

# PLANNING COMMITTEE MEETING

Date: Thursday 31 January 2019  
Time: 6.00 p.m.  
Venue: Town Hall, High Street, Maidstone

## Membership:

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

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

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## AGENDA

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|--|---------|
| 1. Apologies for Absence   |         |
| 2. Notification of Substitute Members  |         |
| 3. Notification of Visiting Members  |         |
| 4. Items withdrawn from the Agenda   |         |
| 5. Date of Adjourned Meeting - 7 February 2019   |         |
| 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 10 January 2019   | 1 - 4   |
| 11. Presentation of Petitions (if any)   |         |
| 12. Deferred Item  | 5       |
| 13. 18/503410/FULL - 130 Upper Fant Road, Maidstone, Kent  | 6 - 15  |
| 14. 18/505214/FULL - 27 Milton Street, Maidstone, Kent   | 16 - 19 |

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**Issued on Wednesday 23 January 2019**

**Continued Over/:**

*Alison Broom*

**Alison Broom, Chief Executive**

15.	18/505386/FULL - Kings Oak Farm, Crump's Lane, Ulcombe, Maidstone, Kent	20 - 29
16.	18/505417/REM - Land South of Forstal Lane, Coxheath, Kent	30 - 46
17.	18/505726/FULL - Mansion House Farm, Crump's Lane, Ulcombe, Maidstone, Kent	47 - 57
18.	Appeal Decisions	58 - 59

#### **PLEASE NOTE**

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

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

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

#### **PUBLIC SPEAKING AND ALTERNATIVE FORMATS**

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

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

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## MAIDSTONE BOROUGH COUNCIL

### PLANNING COMMITTEE

#### MINUTES OF THE MEETING HELD ON 10 JANUARY 2019

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

**Also Present:** Councillor Powell

236. APOLOGIES FOR ABSENCE

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

237. NOTIFICATION OF SUBSTITUTE MEMBERS

There were no Substitute Members.

238. NOTIFICATION OF VISITING MEMBERS

Councillor Powell attended the meeting as an observer.

239. ITEMS WITHDRAWN FROM THE AGENDA

18/503410 – DEMOLITION OF EXISTING GARAGE AND ERECTION OF A FOUR BEDROOM FOUR STOREY ATTACHED HOUSE WITH INTERNAL ALTERATIONS TO MAIN HOUSE – 130 UPPER FANT ROAD, MAIDSTONE, KENT

The Development Manager sought the agreement of the Committee to the withdrawal of application 18/503410 from the agenda.

The Development Manager explained that, unfortunately, the correct procedures for notifying people with an interest in the application that it was to be considered at this meeting, and setting out the public speaking arrangements, had not been followed. Since objections had been received, it was considered appropriate that the application be withdrawn from the agenda and presented to the next meeting of the Committee.

The Development Manager further advised the Committee that it was considered that the other application on the agenda (18/505243 - Demolition of an existing garage and the erection of a new four bedroom dwelling – 99 Sutton Road, Maidstone, Kent) could be determined as no objections had been received and no one would be disadvantaged if it were to be dealt with at the meeting.

**RESOLVED:** That agreement be given to the withdrawal of application 18/503410 from the agenda.

240. URGENT ITEMS

The Chairman stated that, in his opinion, the update report of the Head of Planning and Development should be taken as an urgent item as it contained further information relating to the application to be considered at the meeting. The costs decision in relation to appeal reference APP/U2235/W/18/3197693 (Lewis Court Cottage, Green Lane, Boughton Monchelsea, Maidstone, Kent) should also be taken as an urgent item as it had been inadvertently omitted as an Appendix to the report of the Head of Planning and Development regarding an appeal decision received since the last meeting of the Committee.

241. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members or Officers.

242. EXEMPT ITEMS

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

243. MINUTES OF THE MEETING HELD ON 13 DECEMBER 2018

**RESOLVED:** That the Minutes of the meeting held on 13 December 2018 be approved as a correct record and signed.

244. PRESENTATION OF PETITIONS

There were no petitions.

245. DEFERRED ITEM

18/503763/FULL - ERECTION OF TWO NEW DWELLINGS - LAND TO THE REAR OF 244 - 250 UPPER FANT ROAD, MAIDSTONE, KENT

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

246. 18/503410 - DEMOLITION OF EXISTING GARAGE AND ERECTION OF A FOUR BEDROOM FOUR STOREY ATTACHED HOUSE WITH INTERNAL ALTERATIONS TO MAIN HOUSE - 130 UPPER FANT ROAD, MAIDSTONE, KENT

See Minute 239 above.

247. 18/505243 - DEMOLITION OF AN EXISTING GARAGE AND THE ERECTION OF A NEW FOUR BEDROOM DWELLING - 99 SUTTON ROAD, MAIDSTONE, KENT

There were no disclosures of lobbying.

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

In presenting the report the Case Officer explained that the application was identical to the previous application permitted by the Committee other than the addition of a rear dormer. However, upon further inspection of the plans, there appeared to be a discrepancy between the proposed roof and the floor plans and the proposed elevation drawings with the roof plans indicating a dormer which would encompass the full width of the roof and the elevation drawings indicating a set in from the roof edge. If Members were minded to grant permission, delegated powers were requested to address this issue.

During the discussion, reference was made to the need to remind Planning Officers to attach, as appropriate, conditions relating to integral niches for wildlife to planning consents.

**RESOLVED:** That subject to the discrepancies relating to the rear dormer being resolved to ensure that it sits within the roof slope, the Head of Planning and Development be given delegated powers to grant permission subject to the conditions and informatives set out in the report with any additional/amended conditions that may be necessary as a consequence of the resolution of the discrepancies relating to the rear dormer.

Voting:        12 – For        0 – Against        0 – Abstentions

248. APPEAL DECISION

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

The Development Manager advised Members that the appeal against refusal of application 16/508513 relating to the demolition of an existing lean to garage and the erection of 2 no. detached dwellings with parking and landscaping at Lewis Court Cottage, Green Lane, Boughton Monchelsea had been allowed. Although it was stated in the report that the application had been determined under delegated powers, it had, in fact, been refused by the Planning Committee contrary to the Officers' recommendation. A costs application had also been partially allowed, but limited to the costs incurred by the applicant in contesting that part of the Council's first reason for refusal which concerned alleged conflict with Policy SP17 of the Maidstone Borough Local Plan 2017. The Inspector considered that the Council had failed to produce evidence to fully substantiate the reason for refusal in respect to Policy SP17.

**RESOLVED:** That the report be noted.

249. DURATION OF MEETING

6.00 p.m. to 6.25 p.m.

## **MAIDSTONE BOROUGH COUNCIL**

### **PLANNING COMMITTEE**

**31 JANUARY 2019**

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

##### **DEFERRED ITEM**

<b>APPLICATION</b>	<b>DATE DEFERRED</b>
<p><u>18/503763/FULL - ERECTION OF TWO NEW DWELLINGS - LAND TO THE REAR OF 244 - 250 UPPER FANT ROAD, MAIDSTONE, KENT</u></p> <p>Deferred to:</p> <ul style="list-style-type: none"><li>• Seek the submission of a reptile survey;</li><li>• Negotiate the incorporation of renewable energy measures such as decentralised energy generation within the development and integrated niches for wildlife (bat tubes or bird bricks);</li><li>• Negotiate the retention of a percentage of the cordwood on the site to provide habitat for wildlife; and</li><li>• Seek details of a vehicle tracking programme.</li></ul>	29 November 2018

# Agenda Item 13



18/503410 130 Upper Fant Road

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<b>REFERENCE NO - 18/503410/FULL</b>		
<b>APPLICATION PROPOSAL</b> Demolition of existing garage and erection of a 4 bedroom four storey attached house. Internal alterations to main house.		
<b>ADDRESS</b> 130 Upper Fant Road Maidstone Kent ME16 8BU		
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b>		
<ul style="list-style-type: none"> <li>• The application site represents a sustainable location with good access to facilities and services, including public transport, within the wider Maidstone urban area. The broad principle of the infill development of the site is therefore acceptable.</li> <li>• The additional dwelling would reflect the existing built form in terms of its appearance and would be absorbed into the existing character, pattern and layout of the built environment. Given its harmonious appearance in relation to the existing terrace of houses, the proposal would appear as a congruous addition to the streetscene. The amenity impact of the proposal would be acceptable and accord with Policy DM1 of the local Plan.</li> <li>• The parking provision and highway impact of the proposal would be acceptable.</li> </ul>		
<b>REASON FOR REFERRAL TO COMMITTEE</b>		
The local Member – Cllr Harper, has called the item to committee as he considers that the proposal represents over development in an already contested area, there is no recognition to the existing street scene in Lower Fant road, and also the proposed lack of parking will have a detrimental impact on neighbours.		
<b>WARD</b> Fant	<b>PARISH/TOWN COUNCIL</b>	<b>APPLICANT</b> Mr Tarek-Ali Al-Ayoubi <b>AGENT</b>
<b>TARGET DECISION DATE</b> 07/09/18		<b>PUBLICITY EXPIRY DATE</b> 08/08/18

**Relevant Planning History**

03/1065

Replacement of existing flat roof to garage with a tiled pitched roof, as shown on two unnumbered drawings showing elevations and floor plans received on 14.05.03.

Approved Decision Date: 18.07.2003

**MAIN REPORT**

**1.0 DESCRIPTION OF SITE**

- 1.01 The application site sits to the side of a terraced house, on the corner of Upper Fant Road and Lower Fant Road. It currently houses a side garage for the use of the host dwelling. This is set to the rear side of the house. The garden has a large side and front area which is currently used for parking. Access is available from both the front and side of the house.
- 1.02 The site tapers from a wide frontage to a more narrow rear garden. It is set over 4 floors with the basement set within a lightwell area at the front and the ground level dropping away so that the basement is fully exposed at the rear.
- 1.03 The site is within the Maidstone urban area and is characterised by closely spaced high density housing. The application site is at the end of an existing terrace of houses. On the opposite side of the road sit larger semi detached houses.
- 1.04 The opposite corner, across from the junction with Lower Fant Road is, for the area, uncharacteristically open in character with a significant gap before the next house to the West on Upper Fant Road. As detailed below, permission has recently been granted for a new dwelling on this site. A row of terraced 3 storey houses sit on Lower Fant Road with their frontages facing the side boundary of

the application site. The front building lines of these houses are set approx. 13.5-14.5m from the boundary with the application site.

- 1.05 Permission has recently been granted under application reference number 18/500882/FULL for an additional dwelling on the end of the terrace on Lower Fant Road facing towards the side boundary of the application site. This sits further back from the front building line of the other terraced dwellings.
- 1.06 The site backs an area of parking and a single storey garage after which the side boundary of 63 Lower Fant Road sits approx. 34m to the South.

## **2.0 PROPOSAL**

- 2.01 Permission is sought for a 4 storey dwelling to be attached to the existing end of terrace house. The new dwelling would sit in line with the front and rear building line of the host dwelling and is shown, where it presents to the streetscene, of a height and design to match it and the other buildings in the terrace.
- 2.02 The front door of the existing dwelling is shown as being moved to the front elevation of the dwelling to match the other houses in the terrace.
- 2.03 The dwelling would sit approx. 0.7m from the side boundary of the site where it adjoins Lower Fant Road. Parking for 1 vehicle is shown in front garden of both the existing and the proposed dwelling. This would replicate the arrangement in the rest of the terrace.
- 2.04 The front elevation of the proposed dwelling is shown to replicate the rest of the terrace in all regards, including scale, design and use of materials. However the building is shown as splaying inwards towards its rear so that the rear elevation is narrower than the rest of the terrace.
- 2.05 In response to concern about the detailed appearance of the dwelling, revised plans have been submitted which show the materials and detail of each elevation to match the existing.

## **3.0 POLICY AND OTHER CONSIDERATIONS**

National Planning Policy Framework (NPPF)  
National Planning Practice Guidance (NPPG)  
Maidstone Borough Local Plan 2017 SS1, SP1, H2, DM1, DM2, DM11, DM23

## **4.0 LOCAL REPRESENTATIONS**

### **Local Residents:**

- 4.01 10 representations received from local residents raising the following issues:
  - The proposal will result in increased parking pressure on the locality.
  - Negative impact on highway safety
  - The junction where Lower Fant road meets Upper Fant road, has limited visibility and the proposal will impact on highway safety
  - Noise and disturbance resulting from additional occupants
  - Density of building in the local area which is not in keeping with its original use

- The cumulative impact of the development when considered alongside other development will have an adverse impact on the area.
- Out of keeping with the character of the area – will appear cramped
- Impact on view of the wildlife area.
- No neighbour notifications or site notice

A letter has been received from the applicant advising the following:

- There would be no subtracting of any car parking spaces because where the dropped curb currently is on Lower Fant Road would be raised and a curb installed which would create more room for someone to park on the road. The current dropped curb is redundant as a car doesn't fit onto that part of the driveway plus the angle to turn into the garage makes the garage impossible to use for a vehicle.
- There is currently room on the driveway for 2 vehicles comfortably, not 4-5 vehicles. Vehicles are unable to exit from the property onto Lower Fant Road.
- A vehicle did not crash into the front boundary wall. In fact, the applicant hit the wall himself while trying to turn around on the road with a trailer being towed attached onto the back of his car.
- Comments regarding an 8 bedroom house or its use for 8 occupants are untrue.

## **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)

### Kent Highways

- 5.01 Kent Highways note that the access has a good personal injury collision record. The parking provision is in keeping with the guidance in the Kent Design Guide, Interim Guidance Note 3 (IGN3). IGN3 advises that 4 bedroom houses in an edge of centre location should be provided with a maximum of 1.5 spaces per unit. Having reviewed the area in the immediate proximity of the site they state that there are a range of existing parking restrictions, including double and single yellow lines. The on-street parking controls already in place enable them to conclude that the proposed development will not result in on street parking behaviour that could cause hazards to other road users
- 5.02 The dropped kerbs that are situated west of the garage and that will become redundant as a result of the proposals will require raising to accord with the revised access arrangements. In addition, the applicant should be required to submit a construction management plan as part of their planning conditions/obligations, given the constrained nature of the site.
- 5.03 Confirm no objection to the proposals on behalf of the local highway authority.

## **6.0 APPRAISAL**

### Main Issues

- 6.01 The key issues for consideration relate to:
- Principle of development
  - Character and appearance

- Residential amenity
- Parking and highways

### **Principle of development**

- 6.02 Government guidance in the NPPF and Local Plan policy are generally supportive of new housing in sustainable urban locations as an alternative to residential development in more remote countryside locations. The NPPF states that housing applications should be considered in the context of the presumption in favour of sustainable development. The application site is considered to represent a sustainable location with good access to facilities and services, including public transport, within the wider Maidstone urban area. The principle of infill residential development in such locations is considered acceptable as demonstrated at the neighbouring site as approved under application 18/500882/FULL.
- 6.03 Local Plan policy SP1 states that within the Maidstone Urban Area, appropriate urban sites should be redeveloped and infilled in a manner that contributes positively to the locality's distinctive character.
- 6.04 Local plan policy DM11 seeks to allow development where it can be absorbed into the existing character, pattern and layout of the built environment without detriment to visual amenity. It states that the development of domestic garden land to create new dwelling will be permitted where it meets a set of criterion including that the proposal will not result in in significant harm to the character and appearance of the area, there is no significant loss of privacy, light or outlook for adjoining properties and / or their curtilages, access can be provided to a suitable standard, and there would be no significant impact from traffic gaining access to the development.
- 6.05 The broad principle of the development of the site within the urban area therefore accords with local and national policy.

### **Character and appearance**

- 6.06 Paragraphs 56 and 57 of the NPPF states that the Government attaches great importance to the design of the built environment. Planning policies and decisions should not attempt to impose architectural styles or particular tastes, however, it is proper to seek to promote or reinforce local distinctiveness.
- 6.07 Local Plan Policy DM1 seeks to achieve high quality design in all development proposals, and to achieve this, the Council expects proposals to positively respond to, and where appropriate enhance the character of their surroundings. The key aspects of a development proposal are its scale, height, materials, detailing, mass, bulk and site coverage. To achieve this, the Council expects proposals to positively respond to, and where appropriate enhance the character of their surroundings
- 6.08 Local plan policy DM11 seeks to only allow development where it can be absorbed into the existing character, pattern and layout of the built environment without detriment to visual amenity. It states that the development of domestic garden land to create new dwellings will be permitted where it meets a set of criterion including that the proposal will not result in in significant harm to the character and appearance of the area.
- 6.09 The proposed new dwelling is shown as located on the end of an existing row of terraced houses all of matching design, height and scale. The proposal would match the terrace to the front elevation in terms of size, proportion and detailed appearance. However the proposed house is shown to splay inwards to the rear

and as such, the rear elevation would appear narrower than the other houses in the terrace.

- 6.10 In response to concern about the detailed appearance of the side and rear elevation, amended plans have been submitted which show additional detailing to the side and rear elevation. The side elevation would be finished to match the existing with yellow facing brickwork and red brick band and quoins, matching door and fenestration. The rear elevation, although of a differing width to the existing would continue the pattern of lower rendering with upper ragstone panels and red brick quoins.
- 6.11 The area is one of a dense urban grain, and the current space is not of sufficient enough value within this context to require its preservation. The additional dwelling would generally reflect existing built form in terms of both appearance and proportions. However, its splayed footprint towards the rear of the site would not accord with the general surrounding built form, and has the potential to appear as an alien feature within the streetscene from Lower Fant Road.
- 6.12 On balance, this splay, although clear on plan, would not be as obvious from the pedestrian view of the site. The narrower rear elevation is a secondary elevation and would only be read when viewing the site in the context of rear gardens from further down Lower Fant Road where the contrast would be with the 1960's houses opposite at Little Court. As such, it is considered that the existing view is not of a sufficiently high value to justify refusal of the scheme on the basis of the appearance of the secondary rear elevation, or the proposed splay.
- 6.13 Generally, and particularly from the primary street frontage, the proposal would be absorbed into the existing character, pattern and layout of the built environment. There are numerous examples along Upper Fant Road of corner properties sitting tight to the boundary of the plot. Although the proposal would reduce the space at the end of a terrace, and have an impact on the streetscene in this regard, on balance it is considered that as this space is not characteristic of the area, its loss would not be of significant detriment to visual amenity.
- 6.14 The infilling of the existing gap would also have an impact on the appearance of the streetscene of Lower Fant Road, but given the prevalent character of the area and the dense urban grain in the locality, on balance this would not be significant enough of an impact to justify refusal of the scheme.
- 6.15 Taking into account impact of the proposed splay, the narrower rear elevation and the reduction in space at the end of the terrace, and weighing this against the replicated detailing of the existing dwelling and the grain and character of the locality, on balance it is considered that the proposal would not result in significant harm to the character and appearance of the area and would appear as a congruous addition to the streetscene.
- 6.16 As such, the proposal would accord with the requirements of Local Plan policies DM1, DM11 and the NPPF.

**Residential amenity**

- 6.17 The NPPF states that proposals should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
- 6.18 Policy DM1 of the local plan states that proposals should 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, or is exposed to 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.

- 6.19 Owing to the location of the dwelling, on the end of an existing terrace, in line with the front and rear building lines, and on the corner of Upper and Lower Fant Road, the proposal would not have a detrimental impact on the amenity of occupiers to either side of the application site. There would be no overshadowing of adjacent dwellings, and no increase in overlooking or loss of privacy.
- 6.20 The proposed dwelling would back onto an area of parking and a single storey garage after which the side boundary of 63 Lower Fant Road sits approx. 34m to the South. This is significant enough a gap to ensure that there would be no impact on the amenity of this neighbouring dwelling, especially when considered in the context of the rest of the terrace.
- 6.21 The flank elevation of the proposal would sit closer to the facing dwellings on Lower Fant Road – 4 and 5 Little Court. However a road sits between the buildings, and the front elevations of 4 and 5 Little Court are set back from their front boundaries by approx. 5m. As such, the proposal would not result in a loss of daylight, sunlight or privacy, and would not have an overbearing impact on these dwellings.
- 6.22 The amenity impact of the proposal would therefore be acceptable and accord with Policy DM1 of the local Plan.

#### **Parking and highways**

- 6.23 Policy DM1 of the local plan states that proposals should safely accommodate the vehicular and pedestrian movement generated by the proposal on the local highway network and through the site access, and provide adequate vehicular and cycle parking to meet adopted council standards. Local plan policy DM23 states that, as set out in Appendix B of the Plan, car parking standards for residential development will:
  - i. Take into account the type, size and mix of dwellings and the need for visitor parking; and
  - ii. Secure an efficient and attractive layout of development whilst ensuring that appropriate provision for vehicle parking is integrated within it.
- 6.24 The proposal would result in the loss of an existing garage and parking area to the side of the host dwelling. However the current dropped curb is redundant as a car doesn't fit onto that part of the driveway plus the angle to turn into the garage makes the garage impossible to use for a vehicle. The proposal shows that the redundant dropped curb on Lower Fant Road would be raised and a curb installed which would create additional space for on street parking. There is room on the existing driveway for 2 vehicles.
- 6.25 The proposal shows provision for 1 car parking space for each dwelling in the front garden. This replicates the arrangement for the other houses in the dwelling.
- 6.26 The application site is located within/on the edge of the town centre. The policy requirement for parking provision in such a location for a 4 bedroom house is 1/1.5 spaces. Given the central location of the site, and its proximity to walking and bus routes, and Maidstone West station, the provision is acceptable.

- 6.27 In response to the proposal, Kent Highways have raised no objection to the proposal and have suggested that due to the limited space at the site, submission of a construction method statement would be required through condition.
- 6.28 Given the proposed parking provision including the gain of an off street parking space, and the comments by Kent Highways, the parking provision and highway impact of the proposal would accord with policies DM1 and DM23, and the parking standards (Appendix B) within the local plan, and is therefore considered acceptable.

### **Other matters**

- 6.29 The proposed development is CIL liable. The Council adopted a Community Infrastructure Levy on 25 October 2017 and began charging on all CIL liable applications approved on and from 1 October 2018. The actual amount of CIL can only be confirmed once all the relevant forms have been submitted and relevant details have been assessed and approved. Any relief claimed will be assessed at the time planning permission is granted or shortly after.
- 6.30 Neighbour comments indicate that a site notice had not been put up to advertise the application. A site notice was put up on 18<sup>th</sup> July 2018 on the nearby lamppost and neighbour notification letters were sent out on 16<sup>th</sup> July to a number of local occupiers.
- 6.31 Neighbours have made comment on the use of the house as a House in Multiple Occupation. In fact, the house is proposed as a single family dwelling.
- 6.32 One neighbour has made comment about a car collision into the wall of the application site. The applicant has advised that the bump was caused by him turning a trailer within his own garden, not on the public highway.
- 6.33 Neighbour comments have been made regarding the visual impact of the proposal on views of a local wildlife area. This area is located a significant distance away from the application site, behind the houses on the opposite side of the road. The proposal would therefore not have an impact on the appearance of this area.

## **7.0 CONCLUSION**

- 7.01 In accordance with Government guidance in the NPPF and Local Plan policy, the application site represents a sustainable location with good access to facilities and services, including public transport, within the wider Maidstone urban area. The broad principle of the infill development of the site is therefore acceptable.
- 7.02 On balance, although the proposal would fail to enhance the secondary rear elevation of the terrace of dwellings, it would generally reflect existing built form in terms of both appearance and proportions, particularly from the primary streetscene view, and would be absorbed into the existing character, pattern and grain of the built environment.
- 7.03 Given the harmonious appearance of the front elevation, which would be viewed from the streetscene, in relation to the existing terrace of houses, the proposal would appear as a congruous addition to the streetscene of Upper Fant Road. The impact of the proposal upon Lower Fant Road would not be substantial enough, particularly when considered in the context of the adjacent buildings and its sympathetic detailing, to justify its refusal

- 7.04 As such, the proposal would accord with the requirements of Local Plan policies DM1, DM11 and the NPPF.
- 7.05 The amenity impact of the proposal would be acceptable and accord with Policy DM1 of the local Plan.
- 7.06 Given the sustainable location of the site, the parking provision and highway impact of the proposal would accord with policies DM1 and DM23, and the parking standards within the local plan, and is therefore considered acceptable.

### **RECOMMENDATION**

GRANT planning permission subject to the following conditions:

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

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

(2) The development shall be only be carried out in accordance with the following approved plans: AR.TPA.GA.201, 202, 203, 204, 205, 206A, 207A, 208A, 209

Reason: To clarify which plans have been approved.

(3) Upon completion, no further development, whether permitted by Classes A, B, C or D of Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order) or not, shall be carried out.

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

(4) The development hereby approved shall not commence above slab level until, written details and samples of the materials to be used in the construction of the external surfaces of the building and the hard landscaping 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;

Reason: To ensure a satisfactory appearance to the development.

(5) 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. The method statement shall also include details of the timings of deliveries and construction works on site.

Reason: To ensure the construction of development does not result in harm to highway safety or neighbouring amenity.

(6) The approved details of the parking areas shall be completed before the commencement of the use of the dwelling hereby permitted and shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) (England ) Order 2015 (or any order revoking and re-enacting that Order, with or without modification) or not, shall be

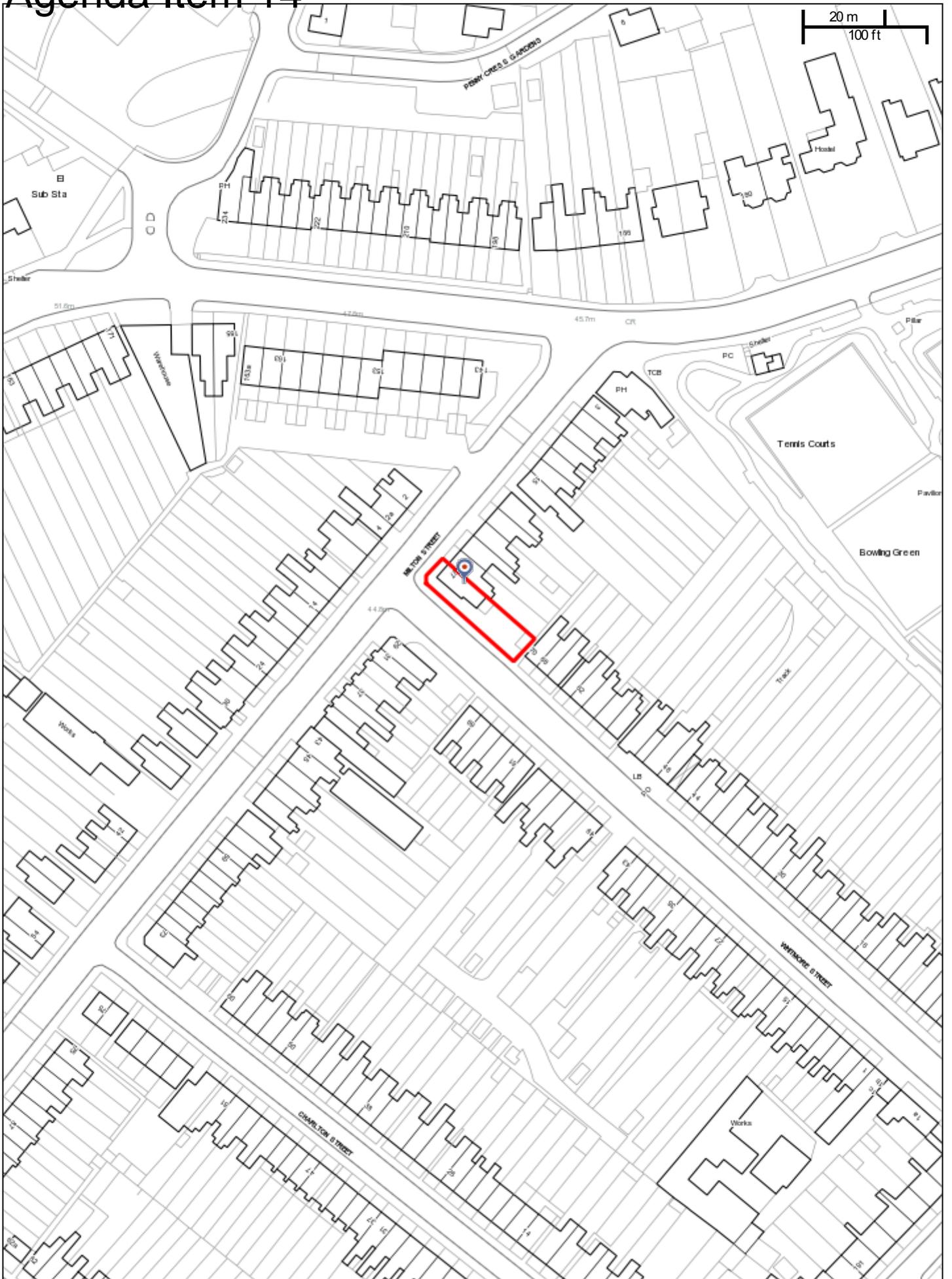
carried out on the areas indicated or in such a position as to preclude vehicular access to them;

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

**INFORMATIVES**

(1) The proposed development is CIL liable. The Council adopted a Community Infrastructure Levy on 25th October 2017 and began charging on all CIL liable applications approved on and from 1st October 2018. The actual amount of CIL can only be confirmed once all the relevant forms have been submitted and relevant details have been assessed and approved. Any relief claimed will be assessed at the time planning permission is granted or shortly after.

# Agenda Item 14



18/505214 27 Milton Street

Scale: 1:1250

Printed on: 27/12/2018 at 11:11 AM by SummerF

<b>REFERENCE NO:</b> 18/505214/FULL		
<b>APPLICATION PROPOSAL:</b> Change of use from residential to a house of multiple occupancy of 8 households		
<b>ADDRESS:</b> 27 Milton Street Maidstone Kent ME16 8JT		
<b>RECOMMENDATION:</b> APPROVE		
<b>SUMMARY OF REASONS FOR RECOMMENDATION:</b> The proposal is considered acceptable with regard to the relevant provisions of the Development Plan, the National Planning Policy Framework, and all other material considerations such as are relevant.		
<b>REASON FOR REFERRAL TO COMMITTEE:</b> - Councillor Adkinson has requested the application to be reported to Planning Committee		
<b>WARD:</b> Fant	<b>PARISH COUNCIL:</b> N/A	<b>APPLICANT</b> Mr Kamrul Hoque
<b>TARGET DECISION DATE:</b> 10/01/19		<b>PUBLICITY EXPIRY DATE:</b> 12/12/18

There is no relevant planning history.

## MAIN REPORT

### 1. SITE DESCRIPTION

1.01 27 Milton Street is an end of terrace property that sits on the corner of Milton Street and Whitmore Street. The dwelling is 2-storey with living accommodation in the roof space and beyond the rear garden is an off-street parking area. For the purposes of the Local Plan the proposal site is within the defined urban area.

### 2. PROPOSAL

2.01 This proposal is for the change of use of a dwelling to a House in Multiple Occupation (HMO) for 8 households. The proposal shows 9 bedrooms but as access to the 9<sup>th</sup> bedroom on the second floor is only through another bedroom, this top floor will only be occupied by one household

### 3. POLICY AND OTHER CONSIDERATIONS

- Maidstone Borough Local Plan (2017): SS1, SP1, DM1, DM9
- National Planning Policy Framework (2018)
- National Planning Practice Guidance

### 4. LOCAL REPRESENTATIONS

4.01 3 representations have been received from local residents raising the following (summarised) issues:

- *Impact upon parking*
- *Not in keeping with the original character of the street*
- *Harmful upon amenity of local residents in terms of noise*
- *Overcrowding*

### 5. CONSULTATIONS

5.01 **Councillor Adkinson:** Has requested the application be reported to Committee on the grounds of potential over-development.

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

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

## **6. APPRAISAL**

### Main issues

- 6.01 In accordance with the Local Plan, the principal focus for new residential development is the urban area, which is considered to be the most sustainable location in the borough. The Local Plan also states that the conversion of larger residential properties to HMOs aids the provision of accommodation for smaller households and contributes towards a mix and choice of homes, as advocated by the revised NPPF. This is provided such developments are attractive, high quality places to live, which respond positively to the local area. In accordance with Local Plan policy DM9, the main issues for consideration here are whether the intensified use of the building and its curtilage would significantly harm the appearance of the building or the character and amenity of the surrounding area.

### Residential amenity

- 6.02 Given the existing levels of comings and goings associated with the high density of residential properties in the vicinity; the fact that the off-street parking area to 27 Milton Street is existing; and that ultimately the use of the building is still residential, it is not considered that the proposal would result in an unacceptable impact upon the amenity of any local resident in terms of general noise and disturbance (including future vehicle movements to and from the site). The Environmental Protection Team has also raised no objection from their perspective. It is therefore considered that the proposal would not have an unacceptable impact upon the amenity of any local resident.

- 6.03 The Council's Housing & Community Services Team also have their own legislative requirements under the Housing Act 2004. Any HMO licence would carry its own conditions to ensure the wellbeing of the occupants of the building including in relation to fire safety. In this instance, the Housing & Community Services Team have confirmed that the layout as shown under this planning application would obtain a HMO licence for 8 people in 8 households. If another internal toilet was provided then the licence would be for 9 people in 8 households. Whether it be 8 or 9 people living here, 8 households as applied for is acceptable in terms of licencing. To further ensure the acceptable living conditions for future occupants of the building, a condition will be imposed to restrict the HMO to 8 households only.

### Highway safety

- 6.04 The proposal site benefits from an off-street parking area; on-street (non-permit) parking is widely available in the surrounding streets; and the site is in a sustainable location, close to public transport links and Maidstone town centre. The Highways Authority has commented that the parking area to the rear of the site is not big enough to rely upon 4 cars being able to park here, and that it should be assumed that 2 off-road car parking spaces are available. Notwithstanding this, they have confirmed that it is not considered that the proposal constitutes a severe impact, and no objection has been raised in terms of highway safety.

### Other considerations

- 6.05 Given that there are no external alterations to consider, no objection is raised in terms of the proposal's impact upon the character and appearance of the building itself or the surrounding area.

## **7. CONCLUSION**

- 7.01 The proposal is acceptable with regard to the relevant provisions of the Development Plan, the National Planning Policy Framework, and all other material

considerations such as are relevant. I therefore recommend conditional approval of the application on this basis.

## **8. 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 approved shall have no more than 8 separate households occupying the building at any one time;

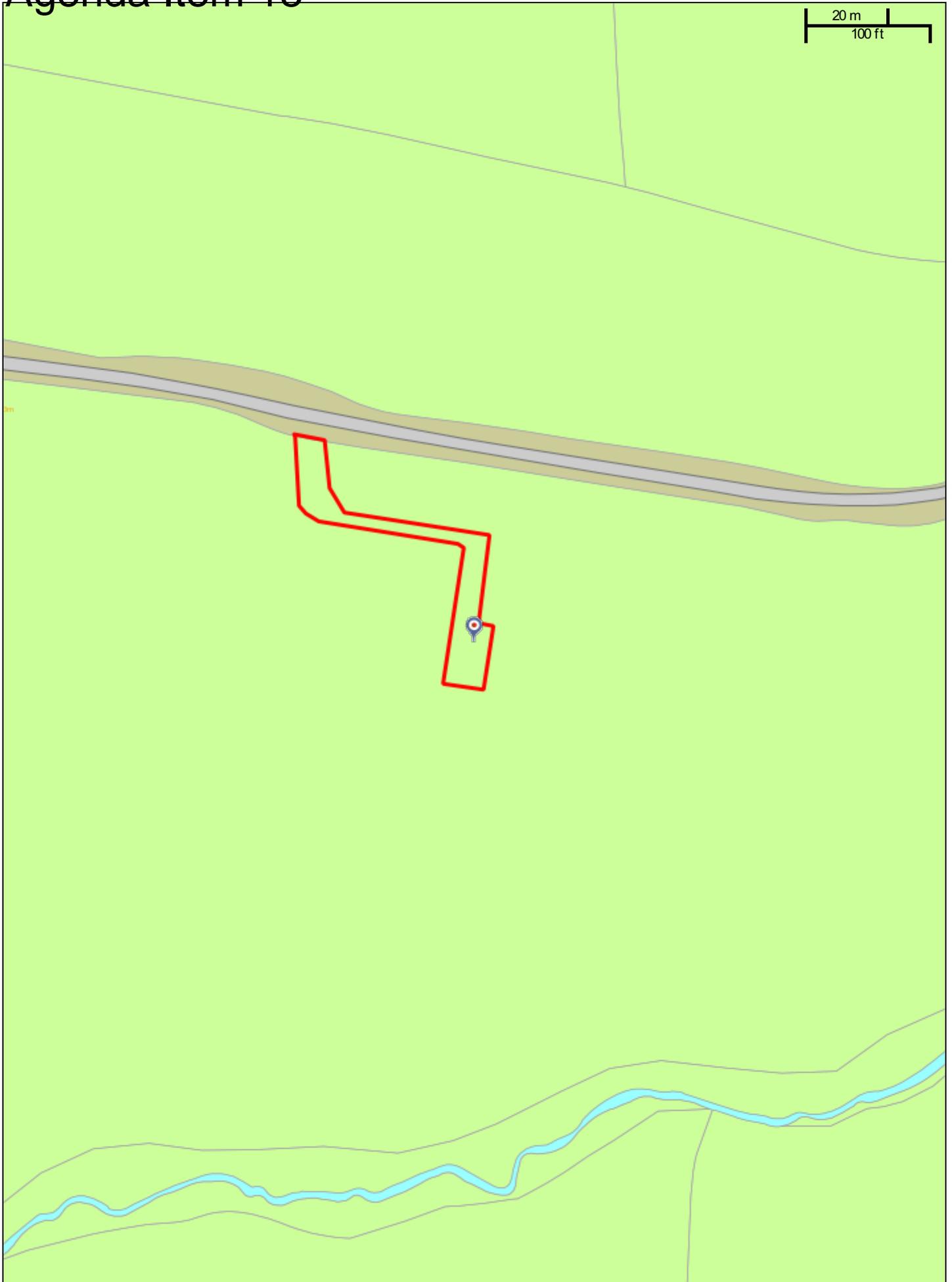
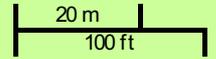
Reason: To protect the amenity of future occupants.

- (3) The development hereby permitted shall be carried out in accordance with the following approved plans: 100; 101; 102; 103; and 01 received 05/10/18;

Reason: To ensure a satisfactory appearance and in the interests of residential amenity.

Case Officer: Kathryn Altieri

# Agenda Item 15



18/505386/FULL - Kings Oak Farm

Scale: 1:1250

Printed on: 23/1/2019 at 9:59 AM by JoannaW



<b>REFERENCE NO:</b> 18/505386/FULL		
<b>APPLICATION PROPOSAL:</b> Erection of temporary agricultural dwelling. (Resubmission of 18/502292/FULL)		
<b>ADDRESS:</b> Kings Oak Farm Crump's Lane Ulcombe Kent ME17 1EU		
<b>RECOMMENDATION: Grant Planning Permission subject to planning conditions</b>		
<b>SUMMARY OF REASONS FOR RECOMMENDATION:</b> This proposal is considered acceptable with regard to the relevant provisions of the Local Plan, the revised NPPF and all other material considerations such as are relevant. A recommendation of approval of this application is therefore made on this basis.		
<b>REASON FOR REFERRAL TO COMMITTEE:</b> - Ulcombe Parish Council object and has called the application to Planning Committee		
<b>WARD:</b> Headcorn	<b>PARISH COUNCIL:</b> Ulcombe	<b>APPLICANT</b> Mr & Mrs Norman Coles <b>AGENT</b> Architectural Designs
<b>DECISION DUE DATE</b> 12/12/18	<b>PUBLICITY EXPIRY DATE</b> 23/11/18	<b>OFFICER SITE VISIT DATE</b> 01/11/18
<b>RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):</b>		

18/502292/Full - Erection of temporary agricultural dwelling – Application Withdrawn

18/501616/FULL - Change of use of land for the stationing of 5 static mobile home holiday lets as shown on drawings 18/0931; 18/0932; and 18/0933 – Application Refused

18/501611 - Prior Notification for agricultural barn – Prior approval not required

17/500430 - Pre app: Temporary mobile home for agricultural worker

17/500422 - Pre app: 5 holiday lets (mobile homes)

16/502704 - Pre app: 5 holiday lets (mobile homes) & mobile for agricultural worker

15/508880 - Pre App: Demolition of pole barn and erection of holiday retreat lodge

MA/13/1421 – Prior Notification for agricultural building (hay & animal fodder) – Prior approval granted

## MAIN REPORT

### 1.0 DESCRIPTION OF SITE

1.01 The proposal site is located on the southern side of Crump's Lane, some 1.3km to the west of the junction with Headcorn Road. The site is currently grazing land and recent prior approval applications have permitted 2 agricultural buildings on the land (to the west of the proposal site). For the purposes of the Local Plan, the proposal site is within the countryside that falls within a Landscape of Local Value.

## 2.0 PROPOSAL

- 2.01 The proposal is for the erection of a temporary agricultural dwelling provided as a mobile home. The application states that the existing access would be utilised from Crump's Lane. A new driveway of gravel hardcore and plainings would be laid from the access on Crump's Lane leading up to the mobile home.
- 2.02 The mobile home would be sited to the south-east of the existing barn (permitted under application reference MA/13/1421) and to the immediate east of the barn (permitted under application reference: 18/501611). The proposed mobile home would have 2 bedrooms, with parking spaces to the front. The mobile home would measure 14m x 7m with a height to ridge of 5m. The site would be enclosed by a post and rail fence.

## 3.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)  
National Planning Practice Guidance (NPPG)  
Development Plan: SS1, SP17, DM1, DM8, DM30, DM34  
Landscape Capacity Study: Sensitivity Assessment (2015)  
Landscape Character Assessment (2012 – amended 2013)  
Landscape Character Assessment Supplement (2012)

## 4.0 LOCAL REPRESENTATIONS

- 4.01 6 neighbour objections on the following summarised grounds:
- Suitable accommodation already exists locally for a worker;
  - Calving for highland cattle does not require close attention and a full time worker on site;
  - The temporary building is not a temporary structure and has no architectural merit;
  - Unsightly building that is in the setting of 4 Grade 2\* listed buildings;
  - Building is in the open countryside and contrary to NPPF paragraph 55;
  - Visible from Crump's Lane and from public footpaths;
  - Container on site is visible from Crump's Lane and is unsightly with previous planning enforcement for this container;
  - Crump's Lane is single track and not suitable for additional vehicle movements;
  - Plans show a permeant three bedroom dwelling and not a temporary structure; and
  - Site has already been transformed from agricultural fields with the development of the barns.

## 5.0 CONSULTATIONS

- 5.01 **Ulcombe Parish Council:** Wish to see application refused and reported to planning committee. Comments summarised as follows
- *Reason for the application is spurious as: Sleeping worker is unlikely to wake for animals;*
  - *Is accommodation available locally*

- *Calving of highland cows does not require close attention;*
- *The temporary building is a purpose built three bedroom bungalow;*
- *Building will stand out in a lane which has 4 listed buildings;*
- *Building is in the open countryside and contrary to NPPF paragraph 55 as they do not consider there are special circumstances for a rural worker to live on site;*
- *Cattle have been using the barn erected under application reference: 13/1421;*
- *Visible from Crump's Lane and footpaths KH332A and KH328;*
- *Current container on site does not have permission;*
- *Site is open countryside (Low Weald), and proposal will have adverse impact and loss of amenity in this Landscape of Local Value. Visual impact will be adverse, urban in character, and will be visible from Crump's Lane;*
- *Crump's lane is single track and cannot sustain development which creates traffic; and*
- *Urge that the application is refused for the same grounds as the 6 holiday homes.*

5.02 KCC Highways – No objection

5.03 Rural Planning Consultant (summarised) – Considers on balance that the level, and nature of the livestock to be based at Kings Oak Farm, and associated activities, will essentially warrant the on-site attendance of a full time worker. This will enable the proper functioning of the business in terms of management of the animals and associated security issues.

## **6.0 APPRAISAL**

6.01 The key issues for consideration relate to:

- Principle of Development
- Agricultural Need
- Visual Impact

### **Principle of Development**

6.02 The NPPF at paragraph 79 in relation to isolated homes in the countryside can allow for new dwellings where *"there is an essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside;"*.

6.03 In terms of the Maidstone Borough Local Plan, the proposal would be subject to the normal constraints of development in the countryside as designated under the Maidstone Local Plan (2017), SP17 advises that proposals in the countryside will not be permitted unless they accord with other policies in the Local Plan and would not result in unacceptable harm to the character and appearance of the area.

6.04 Policy SP17 of the Local Plan also seeks to conserve and enhance the distinctive landscape character of the Low Weald, a Landscape of Local Value. Local Plan Policy DM34 (outlined below) does allow for accommodation for agricultural workers in the countryside, this is subject to other material planning consideration (such as

visual harm) and protection will still be given to the rural character of the borough's countryside. The Local Plan is in accordance with the NPPF.

Policy DM34 - Accommodation for agricultural and forestry workers

- 6.05 Proposals to site a caravan or other form of temporary housing accommodation for an agricultural or forestry worker outside of the settlement boundaries as defined on the policies map which meet the following criteria will be permitted:
- i. The dwelling and its siting on an agricultural or forestry holding are essential for the efficient development and running of the enterprise there;
  - ii. The need is for accommodation for a full time worker;
  - iii. There is clear evidence that the enterprise has been planned on a sound financial basis and that there is a firm intention and ability to develop it;
  - iv. No other housing accommodation is already available locally to meet the need;
  - v. The necessary accommodation cannot be provided by the conversion of a building on the holding; and
  - vi. The necessary accommodation would be sited with any farmstead or other group of rural buildings on the holding.
- 6.06 It is therefore appropriate to apply a functional test (as to whether it is essential for the functioning of the farm for a full time rural worker to live permanently on the site to be on hand at most times). It is also appropriate to apply a financial test (as to whether there is a profitable enterprise that is financially sound, has a clear prospect of remaining so and that it can sustain the size of the dwelling proposed) to judge whether the proposal represents sustainable development, this being a key requirement under the Local Plan Policy. Clearly, if the enterprise is not financially sound or cannot support the temporary dwelling or the dwelling is so large that the retention of agricultural occupancy condition is threatened, then there is a real risk it would not be able to serve its original purpose. These are key considerations in this case to determine whether the dwelling is essential and sustainable.

**Agricultural Need**

- 6.07 As outlined above, Local Plan Policy does seek to support the economy of the borough, including providing for the needs of existing rural businesses; and the NPPF, in special circumstances, does allow for isolated homes if there is an essential need for a rural worker to live permanently at their place of work in the countryside.
- 6.08 The landholding which relates to the proposal was purchased by the applicants in 2012 as additional land to their main farm holding at Roundoak Farm, Sutton Valence. The enterprise at Roundoak has over 500 Hebridean sheep. It is now proposed to develop Kings Oak farm as a separate "stand alone" venture, with the (horned) Highland and White Park cattle based there, whilst the (non-horned) Sussex herd and the Hebridean sheep will remain based at Round Oak Farm. Over the next three years it is anticipated that the Highland herd at Kings Oak will be increased to some 30 cows, with an associated increase in offspring of various ages, and the White Park herd to 20 cows plus offspring.

- 6.09 The submitted business plan shows expected income from sales of whole steers, butchered beef, and some live pedigree sales. The Council's rural planning consultant has assessed the submitted information and considers that on balance that the level, and nature, of the livestock to be based at Kings Oak farm, and associated activities, will essentially warrant the on-site attendance of a full-time worker, for the proper functioning of the business in terms of management of the animals, and associated security issues. The consultant does advise that financial justification is relatively optimistic; however the temporary nature of the agricultural dwelling allows the applicants' predictions to be tested over time at the end of the temporary period being sought.
- 6.10 In regards to criteria 4 and 5 of Policy DM34, the policy states that there should be no suitable accommodation already available locally to meet the need and that the necessary accommodation cannot be provided by the conversion of a building on the holding. The applicant has stated that there is no accommodation locally for sale and in addition there is a need for the worker to be located on the site for the welfare of the animals. This argument that the farm warrants the on-site attendance of a full time worker has been accepted by the Council's rural planning consultant.
- 6.11 With regards to the conversion of existing buildings on the holding, under the previous prior notification applications (18/501611 and MA/13/1421) the Council accepted that the barns are reasonably necessary. As a result conversion of one of the barns could result in a further application for a new replacement barn as this is needed agricultural storage space.
- 6.12 In reviewing the details presented, and, given the specific circumstances of this application, there is justification for a temporary mobile home at this site. A 3 year temporary period is considered a reasonable time to continue the effective running (and expansion) of this rural business and after this time the local planning authority can review the case and consider if there is still justification for such accommodation here.

### **Visual Impact**

- 6.13 In terms of the design and visual impact of the dwelling, the mobile home proposed is a single storey, two bedroom mobile home which would measure 14m x 7.0m with a height to ridge of 5m. The vehicular access to the temporary agricultural worker's dwelling will be the same as for the agricultural farm buildings.
- 6.14 The mobile home would be set back more than 110m from Crump's Lane and would be sited approx. 200m from the nearest residential property at Cedar Cottage located to the west.
- 6.15 Policy SS1 of the Local Plan states that Landscapes of Local Value will be conserved and enhanced and that protection will be given to the rural character of the borough; SP17 states that the distinctive landscape character of the Low Weald will be conserved and enhanced as Landscapes of Local Value and proposals in the countryside will not result in harm to the character and appearance of the area; and policy DM30 states that new development should maintain, or where possible, enhance the local distinctiveness of an area. The Low Weald Landscape of Local

Value is considered to be a landscape that is highly sensitive to significant change, and it is a landscape that should be conserved and enhanced where appropriate.

- 6.16 In accordance with the Council's Landscape Character Assessment, the Low Weald generic guidelines seek to "...conserve the largely undeveloped landscape with its scattered development pattern and isolated farmsteads"; and more specifically, Area 42 (Ulcombe Mixed Farmlands) of this landscape assessment is an area being of *high* overall landscape sensitivity that is *sensitive to change*.
- 6.17 The previous application for 5 static mobile holiday lets (application ref: 18/501616/FULL) was refused due to the proposal resulting in unacceptable visual harm to the character and appearance of the countryside. These holiday lets, unlike the current proposal, were located approx. 120m to the east of agricultural barns on the east boundary of the site.
- 6.18 With regard to this current proposal, as a general exception to the restriction on additional residential development in the countryside, there is policy support within the NPPF and the Local Plan for agricultural dwellings subject to the criteria laid out in Policy DM34. In terms of visual harm the mobile home would be sited immediately adjacent to farmstead buildings that would provide a visual buffer from views to the west. A hedge also runs parallel to the highway and the site to the north and whilst there may be glimpses of the mobile home from the highway, the set-back, the existing hedgerow and other built features, would provide acceptable levels of screening from this public vantage point of this 1 mobile unit.
- 6.19 The proposal building would be located adjacent to existing farmstead buildings as required by Policy DM34, Criterion VI. It is also single storey, has a visual buffer and it is for a temporary period. It is therefore considered that this proposal would not cause significant unacceptable visual harm to the character and appearance of the countryside and the Landscape of Local Value hereabouts.

#### Other considerations

- 6.20 The proposal site is not considered to be in a wholly sustainable location, in terms of being predominantly reliant on the private motor vehicle to access basic amenities and services. However, given the circumstances of the proposal, including the desire to support an existing rural business and the fact that the applicant would be living at their place of work, no objection is raised on these grounds in this instance.
- 6.21 The proposal would make use of an existing vehicle access and the proposal is not considered to harmfully intensify the use of this access. There is also ample parking provision on the site. No objection is raised by the highway authority in terms of the impact of the mobile home on the local highway network. As such, no objection is raised in terms of the proposal's impact upon highway safety and the local road network.
- 6.22 Given the separation distances from any neighbouring property, no objection is raised in terms of its potential impact upon the residential amenity of any local resident. The comments made by Ulcombe Parish Council and the local residents have been considered in the determination of this application. However, it should be added that given the separation distances of approx. 320m from the proposal site to

the closest listed building, it is considered that this proposal would not have an unacceptable impact upon their setting.

- 6.23 The proposal would make use of a septic plant; and the site is in Flood Zone 1. With this considered, no objection is raised in terms of foul sewage disposal, surface water drainage and flood risk.
- 6.24 There are no protected trees on, or immediately adjacent to the site.
- 6.25 Reference has been made in a number of representations to other development on the site and to enforcement issues, but these are not a material planning consideration in the determination of this application. Such complaints should be directed to the Council's Planning Enforcement Team for investigation.

#### Conclusion

- 6.26 In this instance, the need for this accommodation in this location for a temporary period of 3 years is justified, in order to allow the existing business to continue at full capacity and for the welfare and security of the animals.
- 6.27 Although glimpses of the mobile unit may be visible from Crump's Lane, the proposal would be seen amongst the existing farmstead building and the agricultural dwelling would not appear significantly visually harmful within its countryside setting. As such, given the circumstances of this application, the proposal is acceptable with regard to the relevant provisions of the Development Plan, the NPPF and all other material considerations such as are relevant. A recommendation of approval of the application is therefore made on this basis.

#### **RECOMMENDATION – Application Permitted 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 mobile home hereby permitted shall be removed and the land upon which it is sited restored to its former condition within three years of the date of this decision; the use hereby permitted shall cease and all caravans, buildings, structures, materials and equipment brought on to the land, and all works undertaken to it in connection with the use, shall be removed and the land shall be restored to its condition before the development took place.

Reason: To enable the local planning authority to review the special circumstances under which this permission is granted.

(3) The occupation of the mobile home shall be limited to a person solely or mainly working, or last working, in the locality in agriculture (as defined in Section

336 (1) of the Town and Country Planning Act 1990) or in forestry, or a widow or widower of such a person, and to any resident dependants;

Reason: The site is in an area where new residential development is not normally permitted unless essentially required for the proper functioning of the enterprise concerned.

4) No more than 1 static caravan or mobile home, as defined by the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, shall be stationed on the land at any one time;

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

(5) The mobile home hereby approved shall not be brought on site until details of a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with a programme for the approved scheme's implementation, have been submitted to and approved in writing by the Local Planning Authority. The landscape scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment 2012 and shall include:

i) Retention and additional hedgerow planting along the northern boundary of application site along Crump's Lane;

The landscaping of the site and its management thereafter shall be carried out in accordance with the approved details over the period specified;

Reason: To ensure a satisfactory appearance to the development.

(6) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner. Any seeding or turfing which fails to establish or any trees or plants which, within ten years from the first occupation of a property, 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: To ensure a satisfactory appearance to the development.

(7) No fencing, walling and other boundary treatments shall be erected within the application site unless otherwise agreed in writing by the local planning authority;

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

8) No external lighting, whether temporary or permanent, shall be placed or erected within the site unless details are submitted to and approved in writing by the local planning authority. These details shall include, inter alia, measures to shield and direct light from the light sources so as to prevent light pollution and illuminance

contour plots covering sensitive neighbouring receptors. The development shall thereafter be carried out in accordance with the subsequently approved details and maintained as such thereafter;

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

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

Location Plan – Drawing No. 18/0912A – Received on 20/12/2018

Block Plan – Drawing No. 18/0916 – Received on 20/12/2018

Plans & Elevations – Drawing No. 18/0917 – Received on 20/12/2018

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

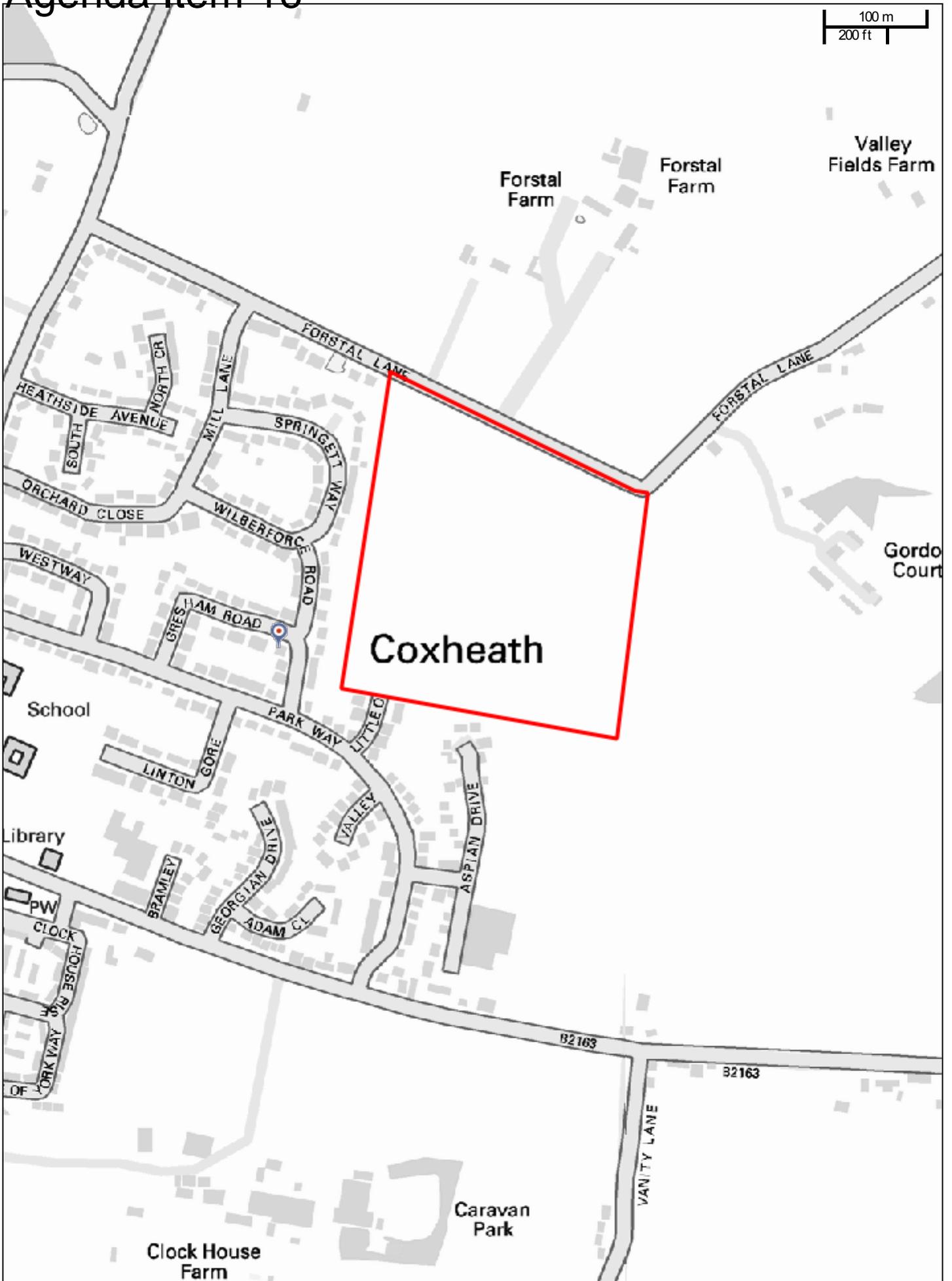
(10) Development shall not begin until details of the proposed means of foul and surface water disposal have been submitted to and approved in writing by the local planning authority. The approved details shall be implemented in full prior to the occupation of the dwelling hereby approved.

Reason: To ensure adequate sewage disposal arrangements.

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.

# Agenda Item 16



18/505417/REM Land South Of Forstal Lane

Scale: 1:5000

Printed on: 18/1/2019 at 16:12 PM by SummerF

<b>REFERENCE NO -</b> 18/505417/REM		
<b>APPLICATION PROPOSAL</b> Approval of Reserved Matters for Appearance, Layout, Scale and Landscaping and details pursuant to conditions 6 (Arboricultural Method Statement); 7 (Tree Protection) and 24 (Minimise Risk of Crime) being sought for erection of 210 dwellings together with access off Forstal Lane, 1.85 hectares of open space and associated infrastructure - pursuant of Outline Application 17/502072/OUT.		
<b>ADDRESS</b> Land south of Forstal Lane, Coxheath Kent		
<b>RECOMMENDATION</b> Application Permitted		
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b> The application accords with the principles established in the outline planning permission and legal agreement and relevant national and local plan policies.		
<b>REASON FOR REFERRAL TO COMMITTEE</b> An informative on the Outline Consent required Reserved Matters to be reported to the Planning Committee for determination.		
<b>WARD</b> Coxheath And Hunton	<b>PARISH/TOWN COUNCIL</b> Coxheath	<b>APPLICANT</b> Chartway Group Ltd <b>AGENT</b> N/A
<b>TARGET DECISION DATE</b> 05/02/19		<b>PUBLICITY EXPIRY DATE</b> 13/12/18

### Relevant Planning History

17/502072/OUT

Outline Application for residential development for up to 210 dwellings together with access off Forstal Lane, 1.85 hectares of open space and associated infrastructure (Access being sought).

Approved Decision Date: 27.02.2018

18/502922/SUB

Submission of details pursuant to Condition 4 (i) : Archaeological field evaluation works (original application ref: 17/502072/OUT).

Approved Decision Date: 25.07.2018

18/504503/NMAMD

Section 96A Application (Non-Material Amendment) - to Vary Condition 5 (All Existing Hedgerow To Be Retained) on Outline Planning Permission 17/502072/OUT - To Allow A Temporary Construction Access.

Approved Decision Date: 09.10.2018

18/504665/NMAMD

Section 96A Application (Non-Material Minor Amendment) - To Vary Condition 18 (Badger Mitigation Strategy and Measures Approved) To amend the Badger Mitigation Approach on Outline Planning Permission 17/502072/OUT ( (for 210 dwellings together with access off Forstal Lane, 1.85 hectares of open space)-

Approved Decision Date: 08.11.2018

18/504669/SUB

Submission of Details Pursuant to Condition 13 - Ecological Design Strategy of original planning permission 17/502072/OUT (for 210 dwellings together with access off Forstal Lane, 1.85 hectares of open space)

Approved Decision Date: 24.10.2018

18/505019/SUB

Submission of details pursuant to condition 4ii (Further archaeological investigation) for planning permission 17/502072/OUT s Approved) To amend the Badger Mitigation Approach on Outline Planning Permission 17/502072/OUT (for 210 dwellings together with access off Forstal Lane, 1.85 hectares of open space)  
Approved Decision Date: 12.11.2018

18/505765/NMAMD

Non Material Amendment to vary Condition 19 (EV Fast Charging Points of 22kw or Faster) for the provision of EV slow charging points (of 3.6kW or faster) to serve the development (WallPod Details and shown on the Proposed EV Charging Location Plan) subject to 17/502072/OUT (210 dwellings)  
Approved Decision Date: 17.12.2018

18/506028/SUB

Submission of Details to Discharge Condition 3 (Construction Method Statement) Condition 9 (Maintenance and Management of the Sustainable Drainage Scheme) Condition 16 (Contamination) and Condition 23 (Drainage Strategy - Means of Disposal) Subject to 17/502072/OUT  
Pending Consideration

18/506426/SUB

Submission of Details to Discharge Condition 15 Air Quality assessment and mitigation measures subject to 17/502072/OUT.  
Pending Decision

## **MAIN REPORT**

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

- 1.01 The site of 7.79ha is allocated in the adopted Plan (H1(58)) and lies to the south of Forstal Lane, adjoining the existing estate of Park Way and Mill Road to the west and south the recently constructed housing development of Willow Grange which was a Local Plan allocation (H1(57)) for 130 dwellings.
- 1.02 The site is currently laid out as rough grassland and is generally enclosed by hedgerows to its boundaries, with the western part of the site being relatively level with the eastern part of the site dropping into a gentle valley which runs from the south eastern to north eastern boundary of the site. The site has an existing site access onto Forstal Lane to the northern boundary and a public footpath, KM67 runs north to south along the eastern boundary, into the Willow Grange development and then to Heath Road.
- 1.03 The established part of Coxheath village lies to the south and west, including Park Way and open countryside lies to the north and east. Forstal Lane itself is characterised by a lane with deep highway verges. Coxheath village is a short walk via the existing estates to the south west via the footpath link or alternatively along Forstal Lane and through Mill Lane and through the housing estate. The village itself has a range of facilities including shops, medical and community facilities and public transport links and is categorised as a 'larger village' in the Local Plan
- 1.04 In regard of the 2 GP Surgeries, Members will be aware that they are due to merge and relocate to new premises just to the east of Coxheath (and technically in the Parish of Linton). The new premises would be 600m walking via the KM67 and Heath Road.

- 1.05 To the North East of the site, Forstal Lane becomes Well Street, a narrow lane which leads to Loose and its Conservation Area (which is over 500m from the application site)

## **2. PROPOSAL**

2.01 The site was allocated for 195 dwellings with 1.4ha of Open Space under policy H1 (58) of the adopted Local Plan. Prior to the Local Plan adoption, outline planning permission (all matters reserved except for access) was sought for up to 210 dwellings with 1.85 ha of Open Space. Planning permission was resolved to be granted at the Planning Committee of 7 November 2017 and the decision was issued on 27 February 2018.

2.02 The outline planning permission was granted in February 2018, subject to a legal agreement (under section 106 of the Town & Country Planning Act 1990) that secured the following, with priority to the Coxheath area especially in terms of social care and youth services:

- Financial contribution to local late night bus services;
- 40% affordable residential units within the application site (Tenure mix 60% Affordable Rent, 40% Shared Ownership).
- The securing of a LEMP for the management of the Open Space and other communal areas including protection measures
- Financial contribution towards permanent expansion to 2FE of South Borough Primary School)
- Financial contribution towards Phase 2 expansion at Maidstone Grammar School.
- Travel Plan and monitoring fee of £5,000
- Financial contribution towards the Linton Crossroads Improvements scheme
- Financial contribution towards community learning
- Financial contribution towards book stock at Coxheath Library.
- Financial contribution towards Healthcare at Stockett Lane and Orchard surgeries.
- Financial contribution for Youth Services (Coxheath youth workers; towards Social Care and Trinity Foyer Sensory -beds and rockery)
- Open Space Contribution towards Whitebeam Drive Play Area; open space at Stockett Lane; Outdoor Sports and Amenity Green Space (Linden Road)

2.03 The outline application dealt with a number of key principles of development and specifically there were conditions imposed in regard of:

- Renewable and Low Carbon Energy
- Construction Method Statement
- sustainable surface water drainage design

- lighting design strategy for biodiversity
- ecological design and management strategy
- air quality
- contamination
- decentralised and renewable or low-carbon sources of energy
- EV charging
- Access configuration to make right turns extremely difficult
- S278 for Forstal Lane including footpath on southern side
- KM67 resurfacing
- Foul drainage strategy
- Parameter plans for Green infrastructure

2.04 Summary of Reserved Matters application

2.05 The reserved matters submitted in terms of the scale, layout, appearance and landscaping are as follows:

- The overall site area is 7.79ha (including the POS) giving gross density of 27dph
- 210 dwellings on 5.94 ha of the site giving an overall average density of approx. 35 dph on the developed sector of the site.
- In terms of overall layout there are 2 distinct character areas. One on the peripheries of the site that abut the countryside (the northern and eastern edges) has 37 units at a density of approx. 27 dph. This leaves the core area at a density of approx. 38 dph.
- The houses are mainly 2 storeys, there are some 2.5 storeys and the apartment block (12 flats) is 3 and 2.5 storeys.
- 126 market houses comprising 70 x 3-bed; 42 x 4-bed and 14 x 5-bed dwellings.
- 84 affordable units (50 rented and 34 shared ownership), mainly sited in the SW of the site. The Registered Provider is secured as Optivo.
- The affordable rented comprises of 8 x 1-bed; 18 x 2-bed; 20 x 3-bed and 4 x 4-bed. There are 12 flats of 1 and 2 bed sizes.
- The shared ownership comprises of 17 x 2-bed and 17 x 3-bed.
- The materials have not been specified at this stage but generally are expected to be facing brick with features such as tile hanging and composite boarding and clay tiles or composite slate roofs. These key details will be controlled through an appropriately detailed condition.

- The originally submitted drawings had a high proportion of gabled roofs but these have been amended to include more hipped and half hipped roofs to open up and reduced the bulk of the roofscape.
  - The main access (Primary street) remains at the north western corner and runs south into the site with 3 routes traversing the site west-east, one being a primary street and 2 being "Green streets"
  - 1.85 ha of Open space on the eastern part of the site incorporating an equipped play area, the PROW and surface water drainage swales and attenuation pond.
  - 2 smaller "Greens" in the core of the site and an undeveloped section along most of the southern boundary for ecological purposes.
  - A foul drainage pumping station in the NE corner
  - 456 Parking spaces: 252 allocated spaces/86 garage/car port spaces/76 accessible spaces/42 visitor spaces (averaging 12.17 spaces per dwelling).
  - Details of the arboricultural method statement, tree protection and measures to minimise risk of crime.
- 2.06 A key consideration when granting the outline permission was ensuring that egress for motor vehicles was to the left. Separate information on the s278 works (which need to be submitted and approved before dpc level in condition 20 of the outline planning permission) have been submitted for information at this stage and show a raised kerb splitter island orientated to deter right turns out of the site and it is understood agreement has been secured with KCC to also allow "no right turn" signage.
- 2.07 This application is the subject of a Planning Performance Agreement (PPA) and as part of this there were detailed discussions with councillors in December 2018 and January 2019 where certain key issues were explored.
- 2.08 Revisions have been submitted as follows:
- Layout in South West Corner: set back 4 units by approx 2m to break up the building line and provide more space within the street scene; Install more planting (specimen rich shrubs); hip ended additional plot roof forms to reduce the perceived visual bulk; introduce more block paving; additional tree planting.
  - Relationship with adjacent residential areas: Remove 4 x 2.5 storey units along the western aspect and replace with 2 storey units; fully hip the roof forms to the key units to the east and south east of the site to reduce bulk and massing
  - Design: Amendments now include a range of fully hipped and half hipped roof forms and some gable fronted units for variety to the external form and appearance of the streetscapes/roofscapes and to reinforce this edge of village context; hipped roofs to the units adjacent to the open space to support this semi-rural edge location and ensure the open view from Willow Grange is maintained.
  - Landscaping: Additional block paving has been provided in the NW and SW corners to visually soften the streetscapes; additional native species to be planted along a section of the western boundary vegetation; additional new tree planting secured along the secondary (green) corridors; integration of more native species to the landscaping; additional new paths to enhance permeability; POS landscaping measures (including thin stemmed orchard

trees) allow the view to open up of the North Downs; natural surveillance of the eastern aspect to the play area, together with good integration within the POS.

- Provision of 2 additional visitor parking bays; set back boundary walls to allow more landscaping/space and introduced new "ragstone" feature walls at entrance points; legibility for pedestrians/cyclists to continue onto Little Orchard; a knee-rail fence along the northern aspect border to protect hedgerow; brick walls along key plot boundaries ; improved footway design for legibility/permeability purposes.
- Materials, play area equipment, detailed planting plans and lighting details to be reserved by condition.

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

National Planning Policy Framework (NPPF)  
National Planning Practice Guidance (NPPG)  
Maidstone Local Plan 2017:  
SP11 Larger Villages  
SP13 (Coxheath larger Village)  
SP19 Housing mix  
SP20 Affordable Housing  
H1(58) Forstal Lane, Coxheath  
DM1 Principles of good design  
DM2 Sustainable design  
DM3 Natural environment  
DM8 External lighting  
DM12 Density of housing development  
DM19 Open space and recreation  
DM21 Assessing the transport impacts of development  
DM23 Parking standards

### **4. LOCAL REPRESENTATIONS**

#### **Local Residents:**

4.01 Neighbours were notified of the application as originally submitted. A site notice was also put up at the site and a Press Notice was published. A total of 61 representations received from local residents raising the following (summarised) objections.

- Coxheath losing its open spaces, destroying the natural landscape
- currently have enough other estates being built and as yet not sold
- whole charm and originality of village becoming overwhelmed by expected approx 500 new builds
- Too many houses and too high density should be a maximum of 148 dwellings on the site to give 25 dph
- infrastructure problems (power, water pressure, sewerage capacity)
- outermost properties will directly overshadow and overlook existing houses and gardens on both the west and south boundaries
- A 1.5 metre deep vegetation planting screen need along boundary line.
- Difficulty of maintaining hedge and conifers on the common boundary.
- The boundary hedges should be allowed to grow at a height which screens upstairs windows in the new development
- 3 storey flats are not in keeping with the surrounding area

- needs Bungalows for the elderly
- no house should be more than 2 storeys high and houses should be moved further in from the boundaries
- breaches the secure by design regulations
- air pollution
- increased road maintenance that will be required.
- Wilberforce Road will become a rat run- risk of road collapse with the weight and frequency of builders' lorries required for this new estate
- not possible to achieve the dimensions for a major access road given in their access application, limits development to up to 100 dwellings
- rat running along country lanes such as Forstal Lane itself and Stockett Lane and all surrounding country lanes, making them increasingly more hazardous.
- Traffic causing irreversible damage to Loose village and its immediate surroundings including the Loose Valley conservation area.
- Well Street has no footpath for children to walk to and from school.
- Well Street should be blocked off to prevent use as a rat run
- Forstal Lane is not built to handle two way traffic. Stockett Lane is a very busy road which narrows to a single lane due to the amount of vehicles parked in the road
- Well Street also very popular with people horse riding. Will need measures to reduce the speed of the traffic.
- The exit should be routed through the Willow Grange development with a mini roundabout onto Heath Road.
- Needs improvements to Linton crossroads,
- Inadequate Parking; residents use garages as storage space
- 4.8m width will not provide sufficient width for refuse trucks, emergency vehicles, delivery vans etc when cars are parked on the roadside elderly residents that use mobility scooters and parents with pushchairs will be forced into the road to pass
- only 11 car parking places for the 12 flats every household has two cars at a minimum
- very limited visitor parking
- Planned walk ways from existing roads so a possibility parking could also overspill into other surrounding roads
- needs control of hours of construction; limited number of HGVs per day to avoid peak traffic.
- 5 years of dirt, dust, mud, and excess noise, mud on roads
- land is contaminated with asbestos
- Increased noise, light and air pollution
- Open space offers little significance. A play area is not enough to justify the building of 200+ homes.
- Schools, doctors are full and little or no community facilities
- Flood risk
- Sewerage plans still unclear
- affordable housing ( esp rented) not pepper potted

- Non truly affordable for younger generations
- needs key worker housing
- policy H1(60) only requires 1.4 hectares of open space, they should not be allowed to increase the housing density to almost 41dph,
- Changes ecological balance of the area
- People will drive to the village shops and school where there is very little parking
- Village is losing its shops and services
- Should be no street lighting to reduce light pollution to Loose village/conservation area.
- Clarity needed on changes to boundaries owned by others
- Gordon Court currently enjoys views over the Loose Valley and surrounding orchards
- roads have large amounts of surface water snow and ice during bad weather particularly Well Street(single track) and Workhouse Lane(limited passing).
- Committee members should visit the site and surrounding lanes to understand the concerns

4.02 Unsold houses on other Coxheath housing sites; off site road maintenance; affordability of housing for younger generations; loss of services in the village centre; people driving to the village centre; loss of view; snow and ice on country lanes are issues that are not material planning considerations and therefore cannot be taken into account in the determination of this application.

4.03 Issues relating to the principle of the development as a greenfield site; wider housing development in Coxheath; infrastructure; key worker housing; community services; schools and healthcare; air pollution; access via Forstal Lane; wider traffic congestion; construction management; ecology; archaeology; contamination; flood risk and drainage were dealt with at the outline application stage which established principles or was subject to conditions or planning obligations and cannot be revisited in a reserved matters application.

4.04 The other matters raised by neighbours and other objectors are discussed in the detailed assessment below.

## **5. 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 Coxheath PC: no reference to the Section 278 agreement to upgrade Forstal Lane due to massive increase in traffic emanating from this development site.

- upgrading/improvement of Forstal Lane must be addressed,
- during the construction phase the village road infrastructure will come under very considerable strain
- The Maidstone Local Plan allows for up to 195 dwellings but the plans still indicate a total of 210. - a maximum number of 195 dwellings should be set.
- The only reason is financial gain, like to see some concessions to local sensitivities

- affordable housing concentrated adjacent to Wilberforce Road and Springett Way- it should be spread across the whole site not so close to the boundary of the existing community
  - there needs to be a more substantial and landscaped buffer between the existing settlement and the new houses- a reduction in the overall numbers/density will help this issue
  - garages will not be used to house vehicles: a large overspill into street parking will spoil the amenity of residents
  - a covenant needed to prevent the overnight on-street parking of commercial vehicles
  - effects of surface water from the site are being under- estimated.
  - The overflow pond in the area of public green open space could represent a health and safety hazard, particularly to young children
  - concerns over water pressure and sewage disposal.
- 5.02 Loose PC: fully supports the concerns from Coxheath Parish and stands by their original objections to outline application. Concerned that the lack of street furniture to stop residents of the new estate turning right into Well Street will cause a heavy increase in traffic onto a narrow road with few passing places.
- 5.03 Southern Water: Pumping stations must be more than 15m from any habitable rooms.
- 5.04 Initial desk top study indicates that there is an increase risk of flooding unless any required network reinforcement is provided by SWS, to be part funded through the New Infrastructure Charge with the remainder funded through Southern Water Capital Works programme. SWS and the developer will need to work together in order to review if the delivery of the network reinforcement aligns with the proposed occupation as it will take time to design and deliver any such reinforcement. SWS request a condition to reflect this. It may be possible for some initial dwellings to connect: detailed network modelling may require existing flows to be monitored to design such work in the most economic manner to satisfy needs of customers. The time take will depend on the complexity of any scheme needed, but limited to a maximum of 24 months from a firm commitment from the developer to commence construction on site.
- 5.05 Natural England No objections
- 5.06 KCC (Public Rights of Way) Public Footpath KM67 passes along the eastern boundary of the development site, connecting Forstal Lane with the 'Willow Grange' development to the south. With reference to the Indicative Landscape Masterplan, the applicant states that public footpath KM67 will be 'retained and enhanced with hard surface for all-weather use'. It is requested that the proposed surfacing specification is clarified with the PRow and Access Service, beforehand. It should be expected that a minimum surfaced path width of 2 metres is provided along the right of way, where it passes through the site.
- 5.07 Concerns with the close proximity of the proposed orchard and sub-station vegetation screening adjacent to the path, as this planting could potentially enclose the PRow and have a detrimental impact on the character of the path. Planting should be kept to an absolute minimum to ensure there are clear lines of view from properties and publicly accessible open spaces. It is requested that the public footpath is positioned within a wide green corridor, set back from the vegetation, so that the route is safe and secure to use. This should also ensure that

- future vegetation growth does not encroach onto the path and restrict access for path users.
- 5.08 Indicated that 'Motorbike Deterrent Measures' may be installed on the right of way which would need the authorisation of the PRow and Access Service but happy to discuss and consider measures that address any such issue.
- 5.09 Kent Police: Met with the applicant/agent at the early design stages regarding CPTED for this proposal and we note the inclusion of the Secured By Design (SBD) and consultation references on pages 16 and 17 of the Design and Access Statement (DAS). No additional comments to make at this time.
- 5.10 Kent Fire Brigade: no objections
- 5.11 KCC (Highways And Transportation) State that that a drawing has not been provided demonstrating the visibility sight lines for the development's internal access roads. Confirmation of the roads intended design speeds would also be beneficial in assessing the adequacy of the sight lines proposed.
- 5.12 The applicant has proposed a carriageway width of 5.5m for the major road running north to south through the site and a width of 4.8m for the minor roads, which run from east to west. In the interest of speed attenuation, the applicant has proposed a series of raised tables and curvatures in the carriageways alignment to limit straight sections of road. These measures are intended to reduce the likelihood of vehicles speeds that are higher than the design speed of the road. The Kent Design Guide advises that a Major Access Road (MAR), which can serve between 50 and 300 dwellings, should be provided with speed attenuation measures at intervals of between 100 and 120 meters. The layout proposed accords with this guidance.
- 5.13 Noted that street lighting will be provided to ensure sufficient illumination of the speed restraint measures during periods of darkness.
- 5.14 There are 454 car parking spaces, inclusive of 40 visitor spaces. The 2nd allocated space for some of the 3 and 4 -bed properties will be provided in tandem format or as a car barn/garage. IGN3 advises that garages should only be counted as additional to the total amount of parking spaces required. It would therefore be helpful if a detailed parking schedule could be produced illustrating the total parking provision. This will identify what impact the garages and tandem spaces proposed have on the overall provision. 42 visitor parking spaces are required. This is 2 more should therefore be provided.
- 5.15 Swept path analysis has been provided for a 11.2m-long refuse freighter. This analysis demonstrates that there is enough space for vehicles up to refuse freighter size to access to the proposals.
- 5.16 Some footways appear to terminate abruptly, for example, between plots 22 and 40. The applicant should give further consideration to providing the additional pedestrian links where they have currently been omitted.
- 5.17 Cycle parking for the dwellings will be provided via secure facilities, that are situated in the rear garden of the dwellings, with the apartment building given its own secure cycle store. This is acceptable and in line with the guidance in Kent Vehicle Parking Standards, Supplementary Planning Guidance (SPG4).
- 5.18 KCC- Ecology: Satisfied that the mitigation agreed as part of the original planning application can still be implemented. We highlight that condition 13 of the original planning application requires the submission of an ecological design and management strategy which will provide detailed information on the mitigation

required. The EDS may highlight that there is a need for small changes to the design/management of the open space but it's unlikely to be significant.

- 5.19 KCC (sustainable drainage)- shallow infiltration is extremely variable and often poor in this area. However, consideration could be given to the use of deep bore soakaways in the event that shallow infiltration is ineffective or poses an unacceptable risk of ground instability or washout. This should be fully assessed as part of the detailed design.
- 5.20 Previous discussions recommended the incorporation of individual plot soakaways. From the Drainage Strategy drawing (7054/1060, Revision 2) submitted, it is unclear if this method of source control has been maintained in the design. We would recommend source control features are incorporated wherever possible in accordance with sustainable drainage principles. There is suitable space within the development to incorporate this in at the detailed design stage.
- 5.21 We would also expect to see the drainage system modelled using FeH rainfall data in any appropriate modelling or simulation software. Where FeH data is not available, 26.25mm should be manually input for the M5-60 value, as per the requirements of our latest drainage and planning policy statement (June 2017).
- 5.22 Satisfied that any alterations would be accommodated within the proposed development layout. Therefore no objection.

## **6. APPRAISAL**

### **Main Issues**

- 6.01 The key issues for consideration relate to:
- Design, layout, appearance and density
  - Residential amenity
  - Highways
  - Parking
  - Trees, landscaping, and ecology
  - Affordable Housing

### **Design, layout, appearance and density**

- 6.02 Policy DM 1 of the local plan states that proposals which would create high quality design will be permitted. Proposals should respond positively to and where possible enhance the character of the area. Particular regard will be paid to scale, height, materials, detailing, mass, bulk, articulation and site coverage.
- 6.03 Policy DM12 of the local plan advises that 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.
- 6.04 The site is in a relatively sustainable location and the proposed density is considered acceptable in this context. The outline planning permission approved up to 210 units with 1.85ha of Open Space. Specifically, in the committee recommendation, there was a reference to that application proposing dwellings in excess of that set out in the policy which was said to allow flexibility and it was considered there was scope to secure a high quality scheme at the reserved matters stage including a substantial area of open space and the other matters relevant to the policy.

- 6.05 It is my view that the development of the site as proposed with 210 units is acceptable in principle and the development would accord with the relevant policy criteria. The site is capable of accommodating the proposed quantum of development with the 2 character areas (core and edge) having regard to the character of the rural locality and edge of village location.
- 6.06 The revised NPPF (July 2018) has a chapter dedicated to design ("12. Achieving well-designed places") and there is specific reference to the design assessment framework 'Building for Life 12' and this application has been carefully considered against this assessment framework. Much of the general design principles were agreed as part of the outline consent and/or conditioned and these emanated from the relevant criteria in the allocation Policy. However, this reserved matters application provides far greater detail than hitherto.
- 6.07 The key design feature that gives the proposed layout structure and distinctiveness is the two character areas. The open space has been located where proposed due to topography and views both to and from the north of the site. Between the open space and the higher density housing is the lower density housing thus providing a transitional zone. The higher density housing is closest to the existing housing to the west and this, in turn, is made up of neighbourhood sub areas. This zonal approach creates a distinctive 'sense of place'. Secondly, the layout is not wholly inward looking but provides pedestrian linkages in order to achieve integration and permeability.
- 6.08 Other design techniques such as buildings turning corners and enclosure to define the streets have also been employed. However, this is balanced with the need to bring landscaping into the layout so that it is an integral feature and so a distinct 'green corridor' is proposed. A legible street pattern has been employed and, with block paving, this helps reduce motor vehicle speeds and encourages pedestrian and bicycle flows. Sufficient amenity space is proposed. Private gardens are intended to be the location of bin and recycling storage (except for day of collection points) and the flats block has an enclosed lean to bin store. In terms of architectural detailing, both vernacular materials and façade treatment are proposed and these will be conditioned. However, I discuss the south west corner in more detail below.
- 6.09 The area of the site layout which is most relevant in terms of its relationship with adjoining dwellings is the SW corner and the western boundary. This does have a higher density than Springett Way, Wilberforce Road and Little Orchard. Amendments have been secured in terms of fewer 2.5 storey dwellings along the western boundary. However, due to density, this is the most challenging area. In the SW corner, positive changes to the amount of soft landscaping, the type of hard surfacing, a slight change to the building line and design changes to reduce roof bulk together with sensitive elevational treatment and materials will cumulatively result in an acceptable proposal in my opinion. However, there needs to be detailed conditions to ensure this (e.g the use of natural or composite slate to 'lighten' the roofscape).

### **Residential amenity**

- 6.10 The core principles set out in the NPPF state that planning should 'always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings. Policy DM1 advises that development should respect the amenities of occupiers of neighbouring properties and uses by ensuring that development does not result in excessive noise, activity or vehicular movements, overlooking or visual intrusion. The policy states that the built form should not result in an unacceptable loss of privacy or light enjoyed by the occupiers of nearby properties.

- 6.11 The proposed layout of the development provides a good standard of residential accommodation overall with adequate daylight, sunlight and privacy provision. Residential amenity within the new layout is acceptable and accords with current standards.
- 6.12 Separation distances (ie back to back or flank to back) between proposed new units along the western boundary and the existing dwellings in Springett Way and Wilberforce Road are in the order of 35m or greater. Three of the proposed terraced units have flank walls onto this boundary but these do not have any windows to the walls which would directly face the gardens. A condition restricting new first floor openings on key plots is suggested.
- 6.13 The apartment block which does have 3 floors of accommodation is indicated to be 35m from the western boundary and the upper windows set over 50m from the backs of dwellings in Springett Way and Wilberforce Road.
- 6.14 I am therefore satisfied that there are no unacceptable overlooking or overbearing issues from the proposed layout, including from the 3 storey apartment block, thereby protecting residential amenity as required by policy DM1 of the Local Plan.
- 6.15 The pumping station is adequately separated from the nearest dwelling in accordance with SWS advice.

### **Highways & Parking**

- 6.16 The application site is in a relatively sustainable location. The village centre is within walking distance and other everyday services (including doctors, schools and parks) are all within a short distance of the site. This includes the intended new GP surgery at Heath Road.
- 6.17 Additional visitor bays have been proposed so standards are now met in that regard. There are garages and car ports contributing towards the parking provision which is acceptable in my view. The main access and one of the traversing routes are 5.5m wide and overall parking levels are satisfactory overall, averaging at 2.17 spaces per dwelling.
- 6.18 The access point via Forstal Lane and Stockett Lane was approved at outline stage and there is no scope to require access to Heath Road via Willow Grange which was not pursued before as there is a third party ownership of part of the necessary route.
- 6.19 The need for s278 approval in terms of improvements to Forstal Lane and the restriction of right turns is covered by a condition on the outline planning permission and does not have to be signed until development is at damp proof course level. However, the applicants have indicated that s278 drawings are with KCC and approval is envisaged shortly which will secure these objectives.

### **Trees, Landscaping & Ecology**

- 6.20 The landscaping of the Open Space includes an equipped play area (equipment details to be submitted subsequently), a network of paths linking to the PROW and a mix of shrubs and amenity orchard trees, oak trees and surface water drainage swales and an attenuation pond.
- 6.21 More planting of native species has been proposed along the western boundary which will abut a proposed 1.8m close board fence for privacy.
- 6.22 The open space to the south and east factors in the needs of the approved Ecological Design Strategy.

- 6.23 Overall I am satisfied that the scheme accords with the objectives of the outline planning permission in regard of the open space and use of native species in the landscaping of the site and the details of the arboricultural method statement and tree protection measures are acceptable and accord with policies DM1, DM3 and DM19 of the Local Plan.

### **Affordable Housing**

- 6.24 The number and tenure mix of affordable housing was agreed in the s106 at outline planning permission stage. The sizes of the units have since been agreed with the housing officer pursuant to the terms of the legal agreement.
- 6.25 However, in accordance with Policy SP20 which states that Affordable housing provision should be appropriately integrated within the site, the remaining issue for this application to consider is the distribution within the site. It is the case that there is a relative concentration of affordable rented in particular in the SW corner but the houses are designed to be "tenure blind" and the Registered Provider will have management efficiency objectives that are best served by clusters rather than pepper potting, so this is acceptable.

### **Other Matters**

- 6.26 External lighting is subject to policy DM8 of the Local Plan. The external lighting is to be the subject of a subsequent submission of details. It is accepted that light pollution needs to be avoided in this sensitive location, although some needs to be provided to ensure sufficient illumination of the speed restraint measures during periods of darkness.
- 6.27 Kent Police advise that they are satisfied that the development is designed to minimise risk of crime and thus accords with Policy DM1 in that regard.
- 6.28 The proposed development is CIL liable. The Council adopted a Community Infrastructure Levy on 25 October 2017 and began charging on all CIL liable applications approved on and from 1 October 2018. The actual amount of CIL can only be confirmed once all the relevant forms have been submitted and relevant details have been assessed and approved. Any relief claimed will be assessed at the time planning permission is granted or shortly after.

## **7. CONCLUSION**

- 7.01 The Reserved matters application and the tree and designing out crime details all accord with the principles established in the outline planning permission and legal agreement and relevant national and local plan policies.
- 7.02 Conditions are suggested for certain issues where more detail or negotiation are necessary, being external lighting, external materials/appearance, play area equipment/landscaping and safeguarding privacy for neighbouring dwellings where flank walls are proposed to face them. Detailed planting plans are also needed in addition to the landscape strategy and masterplan.

## **8. RECOMMENDATION**

APPROVE reserved matters subject to the following conditions:

- 1) The drawings hereby approved are as detailed on the Drawing Issue Sheet rev D received on 21.01.19.

Reason: For the avoidance of doubt.

- 2) The development hereby approved shall not commence above damp proof course level until full written details and samples of the materials to be used and incorporated within in the block paving and in the construction of the external surfaces of the buildings have been submitted to and approved in writing by the Local Planning Authority. These shall be vernacular and shall include: Kentish Ragstone to plots 1 and 208; stock brickwork, clay tile hanging, composite weatherboarding and plain clay and/or natural or composite (ie slate waste) slate roof tiles. The Development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance of development.

- 3) The development hereby approved shall not commence above slab level until details of all joinery, eaves, gable verges, segmental gauged arches, railings and knee high railings have been submitted to and approved by the Local Planning Authority.

Reason: To ensure a satisfactory appearance of development.

- 4) No development above slab level shall take place until a sample panel of the ragstone to an agreed mortar mix for plots 1 and 208 and the feature entrance walling has been submitted to and approved in writing by the Local Planning Authority. Such details as approved shall be fully implemented.

Reason: To ensure a satisfactory appearance of development.

- 5) Notwithstanding drawing 4755-LLB-EB-E1-DR-L-0002 Rev P01, the development hereby approved shall not commence above damp proof course until details and an implementation timetable in respect of play equipment installation and landscaping of the Children's Play Space been submitted to and approved by the Local Planning Authority. The approved details shall be implemented in accordance with the approved timetable and retained thereafter.

Reason: To ensure a satisfactory Public Open Space.

- 6) There shall be no external lighting to dwellings, roads and paths unless details have first been submitted to and approved by the Local Planning Authority.

Reason: In the interests of minimising light pollution in a rural area.

- 7) No additional first floor windows or other openings shall be inserted in the west facing flank walls of plots 159, 178, 179, 210 hereby approved.

Reason: To safeguard the privacy of neighbouring property.

- 8) The development hereby approved shall not commence above damp proof course until details and timetable of proposed planting (which shall include the large scale detail of pits for street trees including drainage) to accord with the landscape strategy and masterplan hereby approved have been submitted to and approved by the Local Planning Authority.

Reason: No such details have been submitted and to ensure a satisfactory appearance of development.

#### Informatives

- 1) You are advised that the details to be submitted pursuant to condition 8 of the outline planning permission will be expected to include the surface water drainage in the open space to be linked with landscaping.

- 2) You are advised that the ragstone walls should be with flush joints and with a lime based mortar.

Case Officer: Marion Geary



<b>REFERENCE NO -</b> 18/505726/FULL		
<b>APPLICATION PROPOSAL</b> Construction of a new access to Crumps Lane and erection of a general purposes agricultural storage building.		
<b>ADDRESS</b> Mansion House Farm Crumps Lane Ulcombe Maidstone Kent ME17 1EX		
<b>RECOMMENDATION</b> Approval subject to conditions		
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b> The proposals are necessary for the purposes of agriculture and would result in economic and social benefits in supporting an existing rural farming business and these benefits outweigh the landscape harm to the countryside and designated 'Landscape of Local Value'.		
<b>REASON FOR REFERRAL TO COMMITTEE</b> Ulcombe Parish Council requested that the application is reported to the Planning Committee if Officers are minded to recommend approval.		
<b>WARD</b> Headcorn	<b>PARISH/TOWN COUNCIL</b> Ulcombe	<b>APPLICANT</b> Mrs Marion Coomber <b>AGENT</b> DHA Planning
<b>TARGET DECISION DATE</b> 07/01/19		<b>PUBLICITY EXPIRY DATE</b> 14/12/18

### Relevant Planning History

No relevant planning history

### MAIN REPORT

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

- 1.01 The application site relates to agricultural land located to the south of Crumps Lane within an area of open countryside and within an area of Landscape of Local Value as designated in the adopted Local Plan.
- 1.02 The site falls within the land holding of Mansion House Farm. This land holding covers a total area of 49.4 ha (122 acres) and includes two land plots of 27.5 ha (68 acres) and land at Boy Court which immediately adjoins the site to the south with an area of 21.85 ha (54 acres).
- 1.03 The application site itself is square shaped with an area of 0.44 ha (1.08 acres). The site is currently grassland bounded by hedgerow to the east and a mix of hedgerow and trees along Crumps Lane.
- 1.04 A public footpath (PROW KH328) is located to the south-east of the site and runs from south to north.
- 1.05 The nearest residential dwelling, namely Kingsnoad, is situated opposite to the site across from Crumps Lane. Kingsnoad is served by an existing access from Crumps Lane which sited approximately 25m from the proposed access. The main house of Kingsnoad is situated some 100m to the north-east of the site separated by mature trees and hedges along Crumps Lane.
- 1.06 The nearest group of residential dwellings are situated along an access track approximately 100m to the east of the site. This group of dwellings have their main house sited and fronting the access track and are distanced to the proposed building by some 80m-100m separated by some of their large rear gardens.

#### **2. PROPOSAL**

- 2.01 The application proposes the erection of a general purposes agricultural storage building for the storage of hay produced for the farm and the storage of agricultural machinery.

- 2.02 The proposed building has a 32m x 15m footprint and incorporates a shallow pitched roof with an overall roof ridge height of 8m. The proposed building has a steel frame set on a low blockwork plinth with metal profile sheeting coloured Green to three enclosed elevations. The roof will be covered in metal profile sheeting coloured in grey. The south east elevation (fronting away from Crumps Lane) of the building will be open-sided. The building will be set back from the highway by approximately 38m.
- 2.03 The proposed development also includes the construction of a new access to Crumps Lane serving the proposed building with hard surfacing link access to the south elevation of the building.
- 2.04 The proposed agricultural building could be erected by way of prior notification application under Class A of Part 6 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) (Amendment) Order 2018. The assessment under this application would be less restricted by the site's special landscape designation and less controlled by planning conditions for an appropriate landscape scheme.

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

National Planning Policy Framework (NPPF)  
National Planning Practice Guidance (NPPG)  
Maidstone Borough Local Plan 2017: Policies SS1, SP17, SP21, DM1, DM3, DM8, DM23, DM30, DM36, DM37  
Supplementary Planning Documents:  
Maidstone Landscape Character Assessment (2012 – amended 2013)  
Maidstone Landscape Capacity Study: Sensitivity Assessment (2015)

### **4. LOCAL REPRESENTATIONS**

#### **Local Residents:**

- 4.01 7 representations received from local residents raising the following (summarised) issues:
- Crumps Lane is a narrow single track country lane that is incapable of accommodating large and heavy agricultural machinery and lorries.
  - The proposed access lacks sufficient sight lines.
  - The proposed building is too large which will dominate the landscape and result in significant visual impact to the countryside, landscapes of local values and public vantage points.
  - The proposed building would result in harmful outlook, overbearance, and loss of privacy for neighbouring properties, in particular to the nearest neighbours namely Kingsnood, Mansion House Oast, Oast Apartment.
  - Noise and light pollution from site in what is an intrinsically dark landscape.
  - Impact on habitat and biodiversity.
  - The development is not necessary.

### **5. CONSULTATIONS**

#### Ulcombe Parish Council

- 5.01 Raise objections on the following grounds:
- Adverse visual impact to the open countryside (Low Weald), and the site being within an area of Landscape of Local Value and rated "High" in the Maidstone Landscape Capacity Study 2015.
  - Cumulative effect of ribbon development alongside a narrow country lane.
  - The proposal is visible from Crumps Lane and Public Right of Way KH328.
  - Loss of amenity to neighbouring properties, in particular to Mansion Farm Oast, of increased noise and lighting impact.
  - Suggested the possibility of development the existing farm site of old barns for new buildings instead of introducing new building at a prominent site.

- Requested that the application is reported to the Planning Committee if Officers are minded to recommend approval.

KCC Highways

5.02 Raises no objection

Agricultural Advisor

5.03 Considered the proposed development to be necessary for the operation of Mansion House Farm. The existing elderly farm storage buildings, which set out in a linear fashion alongside a private land that has restricted width, as at the entrance, off Crumps Lane, runs between the walls of adjoining residential properties that are outside the farm ownership. The old farm buildings are considered to be unsuitable in terms of design, condition and accessibility for convenient use by larger modern farm machinery.

MBC Landscape

5.04 Advised the site is located in the Ulcombe Mixed Farmlands landscape character area, which is assessed as being of high overall landscape sensitivity and is sensitive to change Guidelines and mitigation advice for development in this area has been provided. The landscape officer found the principles of the landscape scheme generally acceptable but the detail currently inadequate. If planning permission is approved, these shortcomings can be dealt with through landscape conditions (with tree protection details).

## **6. APPRAISAL**

### **Main Issues**

- 6.01 The key issues for consideration relate to:
- Agricultural need
  - Sustainability
  - Visual/landscape impact
  - Residential amenity
  - Highway safety implications
  - Other considerations
- 6.02 Policy SP17 states that agricultural proposals will be supported in the countryside where they facilitate the efficient use of the borough's significant agricultural land and soil resource and where any adverse impacts on the appearance and character of the landscape can be appropriately mitigated. Policy SP17 states that the distinctive landscape character of the Low Weald will be conserved and enhanced as a landscape of local value.
- 6.03 The NPPF also lends strong support to the rural economy and seeks to promote agricultural and land based rural businesses. Paragraph 83 of the NPPF supports a prosperous rural economy. To promote a strong economy support should be given to sustainable growth and expansion of all types of businesses and enterprises in rural areas and promotion of development and diversification of agricultural and other land-based rural businesses.
- 6.04 In terms of the land use in this location and the proposed building, it is necessary to balance the needs of agriculture against the visual impact of the proposals. Adopted policy DM36 states that new agricultural buildings that meet the following criteria will be permitted:
- The proposal is necessary for the purposes of agriculture.
  - There is no adverse impact on the amenity of existing residents; and
  - The building is located '...within or adjacent to an existing group of buildings...' to mitigate against the visual impact of development.

### **Agricultural Need**

- 6.05 Local Plan policy DM36 states that new agricultural buildings will be permitted where the proposal is necessary for the purposes of agriculture.
- 6.06 It is stated in the Planning Statement that the existing storage buildings on the farm were erected many years ago and are in poor condition. These existing buildings that are referred to in the consultation response from the Parish Council are not suitable for modern agricultural needs. The buildings can only be accessed via the existing farm access which is unsuitable for large modern farm machinery. The planning statement concludes that there is an urgent need for the efficiency of the farm business to provide a new purpose designed general purpose agricultural storage building on the land and importantly in a more accessible location.
- 6.07 When considering the need for development, a consultation response from Rural Planning Ltd. provided the following statement:

*'The application relates to a grassland farm of some 49.4 ha overall in two adjoining parcels of 27.5 ha and 21.9 ha. Some 1200-1500 large round bales of hay are produced each year. The applicant also owns a further 41 ha of arable land and pasture at Headcorn.*

*There are several existing elderly farm storage buildings at Mansion House Farm, set out in a linear fashion alongside a private lane that has restricted width, as at the entrance, off Crumps Lane, it runs between the walls of adjoining residential properties that are outside the farm ownership. The lane is also a public right of way. The old farm buildings are now unsuitable in terms of design, condition and accessibility for convenient use by larger modern farm machinery.*

*Consequently I consider the proposed development, sited directly off Crumps Lane, to be necessary, and appropriately designed and located, for the purposes of agricultural on this holding in accordance with Policy DM36 (1) of the Council's Adopted Local Plan 2017.'*

- 6.08 It is considered there is a reasonable need for the development and the proposal is necessary for agriculture in line with Policy DM36 of the Local Plan. Therefore the overarching question is whether the harm to the appearance of the countryside and Landscapes of Local Value is so great to outweigh the agricultural need for this development and this will be assessed in this report.

### **Visual/ landscape impact**

- 6.09 Policy SS1 of the Local Plan states that Landscapes of Local Value will be conserved and enhanced and that protection will be given to the rural character of the borough. SP17 states that the distinctive landscape character of the Low Weald will be conserved and enhanced as a Landscape of Local Value and proposals in the countryside will not result in harm to the character and appearance of the area. Policy DM30 states that new development should maintain, or where possible, enhance the local distinctiveness of an area.
- 6.10 The Low Weald Landscape of Local Value is considered to be a landscape that is highly sensitive to significant change, and it is a landscape that should be conserved and enhanced where appropriate. The Landscape Officer has commented that this area's (Ulcombe Mixed Farmlands) landscape is of high overall landscape sensitivity and is sensitive to change in accordance to the Maidstone Landscape Capacity Study: Sensitivity Assessment (2015).
- 6.11 The Landscape Officer has further commented that there are no protected trees on, or immediately adjacent to the site but the hedgerow may be considered important under the Hedgerow Regulations. The principle of the landscape scheme is

considered generally acceptable but the details currently inadequate. However, this can be dealt with by attaching landscape conditions (with tree protection details) to any permission granted.

- 6.12 Policy DM36 sets out that new agricultural buildings in use for agricultural trade will be permitted where the building would be located within or adjacent to any existing group of buildings, in order to mitigate against the visual impact of development.
- 6.13 Whilst the application site is an open agricultural field, the new building is located at the northern edge of the land holding and with the relationship to nearby residential buildings, the proposed building will not appear as an isolated structure in the countryside. Officer discussions with the applicant have also secured a reduction in the level of proposed hardstanding on the site for vehicle circulation.
- 6.14 The proposed agricultural building would be located about 30m set back from Crumps Lane at a slightly elevated level. The proposed materials would be characteristic of typical agricultural building. At some 8m in height to the roof ridge and a footprint of 32m x 15m, the new building would undoubtedly be a large structure; however, an assessment needs to be made with regards to the visual impacts of the proposed buildings and justification for its size and height.
- 6.15 The renovation or reuse of the existing buildings on land owned by the applicant was not feasible and the access to them not suitable for use by modern agricultural farm machinery. The proposed building and the proposed new access have been designed to accommodate modern farm machinery and equipment and part of this design is the building height.
- 6.16 The Applicant has outlined the necessity for the new building to be in an accessible location to allow access by large farm machinery, and this is confirmed by the Agricultural Advisor. The application site consists of agricultural land within the Applicant's farm holding fronting directly onto Crumps Lane. This is considered to be an appropriate location, which is the only main road serving the farm holding, and it is also nearest to the existing access track and group of buildings.
- 6.17 The new building and hardstanding would have some level of screening from the existing trees along Crumps Lane and the hedgerow along the east boundary facing a group of residential dwellings. A landscape plan has been submitted providing additional native species tree planting along the Crumps Lane boundary. It is considered further screening would be required in particular to the eastern boundary of the site facing the residential dwellings, as well as maintenance and improvement of the existing hedgerow surrounding the site. A landscape condition is recommended seeking the provision of a landscape scheme to minimise the visual impact of the proposed development on the countryside, on the landscape of local value, public vantage points.

*Overall*

- 6.18 It is acknowledged that the proposed development would have an impact on the countryside and Landscapes of Local Value. However, the applicant has demonstrated a need for the agricultural building at this more accessible location.
- 6.19 Additional landscaping and screening is proposed along Crumps Lane and further landscaping to the east and the maintenance of the existing hedgerow could be secured through appropriate landscape condition to ensure the visual impact of the development is minimised. The visual harm has to be balanced against the benefits and the aims of sustainable development to secure a long-term future for rural communities and agricultural businesses. The visual harm of the proposed development is considered to be outweighed by the agricultural and economic benefits that the scheme would provide.

**Residential amenity**

- 6.20 The proposed development would be about 90m from the nearest residential dwellings located to the east of the site. It is acknowledged that in terms of the closest property the majority of the separation distance is made up of rear garden land. With this separation distance it is not considered that the new building would result in any overshadowing, loss of light or loss of daylight to the living spaces of the nearby dwellings.
- 6.21 It is acknowledged that the new building would be visible from a number of neighbouring properties to the east and opposite the site, namely Kingsnoad, The Oast House, Mansion House Oast, Oast Apartment.
- 6.22 The view of an agricultural building within the rural landscape is not however out of keeping with the character of the countryside.
- 6.23 Whilst the protection of a private view is not a valid planning consideration, the visual appearance of the proposed barn will be improved by landscaping that will be secured through a planning condition. I do not consider the proposal would result in any significant impact in terms of outlook, overbearance and privacy.
- 6.24 The use of the land may result in some noise disturbance, but is not considered that it would be of such a scale that would warrant this application unacceptable. In addition, by having the new building directly off Crumps Lane this would reduce potential disturbance caused by use of the existing track situated in between the neighbouring properties and the coming and goings of vehicles and farm workers.
- 6.25 No lighting proposal has been submitted with the application. A condition is recommended to ensure that any installation of external lighting would require details to be submitted for prior approval.

**Highway safety implications**

- 6.26 The proposal consists of the creation of a new vehicle access to Crumps Lane.
- 6.27 Crumps Lane is a country road that will be the main route for traffic generated by the development. It is accepted that the development could potentially generate a marginal increase in traffic on the local road network; however the extent of increase is not considered severe. Whilst Crumps Lane is restricted in width in certain places it is considered acceptable for agricultural vehicles and is a rural road.
- 6.28 It is not considered that the cumulative impacts of the development on highways matters are likely to be severe.
- 6.29 Representations submitted by neighbours have stated that the existing access to the residential property called Kingsnoad located on the opposite side of Crumps Lane is not indicated on the vehicle swept path drawings. A concern was expressed as it was unclear if the residential access had been considered in the calculations.
- 6.30 The vehicle swept path drawing is designed to show that there is sufficient space on the road for a vehicle to manoeuvre safely and in this context presence of a residential access is irrelevant.
- 6.31 In terms of highway safety KCC Highways were consulted on the vehicle swept path and they have confirmed after a site visit that the distance between the proposed access and the existing neighbouring access is approximately 25m (measured from centre line to centre line). KCC Highways guidance, states that a minimum of 15m is required for a right-left stagger, therefore, it is considered the separation distance between the two accesses is in accordance with the guidance and would not result a highway safety issue. It should be noted that this analysis by KCC

Highways relates to access 'roads' and traffic volumes associated with the two access points that have been described is likely to significantly lower.

- 6.32 The Highways Officer has no objection to the proposal and is satisfied with the visibility sight lines, on site manoeuvring space and the swept path analysis. This analysis demonstrates that the size of vehicles using the site will be able to enter the site, manoeuvre and then egress onto the public highway in a forward manner.

**Other Matters**

- 6.33 The site falls within an area identified as High Spatial Priority in the Woodland Priority Habitat Network. KCC Biodiversity have been consulted on the proposal and their comment will be provided at a later date.
- 6.34 The Grade II listed Mansion House Farmhouse lies approximately 100m to the east of the site. Some views of the proposed building would be possible from the listed building, however the potential harm is not considered significant on the setting of the Listed Building due to the separation distance. Any harm would be considered to amount to 'less than substantial harm' in terms of the NPPF.

**7. CONCLUSION**

- 7.01 The development of an agricultural building with associated access and hardstanding at this location immediately adjacent to a main road is necessary for the farming business to store large machinery and storage of hay. Whilst it is accepted that the building will have a negative visual impact on the landscape with the need for the proposal and the building siting this impact is considered acceptable.
- 7.02 The impact on residential amenity is not significant given the degree of separation between the proposal and neighbouring properties. These benefits would outweigh the landscape harm and support the rural economy with sufficient mitigation possible through a landscaping scheme.

**8. RECOMMENDATION**

GRANT planning permission subject to the following conditions:

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

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

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

Proposed Site Layout Plan, No. DHA/13159/03 Rev B received on 20 Dec 2018  
Proposed Floor Plan & Elevations, No. DHA/13159/04 received on 12 Nov 2018

Reason: To clarify which plans have been approved.

- 3) The development hereby approved shall not commence above ground level until a landscape scheme designed in accordance with the principles of the Maidstone Landscape Character Assessment Supplement 2012 has been submitted to and approved in writing by the Local Planning Authority. The scheme shall specifically address the need for the maintenance of the hedgerow on the northern boundary, and provide appropriate boundary treatment along the northern and eastern boundaries to include native tree species and hedgerows. The landscape scheme shall also 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 and include a planting specification, a programme of implementation and maintenance and a 5 year management plan.

Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development. Details are required prior to commencement as a satisfactory landscaping scheme is of importance to the visual amenity of the development.

- 4) The use of the building hereby permitted shall not commence until all planting specified in the approved landscape details has been completed. All such landscaping shall be carried out during the planting season (October to February). Any trees or plants which, within five years from the first use of the 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.

- 5) A landscape and ecological management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscaped and open areas, shall be submitted to and approved in writing by the local planning authority prior to the first use of the approved building. Landscape and ecological management shall be carried out in accordance with the approved plan.

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

- 6) Information shall be submitted to (and approved in writing) by the Local Planning Authority that demonstrates that off-site surface water drainage works are appropriately secured and protected and subsequently implemented prior to the occupation of any phrase of the development.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water.

- 7) 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. 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 or off-site. The drainage scheme shall also demonstrate that silt and pollutants resulting from the site use and construction can be adequately managed to ensure there is no pollution risk to receiving waters.

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

- 8) The building hereby permitted shall not be used until an operation and maintenance manual for the proposed sustainable drainage scheme is submitted to (and approved in writing) by the Local Planning Authority. The manual at a minimum shall include the following details:

- A description of the drainage system and its key components
- An as-built generation arrangement plan with the location of drainage measures and critical features clearly marked
- An approximate timetable for the implementation of the drainage system
- Details of the future maintenance requirements of each drainage or SuDs component, and the frequency of such inspections and maintenance activities
- Details of who will undertake inspections and maintenance activities, including the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system through its lifetime

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

Reason: To ensure that any measures to mitigate flood risk and protect water quality on/off site are fully implemented and maintained (both during and after construction), as per the requirements of paragraph 163 of the NPPF and its associated Non-Statutory Technical Standards.

- 9) The building hereby permitted shall not be used 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) or earthworks; details and locations of inlets, outlets and control structures; extent of planting; details of materials utilised in construction including subsoil, topsoil, aggregate and membrane liners; full as built drawings; and topographical survey of 'as constructed' features.

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

- 10) The access on to Crumps Lane hereby permitted shall be surfaced in porous hard bound materials, or otherwise bound as measured from 5m from the edge of the public carriageway, and shall be constructed and completed before the development is brought into use and retained at all times thereafter.

Reason: In the interests of highway safety.

- 11) Any external lighting installed on the site (whether permanent or temporary) shall be in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority. These details shall include, inter alia, measures to shield and direct light from the light sources so as to prevent light pollution and illuminance contour plots covering sensitive neighbouring receptors. The development shall thereafter be carried out in accordance with the subsequently approved details and maintained as such thereafter;

Reason: In the interest of amenity.

### **INFORMATIVES**

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.

Case Officer: Michelle Kwok

# Agenda Item 18

## **THE MAIDSTONE BOROUGH COUNCIL** **PLANNING COMMITTEE – 31<sup>st</sup> January 2019**

### **APPEAL DECISIONS:**

**1. 18/501550/FULL**

Demolition of existing garden store and erection of a new garden store and single storey extension to existing barn, including external alterations.

**APPEAL:** Allowed

Honywood Farm  
West Street  
Lenham  
Maidstone  
Kent  
ME17 2EP

(Delegated)

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**2. 18/502568/FULL**

Front and rear infill extensions together with raising of the roof height to provide first floor accommodation. Changes to fenestration and construction of raised patio to rear.

**APPEAL:** Dismissed

38 Plantation Lane  
Bearsted  
Maidstone  
Kent  
ME14 4BJ

(Delegated)

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**3. 17/500957/FULL**

Erection of a pair of two bedroom semi detached dwellings.

**APPEAL:** Dismissed

14 Coverdale Avenue  
Maidstone  
Kent  
ME15 9DS

(Delegated)

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- 4. 18/501068/FULL** Removal of three static mobile homes and the erection a single storey detached bungalow.

**APPEAL:** Dismissed

34 Maidstone Road  
Lenham  
Maidstone  
Kent  
ME17 2QJ

(Delegated)

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- 5. 17/506302/FULL** Erection of a single storey front orangery.

**APPEAL:** Allowed

Who'd A Thought It  
Headcorn Road  
Grafty Green  
Maidstone  
Kent  
ME17 2AR

(Delegated)

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- 6. 15/501259/BOC** Extension on North Elevation not being built in accordance with planning permission.

**APPEAL:** Dismissed and enforcement notice upheld

"Bramley"  
Otham Street  
Otham  
Kent  
ME15 8RL

(Enforcement)

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