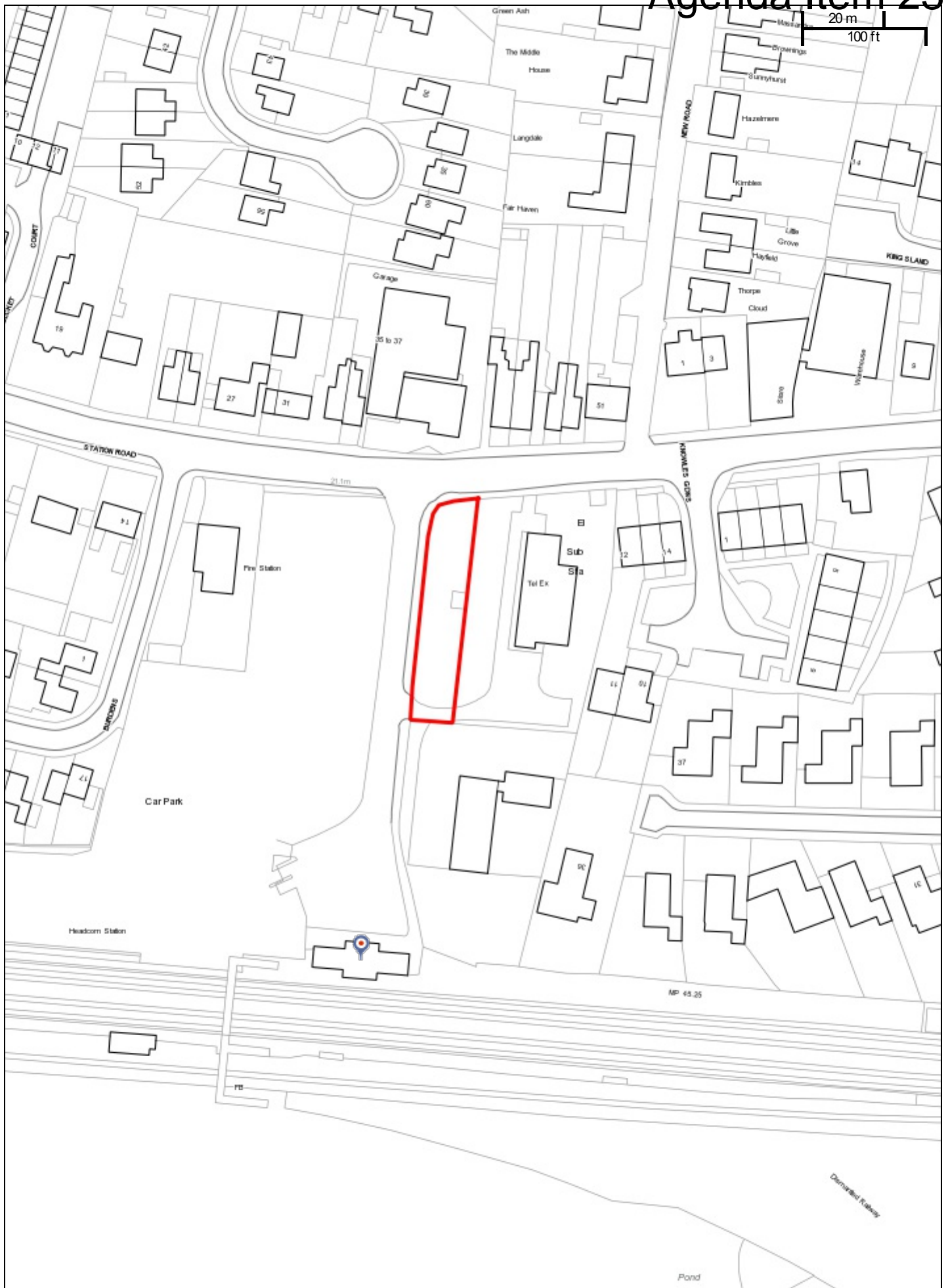
Reason: To clarify which plans have been approved.

2. The materials to be used in the construction of the external surfaces of the building hereby permitted shall accord with those specified in the application submission;

Reason: To ensure a satisfactory appearance to the development.

3. The garage/store hereby permitted shall only be used for purposes incidental to the domestic use of the related dwelling house and/or the parking of private motor vehicles and for no other purposes or use;

Reason: To prevent the introduction of uses which would cause demonstrable harm to the enjoyment of their properties by adjoining residential occupiers.



17/505703 - Harrison Car Sales

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REPORT SUMMARY

REFERENCE NO - 17/505703/FULL			
APPLICATION PROPOSAL			
Two year change of use to allow the siting of a mobile burger van on car wash/car sales forecourt. (Resubmission of 17/503283/FULL)			
ADDRESS Harrison Car Sales Station Approach Headcorn Ashford Kent TN27 9SD			
RECOMMENDATION – GRANT PERMISSION Subject to conditions			
SUMMARY OF REASONS FOR RECOMMENDATION			
The temporary change of use for the siting of a mobile burger van is considered to be acceptable.			
REASON FOR REFERRAL TO COMMITTEE			
Headcorn Parish Council wish to see the application refused and reported to Planning Committee			
WARD Headcorn	PARISH/TOWN Headcorn	COUNCIL	APPLICANT Mr Jetnor Xhemaj AGENT Mr C Smith
DECISION DUE DATE 28/12/17	PUBLICITY EXPIRY DATE 01/12/17	OFFICER SITE VISIT DATE 09/11/2017	
RELEVANT PLANNING HISTORY (inc. appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
12/2220	Temporary change of use of site for 5yrs for car wash and valeting site including widening of vehicle access points, laying of hardstanding, erection of 2m high screens and associated works	Permitted	04/02/2013
13/2009	Temporary car port for valeting at car wash	Permitted	13/01/2014
16/505266/FULL	Retrospective application for change of use for car wash and valeting and retain permanent use for car sales jointly on site	Permitted	15/12/2016
17/503283/FULL	Change of use to allow the siting of a mobile burger van on car wash/car sales forecourt.	Refused	19/10/2017

1.0 BACKGROUND INFORMATION

- 1.01 The application is the resubmission of a previously refused application (reference: 17/503283/FULL) for the change of use to allow the temporary siting of a mobile burger van on the carwash/car sales forecourt for a period of 2 years. The Committee Report for the previous application is attached under Appendix 1 of this report.
- 1.02 This application is identical in terms of location and scale to the previously refused application, however, details of the refuse area are now shown on the submitted block plan (Drawing Number: 72/791C) to be located on the south east corner of the site.
- 1.03 The Committee Meeting minutes for the 05/10/17 outlines the following two reasons for refusal:

“Contrary to the recommendation of the Head of Planning and Development, the Committee agreed to refuse permission by five votes to four with three abstentions. In making this decision, Members felt that the proposed development would cause adverse impacts on highway and pedestrian safety and cause harm to the residential amenities of the surrounding area.

RESOLVED: *That permission be refused for the following reasons:*

1. The proposed development will cause adverse impacts on highway safety by virtue of potential vehicle parking along Station Approach and will result in obstructions and impacts which would compromise pedestrian safety contrary to Policy DM1(ix) of the emerging Maidstone Local Plan.

2. The proposed development by virtue of its use would cause harm to the residential amenities of the surrounding area by virtue of noise, odour and disturbance as a result of comings and goings and vehicle movements which would be contrary to Policy DM1(iv) of the emerging Maidstone Local Plan and Paragraph 17 of the National Planning Policy Framework.”

- 1.04 The Planning Committee further resolved that the following informative be attached to the decision:

“If the applicant were minded to resubmit the application, then Members may consider a shorter temporary planning permission more appropriate in the circumstances to monitor the impacts arising from the development.

Voting: 11 – For 0 – Against 1 – Abstention”

2.0 LOCAL REPRESENTATIONS

- 2.01 One neighbour objection on the following summarised grounds:

- Previous application was refused by the Council on the basis of highway safety and impact on local residents and the consideration for two years warrants no different considerations;
- A range of objections were raised with the previous application and asks that these are taking into consideration with this application.

3.0 CONSULTATIONS

- 3.01 Headcorn Parish Council wish to see the application refused and referral to planning committee is required for the following summarised reasons:

- Views of the Parish remain unchanged from the previous application;
- No changes have been made to address the previous grounds for refusal and the amenity of the neighbouring properties will still be affected;
- It was felt that the applicant had been given inappropriate advice by the planning officer who had suggested applying for a shorter license period - this clearly changes nothing.

- 3.02 KCC Highways (Summarised) – No objection, subject to conditions.

“The NPPF guidelines of March 2012 state in paragraph 32 that ‘Development should only be prevented or refused on transport grounds

where the residual cumulative impacts of development are severe'. Whilst it is recognised there is a limited level of parking available within the curtilage of the development there is no tangible evidence to indicate that it would be detrimental to road safety and therefore this authority would have no grounds for a sustainable objection. The anticipated amount of traffic that will be generated as a result of the development is not considered to be severe and I therefore write on behalf of the highway authority that I have no objection to this application."

3.03 Environmental Health (Summarised) – No objection, subject to a condition.

3.04 Tunbridge Wells Borough Council – Raises no objection.

4.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF):
National Planning Practice Guidance (NPPG)
Maidstone Local Plan (2017): DM1

It is highlighted that that since the committee determination of the earlier planning application the Local Plan was adopted on the 25 October 2017.

5.0 CONCLUSION

5.01 For the reasons outlined in this report and the previous report in Appendix 1, this proposal would not harm the amenities of existing residents, would not harm the vitality or the viability of Headcorn High Street or cause safety issues on the highway. The proposal is acceptable with regards to the relevant provisions of the Development Plan, the National Planning Policy Framework, and all other material considerations. I recommend temporary conditional approval of the application on this basis.

6.0 RECOMMENDATION – GRANT 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 use hereby permitted shall only be open to customers within the following times: Mondays to Fridays, 08:00-18:00, Saturdays 08:00-18:00 and Sundays and Bank Holidays 09:00-16:00hrs.

Reason: To safeguard the amenity of local residents

- (3) The use hereby permitted shall be discontinued and the land shall revert to its former use and condition on or before 28/12/2019;

Reason: To enable the Local Planning Authority to regulate, monitor and control of the site/building.

- (4) The development hereby permitted shall be carried out in accordance with the following approved plans: 71/791A and 72/791C

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

- (5) Provision and permanent retention of the vehicle loading/unloading and turning facilities shown on the submitted plans prior to the use of the site commencing.

Reason: In the interests of highway safety.

- (6) Provision and permanent retention of the vehicle parking spaces and/or garages shown on the submitted plans prior to the use of the site commencing.

Reason: In the interests of highway safety.

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.
- (2) Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil. Information about how to clarify the highway boundary can be found at <https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>
- (3) The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.

Case Officer: Adam Reynolds

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

APPENDIX 1 – Planning Committee report for application reference: 17/503283/FULL

REPORT SUMMARY

28 September 2017

REFERENCE NO - 17/503283/FULL			
APPLICATION PROPOSAL Change of use to allow the siting of a mobile burger van on car wash/car sales forecourt.			
ADDRESS Harrison Car Sales Station Approach Headcorn Ashford Kent TN27 9SD			
RECOMMENDATION – Grant subject to planning conditions			
SUMMARY OF REASONS FOR RECOMMENDATION The application is considered to be acceptable subject to the condition that the opening hours are restricted to match those of the car wash and that the use is discontinued on or before 31/09/2019			
REASON FOR REFERRAL TO COMMITTEE It is contrary to views expressed by Headcorn Parish Council			
WARD Headcorn		PARISH COUNCIL Headcorn	APPLICANT Mr Jetnor Xhemaj AGENT Mr C Smith
DECISION DUE DATE 17/08/17		PUBLICITY EXPIRY DATE 21/07/17	OFFICER SITE VISIT DATE 07/11/17
RELEVANT PLANNING HISTORY (including adjoining sites):			
App No	Proposal	Decision	Date
12/2220	Temporary change of use of site for 5yrs for car wash and valeting site including widening of vehicle access points, laying of hardstanding, erection of 2m high screens and associated works	Permitted	04/02/2013
13/2009	Temporary car port for valeting at car wash	Permitted	13/01/2014
16/505266/FULL	Retrospective application for change of use for car wash and valeting and retain permanent use for car sales jointly on site	Permitted	15/12/2016

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The application site is a rectangular area of land measuring approximately 548.70m². The site is located on the junction of Station Approach (Headcorn Railway Station) and Station Road, with the longest site boundary to Station Approach. To the east of the site lies a telephone exchange, with the railway station car park and fire station to the west on the opposite side of the site/Station Approach. A petrol station lies directly north of the site on the opposite side of Station Road. To the south lies a

children's nursery which is in a building constructed from pre-fabricated materials. Planning permission has been granted for the demolition of the existing nursery building and erection of 9 terraced houses (Reference 14/0721).

- 1.02 The site was originally granted temporary planning permission as a car wash for a period of 5 years under reference: 12/2220. The joint use of the site for car sales and car valeting was made permanent under reference: 16/505266/FULL. A temporary car port was granted planning permission under planning reference: M1/13/2009 and has been erected on the site. A small brick timber clad building is present on site and is used for office use for the businesses.
- 1.03 The site has a separate access and exit for vehicles which are both off of Station Approach. Station Approach is not a through road and has double yellow lines either side of the road. Station Road to the north of the site has single yellow lines with parking restricted Monday – Friday 1:00pm – 1:30pm. The site currently has parking for 13 vehicles.
- 1.04 The site is within the defined village envelope of Headcorn and the Low Weald Special Landscape Area as defined by the Maidstone Borough Wide Local Plan 2000. Within the Final Draft Maidstone Local Plan the site is located within a Landscape of Local Value.
- 1.05 The nearest residential property is opposite the site and is located at No.43 Station Road, which is located 20m to the north of the site.

2.0 PROPOSAL

- 2.01 The proposal is for the change of use of a small part of the car wash/car sales measuring 10m² to A5 use for use as a hot foot takeaway to serve customers of the car wash. The proposed site is adjacent to the eastern boundary and the existing car wash canopy and office. The proposed site would be set back from Station Road by 15m and would be 8m into the site from the site boundary to the east from Station Approach.
- 2.02 The proposal would result in the loss of 1 parking space but the site would continue to benefit from 12 on-site parking spaces plus the car wash/valeting forecourt. The proposal will employ 1 additional full time member of staff.
- 2.03 The proposed opening hours are the same as the car wash/car sales which are as follows:
- Monday – Fridays: 08:00 hrs – 18:00 hrs
 - Saturdays: 08:00 hrs – 18:00 hrs
 - Sundays and bank holidays 09:00 hrs – 16:00 hrs

3.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF):
National Planning Practice Guidance (NPPG)
Development Plan: ENV 34, R17
Final Draft Maidstone Local Plan: DM1

- 3.01 Maidstone Borough Local Plan (2016) was submitted to the Secretary of State for examination on 20th May 2016. The Local Plan Inspector issued his Report on the Examination of the Maidstone Borough Local Plan on 27th July 2017. The Report is accompanied by an appendix containing the Main Modifications. The Inspector concludes that, with the incorporation of the Main Modifications, the submission

Maidstone Borough Local Plan is sound. The adoption of the Local Plan will be considered at the next meeting of the Council on 27th September 2017.

- 3.02 In these circumstances, it is considered that approaching full weight should be afforded to the Maidstone Borough Local Plan incorporating the Main Modifications in the determination of planning applications.

4.0 LOCAL REPRESENTATIONS

- 4.01 The planning application has been advertised with individual letters sent to adjoining properties and a site notice has been displayed.

- 4.02 Local residents: Three representations received from local residents objecting to the proposal on the following grounds (summarised)

- Odour produced by the burger van
- Increased traffic and parking of vehicles on the highway
- Visual appearance of the proposal being out of character with the village
- Litter created by the proposal

5.0 CONSULTATIONS

- 5.01 **Headcorn Parish Council:** Wish to see the application refused and referral to the planning committee is required for the following summarised points:

- There had been a burger van at this location in the past - without the appropriate permissions – and there were problems that had arisen at that time were innumerable.
- Unenforceable that the facility will only be used by the car wash and valeting customers and the use will lead to additional vehicles at the site where there is no facility for parking and the approach to the station and the A274 will be obstructed by these additional facilities.
- If the Officer/Committee is minded to approve this application then the Parish Council would wish to see the condition proposed by Midkent Environment Health.

- 5.02 **KCC Highways:** Raise no objection, but suggest a condition that permission should be temporary so that the proposal can be monitored.

- 5.03 **Midkent Environmental Health:** No objection subject to condition stating that the facility shall be used for the customers of the valeting business only, shall operate only during the opening hours of the wider use and the use being temporary so that its impact can be observed.

6.0 APPRAISAL

Main Issues

- 6.01 The key issues for consideration relate to:

- Principle of development;
- Vitality and viability of Headcorn Village; and
- Visual impact;

Principle of Development

- 6.02 There is a presumption in favour of sustainable development within the National Planning Policy Framework (NPPF), and the proposal is in a sustainable location within the village boundary of Headcorn village. The final draft of the Maidstone Local

Plan is approaching full weight and designates Headcorn village as a Rural Service Centre

Vitality and viability of Headcorn Village

- 6.03 Policy R17 of the Development Plan outlines that the Council will permit hot food shops, restaurants, cafes, bars and public houses outside of the core shopping area to which Policy R7 applies, provided that the following criteria are met:

- (1) That there is no detrimental effect, by reason of hours of opening, fumes and smells or noise and disturbance, to nearby or adjoining uses and especially residential amenity; and
- (2) That the effect of one or a concentration of such uses would not be detrimental to the vitality and viability of any district or local centres within which they may be locate

- 6.04 In terms of the potential impact on the vitality and viability of Headcorn village Local Centre. The proposal could provide some competition with existing shops/cafes within the local village or the petrol station opposite the site. However, this is only a small number of businesses. Whilst the proposal would provide some competition, it is considered that it is not of such a scale that would cause significant harm to local shops or the overall vitality and viability of the retail centre. For these reasons, I do not consider an objection in terms of harm to this Local Centre could be sustained and I am satisfied that this proposal is not contrary to Policy R17(2).

Visual Impact

- 6.05 The mobile burger van will be parked on the eastern side of the site set back from Station Road by 15m and set 8m to the east of Station Approach. The burger van will remain on site at all times and would be visible within the site. With the existing use of the site with a car port and also taking account of the adjacent uses, I do not consider that the proposal would have an adverse visual impact upon the area or upon the character of the special landscape area nor the Landscape of Local Value

Residential Amenity

- 6.06 Policy DM1 of the Emerging Local Plan relates to the scale, design and impact on the character and appearance of the area. The policy states that new development will be permitted where it respects the amenities of occupiers and be ensuring that the development does not result in excessive, noise, vibration, odour, air pollution, activity or vehicular movements to nearby properties.
- 6.06 The first part of saved Policy R17 of the Development Plan outlines that the Council will permit hot food shops, restaurants, cafes, bars and public houses outside of the core shopping area to which Policy R7 applies, provided that the criteria listed in paragraph 6.03 above are met.
- 6.07 A number of residents have raised concerns about the impact of cooking smells. Mid Kent Environmental Health has assessed the application and is satisfied that the proposed use if ancillary to the hand car wash would have a negligible impact on residential amenity. Given the distance from the proposal site to the nearest neighbouring properties and that the immediate adjacent uses to the site consist of a telephone exchange, car park and petrol station to the north of station road, I am satisfied that the proposal would not result in an undue impact upon the amenity of the occupiers of residential properties.

- 6.08 The Parish Council has requested that should permission be granted that a condition is attached as suggested by Environmental Health that the facility should be used for the customers of the valeting business only and shall operate only due the opening hours of the wider use. Whilst the applicant has also outlined that the burger van is for the use solely of the car valeting customers, Paragraph 206 of the NPPF requires planning conditions to only be imposed where they are enforceable. A condition requiring the burger van to only be used by car valeting customers only would not be enforceable. However, it is recommended that a condition be attached to ensure that the proposed use mirrors the car wash in terms of opening and closing times so that the amenity of local residents is preserved and this approach is supported by Mid Kent Environmental Health.

Highways

- 6.09 The Highways Officer is of the view that the proposal should only be open for the same hours as the car wash and has suggested that the approval should be given for an initial period only so that the use can be observed in terms of highway impact. Subject to the above conditions the use is considered acceptable by the Highways Officer. I am satisfied that this proposal would not result in an adverse highway safety issue.

Other Matters

- 6.10 A number of consultees have commented on the previous breach of planning control with the stationing of a catering unit. In April 2013 the Council investigated a complaint and found a breach of planning control with the stationing of a catering van, this breach was not considered so serious that enforcement action was necessary and the owner was told to submit an application for change of use or to stop trading. No application was forthcoming and the owner ceased trading from the site.
- 6.11 Issues have been raised from local residents in regards to waste disposal from users of the burger van. Whilst no details have been provided in regards to refuse, I do not consider an objection on this ground could be sustained and details of refuse can be provided by condition.

7.0 CONCLUSION

- 7.01 For the reasons outlined, this proposal would not harm the amenities of existing residents, would not harm the vitality, the viability of Headcorn High Street or cause safety issues on the highway. The proposal is acceptable with regards to the relevant provisions of the Development Plan, the National Planning Policy Framework, and all other material considerations. I recommend conditional approval of the application on this basis.

8.0 RECOMMENDATION – GRANT 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.

- (4) The use hereby permitted shall only be open to customers within the following times: Mondays to Fridays, 08:00-18:00, Saturdays 08:00-18:00 and Sundays and Bank Holidays 09:00-16:00hrs.

Reason: To safeguard the amenity of local residents

- (5) The use hereby permitted shall be discontinued and the land shall revert to its former use and condition on or before 31/09/2019;

Reason: To enable the Local Planning Authority to regulate, monitor and control of the site/building.

- (4) The development hereby permitted shall be carried out in accordance with the following approved plans: Plan No. 72/791 and 71/79/A

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

- (5) The development hereby approved shall not commence until, details of satisfactory facilities for the storage of refuse on the site and measures to prevent littering locally have been submitted to and approved in writing by the local planning authority and the approved facilities shall be provided from the start of the approved use and maintained as such thereafter

Reason: No such details have been submitted and this information is required prior to commencement as the first operation of the use has the potential to cause issues in relation to refuse.

INFORMATIVE

- (1) The applicant is advised that the catering facility must be registered as a food business with the Food and Safety Team at the council.
<http://www.maidstone.gov.uk/business/environmentalhealth/food>

Case Officer: Adam Reynolds

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

THE MAIDSTONE BOROUGH COUNCIL **PLANNING COMMITTEE – 19th December 2017**

APPEAL DECISIONS:

1. 16/508427

Removal of Condition 2 of planning permission
15/508164/FULL (Erection of 2.4m security
fencing to the boundary to replace existing) -
Removal of condition for planting of Hawthorn
hedgerow

APPEAL: Allowed with conditions

Maidstone Auction Market Detling Aerodrome
Aerodrome Approach
Service Road
Detling
ME14 3HU

(Delegated)

2. 16/505966 & 16/505967

(16/505966) Change of use and conversion of
The Railway Tavern to one dwelling; and the
erection of a new detached dwelling with parking
and landscaping.

(16/505967) Conversion of The Railway Tavern
to a dwelling and associated works.

APPEAL: Allowed with conditions

Railway Tavern
Station Road
Staplehurst
TN12 0QH

(Delegated)
