

PLANNING COMMITTEE MEETING

Date: Thursday 27 June 2019
Time: 6.00 pm
Venue: Town Hall, High Street, Maidstone

Membership:

Councillors Adkinson, Bartlett, English (Chairman), Eves, 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 Items withdrawn from the Agenda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 - 4 July 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 30 May 2019 1 - 7
11. Presentation of Petitions (if any)
12. Deferred Items 8 - 9
13. Planning Committee Member and Substitute Member Training 10 - 28

Issued on Wednesday 19 June 2019

Continued Over/:

Alison Broom

Alison Broom, Chief Executive

14.	19/500705/FULL Hen And Duckhurst Farm, Marden Road, Staplehurst	29 - 36
15.	18/506223/FULL Parkwood House, West Street, Harrietsham, Maidstone, Kent ME17 1JZ	37 - 64
16.	19/501221/FULL Land To The South Of Cross Keys, Bearsted, Kent	65 - 94
17.	19/501025/FULL 22 Goldstone Walk, Boxley, Chatham, Kent ME5 9QB	95 - 106
18.	19/500341/SUB Gatland House, Gatland Lane, Maidstone, Kent, ME16 8PF	107 - 115
19.	Appeal Decisions	116 - 117

PLEASE NOTE

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

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

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

PUBLIC SPEAKING AND ALTERNATIVE FORMATS

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

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

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MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON 30 MAY 2019

Present: Councillor English (Chairman) and
Councillors Adkinson, Brice, M Burton, Eves,
Harwood, Kimmance, Munford, Parfitt-Reid, Round,
Spooner, Vizzard and Wilby

Also Present: Councillors Brindle, D Burton, J Sams and T Sams

6. APOLOGIES FOR ABSENCE

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

7. NOTIFICATION OF SUBSTITUTE MEMBERS

The following Substitute Members were noted:

Councillor Brice for Councillor Bartlett
Councillor M Burton for Councillor Perry

8. NOTIFICATION OF VISITING MEMBERS

Councillor Brindle indicated her wish to speak on the report of the Head of Planning and Development relating to application 18/505455/REM (Land East of Gleamingwood Drive, Lordswood, Kent).

Councillor D Burton indicated his wish to speak on the report of the Head of Planning and Development relating to application 19/500271/FULL (Oakhurst, Stilebridge Lane, Marden, Tonbridge, Kent).

Councillors J and T Sams indicated their wish to speak on the report of the Head of Planning and Development relating to application 18/506657/FULL (Land West of Loder Close and Westwood Close, Ham Lane, Lenham, Kent).

9. ITEMS WITHDRAWN FROM THE AGENDA

There were none.

10. URGENT ITEMS

The Chairman said that, in his opinion, the update reports of the Head of Planning and Development and the updates to be included in the Officer presentations should be taken as urgent items because they contained

further information relating to the applications to be considered at the meeting.

11. DISCLOSURES BY MEMBERS AND OFFICERS

Councillor Harwood said that, with regard to the report of the Head of Planning and Development relating to application 18/505455/REM, he was a Member of Boxley Parish Council, but he had not participated in the Parish Council's discussions on the application, and intended to speak and vote when it was considered.

12. EXEMPT ITEMS

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

13. MINUTES OF THE MEETING HELD ON 25 APRIL 2019 ADJOURNED TO 29 APRIL 2019

RESOLVED: That the Minutes of the meeting held on 25 April 2019 adjourned to 29 April 2019 be approved as a correct record and signed.

14. MINUTES OF THE MEETING HELD ON 21 MAY 2019

RESOLVED: That the Minutes of the meeting held on 21 May 2019 be approved as a correct record and signed.

15. APPOINTMENT OF POLITICAL GROUP SPOKESPERSONS

RESOLVED: That the following Members be appointed as Spokespersons for their respective Political Groups for the Municipal Year 2019/20:

Councillor Adkinson	Labour
Councillor Harwood	Liberal Democrat
Councillor Munford	Independent
Councillor Spooner	Conservative

16. PRESENTATION OF PETITIONS

There were no petitions.

17. DEFERRED ITEMS

18/505541/FULL - ERECTION OF A CHALET STYLE RESIDENTIAL PROPERTY WITH DETACHED GARAGE AND LANDSCAPING - LAND OPPOSITE ST ANNS, CHAPEL LANE, THURNHAM, KENT

AND

18/506223/FULL - INSTALLATION OF SEWERAGE PACKAGE TREATMENT PLANT AND ASSOCIATED DRAINAGE FIELD, PIPEWORK AND EQUIPMENT - PARKWOOD HOUSE, WEST STREET, HARRIETSHAM, MAIDSTONE, KENT

The Major Projects Manager said that he had checked with the Case Officers and no responses had been received from either applicant on the grounds of deferral. Both applicants were being given time limits in which to respond, and, if they failed to do so, the Officers would report back with recommendations that reflected Members' comments when the applications were deferred.

18. 18/506657/FULL - RESIDENTIAL DEVELOPMENT OF 53 NO. TWO, THREE AND FOUR BEDROOM TRADITIONAL TWO STOREY HOUSES AND APARTMENTS INCLUSIVE OF 40% AFFORDABLE HOUSING INCLUDING PROVISION OF FOUL PUMPING STATION, OPEN SPACE WITH ECOLOGICAL POND, PLAY AREA AND LANDSCAPING WITH VEHICULAR/PEDESTRIAN ACCESS VIA LODER CLOSE OFF HAM LANE, LENHAM - LAND WEST OF LODER CLOSE AND WESTWOOD CLOSE, HAM LANE, LENHAM, 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 Jerrett, an objector, Mr Street, for the applicant, Councillor Walmsley of Lenham Parish Council and Councillors T and J Sams (Visiting Members) addressed the meeting.

The Chairman read out a letter from Mrs Shellina Prendergast, County Council Member for Maidstone Rural East, asking the Committee to consider how a S106 agreement could be entered into to secure funding for Lenham primary school provision if it was minded to grant permission.

During the discussion on the application, the Major Projects Manager advised the Committee that proposed condition 10 which required the submission of a Landscape and Ecological Management Plan should be modified to request measures to ensure that the open spaces including the play area are protected in perpetuity.

RESOLVED: That subject to:

- (a) The prior completion of a S106 legal agreement in such terms as the Head of Legal Partnership may advise to provide for the Heads of Terms set out in the report; and
- (b) The conditions and informative set out in the report as amended by the Major Projects Manager at the meeting,

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

Voting: 10 – For 0 – Against 3 – Abstentions

19. 18/505455/REM - APPROVAL OF RESERVED MATTERS FOR ACCESS, APPEARANCE, LANDSCAPING, LAYOUT, AND SCALE, PURSUANT OF 15/503359/OUT - OUTLINE APPLICATION WITH ALL MATTERS RESERVED FOR RESIDENTIAL DEVELOPMENT (APPROX 89 DWELLINGS) PLUS OPEN SPACE, BIOMASS PLANT AND ACCESS ROAD (PLUS EMERGENCY ACCESS) - LAND EAST OF GLEAMINGWOOD DRIVE, LORDSWOOD, 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.

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

- Since the publication of the urgent update report earlier in the week, the agent for the applicant had been in contact with some queries about the landscaping. It was agreed in principle that the non-native tree species would be replaced with more native species and it was recommended that the Officers be given delegated powers to have further discussions with the agent as to whether or not there could be some amendments to the species to make sure that they are as natural and as native as possible.
- Similarly, it was very important in terms of the buffer to the Ancient Woodland to create good separation and minimise its use for recreation purposes. The Officers should be given the opportunity to go back to the agent for the applicant to secure a commitment that when the biodiversity plan and the woodland management plan are submitted the actual buffer is an effective buffer and minimises activity and pedestrian and cycle use within that area so it does protect the Ancient Woodland as far as it can.
- The recommendation was to grant permission with the caveat that the Officers wish to discuss with the agent for the applicant in detail about the landscape species and how the buffer can be most effective in terms of protecting the Ancient Woodland.

Councillor Brindle addressed the meeting as a Boxley Ward Member and as a representative of Boxley Parish Council.

Mr Warner addressed the meeting on behalf of the applicant.

During the discussion, the Major Projects Manager confirmed that the reserved matters application was for a total of 89 units.

RESOLVED:

1. That subject to further discussions with the applicant to (i) ensure that the non-native tree planting is replaced by native local provenance planting and (ii) ensure that the 15m Ancient Woodland buffer zone is appropriate and that there are no pathways within the

buffer, the Head of Planning and Development be given delegated powers to approve the reserved matters subject to the condition and informatives set out in the report, as amended by the urgent update report, with

- (a) An additional informative advising the applicant to consider making an application to vary the legal agreement requiring the provision of a biomass boiler and to come forward with an alternative more appropriate form of renewable energy generation such as solar PV panels; and
 - (b) An additional informative advising the applicant that the details of the emergency access to be submitted pursuant to condition 16 of the outline planning permission should comprise a scheme that deters any access other than genuine emergency access and that a gated design would be a more appropriate solution.
2. That the Head of Planning and Development be given delegated powers to finalise the wording of any additional conditions as a consequence of the discussions outlined in the first resolution and of the additional informatives.

Voting: 11 – For 1 – Against 1 – Abstention

20. 19/500271/FULL - CHANGE OF USE OF LAND FOR THE STATIONING OF 20 HOLIDAY CARAVANS WITH ASSOCIATED WORKS INCLUDING LAYING OF HARDSTANDING AND BIN STORE - OAKHURST, STILEBRIDGE LANE, MARDEN, TONBRIDGE, KENT

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

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

In presenting the report, the Major Projects Manager advised the Committee that, in addition to the amendments proposed in the urgent update report, he needed to add a drawing that was missed off the approved drawing list and a condition to the effect that notwithstanding the illustrative layout, no caravans will be sited in the approved areas of soft landscaping.

Ms Whittaker, an objector, Councillor Mannington of Marden Parish Council, Mr Nicholls, for the applicant, and Councillor D Burton (Visiting Member) addressed the meeting.

RESOLVED: That consideration of this application be deferred to:

Seek further information to assess the visual impact, the potential level of harm, the details of the mitigation and the benefits arising, this to include:

- Details of the actual layout of the site including hard and soft landscaping and any associated facilities and lighting;
- Details of the scale and design parameters;
- Further detail in terms of demonstrating both local and longer distance views and how these can be mitigated;
- More details in terms of landscaping, including a net gain for biodiversity with the incorporation of hedgerow trees reflecting the Council's Landscape Character Assessment Guidance in the proposed mixed native hedgerow along the northern boundary of the site, extension of the Ancient Woodland buffer westward to provide a habitat link to the pond and ditch network on the Stilebridge Lane frontage and fencing along the Ancient Woodland buffer (Chestnut spile);
- Details of the lighting strategy; and
- Clarification in terms of sustainability (role of rural tourism), the economic benefits and the business model, including identification of the need for this type of use, the model for occupation (for example, whether these would be short-let units managed by the site owners) and information about how the site and the landscape and ecology elements would be managed.

Voting: 11 – For 1 – Against 1 – Abstention

21. 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. The Committee discussed both recent cases and appeal trends in general. Members were concerned that despite the Council having a relatively permissive Local Plan and being able to demonstrate a positive approach to housing delivery, in the cases where it did resist development, Inspectors appeared to be not affording sufficient weight to the Plan and to matters such as design quality.

The Major Projects Manager said that without assessing decisions in more detail and over a period of time, it was difficult to assess particular trends and provide advice, but the Officers would undertake a review and provide a digest. There were clear spikes influencing the statistics such as Gypsy and Traveller (G&T) appeals and in these cases non-Local Plan factors such as Equality Act considerations were potentially undermining planning policy. The outcome of the review could inform representations to Government and the LGA etc.

Members considered that the absence of public/affordable G&T sites might also be a factor in appeal decisions. It was acknowledged that the issue of G&T appeals was complex and it was suggested that a Working Group be set up to assess G&T appeals linked into the Local Plan review in terms of the effectiveness of existing policy and the evidence base.

RESOLVED: That the Development Manager be requested to (a) report back to a future meeting of the Committee on the establishment of a Working Group to assess G&T appeals linked into the Local Plan review in

terms of the effectiveness of existing policy and the evidence base, and
(b) provide a separate, more generic report on S78 appeals.

Note: Councillor Parfitt-Reid left the meeting during consideration of this item.

22. DURATION OF MEETING

6.00 p.m. to 9.05 p.m.

Agenda Item 12

MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

27 JUNE 2019

REPORT OF THE HEAD OF PLANNING AND DEVELOPMENT

DEFERRED ITEMS

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

APPLICATION	DATE DEFERRED
<p><u>18/505541/FULL - ERECTION OF A CHALET STYLE RESIDENTIAL PROPERTY WITH DETACHED GARAGE AND LANDSCAPING - LAND OPPOSITE ST ANNS, CHAPEL LANE, THURNHAM, KENT</u></p> <p>Deferred to negotiate amendments to the scheme to mitigate its impact on the countryside, the wider rural character of the area and the historic setting; this to include:</p> <ul style="list-style-type: none">• Incorporation of the pond and ditches into the scheme;• Soft domestic boundaries;• Incorporation of integrated niches for wildlife and renewable energy measures such as solar panels; and• Exploration of a vernacular design taking cues from historic buildings along Chapel Lane (elevations and materials).	<p>25 April 2019 adjourned to 29 April 2019</p>
<p><u>19/500271/FULL - CHANGE OF USE OF LAND FOR THE STATIONING OF 20 HOLIDAY CARAVANS WITH ASSOCIATED WORKS INCLUDING LAYING OF HARDSTANDING AND BIN STORE - OAKHURST, STILEBRIDGE LANE, MARDEN, TONBRIDGE, KENT</u></p> <p>Deferred to:</p> <p>Seek further information to assess the visual impact, the potential level of harm, the details of the mitigation and the benefits arising, this to include:</p> <ul style="list-style-type: none">• Details of the actual layout of the site including hard and soft landscaping and any associated facilities and lighting;	<p>30 May 2019</p>

<ul style="list-style-type: none"> • Details of the scale and design parameters; • Further detail in terms of demonstrating both local and longer distance views and how these can be mitigated; • More details in terms of landscaping, including a net gain for biodiversity with the incorporation of hedgerow trees reflecting the Council's Landscape Character Assessment Guidance in the proposed mixed native hedgerow along the northern boundary of the site, extension of the Ancient Woodland buffer westward to provide a habitat link to the pond and ditch network on the Stilebridge Lane frontage and fencing along the Ancient Woodland buffer (Chestnut spile); • Details of the lighting strategy; and • Clarification in terms of sustainability (role of rural tourism), the economic benefits and the business model, including identification of the need for this type of use, the model for occupation (for example, whether these would be short-let units managed by the site owners) and information about how the site and the landscape and ecology elements would be managed. 	
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Agenda Item 13

Planning Committee

27th June 2019

Planning Committee Member and Substitute Member training

Final Decision-Maker	Planning Committee
Lead Head of Service	Angela Woodhouse, Head of Policy & Communications
Lead Officer and Report Author	Rob Jarman, Head of Planning and Development James Bailey – Development Manager
Classification	Public
Wards affected	All

Executive Summary

Councillors are required to agree mandatory training requirements for the financial year 2019/20 in accordance with the Council Constitution. Taking into account the training carried out in the early part of 2019, the report sets out the recommended training for new and existing Planning Committee and Substitute Members.

The report also strongly recommends attendance at a programme of optional training for Planning Committee Members and Substitute Members to facilitate their planning knowledge while serving on or supporting the Committee.

Purpose of Report

This report outlines Planning Committee Members' and Substitute Members' responsibilities to ensure they comply with the Council's Constitution by ensuring their knowledge and understanding of current local and national planning policies and legislation remains up to date, while serving on or supporting the Committee.

This report makes the following recommendations to this Committee:

The Planning Committee agree the following as their 2019/20 training programme;

- 1. That new Planning Committee Members and new Substitute Members** (to include Councillor M. Burton) complete Planning Training by the end of August 2019, covering the Development Plan, Planning Policies & Guidance, Legislation, Planning Conditions, Grounds of Refusal of Planning Applications, Section 106 Agreements and Legal Training including Pre-determination of Planning Applications (General and Constitution background), and Planning Judicial Reviews (General process) in order to fulfil the requirements in the

Constitution.

2. **That existing Planning Committee Members and Substitute Members** (*excluding Councillor M. Burton*), due to attendance at the training sessions in January, February and March 2019 which covered annual refresher training on recent changes to Planning Policies & Guidance, Legislation, Procedures and Legal Training including Pre-determination of Planning Applications (General and Constitution background), and Planning Judicial Reviews (General process) *are not required to undertake further refresher training on the above matters this financial year* but **complete refresher training covering Planning Conditions and Grounds of Refusal** in order to fulfil the requirements in the Constitution and that this be completed every two years thereafter.
3. **That Planning Committee Members and Substitute Members** are strongly recommended to complete the following optional training sessions:
- Between 3-4 specialised/best practice subject area sessions covering S106 Agreements, Maidstone Building for Life 12, NPPF – Housing, NPPG, Landscape and Ecology and Enforcement.
 - Design Tours - to include neighbouring Borough's and Maidstone Borough.

Timetable	
<i>Meeting</i>	<i>Date</i>
Planning Committee	27.06.2019

Planning Committee Member and Substitute Member training

1. CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	<p><i>The four Strategic Plan objectives are:</i></p> <ul style="list-style-type: none"> <i>Embracing Growth and Enabling Infrastructure</i> <i>Safe, Clean and Green</i> <i>Homes and Communities</i> <i>A Thriving Place</i> <ul style="list-style-type: none"> <i>Accepting the recommendations will materially improve the Council's ability to achieve the corporate priorities. I set out the reasons other choices will be less effective in section 3 - available alternatives.</i> 	Rob Jarman
Cross Cutting Objectives	<p><i>The four cross-cutting objectives are:</i></p> <ul style="list-style-type: none"> <i>Heritage is Respected</i> <i>Health Inequalities are Addressed and Reduced</i> <i>Deprivation and Social Mobility is Improved</i> <i>Biodiversity and Environmental Sustainability is respected</i> <p><i>The report recommendations supports the achievements of the cross cutting objectives by providing training to Members and Substitute Members to make better quality decisions and enhance their knowledge of the planning system.</i></p>	Rob Jarman
Risk Management	<p><i>There is a risk that if training is not carried out then Members may breach the Local Code of Conduct for Councillors and legal challenges could arise.</i></p>	Rob Jarman
Financial	<ul style="list-style-type: none"> <i>The proposals set out in the</i> 	Section 151

	<i>recommendation are all within already approved budgetary headings and so need no new funding for implementation. If an electronic version of refresher training is developed, then this may need to be funded/partly funded from the Member Training budget.</i>	Officer
Staffing	<ul style="list-style-type: none"> <i>We will deliver the recommendations with our current staffing.</i> <i>We may need to access extra expertise to deliver the recommendations, as set out in section 2 (paragraph 2.9).</i> 	Rob Jarman
Legal	<ul style="list-style-type: none"> <i>Accepting the recommendations will fulfil the Council's duties under The General Role and Conduct of Councillors and Officers. Failure to accept the recommendations without agreeing suitable alternatives may place the Council in breach of the Constitution.</i> <i>Acting on the recommendations is within the Council's powers as set out by the Constitution.</i> 	Legal Team
Privacy and Data Protection	<ul style="list-style-type: none"> <i>Accepting the recommendations will increase the volume of data held by the Council. We will hold that data in line with our retention schedules.</i> 	Policy and Information Team
Equalities	<ul style="list-style-type: none"> <i>The recommendations do not propose a change in service therefore will not require an equalities impact assessment</i> 	Anna Collier
Public Health	N/A	
Crime and Disorder	N/A	
Procurement	N/A	

2. INTRODUCTION AND BACKGROUND

- 2.1 The Council's Constitution sets out the responsibilities of Planning Committee Members and Substitute Members.
- 2.2 The Council's Constitution, Part 4.4 (Local Code of Conduct for Councillors and Officers dealing with planning matters), Section 1.c states, under **"THE GENERAL ROLE AND CONDUCT OF COUNCILLORS AND OFFICERS"**:

"The Council has agreed that no member will be able to serve on the Planning Committee without having agreed to undertake a minimum period of training on the policies, procedures, legislation and guidance relevant to the Committee as specified by the Committee. This training should be completed to an agreed level according to an agreed programme within an agreed time period set by the Committee for newly appointed Councillors and substitutes of the Committee. If the specified training has not been completed by the due date, the Councillor will cease to be a member/substitute member of the Committee until the training has been completed. The Head of Policy and Communications will keep a record of the training requirements of the Committee and of the Councillors' compliance with the requirements. Existing members and substitute members of the Committee should be updated regularly on changes of legislation and procedures and must receive refresher training on an annual basis. Failure to undertake the refresher training will result in the Councillor ceasing to be a member/substitute member of the Committee until the refresher training has been completed. No Member will be able to serve on the Policy and Resources Committee when discharging its function as the Planning Referral body without having agreed to undergo the mandatory training required to be taken by Members and Substitute Members of the Planning committee. The training must be completed before the Committee first meets to discharge its function and must be refreshed as appropriate".

- 2.3 Further, Part 3.1, section 4.2 paragraph 2 of the Council's Constitution states under **"APPOINTMENT OF SUBSTITUTE MEMBERS OF COMMITTEES AND SUB-COMMITTEES"** states that:

'No Councillor will be able to serve on the Planning Committee, Policy and Resources Committee acting as the Planning Referral body and Licensing Committees without having agreed to undertake a minimum period of training on the policies, procedures, legislation and guidance relevant to the Committee as specified by the Committee. This training should be completed to an agreed level according to an agreed programme within an agreed time period set by the Committee and must be refreshed annually. If the specified training has not been completed by the due date, the Councillor will cease to be a Member/Substitute Member of the Committee until the training has been completed.'

- 2.4 Also, Part 4.4 section 20 under **"TRAINING"** states:

All Members of the Planning Committee and substitute Members should receive training on grounds of refusal and imposition of conditions.

All Councillors should receive basic training on planning issues.'

- 2.5 There are a limited number of new Members (including Substitutes) and an existing Substitute Member of the Planning Committee who are required to undertake the training listed in 2.10 (1) below in order to fulfil the requirements of the Constitution.
- 2.6 Due to the recent completion in January, February and March of this year, where existing Members and Substitute Members of Planning Committee completed annual refresher training on **recent changes** to Planning Policies & Guidance, Legislation, Procedures and Legal Training including Pre-determination of Planning Applications (General and Constitution background), and Planning Judicial Reviews (General process), that there is no Constitutional requirement for existing Members to undertake this training again this financial year.
- 2.7 However, when agreeing to the training requirements for 18/19, Members of the Committee (see Appendix 1 – Minutes of Planning Committee 29 November 2018) agreed that *"every two years Members must undertake refresher training covering Planning Conditions and Grounds of Refusal"* (this related to existing Planning Committee Members and Substitute Members). No training was delivered for existing Committee and Substitute Members in the 18/19 financial year for planning conditions and grounds of refusal and therefore in order to meet the requirements of the Constitution, Members should now have training on these topics.
- 2.8 A training programme for the mandatory, optional topics and Design Tour is currently being arranged and dates for these are currently being finalised and will be circulated in due course. The draft dates are attached as Appendix 2 to the report.
- 2.9 The other options for training are still being investigated which include an electronic version of fresher training. This however, is taking a lot longer to progress than originally envisaged due to fact that there are no market options available which cover the specific requirements of the Constitution. A bespoke suite of electronic training packages would therefore have to be developed and will be explored in greater detail over this financial year.
- 2.10 Planning Committee Members and Substitute Members should attend as follows:
- (1) **That new Planning Committee members and new substitute members** (*to include Councillor M. Burton*) complete Planning Training by the end of August 2019, covering the Development Plan, Planning Policies & Guidance, Legislation, Planning Conditions, Grounds of Refusal of Planning Applications, Section 106 Agreements and Legal Training including Pre-determination of Planning Applications (General and Constitution background), and Planning Judicial Reviews (General process) in order to fulfil the requirements in the Constitution.
 - (2) **That existing Planning Committee members and substitute members** (*excluding Councillor M. Burton*), due to attendance at the

training sessions in January, February and March 2019 which covered annual refresher training on **recent changes** to Planning Policies & Guidance, Legislation, Procedures and Legal Training including Pre-determination of Planning Applications (General and Constitution background), and Planning Judicial Reviews (General process) are not required to undertake further refresher training on the above matters this financial year but **complete** refresher training covering Planning Conditions and Grounds of Refusal in order to fulfil the requirements in the Constitution and that this be completed every two years thereafter.

(3) **That Planning Committee Members and Substitute Members** are strongly recommended to complete the following optional training sessions:

- Between 2-3 specialised/best practice subject area sessions covering S106 Agreements, Maidstone Building for Life 12, NPPF – Housing, NPPG, Landscape and Ecology and Enforcement.
- Design Tours - to include neighbouring Borough's and Maidstone Borough.

2.11 The Committee are asked to agree this minimum level of training for Committee Members and Substitute Members, from the list at 2.10 above, which will maintain a suitable level of knowledge and understanding of national and local policies and legislation to be able to properly perform their functions as a Planning Committee. The strongly recommended optional training will assist on-going professional development.

3. AVAILABLE OPTIONS

3.1 The Committee could decide to do nothing. However, this is not recommended as it would contravene the Council's own Local Code of Conduct for Councillors and Officers Dealing with Planning Matters.

3.2 The Committee could decide alternative optional training but the above options takes account of training delivered this year and that agreed when training was last voted on at Planning Committee. If alternative training is proposed the Committee would need to be clear on what this should be so officers can progress this.

3.3 The Committee could decide that the training and development as outlined in the list at 2.10 be completed by all Planning Committee Members and Substitute Members, and that the optional training should be attended.

4. PREFERRED OPTION AND REASONS FOR RECOMMENDATIONS

4.1 The preferred option is option 3.3. The reasons for this recommendation are:

- 4.2 The Committee Members will fulfil their responsibilities under the Local Code of Conduct for Councillors detailed in Part 4.4, Section 1c of the Council's Constitution;
- 4.3 Members and Substitute Members of the Planning committee will fulfil their individual responsibilities to maintain their knowledge and understanding of local and national planning policy and legislation, and;
- 4.4 The Planning Committee will avoid being inquorate due to an insufficient supply of suitably trained Substitute Committee Members.
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5. RISK

- 5.1 The risks associated with this proposal, including the risks if the Council does not act as recommended, have been considered in line with the Council's Risk Management Framework. That consideration is shown in this report at paragraph 1. I am satisfied that the risks associated are within the Council's risk appetite and will be managed as per the Policy.

6. CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

- 6.1 Members are required by the Constitution to agree Member training on a yearly basis and whilst this report does include as Appendix 1, the decision of Planning Committee regarding the training requirements for 18/19, a decision on the training requirements for 19/20 is required.
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7. NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 7.1 Once the Committee has made its decision, information on the training dates and times will be sent to all Committee Members and Substitute Members.
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8. REPORT APPENDICES

The following documents are to be published with this report and form part of the report:

- Appendix 1: Minutes of Planning Committee 29 November 2018
 - Appendix 2: Suggested Training dates for training
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9. BACKGROUND PAPERS

N/A

MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON 29 NOVEMBER 2018

Present: Councillor English (Chairman) and
Councillors Adkinson, M Burton, Harwood, Kimmance,
Munford, Parfitt-Reid, Perry, Round, Spooner, Vizzard
and Wilby

Also Present: Councillors Garten, Lewins and Mrs Robertson

196. APOLOGIES FOR ABSENCE

It was noted that apologies for absence had been received from Councillor Boughton and that Councillors Bartlett and Kimmance would be late in arriving at the meeting. In the event, Councillor Bartlett was unable to attend the meeting and submitted his apologies.

197. NOTIFICATION OF SUBSTITUTE MEMBERS

It was noted that Councillor M Burton was substituting for Councillor Boughton.

198. NOTIFICATION OF VISITING MEMBERS

Councillor Garten indicated his wish to speak on the reports of the Head of Planning and Development relating to applications 18/501312/FULL – Swanton Farm, Bicknor Road, Bicknor, Kent; 18/501626/FULL – Yelsted Farm, Yelsted Road, Sittingbourne, Kent; and 18/501979/FULL – Seaview Farm, South Street Road, Stockbury, Sittingbourne, Kent.

Councillors Lewins and Mrs Robertson indicated their wish to speak on the report of the Head of Planning and Development relating to application 18/501745/REM – Land to the East of Hermitage Lane, Maidstone, Kent.

199. ITEMS WITHDRAWN FROM THE AGENDA

There were none.

200. 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.

201. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members or Officers.

202. EXEMPT ITEMS

RESOLVED: That the exempt report of the Head of Planning and Development relating to the Enforcement Tracker be taken in private as proposed.

203. MINUTES OF THE MEETING HELD ON 8 NOVEMBER 2018

RESOLVED: That the Minutes of the meeting held on 8 November 2018 be approved as a correct record and signed.

204. PRESENTATION OF PETITIONS

There were none.

205. DEFERRED ITEM

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

The Interim Major Projects Manager advised the Committee that this application had been withdrawn by the applicant and a new application had been submitted for residential development at the site. That application was currently invalid.

206. PLANNING COMMITTEE MEMBER AND SUBSTITUTE MEMBER TRAINING

The Head of Planning and Development submitted a report setting out a proposed training programme to enable Members and Substitute Members of the Committee to fulfil their responsibilities under the Council's Constitution and their individual responsibilities to maintain their knowledge and understanding of local and national planning policy and legislation.

RESOLVED: That

1. New Planning Committee Members and new Substitute Members must complete Planning Training by the end of February 2019, covering the Development Plan, Planning Policies and Guidance, Legislation, Planning Conditions, Grounds of Refusal of Planning Applications, Section 106 Agreements and Legal Training including Pre-determination of Planning Applications (General and Constitution background), and Planning Judicial Reviews (General process) in order to fulfil the requirements in the Constitution.
2. Existing Planning Committee Members and Substitute Members must complete training by the end of February 2019 covering annual refresher

training on recent changes to Planning Policies and Guidance, Legislation, Procedures and Legal Training including Pre-determination of Planning Applications (General and Constitution background), and Planning Judicial Reviews (General process) in order to fulfil the requirements in the Constitution and that every two years Members must undertake refresher training covering Planning Conditions and Grounds of Refusal.

3. Planning Committee Members and Substitute Members are strongly recommended to complete the following optional training sessions:
- Maidstone's Local Plan/CIL – How its policies will continue to deliver high quality development and key aspects of CIL implementation.
 - Between 1-3 specialised/best practice subject area sessions potentially covering but not limited to design, air quality and biodiversity, but to be agreed by the Head of Planning and Development in consultation with Members of the Committee. (This would be likely to be run by an external trainer/body).

Voting: 10 – For 0 – Against 1 – Abstention

207. 18/504734/FULL - THE REDEVELOPMENT OF MAIDSTONE MOSQUE WITH ASSOCIATED FACILITIES INCLUDING A RESIDENTIAL FLAT, TWO RETAIL UNITS AND ANCILLARY ACCOMMODATION (RESUBMISSION OF 18/502567/FULL) - 20-28 MOTE ROAD, MAIDSTONE, KENT

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

Ms Kane, an objector, addressed the meeting.

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

Voting: 11 – For 0 – Against 0 – Abstentions

FURTHER RESOLVED: That the Parking Services Section be asked to look at parking management and measures that can be taken in Mote Road, Kingsley Road, Melville Road and surrounding roads in the area.

Voting: 11 – For 0 – Against 0 - Abstentions

Note: Having entered the meeting during consideration of this application (6.15 p.m.), Councillor Kimmance sat in the public gallery and did not participate in the discussion and the voting on the proposed development.

208. 18/501745/REM - APPROVAL OF RESERVED MATTERS FOR APPEARANCE, LANDSCAPING, LAYOUT AND SCALE FOR PHASE 4 COMPRISING 71 DWELLINGS WITH ASSOCIATED INFRASTRUCTURE, PURSUANT TO OUTLINE APPROVAL 13/1749 - LAND TO THE EAST OF HERMITAGE LANE, MAIDSTONE, KENT

All Members stated that they had been lobbied.

The Committee considered the report of the Head of Planning and Development relating to application 18/501745/REM. It was noted that:

- This reserved matters application was originally reported to the Committee on 27 September 2018 with a recommendation for approval. The layout details recommended for approval included a route (Option 3) through ancient woodland in order to link the site to earlier phases of the approved development. The Committee deferred a decision to examine in more detail the impact of two route options within the layout.
- The applicant carried out additional work on these options and the application was reported back to the Committee on 8 November 2018. At that meeting, the Committee agreed to refuse permission for the reasons set out in paragraph 3.3 of the report.
- Prior to the vote being taken, the Development Manager (a) advised the Committee that the proposed reasons for refusal were not sustainable and could result in significant costs against the Council at appeal and (b) issued a significant costs warning.
- Since a significant costs warning had been issued, and the Committee agreed to refuse permission, the decision was deferred until the next meeting of the Committee pursuant to paragraph 30.3 (a) of Part 3.1 of the Council's Constitution and paragraph 17 (a) of the Local Code of Conduct for Councillors and Officers Dealing with Planning Matters (Part 4.4 of the Constitution).
- Counsel's advice had been sought on the proposed grounds for refusal, the likelihood of success at appeal, and the financial implications.
- The advice was that this was an application for the approval of reserved matters details pursuant to an outline application which was allowed at appeal by the Secretary of State who decided that a route (Option 3) through the ancient woodland to Phase 4 of the development was acceptable and that the compensation measures for the minor loss were acceptable. Reserved matters approval could not now be withheld on a ground that had already been decided in principle at the grant of outline planning permission. Otherwise, this would reopen an issue already decided, frustrate the permission that had been granted, and be unreasonable.
- Officers continued to recommend the shortest route (Option 3) which involved the loss of a small amount of ancient woodland and which the Secretary of State had found to be acceptable at appeal. However, there was also a route (Option 2) that avoided the ancient woodland, but resulted in a much longer road through the woodland as a whole.

- The second part of the advice related to the grounds for refusal put forward by Members. Since this was a reserved matters application, not a full application or an outline application, paragraph 175 (c) of the National Planning Policy Framework did not apply.
- It was therefore the Officers' advice that the Council's reasons for refusal could not be sustained at appeal and that attempting to defend them would be unreasonable and expose the Council to a significant adverse costs award in addition to having to bear its own costs defending the appeal. It was therefore recommended that the Committee should not pursue the reasons for refusal of the reserved matters details as advanced at its meeting held on 8 November 2018, and that it should approve the reserved matters details subject to conditions, and agree either route Option 3 or 2.

Mrs Poletti of the New Allington Action Group, an objector, and Councillors Mrs Robertson and Lewins (Visiting Members) addressed the meeting.

RESOLVED: That

1. The reasons for refusal of application 18/501745/REM as advanced by the Committee at its meeting held on 8 November 2018 should not be pursued.

Voting: 6 – For 5 – Against 1 – Abstention

2. Application 18/501745/REM be approved subject to the conditions set out in the report to the meeting of the Committee held on 8 November 2018 with the amendment of conditions 1 and 16 to reflect the Committee's expressed preference for route Option 2 and that the Head of Planning and Development be given delegated powers to negotiate (a) the deletion of the footpath link which would run from the northwest corner of the development into the ancient woodland to link up with public footpath KB51 and (b) additional defensive planting to the woodland buffer, and to add or amend any necessary planning conditions as appropriate.

Voting: 6 – For 5 – Against 2 – Abstentions

Chairman's casting vote in favour.

Note: Councillor Kimmance joined the meeting prior to consideration of this application.

209. 18/501312/FULL - PROVISION OF A COLD STORE, CONCRETE HARDSTANDING, IRRIGATION LAGOON AND ASSOCIATED ENGINEERING OPERATIONS (INCLUDING LAND RAISING/EARTHWORKS) AND THE UPGRADING OF AN EXISTING TRACK AND ACCESS WITH STRUCTURAL LANDSCAPE ENHANCEMENT AND SCREENING - SWANTON FARM, BICKNOR ROAD, BICKNOR, KENT

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

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

In presenting the application, the Interim Major Projects Manager advised the Committee that he wished to amend the final sentence of paragraph 2.07 of the report to read:

The scheme should therefore not have the suggested condition 19 imposed from the 6 September 2018 agenda.

Mr Wainman, an objector, Mr Ogden, for the applicant, and Councillor Garten (Visiting Member) addressed the meeting.

The Chairman drew the Committee's attention to a note which he had received from Mr Peter Moore of Bicknor Parish Meeting apologising for not being able to attend the meeting and making reference to a representation from Payne's Stores, a local business, raising objections to the vehicle movements and pointing out that there is a need for the road infrastructure to be in place before the application is determined.

RESOLVED: That subject to:

- (a) The prior completion of a S106 legal agreement in such terms as the Head of Legal Partnership may advise to provide for the Heads of Terms set out in the report; AND
- (b) The conditions and informatives set out in the report, as amended by the urgent update report, with the addition of the following:
 - The amendment of proposed conditions 18 (Landscaping) and 19 (Landscaping Implementation) to specify that any trees or plants which within a period of **ten** 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 etc.;
 - The amendment of proposed conditions 2 (Plans) and 18 (Landscaping) to change the species mix from 30% Holly to 20% Holly and 10% Yew; the change to be negotiated by the Head of Planning and Development acting under delegated powers;
 - An informative suggesting that there may be opportunities arising from the surface water drainage scheme to address existing flooding issues; and
 - An informative encouraging the applicant to endeavour to reduce noise from HGV refrigeration units by using plug-ins;

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

Voting: 12 – For 0 – Against 0 – Abstentions

210. 18/502925/FULL - SECTION 73 APPLICATION FOR REMOVAL OF CONDITION 17 (DECENTRALISED AND RENEWABLE OR LOW-CARBON SOURCES OF ENERGY) OF APPLICATION 16/508660/FULL FOR ERECTION OF 65 RESIDENTIAL DWELLINGS, TOGETHER WITH ACCESS, PARKING AND DRAINAGE - LAND AT VICARAGE ROAD, YALDING, KENT

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

Mr Hawkins addressed the meeting on behalf of the applicant.

RESOLVED: That

1. The Head of Planning and Development be given delegated powers to secure the incorporation of renewable energy measures within the affordable housing element of the development.
2. If the Head of Planning and Development is unable to secure the incorporation of renewable energy measures as set out above, the application must be reported back to the Committee.

Voting: 12 – For 0 – Against 0 – Abstentions

211. 18/501626/FULL - DEMOLITION OF EXISTING STORAGE BUILDINGS AND SITING OF A MOBILE HOME WITHIN THE RESIDENTIAL CURTILAGE OF THE MAIN DWELLING FOR OCCUPATION BY A GYPSY AND TRAVELLER FAMILY (RETROSPECTIVE) - YELSTED FARM, YELSTED ROAD, YELSTED, SITTINGBOURNE, KENT

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

Councillor Woods of Stockbury Parish Council, Mr Wood, the agent for the applicant, and Councillor Garten (Visiting Member) addressed the meeting.

RESOLVED: That

1. Permission be granted subject to the conditions set out in the report with an informative emphasising that implementation of condition 6 relating to the demolition of the storage buildings and removal of the resulting materials from the site is fundamental to the acceptability of the application.

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

Voting: 12 – For 0 – Against 0 – Abstentions

212. 18/503763/FULL - ERECTION OF TWO NEW DWELLINGS - LAND TO THE REAR OF 244 - 250 UPPER FANT ROAD, MAIDSTONE, KENT

Councillors Adkinson and Wilby stated that they had been lobbied.

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

In presenting the report, the Senior Planning Officer advised the Committee that she wished to:

- Amend condition 7 (Obscure Glazing) to remove the landing window and the dining room window, but to add obscure glazing to the corrugated cladding on the upper section of the garage belonging to dwelling 1. The reason for this was that on further examination, the setback of the living area would create a void within the layout of the property that would prevent occupiers from standing in front of the landing window and limit any views to the front of the site with long views up the access road. The dining room window was a sufficient height from the floor level for the obscure glazing to be unnecessary. The garage was high enough to insert a mezzanine floor which could potentially result in overlooking issues for the neighbouring properties.
- Add a condition relating to delivery and service arrangements (bins etc.) to ensure that neighbours were not compromised by the development.

Mr Blake, an objector, and Mr Anthony, for the applicant, addressed the meeting.

During the discussion on the application, Councillor Adkinson stated that he was the Chairman of the Fant Wildlife Group which managed the Fant Wildlife Nature Reserve that was overlooked by the proposed development. Councillor Adkinson was advised that this did not represent an Other Significant Interest in the application, and that he could continue to participate in the discussion and the voting.

RESOLVED: That consideration of this application be deferred to:

- Seek the submission of a reptile survey;
- Negotiate the incorporation of renewable energy measures such as decentralised energy generation within the development and integrated niches for wildlife (bat tubes or bird bricks);
- Negotiate the retention of a percentage of the cordwood on the site to provide habitat for wildlife; and
- Seek details of a vehicle tracking programme.

Voting: 12 – For 0 – Against 0 – Abstentions

213. 18/501979/FULL - RETROSPECTIVE APPLICATION TO ALLOW SITING OF FOUR ADDITIONAL RESIDENTIAL MOBILE HOMES ON SITE - SEAVIEW FARM, SOUTH STREET ROAD, STOCKBURY, SITTINGBOURNE, KENT

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

Mrs Butler, the applicant, and Councillor Garten (Visiting Member) addressed the meeting.

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

Voting: 12 – For 0 – Against 0 – Abstentions

214. 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.

215. EXCLUSION OF THE PUBLIC FROM THE MEETING

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

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

Enforcement Tracker

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

216. ENFORCEMENT TRACKER

The Committee considered the report of the Head of Planning and Development setting out the Enforcement Tracker which provided the current status of enforcement cases that had had formal notices served.

During the discussion reference was made to the resource implications of proactive enforcement and it was noted that, in future, as much information as possible relating to enforcement cases would be reported in the public domain.

RESOLVED: That the report be noted.

217. DURATION OF MEETING

6.00 p.m. to 10.20 p.m.

Date/Time	Title	Location
Mon 19 Aug 18:00	Reasons for Refusal, Planning Conditions and S106 Agreements	Town Hall
Mon 9 Sep 18:00	Maidstone Building for Life 12	Town Hall
Mon 23 Sep 18:00	NPPF - Housing	Town Hall
Mon 14 Oct 18:00	NPPF	Town Hall
Mon 11 Nov 18:00	NPPG	Town Hall
Mon 20 Jan 18:00	Landscape and Ecology	Town Hall
TBC	Enforcement	Town Hall
Fri 27 Sep All Day?	Design Tour 1	Site Visits
Fri 4 Oct All Day?	Design Tour 2	Site Visits



19/500705/FULL, Hen and Duckhurst Farm, Marden Road, Staplehurst, Kent

Scale: 1:5000

Printed on: 18/6/2019 at 13:46 PM by JoannaW

REFERENCE NO - 19/500705/FULL			
APPLICATION PROPOSAL Variation of condition 20 of 14/502010/OUT to allow Saturday working hours start time to be changed from 9:00am to 8:00am (total working hours 8:00am to 13:00pm).			
ADDRESS Hen And Duckhurst Farm, Marden Road, Staplehurst, TN12 0PD			
SUMMARY OF REASONS FOR RECOMMENDATION – (APPROVE SUBJECT TO CONDITIONS) <ul style="list-style-type: none"> • There is separate Environmental Protection legislation that addresses noise and environmental nuisance on construction sites. • For this reason, Condition 20 does not pass the relevant legal and policy tests for attaching planning conditions in that it is not necessary, relevant to planning, nor reasonable. • For these reasons and as explained below, it is recommended that Condition 20 is removed altogether. 			
REASON FOR REFERRAL TO COMMITTEE Staplehurst Parish Council recommends refusal and referral to Planning Committee if officers are minded to approve.			
WARD Staplehurst	PARISH COUNCIL Staplehurst	APPLICANT Mr Jon Colcutt (BDW Homes) AGENT N/A	
DECISION DUE DATE 02/07/2019		PUBLICITY EXPIRY DATE 17/04/19	
RELEVANT PLANNING HISTORY			
App No	Proposal	Decision	Date
17/506306	Approval of reserved matters application for the erection of 250 dwellings (Appearance, Landscaping, Layout and Scale being sought) and details of Conditions 5, 7, 9, and 10 relating to phasing, landscaping and ecology, pursuant to 14/502010/OUT	APPROVED	15/06/18
14/502010	Outline application for the erection of residential development for up to 250 dwellings with access and garaging with access considered at this stage and all other matters reserved for future consideration.	APPROVED	03/02/17

1.0 DESCRIPTION OF SITE

- 1.01 The application relates to the 'Hen and Duckhurst' housing site which has permission for 250 dwellings which are under construction. The site is on the west side of Staplehurst to the north of Marden Road and allocated for housing under policy H1(48).

2.0 PROPOSAL

- 2.01 The application seeks to vary condition 20 of the outline permission which restricts working hours of construction as follows:

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

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

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

- 2.02 The applicant is seeking to start an hour earlier on Saturdays from 8am to 1pm.

3.0 POLICY AND OTHER CONSIDERATIONS

- Maidstone Borough Local Plan (2011-2031): SS1, SP10, H1, H1(48), DM1
- Kent Waste and Minerals Plan 2016
- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)

4.0 LOCAL REPRESENTATIONS

- 4.01 **Staplehurst Parish Council:** Recommend refusal and referral to Planning Committee.

"Councillors expressed disappointment with the application and the management of works at Hen & Duckhurst Farm. They commented that the permissible working hours were often being exceeded and not being enforced. It was RESOLVED to recommend REFUSAL and to request referral to MBC Planning Committee were the officer minded to approve the application."

- 4.02 **Local Residents:** 16 representations received raising the following (summarised) points:

- Will cause more noise and disturbance.
- Should not have to put up with more noise.
- Significant noise occurs from the site.
- Times should be adhered to.
- Construction will take a number of years.

- Condition is being breached already.
- Mud and dirt on roads.
- Parking on local roads.

5.0 APPRAISAL

5.01 Whilst the applicant is seeking to vary condition 20 to allow work to start an hour earlier on Saturdays, it is considered that the grounds for imposing a condition on working hours should actually be re-visited. This is because issues of noise and disturbance are dealt with under separate Environmental Protection legislation and such a condition controlling working hours should not be imposed on planning permissions.

5.02 As the NPPF outlines at paragraph 55, planning conditions should be kept to a minimum and only be imposed where they are:

- 1. necessary;*
- 2. relevant to planning;*
- 3. to the development to be permitted;*
- 4. enforceable;*
- 5. precise;*
- 6. reasonable in all other respects.*

5.03 Case law has also established that a legally valid condition must be relevant to planning, relevant to the development to be permitted, and reasonable.

5.04 A condition controlling construction working hours is not deemed to be necessary, relevant to planning, or reasonable. This is because the Council has specific powers under the Control of Pollution Act 1974 and the Environmental Protection Act 1990 to deal with noise and environmental nuisance, including on construction sites. This allows for a local authority to impose restrictions by serving abatement notices, including in relation to hours of works and noise levels. In addition, matters relating to the construction phase of development are generally not material considerations for planning applications, which relate more to the effects of the development when built (e.g. traffic generation, visual impact, privacy etc.). For these reasons a planning condition is not necessary or relevant to planning as it repeats other legislation which planning conditions should not do. For this reason it is also unreasonable.

5.05 On this basis, the condition does not pass all the legal and policy tests for planning conditions and it is recommended that condition 20 is removed.

5.06 This does not mean that construction can be carried out at any time and the appropriate legislative powers to deal with noise and environmental nuisance can be used where appropriate. The Council also has its own 'Environmental Code of Development Practice' issued by the Environmental Protection Team, which includes construction working hours. This code is intended to give guidance to contractors on the measures that the Council expects them to take to minimise the environmental impacts of their work on the local community.

6.0 CONCLUSION

6.01 For the above reasons, it is recommended that condition 20 is removed altogether.

6.02 Notwithstanding this recommendation, the Council's own 'Environmental Code of Development Practice' actually allows working hours of 8am to 1pm on Saturdays so should Members consider that a condition should remain in place, the variation sought by the applicant to start at 8am on Saturdays would accord with the Code.

6.03 Any grant of permission results in a new planning permission at the site and so all previous conditions that are still relevant and those already approved need to be attached to the permission and these are set out below. The legal agreement attached to the outline consent contains a clause that links it to and binds any subsequent permission so a new legal agreement or deed of variation is not required.

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.

1. The development hereby permitted shall be carried out in accordance with the following approved plans under application 14/502010/OUT: Site Location Plan DHA/9702/01 Rev B and drawing site access round about T0191/SK01 RevP4 forming part of Appendix E of Transport assessment report.

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

2. The development shall be carried out in accordance with the phasing details approved under application 17/506306/REM unless otherwise agreed in writing with the local planning authority.

Reason: To ensure that the development is carried out in a satisfactory manner.

3. The development shall be carried out in accordance with the materials approved under application 18/505483/SUB unless otherwise agreed in writing with the local planning authority.

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

4. The development shall be carried out in accordance with the hard and soft landscaping and boundary treatments approved under application

17/506306/REM unless otherwise agreed in writing with the local planning authority.

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

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

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

6. The development shall be carried out in accordance with the landscape management plan approved under application 17/506306/REM unless otherwise agreed in writing with the local planning authority.

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

7. The development shall be carried out in accordance with the tree and hedge protection measures approved under application 17/506306/REM unless otherwise agreed in writing with the local planning authority.

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

8. The development of plots 1-131 and 200-250 shall be carried out in accordance with the ground levels approved under application 17/506306/REM unless otherwise agreed in writing with the local planning authority. No development shall take place on plots 132-199 until details of the proposed slab levels of the building(s) and the existing site levels have been submitted to and approved in writing by the local planning authority and the development shall be completed in accordance with the approved levels;

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

9. The development shall be carried out in accordance with the construction management plan approved under application 18/505340/SUB unless otherwise agreed in writing with the local planning authority.

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

10. The development shall be carried out in accordance with the contamination assessment and mitigation strategy approved under application 18/503826/SUB unless otherwise agreed in writing with the local planning authority.

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

11. If during the course of development any contamination is found which has not been identified in the site investigation, additional measures for the remediation of this source of contamination shall be submitted to and approved in writing by the local planning authority. The remediation of the site shall incorporate the approved additional measures.

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

12. The development shall be carried out in accordance with the archaeological assessment and strategy approved under application 18/503707/SUB unless otherwise agreed in writing with the local planning authority.

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

13. The development shall be carried out in accordance with the sustainable surface water drainage scheme approved under application 18/505338/SUB unless otherwise agreed in writing with the local planning authority.

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

14. The development shall be carried out in accordance with the foul drainage details approved under application 18/505338/SUB for plots 1-2, 11-16, 25-32, 211-241, and 247-249 unless otherwise agreed in writing with the local planning authority. No occupation shall take place on any further plots until off-site foul drainage details have been submitted to and approved in writing by the local planning authority.

Reason: To ensure that foul and surface water is satisfactorily managed and disposed of from the site.

15. The development shall be carried out in accordance with the access details approved under application 18/503826/SUB unless otherwise agreed in writing with the local planning authority.

Reason: In the interests of highway safety.

16. The development shall be carried out in accordance with the road and footpath details approved under application 18/505340/SUB unless otherwise agreed in writing with the local planning authority.

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

17. No dwelling shall be occupied until the following highway works have been implemented in full to the satisfaction of the local planning and highways

authorities unless otherwise agreed in writing with the local planning authority. These works comprise:

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

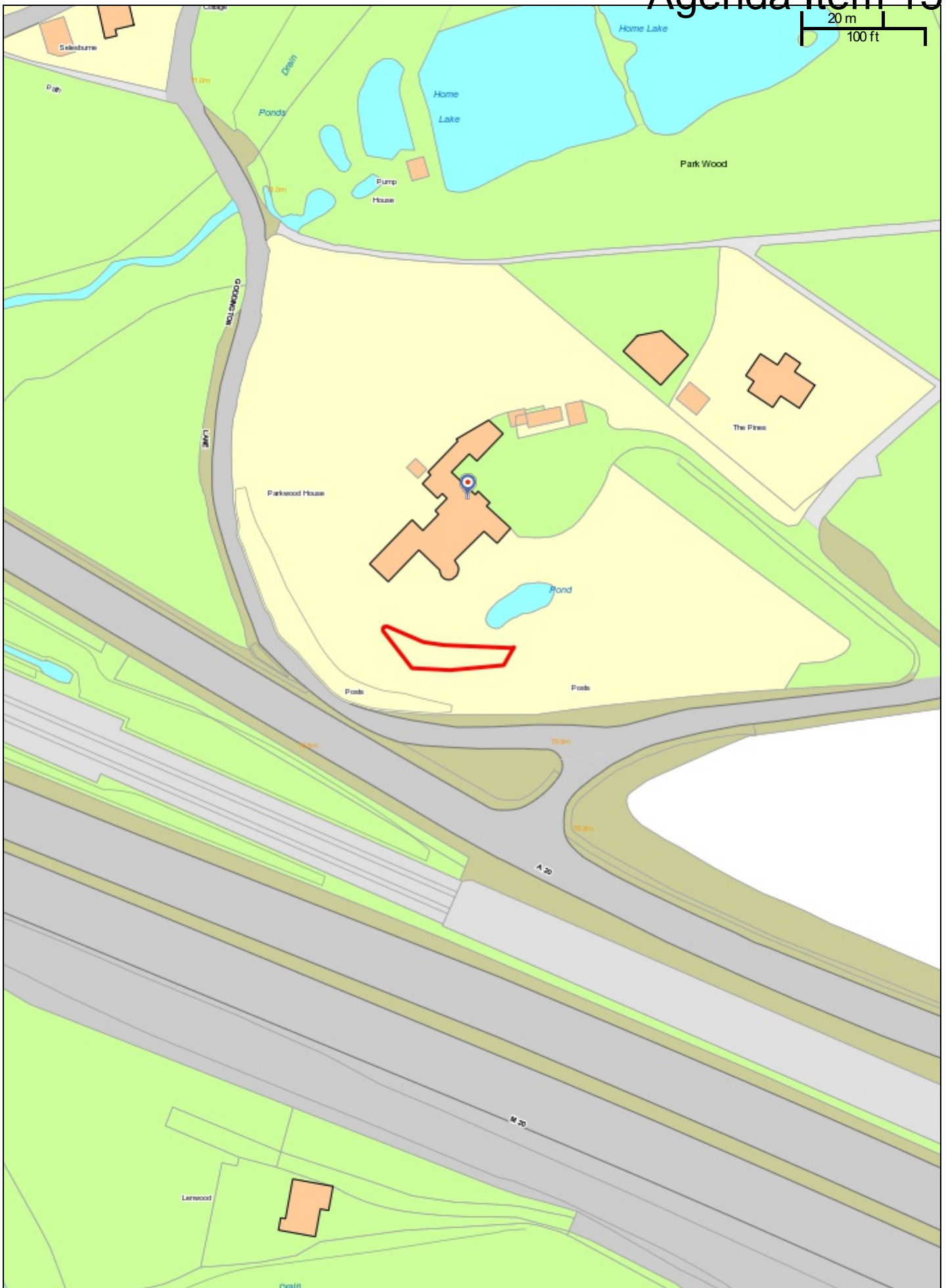
Reason: In the interests of highway safety and amenity.

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

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

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

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



18/506223/FULL - Parkwood House, West Street, Harrietsham, Maidstone, Kent

Scale: 1:1250

Printed on: 18/6/2019 at 9:25 AM by JoannaW

REPORT SUMMARY
27 June 2019

REFERENCE NO - 18/506223/FULL			
APPLICATION PROPOSAL Installation of sewerage package treatment plant and associated drainage field, pipework and equipment.			
ADDRESS Parkwood House West Street Harrietsham Maidstone Kent ME17 1JZ			
RECOMMENDATION Grant Planning Permission subject to conditions			
SUMMARY OF REASONS FOR RECOMMENDATION The treatment plant is sited unobtrusively as it is largely below ground. It is not viable for the property to be connected to the mains sewerage system. A permit has been issued from the Environment agency for this development.			
REASON FOR REFERRAL TO COMMITTEE Cllr Sams objected due to the following; potential water course contamination into the highly sensitive chalk stream, affecting businesses including the Parkwood Trout Farm and Leeds Castle, high risk of pollution to the surrounding eco system, visual impact to the surrounding area due to the site location, and contravention of Government guidelines regarding discharge of waste water.			
WARD Harrietsham And Lenham	PARISH/TOWN COUNCIL Harrietsham	APPLICANT Caretech Community Services	
DECISION DUE DATE 04/02/19		PUBLICITY EXPIRY DATE 01/01/19	

Planning History

15/509197/FULL	Conversion of swimming pool into activities room and residential accommodation, and activities room and staff into residential accommodation within existing care home, to include alterations to fenestration.	Approved	06.01.2016
18/502504/FULL	Alterations to provide new entrances to ground floor self-contained units.	Approved	23.08.2018
18/502864/LAWPRO	Lawful Development Certificate (Proposed) for change of use of the building to create 10 No self-contained units for supported living of service users with 24hr support from non-resident carers.	Approved	09.08.2018

MAIN REPORT

1.0 BACKGROUND

- 1.1 This application was deferred at the Committee meeting on the 29 April 2019 (adjourned from the 25th April 2015). This report should be read in association with the original committee report that is included as an appendix. As recorded in the committee minutes the decision was deferred for the following reasons:

- Point 1: Ask the applicant to agree to the removal of the existing septic tank from the site and any associated pollution;
- Point 2: Ask the Environment Agency to consider the specific biomedical contamination impacts of a care home (the potential for effluent to contain a high proportion of medicines);
- Point 3: Investigate how the generator backup system is managed to maintain connections to the pump house because of the sensitivity of the chalk streams and the River Len;
- Point 4: Ask Natural England whether it has any concerns regarding the potential impact of the development on watercourses and ecology;
- Point 5: Ascertain distances to watercourses/bodies (ponds and streams) (Condition 2.3.1 of the Environment Agency Permit EPR/LB3798VP) and seek further clarification from various consultees as to whether any adverse impacts arise from that proximity, including the potential impact on white-clawed crayfish and the Desmoulin's whorl snail; and
- Point 6: Seek the advice of Building Control regarding the management of the drainage field.

2.0 CONSULTATIONS

2.1 Following the decision by members for deferral of this application on the 29 April 2019 additional consultation was carried out. The responses to this consultation are set out below:

2.2 Building Control

On receipt of an application we request full details of the drainage system including porosity details to determine the extent of the drainage field and what type of sewerage treatment plant to be installed in accordance with the usage of the property.

2.3 Natural England

No comment.

2.4 Environment Agency

- There are no records of Whorl Snails and White Clawed Crayfish in the lake, or the stream below it.
- The discharge is to land not the watercourse.
- The detailed assessment carried out as part of the discharge permitting process included consideration of the watercourse.
- The facility is for the provision of assisted living quarters.
- The Environment Agency do not quantify what can and cannot go into a sewage treatment facility during the permitting process.
- Should the discharge fail to meet the specifications in the permit or cause environmental pollution the impact would be addressed at that time.
- There is no requirement for the removal of the septic tank.

2.5 Southern Water

Request informative for applicant to contact Southern Water to ensure that any public sewers which may be in the vicinity of the development are not damaged during the construction process.

2.6 KCC Ecology (verbal advice)

No knowledge of protected species is present in this area.

- 2.7 Helen Whately (MP)
Wrote referring to a letter from Tom Ormesher, Environment and Land Use Advisor at NFU SouthEast, expressing his concerns at the risk of discharge both above and adjacent to the lakes, in addition to the high levels of ammonia being discharged into the drainage basin. Alison Davies (the neighbour at Parkwood Trout Farm) has stated that they pose an unacceptable environmental risk to the water due to the cumulative impact with two other existing sewerage treatment plants. There is concern that the environment agency has not addressed these issues in full in order to avoid needless pollution in future years.
- 2.8 The Environment Agency's response to the points raised confirmed that the national Permitting Team received a letter from the National Farmers Union (NFU) on 16 January 2019 and the points raised were given due consideration at the permitting stage. The decision to grant the permit was relayed on 22 February 2019.

3.0 APPRAISAL

- 3.1 This appraisal section is structured using the 6 points that were outlined in the committee minutes for the meeting on the 29 April 2019.

Point 1: Ask the applicant to agree to the removal of the existing septic tank from the site and any associated pollution;

- 3.2 The agent has stated that, if approved, all foul drainage would now flow to the new treatment plant and the existing drainage run to the septic tank as well as the tank itself would become redundant. For safety reasons the existing tank would be pumped clear and infilled with spoil, thus taking it out of use. This is the common, acceptable and safe solution, especially in light of potential difficulties and contamination risk linked to the removal of the underground tank from the steep slope of the site.

Point 2: Ask the Environment Agency to consider the specific biomedical contamination impacts of a care home (the potential for effluent to contain a high proportion of medicines);

- 3.3 The Environment Agency have confirmed that the use of Parkwood House is as an assisted living facility, not a care home. The Environment Agency have confirmed that the permit is conditional with these conditions designed to avoid any pollution. There is no indication that the use cannot and the applicant would not adhere to the conditions in the permit and in the event that the discharge fails to meet the specifications in the permit, or causes an environmental pollution, the impact would be addressed and action taken as necessary.

Point 3: Investigate how the generator backup system is managed to maintain connections to the pump house because of the sensitivity of the chalk streams and the River Len;

- 3.4 The applicant has submitted an email from the Technical Sales Director of the equipment manufacturer stating the following:

'In accordance with UK Building Regulations part H2 all sewage treatment plant are required to continue to treat the waste for up to 6 hours in the event of a power failure'.

- 3.5 At the committee on the 29 April 2019, an individual member expressed concern that a power cut could lead to unsightly material floating in a lake/river as had happened elsewhere. The applicant has clarified that this wouldn't be the case in terms of the current proposal as the outflow would discharge onto the drainage field and not a watercourse. Should there be a power cut, all solids would be retained in the tank in any case.

- 3.6 Notwithstanding this information, the applicant would also like to confirm that the power supply to the site as a whole will be upgraded as part of the conversion of the property which would make a power supply failure less likely.

Point 4: Ask Natural England whether it has any concerns regarding the potential impact of the development on watercourses and ecology;

- 3.7 Following deferral Natural England were asked for additional comments and they referred to standing advice which included advice to contact KCC Ecology for their views. The response from KCC Ecology is that they have no knowledge of protected species in this area, which is in line with the separate Environment Agency response.

Point 5: Ascertain distances to watercourses/bodies (ponds and streams) (Condition 2.3.1 of the Environment Agency Permit EPR/LB3798VP) and seek further clarification from various consultees as to whether any adverse impacts arise from that proximity, including the potential impact on white-clawed crayfish and the Desmoulin's whorl snail;

- 3.8 It should be noted that the discharge from the treatment plant is to land and not to the watercourse.
- 3.9 The Environment Agency have confirmed that the separation distance (in excess of 100 metres) is a sufficient distance from watercourses to make it unlikely that the proposal would create any issues. This relationship was assessed before issuing a permit on 20.02.2019 (referenced EPR/LB3798VP/A001).
- 3.10 The permit issued by the Environment Agency is conditional with condition 2.31 stating, 'The infiltration system specified in table 51.1 shall be constructed to comply with the following:...The infiltration system shall not be situated within 10 metres of any watercourse (including any ditch that runs dry for any part of the year) or any other surface water. With the condition on the permit, the advice from the Environment Agency is that 10 metres separation is sufficient to avoid future issues, with the actual proposed separation distance of over 100 metres.
- 3.11 The Environment Agency have confirmed that there are no records of Whorl Snails and White Clawed Crayfish in the lake or the stream below the application site. If these species are found the Environment Agency request that this is reported to the Kent and Medway Biological Records Centre (KMBRC). This information would then be collected and made available for planning and development purposes.

Point 6: Seek the advice of Building Control regarding the management of the drainage field.

- 3.12 The Building Control Section have explained that in a similar manner to other development such as a new house, if planning permission is approved a separate future application would be required in relation to the Building Acts. This application is made either to the council or an approved contactor.
- 3.13 Building Control have advised that the assessment already carried out by the Environment Agency and the issuing of the permit can provide members with reassurance and in these circumstances, the chances of the development proposal not being acceptable under the Building Acts were minimal. Should the drainage field fail, the Environment Agency would take the appropriate action to ensure that the owner of the property takes responsibility.

4.0 CONCLUSION

- 4.1 The proposal would not result in any unacceptable environmental issues to warrant refusal of the application.

4.2 The site specific impacts have been assessed and there are no issues that would suggest the site either would not be suitable for the development or that the site cannot accommodate the proposed development. The proposal has been considered by the Environment Agency, Natural England and KCC Ecology and no objections raised.

4.3 The proposal accords with the development plan and other material considerations weigh in favour of the development. It is recommended that permission is granted subject to the imposition of the appropriate planning conditions.

5.0 **RECOMMENDATION**

GRANT PLANNING PERMISSION Subject to the following planning 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:

05 Dec 2018 07 Rev 2 Location Plan

29 Mar 2019 Arboricultural Report

29 Mar 2019 190012-2 B Arboricultural Impact Plan

29 Mar 2019 Environment Agency Permit

14 Jun 2019 Site plan

Reason: To clarify which plans have been approved.

3) The use of the water treatment plant hereby permitted shall not commence until the groundworks have been completed, including backfilling of any excavations and restoration to previous levels, and finished with seeding or turfing similar to the remaining garden area has been completed. 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 the property, or use of the land, die or become so seriously damaged or diseased that their long term amenity value has been adversely affected shall be replaced in the next planting season with plants of the same species and size 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 developer shall arrange for 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. No works shall start on site until a written programme and specification for the work has been submitted to and approved by the local planning authority;

Reason: To enable the recording of any items of historical or archaeological interest.

5) The use of the treatment plant shall be in accordance with a maintenance schedule that has been submitted to and approved in writing by the local planning authority prior to first use.

Reason: To ensure no harm to the natural environment as a result of faulty equipment

INFORMATIVES

1) The applicant is advised to contact Southern Water if any infrastructure is found during the course of development works at Sparrowgrove House Sparrowgrove,

Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or
www.southernwater.co.uk".

- 2) Applicant is advised to comply with the Mid Kent Code of Development Practice

Case Officer: Jocelyn Miller

REFERENCE NO - 18/506223/FULL			
APPLICATION PROPOSAL Installation of sewerage package treatment plant and associated drainage field, pipework and equipment.			
ADDRESS Parkwood House West Street Harrietsham Maidstone Kent ME17 1JZ			
RECOMMENDATION Grant planning permission subject to conditions			
SUMMARY OF REASONS FOR RECOMMENDATION <ul style="list-style-type: none"> The development proposal would provide a method for the treatment and disposal of waste for the occupants of Parkwood House The method of treating the waste is acceptable in relation to the potential impact on the environment The method of treating the waste is considered acceptable by the relevant consultees. 			
REASON FOR REFERRAL TO COMMITTEE Cllr Sams requested the application is called to committee for the following reasons: <ul style="list-style-type: none"> Potential water course contamination into the highly sensitive chalk stream, affecting businesses including the Parkwood Trout Farm and Leeds Castle High risk of pollution to the surrounding eco system Visual impact to the surrounding area due to the site location Contravention of Government guidelines regarding discharge of waste water 			
WARD Harrietsham And Lenham	PARISH/TOWN Harrietsham	COUNCIL	APPLICANT Caretech Community Services AGENT
TARGET DECISION DATE 08/04/19		PUBLICITY EXPIRY DATE 01/01/19	

Relevant Planning History

18/502864/LAWPRO	Lawful Development Certificate (Proposed) for change of use of the building to create 10 No self-contained units for supported living of service users with 24hr support from non-resident carers.	Approved 09.08.2018
18/502504/FULL	Alterations to provide new entrances to ground floor self-contained units.	Approved 23.08.2018
15/509197/FULL	Conversion of swimming pool into activities room and residential accommodation, and activities room and staff into residential accommodation within existing care home, to include alterations to fenestration.	Approved 06.01.2016

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The application site (0.018 hectares) is located on the north side of West Street, with Goddington Lane wrapping around the south west corner of the site. A section of Goddington Lane runs immediately adjacent to Ashford Road (A20).
- 1.02 Parkwood House is located broadly in the middle of the site providing a formally registered care home for 10 residents. This home would encourage residents to live

independently while providing them with extra support should it be required. The entrance in West Street is to the south east corner of the site, with a private drive running within the site from the entrance. To the rear of the house is an extension incorporating a swimming pool and at the front is a single storey extension including an activities rooms and staff room. There are a number of mature trees along the south and west site boundaries. The submitted plans show the existing septic tank for Parkwood House to the north of the building in the rear garden.

- 1.03 The ground level on the site is around 2 to 3 metres higher than the carriageway in West Street. The access driveway within the site from the south east corner has a steady slope up to the house. The ground gently slopes down from the house to the south and west before dropping sharply down to both West Street and Goddington Lane.
- 1.04 The site is located just outside the settlement boundary of Harrietsham (located on the south side of West Street) and is in the countryside. The site is in an area of archaeological importance and a groundwater source protection zone. The site is in minerals safeguarding area. The Goddington Chalk Stream and Goddington Wood wildlife site is located to the west of the application site. The stream feeds the ponds of Parkwood Trout Farm that is separated from the application site to the north by a public footpath. To the east of the site is a residential property called The Pines with Downsoak Stud and Harrietsham located further to the east.
- 1.05 There are two areas of ancient woodland near the northern part of the site, Alders is located on the opposite side of Goddington Lane to the west, 20 metres to the north east of the northern site boundary is Oxley Mead Shaw located within the Trout Farm.

2.0 PROPOSAL

- 2.01 The proposal is for the installation of an underground sewerage package treatment plant to process waste water from Parkwood House. The proposal includes associated drainage field, pipework and equipment.
- 2.02 The sewerage package treatment plant is located to the south of Parkwood. A revised plan submitted on 29 March 2019 showed the drainage field moved further east from the original location to provide a buffer between the development and the trees.
- 2.03 A septic tank is an underground tank where the solids sink to the bottom, forming a sludge, and the liquid flows out to a drainage field. A small sewage treatment plant, also known as a package treatment plant, works in a similar way to a septic tank but uses mechanical parts to treat the liquid to a higher standard before it goes to a drainage field. A drainage field, also known as an infiltration system, is a series of pipes with holes placed in trenches and arranged so that the effluent can trickle through the ground for further treatment.

3.0 POLICY AND OTHER CONSIDERATIONS

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Maidstone Borough Local Plan 2017: SP17, DM1, DM3
Supplementary Planning Documents: Maidstone Landscape Character Guidance 2012
KCC Minerals Safeguarding

4.0 LOCAL REPRESENTATIONS

Local Residents:

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

- Parkwood House should be connected to the main sewage system
- The treatment plant may cause an adverse impact on the chalk stream
- The proposal may result in an adverse impact on flora and fauna
- Inappropriate siting of a treatment plant
- No provision has been made for the shelf life of the equipment.
- Medicine residues remain in discharge waters after the treatment process.
- The Environment Agency haven't taken full account of all the issues
- Drainage from existing soakaway is contributing to landslip at Parkwood Trout Farm.
- It has not been demonstrated that the treatment plant to be used will meet BS6297

Further consultation was carried out following the submission of an arboricultural report and responses have made the following points:

- Concerns that a major cause of the deterioration of drainage fields is tree root growth.
- Concerns relating to the potential loss of trees in this area.
- Potential contamination
- Modified drainage would be preferable to mechanical plant with a limited lifespan

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)

MBC Environmental Services

- 5.01 No objection to the development proposal however, an informative is requested for compliance to the Mid Kent Code of Development Practice

Harrietsham Parish Council

- 5.02 Objection, the potential water contaminants to downstream residents and businesses (including the Trout Farm and Leeds Castle) have been ignored.

Further comments were received following the submission of the arboricultural report stating that their concerns remained largely the same, although the removal of any trees as a result of the application would also have a detrimental impact on the locality.

KCC Drainage

- 5.03 No objection - the development proposal is regarded as low risk.

Helen Whately MP

- 5.04 Cited concerns from the Trout Farm including the necessity of using a water treatment plant, concerns relating to the potential contamination of the chalk stream, and questioning whether the treatment plants and soakaways could be located to the south of the property.

MBC Trees and landscaping

- 5.05 The arboricultural report and tree protection plan is acceptable. A condition should be added to ensure that any trees damaged or lost within 5 years of the development should be replaced with appropriate species.

- Environment Agency
5.06 No objection – permit issued 20 February 2019

- MBC Archaeology
5.07 The site lies within an area of archaeological potential associated with prehistoric remains. For this reason a watching brief is recommended.

6.0 APPRAISAL

6.01 Main Issues

The key issues for consideration are:

- Potential visual impact including openness of the countryside;
- Potential impact on the amenities of neighbouring properties;
- Potential natural environment impact, trees, ecology and water pollution.

Background and need for the proposal

- 6.02 The current method of dealing with foul water from Parkwood House is collection in a septic tank. This current tank is located on land to the rear (north) of the main building where there is a steep slope leading down to the rear boundary of the site, with Parkwood Trout Farm beyond.
- 6.03 The applicant has explored the possibility of discharge to a public sewer stating that the nearest 'public' foul sewer "...shown on the public sewer record is approximately 425m from the application site boundary".
- 6.04 It is reported by the applicant that there are private foul sewers located at the Hollies development which are 20m from the application site boundary, but over 100m from the existing house. The applicant has contacted the developer of the Hollies about connecting to the 'private' foul drainage system. The response was that due to the capacity of the system it is not feasible to connect to this system on both financial and technical grounds.
- 6.05 The Environment Agency state on the issued permit (introductory note) that the application property "...cannot reasonably connect to the foul sewer". The applicant has also stated that the response from Southern Water was that "...a private drainage solution is advisable".
- 6.06 The current planning application for a water treatment plant to the front (south) of the site is made to provide a long term, sustainable solution to dealing with foul water from and by the new owners of Parkwood House. The application is made after it was found that the current septic tank to the rear of the site was leaking.
- 6.07 The proposed system consists of a pipe running from the rear (north) of the property along the side (west) elevation to the new treatment plant located to the front (south) of the property.
- 6.08 The underground water treatment plant works with the foul water firstly entering a settlement chamber. After the settlement chamber the clarified water passes into a aeration chamber. At this point the dissolved constituents would be removed. The treated material and 'sloughed off' bacteria would flow to a final settlement chamber and would then be discharged into the drainage field via a further filter.

Potential visual impact including openness of the countryside.

- 6.09 Whilst the application site is located in the countryside it is screened by mature trees along the site boundary. In addition to the screening the main water treatment plant and the drainage field would be below ground with only a modest compressor above ground level.

- 6.10 It is for these reasons that the proposal is acceptable in relation to visual impact and protecting the openness of the countryside.

Potential impact on the amenities of neighbouring properties.

- 6.11 The closest residential property to the site of the water treatment plant is The Pines that is located 90 metres to the north east.
- 6.12 With the nature of the proposal and this separation distance it is considered that the proposal is acceptable in relation to residential amenity.

Potential natural environment impact, trees, ecology and water pollution

- 6.13 The chosen location of the proposed treatment plant is on the opposite side of Parkwood House to the existing septic tank. The drainage field would be set in from the bank adjacent to West Street by approximately 8 metres, and on average would be a distance of 15 metres from the site boundary in Goddington Lane.
- 6.14 There is currently a line of mature trees along the Goddington Lane frontage on land between the proposed underground water treatment plant and the site boundary. The submitted application includes an arboricultural report that considers the potential impact of the proposal on these trees and others on the site.
- 6.15 The potential impact of the proposal including the submitted arboricultural report and tree protection plan have been considered by the council's tree officer. With suitable conditions attached to a decision notice the proposal is acceptable in relation to the protection and long term survival of existing trees on the site.
- 6.16 The proposed site of the water treatment plant is managed open land within the grounds of the care home of Parkwood House. In this context the land has little ecological value and with the nature of the proposal it is not considered that a request for ecological mitigation would be justified. There is no evidence to suggest that the proposal will cause any harm to flora or fauna and as set out below the environment agency have no objection to the proposal.
- 6.17 Neighbour consultation responses and comments from Councillor Sams have raised concerns about the potential pollution of water courses from the current proposal. This includes a concern about potential harm to the Parkwood Trout Farm.
- 6.18 The protection of water courses from pollution is considered outside the planning system by the Environment Agency under the Environmental Permitting (England & Wales) Regulations 2016. The Environment Agency has not objected to the current planning application. After considering the potential impact, including the siting of the plant and the groundwater source protection zone, the environment agency issued a permit on the 20/02/2019 for the proposed water treatment plant.
- 6.19 The issued permit includes various conditions. These conditions include that the treatment plant shall have a written management system, competent persons and resources should be used and any complaints considered. A further condition is that the system complies with relevant British Standards.
- 6.20 To act lawfully, a decision-maker must have the legal power to make the decision that it intends to make. It is the view of officers that the proposal is acceptable (including in relation to potential water pollution), however even if this were not the case there would be no grounds to refuse planning permission for matters that are considered by the Environment Agency under separate legislation. If, as stated in responses, neighbours feel that the Environment Agency have not taken account of all the issues this is something that neighbours need to raise directly with the Environment Agency.

Other matters

- 6.21 The site is located in an area of archaeological importance. A condition is recommended seeking a watching brief.
- 6.22 The site is located in a minerals safeguarding area. The proposal is to provide a utility to an existing property and is in the curtilage of that property and on this basis the proposal is considered acceptable in relation to minerals safeguarding.
- 6.23 There are two areas of ancient woodland near the northern part of the site, Alders is located on the opposite side of Goddington Lane to the west, 20 metres to the north east of the northern site boundary is Oxley Mead Shaw located within the Trout Farm. With the separation distance of the ancient woodland from the site boundary and the distance of the water treatment plant within the site the potential impact on ancient woodland is acceptable.

7.0 CONCLUSION

- 7.01 The application is a modest development which will not have an adverse impact on the surrounding locality or neighbouring properties. For these reasons it is acceptable in terms of planning policy and is 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 permitted shall be carried out in accordance with the following approved plans:

05 Dec 2018	07 Rev 2	Location Plan
29 Mar 2019		Arboricultural Report
29 Mar 2019	190012-2 B	Arboricultural Impact Plan
29 Mar 2019		Environment Agency Permit

Reason: To clarify which plans have been approved.
- 3) The use of the water treatment plant hereby permitted shall not commence until the groundworks have been completed, including backfilling of any excavations and restoration to previous levels, and finished with seeding or turfing similar to the remaining garden area has been completed. 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 the property, or use of the land, die or become so seriously damaged or diseased that their long term amenity value has been adversely affected shall be replaced in the next planting season with plants of the same species and size 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 developer shall arrange for 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. No works shall start on site until a written programme and specification for the work has been submitted to and approved by the local planning authority;
Reason: To enable the recording of any items of historical or archaeological interest.

Informative

- 1) Applicant is advised to comply with the Mid Kent Code of Development Practice

Case Officer: Jocelyn Miller



Permit with introductory note

The Environmental Permitting (England & Wales) Regulations 2016

CareTech Community Services Limited

Sewage treatment plant and infiltration system serving
Parkwood House
West Street
Harrietsham
Kent
ME17 1JZ

Permit number

EPR/LB3798VP

APPENDIX 2

Sewage treatment plant and infiltration system serving Parkwood House Permit number EPR/LB3798VP

Introductory note

This introductory note does not form a part of the permit

The main features of the permit are as follows.

Parkwood House is an assisted living centre discharging a maximum of 4.13 cubic metres of secondary treated sewage effluent per day. The effluent is of a domestic nature only. The effluent is treated by a sewage treatment plant and discharged to ground via an infiltration system. The property cannot reasonably connect to the foul sewer.

The status log of the permit sets out the permitting history, including any changes to the permit reference number.

Status log of the permit		
Description	Date	Comments
Application EPR/LB3798VP/A001	Duly made 31/10/2018	Application for discharge of secondary treated sewage effluent.
Permit determined EPR/LB3798VP	20/02/2019	Permit issued to CareTech Community Services Limited.

End of introductory note

Permit

The Environmental Permitting (England and Wales) Regulations 2016

Permit number

EPR/LB3798VP

The Environment Agency hereby authorises, under regulation 13 of the Environmental Permitting (England and Wales) Regulations 2016

CareTech Community Services Limited ("the operator"),

whose registered office is

5th Floor

Metropolitan House

3 Darkes Lane

Potters Bar

Hertfordshire

EN6 1AG

company registration number 02804415

to operate a groundwater activity at

Parkwood House

West Street

Harrietsham

Kent

ME17 1JZ

to the extent authorised by and subject to the conditions of this permit.

Name	Date
Mark Hutchinson	20/02/2019

Authorised on behalf of the Environment Agency

Conditions

1 Management

1.1 General management

- 1.1.1 The operator shall manage and operate the activity:
- (a) in accordance with a written management system that identifies and minimises risks of pollution so far as is reasonably practicable, including those risks arising from operations, maintenance, accidents, incidents, non-conformances and those drawn to the attention of the operator as a result of complaints; and
 - (b) using sufficient competent persons and resources.
- 1.1.2 Records demonstrating compliance with condition 1.1.1 shall be maintained.
- 1.1.3 Any person having duties that are or may be affected by the matters set out in this permit shall have convenient access to a copy of the permit.

2 Operations

2.1 Permitted activities

- 2.1.1 The only activity authorised by the permit is the activity specified in schedule 1 table S1.1.

2.2 The site

- 2.2.1 The groundwater activity shall take place at the discharge point marked on the site plan at schedule 7 to this permit, and as listed in table S3.2; and, the operating techniques that are the subject of conditions prefixed by 2.3 shall be applied at the location shown, or otherwise described, in schedule 7.

2.3 Operating techniques

- 2.3.1 The infiltration system specified in table S1.1 shall be constructed to comply with the following:
- (a) no part of the infiltration system constructed shall be more than 2 metres below ground level;
 - (b) no part of the infiltration system shall be less than 1.2 metres above the highest predicted annual groundwater level;
 - (c) the infiltration system shall not connect to any land drainage system;
 - (d) the infiltration system shall not be situated within 10 metres of any watercourse (including any ditch that runs dry for part of the year), or any other surface water;
 - (e) the infiltration system shall not be situated within 50 metres of a well, spring or borehole that is used to supply water for domestic or food production purposes.
- 2.3.2 The sewage treatment plant and infiltration system shall conform to all relevant British Standards in force at the time of installation.

3 Emissions and monitoring

3.1 Emissions to water or land

3.1.1 The limits given in schedule 3 table S3.1 shall not be exceeded.

3.2 Emissions of substances not controlled by emission limits

3.2.1 For the activity referenced in schedule 1, table S1.1 the operator shall take appropriate measures as far as is reasonably practicable:

- (a) to prevent the input of hazardous substances to groundwater; and
- (b) where a non-hazardous pollutant is not controlled by an emission limit, to limit the input of such non-hazardous pollutants to groundwater so as to ensure that inputs do not cause pollution of groundwater.

3.3 Monitoring

3.3.1 An accessible monitoring point shall be provided and maintained to enable monitoring to be carried out at the monitoring point specified in table S3.3 of schedule 3 and shown marked on the site plan in schedule 7.

4 Information

4.1 Records

4.1.1 All records required to be made by schedule 3, 4 and 5 to this permit shall:

- (a) be legible;
- (b) be made as soon as reasonably practicable;
- (c) if amended, be amended in such a way that the original and any subsequent amendments remain legible, or are capable of retrieval; and
- (d) be retained, unless otherwise agreed in writing by the Environment Agency, for at least 6 years from the date when the records were made.

4.1.2 The operator shall maintain convenient access, in either electronic or hard copy, to the records, plan and management system required to be maintained by this permit.

4.2 Reporting

4.2.1 The operator shall send all reports and notifications required by the permit to the Environment Agency using the contact details supplied in writing by the Environment Agency.

4.3 Notifications

4.3.1 The Environment Agency shall be notified as soon as reasonably practicable following detection, within the site of the regulated facility of:

- (a) any malfunction, breakdown or failure of equipment or techniques, accident, or emission of a substance not controlled by an emission limit which has caused, is causing or may cause significant pollution; and
- (b) any breach of a limit specified in schedule 3 table S3.1.

APPENDIX 2

Any other significant adverse environmental effects, which may have been caused by the activity, shall also be notified to the Environment Agency as soon as reasonably practicable following detection.

4.3.2 The information provided under condition 4.3.1 shall be supported by sending the information listed in schedule 5 to this permit within the time period specified in that schedule.

4.3.3 The Environment Agency shall be notified within 14 days of the occurrence of the following matters, except where such disclosure is prohibited by Stock Exchange rules:

Where the operator is a registered company:

- (a) any change in the operator's trading name, registered name or registered office address; and
- (b) any steps taken with a view to the operator going into administration, entering into a company voluntary arrangement or being wound up.

Where the operator is a corporate body other than a registered company:

- (a) any change in the operator's name or address; and
- (b) any steps taken with a view to the dissolution of the operator.

4.3.4 Where the operator proposes to make a change in the nature of the activity by increasing the concentration of, or the addition of, or allowing the introduction of, a substance to the activity to an extent that the operator considers could have a significant adverse environmental effect on the receiving waters, and the change is not the subject of an application for approval under the EP Regulations or under the terms of this permit:

- (a) the Environment Agency shall be notified in writing at least 14 days before the increase or addition or allowing the introduction; and
- (b) the notification shall contain a description of the proposed change.

4.4 Interpretation

4.4.1 In this permit the expressions listed in schedule 6 shall have the meaning given in that schedule.

4.4.2 In this permit references to reports and notifications mean written reports and notifications, except where reference is made to notification being made "as soon as reasonably practicable", in which case it may be provided by telephone.

Schedule 1 – Operations

Table S1.1 Activities	
Description of activity	Limits of specified activity
Groundwater activity: discharge into land of secondary treated sewage effluent	<p>Via an infiltration system centred on NGR TQ 85988 52707. The drainage field shall be designed in accordance with the British Standard BS 6297:2007+A1:2008 'Code of practice for the design and installation of drainage fields for use in wastewater treatment'. (All following references to 'the British Standard' are references to this document).</p> <p>Where the minimum British Standard percolation test value (Vp) of 15 as referred in section 6.2 of the British Standard cannot be complied with the discharge is permissible only if the following additional requirements apply:</p> <ul style="list-style-type: none"> (i) the minimum floor area of the drainage field shall be calculated using a Vp equal to 15; and (ii) a minimum 600 mm deep layer of medium or coarse washed sand shall be laid on a geotextile membrane, below the granular fill.

Schedule 2 – Waste types, raw materials and fuels

Schedule 2 not in use.

Schedule 3 – Emissions and monitoring

Table S3.1 Point Source emissions to water (other than sewer) and land – emission limits and monitoring requirements							
Effluent(s) and discharge point(s)	Parameter	Limit (including unit)	Reference Period	Monitoring method	Limit of effective range	Monitoring frequency	Compliance Statistic
Secondary treated sewage effluent via Outlet 1	Maximum daily flow	4.13 m ³ /day	Total daily volume	N/A	N/A	N/A	Maximum
	Visible oil or grease	No significant trace present so far as is reasonably practicable	Instantaneous (visual examination)	Visual examination	N/A	N/A	No significant trace

Table S3.2 Discharge points			
Effluent Name	Discharge Point	Discharge point NGR	Receiving water/Environment
Secondary treated sewage effluent	Outlet 1	TQ 85978 52710	Groundwater via an infiltration system

Table S3.3 Monitoring points			
Effluent(s) and discharge point(s)	Monitoring type	Monitoring point NGR	Monitoring point reference
Secondary treated sewage effluent via Outlet 1	Effluent sampling	TQ 85978 52710	Effluent sample point

Schedule 4 – Reporting

Schedule 4 not in use.

Schedule 5 – Notification

These pages outline the information that the operator must provide.

Units of measurement used in information supplied under Part A and B requirements shall be appropriate to the circumstances of the emission. Where appropriate, a comparison should be made of actual emissions and authorised emission limits.

If any information is considered commercially confidential, it should be separated from non-confidential information, supplied on a separate sheet and accompanied by an application for commercial confidentiality under the provisions of the EP Regulations.

Part A

Permit Number	
Name of operator	
Location of Facility	
Time and date of the detection	

(a) Notification requirements for any malfunction, breakdown or failure of equipment or techniques, accident, or emission of a substance not controlled by an emission limit which has caused, is causing or may cause significant pollution	
To be notified within 7 days of detection unless otherwise agreed in writing by the Environment Agency	
Date and time of the event	
Reference or description of the location of the event	
Description of where any release into the environment took place	
Substances(s) potentially released/type or nature of sewage released	
Best estimate of the quantity or rate of release of substances and/or duration of discharge	
Best estimate of the environmental impact of the discharge	
Measures taken, or intended to be taken, to stop any emission	
Description of the failure or accident.	

APPENDIX 2

(b) Notification requirements for the breach of a limit specified in schedule 3 table S3.1	
To be notified within 7 days of detection unless otherwise agreed in writing by the Environment Agency	
Description of where the effect on the environment was detected	
Description of and best estimate of the scale of the environmental impact of the discharge	

Part B – to be submitted as soon as reasonably practicable unless otherwise agreed in writing by the Environment Agency

Any more accurate information on the matters for notification under Part A.	
Measures taken, or intended to be taken, to prevent a recurrence of the incident/breach/exceedance	
Measures taken, or intended to be taken, to rectify, limit or prevent any pollution of the environment which has been or may be caused by the emission	

Name*	
Post	
Signature	
Date	

* authorised to sign on behalf of the operator

Schedule 6 – Interpretation

"accident" means an accident that may result in pollution.

"annually" means once every year.

"application" means the application for this permit, together with any additional information supplied by the operator as part of the application and any response to a notice served under Schedule 5 to the EP Regulations.

"appropriate measures" for the purposes of the emission of substances not controlled by emission limits condition (condition 3.2.1) do not require the operator to undertake treatment to a level beyond that specified in schedule 1 table S1.1, or to carry out routine monitoring for substances not controlled by emission limits.

"emissions of substances not controlled by emission limits" means emissions of substances to air, water or land from the permitted activities, which are not controlled by an emission limit.

"emissions to land" includes emissions to groundwater.

"EP Regulations" means The Environmental Permitting (England and Wales) Regulations SI 2016 No.1154 and words and expressions used in this permit which are also used in the Regulations have the same meanings as in those Regulations.

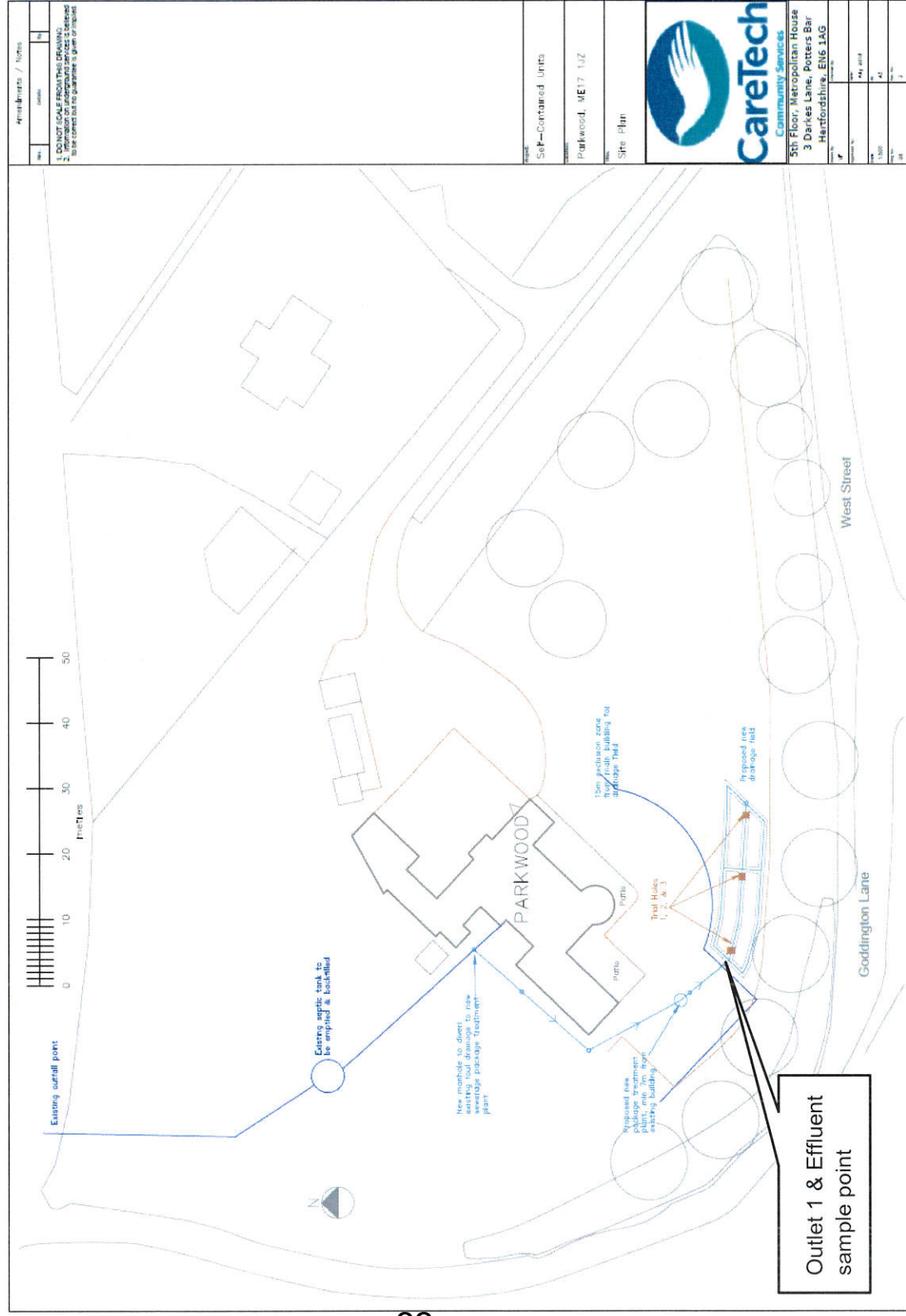
"groundwater" means all water, which is below the surface of the ground in the saturation zone and in direct contact with the ground or subsoil.

"quarter" means a calendar year quarter commencing on 1 January, 1 April, 1 July or 1 October.

"significant pollution" means a category 1 or category 2 incident indicated by the Common Incident Classification Scheme (CICS).

"year" means calendar year ending 31 December.

Schedule 7 – Site plan



END OF PERMIT

Permit number
EPR/LB3798VP



19/501221/FULL - Land to south of Cross Keys, Bearsted, Kent

Scale: 1:2500

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REPORT SUMMARY

REFERENCE NO - 19/501221/FULL			
APPLICATION PROPOSAL Section 73 application (MMA) to amend approved plans condition to include altering road layout, layouts to plots 17, 18, 19, 20 and design of plots 16, 17, 25, 27, 28, 31-39, 43 and associated works of planning permission 14/504795/FULL (erection of 30 no. open market homes and associated garaging, and erection of 20 no. affordable homes, construction of access road and bridge, and provision of open space, ecology park and new public footpath. Demolition of 24 bay garage court and redevelopment to provide a 16 bay garage court and amenity storeroom).			
ADDRESS Land To The South Of Cross Keys Bearsted Kent			
RECOMMENDATION – GRANT PLANNING PERMISSION subject to conditions and Section 106 agreement (Deed of Variation).			
SUMMARY OF REASONS FOR RECOMMENDATION The proposals constitute relatively minor changes to the previously approved scheme on the site for the erection of 50 residential units and are considered to be acceptable and in accordance with the site allocation policy, and all other relevant Development Plan policies.			
REASON FOR REFERRAL TO COMMITTEE Councillor Springett has requested the application be reported for Committee for the reasons set out in section 4 of this report.			
WARD Bearsted	PARISH/TOWN COUNCIL Bearsted	APPLICANT Country House Development Limited AGENT Barton Willmore	
DECISION DUE DATE 05/07/19	PUBLICITY DATE 14/06/19	EXPIRY DATE 25/03/19	OFFICER SITE VISIT DATE 25/03/19
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
14/504795/FULL	Erection of 30 no. open market homes, 20 no. affordable homes, site access road, open space, ecology park and new public footpath. Demolition of 24 bay garage court and redevelopment to provide a 16 bay garage court and amenity storeroom.	Approved	06/07/16
16/507318/SUB	Submission of Details Pursuant to Condition 7 - Heritage Interpretation, Condition 8 - Archaeological, Condition	Approved	09/02/17

	10 - Highways/Parking Details, Condition 11 - Materials, Condition 12 - Boundary Treatments, Condition 14 - Facilities, Condition 15 - Site Levels, Condition 16 - Lighting, Condition 18 - Landscaping Scheme, Condition 20 - Ground Protection, Condition 21 - Arboricultural Method Statement, Condition 23 - Pedestrian Route Details and Condition 27 - Materials of planning permission MA/14/504795		
17/500672/SUB	Submission of Details to Pursuant Condition 13 - Habitat Management Plan	Approved	17/03/17
17/500961/SUB	Submission of Details to Discharge Condition 9 (Parts 1, 2 and 3 Contamination Risk)	Approved	21/04/17
17/500963/NMA	Removal of condition 17 – Code for Sustainable Homes	Approved	13/03/17
17/502189/NMA	Amendment to Condition 4, 25, & 26 in order to enable the garage demolition to take place immediately, & in advance of the finalisation of the drainage details and S278 agreement	Approved	24/05/17
17/503100/SUB	Submission of details pursuant to condition 25 (Foul Drainage)	Approved	19/08/17

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The site comprises an area of land located to the east of Cross Keys and to the west of Sutton Street and to the south of The Street / Roundwell. The site is located within the urban boundary of Maidstone and is allocated in the Maidstone Borough Local Plan 2017 Policy H1(31) for approximately 50 dwellings. Planning permission exists for 50 dwellings, granted in 2016. The decision notice and approved plan are attached as Appendices.
- 1.02 The site is also located within an area of Archaeological Importance with the remains of Mott Hall, located in the south western section of the site adjacent to the Lilk stream.
- 1.03 An ordinary water course, the Lilk, flows broadly north to south across the site and is culverted under Roundwell. The site has a flat plateau area running through the middle with the Lilk stream. To the west of this the land rises sharply in places to its boundary with Cross Keys and to the east there is a gentle rise to the rear of the properties on Sutton Street.
- 1.04 The land is largely not maintained and includes areas of established grassland, trees and planting. The central and western part of the site is located within flood zone 2 and 3.

- 1.05 To the north, east and west, the site is bordered by built development, while the area to the south has a more rural character.
- 1.05 Located to the west and north of the site are established residential properties in Cross Keys and The Street. The area to the east of the site also comprises residential properties, which front Sutton Street, with their rear gardens generally backing onto the application site. The residential development along Sutton Street is mainly located along the west side of the street with some sporadic development along the eastern side. The western side of Sutton Street has a much more built up character than the eastern side with a fairly close knit line of residential properties stretching from the junction with Roundwell down to a property known as The Barn. Sutton Street and the area to the east are located within the open countryside together with Gore Cottage; a grade II listed building. Sutton House and barn, a grade II listed building is located on the west side of Sutton Street.

2.0 PROPOSAL

- 2.01 The application proposes a 'Minor Material Amendment' to application 14/504795/FULL for residential development for 50 units, including the following main amendments:
- reconfigured internal access road (to address highway safety concerns associated with the approved layout);
 - alteration to the design and layout of plots 16, 17, 25, 27, 28 and 43;
 - inclusion of a 4 x 3.7m electrical substation;
 - roof configuration amended to the block containing units 31-39, with the removal of the step between plots 35 and 36.

3.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Development Plan: SS1, SP1, SP18, SP18, SP19, SP23, ID1, H1(31), DM1, DM2, DM3, DM4, DM6, DM8, DM12, DM19, DM21, DM23

4.0 LOCAL REPRESENTATIONS

Bearsted Parish Council – Object on the following summarised grounds:

- Drainage and flood management has not been approved.
- Properties moved closer to boundaries result in loss of amenity to Sutton Street residents.
- Increase in roof heights resulting in harm to outlook to residents along Sutton Street.
- Loss of protected trees.
- Road layout will result in additional surface run off.

Councillor Val Springett:

- Proposed changes will impact on adjoining properties. Request the application to be determined at Committee in order to allow affected residents to make representations to the committee.

Bearsted and Thurnham Society:

- Re-orientation of properties would result in them being closer to existing properties in Sutton Street.
- Consideration of increased building volume and roof heights is needed.
- Changes to plot 25 will cause harm to the grade II listed Sutton House.
- Request a condition be applied to require all external finishes be as stated in the original application, or to an agreed higher standard.
- Essential that SUDS conditions are carried forward.

Local Residents: Twenty two letters of objection have been received from neighbouring properties. Comments are summarised as follows:

- Increase in heights and footprint of properties would harm amenity.
- Repositioning and reorientation of properties would result in loss of amenity.
- Pollution.
- Loss of green space.
- Harm to the grade II listed Sutton House due to the amendment of plot 25.
- Change to less attractive building materials would be out of character with the surrounding area, near listed buildings or the setting of the AONB.
- Change to road layout will lead to antisocial behaviour.
- Loss of protected tree.
- Drainage and flood issues not addressed.
- Lack of infrastructure for new residents.
- Emergency access from Sutton Street would increase traffic along Sutton Street.
- Previous planning permission has not been implemented and has expired.

5.0 CONSULTATIONS

5.01 KCC Flood and Water Management – No further comment to make.

5.02 KCC Highways – No objection.

5.03 MBC Landscape – The submitted plans appear essentially the same as that already approved and therefore raise no arboricultural objection. The submitted landscape planting plan follows the principles of the approved scheme and therefore there are no landscape objections.

6.0 APPRAISAL

6.01 The application seeks to vary the approved drawings (condition 28) of planning permission 14/504795/FULL to include the changes outlined in section 2 of this report. Under the terms of a Section 73 application, recognising that the approved development has lawfully commenced, it is only the impact of the proposed minor changes that are before Members

for consideration. The principle of the housing development, including the highways impacts, drainage, landscaping, ecology and planning obligations will not be revisited as these aspects are not considered to be affected by the proposed amendments. As such, it is considered that the key considerations are:

- Design including visual impact; and
- Residential amenity.

- 6.02 Some consultees question whether the previous planning permission has expired. Section 56(4) of the Town and Country Planning Act 1990 states '*development is taken to be begun on the earliest date on which a material operation is carried out*'. A material operation is defined in the Act and can include any relevant works of construction or demolition. In this case, it is considered that applicant commenced the 2016 permission with the demolition of the 24 bay garage court in 2017.

Design and Visual Impact

- 6.03 Policy DM1 of the Maidstone Borough Local Plan promotes development that is of a high quality design which is sympathetic to the character and distinctiveness of the site and surroundings.
- 6.04 The proposal relates to minor-material amendments to the built form and appearance of some of the approved dwellings, including their footprint, position and design. The relevant changes are set out below.

Relocate plots 17-20

- 6.05 The position of these properties has been altered to accommodate the new loop road within the western section of the site. The revised road layout addresses safety concerns associated with the cul-de-sac arrangement previously approved, which would have necessitated significant reversing movements for refuse and other delivery vehicles. These properties are located centrally within the site and changes to these properties would not be significantly visible, save from within the site. The design of these plots remains acceptable within the context of the overall housing development and its wider setting.

Plot 16

- 6.06 To accommodate the loop road this property has been moved further south within the site. The house design has been altered to include a stepped back elevation in order to maintain a separation distance to the closest existing property at 'Broadacre' which is located approximately 32m to the south east. The changes to this house design are considered to be acceptable in the overall context of the site and the relationship of this plot to existing neighbours.

Plot 25

- 6.07 This proposed house would be visible from Sutton Street. Original proposals to move this building materially closer to the site boundary have been withdrawn following comments from neighbours and at the request of Officers, and amended plans were received on 13/06/2019 reverting the position of the dwelling broadly back to the design as approved under application 14/504795/FULL. Whilst the dwelling has been repositioned approx. 1m further to the south west, slightly closer to Sutton House, this would not result in any further harm to the setting of the grade II Sutton House, nor any material impact on the character of the wider area.

Plot 27 and 28

- 6.08 The design treatment of these dwellings remains as previously approved with a maximum ridge height of 9.2m. When compared to the approved layout the slight repositioning of plot 27 would not have a significant material impact upon the design of the development as a whole, nor affect the visual impact of the development on the surrounding area.
- 6.09 With regard to plot 28, the dwelling has been repositioned slightly within the plot, but as this plot is located centrally within the site, it has little impact upon the scheme and no impact on the wider townscape.

Plots 31-39

- 6.10 The amended design of these terraces has resulted in the reconfiguration of the roof shape and the removal of the step between plots 35 and 36. The plots have increased in ridge height from approx. 9.2m to 9.6m. The increased ridge height would not be readily discernible when viewed from outside of the site and does not affect the overall character, appearance or design quality of the development.

Plot 43

- 6.11 This dwelling has been repositioned north east within its plot. Both the previously approved dwelling and this amended design are visible from Roundwell to the north. The dwelling would provide a facing principal elevation to both the internal roads and to Roundwell. The minor re-position within the plot is considered to have no adverse affect upon the overall appearance or quality of the development.

Revised garage locations

- 6.12 The revised scheme sees the repositioning of garages for plots 30, 40 and 43, which would have no impact on the quality of the scheme or surrounding area.

Internal access road and substation

- 6.13 The revised layout involves the removal of the cul de sac layout in the southern part of the site, to be replaced with a new loop road layout. The redesign of the road layout is considered to be acceptable. However, as the re-alignment would result in boundary treatments for plots 17, 18 and

20 fronting on to the highway, condition 9 will require the submission of details for boundary treatments and require the boundaries of plots 17, 18 and 20 to be set back from the highway with landscaping in front. The revised plans also include the provision of a 4x3.7m substation in the north of the site adjacent to plot 43. However, due to the minor nature of the substation building and its location, it is considered to be acceptable.

- 6.14 A number of objectors suggest that materials have being altered within the submitted plans. The materials for the site and each plot have been approved under application reference 16/507318/SUB which includes, slate and clay roof tiles, ragstone and dark brickwork, clay hanging tiles and ebony, white and cream weatherboarding. Condition 8 would require that the development be carried out in accordance with the written details and samples of these approved materials unless otherwise agreed in writing with the local planning authority.
- 6.15 In conclusion, the proposed design and layout alterations are considered to be acceptable. The dwellings are consistent with the previous approval and are considered to be of an acceptable scale, massing and design and relate sympathetically to the wider locality. The amendments still ensure a high quality development that complies with the site policy and policy DM1 of the Local Plan.

Residential Amenity

- 6.16 Policy DM1 of the Local Plan states that development should respect the amenity of neighbouring properties and provide adequate residential amenities for future occupiers of the development by ensuring that development does not result in, for example, 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.
- 6.17 A number of objections have been raised in respect of potential overlooking, loss of privacy and loss of outlook caused by the alterations to the approved dwellings. These concerns primarily relate to the revised layout of the site and the position and increase in height of some of the dwellings.
- 6.18 The majority of the properties fronting onto Sutton Street benefit from long rear gardens which back onto the application site. The proposed built development would be set away from the boundaries of the site, which in most cases would allow sufficient separation distances of more than 20m between the proposed dwellings and existing properties.
- 6.19 The closest properties to Sutton Street that are proposed for amendment are plots 16, 25, 27, 28, 30 (garage), 40 (garage) and 43.
- 6.20 Plot 16 has been reoriented with the front elevation facing north and repositioned approx. 7.5 m further south east within the plot. However, in order to manage this relationship, the design of the building has been altered and now steps in at the back to maintain a separation distance of

approx. 32m from the rear elevation of this plot to the 'Broadacre' property – which is as per the approved scheme.

- 6.21 Plot 25 has been repositioned approx. 1m further to the south west. Side elevations between this property and 'Sutton House' to the south east would be separated by approx. 17m, compared to the approved 18m. Plot 25 would not be located directly behind any neighbouring residential properties fronting onto Sutton Street therefore limiting the impact of this building and only oblique views would be afforded between habitable windows. The proposed amendment is not considered to cause harm to residential amenity.
- 6.22 Plot 27 has been repositioned approx. 0.5m further north than the previous approval and would maintain the separation distance to 'The Cottage' and 'Knocklofty' of approx. 27m between rear elevations. The ridge height of the dwelling remains at approx. 9.2m.
- 6.23 Plots 31-39 remain in the approved position, but the ridge height has increased from approx. 9.2m to 9.6m. A separation distance remains of approx. 37m between the rear elevation of plots 31-33 and properties along Sutton Road. The increased ridge heights of these plots would continue to respect the amenities of adjoining residents and would not cause harm.
- 6.24 Plot 43 has been repositioned approx. 1m further north within the plot and would be located some 20.5m distance from the rear / side elevation of 'Roundwell Cottage'. This separation distance would continue to ensure that there is no harmful impact upon the amenity of the existing residents.
- 6.25 The garages for plots 30, 40, 42 and 44 would be repositioned within each plot, however the garage buildings would be single storey, would be screened by existing and proposed boundary treatment and therefore is not considered to result in an unreasonable loss of amenity.
- 6.26 As such, the proposed amendments are not considered to result in harm to the amenities of the neighbouring properties, in accordance with Policy DM1 of the Maidstone Borough Local Plan 2017.

Other Matters

Highways

- 6.27 The purpose of the application is to respond to concerns over the reliance of the previous scheme on cul-de-sacs and to accommodate a revised configuration based upon a short internal loop road. This will reduce the risk of conflicts between reversing vehicles and pedestrians, which is a benefit, whilst in terms of wider highway safety or traffic impact issues the proposal would not result in any different impacts when compared to the approved scheme. KCC Highways has been consulted and do not raise any objections on highways safety or parking grounds.

Heritage

- 6.28 It is considered that the proposed amendments would not result in a significantly different impact upon the nearby grade II listed buildings and Conservation Area and the impact, as before, is less than substantial. The design continues to demonstrate that the scheme minimises the impact upon heritage assets, whilst the public benefits arising from the delivery of new houses on a sustainable allocated housing site would continue to outweigh the limited harm that the development as a whole would have on the character and appearance of the conservation area, archaeological remains and the setting of grade II listed buildings - as per the previous planning permission. This assessment is in accordance with policy DM4 of the Local Plan and the NPPF.

Drainage

- 6.29 A number of comments have been received that have raised concerns that condition 4 – Surface Water Drainage of the original planning permission has not yet been discharged. The drainage condition will be re-attached to this planning permission and will require discharge prior to the commencement of construction activity. KCC SUDS team has been consulted but have not raised an objection.
- 6.30 Matters relating to foul water drainage are controlled under the Water Industry Act and do not fall within the realms of the planning consent and Local Planning Authority control.

7.0 CONCLUSION

- 7.01 The principle of residential development has been accepted by the planning permission 14/504795/FULL and the site was subsequently allocated in the Local Plan under Policy H1(31) for approximately 50 dwellings. The proposals do not alter the quantum or overall character of the development. It is considered that the amendments are modest, serve to maintain the overall design quality of the development and do not impact upon neighbours. The amendments are therefore considered to, accord with the Local Plan, are acceptable and it is recommended that planning permission be granted subject to completion of a section 106 agreement (Deed of Variation). The S106 Deed of Variation will tie the decision for this application to the previously agreed and signed S106 in order to secure the agreed contributions including towards health, education, and management and monies towards the open space, woodland and ecology area. All previous conditions will be attached where relevant.

8.0 RECOMMENDATION

Subject to the prior completion of a variation to the previous legal agreement to link it to this planning permission and subject to the conditions as set out below, the Head of Planning and Development **BE DELEGATED POWERS TO GRANT PLANNING PERMISSION**, and to be able to settle or amend any necessary Heads of Terms and planning

conditions in line with the matters set out in the recommendation and as resolved by the Planning Committee.

CONDITIONS

- (1) The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) (14_504795_FULL-FLOOD_RISK_ASSESSMENT, 12th November 2014) approved under application reference 14/504795/FULL. Specifically, the mitigation measures detailed within the FRA include:

1. Finished floor levels are set no lower than 39.95m above Ordnance Datum (AOD) (paragraph 4.7 FRA)
2. The minimum level of the access road bridge is set at 39.50mAOD (paragraph 4.9, FRA) and the lowest level of this bridge is greater than one metre above the 39.20m (paragraph 4.10)
3. Limiting the surface water run-off to the watercourse of 5 litres per second, generated by the 100 year critical storm (including climate change allowance), so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.
4. Provision of compensatory flood storage (for the bridge piers) on the Lilk, as detailed in section 5 of the FRA and Appendix 12.0.
5. Confirmation of culvert construction and improvement works, detailed in paragraph 4.4 and drawing A2164-SK1500 in Appendix 12.0.

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

Reasons:

1. To reduce the risk of property flooding to the proposed development and future occupants
 2. To prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided and ensure safe access and egress from and to the site.
 3. To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.
 4. To reduce the risk of flooding from blockages to the existing culvert (s).
 5. To reduce the risk of flooding (from all sources) to the proposed development and existing road infrastructure and properties surrounding the site.
- (2) Prior to the commencement of building operations (excluding demolition) a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, shall be 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 years critical storm (including climate change) will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The

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

- The appropriate locations on the development site where infiltration techniques are appropriate. This will be informed by specific ground conditions (e.g. groundwater levels and infiltration rates) at each location where soakaways are proposed.
- Where soakaways are not appropriate, sustainable surface water drainage systems will be designed and incorporated into the development, in line with the FRA, paragraph 6.13. Updated rainfall runoff calculations based upon the detailed design will be included with the surface drainage scheme.
- Details of how the overall scheme shall be maintained and managed after completion

Reason: To prevent the increased risk of flooding, both on and off site.

- (3) If, during 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 remediation strategy shall be implemented as approved, verified and reported to the satisfaction of the Local Planning Authority.

Reason: There is always the potential for unexpected contamination to be identified during development groundworks. We should be consulted should any contamination be identified that could present an unacceptable risk to Controlled Waters.

- (4) The development shall be carried out in accordance with the programme of heritage interpretation approved under application 16/507318/SUB unless otherwise agreed in writing with the local planning authority.

Reason: To ensure that heritage interpretation is appropriately integrated into the development.

- (5) The development shall be carried out in accordance with the phase 3 Archaeological Investigation and Archaeological Evaluation Part A approved under application 16/507318/SUB unless otherwise agreed in writing by the local planning authority.

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

- (6) The development shall be carried out in accordance with the contamination scheme approved under application 17/500961/SUB unless otherwise agreed in writing with the local planning authority. A Closure Report shall be submitted to and approved in writing by the local planning upon completion of the works and shall include full verification details.

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;

Reason: In the interests of protecting the health of future occupants and the prevention of pollution.

- (7) The construction vehicle loading/unloading and turning facilities, provision of parking facilities for site personnel and visitors, provision of wheel washing facilities, provision and permanent retention of the vehicle parking spaces and/or garages, provision and permanent retention of the vehicle loading/unloading and turning facilities shall be provided in accordance with the approved details under application reference 16/507318/SUB unless otherwise agreed in writing with the local planning authority.

These facilities shall be provided in accordance with the approved details and remain available for the duration of the construction and where relevant shall be retained for use at all times thereafter.

Reason: In the interests of highway safety.

- (8) The development shall be carried out in accordance with the written details and samples of the materials approved under application reference 16/507318/SUB unless otherwise agreed in writing with the local planning authority.

Reason: To ensure a satisfactory appearance to the development.

- (9) Notwithstanding the details approved under application reference 16/507318/SUB, the development hereby approved shall not commence above slab level until, details of all fencing, walling and other boundary treatments have been submitted to and approved in writing by the local planning authority and the development shall be carried out in accordance with the approved details before the first occupation of the building(s) or land and maintained thereafter. The details shall show the boundaries for plots 17, 19 and 20 set back from the highway with landscaping in front.

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

- (10) The development shall be carried out in accordance with the Habitat Management Plan approved under application 17/500672/SUB unless otherwise agreed in writing with the local planning authority.

Reason: To ensure a satisfactory appearance and setting to the development and in the interests of biodiversity protection and enhancement.

- (11) Prior to the commencement of building operations (excluding demolition) details of the proposed slab levels of the buildings and the existing site levels shall be 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.

- (12) Prior to the commencement of building operations (excluding demolition) details of any lighting to be placed or erected within the site have been submitted to and approved in writing by the Local Planning Authority. The submitted details shall include, inter alia, details of measures to shield and direct light from the light sources so as to prevent light pollution and illuminance contour plots covering sensitive neighbouring receptors. The development shall thereafter be carried out in accordance with the subsequently approved details.

Reason: In the interest of residential amenity

- (13) The development shall be carried out in accordance drawing numbers 2020-14-b-4D landscape Planting Plan – Area A and 2020-14-b-5d Landscape Planting Plan – Area B and the landscape management plan Parts 1-4 approved under application 16/507318/SUB unless otherwise agreed in writing with the local planning authority.

Reason: To ensure a satisfactory landscaped setting for the development.

- (14) The use or occupation of the development hereby permitted shall not commence until all planting, seeding and turfing specified in the approved landscape details has been completed. 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 ten 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: To ensure a satisfactory landscaped setting for the development.

- (15) All construction activities, tree protection, access facilitation pruning and pre-emptive root pruning shall be carried out in accordance with the approved tree protection plan outlined in drawing no. CHQ.17.12334.PL12B unless otherwise agreed in writing with the local planning authority.

Reason: To ensure the protection of trees on the site in the interests of visual amenity and ecology.

- (16) The development shall be carried out in accordance with the Arboricultural Reports approved under application 16/507318/SUB unless otherwise agreed in writing with the local planning authority.

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

- (17) 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 ensure the protection of trees on the site in the interests of visual amenity and ecology.

- (18) The development shall be carried out in accordance with the Ecology Park Plan – Drawing No. 500/RP/048 approved under application 16/507318/SUB unless otherwise agreed in writing with the local planning authority.

Reason: In pursuit of sustainable transport objectives.

- (19) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by any order revoking and re-enacting that Order with or without modification) no development within Schedule 2, Part 1, Class(es) B, C, and F and Schedule 2, Part 2, Class(es) A; shall be carried out without the permission of the Local Planning Authority;

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

- (20) Prior to the commencement of building operations (excluding demolition) a signed S278 Agreement, covering the alterations to Cross Keys road layout, shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the highways works covered in the S278 have been completed.

Reason: In the interests of highways safety.

- (21) The development shall be carried out in accordance with Swift and Bat Box Data Sheet approved under application 16/507318/SUB unless otherwise agreed in writing with the local planning authority.

Reason: In the interest of ecological enhancement.

- (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: Infiltrating water has the potential to cause remobilisation of contaminants present in shallow soil/made ground which could ultimately cause pollution of groundwater.

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

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

CK/TSP/915-01A, CK/TRP/915-02A, CK/TRP/915-03A; dated 26 June 2014 and 500/RP/048, 500/RP/061; dated August 2014 and A2164-SK1500 P5, A2164-SK1501 P2, A2164-SK1505 P3, A2164-SK1506 P3, A2164-SK1510 P1, A2164-SK1612 P3, A2164-SK1613 P3; dated June 2014 and 500/RP/001, 500/DA/008; dated April 2014 and 500/RP/004; received 12/11/2014 and 500/RP/009, 500/RP/010, 500/RP/015; dated June 2014 and 500/RP/46, 500/RP/049, 500/RP/054; dated July 2014 and 500/RP/039, 500/RP/040, 500/RP/062; dated September 2014 and 500/RP/007, 500/RP/011, 500/RP/016, 500/RP/024, 500/RP/025, dated February 2015 and 500/RP/026/C, and LaDellWood Woodland Management Plan & Wetland Habitat Ref: 2020/14/B/3/B; dated February 2015 and Arboricultural Impact Assessment REF: SA/915/14A; dated 7 October 2014, Ecology Phase 1 habitat survey and reptile survey; dated September 2014, Flood Risk Assessment A2164/October 2014, Habitat creation and woodland management, Issue 2; dated September 2014, Phase 1 Geo Desk Study Ref: 3082/14; dated October 2014, Phase 2 archaeological investigation Ref: 2014/51; dated October 2014, Transport Assessment A2164/October 2014, CHQ.17.12334-PL60, CHQ.17.12334-PL16 Rev.A, CHQ.17.12334-PL17 Rev.A, CHQ.17.12334-PL25 Rev.A, CHQ.17.12334-PL28 Rev.A, CHQ.17.12334-PL43 Rev.B, CHQ.17.12334-PL50 Rev.A, CHQ.17.12334-PL51 Rev.A, CHQ.17.12334-PL53 Rev.A, CHQ.17.12334-PL54 Rev.A, CHQ.17.12334-PL70, CHQ.17.12334-PL71, CHQ.17.12334-PL12A Rev.A and 2020/14/B/4C submitted 6th March 2019 and CHQ.17.12334-PL10 Rev.D, CHQ.17.12334-PL11 Rev.B, CHQ.17.12334-PL12 Rev.B, CHQ.17.12334-PL19A, CHQ.17.12334-PL27 Rev.B, CHQ.17.12334-PL52 Rev.B and 2020/14/B/5D submitted 30th May 2019.

Reason: For the purpose of clarity and to ensure a satisfactory appearance to the development and a high quality of design.

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

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TITLE
SITE LAYOUT PLAN

PROJECT
**ROUNDWELL PARK
CROSSKEYS
BEARSTED**

CLIENT
**COUNTRY HOUSE
DEVELOPMENTS**



SITE LAYOUT
LEGEND

- EXISTING TREE RETAINED
- EXISTING TREE REMOVED
- PROPOSED NEW TREE
- PROPOSED INDIGENOUS HEDGEROWS & PLANTING BEDS
- ACCESS DRIVEWAY SURFACING IN PERMEABLE BLOCKPAVING
- PRIVATE DRIVEWAYS IN PERMEABLE RETAINED SHINGLE

SITE LAYOUT PLAN

Country House Developements
C/O
Mr Guy Osborne
Chegworth Manor Barn
Chegworth Road
Harrietsham
Kent
ME17 1DD



6 July 2016

PLANNING DECISION NOTICE

APPLICANT:	Country House Developements
DEVELOPMENT TYPE:	Small Major Dwellings
APPLICATION REFERENCE:	14/504795/FULL
PROPOSAL:	Erection of 30 no. open market homes and associated garaging, and erection of 20 no. affordable homes, construction of access road and bridge, and provision of open space, ecology park and new public footpath. Demolition of 24 bay garage court and redevelopment to provide a 16 bay garage court and amenity storeroom
ADDRESS:	Land To The South Of Cross Keys Bearsted Kent

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

- (1) The development hereby permitted shall be begun before the expiration of one year 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.

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

- (2) Whilst the principles and installation of sustainable drainage schemes are to be encouraged, 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: Infiltrating water has the potential to cause remobilisation of contaminants present in shallow soil/made ground which could ultimately cause pollution of groundwater.

- (3) The development permitted by this planning permission shall be carried out in accordance with the approved Flood Risk Assessment (FRA) (14_504795_FULL-FLOOD_RISK_ASSESSMENT, 12th November 2014). Specifically, the mitigation measures detailed within the FRA include:
1. Finished floor levels are set no lower than 39.95m above Ordnance Datum (AOD) (paragraph 4.7 FRA)
 2. The minimum level of the access road bridge is set at 39.50mAOD (paragraph 4.9, FRA) and the lowest level of this bridge is greater than one metre above the 39.20m (paragraph 4.10)
 3. Limiting the surface water run-off to the watercourse of 5 litres per second, generated by the 100 year critical storm (including climate change allowance), so that it will not exceed the run-off from the undeveloped site and not increase the risk of flooding off-site.
 4. Provision of compensatory flood storage (for the bridge piers) on the Lilk, as detailed in section 5 of the FRA and Appendix 12.0.
 5. Confirmation of culvert construction and improvement works, detailed in paragraph 4.4 and drawing A2164-SK1500 in Appendix 12.0.

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

Reasons:

1. To reduce the risk of property flooding to the proposed development and future occupants
2. To prevent flooding elsewhere by ensuring that compensatory storage of flood water is provided and ensure safe access and egress from and to the site.
3. To prevent flooding by ensuring the satisfactory storage of/disposal of surface water from the site.

4. To reduce the risk of flooding from blockages to the existing culvert (s).
 5. To reduce the risk of flooding (from all sources) to the proposed development and existing road infrastructure and properties surrounding the site.
- (4) No development shall take place until a surface water drainage scheme for the site, based on sustainable drainage principles and an assessment of the hydrological and hydro geological context of the development, 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 years critical storm (including climate change) will not exceed the run-off from the undeveloped site following the corresponding rainfall event. The scheme shall subsequently be implemented in accordance with the approved details before the development is completed. These details shall include:
- The appropriate locations on the development site where infiltration techniques are appropriate. This will be informed by specific ground conditions (e.g. groundwater levels and infiltration rates) at each location where soakaways are proposed.
 - Where soakaways are not appropriate, sustainable surface water drainage systems will be designed and incorporated into the development, in line with the FRA, paragraph 6.13. Updated rainfall runoff calculations based upon the detailed design will be included with the surface drainage scheme.
 - Details of how the overall scheme shall be maintained and managed after completion

Reason: To prevent the increased risk of flooding, both on and off site.

- (5) If, during 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 remediation strategy shall be implemented as approved, verified and reported to the satisfaction of the Local Planning Authority.

Reason: There is always the potential for unexpected contamination to be identified during development groundworks. We should be consulted should any contamination be identified that could present an unacceptable risk to Controlled Waters.

- (6) Prior to occupation of the development, a verification report demonstrating completion of the works set out in the approved remediation strategy and the effectiveness of the remediation shall be submitted to and approved, in writing, by the local planning authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met. It shall also include any plan (a "long-term monitoring and maintenance plan") for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action, as identified in the verification plan, if appropriate, and for the reporting of this to the local planning authority. Any long-term monitoring and maintenance plan shall be implemented as approved.

Reason: Should remediation be deemed necessary, the applicant should demonstrate that any remedial measures have been undertaken as agreed and the environmental risks have been satisfactorily managed so that the site is deemed suitable for use.

- (7) No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of heritage interpretation in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that heritage interpretation is appropriately integrated into the development.

- (8) No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a programme of archaeological work in accordance with a written specification and timetable which has been submitted to and approved by the Local Planning Authority.

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

- (9) The development hereby permitted shall not be commenced 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:

1) 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.

2) 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.

3) 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.

4) 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;

Reason: In the interests of public health and safety.

- (10) The development hereby permitted shall not be commenced until the following highways / parking details have been submitted to and approved, in writing, by the Local Planning Authority:

- Provision of construction vehicle loading/unloading and turning facilities.
- Provision of parking facilities for site personnel and visitors.
- Provision of wheel washing facilities.
- Provision and permanent retention of the vehicle parking spaces and/or garages.
- Provision and permanent retention of the vehicle loading/unloading and turning facilities.

These facilities shall be provided in accordance with the approved details and remain available for the duration of the construction and where relevant shall be retained for use at all times thereafter.

Reason: In the interests of highway safety.

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

- (12) 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 and the development shall be carried out in accordance with the approved details before the first occupation of the building(s) or land and maintained thereafter;

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

- (13) The development shall not commence until there has been submitted to and approved in writing by the Local Planning Authority a habitat management plan detailing how all the ecological enhancements and protected species mitigation, including details of the future management of the woodland and ecology park, will be managed long term. The site shall be managed in accordance with the approved habitat management plan thereafter.

Reason: To ensure a satisfactory appearance and setting to the development and in the interests of biodiversity protection and enhancement.

- (14) Details of facilities for the separate storage and disposal of waste and recycling generated by this development as well as the site access design and arrangements for waste collection shall be submitted for approval to the LPA. The approved facilities shall be provided before the first use of the building(s) or land and maintained thereafter. The applicant should have regard to the Environmental services guidance document 'Planning Regulations for Waste Collections' which can be obtained by contacting Environmental Services.

Reason: In the interests of amenity and to safeguard the appearance of the area.

- (15) 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 and the development shall be completed strictly in accordance with the approved levels;

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

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

Reason: In the interest of residential amenity

- (17) The dwellings shall achieve at least Level 4 of the Code for Sustainable Homes. No dwelling shall be occupied until a final Code Certificate has been issued for it certifying that Code Level 4 has been achieved.

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

- (18) No development shall take place 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. It shall detail a planting specification, a programme of implementation and a 10 year management plan and include details of the responsibility for management of any area that falls outside of private residential gardens of the new properties.

Reason: To ensure a satisfactory landscaped setting for the development.

- (19) The use or occupation of the development hereby permitted shall not commence until all planting, seeding and turfing specified in the approved landscape details has been completed. 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 ten 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: To ensure a satisfactory landscaped setting for the development.

- (20) No development shall take place until details of barriers and/or ground protection in accordance with the current edition of BS 5837, for areas designated for retention as soft landscaped areas of the whole site, have been submitted to and approved in writing by the local planning authority.

Reason: To ensure the protection of trees on the site in the interests of visual amenity and ecology.

- (21) No development 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 shall include details of hard surfacing and any other conflicts within the root protection areas of any retained trees.

Reason: To ensure the protection of trees on the site in the interests of visual amenity and ecology.

- (22) 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 ensure the protection of trees on the site in the interests of visual amenity and ecology.

- (23) No development shall commence on site until details of the exact location of the new pedestrian route including the point of attachment with public footpath KM75 have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details.

Reason: In pursuit of sustainable transport objectives.

- (24) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by any order revoking and re-enacting that Order with or without modification) no development within Schedule 2, Part 1, Class(es) B, C, and F and Schedule 2, Part 2, Class(es) A; shall be carried out without the permission of the Local Planning Authority;

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

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

Reason: In the interest of pollution and flood prevention and ecology.

- (26) No development shall commence on site until a signed S278 Agreement, covering the alterations to Cross Keys road layout, has been submitted to and approved in writing by the Local Planning Authority. The development shall not be occupied until the highways works covered in the S278 have been completed.

Reason: In the interests of highways safety.

- (27) The details and samples of the materials submitted pursuant to condition 11 shall include details of swift and / or bat bricks incorporated into the eaves of the proposed housing units;

Reason: In the interest of ecological enhancement.

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

CK/TSP/915-01A, CK/TRP/915-02A, CK/TRP/915-03A; dated 26 June 2014 and 500/RP/048, 500/RP/061; dated August 2014 and A2164-SK1500 P5, A2164-SK1501 P2, A2164-SK1505 P3, A2164-SK1506 P3, A2164-SK1510 P1, A2164-SK1615 P1, A2164-SK1615 P2, A2164-SK1616 P2; dated July 2014 and A2164-SK1600 P6, A2164-SK1601 P6, A2164-SK1612 P3, A2164-SK1613 P3; dated June 2014 and 2020/14/B/4A, 2020/14/B/5A; dated July 2014, 2020/14/B/2A; dated June 2014 and 500/RP/001, 500/DA/008; dated April 2014 and 500/RP/004; received 12/11/2014 and 500/RP/009, 500/RP/010, 500/RP/015; dated June 2014 and 500/RP/043, 500/RP/46, 500/RP/049, 500/RP/054; dated July 2014 and 500/RP/039, 500/RP/040, 500/RP/062; dated September 2014 and 500/RP/006, 500/RP/007, 500/RP/011, 500/DA/012 500/RP/013, 500/RP/014, 500/RP/016, 500/RP/017, 500/RP/018, 500/RP/019, 500/RP/020, 500/RP/021, 500/RP/022, 500/RP/023, 500/RP/024, 500/RP/025, 500/RP/028, 500/RP/029, 500/RP/030, 500/RP/031, 500/RP/032, 500/RP/033, 500/RP/034, 500/RP/035, 500/RP/042, 500/RP/043; dated May 2014 and 500/RP/070A, 500/RP/002 I REVA, 500/RP/047 REVA, 500/RP/052 Rev A; dated February 2015 and 500/RP/02A, 500/RP/026/C, 500/RP/027/A, 500/RP/041/A, 500/RP/042/A, 500/RP/044/A, 500/RP/045/A, 500/RP/047/B, 500/RP/053/B, 500/RP/057/A, 500/RP/058/A, 500/RP/070/A and LaDellWood Woodland Management Plan & Wetland Habitat Ref: 2020/14/B/3/B; dated February 2015 and Arboricultural Impact Assessment REF: SA/915/14A; dated 7 October 2014, Ecology Phase 1 habitat survey and reptile survey; dated September 2014, Flood Risk Assessment A2164/October 2014, Habitat creation and woodland management, Issue 2; dated September 2014, Phase 1 Geo Desk Study Ref: 3082/14; dated October 2014, Phase 2 archaeological investigation Ref: 2014/51; dated October 2014, Transport Assessment A2164/October 2014.

Reason: For the purpose of clarity and to ensure a satisfactory appearance to the development and a high quality of design.

Informative(s):

- (1) The wording of the interpretation panels should be agreed with KCC archaeology.
- (2) As the development involves demolition and / or construction, I would recommend that the applicant is supplied with the Mid Kent Environmental Code of Development Practice. Broad compliance with this document is expected.
- (3) Fuel, Oil and Chemical Storage

All precautions must be taken to avoid discharges and spills to the ground both during and after construction. For advice on pollution prevention, the applicant should refer to our guidance "PPG1 - General guide to prevention of pollution", which can be found at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/290124/LI_T_1404_8bdf51.pdf

Waste

The CLAIRE Definition of Waste: Development Industry Code of Practice (version 2), provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste or have ceased to be waste.

Contaminated soil that is excavated, recovered or disposed of, is controlled waste. Therefore its handling, transport, treatment and disposal is subject to waste management legislation which includes:

- i. Duty of Care Regulations 1991
- ii. The Waste (England and Wales) Regulations 2011
- iii. Hazardous Waste (England and Wales) Regulations 2005
- iv. Pollution Prevention and Control Regulations (England and Wales) 2000
- v. Environmental Permitting (England and Wales) Regulations 2010

Advisory

Ordinary watercourse

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

- (4) No furniture may be erected on or across Public Rights of Way without the express consent of the Highway Authority:

There must be no disturbance of the surface of the right of way, or obstruction of its use, either during or following any approved development without the permission of this office.

There should be no close board fencing or similar structure over 1.2 metres erected which will block out the views:

No hedging or shrubs should be planted within 1.0 metre of the edge of the Public Path.

No Materials can be stored on the Right of Way.

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

- (5) 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 Atkins Ltd, Anglo St James House, 39A Southgate Street, Winchester, SO23 9EH (tel 01962 858688), or www.southernwater.co.uk

The Council's approach to this application:

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

Offering pre-application advice.

Where possible, suggesting solutions to secure a successful outcome.

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

In this instance:

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

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.

R. L. Jarman

Rob Jarman
Head of Planning Services
Maidstone Borough Council

IMPORTANT - YOUR ATTENTION IS DRAWN TO THE ATTACHED NOTES

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

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

Appeals to the Secretary of State

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

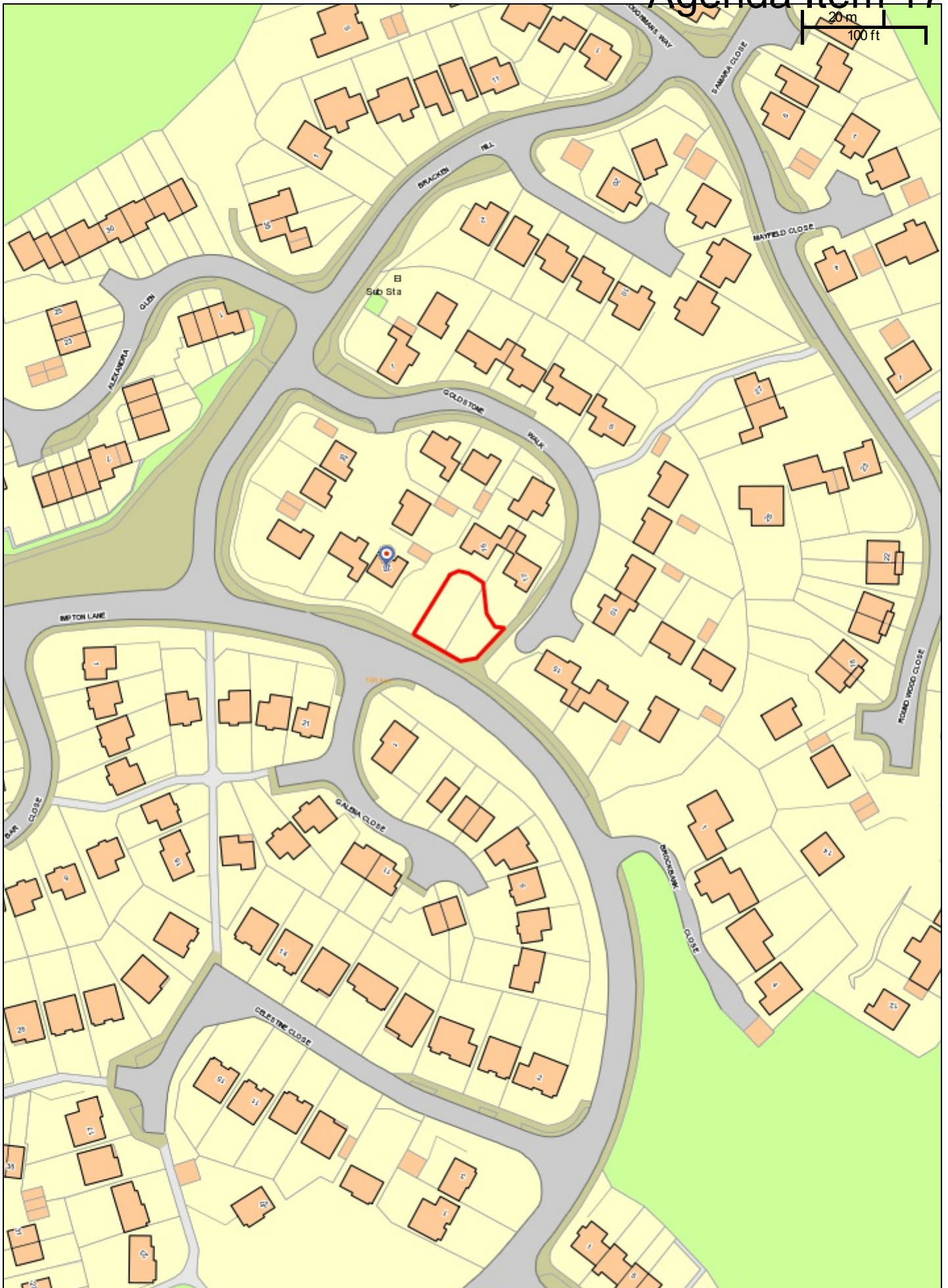
Please see “Development Type” on page 1 of the decision notice to identify which type of appeal is relevant.

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

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

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

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



19/501025/FULL 22 Goldstone Walk, Boxley, Kent

Scale: 1:1250

Printed on: 18/6/2019 at 9:15 AM by JoannaW

REFERENCE NO - 19/501025/FULL		
APPLICATION PROPOSAL Erection of one detached 3-bedroom house with garage and parking.		
ADDRESS 22 Goldstone Walk Boxley Chatham Kent ME5 9QB		
RECOMMENDATION – GRANT PLANNING PERMISSION subject to conditions		
SUMMARY OF REASONS FOR RECOMMENDATION <p>The proposed new dwelling represents infill development within a predominantly residential area which forms part of Walderslade in the Maidstone urban area as defined on the Policies Map to the adopted Maidstone Borough Local Plan. The principle of infill development in sustainable urban locations such as this is considered acceptable.</p> <p>The proposed two-storey detached dwelling is considered acceptable within the context of surrounding development. The separation gap between the existing and proposed dwellings will prevent any significant and unacceptable unneighbourly overbearing and enclosing impact, overshadowing and/or loss of daylight/sunlight to the neighbouring properties. There are no overriding issues of overlooking or loss of privacy to the neighbouring properties.</p> <p>Conditions are recommended to be imposed on any grant of planning permission to ensure that vehicle movements to and from the site from the eastern end of Goldstone Walk do not impact unacceptably on the safety of pedestrians using the pedestrian link between Goldstone Walk and Impton Lane along the eastern boundary of the site.</p> <p>Conditions are recommended to be imposed on any grant of planning permission to ensure that the existing trees within and adjacent to the site are retained and protected during the course of the development and post development.</p> <p>The proposals do not raise any overriding issues of conflict with the relevant policies of the Maidstone Borough Local Plan or Government guidance in the NPPF.</p>		
REASON FOR REFERRAL TO COMMITTEE <p>Boxley Parish Council wish to see the application refused and have requested that the application is reported to committee for determination if officers are minded to approve the application.</p>		
WARD Boxley	PARISH/TOWN COUNCIL Boxley	APPLICANT Ms Kamaljit Kaur Chanan AGENT Architecture Design Limited
TARGET DECISION DATE 04/07/19		PUBLICITY EXPIRY DATE 28/03/19

Relevant Planning History

15/500349/OUT	Outline application for the development of one detached 3-bedroom house with garage and parking. Approved 05.11.2015
05/0440	Erection of a two storey side extension. Approved 26.04.2005
98/0952	Use of land as an enlarged residential curtilage. Approved 17.08.1998
88/1867	Rear extension. Approved 20.04.1989

84/1649 Residential development (26 units) (Original development).
Approved 13.12.1985

MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 The application site is located along the north side of Impton Lane. The site forms a large garden area to the eastern side of the detached two-storey dwelling at 22 Goldstone Walk. The application property is accessed from a secondary access road off the main part of Goldstone Walk to the north which also serves the detached two-storey dwellings with garages at Nos. 21 and 23 – 26 (consec.) Goldstone Walk.
- 1.02 The site is roughly rectangular in shape although the northern boundary follows an irregular line and has maximum dimensions of 20m in width and 18.8m in depth. The site incorporates three mature trees in the south-eastern corner close to the Impton Lane frontage.
- 1.03 The site is bounded along its northern boundary by the access drive off Goldstone Walk to the detached two-storey dwellings at 16 and 17 Goldstone Walk which front onto the access drive. The site is bounded by the footway to Impton Lane along its southern boundary and by the short pedestrian link between the eastern end of Goldstone Walk and Impton Lane to the east. The existing dwelling at 22 Goldstone Walk and its detached garage adjoin the site to the west.
- 1.04 Goldstone Walk and the immediate surroundings consists predominantly of modern two-storey detached dwellings with no regular road layout or pattern of development. The three mature trees in the south-eastern corner of the site close to the Impton Lane frontage are covered by Tree Preservation Order No. 1 of 1969 which also covers the wider area of Walderslade.
- 1.05 The application site is part of a predominantly residential area which forms part of Walderslade in the Maidstone urban area as shown on the Policies Map to the adopted Maidstone Borough Local Plan.

2. PROPOSAL

- 2.01 The application proposes the development of the site with the erection of a detached two-storey 3-bedroom house with integral garage. The proposed development will be accessed from the eastern end of Goldstone Walk which currently ends with a short pedestrian link only through to Impton Lane.
- 2.02 The proposed dwelling incorporates a pitched gable ended roof and is of traditional design and construction with brick and tile hanging to the walls and a tiled roof. Main windows to the proposed dwelling face eastwards towards the access off Goldstone Walk and south towards Impton Lane. The access drive off Goldstone Walk serving the proposed dwelling, garage and a car parking space adjacent to the garage is to be block paved.
- 2.03 The submitted plans show the retention of the three existing mature trees in the south-eastern corner of the site close to the Impton Lane frontage.

3. POLICY AND OTHER CONSIDERATIONS

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

Maidstone Borough Local Plan 2017: Policies SS1, DM1, DM5, DM9, DM11, DM12, DM23

4. LOCAL REPRESENTATIONS

Local Residents:

- 4.01 Five representations received from local residents raising the following (summarised) issues:
- Goldstone Walk is well used by vehicles and pedestrians and the pathway through to Impton Lane is used by many adults and children. The proposed access to and from the site via Goldstone Walk is dangerous as vision is impaired.
 - Access to neighbouring properties could be obstructed during construction.
 - Creation of the proposed access will result in the loss of parking in Goldstone Walk.
 - Light and view to neighbouring properties will be blocked.
 - The application site was previously public land and contained a significant number of trees. Further vegetation will now be lost.
 - The plot is susceptible to flooding in times of heavy rainfall.
- 4.02 The matters raised by neighbours are discussed in the detailed assessment below.

5. CONSULTATIONS

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

5.01 Boxley Parish Council

Wish to see the application refused for the following reasons:

- Overdevelopment of the site and, if permitted, there will be an adverse and negative impact on adjacent neighbours and the street scene from Impton Lane.
- The proposed access/egress will create a significant safety issue for pedestrians/cyclists using the footpath linking Goldstone Walk to Impton Lane. The narrow and short length of footpath connects Goldstone Walk, and beyond, to the local bus stops and the pick up points for the school buses and commuter coaches. There is insufficient space for the applicant to provide any vision splay so pedestrians and cyclists will have absolutely no warning that a vehicle is about to drive across the path in front of them and the driver's own view will be similarly restricted.
- The lack of a vision splay, the proximity of the proposed access/egress to a well used footpath and the need for any driver to drive across a footpath which they cannot see down is unacceptable.
- The Tree Preservation Order on the trees on the site should not be removed.

Landscape Officer

- 5.02 No arboricultural objection to the application. Requests a pre-commencement condition requiring an Arboricultural Method Statement, including a tree protection plan, in accordance with BS5837:2012 due to the proposed access and the footprint of the hard surfacing.

Environmental Health Officer

- 5.03 No objections. Comments that construction activities may have an impact on local residents and the usual conditions/informatives should apply in this respect.

Kent Highways

- 5.04 The proposal does not meet the criteria to warrant involvement from the Highway Authority in accordance with the current consultation protocol arrangements.

6. APPRAISAL

Main Issues

- 6.01 The key issues for consideration relate to:
- Principle of development
 - The scale, appearance and visual impact of the development
 - Residential amenity
 - Highway safety, access and parking
 - Impact on existing trees

Principle of development

- 6.02 Government guidance in the National Planning Policy Framework (NPPF) and policies SS1, SP1 and DM9 of the adopted Maidstone Borough Local Plan are generally supportive of new housing in sustainable urban locations such as the application site as an alternative to residential development in more remote countryside locations.
- 6.03 Policy SS1 of the adopted Maidstone Borough Local Plan states that the Maidstone urban area will be the principal focus for development with the secondary focus being rural service centres. The policy also allows for some development within some larger villages.
- 6.04 Policy DM9 of the adopted Maidstone Borough Local Plan states that within the defined boundaries of the urban area, rural service centres and larger villages, proposals for the extension, conversion or redevelopment of a residential property will be permitted if the following criteria (development to fit unobtrusively with the existing building, the character of the street and/or its context; traditional boundary treatment retained; amenity of neighbouring residents safeguarded; sufficient parking provided) are met.
- 6.05 Policy DM11 of the adopted Maidstone Borough Local Plan permits the development of domestic garden land within the defined boundaries of the urban area, rural service centres and larger villages where the following criteria (no significant harm to the character and appearance of the area; no significant loss of amenity to neighbours; appropriate access to the highway provided; no significant increase in noise or disturbance from traffic gaining access) are met.
- 6.06 The site is within a predominantly residential area which forms part of Walderslade in the Maidstone urban area as shown on the Policies Map to the adopted Local Plan. The site is considered to represent a sustainable location with good access to facilities and services, including public transport, within the wider urban area. The principle of infill residential development in sustainable urban locations such as this is considered acceptable.
- 6.07 The principle of an infill dwelling on this domestic garden land has been accepted previously under outline application ref. 15/500349/OUT.

Scale, appearance and visual impact

- 6.08 Government guidance in the NPPF (para. 124) states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. The NPPF further states

(para. 128) that design quality should be considered throughout the evolution and assessment of individual proposals and (para. 130) that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

6.09 Policy DM1 of the adopted Maidstone Borough Local Plan states that proposals which would create high quality design and meet a number of criteria (14 in total) will be permitted. Amongst the criteria to be met are that proposals create a high quality design and:

- Respond positively to, and where possible enhance, the local, natural or historic character of the area. Particular regard will be paid to scale, height, materials, detailing, mass, bulk, articulation and site coverage – incorporating a high quality, modern design approach and making use of vernacular materials where appropriate;
- Provide a high quality design which responds to areas of heritage, townscape and landscape value or uplifts an area of poor environmental quality.

6.10 One of the four criteria to be met in policy DM9 of the adopted Maidstone Borough Local Plan relating to proposals for the extension or redevelopment of a residential property within the defined boundaries of the urban area is that:

- 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/or its context.

6.11 One of the four criteria to be met in policy DM11 of the adopted Maidstone Borough Local Plan relating to the development of domestic garden land to create new buildings is that:

- The higher density resulting from the development would not result in significant harm to the character and appearance of the area.

6.12 The existing dwelling at 22 Goldstone Walk is a detached two-storey dwelling with a pitched gable ended roof and the application site lies immediately to the east of the existing dwelling. The immediate surroundings consist predominantly of similar two-storey detached dwellings with no regular pattern of road layout or buildings. The application proposes the erection of a detached two-storey 3-bedroom dwelling with a pitched gable ended roof and the proposed dwelling reflects the scale, traditional design and building footprint of the neighbouring dwellings in Goldstone Walk. The garden area to the proposed dwelling compares favourably in size with those of other properties in Goldstone Walk and the proposed dwelling can be accommodated on the site with a similar set back from the Impton Lane frontage as the neighbouring dwellings in Goldstone Walk to the east and west.

6.13 In the context of the neighbouring development in Goldstone Walk it is not considered that the proposed detached two-storey dwelling would appear as visually incongruous or intrusive in the locality or would be harmful to the visual amenities and character of the area. The application is not considered to conflict with the above Government guidance and adopted Local Plan policies relating to the design, scale and appearance of development.

Residential amenity

6.14 The site is bounded along its northern boundary by the access drive off the eastern end of Goldstone Walk to the detached two-storey dwellings at 16 and 17 Goldstone Walk which front onto the access drive. The site is bounded by the footway to Impton Lane along its southern boundary and by the short pedestrian link between the eastern end of Goldstone Walk and Impton Lane to the east. On the opposite

(eastern) side of the short pedestrian link is the neighbouring dwelling at 15 Goldstone Walk. The existing dwelling at 22 Goldstone Walk and its detached garage adjoin the site to the west.

- 6.15 With regards to the potential impact of the proposed development on the neighbouring dwellings which lie to the north of the site at 16 and 17 Goldstone Walk, the submitted plans show the closest part of the proposed dwelling to be 2m-3.2m in from the northern boundary of the site common with the access drive to the two dwellings at 16 and 17 Goldstone Walk which front onto the access drive.
- 6.16 The northern side wall of the proposed dwelling is 9m and 11.4m from the closest part of the front elevation walls of the neighbouring dwellings at 16 and 17 Goldstone Walk respectively. The neighbouring dwellings at 16 and 17 Goldstone Walk are at a slightly lower level in relation to the application site due to a slight fall in ground levels. Whilst the proposed dwelling will clearly impact in the southerly outlook to the front of those two neighbouring dwellings, it is considered that the separation gap between the existing and proposed dwellings will prevent any unacceptable unneighbourly overbearing and enclosing impact, overshadowing and/or loss of daylight/sunlight to the neighbouring properties.
- 6.17 With regards to potential impact of the proposed development on the closest neighbouring property to the east of the site at 15 Goldstone Walk, a separation gap of some 24m will remain between the proposed dwelling and that existing dwelling. The separation gap will prevent any unacceptable unneighbourly impact on that neighbouring property.
- 6.18 The proposed dwelling will abut the retained part of the side garden area to the existing dwelling at 22 Goldstone Walk and will be separated from the eastern side elevation wall to the existing dwelling by a distance of 9.6m. Whilst there will be some enclosing impact along part of the side garden area to the existing dwelling at 22 Goldstone Walk, it is not considered that there will be any unacceptable unneighbourly overbearing impact on that neighbouring property. No side wall windows to the neighbouring property at 22 Goldstone Walk are affected by the proposals and overall it is not considered that the proposed development will have any unacceptable unneighbourly impact on the amenities of the occupiers of that dwelling.
- 6.19 The main first floor windows to proposed dwelling face south towards Impton Lane and east towards the site access. The proposed development is not considered to raise any overriding issues regarding overlooking and loss of privacy to the neighbouring properties.
- 6.20 The proposed dwelling is accessed from a new accessway to be formed off the eastern end of Goldstone Walk. The proposed new accessway runs adjacent to the existing accessway serving the neighbouring dwellings at 16 and 17 Goldstone Walk to the north of the site and those neighbouring dwellings front onto the existing accessway. Given the modest scale of the development proposed (a single 3-bedroom dwelling), the pedestrian and vehicle movements to and from the site generated by the proposed development are not likely to have a significant impact on the neighbouring properties in terms of noise and general activity.
- 6.21 It is considered that the proposed development will provide an acceptable living environment and standard of amenity for prospective occupiers of the new dwelling in terms of internal and external living conditions, including outlook, privacy and access to garden amenity space.

Highway safety, access and parking

- 6.22 The proposed dwelling is accessed from a new accessway to be formed off the eastern end of Goldstone Walk. The proposed new accessway runs adjacent to the existing accessway serving the neighbouring dwellings at 16 and 17 Goldstone Walk to the north of the site.
- 6.23 The eastern end of Goldstone Walk is not a through road and the road ends with a short pedestrian link through to Impton Lane. Whilst vehicle movements to and from the site of the proposed new dwelling via the new access will have minimal impact on vehicle movements along Goldstone Walk, they could impact on pedestrian movements along the short pedestrian link between the eastern end of Goldstone Walk and Impton Lane. The representations on the current application from local residents have raised the issue of the safety of pedestrians using the short pedestrian link.
- 6.24 Whilst no overriding pedestrian and highway safety issues are raised in principle regarding the proposed new access to serve the development, in light of the concerns raised by local residents, it is considered that a condition be imposed on any planning permission granted to secure the submission of full details of the new access for approval, including visibility for emerging vehicles and pedestrian visibility splays. Subject to the submission and approval of full details of the new access, it is not considered that the proposed development raises any overriding access and/or highway safety issues.
- 6.25 With regards to parking, the proposed development incorporates an integral garage to the new dwelling, a parking space to the side of the garage, and further parking within the proposed hardsurfaced area of the new accessway. Space for cars to manoeuvre/turn is available within the proposed hardsurfaced area of the new accessway. The parking arrangements for the existing dwelling at 22 Goldstone Walk are not affected by the proposed development.

Trees

- 6.26 The site contains three mature trees in the south-eastern corner close to the Impton Lane frontage. The trees are covered by Tree Preservation Order No. 1 of 1969 which also covers the wider area of Walderslade.
- 6.27 The existing trees are not directly affected by the proposed new dwelling. The submitted site layout plan shows the proposed dwelling to be sited 5.4m, 6.2m and 7m from the trees respectively. New hardsurfacing outside the site to form the proposed new access to Goldstone Walk is likely to impact on part of the root protection area of an existing tree outside the site adjacent to the pedestrian link between the eastern end of Goldstone Walk and Impton Lane.
- 6.28 The Landscape Officer raises no arboricultural objection to the application. The Landscape Officer requests a pre-commencement condition requiring an Arboricultural Method Statement, including a tree protection plan in accordance with BS5837:2012, to be submitted for consideration and approval due to the proposed access and the footprint of the hard surfacing.
- 6.29 The Arboricultural Method Statement will ensure that the existing trees within and adjacent to the site are retained and protected during the course of the development and post development.

Other Matters

- 6.30 The development proposed in the current application reflects that approved previously in outline under application ref. 15/500349/OUT in terms of the siting of the proposed building and the building footprint.
- 6.31 The previous outline proposals proposed access from the west via the access serving the existing garage to the existing dwelling at 22 Goldstone Walk. The existing garage was to be removed to allow access through to the current application site from the west. The previously granted outline planning permission has now lapsed.
- 6.32 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 site is within a predominantly residential area which forms part of the Walderslade within the Maidstone urban area as shown on the Policies Map to the adopted Local Plan. The site represents a sustainable location with good access to facilities and services, including public transport, within the wider urban area. The principle of infill residential development in sustainable urban locations such as this is considered acceptable. The principle of an infill dwelling on this domestic garden land has been accepted previously under outline application ref. 15/500349/OUT.
- 7.02 The proposed detached two-storey dwelling reflects the scale, traditional design and building footprint of the neighbouring dwellings in Goldstone Walk. The garden area to the proposed dwelling compares favourably in size with those of other properties in Goldstone Walk and the proposed dwelling can be accommodated on the site with a similar set back from the Impton Lane frontage as the neighbouring dwellings in Goldstone Walk to the east and west. In the context of the neighbouring development in Goldstone Walk, the proposed dwelling would not appear as visually incongruous or intrusive in the locality or be harmful to the visual amenities and character of the area.
- 7.03 Whilst the proposed dwelling will impact in the southerly outlook to the front of the two neighbouring dwellings to the north of the site (Nos. 16 and 17 Goldstone Walk), the separation gap between the existing and proposed dwellings will prevent any unacceptable unneighbourly overbearing and enclosing impact, overshadowing and/or loss of daylight/sunlight to the neighbouring properties.
- 7.04 In the interests of the safety of pedestrians using the footpath link between the eastern end of Goldstone Walk and Impton Lane, a condition is recommended to be imposed on any planning permission granted to secure the submission of full details of the new access to be formed to the eastern end of Goldstone Walk to serve the proposed development, including visibility for emerging vehicles and pedestrian visibility splays. Subject to the submission and approval of full details of the new access, the proposed development does not raise any overriding access and/or highway safety issues.
- 7.05 The Landscape Officer raises no arboricultural objection to the application and requests a condition requiring an Arboricultural Method Statement, including a tree protection plan in accordance with BS5837:2012, to be submitted for consideration and approval due to the proposed access and the footprint of the hard surfacing. The Arboricultural Method Statement will ensure that the existing trees within and

adjacent to the site are retained and protected during the course of the development and post development.

- 7.06 The grant of planning permission is recommended subject to the conditions set out below.

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 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 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.

- 3) No development shall take place above the slab level of the building hereby permitted until there has been submitted to and approved in writing by the Local Planning Authority, a scheme of hard and soft landscaping for the site, including details of all hard surfacing and boundary treatments, using indigenous species and a programme for the approved scheme's implementation and long term management. The scheme shall include indications of all existing trees and hedgerows on the land and adjacent to the site boundaries and details of any to be retained, together with measures for their protection during the course of development. The scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines. The development shall be carried out in accordance with the approved scheme of hard and soft landscaping and boundary treatments;

Reason: In the interests of visual amenity and to ensure a satisfactory setting and external appearance to the development is provided and maintained.

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

Reason: In the interests of visual amenity and to ensure a satisfactory setting and external appearance to the development is provided and maintained.

- 5) No development shall take place until such time as a Tree Protection Plan/Arboricultural Method Statement in accordance with BS5837:2012 detailing how the three trees in the south-eastern corner of the site and the trees outside the eastern boundary of the site adjacent to the approved new access into the site, as shown on drawing nos. 48.1/A.01 and 48.1/02, are to be protected during the course of the works and how any excavation, construction and surfacing works are

to be carried out and any underground service runs to and from and within the site accommodated without causing damage to the root systems of the trees, has been submitted to and approved in writing by the Local Planning Authority. The approved tree protection measures shall be put in place prior to the commencement of any works on the site and shall be retained in place throughout the construction phase of the development. The works shall be carried out in accordance with the details approved;

Reason: The existing trees make a significant contribution to the character and visual amenities of the locality and warrant adequate protection during the development to prevent damage and ensure their long-term retention and good health.

- 6) No development shall take place above the slab level of the building hereby permitted until such time as full details of the new access to be formed onto the eastern end of Goldstone Walk, as shown on drawing no. 48.1/A.02, including details of proposals to maximise visibility for vehicles emerging from the site and the provision of pedestrian visibility splays to the access, have been submitted to and approved in writing by the Local Planning Authority. The new access shall be completed in accordance with the details approved prior to the first occupation of the dwelling and shall be retained and maintained as such thereafter;

Reason: To ensure the details are satisfactory in the interests of pedestrian and highway safety.

- 7) The areas shown on the approved plans (Drawing nos. 48.1/A.02 and 48.1/A.03b) for the parking of cars and vehicle manoeuvring to and from the parking areas shall be provided in accordance with the details approved and be available for use before the first occupation of the new 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 (as amended) (or any order revoking and/or re-enacting that Order, with or without modification) or not, shall be carried out on the parking and vehicle manoeuvring areas indicated or in such a position as to preclude vehicular access to them;

Reason: Development without adequate parking and/or vehicle manoeuvring provision is likely to lead to parking inconvenient to other road users and in the interests of pedestrian and highway safety.

- 8) Prior to the first occupation of the new dwelling hereby permitted, an accessible electric vehicle rapid charging point shall be installed within the site of the new dwelling in accordance with details which shall have been submitted to and approved in writing by the Local Planning Authority. The electric vehicle rapid charging point shall be retained and maintained within the site thereafter;

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

- 9) Upon completion, no further development, whether permitted by Classes A, B, E or F of Part 1 and/or Class A of Part 2, Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and/or re-enacting that Order with or without modification) or not, shall be carried out to or within the curtilage of the new dwelling hereby permitted without the prior written consent of the Local Planning Authority;

Reason: In the interests of the visual amenities of the area and the amenities of the occupiers of neighbouring properties.

- 10) The development hereby permitted shall be carried out in accordance with the approved plans (Drawing nos. 48.1/A.02, 48.1/A.03b and 48.1/A.04);

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

- 11) The first floor windows to the study and bathroom in the west facing elevation of the new dwelling hereby permitted, as shown on the approved plan (Drawing No. 48.1/A.03b), shall be glazed in obscure glass and the windows shall be non-openable to a minimum height of 1.7m above the internal finished floor level of the rooms they serve. The first floor windows to the study and bathroom shall be maintained and retained as such at all times;

Reason: In order to prevent overlooking and loss of privacy to the neighbouring property.

INFORMATIVES

- 1) The applicant is advised that broad compliance with the Mid Kent Environmental Code of Development Practice is expected in the demolition and/or construction works.
- 2) The grant of planning permission does not convey any approval for the construction of the required access to the highway outside the site or any other works within the highway for which a statutory licence must be obtained. Applicants should contact Kent County Council – Highways and Transportation (web: www.kent.gov.uk/roads_and_transport.aspx or telephone: 03000 418181) in order to obtain the necessary Application Pack.
- 3) It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil. Information about how to clarify the highway boundary can be found at:

<https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>

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

- 4) 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.

Case Officer: Jon Barnes



19/500341/SUB - Gatland House, Gatland Lane, Maidstone, Kent

Scale: 1:1250

Printed on: 18/6/2019 at 9:12 AM by JoannaW

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REFERENCE NO - 19/500341/SUB		
APPLICATION PROPOSAL Submission of details pursuant to Condition 11: School Travel Plan (original application ref: 16/506320/FULL - allowed on appeal ref. APP/U2235/W/17/3188248).		
ADDRESS Gatland House Gatland Lane Maidstone Kent ME16 8PF		
RECOMMENDATION DISCHARGE CONDITION		
SUMMARY OF REASONS FOR RECOMMENDATION School Travel Plan has previously been approved for 1 form entry School under reference 16/501507/SUB. Proposed Travel Plan includes all necessary information requested by Condition.		
REASON FOR REFERRAL TO COMMITTEE COUNCILLOR REQUEST		
WARD Fant	PARISH/TOWN COUNCIL	APPLICANT Jubilee Primary School AGENT
TARGET DECISION DATE 20/03/19	PUBLICITY EXPIRY DATE	

Relevant Planning History

19/502354/SUB

Submission of Details to Discharge Condition 2- Materials, protection of existing trees, construction method statement, hard and soft landscaping (including boundary treatment), plant and noise levels. Management of new extension and external playtimes. Onsite parking and biodiversity enhancement scheme subject to APP/U2235/W/17/3187474 (16/506320/FULL). Pending Consideration.

19/502372

Submission of details pursuant to Condition 3 of Appeal B: Highway Improvements Scheme (relates to application ref: 16/506322/FULL - Appeal ref: APP/U2235/W/17/3188248). Pending Consideration.

19/500154/SUB

Submission of details pursuant to Condition 12 of appeal A: Biodiversity scheme, & Condition 3 of appeal B: Highway improvements scheme, relating to linked appeals. Withdrawn.

19/500165/SUB

Submission of details pursuant to Condition 3 of appeal B: Highway improvements scheme, relating to appeal APP/U2235/W/17/3188248 (relating to original application ref: 16/506322/FULL). Withdrawn.

17/504975/NMAMD

Non-material amendment for planning permission 14/503957/FULL - Installation of a double door opening to the former store area and a new door and half leaf to replace an existing door, on the rear elevation of Jubilee Primary School.
Approved Decision Date: 09.10.2017

16/506322/FULL

Removal of condition 2 of 14/503957 (Application for permanent change of use to a free school (Class D1)) - The condition restricts the number of pupils to 240 until July 2022 and then 210 from September 2022 onwards. The condition therefore requires a removed, to accommodate an increase in capacity. In the event the extension of floorspace application is approved at the subject site.

Refused at Committee. Decision Date: 07.07.2017

Allowed on appeal. Decision Date: 10.10.2018

16/506320/FUL

Erection of an extension to the existing school building for educational use.

Refused at Committee. Decision Date: 07.07.2017

Allowed on appeal. Decision Date: 10.10.2018

16/501507/SUB

Submission of details pursuant to Condition 4: Parent and pupil Travel Safety Document

Submission of details pursuant to Condition 6: School Travel Plan, of application

14/503957. Details approved under delegated powers.

16/501502/SUB

Condition 7) Details of cycle parking plan, Condition 8) Details of drop-off & pick-up point, & Condition 9) Details of pedestrian access (relates to application 14/503957/FULL).

Details approved under delegated powers.

16/501509/SUB

Submission of Details pursuant to Condition 10 - Details of Lighting Scheme for

14/503957/FULL. Details approved.

16/501510/SUB

Submission of details pursuant to Condition 12: Details of the boundary treatment of the school grounds, of application 14/503957/FULL.

16/501512/SUB

Submission of details pursuant to Condition 11 - Landscaping Scheme of application

14/503957/FULL.

14/502631/ADV

Advertisement Consent for new installations of one 4m high internally illuminated Totem sign, one internally illuminated fascia sign and 2 non-illuminated signs upon the wall of the building.

Withdrawn Decision Date: 17.11.2014

14/503957/FULL

Application for permanent change of use to a free school (Class D1)

Approved Decision Date: 19.11.2015

14/505446/ADV

New installations

One 4m Totem

One Building letters

One wall mounted panel sign

One all mounted banner sign

Withdrawn Decision Date: 01.12.2014

96/0987

Conversion and change of use to clinical and administrative offices and clinical treatment facilities for child and adolescent mental health services. With enlarged rear parking area for 56 cars & 1 Minibus. Approved - Decision Date: 31.01.1997

MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 Jubilee School is a two storey, two form entry school located on Gatland Lane.
- 1.02 Residential housing is located to the south and east of the site. There is an electricity substation located on the northern boundary of the site. To the west is a private access road and then Gatland Park.

2. PROPOSAL

- 2.01 Jubilee School has an extant permission for a two storey rear extension that was allowed at appeal, under reference 16/506320 (appeal ref. APP/U2235/W/17/3188248). This application seeks to discharge condition 11 of the appeal condition relating to the School Travel Plan. (The School has also now been granted permission at appeal to operate as a 2 form entry School, under reference 16/506322.)

- 2.02 Condition 11 of permission 16/506320 states:

"Within 3 months from the date of this decision a School Travel Plan, including a Safer Travel Document to deal with up to 420 pupils, shall be submitted for approval to the Local Planning Authority. The Document shall set out information for parents and pupils of all parking and highway restrictions in the area, details of all existing and proposed pedestrian and vehicle access points into the School, details of the School Crossing Patrol, Walking Buses and any other measures to encourage sustainable transport choices and also the need to be considerate to all local residents when either driving and parking or walking to School. It will also clearly set out the restriction on pupil numbers that the School must adhere to and that the drop-off and pick up point at the front of the School must only be used by School buses, taxis and emergency vehicles and not by parents. The School will supply the parents of all pupils with a copy of the Travel Plan within 3 months of it being approved and shall permanently make a copy publicly available on-line on the school website for viewing by local residents and any other interested parties. It shall also be registered and uploaded to KCC's online portal and reviewed on a yearly basis".

- 2.03 A School Travel Plan has previously been approved for the School under reference 16/501507/SUB. This related to the original permission for a one form entry school on the site (reference 14/503957). The discharge of details for this condition was approved under delegated powers in June 2016. The School Travel Plan submitted for this application is very similar, as the main aim of such a condition is to ensure parents are fully informed of all parking and highway restrictions in the area, the access points into the school, measures to encourage sustainable transport choices, approved pupil numbers and also the need to be considerate of local residents.

3. LOCAL REPRESENTATIONS

Local Residents:

- 3.01 No representations were received from local residents in relation to the application for approval of details for condition 11.

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)

Highways Officer, KCC

- 4.01 The Travel Plan and Section 106 Officer from KCC Highways commented that “based on the submitted plans and information we are satisfied that this application meets the requirements as outlined in condition 11 and would raise no objection on behalf of the Highway Authority”. No objections have been raised to the amended Travel Plan which merely corrected some typing errors in the pie charts and other text.

5. APPRAISAL

Main Issues

- 5.01 The School Travel Plan is basically an Information booklet for parents. It is required that it provides all the information set out in the condition. Therefore, the required information is set out below and the page numbers of the Travel Plan provided for where this information can be found.
- 5.02 The key issues for the School Travel Plan to include are:
- Provide a revised Safer Travel Document to deal with up to 420 pupils;
 - Information for parents and pupils on all parking and highway restrictions;
 - Details of existing and proposed pedestrian and vehicle access points;
 - Details of School Crossing Patrol, walking buses or other methods to encourage sustainable transport choices;
 - Need to be considerate to all local residents when either driving, parking or walking to School;
 - Clearly set out restriction on pupil numbers;
 - Inform parents that the drop-off and pick up point at the front of the school must only be used by School buses, taxis and emergency vehicles and not by parents;
 - The School will supply the parents of all pupils with a copy of the Travel Plan within 3 months of it being approved and shall permanently make a copy publicly available on-line on the school website for viewing by local residents and any other interested parties. It shall also be registered and uploaded to KCC's online portal and reviewed on a yearly basis.
- 5.03 The Safer Travel to School Booklet is circulated to parents and pupils. A copy is attached to Appendix A of this report. It provides advice on parking with care, being considerate and not endangering pupils. It is included in Appendix E of the Travel Plan. It includes specific advice on parking safely, not making excuses for any bad parking that does not conform to the Highway Code and encourages Car Sharing. KCC Highway Engineer is satisfied that these details meet the requirements of Condition 11.
- 5.04 The next requirement of the condition is to provide information on all parking and highway restrictions. Page 11 sets out detailed information on the local highway network, including nearby junctions, speed bumps, give way lines, speed restrictions and pedestrian crossing points. Page 12 sets out the more recent changes to the local highway network, including corner protection car parking restrictions to enhance and enforce guidance not to park on corners already given in the Highway Code, school clearway markings to reduce inappropriate parking,

school warning signs including flashing beacons to warn drivers that children may be crossing and allow time for them to reduce speed, prepare to stop and alter driver behaviour accordingly. As already stated, the KCC Highway Engineer is satisfied that these details meet the requirements of Condition 11.

- 5.05 The condition also requires that details of existing and proposed pedestrian and vehicle access points are provided. These are provided on page 6 of the Travel Plan, setting out both pedestrian and vehicle access and also future provision for cycling as part of the proposed expansion plans.
- 5.06 The condition requires details of School Crossing Patrol, walking buses or other methods to encourage sustainable transport choices. Pages 6 and 7 of the Travel plan set out the alternative access to School from car use, walking, cycling, train and also local bus services, including details on routes, bus numbers and timetables. Flashing beacons have so far been provided to improve safety for road crossing.
- 5.07 The School has also undertaken 5 surveys so far since the School has opened (the results of which are contained within the Travel Plan), which are used by the School to assess and monitor Travel Modes and to find appropriate ways to encourage more sustainable methods of travel wherever possible. These surveys feed into the School Action Plan (Appendix C of the Travel Plan), which sets various ways in which the School actively promotes sustainable travel, safer journeys, good road user behaviour, improved road safety conditions and passing on of information on the purpose of the School Travel Plan. Examples of such activities are Walking Wednesdays, Establishment of car sharing database for families and staff, continuing road safety training for all age groups, promotion of sports related after school clubs, regular lessons on good road user behaviour and taking tough stance with any inappropriate parking through direct communications.
- 5.08 The surveys have also assisted in the preparation of Demand Management Measures (page 21) to smooth the profiles of demand for travel across peak periods. This includes the operation of a Breakfast club from 7.40am, all staff are required to be on site by 8am, school opens its doors 20 minutes before classes start for day in order to stagger arrivals, after school clubs and after school activities further stagger departure times and reduce the impact of peak times on the surrounding area.
- 5.09 The School also employs an Access Management Strategy (page 22), which provides for staff supervision of car park and vehicle access points, 1 – 2 staff members to supervise pupil entry of Gatland Lane, 1-2 staff members to supervise Gatland Lane for inappropriate parking both before and after school. This highlights the importance that the School has placed on ensuring the supervision of the arrival and departure of pupils during each peak period in order to ensure that the surrounding area is not adversely impacted by inconsiderate or dangerous parking.
- 5.10 The condition also sets out the need to be considerate to all local residents when either driving, parking or walking to School. Such information is included throughout the Travel Plan document and also in the Action Plan, Parents' Safer Parking Charter and the Safe Travel to School Booklet.
- 5.11 The condition requires the Travel Plan to clearly set out restriction on pupil numbers. Page 5 sets out current numbers of staff and pupils and also total approved numbers and planned growth up to full capacity in 2026-2027 year group. As such, more information has been provided than requested.
- 5.12 The condition requires that parents be informed that the drop-off and pick up point at the front of the school must only be used by School buses, taxis and emergency

vehicles and not by parents. This is included in the Parents' Safer Parking Charter (appendix D), which all parents have to read, sign and return to the School. A copy of this document is attached as Appendix B to this report. This document also includes information on parking restrictions surrounding the school and other parking safety advice.

- 5.13 Finally, the condition requires that the School will supply the parents of all pupils with a copy of the Travel Plan within 3 months of it being approved and shall permanently make a copy publicly available on-line on the school website for viewing by local residents and any other interested parties. It shall also be registered and uploaded to KCC's online portal and reviewed on a yearly basis. The School reviews its Travel Plan on an annual basis. The School is already registered with KCC's online database, Jambusters. Its previous School Travel Plan was uploaded both onto KCC's online database and the School website. The same procedures will be undertaken for this new Travel Plan.

6. CONCLUSION

- 6.01 The School Travel Plan is considered to meet all the requirements of condition 11. KCC's Highway Engineer is satisfied that these details meet the requirements of Condition 11.

7. RECOMMENDATION

Approve details.

Case Officer: Diane Chaplin

Appendix E – Safe Travel to School Booklet



Head Teacher: Mrs Marilyn Nadesan
Jubilee Primary School (Gatland Lane, Maidstone, Kent ME16 8PF | Tel 01622 808873)
Limited by Guarantee Registered in England and Wales Registration No. 8201258
Registered Office: Jubilee Primary School, Gatland Lane, Maidstone, Kent ME16 8PF




Safe Travel to School

At Jubilee Primary School we want to park with care and be aware.

If you are parking near to our school you have a responsibility to stop and think about whether you are parking in a safe and considerate manner. If you are not, you could be endangering the lives of our precious children.

If you do have to drive then please:

Try and park at least 10m from a road junction. This makes it safer for children to see cars approaching, for cars to see children crossing and helps maintain the flow of traffic.

Don't park on yellow lines. These restrictions are there to prevent cars parking in dangerous locations, and in areas that could restrict vehicle movements.

Be courteous and don't park in front of residential driveways. Think: if it were your driveway, would you like someone else blocking it?

Never double park as this can block the road making it difficult for drivers to see pedestrians when they are trying to cross the road.

Always let your children in and out of the car on the pavement side, but be aware of pedestrians too.

Do not park over bus stops or bus lay-bys because you could endanger the safety of those using public transport and restrict the movement of the bus on its approach and when it's ready to leave.



Never park on pavements, footpaths or verges as this damages the verges and obstructs the footpaths causing parents and children to have to walk out into the road.



Do not rush your journey to and from school, the entrance to the school is busy and requires your full attention. Leave with enough time to allow for the journey length.

Take care when reversing in and out of parking spaces. Small children are impossible to see in rear view mirrors.

Slow right down when passing parked cars, in case a child steps out. DO NOT use school entrances to turn your car around.

Park on the road facing the direction of travel.

Avoid parking in awkward spaces where visibility is an issue for passing cars and ensure that you're not parked in a location which could restrict emergency vehicle access to surrounding properties.

Never mount a pavement to let another vehicle past. Think in advance to avoid such manoeuvres.

"Just this once"

"I don't usually park there"

"We're running late today"

"It's raining"

These are not good enough excuses for doing any of the aforementioned. More information can be found in The Highway Code.



Car Share

If you know someone in your locality who travels to the same school, why not arrange a car share? By sharing car journeys to school you can save time, cut expensive fuel bills and reduce wear and tear on your car. You also help to reduce congestion at the school during the morning and afternoon peak times.



Appendix D – Parents' Safer Parking Charter

I hereby agree to abide by the guidelines outlined within the Safe Parking Charter, which has been established by Jubilee Primary School. This charter has been developed to improve the safety of children and adults attending the school and improve the quality of life for those within the school environment.

By signing up to this charter you agree to:

- Drive safely, within the school area, adhering to the speed limits and driving in accordance with the Highway Code.
- Never stop or park immediately outside the school from 7.30am to 4.30 pm.
- Avoid parking in a way that would block or cause an obstruction to the school entrance/exit, residents' driveways and/or junctions.
- Never mount the pavement when stopping or parking, allowing pedestrians to be able to walk on pavements and space for prams and wheelchairs to pass.
- Park so that your child is able to leave the vehicle on the pavement side away from any conflict with traffic.
- Pay particular attention to other children at the side and rear of the vehicle when parking.
- Avoid double parking, so as not to adversely affect the flow of traffic or access for emergency vehicles.
- Never park in a bus stop or any designated disabled/private parking bays.
- Refrain from using the drop-off and pick up point in the front school which is reserved for emergency vehicles and taxis.
- Respect local residents by not parking in a way that blocks access to their homes.
- Park further down the road opposite the field when possible and walk the few yards into school.
- Forward any concerns regarding dangerous parking and road safety in the school vicinity to the Headteacher or Site Manager who can then take appropriate action.
- Ensure the safety of your child/ren by making sure they always walk into and out of school accompanied by an adult.

Name of Child/ren _____
Name: _____ Date: _____

Signed: _____

Agenda Item 19

THE MAIDSTONE BOROUGH COUNCIL **PLANNING COMMITTEE – 27TH June 2019**

APPEAL DECISIONS:

1. 18/506071/FULL

Erection of first floor rear extension.

APPEAL: DISMISSED

6 Golden Wood Close,
Boxley, Chatham, Kent
ME5 8XA

(DELEGATED)

2. 18/505079/FULL

Redevelopment of site to accommodate 2 x 4
bed dwellinghouses, with associated parking and
landscaping

APPEAL: ALLOWED

Glebe Cottage
Dunn Street Road
Bredhurst
Gillingham
Kent
ME7 3LX

(COMMITTEE)

3. 18/506501/FULL

Erection of new front boundary wall, gates and
native hedgerow (part retrospective).

APPEAL: DISMISSED

7 Bimbury Lane
Stockbury
Maidstone
Kent
ME14 3HX

(DELEGATED)

4. 19/500116/FULL

Demolition of existing detached garage and erection of a part single part two storey front, side and rear extension. Widening of existing drive

APPEAL: DISMISSED

100 Bathurst Road
Staplehurst
Tonbridge
Kent
TN12 0LJDDRESS

(DELEGATED)

5. 14/504648/FULL

Application for stationing of two mobiles, a dayroom and one touring caravan.

APPEAL: DISMISSED

Land South Of
Love Lane
Headcorn
Kent

(DELEGATED)

6. 18/501759/FULL

Use of an existing detached annexe as a separate dwelling, with associated residential curtilage and parking provision.

APPEAL: ALLOWED

94 Queens Road
Maidstone
Kent
ME16 0LG

(DELEGATED)
