

PLANNING COMMITTEE MEETING

Date: Thursday 21 February 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.

AGENDA

Page No.

1. Apologies for Absence
2. Notification of Substitute Members
3. Notification of Visiting Members
4. Items withdrawn from the Agenda
5. Date of Adjourned Meeting - 28 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 31 January 2019 1 - 6
11. Presentation of Petitions (if any)
12. 18/506167/REM Land At Barty Farm, Roundwell, Bearsted, Maidstone, Kent 7 - 30
13. 18/506068/REM Land South West Of Hermitage Lane/Oakapple Lane, Barming, Maidstone, Kent 31 - 54

Issued on Wednesday 13 February 2019

Continued Over/:

Alison Broom

Alison Broom, Chief Executive

14.	18/503410/FULL 130 Upper Fant Road, Maidstone, Kent	55 - 72
15.	18/503763/FULL Land to the Rear of 244 - 250 Upper Fant Road, Maidstone, Kent	73 - 98
16.	18/504490/FULL Cobtree Manor Golf Course, Chatham Road, Sandling, Maidstone, Kent	99 - 122
17.	18/504636/OUT 466 Loose Road, Maidstone, Kent	123 - 135
18.	18/504846/FULL Saywell Farm Stables, Bedmonton, Wormshill, Kent	136 - 143
19.	18/505205/FULL Boughton Service Station, Heath Road, Boughton Monchelsea, Maidstone, Kent	144 - 152
20.	18/505607/FULL Iden Park Service Station, Cranbrook Road, Staplehurst, Kent	153 - 163
21.	18/506065/FULL Former Pumping Station, Corner of Dean Street and Workhouse Lane, East Farleigh, Kent	164 - 178
22.	18/506178/FULL 6 The Covert, Boxley, Chatham, Kent	179 - 198
23.	18/506206/FULL Golden Oaks, Pye Corner, Ulcombe, Kent	199 - 206
24.	Appeal Decisions	207 - 208

PLEASE NOTE

The following applications will be rolled over to the adjourned meeting of the Committee scheduled to be held on 28 February 2019:

18/506178/FULL - 6 The Covert, Boxley, Chatham, Kent
18/505205/FULL - Boughton Service Station, Heath Road, Boughton Monchelsea, Maidstone, Kent
18/506206/FULL - Golden Oaks, Pye Corner, Ulcombe, Kent
18/503763/FULL - Land to the Rear of 244-250 Upper Fant Road, Maidstone, Kent

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

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

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

PUBLIC SPEAKING AND ALTERNATIVE FORMATS

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

In order to speak at this meeting, please contact Democratic Services using the contact details above, by 4 p.m. on the working day before the meeting. If making a

statement, you will need to tell us which agenda item you wish to speak on. Please note that slots will be allocated for each application on a first come, first served basis.

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MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON 31 JANUARY 2019

Present: Councillor English (Chairman) and
Councillors Adkinson, Boughton, Chappell-Tay,
Mrs Gooch, Harwood, Kimmance, Parfitt-Reid, Perry,
Round, Spooner, Vizzard and Wilby

Also Councillor Purle
Present:

250. APOLOGIES FOR ABSENCE

It was noted that apologies for absence had been received from Councillors Bartlett and Munford.

251. NOTIFICATION OF SUBSTITUTE MEMBERS

The following Substitute Members were noted:

Councillor Chappell-Tay for Councillor Bartlett
Councillor Mrs Gooch for Councillor Munford

252. NOTIFICATION OF VISITING MEMBERS

It was noted that Councillor Purle had given notice of his wish to speak on the report of the Head of Planning and Development relating to application 18/503410/FULL (130 Upper Fant Road, Maidstone, Kent), but would be late in arriving at the meeting.

253. ITEMS WITHDRAWN FROM THE AGENDA

There were none.

254. URGENT ITEMS

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

255. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members or Officers.

256. EXEMPT ITEMS

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

257. MINUTES OF THE MEETING HELD ON 10 JANUARY 2019

RESOLVED: That the Minutes of the meeting held on 10 January 2019 be approved as a correct record and signed.

258. PRESENTATION OF PETITIONS

There were no petitions.

259. 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.

260. 18/505417/REM - 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 - LAND SOUTH OF FORSTAL LANE, COXHEATH, KENT

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

In presenting the report, the Principal Planning Officer advised the Committee that:

- A further objection had been received making the following summarised points:

Concern that emails to the developer have not been replied to;

Concern about the difficulty of maintaining conifer hedges along the common boundaries;

Request for the provision of close board fencing alongside existing gardens;

Concern about the ability to maintain trees and hedges once the development goes forward; and

Concern that views will be obscured by the block of flats.

- The developers had indicated a willingness to provide close board fencing to all of the western boundary if residents have a preference for that instead of a hedge.
- The developers had also issued their intention to commence development in accordance with the S106 agreement, and confirmed that the triggers would now be met in terms of payments towards the infrastructure secured at outline stage.

Doctor Parry, an objector, Councillor Webb, on behalf of Coxheath Parish Council and in his capacity as a Ward Member, and Mr Bax, for the applicant, addressed the meeting.

RESOLVED:

1. That subject to:
 - (a) Further negotiations regarding the landscape strategy to secure (i) a more semi-natural appearance with native planting, possibly in the form of a woodland shaw, and a reduction in the amount of hard standing currently proposed and (ii) soft site boundary treatments with hedgerow planting on the development side of any close board fencing erected on the western boundary and gaps under the fences to facilitate the safe passage of wildlife; AND
 - (b) The conditions and informatives set out in the report with the addition of the following:
 - A condition removing permitted development rights for the conversion of garages; and
 - An informative to the effect that details to be submitted pursuant to those conditions attached to the outline permission 17/502072 which have not yet been approved are to be reported to the Planning Committee for approval;

the Head of Planning and Development be given delegated powers to grant permission and to add or amend any necessary conditions as a consequence of the negotiations referred to in paragraph 1(a) above.
2. That Ward Members, the Parish Council and Councillor Harwood are to be consulted on the amendments to the landscape strategy prior to the Head of Planning and Development exercising his delegated powers.
3. That Ward Members and the Parish Council are to be kept informed of the progress of the application for S278 approval for highway improvements to Forstal Lane and the restriction of right turns from the development into Forstal Lane.

Voting: 10 – For 1 – Against 2 - Abstentions

261. 18/505386/FULL - ERECTION OF TEMPORARY AGRICULTURAL DWELLING (RE-SUBMISSION OF 18/502292/FULL) - KINGS OAK FARM, CRUMPS LANE, ULCOMBE, KENT

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

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

Mrs Shalders, an objector, Councillor Titchener of Ulcombe Parish Council, and Mr Tamsett, for the applicant, addressed the meeting.

RESOLVED: That

1. Permission be granted subject to the conditions set out in the report with the amendment of condition 5 (Landscaping) to specify the need for strategic planting in the form of a new woodland shaw of generally spaced native trees and shrubs fronting Crumps Lane and an informative advising the applicant to engage in discussions with the Parish Council and immediate neighbours regarding development at the site.
2. The Head of Planning and Development be given delegated powers to finalise the wording of the amended condition and the informative and to amend any other conditions as a consequence.

Voting: 8 – For 5 – Against 0 – Abstentions

262. 18/505726/FULL - CONSTRUCTION OF A NEW ACCESS TO CRUMPS LANE AND ERECTION OF A GENERAL PURPOSES AGRICULTURAL STORAGE BUILDING - MANSION HOUSE FARM, CRUMPS LANE, ULCOMBE, MAIDSTONE, KENT

All Members stated that they had been lobbied.

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

Mr Bolland, an objector, Councillor Titchener of Ulcombe Parish Council, and Mr Przyjemski, for the applicant, addressed the meeting.

RESOLVED: That

1. Permission be granted subject to the conditions and informatives set out in the report and the additional conditions and informative set out in the urgent update report with an additional informative advising the applicant that the details to be submitted pursuant to condition 3 (Landscaping) should include a woodland shaw reflecting that on the north side of Crumps Lane and comprising trees and an understorey (possibly Oak and Hazel) to screen the development.

2. The Head of Planning and Development be given delegated powers to finalise the wording of the additional informative and to amend any other conditions as a consequence.
3. The details to be submitted pursuant to condition 3 (Landscaping) are to be agreed in consultation with Ward Members, the Parish Council and Councillor Harwood.

Voting: 10 – For 0 – Against 3 – Abstentions

263. 18/503410/FULL - DEMOLITION OF EXISTING GARAGE AND ERECTION OF A 4 BEDROOM FOUR STOREY ATTACHED HOUSE. INTERNAL ALTERATIONS TO MAIN HOUSE - 130 UPPER FANT ROAD, MAIDSTONE, KENT

All Members except Councillor Chappell-Tay stated that they had been lobbied.

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

Councillor Purle, Visiting Member, addressed the meeting.

RESOLVED: That consideration of this application be deferred until the next meeting to seek clarification on whether the application site is an edge of centre or suburban location for parking purposes and whether policy DM9 of the Maidstone Borough Local Plan 2017 is applicable.

Voting: 8 – For 1 – Against 4 – Abstentions

Note: Councillor Harwood left the meeting after consideration of this application (9.35 p.m.).

264. 18/505214/FULL - CHANGE OF USE FROM RESIDENTIAL TO A HOUSE OF MULTIPLE OCCUPANCY OF EIGHT HOUSEHOLDS - 27 MILTON STREET, MAIDSTONE, KENT

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

In presenting the report, the Development Manager advised the Committee that he wished to add a condition requiring details of bin store provision and location to be submitted to and approved by the Local Planning Authority.

Mrs Rose, an objector, addressed the meeting.

Contrary to the recommendation of the Head of Planning and Development, the Committee agreed to refuse permission. In making this decision, Members felt that the intensification of use of the building and its curtilage would result in significant harm to the character and amenity of the surrounding area by virtue of the fact that insufficient parking would

be provided in an area already suffering from excessive parking stress and therefore would harm the amenity of the surrounding area by the coming and going of cars, contrary to policy DM9 of the Maidstone Borough Local Plan 2017.

RESOLVED: That permission be refused for the following reason:

The intensification of use of the building and its curtilage would result in significant harm to the character and amenity of the surrounding area by virtue of the fact that insufficient parking would be provided in an area already suffering from excessive parking stress and therefore would harm the amenity of the surrounding area by the coming and going of cars, contrary to policy DM9 of the Maidstone Borough Local Plan 2017.

Voting: 7 – For 3 – Against 2 – Abstentions

265. APPEAL DECISIONS

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

RESOLVED: That the report be noted.

Note: Councillor Mrs Gooch left the meeting during consideration of this item (10.15 p.m.).

266. DURATION OF MEETING

6.00 p.m. to 10.20 p.m.



REFERENCE NO - 18/506167/REM			
APPLICATION PROPOSAL Approval of Reserved Matters for Appearance, Landscaping, Layout and Scale pursuant of 18/502860/OUT for the erection of 100 residential dwellings and associated works including internal road network, associated highway works, landscaping, utilities and drainage infrastructure, car and cycle parking and waste storage.			
ADDRESS Land At Barty Farm, Roundwell, Bearsted, Maidstone, Kent, ME14 4HN			
SUMMARY OF REASONS FOR RECOMMENDATION – (APPROVE SUBJECT TO CONDITIONS) <ul style="list-style-type: none"> • The principle of 100 houses has been accepted at the site under the outline permission and the site is allocated for 122 houses in the Local Plan under policy H1(21). • The proposals comply with the relevant criterion under policy H1(21), other relevant policies within the Local Plan, and parameters of the outline permission. • The development is considered to be of a high quality in terms of its design, layout, and materials. • Permission is therefore recommended. 			
REASON FOR REFERRAL TO COMMITTEE Bearsted Parish Council has raised objections (as outlined below) and request the application is considered by Planning Committee.			
WARD Detling & Thurnham	PARISH COUNCIL Thurnham & Bearsted	APPLICANT Dandara Ltd AGENT Dandara Ltd	
DECISION DUE DATE 26/02/19		PUBLICITY EXPIRY DATE 12/02/19	
RELEVANT PLANNING HISTORY			
App No	Proposal	Decision	Date
18/502860	Variation of Conditions 5 (Surface Materials), 7 (Landscaping), 19 (Foul and Surface Water Drainage), and 31 (Approved plans) of application 14/506/738/OUT (Outline application for the erection of 100 dwellings) to allow for flexibility on open space and landscape details, include additional alterations to the listed wall at Barty House, and alter the time for the delivery of approved surface materials and drainage.	APPROVED	20/09/18
18/502850	Listed Building Consent for alterations to boundary wall, relocation of gas cabinet and	APPROVED	20/08/18

	provision of landscaping to facilitate improved access.		
16/506735	Listed Building application for alterations to boundary wall and provision of landscaping to facilitate improved access	APPROVED	05/04/17
15/504667	Listed Building Consent for alterations to boundary wall to facilitate improved access.	REFUSED	08/08/16
14/506738	Outline application for the erection of 100 dwellings - reserved matters for which approval is being sought: Access, including access widening comprising relocation of wall forming part of outer curtilage of Barty Nursing Home (Grade II listed)	APPROVED	20/03/18
14/506799	Listed Building Consent - Demolition and reposition of part boundary wall.	REFUSED	12/03/15
14/506798	Demolition and reposition of part boundary wall and adjustment to the existing parking area	REFUSED	12/03/15

1.0 DESCRIPTION OF SITE

1.01 The application site falls within the defined urban area at Bearsted located off 'Roundwell', east of Water Lane, and north of houses fronting on to Roundwell. It is allocated in the Local Plan for approximately 122 dwellings under policy H1(21) and benefits from outline permission for 100 houses with access approved off Roundwell (Decision Notice attached at **Appendix 1**).

1.02 The site is approximately 3.9 hectares in area and rises in a north-easterly direction around 10m across the site. The southwest boundary with the rear gardens of houses has tree/hedging in places but is open to gardens in other places; the northwest boundary features large mature trees upon a steep bank down to Water Lane where there are houses including on Mallings Drive; the northeast boundary has hedging with fields and a railway line beyond; and the southeast boundary has an established hedge bordering an unmade track which serves Barty Farm.

1.03 The site is approximately 1km south of the Kent Downs Area of Outstanding Natural Beauty and does not fall within any special landscape designations. Bearsted Conservation Area is located around 360m west of the site boundary and Bearsted Holy Cross Church Conservation Area is located some 400m to the southwest. Barty House (currently in use as a nursing home) is a Grade II Listed early 18th Century house and is situated approximately 20m southeast of the site boundary.

2.0 PROPOSAL

- 2.01 The application seeks permission for the reserved matters of appearance, landscaping, layout and scale for 100 dwellings. The scheme has a mix of mainly two storey detached and semi-detached houses of traditional design along with two, 2.5 storey apartment blocks (rooms in the roof). Affordable housing would be provided at 30% in line with the outline permission. The layout and design will be discussed in more detail in the assessment below.
- 2.02 It is important to note that under the outline application, the principle of 100 houses and the associated outward impacts on matters such as traffic and infrastructure have been accepted. Therefore, this application cannot re-visit the principle of housing at the site but can consider whether the layout, scale and design are acceptable.
- 2.03 This application is the subject of a Planning Performance Agreement (PPA) and as part of this there were discussions with Councillors in September 2018 where certain key issues were explored.

3.0 POLICY AND OTHER CONSIDERATIONS

- Maidstone Borough Local Plan (2011-2031): SS1, SP1, SP18, SP19, SP20, SP23, H1, ID1, H1(21), DM1, DM2, DM3, DM4, DM6, DM8, DM12, DM19, DM21, DM23
- Kent Waste and Minerals Plan 2016
- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- MBC Air Quality Planning Guidance (2018)
- MBC Public Art Guidance (2018)

4.0 LOCAL REPRESENTATIONS

- 4.01 **Bearsted Parish Council:** Raises objections as follows:

09/01/19

"Compared to the approved application, the boundary landscape depth has been reduced quite significantly in some areas and no minimum depth appears to be stated. Distances between new and existing properties is shown but this reduced depth of landscaping does not protect the current privacy within the gardens that currently exists, especially in view of the fact that the ground rises up towards the north east.

Pedestrian safety is still a concern. No proposals for a pedestrian crossing are shown and the existing speed gateway is ineffective. Either a pedestrian crossing should be installed or traffic calming measures should be introduced for westbound traffic from the A20. Parking provision is not sufficient.

The layout is rather regimented with high density which does not reflect the edge of village location adjacent to open countryside."

12/02/19

"Originally the minimum boundary width was stated as a not very specific 5-10meters. The absolute minimum 5 metres boundary seems to have been applied although in some areas it looks very tight on the 5m. We believe that it would be beneficial if this was little more generous.

The sub-station seems to be by the entrance to the Estate, at the rear of Barty Cottage. This gives rise to a triangular secluded area with the possibility of this becoming an 'anti-social' area. We request that the woodland planting be revised to reflect the inclusion of the substation and to overcome this potential risk.

On the N/W boundary to Water Lane, it is not clear whether the existing vegetation will be enhanced, particularly by plots 29/30. We would like clarification of this.

An issue that is very important for the residents on the South side is the proposed access for maintenance of the buffer zone. We have been unable to find where this is located. This needs to be clarified and also assurances that this will not be an 'open' footpath for residents to have a short cut through between Barty entrance and Water Lane access. It needs to be a substantial locked gate, of a minimum of 6 foot high.

All the houses in Roundwell are at a significantly lower level than the proposed development. Given the amount of flooding in Roundwell and The Street that already occurs following heavy rainfall it is unclear what drainage has been planned to mitigate this problem. Again clarification is required."

4.02 Local Residents: 9 representations received raising the following (summarised) points:

- Loss of privacy and overlooking.
- Layout is regimented and does not reflect the edge of village location.
- Density is higher than surrounding development and out of character.
- Landscape buffer on south boundary is not sufficient and has been reduced.
- Anti-social behaviour and security issues may occur in the southern buffer.
- Lack of boundary fencing along the rear of properties on Roundwell will encourage pedestrian access via the private driveway at Magnolia House.
- Management of buffer is important.
- Pedestrians may try to use Water Lane.
- Parking inadequate for 4/5 bed houses.
- Will exacerbate flooding.
- Foul drainage.
- Landscaping needs to be maintained and enforced.
- Controlled pedestrian crossing or traffic calming on Roundwell is needed.
- Noise and vibration from M20.
- Headlights will shine into neighbouring property.
- Lighting needs careful consideration.
- Traffic pollution.
- Contamination.

4.03 **Councillor Tony Harwood** raises the following (summarised) points:

- Applicant is seeking to avoid implementation of the condition requiring decentralised clean energy generation completely changes the planning position.
- Suggestions on alternative native planting.
- Clarification over the provision of the pond required by condition.
- The original Great Crested Newt mitigation/condition should stand.
- No gaps beneath fencing are indicated to allow movement of wildlife permeability through the site.
- Lack of reference to wildlife friendly drainage infrastructure.
- Lack of reference within the drawings of the conditioned integral wildlife nesting/roosting features.
- Lack of reference to the conditioned public art installation.

5.0 CONSULTATIONS

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

5.01 **KCC Highways: No objections** subject to conditions.

5.02 **KCC Lead Local Flood Authority: No objections** subject to condition.

5.03 **KCC Ecology: No objections.**

5.04 **MBC Environmental Health: No objections** and recommend conditions relating to air quality emissions reduction, electric vehicle charging points, noise, lighting, and contamination.

5.05 **MBC Landscape Officer:** Raise some concerns re. relationship of some houses to trees (see report)

5.06 **MBC Housing: No objections.**

5.07 **MBC Parks & Leisure: No objections**

5.08 **Southern Water: No objections** subject to conditions relating to foul and surface water drainage.

5.09 **Kent Police:** Raised issues relating to surveillance of parking courts.

6.0 APPRAISAL

6.01 The principle of up to 100 houses at the site has already been accepted by the Council under the outline consents and the site is allocated in the Local Plan under policy H1(21) for 122 houses.

6.02 This reserved matters application is to only consider the detailed issues of appearance, landscaping, layout and scale. There are a number of requirements under both the allocation policy and the outline permission and the key issues to consider are the following:

- Design, layout, scale, landscaping and compliance with the site allocation policy and outline permission.
- Highway issues relating to the layout, parking provision, ecology and other matters.

Design & Layout

6.03 The allocation policy seeks undeveloped landscape buffers along the southern and western boundaries of the site to protect residential amenity and privacy, and the eastern section built at a lower density to reflect the open countryside beyond. The outline consent in summary requires robust landscaping including tree planting along the southern boundary of the site, new hedgerow and tree planting along the northern, eastern and western boundaries, and tree and hedge planting throughout the site. Planning Committee also attached an informative to advise that the landscape buffer to the south of the site should have a minimum depth of 5-10 metres. Bearsted Parish Council have referred to illustrative plans provided at outline stage but these were only illustrative and a decision needs to be made on the proposed layout bearing in mind the outline permission and Local Plan policy.

6.04 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 designed and considered against this assessment framework.

6.05 The proposed layout would have a significant landscape buffer along the southern boundary with houses on Roundwell. This would vary in depth from 5m at its narrowest to 23m at its widest, being 5-6m for around half the boundary. Where it is at its narrowest on the east part of the boundary, the houses to the south have large back gardens. The distance of the proposed houses from existing houses to the south ranges from 30m to 50m. The policy seeks a buffer to 'protect amenity and privacy' and such distances are more than sufficient to maintain an acceptable level of privacy and amenity. In addition, the land would be raised by around 1.2m in the centre and with the proposed 'woodland edge' planting including numerous trees this will in time further protect amenity and privacy, and soften the development. As such, the southern boundary is considered to comply with the site policy and outline consent.

6.06 The western boundary is currently made up of mature trees and this will be supplemented with mixed native hedge and shrub planting along most of the boundary. The northern boundary hedge would be enhanced with mixed native planting and numerous new trees would be provided. The hedge on the eastern boundary would be enhanced and a number of new trees would

be planted. This is in line with the site policy and the outline consent and would provide an appropriate setting to the development.

- 6.07 Turning to the layout of the housing, the entrance to the site would have the same house type either side of the road creating a gateway, and they would address three aspects being views when entering the site, facing on to the road, and at the rear through the use of fenestration and architectural detailing. These are key entrance buildings and have been well designed to address public viewpoints. The same house type is then used behind providing an end stop to the view at the entrance. The main road into the site allows room for a line of tree planting on the southern side leading to a central area of open space. A single storey substation is required and this would be set off the entrance and screened by landscaping so it would not be prominent.
- 6.08 The layout within the site is made up of a number of perimeter blocks with buildings fronting streets and buildings turning/addressing corners either through their siting and/or architectural detailing/windows so providing active frontages and strong street scenes. Where boundaries are exposed they would be brick walls, and ragstone walls would be used at the entrance and in the north corner. Space for front gardens is provided and room for tree planting which would provide an attractive development.
- 6.09 Within the middle of the site would be a central green of some 0.3ha with children's play area and new tree planting. Houses would surround and overlook this space and it would provide a heart to the development and sense of place. Both the policy and outline consent require at least 0.4 hectares of open space and this is provided with the formal open space within the centre and the natural/semi-natural around the boundaries totalling 0.85ha. The density of the development is approximately 26 dwellings per hectare which is below the policy average of 35 and lowers towards the east boundary as required by the outline consent. The density is acceptable for this edge of countryside location.
- 6.10 Houses and gardens would be laid out to ensure sufficient privacy and outlook. The impact upon existing properties to the south would be acceptable due to the separation distances outlined above. To the west, houses would be at least 30m away with mature trees and Water Lane between so privacy, light and outlook would not be unacceptably impacted.
- 6.11 In terms of parking, KCC Highways have raised no objections considering there is a suitable level of parking. 1 and 2 bedroom apartments and the three 2 bedroom houses would have one parking space, 3 and 4 bedroom houses would have two spaces on the driveway or as a carport, and the 5 bedroom houses would have two spaces on the driveway and garages. A total of 22 visitor spaces located within on-street parking bays and lay-bys are also provided. Some of the spaces are in tandem but this allows more space for landscaping and with the amount of visitor spaces, I consider the approach here strikes the right balance between adequate provision and securing an attractive layout as per policy DM23.

6.12 Overall, the layout is considered to be of a high standard with buildings creating a quality entrance, and the tree-lined main road leading to the central open space which all provides a unique a sense of place. Houses would suitably address the streets and there is good space for landscaping and tree planting within the site, and around the boundaries. The layout follows the principles of Building for Life 12 well and the proposals comply with policies H1(21) and DM1 of the Local Plan, and the outline permission requirements.

Appearance & Scale

6.13 The site policy has no specific requirements for appearance and scale but policy DM1 seeks high quality design and positive responses to local character.

6.14 The house designs are of traditional appearance with mainly 2 storey detached and semi-detached houses. The apartment blocks are 2.5 storey (rooms in the roof) and their mass is broken by the use of barn hipped roofs and dormer windows set into the eaves. The heights are acceptable and in line with condition 15.

6.15 The buildings would provide interest through architectural detailing including decorative brick courses above some door and window openings, bullnose hanging tiles, and features including porch overhangs, bay windows, chimneys, and Georgian/traditional windows styles. Materials proposed include artificial white boarding for the full elevations of some houses, black boarding for the apartments, and clay roof tiles. Ragstone would be used on walling at the entrance. These materials would be approved under condition 3 of the outline consent.

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

Surfacing, Boundary Treatments & Play Area

6.17 The main spine road which runs around the central green would be tarmac and all other roads would be block paved. All driveways and parking areas would be block paved. Where boundaries are exposed they would be brick walls or ragstone walls at the entrance and in the north corner. Overall, I consider these details would provide a high quality appearance to the development.

6.18 Residents consider that new boundary fencing should be provided along the southern boundary for security and to prevent people using the private driveway at Magnolia House. As the landscape buffer would adjoin these boundaries and this is a private driveway there is no 'planning' need for new boundary treatments and so this cannot be secured. However, the applicant and neighbours can come to their own arrangements here.

6.19 The play area is required to be for younger children and would include swings, a slide, see saw and roundabout which is acceptable.

Landscaping & Ecology

- 6.20 The landscaping scheme provides many new trees across the development including along the main road and within gardens. Space for front gardens are provided with shrub planting and buffers would be provided along the site boundaries as outlined above. Species details and long-term management would be secured via condition 7 of the outline consent. Overall, the landscape areas would provide an attractive environment and setting for the development. The landscape officer has raised some concern over the relationship between plots 74-76 and the adjacent oak tree in the north corner due to shade that would be experienced and the potential future pressure on this tree. Plot 76 would experience little shading but it would be experienced in the afternoon for plots 74 and 75. This is a deciduous tree and so more light would be received in the winter, and on balance the relationship is considered to be acceptable.
- 6.21 The outline consent under condition 25 requires a detailed Great Crested Newt (GCN) mitigation strategy which follows the report submitted in 2015 that would mainly involve habitat enhancement on land to the north of the application site. The applicant has since carried out more recent surveys which reveal a decline in the number of GCN recorded with the off-site ponds and therefore an amended mitigation strategy has been proposed with recommendations concluding that the off-site measures are no longer required. On-site mitigation is now proposed in the form of the southern landscape buffer which would provide enhanced habitat including a pond, log piles and hibernacula, and wildlife corridors provided around the site's boundaries to ensure connectivity. KCC Ecology advises that the revised mitigation strategy is acceptable and that the layout satisfactorily incorporates the mitigation. Further details relating to management would be provided under condition 25. Further enhancements around the development and within the 'wildlife area' include gaps below garden fencing to facilitate the movement of amphibians and small mammals around the site, and the provision of bat and bird boxes which would be secured under condition 25.

Highway Issues Relating to the Layout

- 6.22 Kent Highways raise no objections to the layout in terms of highway and pedestrian safety and manoeuvrability for vehicles. The impacts of traffic on the local area were considered under the outline application as a principle matter and cannot be re-visited under this application. Kent Highways request various conditions many of which relate to construction and don't pass the tests for conditions, and the off-site highways works were secured under the outline consent.

Other Matters

Affordable Housing

- 6.23 Affordable housing is secured at 30% under the outline permission and of this 60% would be affordable rent and 40% shared ownership which is in accordance with the outline consent. The affordable houses would be

mainly at the west end of the site but would be tenure blind and this is considered acceptable. The housing officer also raises no objections and advises that the type and size of accommodation proposed provides a good range of accommodation for each tenure and will help to meet identified need.

Surface Water Drainage

- 6.24 Surface water from the development will drain to soakaways within the main soakaway located under the central open space. A minor swale depression would hold any exceedance in the event of an extreme storm also in the open space. KCC raise no objections and condition 20 of the outline consent secures the fine details and management.

Air Quality

- 6.25 The Environmental Health section has requested an Air Quality Emissions Reduction condition. This is a principle issue and so such a condition cannot be imposed. Notwithstanding this, the site is not in an AQMA and electric charging points are considered proportionate and are secured by condition 28 of the outline consent.

Representations

- 6.26 Pedestrian safety and highways impacts were considered under the outline applications and deemed to be acceptable. These matters cannot be re-visited and have already been decided.
- 6.27 Concern has been raised re. anti-social behaviour and security in the southern landscape buffer. I do not consider this buffer encourages such behaviour or that any measures to secure the area beyond the proposed fencing at either end are necessary. Management of the buffer in the interest of landscape and ecology would be secured, and it is not being designed for public use. Nor do I consider the land near the sub-station would encourage anti-social behaviour. Noise from the M20 was considered at outline stage and condition 27 secures the necessary mitigation. Lighting and contamination are dealt with by conditions of the outline consent. Any car lighting beyond the site to the northwest would be infrequent, broken by vegetation, and would be over 20m away so would not be unduly harmful.
- 6.28 Councillor Harwood is concerned that the applicant is seeking to avoid implementation of the condition requiring decentralised clean energy, that the original GCN mitigation should stand, a lack of reference to wildlife friend drainage infrastructure integral wildlife nesting/roosting features, and the public art installation. Condition 28 requires decentralised energy details to be submitted, condition 5 secures wildlife friendly drainage, the GCN mitigation and enhancements are discussed at paragraph 6.21, and condition 26 requires details of public art. As such, details need to be provided under these conditions unless formally varied via an application, which would then be assessed by the Council.

7.0 CONCLUSION

7.01 I have considered all representations received on the application and for the above reasons the proposals are considered to be acceptable and provide a high quality development in accordance with site policy H1(21), the outline consent, and other relevant policies within the Local Plan. Permission is therefore recommended subject to the following conditions.

8.0 RECOMMENDATION

GRANT PLANNING PERMISSION subject to the following conditions with delegated powers for the Head of Planning to be able to settle or amend any necessary planning conditions in line with the matters set out in the recommendation and as resolved by the Planning Committee.

Conditions:

1. The development hereby permitted shall be carried out in accordance with the most recent issue date of plans as shown on the Drawing Issue Sheet received dated 04/02/19.

Reason: To clarify which plans have been approved.

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

Reason: To secure a high standard of design.

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

Reason: To ensure a high quality design.

4. No development above slab level shall take place until details of the provision and location of the bat and bird boxes have been submitted to and approved in writing by the Local Planning Authority. Such details as approved shall be fully implemented on site.

Reason: In the interests of biodiversity enhancement.

APPENDIX

Crabtree & Crabtree (Bearsted) Ltd & Barty
Developments Ltd
C/O Dandara Ltd (Iom)
F.A.O Rachel Allwood
KD Tower
Cotterells
Hemel Hempstead
HP1 1FW



20 September 2018

PLANNING DECISION NOTICE

APPLICANT:	Crabtree & Crabtree (Bearsted) Ltd & Barty Developments Ltd
DEVELOPMENT TYPE:	Large Maj Dwellings
APPLICATION REFERENCE:	18/502860/OUT
PROPOSAL:	Variation of Conditions 5 (Surface Materials), 7 (Landscaping), 19 (Foul and Surface Water Drainage), and 31 (Approved plans) of application 14/506/738/OUT (Outline application for the erection of 100 dwellings) to allow for flexibility on open space and landscape details, include additional alterations to the listed wall at Barty House, and alter the time for the delivery of approved surface materials and drainage.
ADDRESS:	Barty Farm Roundwell Bearsted Maidstone Kent

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

- (1) No development shall take place until approval of all of the following reserved matters has been obtained in writing from the Local Authority:
- a. Layout b. Scale c. Appearance d. Landscaping

MKPS – Working in Partnership with: Maidstone Borough Council

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

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

Email: planningsupport@midkent.gov.uk

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

Application for approval of the reserved matters shall be made to the Local Planning Authority before 20th March 2020.

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

- (2) The development hereby permitted shall be begun before the expiration of two years from the date of the last of the reserved matters to be approved;

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

- (3) Prior to any dwelling hereby permitted being constructed to slab level written details and samples of the materials to be used in the construction of the external surfaces of any buildings and hard surfaces shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development.

- (4) Prior to any dwelling hereby permitted being constructed to slab level, details of all fencing, walling and other boundary treatments shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details before the first occupation of the dwelling to which they relate or as agreed by the Local Planning Authority and retained thereafter;

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

- (5) Prior to any dwelling hereby permitted being constructed to slab level, details of the proposed materials to be used in the surfacing of all access roads, parking and turning areas and pathways, and the design of kerb-stones/crossing points which shall be of a wildlife friendly design, relating to the detailed element, shall be submitted to and approved by the local planning authority. The development shall be carried out in accordance with the approved details before the first occupation of the dwelling to which they relate or as agreed in writing with the Local Planning Authority and maintained thereafter.

Reason: To ensure a high quality external appearance to the development.

- (6) No external lighting equipment shall be placed or erected within the site until details of such equipment have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include, inter-alia, details of measures to shield and direct light from the light sources so as to prevent light pollution and in the interests of biodiversity. The development shall thereafter be carried out in accordance with the subsequently approved details.

Reason: To prevent light pollution in the interests of the character and amenity of the area and biodiversity.

- (7) Prior to any dwelling hereby permitted being constructed to slab level, and pursuant to condition 1 of the Reserved Matters a landscape scheme which provides at least 0.4 hectares of open space within the site and designed in accordance with the principles of the Council's adopted landscape character guidance shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be fully implemented.

The scheme shall show all existing trees, hedgerows and landscaping and indicate whether they are to be retained or removed. It shall detail measures for protection of species to be retained and include a planting specification, a programme of implementation and maintenance and a 10 year management plan. The landscape scheme shall provide details of landscape buffer zones in accordance with policy H1(21) of the Local Plan and specifically address the need to provide:

Reinforced and new tree belt along the southern boundary of the site.
New hedgerow and tree planting along the northern boundary (M20 motorway).
Tree and hedge planting throughout the site.
Area of semi-natural open space along the southern boundary.
Swales and balancing ponds, if required as part of the SUDs scheme..
Reinforced tree and hedgerow planting along the eastern and western boundaries.
Naturalistic boundary along Water Lane
Structural landscaping around the boundaries of the whole site.

The approved scheme shall be fully implemented prior to the occupation of the 50th dwelling unless otherwise agreed in writing with the Local Planning Authority.

Reason: No such details have been submitted and to ensure a satisfactory appearance and landscape setting to the development and satisfactory implementation, maintenance and management of the landscaped areas.

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

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

- (9) Any existing trees or hedges retained on site which, within a period of five years from the first occupation of a property, commencement of use or adoption of land, die or become, in the opinion of the local planning authority, so seriously damaged or diseased that their long term amenity value has been adversely affected, shall be replaced in the same location during the next planting season (October to February), with plants of an appropriate species and size to mitigate the impact of the loss as agreed in writing by the local planning authority.

Reason: To safeguard existing landscaping and to ensure a satisfactory setting and external appearance to the development.

- (10) All trees to be retained must be protected by barriers and/or ground protection in accordance with BS 5837 (2012) 'Trees in Relation to Construction-Recommendations' and in strict compliance with the Draft Arboricultural Method Statement by Chartwell Tree Consultants Ltd dated 9 March 2016. No equipment, machinery or materials shall be brought onto the site prior to the erection of approved barriers and/or ground protection except to carry out pre commencement operations approved in writing by the local planning authority. These measures shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed, nor fires lit, within any of the protected areas. No alterations shall be made to the siting of barriers and/or ground protection, nor ground levels changed, nor excavations made within these areas without the written consent of the local planning authority.

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

- (11) Prior to the commencement of any ground or tree works a programme of arboricultural supervision and reporting shall be agreed with the local planning authority in writing and the approved programme shall be carried out in strict accordance with the approved details.

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

- (12) Prior to commencement of the engineering works at both the site access points, full details of tree protection methods, including the laying of road construction where trees have been identified as to be retained, shall be submitted and approved in writing by the local planning authority. Details should include hand dig as appropriate. The works shall be carried out in accordance with the approved details.

Reason: To ensure the safe retention of trees of amenity value.

- (13) The details of landscaping submitted pursuant to condition 1 shall include details of a scheme for the preparation, laying out, and equipping of a play/amenity area and the land shall be laid out in accordance with the approved details;

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

- (14) (A) The development shall not be occupied until details of the long-term management and maintenance of the public open space, including details of mechanisms by which the long term implementation of the open space (including play equipment) will be secured by the developer with the management body(ies) responsible for its delivery, have been submitted to and approved in writing by the Local Planning Authority;

(B) In addition to 'A' above, the details shall show the provision of a LAP within the open space, how this to be equipped and accord with the provisions above. The approved details shall be fully implemented prior to 50th occupation of the residential units.

Reason: In the interests of adequate open space provision and visual amenity.

- (15) The details pursuant to condition 1 shall show the height of the proposed dwellings to reflect the parameters set in the Design and Access Statement shown as between 2 and 2.5 storeys high.

Reason: In the interests of visual amenity

- (16) There shall be no occupation of the development hereby permitted until the provision, by way of a Section 278 Agreement between the applicant and Kent County Council Highways, of the works identified in the application(s) relating to the new access works, crossing of Roundwell, and gateway features on Roundwell, are agreed with the planning and highway authorities.

Full details shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be fully carried out before occupation unless otherwise agreed in writing with the Local Planning Authority.

The approved visibility splays as shown on drawing no. 475/108E shall be retained at all times and the sight lines maintained free of all obstruction to visibility above 1.0 metres thereafter;

Reason: In the interests of highway safety.

- (17) The development shall not commence until details of the proposed slab levels of the buildings and the existing site levels have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out thereafter in accordance with the approved details.

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

- (18) Prior to the commencement of development the applicant, or their agents or successors in title, will secure and implement:

archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority;
and

further archaeological investigation, recording and reporting, determined by the results of the evaluation, in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority

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

- (19) The development shall not commence until details of foul water drainage, which shall include details of any necessary off-site improvements to the local network, have been submitted to and approved in writing with the Local Planning Authority in consultation with Southern Water. The approved details and off-site works shall be implemented in full prior to the first occupation of the dwelling to which they relate.

Reason: In the interest of water pollution

- (20) No development shall take place until a sustainable surface water drainage scheme based on details provided within the Surface Water Management Strategy prepared by RMB Consultants (Civil Engineering) Ltd dated December 2014, has been submitted to and approved in writing by the local planning authority. The surface water strategy should also be compliant with the Non-Statutory Technical Standards for Sustainable Drainage (March 2015), and should demonstrate the surface water run-off generated up to and including the 100yr critical storm (including an allowance for climate change) will not exceed the run-off from the undeveloped site following the corresponding rainfall event, so as not to increase the risk of flooding both on- or off-site. The strategy should also include details for the provision of long term maintenance of all surface water drainage infrastructure on the site.

The scheme shall subsequently be implemented in accordance with the approved details before the development is completed.

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

- (21) Prior to commencement of the development details of vehicle parking and cycle storage shall be submitted to the Local Planning Authority and approved in writing. The approved details of parking shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) Order 2015 as amended (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.

- (22) No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the local planning authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to controlled waters. The development shall be carried out in accordance with the approval details.

Reason: To protect vulnerable groundwater resources and source protection zones.

- (23) Works shall not commence on the demolition of the wall until a method statement has been submitted providing the following information:

confirmation that all existing bricks will be re-used where possible;
process of demolition,
materials to be used to clean up the bricks and
means of storage of bricks to be re-used.

Reason: To ensure the protection and re-use of existing brick work.

- (24) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, no further development other than that hereby permitted shall take place on the site without the prior written consent of the Local Planning Authority;

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

- (25) Prior to the commencement of development the recommendations of the Callumma Ecological Services report dated October 2015 shall be carried out. A detailed mitigation strategy shall be submitted to the Local Planning Authority as set out in this report (CES) together with a monitoring timetable whilst works are ongoing with regard to the Great Crested Newt population within the identified ponds and in addition a wet pond feature shall be provided within one of the landscape buffers around the site.

Reason: In the interests of biodiversity protection and enhancement.

- (26) Prior to occupation of the first dwelling a scheme for the installation of a piece of public art shall be submitted to the local planning authority for approval. The approved scheme shall be undertaken in accordance with the details and provided on site before the last unit is occupied.

Reason: In recognition of the local history in Bearsted and to provide a sense of place to the development.

- (27) The recommendations set out in the acoustic report by Peter Moore Acoustics ref 141101/1 shall be fully adhered to. Prior to occupation of the dwellings written evidence shall be submitted that the recommendations have been incorporated within the development.

Reason: In the interests of providing a satisfactory environment for future occupants.

- (28) Details of a scheme to provide sources of renewable energy including solar power and EV charging points on dwellings where feasible, shall be submitted to the Local Planning Authority with the application for approval of reserved matters and the approved details shall be implemented before the occupation of the dwelling to which they relate.

Reason: In the interests of the environment.

- (29) If during construction/demolition works evidence of potential contamination is encountered, works shall cease and the site fully assessed to enable an appropriate remediation plan to be developed. Works shall not re-commence until an appropriate remediation scheme has been submitted to, and approved in writing by, the Local Planning Authority and the remediation has been completed. Upon completion of the building works, this condition shall not be discharged until a closure report has been submitted to and approved in writing by the Local Planning Authority. The closure report shall include details of;

Details of any sampling and remediation works conducted and quality assurance certificates to show that the works have been carried out in full in accordance with the

approved methodology. Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site. If no contamination has been discovered during the build then evidence to show that no contamination was discovered should be included.

Reason: In the interests of protecting future occupants from contamination.

- (30) Prior to the commencement of the development a Code of Construction Practice shall be submitted to and approved in writing by the Local Planning Authority. The construction of the development shall then be carried out in accordance with the approved Code of Construction Practice and BS5228 Noise Vibration and Control on Construction and Open Sites and the Control of dust from construction sites (BRE DTi Feb 2003) unless previously agreed in writing by the Local Planning Authority.

The code shall include:

An indicative programme for carrying out the works
Measures to minimise the production of dust on the site(s)
Measures to minimise the noise (including vibration) generated by the construction process to include the careful selection of plant and machinery and use of noise mitigation barrier(s)
Maximum noise levels expected 1 metre from the affected façade of any residential unit adjacent to the site(s)
Design and provision of site hoardings
Management of traffic visiting the site(s) including temporary parking or holding areas
Provision of off road parking for all site operatives
Measures to prevent the transfer of mud and extraneous material onto the public highway
Measures to manage the production of waste and to maximise the re-use of materials
Measures to minimise the potential for pollution of groundwater and surface water
The location and design of site office(s) and storage compounds
The location of temporary vehicle access points to the site(s) during the construction works
The arrangements for public consultation and liaison during the construction works

Reason: In order to ensure the impact of the construction works are minimised in the locality.

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

Approved as part of this application: 2527-03 RevK (Proposed Boundary Wall), 1460/001 RevD (Landscape Plan), and 475/108E (Works to Provide Visibility Splay), 475-127A (Section through Brick Wall).

Approved as part of application 14/506738: 2527-20 RevD (Site Location Plan) and 2527-16 (Wall Demolition Plan).

Reason: To ensure the development is undertaken satisfactorily.

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

A description of the drainage system and its key components

An general arrangement plan with the location of drainage measures and critical features clearly marked

An approximate timetable for the implementation of the drainage system

Details of the future maintenance requirements of each drainage or SuDS component (including existing ordinary watercourses), and the frequency of such inspections and maintenance activities

Details of who will undertake the above inspections and maintenance activities, including the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime

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

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

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

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

Informative(s):

- (1) The applicant is advised that the landscape buffer to the south of the site should have a minimum depth of 5-10 metres.

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

The Council's approach to this application:

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), July 2018 the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and creative way by offering a pre-application advice service, where possible, suggesting solutions to secure a successful outcome and as appropriate, updating applicants / agents of any issues that may arise in the processing of their application.

In this instance:

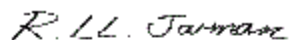
The application was acceptable as submitted and no further assistance was required.

The application was approved without delay.

The applicant/agent was provided formal pre-application advice.

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

If your decision includes conditions, there is a separate application process to discharge them. You can apply online at, or download forms from, www.planningportal.co.uk (search for 'discharge of conditions').



Rob Jarman
Head of Planning Services
Maidstone Borough Council

IMPORTANT - YOUR ATTENTION IS DRAWN TO THE ATTACHED NOTES

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

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

Appeals to the Secretary of State

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

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

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

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

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



18/506068/REM Land South West Of Hermitage Lane/Oakapple

Scale: 1:2500

Printed on: 11/2/2019 at 13:58 PM by SummerF

REFERENCE NO - 18/506068/REM			
APPLICATION PROPOSAL Approval of Reserved Matters for Access, Appearance, Landscaping, Layout and Scale pursuant to Outline application 13/2079 for the erection of 80 dwellings including affordable housing, associated landscaping, infrastructure and earthworks.			
ADDRESS Land South West Of Hermitage Lane/Oakapple Lane, Barming, Maidstone			
SUMMARY OF REASONS FOR RECOMMENDATION – (APPROVE SUBJECT TO CONDITIONS) <ul style="list-style-type: none"> • The principle of 80 houses has been accepted at the site under the outline permission and the site forms part of the wider housing allocation for 330 houses in the Local Plan under policy H1(3). • The proposals comply with the relevant criterion under policy H1(3), other relevant policies within the Local Plan, and parameters of the outline permission. • The development is considered to be of a high quality in terms of its design, layout, and materials. • Many third party representations have been raised relating to principle matters that were fully considered under the outline permission and cannot be re-visited. • Permission is therefore recommended. 			
REASON FOR REFERRAL TO COMMITTEE Councillor Gooch has requested the application be reported to Planning Committee due to <i>"the intense local interest in this site and residents' significant concerns about access arrangements."</i>			
WARD Barming and Teston	PARISH COUNCIL Barming	APPLICANT Taylor Wimpey Southeast AGENT Barton Willmore	
DECISION DUE DATE 21/02/19		PUBLICITY EXPIRY DATE 28/12/18	
RELEVANT PLANNING HISTORY			
App No	Proposal	Decision	Date
17/500031	Proposed new access road off Oakapple Lane	APPROVED	30/06/17
13/2079	Outline planning application with all matters reserved for the demolition of existing structures and erection of up to 80 dwellings with associated works for access, parking, infrastructure, open space and landscaping.	APPROVED	01/12/15
13/1388	Request for a screening opinion as to whether the proposed development	EIA NOT REQUIRED	02/09/13

	incorporating residential development up to 80 dwellings is development requiring an Environmental Impact Assessment.		
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1.0 DESCRIPTION OF SITE

1.01 The application site is the remaining undeveloped part of housing allocation H1(3) for 330 houses and already has outline permission for 80 houses (Decision Notice attached at **Appendix 1**). The majority of this allocation has been built out for housing (250 houses) by Bovis Homes and is still under construction to the north (leaving 80 for this site). The site would be accessed via this Bovis Homes development off Hermitage Lane.

1.02 The site is roughly rectangular with a cemetery to the east which is open for public recreational use and a housing estate to the south with Broomshaw Road and Wesley Close adjoining. To the west is an open field that is allocated for housing development (187 houses) under policy H1(4). Further west and northwest is Gallagher's Quarry which falls within Tonbridge and Malling Borough and is bounded by an area of Ancient Woodland to the northwest of the site. Public right of way (PROW) KM10 runs along the north boundary of the site, KM12 runs along part of the west boundary and then dissects the south part of the site, and KM11 runs along the south boundary.

2.0 PROPOSAL

2.01 The application seeks permission for the reserved matters of access, appearance, landscaping, layout and scale for 80 dwellings. The site access would link with the Bovis Homes development to the north via the separate permission for access across the PROW already granted under application 17/500031. The scheme has a mix of mainly two storey detached and semi-detached houses of traditional design along with three, three storey apartment blocks. The layout and design will be discussed in more detail in the assessment below. Affordable housing would be provided at 40% in line with the outline permission.

2.02 It is important to note that under the outline application, the principle of 80 houses and the associated outward impacts on matters such as traffic and infrastructure have been accepted with monies secured under the legal agreement to mitigate. Therefore, this application cannot re-visit the principle of housing at the site but can consider whether the access, layout, scale and design are acceptable.

2.03 This application is the subject of a Planning Performance Agreement (PPA) and as part of this there were discussions with Councillors in October 2018 where certain key issues were explored.

3.0 POLICY AND OTHER CONSIDERATIONS

- Maidstone Borough Local Plan (2011-2031): SS1, SP1, SP2, SP19, SP20, SP23, H1, ID1, H1(3), DM1, DM2, DM3, DM6, DM8, DM12, DM19, DM21, DM23
- Kent Waste and Minerals Plan 2016
- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- MBC Air Quality Planning Guidance (2018)
- MBC Public Art Guidance (2018)

4.0 LOCAL REPRESENTATIONS

4.01 Barming Parish Council: Make the following comments:

"Because the site has been in open countryside/equestrian use for a considerable number of years, Barming Parish Council wishes to see the following conditions imposed:

- a) landscaping/boundary treatment along footpath KM11 must be further enhanced to protect the environmental amenity of the residents of Broomshaw Road*
- b) landscaping/boundary treatment along footpath KM11 must include appropriate measures to prevent access for day to day vehicular traffic and to secure safe access for emergency vehicles, pedestrian and non-motorised cyclists only*
- c) landscaping/boundary treatment between the site and the cemetery must be further enhanced to protect existing wildlife (such as slow worms) from domestic animals*

In view of the local character and density of Broomshaw Rd and Banky Meadow, it is inappropriate to site 3-storey homes so close to the southern boundary. Residents in Broomshaw Road will be overlooked

Barming Parish Council wishes to see conditions imposed that:

- a) prevent the hammer head at the end of Broomshaw Road being used by regular day to day traffic, and that it can only be used by emergency vehicles, pedestrians and non-motorised cyclists. Rede Wood Road and Broomshaw Road are narrow residential streets which were never designed for through traffic and are not wide enough to cope. Furthermore, allowing through traffic would open up a rat run between Tonbridge Road and Hermitage Lane with an acutely detrimental impact on highway safety*
- b) ensure that primary access crosses Oakapple Lane into Fullingpits Avenue."*

4.02 Local Residents: 130 representations received raising the following (summarised) points:

- Local infrastructure cannot cope with more housing.
- Overdevelopment of local area.

- Significant traffic and congestion.
- Junctions over capacity.
- Highway safety issues.
- Traffic impact was assessed some time ago and traffic has increased.
- Lack of local road improvements and connectivity.
- KCC are not proposing to upgrade the Fountain Lane junction.
- Lack of provision for cyclists and poor local cycle network.
- Emergency access from Broomshaw Road is not acceptable and will be used for normal traffic.
- Broomshaw Road will become a rat run.
- Lack of parking.
- Delaying patients getting to hospital.
- Lack of bus service into the development
- Loss of green/open space.
- Loss of hedge/tree lines.
- Lack of bungalows.
- Anti-social behaviour.
- Overlooking/loss of privacy.
- Impact on public rights of way.
- Density too high.
- Ground instability, drainage and sink hole issues in the area.
- Lack of surface water drainage.
- Affordable housing is all together and at south end.
- Air pollution.
- Construction traffic will be dangerous and cause disturbance.
- Archaeology.
- Impact on wildlife not properly assessed.
- Noise and dust from quarry.
- Poor design/appearance.
- Scale not in keeping with local area.
- Small gardens.

4.03 **'Give Peas a Chance' (Residents Group) (summarised):** Wider traffic issues along Hermitage Lane corridor; access to the site during construction; concern over emergency access and whether it will become a secondary access; geology, sink holes, and archaeology; noise and vibration from quarry; wildlife and loss of green space; density and quality of development; section 106 monies needed now; schools and access to them.

4.04 **Maidstone and Tunbridge Wells NHS Trust (summarised):** Will increase traffic movements through Hermitage Lane and its adjoining roads and junctions; will cause significant impact to staff and visitors accessing and leaving the hospital site on Hermitage Lane; no evidence of mitigation or improvements to support the traffic movement through Hermitage Lane or the adjoining junctions.

4.05 **Gallagher Group (summarised):** No objection to the proposed development in principle; place on record that the quarry and its operations are pre-existing, benefitting from permissions to extend operations into the westerly extension (Oaken Wood); Dust, noise and vibration (mostly air over pressure) were all considerations in the granting of permission for the

quarry extension, with distance between quarry operations and residential property being a material consideration.

5.0 CONSULTATIONS

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

5.01 **KCC Highways: No objections** subject to conditions.

5.02 **KCC PROW: No objections** and query whether any S106 money could be provided to upgrade paths.

5.03 **KCC Lead Local Flood Authority: No objections** subject to detailed design being provided via condition.

5.04 **KCC Ecology: No objections.**

5.05 **KCC Archaeology: No objections.**

5.06 **MBC Landscape Officer:** Advises that the landscaping proposals are acceptable.

5.07 **MBC Environmental Health: No objections** and recommend conditions relating to air quality emissions reduction, electric vehicle charging points, noise, lighting, and contamination.

5.08 **MBC Housing: No objections.**

5.09 **Kent Fire & Rescue Service: No objections** to emergency access.

5.09 **Southern Water: No objections.**

5.10 **Kent Police:** No objections.

6.0 APPRAISAL

6.01 The principle of up to 80 houses at the site has already been accepted by the Council under the outline consent and the site is part of an allocation in the Local Plan under policy H1(3) for 330 houses of which 250 are under construction (leaving 80 for this site).

6.02 Under the outline permission the outward impacts of 80 houses were fully assessed and considered to be acceptable including the traffic impacts upon the local highway network, the impact upon local infrastructure subject to secured mitigation, and it was considered that the site could suitably accommodate 80 houses subject to approval of the access point, and the detailed design, layout and scale of the development. As such, the Council cannot re-visit principle matters such as transport or infrastructure impacts,

as it is noted that these issues have been raised extensively in third party representations.

6.03 This reserved matters application is to only consider the detailed issues of access, appearance, landscaping, layout and scale and therefore the key issues to consider are the following:

- Suitability of the access point.
- Design, layout, scale, landscaping and compliance with the site allocation policy and outline permission.
- Highway issues relating to the layout, ecology and other matters.

Access Point

6.04 Under the outline consent it was decided that the principle of access to the site via the Bovis Homes housing development to the north and onto Hermitage Lane would be acceptable and no objections were raised by Kent Highways in terms of the traffic impact and financial contributions to off-site highway improvements were secured. However, as there is a slight gap between the application site and the Bovis Homes site, a separate access link between the two sites was approved under application 17/500031, which can be implemented. So the proposed access point for the development would join onto this approved link which is considered to be acceptable and KCC Highways raise no objections in terms of its safety.

6.05 Condition 2 of the outline consent states that Oakapple Lane shall not be used as a primary access and only used by pedestrians, cyclists and emergency vehicles, and criterion 6 of the policy refers to it being used as a secondary access for emergency vehicles, pedestrians and cyclists. Residents therefore consider this must be used as the emergency access. The applicant is now proposing an alternative emergency access from Broomshaw Road in the southwest corner of the site. This emergency access has been assessed by Kent Fire & Rescue Service and they consider it to be suitable. Whilst different to the policy, there is no harm as a result of using a different emergency access to the site. Numerous representations have been received raising concerns if this were to be open to all traffic but this is not being proposed. Bollards are proposed which would prevent general use and this can be secured by condition. Should this reserved matters application be approved, further permission would be required to use the access for general use, and this would be assessed at that stage.

Design & Layout

6.06 The allocation policy has no criterion relating to design or layout and the outline permission only requires that the layout shall provide a density of no more than 25 dwellings per hectare in the southern half of the site, which is the case. 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 designed and considered against this assessment framework.

- 6.07 The entrance to the site would be bounded by low ragstone walls which would provide a high quality gateway. The houses at the entrance would be dual aspect facing both northwards to address the entrance and onto the main road itself to create an appropriate gateway. Further into the site the road turns west to provide a link with allocation H1(4). At this junction a 3 storey apartment block would address both corners with the use of ragstone on the ground floor. This is a key building and it has been designed to make a statement and provide a focal point. In the southern half of the site the two existing hedge lines will be retained apart from where access needs to punctuate, which is appropriate to use the site's existing character. An area of open space with a play area would be provided in the centre which would be overlooked by proposed houses. Together with natural/semi-natural areas of open space this totals approximately 0.6ha on site, and this is considered sufficient for 80 houses together with the off-site financial contribution secured under the section 106 agreement. In the southwest corner two further 3 storey apartments would be provided with an area of landscaping to their north which is required for reptile mitigation. Space for landscaping would soften the entrance from Broomshaw Road with the existing hedge retained on the outside of boundary fencing.
- 6.08 The layout provides strong street scenes with houses/apartments addressing roads, and buildings turning/addressing corners either through their siting and architectural detailing/windows. Buildings provide end stops to views within the layout for example at plots 37/38 and 59. Two access points are provided to the allocated site to the west which is appropriate bearing in mind this can accommodate up to 187 houses.
- 6.09 As outlined above the density in the southern half is below 25 dwellings per hectare (dph) as required by the outline consent. Parking is more prominent in the northern half of the site but is broken by areas of landscaping. The road layout is simple and legible and good connectivity with the surrounding area is provided through Oakapple Lane where a new 'hoggin' path would be provided and landscaping would be improved, and a pedestrian/cycle connection with Broomshaw Road. The existing rights of way are rural in nature largely due to the hedgerows, and these would be retained apart from where the access road must dissect the right of way which runs across the site in the southern half. The road here has been narrowed to limit the impact as far as possible though.
- 6.10 Houses and gardens would be laid out to ensure sufficient privacy and outlook. To the south, the nearest proposed houses would be positioned side on to properties on Broomshaw Road with only first floor bathroom windows which can be obscure glazed for plots 55, 61, and 62. The new houses are to the north and would not have any unacceptable impact upon light or outlook. Plot 54 would be at least 25m from houses to the south on Banky Meadow which is an acceptable distance to ensure no unacceptable impact upon privacy, outlook or light. There is sufficient distance from houses to the north to ensure no harmful impact on amenity.

- 6.11 In terms of parking, KCC Highways have raised no objections considering there is a suitable level of parking. The scheme provides a total of 136 parking spaces (excluding garages), with an additional 24 visitor spaces. A large proportion of spaces are tandem but this allows more space for landscaping and with the amount of visitor spaces, I consider the approach here strikes the right balance between adequate provision and securing an attractive layout as per policy DM23. Bins would be stored within gardens or within stores for the apartment so would be hidden from view.
- 6.12 Overall, the layout is considered to be of a high quality with buildings suitably addressing streets, landscape features retained, and good connectivity with the surrounding area and it follows the principles of Building for Life 12. The proposals comply with policy H1(3), policy DM1 of the Local Plan, and the outline permission requirements.

Appearance & Scale

- 6.13 The site policy has no specific requirements for appearance and scale but policy DM1 seeks high quality design and positive responses to local character.
- 6.14 The house designs are of traditional appearance with a mix of detached and semi-detached houses, small terraces and three apartment blocks. Houses are two storeys apart from two semi-detached pairs which have dormers. The apartment blocks are three storeys but their height and mass is broken by the use of various gable projections and materials. The apartments are located within the centre of the site, rather than at the edges which is appropriate and provides some variation in the roof scape. In addition, and as outlined above, the apartment block (plots 20-27) provides a key building within the scheme.
- 6.15 Bay windows are shown on some houses to provide interest and detailing is provided on houses including decorative brick courses above some door and window openings, and porch overhangs. Materials proposed include composite grey and black boarding to some houses and the apartments, and clay tiles to roofs. Whilst white boarding is often used on housing schemes, particularly for more rural village locations, I feel that the use of grey and black colour is suitable here as the site is on the edge of the urban area and these colours provide a more contemporary appearance. Ragstone would be used in the low walling at the entrance and on the ground floor of the central apartment block. These quality materials would be approved under condition 3 of the outline consent.
- 6.16 Overall, I consider the appearance and scale of the buildings to be to a high standard in accordance policy DM1 of the Local Plan.

Surfacing & Boundary Treatments

- 6.17 The main spine road would be tarmac with private driveways and all parking spaces block paved. As outlined above Oakapple would be upgraded with a 'hoggin' path (mixture of clay, gravel, and sand) and the

right of way that dissects the site would be upgraded with a hoggin path. Boundary treatments would include brick walling on exposed areas and fencing within gardens would provide privacy. Low ragstone walling would be provided at the front. Overall, I consider these details would provide a high quality appearance to the development.

Landscaping & Ecology

- 6.18 The landscaping scheme provides many new trees across the development and hedges bounding front gardens. Species have been amended to provide a larger proportion of native species and provide a good variation across the scheme. Typical tree species include field maple, beech, hornbeam. More ornamental species are used for front gardens which is acceptable. Enhancements would be provided along Oakapple Lane through reinforcing mixed native hedgerows. Overall, the landscaping scheme is of high quality, with much native planting, and would provide an attractive environment and setting for the development. The implementation and long term management would be approved under condition 7 of the outline consent. The landscape officer has also confirmed the relationship of the development with existing trees is acceptable.
- 6.19 The layout has taken into account the ecological interest at the site which includes reptiles and dormice. Dormice nests were identified within the field to the west outside the site, and within the northern boundary hedgerow. As such, the northern and western boundary hedgerows are considered important and these would be retained and strengthened apart from where access to the west is proposed which is required to access allocated site H1(4). The updated Dormouse Survey Report details that through the enhancement of the edges of the site, and in turn the connectivity of the site in terms of the wider landscape, this would compensate for the small loss of optimal habitat within the site. For reptiles, whilst the layout involves the loss of some limited terrestrial habitat, the proposals involve translocation of reptiles which cannot be retained in grassland buffers to a receptor area in the south-west of the site. The report identifies that this translocation will ensure that reptiles are not harmed by the development.
- 6.20 KCC Ecology has reviewed the details and advise that the mitigation measures are sufficient and are adequately implemented within the layout.
- 6.21 Other enhancements include wildflower meadow planting within the receptor area which is fenced for protection, and log piles around the site, and bird and bat boxes. A LEMP is required to be approved under condition 9 of the outline consent which will detail long term objectives, management responsibilities, and protection. The development would also be outside the 15m buffer to the Ancient Woodland to the northwest of the site.

Highway Issues Relating to the Layout

- 6.22 Kent Highways raise no objections to the layout in terms of highway and pedestrian safety and manoeuvrability for vehicles including refuse lorries and emergency vehicles. As stated above the Kent Fire and Rescue Service raise no objections to the emergency access. The impacts of traffic on the

local area were considered under the outline application as a principle matter and cannot be re-visited under this reserved matters application.

Other Matters

Affordable Housing

- 6.23 Affordable housing is secured at 40% under the outline permission which is above the now policy requirement of 30%. Of this, 56% would be affordable rent, and whilst this is below policy guidance (60% when granted and now 70%), because the scheme will provide more affordable housing overall than currently required, this is considered acceptable. The affordable houses would be mainly in the southwest corner but would be tenure blind and are considered acceptable. The housing officer also raises no objections and advises that the house sizes are acceptable.

Surface Water Drainage

- 6.24 Surface water from the development will feed into the surface water drainage that has been approved and provided under the Bovis Homes development to the north. This scheme has been designed with adequate capacity and KCC raise no objections.
- 6.25 The issue of sink holes has been raised with a sinkhole notably occurring adjacent to the site on Broomshaw Road. The applicant is aware of this and ground conditions, and will be incorporating various measures in the construction and drainage to avoid any risks. The Council's building control department have advised that should the presence or possibility of sinkholes be discovered it would be a requirement of the Building Regulations to provide sufficient foundation designs and backfill any holes to an approved method.

Air Quality

- 6.26 The Environmental Health section has requested an Air Quality Emissions Reduction condition. Such a condition was attached to the outline permission (condition 17). I also consider it is possible to attach a condition requiring charging points as this is a matter that relates to the design of the houses in line with policy DM23.

Representations

- 6.27 Many issues raised by third parties relate to principle matters such as highways impact, impact on local infrastructure, and allowing houses on the site. These matters were considered under the outline permission and the impact deemed to be acceptable subject to financial contributions under the s106 agreement including towards education, health, public open space, and towards local road junctions. These matters cannot be re-visited and have already been decided. Other issues raised relate to matters considered in the assessment above.

- 6.28 Barming Parish Council have suggested conditions relating to landscaping enhancement including to protect wildlife in the cemetery from domestic animals, and ensuring access to Broomshaw Road is only for emergency vehicles. Fencing and landscaping along the east boundary would provide a barrier and anything beyond this in my view would not be justified or reasonable. The emergency access will be secured by condition.
- 6.29 Some of the issues raised by the 'Give Peas a Chance' residents group such as traffic impact, loss of green space and infrastructure relate to principle matters that were fully considered under the outline permission and cannot be re-visited. Other issues not considered above relate to access during construction, archaeology, and the adjacent quarry. Access for construction vehicles is not a planning matter. Archaeology is covered by condition 15 of the outline consent which requires a programme of work to be submitted and approved by MBC. Noise or disturbance from the adjacent quarry was a principle consideration at the outline permission stage after the western extension to the quarry was approved and a noise and vibration report was submitted. It was agreed that minimal mitigation being double glazing and ventilation was required and condition 21 secures this.

Conditions on Outline Consent

- 6.30 Some of the information provided covers some of the conditions of the outline consent and are considered acceptable as discussed above. This includes conditions 4 (boundary treatments), 5 (refuse), 6 (arboricultural assessment), and 10 (surface materials).

7.0 CONCLUSION

- 7.01 I have considered all representations received on the application and for the above reasons the proposals are considered to be acceptable and provide a high quality development in accordance with site policy H1(3), the outline consent, and other relevant policies within the Local Plan. Permission is therefore recommended subject to the following conditions.

8.0 RECOMMENDATION

GRANT PLANNING PERMISSION subject to the following conditions with delegated powers for the Head of Planning to be able to settle or amend any necessary planning conditions in line with the matters set out in the recommendation and as resolved by the Planning Committee.

Conditions:

1. The development hereby permitted shall be carried out in accordance with the drawings listed in the 'Full Schedule of Documents and Drawings' dated 04.02.19.

Reason: To clarify which plans have been approved.

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

Reason: To ensure a high quality design.

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

Reason: To secure a high standard of design.

4. No development above slab level shall take place until details of plots where electric vehicle charging points can be installed have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and shall thereafter be retained for that purpose.

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

5. Before the development hereby permitted is first occupied, the proposed first floor side bathroom windows on plots 55, 61, and 62 shall be obscure glazed and shall subsequently be maintained as such to the satisfaction of the local planning authority;

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

6. No development above slab level shall take place until details of the bollards or measures to prevent use of the emergency access onto Broomshaw Road other than by emergency vehicles, pedestrians, or cyclists have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be installed prior to any occupation of the development and thereafter retained, and this access shall not be open to general vehicular traffic.

Reason: This access has been assessed and approved on the basis of only being used for these purposes.

7. The children's play area shall be carried out in accordance with drawing no. 102 RevD (Play Strategy) and fully implemented prior to the occupation of the 80th housing unit and maintained thereafter unless the local planning authority gives written consent to any variation.

Reason: To ensure satisfactory public open space.

8. The approved landscaping scheme shall be carried out before or during the first planting season (October to February) following occupation of the

development to which it relates. Any seeding or turfing which fails to establish or any trees or plants which, within five years from the first occupation of a property, commencement of use or adoption of land, die or become so seriously damaged or diseased that their long term amenity value has been adversely affected shall be replaced in the next planting season with plants of the same species and size as detailed in the approved landscape scheme unless the local planning authority gives written consent to any variation.

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

9. The approved details of the parking/turning areas shall be completed before the commencement of the use of the land or buildings hereby permitted and shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) (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.

APPENDIX

Mr & Mrs Sunnuck & Mrs Foster-Crouch
C/O Dha Planning
Eclipse House
Eclipse Park
Sittingbourne Road
Maidstone
ME143EN



1 December 2015

PLANNING DECISION NOTICE

APPLICANT:	Mr & Mrs Sunnuck & Mrs Foster-Crouch
DEVELOPMENT TYPE:	Small Major Dwellings
APPLICATION REFERENCE:	13/2079
PROPOSAL:	Outline planning application with all matters reserved for the demolition of existing structures and erection of up to 80 dwellings with associated works for access, parking, infrastructure, open space and landscaping.
ADDRESS:	Land South West Of, Oakapple Lane, Maidstone, Kent

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

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

A. Layout b. Scale c. Appearance d. Landscaping e. Access

Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission. Such details shall be based on a masterplan which shall show a density of no more than 25 dwellings per hectare in the southern half of the site.

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

MKPS – Working in Partnership with: Maidstone Borough Council

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

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

Tel: 01622 602736 email: planningsupport@midkent.gov.uk

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

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 details submitted in pursuance to condition 1 shall not show Oakapple Lane as a primary access which shall only be used for access purposes by pedestrians, cyclists and emergency vehicles;

Reason: In the interest of pedestrian and highway safety and amenity.

- (3) The development shall not commence until, written details and samples of the materials to be used in the external surfaces of the buildings 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

- (4) The development shall not commence until, details of all fencing, walling and other boundary treatments have been submitted to, and approved in writing by, the Local Planning Authority. The development shall be carried out in accordance with the approved details before the occupation of the buildings hereby permitted and maintained thereafter;

Reason: To ensure a satisfactory appearance to the development.

- (5) The development shall not commence until, details of satisfactory facilities for the storage of refuse on the site have been submitted to, and approved in writing by, the Local Planning Authority. The approved facilities shall be provided before the first occupation of the buildings hereby permitted and maintained thereafter;

Reason: In the interests of amenity.

- (6) An Arboricultural Implications Assessment (AIA) and tree protection measures in accordance with the recommendations of BS5837:2012, Trees in relation to design, demolition and construction - recommendations. The AIA shall include a realistic assessment of the probable impact of any proposed development on trees and vice versa, together with details of any tree works that would be necessary to implement the proposal.

Where the AIA identifies a conflict between the proposal and retained trees, details should be provided to demonstrate that the trees can be successfully retained;

Reason: To ensure that the proposed development is satisfactorily integrated with its immediate surroundings and provides for the adequate protection of trees.

- (7) No development shall take place until there has been submitted to, and approved in writing by, the Local Planning Authority a scheme of landscaping, using indigenous species and a programme for the approved scheme's implementation and long term management.

The scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines;

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

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

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

- (9) A landscape and ecological management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscape areas other than small, privately owned, domestic gardens shall be submitted to, and approved in writing by, the Local Planning Authority prior to the first occupation of the development for its permitted use. The landscape and ecological management plan shall include measures to protect and enhance the sylvan and rural character of the north western extent of Oakapple Lane. The landscape management shall be carried out in accordance with the approved plan over the period specified.

Reason: To ensure satisfactory maintenance and management of the landscaped areas.

- (10) The development shall not commence until details of the proposed materials to be used in the surfacing of all access roads, parking and turning areas and pathways within the site, and the design of kerb-stones/crossing points which shall be of a wildlife friendly design, have been submitted to and approved, in writing, by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the subsequently approved details;

Reason: To ensure a high quality external appearance to the development.

- (11) The development shall not commence until details of any lighting to be placed or erected within the site have been submitted to and approved, in writing, by the Local Planning Authority. The submitted details shall include, inter alia, details of measures to shield and direct light from the light sources so as to prevent light pollution. The development shall thereafter be carried out in accordance with the subsequently approved details;

Reason: To prevent light pollution in the interests of the character and amenity of the area.

- (12) The development shall not commence until details of foul and surface water drainage have been submitted to and approved, in writing, by the Local Planning Authority in consultation with Southern Water. The submitted details shall incorporate, inter alia,

wildlife friendly drainage gullies and design features. The approved details and off site works shall be implemented in full prior to the first occupation of the development;

Reason: In the interests of pollution and flood prevention.

- (13) If, during the development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted, and obtained written approval from the Local Planning Authority for, a remediation strategy detailing how this unsuspected contamination shall be dealt with. The implementation strategy shall be implemented as approved;

Reason: To protect vulnerable groundwater resources.

- (14) Development shall not begin until a sustainable surface water drainage scheme for the site has been submitted to and approved, in writing by, the Local Planning Authority. The drainage strategy should demonstrate the surface water run-off generated up to and including the 100 year critical storm (including an allowance for climate change) will not exceed the run-off from the undeveloped site following the corresponding rainfall event, and so not increase the risk of flooding both on and off site.

The scheme shall subsequently be implemented in accordance with the approved details before the development is completed;

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

- (15) No development shall take place until the applicant has secured and had implemented a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved, in writing, by the Local Planning Authority;

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

- (16) The commitments explicitly stated in the Sustainable Travel Plan (included in the Transport Statement) shall be binding on the applicants or their successors in title. The measures shall be implemented upon the first residential occupation of the development hereby permitted and shall be permanently kept in place unless otherwise agreed in writing with the Local Planning Authority. Upon written request, the applicant or their successors in title shall provide the Local Planning Authority with written details of how the measures contained in the Sustainable Travel Plan are being undertaken at any given time;

Reason: To reduce reliance on the use of private cars, in the interests of sustainability, highway safety and amenity.

- (17) No development shall commence until the developer has developed a scheme detailing and where possible quantifying what measures or offsetting schemes are to be included in the development which will reduce the transport related air pollution of the

development during construction and when in occupation. The report shall be submitted to and approved, in writing by, the Local Planning Authority;

Reason: In the interests of amenity.

- (18) No development shall take place until details of the proposed dormice mitigation has been submitted to, and approved in writing by, the Local Planning Authority. Mitigation will be carried out in accordance with the approved details, and include utilisation of planting and other landscape features within the proposed open space to deter access by cats and other domestic pets into the ancient woodland.

Reason: To ensure that adequate mitigation for dormice is provided on site.

- (19) If the development hereby approved does not commence (or having commenced, is suspended for more than 12 months) within 2 years from the date of the planning consent, the approved ecological measures secured shall be reviewed and, where necessary, amended and updated. The review shall be informed by further ecological surveys commissioned to identify any likely new ecological impacts that might arise from any changes.

Where the survey results indicate that changes have occurred that will result in ecological impacts not previously addressed in the approved scheme, the original approved ecological measures will be revised and new or amended measures, and a timetable for their implementation, will be submitted to, and approved in writing by, the Local Planning Authority prior to the commencement of the development. Works will then be carried out in accordance with the proposed new approved ecological measures and timetable;

Reason: In the interests of biodiversity protection.

- (20) No development shall take place until a scheme for the incorporation of bird nesting boxes and swift bricks has been submitted to, and approved in writing by, the Local Planning Authority. The scheme shall be implemented as agreed prior to the first occupation of the residential units hereby permitted and thereafter permanently retained;

Reason: In the interests of supporting and promoting the biodiversity interests of the site.

- (21) The development shall be designed taking into account the Noise and Vibration Assessment carried out by Grant Acoustics, dated October 2013, and shall fulfil the recommendations specified in the report;

Reason: In the interests of residential amenity.

- (22) No development shall take place until there has been submitted to, and approved in writing by, the Local Planning Authority a scheme to show how the Oakapple Lane emergency access will be restricted to emergency vehicles only and cyclist/pedestrians. The approved details shall be implemented in full prior to the first occupation of the development;

Reason: To ensure a satisfactory appearance to the development

- (23) The development shall be carried out to allow for the provision of the installation of fixed telecommunication infrastructure (including high speed fibre optic [minimum speed of 100mb] connections) to all dwellings hereby permitted;

Reason: to prevent visual harm and allow delivery of high quality communications networks within communities.

Informative(s):

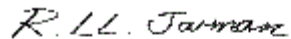
- (1) The applicant/developer should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development. Please contact Southern Water, Southern House, Sparrowgrove, Otterbourne, Hampshire, SO21, 2SW (0330 3030119) or www.southernwater.co.uk
- (2) Attention is drawn to Sections 60 and 61 of the COPA 1974 and to the Associated British Standard COP BS 5228:2009 for noise control on construction sites. Statutory requirements are laid down for control of noise during works of construction and demolition and you are advised to contact the Environmental Health Manager regarding noise requirements.
- (3) The Council wishes to see no burning on site.
- (4) Plant and machinery used for demolition and construction shall only be operated within the application site between 0800 and 1900 hours Monday to Fridays and between 0800 and 1300 hours on Saturdays and at no time on Sundays and Bank Holidays.
- (5) Vehicles may only arrive, depart, be loaded or unloaded within the general site between 0800 and 1900 hours Monday to Fridays and between 0800 and 1300 hours on Saturdays and at no time on Sundays and Bank Holidays.
- (6) Adequate and suitable provision in the form of water sprays should be used to reduce dust from the site.
- (7) The applicant should have regard to the Environmental Services guidance document "Planning Regulations for Waste Collections" which can be obtained by contacting Environmental Services. This should ensure that the facilities for the storage and disposal of waste and recycling generated by this development, as well as the site access design and arrangements for waste collection are adequate.
- (8) Recommend that the developer produces a Site Waste Management Plan in order to reduce the volumes of waste produced, increase recycling potential and divert materials from landfill. This best practice has been demonstrated to both increase the sustainability of a project and maximise profits by reducing the cost of waste disposal.

- (9) All nesting birds are legally protected under the Wildlife and Countryside Act 1981 (as amended), as we recommend that all suitable habitat is removed outside of the breeding bird season (March - August inclusive). If that is not possible there is a need for an ecologist to examine the site prior to works starting and if any breeding birds are recorded all works in that area must cease until all the young have fledged.
- (10) The granting of planning permission confers on the developer no other permission or consent or rights to close or divert any Public Right of Way at any time without the express permission of the Highway Authority.
- (11) The developer should provide evidence that the development conforms with Approved Document E Building Regulations 2003 "Resistance to the Passage of sound to the Local Planning Authority.
- (12) The developer should have regard to the DEFRA guidance from the document Low Emissions Strategy - using the planning system to reduce transport emissions January 2010.
- (13) The Bat Conservation Trusts Bats and Lighting in the UK guidance is adhered to in the lighting design.
- (14) There is likely to be a need for a European Protected Species Mitigation Licence in relation to the potential presence of dormice within the application site.
- (15) Under the terms of the Flood & Water Management Act 2010, each Lead Local Flood Authority will set up a Sustainable Drainage Advisory Board (SAB). Kent County Council (KCC) has been identified as the lead Flood Local Authority for this area and will be responsible for approval of surface water drainage infrastructure for new development. SAB approval will be required in addition to planning consent. We therefore recommend the applicant makes contact with the SAB at KCC to discuss details of the proposed surface drainage infrastructure. Enquiries should be made to Kent County Council via email at suds@kent.gov.uk .
- (16) The applicant is advised to ensure that parking space is provided within the site for all vehicles associated with the construction of the development including operatives and delivery vehicles.
- (17) The applicant is advised to ensure that parking space is provided within the site for all vehicles associated with the construction of the development including operatives and delivery vehicles.

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

The Council's approach to this application:

In accordance with paragraphs 186 and 187 of the NPPF, Maidstone Borough Council (MBC) takes a positive and proactive approach to development proposals focused on solutions. MBC works with applicants/agents in a positive and proactive manner by offering a pre-application advice and duty desk service, where possible, suggesting solutions to secure a successful outcome as appropriate, updating applicants/agents of any issues that may arise in the processing of their application. In this instance this application was considered by the Planning Committee where the applicant/agent had the opportunity to speak to the committee and promote the application.



Rob Jarman
Head of Planning Services
Maidstone Borough Council

IMPORTANT - YOUR ATTENTION IS DRAWN TO THE ATTACHED NOTES

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

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

Appeals to the Secretary of State

If you are aggrieved by the decision of your local planning authority (LPA) to refuse permission for the proposed development, or to grant it subject to Conditions, then you can appeal to the Secretary of State (SoS) under Section 78 of the Town and Country Planning Act 1990.

Please see “Development Type” on page 1 of the decision notice to identify which type of appeal is relevant.

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

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

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

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



18/503410 130 Upper Fant Road

Scale: 1:1250

Printed on: 27/12/2018 at 11:03 AM by SummerF

REFERENCE NO - 18/503410/FULL		
APPLICATION PROPOSAL Demolition of existing garage and erection of a 4 bedroom four storey attached house. Internal alterations to main house.		
ADDRESS 130 Upper Fant Road Maidstone Kent ME16 8BU		
SUMMARY OF REASONS FOR RECOMMENDATION The site lies within an edge of centre location. The previous assessment of the parking and highways impacts remain unchanged and in line with Kent Highways advice. DM9 is not considered a relevant policy in this instance. The proposal continues to accord with the requirements of relevant Local Plan policies DM1, DM11 and the NPPF.		
REASON FOR REFERRAL TO COMMITTEE Clarification on a previous committee deferral		
WARD Fant	PARISH/TOWN COUNCIL	APPLICANT Mr Tarek-Ali Al-Ayoubi AGENT
TARGET DECISION DATE 07/09/18	PUBLICITY EXPIRY DATE 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. 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. 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.
- 2.06 Members previously deferred the application in order to seek clarification on whether the application site is an edge of centre or suburban location for parking purposes and whether policy DM9 of the Maidstone Borough Local Plan 2017 is applicable. This report provides clarification on those matters.

3. 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. LOCAL REPRESENTATIONS

Local Residents:

- 4.01 N/a

5.0 CONSULTATIONS

Kent Highways

- 5.01 In response to Members query about whether the application site is an edge of centre or suburban location for parking purposes, Kent Highways have provided the following response:

I can confirm that the location of the proposals would be considered an 'edge of centre' site in this instance. The decision on what location criteria a development proposals falls in is largely governed by the on street control descriptions for each location. For example, in order for a location to be considered as an edge of centre location there must be on street controls i.e. double or single yellow lines a residents' scheme and/ or existing saturation of the current on street provision.'

6.0 APPRAISAL

Main Issues

6.01 The key planning issues were previously considered in the previous committee report which is appended for information. This report considers the following matters:

- Whether the application site is an edge of centre or suburban location for parking purposes
- Whether policy DM9 of the Maidstone Borough Local Plan 2017 is applicable

Designation for parking purposes

- 6.02 At the committee meeting on 31st January 2019, members questioned whether the application site is an edge of centre or suburban location for parking purposes. Kent Highways have subsequently advised that the location of the site would be considered edge of centre. The decision on what location criteria a development proposals falls in is largely governed by the on street control descriptions for each location. For example, in order for a location to be considered as an edge of centre location there must be on street controls i.e. double or single yellow lines, a residents' scheme and/ or existing saturation of the current on street provision.
- 6.03 The assessment made in the previous report was based on this designation.
- 6.04 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.
- 6.05 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 terrace.
- 6.06 As clarified above, the application site is located 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 proposed provision of 1 space per unit plus the gain of one on street space is acceptable.
- 6.07 Kent Highways have raised no objection to the parking provision or highway impact of the proposal.
- 6.08 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 therefore continues to be considered acceptable.

Whether policy DM9 of the Maidstone Borough Local Plan 2017 is applicable

- 6.09 Policy DM9 of the Local Plan relates to residential extensions, conversions and

redevelopment within the built up area and is applied to the consideration of planning applications where extension works, the conversion or refurbishment of a dwelling is proposed. The text to this policy makes it clear that it should be read alongside the adopted Residential Extensions SPD (May 2009) which again relates only to extension work rather than entirely new dwellings:

'Residential extensions generally benefit the community by increasing the amount and quality of accommodation in the borough. However, careful design is necessary, in order to prevent a reduction in the quality of living conditions for adjoining residents and the built environment in general. The adopted Residential Extensions SPD (May 2009) will be used to guide the assessment of proposals for residential extensions'

- 6.10 In this instance, the correct policy to be applied to the proposal is DM11 which contains a set of criteria for considering the development of garden land to create new dwellings within the defined boundaries of the urban area.
- 6.11 As assessment of the proposal against this policy along with DM1 was undertaken in the previous report and it was concluded that, on balance, 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.
- 6.12 If members were to conclude, contrary to this, that policy DM9 should also be applied, it is noted that this policy requires proposals to be permitted if:
- i. The scale, height, form, appearance and siting of the proposal would fit unobtrusively with the existing building where retained and the character of the street scene and/or its context;*
 - ii. The traditional boundary treatment of an area would be retained and, where feasible, reinforced;*
 - iii. The privacy, daylight, sunlight and maintenance of a pleasant outlook of adjoining residents would be safeguarded; and*
 - iv. Sufficient parking would be provided within the curtilage of the dwelling without diminishing the character of the street scene.*
- 6.13 This required criteria aligns with that required by Policy DM11 as previously assessed.
- 6.14 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.
- 6.15 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.
- 6.16 The red brick and ragstone all to the side is shown as retained.

- 6.17 The area is one of a dense urban grain, and the current space is not of sufficient 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.
- 6.18 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.
- 6.19 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 it would reduce a 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.
- 6.20 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.
- 6.21 Taking into account the negative impact of the proposed splay and narrower rear elevation, 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.
- 6.22 As such, it is concluded that if Members also choose to assess the proposal under policy DM9 on balance the scale, height, form, appearance and siting of the proposal would fit unobtrusively with the existing building, and the character of the street scene and its context; and, as shown on the proposed plans, the traditional boundary ragstone wall would be retained. As previously assessed in the appended report, privacy, daylight, sunlight and maintenance of a pleasant outlook of adjoining residents would be safeguarded, and sufficient parking would be provided without diminishing the character of the street scene. The proposal would therefore accord with this policy and be considered acceptable.

7. CONCLUSION

- 7.01 The site lies within an edge of centre location and the previous assessment of the parking and highways impacts remain unchanged and in line with Kent Highways advice and the proposal is considered acceptable in this regard.
- 7.02 DM9 is not considered a relevant policy in this instance. However even if it were to be applied, on balance, the proposal would accord with it and be acceptable. The proposal continues to accord with the requirements of relevant Local Plan policies DM1, DM11 and the NPPF.

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 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(s) hereby permitted have been submitted to and approved in writing by the local planning authority and the development shall be constructed using the approved materials;

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. Details submitted in respect of the method statement, incorporated on a plan, shall provide for wheel-cleaning facilities during the site preparation and construction stages of the development. 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 land or buildings hereby permitted and shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order, with or without modification) or not, shall be carried out on the areas indicated or in such a position as to preclude vehicular access to them;

Reason: Development without adequate parking/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.

APPENDIX

REFERENCE NO - 18/503410/FULL		
APPLICATION PROPOSAL Demolition of existing garage and erection of a 4 bedroom four storey attached house. Internal alterations to main house.		
ADDRESS 130 Upper Fant Road Maidstone Kent ME16 8BU		
SUMMARY OF REASONS FOR RECOMMENDATION <ul style="list-style-type: none"> 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. 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. The parking provision and highway impact of the proposal would be acceptable. 		
REASON FOR REFERRAL TO COMMITTEE 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.		
WARD Fant	PARISH/TOWN COUNCIL	APPLICANT Mr Tarek-Ali Al-Ayoubi AGENT
TARGET DECISION DATE 07/09/18		PUBLICITY EXPIRY DATE 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 18th July 2018 on the nearby lamppost and neighbour notification letters were sent out on 16th 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.

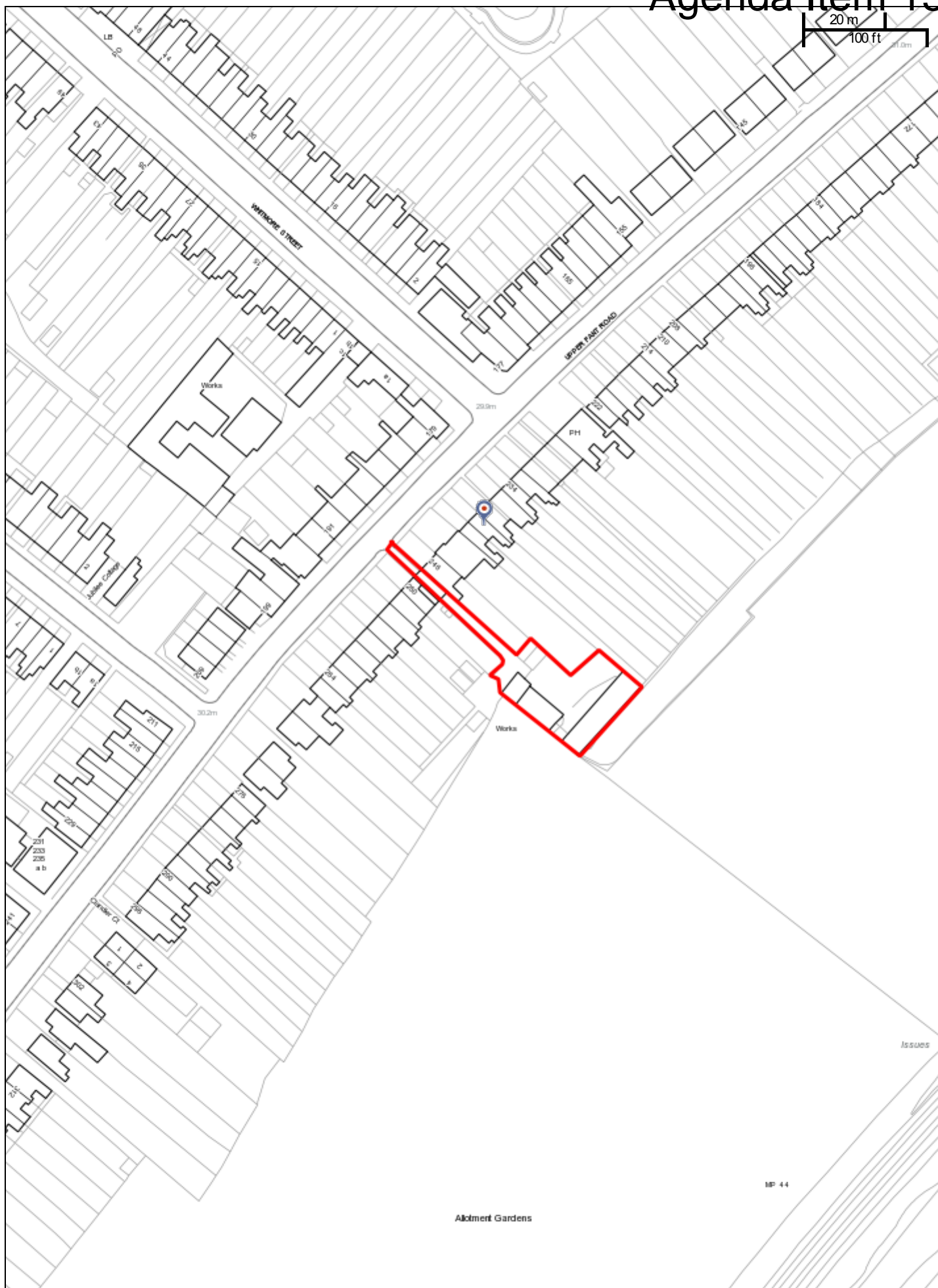
(6) The approved details of the parking areas shall be completed before the commencement of the use of the dwelling hereby permitted and shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 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.



18/503763 Land to the Rear of 244-250 Upper Fant Road

Scale: 1:1250

Printed on: 13/2/2019 at 9:30 AM by SummerF

REFERENCE NO - 18/503763/FULL		
APPLICATION PROPOSAL Erection of two new dwellings.		
ADDRESS Land To The Rear Of 244 - 250 Upper Fant Road Maidstone Kent ME16 8BX		
RECOMMENDATION Grant planning permission subject to conditions		
SUMMARY OF REASONS FOR RECOMMENDATION <ul style="list-style-type: none"> The site has an existing use as an engineering workshop and this use would be more appropriate in the context of the locality. Proposal relates to a redevelopment of the site to replace old and unsightly derelict buildings and enable a more efficient use of land in a sustainable location. 		
REASON FOR REFERRAL TO COMMITTEE Cllr Harper requested the application is presented to the planning committee as he is concerned that it would have an adverse impact on the environment including the Fant Wildlife Site.		
WARD Fant	PARISH/TOWN COUNCIL n/a	APPLICANT Arrant Land AGENT Denizen Works
TARGET DECISION DATE 09/11/18		PUBLICITY EXPIRY DATE 13/11/18

MAIN REPORT

1.0 BACKGROUND

- 1.01 This application was deferred at the Committee meeting on 29th November 2018 for the following reasons:
- Seek the submission of a reptile survey and integrated niches for wildlife (bat tubes or bird bricks);
 - Negotiate the incorporation of renewable energy measures such as decentralised energy generation within the development;
 - Negotiate the retention of a percentage of the cordwood on the site to provide habitat for wildlife; and
 - Seek vehicle tracking details.
 - .
- 1.02 The original Committee report is attached as an appendix.

2.0 ADDITIONAL INFORMATION SUPPLIED

- 2.01 Additional drawings have been submitted following the deferral highlighting the provision of gaps in fencing for use by hedgehogs, along with the provision of bat/bird boxes. The email submitted with it reiterated previous information and confirmed positive feedback for the project at pre-application stage.
- 2.02 Additional statement explaining the fabric first approach to the development proposal in relation to sustainability.
- 2.03 No information was provided in relation to the request for the retention of cordwood as the site currently comprises hardstanding throughout. In addition, other biodiversity enhancements have been added to the proposal including the incorporation of bat and bird boxes and openings in boundary fences to provide access for hedgehogs.
- 2.04 Additional drawings and a statement have been provided with regard to vehicle tracking on site vehicle manoeuvring .

3.2 CONSULTATIONS

KCC Highways – Confirmed that they have no further comments with regard to this application.

4.0 APPRAISAL

4.01 Following deferral of the application at the committee meeting of the 29th November 2018, the following responses are provided.

Reptile survey and integrated niches for wildlife (bat tubes or bird bricks)

4.02 A reptile survey was requested however, this information had been submitted at the time of the application.

4.03 Having assessed the stage one ecological survey, KCC Ecology assessed the information submitted at the start of the application, and found that there may be some areas of the site suitable for reptile use (made especially likely due to the adjacent Local Wildlife Reserve). However, as the application site is relatively small, it is unlikely that there would be a resident reptile population. Nevertheless, as reptiles are protected, the following precautionary measures are advised.

- Operational works will adhere to the precautionary measures in paragraph 4.4 of the Preliminary Ecological Appraisal and Bat Report (KB Ecology Ltd – July 2018). If reptiles are found during the works, the applicant is advised to stop work and follow advice from an independent ecologist.

Reason: To avoid an adverse impact on biodiversity as a result of the development.

- The development hereby approved shall not proceed past slab level until details of a sensitive lighting plan to minimise disturbance to foraging bat behaviour as well as averting glare that would be likely to result in an adverse impact on neighbouring amenity has been submitted to, and approved by, the Local Planning Authority. This will include the location and type of lighting to be installed and consideration of bat-sensitive areas to be illuminated. The approved plan will be implemented prior to the occupation of the properties and will be retained thereafter.

Reason: To avoid an adverse impact on biodiversity in addition to residential amenity as a result of the development.

- Prior to the first occupation of the development hereby approved, details of how the development will enhance biodiversity shall be submitted to, and approved in writing by, the Local Planning Authority together with a timetable for implementation. This will include the implementation of at least four of the recommendations in paragraph 4.10 of the Preliminary Ecological Appraisal and Bat Survey (KB Ecology Ltd. Jul 2018) and a timetable for implementation. The approved details will be implemented in accordance with the approved timetable and thereafter retained.

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

4.04 The applicant has confirmed that bird boxes and bat boxes are to be installed and integrated into the fabric of the scheme and hedgehog openings provided in the boundary fencing. While the principle of these proposals

would be likely to be acceptable the proposed condition is considered necessary as insufficient information has been received.

Renewable energy measures

- 4.05 Members requested officers discuss the incorporation of renewable energy measures such as decentralised energy generation into the development.
- 4.06 The current Government planning policy in the NPPF and NPPG supports the transition to a low carbon future and increased production of energy from renewable sources by support for renewable and low carbon energy and associated infrastructure.
- 4.07 Paragraph 153 of the NPPF states that in determining planning applications, there should be account taken of landform, layout, building orientation, massing and landscaping to minimise energy consumption.
- 4.08 As background, the Code for Sustainable Homes was developed as a planning policy in the late 2000's with the last version being Technical Guidance published in 2010. The Code was a national standard for rating and certifying the performance of new homes with a view to encouraging continuous improvement in sustainable home building.
- 4.09 Essentially the Code set standards relative to the baseline position of Building Regulations. In response, LPAs generally imposed planning conditions to secure, inter alia, energy efficiency and renewable or low carbon energy.
- 4.10 In a Deregulation Act in 2015, LPAs were not allowed to require any level of the Code for Sustainable Homes to be achieved by new development in emerging Local Plans or SPD. There was a presumption against imposing planning conditions requiring the Code for Sustainable Homes unless there was a robust local evidence base.
- 4.11 The Government formally withdrew the code and the technical guidance as part of their Deregulation strategy because the Building Regulations had improved since 2010 and would be regularly updated.
- 4.12 In early 2016, the Government diverted from a "zero carbon homes policy" saying that they would keep energy efficiency standards under review, recognising that existing measures to increase energy efficiency of new buildings should be allowed time to become established. Essentially, the rationale was to rely on Building Regulations in terms of the 'fabric first' approach.
- 4.13 Therefore the energy efficiency of houses is under increasing scrutiny through the Building Regulations with SAP (Standard Assessment Procedure) testing of insulation and boilers etc so that there is a lessened need for 'renewables' because of the focus having been made on reducing the consumption of energy.
- 4.14 In summary, the NPPF expects local planning authorities when setting any local requirement for a building's sustainability to adopt nationally described standards. Local requirements should only form part of a Local Plan following engagement with appropriate partners, based on robust and credible evidence and with careful attention to viability.

Retention of a percentage of the cordwood on the site

- 4.15 Members requested the retention of a percentage of the cordwood on the site to provide habitat for wildlife. No cordwood is on the site as it currently comprises hardstanding and, although there is some shrubbery growing on the site due to lack of maintenance, there are no trees to be felled.
- 4.16 Some provision has already been proposed for biodiversity enhancements, and it would not be considered reasonable to enforce the provision of cordwood by condition. For this reason, it has not been added to the list of conditions at the end of the report.

Details of a vehicle tracking

- 4.17 Members requested vehicle tracking diagrams to show how vehicles would manoeuvre on the site and these have been provided:

The additional information received shows the garage door to unit one in two parts; these both now slide horizontally rather than vertically upwards. The garage opening is will extend the entire width of the front elevation in addition a portion of the north east side. This arrangement results in an improvement to the vehicle turning curve and would not now require the use of any land which the applicant does not have a right of access.

- 4.18 Two tracking drawings for unit two, show that vehicles can manoeuvre into the car parking spaces provided without the need to use land which the applicant does not have a right of access. It should be noted that KCC Highways do not object to the application.

OTHER MATTERS

- 4.19 KCC Highways have requested a condition is added to provide details for the provision of loading and unloading of construction vehicles. However, this is covered by the Highways Act 1980 and, for this reason, a condition to cover this matter is not necessary.
- 4.20 A previous condition relating to details of foul and surface water drainage has been removed as this is covered by the Environmental Protection Act 1990.

5.0 CONCLUSION

- 5.01 Previous concerns raised by Councillors and neighbours are noted, however, it is considered that the proposal would not result in any unacceptable highway safety issues to warrant refusal of the application on this ground.
- 5.02 The site specific impacts have been assessed and there are no issues that would suggest the site either would not be suitable for development or that the site cannot accommodate the proposed development. The ecological issues have been addressed by the ecological assessment and subsequent conditions recommended by KCC Ecology. Overall, the development proposal would be considered policy compliant and, as such, would be recommended for approval.
- 5.03 It is considered that the site accords with the development plan and other material considerations weigh in favour of the development. Therefore it is

recommended that permission is granted subject to the imposition of the appropriate planning conditions.

6.0 RECOMMENDATION

GRANT planning permission subject to the following conditions:

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission;
Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2) The development hereby approved shall not commence until the applicant, or their agents or successors in title, has secured the implementation of a watching brief to be undertaken by an archaeologist approved by the Local Planning Authority so that the excavation is observed and items of interest and finds are recorded. The watching brief shall be in accordance with a written programme and specification which has been submitted to and approved by the Local Planning Authority.
Reason: To ensure that features of archaeological interest are properly examined and recorded.
- 3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no development within Schedule 2, Part 1, Classes A – E (inclusive) to that Order shall be carried out without the permission of the local planning authority;
Reason: To safeguard the character, appearance and functioning of the surrounding area.
- 4) The development hereby approved shall not commence until, details of the proposed slab levels of the buildings and the existing site levels have been submitted to and approved in writing by the local planning authority and the development shall be completed strictly in accordance with the approved levels;
Reason: In order to secure a satisfactory form of development having regard to the topography of the site.
- 5) Notwithstanding the details submitted, 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 buildings 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.
- 6) No additional windows, doors, voids or other openings shall be inserted, placed or formed at any time in the northeast and northwest facing walls of dwellings 1 and 2 at first floor level and above, and the southwest facing wall of dwelling 2 at first floor level and above hereby permitted;
Reason: To prevent overlooking of adjoining properties and to safeguard the privacy of their occupiers.

- 7) Before the development hereby permitted is first occupied, the proposed first floor bathroom window on the northwest facing wall of dwelling 1, the translucent corrugated cladding on the upper section of the garage belonging to dwelling 1, and the first floor WC window on the northeast facing wall of dwelling 2 shall be obscure glazed and shall subsequently be maintained as such to the satisfaction of the local planning authority.
Reason: To prevent overlooking of adjoining properties and to safeguard the privacy of existing and prospective occupiers.
- 8) The approved details of the parking/turning areas shall be completed before first occupation of the buildings hereby permitted and shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order, with or without modification) or not, shall be carried out on the areas indicated or in such a position as to preclude vehicular access to them;
Reason: Development without adequate parking/turning provision is likely to lead to parking inconvenient to other road users and in the interests of road safety.
- 9) The development hereby approved shall not commence until (including site clearance and demolition) an Arboricultural Method Statement (AMS) in accordance with the current edition of BS 5837 has been submitted to and approved in writing by the local planning authority. The AMS should detail implementation of any aspect of the development that has the potential to result in the loss of, or damage to trees, including their roots and, for example, take account of site access, demolition and construction activities, foundations, service runs and level changes. It should also detail any tree works necessary to implement the approved scheme, include a tree protection plan and provide details of the foundations in relation to the tree roots.
Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development
- 10) The development hereby approved shall not commence above slab level until a landscape scheme designed in accordance with the principles of the Council's landscape character guidance has been submitted to and approved in writing by the local planning authority. The scheme shall show all existing trees, hedges and blocks of landscaping on, and immediately adjacent to, the site and indicate whether they are to be retained or removed provide details of on site replacement planting to mitigate any loss of amenity and biodiversity value [together with the location of any habitat piles] and include a planting specification, a programme of implementation and a [5] year management plan. The landscape scheme shall specifically address the following:
To reduce the amount of landscaping at the front of the application site
Reason: In the interests of landscape, visual impact and protection of the amenity of the area and neighbouring gardens and to ensure a satisfactory appearance to the development
- 11) The approved landscaping associated with individual dwellings shall be in place at the end of the first planting and seeding season following completion of the relevant individual dwelling. Any other communal, shared

or street landscaping shall be in place at the end of the first planting and seeding season following completion of the final unit. Any trees or plants, which, within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species. Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development

- 12) Each individual dwelling hereby approved shall not be occupied until a minimum of one electric vehicle charging point has been installed on the given buildings with dedicated off street parking, and shall thereafter be retained for that purpose.

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

- 13) The development hereby approved shall not proceed past slab level until details of a sensitive lighting plan to minimise disturbance to foraging bat behaviour as well as averting glare that would be likely to result in an adverse impact on neighbouring amenity has been submitted to, and approved by, the Local Planning Authority. This will include the location and type of lighting to be installed and consideration of bat-sensitive areas to be illuminated. The approved plan will be implemented prior to the occupation of the properties and will be retained thereafter.

Reason: To avoid an adverse impact on biodiversity in addition to residential amenity as a result of the development.

- 14) Prior to the first occupation of the development hereby approved, details of how the development will enhance biodiversity shall be submitted to, and approved in writing by, the Local Planning Authority together with a timetable for implementation. This will include the implementation of at least four of the recommendations in paragraph 4.10 of the Preliminary Ecological Appraisal and Bat Survey (KB Ecology Ltd. Jul 2018) and a timetable for implementation. The approved details will be implemented in accordance with the approved timetable and thereafter retained.

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

- 15) Operational works will adhere to the precautionary measures in paragraph 4.4 of the Preliminary Ecological Appraisal and Bat Report (KB Ecology Ltd – July 2018). If reptiles are found during the works, the applicant must stop work and follow advice from an independent ecologist.

Reason: To avoid an adverse impact on biodiversity as a result of the development.

- 16) The development hereby approved shall not commence until the following components of a scheme to deal with the risks associated with contamination of the site shall have been submitted to and approved, in writing, by the local planning authority:

a) A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors

- potentially unacceptable risks arising from contamination at the site.
- b) A site investigation, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- c) A remediation method statement (RMS) based on the site investigation results and the detailed risk assessment (2). This should give full details of the remediation measures required and how they are to be undertaken. The RMS should also include a verification plan to detail the data that will be collected in order to demonstrate that the works set out in the RMS are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

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

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

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

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

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

- 18) The development hereby approved shall not commence above slab level until details of all fencing, walling and other boundary treatment to be constructed will be submitted to, and approved in writing by, the Local Planning Authority. This will include details of openings to enable creatures to pass through amenity areas. The boundary treatment will be constructed before the occupation of the properties and will be maintained at all times. Reasons: In the interests of biodiversity and to avoid any loss of privacy for neighbours

- 19) Prior to the first occupation of the dwellings hereby approved, delivery and servicing arrangements shall be in place that are in accordance with a delivery and servicing plan that has previously been submitted to and approved in writing by the Local Planning Authority, with the arrangements maintained for the lifetime of the development.

Reason: In the interests of neighbourliness and to keep the highway clear of obstruction.

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

16 Jul 2018	P011 Rev A	Proposed First Floor Plan
16 Jul 2018	P012	Proposed Roof Plan
16 Jul 2018	P031	Proposed Elevation NW 2
16 Jul 2018	P033	Proposed Elevation SE

16 Jul 2018		Preliminary Ecological Appraisal & B...
16 Jul 2018		Design and Access Statement
20 Jul 2018		Planning statement
20 Sep 2018	E000 Rev B	Location Plan
20 Sep 2018	P001 Rev A	Proposed Site Plan Amendment
18 Jan 2019	P010 Rev B	Proposed Ground Floor Plan
18 Jan 2019	P030 Rev A	Proposed Elevation NW
18 Jan 2019	P032 Rev A	Proposed Elevation SW
18 Jan 2019	P034 Rev A	Proposed Elevation NE
18 Jan 2019	P040 Rev A	Proposed Site Section A
18 Jan 2019	P041 Rev B	Proposed Section AA
18 Jan 2019	P042 Rev B	Proposed Section BB
18 Jan 2019	Cover Emails	
18 Jan 2019	26930-700 1	Swept Path Analysis Private Vehicle
18 Jan 2019	26930-701 1	Swept Path Analysis Private Vehicle
18 Jan 2019	26930-702 1	Swept Path Analysis Private Vehicle

Reason: To clarify which plans have been approved.

INFORMATIVES

- 1) The applicant is advised to discuss all drainage and sewerage matters further with Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk or email developerservices@southernwater.co.uk
- 2) This initial assessment does not prejudice any future assessment or commit to any adoption agreements under Section 104 of the Water Industry Act 1991. Please note that non-compliance with Sewers for Adoption standards will preclude future adoption of the foul and surface water sewerage network on site. The design of drainage should ensure that no groundwater or land drainage is to enter public sewers.
- 3) It is the responsibility of the applicant to ensure that before the development hereby approved is commenced, all necessary highway approvals and consents where required are obtained, and that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. 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>
- 4) The applicant is reminded that broad compliance with the Mid Kent Environmental Code of Development Practice is expected.

Case Officer: Jocelyn Miller

APPENDIX

REFERENCE NO - 18/503763/FULL		
APPLICATION PROPOSAL Erection of two new dwellings.		
ADDRESS Land To The Rear Of 244 - 250 Upper Fant Road Maidstone Kent ME16 8BX		
RECOMMENDATION Grant planning permission subject to conditions		
SUMMARY OF REASONS FOR RECOMMENDATION <ul style="list-style-type: none"> The site has an existing use as an engineering workshop and this use would be more appropriate in the context of the locality. Proposal relates to a redevelopment of the site to replace old and unsightly derelict buildings and enable a more efficient use of land in a sustainable location. 		
REASON FOR REFERRAL TO COMMITTEE Cllr Harper requested the application is presented to the planning committee as he is concerned that it would have an adverse impact on the environment including the Fant Wildlife Site.		
WARD Fant	PARISH/TOWN COUNCIL n/a	APPLICANT Arrant Land AGENT Denizen Works
TARGET DECISION DATE 09/11/18		PUBLICITY EXPIRY DATE 13/11/18

Relevant Planning History

MK/1/48/146 Use of land and existing premises as an engineering workshop and store Granted 08.02.4915/508874/FULL 4 x three bedroom houses Refused 10.03.2016 for the following reasons:

1. The proposals represent an excessive density that would result in a cramped and over-intensive form of backland development which would detract from the character and appearance of the surrounding area and the height of the proposed 3 storey development would be incompatible with the prevailing 2 storey height of development in the immediate vicinity of the site, along the south side of Upper Fant Road, contrary to the relevant guidance in the NPPF.
2. The scale of the proposed development is considered to be inappropriate on this sensitive backland site and would result in an unacceptable loss of residential amenity due to its overbearing impact and overlooking of the rear of the adjoining properties to the north, contrary to the relevant guidance in the NPPF.

Appeal History:

15/508874 Appeal against the refusal for 4 three bedroom houses dismissed 12.08.2016

In her report the Inspector agreed with the officer's assessment, commenting on the cramped nature of the plot being out of keeping with the pattern and layout of surrounding development. It was also noted that the three storey development proposal would not accord with the two storey properties in the locality and would have a harmful effect on the character of the area. In terms of the amenity of neighbouring properties, the excessive fenestration would overlook the gardens resulting in visual intrusion by the occupiers of the proposed development.

MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 The site lies on the south-east side of Upper Fant Road to the rear of Nos 244 – 250 which are terraced properties fronting the road. The site measures approximately 23 metres x 24 metres and is served by an existing narrow access from Upper Fant Road. The undercroft access from Upper Fant Road is at lower ground floor level at No 248 Upper Fant Road, a two storey mid-terraced property on the road frontage.
- 1.02 The backland application site was previously used as a vehicle repair business for which permission was granted in 1949. The commercial use appears to have ceased trading some time ago and the site is now derelict and overgrown. The remains of the buildings used in conjunction with the former use can be seen on the site.
- 1.03 The vehicle access also serves several lock up garages close to the site entrance that are located in the rear gardens of neighbouring properties and outside the application site boundary. The site is within the Maidstone Urban Area with the rear site boundary adjoining Fant Nature Reserve and allotment gardens with the railway line beyond.

2. PROPOSAL

- 2.01 The proposal is for the erection of two new dwellings. Dwelling 1 would be sited in a similar position to the original structure (on the right hand side as you get to the end of the access road) and dwelling 2 would be located on the opposite side of the site to your left as you get to the end of the access road.
- 2.02 Dwelling 1 would have a garage on the front boundary facing Upper Fant Road, with the dwelling positioned closely behind it. A side gate adjacent to the garage allows an access to the enclosed site with the front door immediately beyond it. The utility room and WC are enclosed, with the kitchen/diner overlooking the nature reserve and the living area to the rear of the property overlooking the amenity area. The stairs to first floor are located opposite the front door.
- 2.03 On the first floor, a family bathroom is located at the front of the property with the window facing the access road. Bedroom 3 is adjacent to it, with a window overlooking the nature reserve, and bedroom 2 is beyond it, with similar fenestration. Bedroom 1 is at the rear of the property with an ensuite and a balcony above the amenity area.
- 2.04 Dwelling 2 would have two parking spaces within the external circulation space. The front door is located at the southwestern corner of the property facing the access road. A bathroom is opposite and the first floor access is located to the side, with the study beyond it.
- 2.05 Bedroom 2 has views over the nature reserve with access out to the amenity area beyond. Another bathroom is located between this bedroom and the

study. Bedroom 1 is at the southernmost part of the dwelling, also with access out onto the amenity area.

- 2.06 At first floor level a utility area and WC are located on the northernmost area of the property with a window serving the bathroom to the northeast. The remaining floorspace would provide an open plan kitchen/dining/living area, with a balcony off it. The fenestration serving the space would face the northeast and southeast.

Figure 1: proposed site layout



3. POLICY AND OTHER CONSIDERATIONS

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Maidstone Borough Local Plan 2017 SS1, SP1, DM1, DM2, DM3, DM5, DM12, DM23
Supplementary Planning Documents Maidstone Landscape Character Assessment 2012.

4. LOCAL REPRESENTATIONS

Local Residents:

- 4.01 5 representations received from local residents raising the following (summarised) issues:
- Poor access, and visibility to/from access
 - Concerns re. pedestrian safety
 - Insufficient space for vehicles to turn in the area to enter and exit the proposed garages.
 - No visitor parking
 - No space for refuse bins
 - Detrimental impact on wildlife
 - Loss of trees
 - Loss of views

- Out of character with pattern of development
- Loss of privacy, light, outlook
- Noise, smells and disturbance from activities and traffic movement
- Cramped development
- Risk of flooding
- Poor water pressure worsened
- Detrimental impact on separate garden area serving 248 Upper Fant Road
- Construction traffic will put further strain on the access road and safety of pedestrians
- Cramped overdevelopment
- Inadequate amenity space
- Excessive height
- Poor choice of materials
- Lack of boundary screening

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)

Environmental Services

- 5.01 No objection subject to conditions and informative

KCC Highways

- 5.02 No objection subject to conditions and informative

Southern Water

- 5.03 Suggested informatives should the application be granted

Archaeology

- 5.04 A watching brief condition is required before development commences.

KCC Ecology

- 5.05 Conditions relating to the protection of species and enhancement of the application site in terms of biodiversity is required before development commences.

Trees and landscaping

- 5.06 The trees in the vicinity are not of sufficiently high amenity value to warrant any objections in terms of future pruning/lopping in order to maintain light to the new dwellings. However, an arboricultural method statement would need to be provided in order to demonstrate root protection during the course of construction. A landscaping condition should also be added to ensure a satisfactory finish to the development.

6. APPRAISAL

Main Issues

- 6.01 The key issues for consideration relate to:
- Principle of development
 - Neighbour amenity
 - Character of the locality

- Design
- Density
- Trees and landscaping
- Biodiversity
- Drainage
- Highway issues

Principle of development

- 6.02 Policy SS1 highlights that the urban area of Maidstone is the most sustainable location for new development. The urban area is the focus for a significant proportion of new housing as it is considered to be a good place to live and work. Policy SP2 acknowledges that local services are easily accessible in this location either on foot or from frequent public transport in the area.
- 6.03 DM1 encourages high quality design that respects the character of the area as well as the amenities of neighbouring properties. The locality will be adhered to, with regard being paid to scale, height, materials, detailing, mass, bulk, articulation, and site coverage. DM2 relates to sustainable design, along with the NPPF which references the social, economic and environmental roles of sustainable development.
- 6.04 The current use of the land as an engineering workshop would not be appropriate in this location in terms of noise and disturbance if a planning application for this use was being considered now. The subsequent change of use of the land and erection of two dwellings in this sustainable location within the urban area of Maidstone would be acceptable in principle providing the proposals would comply with the remaining relevant policies.
- 6.05 DM5 encourages development on previously developed land in Maidstone urban area, providing the site is not of high environmental value and the development proposal would be of an appropriate density. The existing site is largely covered with a concrete base. It currently comprises derelict buildings, overgrown with weeds. Formally used as an engineering workshop, it has been vacant for some years. The land would not be considered to be of high environmental value.
- 6.06 Policy DM12 identifies an expectation of achieving net densities of 35 dwellings per hectare. This site achieves a density of 42 dwellings per hectare which is compliant with the Maidstone Local Plan and therefore considered acceptable in policy terms. The earlier proposal was refused permission due to excessive density, the current proposal has sought to address these concerns with a reduction from a density of 84 dwellings per hectare.

Neighbouring amenity

- 6.07 The neighbouring properties in Upper Fant Road are separated from the application site by long rear gardens. Some of these neighbouring gardens include garages.
- 6.08 The second reason why the earlier permission was refused related to a loss of residential amenity in terms of overbearing impact and overlooking of the rear of the adjoining properties to the north. This revised application has sought to overcome these concerns with the changes outlined below.

- 6.09 The reduction in the height and size of the development proposal would reduce the adverse impact on the neighbouring properties that was highlighted by the Inspector's decision.
- 6.10 The revised scheme has substantially reduced the number of windows facing the neighbouring properties. The front elevations include a bathroom window on dwelling 1 and a landing window on dwelling 2. A condition is recommended to ensure that both of these windows are fitted with obscure glass, with another condition recommended to ensure no other windows are added.
- 6.11 The distance from the northwest (front) elevations of dwelling 2 to the rear elevations of the properties on Upper Fant Road would be approximately 41 metres and to the rear boundaries of their gardens the distance would be 4.0 metres. From dwelling 1 those distances would be 33 metres and 11 metres respectively.
- 6.12 Windows to the northeast (side) elevation of dwelling 2 comprise a WC and a secondary window to the living area and would potentially have long views across the ends of the amenity areas of the Upper Fant Road properties. Again, both of these windows could be obscure glazed and a restriction on no further windows added to the elevation.
- 6.13 Fenestration on the southeast of both properties would face the nature reserve which would be acceptable. The adjacent garden of No 248 is approximately 9.0 metres from the nearest part of dwelling 1. Any potential loss of privacy from fenestration on the southwest elevation of dwelling one (relating to the bedroom windows) would be from oblique views owing to the angled relationship of dwelling 1 with the amenity area. In addition to this, the existing trees would further prevent any issues in this regard.
- 6.14 The separation distance between the rear elevation of existing properties on Upper Fant Road and the new building elevation would exceed the 21 metres usually considered to be acceptable in terms of privacy-related issues. The usable space within the amenity areas, although closer (including the garden area for No 248), would not be unduly affected by the development proposal. The garden area for No 248 is located to the southwest of the application site and, as such, there would be insufficient adverse impact to warrant a refusal.

Design

- 6.15 The dwellings in this locality are largely terraced and uniform in design and set evenly back from the highway on both sides of the road. The dwellings in the surrounding area are of traditional design and materials. The existing buildings along the road are generally two storeys in height with pitched roofs.
- 6.16 The drawings shown on the existing site section include single storey structures, ranging from 5.0 metres in height with lean-to roofs down to 3.0 metres. The proposed dwellings are of contemporary design, being simple, timber clad utilitarian buildings with lean-to roofs of corrugated sheet metal cladding. The highest part of the building 1 would be 9.0 metres and the lower part of the lean-to would be 5.8 metres. Building 2 would be 8.3 at the highest part and 5.4 metres at the lowest.

- 6.17 The previously refused application (referenced 15.508874) related to the proposed erection of four terraced dwellings that stretched across almost the full width of the site with a height of 10.8 metres. Although the slope of the site resulted in them being nearly 3.0 metres lower than the dwellings on Upper Fant Road, the development proposal was considered to be cramped form of development, visually harmful and detrimental to the neighbouring properties.
- 6.18 The current application would be 1.8 metres lower than the previous application, with lean-to roofs that reduced in height a further 5.4 metres. In addition to the reduction from three storeys to two storeys, there would also be a reduction in the number of proposed units from four to two which would result in more space around the site. The lean-to roofs, coupled with the additional space around the units, would reduce the cramped appearance on the site, bringing it in line with the heights of the surrounding properties on Upper Fant Road. In addition, the fenestration has been reduced and relocated to ensure that the visual intrusion that formed one of the issues with the previous application was addressed appropriately.
- 6.19 Given the height of the existing buildings on Upper Fant Road and the steady downward slope of the land from the properties to the application site, the proposed development, when seen from any vantage points from the wildlife site or allotments, would be viewed against the backdrop of the existing buildings. The site would be largely obscured from views from Upper Fant Road due to the uniform terraces along it. The reduced size, height and form of the units would be screened by trees from the footpath adjacent to the River Medway, 125 metres away. and would not be out of character with the locality.
- 6.20 The contemporary buildings would be constructed using materials that are not consistent with the surrounding properties, however, they would be more appropriate on this modern form. The use of the natural timber cladding would compliment the backdrop of the nature reserve, especially once the materials have weathered, and the lean-to roof would have a less obtrusive effect than a traditional pitched one. Notwithstanding this, a condition for the submission of material samples would ensure the final construction would be appropriate. The corrugated sheet metal cladding would be located on the lean-to roofs and, set at this shallow pitch. would be less obtrusive than a traditional pitched roof which would require a steeper pitch to successfully accommodate the tiles.
- 6.21 In terms of the scale and form of the two units, they have now been reduced in size to two storey buildings which emanate those fronting upper Fant Road. The space around the buildings would result in a less cramped development proposal and the materials would give the impression of a lighter structure, unlike a solid brick and tile form. In the proximity of a nature reserve, these materials provide a more natural alternative, yet their utilitarian form serves as a reminder to the more industrial use of the from which the site originated.
- 6.22 While it is acknowledged that this is a backland location, the land is previously developed and was in use as a vehicle repair garage that could have resulted in nuisance to neighbouring residential occupiers. The current application will remove this non-conforming use with a modest residential

development that is an appropriate scale and design in this backland location.

Trees and landscaping

- 6.23 Additional information was included during the course of the application to set out the issues with regard to the trees and landscaping on the site. Further conditions are required to provide an arboricultural impact assessment with information to specifically identify any potential impact on the trees as a result of the laying of foundations.
- 6.24 Overall, it is considered that the amenity value of the trees adjacent to the site is not great enough to warrant a refusal of the application, this includes pressure to lop/prune them in order to retain sufficient light into the properties. However, a landscaping scheme would also be required incorporating one or two trees (such as Silver Birch or Rowen) and some native hedging, along with a condition to replace any lost or damaged/diseased planting following the construction in order to further enhance the development proposal and increase biodiversity on the site.

Biodiversity

- 6.25 Policy DM3 seeks to ensure that new development would protect and enhance the natural environment wherever possible.
- 6.26 The preliminary ecology survey submitted to the Ecology Section suggested the presence of bats. For this reason, the Ecology Section requested that, in order to protect them, the Bat Conservation Trust's Bats and Lighting in the UK guidance should be adhered to in the lighting design. A condition has been added to ensure that the development will not harm the wildlife here.
- 6.27 The majority of the site comprises hard standing, although since it becoming vacant, it has become overrun with weeds. Having consulted with KCC Ecology, we have been advised that it is possible that some parts of the site are suitable for reptile use (made especially likely due to the adjacent Local Wildlife Reserve).
- 6.28 Due to the modest size of the site it is unlikely that there is a resident reptile population. However, as reptiles are protected, a condition will be added requiring construction works to stop should any wildlife be found on the site, and appropriate authorities contacted for advice. In addition, a further condition will be added to identify ecological enhancements such as swift boxes etc.
- 6.29 Finally, bearing in mind the ecological implications adjacent to the site, it should be noted that the original use (a garage repair workshop) would result in a higher likelihood of contamination than the current proposal. Environmental Services have requested a condition to ensure that all contaminants have been removed before commencement of construction, and this condition would have positive environmental implications as a result of these measures. The change of use to residential occupation would also reduce the chances of further contamination in the future.

Drainage

- 6.30 Concerns have been raised by Southern Water with regard to drainage in the area, and they have requested informatives relating to the need to protect any sewers within the construction site, the need to apply to Southern Water to connect to them, and the importance of long term maintenance plans for SUDs. An informative has been added requesting the applicant discusses these matters with Southern Water.

Highways

- 6.31 Policy DM23 states that 1 car space should be allocated for a two bedroom house in a suburban location, and 1.5 spaces should be allocated for a three bedroom house. Dwelling 2 has two spaces which exceeds the requirement for a two bedroom property. Dwelling 1 (a three bedroom property) has two spaces, however, it has not been demonstrated by a tracking programme that two cars would be able to manoeuvre adequately to leave the site in a forward gear. Notwithstanding this, the application site is located within a sustainable location where using public transport is encouraged. There is a frequent bus service into Maidstone on this route, and the bus stop is located approximately 100 metres from the application site. For these reasons it is considered that sufficient parking has been supplied.
- 6.32 The proposed development would be accessed via an existing track off Upper Fant Road, and provides a straight route extending under an existing terraced property. The access is existing and previous discussions have resulted in an agreement to insert additional fire prevention equipment within the dwellings during the construction process.

Other Matters

- 6.33 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 application includes a more modest development proposal than the previously refused scheme, including the omission of two units, a reduction in height, bulk, massing and width of the building, and the relocation and reduction in fenestration, particularly on the boundaries which would result in adverse impact on the neighbouring properties.
- 7.02 For these reasons, it is considered that it has overcome the previous issues raised in the original planning application. Overall, the development proposal would be considered policy compliant and, as such, would be recommended for approval.

8.0 RECOMMENDATION

GRANT planning permission subject to the following conditions:

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

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

- 2) The development hereby approved shall not commence until the applicant, or their agents or successors in title, has secured the implementation of a watching brief to be undertaken by an archaeologist approved by the Local Planning Authority so that the excavation is observed and items of interest and finds are recorded. The watching brief shall be in accordance with a written programme and specification which has been submitted to and approved by the Local Planning Authority.

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

- 3) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no development within Schedule 2, Part 1, Classes A – E (inclusive) to that Order shall be carried out without the permission of the local planning authority;

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

- 4) The development hereby approved shall not commence until, details of the proposed slab levels of the buildings and the existing site levels have been submitted to and approved in writing by the local planning authority and the development shall be completed strictly in accordance with the approved levels;

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

- 5) Notwithstanding the details submitted, 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 buildings 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.

- 6) No additional windows, doors, voids or other openings shall be inserted, placed or formed at any time in the northeast and northwest facing walls of dwellings 1 and 2 at first floor level and above, and the southwest facing wall of dwelling 2 at first floor level and above hereby permitted;

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

- 7) Before the development hereby permitted is first occupied, the proposed first floor bathroom and first floor landing windows on the northwest facing walls of dwellings 1 and 2, and the WC and dining area windows on the northeast facing walls of dwelling 2 shall be obscure glazed and shall subsequently be maintained as such to the satisfaction of the local planning authority;

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

- 8) The approved details of the parking/turning areas shall be completed before first occupation of the buildings hereby permitted and shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order, with or without modification) or not, shall be carried out on the areas indicated or in such a position as to preclude vehicular access to them;
Reason: Development without adequate parking/turning provision is likely to lead to parking inconvenient to other road users and in the interests of road safety.
- 9) The development hereby approved shall not commence until a method statement for the demolition and/or construction of the development hereby approved has been submitted to, and approved in writing by, the Local Planning Authority. The demolition and construction works shall be carried out in accordance with the approved method statement. Details submitted in respect of the method statement, incorporated on a plan, shall provide for the following:
- Submission of a Construction Management Plan before the commencement of any development on site including the provision of parking facilities for contractors during all stages of the development (excavation, site preparation and construction) and the provision of a means of storage and/or delivery for all plant, site huts, site facilities and materials.
 - Provision and permanent retention of the vehicle parking spaces and/or garages shown on the submitted plans prior to the use of the site commencing.
 - Provision and permanent retention of the vehicle loading/unloading and turning facilities shown on the submitted plans prior to the use of the site commencing.
 - Should works be required in the highway a statutory licence must be obtained. Applicants should contact Kent County Council - Highways and Transportation (webwww.kent.gov.uk/roads_and_transport.aspx or telephone: 03000 418181) in order to obtain the necessary Application Pack.
- Reason: To ensure the construction of development does not result in an adverse impact on highway safety.
- 10) The development hereby approved shall not commence until (including site clearance and demolition) an Arboricultural Method Statement (AMS) in accordance with the current edition of BS 5837 has been submitted to and approved in writing by the local planning authority. The AMS should detail implementation of any aspect of the development that has the potential to result in the loss of, or damage to trees, including their roots and, for example, take account of site access, demolition and construction activities, foundations, service runs and level changes. It should also detail any tree works necessary to implement the approved scheme, include a tree protection plan and provide details of the foundations in relation to the tree roots.
Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development

- 11) The development hereby approved shall not commence above slab level until a landscape scheme designed in accordance with the principles of the Council's landscape character guidance has been submitted to and approved in writing by the local planning authority. The scheme shall show all existing trees, hedges and blocks of landscaping on, and immediately adjacent to, the site and indicate whether they are to be retained or removed provide details of on site replacement planting to mitigate any loss of amenity and biodiversity value [together with the location of any habitat piles] and include a planting specification, a programme of implementation and a [5] year management plan. The landscape scheme shall specifically address the following:
Hard landscaping at the front of the application site
Reason: In the interests of landscape, visual impact and protection of the amenity of the area and neighbouring gardens and to ensure a satisfactory appearance to the development
- 12) The approved landscaping associated with individual dwellings shall be in place at the end of the first planting and seeding season following completion of the relevant individual dwelling. Any other communal, shared or street landscaping shall be in place at the end of the first planting and seeding season following completion of the final unit. Any trees or plants, which, within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.
Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development
- 13) Each individual dwelling hereby approved shall not be occupied until a minimum of one electric vehicle charging point has been installed on the given building(s) with dedicated off street parking, and shall thereafter be retained for that purpose.
Reason: To promote the reduction of CO2 emissions through the use of low emissions vehicles in accordance with paragraph 35 of the NPPF.
- 14) The development hereby approved shall not commence above slab level until details of a sensitive lighting plan to minimise disturbance to foraging bat behaviour, will be submitted to, and approved by, the Local Planning Authority. This will include the location and type of lighting to be installed and consideration of bat-sensitive areas to be illuminated. The approved plan will be implemented and thereafter retained.
Reason: To avoid an adverse impact on biodiversity as a result of the development.
- 15) Prior to the first occupation of the development hereby approved, details of how the development will enhance biodiversity shall be submitted to, and approved in writing by, the Local Planning Authority. This will include the implementation of at least four of the recommendations in paragraph 4.10 of the Preliminary Ecological Appraisal and Bat Survey (KB Ecology Ltd. Jul 2018) and a timetable for implementation. The approved details will be implemented in accordance with the approved timetable and thereafter retained.
Reason: To protect and enhance the ecology and biodiversity on the site in the future.

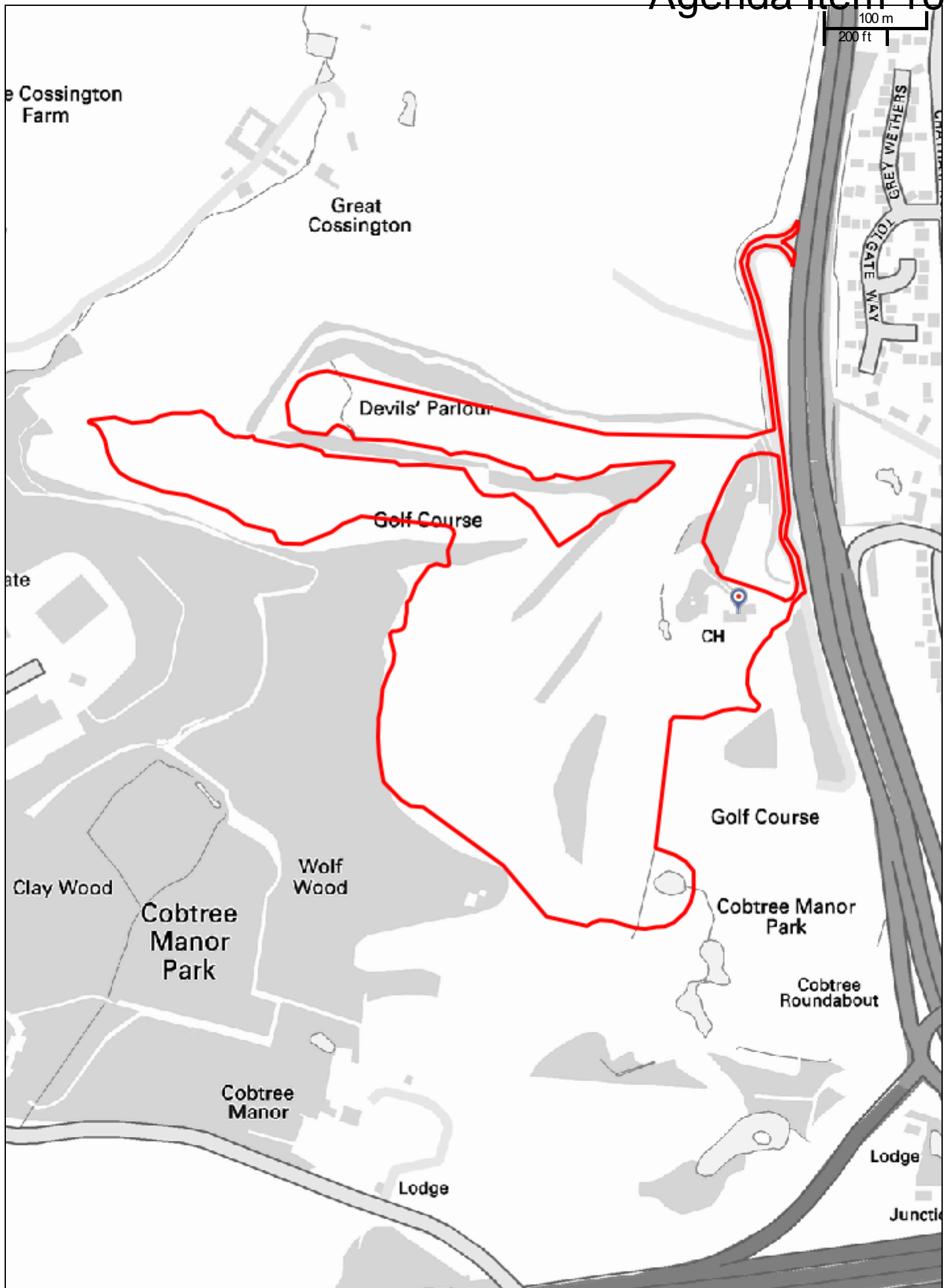
- 16 Operational works will adhere to the precautionary measures in paragraph 4.4 of the Preliminary Ecological Appraisal and Bat Report (KB Ecology Ltd – July 2018). If reptiles are found during the works, the applicant is advised to stop work and follow advice from an independent ecologist.
Reason: To avoid an adverse impact on biodiversity as a result of the development.
- 17 The development hereby approved shall not commence until details of the proposed means of foul sewerage and surface water disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water.
Reason: To ensure adequate sewage disposal and drainage arrangements.
- 18 The development hereby approved shall not commence until the following components of a scheme to deal with the risks associated with contamination of the site shall have been submitted to and approved, in writing, by the local planning authority:
- a) A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site.
 - b) A site investigation, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - c) A remediation method statement (RMS) based on the site investigation results and the detailed risk assessment (2). This should give full details of the remediation measures required and how they are to be undertaken. The RMS should also include a verification plan to detail the data that will be collected in order to demonstrate that the works set out in the RMS are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.
- Any changes to these components require the express consent of the local planning authority. The scheme shall thereafter be implemented as approved.
Reason: In the interests of protecting the health of future occupants from any below ground pollutants.
- 19 A Closure Report is submitted upon completion of the works. The closure report shall include full verification details as set out in 3. This should include details of any post remediation sampling and analysis, together with documentation certifying quantities and source/destination of any material brought onto or taken from the site. Any material brought onto the site shall be certified clean;
Any changes to these components require the express consent of the local planning authority. The scheme shall thereafter be implemented as approved.
Reason: In the interests of protecting the health of future occupants from any below ground pollutants.

- 20 The development hereby approved shall not commence above slab level until details of all fencing, walling and other boundary treatment to be constructed will be submitted to, and approved in writing by, the Local Planning Authority. This will include details of openings to enable creatures to pass through amenity areas. The boundary treatment will be constructed before the occupation of the properties and will be maintained at all times. Reasons: In the interests of biodiversity and to avoid any loss of privacy for neighbours
- 21) The development hereby permitted shall be carried out in accordance with the following approved plans:
- | | | |
|-------------|------------|---|
| 16 Jul 2018 | P010 Rev A | Proposed Ground Floor Plan |
| 16 Jul 2018 | P011 Rev A | Proposed First Floor Plan |
| 16 Jul 2018 | P012 | Proposed Roof Plan |
| 16 Jul 2018 | P030 | Proposed Elevation NW 1 |
| 16 Jul 2018 | P031 | Proposed Elevation NW 2 |
| 16 Jul 2018 | P032 | Proposed Elevation SW |
| 16 Jul 2018 | P033 | Proposed Elevation SE |
| 16 Jul 2018 | P034 | Proposed Elevation NE |
| 16 Jul 2018 | P040 | Proposed Site Section A |
| 16 Jul 2018 | P041 Rev A | Proposed Section AA |
| 16 Jul 2018 | P042 Rev A | Proposed Section BB |
| 16 Jul 2018 | | Preliminary Ecological Appraisal & B... |
| 16 Jul 2018 | | Design and Access Statement |
| 20 Jul 2018 | | Planning statement |
| 20 Sep 2018 | E000 Rev B | Location Plan |
| 20 Sep 2018 | P001 Rev A | Proposed Site Plan Amendment |
- Reason: To clarify which plans have been approved.

INFORMATIVES

- 1) The applicant is advised to discuss all drainage and sewerage matters further with Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk or email developerservices@southernwater.co.uk
- 2) This initial assessment does not prejudice any future assessment or commit to any adoption agreements under Section 104 of the Water Industry Act 1991. Please note that non-compliance with Sewers for Adoption standards will preclude future adoption of the foul and surface water sewerage network on site. The design of drainage should ensure that no groundwater or land drainage is to enter public sewers.
- 3) It is the responsibility of the applicant to ensure , before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained, and that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. 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>
- 4) The applicant is reminded that broad compliance with the Mid Kent Environmental Code of Development Practice is expected.

Case Officer: Jocelyn Miller



REPORT SUMMARY

REFERENCE NO - 18/504490/FULL			
APPLICATION PROPOSAL Demolition of existing clubhouse and erection of new replacement clubhouse incorporating bar, meeting rooms, gym and exercise studio, linked 12 bay driving range, separate golf buggy store, bin store and covered bike rack. Existing car park and entrance road to be realigned and provide additional 47 parking spaces. Upgrade, re-model and re-contour the existing 18- hole golf course. Academy 9 hole course; short game activity zone all on practice ground outfield. Landscaping and biodiversity enhancement through extensive planting and the connectivity of habitats.			
ADDRESS Cobtree Manor Golf Course Chatham Road Sandling Maidstone Kent ME14 3AZ			
RECOMMENDATION – Grant Permission subject to planning conditions set out in Section 8.0.			
SUMMARY OF REASONS FOR RECOMMENDATION – APPROVE SUBJECT TO CONDITIONS <ul style="list-style-type: none">• The design of the proposal is considered to be acceptable and the proposal would not have a significant impact on the countryside, character of the area or residential amenity.• The application satisfactorily addresses arboricultural and ecology matters and would allow for appropriate protection and mitigation.• All other material planning considerations are considered acceptable and appropriate conditions could address matters relating to flooding, highways and neighbouring amenity.• Permission is therefore recommended.			
REASON FOR REFERRAL TO COMMITTEE Maidstone Borough Council is the joint owner of the site.			
WARD Boxley	PARISH/TOWN Boxley	COUNCIL	APPLICANT Mytime Active AGENT Arkon Associates Ltd
DECISION DUE DATE 02/01/19	PUBLICITY EXPIRY DATE 02/11/18	OFFICER SITE VISIT DATE 11/10/18	
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
18/500845/PAME ET	Pre Application Advice meeting for Construction of new clubhouse and driving range at existing golf course, demolition of existing clubhouse, extension and reconfiguration of existing car park and re-contouring of existing golf course to improve irrigation and lengthen the course		30/04/2018
06/1175	An application for a certificate of lawfulness for a proposed development being installation of solar panels to south facing roof of existing clubhouse as described in application 06/1175	Refused	27/07/2006

94/0952	Phase 3 extension to Clubhouse changing rooms, internal alterations and single storey extension to front of building adjacent to main entrance	Approved	02/09/1994
85/0949	Alterations and extension to clubhouse and erection of groundsman's store and messroom	Approved	12/02/1986
82/1079	Erection of clubhouse	Approved	30/09/1982
79/1404	18 hole municipal golf course, as amended by memoranda dated 31.8.79 and 3.10.79	Approved	28/11/1979
74/0496	Use of land as leisure/recreation area as amended by agent's memorandum of 17/10/75, by memorandum of 12/5/76 and attached layout no. 5, by drawing received on 30/9/76 and by memorandum of 16/5/77	Approved	08/09/1977

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The entire application site currently forms Cobtree Manor Golf Course which is an extensive part Council owned public golf club covering 16.56 hectares. The site has been used as a public golf course since its completion in the 1970s. The golf club is under the operational management of MyTime Active.
- 1.02 The site is located within the countryside, outside of the defined urban area of Maidstone. The site is undulating in topography with the highest point at the western edge adjacent to Manor Park. The lowest part of the site is at the southern boundary adjacent to the M20 motorway. The site gently slopes upwards to the north and the northern boundary of the site is approximately 100m south of the Kent Downs Area of Outstanding Natural Beauty (AONB). To the east of the site is the A229, to the south of the site is the M20 motorway and to the west of the site is Cobtree Manor Park. Further to the west of the site is Aylesford Industrial Estate which is adjacent to the boundary of the golf course in the north west corner of the site.
- 1.03 The golf club is existing and consists of manicured fairways, greens and tees with areas of longer grass, ponds and woodland. Located in the north east of the site is the existing club house which is a brick and tile one to two storey building. Next to the golf club are a number of outbuildings used for greenkeeper's equipment and buggy storage.
- 1.04 Within the site there are three blocks of ancient semi-natural woodland located within the northern half of the site. Public Rights of Way (PROW) KH16 runs along the western boundary of the site in a south to north direction. In addition PROW KH11A runs along part of the access road to the east of the site. A Local Wildlife

Site is located to the north east of the site along part of the access road off of the A229.

- 1.05 In terms of access, vehicular access is from an access road off the A229 to the east of the site. Pedestrian and cycle access to the site is possible via the footbridge over the A229 which links to Tyland Lane to the east. In terms of public transport, a bus stop is located on the A229 on the junction with the golf club access road.

2.0 PROPOSAL

- 2.01 Planning permission is sought by the new operators of the site for the upgrading of Cobtree Manor Golf Course. The proposal includes the following elements:

- A new club house facility;
- A new driving range with covered driving bays with a re-contoured outfield consisting of synthetic target greens and lighting;
- Reconfiguration of existing golf courses;
- A new 9 hole short golf course;
- A synthetic grass "multi activity zone" to the front of the practice driving range;
- An irrigation lagoon as part of the proposed water harvesting scheme, which includes the construction of a water storage pond;
- Upgraded irrigation system;
- New woodland planting;
- Ecological enhancements; and
- Additional car parking.

New club house

- 2.02 The applicant outlines that the current club house facilities are slowly falling behind the current golfing needs, aspirations of the general public and business needs. The proposed replacement club house will include a number of functions; including reception, bar and function spaces with associated kitchen. The facilities are expected to provide changing rooms, gym and a multipurpose studio.
- 2.03 The replacement club house has a larger footprint than the existing club house and related buildings currently on site. It would be single storey with a low pitch roof which is expressed internally to maximise headroom within key spaces (function, meeting rooms, gym and studio).
- 2.04 The proposed materials consist of rough faced stone, timber cladding and a single ply flat roof. The windows and doors are to be aluminium frames finished in dark grey. The applicant is keen to utilise the roof slope to provide solar UV Panels, however, there is no policy support within the Local Plan or NPPF to require solar UV panels be installed by condition and this would be a decision for the applicant.

Upgrading of the existing 18 hole golf course

- 2.05 The applicant advises that the proposed new club house and driving range provides an opportunity to reassess the current 18 holes. The current course is poor draining in parts which leads to the course closing in the winter at certain times. The configuration of the course provides an opportunity for the inclusion of a new irrigation pond to take harvested water from the surface water network and to reuse it in the summer.
- 2.06 The applicant also advises that a number of the current holes are too steep in terms of gradient which makes the course difficult for less mobile users. The proposal therefore is to re-engineer the course to solve the current design issues.

New 9 hole course

- 2.07 The proposal seeks to introduce a short game proposal (9 hole short golf course) aimed at families, juniors, beginners and casual golfers. This would be located within the footprint and extend to the south of the driving range area to be used when the driving range is not in use.

Short game activity zone

- 2.08 To complement the practice ground it is proposed that a dedicated short game is created just in front of the covered bays. This area will be made of synthetic grass and will be used as a short game area and a multi activity area for various outdoor sporting activities.

Car parking

- 2.09 The applicant states that the current car parking is sufficient for the site operations, but as the intention is to increase visitors to the site the proposal is to expand the current provision. The car parking provision will increase to 132 regular spaces with an additional 8 main car parking spaces, 5 disabled spaces, 36 overflow spaces, 2 motorbike spaces and cycle parking. A number of parking spaces will provide EV charging.

Planting/landscaping

- 2.10 Landscaping would be through a combination of the retention of the existing trees/woodland and new planting.

3.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Development Plan: SP17, SP21 DM1, DM2, DM3, DM8, DM19, DM23, DM30, DM37
Supplementary Planning Documents: Kent Downs AONB Management Plan 2014-2019

4.0 LOCAL REPRESENTATIONS

4.01 2 neighbour representations submitted neither supporting nor objecting to the proposal on the following summarised grounds:

- Enhancement proposals are positive;
- Unnecessary damage to woodland and animal habitats;
- Temporary closure of golf course during the works;
- Golf balls in garden; and
- Membership benefits.

5.0 CONSULTATIONS

5.01 Boxley Parish Council – No objection

5.02 Cllr Tony Harwood – Pre app discussions around renewable energy generation and a biodiversity friendly approach, but the current proposal is utilitarian which does not acknowledge any sustainability imperatives. For a site in the AONB and within the scope of Breeam Standard a significant evolution of the submitted plans is required, with additional landscaping, surfacing and materials

5.03 KCC PROW – KH11A runs along the eastern boundary of the site and should not affect the application

5.04 Environmental Health – No objection

5.05 Natural England – No comments

5.06 KCC SUDS – No objection, subject to conditions

5.07 Kent Police – Would welcome meeting with agent to discuss crime prevention measures.

5.08 KCC Ecology – Sufficient information has been submitted in support of the application. Advise that conditions securing ecological enhancements and further details of lighting

5.09 Southern Water – Requires formal application for a connection to the public foul sewer

5.10 Environment Agency – Any waste imported to the site will require an Environmental Permit to be in compliance with the Environmental Permitting Regulations 2006. A permit must be obtained prior to importation

5.11 KCC Highways – No objection, subject to conditions

5.12 MBC Landscape – If the lighting can be resolved there are no objections on landscape grounds subject to landscape conditions. Main concern is in relation to proposed lighting, in particular in regards to the effects on views from the Kent Downs AONB and any potential landscape proposals to help mitigate any harmful

effects. The views of the AONB unit on this matter should be fully considered. Landscape conditions requested.

- 5.13 Tree Officer (Summarised with detailed comments contained within the report) – The demolition element of the proposal will not result in any significant landscape or arboricultural harm. The development proposals will result in the removal of a large number of trees of varying age and quality, but my general impression is that the majority of the trees lost are young to semi-mature and the larger trees being lost are of average to poor quality and/or landscape value. The submitted plans include broad replanting proposals which, although lacking detail, indicate that significant areas of new woodland planting of appropriate native species will more than compensate for the tree cover losses in the long term. Conditions are requested for a revised Arboricultural Method Statement, which should fully detail individual tree removals, require a more robust method of ensuring that the 10m construction buffer to ancient woodland is appropriately managed during works and include a programme of inspection and reporting to ensure compliance by the contractor.
- 5.14 KCC Archaeology – No objection, subject to conditions
- 5.15 Kent Downs AONB Unit (30/01/2019) (summarised) – No objection - Proposal seeks to minimise sky glow through a system that avoids lighting being provided from the tee stalls and that the proposed curfew for lighting of the driving range is in accordance with the requirements for E1 Environmental Zones. In view of this, and the site's location adjacent to the existing lit environment, subject to the imposition of a condition strictly controlling the hours of illumination of the driving range, we do not raise an objection.

6.0 APPRAISAL

- 6.01 The key issues for consideration relate to:

- Principle of development
- Impact on character and appearance of the countryside
- Highways
- Landscape and Ecology
- Residential Amenity
- Other Matters

Principle of Development

- 6.02 The application site is defined as countryside, as defined by the Maidstone Borough Local Plan 2017. Policy SP17 outlines that development proposals in the countryside will not be permitted unless they accord with other policies in this plan and they will not result in harm to the character and appearance of the area.
- 6.03 Policy SP21 (Economic Development) sets out that the Council is committed to supporting and improving the economy of the borough and providing for the needs of businesses. Criterion vii of the policy further sets out proposals for the expansion of existing economic development premises in the countryside,

including tourism related development, but is subject to a caveat that the development should be appropriate for its countryside location and in accordance with policy DM37.

- 6.04 Policy DM3 states that publically accessible open space should be designed to as part of the overall green and blue infrastructure and layout of a site, taking advantage of the potential multiple benefits including enhanced play, tree planting and landscape provision.
- 6.05 Policy DM37 sets out that planning permission will be granted for the sustainable growth and expansion of rural business in the rural area where the new development is appropriate in scale for the location and can be integrated into the landscape, would not result in unacceptable traffic levels and the development would not result in loss of amenity to the area. These issues are dealt with in more detail later in the report.
- 6.06 Paragraph 8 of the NPPF sets out the three dimensions to sustainable development, these being economic, social and environmental roles.

Economic Role

- 6.07 The economic role seeks to contribute to building a strong, responsive and competitive economy, sought by identifying and coordinating development and the provision of infrastructure.
- 6.08 Whilst no financial information has been submitted with the application, this proposal would provide a cash injection into an existing golf course, it would provide an economic benefit to the upkeep of the public golf course and also provide additional employment opportunities with a further 7 employees at the course. It is therefore considered that the proposals would provide an economic benefit to the local economy.

Social Role

- 6.09 The NPPF sets out that strong, vibrant and healthy communities should be supported by creating a high quality built environment, with accessible local services that reflect the community's needs and support its well-being. The NPPF supports access to high quality open spaces and opportunities for sport and recreation.
- 6.10 It is recognised that the golf course already exists at the site and the proposals would broaden the appeal of the course by remodelling the existing course and by providing additional facilities. The redevelopment of the existing golf course would provide a social role by providing improved accessible opportunities for sport and recreation.

Environmental Role

- 6.11 The NPPF sets out the environmental role is to contribute to protecting and enhancing our natural environment, built and historic environment, including making effective use of land, helping to improve biodiversity.

Matters relating to the detailed assessment of the environmental role of the proposals are discussed in the following sections.

- 6.12 Overall, as this is the redevelopment of an existing golf course, the principle of the redevelopment is acceptable, subject to all other material planning considerations being acceptable.

Impact on the Character and Appearance of the Countryside

- 6.13 The landscape forms part of the setting of the Kent Downs AONB, which is approximately 100m to the north of the site. The preamble to policy SP17 in the Maidstone Local Plan states in paragraph 4.107 that *'the council will ensure proposals conserve and enhance the natural beauty, distinctive character, biodiversity and setting of the AONB, taking into account the economic and social well-being of the area.'*
- 6.14 In terms of landscape character, the site lies within landscape character area 12, Sandling Vale, and more specifically 12.1 Cobtree Manor Park as defined by the Maidstone Landscape Character Assessment, March 2012. The subsequent Maidstone Landscape Capacity Study: Sensitivity Assessment (January 2015) outlines the character sensitivity to be low with the visual sensitivity to be moderate, giving an overall Landscape Sensitivity of low. The study concludes that this in an area tolerant to change which could support further development. The Landscape Officer considers that the most important landscape sensitivity issue is to ensure that a defined urban edge is maintained and the open countryside is protected by restricting urban sprawl and maintaining the open, rural character between Maidstone and other settlements.
- 6.15 To the south of the site is the M20 motorway with the urban boundary approximately 0.66km away. In terms of topography, the site is gently sloping with the highest part of the site on the western and north western edge of the site adjacent to Manor Park at +45m and with the lowest part at the southern boundary adjacent to the M20 motorway. In terms of views, the site has been used as a golf course since the 1970's and it is set within part country park, part woodland and part parkland garden. Within the course there are pockets of woodland interspersed with the existing open swathes of the golf course with boundaries presently screened with existing established trees and vegetation.
- 6.16 In view of the location of the site and its position at the foot of the North Downs escarpment, the application was accompanied by a landscape and visual impact assessment. This sought to assess the potential visual impact of the development from a number of points in the vicinity of the site and from the North Downs. This assessment included long distance views from the AONB along the North Downs Way and at Lower Warren Road and at shorter distances from lower down Bluebell Hill, north of the M20 and from within the golf course itself. The summary concludes that the landscape effect is considered to be moderate to

slight given that the intrinsic character of the landscape setting will not change a great deal in appearance and nature by the proposed development.

- 6.17 The Landscape Officer has reviewed the submitted Landscape and Visual Appraisal and comments the assessment broadly complies with the principles of the Guidelines for Landscape and Visual Assessment (GLVIA3). The Landscape Officer has no objection to the proposals, subject to details of the flood lighting for the driving range being acceptable which is discussed in more detail below.

Driving Range Lighting

- 6.18 Policy DM8 sets out that external lighting will be permitted where the proposal meets the following criteria:
- i. It is demonstrated that the minimum amount of lighting necessary to achieve its purpose is proposed;*
 - ii. The design and specification of the lighting would minimise glare and light spillage and would not dazzle or distract drivers or pedestrians using nearby highways; and*
 - iii. The lighting scheme would not be visually detrimental to its immediate or wider setting, particularly intrinsically dark landscapes.*

In addition, in view of the site's location, the floodlights must be carefully managed in accordance with policy SD7 of the Kent Downs AONB Management Plan for dark skies at night.

- 6.19 The driving range, which includes the proposed lighting, would be located on the existing 2nd Fairway located to the west of the existing club house located in the middle of the site. Proposals for lighting of the driving range are for 8 floodlights on the tee stalls, which will be accompanied by 11 BERM units lighting from the ground along the driving range length.
- 6.20 The application is supported by a Lighting Technical Report. The report outlines that the proposed lighting system aims to minimise the effects of sky glow by focusing the light more accurately in the areas where it is required compared to a system which provides all light from the tee stalls.
- 6.21 The Institute of Lighting Professionals (ILP) has developed guidance that applies to multiple applications where artificial lighting is required. The guidance outlines key principles for ensuring the lighting design is not obtrusive by way of light spill (table 1). The guidance further states that some lighting schemes will require the deliberate and careful use of upward light but care should be taken by the proper application of suitably directional luminaires and light controlling attachments.

Environmental Zone	Sky ULR %	Glow (Max)	Luminaire intensity I candelas (cd)		Building luminance L (cd/m ²)
			Pre-curfew	Post-curfew	
E1	0		2,500	0	0

Intrinsically dark landscapes National Parks, AONB etc.				
E2 Low District Brightness Rural, Small village, relatively dark urban location	2.5	7,500	500	5

Table1: Obtrusive light limitations for exterior lighting installations.

- 6.22 Clearly the introduction of lighting onto the site will result in some light intrusion into this rural location which is currently unlit. However, the boundaries of the driving range are lined by established trees, which would assist in blocking any direct line of sight of the driving range lighting units from outside of the site. The vegetation would also assist in containing the majority of the lighting within the confines of the driving range. In addition, it is considered that lighting of the M20 and A229 along with the junctions which are lit by column mounted LED luminaries as well as lighting of the industrial park to the west are also likely to feature some obtrusive elements that exceed the limits outlined in GN01 for E1 Environmental Zones (table 1).
- 6.23 The Kent Downs AONB unit has been consulted and has no objection subject to a condition controlling the hours of illumination of the driving range in accordance with E1 Environmental Zone (23:00hrs). The hours of lighting for the driving range can be secured by way of condition to ensure compliance with E1 Environmental Zone lighting curfew.
- 6.24 In terms of amenity impact from the light, the nearest dwellings are located east of the site at Chatham Road and to the south west at Forstal Road. These are sited approximately 315m and 350m respectively from the proposed driving range. As the driving range is heavily screened by trees along the boundaries and due to the distances involved there is unlikely to be significant effect from obtrusive light on residential amenity.
- 6.25 Lighting of the proposed driving range is a balanced case, but it is not considered that the potential impact of the lighting on the visual amenity and character of the surrounding countryside and the amenities of the adjacent residential properties will not be so harmful as to render this element of the scheme unacceptable, subject to conditions.

Club House

- 6.26 As part of the application submission, detailed plans have been produced to provide clarity as to the potential design and impact of the new building. The existing club house has a total gross area of 580 sqm. The gross external area of the replacement club house, driving range, covered bays and ancillary services is 1196 sqm. The replacement club house would be single storey with a maximum height of 4 metres. The building is split into operational sections including the fitness suite, bar, reception area and conference centre. The materials of the club house would consist of rough faced stone, timber cladding and single ply flat roof. The windows and doors are to be aluminium frames, finished in dark grey. The driving range bays would have a mono pitched roof with a rear elevation height of 3.5m and front elevation height of 5m. In terms of the materials the driving range would be dark grey trapezoidal metal cladding elevations and roof. The new club house would be set back from the A229 road and to the west of the existing club house by approximately 150m and 50m respectively.
- 6.27 The modern low lying design of the building would be a positive feature as it would reduce the prominence and visibility of the building. In addition, the proposed layout plan shows that existing trees to the north and east of the club house would be retained which would reduce the visual impact of the building from wider views. The building is not visible from the M20 or the A229 and views would be limited to short distance views.
- 6.28 The design of the building is sustainable. An energy and sustainability statement has been submitted in support of the application. A condition would be placed on the application requiring the club house to achieve BREEAM very good rating in accordance with Policy DM2.
- 6.29 The new clubhouse with the driving range bays would result in some additional built development within the site. However, it is considered with the design approach adopted and due to the land levels within the site, the building would not be unacceptably visually intrusive and harmful to the character of the immediate or wider area given that it is in an isolated position with a good level of screening. The design of the club house building is also considered to be a simple modern design, with a range of materials to add visual interest to the building. The design of the building is considered to be in accordance with Policy DM1.
- 6.30 In terms of the ancillary buildings in the form of the buggy store, this is considered to be minor development, which would not cause significant visual harm. The driving range netting would measure a maximum length of 70m with a maximum height of 15 metres. The synthetic grass area to the front of the driving bays would have an area of 29m x 90m. Due to the existing and proposed vegetation providing screening of this area, it is not considered that the netting or synthetic grass area would result in adverse visual harm.

Regrade of existing golf course

- 6.31 One of the key considerations with the development is the new landform created from the approximately 105,000 cubic metres of imported soils. The applicant states that the material to be imported will be clean material and not waste and this can be secured by condition. The Landscape and Visual Impact Statement

describes the current land form as undulating and considers that the site is well concealed within the local landscape.

- 6.32 In terms of the existing landform, the majority of the site would essentially remain the same. The northern boundary of the site rises along the scarp slope of the North Downs. The site currently dips towards the middle of the site at 32-34m in height, the east of the site rises from the middle to a height of +34m, and the site also rises to +44m on the western side. Earth works would be carried out in the north of the site with varying increased heights of between 1 and 4 metres. These changes would be experienced against the current undulating topography and then visually blend into the slow rising land to the immediate north of the site. It is not considered that the land form changes here would be prominent and would be largely experienced as part of the existing golf course and topography of the area.
- 6.33 The rising topography of the north west corner of the site would also be re-profiled to address drainage issues in this area of the site. The area of the site currently slopes downwards with the northern section height of +21m rising to +33m in the southern part of this area of the site. The re-profiling would involve the rising of 2 metres in parts of fairway 13 and 3 metres in parts on fairway 12. Having regard to the submitted sectional drawings, the re-profiling of this section of the site would not materially raise the overall land levels in this part of the site and the resultant incline would not project significantly.
- 6.34 The remaining re-profiling would be to the middle and west side of the site to the proposed driving range and fairways 15, 17 and 18. In terms of north east to south west along the proposed driving range, the north eastern corner section of this part of the site is at a height of +37m, dipping in to the middle of the site to 35-37m and rising in the south west up to 44m. In terms of the re-profiling, this majority of the earth works to this area would be in the south west with rising of the levels of between 3-4 metres up to a maximum 48m. Due to the rising height levels to the south west, the re-profiling would not be immediately visible in views from this direction, and when viewed from the north-east, the increasing height would be seen against the backdrop of existing rising levels. Therefore, due to the current dip in this area of the course and the current rising topography towards the boundaries of the site, it is not considered that re-profiling to this area of the site would be prominent or cause visual harm to the area.
- 6.35 The site is located within landscape character area 12, Sandling Vale (and more specifically 12.1, Cobtree Manor Park) as defined in the Maidstone Landscape Character Assessment, March 2012 amended 19 July 2013. The site is described as an area of low sensitivity.
- 6.36 As set out in section 6.14, the Council's Landscape Capacity Study identifies the site as an area tolerant of change which could support further development. The impact of the regrading of the course is considered by the supporting Landscape and Visual Appraisal as moderate to slight given the intrinsic character of the landscape setting will not change a great deal in nature as a result of the proposed works. The Council's landscape officer has commented on the proposals and has no objection to the regrading of the golf course.

- 6.37 Looking at the submitted plans and during the site visit, it is considered that the design of the remodelled course has sought to correspond to the existing environment of the site. Additionally, it is not considered the layout would result in any harmful concentrations of incongruously undulating grounds. It is considered that the design of the course would preserve the current sense of openness to the site with sections of woodland and ponds.
- 6.38 Overall, based on the landscape appraisal of the site which considers the landscape sensitivity of the site to be low, it is not considered that the re-profiling would significantly raise the overall land levels or that the re-profiling of the course would cause significant visual harm to the area. It is considered that the visual impacts of the regrading proposal are unlikely to be of significant detriment to the character of the area or the setting of the AONB due to the existing landscape character. In addition the Council's Landscape Officer and the Kent Downs AONB unit has not objected and this element of the proposal is therefore considered to be acceptable.

Highways

- 6.39 The application seeks to use the existing vehicular access for visiting members via the link road off of the A229. It is proposed to provide a temporary construction vehicle access off of the golf club link road. An estimate of trip generation relating to the proposed development has been undertaken by the applicants and assessed by Kent Highways. In terms of traffic generation, when considering all of the additional facilities proposed as part of the development, the proposals are likely to result in an additional 32 movements in the AM peak and 59 movements in the PM peak. It is not considered that this increase will lead to a severe impact on the surrounding highway network.
- 6.40 In terms of parking provision, the site currently has parking provision for 124 vehicles and the proposal includes the provision of 8 additional main car park parking spaces, 5 new disabled spaces, 2 motorbike spaces and an overflow car park with an additional 36 spaces. Secure cycle parking on site is also proposed. KCC Highways have also raised no objections to the proposed levels of car parking.
- 6.41 During the construction, inert materials are to be transported to the site. It is estimated by the agent that 105,000m³ of inert materials which are to be transported by HGV with a daily average arrival of 82 HGV's per day. KCC Highways have been consulted on the proposals and have no objection to the proposal subject to a condition requiring the submission of a Construction Management Plan before commencement of any development. In this instance, bearing in mind the number of lorry movements per day, it is considered that this condition is necessary to ensure that disturbance to residential amenity is minimised. Conditions requested in regards to loading/unloading and wheel washing are not considered to meet the 6 tests as set out in the NPPF.
- 6.42 There is opportunity as part of the application to increase the provision of electric vehicle charging points which is supported by policy DM23. The applicant has

agreed to the condition to provide a scheme of charging points which will be secured by condition.

Landscaping and Ecology

Ecology

- 6.43 In terms of ecology, a preliminary ecological report has been produced along with the required range of protected species surveys taken into consideration any detrimental impacts. Further surveys have been undertaken for great crested newts and reptiles; however no evidence or presence was recorded.
- 6.44 The proposed construction access will be through the southern part of a non statutory Local Wildlife Site along the verge of the access road which is located in the north eastern corner of the site. The submitted Preliminary Ecology Report outlines that this will be temporarily impacted on, however KCC Ecology are satisfied with the information that has been submitted and have no objection to the proposals. KCC Ecology advises that conditions securing the implementation of ecological enhancements are imposed as well as details of the driving range flood lighting.

Trees and landscaping

- 6.45 An Arboricultural Impact Assessment, Arboricultural Method Statement, tree protection details and a tree survey have been submitted in support of the application. The Council's Tree Officer has provided the following detailed comments on the proposals.
- 6.46 The demolition of the existing clubhouse will necessitate the removal of several trees (A Sumach T56, a Sycamore T55 and two Hawthorn) none of which are significant in size or quality. To the west of this is a poor conifer hedge G54 alongside the existing greenkeeper's compound, which is to be removed to enable the proposals around the new buggy store. On the north-western corner of the greenkeeper's compound, further tree removals are proposed, all of which are poor quality individuals.
- 6.47 The proposed new clubhouse will be located to the west of this and will be serviced by a new road from the existing car park. The road necessitates the removal of a group of average to low quality trees and shrubs lining the current path (G53), much of which is inappropriate ornamental planting such as Laurel, but it does include one or two young Pines of good form. The clubhouse footprint itself conflicts with part of tree group G58, resulting in the need to remove three semi-mature Birch, a young Pine and two large, mature Poplars. Three further mature Poplars would remain in between the new clubhouse building and driving range and could therefore be subject to future pressure for removal resulting from fears that they might break or fall.
- 6.48 A temporary construction access is proposed in the north-east corner of the site, which will necessitate tree felling. None of the trees in this area (G73/G74/G75) are significant or mature and I consider that their removal, subject to suitable

precautions to prevent ground compaction to ensure successful reinstatement to woodland, is acceptable.

- 6.49 Some of the course changes are in the vicinity of woodland identified as Ancient Woodland. The Tree Officer notes that the plans show a 'buffer' of 10m for any earthworks, which is considered generally acceptable to avoid or minimise likely conflict with root protection of any trees within these woodlands. This is not intended as an Ancient Woodland buffer in the sense referred to in standing advice. As the finished development will be similar to existing and semi-natural in nature, the Tree Officer considers that the proposal complies with the current standing advice for ancient woodland buffer zones.
- 6.50 The rest of the tree removals proposed relate to changes in course layout. The Tree Officer comments that the removals will not result in the loss of any trees that are significant as individuals and (such as breaking through for temporary construction access at G70) appear to have been well selected, in that poorer quality groups or parts of groups seem to have been selected for removal over better quality trees and groups. The Tree Officer further comments that nearly all of the removals appear to be planting associated with the existing golf course, much of which is relatively young and not thriving.
- 6.51 Overall, based on the submitted details and comments from the Council's Tree Officer and KCC Ecology, it is considered that the impact on ecology and trees would be acceptable subject to conditions.

Residential Amenity

- 6.52 The nearest residential properties to the site are located to the east of the site at Chatham Road, to the south west at Forstal Road and to the north at Great Cossington. These are sited approximately 315m, 350m and 480m respectively from the new club house and driving range.
- 6.53 It is recognised that upgraded facilities are likely to increase usage of the golf course and for alternative uses, such as the gym, however it is unlikely given the position of the existing dwellings to the development that excessive noise and disturbance will be generated resulting in residential harm. Whilst it is acknowledged that there may be some noise and disturbance whilst the re-development of the golf course takes place, this will be limited to a relatively short period.
- 6.54 During the course of the application the Council's Environmental Health team has been consulted and have no objection to the proposals.
- 6.55 Therefore, given the distance between the proposed development site and the nearest residential property it is considered that the potential harm generated would be minimal.

Other Matters

- 6.56 Surface water drainage is indicated to be provided using a SUDS based system which proposes to address some of the existing surface water flooding at the site. KCC SUDS has commented that while the principles of a new attenuation pond and swales to collect surface water is acceptable, further information is required as part of a detailed design stage by way of condition.
- 6.57 Southern Water has indicated that the developer will have to make a formal application to connect to the system at the nearest point of available capacity. A condition, as requested by Southern Water, is not considered necessary as this is a matter that is dealt with under the Water Industry Act 1991.
- 6.58 PROW KH11A runs inside the eastern boundary of the site and should not affect the application. KH16 would not affect the development.
- 6.59 There are no designated or non-designated heritage assets within the site, nor does the site lie within a conservation area. Heritage assets in the vicinity of the site include Cossington Manor (Grade II), which is located 315m north of the site, Tyland Farmhouse and Barn (Grade II) some 120m east of the site, No's 300 & 302 Pratling Street (Grade II). Bearing in mind that this application is for the redevelopment of an existing golf, it is considered that any impact on the settings of the listed buildings would be considered negligible.

Environmental Impact Assessment

- 6.60 The applicant has submitted an EIA Screening to accompany their application that concludes that an Environmental Statement is not required to support this application.
- 6.61 It is acknowledged that the proposal falls outside of the specified uses set out in schedule 1. Schedule 2 sets out at part 12 the tourism and leisure thresholds as the proposal exceeds 1 hectare.
- 6.62 The Local Planning Authority (LPA) has not considered the site to be 'sensitive' based upon consultee advice and the proposal would seek to develop an existing golf course. This is considered to be a completely different proposition than the creation of a completely new golf course.
- 6.63 Consequently based upon this information, the proposed development will not result in significant environmental impacts and as such is not considered EIA development.

7 Conclusion

- 7.01 The proposal would develop the existing golf enterprise to provide updated facilities and the proposals are considered to be acceptable in principle.
- 7.02 The potential impacts and harm caused by the development have been carefully weighed. The impact of lighting in particular has been carefully considered. The details submitted indicate that direct impact on the landscape, in particular the Kent Downs AONB can be mitigated in accordance with the ILE guidance. It is not

considered the impact of the proposed flood lighting will so harmful as to warrant refusal due to the existing and proposed landscape framework that the site is within.

- 7.03 It is not considered that the impact of the other facilities at the site will cause unacceptable harm to the character and appearance of the wider countryside. Neighbouring properties are sufficient distance from the proposal so there is not considered to be a significant impact on their amenity.
- 7.04 Concerns raised by the public regarding the temporary closure of some of the golf course and club membership are not for consideration as a planning matter.
- 7.05 On balance, having assessed the scheme, it is considered that the overall benefits in terms of the enhanced provision in this instance outweigh the impacts. Subject to appropriate safeguarding conditions the following recommendation is therefore appropriate.

8.0 RECOMMENDATION – GRANT PLANNING PERMISSION subject to the following conditions:

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

Reason: To comply with the requirements of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- (2) The development hereby permitted shall be carried out in accordance with the following approved plans: P101 (Existing Site Plan), P102 Rev G (Proposed Site Plan), P103 Rev I (Proposed Ground Floor Plan), P104 Rev D (Proposed Clubhouse Elevations), P105 Rev C (Proposed Clubhouse Sections), P106 Rev C (Proposed Roof Plan), P110 Rev C (Proposed Driving Range), P120 Rev (Proposed External Shelter), P125 (Cycle Shelter), 1697.02 Rev A (Proposed New Layout & Grading), 1697 Rev A (Cross Sections), 1697.04 Rev A (Proposed Landscape Plan), 1697.05 Rev A (Proposed Clearing & Construction Access), 1697.06 Rev C (Boundary Plan), 1697.07 (Proposed Gas Main Raft For Lorry Access), 1697.08 (Proposed Course Open During Construction Works), 1697.09 (Typical Details), 1697.11 (Short Course & Footgolf Course), 1697.13 (Detailed Planting Plan Club Entrance), 1697.16 (Temporary Construction Access), P.107 Rev C (Proposed Site Elevations & Visuals) and P115 Rev B (Proposed Buggy Store), P100 Rev E (Location Plan)

Reason: To clarify which plans have been approved.

- (3) The upgrade, re-model and re-contour of the site (drawing no. P100 Rev E) shall be implemented only in accordance with the level details as shown on the following approved plans:

1697.03 Rev A (Proposed New Layout & Grading Plan), 1697.03 Rev (Cross Sections) and 1697.11 Short Course & Footgolf Course.

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

- (4) No development, other than demolition or site clearance, shall 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 be based on the principles within the Flood Risk Assessment (July 2018) by HydroGEO and 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 without increase to flood risk on or off-site.

The drainage scheme shall also demonstrate (with reference to published guidance):

- that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving water.
- appropriate operational and maintenance requirements for each drainage feature or SuDS component are adequately considered.

The drainage scheme shall be implemented prior to first occupation / use of the development (or within an agreed implementation schedule) and subsequently be maintained in accordance with the approved details.

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 (except for demolition / site clearance) 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.

- (5) Prior to the commencement of development the applicant, or their agents or successors in title, will secure and implement:
- i archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and
 - ii further archaeological investigation, recording and reporting, determined by the results of the evaluation, in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority

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

- (6) Prior to the commencement of any development or works on the site, a proposed phasing plan shall be submitted to and approved in writing by the local planning authority setting out the proposed phasing of the development hereby permitted. The development shall thereafter be implemented in accordance with the phasing plan as approved.

Reason: To ensure satisfactory progression of the development.

- (7) Prior to the commencement of development a landscape scheme for the entire site, designed in accordance with the principles of The Council's landscape character guidance has been submitted to and approved in writing by the local planning authority. The scheme shall show all existing trees, hedges and blocks of landscaping on, and immediately adjacent to, the site and indicate whether they are to be retained or removed, provide details of on site replacement planting to mitigate any loss of amenity and biodiversity value. It shall include a planting specification, a programme of implementation and a long term management plan.

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

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

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

- (9) No development including site clearance and demolition shall take place until an Arboricultural Method Statement (AMS) in accordance with the current edition of BS 5837 has been submitted to and approved in writing by the local planning authority. The AMS should detail implementation of any aspect of the development that has the potential to result in the loss of, or damage to trees, including their roots and, for example, take account of site access, demolition and construction activities, foundations, service runs and level changes. It should also detail any tree works necessary to implement the approved scheme and include a tree protection plan. *It shall include a robust method of ensuring that the 10m construction buffer to ancient woodland is appropriately managed during works and include a programme of inspection and reporting to ensure compliance by the contractor*

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

- (10) No development above slab level shall take place until written details and samples of the materials to be used in the construction of the external surfaces of the building(s) hereby permitted have been submitted to and approved in writing by the local planning authority.

Works shall be carried out in accordance with the agreed details.

Reason: To ensure a satisfactory appearance to the development.

- (11) The clubhouse/driving range hereby approved shall not commence above slab level until details of any lighting (other than the floodlighting system) proposed within the site shall be submitted to and approved in writing by the local planning authority and these measures shall be undertaken in accordance with the approved details and maintained thereafter;

Reason: To safeguard the visual amenity of the surrounding area.

- (12) The clubhouse/driving range hereby approved shall not commence above slab level until details of any permanent or temporary gates, walls, fences or other means of enclosure sited within the site area shall be submitted to and approved in writing by the Local Planning Authority and implemented and retained in strict accordance with the approved details. These details shall include details of the proposed netting around the perimeter of the driving range.

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

- (13) The use of the clubhouse hereby approved shall not commence until details of a scheme for providing publicly accessible electric vehicle charging points, including number, a programme for their installation, maintenance and management, shall be submitted to and approved in writing by the local planning authority. The electric vehicle charging points as approved shall be installed prior to occupation of the building hereby permitted and shall thereafter be retained and maintained in accordance with the approved details.

Reason: To promote the reduction of CO2 emissions through the use of low emissions vehicles in accordance with paragraph 110 of the NPPF.

- (14) Prior to the occupation of the clubhouse hereby approved, details of a scheme for the protection and enhancements of biodiversity, including bat and bird boxes, use of native species in landscaping and incorporation of features beneficial to wildlife wherever possible within and around the perimeter of the site, shall be submitted to and approved in writing by the Local Planning Authority. A detailed management plans shall be submitted

outlining how any ecological features will be managed long term to provide net gains for biodiversity. The approved scheme shall be fully implemented and thereafter maintained.

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

- (15) No external lighting shall be installed on the driving range until a detailed scheme of lighting has been submitted to, and approved in writing by the Local Planning Authority. The scheme must include a plan to demonstrate that it will minimise/avoid impact on ecologically sensitive areas. The scheme should be designed to take the following in to consideration:

- i) This scheme shall take note of and refer to the Institute of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Lighting, GN01, dated 2011 (and any subsequent revisions) and shall include a layout plan with beam orientation and a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles) and an ISO lux plan showing light spill.
- ii) Habitats/features on the site that are particularly sensitive for ecology

The scheme of lighting shall be installed, maintained and operated in accordance with the approved scheme unless the Local Planning Authority gives its written consent to any variation.

Reason: In the interests of protecting visual amenity and biodiversity.

- (16) The lighting associated with the driving range as shown on drawing no. 0987-DFLLSD001 and to be approved under condition 15 shall not be used outside of the hours of 08:00-22:00.

Reason: To prevent light pollution and in the interests of residential amenity.

- (17) The proposed club house building as shown on drawing no. P1-4 Rev D shall achieve a VERY GOOD BREEAM rating. A final certificate shall be issued to the Local Planning Authority for written approval to certify that a VERY GOOD BREEAM RATING has been achieved within 6 months of the first occupation of the building.

Reason: To ensure a sustainable and energy efficient form of development.

- (18) The approved details of the cycle parking as shown on drawing no. P125 shall be completed before the commencement of the use of the buildings hereby permitted and shall thereafter be kept available for such use.

Reason: In the interests of promoting sustainable travel.

- (19) The existing club house as shown on drawing no. P099 shall be demolished and the resulting materials and debris removed from the site to the satisfaction of the local planning authority within 3 months of the first occupation of the buildings hereby permitted;

Reason: To prevent an overdevelopment of the site and to safeguard the character and appearance of the surrounding area.

- (20) The approved details of the parking/turning areas shall be completed before the commencement of the use of the clubhouse 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.

- (21) No materials other than clean naturally occurring soil and mineral including top and sub soils; underlying rock from which constituent parts make up part of the soil; clays, silts, sands and gravels; underlying geology shall be imported to the site. All materials imported must be capable of direct use as part of the development, hereby permitted, without the need for treatment.

Reason: Waste material outside of the aforementioned would raise additional environmental concerns which would need to be considered afresh

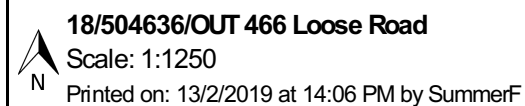
INFORMATIVES

- (1) If a formal application for connection to the public sewerage system is required in order to service this development, please contact Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 03303030119) or www.southernwater.co.uk
- (2) Any waste imported to the site and/or permanently deposited to land at the site will require an Environmental Permit to be in compliance with the Environmental Permitting (England and Wales) Regulations 2016. A permit must be obtained prior to any importation of waste material or works taking place as deposits of waste to land cannot be retrospectively permitted. The operator will need to demonstrate that all pollution risks are being managed appropriately at the site giving particular attention to the planning and management of transferred/imported materials and the protection of groundwater and watercourses through the implementation of an approved site specific Environmental Management System. Additionally, pre-application

discussions will need to take place with the applicant where advice and guidance can be given regarding these proposed waste management activities. Further guidance on what is required of the applicant can also be found here <https://www.gov.uk/environmental-permit-how-toapply>.

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.



REFERENCE NO - 18/504636/OUT		
APPLICATION PROPOSAL Outline planning permission with 'access matters' sought for the demolition of 466 Loose Road and the erection of six residential dwellings (one detached two storey dwelling fronting Loose Road and five bungalows within the rear). Matters of appearance, landscaping, layout and scale are reserved for future considerations.		
ADDRESS - 466 Loose Road Maidstone Kent ME15 9UA		
RECOMMENDATION - APPROVE		
SUMMARY OF REASONS FOR RECOMMENDATION 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.		
REASON FOR REFERRAL TO COMMITTEE Councillor Mortimer has called application to Planning Committee for the reasons set out at paragraph 5.01		
WARD South	PARISH COUNCIL N/A	APPLICANT Applecross Homes AGENT DHA Planning
TARGET DECISION DATE 22.02.19		PUBLICITY EXPIRY DATE 25.10.18

Relevant planning history

- 16/508051 - Demolition of dwelling and erection of 6 dwellings – Refused:
 - Development constitutes poor design by virtue of number and scale of residential units and its layout, resulting in cramped form of development that would cause adverse harm to character and appearance of area*
 - By virtue of its scale, design & close proximity of houses to plot 1, 464 Loose Rd, 1a & 1b Anglesey Ave & 7 Skye Close, it would have overbearing & oppressive impact on rear outlook of these properties, harmful to their living conditions*

The Planning Inspector agreed that the scale and layout of proposal would cause harm to the character and appearance of the area and it would result in unacceptable harm in residential amenity terms.
- MA/12/0766 - Demolition of 466, 468 & 470 Loose Rd & 10 dwellings – Refused

MAIN REPORT

1. Site description

- 1.01 For the purposes of the Maidstone Local Plan the application site is within the defined urban area of Maidstone, some 50m to the north of the junction with Anglesey Avenue. The proposal site incorporates land associated with 466

Loose Road and includes land behind 464, 468 and 470 Loose Road. 466 Loose Road is a relatively large two storey (detached) dwelling that is set back approximately 25m from Loose Road with off-street parking provision and vehicle access onto Loose Road.

- 1.02 Skye Close is found to the west of the site and Melrose Close to the north. The surrounding properties that will share a boundary with the application site are two storey, except for the bungalows fronting onto Anglesey Avenue; and the closest properties in Melrose Close do have additional living accommodation in the roof space.
- 1.03 The Purple Beech tree to the front of the site is protected under Tree Preservation Order no.11 of 2007.

2. Proposal

- 2.01 This proposal is an outline application for the demolition of 466 Loose Road and for the erection of 6 dwellings, with access to be considered at this stage. Matters of appearance, landscaping, layout and scale are reserved.
- 2.02 The indicative layout shows a detached 2-storey house along the Loose Road frontage and then a cul-de-sac type layout behind, with 3 detached bungalows and a pair of semi-detached bungalows surrounding an access road. This new access road from Loose Road would be to the south of the new 2-storey house; and the existing access would be retained to serve this frontage property. The submission states that the 5 bungalows will be for persons over 55yrs of age.
- 2.03 For clarification, the development refused under planning reference 16/508051 was a full planning application for the demolition of 466 Loose Road and for the erection of 6 detached 2-storey houses.

3. Policy and other considerations

Maidstone Local Plan (2017): SS1, SP1, SP19, DM1, DM6, DM11, DM12, DM23
National Planning Policy Framework (2018)
National Planning Practice Guidance
Adopted North Loose Neighbourhood Plan (2016)
Loose Road Character Assessment (2008)

4. Local representations

- 4.01 7 representations received from residents raising following (summarised) issues:
- *Proposal is contrary to North Loose Neighbourhood Development Plan;*
 - *Would harm character and appearance of area/over development of site;*
 - *Traffic congestion/highway safety/access/parking provision;*
 - *Inappropriate development of residential garden;*
 - *Flood risk/drainage;*
 - *Residential amenity, including loss of privacy/outlook, being overbearing;*
 - *Pressure on local community infrastructure;*
 - *Air pollution;*

- Ecology;
- Plans are limited and misleading;
- Development would impact on permitted development rights of properties;
- Unsustainable location.

4.02 North Loose Residents Association: Object for the following (summarised) reasons:

- Application should not be considered in outline form;
- Maidstone can demonstrate 5yr housing land supply;
- Previous planning history has seen similar development dismissed at appeal;
- Site was rejected under the 2014 SHLAA consultation;
- Contradicting information submitted;
- How can over 55's accommodation be secured;
- Considered inappropriate development of residential garden land;
- Contrary to policy HD1 of North Loose Neighbourhood Development Plan;
- Not sustainable development;
- Out of keeping with character, appearance and pattern of development in area;
- Overdevelopment of site;
- Proposal not sympathetic to local character: as referenced in Loose Rd Character Assessment – loss of 466 Loose Rd is unacceptable;
- Highway safety/new access;
- No consultation with the local community at any stage of this application;
- Drainage/flood risk;
- Impact upon ecology and protected tree to front of site;
- Proposed Landscaping for site lacks ambition.

5. Consultations

5.01 Councillor Mortimer: Wishes to see application reported to Planning Committee if recommendation is for approval;

"Neighbouring residents of the site have expressed concerns and in light of previous applications and appeal, concern about development at this site remains. There are a number of factors development here would cause significant harm to the amenity, privacy and enjoyment of neighbouring properties. Another road junction at this point raises highway safety concerns for pedestrians and vehicles. There have also been two serious accidents in the past year close to this site. There is no need for back garden development and the application is contrary to MBC and the North Loose NP policy. MBC can now demonstrate a healthy land supply for sites to meet its future growth need throughout the Borough."

5.02 KCC Highways: Raise no objection.

5.03 Landscape Officer: Raises no objection.

5.04 Environmental Protection Team: Raised no objection under 16/508051.

6. Appraisal

Main issues

- 6.01 Please note that planning application 16/508051 was considered under the emerging Local Plan policies and the 2012 National Planning Policy Framework (NPPF). The Local Plan has now been adopted and the NPPF was revised in 2018.
- 6.02 Local Plan policy and central Government guidance within the revised NPPF prioritises new housing in sustainable urban locations like the current application site; this is an alternative to residential development in more remote less connected locations.
- 6.03 Local Plan policy also states that any new development in the urban area should be on appropriate sites, where it would contribute positively to the locality's character and would respect the residential amenity of local residents. Of most relevance, Local Plan policy DM11 allows for the redevelopment of residential garden land in the defined urban area provided its density would not result in significant harm to the character and appearance of the area; it would not have an adverse impact upon the amenity of neighbours; it would not result in a highway safety objection; and there would be no significant increase in noise or disturbance from traffic gaining access to the development.
- 6.04 Of most relevance in The North Loose Neighbourhood Development Plan (2016), policy HD1 states that garden development will be considered only in exceptional cases where:
- *There is demonstrable local need and development has acceptable impact on visual and landscape amenity of area*
 - *Higher density would not result in harm to character & appearance of area;*
 - *There is no significant loss of privacy, light or outlook to neighbouring properties;*
 - *Access of an appropriate standard can be provided to a suitable highway; and*
 - *There would be no significant increase in noise or disturbance from traffic gaining access to the development*
- 6.05 The Loose Road Character Assessment SPD encourages residential development to be in keeping with the local vernacular and appropriate to the surrounding area.
- 6.06 Whilst matters of appearance, landscaping, layout and scale are reserved for future consideration in this outline submission, an indicative layout has been submitted and the general scale of the properties is known.
- 6.07 The main issues for consideration, in accordance with current policy and guidance, are the proposal's visual impact; the arboricultural implications; and its potential impact in terms of residential amenity and highway safety.

Visual impact

- 6.08 Although the submitted plans are indicative, it is accepted that a new 2-storey dwelling (that effectively replaces 466 Loose Road), could be sited

fronting onto Loose Road without appearing cramped or visually incongruous. Indeed, large detached properties are a strong characteristic along this stretch of Loose Road and its illustrative position demonstrates that it would fit-in with the existing Loose Road building line.

- 6.09 With regards to the bungalows to the rear of the site, restricting these units to single storey would ensure that this part of the development would no longer appear highly visible through the new access on Loose Road, from Melrose Close, and from Anglesey Avenue. Furthermore, the indicative layout demonstrates that 5 bungalows could sit within their plots without appearing cramped and also provide a good amount of prominent space for soft landscaping. The new access, which is for consideration at this stage, is also judged to be acceptable in visual amenity terms, given the existing character of the area and the landscape buffer to the front of the site that will help to soften its appearance.
- 6.10 It should also be noted that cul-de-sac type development is not unusual in the surrounding area, with Melrose Close and Skye Close examples of such existing development in close proximity to the proposal site, and so the principle of backland development here would be difficult to resist.
- 6.11 It is therefore considered that this proposal, unlike the refused scheme for 6 houses proposed under planning application reference 16/508051, would no longer significantly erode the sense of space in the area; it would no longer dominate the skyline from public vantage points; and it would sit better alongside the surrounding developments, in particular the adjacent bungalows in Anglesey Avenue.
- 6.12 With this considered, it is accepted that the loss of 466 Loose Road and a new detached (2-storey) house to the front of the site, together with a new access and 5 bungalows to the rear could be achieved and be acceptable in terms of its appearance, layout and scale. As such, it is considered that the proposal now being assessed has overcome the previous local planning authority and Planning Inspectorate objections, and would be in accordance with the provisions of the Development Plan which seeks new development to respond positively to the local character of the area.
- 6.13 Landscaping is a reserved matter for subsequent approval. The proposal plans show the retention of the protected Purple Beech tree to the front of the site; boundary hedge planting; front garden planting; and tree planting within the site. Based on the indicative layout, appropriate landscaping can be provided at reserved matters stage.

Arboricultural implications

- 6.14 The Purple Beech tree to the south-eastern (front) corner of the site is protected under TPO No.11 of 2007. This outline application is accompanied by an Arboricultural Report (including a Tree survey, Tree Location Plan, and Tree Protection Plan).
- 6.15 As access is for consideration at this stage, further details were requested and submitted to demonstrate that finished levels could be achieved within the root protection of the protected Beech tree without causing it harm. Indeed, the applicant has stated that 150mm Cellweb construction would be

suitable to take the load of construction vehicles and traffic, and that the access can be constructed without any excavation below existing sub base level.

- 6.16 The Landscape Officer finds this and the submitted Arboricultural Report to be acceptable in principle, and no objection is raised to this proposal on arboricultural grounds.

Residential amenity

- 6.17 Whilst scale, appearance, layout and landscaping are reserved matters, the 5 properties to the rear are proposed as bungalows. Being single storey in height, and with the indicative set back shown from the site boundaries and use of appropriate boundary treatments, it is considered that the proposal would not have an adverse impact upon the living conditions of surrounding neighbours.
- 6.18 Indeed, even when considering the change in land levels, the illustrative details demonstrate that 5 single storey properties can occupy the rear of the proposal site without appearing overbearing or oppressive to, or result in an unacceptable loss of privacy and overlooking to adjacent occupiers. These occupiers including 7 Skye Close, 1a and 1b Anglesey Avenue, and the future occupants of plot 1 of the proposal.
- 6.19 To further safeguard the amenity of surrounding occupants, an appropriate condition will be imposed to ensure that the 5 rearmost properties shall have living accommodation solely on the ground floor, and shall have an eaves height of no more than 2.5m from ground level, and shall have no openings in the roof space. It is also considered reasonable, given the change in land levels, to ensure that no new building is sited within 5m of the western boundary of the proposal site, to further protect the amenity of the occupants of 7 Skye Close.
- 6.20 There continues to be no objection raised on residential amenity grounds in terms of the proposal's potential impact upon any other neighbouring property, or in terms of the impact of the new access. Future occupants of the development would benefit from acceptable living conditions; and it is not accepted that the proposal would result in unacceptable noise and disturbance to any neighbouring property.
- 6.21 It is therefore considered that the proposal has overcome the previous local planning authority and Planning Inspectorate objections, and would be in accordance with the provisions of the Development Plan. The Development Plan seeking new development to not have an adverse impact upon the amenity of occupants of neighbouring properties.

Highway safety implications

- 6.22 Access is for consideration at this current outline application stage, and the submitted details show the proposed access to be sited along the southern boundary of the site. The existing access for 466 Loose Road is currently located along its northern boundary. As part of the application, plans showing proposed visibility splays and vehicle swept path analysis for refuse, pantechicon, and fire tender vehicles, have also been submitted.

- 6.23 Whilst appearance, landscaping, layout and scale are reserved matters, the Highways Authority has reviewed the application and is satisfied that such vehicles will be able to turn within the site and egress onto the public highway in a forward manner. Furthermore, the submitted details propose visibility sight lines of 2.4m by 43m from the proposed access road onto Loose Road. This is in accordance with the guidance in both Manual for Streets and Kent Design Guide Review; and the Highways Authority accepts that a level of visibility that accords with the required standards can be achieved at the site access (when measured from a setback distance of 2.4m).
- 6.24 The Highways Authority has also raised no objection in terms of pedestrian visibility splays at the site access. Whilst a heavy-duty vehicle crossover is recommended, no objection has again been raised on highway safety grounds in terms of bell mouth arrangement currently shown for the access. Whilst layout and scale are reserved matters, it is also considered that acceptable levels of parking provision would be achievable.
- 6.25 In terms of traffic impacts, the Highways Authority confirms that the proposal does not exceed the threshold for either a Transport Statement or a Transport Assessment. The traffic assessment and the current and likely future conditions on the local highway network have been considered, and this shows that the situation is likely to be worsened. Indeed, the residual impact of this development is likely to be characterised by additional local traffic generation and some consequent increase in congestion that cannot be fully mitigated against. However, the Highways Authority is not able to conclude that it will result in conditions that could be described as a *severe* impact on congestion or safety. The NPPF states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are *severe*, and this can only be judged on a case by case basis, taking account of all material factors.
- 6.19 In conclusion, the Highways Authority has considered the proposal and its effect on the highway network, and has raised no objection. The suggested conditions relating to the construction phase of the development are not considered to meet the 6 tests for imposing planning conditions; and because layout and appearance are reserved matters, conditions cannot be imposed at this stage for the permanent retention of parking/turning areas.

Other considerations

- 6.20 The application states that the 5 bungalows to the rear will be for the occupation of persons over 55yrs of age. The supporting text for Local Plan policy SP19 acknowledges that older persons can have specific housing needs, with the policy itself signalling that the Council will work with partners to support the provision of specialist and supported housing for the elderly. Local Plan policy DM1 also considers high quality design to include proposals being flexible towards future adaptation in response to changing life needs. It can therefore be said that there is a generalised need for housing suitable for the elderly, and that this general need will be achieved through adopted policies SP19 and DM1, in conjunction with buyer demand. However, the Local Plan does not give precise details about the scale of the demand for homes suitable for the elderly; and there is no definite

numerical target the Local Plan is committed to reach. With this considered, and given the fact that the proposal is considered to be acceptable in any case, it is not considered reasonable or necessary in this instance to impose a condition that restricts the occupancy of the bungalows in this way.

- 6.21 The Environmental Protection Team previously raised no objection in terms of noise, land contamination and air quality; and an appropriate condition will be imposed requesting details of foul and surface water disposal. The site is within Flood Zone 1 and no objection is raised in terms of flood risk. In the interests of sustainability and air quality, conditions will also be imposed for the provision of operational electric vehicle charging points for low-emission plug-in vehicles.
- 6.22 After reviewing the submitted Preliminary Ecological Report, it is considered unnecessary to seek further ecological information prior to the determination of this application. Notwithstanding this, Local Plan policy and the revised NPPF seeks opportunities to incorporate biodiversity in new development, and ecological enhancements can be incorporated into the scheme at the reserved matters stage, once the appearance, landscaping, layout and scale of the development has been decided.
- 6.23 The issues raised by Councillor Mortimer, the NLRA and local residents have been considered in the assessment of this application. However, it should be noted that a development of this scale is not required to provide affordable housing or any open space contributions; and as previously accepted, no objection is raised in terms of the demolition of 466 Loose Road, which is not considered to be a heritage asset. Furthermore, it is not a justifiable reason to refuse this application on the grounds that the applicant did not consult with local residents before submitting it, or that it may impact upon future development opportunities for neighbouring properties; and even if the site was rejected during the 2014 SHLAA consultation process, every application must be considered on its own merits under current policy/guidance. The submitted information is also considered sufficient to assess the potential impacts of the proposal; and there is no planning reason to suggest that this proposal cannot be considered in outline form.
- 6.24 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 Whilst the local planning authority is satisfied that a 5-year housing land supply can be currently demonstrated, this does not mean that appropriate windfall sites that come forward should be rejected. The site is located in the urban area which is at the top of the sustainability hierarchy and subject to other policy considerations is the preferred location for new housing.

7.02 This proposal would not have an adverse impact upon the character and appearance of the surrounding area; the living conditions of local residents would not be unacceptably impacted upon; and there is no highway safety or arboricultural objection raised. The proposal is therefore 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 is made on this basis.

8. Recommendation

8.01 GRANT planning permission subject to the following conditions:

1. The development hereby approved shall not commence until approval of the following reserved matters has been obtained in writing from the local planning authority:

a. Appearance b. landscaping c. layout d. scale

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

The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later;

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

2. The reserved matters submitted pursuant to condition 1 shall show the 5 rearmost properties having living accommodation solely on the ground floor, an eaves height of no more than 2.5m from ground level, and no openings in the roof space;

Reason: To safeguard the amenity of neighbouring properties and to ensure a satisfactory appearance to the development.

3. The reserved matters submitted pursuant to condition 1 shall have no building within 5m of the western boundary of the proposal site;

Reason: To safeguard the amenity of neighbouring properties.

4. Prior to the commencement of the development hereby approved an Arboricultural Method Statement (AMS), in accordance with BS5837:2012 and submitted drawing references: TR18-2837_RUR_CEL V1 (Cross sections of Cellweb construction during and after construction) received 28/11/18, shall be submitted to and approved in writing by the local planning authority. The AMS shall include details of the phasing of the access road construction and sectional drawings of its construction, and the development shall be built in accordance with the approved AMS;

Reason: To ensure long term retention of the Purple Beech tree that is protected under Tree Preservation Order No.11 of 2007.

5. Prior to the occupation of the development hereby approved, details of pedestrian visibility splays shall be submitted to and approved in writing by the local planning authority. The visibility splays shall be maintained in accordance with the approved details and in place prior to the occupation of the development and maintained as such thereafter;

Reason: In the interests of highway safety.

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

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

7. The development hereby approved shall be carried out in accordance with the tree protection details, as set out in the submitted GRS Arb Consultant Report (ref: GRS/TS/TCP/AIA/TPP/19/18);

Reason: To safeguard the Purple Beech tree to the front of the site that is protected under Tree Preservation Order no.11 of 2007.

8. The access hereby approved shall be carried out in accordance with the Cellweb Technical Recommendation report and drawing references: TR18-2837_RUR_CEL V1 (during and after construction) received 28/11/18;

Reason: To safeguard the Purple Beech tree to the front of the site that is protected under Tree Preservation Order no.11 of 2007.

9. The access road onto Loose Road hereby approved and the visibility splays shall be carried out as shown on drawing reference: 11509-T-05 Rev P1 (received 15/11/18) prior to the occupation of the development hereby approved. The visibility splays shall be maintained in accordance with the approved drawing and kept free of obstruction over 0.6m above carriageway level within the splays prior to the occupation of the development and maintained as such thereafter;

Reason: In the interests of highway safety.

10. With regards to the access only, the development hereby permitted shall be carried out in accordance with the following approved details:

Site location plan (1:1250) and drawing reference 12/456/14A received 03/09/18; drawing reference: 11509-T-05 Rev P1, received 15/11/18; and Cellweb Technical Recommendation report and drawing references: TR18-2837_RUR_CEL V1 (during and after construction) received 28/11/18;

Reason: To safeguard the character and appearance of the development and the enjoyment of their properties by existing and prospective occupiers, to safeguard the Purple Beech tree to the front of the site that is protected

under Tree Preservation Order no.11 of 2007, and in the interests of highway safety.

INFORMATIVES

1. To ensure a satisfactory appearance to the development, the details of the landscaping scheme should use indigenous species and include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with a programme for the approved scheme's implementation and long term management. The landscape scheme should be designed using the principle's established in the Council's adopted Landscape Character Assessment 2012 and it is advised to include the retention and reinforcement of outer boundaries of site with native planting; and provide native tree planting (of Select Standard size) within the site.
2. To ensure a satisfactory appearance to the development and in the interests of residential amenity, the applicant is advised that when the reserved matters are submitted to the local planning authority for consideration, the following information is submitted as part of any application:
 - Details of materials to be used in external surfaces of buildings and hardsurfacing
 - Details of all fencing, walling and other boundary treatments
 - Details of proposed slab levels of buildings and existing site levels
3. In the interests of biodiversity enhancement, the applicant is advised to incorporate the ecological enhancements that are recommended in the submitted KB Ecology Preliminary Ecological Appraisal into the detailed scheme.
4. 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>
5. Works to remove any trees/shrubs that have the potential to be used by breeding birds should be undertaken outside of the bird breeding season. The breeding bird season extends from March–August inclusive. It should be noted however that certain species are known to breed throughout the year (e.g. collard dove) and remain protected. If trees/shrubs cannot be removed outside of the bird breeding season, an inspection by a qualified ecologist should be completed a maximum of 48hrs before works commence. If during the inspection a nest considered to be in use is discovered, works must be delayed until the young have fledged.

Planning Committee Report

21st February 2018

6. 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.

Case Officer: Kathryn Altieri

Agenda Item 18



18/504846/FULL Saywell Farm Stables

Scale: 1:2500

Printed on: 13/2/2019 at 14:27 PM by SummerF

REFERENCE NO - 18/504846/FULL		
APPLICATION PROPOSAL Variation of condition 12 of planning permission MA/08/0407 (Change of use of part of the farmyard and land to equestrian use. Construction of sand school and horse walker and provision of mobile home for groom's accommodation) to allow flood lighting around the sand school.		
ADDRESS - Saywell Farm Stables, Bedminton, Wormshill, ME9 0EH		
RECOMMENDATION – GRANT PERMISSION subject to conditions		
SUMMARY OF REASONS FOR RECOMMENDATION 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.		
REASON FOR REFERRAL TO COMMITTEE Cllr Garten has called application to Planning Committee due to a concern <i>about the creeping increase of LED lighting in the open countryside. This application appears riddled with previous breaches and retrospective elements. The fact that an application is retrospective is a material planning consideration.</i>		
WARD n/a	PARISH COUNCIL Wormshill	APPLICANT: Mr & Mrs Mullen AGENT: The Rural Planning Practice
TARGET DECISION DATE 19.12.2018	PUBLICITY EXPIRY DATE 25.01.2019	

Relevant planning history

- 08/0407 Change of use of part of the farmyard and land to equestrian use. Construction of sand school and horse walker and provision of mobile home for groom's accommodation. Resubmission of MA/07/1888. - APPROVE
- 09/1284 Planning application for construction of all-weather gallop for horses including fencing rails- APPROVE
- 15/501348/FULL Variation of Condition 12 of planning permission MA/08/0407 (Change of use of part of the farmyard and land to equestrian use; Construction of sand school and horse walker and provision of mobile home for groom's accommodation) and Condition 4 of planning permission MA/09/1284 (Construction of all-weather gallop for horses including fencing rails) To allow floodlighting around menage. – REFUSED

MAIN REPORT

1.0 Site description

- 1.01 The site relates to a farmyard located in Kent Downs Area of Outstanding Natural Beauty (AONB) and the North Downs Special Landscape Area. The site comprises a collection of agricultural barns, a riding arena and open fields and is currently used for the training and keeping of horses.

- 1.02 There are several areas of ancient woodland in the vicinity of the site including Place Dane Shaw (177 metres to the north east); Barrows Wood (210 metres to the east); Saywells Bank (173 metres to the south) and Shereway Wood (287 metres). There are several public footpaths in the vicinity of the application site.
- 1.03 Access to the site is gained from Hollingbourne Hill to the south west of the site and the surrounding area forms vast open countryside.
- 1.04 To the north of the site lies a Grade II listed building, Saywell Farm Barn.
- 1.05 Permission was granted under reference MA/09/1284 for an all weather gallop for horses and under reference MA/08/0407 granted for the change of use of part of the farmyard and land to equestrian use. Both of these permissions placed a restriction on floodlighting by condition.
- 1.06 A retrospective application was submitted under 15/501348/FULL to regularise 3 flood lights to the arena, facing south and one light also attached to a barn, providing lighting to the carpark. This application was refused an insufficient information regarding the lighting was submitted with the application. The current application follows this refusal.

2. Proposal

- 2.01 The proposal seeks to vary condition 12 of the application MA/08/0407 to allow for flood lighting around the sand school. Condition 12 of the original application stated;

"This permission does not purport to agree to any floodlighting and no floodlighting shall be installed on the site without the prior written consent of the Local Planning Authority;

Reason: In the interests of visual amenity of the locality in accordance with Policy ENV34 of the Maidstone-Wide Local Plan and Policies EN1 and EN5 of the Kent and Medway Structure Plan 2006".

- 2.02 As previously stated floodlights already exist on the north eastern side of the ménage and the proposal wishes to replace these and add a further 5 floodlights, resulting in 8 in total at 6m in height. This follows the advice from the Light Assessment submitted on the 14th December 2018.
- 2.03 The floodlights would consist of 109W LED floodlights from Thorn with a light source of 4000k, neutral white which is of a similar appearance to the existing floodlights used. The illumination levels would be 100 lux with a uniformity of 50% which follows the guidance in the Society of Light and Lighting LG4, Sports lighting.
- 2.04 The original proposal sought permission for a total of 6 individual floodlights. The design of the floodlight heads was subsequently changed to downwards facing lights which emit less light. Due to this change in luminance, an extra two floodlights have been added to the proposal to ensure the arena is adequately lit during dark evenings.

- 2.05 Further public consultation was carried out on the 8th January 2019 to allow for the parish and neighbouring residents to comment on the amendments made.

3. Policy and other considerations

The National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Development Plan: SP17, DM1, DM3, DM4, DM8, DM30.
Kent Downs Management Plan 2014-2019

4. Local representations

- 4.01 3 representations received from residents and 1 representation made on behalf of Wormshill Village that raise the following (summarised) issues:
- Excessive light pollution impacting surrounding area.
 - Impact to wildlife and residents from floodlights.
 - Extended hours of use – not 7am - 8pm as stated. Deadlines should be fixed and adhered to.
 - Other lighting on farm not being addressed in application.
 - Absence of foliage in winters months makes lighting more evident.
 - Increased traffic to area increases light pollution.
 - Harmful to rural setting.
 - Noise disturbance from arena – carries to Grade II listed building adjacent.
 - Car parking moved to north of site causing more light pollution.
 - Following re-consultation on 8th January 2019, 2 further objections were received from 2 existing objectors, largely stating the same concerns outlined above and pictures supplied also displaying lighting at night.

5. Consultations

Councillor Garten:

- 5.01 Wishes to see application reported to Planning Committee if recommendation is for approval;
"I am concerned about the creeping increase of LED lighting in the open countryside. This application appears riddled with previous breaches and retrospective elements. The fact that an application is retrospective is a material planning consideration".

Forestry Commission – 10th October 2018

- 5.02 Taking account of standing advice, no objections given distance away from ancient woodland.

Kent Downs AONB Unit – 19th December 2018

- 5.03 No objections after reviewing the Lighting Statement submitted 14th December 2018.

Environmental Protection – 4th October 2018

- 5.04 Details of the proposed lights are satisfactory subject to conditions on the months and the time of day that the floodlights are used.

KCC Ecology – 24th January 2018

- 5.05 No objections. Given the distance from the site to the ancient woodland and Local Wildlife Site, it is unlikely that the proposed lighting will result in

impacts to wildlife using these areas, particularly given the current conifers in the south-eastern corner of the site. We advise that ensuring that the lighting is not on all night will help to minimise ecological impacts.

6. Appraisal

Main Issues

6.01 The key issues for consideration relate to:

- Principle of Development
- Visual Impact
- Residential Amenity
- Highway safety and parking
- Other considerations

Principle of Development

6.02 In terms of lighting, policy DM8 of the local plan states that in determining proposals for external lighting the following criteria must be met:

- It is demonstrated that the minimum amount of lighting necessary to achieve its purpose is proposed;
- The design and specification of the lighting would minimise glare and light spillage and would not dazzle or distract drivers or pedestrians using nearby highways; and
- The lighting scheme would not be visually detrimental to its immediate or wider setting, particularly intrinsically dark landscapes.

6.03 In this way, the principle of the proposed lighting in this location could be acceptable subject to this having acceptable impacts in respect of visual amenity, highway safety and the wider landscape. The lighting would not result in highway impacts as a result of separation distances and the other matters are considered in the following sections of this report.

Visual Amenity and the Kent Downs AONB and Special Landscape Area

6.04 Policy SP17 of the Local Plan relates to the Maidstone countryside and states *'The countryside has an intrinsic character and beauty that should be conserved and protected for its own sake. However, there is also a need to ensure a level of flexibility for certain forms of development in the countryside in order to support farming and other aspects of the countryside economy...'*

6.05 The Kent Downs AONB Management Plan 2014-2019 states 'An Area of Outstanding Natural Beauty (AONB) is exactly what it says it is: a precious landscape whose distinctive character and natural beauty are so outstanding that it is in the nation's interest to safeguard them'. Paragraph 172 of the NPPF further states 'Great weight should be given to conserving and enhancing landscape and scenic beauty in Areas of Outstanding Natural Beauty'.

6.06 Policy SD7 of The Kent Downs AONB Management Plan 2014-2019 relates to important areas of relative tranquillity and states 'To retain and improve tranquillity, including the experience of dark skies at night, careful design and the use of new technologies should be used'. The NPPF advocates the importance of planning policies and decisions to help protect areas of tranquillity.

- 6.07 In this instance, there are 3 floodlights already in use on the north eastern side of the riding arena. A number of complaints have been received by local residents regarding the impact of the existing floodlighting on the surrounding AONB and the natural wildlife.
- 6.08 The lighting consultant instructed by the applicant has stated in his report that the existing floodlights are set at a high angle and would likely result in some light emitting upwards and this would result in the face of the floodlights being seen from long distances. The report also states that there is a lack of uniformity to the existing illumination within the arena which is much lower than recommended by professional guidance.
- 6.09 The replacement and additional lighting has been designed to accord with the Institution of Lighting Professionals (ILP) guidance on obtrusive light, GN01 as suggested by the Kent Downs AONB Unit. This recommends that for an area within an AONB, an E1 Environmental Zone, there should be zero light emitted directly upwards.
- 6.10 A pair of floodlights would be situated on each column (8 in total at 6m tall on the north eastern and south western boundary) and they would be aimed in a V-shape and with a small 5° upwards tilt. With this design the lights will cut off at 85° and no light will be emitted upwards and the face of the floodlights would not be visible from Wormshill. Furthermore, the intensity of light would be below 2,500 candelas which also follows the guidance criteria.
- 6.11 Ancient woodland is an irreplaceable habitat and National Planning Policy Framework paragraph 118 states: 'planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss'
- 6.12 There are several areas of ancient woodland in the vicinity of the site including Place Dane Shaw (177 metres to the north east); Barrows Wood (210 metres to the east); Saywells Bank (173 metres to the south) and Shereway Wood (287 metres). There are several public footpaths in the vicinity of the application site.
- 6.13 Having reviewed the standing advice from the Forestry Commission the proposal would not be considered to result in the loss or deterioration of the Ancient Woodland within the area and therefore would be deemed acceptable.
- 6.14 With the suggested conditions in place, the proposal would preserve the landscape character visual amenity of the Kent Downs AONB or the North Downs Special Landscape Area and would be deemed acceptable.
- Residential Amenity
- 6.15 The existing riding arena is situated 99 metres away from the nearest residential property of Saywell Barn Farm. This separation distance will ensure that any light spill or glare is at an acceptable level. The extra use of

the existing arena facilitated by the lighting but restricted by planning condition would not result in any increase of noise and disturbance that would justify the refusal of permission when taking into account the distance from residential properties and the existing use.

- 6.16 The council's Environment Protection Officer is satisfied that the proposed floodlights would not result in any detrimental light spill to the wider area. The EHO raises no objection to the proposal subject to the suggested conditions.
- 6.17 It is not considered that the proposals would result in material harm from light pollution or associated disturbance to any neighbouring resident.

7. Conclusion

- 7.01 Overall the replacement and new flood lights as outlined in the submitted Exterior Lighting Design and Visual Impact Assessment received 14th December 2018 would be an acceptable form of development in this location. The proposal would not result in any detrimental harm to the special character and appearance Kent Downs AONB or the North Downs Special Landscape Character or residential amenity.

8. Recommendation

GRANT planning permission subject to the following conditions:

1. The development hereby permitted shall be carried out in accordance with the following approved plans:
Site Plan (amended) received 4th January 2019
Location Plan received 17th September 2018
Planning Statement received 17th September 2018
Exterior Lighting Design and Visual Impact Assessment received 14th December 2018.
Reason: To clarify which plans have been approved.
2. The floodlighting hereby approved shall not be operated between the hours of 2000 hours and 0700 hours daily and the lighting shall only be in use between the 15th October until the 31st March of each year.
Reason: In the interests of minimising light pollution, securing the character and appearance of the surrounding AONB and Special Landscape Area and preventing harm to the residential amenity of any nearby residential properties.
3. The development shall be carried out in strict accordance with the type and details of floodlighting as shown in the submitted Site Plan received 4th January 2019 and the Exterior Lighting Design and Visual Impact Assessment received 14th December 2018. This will include the addition of movement sensors as outlined in the report that shall be in place prior to first use and retained permanently thereafter.
Reason: To prevent light pollution in the interests of the safeguarding visual amenity of the Kent Downs AONB and the landscape character of the surrounding countryside.

4. Before the development hereby permitted commences, a scheme of landscape proposals shall be submitted to and approved in writing by the Local Planning Authority, which shall include full plans and specifications for all hard and soft landscape works and indications of all existing trees and hedgerows on the land, including those to be retained together with measures for their protection in the course of the development. All planting, seeding and/or turfing and hard landscaping in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the first use of the floodlights hereby approved, and any trees, shrubs, hedges or plants which within a period of five years from the completion of development die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Reason: To ensure the new landscaped areas are properly maintained in the interests of the amenity of the surrounding.

INFORMATIVE

As the development involves construction, the applicant is advised to comply with the Mid Kent Environmental Code of Development Practice..

Case Officer: Leah McGuinness

Agenda Item 19



18/505205/FULL Boughton Service Station

Scale: 1:1000

Printed on: 11/2/2019 at 12:05 PM by SummerF

REFERENCE NO - 18/505205/FULL		
APPLICATION PROPOSAL Change of use of redundant petrol station forecourt to car wash and valet services (resubmission of 18/501945/FULL).		
ADDRESS Boughton Service Station Heath Road Boughton Monchelsea Maidstone Kent ME17 4JD		
RECOMMENDATION Grant Permission subject to conditions		
SUMMARY OF REASONS FOR RECOMMENDATION The development is not considered to have a detrimental impact upon the character and appearance of the application site or the adjacent conservation area, nor will it have a detrimental impact upon neighbouring amenity. It is considered that sufficient information has been provided to indicate the development would not have a detrimental environmental impact in terms of drainage or an impact upon the wider highway network.		
REASON FOR REFERRAL TO COMMITTEE <ul style="list-style-type: none"> The development would have a detrimental impact upon the character and appearance of the conservation area. The development would have a detrimental impact upon road safety in the area. 		
WARD Boughton Monchelsea And Chart Sutton	PARISH/TOWN COUNCIL Boughton Monchelsea	APPLICANT Boughton Service Station AGENT Mr C Smith
TARGET DECISION DATE 06/02/19		PUBLICITY EXPIRY DATE 09/11/18

Relevant Planning History

15/501979/FULL
 New hand car wash area with associated canopy.
 Decision Date: 18.10.2016

18/501945/FULL
 Change of use of redundant petrol station forecourt to car wash and valet services.
 Refused Decision Date: 20.06.2018

Appeal History:

No relevant appeal history available

MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 This application relates to a former petrol station canopy and forecourt. To the East/North East is an area of car sales and to the North a shop building and a workshop and MOT station, also previously used for servicing and repairs. The site lies in the open countryside in the parish of Boughton Monchelsea. To the West of the site is the Cock Street conservation area and Swallows, a grade II listed building. The site is accessed on a main road, Heath Road.

2. PROPOSAL

- 2.01 Planning permission is sought for the change of use of the redundant petrol station forecourt to a car wash with valeting services.
- 2.02 An application seeking the same development was refused on 20/06/2018. The sole reason for refusal was the following; In the opinion of the local planning authority, there is insufficient information to demonstrate that satisfactory and sufficient drainage facilities exist which can cope with the extent of run-off and which would prevent contamination and flooding. The application is therefore contrary to policies DM1 and DM3 of the Maidstone Local Plan 2017.

3. POLICY AND OTHER CONSIDERATIONS

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Maidstone Borough Local Plan 2017: SS1 Maidstone borough spatial strategy, SP17 Countryside, SP18 Historic Environment, DM1 Principles of good design, DM3 Natural Environment, Development affecting designated and non-designated heritage assets, DM7 Non-conforming uses, DM23 Parking standards, DM30 Design principles in the countryside,
Supplementary Planning Documents: Cock Street Conservation Area Appraisal/Management Plan

4. LOCAL REPRESENTATIONS

Local Residents:

- 4.01 4 representations received from local residents raising the following (summarised) issues
- Factual misrepresentation of the proposal, in this instance the accuracy of the plans themselves, this will be discussed below.
 - The plans do not provide any details with regards to proposed signage.
 - Plans do not accurately reflect parking on site and the development would have a detrimental impact upon highway safety in the area. This would occur as a result of increased vehicle movements on site and water run off reaching the highway.
 - The development would have an unacceptable impact on neighbouring amenity in terms of noise and odour.
 - The development would have an unacceptable impact upon the surrounding conservation area.

The first issue regarding the accuracy of the drawings is not considered to be a material planning issue in this instance, the other issues raised by neighbours will be discussed 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)

Boughton Monchelsea Parish Council

- 5.01 *The Parish Council wish to see the application refused and request that it is taken to MBC planning committee for decision. The grounds for objection are as follows :*

We have concerns regarding road safety due to the lack of queueing space for drivers waiting to have their vehicles cleaned. The documents state that 10 spaces will be provided however only 6 spaces (for wait / wash / valet) are marked as such on the drawings. Other unmarked spaces appear to be located outside the change of use site marked in red. As a Parish Council we are very aware of the increased quantity and speed of traffic on Heath Road and the accidents that have occurred, most recently the serious RTC at the zebra crossing next to the primary school, where a child sustained a fractured skull after being hit by a car. Boughton Service Station is located in close proximity to the hazardous Heath Road / Brishing Lane / Green Lane junction.

In light of the above, the Parish Council is also concerned about the additional risk of water being transferred onto this busy B road, adding an additional problem for passing traffic, particularly during the winter months.

We feel that the proposal would intensify the use of the site to an unacceptable degree proposed access and egress to the site appears to be inconsistent with the existing business operations (garage / car sales / shop). Cars waiting to be washed and in the process of being cleaned would be blocking access to the site for vehicles trying to access other businesses on the site. Without a pedestrian space at this site this would add hazards for other road users.

The blue other ownership line on the drawings is not clear and it is therefore not possible to establish the extent of this from the information that has been provided

Point 4.3.6 of the Borough Councils emerging Cock Street conservation area management plan states :

The very large illuminated signs associated with the petrol station immediately outside the CA boundary (Fig. 3) are very prominent in views into and out of the conservation area from the east, and detrimental to the character and appearance. As and when the opportunity arises, every effort should be made to reduce the visual impact of signage on this site, and/or secure a use that is more sympathetic to the setting of the conservation area. The Borough Council should therefore seek the views of the conservation officer prior to deciding on this application

The emerging conservation area management plan also states : 4.2.1 The petrol station and its signage still dominate views into and out of the area to the east

4.3.2 Negative impact of the petrol station on the setting of the conservation area

4.3.2 The following have been identified as key opportunities for enhancement of the area..reduction in density of road signage

The above points should be taken into account prior to deciding the application

MIDKENT Environmental Health

- 5.02 Our main concern with this application is that it could lead to noise disturbance of nearby residential properties. We would therefore recommend the attachment of a noise condition to any consent given to the application.

Environment Agency

- 5.03 The submitted information indicates that there will be no break of the ground and foul and surface water will be discharged to mains sewer. We have no objection to this strategy.

However, if the above conditions change, we need to be re-consulted. We are generally not in a position to visit the site and verify any works undertaken, therefore the above comments are based solely on the submitted documents and

reported actions and no responsibility can be taken for the accuracy of any information submitted.

Southern Water

- 5.04 Southern Water proposes the following condition: "The developer should ensure that the trade effluent licence has been obtained before the connection to the public sewerage network can be approved."

KCC Highways

- 5.05 *"The proposals are for the change of use of redundant petrol station forecourt to car wash and valet services (resubmission of 18/501945/FULL).*

I note that it is proposed to access the development via the existing in/out access arrangement onto the B2163, Heath Road. Having checked the personal injury collision record at both these access points for the last 5-year period up to December 2017 via crashmap, www.crashmap.co.uk, I can confirm that no collisions have been recorded. Therefore, the access has a good personal injury collision record. Kent Highway Services document titled 'Guidance on Transport Assessments and Travel Plans' provides guidance on when a Transport Statement (TS) or Transport Assessment (TA) is required. In this instance the proposals do not exceed the threshold for either a TS or TA to be required. It should be noted that this application involves the change of use from a redundant petrol station forecourt, which would generate a number of vehicular movements, to use for car wash and valet services. As a result, any traffic generation from the proposals needs to be considered against the level of traffic that could be generated by the sites lawful (extant) use. In this instance, it is not considered that the proposals are likely to generate a significantly greater number and therefore intensification of vehicular movements either from the site or through either of the existing access points, when compared to its extant use.

The applicant has submitted a block plan (drawing number: 73/2A) to demonstrate the waiting arrangements for users of the car wash. It is noted that two spaces will be provided for vehicles to wait off the public highway, this is considered to be adequate for the likely operational requirements of the development. Finally, retention of the existing in/out access arrangement will continue to ensure that vehicles can egress onto the public highway in a forward manner.

It is not considered that the anticipated impact of the proposals could be reasonably described as 'severe' in accordance with paragraph 109 of the National Planning Policy Framework (NPPF). I refer to the above planning application and having considered the development proposals and the effect on the highway network, raise no objection on behalf of the local highway authority, subject to the following condition:

-Provision of measures to prevent the discharge of surface water onto the highway."

6. APPRAISAL

Main Issues

- 6.01 The key issues for consideration relate to:
- Principle of the development
 - Visual Impact

- Residential Amenity
- Environmental Issues
- Highways Impact

Principle

- 6.02 This is an existing commercial site and therefore, in principle, its reuse for another commercial purpose is considered appropriate.

Visual Impact

- 6.03 An application for the same development was refused under 18/501945/FULL. The officer report did not consider that the development would have an unacceptable visual impact in the area and the application was not refused on this basis. The hardstanding already exists and no additional buildings are proposed. The development would be seen within the context of commercial car related uses and as such would be in keeping with the existing character of the application site.
- 6.04 Given that the site is not within a conservation area, but does sit adjacent to one, the conservation architect has been informally consulted. The conservation architect the petrol station canopy. However the application site is shielded from the conservation area by the mature Leylandii trees bordering the neighbouring application site and the canopy is only significantly visible when entering the conservation area. Views from within the conservation area are limited. As such, it is considered to be unreasonable to request that the applicant entirely removes the petrol station canopy
- 6.05 The Cock Street management plan makes reference to the application site as a negative feature. It considers that the conservation area and the area surrounding the application site is rural in nature and a neighbouring car wash use and the application site is more associated with an urban area. The deterioration of the rural nature of the area is an issue that is specifically mentioned within the conservation area appraisal. Taking all the above into account, an alteration to the proposal has been agreed with the applicant, in order to achieve a betterment of the appearance of the site.
- 6.06 Should permission be forthcoming a condition will be imposed requiring the applicant to paint the sides of the canopy a 'dark green' colour within 3 months of the decision, so that it blends more appropriately into the surrounding vegetation. In light of the context of the application site (it is not actually within the conservation area) this would be sufficient to mitigate its impact upon the wider area.
- 6.07 Signage in particular cannot be considered as a reason for refusal, because the application is not seeking advertisement consent. Any new signage would need to be dealt with through submission of an application for advertisement consent separately.

On balance, taking into account the betterment of the site, the development would not have such a detrimental impact upon the application site or the wider area, including the conservation area, to warrant a refusal.

Residential Amenity

- 6.08 The car wash area is located immediately adjacent Heath Road on the northern side of the site, the garage/office is 2.00m to the north of the car wash area and the

Workshop is located to the north of the garage/office 18.00m to the north of the car wash area. The closest neighbouring property to the car wash area is 'The Barn' located 26.00m to the south west of the car wash area, it is separated from the application site by substantial hedging as well as Heath Road itself. Another property 'The Oast' is located immediately to the north west of 'The Barn' and located 28.00m from the car wash area.

- 6.09 'Swallows' is located 27.00m to the north west of the car wash area and separated from the area by the garage/office building and a row of mature Leylandii trees along the boundary of the neighbouring property and application site.
- 6.10 The previous application was not refused upon grounds of unacceptable impact upon neighbouring amenity.

As considered previously, in terms of residential amenity, the proposed use would be somewhat separated from surrounding dwellings by a reasonable distance.

Whilst it is accepted that there may be some noise and disturbance arising from the use, the existing context and also the fallback position must be considered. Firstly, the existing context is that the site is within an already commercial area including use for servicing, repairs and MOTs, which are generally uses which generate high amounts of noise. Also, the road outside the site is a class B road, carrying a significant volume of traffic and with a speed limit of 40 mph. Therefore, existing background noise is already likely to be significant in the vicinity.

Also, the fall back position appears to be that the lawful use of the area is as a petrol station which is a use which also generates significant noise from the pumps and traffic generation. Considering these points, on balance, it is not considered reasonable to attach a noise condition in this instance. However, the application indicates that the proposed hours of use would be 9 AM to 8 PM on Mondays to Saturdays and 9 AM to 5 PM on Sundays and bank holidays. Outside of these hours it is considered that background noise is likely to be significantly reduced, as the servicing/repair/MOT use is unlikely to be in operation and traffic levels, being outside of working and school hours, are likely to be significantly reduced."

Therefore, it is considered that this issue of noise could be dealt with by a condition restricting the use to the proposed hours, in order to maintain a satisfactory living environment for neighbouring occupiers. With regards to spray and also the issue of any odours from valeting products, given the separation from neighbouring properties, on balance, this issue is not considered to result in significant harm to the quality of residential amenity for neighbouring occupiers.

- 6.11 The proposals have not changed since the previous application and it is considered that the assessment previously carried out, and the conclusion reached remain sound.

Environmental Issues

- 6.12 The previous application was refused due to a lack of information from the applicant to demonstrate that surface water would not discharge onto the highway. The current proposal shows that drainage on site would be via a mains sewer and that there is an existing 3 chamber interception system on site and the block plan also shows the proposed direction of drainage.
- 6.13 No objections (subject to conditions) have been received from environmental consultees or KCC Highways.
- 6.14 As such, it is considered that any environmental impact generated by the development can be effectively mitigated by the use of planning conditions and that a refusal based on environmental impact would be unwarranted.

Highways

- 6.15 No objections were received from Highways Consultees for this or the previous application. The road has a 'good' personal injury record and parking availability on site is acceptable for this use. In relation to the number of spaces available on the site, given the use of the wider site as a garage forecourt, it is unlikely that the proposed development would cause an unacceptable level of traffic generation or obstructively parked vehicles.
- 6.16 The query over whether motorists obey traffic laws is not a material planning consideration and does not constitute grounds for refusing the application.
- 6.17 In light of the comments received from KCC Highways, subject to conditions, as requested by this consultee. It is not considered that the development would have a detrimental impact upon parking in the area or the wider highway network.

7. CONCLUSION

- 7.01 Subject to conditions, the proposed development is not considered to have a detrimental impact upon the character and appearance of the application site or character of the wider area. The development will not have an unacceptably detrimental impact upon the amenity of neighbouring properties, nor will it have an unacceptable impact upon parking in the area or the wider highway network. As such the development is considered to be in keeping with local and national planning policies and is recommended for approval.

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 plans:

Application for Planning Permission
73/1 Site Location Plan
73/2/Levels Levels Block Plan
73/2A Block Plan
Cover Letter
Heritage Statement

Reason: To ensure the appearance and the character of the buildings are maintained and in the interests of residential amenity.

- 3) The carwash hereby approved shall not be open for customers outside the hours of 09:00-20:00 Monday - Saturday and 09:00 - 17:00 on Sundays and Bank Holidays;

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

- 4) The parking areas shown on the approved plans shall be provided before first operation of the development to which they relate. Thereafter parking areas shall be kept permanently available for parking use and no development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any other order revoking and re-enacting that order with or without modifications) shall be carried out on those areas of land.

Reason: In the interests of road safety.

- 5) Within 3 months of the date of this decision, the sides of the petrol station canopy shall be painted Olive Green (RAL 6003). Thereafter the petrol station canopy sides shall be retained in that colour and not subsequently changed in colour.

Reason: To ensure a satisfactory visual relationship with the landscape and the wider area.

Case Officer: William Fletcher



REFERENCE NO - 18/505607/FULL		
APPLICATION PROPOSAL Demolition of existing buildings and reconfiguration/redevelopment of Iden Park Service Station incorporating; the construction of a replacement car showroom and MOT building (230 m2) and a replacement forecourt shop and sales building (207 m2) associated with the existing petrol filling station (PFS).		
ADDRESS Iden Park Service Station Cranbrook Road Staplehurst TN12 0EJ		
RECOMMENDATION Grant Permission subject to conditions		
SUMMARY OF REASONS FOR RECOMMENDATION: <ul style="list-style-type: none"> • The proposals are in keeping with the existing use and would result in economic and social benefits in supporting the expansion of a rural business in an appropriate location. • The proposal is found acceptable in relation to impact on residential amenity due to the proposed development being separated from neighbouring properties by a classified road, Cranbrook Road A229 and the existing site operations. • The visual impact of the proposed development is not significant due to it being a redevelopment of the application site with similar use, the scale of the proposed buildings have justified operational needs, and the buildings are sufficiently set back and screened from public view points. 		
REASON FOR REFERRAL TO COMMITTEE Cllr Louise Brice requested the application to be reported to the Planning Committee due to concerns about an MOT testing centre being opened in a quiet area, and the design appears to be industrial in nature.		
WARD Staplehurst	PARISH/TOWN COUNCIL Staplehurst	APPLICANT Rontec Service Stations 1A Limited AGENT Rapleys
TARGET DECISION DATE 01/02/19		PUBLICITY EXPIRY DATE 09/01/19

Relevant Planning History

18/500075/LDCEX: Lawful Development Certificate (Existing) for use as a petrol filling station without restriction on hours of operation – APPROVED

15/508655/REM: Approval of reserved matters for residential development of 8 dwellings (Appearance, Layout, Scale and Landscaping being sought) Pursuant to APP/U2235/A/12/2184356 – APPROVED

MA/12/0922: Outline for 8 dwellings with access – REFUSED, ALLOWED AT APPEAL

MA/00/0635: Elevation of existing petrol filling station canopy to give clear height to underside of 4.5m – APPROVED

MA/96/1533 - Advertisement Consent – APPROVED

MA/96/1078 - Alterations & extension of forecourt sales building for add hot food sales – APPROVED

MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 The application site covers an area of some 0.4ha and is currently occupied by an Esso petrol filling and service station with 24-hour use. The service station includes a Costa Express and an off licence. The site includes a car washing facility, and a single building providing a forecourt retail shop, sales offices, showroom and MOT facility. The existing building has a gross external area of 434 sq.m. A substantial external parking and vehicle sales area is located to the north of the site which is the location for the new building currently proposed.
- 1.02 The site is located on the east side of the main A229 Cranbrook Road which is a Roman Road that becomes the High Street just to the north of the application site.
- 1.03 The site falls within an area of open countryside as designated in the adopted Local Plan. The site is bounded to the south and east by an area designated as Landscape of Local Value. There are a number of trees which sit outside of the boundary of the site. The site is relatively level and almost the entire site is currently covered in hardstanding or buildings with some landscaping area and trees at the south-eastern edge of the site.
- 1.04 The houses on the opposite (west) side of Cranbrook Road are within the Local Plan designated Rural Service Centre of Staplehurst. To the north of the site at the junction with Frittenden Road is a single residential property called Cricket Lodge. Staplehurst Cricket and Tennis club is on land to the north east and east of the site with the Rural Service Centre found again to the north of Frittenden Road.
- 1.05 The site has separate access and egress arrangement directly linking with the A229 Cranbrook Road.

2. PROPOSAL

- 2.01 The application proposes demolition of existing buildings and reconfiguration and redevelopment of the service station. The works include the erection of a replacement car showroom and MOT building and a replacement forecourt shop and sales building associated with the existing petrol filling station.
- 2.02 The proposed new forecourt shop and sales building has a 14m x 19m footprint and incorporates a chamfered roof with an overall roof height of 4.5m. The existing building has a footprint of some 23m x 15m with an overall height of 4m.

- 2.03 The proposed building has elevations constructed of grey flat faced composite panels with a grey composite roof. The entrance to the shop would be provided on the front elevation facing the petrol pumps and Cranbrook Road. The front elevation consists of glass panels, sliding doors, and an ATM machine. The building will be set back from the highway by approximately 22m separated by the petrol pumps. Thirteen new parking spaces and cycle stand serving the building would be situated to the immediate north.
- 2.04 The proposed new detached showroom and MOT building is sited to the north of the site and has a 15m x 20m footprint with a gently sloping roof and a maximum height of 6.4m. The proposed building also has matching grey flat faced composite panels elevations with a grey composite roof as the new shop building. The front elevation facing Cranbrook Road includes three roller shutter doors to the MOT unit, and glass door entrance to the office. The building will be set back from the highway by approximately 26m separated by the new parking bays and proposed relocation of a sliding gate.
- 2.05 The proposed business hours of the MOT use are 08:00-18:00 Monday to Friday and 09:00-18:00 on Saturday. The two new buildings would provide a combined gross internal area of 437 sq.m, (replacement car showroom and MOT building of 230 sq.m and a replacement forecourt shop and sales building of 207 sq.m). The proposed buildings would have a combined external gross floor area of some 466 sq.m, which is an increase of some 32 sq.m from the existing building.
- 2.06 The proposed development also includes the reconfiguration of the existing car washing facility at the southern end of the site with the provision of additional vacuum and air-water bay, and two staff parking bays.
- 2.07 New floodlights on 5 metre high galvanised columns would be provided to cover the external parts of the site including the MOT and forecourt shop parking area and car washing area. There are 4 existing floodlights at 5m in height serving the site.

POLICY AND OTHER CONSIDERATIONS

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Maidstone Borough Local Plan 2017: SP5, SP10, SP17, SP21, DM1, DM3, DM8, DM23 and DM37

Supplementary Planning Documents: Staplehurst Neighbourhood Plan 2017

3. LOCAL REPRESENTATIONS

Local Residents:

- 3.01 3 representations received from local residents raising the following (summarised) issues:
- The proposed industrial buildings would have visual impact on entrance to Staplehurst
 - The proposed MOT building fronting the highway would result in significant noise and light impact to neighbouring residential properties
 - The scale of the MOT building is excessive

- There is no MOT use on site at present, and there are sufficient MOT stations in Staplehurst
- The proposed floodlights would result light pollution to the area
- The proposal is likely to attract large scale national/ market chain type of company, resulting a greater intensification of the site and out of keeping with the aesthetics of the area.

4. 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)

Cllr Louise Brice

- 4.01 Concerns about an MOT testing centre being opened in a quiet area, and the design appears to be industrial in nature. Requested the application to be considered by the Planning Committee.

Staplehurst Parish Council

- 4.02 Recommend approval of the application subject to appropriate control of working hours and noise levels. They would like to see the proposed 5m high lighting columns reduced in height. They also sought clarification of the statement in para 11.3 of the Design & Access Statement: They existing access arrangement will be retained and it has been established that no intensification will be uncured post construction.

Environmental Health

- 4.03 Raise no objection subject to condition on business hours and lighting.

KCC Highways

- 4.04 The Highways Officer is satisfied with the proposal in terms of access and traffic impact as they would be similar to the existing use. There are concerns over the provision of adequate customer and staff parking spaces. The Applicant has addressed on amended plans that adequate parking spaces would be provided which is awaiting re-consultation response from the Highway Officer.

5. APPRAISAL

Main Issues

- 5.01 The key issues for consideration relate to:
- Principle of Development
 - Visual Impact
 - Residential Amenity
 - Highway safety and parking
 - Other considerations

Principle of Development

Location

- 5.02 The Local Plan advises that outside of the town centre and urban area, rural service centres are the most sustainable settlements in Maidstone's settlement hierarchy. The settlement hierarchy directs development towards rural settlements as they are best placed to act as service centres for their local population and surrounding rural communities. Rural service

centres act as a focal point for trade and services by providing a concentration of public transport networks, employment opportunities and community facilities that minimise car journeys.

- 5.03 Whilst the application site is in the open countryside where new development is generally restrained under Central Government Guidance and Development Plan Policy, the site is also situated adjacent to the Staplehurst Rural Service Centre. The proposed uses currently operate from the application site and in context of the Local Plan there is general policy support for the improved facilities that are proposed in this location.
- 5.04 The NPPF also lends strong support to the rural economy and seeks to promote rural businesses and 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.
- 5.05 It is necessary to balance the needs for expansion of existing businesses in rural areas against the visual impact, impact upon residential amenity and highways impacts. Adopted policy DM37 states that expansion of existing businesses in rural areas will be permitted where they meet criteria relating to potential harm from visual impact, harm to amenity and traffic impacts and these matters are considered below.

Visual Impact

- 5.06 Local Plan policy DM37 states that the expansion of rural business will be permitted where new buildings are small in scale and the resultant development is appropriate in scale for the location and integrated into the local landscape. The policy states that no open storage of materials will be permitted unless adequately screened from public view.
- 5.07 The design and appearance of the showroom and MOT building and shop and sales building are typical of such uses and to my mind their form and materials are acceptable within the context of the existing service station.
- 5.08 The shop and sales building would replace the existing building with a similar footprint (increase of some 32 sq.m) and is located behind the petrol filling station canopy, therefore, it is not considered to result in significant visual impact. The proposed shop and sales building is 4.5 metres high with the petrol filling station canopy at a height of 5.6 metres and the existing advert at the front of the site 4.8 metres high, with the vent pipes at similar height.
- 5.09 The proposed showroom and MOT building is to the north of the site, set back from the A229 Cranbrook Road by some 24m, and screened by mature trees to the north and east from the Landscape of Local Value and the approach to the site from the north. In the absence of these trees and in views from the south the new building at a maximum height of 6.4m will be seen in the context of the established petrol filling station use. In this setting the relatively compact form of the proposed development within an existing service station would not appear out of character.
- 5.10 The trees and hedges surrounding the site, whilst not located within the site, act as important features in providing screening to the site and to the value of the adjacent Landscape of Local Value. Given the proximity of the

proposed buildings to these landscape features, it is important to ensure the health of these trees would not be compromised by the proposed development and to improve the landscape within the site in particular to the existing landscape area and screening along the highway for the MOT building. It is reasonable to request the submission of landscape scheme to safeguard a satisfactory appearance to the development.

- 5.11 The size and scale of the proposed showroom and MOT building is designed according to operational requirements to ensure that the building can accommodate the full range of vehicles including HGV's and lorries. It also ensures that all the lifting machinery inside the building can be replaced or serviced without the need for them to be dismantled. On this basis, it is considered the size and scale of the building has an operational need.
- 5.12 Policy DM37 states that no open storage of materials will be permitted unless adequately screened from public view. A condition is recommended restricting open storage on the application site.

Residential Amenity

- 5.13 Local Plan policy DM37 states that the expansion of rural business will be permitted where the overall development will not result in an unacceptable loss in the amenity of the area, in particular the impact on nearby properties.
- 5.14 Representations have been received in regards to noise and light disturbance. I have visited the site and the residential premises that are likely to be impacted on are the properties directly opposite the site fronting Iden Crescent. These properties are approximately a distance of 35m from the proposal and separated by A229 Cranbrook Road. The A229 is a busy classified 'A' road and is likely to be the main source of noise and light for much of the time to these properties.
- 5.15 Whilst the applicant has stated that there is existing MOT use at the site, it is integrated within the car showroom building at a much smaller scale than the proposed standalone building.
- 5.16 Whilst the new MOT facility would be larger, the use would be located in a purpose built building constructed to modern standards. The operation of the use is likely to be during normal business hours and can be restricted by planning condition. Given the proposal is separated from the nearest residential properties by a classified A road and the associated noise and activity, Environmental Health are satisfied that any potential noise disturbance can be controlled by planning conditions. I do not consider the MOT building would result in significant noise nuisance to nearby dwellings.
- 5.17 There is no current restriction on the opening hours of the existing petrol filling station, which is currently operating at 24-hour. I do not consider the shop and sales building would be any worse than the existing use in terms of noise and disturbance.
- 5.18 In terms of potential light nuisance, four 5m tall new floodlights are proposed for the external parking and manoeuvring space for the new MOT building.

- 5.19 Staplehurst Parish Council whilst raising no objection to the proposal suggested the possibility of lowering the height of these lights. This has been discussed with the applicant who has said that the height is needed for the safety and security of the operation of the MOT building. In addition the floodlights are the same height as those currently on the site.
- 5.20 I do not consider the height or number of the proposed floodlights would result in significant visual impact or light pollution subject to conditions restricting the hours of operation in line with the business hour of the MOT and submission of lighting details.

Five new floodlights are proposed to the parking area serving the sales and shop building and the car washing area with existing lighting in these areas of the site at present operating on a 24 hour basis. The new lighting in this area will be seen in the context of the illuminated petrol station canopy including internally illuminated signage and new floodlighting proposed for Staplehurst Tennis and Cricket club which is to the rear of the application site. The permission under reference 18/505818/FULL included new floodlighting on 6.7 metre high columns as part of improvement works to the site. A planning condition is therefore recommended seeking further details of the lighting in this part of the site.

- 5.21 Due to the distances between the proposed development and neighbouring properties, the presence of the main road and existing buildings, structures and external lighting the proposal is considered acceptable in relation to impact on residential amenity.
- 5.22 Highway Safety and Parking Local Plan policy DM37 states that the expansion of rural business will be permitted where the increase in floorspace would not result in unacceptable traffic levels on nearby roads.
- 5.23 The site has a dual access arrangement directly off A229 Cranbrook Road serving the existing petrol filling station and associated facility. KCC Highways has commented that the proposals are essentially a replacement facility for the existing services. As no additional vehicle movements are anticipated above those generated by the lawful use, the use of the existing access arrangements are considered acceptable.
- 5.24 In terms of traffic impact, KCC Highways consider that whilst there is a small increase in overall floorspace, it will not generate a significant level of traffic over and above its extant use.
- 5.25 The applicant has confirmed that a car sales operator of this nature would not use a transporter, as the majority of the vehicles would be part used or second hand purchase.
- 5.26 KCC Highways has commented that based on the proposed land use schedule and floorspace a total of 26 customer parking spaces are required, excluding any car parking provision for employees. The Applicant has provided an amended plan (received 7 February 2019) that show the provision of 26 customer parking spaces and 6 staff parking spaces. KCC

Highways have been re-consulted on this revised plan and their comment will be provided at a later date.

Other Matters

- 5.27 The representations received have raised concerns the redevelopment of the site is likely to attract a large scale national/ market chain type of company, and that there are already sufficient MOT stations in the area. With the existing MOT facility on the site the development plan is in general support of rural business expansion in appropriate locations.
- 5.28 The competitiveness of individual business uses such as MOT services is not something that the planning system can control. It is left to the market to ensure that there are sufficient services to meet demand and there is not considered to be any cumulative impact here.
- 5.29 In addressing the Staplehurst Parish Council request on the clarification of the statement in para 11.3 of the Design & Access Statement: "*The existing access arrangement will be retained and it has been established that no intensification will be incurred post construction*". The applicant has confirmed that no alterations are proposed to the existing site access points and the development will not generate a significant level of traffic over and above that associated with the extant facility.
- 5.30 Whilst the code for sustainable homes for new housing has been abolished and is now considered as part of Building Regulation, the equivalent standard for non residential accommodation is still in place. Policy DM2 states that non-residential development, where technically feasible and viable, should meet BREEAM (Building Research Establishment Environmental Assessment Method) 'Very Good' standard. It has been established elsewhere that meeting this standard would only be viable if over 500 sq m of new floorspace is provided, with the current application providing less than this figure, a BREEAM standard of 'very good' is not sought in this case.

6. CONCLUSION

- 6.01 The proposals are in keeping with the existing use and would result in economic and social benefits in supporting the expansion of a rural business in an appropriate location adjacent to a designated rural service centre.
- 6.02 The proposal is found acceptable in relation to impact on residential amenity including due a classified road, Cranbrook Road A229 separating the site from neighbouring properties by Cranbrook Road A229 and the existing site operations.
- 6.03 The visual impact of the proposed development is not significant due to it being a redevelopment of the application site with similar use, the scale of the proposed buildings are sufficiently set back and screened from public view points with the operational needs outlined.

7. 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 Plan, No. 170813_PL3 Rev A received on 7 February 2019
Proposed Site Elevations, No. 170813_PL4 received on 26 October 2018
Proposed Building Elevations –PFS received on 26 October 2018
Proposed Building Elevations – MOT received on 26 October 2018

Reason: To clarify which plans have been approved.

- 3) No activity in connection with the MOT service and MOT building hereby permitted shall be carried out outside the hours of 0800 to 1800 Mondays to Fridays and 0900 to 1800 hours on Saturdays; and not at any time on Sundays, Bank or Public Holidays;

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

- 4) With the exception of parking of vehicles, no open storage of plant, materials, products, goods for sale or hire or waste shall take place on the land;

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

- 5) Notwithstanding the submitted plans details of any new external lighting installed on the site (whether permanent or temporary) shall be submitted to and approved in writing by Local Planning Authority. The proposed lighting to the parking area adjacent to the shop and sales building and car washing area should be low-level lighting. 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 and hours of operation. 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.

- 6) The development hereby approved shall not commence above ground level until a landscape scheme and tree protection to the trees surrounding and within the site in accordance with the current edition of BS 5837 have been submitted to and approved in writing by the Local Planning Authority. The scheme shall specifically address the need for the maintenance of the existing trees within and surrounding the site, and provision of landscaping along A229 to screen the development. 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.

- 7) Prior to the first use of the buildings hereby permitted, bat and bird boxes shall be installed in the eaves, the details of which shall first be submitted to, and approved in writing by the Local Planning Authority.

Reason: In the interests of biodiversity.

INFORMATIVES

1) Environmental Protection

As the development involves demolition and/or construction, Environmental Protection would recommend that the applicant is supplied with the Mid Kent Environmental Code of Development Practice. Broad compliance with this document is expected.

2) KCC Highways

- 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 21



18/506065/FULL Former Pumping Station

Scale: 1:1250

Printed on: 7/2/2019 at 16:19 PM by SummerF

REFERENCE NO - 18/506065/FULL		
APPLICATION PROPOSAL Conversion and erection of a side extension including raising the roof height of existing building to create a detached dwelling with associated garden and parking.		
ADDRESS Former Pumping Station Corner Of Dean Street And Workhouse Lane East Farleigh Kent ME15 0PR		
RECOMMENDATION REFUSE PERMISSION for the reason as set out in Section 8.		
SUMMARY OF REASONS FOR RECOMMENDATION <ul style="list-style-type: none"> • The proposed alteration and extensions to the existing rural building involves major reconstruction, thus does not comply with the conversion of rural buildings policy DM31. • The application has failed to demonstrate through the provision of arboricultural information that the development will not cause immediate harm or impact upon the long term health of the row of substantial Poplar trees at the boundary of the site which make a significant contribution to the visual appearance and character of the streetscene and countryside generally. • The site is outside of any settlement as defined in the Maidstone Borough Local Plan 2017, and the proposal would result in the creation of an unsustainable form of housing development where future occupants would be reliant on the use of the private motor car. 		
REASON FOR REFERRAL TO COMMITTEE East Farleigh Parish Council recommends approval of the application and requested that the application is reported to the Planning Committee if Officers are minded to recommend refusal.		
WARD Coxheath And Hunton	PARISH/TOWN COUNCIL East Farleigh	APPLICANT LPZ Property AGENT Designscape Consultancy Limited
TARGET DECISION DATE 28/02/19		PUBLICITY EXPIRY DATE 31/12/18

Relevant Planning History

App No	Proposal	Decision	Date
09/2292	Planning application for the change of use of water pumping station to office use with associated external alterations	Refused	30/06/2010
	The reasons for this refusal are: <i>1. The proposed development in its rural location, within the defined countryside away from village facilities would result in an unjustified and unsustainable form of economic development that would encourage greater dependency on the car as a mode of transport which would be detrimental to the characteristics of the surrounding countryside, contrary to policies CC1, CC6 and C4 of the The South East Plan 2009, policies ENV28 and ENV44 of the Maidstone Borough-Wide Local Plan 2000 and advice given in Planning Policy Statement 4, Planning for Sustainable Economic Growth, 2009.</i> <i>2. The proposed development by virtue of the introduction of conflicting traffic movements on Dean Street/Workhouse Lane junction, generated by the proposed use of the site and exacerbated by the inadequate visibility splays on either side of the vehicle access and the absence of a suitable vehicle turning area within the site to enable a vehicle to enter and leave the highway in forward gear would be detrimental to highway safety on Dean Street and</i>		

	<p><i>Workhouse Lane, contrary to policies CC1 and CC6 of the South East Plan 2009 and policies ENV28, ENV44 of the Maidstone Borough-Wide Local Plan 2000.</i></p> <p><i>3. In the absence of details justifying the size of the proposed insertion of the new windows in the west elevation facing Dean Street, the proposed alterations would harm the recessive character of the rural building and the character of the surrounding countryside contrary to policies CC1, CC6 and C4 of The south East Plan 2009 and policies ENV28 and ENV44 of the Maidstone Borough-Wide Local Plan 2000.</i></p>		
04/1384	Change of use of existing pumping station to residential dwelling including extension to building	Refused and dismissed on appeal (Appendix 1- Appeal Decision)	25/08/2004
	<p>The reasons for this refusal are:</p> <p><i>"1. The proposal, by virtue of the lack of off-street parking facilities, would be likely to lead to parking on the highway which would be prejudicial to highways safety and the free flow of traffic, contrary to policy ENV45 of the Maidstone Borough-Wide Local Plan 2000;</i></p> <p><i>2. The building is of insufficient architectural and/or historic merit to justify retention for residential use and the conversion of this building to a dwelling would therefore be detrimental to the character and appearance of the countryside, contrary to policies ENV45(b) and ENV28 of the Maidstone Borough-Wide Local Plan 2000".</i></p>		
02/0898	Change of use and conversion of existing pumping station to holiday cottage including an extension to the building	Refused and dismissed on appeal (Appendix 2- Appeal Decision)	30/08/2002
	<p>The reason for refusal is:</p> <p>1. The proposed would be detrimental to the free flow of traffic and general conditions of highway safety on the neighbouring highway contrary to policy DMV44(5) of the Maidstone Borough Wide Local Plan 2000.</p>		

MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 The site consists of a vacant former pumping station, within a site of some 180 sq.m (0.04 acres). The site is located on the junction of Dean Street and Workhouse Lane, and approximately 500m to the north of the village settlement boundary of Coxheath.
- 1.02 The site is highly visible located on the outer side of the road bend in Dean Street and on the north east side of the Workhouse Lane/Dean Street junction. The main longest building elevation is orientated towards Dean Street with the shorter side elevation facing Workhouse Lane. With a rise in ground level, the main part of the application site and the existing building is raised above the Dean Street carriageway.

- 1.03 On the opposite (south west) corner of the Workhouse Lane/Dean Street junction there is a substantial fall in ground level with only glimpses of neighbouring house roofs visible through boundary landscaping. In the west on the opposite side of Dean Street is open land with a post and rail boundary fence. There are no pedestrian pavements on the highway close to the site.
- 1.04 The existing building is single storey with a pitched gabled roof and a roof ridge height of about 4m. The building has a footprint of 4.2m x 6.5m and is constructed in yellow stock brick with concrete rendered panels to the front and a green concrete tiled roof. High level fenestration is provided to both the end walls of the building. The existing building sits close to the rear corner of the site with a floor area of around 28 sq.m.
- 1.05 The site is within the open countryside as designated in the adopted Local Plan. The site is bounded to the side and rear by fields, separated by a 2m high close-boarded fence and a number of tall poplar trees. The site has remnants of a low hedge to its frontage along Workhouse Lane and Dean Street

2. PROPOSAL

- 2.01 The application was described on the application form as the 'conversion' of this rural building to a single dwellinghouse. The proposed works include the erection of a 4 metre side extension, and raising the roof ridge height to provide an extra level of accommodation with an overall increased roof ridge height of 5.4m. The proposal also includes the provision of associated garden land and car parking.
- 2.02 The external changes to the building include the insertion of three sets of patio door width picture windows to the front elevation, with the middle two storey set crossing both the ground and first floor. A set of three double hung windows would be inserted on the first floor of both side elevations with a rooflight at the rear
- 2.03 The new building would provide 2-bedrooms, a living/dining room, kitchen, shower and toilet with a floor area of about 88 sq.m (existing building 28 square metres). The building would be constructed with brick and white weatherboarding on the first floor. The windows would be grey colour aluminium/uPVC.
- 2.04 The proposal would provide one off-street parking space with a turning area to the front of the property accessed via the existing access from Dean Street. The proposal would also provide a small side garden.

3. POLICY AND OTHER CONSIDERATIONS

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Maidstone Borough Local Plan 2017: Policies SS1, SP17, DM1, DM3, DM23, DM30, DM31

4. LOCAL REPRESENTATIONS

Local Residents:

- 4.01 5 representations received from local residents raising the following (summarised) issues
- The site is on a road junction and on a hazardous bend with numerous traffic accidents
 - Inadequate provision of off-street parking
 - The proposed vehicle ingress and egress is unsafe
 - The proposed development is too modern, unrecognisable from the original development, the increase in volume and mass is excessive, and not in keeping with local area

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)

East Farleigh Parish Council

- 5.01 Wish to see this application approved and if necessary to go to Planning Committee. Members noted neighbour's concerns over access, but recognised the conditions imposed by KCC Highways in this respect.

KCC Highways

- 5.02 Raises no objection subject to conditions, and confirm a large car can successfully turn on the property to egress onto the highway in a forward gear.

6. APPRAISAL

Main Issues

- 6.01 The key issues for consideration relate to:
- Principle of development
 - Principle of conversion
 - Landscape impact
 - Parking and highways safety
 - Previous refusal for a residential development

Principle of development

- 6.02 Policy SS1 of the Local Plan states that the Maidstone urban area will be the principle focus for development with the secondary focus being rural service centres. The policy also allows for some development within some larger villages.
- 6.03 The application site is located in the open countryside (policy SP17 is considered below). The site is located outside the urban area, the rural service centres and the larger villages as designated in the adopted local plan.
- 6.04 Whilst the site is located as the crow flies about 500m away from the local plan designated 'larger village', of Coxheath, the actual route along the road would be 800 metres to a kilometre. In addition to the distance, the roads leading to the facilities in Coxheath do not have footways and so are not conducive to pedestrian use.
- 6.05 Although there is a bus stop opposite to the site, the service is infrequent. It is considered that for these reasons future occupiers of the dwelling would be reliant on the use of private vehicle for their daily needs. As such, this site does not represent a sustainable location where further residential development would readily be supported by planning policy and as the Council can demonstrate a five year housing supply it is not reliant on windfall sites in the countryside to meet current housing needs.

Principle of Conversion

- 6.06 Policy SP17 of the Local Plan deals with general development proposal within the countryside. It states that development proposals in the countryside will not be permitted unless they accord with other policies in the plan and they will not result in harm to the character and appearance of the area.
- 6.07 One of the main issues is to consider whether the proposed development would comply with DM31 which supports the conversion of rural buildings in circumstances where the criteria listed in the policy have been met. The criteria as set out in policy DM31 are considered in turn below:

The building is of permanent, substantial and sound construction and is capable of conversion without major or complete reconstruction;

- 6.08 The proposal involves a 4m wide side extension, the raising of the roof height to provide an additional storey, and the insertion of a substantial amount of fenestration to the front and side elevations.

- 6.09 When taken all together, the works to the building would result in an increase in floor area by nearly 200% (from 28 sq.m to 88 sq.m) with little of the existing building fabric retained. In addition, the proposal would introduce new materials, such as grey colour aluminium window frame and weatherboarding, to the original brick building. In summary, as the proposal involves major construction works it does not comply with this criterion in policy DM31.

The building should be of a form, bulk, scale and design which takes account of and reinforces landscape character

- 6.10 The building is situated on a prominent corner at the junction of Dean Street and Workhouse Lane and is seen against a rural background. The site located on the bend is at the end of an important long vista when travelling northeast along Dean Street

- 6.11 The existing modest simple building is seen against the row of tall poplar trees and the open field opposite which provides a rural open character. Although there is housing to the south and east, these properties do not front the main roads; they are sited on lower ground and are largely screened by tall hedges and trees.

- 6.12 The proposed change in appearance from a small modest rural utility building to an extended two-storey dwelling with the inevitable domestic paraphernalia on this prominent site would have a marked and detrimental impact in views of this rural landscape.

Alterations proposed as part of the conversion should be in keeping with the landscape and building character in terms of materials used, design and form;

- 6.13 The existing former pumping station building has a modest utilitarian character with small high level windows in the two end walls. The building is of a scale and appearance that does not overly dominant the streetscene and the existing rural character.

- 6.14 The proposal involves building extensions that will increase the length of the existing 6.4 metre long front elevation by 4 metres and increase the roof ridge form 4 metres high to 5.4 metres high.

- 6.15 The proposed large windows at the front and side elevation of the building are disproportionate to the building scale. The increase in roof height, excessive increase in massing and volume and the introduction of new building materials; will change this unassuming recessive existing character to a prominent obtrusive building. It is considered that the new building will be out of character with the appearance and landscape of the area.

There is sufficient room in the curtilage of the building to park the vehicles of those will live there without detriment to the visual amenity of the countryside

- 6.16 The proposed hardstanding for the parking and turning area at the front of the building would result in the loss of the existing soft landscape fronting Dean Street. The loss of the soft landscape at this prominent location would be detrimental to the visual amenity of the countryside.

A proposal should demonstrate that every reasonable attempt has been made to secure a suitable business re-use for the building;

- 6.17 With reference to planning history for the site, there have been two refused applications involving a change of use to a holiday cottage (ref:02/0898) and to an office use (ref:09/2292). These applications were refused on the grounds that the proposals were in an unsustainable location, in relation to highway safety, a lack of off-street parking (no street space for a one bedroom dwelling), and that alterations were detrimental to the character and appearance of the countryside.

- 6.18 Whilst the current application does not include any marketing details for an alternative business use, the refused application for a holiday let is considered to demonstrate an attempt to find an alternative business re-use.

Sufficient land around the building is required to provide a reasonable level of outdoor space for the occupants, and the outdoor space provided is in harmony with the character of its setting.

- 6.19 The pattern of development in the vicinity is characterised by open fields. The residential dwellings to the south are mostly contained within large plots with large front and rear garden.

- 6.20 In contrast, the proposal would provide a small south-facing garden with a narrow gap to the rear and the side boundaries. The frontage would be mainly hard paved for parking and turning area. The amenity/garden space that would result from the proposed development would be at odds with the general spacious character of the area, and the visual harm would be more significant given its prominent and highly visible site location. As a consequence of the prominent location any attempt at providing privacy for future occupants with higher boundary treatments would be highly visible and result in a detrimental visual impact.

Landscape impact

- 6.21 The proposed development, which involves side and roof extension and hard surfaces, is sited approximately 2m away from the row of poplar trees at the boundary of the site. Although these trees have no special landscape designation, they are very substantial and form an important feature in the landscape.

- 6.22 No details relating to these prominent trees have been submitted with the application other than the acknowledgement of their existence on the application form and plans.

- 6.23 In the absence of any arboricultural assessment by the applicant the council's Tree Officer has advised of the strong possibility that the proposed extensions in the Root Protection Area (RPA) of the trees could lead to the death or destabilisation of these trees.

Parking and highway safety

- 6.24 The site has an historical vehicle access from Dean Street, and this access is to be used to serve the proposed house. The submitted plans shows that adequate space can be provided within the site for the parking and turning of large vehicle to enable access and egress onto the highway in a forward gear.

- 6.25 KCC Highways has confirmed there has been no reported vehicular collisions associated within the access or the Dean Street/ Workhouse Lane junction in the past five year period. There has been a previous withdrawn application (15/502938/FULL) for a singular dwelling for this location which was deemed acceptable in term of highway safety. KCC Highways has no objection to the proposal subject to conditions.

- 6.26 The current proposal is for a two bedroom house, and includes a single off street parking space and turning area. This is considered sufficient for the proposed house in this location where the minimum standard would be for 1.5 off street spaces. Details are given below of an earlier application refused on the grounds that no off street parking was provided for a one bedroom dwelling.

Previous refusal for a residential development

- 6.27 An earlier planning application (04/1384) for the 'conversion' of the building into a one bedroom dwellinghouse included a front porch extension, and the insertion of two front windows. This proposal did not include any off street parking.
- 6.28 A subsequent appeal against the council's refusal of permission was dismissed. In assessing the visual impact of the conversion and extension, the Inspector found that the existing former pumping station had an unassuming, recessive and utilitarian character with small high level windows in the end walls and a central doorway.
- 6.29 The Inspector found that the proposed porch extension would draw attention to the building and would appear as a relatively large and somewhat incongruous addition to such a small building. Consequently, a change in appearance from a small rural utility building to a dwelling with the inevitable domestic paraphernalia would have a marked and adverse impact in views of this rural area on the edge of Coxheath.
- 6.30 Although the scheme was refused in 2005, the landscape and character of the site and its locality is relatively the same. The view of the Inspector and the dismissal of this earlier appeal is still valid and carries weight into the assessment of this current application. As such, given the extensions proposed now are substantially larger the visual harm previously identified will be significantly greater.

7. CONCLUSION

- 7.01 The site is outside any settlement boundary and in an unsustainable location for new residential accommodation and there is no requirement for this single house as the Council can demonstrate a five year housing supply. The principle of the provision of a new dwelling on the site is not supported by Government guidance in the NPPF or Adopted Local Plan Policies.
- 7.02 The proposal involves major construction work with an increase in the scale, mass and height, of the building, insertion of large windows, and new external materials which would result in a harmful impact upon the character and appearance of the countryside. The proposed development would have a detrimental visual impact on the existing modest pumping station building in this prominent location, visual impact on the streetscene and the wider open rural character of the area.
- 7.03 In the absence of arboricultural details the application has failed to demonstrate that the development would not have a detrimental impact on the row of substantial Poplar trees at the boundary of the site which make a significant contribution to the visual appearance and character of the streetscene and countryside.
- 7.04 The proposal hereby submitted have are no overriding material considerations to justify approval that outweigh the harm identified. Refusal is therefore recommended.

8. RECOMMENDATION

REFUSE planning permission for the following reasons:

- 1) The proposal involving major construction works with little of the existing structure retained would destroy the character and appearance of the original former pumping station building with the excessive increase of scale, mass and height, the insertion of large windows, and introduction of new external materials resulting in a

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harmful impact on the character and appearance of the streetscene and the countryside, thereby being contrary to Policies SP17, DM1, DM30 and DM31 of the Maidstone Borough Local Plan 2017.

- 2) The application has failed to demonstrate that the submitted development including the proposed extensions and hardstanding would not result in immediate or long term harm to health of the row of trees at the eastern and northern boundary of the site that make a significant contribution to the visual appearance and character of the streetscene and countryside contrary to Policies SP17, DM1, DM3, and DM30 of the Maidstone Borough Local Plan 2017.
- 3) The site located outside of any settlement as defined in the Maidstone Borough Local Plan 2017 would result an unsustainable housing development in the countryside where future occupants would be reliant on private vehicle use for their daily needs to gain access to goods and services and, as such, would be contrary to policies SS1 and SP17 of the Maidstone Borough Local Plan 2017 and guidance within the National Planning Policy Framework 2018.

INFORMATIVES

The following plans were considered in the assessment of this planning application:

Site Location Plan
Proposed Block Plan, No. 373/100
Proposed Site Layout Plan, No. 373/101
Proposed Floor and Elevation Plans, No. 373/102
Existing Block Plan, No. 373/75
Existing Site Layout Plan, No. 373/76
Existing Floor and Elevation Plans, No. 373/77
Design and Access Statement
All received on 22 November 2018

Case Officer: Michelle Kwok

APPENDICES



Appeal Decision

Site visit made on 5 January 2005

by Andrew D Kirby RD* MA MSc FRTPH FRS

an Inspector appointed by the First Secretary of State

D.C. & C.S.
POST ROOM T.R.

13 JAN 2005

The Planning Inspectorate
4/09 Kite Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN
☎ 0117 372 6372
e-mail: enquiries@planning-
inspectorate.gsi.gov.uk

Date

11 3 JAN 2005

Appeal A: APP/U2235/C/04/1154605

Land at former pumping station, Dean Street, East Farleigh, Maidstone

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
- The appeal is made by Ms T Wilson against an enforcement notice issued by Maidstone Borough Council.
- The Council's reference is ENF/970.
- The notice was issued on 24 June 2004.
- The breach of planning control as alleged in the notice is the creation of 2 no. window openings in the western front elevation of the building and the erection of fencing on the south and west boundaries of the site adjacent to the highway, as indicated on the notice plan.
- The requirements of the notice are to remove the glazing and frames from the window openings, brick up those openings and return the elevation to its former appearance; to demolish and remove the fencing; and to remove all resultant rubble and material arising from compliance with the above.
- The period for compliance with the requirements is two months.
- The appeal is proceeding on the grounds set out in section 174(2)(a) and (f) of the Town and Country Planning Act 1990 as amended.

Summary of Decision: The appeal is dismissed and the enforcement notice upheld.

Appeal B: APP/U2235/A/04/1162857

Land at former pumping station, Dean Street, East Farleigh, Maidstone

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Ms T Wilson against the decision of Maidstone Borough Council.
- The application Ref MA/04/1384, dated 12 July 2004, was refused by notice dated 25 August 2004.
- The development proposed is the change of use of and alterations to the former pumping station to form one dwelling.

Summary of Decision: The appeal is dismissed.

The s78 appeal

1. The application proposes a pedestrian access to the site and no vehicular access. An appeal was dismissed for use of the building as a holiday cottage on the grounds of an unacceptable vehicular access. The site is so small that no alternative and safe vehicular access can be provided. No safe on-site provision can be made for waiting or calling vehicles. This is one of the council's objections; the other is that the building does not justify conversion to a dwelling and would be detrimental to its rural location.
2. Dean Street is a busy rural road and although the junction with Workhouse Lane is wide parking on the highway in the immediate vicinity of the site carries with it a hazard for those parking and other road users. There is no parking off the carriageway. I agree with the

council that this is not a suitable location for a dwelling without some form of safe parking provision clear of the carriageway. While there is a bus stop at the junction the service is an infrequent one. The roads leading to facilities in Coxheath do not have footways and, as I observed, are not a comfortable pedestrian experience because of narrowness, bends and fast moving traffic. I appreciate that the council's parking standards are maximum ones and that in planning policy terms it is desirable to encourage less car dependence but the situation has to be right and locations need to be sustainable. This is not one of them.

3. I accept that the appellant cycles and does not need off-street parking but that cannot be guaranteed for the future. In any event a dwelling use will attract visitors and deliveries and parking at the junction is hazardous. There is a lay-by in Workhouse Lane but it is no means clear whether that is on private or public land. In any event it is too far distant to be of practical value to visitors to the appeal site who, unless they were very familiar with the location and intending to stay for some time, would not use it. Control by parking regulations is not a good solution since they are likely to be difficult to enforce in such an out of the way location; far better not to create the problem in the first place.
4. I fundamentally disagree with the appellant's claim that the proposal would "upgrade and enhance the character of the building itself and this prominent corner site". Quite the reverse. The appeal building is a very small former Southern Water Authority pumping station typical of many built to serve the infrastructure in rural areas. It had an unassuming, recessive and utilitarian character with small high level windows in the end walls and a central doorway. What is proposed is the retention of the unlawful domestic windows and the construction of a porch as well as a domestic curtilage around the building. All these features would draw attention to the building, not least the porch which, although small in itself, would appear as a relatively large and somewhat incongruous addition to such a small building. As a general principle the appropriate re-use of rural buildings is to be encouraged, and as my colleague commented, can have the benefit of a positive use rather than dereliction. However, that is not to say that any use would be acceptable or preferable to dereliction or the removal of the building. In this case the building is particularly prominent from Dean Street to the south and is seen against a rural background, even though there is housing to the south and east. A change in appearance from a small rural utility building to a dwelling with the inevitable domestic paraphernalia would have a marked and adverse impact in views of this rural area on the edge of Coxheath.
5. The development plan requires all development in rural areas to be well designed and appropriate to its rural surroundings; in particular the re-use of a rural building which is in keeping with its surroundings has to be acceptable on environment, traffic and other planning grounds. The re-use of buildings for housing in the countryside is, in the local plan, restricted to buildings which are worthy of retention for their contribution to the character of the countryside. While PPS7 does not have a specific requirement that buildings to be converted should have intrinsic merit, it does set out criteria that council's should take into account in drawing up their policies for re-use of buildings in rural areas. These include the impact on the countryside; the suitability of different types of buildings, and of different scales, for re-use; and the desirability of preserving buildings which contribute to local character.
6. I conclude that residential use, despite a general need to provide housing, particularly in small units, is wholly inappropriate here for the reasons I have given. It conflicts with the development plan and there are no material considerations to justify planning permission.

The s174 appeal on ground (a)

7. This concerns the retention of the fence and windows. The fence has been removed and the appellant says there is no need to consider it further. The building has no lawful use apart from its last use for which it is no longer required, the statutory undertaker having removed equipment and sold the site. Without a lawful use there is no justification for the insertion of domestic windows in the front façade. Indeed it seems likely that they were inserted to enable the residential use that I have dealt with above. I have described the recessive and unobtrusive character of this small utility building, typical of many found in rural areas. The two windows, which take up a relatively large proportion of the small façade, mark it out as something different and draw attention to it. They have changed its appearance such that it has become more obtrusive in its rural setting. This is unacceptable unless justified by the use of the building and since there is no lawful use, or suggestion of a realistic proposed use that would justify them, it would be inappropriate to grant planning permission because of the harm caused. The "rural cottage style appearance" that the appellant claims the windows beneficially provide is very much at odds with the setting and character of the original building, with or without the planting of ornamental and fruit trees. The appeal fails on ground (a).

The s174 appeal on ground (f)

8. The enforcement notice requirements seek the restoration of the land to its condition before the breach took place, not the lesser requirement of remedying any injury to amenity caused by the breach. In those circumstances it is difficult to understand how the insertion of plain unornamented glazing would achieve that. No lesser steps would undo the harm I have identified. The appeal fails on ground (f).

Conclusions

9. For the reasons given above and having regard to all other matters raised, I conclude that the appeals should not succeed.

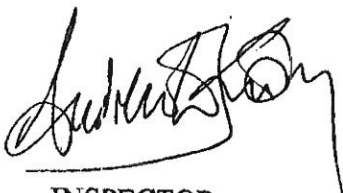
Formal Decisions

Appeal A: APP/U2235/C/04/1154605

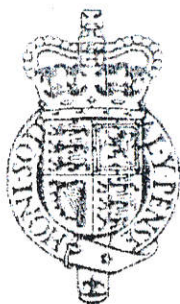
10. I dismiss the appeal and uphold the enforcement notice. I refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Appeal B: APP/U2235/A/04/1162857

11. I dismiss the appeal.



INSPECTOR



Appeal Decision

Site visit made on 19 May 2003

by **Bill Munday** BTP MRTPI MRICS

an Inspector appointed by the First Secretary of State

The Planning Inspectorate
4/09 Kite Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN
☎ 0117 372 6372
e-mail: enquiries@planning-
inspectorate.gsi.gov.uk

Date **18 JUL 2003**

Appeal Ref: APP/U2235/A/03/1109306

Former Southern Water Pumping Station, Dean Street, East Farleigh, Maidstone

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr D Webb against the decision of Maidstone Borough Council.
- The application (ref: MA/02/0898), dated 24 April 2002, was refused by notice dated 30 August 2002.
- The development proposed is conversion and extension of existing pumping station with change of use to holiday cottage.

Summary of Decision: The appeal is dismissed.

Main Issue

1. I consider the main issue to be the implications for the safety of traffic on Dean Street and Workhouse Lane and users of the proposed access.

Planning Policy

2. The development plan for the area includes the Kent Structure Plan 1996 and the Maidstone Borough-Wide Local Plan 2000. The Structure Plan Policies which I consider to be of most relevance are RS1 and RS5. RS1 requires, amongst other things, that development in the open countryside should be acceptable in highway terms. RS5 allows the reuse of existing rural buildings, where the change is acceptable on environmental, traffic and other planning grounds.
3. Local Plan Policy ENV44 also enables the reuse of rural buildings, for purposes including tourism, subject to various criteria; including (pertinent to this appeal) that the traffic generated by the proposed use should be capable of being safely accommodated by the site access and the local road system.

Reasons

4. The site is located at the junction of Dean Street and Workhouse Lane with its access on the Dean Street frontage. There are no footpaths at the junction. At the time of my visit, the site had been largely cleared of vegetation and covered with hardcore. The visibility northwards from the existing site access, along Dean Street, is in my opinion seriously deficient, being limited by the alignment of the road and field boundaries. It is also limited to the east, along Workhouse Lane, although I consider this to be less critical because traffic approaching the junction along Workhouse Lane would, of necessity, be slow moving. Visibility to the south-west along Dean Street is satisfactory.
5. The Council have referred to traffic counts, which indicate that Dean Street is fairly busy,

to traffic speed surveys, and also to accident records which indicate that there have been two recorded injury accidents at this junction. This evidence, combined with my own observations in relation to visibility, reinforces my view that the site access is in a hazardous position.

6. The appeal proposal involves widening the existing access, providing a turning facility within the site, and adjusting the line of the (now removed) hedgerow to improve visibility. However the critical sight line to the north would remain poor, and as the Council point out, does not comply with the standard set out in "Places, Streets and Movement". In my view, therefore, movements of vehicles into and out of the access would be dangerous with a potential for collisions.
7. The appellant makes the point that vehicles accessing the site in connection with its previous use would have needed to make a reversing movement when either entering or leaving it. However, I consider that the proposed use of the site would be likely to generate significantly more vehicle movements than the past use as a pumping station, and overall this would increase the likelihood of hazardous situations arising. Other factors which I consider could create further hazards are the possibility of unfamiliar drivers looking for the site and making unpredictable movements, and occasional visits involving a second vehicle, which might occupy the turning area or result in on-street parking near the junction.
8. I therefore conclude on the main issue that the proposal would result in hazardous conditions for traffic on Dean Street and for users of the proposed access. As such, the proposals would conflict with the policy provisions of the Structure Plan and Local Plan as mentioned above.

Other Considerations

9. I have considered the views of local residents, including concerns about the impact of the proposal on the rural character of the area. Conversely, the appellant considers that if permission were to be granted, this would result in a visual improvement to the site, and remove a cause of anti-social behaviour. I accept that the proposal would have the benefit of bringing a building into a positive use, which might otherwise become derelict. In my assessment, these matters do not carry sufficient weight to outweigh my conclusions in relation to the main issue, or on the other hand, add significant weight to them.

Conclusion

10. For the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Formal Decision

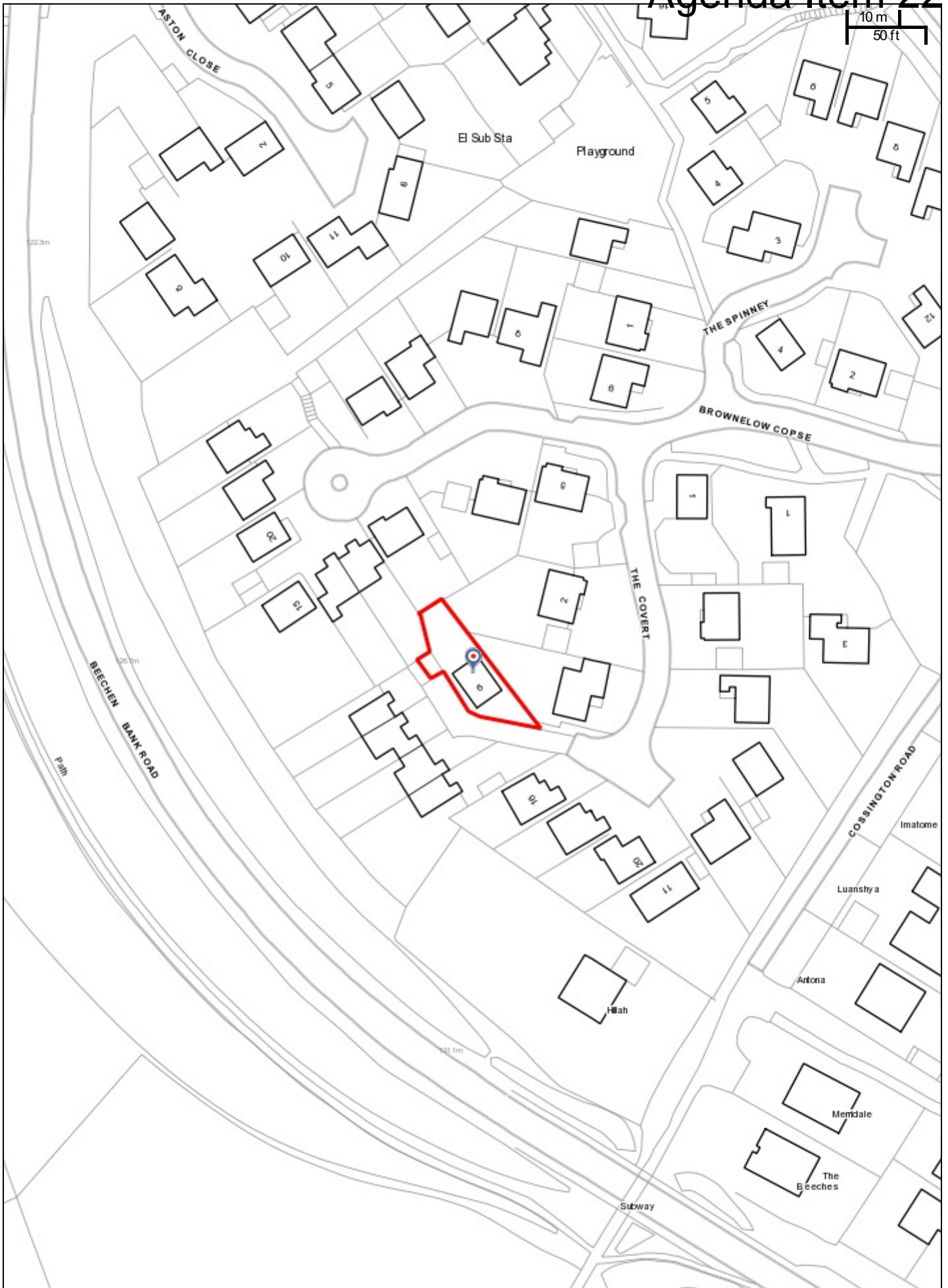
11. In exercise of the powers transferred to me, I dismiss the appeal.

Information

12. A separate note is attached setting out the circumstances in which the validity of this decision may be challenged by making an application to the High Court.



INSPECTOR



18/506178/FULL 6 The Covert

Scale: 1:1000

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REFERENCE NO - 18/506178/FULL		
APPLICATION PROPOSAL Two storey side and front extension combined with a first floor side extension above existing ground floor extension. (Resubmission of 17/506384/FULL and 18/503229/FULL)		
ADDRESS 6 The Covert Boxley Chatham Kent ME5 9JJ		
RECOMMENDATION Approve with conditions		
SUMMARY OF REASONS FOR RECOMMENDATION The proposal has been amended to sufficiently mitigate against the previous reason for refusal and now complies with Development Plan Policy, the aims of the Council's adopted residential extensions guidelines and Central Government Guidance.		
REASON FOR REFERRAL TO COMMITTEE The Parish Council consider that the new application does not address the main point raised by MBC (17/506384) and the Planning Inspectors previous refusal on 18/503229, which is the adverse impact on numbers 2 and 4 The Covert. They consider that properties in Brownlow Copse will also be affected by the bulk and massing of the proposed property along with loss of privacy to neighbouring properties will still occur making the application contrary to policies DM1 and DM9 of the Local Plan		
WARD Boxley	PARISH/TOWN COUNCIL Boxley	APPLICANT Mr Dean Simmons AGENT D.O. Facilities
TARGET DECISION DATE 22/01/19		PUBLICITY EXPIRY DATE 09/01/19

Relevant Planning History

14/500734/FULL

Erection of single storey rear extension to replace existing conservatory

Approved Decision Date: 22.09.2014

17/506384/FULL

Two storey front/side extension combined with first floor side extension above existing ground floor extension and external alterations

Refused Decision Date: 12.02.2018

18/503229/FULL

Two storey side and front extension combined with a first floor side extension above existing ground floor extension. (Resubmission of 17/506384/FULL)

Refused Decision Date: 10.08.2018

This was refused on the following ground:

'The proposed extension, due to its height, bulk, and degree of projection and proximity to the common boundary, would have an unacceptably dominating, massing effect on the boundary with 4 The Covert, harmful to the residential amenities of its occupiers and their enjoyment of their property. To permit the proposal would therefore be contrary to Policies DM1 and DM9 of the Maidstone Borough Local Plan 2017, the Council's adopted residential extensions SPD, and the central government policy contained in The National Planning Policy Framework.'

Appeal History:

18/500102/REF

Two storey side and front extension combined with a first floor side extension above existing ground floor extension. (Resubmission of 17/506384/FULL)

Dismiss Decision Date: 15.11.2018

MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 The application site is a detached dwelling located in a cul-de-sac within the Chatham urban boundary. It has an existing single-storey extension on its north-western side, and the garage, the right-hand one of a pair, is set at right angles to the front of this. There are significant differences in levels between the site and neighbouring properties. The estate is a relatively modern planned estate, with quite a mixed street-scene, and this dwelling does not form any part of a particular pattern. The whole area is covered by TPO No 1 of 1969.

2. PROPOSAL

- 2.01 Planning permission is sought to erect an extension on the north-west side of the dwelling. Part of this would be a first floor extension above the existing single-storey extension, and part would be a two-storey extension which would sit in the current gap adjacent to the dining room and would meet the flank wall of the existing garage.
- 2.02 The proposal is a resubmission of the previous application 18/503229/FULL. Amendments have been made to the refused scheme to address the reasons for refusal by setting the first floor element back by 1m on the boundary with No.2 and 4 The Covert.

3. POLICY AND OTHER CONSIDERATIONS

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

4. LOCAL REPRESENTATIONS

Local Residents:

- 4.01 5 representations received from local residents raising the following (summarised) issues:
- Overlooking and loss of privacy to 11 Brownelow Copse and 2, 8 and 10 The Covert back garden and dwelling.
Overshadowing and loss of light to No. 4 The Covert.
The extension is not in the best interest of people living around this property.
Detrimental impact on natural light of 2 The Covert.
Impact on trees in garden of 2 The Covert.
Proximity and height of the proposal is largely unchanged from refused scheme.
The proposal would have an impact on No10 The Covert in terms of space and light
The proposal is an overdevelopment of the site, which cannot accommodate a house of this size, and will reduce the distance between No. 6 and No.10.
Loss of view from No. 8 The Covert

- 4.02 Councillor Bob Hinder has raised an objection to the proposal on the basis that it is an overdevelopment of the site and would seriously erode the light, view and privacy of No 2 and 4 The Covert.
- 4.03 1 notification of support for the proposal raising the following (summarised) issues:
- The proposal will have no detrimental impact on the neighbourhood and will, in fact, enhance it.
- The extension will not be highly visible from the road and will be hidden by a double garage.
- The amendments have been made following advice. There are no trees, drains or parking issues which would arise from the development.

5. CONSULTATIONS

Parish Council

- 5.01 The Parish Council have objected to the proposal, and stated that if the Planning Officer is minded to recommend approval then it should be reported to the Planning Committee. Members consider that the new application does not address the main point raised by MBC (17/506384) and the Planning Inspectors previous refusal on 18/503229, which is the adverse impact on numbers 2 and 4 The Covert. They consider that properties in Brownlow Copse will also be affected by the bulk and massing of the proposed property.
- 5.02 Loss of privacy to neighbouring properties will still occur making the application contrary to policies DM1 and DM9 of the Local Plan.
- 5.03 The Parish Council consider that Paragraphs 5 and 10 of the Planning Inspectors Appeal decision (15 November 2018) clearly identifies that the previous application 18/503229 would result in harm to the living conditions of the occupiers of number 4 The Covert and members consider that the minor amendments contained in the planning application do not change the situation.

Landscape Officer

- 5.04 On the previous application, the Landscape officer raised no objection subject to a condition requiring compliance with the Arboriculture Method Statement produced by GRS. This report has been resubmitted with the current application and remains of equal relevance.

6. APPRAISAL

Main Issues

- 6.01 The key issues for consideration relate to:
- Previous appeal decision
 - Visual impact
 - Amenity impact
 - Other matters

Appeal decision

- 6.02 As outlined above, the proposal is a resubmission of previous application 18/503229/FULL. An appeal against the refusal of this was dismissed. The Inspector found:

'In my view, a combination of the site configuration and difference in levels, would mean that the development would significantly harm the outlook from both the rear garden of No 4, its ground floor rear facing room which has only one light source, and to a lesser extent, the rear first floor room of that property. Having a broadly west facing aspect at the rear, I also consider it likely that there would be some loss of sunlight to that property at different times of the year. For a combination of these reasons, there would be harm to the living conditions of the occupiers of No 4.'

- 6.03 In terms of other impact upon other nearby properties, the inspector stated:

'had I been minded to allow the appeal, I am satisfied that suitable conditions could have been imposed to safeguard privacy from proposed windows in the rear elevation. I also agree that spacing distances and presence of existing windows between properties on the opposite side of The Covert and also to the rear in respect of properties in Brownelow Copse, are adequate to ensure acceptable relationships in those respects.'

- 6.04 In response to this and advice given post appeal, the current revised scheme has been submitted. It shows a similar proposal to that previously considered, but with the first floor element set back by 1m on the boundary with No.2 and 4 The Covert.
- 6.05 Given the relevance of the appeal decision to the current proposal, it is afforded significant weight in consideration of this proposal.

Visual Impact

- 6.06 Policy DM9 requires the scale, height, form, appearance and siting of proposed extensions to fit unobtrusively with the existing building. This aim is reflected in the Council's adopted residential extensions SPD.
- 6.07 This scheme shows the proposed extension to have a dropped ridge line and lower eaves than the existing dwelling, which is a technique advocated in the Council's adopted residential extensions SPD. It would break down the mass of the resultant building and ensure that the extension would appear subordinate. As previously considered, the proposal would successfully achieve this and although the resultant building would still be quite large, on balance, it would not represent an over-development of the site.
- 6.08 Given the siting of the extension, above an existing ground floor element, and tucked between this and the garage, the proposal would not cause harm to the street-scene in terms of spacing, rhythm or pattern of development, due to the mixed nature and layout of development in the cul-de-sac.
- 6.09 This accords with the conclusion reached by the Inspector previously who found that the proposal had an acceptable visual impact.
- 'The Council raises no objections from a design point of view. In that regard I consider the proposed extensions would be in keeping with the character of the property in terms of its overall size, lower ridge heights, complimentary roof forms and matching materials and I therefore concur with that assessment.'*
- 6.10 . In light of the significant weight attached to the Inspectors conclusions and given the Councils previous assessment , both which considered the visual impact to be acceptable, it would be unreasonable to raise a new objection on this ground. Regardless, the visual impact of the proposal accords with Local plan policy.

Amenity Impact

- 6.11 Objections have been received from neighbouring occupiers regarding the impact of the proposal on 2, 4, 8 and 10 The Covert and 11 Brownelow Close. The current proposal would not have any greater impact than that considered previously, and by the appeal Inspector. It has been amended to reduce the impact on the shared boundary with No.2 and 4 The Covert.
- 6.12 As detailed above, the Inspector previously found that the proposal would not have a detrimental impact on the amenity of neighboring occupiers other than No.4 The Covert. He agreed with the Council's assessment that spacing distances and the presence of existing windows between properties on the opposite side of The Covert and also to the rear in respect of properties in Brownelow Copse, were adequate to ensure acceptable relationships in those respects.
- 6.13 The impact of the proposal has been reduced compared with the previously considered scheme. Along with the weight afforded to the Inspectors decision in this regard and in light of the Councils previous assessment of amenity impact, this element of the proposal continues to be considered to be acceptable
- 6.14 Turning to the impact on No 4 The Covert, in the previous appeal decision, the Inspector concluded that
- 'there would be harm to the living conditions of the occupiers of No 4 The Covert. It would therefore be in conflict with Policies DM1 and DM9 of the Council's Local Plan 2017, in that it would not respect the amenities of the occupiers of No 4 nor safeguard their outlook'*
- 6.15 Number 4 stands on significantly lower ground than the application site. The first floor extension element of the proposal would be visible from this neighboring dwelling as it would extend across a portion of its rear boundary. No additional widows are proposed in the facing elevation and therefore there would be no reduction in the privacy or overlooking impact of No.4.
- 6.16 In response to the previous refusal and the dismissed appeal, the proposal now shows this element as set in from the flank wall of the ground floor extension by 1m. This would reduce the sense of enclosure, and pull back the massing and domination of that element of the proposal to the extent that the outlook from No.4 would be reduced to a minimal degree. Although the extension would still be visible from the rear of No.4, . even taking account of the differences in ground levels, the amendment would mitigate the previously identified harm to an acceptable degree such that refusal could not be justified on this basis.
- 6.17 As required by policies DM4 and DM9, the proposal would not result in any loss of daylight or sunlight to neighboring occupiers, and would not have any overshadowing impact. The proposal passes the sunlight/daylight test.

Other Matters

- 6.18 The nature of the proposal is such that it does not affect the parking provision, and it is considered that sufficient parking provision exists to serve the extended dwelling.
- 6.19 Even though the area is covered by TPO No 1 of 1969, no important trees would be lost, and the Landscape Officer does not raise objection provided that the submitted Arboriculture Method Statement is complied with.

- 6.20 Due to the nature, siting and scale of the proposal there are no significant ecological issues to consider.
- 6.21 Drainage would be dealt with under Building Regulations.
- 6.22 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

Taking all of the above into account, the proposal has been amended to sufficiently mitigate against the previous reason for refusal and now complies with Development Plan Policy, the aims of the Council's adopted residential extensions guidelines and Central Government Guidance. It is therefore recommended that planning permission be granted for the proposal.

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) No additional windows, doors, voids or other openings shall be inserted, placed or formed at any time in any new facing first floor walls hereby permitted.

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

(3) All tree protection and supervision arrangements shall be carried out in accordance with the approved Arboricultural Method Statement 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

(4) The development shall be carried out only in accordance with the following approved plans: 19490a, 19490B and 19490C

Reason: In the interests of clarity

Case Officer: Joanna Russell

APPENDICES

Appeal Decision

Site visit made on 7 November 2018

by Mr Kim Bennett DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 November 2018

Appeal Ref: APP/U2235/D/18/3209878

6 The Covert, Chatham, Kent ME5 9JJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Dean Simmons against the decision of Maidstone Borough Council.
 - The application Ref 18/503229/FULL, dated 14 June 2018, was refused by notice dated 10 August 2018.
 - The development proposed is a two storey side and front extension combined with a first floor side extension above existing ground floor extension.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the living conditions of the occupiers of No 4 The Covert.

Reasons

3. No 6 The Covert comprises a two storey detached house located at the end of the cul-de-sac and forms part of a small development of individually designed dwellings. It has a single storey extension on its northern side and an adjoining detached garage alongside that. To the rear there are residential properties forming part of Brownelow Copse. The topography varies within the immediate area, so that Nos 2 and 4 The Covert are set at a significantly lower level than No 6.
4. Planning permission was refused for an apparently similar proposal in 2017¹ for three reasons, namely; design, loss of privacy to Nos 2 & 4 The Covert and overbearing impact upon No 4 The Covert. The Council considers that the revised proposal overcomes the first two reasons, but not the third in respect of the impact upon No 4.
5. I took the opportunity at my site visit to inspect the site from both within the rear garden of No 4, as well as the ground and first floor rear facing rooms. It is evident that because of the significantly higher site level of No 6, it already has a dominating presence in relation to the outlook from the rear of No 4. That is accentuated by the nature of No 4's rear garden which narrows to a

¹ Application Reference 17/506384/FULL

point as it extends past No 6. Because of that, there is an additional enclosing effect caused by the extended rear wall of No 6, and the presence of large mature trees along the northern boundary with No 2 The Covert. In my view, a combination of the site configuration and difference in levels, would mean that the development would significantly harm the outlook from both the rear garden of No 4, its ground floor rear facing room which has only one light source, and to a lesser extent, the rear first floor room of that property. Having a broadly west facing aspect at the rear, I also consider it likely that there would be some loss of sunlight to that property at different times of the year. For a combination of these reasons, there would be harm to the living conditions of the occupiers of No 4.

6. Whilst I note that there has been some discussion between the appellant and the Council in terms of readjusting the first floor east facing wall of the proposed extension, such options are not before me and I have reached my findings based on the submitted drawings. For the avoidance of doubt these are drawing Nos 19485A, 19485B and 19485C.
7. In terms of other impact upon nearby properties, had I been minded to allow the appeal, I am satisfied that suitable conditions could have been imposed to safeguard privacy from proposed windows in the rear elevation. I also agree that spacing distances and presence of existing windows between properties on the opposite side of The Covert and also to the rear in respect of properties in Brownelow Copse, are adequate to ensure acceptable relationships in those respects.
8. The Council raises no objections from a design point of view. In that regard, I consider the proposed extensions would be in keeping with the character of the property in terms of its overall size, lower ridge heights, complimentary roof forms and matching materials and I therefore concur with that assessment.
9. Finally, although I have been referred to an apparently similar extension at No 15 Brownelow Copse, the specific circumstances of that development are not before me and such cases need to be considered on the basis of individual site circumstances and relationships to adjoining sites.
10. Whilst the proposal would be acceptable in some respects, for the above reasons, there would be harm to the living conditions of the occupiers of No 4 The Covert. It would therefore be in conflict with Policies DM1 and DM9 of the Council's Local Plan 2017, in that it would not respect the amenities of the occupiers of No 4 nor safeguard their outlook.
11. Accordingly, the appeal is dismissed.

Kim Bennett

INSPECTOR

NOTES FOR TECH		
APPLICATION PROPOSAL		Ref No 18/503229/FULL
Two storey side and front extension combined with a first floor side extension above existing ground floor extension. (Resubmission of 17/506384/FULL)		
ADDRESS 6 The Covert Boxley Chatham Kent ME5 9JJ		
RECOMMENDATION - Application Refused		
WARD Boxley	PARISH/TOWN COUNCIL Boxley	APPLICANT Mr Dean Simmons AGENT D.O. Facilities
DECISION DUE DATE 27/08/18		PUBLICITY EXPIRY DATE 08/08/18

OFFICER SITE VISIT 18/07/2018

RELEVANT PLANNING HISTORY

17/506384/FULL – two-storey front/side extension combined with first floor side extension above existing ground floor extension and external alterations – REFUSED

14/500734/FULL – Single-storey extension to replace conservatory – APPROVED

Planning application 17/506384/FULL was refused for three reasons, which can be summarised as:

- the design of the extension, particularly in terms of its bulk and massing and failure to appear subordinate to the host building;
- loss of privacy to the rear gardens of 2 and 4 The Covert, from the proposed bedroom window in the rear elevation;
- overbearing impact, due to the dominating, massing effect of the extension on the boundary with 4 The Covert.

Subsequent to the determination of that application, the applicant sought pre-application advice to discuss how to overcome the above reasons for refusal.

Some of the advice given is reflected in the current application, but that in relation to the third reason for refusal is not.

RELEVANT PLANNING CONSTRAINTS

Within Chatham urban boundary

Area TPO No 1 of 1969

POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Maidstone Borough Local Plan 2017: DM1, DM9

Supplementary Planning Documents: Maidstone Local Development Framework, Residential Extensions Supplementary Planning Document (adopted May 2009)

LOCAL REPRESENTATIONS

	COMMENTS RECEIVED
Boxley Parish Council	Can see no material planning reason to object.
Residential Objections Number received: 5	Representations received from 2, 4, 10 & 12 The Covert and 11 Brownelow Copse raising objection on the following summarised grounds: 1.loss of privacy; 2.loss of light/overshadowing; 3.overbearing; 4.overdevelopment; 5.loss of view; 6.water drainage and run off; 7.impact on trees; 8.impact on wildlife;

	9.topography accentuates impact; 10.lack of parking.
Residential Support Number received: 1	A representation of support was received from 14 The Covert making the following summarised points: 11.extension will enhance the area; 12.no harm to neighbours as hidden behind existing garage and vegetation, so no issues over light or privacy; 13.ample parking exists; 14.lots of houses already overlook each other; 15.the houses have their own individual look and none of the extensions in the area have had negative effect; 16.a recently-built house overlooks this property and the occupant was told this was not something she could object to at the time; 17.no harm to trees or wildlife; 18.no issues with flooding and drains are sufficient.

Loss of view is not a material planning consideration.

I am also in receipt of further comments and photographs from the applicant, submitted in response to the objections received from neighbours.

CONSULTATION RESPONSES

COUNCILLOR WENDY HINDER: Has serious concerns about this application. Considers the proposal would cause over-development of the site and would be detrimental to neighbours and the street scene.

LANDSCAPE OFFICER: No objection subject to a condition requiring compliance with the Arboriculture Method Statement produced by GRS.

DESCRIPTION OF SITE

This application relates to a detached dwelling located in a cul-de-sac within the Chatham urban boundary. It has an existing single-storey extension on its north-western side, and the garage, the right-hand one of a pair, is set at right angles to the front of this. There are significant differences in levels between the site and neighbouring properties. The estate is a relatively modern planned estate, with quite a mixed street-scene, and this dwelling does not form any part of a particular pattern. The whole area is covered by TPO No 1 of 1969.

PROPOSAL AND RELEVANT PLANNING HISTORY

Planning permission is sought to erect an extension on the north-west side of the dwelling. Part of this would be a first floor extension above the existing single-storey extension, and part would be a two-storey extension in front of that, projecting out to meet the flank wall of the existing garage.

The application is a resubmission of a previous application for a part two-storey/part first floor extension in the same location (17/506384/FULL). That application was refused for the following three reasons:

(1)The proposed extension would not appear subordinate to or fit unobtrusively with the existing building, due to its bulk and massing and the length of the main ridge. The resultant dwelling would appear excessively bulky and horizontal and as such the proposal represents poor design, contrary to Policies DM1 and DM9 of the Maidstone Borough Local Plan 2017, the Council's adopted residential extensions SPD, in particular paragraphs 4.37 to 4.42, and the central government policy contained in The National Planning Policy Framework.

(2)The proposed window to bedroom 2 would result in a harmful loss of privacy due to the unacceptable degree of overlooking that it would afford of the rear gardens of 2 and 4 The Covert. To permit the proposal would therefore be contrary to Policies DM1 and DM9 of the Maidstone Borough Local Plan 2017, the Council's adopted residential extensions SPD, and the central government policy contained in The National Planning Policy Framework.

(3)The proposed extension, due to its height, bulk, and degree of projection and proximity to the common boundary, would have an unacceptably dominating, massing effect on the boundary with 4 The Covert, harmful to the residential

amenities of its occupiers and their enjoyment of their property. To permit the proposal would therefore be contrary to Policies DM1 and DM9 of the Maidstone Borough Local Plan 2017, the Council's adopted residential extensions SPD, and the central government policy contained in The National Planning Policy Framework.

The applicant has since received pre-application advice on how to overcome the above reasons for refusal. Some of the advice given is reflected in the current application, but that in relation to the third reason for refusal is not.

APPRAISAL

The most relevant Local Plan Policy is DM9, which deals with extensions and additions to residential properties within the built-up area. The proposal is assessed against its criteria as follows: -

Impact on the Existing Dwelling and Street-scene

Criterion i. of Policy DM9 requires the scale, height, form, appearance and siting of proposed extensions to fit unobtrusively with the existing building, and this aim is reflected in paragraphs 4.37 to 4.42 of the Council's adopted residential extensions SPD. Paragraph 4.39 states that "*An extension should not dominate the original building... and should be subservient to the original dwelling*" and paragraph 4.42 that "*The form of an extension should be well proportioned and present a satisfactory composition with the existing property. The respective forms of the existing property and extension should be in harmony; their combination not discordant.*"

This amended scheme shows the proposed extension to have a dropped ridge line and lower eaves than the existing dwelling, which is a technique advocated by the Council's adopted residential extensions SPD to break down the mass of the resultant building and ensure that the extension would appear subordinate. I consider that the current proposal would successfully achieve that. As such, I consider that the first reason for refusal, relating to the design of the extension in terms of its bulk and massing, has been overcome.

Although the resultant building would still be quite large, on balance, I do not consider the proposal represents over-development.

I do not consider that harm would be caused to the street-scene in terms of spacing, rhythm or pattern of development, due to the mixed nature and layout of development in this cul-de-sac.

Impact on Boundary Treatment

There would not be any impact on traditional boundary treatments.

Impact on the Neighbours – 2 & 4 The Covert

These dwellings stand on significantly lower ground to the north-east (no 2) and east (No 4) of the proposed extension. Currently, the only opening on the wall of the application building facing these properties is a window serving the staircase, a transient area, not a habitable room.

The proposal would see a new window to a study inserted into the existing facing wall of the dwelling. However, the plans show that this would be fitted with frosted glass to obscure views out of it, and would be incapable of being opened other than a high-level fanlight. This arrangement would allow light to enter the study without affording views over the neighbouring gardens, and can be secured by a planning condition. The plans also show a proposed, openable roof light on the roof slope facing these properties, which would provide further light and ventilation to the study. This is not indicated as being obscure-glazed, however given its height above inside floor level, the angle of the roof slope and the difference in levels between the application site and the neighbouring gardens, it would not result in them being overlooked, but would only afford views of the sky. On considering these points, it is my view that the second reason for refusal, relating to the loss of privacy to the rear gardens of 2 and 4 The Covert has been overcome, subject to the imposition of an appropriate condition securing the obscure-glazed and fixed-shut nature of the window to the study.

Although the window and roof light would be visible to users of the gardens of 2 and 4 The Covert, which could create an impression of being overlooked, now that the actual overlooking from the window has been eliminated, I do not consider this in itself to justify refusal of planning permission.

The significant difference in levels means that the ground protection is roughly on a level with the first floor of 4 The Covert, and consequently due to its proximity to the rear boundary, the applicant's house already towers above the garden of that property and dominates the view from the lounge and to a lesser extent the bedroom above it. However, some relief is given by the single-storey nature of the extension at the north-western end, which enable some sky to be seen above it and lessens the enclosed feel of that garden. The proposal would infill that space above the existing extension, taking the built development up to two-storey height in the same close proximity to the boundary and extending it a further 4 m along the boundary with 4 The Covert. To my mind, this would have an unacceptably dominating, massing effect on the boundary of 4 The Covert, to the detriment of the occupiers' enjoyment of their property. I note that the lowered eaves and ridge and the proposed boarding would break up the extended rear elevation and so represent some improvement on the previously refused scheme in that respect, but in view of the degree of projection of the extension from the side elevation of the original building, and the difference in levels between the application site and the neighbouring garden, I do not consider that it would be sufficient to mitigate the harm to a satisfactory degree. In my view, the amended proposal would still have an unacceptably dominating, massing effect on the boundary of 4 The Covert, to the detriment of the residential amenities of its occupiers and their enjoyment of their property, and as such, the third reason for refusal has not been overcome.

The degree of separation would be sufficient to prevent a significant loss of light to these properties.

Impact on the Neighbours – 8, 10 & 12 The Covert

These dwellings face the application building across the cul-de-sac and stand on higher ground (approx. 1 - 1.5 m). In view of the separation distance being in excess of 10 m and the difference in levels, I do not consider that the proposal would cause a significant loss of light or degree of overshadowing to these properties. For the same reasons, I do not consider that it would be overbearing for their occupants.

Concern has been raised in representations regarding loss of privacy. Although the degree of separation from 8 The Covert would be less than 21 m, in view of the difference in levels and the fact that the application building already has a bedroom window facing this property in a broadly similar position to the proposed window to bedroom 1, (which would be replaced with a bathroom window - which can be conditioned to be obscure-glazed - as a result of this

proposal, so there would not be an increase in the number of windows facing), on balance I do not consider that the impact on privacy would be sufficiently more detrimental to justify a refusal of planning permission that could be sustained at appeal.

Similarly, since the degree of separation and the angle involved would be greater in relation to 10 and 12 The Covert, I do not consider that a refusal on the grounds of privacy for occupiers of these properties could be sustained at appeal either.

Impact on the Neighbours – 9 Brownelow Copse

This property lies to the north-west of the site, and the wall to wall distance between its rear elevation and the flank of the proposed extension would be approximately 23 m. As such, I do not consider that the development would have any significant impact on light for the occupiers of that property, and in view of the distance of the extension from the common boundary, neither do I consider that it would have a significantly detrimental impact on outlook.

In terms of privacy, the application building already has a bedroom window facing this property, and although the development proposes a window set closer to it, at approximately 23 m, the distance between the facing windows would be sufficient to prevent a significantly detrimental impact. Although the rear garden of 9 Brownelow Copse is set closer to the boundary than the dwelling, I saw from my site visit that this can already be overlooked from the existing bedroom window, so I do not consider that the proposal would have a significantly more detrimental impact to such a degree as to justify a refusal of planning permission on this basis.

Impact on the Neighbours – 11 Brownelow Copse

This dwelling is positioned slightly closer to the application building than 9 Brownelow Copse, albeit at a slight angle. The position of the existing bedroom window and the resulting angle of view are sufficient to prevent a significant degree of overlooking. The angle of view from the proposed window to bedroom 2 would be similar to that, so I do not consider that the impact would be significantly different.

The separation distance between the proposed extension and 11 Browne Low Copse would be sufficient to prevent a harmful loss of light or outlook for its occupants.

Impact on Parking

The nature of the proposal is such that it does not affect the parking provision, and it is considered that sufficient parking provision exists to serve the extended dwelling, had the proposal been acceptable in all other respects.

Other Matters

Even though the area is covered by TPO No 1 of 1969, no important trees would be lost, and the Landscape Officer does not raise objection provided that the submitted Arboriculture Method Statement is complied with.

Due to the nature, siting and scale of the proposal there are no significant ecological issues to consider.

Drainage would be dealt with under Building Regulations.

CONCLUSION

Taking all of the above into account, I conclude that the proposal does not comply with Development Plan Policy, the aims of the Council's adopted residential extensions guidelines and Central Government Guidance, and that there are no overriding material considerations to justify approval that outweigh the harm identified above. I therefore recommend refusal for the reason set out below.

RECOMMENDATION – Application Refused subject to the following conditions/reasons:

(1) The proposed extension, due to its height, bulk, and degree of projection and proximity to the common boundary, would have an unacceptably dominating, massing effect on the boundary with 4 The Covert, harmful to the residential amenities of its occupiers and their enjoyment of their property. To permit the proposal would therefore be contrary to Policies DM1 and DM9 of the Maidstone Borough Local Plan 2017, the Council's adopted residential extensions SPD, and the central government policy contained in The National Planning Policy Framework.


The Council's approach to this application

Note to Applicant

In accordance with paragraph 38 of the National Planning Policy Framework (NPPF), July 2018 the Council takes a positive and proactive approach to development proposals focused on solutions. We work with applicants/agents in a positive and creative way by offering a pre-application advice service, where possible, suggesting solutions to secure a successful outcome and as appropriate, updating applicants / agents of any issues that may arise in the processing of their application.

In this instance:

The application was not considered to comply with the provisions of the Development Plan and NPPF as submitted, and would have required substantial changes such that a new application would be required.

Delegated Authority to Sign:	Date:
 PRINT NAME: J Russell	9.8.18



REFERENCE NO - 18/506206/FULL			
APPLICATION PROPOSAL Removal of existing outbuilding and erection of a single storey pitched roof outbuilding for use ancillary to the domestic occupation of the site.			
ADDRESS Golden Oaks, Pye Corner, Ulcombe, Kent, ME17 1ED			
RECOMMENDATION APPROVAL			
SUMMARY OF REASONS FOR RECOMMENDATION The proposal is considered to comply with the policies of the adopted Maidstone Borough Local Plan (2017) and the provisions of the NPPF and there would appear to be no material planning considerations that would justify a recommendation of refusal.			
REASON FOR REFERRAL TO COMMITTEE The recommendation is contrary to the views expressed by Ulcombe Parish Council who wish to see the application refused.			
WARD Headcorn	PARISH/TOWN Ulcombe	COUNCIL	APPLICANT Mr & Mrs Gilham AGENT DHA Planning
TARGET DECISION DATE 04.02.2019		PUBLICITY EXPIRY DATE 18.01.2019	

Relevant Planning History

18/500379/SUB - Submission of details pursuant to Condition 7 (Landscaping scheme), Condition 9 (Details of boundary treatment) and Condition 10 (Details of hard landscaping) for planning permission 17/501477/FULL – Approved 07.02.2018

17/501477/FULL - Use of land for the siting of 1no. mobile home, parking for 1no. touring caravan and erection of an amenity building for a member of the travelling community – Approved 29.12.2017

Enforcement History:

None.

Appeal History:

N/A.

MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 The application site comprises an irregular shaped plot of land located to the northern side of Eastwood Road. The site is well screened from the highway by established landscaping. There is a gated vehicular access into Golden Oaks at the western end of the site. The site currently includes a timber shed adjacent to the western boundary; a mobile home together with an associated amenity building.
- 1.02 The site is located within the open countryside. Adjacent to the western boundary is a pair of semi-detached residential dwellings. On the opposite side of the road is a horse riding/livery complex. A public footpath runs across the northern boundary of the site.

2. PROPOSAL

- 2.01 This submission proposes to remove the existing timber outbuilding along the western boundary of the site and to replace it with a single storey, pitched roof, outbuilding adjacent to the southern boundary of the site with Eastwood Road, approximately 20m to the south of the existing mobile home. The existing timber building was in situ prior to the present occupation of the site and was identified in the application for the siting of the mobile home as providing storage for maintenance equipment and animal feed. The building measures 4.42m in depth; 5.040m in width; and has a monopitch roof with a maximum height of 2.45m.
- 2.02 The proposed building is detailed as being 16.5m in width; 6m in depth; 2.5m in height to eaves; and 4.05m to the ridge. A section of the building measuring 7m in width will provide a domestic storage area/workshop to replace the building being demolished. The remainder of the proposed building will be used as stables, a tack room and a feed store with a walkway. The exterior of the building will be timber clad and the roof will be finished with stable roof sheets.

3. POLICY AND OTHER CONSIDERATIONS

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Maidstone Borough Local Plan 2017: SP17; DM1; DM15; DM32; DM41.
Supplementary Planning Documents: N/A

4. LOCAL REPRESENTATIONS

Local Residents:

- 4.01 No representations received from local residents.

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)

Ulcombe Parish Council

- 5.01 Ulcombe Parish Council wishes to see this application refused for the following reasons:

1) it is an overdevelopment of the 0.75 hectare site of which nearly 50% is occupied by 2 caravans and hardstanding

2) we consider the glazed doors and windows are inappropriate because they look domestic.

Maidstone Local Plan policy DM41 says that new stables and associated buildings "are not of a degree of permanence that could be adapted for other use in the future".

3) We consider this 16.5m building to be too big for the site and will be a loss of amenity (MBC Local Plan 2017 policy DM1, particularly sections ii and iv). In the previous application 17/501477, MBC said that no more than 2 caravans shall be stationed on the site "to safeguard the amenity character and appearance of the area"

4) the proposed workshop and feed store also contradicts MBC's decision (17/501477) "No commercial activities shall take place on the land, including the outdoor storage of materials.

5) the planning application is misleading on 2 points:

a) para 10 - contrary to the declaration " No", there is a magnificent 70 year old mature oak tree adjacent to the proposed workshop/stable block, and close to Eastwood road . It is important "as part of the local landscape character". The proposed building will affect the root system of this tree a few feet away and "should influence the development". The tree needs protecting.

b) para 22 - the site is indeed visible from the country lane (Eastwood Road) and from PROW KH321 which runs along the northern boundary of this site, and which is also Ulcombe's historic burial path leading to its Grade 1 church on the Greensand Ridge LLV.

6) We are concerned about the noise, activity and light pollution that could result from this workshop/stable block. It will affect the immediate 5 neighbours' amenity, in a tranquil area and which is also dark landscape. (NPPF 2018 para 180, MBC Local Plan 2017 policies DM 1, 3 and 30)

Ulcombe Parish Council wishes this application referred to the Planning Committee should the planning department not agree with us.

KCC Public Rights of Way Officer

- 5.02 Public Rights of Way KH321 footpath runs inside the north eastern boundary of the site and should not affect the application.

6. APPRAISAL

Main Issues

- 6.01 The key issues for consideration relate to:

- The principle of the development in the countryside;
- The design and visual impact of the proposal;
- Neighbouring amenities;
- The impact upon the mature oak tree.

Principle of the Proposal

- 6.02 Policy DM15 of the adopted Maidstone Borough Local Plan (2017) refers to proposals for gypsy, traveller and travelling showpeople accommodation but does not specifically relate to applications for associated outbuildings. Accordingly, as a site with planning permission for the existing use, it would be appropriate to consider the proposal against those policies within the Local Plan that deal with rural developments in general.
- 6.03 Policy SP17 specifies that development proposals in the countryside will (amongst other things) not be permitted unless they accord with other policies in the plan and will not result in harm to the character and appearance of the area. Accordingly, Policy DM32 is supportive of extensions to dwellings (including outbuildings) in the countryside provided that they are subservient in scale, location and design to the host dwelling and cumulatively with the host dwelling

remain visually acceptable in the countryside. Furthermore, Policy DM41 is also supportive of equestrian development in the countryside.

- 6.04 The previous approval for the use of the site for the stationing of a mobile home accepted the retention of the existing timber building for the storage of land maintenance equipment. The current building is noted to be too small to accommodate the equipment required to maintain the overall site which covers an area of 7,500 sq.m. The present building is also too small to provide space for maintaining the required equipment. The applicant also keeps two ponies/horses which require stabling. These are kept on a domestic basis only.
- 6.05 Accordingly, the principle of the proposed building would accord with the relevant policies for acceptable development in the countryside in that the building is identified as being required in connection with the domestic use of the site which is an accepted form of rural development by virtue of policies DM32 and DM41. The applicant's agent has confirmed in a letter dated 23.01.2019 that there is no commercial aspect to this scheme. The specific details of the design and visual impact will be considered below.

Design and Visual Impact

- 6.06 The proposed building will measure 16.5m x 6m with a maximum height of 4.05m. The demolition of the existing store, albeit a smaller building, will see the consolidation of the requirements for outbuildings on the site in one location, closer to the approved mobile home and amenity building. This grouping of development within the site will give the impression of a courtyard arrangement which is characteristic of many rural sites.
- 6.07 The design and appearance of the building with its timber cladding and stable roof sheets will identify its status as an ancillary building that incorporates stables. The Parish Council have raised concern over the incorporation of windows and a part glazed door for the store/workshop area as well as the extent of development within the site, particularly in the context of Local Plan Policy DM1 (ii) which relates to scale and site coverage. There are two windows and a part glazed door at one end of the building only and these face into the site. The applicant's agent has noted that the purpose of the glazed element is to allow natural light into this area when equipment is being maintained. There are no openings on the rear (Eastwood Road) elevation or the eastern elevation. Furthermore, the boundary with Eastwood Road is defined by soft landscaping and this is maintained as part of the landscaping condition attached to the 2017 permission for the use of the site for the stationing of a mobile home.
- 6.08 In terms of site coverage, the entire site area is 0.75ha. In taking into account the total amount of development on the site, this would not exceed 3% of the total area. The concentration of development to one area of the site will also positively protect the openness of the countryside.
- 6.09 The height of the building at 4.05m in combination with the external materials and landscaping along the boundary will see that the building is not excessively prominent in the views from Eastwood Road or indeed from the public footpath to the north. This type of outbuilding is not uncharacteristic of a rural setting and therefore it will not appear incongruous. In determining this issue, I have considered that there is a development of stables (Kent Liveries) directly opposite.
- 6.10 In conclusion on this point, there would not appear to be substantive reasons to consider a decision of refusal based on the design and visual impact of this proposal.

Neighbouring Amenities

- 6.11 The Parish Council have raised concerns that the proposal will result in noise, activity and light pollution that will impact upon the amenities of the immediate 5 neighbours to the site. The closest neighbouring properties are Rose Cottage to the west and Vale Beck to the south west as well as the stables to the south. The closest dwellings are approximately 50m away. This proposal will also see the removal of the existing storage building which is positioned much closer to the neighbouring property at Rose Cottage. The plans and application form do not indicate that there is an intention to install outside lighting and indeed, the original planning permission for this site includes a restrictive condition in this regard. This condition should also be included on this recommendation. The site will also be ancillary to the current domestic use and will not therefore generate any discernible increase in activity.
- 6.12 In view of these circumstances, it would appear that there are no material reasons to consider a refusal based upon neighbouring amenities, subject to the imposition of appropriate conditions regarding the domestic use of the building and control over external lighting.

Landscaping and Protection of Trees

- 6.13 The objection from the Parish Council raises the issue of the mature oak tree within the site that is located near to the proposed development. This is noted to be an important part of the local landscape and it is asserted that the development will affect the root system of the tree. The tree is said to need protection.
- 6.14 The applicant's agent has responded to this concern with the statement that the proposed building has been sited to take account of the proximity of the oak tree. Furthermore, it is noted that the nature of the building is such that it will not require significant foundations. The building will not exceed the maximum allowable incursion into the trees root area and can be constructed without harm to the tree, in accordance with BS5837.
- 6.15 This established oak tree is denoted on the landscape scheme for the original planning consent for this site. Arguably, it is an important feature in the character of this part of Eastwood Road. There is no evidence put forward to dispute the agent's assertion that the root protection area of the Oak tree has directed the location of the proposed building. I would however recommend that suitably worded conditions are added to the decision to ensure that the tree is appropriately protected during the construction phase of the development.

Suitability for the Stabling of Horses

- 6.16 Policy DM41 sets out the criteria for assessing proposals for the stabling of horses. A number of the requirements relate to design, siting and landscaping, which have been considered above. The remaining issues from this policy relate to the provision of a suitably designed area for the reception of soiled bedding materials as well as provision for foul and surface water drainage together with the provisions relating to the safety and comfort of the horses.
- 6.17 As the stables will be located adjacent to their owners and the total land area is 0.75ha, it can be considered that the safety and comfort of the horses is adequate. I do however note that the plans do not indicate a suitable area for soiled bedding materials and details of any foul drainage are included. Accordingly, I recommend the imposition of a suitable condition to require this information before the building is first used.

Other Matters

- 6.18 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 In balancing the issues of this case, it is my assessment that the nature of this proposal can reasonably be considered to fall within the limits of acceptable development within the countryside, as directed by policies SP17; DM32; and DM41 of the adopted Local Plan. I am satisfied that the openness and character of this countryside location will be maintained and that suitable conditions relating to the protection of the mature Oak tree on the site will ensure its long term health. The amenities of the nearby residents are unlikely to be compromised by this proposal but to ensure this position, I would recommend that suitable conditions are attached relating to the domestic use of the building only and external lighting. In terms of the intended use for the stabling of horses, the proposal would appear to be sufficient in this regard, subject to the inclusion of conditions requiring details of the management of waste and any foul drainage.
- 7.02 In view of the above assessment, I recommend that this application is approved.

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: 0001 Revision C; 0002 Revision C; 0003 Revision C; Supporting Statement Dated 29.11.2018; Supporting Letter Dated 23.1.2019.

Reason: To clarify which plans have been approved.
- 3) The materials to be used in the development hereby approved shall be as indicated on the application submission unless otherwise approved in writing by the Local Planning Authority.

Reason: To ensure a satisfactory appearance to the development.
- 4) The building hereby approved shall be used for domestic purposes only and not in connection with, any livery, business or commercial use;

Reason: To prevent the introduction of an inappropriate commercial use onto the site.

- 5) 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.

- 6) Prior to commencement of the use of the stables hereby approved, details of the storage and disposal of associated waste and foul water drainage shall be submitted to and approved in writing by the Local Planning Authority and shall be implemented in accordance with the approved details thereafter.

Reason: To ensure the appropriate management of waste in the interests of the local environment.

- 7) All adjacent trees must be protected from damage during the construction phase of the development hereby approved in accordance with the current edition of BS5837.

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

Informative:

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.

Case Officer: Georgina Quinn

THE MAIDSTONE BOROUGH COUNCIL **PLANNING COMMITTEE – 21st February 2019**

APPEAL DECISIONS:

1. 18/503033/FULL

Erection of a detached bungalow.

APPEAL: Dismissed

77 Poplar Grove
Maidstone
Kent
ME16 0AN

(Delegated)

2. 18/500553/FULL

Demolition of existing dilapidated stable block and adjacent pre-fabricated garage. Change of use and creation of new single-storey link-detached block containing 3no holiday let chalets.

APPEAL: Dismissed

Avon Bank
Holm Mill Lane
Harrietsham
Maidstone
Kent
ME17 1LA

(Delegated)

3. 18/500220/ADV

Advertisement consent for to display 1no. Hoarding board.

APPEAL: Dismissed

Land At The Oast House
Barty Farm
Roundwell
Bearsted
Maidstone
Kent
ME14 4HN

(Delegated)

4. **18/503363/FULL** Demolition of conservatory and erection of a single storey rear extension together with hip to gable roof on main dwelling to provide additional loft accommodation and the addition of 7 roof lights.

APPEAL: Dismissed

Raglands
Dickley Lane
Lenham
ME17 2DD

(Delegated)

5. 17/500629/CHANGE

Breach of planning control as alleged in the notice

APPEAL: Enforcement notice is found to be invalid and is quashed.

Broken Tree
Forstal Lane
Coxheath
Kent
ME17 4QF

(Enforcement)

6. 18/502320/FULL

Erection of 3 detached houses with associated garages on vacant land to the east of The Groves Care Home, with a new entrance and drive off of Bower Mount Road.

APPEAL: Allowed and planning permission granted subject to conditions

Land East To The Grove Residential Home
6 Bower Mount Road
Maidstone
Kent
ME16 8AU

(Delegated)
