

PLANNING COMMITTEE MEETING

Date: Thursday 28 September 2017
Time: 6.00 p.m.
Venue: Town Hall, High Street, Maidstone

Membership:

Councillors Boughton, Clark, Cox, English (Chairman), Harwood, Hemsley, Munford, Powell, Prendergast, Round, Spooner, Mrs Stockell and Vizzard

<u>AGENDA</u>	<u>Page No.</u>
1. Apologies for Absence	
2. Notification of Substitute Members	
3. Notification of Visiting Members	
4. Items withdrawn from the Agenda	
5. Date of Adjourned Meeting - 5 October 2017	
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 7 September 2017 adjourned to 14 September 2017 - to follow	
11. Presentation of Petitions (if any)	
12. Deferred Items	1 - 2
13. 15/505508 - Land East Of The Paddocks, George Street, Staplehurst, Kent	3 - 14

Issued on 20 September 2017

Continued Over/:

Alison Broom

Alison Broom, Chief Executive

14.	16/505932 - Land Rear Of Chart View, Off Chart Hill Road, Chart Sutton, Kent	15 - 24
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28.	Chairman's Announcements	

PLEASE NOTE

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

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

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

ALTERNATIVE FORMATS

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

MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

28 SEPTEMBER 2017

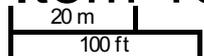
REPORT OF THE HEAD OF PLANNING AND DEVELOPMENT

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>17/502118 - ERECTION OF DWELLING HOUSE AND ENGINEERING OPERATIONS TO CREATE OFF ROAD PARKING - MOUNT LODGE, CHURCH LANE, BEARSTED, MAIDSTONE, KENT</u></p> <p>Deferred to seek to secure (a) changes in the roof profile and bulk to reduce the mass of the development and (b) reductions in the height of the proposed slab levels, in order to mitigate the impact of the proposal on 1 Little Orchard.</p>	27 July 2017
<p><u>17/502072 - OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT FOR UP TO 210 DWELLINGS TOGETHER WITH ACCESS OFF FORSTAL LANE, 1.85 HECTARES OF OPEN SPACE AND ASSOCIATED INFRASTRUCTURE (ACCESS BEING SOUGHT) - LAND SOUTH OF FORSTAL LANE, COXHEATH, KENT</u></p> <p>Deferred to consider:</p> <p>The possibility of a southern access and mitigation of existing proposed access.</p> <p>The possibility of including contributions for a late night bus service within the heads of terms of the Section 106 legal agreement.</p> <p>Whether the contributions to Southborough Primary School have already been pooled and the feasibility of taking the contribution to Coxheath Primary School.</p> <p>Whether the eastern edge of the development could be rounded to provide a more natural boundary.</p> <p>Whether the open space can incorporate woodland and</p>	7 September 2017 adjourned to 14 September 2017

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



15/505508 - Land East of The Paddocks

Scale: 1:1250

Printed on: 20/9/2017 at 9:48 AM by EllyH

REPORT SUMMARY

REFERENCE NO - 15/505508/FULL		
APPLICATION PROPOSAL: Change of use of the land to the east of The Paddocks to residential including siting of 2 mobile homes, 2 touring caravans and dayrooms/washrooms for accommodation of Gypsy families (amended description).		
ADDRESS: Land east of The Paddocks, George Street, Staplehurst, Kent		
RECOMMENDATION: Grant permanent permission subject to conditions.		
SUMMARY OF REASONS FOR RECOMMENDATION: The proposed change of use of the land, subject to imposition of conditions as herein recommended, is considered to comply with the policies of the Development Plan (Maidstone Wide Local Plan 2000, the emerging policies of the Final Draft Maidstone Local Plan and the provisions of the NPPF. There are no overriding material considerations justifying a refusal of permission.		
REASON FOR REFERRAL TO COMMITTEE: The recommendation is contrary to the views of Staplehurst Parish Council who have requested that the application be determined by Committee.		
WARD Staplehurst	PARISH/TOWN COUNCIL Staplehurst Parish Council	APPLICANT – Mr J Brazil AGENT – Phillip Brown Associates
DECISION DUE DATE (Extended) 16.10.2017.	PUBLICITY EXPIRY DATE 09/06/17	OFFICER SITE VISIT DATE 14/07/2017

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.1 The site occupies a rectilinear shaped plot of untended pastureland, and is located in the countryside on the north side of George Street approximately 0.5 kilometres north west of Staplehurst and on the northern side of the east/west alignment of the Ashford to Redhill (via Tonbridge) rail corridor. The site is level and is screened from the public domain within George Street by an established hedgerow reinforced by several mature trees. George Street is a narrow rural lane characterised by a sylvan backdrop of overhanging tree canopies.
- 1.2 An authorised Gypsy site adjoins to the west with access onto George Street. Land to the east comprises a belt of open scrubland with clumps of trees, which extends to the north and west, with the exception of a parcel of uncultivated land to the rear of the subject site and adjoining Gypsy site. Part of this land in conjunction with the adjoining Gypsy site has been allocated in the Local Plan as a Gypsy and Traveller site in accordance with Policy GT1(10). A separate Gypsy and Traveller site, Bluebell Farm, allocated in accordance with Policy GT1(11), lies a short distance to the west on the north side of George Street.
- 1.3 There is no current direct access to the site.
- 1.4 The nearest settled habitation lies approximately 100m to the east on the south side of George Street and comprises detached and semi-detached dwellinghouses. An accommodation lane serving Abbotsleigh Care Home spurs off the north side of George Street also some 100m or so to the east of the site. A farm steading and a

small number of permanent residential properties are to be found some 300m to the west at the junction of George Street with Clapper Lane, with further residential and some limited business development straddling Clapper Lane as it extends northwards. Land on the south side of George Street comprises playing fields attached to a local Sports Centre.

- 1.5 A footway leading from George Street provides direct access over the railway to the station. Staplehurst is the largest of the borough's Rural Service Centres with access to key community services and facilities, comparison shopping and good transport infrastructure. The site is consequently well related to local services.
- 1.6 With the exception of Gypsy and Traveller site Policy GT1(10) of the Final Draft Maidstone Local Plan, relating to adjoining land at The Paddocks, the site and its surroundings are not subject to any relevant Local Plan or national designation.

2.0 PROPOSAL

- 2.1 This is a speculative application that seeks full planning permission for a change of use of the land to use as a residential caravan site for 2 Gypsy families each with 2 caravans of which no more than one would be a static mobile home, together with erection of two amenity buildings, laying of hardstanding and formation of new access onto George Street.
- 2.2 The proposal has been amended. The size of the site has been reduced significantly and is now intended for occupation by two Gypsy families rather than three as originally submitted. Consequently amended drawings and an amended Design and Access Statement have been submitted.

3.0 PLANNING HISTORY

- 3.1 The site comprises previously undeveloped grazing land.
- 3.2 The adjoining site to the east 'The Paddocks' was originally granted temporary consent as a gypsy and traveller site in 2009. Permanent consent for The Paddocks was subsequently granted at Appeal in 2012 for 2 static caravans and 2 touring caravans.
- 3.3 Bluebell Farm, a separate site further to the west was also granted permanent consent at appeal in 2012.

Note: The Paddocks together with Blue Bell Farm are now subject to emerging Local Plan allocations as Gypsy and Traveller sites under GT1(10) and GT1(11) of the Final Draft Maidstone Local Plan.

4.0 POLICY AND OTHER CONSIDERATIONS)

- Maidstone Borough-Wide Local Plan 2000: ENV6, ENV28,
- National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)
- Planning Policy for Traveller Sites 2015 (PPTS)
- Final Draft Maidstone Local Plan (2011-2031): SP10, SP17, DM15, GT1(10)
- Neighbourhood Plan: N/A (Staplehurst Local Plan area does not extend to include the site).

5.0 LOCAL REPRESENTATIONS

5.1 Staplehurst Parish Council has raised objection and recommends refusal for the following reasons:

Notwithstanding the draft Local Plans proposed allocation of land in George Street as a gypsy and traveller site, Councillors voiced concern about:

- The sustainability of the location particularly in respect of access to the rest of the village;
- The risk of flooding in the vicinity;
- Safety issues arising from the creation of another access point onto a narrow lane; and
- The view of the Environmental Health team that the application lacked information about foul sewage disposal and potable water provision is shared.

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

- There is no existing access that is visible or has been used during the last 25 years;
- Development in the countryside should respect its character and setting;
- All dwellings in George Street have individual road frontages and this should not be contradicted;
- Significant loss of amenity arising from proximity of additional families;
- It is not possible to satisfactorily screen the site, particularly in winter;
- Additional noise from vehicle movements and damage to the highway;
- Pollution from site sewerage currently noticeable during periods of heavy rainfall;
- Loss of trees and landscape features;
- Inadequate landscape drawings – site has potential to protect and retain existing trees;
- Does not address trees, landscaping or ecology;
- The site is too far from the village - an appeal Inspector concluded that George Street was in an unsustainable location for housing.

6.0 CONSULTATIONS

6.1 KCC Highways

The Highway Authority has noted that George Street is an Unclassified Road and has not raised objection subject to the following measures which could be secured by condition:

- Provision and permanent retention of the vehicle parking spaces and turning facilities shown on the submitted plans prior to the use of the site commencing.
- Use of a bound surface for the first 5 metres of the access from the edge of the highway.
- Completion and maintenance of the access shown on the submitted plans prior to the use of the site commencing.
- Any gates to open away from the highway and to be set back a minimum of 5.5 metres from the edge of the carriageway.

6.2 Environmental Health

The Environmental Health Officer has requested details in respect of foul water discharge and provision of a potable water supply.

7.0 APPRAISAL

7.1 Policy Background

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

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

A key consideration in the determination of this application is Government Guidance set out in 'Planning Policy for Traveller Sites (PPTS) as amended in August 2015. The guidance places emphasis on the need for increased gypsy and traveller site provision, supporting self-provision (as opposed to local authority provision) and acknowledgement that sites are more likely to be found in rural areas. This is an exception to the principle of restraint in the countryside.

It is accepted that the proposal represents development contrary to the provisions of Policy ENV28. This policy is due to be replaced upon adoption of the emerging Plan by Draft Policy SP17, which follows the broad thrust of Policy ENV28. Policy DM15 is specific to gypsy development, allowing for development subject to compliance with certain criteria, which includes sustainability, landscape character, the cumulative effect of development, highway safety, flooding and ecology. In addition the existing adjoining site occupied by the applicant has been allocated as a Gypsy and Traveller site in accordance with Policy GT1(10) of the emerging Plan. This establishes that the general location has been deemed appropriate for G&T development in respect of key planning considerations which includes locational sustainability and landscape impact. Given the advanced status of the emerging Plan, Policies SP17 and DM15 are approaching full weight.

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

7.2 Need for Gypsy sites

Although the emerging local plan is well advanced, there are not yet any adopted Development Plan policies relating to site provision for Gypsies and Travellers. Local Planning Authorities are required to set their own Local Plan targets for pitch provision in their area. In order to address this, Salford University were commissioned to carry out a Gypsy and Traveller and Travelling Show-people Accommodation Assessment (GTAA) which was published in 2012 to cover the period October 2011 to March 2031.

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

Oct 2011 – March 2016 - 105 pitches

April 2016 – March 2021 - 25 pitches
April 2021 – March 2026 - 27 pitches
April 2026 – March 2031 - 30 pitches
Total: Oct 2011 – March 2031 - 187 pitches

This, is the best current evidence of need, and forms the evidence base to the Local Plan, although it should be acknowledged that the GTAA preceded the August 2015 publication of the revised PPTS which redefines amongst other things, status qualifications, and as a result the accuracy (albeit not substantially) of the GTAA figures.

The target of 187 additional pitches is included in Policy SS1 of the emerging Maidstone Borough Local Plan which itself was agreed by Full Council on 20th January 2016, has been accepted by the DLP inspector in his interim report and is approaching adoption.

The GTAA predates publication of the revised PPTS, which sought to redefine the definition of Gypsies and Travellers. The GTAA is the best evidence of needs at this point, forming as it does part of the evidence base to the DLP. The GTAA had already asked those surveyed whether they had ceased to travel. The only recognised omission was whether those who had ceased to travel intended to resume travelling. The Inspector concluded that a new survey to address this would be unlikely to result in anything but small changes to the needs figures. The Inspector concluded that the needs evidence is adequate.

7.3 Supply of Gypsy Sites

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

Since the base date a net total of 119 permanent pitches have been provided. This means that a further 68 permanent pitches are required by 2031 to meet the objectively assessed need identified in the GTAA. The level of provision to 21.08.2017 can be broken down as follows:

98 Permanent non-personal mobiles
21 Permanent personal mobiles
3 Temporary non-personal mobiles
37 Temporary personal mobiles

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

The PPTS directs that the lack of a 5 year supply of Gypsy and Traveller pitches should be given weight when considering the expediency of granting consent on a temporary basis. The Council's position is that it can demonstrate a 5.6 year supply of G&T sites at the base date of 1st April 2016. As the Council considers itself to be in a

position to demonstrate a 5 year supply the PPTS direction to positively consider the granting of a temporary consent does not apply.

7.4 Gypsy status

Permission is sought on the basis that the proposed two sites would contribute towards the supply of G&T sites in the borough. It is not intended for any specific Gypsy and Traveller family and is therefore a speculative application in addition to the two sites allocated to the applicant in the emerging Local Plan. It is consequently not necessary to demonstrate G&T status at this point as qualification for site residency will be subject to G&T status secured through condition.

7.5 Visual/Landscape Impact

The site is screened along George Street by a mature hedgerow with an abundance of mature trees lining the rural lane. Consequently the site would only be visible via its proposed entranceway and broken views possible during the winter months when the existing native species vegetation has died back. Such views can be further mitigated by landscaping provision arranged around the highway access, the internal site access route and as 'back-up' to the highway boundary vegetation.

The site would be substantially screened from the north and east by existing vegetation, and from the west by the existing Gypsy site at 'The Paddocks'.

The site is not subject to any Local, Emerging Plan or national landscape designation and as such does not form part of or can be viewed from within any protected landscape. As such only landscape Policy ENV28 of the adopted Plan to be superseded by Policy SP17 of the emerging Plan can be applied.

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

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

The site is currently well screened by existing vegetation from public vantage points and subject to further boundary screening will become, with time, better assimilated into its surroundings. This fully accords with Draft Policy DM15 criteria for Gypsy and Traveller sites, in addition to policy ENV28 of the existing Local Plan.

7.6 Highways

KCC has provided a list of requirements relating to access provision. These are to be secured by condition.

7.7 Cumulative Impacts:

The site adjoins an existing G&T site at 'The Paddocks' where there is an allocation for further limited G&T development. A further site lies at 'Bluebell Farm', a short distance along George Street to the west, which also benefits from a G&T site allocation. It is considered that due to the layout, screening and location of the development hereby proposed having regard to those existing and those allocated, set against the quantum and location of dwellinghouses in the area occupied by the settled community, that the proposed development would not result in a cumulative impact sufficient to warrant refusal of the application.

7.8 Ecology Impacts.

The access into the site is to be located in the south west corner of the site. So as to avoid impact on unprotected boundary trees it is recommended that a condition be attached to any permission requiring submission of details that would ensure access provision without potentially impacting upon tree rooting systems. The amended Design and Access Statement addresses concerns raised by neighbours in respect of potential site ecology. Attention is drawn to a study undertaken by Collingridge Ecological Consults. Although the study is substantively dated, site characteristics do not indicate a need for contemporary re-appraisal. The study asserts that the land is semi-improved horse pasture, generally considered to be species poor. No evidence of protected species was found and the site does not provide habitat suitable for migrating or foraging amphibians. Although it did recognise the potential of development for disturbing nesting birds and foraging wildlife in the hedgerow, this can be covered by imposition of appropriate condition.

7.9 Sustainability

Although this is a rural site, it lies in close to proximity to Staplehurst and is consequently in a highly sustainable location with excellent means of access to public road and rail transportation networks and having excellent access to local services including schooling, community facilities and shopping. This amply satisfies the sustainability requirements of emerging Policy DM15.

7.10 Residential amenity

The layout drawings show that regard has been given to spatial requirements. Satisfactory levels of privacy for the intended occupants and for the adjoining Gypsy site at 'The Paddocks' would consequently be achieved. Given the separation from neighbouring residential properties there are no issues that would reasonably arise in respect of the impact on the amenity of those properties.

7.11 Flooding

Although neighbours have raised concerns that the development would lead to the potential for increased flooding in the lane to the south of the site, the site lies in an extremely low risk area (Flood Zone1), and potential surface water run-off from the site can be avoided through requirement for porous ground surfacing. As such there is not a requirement for Flood Risk Assessment.

7.12 Environmental Health

The EH Officer has recommended the submission of details in respect of foul sewage and potable water. The applicant has submitted details of a domestic wastewater

treatment plant. The applicant controls land outside of the application site boundary and it is considered that the approved apparatus could be conveniently and safely sited an appropriate distance from the proposed mobile homes so as not to impinge on the living conditions of future site occupants, while ensuring that groundwater will not be at danger of contamination. All such matters can be satisfactorily addressed by condition.

8.0 CONCLUSION

8.1 The site is considered to conform to Policy DM15 of the Draft Maidstone Local Plan which states that permission will be granted for Gypsy and Traveller sites if a range of criteria are satisfied. The site is accessible to local services, would be satisfactorily screened from public view, is not subject to flooding and would not give rise to unacceptable harm to the character or appearance of the surrounding countryside, or to the residential amenity of neighbouring communities.

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

9.0 RECOMMENDATION

GRANT Full permanent permission subject to the following conditions:

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

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

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

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

3. The site shall not be used as a caravan site by any persons other than Gypsies or Travellers and their family and/or dependants, as defined in Annex 1 of the Planning Policy for Traveller Sites 2015; permitted and an exception has been made to provide accommodation solely for Gypsies who satisfy these requirements for Gypsy and Traveller Caravan Sites. Should the use hereby permitted cease, or the site be abandoned, the owner of the land shall ensure that all caravans, hardstandings, structures, materials and equipment brought onto the land in connection with the use, shall be removed in accordance with a scheme of work to be submitted to and approved by the Local Planning Authority.

Reason: The site is in the countryside where such development is considered to cause visual harm to the character and appearance of the countryside and the

stationing and occupation of caravans/mobile homes is not normally permitted other than by members of the Gypsy and Travelling community.

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

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

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

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

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

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

7. No development shall take place until details of the proposed method of foul sewage treatment for the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. The approved means of foul sewage disposal shall be implemented prior to occupation of the site and thereafter maintained in accordance with the approved details.

Reason: In order to ensure a satisfactory standard of development and prevent groundwater contamination.

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

- Strengthen the hedge/tree line along the southern boundary of the site and screen/soften views through the new access.

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

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

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

10. Prior to commencement of development construction details having regard to BS 5837(2012) 'Trees in relation to Design, Demolition and Construction' shall be submitted to and approved in writing by the Local Planning Authority showing the method by which access into the site will be achieved without impacting to the detriment of the rooting systems of trees in the vicinity of the access. The approved details shall be implemented prior to commencement of construction of the access and thereafter retained.

Reason: To safeguard the sylvan character and appearance of this part of George Street.

11. The development shall not commence until details of all boundary treatments to include the site entrance splays and gateway and the boundary between the two individual sites has been submitted to and approved by the Local Planning Authority and thereafter erected prior to occupation of the site. The boundary treatment to the north, east and south site perimeter shall be of traditional timber post and rail construction, shall allow for establishment of landscaping and shall thereafter be maintained.

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

12. The development shall not commence until details of all hard landscaping to include vehicular hard-standings, turning areas and the site access road have been submitted to and approved by the Local Planning Authority. All surfacings shall be permeable to enable surface water to percolate directly to the ground below and avoid overflow onto the public highway and shall be retained as such thereafter.

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

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

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

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

- a) Utilise a bound surface for a minimum of the first 5.5 metres of the access from the edge of the highway.
- b) Ensure that any gates open away from the highway and are set back a minimum of 5.5 metres from the edge of the carriageway.

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

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

OS Location Plan 1:2500 (amended)
Block (Layout) Plan 1:500 (amended)
Utility Rooms Plans and Elevations 1:50 (amended)

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



16/505932 - Land Rear of Chart View

Scale: 1:1250

Printed on: 20/9/2017 at 9:41 AM by EllyH

REPORT SUMMARY

REFERENCE NO - 16/505932/FULL		
APPLICATION PROPOSAL: Change of use of land to use as a residential caravan site for 2 Gypsy families each with 2 caravans of which no more than one would be a static mobile home, together with erection of two amenity buildings, laying of hardstanding and formation of new access.		
ADDRESS: Land Rear of Chart View, off Chart Hill Road, Chart Sutton, Kent ME17 3EX		
RECOMMENDATION: Grant permanent permission subject to conditions.		
SUMMARY OF REASONS FOR RECOMMENDATION: The proposed change of use of the land, subject to imposition of conditions as herein recommended, is considered to comply with the policies of the Development Plan (Maidstone Borough Wide Local Plan 2000), the emerging policies within the Final Draft Maidstone Local Plan and the provisions of the NPPF and there are no overriding material planning considerations justifying a refusal of permission.		
REASON FOR REFERRAL TO COMMITTEE: The recommendation is contrary to the views of Chart Sutton Parish Council and the Parish Council has requested that the application be determined by Committee.		
WARD Boughton Monchelsea and Chart Sutton	PARISH/TOWN COUNCIL Chart Sutton Parish Council	APPLICANT – Mr Paul Webb AGENT – Phillip Brown Associates
DECISION DUE DATE (Extended) 16.10.2017.	PUBLICITY EXPIRY DATE 22/08/2016	OFFICER SITE VISIT DATE 14/07/2017

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.1 The site occupies a rectilinear shaped plot of agricultural land, and is located in the countryside approximately 2.5 kilometres south of Chart Sutton. The site lies on level ground on the north side of an unclassified single track rural cul-de-sac, known locally as Elderdon Lane, which spurs off Chart Hill Road to the west.
- 1.2 A residential garden within the curtilage of Little Rabbits Cross Farmhouse fronting Charthill Road, lies close to the western flank boundary of the site. A public right of way (footpath) traverses the field on a south west/north east alignment, runs between the site and Little Rabbits Cross and emerges near the junction of Elderdon Lane with Charthill Road. Undeveloped open grazing land within the control of the applicant lies to the north. A lawful Gypsy and Traveller enclosure, benefiting from approval for a single mobile home, touring caravan, utility block and paddock area and originally part of the same field system, adjoins to the east.
- 1.3 Although there is no current direct access to the site, there is evidence in the hedgerow of an overgrown field gate.
- 1.4 The site and its surroundings are subject to Local Plan designation ENV34 which classifies the land as a 'Special Landscape Area (SLA)'. In accordance with the emerging Plan, SLA designation no longer pertains and the land is now classified as a 'Landscape of Local Value' (LLV) where emerging policy seeks to conserve and enhance.

2.0 PROPOSAL

2.1 This is a speculative application seeking full planning permission for a change of use of land to use as a residential caravan site for 2 Gypsy families each with 2 caravans of which no more than one would be a static mobile home, together with erection of two amenity buildings, laying of hardstanding and formation of new access.

3.0 PLANNING HISTORY

3.1 The site comprises previously undeveloped agricultural grazing land.

3.2 Planning application 15/504891 for the development of a single Gypsy and Traveller development on this site was amended in order to provide more separation from the PROW, but was withdrawn prior to determination.

3.2 The adjoining site to the east 'Old Oak Paddocks' was granted permanent non-personal planning permission 11/1780 for a 'Change of use of land as a residential caravan site for one Gypsy family including stationing of caravans, erection of a day room, hardstanding and new access'.

3.3 The site owner has developed and resides at Chart View, a two pitch G&T site to the north, accessed from Chart Hill Road. In accordance with Policy GT1(3) of the emerging Local Plan two additional sites have been allocated adjoining Chart View.

4.0 POLICY AND OTHER CONSIDERATIONS

- Maidstone Borough-Wide Local Plan 2000: ENV6, ENV28, ENV34
- National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)
- Planning Policy for Traveller Sites 2015 (PPTS)
- Draft Maidstone Local Plan (2011-2031): SP17, SP17, DM15
- Neighbourhood Plan: N/A

5.0 LOCAL REPRESENTATIONS

5.1 Chart Sutton Parish Council has raised objection and recommends refusal for the following reasons:

- Urbanising the countryside
- Tarmac surfacing grazing land
- Gateway access would breach an enclosure award hedgerow
- Detrimental to wildlife
- Over-intensification of whole site

5.4 Seven letters of objection have been received. The objectors comments can be summarised as follows:

- Would spoil the character and appearance of this tranquil rural environment.
- Would be contrary to the Chart Sutton Local Plan and to Government Guidance which requires G&T sites not to dominate the nearest settled community.
- Represents serious harm to the settled community.

- The number of sites allocated at this location seems reasonable provided they are accessed from Chart Hill Road but not additional sites as herein proposed.
- The mobile units and utility buildings have been located against the site boundaries and will result in loss of privacy to neighbouring property.
- Would be located in an area which is prone to flooding.
- Hard surfacings would affect water table and lead to site run-off into the lane.
- People will be deterred from using the public footpath adjoining the site.
- The site would be too densely developed.
- The proposed entrance is off a private road, which is single track with no right of way and would be dangerous for other road users and would obstruct access by emergency services.
- Entry should be from Chart Hill Road.
- Removal of hedging would disturb a nesting barn owl.

6.0 CONSULTATIONS

6.1 The Weald of Kent Protection Society

- The site would occupy grazing land and breach an established hedge, both valued assets.
- The applicant's have not established their Gypsy status.
- There are serious flooding problems which hardstanding will exacerbate.
- Gypsy and traveller sites in the neighbourhood of Chart Sutton are having a cumulative dominant effect which should be discouraged in the interests of the settled community.
- The site if developed would be seriously overcrowded.

6.2 KCC Highways

The Highway Authority do not raise objection.

6.3 Environmental Health

Environmental Health does not consider that the development would result in a risk to health and do not raise objection.

7.0 APPRAISAL

7.1 Policy Background

In accordance with Policy ENV34 of the Local Plan, the site and surroundings are designated as a Special Landscape Area (SLA) where there is a presumption that landscape considerations take preference over other planning issues. The area covered by the SLA is shown on the Proposals Map as falling on the east side of Charthill Road and consequently the site is just 'caught' by the SLA designation. The emerging Local Plan re-classifies the land as Landscape of Local Value (LLV), although this no longer has policy significance. As the emerging Local Plan is nearing formal adoption, Policy ENV34 no longer carries the weight that was historically applied to it.

As the site lies in open countryside it is also subject to Local Plan Policy ENV28 which states that 'Planning permission will not be given for development which harms the character and appearance of the area or the amenities of surrounding occupiers. Although the policy sets out permissible forms of development it excludes G&T

development as this was covered under a separate policy which was subsequently not 'saved'. At this moment in time there are no saved Local Plan policies relating directly to G&T development

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

A key consideration in the determination of this application is Government Guidance set out in 'Planning Policy for Traveller Sites (PPTS) as amended in August 2015. The guidance places emphasis on the need for increased gypsy and traveller site provision, supporting self-provision (as opposed to local authority provision) and acknowledgement that sites are more likely to be found in rural areas. This is an exception to the principle of restraint in the countryside.

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

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

7.2 Need for Gypsy sites

Although the emerging local plan is well advanced, there are not yet any adopted Development Plan policies relating to site provision for Gypsies and Travellers. Local Planning Authorities are required to set their own Local Plan targets for pitch provision in their area. In order to address this, Salford University were commissioned to carry out a Gypsy and Traveller and Travelling Show-people Accommodation Assessment (GTAA) which was published in 2012 to cover the period October 2011 to March 2031.

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

Oct 2011 – March 2016 - 105 pitches
April 2016 – March 2021 - 25 pitches
April 2021 – March 2026 - 27 pitches
April 2026 – March 2031 - 30 pitches
Total: Oct 2011 – March 2031 - 187 pitches

This, is the best current evidence of need, and forms the evidence base to the Local Plan, although it should be acknowledged that the GTAA preceded the August 2015 publication of the revised PPTS which redefines amongst other things, status qualifications, and as a result the accuracy (albeit not substantially) of the GTAA figures.

The target of 187 additional pitches is included in Policy SS1 of the emerging Maidstone Borough Local Plan which itself was agreed by Full Council on 20th January 2016 and has been accepted by the DLP inspector in his interim report.

The GTAA predates publication of the revised PPTS, which sought to redefine the definition of Gypsies and Travellers. The GTAA is the best evidence of needs at this point, forming as it does part of the evidence base to the DLP. The GTAA had already asked those surveyed whether they had ceased to travel. The only recognised omission was whether those who had ceased to travel intended to resume travelling. The Inspector concluded that a new survey to address this would be unlikely to result in anything but small changes to the needs figures. The Inspector concluded that the needs evidence is adequate.

7.3 Supply of Gypsy Sites

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

Since the base date a net total of 119 permanent pitches have been provided. This means that a further 68 permanent pitches are required by 2031 to meet the objectively assessed need identified in the GTAA. The level of provision to 21.08.2017 can be broken down as follows:

98 Permanent non-personal mobiles
21 Permanent personal mobiles
3 Temporary non-personal mobiles
37 Temporary personal mobiles

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

The PPTS directs that the lack of a 5 year supply of Gypsy and Traveller pitches should be given weight when considering the expediency of granting consent on a temporary basis. The Council's position is that it can demonstrate a 5.6 year supply of G&T sites at the base date of 1st April 2016. As the Council considers itself to be in a position to demonstrate a 5 year supply the PPTS direction to positively consider the granting of a temporary consent does not apply.

7.4 Gypsy status

Permission is sought on the basis that the proposed two sites would contribute towards the supply of G&T sites in the borough. This is therefore a speculative application and is not intended for the benefit of any particular Gypsy and Traveller family. It is consequently not necessary to demonstrate G&T status at this point as qualification for site residency will be subject to G&T status secured through a planning condition.

7.5 Visual/Landscape Impact

The site is screened by a mature hedgerow lining Elderdon Lane to the south and would be barely be visible from this public vantage point, except during the winter months when foliage dies back and to a certain extent via the site entrance, subject to

entrance gate, associated fencing and landscape screening specification and layout. The site would however be highly visible to persons using the public footpath, at least until such time as the screen planting became effective. Although there would be an impact on visual amenity in the short term, such impact would be localised, would be seen in the context of neighbouring G&T development and would be insufficient to warrant refusal of planning permission.

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

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

The site is currently well screened from public vantage points within Elderdon Lane and Charthill Road. Although it is not currently screened from the adjoining footpath, the incidence of use of the PROW is understood not to be significant and can be mitigated by boundary screening, which will become, with time, better assimilated into its surroundings and will provide the required level of screening. Obviously planting specification will need to be robust and sympathetic and fencing detailing will need to maintain a rural rather than urban character. Such matters would be secured by planning conditions.

7.6 Highways

The Highway Authority has not raised objection. Although some neighbours have maintained that the access road is private, such status has not been born out by any submitted evidence or by the Highway Authority. There are no significant highway issues to warrant refusal of the application.

7.7 Cumulative Impacts:

The site lies in close proximity to three existing G&T sites (Two at Chart View and one at Old Oak Paddocks.). A further two sites have been allocated in the Local Plan to the rear of Chart View, accessed from Chart Hill Road. It is considered that due to the layout, screening and location of the sites hereby proposed in conjunction with those existing and those allocated, the development would not result in a cumulative impact upon the resident community sufficient to warrant refusal of the application.

7.8 Ecology Impacts.

The site comprises a grazed field with little ecology value. A Barn Owl has apparently been observed in the vicinity, however, this is not considered grounds to require further assessment or withhold permission.

7.9 Sustainability

Although the occupants of the site would be largely reliant on private motor vehicles to access local services and facilities, this is not untypical of Gypsy and Traveller sites in rural locations. Having regard to Gypsy and Traveller lifestyle choices, sites will almost inevitably be located in countryside locations. Although not highly sustainable in respect of location, the site is not so far removed from basic services and public transport opportunities as to justify refusal on this basis. This follows the reasoning of the Council evidenced by the emerging Local Plan allocation of two neighbouring sites at Chart View.

7.10 Residential amenity

The two proposed sites would be of sufficient size as to ensure that, spatially, living conditions would be acceptable for future occupiers. Although concern as to loss of privacy has been expressed by the neighbour directly to the west, the development would be separated by a public footpath and boundary screening introduced. The existing residential curtilage is also well screened in its own right. Screening within the site will also provide a higher standard of amenity for occupants and ensure a satisfactory relationship with the adjoining G&T site to the east. Given separation distances and the low rise nature of G&T development, residential amenity is considered not to be an issue.

7.11 Flooding

Although neighbours have raised concerns that the development would lead to the potential for increased flooding in the lane to the south of the site, this is not substantiated. Subject to conditions to ensure that any hard-standings are porous, there is no reason that oversite run-off should be materially different to that of the undeveloped site. The site and its immediate surroundings are located in Flood Zone 1 (low flood risk) and consequently flooding is not perceived as an issue.

8.0 CONCLUSION

8.1 Although this site will have some visual impact on the character and appearance of the rural area, policy allows that subject to strict control and in order to satisfy the Borough's responsibility to satisfactorily accommodate the Gypsy and Traveller community in development commensurate with their traditional lifestyle, Gypsy sites can be acceptable in the countryside. In this instance the development would be largely screened from certain public views and landscaping would mitigate views from the PROW. As a result the impact would be acceptable.

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

9.0 RECOMMENDATION

GRANT Full permanent permission subject to the following conditions:

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

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

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

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

3. The site shall not be used as a caravan site by any persons other than gypsies or Travellers and their family and/or dependants, as defined in Annex 1 of the Planning Policy for Traveller Sites 2015; permitted and an exception has been made to provide accommodation solely for Gypsies who satisfy these requirements for Gypsy and Traveller Caravan Sites.

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

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

Reason: To safeguard the rural character and appearance of this part of the Area of Outstanding Natural Beauty and to prevent light pollution.

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

Reason: To prevent inappropriate development and safeguard the amenity, character and appearance of this part of the Area of Outstanding Natural Beauty.

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

Reason: To prevent overdevelopment of the site and to safeguard the rural character and appearance of this part of the Area of Outstanding Natural Beauty.

7. No development shall take place until details of the proposed method of foul sewage treatment for the development hereby approved has been submitted to and approved in writing by the Local Planning Authority. The approved means of foul sewage disposal shall be implemented prior to occupation of the site and thereafter maintained in accordance with the approved details.

Reason: In order to ensure a satisfactory standard of development and prevent groundwater contamination.

8. The development shall not commence until a landscape scheme designed in accordance with the principles of the Council's landscape character guidance has been submitted to and approved in writing by the local planning authority. The

scheme shall include a planting specification, a programme of implementation and a [5] year management plan. The landscape scheme shall specifically address the need to provide:

- Retention of the existing hedge along the south boundary of the site apart from that section required to be removed for the approved access.
- A new double staggered mixed native hedge and trees along the west and north boundaries of the site on the outside of any boundary treatments.

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

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

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

10. The development shall not commence until details of all boundary treatments to include the site entrance shall be submitted to and approved by the Local Planning Authority prior to occupation of the site. The boundary treatment shall allow for establishment of landscaping and shall thereafter be maintained for all time.

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

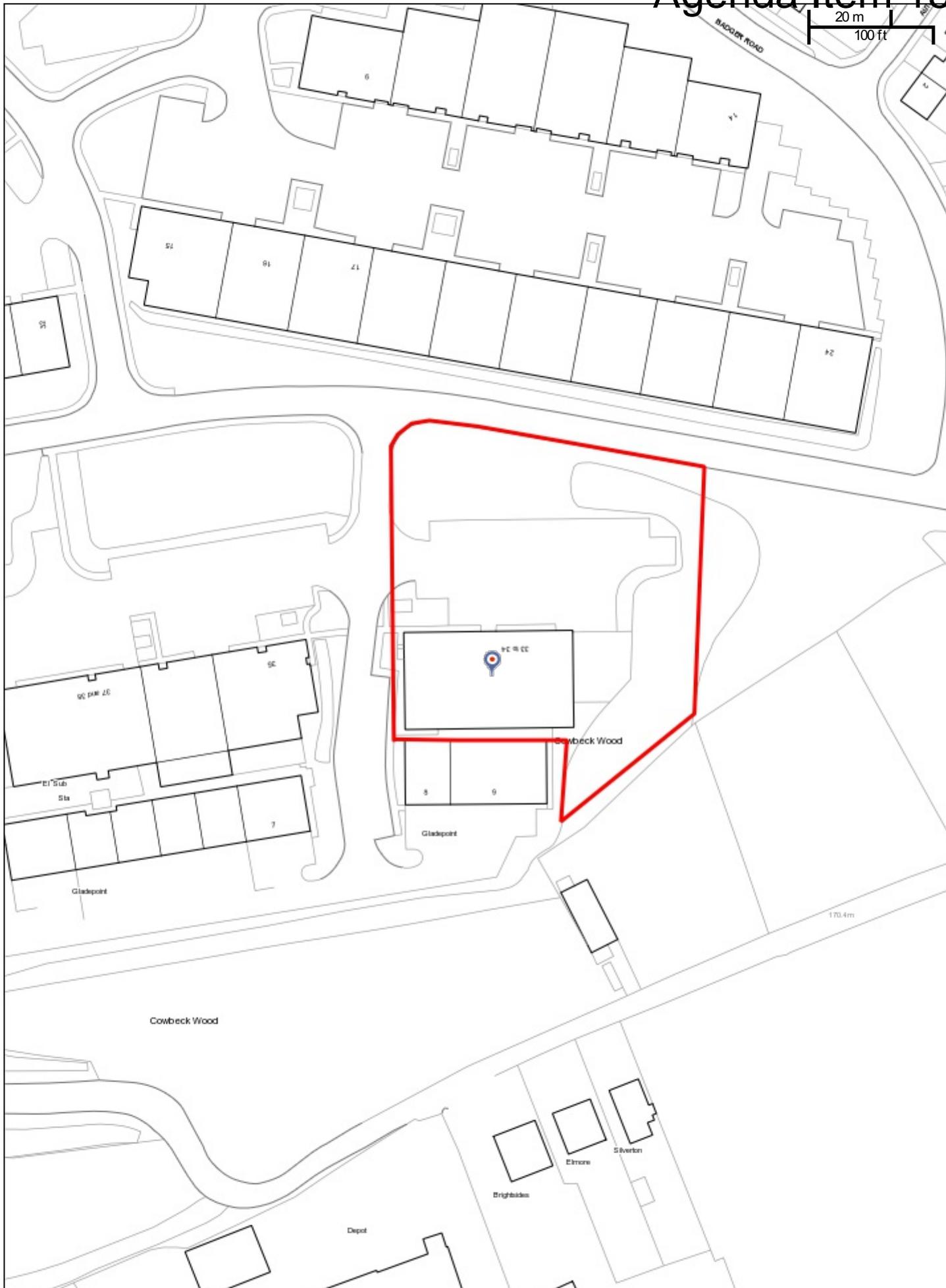
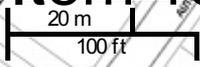
11. The development shall not commence until details of all hard landscaping to include hard-standings shall be submitted to and approved by the Local Planning Authority prior to that stage of the development. Surfacing elements shall be permeable to enable surface water to percolate directly to the ground below and shall be retained as such thereafter.

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

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

OS Location Plan 1:1250
Block (Layout) Plan 1:500
Utility Rooms Plans and Elevations 1:100

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



REPORT SUMMARY

REFERENCE NO: 17/500117/FULL		
APPLICATION PROPOSAL: Extension to the existing factory		
ADDRESS: Unit 33 Adj Lordswood Industrial Est., Gleamingwood Drive, Lordswood, ME5 8RZ		
RECOMMENDATION: Grant permission subject to conditions		
SUMMARY OF REASONS FOR APPROVAL: The development is in accordance with the Development Plan and would not have an adverse impact on the character, amenity and functioning of the surrounding area. Mitigation is proposed in relation to the loss of an area of trees that constitutes ancient woodland and the benefits to the local economy are considered to outweigh this loss.		
REASON FOR REFERRAL TO COMMITTEE: The recommendation is contrary to the views of Boxley Parish Council and committee consideration has been requested.		
WARD: Boxley	PARISH COUNCIL: Boxley	APPLICANT: Brown Europe Limited AGENT: CGPM
DECISION DUE DATE: 25/04/17	PUBLICITY EXPIRY DATE: 01/08/17	OFFICER SITE VISIT DATE: 28/3/2017
RELEVANT PLANNING HISTORY (including adjoining sites): MA/03/1534 – Extension to industrial unit, and extension of parking area – Permitted		

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.1 The application site forms part of the Lordswood Industrial Estate (which is located at the southern edge of the Medway Towns urban area) and is approx. 200 metres north of the M2 motorway.
- 1.2 The site is accessed via an existing estate entrance road off the south side of Gleaming Wood Drive, which in turn leads to Lordswood Lane and the large roundabout to the south west of the estate. To the north, the estate is bounded by Gleaming Wood Drive, with a woodland strip and business premises situated on the opposing side of the road. The application site is bounded by a strip of ancient woodland to the east and denser woodland to the south, with business premises situated directly to the west.
- 1.3 The applicant (Brown Europe Limited) is one of the leading suppliers of transmission products with their headquarters at the Lordswood site. The primary business is a high value, light mechanical engineering operation purchasing, modifying and distributing motors, gearboxes and linkage for use in the manufacturing of larger, more complex machines. The business requires large premises to hold a large volume of stock to respond rapidly to customer orders.

- 1.4 Existing buildings are located at the eastern end of the estate. The proposed development area is located immediately to the east of the existing buildings and involves a fenced yard with parking and loading areas to the front and some grassland with trees to the east side of that. These trees are part of a larger area covered by woodland TPO 41/2002 and are classified as ancient woodland.
- 1.5 The application site includes an area of the existing ancient woodland located to the east of the existing building; however all of this area of ancient woodland is designated as an economic development area in the local plan. The land hereabouts is not liable to flood. Development area

2.0 PROPOSAL

- 2.1 The applicant (Brown Europe Ltd) currently use the application site for their factory, with offices and warehousing. The current building houses a staff of 15 people who are directly employed by Brown Europe Ltd. and approx. 20 others who are employed by associated companies. The existing building is therefore shared by approx. 35 employed staff in five different businesses.
- 2.2 Brown Europe Ltd. owns and operates the building and plans to expand its operations. The existing warehouse and workshops are crowded and operate inefficiently; and the extension proposed would allow a more efficient warehousing operation and the reorganisation of other areas to facilitate growth.
- 2.3 Brown Europe Ltd. predict a growth in employment over the period of 36 months following completion of the development of 24 employees, in a range of jobs, all of which are likely to be sourced from the local labour market. Growth of associated companies is harder to predict but is estimated at 11 new employees for the same period.
- 2.4 The application proposes the erection of a large new extension, essentially as another 'bay' to the existing buildings, with a footprint of 43m by 25m and a ridge height of 7.6m. This large extension would project out to the side and front of the existing creating an 'L-shaped' footprint. The front part of that would be a two storey block to provide offices ancillary to the use of the factory. The rear part of the new development would be an extension eastwards of the existing factory floorspace. The height, design and materials of the extension broadly replicate that of the existing 'two bay' factory. Solar panels would be fitted to both roofslopes.
- 2.5 The development would lead to the loss of a small area of land and trees on the eastern fringes of the estate that constitutes ancient woodland. That issue, along with the landscaping and ecological mitigation/enhancement works that are proposed, are discussed below.

3.0 POLICY AND OTHER CONSIDERATIONS

- Maidstone Borough-Wide Local Plan 2000: ENV6, ED2.
 - National Planning Policy Framework (NPPF)
 - National Planning Practice Guidance (NPPG)
 - Final Draft Maidstone Local Plan 2017 SP21, SP22, SP23, DM1, DM2, DM3, DM21.
 - Forestry Commission/Natural England standing advice: 'Ancient woodland and veteran trees: protecting them from development 2014'
- 3.01 Maidstone Borough Local Plan (2016) was submitted to the Secretary of State for examination on 20th May 2016. The Local Plan Inspector issued his Report on the

Examination of the Maidstone Borough Local Plan on 27th July 2017. The Report is accompanied by an appendix containing the Main Modifications. The Inspector concludes that, with the incorporation of the Main Modifications, the submission Maidstone Borough Local Plan is sound. The adoption of the Local Plan will be considered at the next meeting of the Council on 27th September 2017 with a verbal update provided at the meeting considering this application.

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

4.0 LOCAL REPRESENTATIONS

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

- 4.02 **Boxley Parish Council:** object to the application stating the following
“Members strongly objected to the planning application and wish to see it refused and reported to the MBC Planning Committee. Reasons for refusal.

Highway issues.

At a recent Planning Appeal concerning Gibraltar Farm (in Medway just north-east of the Maidstone boundary) it was identified that the Gleamingwood Drive/Lordswood Lane junction had reached capacity. Extract from Create Consulting Engineers Ltd, Land at Gibraltar Farm, Ham Lane, Hempstead, Transport Assessment Lordswood Lane/ Gleaming Wood Drive Priority Junction 5.23 The Lords Wood/Gleaming Wood Drive junction has been assessed with PICARDY, 5.24 The results described in table 5.6 indicate that the junction is presently operating towards the limits of its capacity for the right turn movement from Lords Wood into Gleaming Wood Drive.

The Gibraltar Farm application, for 500 properties plus community infrastructure will, if allowed, add significantly to the traffic flows along Gleamingwood Drive to access Maidstone and the M2/M20. The Planning Inspectors decision is expected next month (March 2017) [officer comment: the appeal was subsequently allowed]. This would be in addition to the extra traffic generated by the Lordswood Urban Extension development of 84 properties plus bio-mass unit already approved (Maidstone planning application 13/1797). All these additional traffic movements along Gleamingwood Drive will further add to the problems of traffic congestion and pedestrian/cyclist safety at this dangerous and overloaded junction. Further west the complex junctions of the M2 with the A229/A2045 have exceeded their capacity and are unable to cope with any additional traffic generated by development in the Walderslade/Lordswood area, as confirmed in an e-mail of 20/1/17 from Toby Butler, Traffic & Network Solutions Asset Manager, Highways, Transportation & Waste, Kent County Council: These junctions [M2 and A229] have greatly exceeded their design capacity and handle volumes of traffic for which they, and the surrounding road network, were never intended. There are no suitable options for improving traffic flows through the adjustment of signal timings; physical works on the highway network are required. Some options are being considered but these have significant cost implications and take time to develop and implement. Furthermore local rural roads are unsuitable for lorries and HGVs and inappropriate use by large vehicles is already causing safety issues for other drivers, cyclists and pedestrians.

Impact on the Ancient Woodland.

40% of the trees on the site will be lost and with no plans yet submitted outlining the proposed replanting the impact on the screening properties of the current bank of trees is uncertain. What is clear is that the area designated for the replanting is smaller than the area being developed and the limited space that would be available to replant suggests an unacceptably insufficient screening of the site. The land taken for the proposed developed is Ancient Woodland - a finite resource that will be lost under hardstanding.

On-site car parking.

The planning application identifies an increase in car parking spaces by +12 for up to 40-60 additional staff. Whilst the parish council welcomes any increase in employment opportunities this amount of on-site car parking (34 in all) is totally inadequate. The extra car parking is at the detriment of the current lorry turning area which will be axed. Whilst the supporting document and plans state that there will be improved turning this appears to only relate to cars and not lorries or HGVs.

Impact on protected species e.g. dormice and bats.

The loss of more land, especially Ancient Woodland, for foraging wildlife is unacceptable. The improvements to the site with the erection of bird and bat boxes and the introduction of a woodland management plan are welcomed but these should have been part of the existing estates management plan rather than as a sweetener to obtain development permission. In an Ancient Woodland, especially one that is in danger of becoming fragmented by development, any reduction in the size of the existing woodland compartments is unacceptable. If the development is permitted then the proposed tree replanting should be substantial trees and not whips so as to ensure that the food resources for the protected species are not diminished whilst waiting for small trees to mature.

Section 106 contribution.

No mention is made of Section 106 funding to improve the local infrastructure yet there is an urgent need for improvements at the hazardous Lordswood Lane/Gleamingwood Drive junction. The parish council would like to apply for a Section 106 contribution towards highway improvements at the Gleamingwood Drive/Lordswood Lane junction.

Pre-application consultation

I should record that the Environment Committee was saddened that the developer chose not to speak to the parish council prior to submitting the application. While not mandatory such exchanges are, in our experience, invariably helpful to both parties and are to be encouraged."

4.03 **Local Residents:** No representations received from local residents.

5.0 **CONSULTATIONS**

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

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

5.02 **Mid Kent Environmental Health:** No objection subject to conditions.

5.03 **Environment Agency:** No objection

- 5.04 **KCC Drainage:** No objection subject to conditions
- 5.05 **KCC Biodiversity Officer:** No further protected species surveys are required. If permission is to be granted, the Council must be satisfied that the loss of ancient woodland is outweighed by other planning benefits. The dormouse mitigation strategy is proposing to manage and enhance the area of retained woodland: currently the area is not managed and proper management is likely to be beneficial in the long term. If permission is to be granted then a woodland and mitigation management plan should be the subject of condition.
- 5.06 **Southern Gas Networks:** No objection
- 5.07 **UK Power Networks:** No objection
- 5.08 **Forestry Commission:** Neither supports nor objects to the application but points out that the proposals involve the loss of some trees that constitute ancient woodland.
- 5.09 **Southern Water:** No objection
- 5.10 **MBC Landscape Officer:** Comments reported in full below.

6.0 APPRAISAL

Main Issues

- 6.01 The key issues for consideration are:
- Principle of development
 - Impact on the local highway network
 - Loss of protected trees and ancient woodland;
 - Impact on protected species
- Principle of development**
- 6.02 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that all planning applications must be determined in accordance with the Development Plan unless other material considerations indicate otherwise.
- 6.03 It needs to be highlighted that the existing Local Plan and emerging Local Plan allocate the application site and the surrounding industrial estate (including the area of land that would accommodate the new extension and the ancient woodland) as an existing area of economic activity and an economic development area respectively. The two plans make provision for the need for businesses to be able to adapt and grow and the designated estates are the preferred option for this.
- 6.04 The opening section of emerging Policy SP21 states: *“The council is committed to supporting and improving the economy of the borough and providing for the needs of businesses. This will be achieved through the allocation of specific sites and through: The retention, intensification, regeneration of the existing industrial and business estates identified as Economic Development Areas as defined on the policies map”.*
- 6.05 The accompanying text to emerging Policy SP22 states: *“4.146 In addition to new allocations of employment land, it is important that a stock of existing employment sites is maintained. A range of well located commercial premises and sites need to be secured so that they can continue to be available to meet the needs of existing and modernising businesses. Policy SP22 identifies Economic Development Areas across the borough designated specifically for B class uses, which include sites with planning permission as well as established, existing employment locations”.*

- 6.06 Against this background and this clear policy advice there can be no objection to the principle of existing businesses extending their facilities on land such as that found on the application site.

Highway impacts

- 6.07 KCC Highways and Transportation have commented on the current application on two separate occasions and raise no objection.
- 6.08 It is noted that the Parish Council have objected to the proposal, partly on the basis that another application for c. 500 dwellings was deemed to have a detrimental impact on the strategic highway network. However, KCC have raised no objections to the impact of the proposal on the strategic highway network; furthermore, the scale of the development proposed is unlikely to have a significant highways impact.
- 6.09 In terms of the detail of the scheme, clarification was sought from the applicant as to how the site would be serviced (including parking provision) and these details are deemed acceptable. The existing parking and turning area would be reconfigured to allow for 34 vehicle parking spaces, whilst catering for the loading/unloading and manoeuvring of vehicles and that is considered adequate. On these grounds there is no evidence to substantiate the refusal of permission on highway safety or operation issues.

Ecology

- 6.10 The application is accompanied by an Extended Phase 1 Ecology Report; a Bat Survey Report; a Dormouse Survey; and a Dormouse Mitigation Strategy. The survey work recorded foraging/commuting bats, the potential for breeding birds and the presence of dormice.
- 6.11 The application proposes the removal of trees, scrub, etc. which constitutes bat foraging habitat. With regard to bats, mitigation and enhancement measures are put forward involving a precautionary approach to felling and clearance; the retention and management of retained trees and new planting; control of external lighting; and the installation of bat boxes to enhance the site for bats by increasing roosting opportunities. If these measures are put in place the reports conclude that the impact would be minimal.
- 6.12 Hazel dormice were recorded on parts of the site which would be impacted by construction works and therefore a European Protected Species Licence would be required before any works could start. Mitigation and enhancement measures are put forward involving the retention and management of retained trees and scrub habitat; enhancement of the remaining woodland area by planting native berry and nut-bearing species to increase foraging opportunities; and the installation of dormouse net boxes. In association with the granting of a licence, if these measures are put in place the reports conclude that it should be possible for development to proceed with no net loss of dormouse habitat and without impacting the local conservation status of dormice. A detailed mitigation strategy document is included essentially elaborating on these main factors, including detailed proposals for the construction phase; habitat creation and enhancement; and post-development safeguarding and monitoring by a licensed ecologist.
- 6.13 The KCC Biodiversity Officer has examined the proposals and considers that no further surveys are required. The officer points out the NPPF guidance that the development should be refused unless the need for, and benefits of, the development outweigh the loss. The dormouse mitigation strategy is proposing to manage and

enhance the area of retained woodland: currently the area is not managed and proper management is likely to be beneficial in the long term. If permission is to be granted then a woodland and mitigation management plan should be the subject of condition.

- 6.14 Given the conclusions in the various ecology reports I am satisfied that harm to ecological interests can be properly mitigated through conditions.

Visual impact and landscaping

- 6.15 In relation to the extent of the proposed development the MBC Landscape had stated *“The proposed footprint of the new extension/industrial unit will come within a proportion of the existing front car parking area, a hard surfaced service yard (to the east of the existing building) and a small area of woodland that surrounds the current building. The area of woodland affected by this proposal is subject to Tree Preservation Order No 41 of 2002 designated as Woodland (W1). The wood is also designated as ancient replanted woodland (PAWS), suggesting it has been continuously wooded since 1600. The wood consists predominantly of mixed species of mainly Hornbeam, Silver Birch, Sweet Chestnut, Ash, Larch, English Oak, Common Ash with a shrub layer of Hazel, Holly, Elder and Raspberry. The ground layer is predominately bare with occasional Ivy and Bramble. There is some past historical evidence of coppicing on number of Hazel and Hornbeam but other than that the wood has been largely unmanaged for a number of years”.*
- 6.16 The applicant has submitted a plan showing the trees to be removed or affected as part of the proposed development. It is highlighted that this submitted plan concentrates on trees close to the development site and does not show the large number of other trees nearby that would not be affected by the development.
- 6.17 In relation to the trees to be removed the MBC Tree officer has stated *“Based on the submitted tree survey 32 individual and three groups of trees will need to be removed in order to facilitate the proposed development. The majority of these trees are maturing Silver Birch and Hornbeam. Many of the Birch have historic stem damage and are showing signs of decline with a number succumbing to wind throw. As a result of their condition, as individuals most have been graded ‘C’ (trees of low quality) under BS5837”.*
- 6.18 The application site forms part of an industrial estate of utilitarian character where, a building extension of this scale and design that is proposed would not be out of place. This is not an area afforded protection in terms of its landscape character and, in addition to that, the site benefits from the significant screening effect of the belts of trees that surround the estate.
- 6.19 Trees to the east and the north east of the existing application site (and therefore on the western margins of this patch of woodland) would need to be removed to make way for the new building. New planting is indicated off the north east corner of the new building and to its south and south east to compensate for that, to supplement the tree screening that would remain and to provide enhanced habitat. Against this background, I am satisfied that there would not be a significant adverse impact on visual amenity.
- 6.20 The proposed ‘footprint’ the new building is currently a walled storage yard, hardsurfaced parking/turning area or cut lawn and approx. 65% of that ‘footprint’ area does not result in the loss of trees or ancient woodland. The loss of the trees is clearly a negative aspect of this proposal however the trees to be lost are generally of

low quality and the area concerned has clearly not been well managed. Replacement planting would be put in place.

- 6.21 In the consideration of this application it is important to consider the benefits associated with the application, when weighed against the loss of a small area of trees and ancient woodland. In accordance with the test as outlined in para 118 of the NPPF it is considered that the benefits to the local economy (in terms of allowing an established business to extend on a designated industrial estate) would outweigh the harm that would arise by virtue of the loss of the small area of trees. In order to mitigate the impact of the proposal a number of conditions are considered appropriate should permission be granted.

Loss of Ancient Woodland

- 6.22 The assessment of developments involving ancient woodland is guided by the Standing Advice produced by the Forestry Commission and Natural England 'Ancient woodland and veteran trees: protecting them from development' published in 2014. This guidance provides a basic two step process to assess development proposals that may impact upon ancient woodland, firstly 'Assess the Impacts' and secondly how to 'Avoid, reduce or compensate for the impacts'.

- 'Assess the Impacts'

- 6.23 The application site includes a section of the existing ancient woodland located to the east of the existing building on the application site; however all of this area of ancient woodland is also designated as an economic development area in the local plan. The layout of the industrial estate includes areas of ancient woodland close to existing buildings and also buildings within existing areas of ancient woodland.

- 6.24 The standing advice states that assessing the impacts of development can be achieved through collecting evidence through tree and ecology surveys. In support of this application the council has the benefit of specialist reports on arboricultural matters and ecology and these have been scrutinised by the MBC Landscape Officer and the KCC Biodiversity Officer.

- 'Avoid, reduce or compensate for the impacts'.

- 6.25 The standing advice states that *"In assessing development proposals, planning authorities must decide on the weight to be given to ancient woodland and veteran trees in individual cases". The advice goes on to say that "If the planning authority decides to grant planning permission in line with the National Planning Policy Framework, it should seek appropriate mitigation or compensation from the developer. As ancient woodland and veteran trees are irreplaceable, discussions on compensation should not form part of the assessment of the merits of the development proposal. The planning authority should use planning conditions or obligations to secure these mitigation or compensation measures and subsequent ecological monitoring"*.

- 6.26 Potential mitigation suggested by the standing advice includes *"...an appropriate buffer zone of semi-natural habitat between the development and the ancient woodland or tree (depending on the size of development, a minimum buffer should be at least 15 metres)"*. With the current relationship of the industrial estate, existing buildings and economic development area to the ancient woodland any separation buffer is not practically possible. Soil translocation would also not be appropriate for an area that shows signs of significant human disruption.

- 6.27 Potential compensation measures suggested by the standing advice include: "planting new native woodland" and "restoring or managing other ancient woodland".

It is considered that these compensation measures can be provided and planning conditions are recommended to achieve this including new tree planting and measures to restrict access and to manage adjacent retained areas of ancient woodland.

- 6.28 Proposed mitigation and compensation must be proportionate to the nature of the resource that would be affected: the area concerned is located at the fringes of a busy industrial estate where there is currently no barrier to access; there is no woodland management; trees are generally in a poor condition; there is evidence of burning and fire damage; and signs of dumping and littering. The woodland management, new tree planting and ecological mitigation/enhancement works that could be secured by recommended conditions are a proportionate response to the impact. The standing advice is general advice, not site-specific advice, and I do not regard some of the suggested measures as appropriate to this case.
- 6.29 There is a requirement for the decision maker to weigh the proposed loss of an area of ancient woodland against other material considerations. It is considered that the benefits to the local economy, the employment generation coming from allowing an established business to extend on a designated industrial estate would outweigh the harm that would arise by virtue of the loss of the small area of trees.
- 6.30 This balancing exercise is acknowledged by the MBC Tree Officer who advises that *"....should it be proven that the need for and benefit of the development outweighs the loss of the tree (as indicated on within the tree report) and you are mindful to approve the application, I would want to see the following conditions attached to any consent: 1) Submission of a fully detailed tree protection plan (TPP) and arb method statement (AMS) both in accordance with British Standards BS5837:2012. 2) Fully detailed landscaping plan/mitigation scheme that should incorporate the key recommendations outlined in the extended phase 1 Ecological Report by agb Environmental (project no. P2284.1, dated 15th October 2014).3) Submission of a suitable woodland management plan/proposal that will ensure successful establishment of all new planted stock and provide future management that will enhance/improve the woodlands biodiversity"*.

Other matters

- 6.31 The majority of the issues raised by Boxley Parish Council have been addressed in the above report. In relation to pre-application consultation whilst officers encourage applicants to engage with all interested parties as part of pre application discussions there is no legal requirement for this to take place. The potential impact on infrastructure has been assessed and there is no need for a legal agreement as there is no need for funding for highways/infrastructure works.

7.0 CONCLUSION

- 7.1 In conclusion, it is considered that the principle of development in this location is acceptable, as the land is allocated in both existing and emerging Local Plans for economic development purposes. In accordance with the objectives of the economic development area the development is predicted to give rise to 35 new jobs in the 3 years following completion and this should be given significant weight.
- 7.2 In accordance with the test at para 118 of the NPPF, the economic benefits to the local economy would outweigh the harm that would arise by virtue of the loss of this small area of ancient woodland. Looking at the standing advice on ancient woodland, the impact has been properly assessed through specialist reports on trees and ecology. Mitigation and compensation measures are proposed for the protection and

promotion of biodiversity in and around the site; including the management of the retained and new woodland, the planting of new trees and ecological enhancement. There are considered to be no justifiable objections in terms of highway safety.

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 the permission. Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
2. The development hereby permitted shall be carried out in accordance with the following plans: Site location plan and block plan received 11/1/17; and drawings BRE-001/C, 003, 010/C, 101/C, 102/C, 103/C, 301/C received 24/1/17. Reason: To ensure the quality of the development is maintained and to prevent harm to the residential amenity of the neighbouring properties.
3. Before the development reaches damp proof course level, written details and samples of the materials to be used in the construction of the external surfaces of the extension shall be submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the approved materials; Reason: To ensure a satisfactory appearance to the development.
4. Prior to the commencement of works, a scheme of hard and soft landscaping, using indigenous species which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development and a programme for the approved scheme's implementation and the long term management of the retained woodland shall be submitted to and approved by the Local Planning Authority. The scheme shall be designed using the principles established in the Council's adopted Landscape Character Assessment and Landscape Guidelines and shall include full details of proposed means of surfacing and boundary treatments. Reason: No such details have been submitted. Details are required pre-commencement as a commencement of works may compromise the implementation of the agreed details.
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 the occupation of the extension 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: To ensure a satisfactory setting and external appearance to the development.
6. Works on site shall not commence until details of tree protection in accordance with the current edition of BS 5837 have been submitted to and approved in writing by the local planning authority. All trees to be retained must be protected by barriers and/or ground protection. No equipment, plant, 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. 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. These measures shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development. Details are required pre-commencement as a commencement of works may compromise the implementation of the agreed details.

7. Works on site shall not commence until an Arboricultural Method Statement (AMS) in accordance with the current edition of BS 5837 has been submitted to and approved in writing by the local planning authority. The AMS should detail implementation of any aspect of the development that has the potential to result in the loss of, or damage to trees, including their roots and, for example, take account of site access, demolition and construction activities, foundations, service runs and level changes. It should also detail any tree works necessary to implement the approved scheme and include a tree protection plan. Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development. Details are required pre-commencement as a commencement of works may compromise the implementation of the agreed details.
8. Works on site shall not commence until full details of the proposed ecological mitigation and enhancement works (with particular emphasis on bats and dormice); and the long term management of retained woodland habitat have been submitted to and approved by the local planning authority. The scheme shall fully recognise the presence of ancient woodland and shall include a timetable for implementation. The development shall be implemented in accordance with the approved details and all features shall be maintained thereafter. Reason: To protect and enhance the ecology and biodiversity on the site in the future. Details are required pre-commencement as a commencement of works may compromise the implementation of the agreed details.
9. The approved details of the parking/turning areas shall be completed before the commencement of the use of the land or buildings hereby permitted and shall thereafter be kept available for such use. No development, whether permitted by The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order, with or without modification) or not, shall be carried out on the areas indicated or in such a position as to preclude vehicular access to them. Reason: Development without adequate parking/turning provision is likely to lead to parking inconvenient to other road users and in the interests of road safety.
10. Prior to the development reaching damp proof course level, full details of the proposed lighting and the methods to prevent light spillage shall be submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details. The details shall have close regard to the requirements of the submitted ecological reports. Reason: To prevent light pollution and in order to avoid harm to bats and their habitat.
11. Development shall not begin until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the Local Planning Authority. The detailed drainage shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of through infiltration features located within the curtilage of the site; Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and to ensure ongoing efficacy of the drainage provisions. Details are

required pre-commencement as a commencement of works may compromise the implementation of the agreed details.

12. No building hereby permitted shall be occupied until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include: i) a timetable for its implementation, and ii) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime. Reason: To ensure that the principles of sustainable drainage are incorporated into this proposal and to ensure ongoing efficacy of the drainage provisions.
13. Before the development reaches damp proof course level, written details of the proposed solar panels shall be submitted to and approved by the Local Planning Authority. Reason: In the interests of visual amenity.

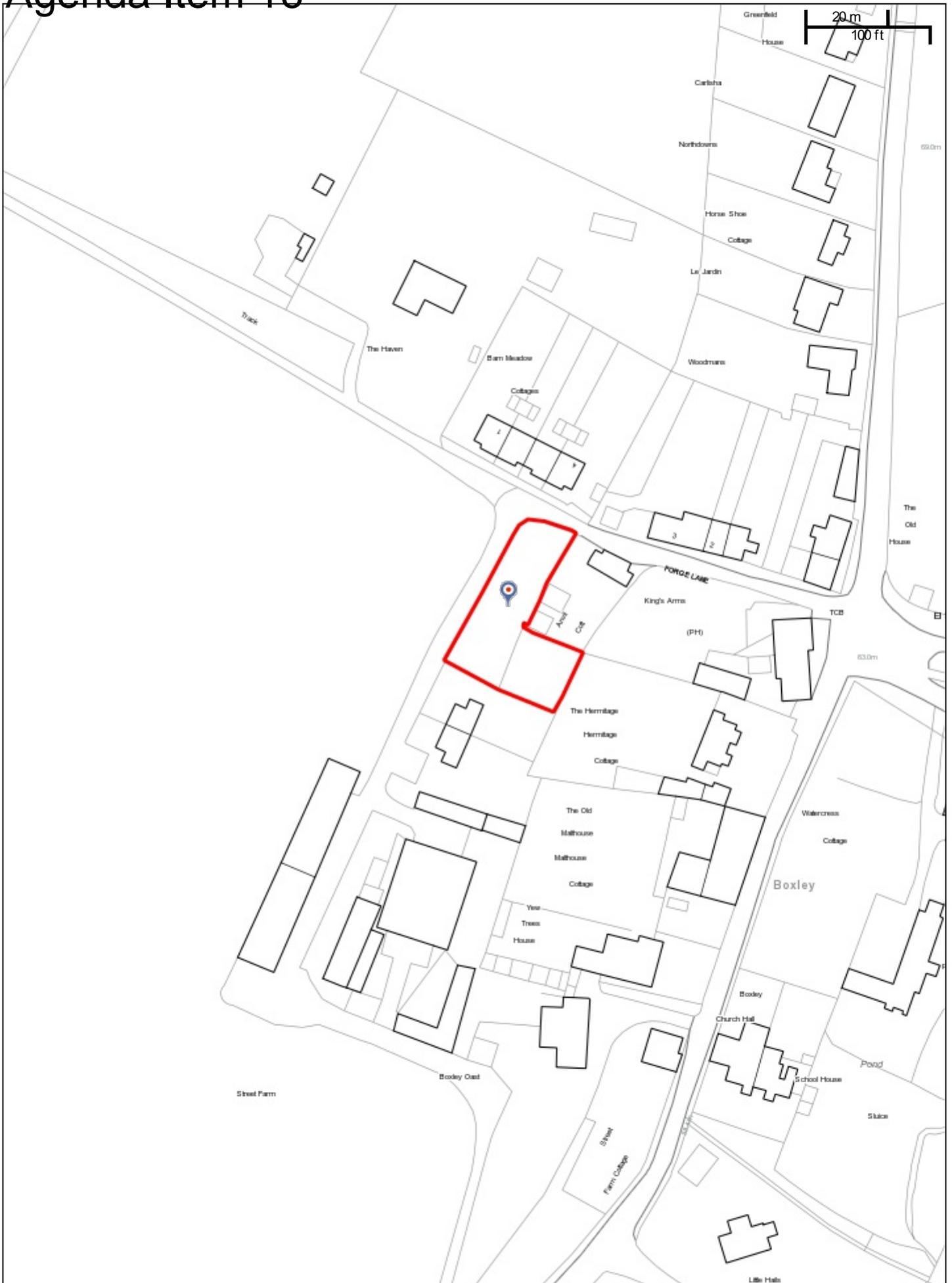
INFORMATIVES

- 1) The applicant is advised to have regard to the Mid Kent Environmental Code of Development Practice.
- 2) In drawing up details of the long term management of retained woodland pursuant to conditions 4 and 8 above, the applicant should have regard to the following factors:
 - a) Map of area to be managed; and a description and evaluation of the woodland
 - b) Review of species recorded within the woodland;
 - c) Methodology to clear the woodland;
 - d) Details of any constraints which might influence long-term management;
 - e) Aims and objectives of management;
 - f) Details of management proposals to achieve aims and objectives;
 - g) Preparation of a work schedule;
 - h) Measures to prevent unauthorised access to the woodland

Case Officer: Geoff Brown

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

Agenda Item 16



17/500471 - Land North of Street Farm Cottages

Scale: 1:1250

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REPORT SUMMARY

REFERENCE NO - 17/500471/FULL		
APPLICATION PROPOSAL Erection of 2 no. dwellings with associated landscaping and car parking.		
ADDRESS Land North Of Street Farm Cottages Forge Lane Boxley Kent ME14 3DR		
RECOMMENDATION – Grant planning permission		
SUMMARY OF REASONS FOR RECOMMENDATION The proposal does not represent an isolated dwelling in the countryside while also meeting the economic, social and environmental sustainability tests. It therefore represents sustainable development in accordance with the provisions of the NPPF Will have no material impact on the landscape character of the North Down AONB, character setting or openness of the countryside or functioning of the strategic gap. Is considered acceptable in size, design and siting terms while not giving to any material harm to the outlook or amenity or adjoining residents. Is acceptable in heritage terms, impact on existing trees and wildlife while not giving rise to any material highway impact. Represents an acceptable windfall development in its own right making a modest but material contribution to meeting housing need within the Borough.		
REASON FOR REFERRAL TO COMMITTEE Contrary to the views of Boxley Parish Council while the development is contrary to landscape and countryside protection policies contained within the development plan		
WARD Boxley	PARISH/TOWN COUNCIL Boxley	APPLICANT Rochester Bridge Trust AGENT Savills
DECISION DUE DATE 31/03/17	PUBLICITY EXPIRY DATE 29/05/17	OFFICER SITE VISIT DATE 25 th May 2017

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.1 The application site comprises a rectangular shaped area of open land on the western side of Boxley located at the junction of Forge Lane and a private access track looping round and defining the north west extent of Boxley.
- 1.2 Abutting the application site to the south west is a pair of semi detached houses beyond which are buildings of an agricultural scale and character. Immediately

abutting the site to the east is a detached dwelling facing onto Forge Lane while on the opposite side of Forge Lane to the north is a terrace of 4 houses.

- 1.3 In a wider context the site abuts the western edge of Boxley representing an isolated hamlet lying within open countryside and falling within the North Downs AONB, a Special Landscape Area (SLA) and a Strategic Gap. The application site also immediately abuts the Boxley Conservation Area (CA) to the east.

2.0 RELEVANT PLANNING HISTORY

- 2.1 There is no relevant planning history directly relating to the application site. However there are other sites in Boxley which have been referred and these are shown on the plan attached as **Appendix 1** as follows:

- 2.2 **16/506571: The Granary, Court Lodge Farm, The Street** - Outline application for one detached dwelling (All matters reserved for future consideration). REFUSED – APPEAL DISMISSED – Decision attached as **Appendix 2**.

- 2.3 **07/0396: The Haven, Forge Lane** - Outline application for the erection of single storey detached dwelling and detached garage to serve existing dwelling with access to be considered at this stage and all other matters reserved for future consideration. REFUSED – APPEAL DISMISSED – Decision attached as **Appendix 3**.

3.0 PROPOSAL

- 3.1 The proposal as originally submitted was for two no: 3 bedroom detached houses each having a floor area of just over 130 sqm.
- 3.2 Unit 1 fronts Forge Lane with a return elevation set back just in from the access track abutting the site to the west. To the rear (south west) of this unit is a private amenity area with a single detached garage set into the site in front of which are two parking spaces.
- 3.3 Unit 2 abuts unit 1 to the south west. Unit 2, which has an integral garage with two parking spaces in front, has its main elevation fronting the access track to the east. A rectangular amenity space is sited to the rear of the proposed dwelling. Both dwellings were two storey with steeply sloping hipped and catslide roofs.
- 3.4 The size and design of both dwellings has since been amended. Unit 1 is now a bungalow with unit 2 also reduced in size.
- 3.5 Site access will be from the private road abutting the site to the west with erection of a locked gate to prevent use of Forge Lane.

A supporting statement has also been submitted and its key points are summarised below:

- The applicant is a trust and is the only surviving independent bridge trust remaining true its original historic purpose of providing river crossings free of charge to the public.
- The trust has a long-standing interest in the area and see the proposed development as an opportunity to provide two houses, foster their relationship with the village while furthering its charitable interests.

- Consultation took place with Boxley Parish Council on 14th November 2016 and concerns were raised over scale, design, parking and access.
- Have sought to address these concerns by providing further information on transport issues matters though design amendments have not incorporated as they would compromise the character and appearance of the proposed dwellings.

4.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Adopted Local Plan: ENV6, ENV28, ENV31, ENV33, ENV34, T13
Draft Local Plan: SP17, DM1, DM2, DM3, DM4, DM11, DM12, DM13, DM27, DM34

5.0 LOCAL REPRESENTATIONS

5.1 18 neighbouring properties notified – 16 objections received in connection with the application as originally submitted which are summarised below:

- Already history of refusals and appeal decisions making clear that new residential development in Boxley unsustainable.
- Forge Lane is already used as an informal overflow parking area - proposal will increase parking conflict in the village.
- Neither Forge lane or the Street farm track have footpaths but are well used by walkers –additional traffic on these will harm pedestrian safety.
- No rights of way to site.
- Proposal lacks parking, is unsustainably located being poorly served by public transport while Forge Lane cannot accommodate service and emergency vehicles.
- Forge Lane consists of small houses – proposed development out of scale and keeping with the locality.
- Harm views of AONB to the detriment of the landscape quality of the area and contrary to the Kent Down AONB management plan by failing to conserve, enhance or maintain the character of the AONB.
- Site lies within AONB – proposal will extend village into undeveloped countryside.
- Harm character of the CA and lead to further pressure for infill development.
- No justification in housing need terms.
- Will lead to loss of sunlight, outlook and amenity to the occupants of Anvil Cottage and other houses overlooking and abutting the site.
- Harm function of the strategic gap.
- Will adversely affect local services.
- Does not constitute environmentally sustainable development while failing to safeguard wildlife.

5.2 Following reconsultation in connection with the revised proposal 6 objections received stating the revisions do not address the objections to the proposal set out above.

6.0 CONSULTATIONS

6.1 **Boxley Parish Council:** Objected to the proposal as originally submitted on the following grounds:

- Development will expand the built area of Boxley village into the countryside to the detriment and appearance of the Kent Downs Area of Outstanding Natural Beauty and the North Downs Special Landscape Area contrary to policy

- Site is immediately adjacent to the Boxley Village conservation area and the design of the proposed dwellings do not enhance the local, natural or historic character of the area.
- Dwellings should enhance or respond positively to the character of the area and it is felt this standard is not reached.
- Insufficient car parking for the proposed properties resulting in overspill parking blocking it local roads.
- Unsustainable development as area poorly served by public transport.
- Support conditions recommended by Kent Highways but feel proposal is unacceptable in its impact on highway safety and the free flow of traffic.
- Local schools already oversubscribed and proposal will add to pressure on these.

6.2 In connection with the revised proposal do not feel it addresses the concerns already raised and would add that there are no retail or educational facilities in or near the school.

6.3 **Kent Highways:** Subject to a restriction on vehicles using Forge Lane as an access with vehicles routed via the Private Road approach from the south (being an existing access, with good visibility and there have been no personal injury crashes associated with the intersection of this private road and The Street, in the past 5 years) raise **NO OBJECTION** subject to the following being secured:

- any gates erected at the junction with Forge Lane should be designed to allow for pedestrian and cycle movements and incorporate a turning head for vehicles to turn safely on Forge Lane.
- Refuse collection only from private road
- On site provision for construction vehicles, personnel and visitors along with wheel washing
- On site parking and turning and provision of cycle parking.

6.4 **EHO:** No objection subject to condition to secure details of waste water drainage.

6.5 **KCC Ecology:** As suitable reptile habitat is evident require further information on the potential impact on these species. Otherwise accept the conclusions of the ecological report subject to the precautionary mitigation and enhancement measures set out.

6.6 An amended reptile report has since been submitted to and found acceptable by KCC Ecology.

7.0 APPRAISAL

7.1 As the proposal affects land falling within an AONB the Local Planning Authority must first screen the application to assess whether it should have been accompanied by an EIA.

7.2 The proposal does not fall within the categories of development where an EIA is normally required but given the sensitive nature of the AONB's higher level tests must be applied.

7.3 The main consideration is impact on the wider landscape. In assessing this it should be taken into account the development is sited abutting existing development within Boxley. Given the small scale of the development and its localised visual impact when viewed against the backdrop of existing development within the Boxley hamlet it is considered the proposal does not constitute EIA development.

- 7.4 Moving to determination of this application, Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that all planning applications must be determined in accordance with the Development Plan unless other material considerations indicate otherwise. In this case the Development Plan comprises the Maidstone Borough-Wide Local Plan 2000 and policies contained within the emerging local plan. The Local Plan Inspectors Final Report has been published which concludes that subject to the modifications being made the Plan is sound and capable of being taken forward to adoption. As such the emerging plan must now be given significant weight in the determination of all planning applications.
- 7.5 The key issues are therefore considered to be that of principle, whether there is any material impact on the character and setting of the AONB, SLA, strategic gap or the wider countryside, impact on the character setting and layout of this part of Boxley, heritage considerations, design and layout, impact on the outlook and amenity of properties overlooking and abutting the site, highways and wildlife, habitat and landscaping concerns.

PRINCIPLE

- 7.6 Dealing first with the adopted local plan, the proposal is specifically subject to policies ENV28 relating to countryside protection, ENV31 seeking to prevent development that would compromise the function of the strategic gap aimed at maintaining separation between built up areas and policies ENV33 and 34 relating to AONB's and SLA's where landscape protection will be take precedence over other planning considerations.
- 7.7 Regarding the emerging local plan, policies SP17 and DM34 of the emerging local plan are essentially countryside protection policies. Policy SP17 has been amended by the Local Plan Inspector and the parts considered relevant to the proposal are as follows:

The countryside is defined as all those parts of the plan area outside the settlement boundaries of the Maidstone urban area, rural service centres and larger villages defined on the policies map.

Development proposals in the countryside will not be permitted unless they accord with other policies in this plan and they will not result in harm to the character and appearance of the area.

Great weight should be given to the conservation and enhancement of the Kent Downs Area of Outstanding Natural Beauty ;

Proposals should not have a significant adverse impact on the settings of the Kent Downs Area of Outstanding Natural Beauty or the High Weald Area of Outstanding Natural Beauty;

Development in the countryside will retain separation of individual settlements

- 7.8 Policy DM34 (now DM30) specifically refers, amongst other things, to the need to conserve and enhance the landscape and scenic beauty of the Kent Downs AONB and its setting and in general where built development is proposed where practicable it should be located adjacent to existing buildings or unobtrusively located and well screened by existing or proposed vegetation reflecting the landscape character of the area.

7.9 In addition paragraph 55 of the NPPF also states, amongst other things, that:

Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as:

- the essential need for a rural worker to live permanently at or near their place of work in the countryside; or
- where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or
- where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or
- the exceptional quality or innovative nature of the design of the dwelling.

7.10 Paragraph 115 of the NPPF requires that great weight should be given to conserving the landscape and scenic beauty of AONB's.

7.11 In terms of other material considerations the NPPF requires the Council be able to demonstrate a 5 year supply of housing land in order for it be able to give significant weight to other policies seen to affect the supply of housing land. The Local Plan Inspectors Final Report concludes that subject to the modifications the Plan is sound and capable of being taken forward to adoption while also concluding the Council has an adequate 5 year supply of housing.

7.12 Given this confirmation on the 5 year supply of housing land the rural, landscape protection and anti coalescence policies contained within the adopted and emerging local plan are considered to carry significant weight.

7.13 Turning to whether there is policy support for the proposed development, in the adopted local plan, Boxley is not identified as a settlement where minor development is considered acceptable in principle. However Policy SP17 of the draft local plan states, amongst other things, that in the countryside, proposals which do not harm the character and appearance of an area will be permitted in the countryside. It is therefore considered that acceptability of the proposal turns on its detailed impacts which will be assessed below.

SUSTAINABILITY

7.14 Concerns have been raised regarding the sustainability of the site and that Boxley is poorly served by public transport having little in the way of facilities. Section 55 of the NPPF states that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities. For example, where there are groups of smaller settlements, development in one village may support services in a village nearby. Local planning authorities should avoid new isolated homes in the countryside unless there are special circumstances such as:

- the essential need for a rural worker to live permanently at or near their place of work in the countryside; or
- where such development would represent the optimal viable use of a heritage asset or would be appropriate enabling development to secure the future of heritage assets; or
- where the development would re-use redundant or disused buildings and lead to an enhancement to the immediate setting; or
- the exceptional quality or innovative nature of the design of the dwelling.

- 7.15 Taking into account the location of the site immediately abutting Boxley with existing houses in close proximity it is not considered the proposal will result in isolated dwellings in the countryside.
- 7.16 Nevertheless the Inspector in connection with the dismissed appeal for the application at The Granary, Court Lodge Farm, The Street (ref: 16/506571) concluded the following amongst other things:

Para 7 Boxley has a church and public house but no other facilities, the nearest shops, primary school and other facilities being about 1.5 km away at Penenden Heath on the outskirts of Maidstone. Although within cycling distance these facilities are too far for convenient access by foot. There is a continuous footway along the road, but the route is quite busy and unlit at night, making walking an unattractive option, particularly at night and in winter. There is a bus stop just 100 m away with reasonably frequent services to Maidstone and Gillingham and also some local employment opportunities, but no mechanism is propose to ensure the occupiers of the dwelling would work in the village.

Para 8. A previous Inspector, when dismissing an appeal for a single dwelling in Forge Lane, Boxley in 2008, noted that "whilst... a regular bus service runs through Boxley, there are no shops or services available within the immediate area apart from a public house and a church. Maidstone town centre is about 3 km to the south and, although it could be accessed by bus or cycle... future occupiers... would be heavily reliant upon the private motor car to service their day-to-day needs". Although further details of the available bus services and evidence of local employment is provided with this appeal I see no reason to disagree with this conclusion

- 7.17 As the above appeal decision is recent its conclusion that Boxley is not sustainably sited could represent a material consideration in assessing the current proposal. Though the Inspector refers to regular bus services in the locality he concluded future occupiers would be heavily reliant on car use.
- 7.18 To place local public transport in perspective there is a bus stop just opposite the Kings Arms just over 100 metres from the application site. The Nu Venture Bus Company operates bus nos: 130 and 131. Mon – Fri services to Maidstone start at 0720 hrs with buses at 0757, 0941, 1116, 1211, 1416, 1441, 1612, 1726 and 1812. There is also a Saturday service starting at 0826 with buses at 1026, 1226, 1456 and 1726. Buses also serve Hempstead Valley shopping centre and Gillingham. Furthermore there is the parade of shops at the junction Boxley Road and Sandling Lane just over 1 mile to the south of Boxley with footpaths running the whole length of Boxley Road to this shopping parade.
- 7.19 Given the frequency of buses to both Maidstone and the Medway towns and local shopping at Penenden Heath (with footpath access to this latter facility) and proximity of the application site to the bus stop, it is considered Boxley is relatively well served by public transport and could provide a viable alternative to a reliance on cars. It is acknowledged this goes against the Inspector comments but also given these considerations it can be reasonably concluded the application site is sustainably located.
- 7.20 In addition the proposal also needs to be assessed against the economic, social and environmental sustainability roles set out in the NPPF.

Impact on the character and setting of the AONB, SLA, strategic gap and countryside.

- 7.21 Though Boxley has a village character it is not identified as a separate settlement and is washed over by AONB, SLA, strategic gap and countryside protection policies. In addition to policies ENV28 of the adopted local plan and SP17 and DM34 of the DLP the proposal is therefore also subject to policies ENV31, ENV33 and ENV35 of the adopted local plan. The policies relating to the AONB and SLA require landscape preservation to take precedence over other planning considerations. In addition paragraph 115 of the NPPF states that great weight should be given to conserving landscape and scenic beauty in National Parks. Regarding strategic gaps the requirement here is that development should not compromise their key function of maintaining separation between built up areas.
- 7.22 Dealing first with the impact on the AONB in addition to the proposal being seen to comply with local and national policy is also the need to assess it against the provisions of the Kent Downs AONB management plan.
- 7.23 In addition the Inspector in connection with the dismissed appeal for the application at The Granary, Court Lodge Farm, The Street (ref: 16/506571) concluded the following:
- Boxley is an attractive village situated on the south facing slopes below the ridge of the North Downs and the area of scattered ex-farm and other buildings to the south of the church forms an important part of its character. Increasing the concentration of residential development in this area would incrementally harm the overall character of the village and in turn erode the character of the Kent Downs AONB and North Downs SLA landscapes of which it forms part.*
- 7.23 The part of Boxley to which this appeal decision refers (and which is shown on the plan attached as **Appendix 1**) is characterised by widely spaced detached houses. That close to and abutting the application site comprises more close knit development comprising a mix of detached, semi detached and terraced houses with agricultural buildings to the south. The impact of the current proposal on its surroundings therefore requires detailed assessment.
- 7.24 Abutting Boxley to the west is a wide and open landscape with a public footpath running in an east to west direction along Forge Lane and continuing in a westerly direction. Viewed in isolation the application site could be seen as occupying an exposed position harmful to the wider landscape. However there is already development fronting the track defining the western extent of Boxley in the form of a pair of semi detached cottages abutting the site to the south west beyond which are agricultural buildings. The proposal would therefore continue the established layout pattern of frontage development onto the track to the east of which is the hamlet of Boxley. The application site, currently occupied by scrub vegetation, has a width of just over 30 metres taking it up to Forge Lane to the north of which is the terraced development of Barn Meadow Cottages. It is therefore considered that subject to any proposal respecting the grain and character of the locality development of the site can be seen to represent infill development rounding off the hamlet at this point.
- 7.25 It is acknowledged the Kent Down AONB management plan requires development to conserve, enhance and maintain the character of the AONB. In assessing the proposal against these priorities requires an understanding of the landscape function of the application site. It is acknowledged it is open and undeveloped. Nevertheless in the context of an area of land clearly falling within and being seen as part of Boxley hamlet (but having no formal open space function) it is considered to have a neutral landscape function. As such views of the site when seen from open land to the west and the public footpath would be against the backdrop of existing development. Subject to the design, size and siting of the development being appropriate to this

sensitive location (which will be assessed later), it is considered there will be no material impact on the landscape quality of the AONB.

- 7.26 It is acknowledged residents overlooking and abutting the site have come to accept views across the site as part of their general amenity entitlement. However there is no private right to a view as such. The maintenance of landscape quality of the AONB is exercised in the wider public interest though it in this case individual and public interests coincide. In this case for the reasons already set out it is not considered the landscape quality and setting of the AONB will be compromised and given the current condition of the site an appropriate development format could be seen as conserving, enhancing and maintaining the character of the AONB. By implication the landscape quality of the SLA and openness of the countryside will also not be materially affected
- 7.27 Turning to any material impact on the function of the strategic gap it is not considered the development is of sufficient scale to compromise the function of the strategic gap in maintaining separation between settlements.

Impact on the character, setting and layout of Boxley

- 7.28 As stated above there is already development fronting the track defining the western extent of Boxley in the form of a pair of semi detached cottages abutting the site to the south west beyond which are agricultural buildings. The proposal would therefore continue the established layout pattern of frontage development onto the track to the east of which is the recognised hamlet of Boxley. The application site, currently occupied by scrub vegetation has a width of just over 30 metres taking it up to Forge Lane to the north of which is terraced development of Barn Meadow Cottages. The proposal is therefore considered to respect the grain and character of the locality representing infill development rounding off the hamlet at this point.

Design and layout:

- 7.29 In response to concerns regarding the bulk and impact of the proposed dwellings on the character of the locality and outlook and amenity of residents of Anvil Cottage the size and design of both dwellings has been amended. The unit on plot 1 is now a bungalow while the unit on plot 2, though still a two storey detached dwelling, has had its ridge height reduced while the garage, though still attached, now appears more as a structure in its own right rather than being read as part of the dwelling.
- 7.30 The bungalow on plot 1 fronts Forge Lane and forming part of the Forge Lane 'street scene' must be seen to make its own contribution to the character of the area. Though development in the locality is two storey Anvil Cottage abutting the plot to the east steps down to single storey close to the boundary. Given the design and detailing of the proposed dwelling, which has the scale and proportions of a cottage, its impact on the street scene is acceptable. Where the bungalow flanks the track to the west a fully detailed elevation is proposed and given the low bulk and profile of the proposed dwelling and proposed planting abutting the track means its visual impact is acceptable.
- 7.31 Regarding the two storey dwelling on plot 2, the design revisions means it better reflects the scale of the pair of semi detached houses abutting the site to the south east. Furthermore its design, detailing, proportions and use of materials means it will appear in keeping in this rural setting on the edge Boxley.
- 7.32 The site layout, size and proportions of the proposed amenity areas and general site layout are considered acceptable.

Impact on the outlook and amenity of properties overlooking and abutting the site:

- 7.33 Dealing first with the impact of the bungalow described as unit 1 on houses on the opposite side of Forge Lane, given the separation distances, design and low bulk and profile of the proposed bungalow no material harm is identified to the outlook or amenity of these properties. The property most affected is Anvil Cottage immediately abutting the site to the east. The two storey dwelling originally proposed as unit 1 would have had an overly dominating and overbearing impact on this property. The proposed single storey dwelling has 'blind' elevation set just under 2 metres off the boundary with Anvil Cottage with the single storey utility room extension attached to Anvil Cottage set a further 3 metres in from the boundary. This gives a total separation distance of 5 metres. Consequently though the proposed dwelling projects just over 9 metres beyond the rear wall of Anvil Cottage taking into account a 5 metre separation distance and that the dwelling is now single storey it is considered the impact on the outlook and amenity of Anvil Cottage is acceptable.
- 7.34 Regarding loss of sunlight the proposed dwelling lies to the west of Anvil Cottage and the size and siting of the proposed dwelling and will result in loss of some sunlight to the rear of Anvil Cottage for the latter part of the day. However given the width of Anvil Cottage and its plot size it is not considered loss of sunlight to part of the garden represents a sustainable objection to the proposed dwelling. In connection with any material interference to the access of daylight to Anvil Cottage, this would only occur if the bulk and impact of the proposed dwelling was deemed to be excessively overbearing. As this is not the case no harm is identified on access of daylight grounds.
- 7.35 Turning to the impact of the two storey dwelling proposed on plot 2, its 'flank to flank' relationship with Street Farm Cottages to the south west along with a separation distance of just under 7 metres ensures no material harm to the outlook or amenity of these properties.

Heritage considerations

- 7.36 The site in its current form as an undeveloped area covered by scrub with some small trees is considered to have a neutral impact on the character and setting of the CA with the adjoining site boundary within the CA occupied by sheds and a house.
- 7.37 It is therefore considered that given the size design and siting amendments that have been secured the character and setting of the CA at this point will be improved. As such no objection is raised to the proposal on heritage grounds.

Highway considerations:

- 7.38 Despite the objections raised on highway grounds traffic generated by two dwellings is not considered significant. As such in the absence of objection by Kent Highways and subject to the imposition of the conditions recommended by it no objection is identified to the proposal on harm to the free flow of traffic or highway safety on the local road network.
- 7.39 Concerns have been raised regarding rights of way and the use of Forge Lane in gaining access to the site. It is proposed to erect a gate at the junction of Forge Lane

and the private road running along the western site boundary. In normal circumstances this gate will be locked thereby avoiding use of Forge Lane in servicing this development.

- 7.40 Objections based on lack of parking are also noted. However both units have on site parking for two cars which is acceptable.

Wildlife and habitat and landscape considerations:

- 7.41 The preliminary ecological appraisal accompanying the application states that habitats within the application site comprise semi improved grassland, ruderal vegetation, hardstanding and buildings some introduced scrub with scattered trees. It was concluded the site had the potential to support a range of protected species with the following conclusions drawn.
- 7.42 No badgers were observed during the site. However, as badger sett building can occur at any time of year and suitable badger habitats are present on site, it is recommended that a survey for badger presence is undertaken prior to the commencement of works
- 7.43 Regarding bats the three outbuildings and the scattered trees were assessed as having negligible suitability for roosting bats due to their size, species and lack of suitable roosting features.
- 7.44 To safeguard breeding birds no clearance work would be carried out in the bird nesting season.
- 7.45 The site contains potential Great Crested Newt (GCN) habitat though none were identified in the survey. Nevertheless site clearance will only be undertaken in accordance with a precautionary working method statement which will include the use of hand tools including brush cutters and chainsaws for vegetation clearance and a directional strimming scheme that will clear vegetation from the northern end of the site first to encourage any amphibians that are present to move to suitable off-site habitats adjacent to the southern site boundary. If a GCN is found all work would cease pending further ecological assessment.
- 7.46 The site also contains reptile habitat. As such a precautionary working method will be implemented during site clearance works to ensure that all site clearance work is undertaken in a sensitive manner as follows:
- directional cuts of the areas of tall ruderal vegetation and grassland from north of the site to the south, and cut to ground level in stages to encourage any reptiles which may be present to move into adjacent habitats to the gardens of residential properties to the east and south, and arable land to the west.
 - Vegetation clearance within the area of tall ruderal vegetation to be carried out in the presence of a suitably qualified ecologist who will walk the area to be cleared to check for and dismantle by hand any features that could be used for refuges for reptiles such as the areas of deadwood piles.
 - Any reptiles found will be recovered and moved to a safe area at the southern or eastern boundary to encourage dispersal into suitable off-site habitat or within the retained garden area to the south east.
 - All vegetation clearance works are to be undertaken using hand tools including brush cutters and chainsaws.
- 7.47 The following bio diversity enhancements are also proposed:

- Bird and bat boxes could be installed on proposed buildings and/or mature native trees on site.
- Where vegetation on site is removed additional boundary planting will take place with the creation of native woody species-rich hedgerows to provide additional opportunities for foraging and nesting birds. Species could include dogwood *Cornus sanguinea*, guelder rose *Viburnum opulus*, wild privet *Ligustrum vulgare*, hawthorn *Crataegus monogyna* and elder *Sambucus nigra*
- The landscaping scheme will incorporate a mosaic of habitats including areas of wildflower, grassland borders as well as the provision of open spaces to ensure that the site continues to provide feeding opportunities for bats, badgers, invertebrates and birds.
- Any trees removed to be replaced with native berry bearing species such as Rowan *Sorbus aucuparia* and hawthorn to provide additional foraging and nesting opportunities.
- Any external lighting on the site is kept to a reasonable minimum and should include downward facing lights so as not to disrupt existing flight lines.
- Deadwood habitat piles in appropriate locations or compost heaps to provide additional habitats for a range of species including reptiles, amphibians, invertebrates associated with dead or decaying wood and small mammals.
- Any fencing shall have gaps incorporated allow dispersal of species such as the hedgehog into the wider landscape.

7.48 Given the above it is considered that the interests of wildlife are being protected in accordance with the provisions of the NPPF.

7.49 Regarding landscaping the arboricultural assessment identifies five individual trees and one group of trees being a mix of deciduous and coniferous species. Only 1 tree and some shrubs are to be removed with the remainder of the trees to be safeguarded by tree protection fencing. It is considered a reasonable balance has been struck between enabling the site to be developed and tree retention. Subject to the additional tree and hedgerow planning as specified in the bio diversity mitigation measures set out above no objection is identified to the proposal on landscape grounds.

Other matters

7.50 Erection of new dwellings as proposed is contrary to the prevailing countryside and landscape protection policies and as such represents a departure from the development plan. Given the small scale and impact of the proposal, no material harm is identified to the countryside or wider landscape. Nevertheless the proposal stills need to be advertised as a departure from the development plan.

7.51 Renewable or low-carbon sources of energy within new development is considered intrinsic to high design standards and sustainable development in accordance with the provisions of the NPPF. A condition should therefore be appended to secure this as part of the proposal

7.52 There is also a requirement that surface water drainage be dealt with via a SUDS in order to attenuate water run off on sustainability and flood prevention grounds and is a matter that can also be dealt with by condition.

Conclusions:

- 7.53 The previous Inspectors comments on the unsustainable location of Boxley are noted. Nevertheless the proposal does not represent an isolated dwelling in the countryside contrary to the provisions of the NPPF. Furthermore given the frequency of bus services, footpath access to local services at Penenden Heath and proximity of the application site to a bus stop, it is considered the application site is sustainably located. Furthermore the proposal can be seen to meet the economic, social and environmental sustainability tests by contributing to the local economy in terms of employment as part of the construction process while the future occupants of the dwellings will make their own ongoing contribution to the local economy by helping to support and maintain local services. Regarding the environmental test it is considered the proposal will have no material impact on the character, setting or openness of the countryside or functioning of the strategic gap.
- 7.52 In addition the proposal is considered acceptable in size, design and siting terms, will not give rise to any material harm to the outlook or amenity or adjoining residents, is acceptable in heritage terms, its impact existing trees and wildlife while not giving rise to any material impact in highway terms.
- 7.53 It is therefore considered the proposal represents an example of sustainable development by successfully reconciling the opportunities and constraints of this sensitive site.
- 7.54 In addition notwithstanding the Councils 5 year housing supply position and that the proposal is not justified in housing terms as a consequence, the proposal nevertheless represents an acceptable windfall development in its own right making a modest but material contribution to meeting housing need within the Borough.
- 7.55 In the circumstances it considered the balance of issues fall in favour of the development and planning permission should be granted as a consequence.

8.0 RECOMMENDATION

- 8.1 Subject to the proposal being advertised as a departure from the Development Plan and no new material issues being raised as a consequence (acceptance delegated to the Head of Planning and Development) 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. Prior to the development hereby approved reaching damp proof course level details of all external materials (including surfacing for the roads, turning and parking areas) shall be submitted for prior approval in writing by the Local Planning Authority. The development shall only be carried out in accordance with the approved details.

Reason: In the interests of visual amenity.

3. Prior to the development hereby approved reaching damp proof course level details shall be submitted for prior approval in writing by the Local Planning Authority of a decentralised and renewable or low-carbon sources of energy and how they will be incorporated into the development. The approved details will be in place before first occupation of the development hereby approved and maintained as such at all times thereafter.

Reason: To secure an energy efficient and sustainable form of development to accord with the provision of the NPPF.

4. No house shall be occupied until the access, car parking and turning areas serving it as shown on drawing no:020 rev B have first been provided. They shall be retained at all times thereafter with no impediment to their intended use.

Reason: In the interests of highway safety and the free flow of traffic.

5. Prior to the development hereby approved reaching damp proof course level details of the size, design and siting of a gate (which should also allow for pedestrian and cycle movements and incorporate a turning head for vehicles to turn safely on Forge Lane) to be erected at the junction of the private road with Forge Lane shall be submitted for prior approval in writing by the Local Planning Authority. The approved details shall be in place before first occupation of any part of the development hereby permitted and retained as such at all times thereafter.

Reason: In the interests of highway safety and the free flow of traffic.

6. Refuse collection for the development hereby approved shall only take place from the private road abutting the application site to the west.

Reason: In the interests of highway safety and the free flow of traffic.

7. Prior to the development hereby approved commencing on site provision shall be made for (a) construction vehicles, personnel and visitor parking and (b) wheel washing. These facilities shall be retained without any impediment to their intended use throughout the construction phase of the development.

Reason: In the interests of highway safety and the free flow of traffic.

8. The development hereby approved shall be carried out in accordance with the timescales, safeguarding and mitigation measures set out in preliminary ecological appraisal carried out by Arbeco dated the 7th November 2016 in particular paragraphs 6.1-6.12 (inc) relating to habitat and wildlife safeguarding measures and 6.13 relating to bio-diversity enhancements.

Reason: To safeguard wildlife and their habitats in accordance with the provisions of the NPPF.

9. Prior to first occupation of the development hereby approved a native species landscaping scheme shall be submitted for prior approval in writing by the Local Planning Authority. The approved landscaping scheme shall be implemented within the first available planting season following first occupation of any of the dwellings hereby approved. Any existing trees, hedgerows or planting becoming dead, dying or diseased within the 5 years shall be replaced with one of the same species of a size and location to be agreed beforehand with the local planning authority.

Reason: In the interest of visual amenity.

10. All trees/hedgerows to be retained must be protected by barriers and/or ground protection in accordance with BS 5837 (2005) 'Trees in Relation to Construction-Recommendations' and in accordance with the measures shown on the Arboriculture Impact Assessment dated the 16th November 2016 carried out by arbeco. The barriers and/or ground protection shall be erected before any equipment, machinery or materials are brought onto the site and shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed, nor fires lit, within any of the areas protected in accordance with this condition. The siting of barriers/ground protection shall not be altered, nor ground levels changed, nor excavations made within these areas without the written consent of the Local Planning Authority;

Reason: To safeguard existing trees to be retained and to ensure a high quality setting and external appearance to the development in accordance with the National Planning Policy Framework (2012).

11. The development hereby permitted shall not commence until a scheme for the disposal of (a) surface water (which shall be in the form of a SUDS scheme) and (b) waste water disposal has been submitted to and approved by the Local Planning Authority. The development shall thereafter be undertaken in accordance with the approved details.

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

12. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) no windows, or any other form of opening shall be installed above eaves level in the south east facing elevation of unit 1 without first obtaining the prior approval in writing of the Local Planning Authority.

Reason: To maintain privacy in the interests of amenity.

13. The development hereby approved shall only be carried out at the levels shown on drawing nos: 200 and 210 rev B.

Reason: In the interests of visual amenity.

14. The development hereby permitted shall be carried out in accordance with the following approved plans being drawing nos: 001 rev B, 010 rev A and 020, 200, 210 (all rev B) and 100 and 110 (both revision C).

Reason: In the interests of amenity.

INFORMATIVES:

Construction:

- (1) As the development involves demolition and / or construction the development should be carried out in accordance with the Mid Kent Environmental Code of Development Practice.

(2) Highways:

Planning permission does not convey any approval for construction of the required vehicular crossing, 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.

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. 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.

Note to Applicant

In accordance with paragraphs 186 and 187 of the NPPF, Maidstone Borough Council (MBC) takes a positive and proactive approach to development proposals focused on solutions. MBC works with applicants/agents in a positive and proactive manner by:

Offering pre-application advice.

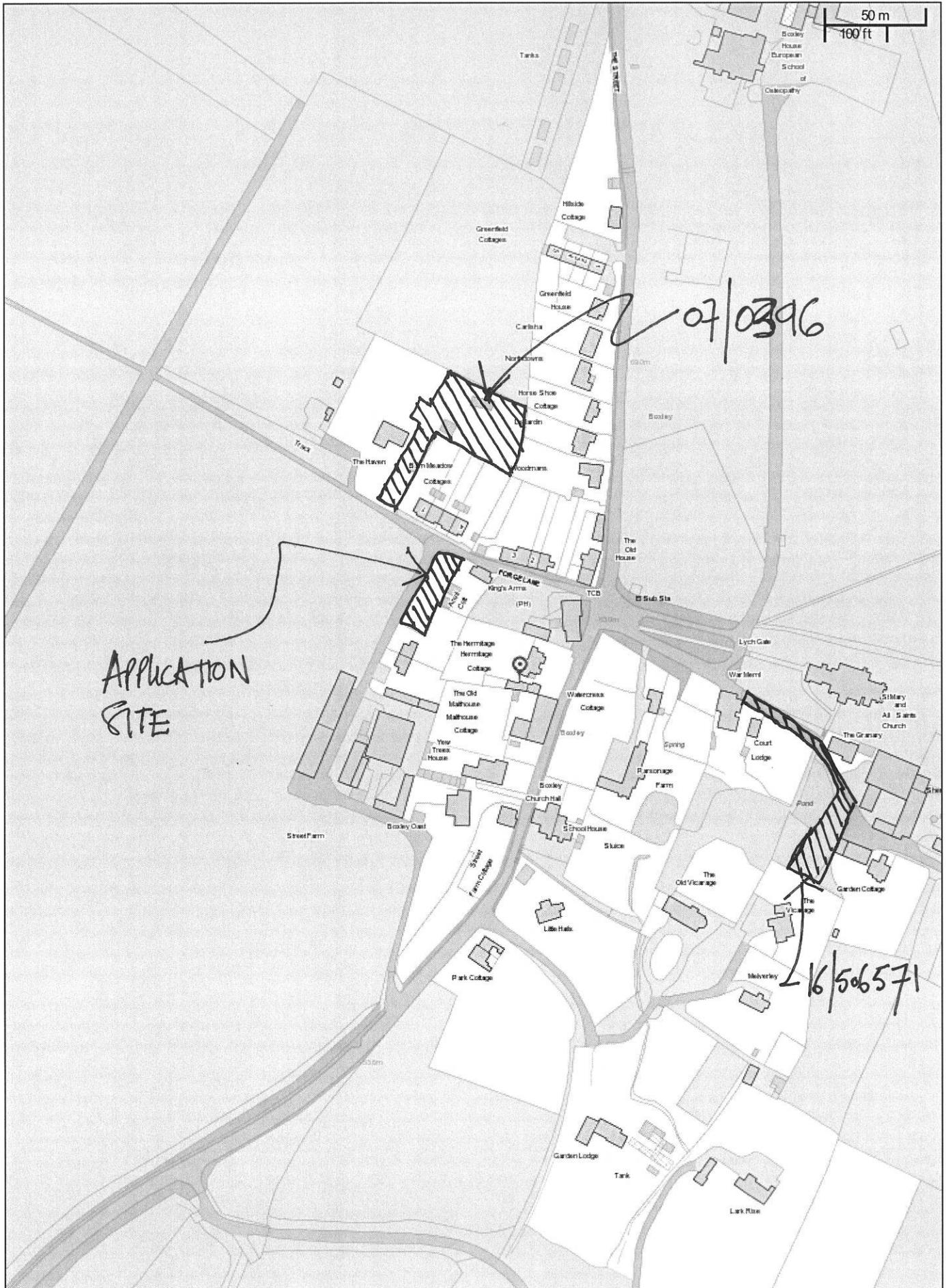
Where possible, suggesting solutions to secure a successful outcome.

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

In this instance:

The application, following amendment, was acceptable.

Case Officer: Graham Parkinson



APPLICATION SITE

07/0396

16/506571

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Appeal Decision

Site visit made on 24 April 2017

by **David Reed BSc DipTP DMS MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 18 May 2017

Appeal Ref: APP/U2235/W/17/3169507

The Granary, Court Lodge Farm, The Street, Boxley, Kent ME14 3DX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Mr Graham Maskell against the decision of Maidstone Borough Council.
- The application Ref 16/506571/OUT, dated 19 September 2016, was refused by notice dated 15 November 2016.
- The development proposed is a single detached dwelling.

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The application was submitted in outline with all matters reserved for later determination. I have dealt with the appeal on this basis.

Main Issue

3. The main issue is whether the proposal would result in a sustainable form of development having regard to development plan policy and the character and appearance of the area, including the effect of the proposal on the Kent Downs Area of Outstanding Natural Beauty (AONB) and the North Downs Special Landscape Area (SLA).

Reasons

4. The appeal site comprises an area of grassland forming part of the grounds of The Granary, a farm building now converted to residential use situated amongst a group of buildings once associated with Court Lodge Farm. The extensive grounds of Court Lodge Farmhouse and The Old Vicarage lie to the west, those of The Vicarage to the south, a large cart shed used as garages to the east and The Granary to the north. The area, which is accessed via a private drive, also includes a large barn being converted to residential use, another house known as Garden Cottage and a number of utilitarian buildings comprising the old farmyard. The proposal is for a new house on the site within this scattered group of buildings.
5. The whole of Boxley and its surroundings lie within the Kent Downs AONB where the statutory purpose of designation is to conserve and enhance natural beauty. In addition to this, the village does not have a settlement boundary defined in the Maidstone Borough Wide Local Plan 2000 (MBWLP) and

consequently lies in the countryside for planning policy purposes. As such, Policy ENV28 applies, which seeks to resist development except in certain limited circumstances, none of which apply in this case¹. Policies ENV33 and ENV34 also apply to the Boxley area, which in turn seek to conserve the natural beauty of the landscape in the AONB and protect scenic quality, giving priority to the landscape over other planning concerns in the North Downs SLA. Finally, Policy ENV31 applies, which seeks to resist any expansion of the built up extent of any settlement in the Maidstone - Medway Strategic Gap, although in view of the surrounding development the Council do not argue any conflict with the aims of this policy.

6. The emerging Maidstone Borough Local Plan does not change the status of the appeal site. On the basis of the new plan the Council claim a five year supply of deliverable housing sites but the appellant questions this as the examination of the plan is not yet completed. If there is no five year supply, policies for the supply of housing should not be considered up to date and as a result Policies ENV28 and ENV34 of the MBWLP can only be given limited weight. However, for the reason set out in the conclusion, it is not necessary to establish if this is the case in order to determine this appeal.
7. Boxley has a church and public house but no other facilities, the nearest shops, primary school and other facilities being about 1.5 km away at Penenden Heath on the outskirts of Maidstone. Although within cycling distance these facilities are too far for convenient access by foot. There is a continuous footway along the road, but the route is quite busy and unlit at night, making walking an unattractive option, particularly at night and in winter. There is a bus stop just 100 m away with reasonably frequent services to Maidstone and Gillingham and also some local employment opportunities, but no mechanism is proposed to ensure the occupiers of the dwelling would work in the village.
8. A previous Inspector, when dismissing an appeal² for a single dwelling in Forge Lane, Boxley in 2008, noted that "whilst... a regular bus service runs through Boxley, there are no shops or services available within the immediate area apart from a public house and a church. Maidstone town centre is about 3 km to the south and, although it could be accessed by bus or cycle... future occupiers... would be heavily reliant upon the private motor car to service their day-to-day needs". Although further details of the available bus services and evidence of local employment is provided with this appeal I see no reason to disagree with this conclusion.
9. The appeal site already has the status of residential garden land and is surrounded on all sides by detached residential properties set in extensive grounds. The new detached dwelling would not therefore represent an encroachment into the open countryside. However, the surrounding properties are either converted farm buildings or well established detached houses. There are no examples of recently built dwellings in the vicinity, and as a result, even taking account of the garage/store building under construction, the area retains an attractive low density character of scattered properties, either dating back some time or converted vernacular buildings. This forms an important part of the character of this part of the village. In sharp contrast, the proposal, however well designed, would introduce a modern detached dwelling and associated signs of domestic occupation into this well established area,

¹ Contrary to the appellant's claim, the policy does not include an exception for infilling.

² APP/U2235/A/07/2054321

consolidating the existing built development to the detriment of its unspoilt semi-rural character.

10. The site lies immediately to the east of the Boxley Conservation Area but forms part of an area of scattered buildings rather than an undeveloped setting for the designated area. In addition, the site is fairly close to two listed buildings, the Grade I listed St Mary and All Saints Church and Grade II listed Court Lodge Farmhouse, but it is largely screened from the former by The Granary and separated from the latter by an outbuilding, gardens, tree screen and pond. A dwelling on the appeal site would not therefore have a significant effect on the setting of the conservation area or a material impact on the setting of the two listed buildings. As a result, the proposal would preserve the setting of these designated heritage assets, enabling them to be appreciated and understood as now. However, the fact that the dwelling would not harm the setting of specific historic assets does not mitigate the significant harm that would be caused to the character and appearance of the area as a whole.
11. Boxley is an attractive village situated on the south facing slopes below the ridge of the North Downs and the area of scattered ex-farm and other buildings to the south of the church forms an important part of its character. Increasing the concentration of residential development in this area would incrementally harm the overall character of the village and in turn erode the character of the Kent Downs AONB and North Downs SLA landscapes of which it forms part.
12. For these reasons the proposal would not result in a sustainable form of development having regard to development plan policy and would significantly harm the character and appearance of the area, including the Kent Downs AONB and the North Downs SLA. This would conflict with Policies ENV28, ENV33 and ENV34 of the MBWLP which seek to resist housing development outside defined settlement boundaries and protect the landscape of the AONB and SLA respectively.
13. The appellant argues that planning permission has been granted for similar residential developments in Bredhurst, Detling and Leeds. However, full details are not provided. In any event, due to their size and/or facilities these three villages have defined settlement boundaries in the MBWLP and therefore such examples would not amount to a precedent relevant to this appeal. No cases are provided of recent permissions in Boxley.

Conclusion

14. It is appreciated that the appellant is an active member of the community in Boxley and has contributed to village life by purchasing and safeguarding the Kings Arms public house and redeveloping the previously unattractive farmyard area. It would also provide an opportunity for the appellant's son and daughter to remain in the village. In any event the proposal would provide an additional windfall dwelling which would have social and economic benefits for the village and make a small but useful contribution towards housing land supply. It would utilise redundant garden land and be constructed to meet environmental standards. There is no objection from Boxley Parish Council or the Council's Conservation Officer. However, these arguments and benefits, even in combination, do not outweigh the significant harm that has been identified under the main issue.

15. Because the site lies within the Kent Downs AONB, where paragraph 115 of the National Planning Policy Framework indicates that development should be restricted, the presumption in favour of sustainable development does not apply in this case even if there is no five year supply of housing land in the district³.
16. Having regard to the above the appeal should be dismissed.

David Reed

INSPECTOR

³ Footnote 9 to paragraph 14 of the NPPF.

APPENDIX 3
2

POSTAL ADDRESS
07 FEB 2008



Appeal Decision

Site visit made on 8 January 2008

by **John Millard DipArch RIBA FCI Arb**

an Inspector appointed by the Secretary of State
for Communities and Local Government

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN
☎ 0117 372 6372
email enquiries@pins.gov.uk
Decision date:
6 February 2008

Appeal Ref: APP/U2235/A/07/2054321
The Haven, Forge Lane, Boxley, Maidstone, Kent ME14 3DU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
- The appeal is made by Mr & Mrs L Angel against the decision of Maidstone Borough Council.
- The application (Ref: MA/07/0396) dated 19 February 2007 was refused by notice dated 30 March 2007.
- The development proposed is the erection of a single storey detached dwelling and detached garage to serve the existing dwelling (The existing garage is to remain to serve the new dwelling).

Decision

1. I dismiss the appeal.

Main Issues

2. The main issues in this appeal are, firstly, the effect of the proposal on the character and appearance of the Kent Downs Area of Outstanding Natural Beauty (AONB) and the North Downs Special Landscape Area (SLA) and, secondly, whether the proposal would represent a sustainable form of development.

Reasons

3. The application is in outline with all matters except access reserved for future consideration. Whilst the submitted plan numbered 432/03 indicates the location and possible footprint of the proposed dwelling, I shall consider this as indicative only.
4. The appeal site lies at the western edge of Boxley, within both the Kent Downs AONB and the North Downs SLA. Boxley is not defined in the adopted Maidstone Borough-Wide Local Plan 2000 (LP) as a settlement but comprises a cluster of buildings, mostly dwellings, within the countryside. Any development proposal must therefore be considered in relation to national and local countryside policies.
5. Key objectives of government policy for sustainable development in rural areas, as set out in Planning Policy Statement 7 (PPS7) are, among other things, to achieve good quality sustainable development that respects the intrinsic qualities of the countryside and the continued protection of the open countryside for the benefit of all, with the highest level of protection for our most valued landscapes and environmental resources.

6. These objectives are reflected in PPS1 – *Delivering Sustainable Development* and PPS3 – *Housing*, and in Policies EN1, EN4 and EN5 of the adopted Kent and Medway Structure Plan 2006 (SP) which seek to protect the countryside for its own sake, with special emphasis on AONBs and SLAs. Similar objectives are embodied in LP Policies ENV28, ENV31, ENV33 and ENV34. SP Policy HP5 indicates that new houses will not generally be permitted in the countryside except in the particular circumstances set out in the Policy. LP Policy H29 states that, outside defined urban areas and village boundaries, planning permission for minor extensions of small groups of houses will not be granted if the proposal would extend rural settlements into the open countryside.
7. The Haven is a modern detached chalet-style dwelling with a large detached double garage, situated on the western extremity of Boxley, and is surrounded on three sides by open countryside. Land to the north and west of the existing dwelling is also in the Appellants' ownership but is outside the curtilage of the house. The appeal site comprises a parcel of land to the north-east, but outside the curtilage of, the existing house. Its western and southern boundaries are defined by the backs of dwellings fronting The Street and Forge Lane. Directly to the north are the remains of an old orchard whilst, to the west, is the garden belonging to The Haven.
8. Access to the land would be by way of the existing gravel drive to The Haven and would, in my opinion, be satisfactory. However, the erection of a new dwelling on the land, and of a detached double garage behind the line of The Haven but within its curtilage, would reduce openness and result in unwarranted encroachment into undeveloped countryside. Notwithstanding the presence of a 'Polytunnel' on the site, and the screening from public view afforded by existing development in The Street and Forge Lane, it is clear from what I saw at the site visit that the land is essentially part of the countryside and has no meaningful relationship with the built development of Boxley.
9. The proposal before me would extend housing development into open countryside, and I conclude, on the first main issue, that material harm would be caused to the open rural character of the area, to the detriment of the character and appearance of the AONB and the SLA and in conflict with the objectives of both the development plan policies identified above and government advice in PPG7.
10. The Appellants have indicated that, if planning permission were to be granted, they would re-plant the orchard to the north of the site in order to enhance its contribution to the character of the area. I have before me a Unilateral Undertaking under section 106 of the Town and Country Planning Act 1990 to that effect. Having carefully considered this proposal, I have come to the conclusion that, whilst reinstatement of this feature would be welcome, it would not be sufficient to overcome the harm that would be caused by extending development into presently undeveloped rural land.
11. Turning to the second main issue, the government lays great stress on the need to achieve high levels of sustainability in all housing development. Whilst I note that a regular bus service runs through Boxley, there are no shops or services available within the immediate area apart from a public house and a church. Maidstone town centre is about 3 Km to the south and, although it could be accessed by bus or cycle, it is my judgement that future

POST ROOM TR.
07 FEB 2008

occupiers of the development would be heavily reliant upon the private motor car to service their day-to-day needs.

12. A key objective of SP Policy SP1, with the strong support of government guidance in PPS1, PPS3, PPS7 and elsewhere, is to achieve a sustainable pattern and form of development. To this end, the Policy seeks, among other things, to reduce the need to travel, encourage the availability of a choice of transport, reduce growth in dependence on the road network and foster good accessibility to jobs and services for all sections of the community.
13. Because of its relatively remote location, the appeal proposal would not satisfy the sustainability criteria sought by Policy SP1 and I conclude, on the second main issue, that a new dwelling erected on this site would not represent a sustainable form of development and is, for this reason, unacceptable.
14. I have noted the Appellants' personal circumstances, and sympathise with their wish to build a smaller dwelling for themselves. However, planning decisions are made in the wider public interest, and personal circumstances will seldom outweigh more general planning considerations since the development is likely to remain long after the personal circumstances have ceased to be material.
15. I have considered all other matters raised, including the Appellants' reference to development in Styles Lane, but have found nothing that changes the balance of my decision that the appeal should be dismissed.

John G Millard

INSPECTOR

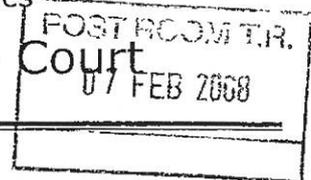


The Planning Inspectorate

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An Executive Agency in the Department for Communities
& Local Government and the National Assembly for Wales

Challenging the Decision in the High Court



Challenging the decision

Appeal decisions are legal documents and, with the exception of very minor slips, we cannot amend or change them once they have been issued. Therefore a decision is final and cannot be reconsidered unless it is successfully challenged in the High Court. If a challenge is successful, we will consider the decision afresh.

Grounds for challenging the decision

A decision cannot be challenged merely because someone disagrees with the Inspector's judgement. For a challenge to be successful you would have to show that the Inspector misinterpreted the law or, for instance, that the inquiry, hearing, site visit or other appeal procedures were not carried out properly, leading to, say, unfair treatment. If a mistake has been made and the Court considers it might have affected the outcome of the appeal it will return the case to us for re-consideration.

Different appeal types

High Court challenges proceed under different legislation depending on the type of appeal and the period allowed for making a challenge varies accordingly. Some important differences are explained below:

Challenges to planning appeal decisions

These are normally applications under Section 288 of the Town & Country Planning Act 1990 to quash decisions into appeals for planning permission (including enforcement appeals allowed under ground (a), deemed application decisions or lawful development certificate appeal decisions). For listed building or conservation area consent appeal decisions, challenges are made under Section 63 of the Planning (Listed Buildings and Conservation Areas) Act 1990.

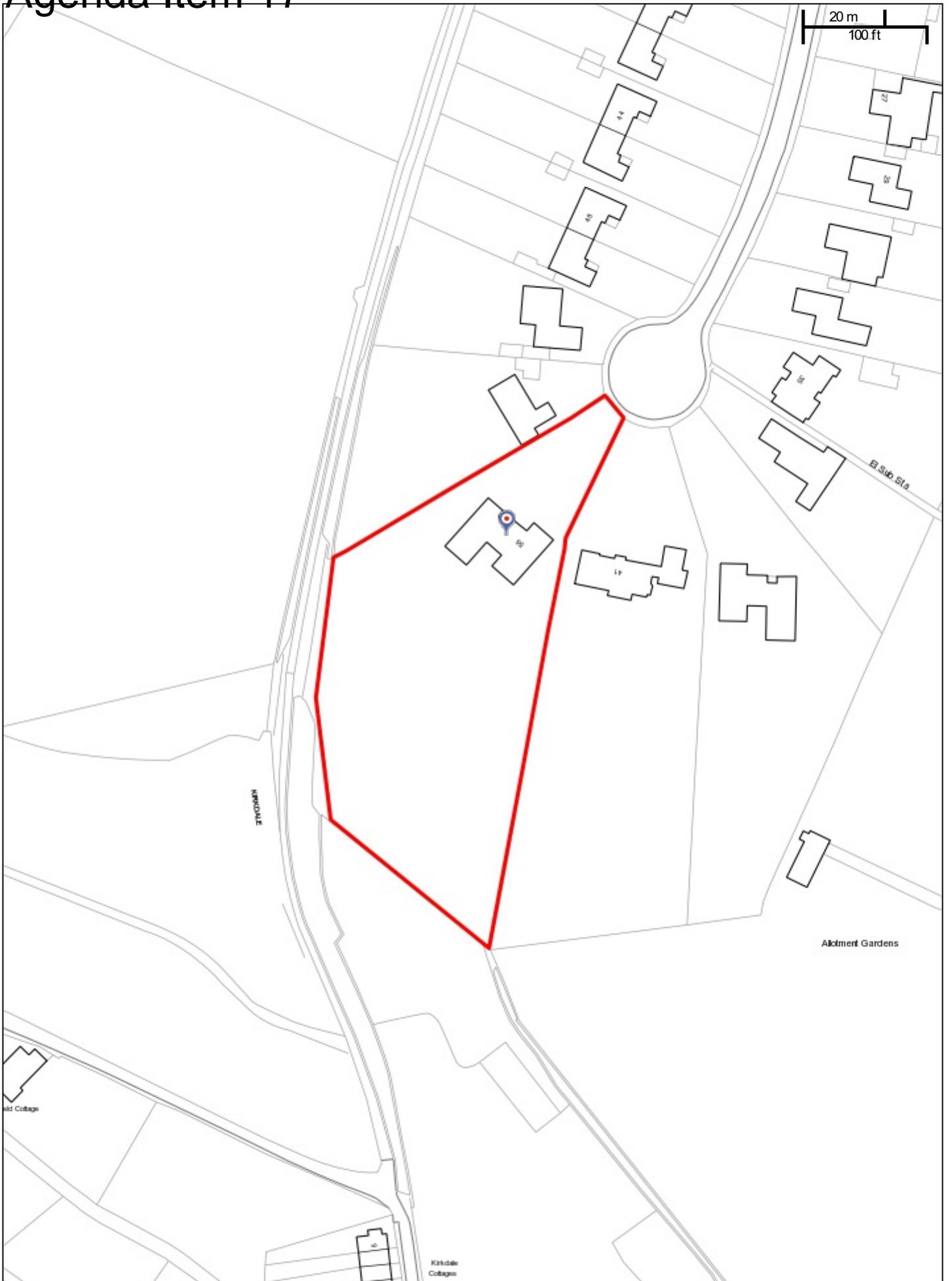
Challenges must be received by the Administrative Court within 42 days (6 weeks) of the date of the decision - this period cannot be extended.

Challenges to enforcement appeal decisions

Enforcement appeal decisions under all grounds [see our booklet 'Making Your Enforcement Appeal'] can be challenged under Section 289 of the Town & Country Planning Act 1990. Listed building or conservation area enforcement appeal decisions can be challenged under Section 65 of the Planning (Listed Buildings and Conservation Areas) Act 1990. To challenge an enforcement decision under Section 289 or Section 65 you must first get the permission of the Court. However, if the Court does not consider that there is an arguable case, it can refuse permission. **Applications for permission to make a challenge must be received by the Administrative Court within 28 days of the date of the decision, unless the Court extends this period.**

Important Note - This leaflet is intended for guidance only. Because High Court challenges can involve complicated legal proceedings, you may wish to consider taking legal advice from a qualified person such as a solicitor if you intend to proceed or are unsure about any of the guidance in this leaflet. Further information is available from the Administrative Court (see overleaf).

Agenda Item 17



17/502032 - 56 Valley Drive

Scale: 1:1250

Printed on: 20/9/2017 at 10:47 AM by EllyH

REPORT SUMMARY

REFERENCE NO - 17/502032/FULL			
APPLICATION PROPOSAL Erection of front porch.			
ADDRESS 56 Valley Drive Loose Maidstone Kent ME15 9TL			
RECOMMENDATION Approve Subject to Conditions			
SUMMARY OF REASONS FOR RECOMMENDATION This current resubmission is considered to overcome the Council's previous reasons for refusal, and the reasons as to why the previous appeal was dismissed. The scale and design of the proposed front porch is in keeping with the existing character and appearance of the property. There is no adverse impact upon the character, appearance and visual amenity of the locality generally.			
REASON FOR REFERRAL TO COMMITTEE Loose Parish Council requested that the application be determined by the planning committee if the case officer was minded to recommend approval.			
WARD Loose	PARISH/TOWN COUNCIL Loose	APPLICANT Dr Pancholi AGENT Prime Folio Ltd	
DECISION DUE DATE 22/06/17	PUBLICITY EXPIRY DATE 26/05/17	OFFICER SITE VISIT DATE 05/05/2017	
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
15/505586/FULL	Single-storey side extension, front porch and first floor extension; First floor sun room and balcony at rear	REFUSED	03.09.2015
15/510004/FULL	Erection of a single-storey side extension, front porch extension and first floor rear extension.	REFUSED	27.01.2016
APP/U2235/D/16 /3150675	Erection of a single-storey side extension, front porch extension and first floor rear extension.	APPEAL DISMISSED	12/09/2016
17/504355/LAWP RO	Lawful Development certificate for proposed single storey side extension and conservatory. Conversion of existing integral garage to bedroom/gym.	PERMITTED	24/08/2017

MAIN REPORT

1.0 DESCRIPTION OF SITE

1.01 The application site is located on the southern end of Valley Drive within the settlement and Parish of Loose. The property is a relatively large detached bungalow on a large, irregular shaped mature garden plot. The application property is of brick construction with a hipped tiled roof. It has a bland main façade featuring a double integral garage. The property is set back from Valley Drive and the immediate neighbouring property to the north no. 54 Valley Drive. The front boundary of the

application site has matured vegetation and trees which screens the site from Valley Drive.

- 1.02 The neighbouring development comprises of a mix detached bungalows of varied design and scale, interspersed with a handful of detached two-storey properties all set within a sizeable and well planted and manicured garden plots. The site is located outside the Loose Valley Conservation Area, which runs along its western boundary. A 1.8 metre high evergreen hedge of Leylandii species runs along the common boundary with the neighbouring dwelling to the north west of the site no 54 Valley Drive. The character of the area is depicted by low scale buildings set well back from the road with generally low boundary wall treatment and glimpses of the countryside beyond.
- 1.03 Part of the application site is defined by the Borough-Wide Local Plan as being within the urban boundary of Maidstone with the other half within the countryside. The part of the site where the development is proposed is within the urban boundary, therefore the relevant development policies would apply.

2.0 PROPOSAL

- 2.01 The proposed front porch would project 1.7 metres from the front elevation, which constitutes a reduction of 0.5 metres when compared with the previously refused application. It would extend 4 metres across the width of the front elevation which is similar to the width of the previous proposal. It would have a pitched roof which projects out on two supporting timber columns with a brick base. The porch would have a height of 3.5 metres from the ground level, with the roof set significantly below the ridge line of the host dwelling. The porch development would have open sides with a roof light opening on both sections of the pitched roof slopes. The proposed front porch would be stepped in by approximately 0.5 metres from the existing front projection forming the double integral garage.

3.0 POLICY AND OTHER CONSIDERATIONS

- 3.01 The National Planning Policy Framework (NPPF) Paragraphs 57, 60 and 61 of the government guidance in the National Planning Policy Framework.
National Planning Practice Guidance (NPPG)
Development Plan: Policy H18 Maidstone Borough-Wide Local Plan, Policy DM8 of the Final Draft of the Maidstone Local Plan
Supplementary Planning Documents: Residential Extensions (May 2009), Loose Road Character Assessment SPD (2008)

4.0 LOCAL REPRESENTATIONS

- 4.01 The owners/occupiers of dwellings adjoining the site were notified of this application by letter and a site notice displayed. Representations were received from neighbouring occupiers of nos. 37, 52 and 54 Valley Drive, objecting to the proposal on the following summarised grounds;
-  Overlooking and loss privacy
 -  Lack of dimension to drawings and conflicting plans for porch
 -  Loss of Leylandii hedge
 -  First step to commercialisation of the site

- 4.02 The planning issues raised by the neighbouring objectors are addressed in the main appraisal section of the report.

5.0 CONSULTATIONS

- 5.01 Comments received from Loose Parish Council stating that; *“The detail of the extension to the kitchen and conservatory is architecturally not sympathetic to the host property. The poor design does little to address the issues in previously rejected applications. The porch, when viewed from the side of the property is poorly proportioned and detailed relative to the host property. It is noted that the Leylandii hedge is to be removed and replaced with yew. This will open up the rear of no. 54 Valley Drive, resulting in loss of privacy. Yew will take many years to become an effective screen. The application is adjacent to and detrimental to Loose Conservation Area. There is no enhancement”*.

6.0 APPRAISAL

Main Issues

- 6.01 Existing and emerging development plan policies allows for extensions and alterations to dwellings within the settlement boundary. Therefore, the key issues for determination in this submission are the impact of the design and scale of the now proposed front porch on the character and appearance of the application property, the immediate vicinity of the site, and whether it overcomes the comments made by the appeals inspector.
- 6.02 The current re-submission forms part of the previous planning application under reference 15/505586/FULL and 15/510004/FULL for a single-storey side extension, front porch and first floor extension and balcony at rear. Both previous applications were refused on grounds relating to the first floor addition. Officers took no issues with the proposed porch.
- 6.03 The comments now forming the basis of the Loose Parish Council’s objection to the proposed front porch were set out in the appeals inspector report. The inspector considered that the porch addition when viewed from the street would appear as an attractive addition that would serve to break up and modulate an otherwise bland and uninspiring main façade. Whilst the inspector criticised the view of the pitched roof from the side due to its overall projection, it must be noted that this element did not materially form the main basis for the inspector’s decision to dismiss the appeal.
- 6.04 In response to the inspector’s comments, the applicant have reduced the projection of the front porch by 0.5 metres, setting the porch in from the existing garage projection and giving the facade of the dwelling a stepped appearance.
- 6.05 Therefore, it is considered that the current resubmission which has a limited forward projection, is appropriately designed and would not appear overly prominent or detract from the character and appearance of the existing property. In the circumstances, the reduced 1.7 metre forward projection when viewed from the side is acceptable as it would not significantly detract from the existing character and appearance of host dwelling when viewed from within the street. It is considered to overcome the criticism outlined in the inspectors report.

Residential Amenity

- 6.06 The application property is set back from the neighbouring dwelling to the north (no. 54 Valley Drive) by approximately 17 metres. The proposed front porch would not overlook the private amenity space of this neighbouring property or their rear garden.

Other Matters

- 6.10 Comments have been received from neighbours objecting to the proposals on grounds that it is contrary to the Loose Road Character Assessment. However, as indicated in my assessment above, the proposal does not obscure the existing views and connections to the open countryside. The proposal respects the quite residential character and scale of developments on the Valley Drive and therefore considered to protect the character and setting of the nearby Loose Valley Conservation Area and the vicinity of the site generally.
- 6.11 Further comments have been received from neighbouring occupiers objecting to the proposals on grounds that the submitted plans/drawings are conflicting and lack dimension. The submitted plans/drawings are of appropriate dimension and there is no evidence to substantiate the claims made that the submitted scheme is conflicting.
- 6.12 There was one objection from a neighbour stating the dwelling is being set up for commercial use. The submission before members is a full planning application for a side extension, conservatory, front porch and conversion of the existing integral garage. Any new use of this dwelling would require a formal planning application for change of use, which would be determined on its own merit. Therefore, there is no evidence in the current submission to support this contention.
- 6.13 Whilst Loose Parish Council have raised concerns over the loss of the hedge running along the common boundary with the neighbouring dwelling to the north west of the site, this is not classed as development and therefore, cannot be considered as part of the application.

7.0 CONCLUSION

- 7.01 Overall, the scale, design and use of materials in the proposed front porch is in keeping with the current appearance of the property and considered to overcome the issues raised by the appeals inspector. I recommend that this application is approved subject to appropriate conditions.

8.0 RECOMMENDATION – GRANT Planning Permission subject to the following conditions:

CONDITIONS to include

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans/drawings received on 27th April, 2017

Planning Committee Report

Drawing Number 15-24-20 Rev C Site Layout

Drawing Number 15-24-21 Rev C Proposed Plans and Elevations

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

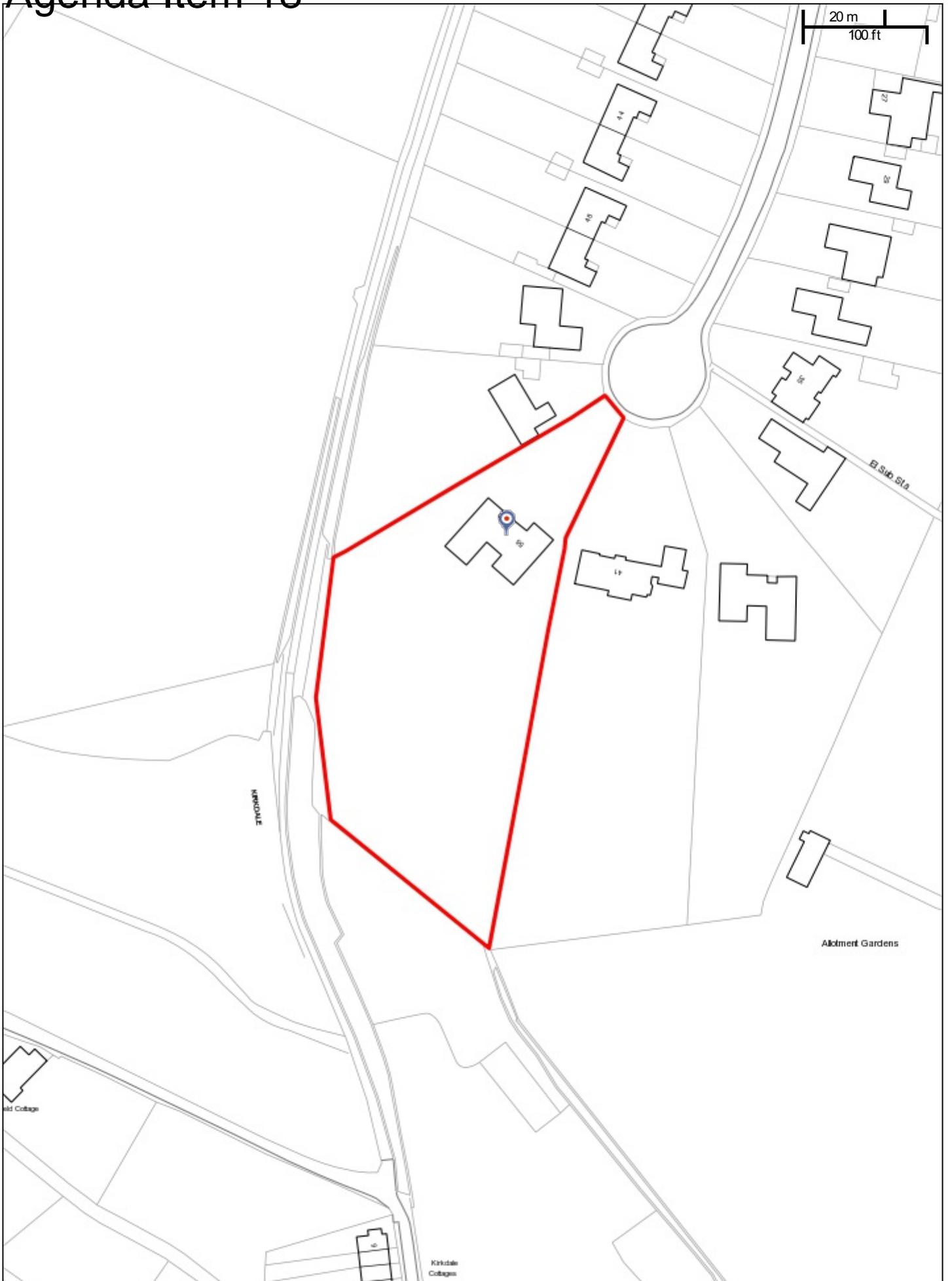
3. The materials to be used in the construction of the external work to the front porch hereby permitted shall match those used in the existing building;

Reason: To ensure a satisfactory appearance to the development.

Case Officer: Francis Amekor

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

Agenda Item 18



17/502264 - 56 Valley Drive

Scale: 1:1250

Printed on: 20/9/2017 at 10:46 AM by ElyH

REPORT SUMMARY

REFERENCE NO - 17/502264/FULL			
APPLICATION PROPOSAL New double garage.			
ADDRESS 56 Valley Drive Loose Maidstone Kent ME15 9TL			
RECOMMENDATION: GRANT PLANNING PERMISSION subject to planning conditions			
SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL The proposed garage development, compiles with policies of the Development Plan (Maidstone Borough-Wide Local Plan (2000)), provisions set out in the SPD for Residential Extensions (2009) and the Loose Road Character Assessment SPD (2008), and there are no adverse impacts on the character, appearance and visual amenity of the vicinity of the site generally. The double garage development does not result in any adverse impacts on the amenities of surrounding occupiers. The proposals would preserve the existing character of the nearby Loose Valley Conservation Area.			
REASON FOR REFERRAL TO COMMITTEE Loose Parish Council requested that the application be determined by the planning committee if the case officer was minded to recommend approval.			
WARD Loose	PARISH/TOWN COUNCIL Loose	APPLICANT Dr Pancholi AGENT Prime Folio	
DECISION DUE DATE 30/06/17	PUBLICITY EXPIRY DATE 04/06/2017	OFFICER SITE VISIT DATE 12/05/2017	
RELEVANT PLANNING HISTORY (including appeals and adjoining sites):			
App No	Proposal	Decision	Date
15/505586/FULL	Single-storey side extension, front porch and first floor extension; First floor sun room and balcony at rear	REFUSED	03.09.2015
15/510004/FULL	Erection of a single-storey side extension, front porch extension and first floor rear extension.	REFUSED	27.01.2016
APP/U2235/D/16/3 150675	Erection of a single-storey side extension, front porch extension and first floor rear extension.	APPEAL DISMISSED	12/09/2016
17/504355/LAWP RO	Lawful Development certificate for proposed single storey side extension and conservatory. Conversion of existing integral garage to bedroom/gym.	PERMITTED	24/08/2017

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The application site is located on the southern end of Valley Drive within the settlement and Parish of Loose. The property is a relatively large detached bungalow on a large, irregular shaped mature garden plot. The application property is of brick construction with a hipped tiled roof. It has a bland uninspiring main façade featuring a double integral garage. The property is set back from Valley Drive and the immediate neighbouring property to the north no. 54 Valley Drive. The front boundary of the application site has matured vegetation and trees which screens the site from Valley Drive.
- 1.02 The neighbouring development comprises of a mix detached bungalows of varied design and scale, interspersed with a handful of detached two-storey properties all set within a sizeable and well planted and manicured garden plots. The site is located outside the Loose Valley Conservation Area, which runs along its western boundary. A 1.8 metre high evergreen hedge of Leylandii species runs along the common boundary with the neighbouring dwelling to the north west of the site no 54 Valley Drive.
- 1.03 Part of the application site is defined by the Maidstone Borough-Wide Local Plan (2000) as being within the urban boundary of Maidstone, with the other half within the countryside. The part of the site where the development is proposed is within the urban boundary, therefore the relevant development polices would apply.

2.0 PROPOSAL

- 2.01 The detached double garage would be sited 3.5 metres from the north facing front elevation of the application property, close to the common boundary with the neighbouring dwelling to the north of the site (no.54 Valley Drive). It would be located approximately 7 metres from the rear south western elevation of this neighbouring dwelling, retaining a gap of between 1 to 3 metres with the common boundary. The distance from the front boundary of the site and the location of the double garage would be 35 metres.
- 2.02 The proposed double garage would have a width of 6.5 metres and a depth of 6.5 metres. It would be 4.2 metres in height from the natural ground level to the highest part of the roof, with eaves at 2.3 metres. The garage development would have a hipped roof with two south west facing garage door openings, each 2 metres in width. The proposal incorporates a door and small window on the southern elevation facing onto the host dwelling.
- 2.03 Design Amendments have been submitted removing the element of the proposals involving replacement of the Leylandii boundary hedging running along the common boundary with the neighbouring dwelling to the north west of the site (no.54 Valley Drive) with Yew hedge.

3.0 POLICY AND OTHER CONSIDERATIONS

- 3.01 The National Planning Policy Framework (NPPF) Paragraphs 56 and 57 of the government guidance in the National Planning Policy Framework.
National Planning Practice Guidance (NPPG)
Development Plan: Policy H18 Maidstone Borough-Wide Local Plan, Policy DM8 of the Final Draft of the Maidstone Local Plan

Supplementary Planning Documents: Residential Extensions (May 2009), Loose Road Character Assessment SPD (2008)

4.0 LOCAL REPRESENTATIONS

4.01 The owners/occupiers of dwellings adjoining the site were notified of this application by letter and a site notice displayed. Representations were received from neighbouring occupiers of nos. 52, 54, 56 Valley Drive, objecting to the proposal on the following summarised grounds;

- ✚ Scale and form overbearing and out of character with Valley Drive
- ✚ Conflicting plans and lack of dimensions to drawings
- ✚ Loss of privacy resulting from the proposed removal of Leylandii hedge
- ✚ Proposals contrary to Loose Road Character Assessment document

4.02 The planning issues raised by the neighbouring objectors are addressed in the main appraisal section of the report.

5.0 CONSULTATIONS

5.01 **Loose Parish Council:** objects to the proposals and comments that: *The proposals do not enhance the streetscene. The proposed garage being in front of the existing bungalow will upset the setting of the bungalow. The height and size of this application is too big for position it is sited in and higher than most of the adjacent bungalows. The ratio of plan area to height is not aesthetic. The total mass of proposals is unacceptable. It detracts from the architectural integrity of the whole - as identified in the last Planning Inspectorate report. Valley Drive is an area of low scale buildings set back off the road. A feature of the Valley Drive properties is the adequate space around each property and this garage application impacts on the adjoining properties creating a cramped view along the north flank It has been noted that the hedge is to be removed and replaced. This will open up the visibility into the rear of 54 Valley Drive. Planting yew hedge will not mitigate this as yews take many years to grow to an adequate height No 56 is adjacent to the Loose Conservation area. Proposals should give enhancement to the character and setting of the conservation area. These proposals do not do so.*

6.0 APPRAISAL

Main Issues

6.01 Existing and emerging development plan policies allows for extensions and alterations to dwellings within the settlement boundary. The key issues for consideration and determination in this application are;

- The impact of the proposal on the space surrounding the application property.
- The impact of the garage development on the character of the general vicinity of the site.
- The impact of the development on the amenities of surrounding owners/occupiers.

Character and appearance of the area

6.02 The application property forms part five individually designed properties to the southern end of Valley Drive. The character of the area is depicted by low scale buildings set well back from the road with generally low boundary wall treatment and glimpses of the countryside beyond. The application site is screened by tall conifers, which terminates the views from within the street. Therefore, the proposed double

garage building by virtue of its design, scale and distance from the boundary, will not be readily visible from within the street at Valley Drive

- 6.03 At a height of approximately 4.2 metres from the ground level to the highest point of the hipped roof, the proposed garage development would be slightly lower in comparison to the main dwelling at the site, which is 5 metres at its highest point. Therefore, the garage building by virtue of its height, scale, design and siting slightly to the north west of the façade of the host dwelling, would appear as a subordinate and unassuming change within the curtilage of the dwelling.
- 6.07 The roof of the garage building would be hipped which is similar to the roof of the main dwelling, and given its scale and siting to the north west of the façade of the main building, the garage development would not appear of excessive bulk and massing when seen in the context of the site and neighbouring developments. Therefore, I do not believe that the garage development would appear cramped or significantly overwhelm the form of the host dwelling or the adjacent dwellings.
- 6.08 As indicated above, the neighbouring dwelling to the north west of the site (no.54 Valley Drive) is set forward of the application property by a distance of approximately 17 metres. Therefore, the garage building would be to the rear south east of this property and set back from it by approximately 7.5 metres. This neighbouring dwelling has a detached garage of a slightly smaller scale on its frontage. This dwelling is well screened from the application site by the established Leylandi hedge that runs along the common boundary with the application site. In the context of the site, the appearance of the application property that would result from addition of the detached double garage would not detract from the existing character and appearance of the area.
- 6.09 The neighbouring dwelling to the east of the site (no.41 Valley Drive) has a carport of similar scale and height to that proposed at the application site to its north western frontage. Given the presence of similar garage developments on the frontage of the neighbouring dwellings, it would be difficult to sustain any overriding planning objections to the proposed garage development which is essentially of a similar scale.
- 6.10 Overall, in terms of visual appearance, it is not considered that the impact of the proposed garage development would be any more significant than the existing garage and carport on the frontage of two neighbouring properties. Although, proposed to the north western facade of the host dwelling, the garage development would be proportionate to the scale of the application property. The garage development would not be prominent when viewed from within the street at Valley Drive.
- 6.11 The application states that external surfacing materials would be similar to those used in the construction of the existing dwelling.

Residential Amenity

- 6.12 The application property is set back from Valley Drive by approximately 42 metres, with views from the streetscene terminated by the established vegetation along its front boundary. The proposed garage building would be set back from Valley Drive by approximately 35 metres and sympathetically sited close to the north western boundary to minimise its impact on the façade of the main dwelling. Given that it would be located approximately 7 metres to the south eastern rear of this neighbouring dwelling to the north west of the site, it would not have any significant adverse impact on this property in terms of overshadowing, loss of privacy or views in any direction.

- 6.13 The garage application proposes a small window and a door on its southern elevation facing onto the host dwelling, which would not overlook the private amenity space of this neighbouring property or their rear garden. It is noted that the element of the proposal involving replacing the existing Leylandii hedge along the north western boundary with yew has been completely removed from the scheme in design amendments submitted to the Council. Therefore, the existing boundary treatment and separating distances with neighbouring dwellings would maintain acceptable levels of privacy.

Other Matters

- 6.14 In terms, of landscaping the submitted plans whilst showing some details of the existing driveway and the proposed garages do not indicate any additional landscaping within the site. As indicated above, the applicant has submitted design amendments removing the element of the proposal involving replacement of the existing Leylandii hedge with Yew. Considering that the site has a well landscaped front garden which would be retained, I do not consider it necessary to impose a landscaping condition requiring submission of details of landscaping within the site.
- 6.15 Comments have been received from neighbours objecting to the proposals on grounds that it is contrary to the Loose Road Character Assessment. However, as indicated in my assessment above, the proposal does not obscure the existing views and connections to the open countryside. The proposal respects the quiet residential character and scale of developments on the Valley Drive and therefore considered to protect the character and setting of the nearby Loose Valley Conservation Area and the vicinity of the site generally.
- 6.16 Further comments have been received from neighbouring occupiers objecting to the proposals on grounds that the submitted plans/drawings are conflicting and lack dimension. The submitted plans/drawings are of appropriate dimension and there is no evidence to substantiate the claims made that the submitted scheme is conflicting.

7.0 Conclusion

- 7.01 The proposed development, compiles with policies of the Development Plan (Maidstone Borough-Wide Local Plan (2000), the Supplementary Planning Document for Residential Extensions (2009) and the Loose Road Character Assessment SPD (2008) and there are no adverse impacts on the character, appearance and visual amenity of the vicinity of the site generally. The double garage development does not result in any unacceptable impact on the amenities of surrounding occupiers. The proposals would preserve the existing character of the nearby Loose Valley Conservation Area.
- 7.02 The proposal is acceptable with regard to the relevant provisions of the Development Plan, the NPPF and all other relevant material considerations. There are no overriding material considerations to indicate a refusal of planning permission and the recommendation is to approve planning permission

8.0 RECOMMENDATION – GRANT Subject to the following conditions:

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans/drawings; Drawing Number 15-24-LP - Site Location Plan; Drawing Number 15-24-13 - Proposed Floor and Elevations Plan; Drawing Number 15-24-10 – Proposed Site Layout received on the 27th of April, 2017.

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

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

Reason: To ensure a satisfactory appearance to the development

4. The double garage hereby approved shall only be used for car parking purposes incidental to domestic use of the related dwelling house known as 56 Valley Drive and for no other purpose whatsoever including any form of open storage.

Reason: In accordance with Policy DM27 and SPG 'Kent Vehicle Parking Standards' (2006) to ensure satisfactory parking at the site.

5. Notwithstanding the provisions of the General Permitted Development Order 2015 (as amended) no alterations shall be made to the double garage building hereby permitted without first obtaining the prior approval in writing from the Local Planning Authority.

Reason: In the interest of the character and appearance of the existing dwelling and the general locality.

Case Officer: Francis Amekor

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

REPORT SUMMARY

REFERENCE NO - 17/502930/FULL			
APPLICATION PROPOSAL Change of use from Class A1 r0etail to use of premises as a tanning salon.			
ADDRESS 28A High Street Headcorn Ashford Kent TN27 9NE			
RECOMMENDATION - GRANT Subject to conditions			
SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL The proposed development, subject to the conditions stated, is considered to comply with the policies of the Development Plan (Maidstone Borough-Wide Local Plan (2000) and there are no overriding considerations to indicate a refusal of the application.			
REASON FOR REFERRAL TO COMMITTEE Headcorn Parish Council wish to see the application approved but insist for the opening hours to be the same as the adjoining post office which is open Monday – Saturday 9:00am to 5:30pm. Without these hours the Parish Council request that the application is referred to committee.			
WARD Headcorn	PARISH/TOWN Headcorn	COUNCIL	APPLICANT Medibeds Ltd. AGENT Kevin Wise Town Planning
DECISION DUE DATE 07/08/17	PUBLICITY EXPIRY DATE	OFFICER SITE VISIT DATE 22/06/2017	
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
89/2187	Proposed W.C Extension to rear of antique shop	Permitted	18/01/1990
86/1822	Creation of a new doorway on eastern elevation of post office for separate shop unit	Permitted	20/01/1987
86/1817	Creation of a new doorway on eastern elevation of post office for separate shop unit	Permitted	20/01/1987
75/0307	Rebuilding of existing side covered way and rear toilet extension to sorting office to replace existing toilet block to be demolished	Permitted	10/11/1975
67/0012/MK2	Single storey sorting office for the G.P.O.	Permitted	22/08/69

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 28A High Street is a small part of a larger two storey building 100m to the east of the junction turning into North Street. Foremans Walk runs along the eastern (side) boundary of the site, which has a hair salon and a number of retail units on the ground floor with residential apartments above. Adjoining the site to the east is a post

office and set back from the front elevation and above the retail unit is part of a residential dwelling. The building along with the adjoining post office and residential unit above are Grade II listed. The High Street is the main commercial street through Headcorn, and the surrounding uses vary and include retail, a public house, a post office, takeaways, cafes/restaurants and residential. For the purposes of the Development Plan, the proposal site is within a Conservation Area and a local centre for shopping, within the village envelope of Headcorn; and within a Special Landscape Area as defined by the Maidstone Borough Wide Local Plan 2000.

2.0 PROPOSAL

- 2.01 The application is for the proposed change of use of the retail unit (A1) use to a (Sui Generis) use, to be run as a tanning salon with 2 tanning beds with changing cubicles.
- 2.02 The only internal change proposed is the removal of a modern partition wall that separates the existing kitchen area. No alterations are proposed to the exterior of the building and any new advertisement that may require advertisement consent will be the subject of a separate application(s) to the Council.
- 2.03 The unit is currently vacant and has an internal floor space of 25m² in the form of a roughly rectangular shaped shop area plus a small cloakroom/toilet to the rear. The proposal is expected to employ 1 full time and 1 part time member of staff. No proposed opening hours were outlined in the application, but following the comments from the Parish Council the agent has put forward the following opening hours:
- Monday – Fridays 09:00hrs – 19:00hrs
 - Saturdays 09:00hrs – 18:00hrs
 - Sunday 10:00hrs – 16:00hrs

3.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Development Plan: R1, R10, ENV34
Final Draft Maidstone Local Plan: SP5, SP7, DM17

4.0 CONSULTATIONS

- 4.01 **Headcorn Parish Council:** *“The unit to which the minutes refer is Headcorn Post Office and the opening times are Monday – Saturday 9:00am to 5:30pm and they would insist that the tanning unit operates the same hours.”*
- 4.02 **Conservation Officer:** No objection
- 4.03 **Environmental Health Officer:** Raises no objections
- 4.04 **Neighbour representations:**
- 3 objections raising concerns that the use is not in keeping with a village setting, the listed building or a conservation area. The use does not promote a healthy lifestyle, Sui Generis use is likely to cause disturbance to the residential property above.
 - If the application is permitted, the opening hours should be 09:00 to 5:30pm on weekdays, from 9am to 4pm Saturdays and closed on Sundays.

- Negative health impacts from using a tanning salon.

5 APPRAISAL

5.01 Existing and Emerging Policies seeks to protect and resist non A-D (retail/leisure) uses within a local centre. The key issues for consideration relate to:

- Impact upon the retail centre; and
- Residential amenity.

Impact upon the retail centre

5.02 It is accepted that the proposed use would be non-retail Sui Generis use which would not be automatically acceptable under Policy R10 in the interests of preserving the vibrancy and vitality of the local centre. However, one of the key focuses of this policy is to protect a range of basic services for local people, such as foodstuff, retail outlets, post offices etc. The proposal would result in a loss of a retail unit, however it is currently vacant.

5.03 The local centre has a range of premises that offers a range of services such as, a public house, charity shops, takeaways, restaurants, Sainsbury's, post office, bakery, butchers, bikes and hardware goods and it is not considered that such a use at the proposed scale would cause harm to local shops or the overall vitality and viability of the local centre and would enhance the local centre by addition an additional mix of uses for the local community.

Residential Amenity

5.04 There is part of a residential dwelling at first floor level partially above the retail unit and it is important to consider the potential impact on this. In terms of proposed opening hours, the Environmental Health Officer has raised no objection to the application and has not recommended restricting opening hours of the proposed use. Headcorn Parish Council and one resident have requested that the hours of opening be restricted to the same hours that the adjoining post office is open.

5.05 The location of the proposal is on Headcorn High Street which is within a local centre and has on-street parking provision as well as a pay and display car park within the centre. The facility will only have two sunbeds and the relatively quiet nature of proposed activity and its close proximity to other commercial uses that are open into the evening, for example the adjacent hair salon, takeaways, restaurants, Sainsbury's Local and a Costa Coffee leads me to conclude that the proposal would not cause any further significant harm to amenity of any local residents in terms of general noise and disturbance.

5.06 In regards to the specific request for the tanning salon to be open no later than 17:30, Paragraph 206 of the NPPF states that "Planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects". There are a range of opening hours for different uses in the vicinity of the site with, for example, Sainsbury's Local and the Public House open until at least 22:00. In addition later opening hours are typical for similar business activities such as hairdressers, beauty salons etc. that generally stay open until later to cater for workers. The proposed use would not cause excessive noise impacting upon residential amenity so I can therefore see no justification to condition the proposal to close at 17:30 Monday – Saturday.

- 5.07 A condition restricting the opening hours should reflect the location of the site and other uses within the local centre. Therefore a condition restricting the use beyond the times of 09:00-21:00 Monday-Saturday and 10:00-16:00 on Sundays would be reasonable and would ensure the amenity of residents is protected.

Highways

- 5.08 There is existing on-street parking along the High Street as well as an off-street pay and display car park in close proximity to the site. So whilst the proposal would not provide on-site parking provision, this is considered acceptable due to the fact that the proposal has only 2 tanning beds and I am satisfied that the proposal would not result in an adverse highway safety issues.

6.0 CONCLUSION

- 6.01 For the reasons outlined, I am of the view that this proposal would not harm the amenities of existing residents, the vitality or the viability of Headcorn local centre or cause safety issues on the highway. It is therefore considered overall that the proposal is acceptable with regards to the relevant provisions of the Development Plan, the National Planning Policy Framework, and all other material considerations such as are relevant. I therefore recommend conditional approval of the application on this basis.

RECOMMENDATION – GRANT Subject to the following conditions:

CONDITIONS

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

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

- (2) The use hereby permitted shall only be open to customers within the following times: Mondays to Fridays, 09:00-21:00, Saturdays 09:00-21:00 and Sundays and Bank Holidays 10:00-16:00hrs.

Reason: To safeguard the amenity of local residents

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

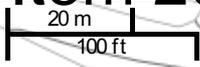
Drawing No. KWTP.01 and Design and Access Statement

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

INFORMATIVES

Case Officer: Adam Reynolds

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



17/502967 - Lake House

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REPORT SUMMARY

REFERENCE NO - 17/502967/FULL			
APPLICATION PROPOSAL Erection of a 4 bedroom dwellinghouse with associated detached double garage in rear garden, and erection of a detached double garage to serve the existing property.			
ADDRESS Lake House Church Road Harrietsham ME17 1AP			
RECOMMENDATION – GRANT Subject to conditions			
SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL The proposed development is considered to comply with the policies of the adopted Maidstone Borough-Wide Local Plan 2000, the Final Draft of Maidstone Borough Local Plan, and the National Planning Policy Framework and there are no overriding material considerations to indicate a refusal of planning consent.			
REASON FOR REFERRAL TO COMMITTEE - Harrietsham Parish Council wish to see the application refused			
WARD Harrietsham And Lenham	PARISH/TOWN COUNCIL Harrietsham	APPLICANT Mr & Mrs Clements AGENT Kevin Wise Town Planning	
DECISION DUE DATE 31/07/17	PUBLICITY EXPIRY DATE 14/09/17	OFFICER SITE VISIT DATE 15/06/2017	
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
64/0016/MK2	Conversion of premises into two dwelling units	Approved	20/03/1964

MAIN REPORT

1.0 DESCRIPTION OF SITE

1.01 'Lake House' is a semi-detached property that fronts onto Church Road, with its existing detached garage located away from the main dwelling. The surrounding area is predominantly residential in character, with properties of different scale, design and age; and for the purposes of the Local Plan, the site is within the settlement of Harrietsham. To the rear of the site is an area known as 'Woodlands Walk' with the Grade II listed Lake Cottage and Grade II listed Boathouse. Directly opposite the site is the village hall, Glebe Medical Centre and a relatively modern housing development.

2.0 PROPOSAL

- 2.01 The proposal is for the erection of a detached (4-bed) house and an associated detached double garage within the rear garden. The existing double garage will be demolished to provide an access for the new property and the proposal includes the provision of a replacement double garage to serve the existing property.

3.0 POLICY AND OTHER CONSIDERATIONS

Maidstone Borough-Wide Local Plan: H28, T13
National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Final Draft Maidstone Local Plan (2011-2031): SP6, SP18, DM1, DM4, DM11, DM23

4.0 LOCAL REPRESENTATIONS

- 4.01 3 objections on the following summarised grounds:

- Concerns with the size of the storage area above the proposed garages
- Existing flood risk on Lodge Road
- The proposal is alongside Pilgrims Lakes and the proposal will reduce the quality of the environment surrounding the lakes
- Concern with the precedent this development would set for similar properties with large gardens

5.0 CONSULTATIONS

- 5.01 **Harrietsham Parish Council:** Wishes to see the application refused and requests Planning Committee consideration;

"1. The proposed development is in the setting of the AONB and a Grade II listed building dating back to the 1720's.

2. A previous proposed development, MA/00/0537, was refused by Maidstone Borough Council on the grounds that it 'would have an adverse effect on the character and setting of the surrounding area in that it would substantially infill a significant gap between dwellings and thus give a more cramped appearance to the street scene'.

3. The proposed development would result in an intrusion on one of the few remaining quiet places of amenity. This would have a negative impact on the wildlife which includes slow worms and grass snakes, which are present in the area.

4. There is also an environmental risk which is evident from a previous failure of the sewage system which resulted in the flooding of local homes."

- 5.02 **KCC Highways:** No objection, subject to conditions covering construction and securing parking spaces.

- 5.03 **KCC Ecology:** No objection, subject to condition to enhance and protect biodiversity.

- 5.04 **MBC Conservation:** No objections.

- 5.05 **MBC Landscape:** No objections, subject to compliance with tree protection measures set out in the tree report and accompanying tree protection plans.

6.0 APPRAISAL

Main issues

- 6.01 Existing and emerging policy can allow housing development within the settlement boundary. The main issues with this application are:
- Character and appearance of the area;
 - Residential amenity; and
 - Highways.

Character and appearance of the area

- 6.02 The prevailing character in the immediate streetscape of Church Road is predominantly residential with detached dwellings sited within generous sized plots on the western side to the north of the site. On the eastern side of Church Road there is more recent development of modern detached two storey dwellings. To the south of the site is also a relatively modern cul-de-sac Known as 'Lakelands' which consists of bungalows and two storey detached dwellings. The proposal would be for a 1.5 height chalet bungalow that I consider to be in keeping with the surrounding scale and design of properties and to be acceptable.
- 6.03 In terms of pattern of development, the proposed dwelling would sit in line with 'Scarletts' and 'Durham Lodge' to the south of the site and 'Arcady' which is located to the north of the site. Given these adjacent properties, it is considered that the proposal would reflect the surrounding pattern of development.
- 6.04 In regards to the streetscene, the proposal would be set back from Church Road by more than 65m, behind the existing built frontage. Therefore, due to this distance and due to the screening provided by the 'Lake House' I am satisfied that the proposal would not cause harm to the streetscene.
- 6.05 In addition to the above, the design of the proposed double garages in terms of their scale, form, aesthetic and materials would be in keeping with the locality respecting the site and its surroundings.
- 6.06 I therefore consider the scale, design and siting of the proposal to be appropriate in this setting, and I am satisfied that it would not cause adverse harm to the character and appearance of the surrounding area hereabouts, or the setting of the AONB, and would not be inappropriate garden land development.

Residential Amenity

- 6.07 Given the separation distances between the new dwelling and any neighbouring property and given the proposal's scale and siting, I am

satisfied that the proposal would not result in a significant loss of light or outlook to any neighbour and would not cause loss of privacy.

Impact on heritage assets

- 6.08 The proposal is a considerable distance and the existing vegetation on the western side of the site would provide sufficient screening of the proposal and I do not consider the proposal would impact upon the setting of the listed building. Whilst there may be some glimpses of the proposal from Woodlands Walk and other public vantage points, given the separation distances and the existing built and natural environment, I am satisfied that this proposal (with its low eaves height) would not appear visually dominant or harmful from any public vantage point. The Conservation Officer is in agreement with this view and has no objections on heritage grounds.

Highways

- 6.09 The proposed dwelling would use the existing access onto Church Road and would benefit from a double garage along with parking in front sufficient for 4 vehicles. The proposal also involves the demolition of the existing double garage to provide the new access with a replacement double garage to be of a matching design to the garage to serve the proposed dwelling. I am satisfied that the property would have adequate parking and turning facilities and the parking provision is in accordance with emerging policy DM27 of the submitted Local Plan. KCC have raised no objections on highway safety grounds.

Landscaping

- 6.10 The applicant has submitted an Arboricultural Report and that report identifies that three trees and part of one tree are to be removed to allow for the garage and the main dwelling to be constructed. All other trees would remain. The Landscape Officer considers these trees to be of low amenity value that would not merit TPO protection. The submitted details include measures for the protection of retained trees, which the Landscape Officer considers to be appropriate and satisfactory.

Other considerations

- 6.11 The majority of the application site is maintained garden land. However, the site is adjacent to Woodlands Walk which contains lakes and the application is accompanied by a Preliminary Ecological Appraisal to assess any potential ecological impact. The appraisal recommends precautionary mitigation measures for reptiles and breeding birds, and as the development is relatively minor, these would be sufficient to ensure that there will be no detrimental impacts. The report has also provided recommendations in regards to ecological enhancements. KCC Ecology has reviewed the application and advises that measures to enhance and protect biodiversity are secured as a condition on any granted planning permission. Therefore, in regards to ecology, subject to the conditions outlined by KCC Ecology, I consider the proposal to be acceptable.

- 6.12 Although concern has been raised in regards to the sewerage system, it is not considered that the addition of one additional house in this location would cause significant additional sewerage issues and I do not consider that an objection on this ground could be maintained.
- 6.13 The refused proposal referenced in the comments by the Parish Council (Application Reference: MA/00/0537) was refused due to its impact upon the surrounding area given a more cramped appearance on the streetscene. This application site was located between Scarletts and Goldings approximately 40m to the south west of this application site and immediately adjacent to Woodlands Walk. I do not consider that this application on this site would have the same impact as the above mentioned proposal and each planning application must be assessed on its own merits.

7.0 CONCLUSION

- 7.01 The proposal would not cause visual harm; the living conditions of the existing and future residents will be acceptable; and there is no objection in terms of highway safety. The proposal is therefore considered acceptable with regard to the relevant provisions of the adopted and emerging Development Plans, the NPPF and all other material considerations such as are relevant; and conditional approval is recommended on this basis.

8.0 RECOMMENDATION – GRANT Subject to the following conditions:

CONDITIONS:

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

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

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

Ground Floor Plan 169.01 Received on 05.06.2017, First Floor Plan 169.03 Received on 05.06.2017, Elevation 169.03 Received on 05.06.2017, 3d illustrations 169.04 Received on 05.06.2017, Proposed Block Plan 169.05 Received on 05.06.2017, Block & Location Plans 169.06 Received on 05.06.2017 and Garage Design 169.07 Received on 05.06.2017

- (3) The development shall not commence above slab level until written details and samples of the materials to be used in the construction of the external surfaces of the building(s) hereby permitted have been submitted to and approved in writing by the local planning authority and the development shall be constructed using the approved materials.

Reason: To ensure a satisfactory appearance to the development.

- (4) The development 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;

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

- (5) The approved details of the parking/turning areas shall be completed before the commencement of the use of the land or buildings hereby permitted and shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order, with or without modification) or not, shall be carried out on the areas indicated or in such a position as to preclude vehicular access to them.

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

- (6) All construction activities, tree protection, access facilitation pruning and pre-emptive root pruning shall be carried out in accordance with the approved recommendations of the Arboricultural Report of 3/08/2017 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

- (7) No development shall take place (including ground works and vegetation clearance), until details of how the development will protect and enhance biodiversity are submitted to and approved in writing by the Local Planning Authority. These shall include protective measures for reptiles and breeding birds along with measures to enhance biodiversity through the installation of bat and bird nesting boxes and generous native planting within the building where possible. The approved details will be implemented and thereafter retained.

Reason: To enhance and protect biodiversity.

- (8) The development shall not commence above slab level until details of how decentralised and renewable or low-carbon sources of energy will be incorporated into the development have been submitted to and approved in writing by the local planning authority. The approved details shall be installed prior to first occupation and maintained thereafter;

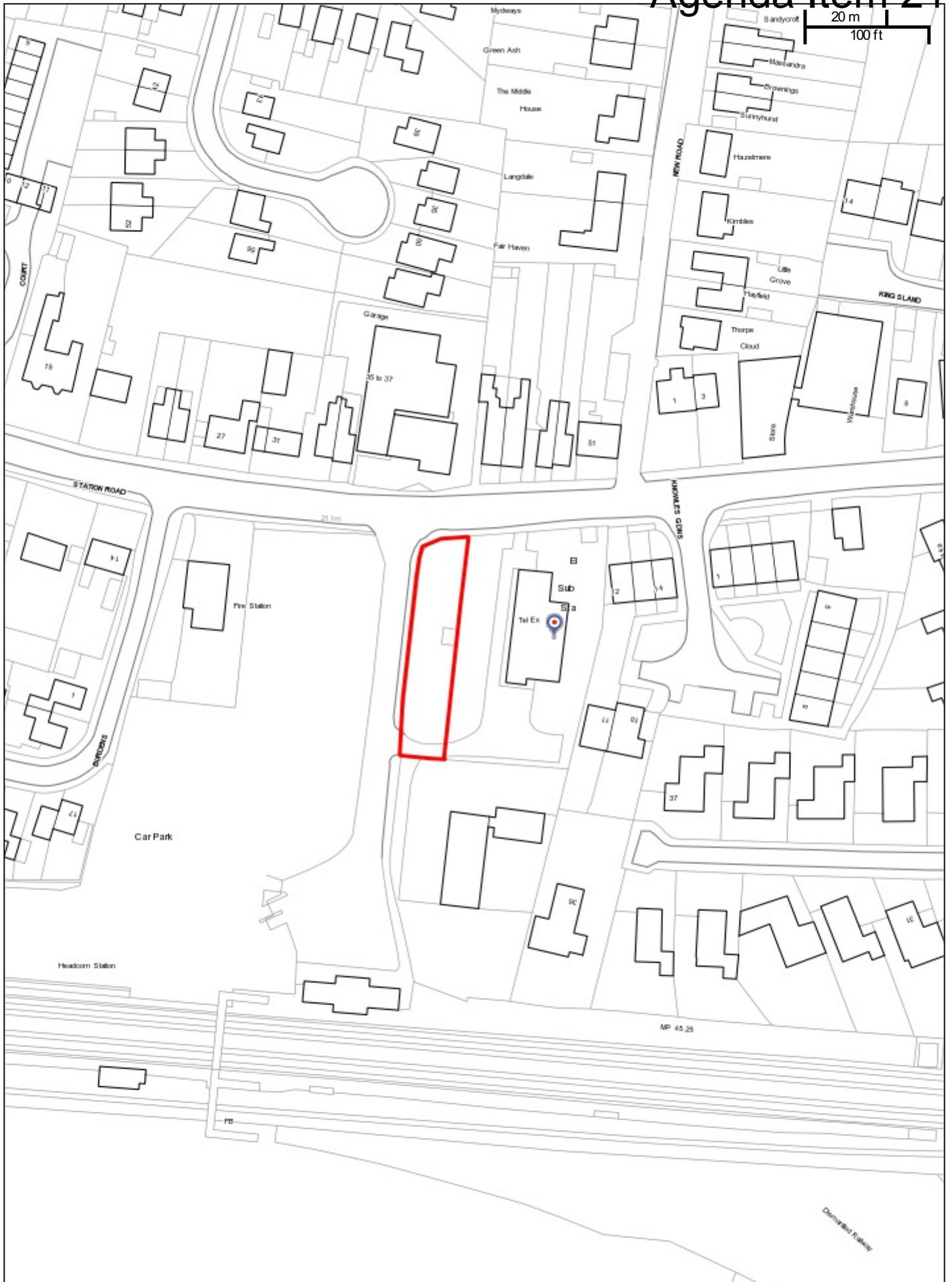
Reason: To ensure an energy efficient form of development. Details are required prior to commencements as these methods may impact or influence the overall appearance of development.

INFORMATIVES

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

Case Officer: Adam Reynolds

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



REPORT SUMMARY
28 September 2017

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

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The application site is a rectangular area of land measuring approximately 548.70m². The site is located on the junction of Station Approach (Headcorn Railway Station) and Station Road, with the longest site boundary to Station Approach. To the east of the site lies a telephone exchange, with the railway station car park and fire station to the west on the opposite side of the site/Station Approach. A petrol station lies directly north of the site on the opposite side of Station Road. To the south lies a children's nursery which is in a building constructed from pre-fabricated materials. Planning permission has been granted for the demolition of the existing nursery building and erection of 9 terraced houses (Reference14/0721).
- 1.02 The site was originally granted temporary planning permission as a car wash for a period of 5 years under reference: 12/2220. The joint use of the site for car sales and car valeting was made permanent under reference: 16/505266/FULL. A temporary car port was granted planning permission under planning reference: M1/13/2009 and

has been erected on the site. A small brick timber clad building is present on site and is used for office use for the businesses.

- 1.03 The site has a separate access and exit for vehicles which are both off of Station Approach. Station Approach is not a through road and has double yellow lines either side of the road. Station Road to the north of the site has single yellow lines with parking restricted Monday – Friday 1:00pm – 1:30pm. The site currently has parking for 13 vehicles.
- 1.04 The site is within the defined village envelope of Headcorn and the Low Weald Special Landscape Area as defined by the Maidstone Borough Wide Local Plan 2000. Within the Final Draft Maidstone Local Plan the site is located within a Landscape of Local Value.
- 1.05 The nearest residential property is opposite the site and is located at No.43 Station Road, which is located 20m to the north of the site.

2.0 PROPOSAL

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

3.0 POLICY AND OTHER CONSIDERATIONS

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

- 3.01 Maidstone Borough Local Plan (2016) was submitted to the Secretary of State for examination on 20th May 2016. The Local Plan Inspector issued his Report on the Examination of the Maidstone Borough Local Plan on 27th July 2017. The Report is accompanied by an appendix containing the Main Modifications. The Inspector concludes that, with the incorporation of the Main Modifications, the submission Maidstone Borough Local Plan is sound. The adoption of the Local Plan will be considered at the next meeting of the Council on 27th September 2017.
- 3.02 In these circumstances, it is considered that approaching full weight should be afforded to the Maidstone Borough Local Plan incorporating the Main Modifications in the determination of planning applications.

4.0 LOCAL REPRESENTATIONS

- 4.01 The planning application has been advertised with individual letters sent to adjoining properties and a site notice has been displayed.
- 4.02 Local residents: Three representations received from local residents objecting to the proposal on the following grounds (summarised)
- Odour produced by the burger van
 - Increased traffic and parking of vehicles on the highway
 - Visual appearance of the proposal being out of character with the village
 - Litter created by the proposal

5.0 CONSULTATIONS

- 5.01 **Headcorn Parish Council:** Wish to see the application refused and referral to the planning committee is required for the following summarised points:
- There had been a burger van at this location in the past - without the appropriate permissions – and there were problems that had arisen at that time were innumerable.
 - Unenforceable that the facility will only be used by the car wash and valeting customers and the use will lead to additional vehicles at the site where there is no facility for parking and the approach to the station and the A274 will be obstructed by these additional facilities.
 - If the Officer/Committee is minded to approve this application then the Parish Council would wish to see the condition proposed by Midkent Environment Health.
- 5.02 **KCC Highways:** Raise no objection, but suggest a condition that permission should be temporary so that the proposal can be monitored.
- 5.03 **Midkent Environmental Health:** No objection subject to condition stating that the facility shall be used for the customers of the valeting business only, shall operate only during the opening hours of the wider use and the use being temporary so that its impact can be observed.

6.0 APPRAISAL

Main Issues

- 6.01 The key issues for consideration relate to:
- Principle of development;
 - Vitality and viability of Headcorn Village; and
 - Visual impact;

Principle of Development

- 6.02 There is a presumption in favour of sustainable development within the National Planning Policy Framework (NPPF), and the proposal is in a sustainable location within the village boundary of Headcorn village. The final draft of the Maidstone Local Plan is approaching full weight and designates Headcorn village as a Rural Service Centre

Vitality and viability of Headcorn Village

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

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

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

Visual Impact

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

Residential Amenity

6.06 Policy DM1 of the Emerging Local Plan relates to the scale, design and impact on the character and appearance of the area. The policy states that new development will be permitted where it respects the amenities of occupiers and be ensuring that the development does not result in excessive, noise, vibration, odour, air pollution, activity or vehicular movements to nearby properties.

6.06 The first part of saved Policy R17 of the Development Plan outlines that the Council will permit hot food shops, restaurants, cafes, bars and public houses outside of the core shopping area to which Policy R7 applies, provided that the criteria listed in paragraph 6.03 above are met.

6.07 A number of residents have raised concerns about the impact of cooking smells. Mid Kent Environmental Health has assessed the application and is satisfied that the proposed use if ancillary to the hand car wash would have a negligible impact on residential amenity. Given the distance from the proposal site to the nearest neighbouring properties and that the immediate adjacent uses to the site consist of a telephone exchange, car park and petrol station to the north of station road, I am satisfied that the proposal would not result in an undue impact upon the amenity of the occupiers of residential properties.

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

that the amenity of local residents is preserved and this approach is supported by Mid Kent Environmental Health.

Highways

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

Other Matters

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

7.0 CONCLUSION

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

8.0 RECOMMENDATION – GRANT Subject to the following conditions:

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

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

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

Reason: To safeguard the amenity of local residents

- (3) The use hereby permitted shall be discontinued and the land shall revert to its former use and condition on or before 31/12/2019;

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

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

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

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

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

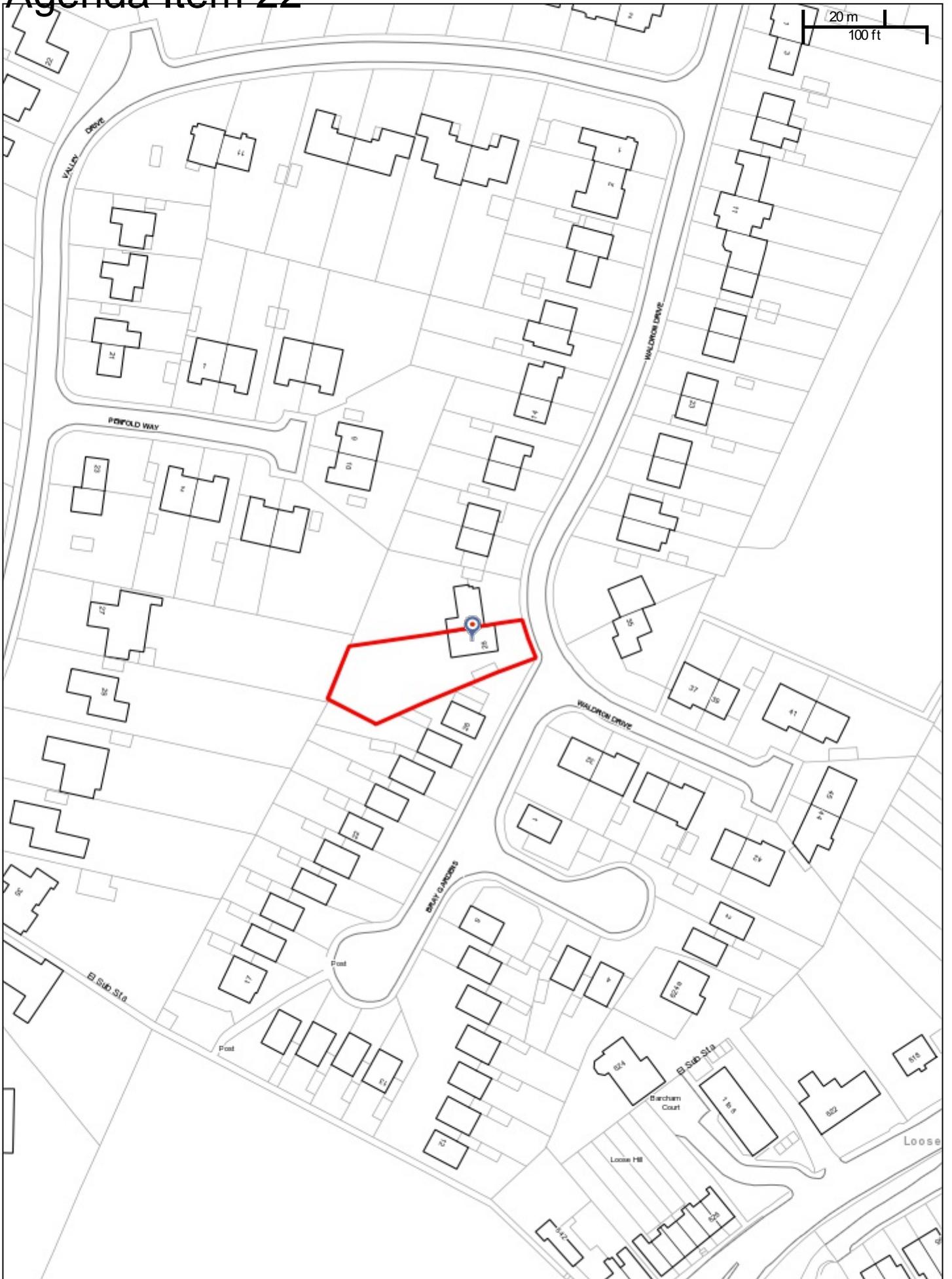
INFORMATIVE

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

Case Officer: Adam Reynolds

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

Agenda Item 22



17/503428 - 26 Waldron Drive

Scale: 1:1250

Printed on: 20/9/2017 at 10:17 AM by EllyH

REPORT SUMMARY

28 September 2017

REFERENCE NO - 17/503428/FULL			
APPLICATION PROPOSAL - Two storey side and rear extension			
ADDRESS - 26 Waldron Drive, Loose, Maidstone, Kent			
RECOMMENDATION - GRANT PLANNING PERMISSION subject to the conditions			
SUMMARY OF REASONS FOR RECOMMENDATION - The proposed development would be acceptable in terms of both the national and local planning policies.			
REASON FOR REFERRAL TO COMMITTEE – Loose Parish Council requested that the application be brought before the Planning Committee			
WARD Loose	PARISH/TOWN COUNCIL Loose	APPLICANT Mr And Mrs Pagnell	
DECISION DUE DATE 22.09.2017	PUBLICITY EXPIRY DATE 23.08.2017	OFFICER SITE VISIT DATE 22.08.2017	
RELEVANT PLANNING HISTORY			
App No	Proposal	Decision	Date
12/2088	Single storey front extension	PER	24.01.2013
01/0465	Erection of porch	PER	03.05.2001
81/0221	Single storey rear extension	PER	09.04.1981

MAIN REPORT

DESCRIPTION OF SITE

- 1.1 The application site is located on the west side of Waldron Drive at the junction with Bray Gardens, which is within the urban area of Maidstone. The surrounding area is of mixed character with semi-detached properties on Waldron Drive and detached properties in Bray Gardens. As you move further away from the application property in Bray Gardens properties are stepped back from the road creating a more spacious character.
- 1.2 Whilst local properties appear to be of a similar age, a large number have previously been extended including single and double storey side extensions. Whilst the majority of nearby properties are built in groups, the design of the application property does not match any neighbouring property.
- 1.3 The application site comprises a two storey semi-detached dwelling of brick with a pitched, tiled roof. A detached single storey garage with a shallow pitched roof is located to the side of the main property on the southern boundary. The property also currently has a single storey flat roof rear extension. There is a fall

in ground level in the front garden with the property of approximately 0.4 metres lower than the pavement.

- 1.4 The property at 24 Waldron Drive is the other half of the semi-detached pair, located to the north of the application property. This property has a cat slide porch roof and has previously been extended with a single storey side extension. This property also has a single storey detached garage.
- 1.5 To the south of the application property is the detached property at 26 Bray Gardens. This property has previously been extended with a single storey double garage that marks the property boundary. Other than being within the urban settlement of Maidstone, there are no site specific policies that are relevant to this application. The application site is outside the area covered by North Loose Neighbourhood Plan.

2.0 PROPOSAL

- 2.1 The two storey extension would have a width of 5.2 metres and a depth of 12.8 metres, of which 3.6 metres would extend beyond the original rear footprint of the property. The front of the property would include a catslide roof with an eaves height of 2.2 metres and a ridge height of 7.2 metres. The two storey extension would involve demolition of the existing garage with a replacement garage provided as part of the new extension.
- 2.2 A dormer window on the front roof slope of the catslide would have a width of 3.2 metres. The ridge extending to the back of the property would be set down approximately 0.2 metres from the ridge of the original property.

3.0 POLICY AND OTHER CONSIDERATIONS

- * Maidstone Borough-Wide Local Plan 2000: H18
 - * National Planning Policy Framework (NPPF)
 - * National Planning Practice Guidance (NPPG)
 - * Supplementary Planning Documents: Residential Extensions
 - * Final Draft Maidstone Local Plan (2011-2031): DM1, DM9
- 3.1 Paragraph 216 of the NPPF sets out the factors which influence the weight to be given to emerging LP policies – preparation stage, extent of unresolved objections and consistency with the NPPF.
 - 3.2 Maidstone Borough Local Plan (2016) was submitted to the Secretary of State for examination on 20th May 2016. The Local Plan Inspector issued his Report on the Examination of the Maidstone Borough Local Plan on 27th July 2017. The Report is accompanied by an appendix containing the Main Modifications. The Inspector concludes that, with the incorporation of the Main Modifications, the submission Maidstone Borough Local Plan is sound. The adoption of the Local Plan will be considered at the next meeting of the Council on 27th September 2017.
 - 3.3 In these circumstances, it is considered that approaching full weight should be afforded to the Maidstone Borough Local Plan incorporating the Main Modifications in the determination of planning applications.

4.0 LOCAL REPRESENTATIONS

4.1 The planning application has been advertised with individual letters sent to adjoining properties, and a site notice. No response has been received.

5.0 CONSULTATIONS

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

5.1 **Loose Parish Council:** Object to the application and refer it to the Planning Committee due to the scale of the extension and the narrowness of the site which will give a degree of terracing. It overwhelms the original property due to the scale of the extension.

6.0 APPRAISAL

Main Issues

6.1 The key issues for consideration relate to:

- Impact on the application property;
- Impact on the character of the surrounding area;
- Impact on residential amenity of neighbouring occupiers;
- Highways and parking considerations.

6.2 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that all planning applications must be determined in accordance with the Statutory Development Plan unless other material considerations indicate otherwise. In this case the Development Plan consists of the Maidstone Borough Wide Local Plan 2000 and the Final Draft Maidstone Local Plan (2011-2031).

6.3 The application site is located within the Maidstone urban area. Policy DM8 of the emerging Plan states that within the defined boundaries of the urban area, proposals for residential extensions will be permitted which meet certain criteria. The extension has to be acceptable within the surrounding context; it has to retain boundary treatment; the extension should not have an adverse impact on neighbouring residents and the proposal should provide sufficient parking. These issues are considered below.

Impact on the application property

6.4 The application property was originally constructed in the 1960's as a two storey building with a pitched roof. In 1981 a single storey rear extension was granted, and in 2001 a further application was granted for a porch. In 2012 permission was granted for a single storey front extension, but this has not been implemented.

6.5 The proposed development of a two storey extension would have a catslide roof on the front elevation. This design with the roof sloping upwards (from single to double storey) and away from the front elevation would reduce the bulk and massing of the extension, with the front roof eaves at the height of a single storey extension. Although the extension would be set slightly forward of the front elevation of the property, the roof style and dormer window would ensure

that it is subservient and maintain some relief to the frontage. The design would comply with the Local Plan policies and residential design guidance.

Impact on the character of the surrounding area

- 6.6 Development proposals should have high quality design and respond positively to, and enhance the 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 (emerging policy DM 1).
- 6.7 The application property is one half of a pair of semi-detached dwellings that are located on a corner plot. The difference in character between the application property and more uniform properties in the surrounding area include the design of the front elevation property and wider plot widths. The main front elevation of the other half of the semi-detached pair at 24 Waldron Drive is also stepped back behind the front elevation of the application property. A pair of properties in a similar corner position is located on the opposite side of the road at 33 and 35 Waldron Drive.
- 6.8 For these reasons, the proposed development would not unbalance the semi-detached pair of dwellings. The difference in these properties is sufficient for the scale and bulk to marry into the existing property without resulting in a discordant feature. The proposed extension would be subservient to the host property, and would be constructed in materials which would match the existing building in addition to being appropriate to the character of the surrounding area.

Impact on residential amenity of neighbouring occupiers

- 6.9 The NPPF sets out that planning should always seek to secure a good standard of amenity for all existing and future occupants of land and buildings. Paragraph 17 of the NPPF states that planning should seek a good standard of amenity for all existing and future occupants of buildings.
- 6.10 The nearest property to the proposed development is No 26 Bray Gardens, which is located to the south of the application site. The main property at 26 Bray Gardens is set back by between 2.5 and 9 metres from the site boundary with a single storey double garage occupying the space between the main property and boundary at the front of the site. The proposed two storey extension would be 3.3 metres from the side property boundary at the rear of the property, and 1.0 metre from the side boundary at the front of the property.
- 6.11 The design includes a catslide roof on the front elevation, with the roof of the two storey rear section designed with a hip end roof. It is considered that the design and appearance of the extension with the roof form will reduce the bulk and scale of the extension to an acceptable level. Any potential impact will be further reduced by the set back from the property boundary, the 1.8 metre timber fence and the double garage on the neighbouring property. A small single storey log store would be located between the two storey extension and the property boundary. With a height of 2.2 metres to the eaves and 2.8 at the ridge it is considered that this building is acceptable in relation to residential amenity.

- 6.12 There would be a utility room door and window on the ground floor flank wall, along with a bedroom window. The bathroom window at first floor would be obscure glazed. There is a window on the rear of the proposed garage, but this is to non-habitable space as shown on the submitted plans.
- 6.13 The proposed extension would be located approximately 6 metres from the boundary with the adjoining neighbour at No 24 Waldron Drive. A condition is recommended that would prevent the insertion of any new openings at first floor level and above. For these reasons, the proposal is considered acceptable in relation to neighbouring amenity.

Highways and parking considerations.

- 6.14 Paragraph 32 of the NPPF states that decisions should take account of whether safe and suitable access to the site can be achieved; and that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe.
- 6.15 The proposed development would result in the removal of an existing garage, and the provision of a replacement garage. It is considered that there would be sufficient parking available and the proposal would not harm highway safety.

7.0 CONCLUSION

- 7.1 For the reasons set out in this report, the development proposals are in line with planning policies and residential guidance. The proposal would maintain the character of the area and would maintain sufficient separation with neighbouring properties to avoid creating a terracing impact. The design and appearance of the extension is in keeping with the appearance of the existing property. With separation distances the proposal is acceptable in relation to residential amenity. Where the highways issues do not comply, justification has been given in that section of the report. The recommendation is to grant permission subject to conditions.

8.0 RECOMMENDATION

- 8.1 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 the permission;

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

2. The development hereby permitted shall be carried out in accordance with the following plans:
E203/004 Proposed plans Rec: 24.07.2017
E203/003 Proposed elevations Rec: 24.07.2017
Location plan Rec: 28.07.2017

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

3. The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used on the existing building.

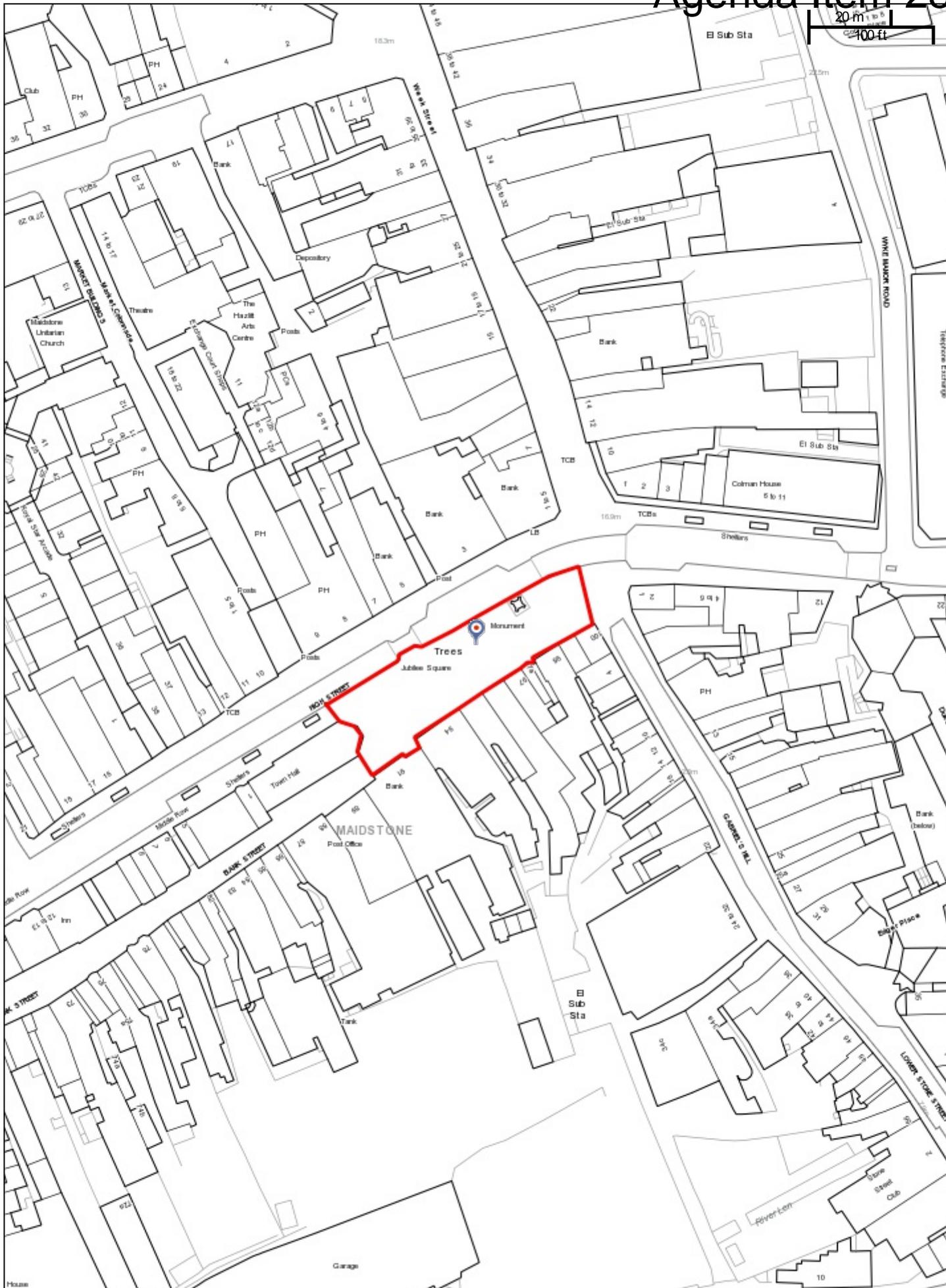
Reason: To ensure a satisfactory appearance to the development.

4. No additional windows, doors, voids or other openings shall be inserted, placed or formed at any time above ground floor level in the northeast and southwest facing walls of the building hereby permitted;

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

Case Officer: Jocelyn Miller

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



17/503704 - Jubilee Square

Scale: 1:1250

Printed on: 20/9/2017 at 10:11 AM by ElyH



REPORT SUMMARY

REFERENCE NO: 17/503704/FULL		
APPLICATION PROPOSAL: Use of land to allow a market on Jubilee Square up to 120 days per year.		
ADDRESS: Jubilee Square High Street Maidstone Kent		
RECOMMENDATION: Grant permission subject to conditions		
SUMMARY OF REASONS FOR APPROVAL: The use of this open space for extended market purposes would add to the vitality of the town centre and would have no significant adverse impact on amenity or the historic character of the locality.		
REASON FOR REFERRAL TO COMMITTEE: Maidstone Borough Council application (applicant is MBC Market Manager)		
WARD: High Street	PARISH COUNCIL: N/A	APPLICANT: Maidstone Borough Council AGENT: N/A
DECISION DUE DATE: 14/09/17	PUBLICITY EXPIRY DATE: 18/08/17	OFFICER SITE VISIT DATE:
RELEVANT PLANNING HISTORY (including adjoining sites): 14/503619/FULL - Change of use from pedestrian only walkway to pedestrian walkway/square to allow for markets and/or promotional activity – Permitted MA/10/0691 - Planning application for the provision various improvements including new ramps, steps and landing areas removal and replacement trees. Permitted		

MAIN REPORT

1.0 DESCRIPTION OF SITE

1.1 The application site forms part of Jubilee Square that is located in the centre of the town, adjacent to the High Street. The square is the principle historic and civic open space within the town centre. The square is close to some of the principal heritage assets in the town centre, including a large number of listed buildings, some of which are Grade II* listed (The Town Hall and Muggleton Inn), as well as the Queen Victoria Monument. The site is within the Maidstone Centre Conservation Area.

2.0 PROPOSAL

2.1 Planning permission is sought to allow a market to take place on Jubilee Square for up to 120 days per year. Previous 14/503619/FULL permission is reproduced here as an appendix conditions allow markets for up to 60 days a year.

2.2 The reason for the current planning application can be summarised as follows: to allow greater flexibility in the general operation of the market; to expand the current

successful farmers market; and to allow the existing general market to relocate to the application site.

- 2.3 The Farmer's Market currently runs on the 4th Friday of each month on the application site. This market had been a success and the Market Manager would like the flexibility to expand this market to operate additionally on the 2nd Friday of each month.
- 2.4 The existing Maidstone Saturday General Market at Lockmeadow has been steadily declining and is now small enough to fit into the Jubilee Square space. Reports indicate that the Lockmeadow site is also not the right location and moving the market to Jubilee Square would encourage more use, increase viability and bring the facility closer to existing and potentially new customers. Relocating the market to a central location would also benefit the viability of other businesses and sustainability in relation to passing trade and linked trips. This market would operate from 8:00am to 6:00pm.
- 2.5 Finally, the number of days requested (120) would allow the Market Manager to operate other specialist markets when the circumstances allow, such as a Christmas Market. The proposed markets would have no permanent structures: all gazebos, structures, tables and ornamentation would be temporary structures that would be removed at the end of any market. The day to day operation of the market would continue to be regulated by separate legislation.

3.0 POLICY AND OTHER CONSIDERATIONS

- Maidstone Borough-Wide Local Plan 2000: R7.
- National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)
- Final Draft Maidstone Local Plan 2017 SP1, SP4, DM16, DM31, DM32, DM33

3.01 Maidstone Borough Local Plan (2016) was submitted to the Secretary of State for examination on 20th May 2016. The Local Plan Inspector issued his Report on the Examination of the Maidstone Borough Local Plan on 27th July 2017. The Report is accompanied by an appendix containing the Main Modifications. The Inspector concludes that, with the incorporation of the Main Modifications, the submission Maidstone Borough Local Plan is sound. The adoption of the Local Plan will be considered at the next meeting of the Council on 27th September 2017 with a verbal update provided at the meeting considering this application.

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

4.0 LOCAL REPRESENTATIONS

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

4.02 **Local Residents:** No representations received from local residents.

5.0 CONSULTATIONS

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

- 5.01 **KCC Highways:** No objection in principle subject to detailed layouts of the stalls being provided to ensure adequate safe and permeable movement through and around the market. Apparatus in the highway requires separate license approval.
- 5.02 **MBC Conservation Officer:** Support for the application on the basis that this was one of the historic uses of this space.
- 5.03 **Mid Kent Environmental Health:** No objection

6.0 APPRAISAL Main Issues

- 6.01 The key issues for consideration are:
- Principle of development
 - Viability and vitality of the town centre,
 - Amenities of the area
 - Appearance and character of the conservation area.

Principle of development

- 6.01 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that all planning applications must be determined in accordance with the Development Plan unless other material considerations indicate otherwise.
- 6.02 Existing and emerging policies seek to promote Maidstone town centre as a vibrant commercial centre and the vitality and viability of the area. A town centre market which would have been the historic use of the town square with a flexible operation is fully in tune with these aims embodied in policy and, in accord with the previous planning history of this site.

Impact on viability and vitality

- 6.03 The character of this space is very much a public transitional space offering a route between shopping areas and generally travelling through the town centre. This is also a functional space which offers seating, public transport links. With its large open area, the space is a fundamental part of the setting of the surrounding listed buildings and the character of the conservation area.
- 6.04 Most of the adjoining historic buildings face or overlook the application site in some way creating a vibrant public space. There are a mix of local uses including public houses, shops and banks adding to the vitality of this space. In my opinion, a market in this open area assists in supporting the vibrant and active character of this square as well as supporting pedestrian footfall for existing businesses and this use should be supported.
- 6.05 The current application has been submitted by the MBC Market Manager to allow greater use, and a more flexible use of this area for market purposes including allowing the market to operate for 120 days in a year. An extension of the market days to 120 days and a less restrictive approach would be fully in line with policy and would add to the vitality and viability of the town centre.

Amenities of the area

- 6.06 Jubilee Square was conceived as a busy public space suitable for a range of commercial and entertainment functions. The locality is a busy, noisy environment that is a fundamental part of Maidstone's day-time and night-time economy.

- 6.07 The market use in keeping with the existing character of the area and its operation does not present any significant threat to the amenities of local residents in terms of noise and disturbance. Any noise and disturbance from the market has to be seen in the context of the important local contribution to the night time economy with the unsocial hours of nearby night clubs, pubs, restaurants etc.
- 6.08 I regard the planning conditions that were previously imposed on the market use to be over-restrictive especially given other legislative control. The restrictions have resulted in a lack of flexibility that would have hindered the operation of the market. I am satisfied that the only condition on the use is a restriction on the overall number of market days to 120 days.

Character of the Maidstone Centre Conservation Area

- 6.09 Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 states that special regard should be had to the desirability of preserving listed buildings or their setting.
- 6.10 In my view, there would not be any detrimental visual impact as a result of this development. I consider the setting and character of the conservation area and listed buildings would not be affected by this proposal. The Conservation Officer supports the application on the basis that this was one of the historic uses of this space.

Highway Impacts

- 6.11 In terms of the impact upon the highway, the land itself is a part of the public highway. Permission has already been granted for a market on this space and an extension of that use would not, in my view, raise any significant highway safety issues.
- 6.12 The Highways Officer agrees with that assessment. There is clearly enough land here to accommodate a market without significantly blocking access: issues concerning the detail of the layout of stalls and equipment and any safety/access issues emerging from that are properly dealt with under separate highways and street traders licence legislation.

7.0 CONCLUSION

- 7.01 The application site is currently an important multi-functional space in the heart of the town centre and the current market contributes to the vibrancy of this location. A market in this area assists in supporting the active character of this square as well as attracting pedestrian footfall to the area that in turn assists in the viability of existing local businesses.
- 7.02 The proposed development, compiles with the policies of the Development Plan (Maidstone Borough-Wide Local Plan 2000) and the emerging plan and there are no unacceptable impacts on the character, appearance and visual amenity of the locality generally. The development does not result in any unacceptable impact on the amenities of surrounding occupiers. The proposals do not raise any overriding parking or highway safety issues. The development is acceptable in relation to heritage considerations.
- 7.03 The proposal is acceptable with regard to the relevant provisions of the Development Plan, the NPPF and all other relevant material considerations. An extension to the market days on Jubilee Square and a more flexible planning regime would add to the vitality of the town centre and I recommend that permission be granted.

8.0 RECOMMENDATION

GRANT PLANNING PERMISSION subject to the following conditions:

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

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

- (2) The market hereby permitted shall only take place for a maximum of 120 days in any calendar year.

Reason: To reflect the development applied for and in the interests of the amenities of the area.

- (3) The development hereby permitted shall be carried out in accordance with the following approved plans: Site location plans at 1:2500 and 1:500.

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

Case Officer Geoff Brown

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



Mr William Moss
Maidstone Town Centre Management Ltd
The Mall Management Suite
Pads Hill
Maidstone
ME15 6AT

19 November 2014

PLANNING DECISION NOTICE

APPLICANT:	Mr William Moss
DEVELOPMENT TYPE:	Change of use
APPLICATION REFERENCE:	14/503619/FULL
PROPOSAL:	Change of use from pedestrian only walkway to pedestrian walkway/square to allow for markets and /or promotional activity as shown on application Form and Site Location Plan received 28th August 2014, supporting email received 9th October 2014 and Block Plan received 21st October 2014.
ADDRESS:	Jubilee Square High Street Maidstone Kent ME14 1TF

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

- (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 market hereby permitted shall only operate between 09.00 and 17.30 Monday to Saturday and between 10.00 and 16.00 on Sundays and Bank Holidays. No activity in connection with the use, including the setting up and taking down of the market stalls, shall take place outside of the hours of 07:00 and 19:30, other than on Sundays and Bank Holiday Mondays when the setting up and taking down of the market stalls shall not take place outside of the hours of 08:00 and 18:00.

Reason: To safeguard the character of the surrounding area and the enjoyment of their properties by adjoining residential occupiers.

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

- (3) No stalls or structures shall remain on the land in connection with the market use other than within the hours as permitted by condition 2 above.

Reason: To safeguard the character of the surrounding area and the enjoyment of their properties by adjoining residential occupiers.

- (4) The market hereby permitted shall only take place for a maximum of 60 days in any calendar year.

Reason: To safeguard the character of the surrounding area and the enjoyment of their properties by adjoining residential occupiers.

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

Application Form and Site Location Plan received 28th August 2014, supporting email received 9th October 2014 and Block Plan received 21st October 2014.

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

Informative(s):

(1) It is anticipated that the applicant will need to apply to this authority for licensing approvals. 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.

Note to Applicant

In accordance with paragraphs 186 and 187 of the NPPF, Maidstone Borough Council (MBC) takes a positive and proactive approach to development proposals focused on solutions. MBC works with applicants/agents in a positive and proactive manner by:

Offering a pre-application advice service.

Where possible, suggesting solutions to secure a successful outcome.

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

In this instance:

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

Yours faithfully

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.



17/504144 - 5 Tonbridge Road

Scale: 1:1250

Printed on: 20/9/2017 at 10:06 AM by ElyH

REPORT SUMMARY

REFERENCE NO - 17/504144/FULL			
APPLICATION PROPOSAL			
Removal of condition 14 (scheme of mitigation to address poor air quality shall be provided) of planning permission 15/510179 (All matters reserved) for redevelopment with up to 65 dwellings and associated vehicular and pedestrian access, car and cycle parking, street and external lighting, main services, bin stores and other ancillary development.			
ADDRESS 5 Tonbridge Road Maidstone Kent ME16 8RL			
RECOMMENDATION GRANT SUBJECT TO PRIOR COMPLETION OF AN APPROPRIATE LEGAL MECHANISM AND CONDITIONS			
SUMMARY OF REASONS FOR RECOMMENDATION			
Based on recent evidence and in conjunction with remaining conditions it is considered that the amenity of the future occupiers would not be compromised in the absence of a condition requiring additional mitigation in relation to air quality and the proposed removal of condition would be in accordance with current policy and guidance.			
REASON FOR REFERRAL TO COMMITTEE			
The application has been called in by Cllr Boughton to enable public debate on issues of air quality as this was a key concern of members at original application stage.			
WARD Fant	PARISH/TOWN N/A	COUNCIL	APPLICANT Corbens Place Limited AGENT
DECISION DUE DATE 08/11/17	PUBLICITY EXPIRY DATE 15/09/17	OFFICER SITE VISIT DATE 21/12/16	
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
15/510179/OUT	Outline application (All matters reserved) for redevelopment with up to 65 dwellings and associated vehicular and pedestrian access, car and cycle parking, street and external lighting, main services, bin stores and other ancillary development.	Permitted	22/12/16
15/506273/DEMREQ	Prior notification of proposed demolition: Single storey building divided into 2 retail units, 2-storey building with shop on ground floor and offices on first floor and single storey outbuildings.	Prior approval not required	1/9/15

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The application site relates to an area of land located to the south of Tonbridge Road. Measuring approximately 0.77ha in area, the site has two existing access points from Tonbridge Road to the north of the site. The site lies to the west of Maidstone West railway station and contains a number of existing commercial buildings. The buildings on the site vary in size and appearance, although they do not exceed 2-storeys in height. The site is irregular shaped with the site at its widest in the centre of the site and goes into a point at the southern tip of the site. The site is on various levels with a fall in ground level from north to south and there are land level changes east to west. Existing retaining walls and building design take advantage of the site levels.
- 1.02 There are five distinct groups of buildings and a number of different commercial occupiers. Buildings fronting Tonbridge Road are currently in retail use, occupied by a fireplace shop and a golf shop. The area in the centre of the site is occupied by a taxi firm, including use for storage and repairs. FPS distribution occupies the lower section of the site and the extreme south of the site is used as a vehicle garage. All the site is currently occupied however should the application be successful all existing uses would need to vacate the site and all buildings would be demolished (a prior notification application for the demolition has been approved).
- 1.03 The railway line adjoins the site and curves around the site to the south and east. To the east of the site number 3 Tonbridge Road is an existing 3 storey building which benefits from a prior notification application for conversion to residential. This adjoining site is also the subject of a current planning application for demolition of existing buildings and the construction of a residential redevelopment. There is currently a large area of hardstanding to the rear of the existing building. To the west of the site sited on higher ground and fronting Tonbridge Road is a large building providing the Vines Medical Practice with residential properties to the rear. The cul-de-sac of Rowland close adjoins the site to the south-western corner. The properties opposite the site in Tonbridge Road are in a mix of uses, with many converted to residential use.
- 1.04 The site is outside a conservation area, with the nearest listed buildings approximately 100 metres to the east and west of the site. There are no protected trees or landscape designations on the site.

2.0 PROPOSAL

- 2.01 The application seeks to remove Condition 14, which relates to a scheme of mitigation to address poor air quality attached to an extant consent for outline planning permission for the redevelopment of the site with up to 65 dwellings.

3.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Development Plan:

Maidstone Borough Wide Local Plan 2000 : Policies ENV6, ENV7, T1, T2, T3, T7, T13, T23, ED2 and CF1

Final Draft Maidstone Local Plan, September 2017 : SP1, SP19, SP20, SP23, H1 (14), DM1, DM2, DM5, DM6, DM12, DM19, DM20, DM21, DM23 and ID1

Paragraph 216 of the NPPF sets out the factors which influence the weight to be given to emerging LP policies – preparation stage, extent of unresolved objections & consistency with the NPPF.

Maidstone Borough Local Plan (2016) was submitted to the Secretary of State for examination on 20th May 2016. The Local Plan Inspector issued his Report on the Examination of the Maidstone Borough Local Plan on 27th July 2017. The Report is accompanied by an appendix containing the Main Modifications. The Inspector concludes that, with the incorporation of the Main Modifications, the submission Maidstone Borough Local Plan is sound. The adoption of the Local Plan will be considered at the next meeting of the Council on 27th September 2017.

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

Other documents:

Kent Design Guide Review: Interim Guidance Note 3: Residential Parking

Affordable Housing DPD 2006

Open Space DPD 2006

4.0 LOCAL REPRESENTATIONS

Adjoining neighbours were notified of the application as originally submitted. A site notice was also put up at the site. No objections have been received in response.

5.0 CONSULTATIONS

5.01 Environmental Health Officer : No objection

6.0 APPRAISAL

Main Issues

6.01 The key issues for consideration relate to:

- Impact of air quality on future occupiers

Background

6.01 Members resolved to grant outline planning permission for the re-development of the site for up to 65 dwellings at the Committee meeting on 4th August 2016 under application reference 15/510179/OUT. A copy of the report, urgent updates and committee minutes is appended to this report for ease of reference.

6.02 Condition 14 of that consent relates to a scheme of mitigation to ensure that the future amenity of the occupiers is not unduly harmed by poor air quality. The condition reads :

Pursuant to Condition 1 a scheme of mitigation to address poor air quality affecting the residential amenity of occupiers of any phase or sub-phase development shall be provided and any scheme of mitigation set out in the subsequently approved scheme

shall be fully in place prior to the first occupation of the buildings in any phase or sub-phase and maintained as such thereafter.

Reason: To protect air quality and the amenity of future residents. Details are required prior to development in any phase or sub-phase as the content of the report may inform design and layout.

- 6.03 The applicant is now seeking to remove this condition with the justification being that more up-to-date monitoring information has demonstrated that no further mitigation measures would be necessary. Particular reference is made to the extant consent for re-development at the neighbouring site (3 Tonbridge Road), where Members resolved to approve residential development for 20 apartments under reference 16/507491 where no condition was attached relating to mitigation for future occupiers in relation to air quality.
- 6.04 The application solely seeks the removal of condition 14 and does not relate to any other matters relating to the original application and as such this report will concentrate on the merits of removing the condition and no other material matters. This report should therefore be read in conjunction with the Committee Report in relation to application 15/510179/OUT.

Impact of air quality on future occupiers

- 6.05 Paragraph 124 of the NPPF sets out that planning policies should sustain compliance with and contribute towards EU limit values or national objective for pollutants and planning decisions should ensure that any new development in Air Quality Management Areas (AQMA) should be consistent with the local air quality action plan.
- 6.06 Policy DM5/DM6 (submitted/PMM versions) of emerging local plan sets out that proposals in a AQMA should where necessary incorporate measures which are locationally specific and proportionate to the likely impact.
- 6.07 Modelling carried out by the Local Authority's consultants, based on both MBC and KCC data indicates there to be poor air quality affecting the front portions of both 3 and 5 Tonbridge Road. In order to improve the amount of air quality data captured for this part of Maidstone an additional testing point has been set up (Maid 110). This data was not used in the Air Quality Assessment which accompanied the original application, but has been used in a more recent report for the neighbouring site at 3 Tonbridge Road.
- 6.08 The completed assessment for number 3 (application reference 16/507491) concluded that *"The assessment has indicated that air quality would be expected to meet all relevant air quality objectives at all locations throughout the development. As such the proposed development would not be introducing new residential development into a location of poor air quality".* The assessment goes on to say *"The need to provide mitigation measures to protect residents from poor air quality has not been identified. Furthermore it is considered appropriate that the development includes openable windows throughout the development and balconies can be provided as designed on the north facing and western facades"* (Page 16).

The methodology and conclusions of the assessment were considered by the council's environmental health officer and no objection was raised.

- 6.09 Although there are some differences between the two schemes for number's 3 and 5 the Environmental Health Officer (who requested the original condition) does consider that based on the information available and other material considerations that there is sufficient evidence to support the applicant's argument that no further mitigation would be necessary to mitigate future occupiers against poor air quality.
- 6.10 Conditions relating to reducing transport related air pollution and the installation of EV charging points would remain and it is considered that these conditions would be proportionate to the likely impacts and would provide sufficient mitigation for future occupiers, such that the removal of condition 14 would be acceptable. This conclusion would also be in line with that for the neighbouring site at 3 Tonbridge Road.

Other Matters

- 6.11 The original application is subject to a S106 to secure contributions towards school enhancements, libraries, adult learners, youth services, doctor's surgeries and open space. To continue to secure these contributions a legal mechanism would need be entered into by the applicant to tie this submission to the original S106 agreement and it is asked that Member's approve delegated powers to secure this mechanism.
- 6.12 In granting consent to remove Condition 14, the decision would need to replicate the conditions on the original consent, these are set out in the recommendation at section 8.0.

7.0 CONCLUSION

- 7.01 Based on recent evidence and in conjunction with remaining conditions it is considered that the amenity of the future occupiers would not be compromised in the absence of a condition requiring additional mitigation in relation to air quality and the proposed removal of condition would be in accordance with current policy and guidance. The removal of condition 14 is supported by the Environmental Health team who provide specialist advice to the Council on air quality.

8.0 RECOMMENDATION –

Subject to the prior completion of a legal agreement, in such terms as the Head of Legal Services may advise, to provide that this consent be subject to the same legal terms as set out in the S106 attached to application 15/510179

The Head of Planning and Development BE DELEGATED POWERS TO GRANT planning permission subject to the imposition of the conditions set out below

- (1) The development shall not commence until approval for any phase or sub-phase of the following reserved matters has been obtained in writing from the Local Planning Authority:- a. Scale b. Appearance c. Landscaping d. Access e. Layout.

Application for approval of the reserved matters for the first phase or sub-phase of the development shall be made to the Local Planning Authority before the expiration of three years from the date of this decision. The development of any first phase or sub-phase hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved;

Reason: To provide for a phased development and because no such details have been submitted and in accordance with the provisions of Section 92 of the Town and Country Planning Act 1990.

- (2) The details submitted in pursuance of Condition 1 shall show adequate land, reserved for parking or garaging, loading, off-loading and turning space to meet the needs of any phase or sub-phase of the development. The approved area shall be provided, surfaced and drained in accordance with the approved details before the buildings constructed within that phase or sub-phase are occupied and shall be retained for the use of the occupiers of, and visitors to, the premises. Thereafter, no permanent development, whether or not permitted by Town and Country Planning (General Permitted Development) Order 2015, shall be carried out on the land so shown (other than the erection of a private garage or garages) or in such a position as to preclude vehicular access to this reserved parking area.

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

- (3) Landscaping details submitted pursuant to condition 1 shall be implemented in the first available planting season following first occupation of the relevant phase or sub-phase of the development thereby approved. Any part of the approved landscaping scheme that is dead, dying or diseased within 5 years of planting shall be replaced with similar species of a size to be agreed in writing beforehand with the Local Planning Authority. The submitted details shall include landscaping to the northern boundary adjacent to Tonbridge Road and shall maximise native hedgerow planting elsewhere within the development.

Reason: In the interests of visual amenity.

- (4) Vehicular access pursuant to condition 1 shall be from Tonbridge Road (A26) only and shall provide visibility splays to the satisfaction of the Local Planning Authority which shall be provided and maintained prior to the first occupation of any residential units on the site.

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

- (5) Prior to the any phase or sub-phase of the development reaching damp proof course level written details and samples of the materials to be used in the construction of the external surfaces, including hard surfaces, of any phase or sub-phase of the development hereby permitted shall have been submitted to and approved in writing by the Local Planning Authority. The materials shall include, inter alia, swift and bat bricks. The development shall thereafter be constructed using the approved materials unless otherwise agreed in writing by the Local Planning Authority;

Reason: To ensure a satisfactory appearance to the development and a high quality of design.

- (6) Prior to the development reaching damp proof course level, details for any phase or subphase of all fencing, walling, railings and other boundary treatments, that shall include provision of gaps under boundary fencing to facilitate ecological networks, shall have been submitted to and approved in writing by the Local Planning Authority and the approved boundary treatments shall be in place prior to first occupation of residential units in any phase or sub-phase and maintained as such thereafter.

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

- (7) Prior to the development reaching damp proof course level, details of the satisfactory facilities for the storage of refuse in any phase or sub-phase shall have been submitted to and approved in writing by the Local Planning Authority and the approved details shall be in place prior to first occupation of the relevant residential unit and maintained as such thereafter;

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

- (8) Prior to the commencement of any phase or sub-phase of the development details of the proposed slab levels of the buildings and the existing site levels within that phase or subphase shall have been submitted to and approved in writing by the Local Planning Authority and the development of that phase or sub-phase shall be completed strictly in accordance with the approved levels. These details shall include details any proposed re-grading, cross-sections and retaining walls.

Reason: In order to secure a satisfactory form of development having regard to the topography of the site. Details are required prior to commencement of development in any phase or sub-phase to ensure that no unnecessary altering of levels takes place to accommodate the scheme.

- (9) Prior to the commencement of phase or sub-phase of the development details of how decentralised and renewable or low-carbon sources of energy will be incorporated into the development of that phase or sub-phase hereby approved shall have been submitted to and approved in writing by the Local Planning Authority. The development of the relevant phase or sub-phase shall be implemented in accordance with the approved details and all features shall be maintained thereafter;

Reason: To ensure an energy efficient form of development. Details are required prior to development to ensure the methods are integral to the design and to ensure that all options (including ground source heat pumps) are available.

- (10) No development of any phase or phase or sub-phase of the development shall take place until the applicant, or their agents or successors in title, has secured the implementation of :
- i archaeological field evaluation works for that phase or sub-phase in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and
 - ii following on from the evaluation, any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording for that phase or sub-phase in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that features of archaeological interest are properly examined and recorded. Details are required prior to commencement of development in any phase or sub-phase to ensure that works do not damage items of archaeological value that may be present.

- (11) Prior to the commencement of any phase or sub-phase development the following components of a scheme to deal with the risks associated with contamination of that

phase or sub-phase shall have been submitted to and approved, in writing, by the Local Planning Authority:

- i) A preliminary risk assessment which has identified:
 - All previous uses
 - Potential contaminants associated with those uses
 - A conceptual model of the phase or sub-phase indicating sources, pathways and receptors
 - Potentially unacceptable risks arising from contamination at the site that phase or sub-phase.
- ii) An investigation that phase or sub-phase, based on (i) to provide information for detailed assessment of the risk to all receptors that may be affected, including those off site.
- iii) A remediation method statement (RMS) based on the site investigation results for that phase or sub-phase and the detailed risk assessment (ii). This. The RMS 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.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. Details are required prior to commencement of any phase or sub-phase development to ensure that contamination is adequately assessed and remediated.

- (12) Prior to first occupation of any phase or sub-phase the development a closure report for that phase or sub-phase shall be submitted to and approved in writing by the Local Planning Authority. The Closure report shall include full verification details as set out in point (iii) of condition 11. The report should include details of any post remediation sampling and analysis, together with documentation certifying quantities and source/destination of any material brought onto or taken from the site. Any material brought onto the site shall be certified clean. Any changes to these components require the express consent of the Local Planning Authority. The scheme shall thereafter be implemented as approved.

Reason: To ensure that risks from land contamination to the future users of the land and neighbouring land are minimised, together with those to controlled waters, property and ecological systems, and to ensure that the development in any phase or sub-phase can be carried out safely without unacceptable risks to workers, neighbours and other offsite receptors. Details are required prior to commencement of development to ensure that contamination is adequately assessed and remediated.

- (13) Prior to the commencement of any phase or sub-phase of the development hereby approved, a scheme to demonstrate that the internal noise levels within the residential units and the external noise levels in back gardens and other relevant amenity areas will conform to the standard identified by BS 8233 2014 'Sound Insulation and Noise Reduction for Buildings - Code of Practice' shall be submitted to and approved in writing by the Local Planning Authority. The work specified in the approved scheme shall then be carried out in accordance with the approved details prior to occupation of the premises in that phase or sub-phase of development and be retained thereafter.

Reason: To protect residential amenity. Details are required prior to commencement in any phase or sub-phase as the measures necessary may need to be integral to the design of the development.

- (14) Prior to commencement of development in any phase or sub-phase a scheme detailing and where possible quantifying what measures of offsetting schemes are to be included in the development to reduce transport related air pollution from the development during construction shall be submitted to and approved by the Local Planning Authority. The approved scheme implemented in full during construction of the any phase or sub-phase of the development. [The developer should have regard to the DEFRA guidance from the document Low Emissions Strategy- using the planning system to reduce transport emissions January 2010]. The measures shall include the phased introduction of air pollution scrubbing trees along Tonbridge Road.

Reason: To ensure that the construction of the development does not exacerbate poor air quality and provide mitigation. Details are required prior to commencement in any phase or sub-phase to ensure that adequate compliance and implement methods can be provided.

- (15) Provision shall be made for EV "rapid charge" point (of 22kW or faster) and for charge points for low-emission plug-in vehicles. Details shall be submitted to and approved by the Local Planning Authority prior to the development in any phase or sub-phase reaching damp proof course level, provided in accordance with the approved details prior to first occupation and maintained as such thereafter.

Reason: To provide for low emission vehicles and a lower carbon footprint.

- (16) No residential dwelling shall be occupied in the first phase or sub-phase of development until a detailed Travel Plan for that phase or sub-phase has been submitted to and approved in writing by the Local Planning Authority. The agreed Travel Plan measures shall be implemented within three months of first occupation of any building in any phase or sub-phase hereby permitted and thereafter retained. The Travel Plan should include the following:
- a) Setting objectives and targets
 - b) Measures to promote and facilitate public transport use, walking and cycling.
 - c) Promotion of practises/facilities that reduce the need for travel.
 - d) Monitoring and review mechanisms.
 - e) Travel Plan co-ordinators and associated support.
 - f) Provision of travel information.
 - g) Marketing.
 - h) Timetable for the implementation of each element.

Reason: In order to realise a sustainable pattern of development in the area.

- (17) Communal areas of the site and estate roads shall be submitted for approval by the Local Planning Authority. Such a plan should include the following:
- * The areas within the scope of the management plan and the maintenance requirements of these;
 - * Method and works schedule for maintaining communal areas and estate roads;
 - * Details of the parking control measures to be implemented within estate and access roads;
 - * Details on the enforcement of parking control measures;
 - * The setting up of an appropriate management body;

* The legal and funding mechanism(s) by which the long term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery; and

* Ongoing monitoring of implementation of the plan.

The approved plan will be implemented in full accordance with the approved details and retained in operation thereafter.

Reason: To ensure the amenity of residents and the character and appearance of the development.

- (18) Prior to the commencement of development in any phase or sub-phase a sustainable surface water drainage scheme for that in phase or sub-phase, shall have been submitted to and approved in writing by the Local Planning Authority. The surface water scheme should be compliant with the Non-Statutory Technical Standards for Sustainable Drainage (March 2015) and shall prevent the discharge of surface water onto the highway. There shall be no provision for infiltration of surface water into the ground unless it has been demonstrated that there will be no risk to controlled waters. The scheme should also include details for the provision of long term maintenance of all surface water drainage infrastructure in any phase or sub-phase. The scheme shall be implemented in accordance with the approved details prior to first occupation of any thereafter.

Reason: To prevent flooding by the ensuring the satisfactory storage and disposal of surface water from the site. Details are required prior to commencement in any phase or sub-phase to maximise the options that are available to achieve a sustainable drainage system. Infiltration of surface water into contaminated ground has the potential to impact on surface water quality and pose unacceptable risks to controlled waters.

- (19) Prior to the commencement of development in any phase or sub-phase details of facilities, by which vehicles will have their wheels, chassis and bodywork cleaned so as to be free of mud and similar substances at the application site, details of construction vehicle loading/unloading and turning facilities and details of parking facilities for site personnel and visitors during construction phase for that phase or sub-phase shall be submitted to approved in writing by the Local Planning Authority. The approved facilities shall be provided prior to construction work in any phase or sub-phase commencing on site and maintained as such in an effective working condition and used before vehicles exit the site and enter onto the adopted highway for duration of the construction works.

Reason: To ensure that no mud or other material is taken from the site on to the neighbouring highway by wheels of vehicles leaving the site to the detriment of highway safety and the amenities of local residents and to ensure that adequate space is available on site to ensure construction phase can be carried out without a detrimental impact on highway safety and local amenities. Details are required prior to commencement in any phase or sub-phase to avoid unacceptable implications during the construction phase.

- (20) Prior to development commencing in any phase or sub-phase, a scheme for the enhancement of biodiversity on in that phase or sub-phase shall have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall take account of any protected species that have been identified on the site, shall include the enhancement of biodiversity through integrated methods into the design and appearance of the dwellings by means such as swift bricks and bat tubes or bricks and in addition shall have regard to the enhancement of biodiversity

generally. It shall be implemented in accordance with the approved proposals prior to first occupation of dwellings in any phase or sub-phase and shall be maintained in perpetuity.

Reason: To protect and enhance existing species and habitat on the site in the future and ensure that the enhancement methods can be successfully implemented prior to, during or after completion of the any phase or sub-phase of the development. This information is required prior to commencement of development in any phase or subphase as any site works have the potential to harm any protected species present.

- (21) Prior to the commencement of development a phasing plan that indicates the number of phases within the residential development, the number and type of residential units proposed in each phase, projected commencement dates for each phase and a timescale for the completion of each phase shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the redevelopment of the residential element of this development shall be undertaken in accordance with the approved phasing plan.

Reason: No details relating to the phasing of the residential development have been submitted and these details are required prior to commencement as in the absence of such details the residential element of the development could potentially be harmful to the character and appearance of the surrounding area and residential amenity.

- (22) Construction of any phase or sub-phase development shall not commence until details of the proposed means of foul drainage for that phase or sub-phase have been submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water.

Reason: To avoid pollution of the surrounding area and required prior to commencement of development in any phase or sub-phase due to the means of foul drainage suggested in the planning application and the implications this may have on the layout of the development.

- (23) The details submitted pursuant to condition 1 shall show all buildings to have a minimum set back of 7m from the front (northern) boundary of the site.

Reason: To ensure a satisfactory appearance to the development in its context.

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

Transport Statement, 1:1250 Site Location Plan, Drawing number 2353/1/- (Block Plan) (Indicative Only) - Matters relating to point of access only.

Reason: For the avoidance of doubt and in the interests of proper planning.

INFORMATIVES

- (1) A formal application for connection to the public sewerage system is required in order to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk

- (2) Should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site.

The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk

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

- (4) Planning permission does not convey any approval for construction of the vehicular crossings, or any other works within the highway, for which a statutory licence must be obtained separately. Applicants should contact Kent County Council Highways (www.kent.gov.uk or 03000 41 81 81) for further information.

Case Officer: Rachael Elliott

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

REPORT SUMMARY

REFERENCE NO - 15/510179/OUT			
APPLICATION PROPOSAL Outline application (All matters reserved) for redevelopment with up to 65 dwellings and associated vehicular and pedestrian access, car and cycle parking, street and external lighting, main services, bin stores and other ancillary development.			
ADDRESS 5 Tonbridge Road Maidstone, Kent, ME16 8RL			
RECOMMENDATION GRANT OUTLINE PLANNING PERMISSION SUBJECT TO PRIOR COMPLETION OF AN APPROPRIATE LEGAL MECHANISM AND CONDITIONS.			
SUMMARY OF REASONS FOR RECOMMENDATION			
<ul style="list-style-type: none"> - The loss of the employment use of the site is on balance thought acceptable and significant weight is attached to the sites allocation for housing in the emerging local plan and contribution that the new housing will make to the 5 year housing supply. - The highways impacts associated with the development would be similar to the existing/potential employment use of the site and the development would be acceptable in highways terms. - Suitably worded conditions on an outline approval and the consideration of the reserved matters at the detailed application stage would seek to maximise the positive benefit from the removal of existing buildings and to ensure that the replacement buildings are in keeping with the character and appearance of the area. Other potential harm can be mitigated through conditions and detailed design, including a study of ground contamination, air quality and noise. 			
REASON FOR REFERRAL TO COMMITTEE			
The application has been called in by Cllr Harper to enable public debate on issues such as the impact on the highway, loss of employment use and impact on neighbouring residential properties. The application is a departure from the adopted Local Plan.			
WARD Fant Ward	PARISH/TOWN COUNCIL N/A	APPLICANT Corbens Place Ltd AGENT C.F. Thurlow Planning Consultant Ltd	
DECISION DUE DATE 07/03/16	PUBLICITY EXPIRY DATE 11/07/16	OFFICER SITE VISIT DATE 21/12/16	
RELEVANT PLANNING HISTORY (inc. appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
9 Tonbridge Road			
15/504719/LDCEX	Lawful development certificate (Existing) - Open A1 Retail use of the land and buildings.	Permitted	3/6/15
15/506273/DEMR EQ	Prior notification of proposed demolition: Single storey building divided into 2 retail units, 2-storey building with shop on ground floor and offices on first floor and single storey outbuildings.	Prior approval not required	1/9/15

Units 4/5			
09/2236	Erection of a single storey side extension to an existing storage and distribution building	Permitted	29/1/09
04/1104	<p>Extension of existing warehouse building for use for purposed within Class B8.</p> <p><i>(1) The proposed development, due to its height and proximity to the site boundary, would result in overshadowing of the rear garden area of the adjacent dwelling 12 Rowland Close and would have an overbearing impact upon that property resulting in an unacceptable loss of amenity to occupants of the dwelling, contrary to policy ENV2 of the Maidstone Borough-Wide Local Plan 2000 and policy ENV15 of the Kent Structure Plan 1996</i></p>	Refused	5/8/04
04/0267	<p>Extension of existing warehouse building for use for purpose within class B8.</p> <p><i>(1) The proposed development, due to its size and proximity to the site boundary, would result in overshadowing of the adjacent residential property 16 Rowland Close and its rear garden area and would have an overbearing impact upon that property resulting in an unacceptable loss of amenity to occupants of the dwelling, contrary to policy ENV2 of the Maidstone Borough-Wide Local Plan 2000 and policy ENV15 of the Kent Structure Plan 1996.</i></p>	Refused	6/4/04
03/1774	<p>A change of use to storage and servicing of taxis and passenger carrying vehicles with ancillary offices and the installation of a second new window.</p> <p><i>(1) The proposed change of use to the storage and servicing of taxis and passenger carrying vehicles would be likely to generate an unacceptable level of noise and lead to a worsening of air quality to the detriment of occupiers of surrounding residential properties. As such the proposal is contrary to policy ENV15 of the Kent Structure Plan 1996, policies QL1 and FP5 of the Kent and Medway Structure Plan: Deposit Plan Sept 2003 and policies ENV1, ENV2 and ENV4 of the Maidstone Borough-Wide Local Plan 2000.</i></p>	Refused	7/1/04

02/1298	Demolition of existing buildings (3 no.) and the erection of 2 no. industrial units for use class B1c/B8 of 234 sqm each (units 1 and 2); use of unit 3 (existing) for use class B1c/B8 use; use of area to east of access drive for open storage in association with adjoining plant hire premises.	Permitted	9/12/02
5 Tonbridge Road			
15/503951/DEMREQ	<p>Prior notification of proposed demolition of a single storey building divided into 2no retail units, a separate 2 storey shop with office above, range of single storey outbuildings.</p> <p><i>The application is lacking in a satisfactory scheme of restoration, with the proposed stockpiling of crushed materials to a potential height of 7m causing particular concern for the visual amenities of the locality. In the absence of any certainty as to how long the site would remain in this condition, the Local Planning Authority is of the opinion that prior approval for this element of the works is required.</i></p>	Prior approval required	16/6/15
11/0648	Alterations to elevations and change of use of vacant storage building to A1 retail associated with use of 5 Tonbridge Road and external works including cladding and replacement windows.	Permitted	27/6/11
81/0981	Reformation of entrance	Permitted	22/7/81
01/1641	<p>Conversion of first floor from offices to 1 no. flat.</p> <p>(1)The proposed change of use would result in the loss of commercial floorspace in a designated area of existing economic activity, contrary to Policy ED2 of the Maidstone Borough-Wide Local Plan 2000 and Policy ED1 of the Kent Structure Plan 1996.</p> <p>(2) Due to the close proximity of the proposed habitable rooms to the main road, the proposed accommodation would not provide a satisfactory standard of residential amenity, contrary to Policies ENV2, ENV4 and H23 of the Maidstone Borough-Wide Local Plan 2000 and Policy H2 of the Kent Structure Plan 1996.</p>	Refused	11/12/01

5A Tonbridge Road			
87/0252	Change of use from first floor residential flat to office accommodation.	Permitted	10/7/87
5, 7 & 9 Tonbridge Road			
07/1637	Demolition of existing commercial buildings and redevelopment to provide for replacement storage and distribution premises with ancillary offices trade counter and parking	Permitted	1/10/07
87/1195	Erection of building to provide a builders merchants showroom with associated wholesale and retail use.	Permitted	1/12/87
85/1592	Erection of storage building, warehouses and administrative offices	Permitted	9/1/86
81/0403	Outline application for erection of storage and warehouse buildings and admin. offices. Existing site and buildings used as building merchants, storage and showrooms	Permitted	10/5/81
75/0398	Fireplace slabbing shop, toilet and office.	Permitted	18/6/75

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The application site relates to an area of land located to the south of Tonbridge Road. Measuring approximately 0.77ha in area, the site has two existing access points from Tonbridge Road to the north of the site. The site lies to the west of Maidstone West railway station and contains a number of existing commercial buildings. The buildings on the site vary in size and appearance, although they do not exceed 2-storeys in height. The site is irregular shaped with the site at its widest in the centre of the site and goes into a point at the southern tip of the site. The site is on various levels with a fall in ground level from north to south and there are land level changes east to west. Existing retaining walls and building design take advantage of the site levels.
- 1.02 There are five distinct groups of buildings and a number of different commercial occupiers. Buildings fronting Tonbridge Road are currently in retail use, occupied by a fireplace shop and a golf shop. The area in the centre of the site is occupied by a taxi firm, including use for storage and repairs. FPS distribution occupies the lower section of the site and the extreme south of the site is used as a vehicle garage. All the site is currently occupied however should the application be successful all existing uses would need to vacate the site and all buildings would be demolished (a prior notification application for the demolition has been approved).
- 1.03 The railway line adjoins the site and curves around the site to the south and east. To the east of the site number 3 Tonbridge Road is an existing 3 storey building which benefits from a prior notification application for conversion to residential. This adjoining site is also the subject of a current planning application for demolition of existing buildings and the construction of a residential redevelopment. There is

currently a large area of hardstanding to the rear of the existing building. To the west of the site sited on higher ground and fronting Tonbridge Road is a large building providing the Vines Medical Practice with residential properties to the rear. The cul-de-sac of Rowland close adjoins the site to the south-western corner. The properties opposite the site in Tonbridge Road are in a mix of uses, with many converted to residential use.

- 1.04 The site is outside a conservation area, with the nearest listed buildings approximately 100 metres to the east and west of the site. There are no protected trees or landscape designations on the site.

2.0 PROPOSAL

- 2.01 The proposal seeks outline planning permission for up to 65 dwellings, with all matters (access; appearance; landscaping; layout and scale) reserved for future consideration.

- 2.02 The submitted indicative plans demonstrate that adequate layout and access can be provided for a development accommodating the number of residential units that are proposed. The number of units has been reduced from 83 as originally proposed to seek to protect neighbouring and visual amenity.

2.02 Indicative access

The indicative plans show a single point of access into the site. This access is shown from Tonbridge Road and utilises the existing southern access. The submitted planning application is accompanied by a Transport Statement. The indicative road layout shows a road along the eastern boundary of the site (adjoining number 3 Tonbridge Road), with spurs leading to undercroft parking and the individual dwellings to the southern part of the site.

2.03 Indicative layout

The plans show the site divided into two distinct character areas. These areas consist of higher density flats in a multi storey building on the northern part of the site fronting Tonbridge Road and four terraces and two pairs of semi-detached dwellings to the south of the site.

2.04 Indicative scale

The flatted block is shown as up to 6 storeys in height and the proposed dwellings are shown to be a mix of 2 and 2.5 storeys in height.

- 2.05 The application is also accompanied by an Energy Statement, Phase 1 Geo-environmental Assessment, Air Quality Assessment, Noise and Vibration Assessment, Flood Risk Statement and Archaeological Report.

3.0 PLANNING CONSTRAINTS

Potential Archaeological Importance TQ75NE022

Air Quality Management Area (AQMA)

Employment Retention (Policy ED2)

Within Maidstone Urban Settlement Boundary

4.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Development Plan:

Maidstone Borough Wide Local Plan 2000

Policy ENV6 : Landscaping, Surfacing and Boundary Treatment

Policy ENV7: Riverside Zone of Special Townscape Importance (Adjacent to,
boundary along eastern boundary)

Policy T1 : Transport strategy

Policy T2 : Public Transport Preference Measures

Policy T3 : Public Transport for Substantial Developments

Policy T7 : Safeguarding Railway Lines

Policy T13 : Parking Standards

Policy T23 : Need for Highway/Public Transport Improvements

Policy ED2 (xxiii) : Retention of Employment sites

Policy CF1 : Seeking New Community Facilities

Affordable Housing DPD 2006

Open Space DPD 2006

Maidstone Borough Local Plan (submitted version) May 2016

Policy H1 (14) : Housing allocations – American Golf, Tonbridge Road, Maidstone

Policy DM1 : Principles of good design

Policy DM2 : Sustainable design

Policy DM4 : Development of brownfield land

Policy DM5 : Air quality

Policy DM11 : Housing mix

Policy DM12 : Density of housing development

Policy DM13 : Affordable housing

Policy DM22 : Open space and recreation

Policy DM23 : Community facilities

Policy DM24 : Sustainable transport

Policy DM25 : Public Transport

Policy DM27 : Parking standards

Policy ID1 : Infrastructure Delivery

Other documents:

Kent Design Guide Review: Interim Guidance Note 3: Residential Parking

5.0 LOCAL REPRESENTATIONS

5.01 Adjoining neighbours were notified of the application as originally submitted. A site notice was also put up at the site. 11 objections have been received in response to the original consultation which are summarised as follows:

- Overlooking and loss of privacy
- Lack of parking provision and traffic problems
- Loss of tree and landscaping
- Layout and density of proposed building and the overdevelopment of the site
- Overshadowing
- Documents not provided to assess all issues
- Extension to storage building previously refused

- Loss of light
- Loss of employment land
- Lack of access for emergency vehicles
- Noise and light pollution
- Increase pressure on doctors and schools
- Potential increase in crime
- Impact on Listed Building and Conservation Area, opportunity to improve the site.

Following re-consultation one additional letter of representation has been received objecting primarily in relation to highways and parking

6.0 CONSULTATIONS

6.01 Crime prevention design advisor

(16/9/16) : The applicant /agent has not addressed crime prevention in their Design and Access Statement. The application is for outline planning approval however if crime prevention measures are not addressed and outline planning is given approval without a planning condition then the opportunities for designing out for crime will be missed which in turn could have a huge impact on sustainability of the future development.

(28/6/16) : I have met with Chris Thurlow and he will be submitting an application for (Secured By Design) if the development is given planning approval.

6.02 Network Rail

(8/1/16) : The developer/application must ensure that the proposal during construction and after completion does not affect Network Rail land. Comments outline a number of aspects and works that should be resisted.

(7/7/16) : No further comments

6.03 Southern Water

(11/1/16) : Comments outline matters relating to surface and foul drainage, highlight location of existing pipe work and the consents that would be required prior to development. Suggest conditions and informatives. In principle the site would appear to be able to accommodate the surface and foul water drainage needs for the proposed development.

(11/7/16) : No objection and original comments remain

6.04 Southern Gas Networks

(14/1/16) : The comments provide a plan showing the location of the pressure main and outlines the works that should not be carried out and the safety precautions.

6.05 Trees and landscape Officer

(4/1/16) : There are no protected trees on, or immediately adjacent to, the development site and there are no significant trees which pose a constraint to the proposal. Whilst I therefore raise no objection on arboricultural grounds, I am

concerned about the lack of space along the Tonbridge Road frontage to the north of the site to achieve a planting scheme to improve the amenity of the street scene.

(12/7/16) : I would only add that the revised layout is an improvement on the previous scheme in relation to the improved extent of soft landscaping along the Tonbridge Road frontage.

6.06 Environmental Health Officer

(21/12/15) : If you are minded to grant permission we would need to ensure that the mitigation measures given in the acoustics report were fully implemented. The measures include high performance acoustic double glazing, enhanced insulation to ceilings and an acoustic fence. The exact mitigation scheme cannot be produced without the exact proposed site layout being known.

In terms of the Phase I con land report, it indicates the presence of contamination on the site, and we would therefore wish to see a full intrusive investigation and a remediation strategy based on its findings.

The air quality assessment included with the application is completely inadequate as it provides no new information, either modelled or monitored, about air quality at the site, but simply refers to a diffusion tube 1.6km away. The site is in an Air Quality Management Area and approximately 100 metres from an air quality hotspot area, and therefore we would require a proper air quality assessment undertaken by a competent person in accordance with current guidelines and best practice. The assessment should contain

- 1) An assessment of air quality on the application site and of any scheme necessary for the mitigation of poor air quality affecting the residential amenity of occupiers of this development.
- 2) An assessment of the effect that the development will have on the air quality of the surrounding area and any scheme necessary for the mitigation of poor air quality arising from the development.

(19/7/16) , I would not consider the air quality assessment submitted previously to be adequate, as they have done neither modelling or monitoring to indicate the air quality which receptors will experience on site. Some of the properties, at least, are likely to need mechanical ventilation in order to achieve reasonable noise levels inside. I think it would be sensible if the ventilation scheme was designed to with both noise and air quality in mind. It must be capable of purge ventilation, and the noise of the system itself must be taken into account when designing the noise mitigation scheme.

We would also request onsite mitigation and the installation of EV charging points.

6.07 KCC Archaeological Officer

(19/7/16) : The site of the application lies close to, or contains, a Roman cemetery. Although there have been some targeted archaeological investigations towards the southern end of this site, I recommended the need for some specialist assessment of the archaeological potential and the extent of previous works on site. The applicant commissioned Wessex Archaeology to produce a Desk based Assessment. The DBA provides a useful account of the archaeological potential and is actually

extremely thorough. The report is possibly a bit too wide ranging but it does contain helpful information.

The Wessex DBA highlights that the site has archaeological potential associated with the Romano-British activity, especially a possible cemetery. The report also highlights that the site has been utilised before but details of existing ground disturbance is not clear. It is also noted that the site has been subject to some archaeological trenching and the results were negative.

Taking this information into consideration I suggest that there is still potential for archaeological remains to be impacted by the proposed development but a targeted programme of archaeological work, building on what is already known, would be appropriate. As such I recommend a condition is placed on any forthcoming consent:

6.08 **MBC Parks Officer**

(2/2/16) It is clear this development offers no opportunity for provision of formal public open space on-site.

It also exceeds the threshold number of dwellings that makes the development eligible for an off-site contribution.

We would therefore request an off-site contribution of £13,0725 from the developer the calculation for which is 83 units @ £1575 per unit.

The cost per dwelling is as set out in the 'Supplementary Planning Guidelines' and using Fields in Trust (the former National Playing Field Association) guidelines and cost for the provision of outdoor playing space.

The contribution would be used for the enhancement, maintenance and renewal of facilities across Green Space Amenity and Play Areas within a one mile radius of the development.

The contribution would be used for the enhancement, increased maintenance and renewal across the 8 types of green space within 1 mile of the proposed development.

The following 8 types of green space are defined in the Open Spaces Development Plan Document 2006:

1. Parks and Gardens
2. Natural and semi-natural areas
3. Amenity Green Space
4. Provision for Children and Young People (Equipped Play)
5. Green Corridors
6. Outdoor Sports Facilities
7. Allotments and Community Gardens
8. Cemeteries and Graveyards

Claire Park is located within 1 mile of the application site. The contribution requested above would be used towards the resurfacing of the MUGA (Multi Use Games Area), tennis courts and pathways within Clare Park as well as improvements to the bowls green which could include the green itself and its surrounds.

6.09 **Kent Highways**

(1/2/16) I accept the transport analysis that has been undertaken with respect to potential trip generation of the site (not requiring planning permission) and that of the development proposals and agree that there are no highway grounds to refuse this application in terms of net trips.

Whilst the parking provision proposed is over 90% of the maximum recommended for a town centre location, I note that the swept path analyses of refuse and emergency vehicles accessing the site is reliant on no on street parking on the access road.

Due to the proximity of Maidstone West railway station it is considered important that some regime of on street parking enforcement is provided to prevent obstruction and maintain efficient operation of the access road. It would be helpful to understand if it is intended to offer this road for adoption or if some form of private enforcement could be guaranteed through a condition.

I also note that the swept path access into the site is shown from the off-side of the A26 when heading westbound. It would be helpful to understand what the swept path analysis would be from the nearside lane of the A26 and from a central position on this one-way road.

(4/7/16) I am grateful for the additional swept path analyses provided. I note that a new Transport Statement has been submitted. From my response of 1 February however I would be grateful if confirmation could be given regarding the intended status of the access roads proposed. This is related to the need for parking enforcement (adjacent to Maidstone West station) to ensure larger vehicles can operate/access effectively. It would further be helpful if cross sections of the site could be provided particularly with regards to the access ramp proposed (gated entrance to car park).

7.0 BACKGROUND PAPERS AND PLANS

Planning Application Supporting Statement dated June 2016
Design and Access Statement Issue 4 dated June 2016
Ensphere Energy Statement
Flood Risk Statement dated November 2015
Noise and vibration assessment dated 3 December 2015
Transport Statement dated June 2015
Phase 1 Geo-Environmental Assessment dated December 2015
Air Quality Assessment dated December 2015
Historic Environment Desk-Based Assessment

Drawing no. 3930-OPL-001 Rev B (Site location plan)
Drawing no. 3930-OLP-0100 Rev B (Existing Site Plan)
Drawing no. 3930-OLP-1000 Rev E (Illustrative Site Plan)
Drawing no. 3930-OLP-1001 Rev E (Illustrative Plans Level 1 & Level 2)
Drawing no. 3930-OLP-1002 Rev E (Illustrative Plans Level 3 & Level 4)
Drawing no. 3930-OLP-1003 Rev E (Illustrative Plans Level 5 & Level 6)
Drawing no. 3930-OLP-1004 Rev E (Illustrative Plans Roof Plans)

8.0 APPRAISAL

Principle of Development

- 8.01 The main considerations relate to the loss of the existing employment uses, the suitability of the site to accommodate residential accommodation

Loss of the existing employment uses

- 8.02 The application site is within the urban area of Maidstone and is identified in the MBWLP 2000 as a site for B1 employment (business use) retention. Policy ED2 of the Local Plan sets out that :

‘Planning permission will not be granted to redevelop or use vacant business, industrial, storage or distribution sites or premises for non-employment purposes unless the retention of the site or premises for employment use has been explored fully without success.’

This identified allocated area covers the land west of Maidstone West station, the buildings at 1, 3 and 5 Tonbridge Road and the former MBC Council Offices at 13 Tonbridge Road. Since the adoption of the Local Plan in 2000 13 Tonbridge Road has been redeveloped to provide a medical centre to the front of the site and 10 dwellings to the south (application reference 11/1078). The site at 3 Tonbridge Road benefits from an extant consent for the conversion of the building to offices and 9 flats through a prior notification application (16/501842). The use of the building at 1 Tonbridge Road remains as offices.

- 8.03 As described in paragraph 1.02 of this report, the application site is currently occupied by a number of commercial businesses, including retail, distribution, car repairs and office uses. As set out by the Use Classes Order, these existing uses are within use classes A1 (retail), B1 (business), B2 (general industrial) and B8 (storage and distribution) use classes. Whilst the existing sites do provide employment uses, the use identified for retention by policy ED2 (B1 – business) is not currently the main use on the site. The planning statement submitted in support of the application sets out that the application site supports a total of 28 employees. With the size of the site, there is a relatively low employment density and it is considered that the current layout and uses do not make efficient use of the land on the application site.

- 8.04 The submitted application provides the following evidence in support of the proposal and the loss of the existing employment uses:

- Local Plan policies are out of date
- Other sites have been redeveloped that are not in accordance with policy ED2
- Lawful A1 retail uses to the front of the site
- Site allocated for housing in the emerging Local Plan
- Existing businesses could relocate elsewhere.
- Indications from one tenant that larger floorspace is required due to the expansion of the business and another is considering retirement.
- The existing premises are unlikely to be attractive to future occupiers.

More recent information from the agent suggests that the site largest employer is also looking to relocate away from the away from the site for the following reasons:

‘The anchor tenant on the site, FPS a motor parts distributor, has announced they will be leaving when their current lease expires. The reason is that neighbouring residential properties complain about noise from their units on site. FPS also have problems with large vehicles delivering to their premises having difficulty manoeuvring in the site.’

- 8.05 The council in providing agreement to the emerging Local Plan has also agreed to the loss of employment uses on the application site with the allocation of the site in the draft Local Plan to provide residential accommodation. It is considered that the loss of the employment uses is acceptable as a result of the information provided above about the long term suitability of the site to provide sustainable employment use and the allocation of the site for residential purposes.

Existing accommodation

- 8.06 The layout of commercial premises on the application site is sporadic; it is limited by existing buildings, level differences and the shape of the site. The current buildings have grown organically to meet the needs of current occupiers. The car repair use to the south of the site (abutting the railway line) is an example of the awkward arrangement of existing uses.

The FPS distribution use is the largest single occupier on the site currently occupying 3 large buildings to the centre and western boundary. The site planning history shows this business has expanded since the adoption of the council's existing Local Plan. The accommodation used by FPS is probably the best quality on the site, however the floor space is constrained by neighbouring development and the internal layout of the site.

- 8.07 The buildings fronting Tonbridge Road appear to provide suitable accommodation for the existing retail and office uses; however some upgrading would appear necessary. The buildings to the rear of the frontage buildings are older buildings that have ad hoc occupation with no room for expansion and limited again by access and neighbouring uses. No buildings on the site are considered worthy of retention and the applicant can currently lawfully demolish the existing buildings after submitting a prior notification to the council (August 2015).

Neighbouring uses

- 8.08 The character of the area surrounding the application site has changed significantly since the Local Plan was adopted in 2000. There has been a significant shift from commercial accommodation to residential uses, especially in this town centre location. Previous applications have also permitted residential development to the west of the application site (on land designated as employment retention under Policy ED2).
- 8.09 Central government have relaxed the legislation that controls the change of use to residential use and this has resulted in a rise in the conversion of B1 office space to residential use. As a result of these changes the existing commercial uses on the application site are less compatible with neighbouring uses. Complaints have been received regarding noise and disturbance from the existing uses on the application site and due to the nature and age of the planning permissions there is little restriction on the existing uses in term of planning conditions.
- 8.10 In conclusion the identified allocation of the site set out in the MBWLP dates from 2000, the prevailing character of the site and its surroundings has significantly altered since this time. The protection through policy ED2 has been significantly undermined in this town centre location by changes in demand, expectations and legislation. The site provides limited employment relative to the land area and existing commercial uses are keen to relocate due to their expansion needs and incompatibility with neighbouring uses.

- 8.11 Moving forward the emerging Local Plan has now been submitted to the Planning Inspectorate and this plan is considered to carry significant weight. The emerging plan does not seek the retention of employment uses on the application site. The emerging plan allocates the application site for residential use (together with the land to the east (3 Tonbridge Road) and land opposite (8 Tonbridge Road)). The site allocation and other listed factors demonstrate the shift away from employment retention on the application site and provide a significant material consideration to justify a departure from Policy ED2 of the Local Plan.

Principle of residential development

- 8.12 The site is within the urban area of Maidstone, as defined in the adopted and emerging local plans. The site is considered to be in an extremely sustainable location and subject to consideration of all other material considerations residential development on the site is supported.
- 8.13 As set out in the core principles of the NPPF development of brownfield site should be encouraged, with the NPPF advising *'encourage effective use of land by reusing land that has been previously development (brownfield land), provided that it is not of high environmental value.'*
- 8.14 Policy DM4 of the emerging Local Plan states that *'Proposals for development on previously developed land (brownfield land) in Maidstone urban area....that make effective and efficient use of land and which meet the following criteria will be permitted :*
- i) *The site is not of high environmental value; and*
 - ii) *If the proposal is for residential development, the density of new housing proposals reflects the character and appearance of individual localities, and is consistent with policy DM12 unless there are justifiable planning reasons for a change in density.'*
- 8.15 Policy H1 (14) of the emerging Local Plan allocates the site for development of approximately 60 dwellings. The allocation is subject to the detailed consideration of design/layout, access, noise, air quality, land contamination and highways/transportation. Each of these issues is discussed later in the report.
- 8.16 Overall it is considered that significant weight can be attached to the emerging allocation for residential development within the new Local Plan. With the application site on brownfield land, not being of high environmental value and the sustainable location of the site within the Maidstone Urban Area the principle of development of the site is accepted subject to the following detailed consideration.

Residential density

- 8.17 Policy DM4 of the emerging Local Plan sets out that the density of new development should reflect the character and appearance of the locality. Policy DM12 set out that *'At sites within and close to the town centre new residential development will be expected to achieve net densities of between 45 and 170 dwellings per hectare.'* Policy H1 (14) in allocating the site suggests an approximate density of 75 dwellings per hectare with an allocation of approximately 60 dwellings on the site.
- 8.18 The submitted outline scheme proposes up to 65 dwelling on the application site. This would equate to a density of 84 dwellings per hectare. The number of units has been reduced from a higher density of 108 dwellings per hectare, reducing the number of units from 83 to 65. This amendment was sought to protect the amenity of

neighbouring residents and ensure that a satisfactory number of units could be accommodated on the site.

- 8.19 It is considered that the revised residential density achieves the necessary balance between making most efficient use of the land and assimilation with the character and appearance of the area.

Residential mix

- 8.20 Paragraph 50 of the NPPF set out that *'To deliver a wide choice of high quality homes, widen opportunities for home ownership and create sustainable, inclusive and mixed communities, local planning authorities should : Identify the size, type, tenure and range of housing that is required in particular locations, reflecting local demand.'*
- 8.21 Policy DM11 of the emerging Local Plan re-iterates this requirement and seeks to use the Strategic Housing Market Assessment (SHMA) 2015 to inform and determine house sizes and mix.
- 8.22 Whilst the current application is in outline form with all details indicative, the application provides an indicative dwelling mix. This proposal would provide 41 flats and 24 houses. The mix includes 6 no. 1 bedroom units, 38 no. 2 bedroom units, 4no. 3 bedroom units and 16 no. 4 bedroom units with the mix of dwelling sizes for the proposed houses and flats set out in the table below:

Table 1: Indicative residential dwelling mix

Number of bedrooms	Square metres	No. of flats	No. of houses
1	50	6	
2	61	12	
2	65	5	
2	70	12	4
2	76	3	
2	79		2
3	76	1	
3	86	2	
3	92		1
4	124		10
4	194		6
TOTAL		41	24

- 8.23 The indicative plans show a mix of unit sizes and highlight the ability to provide a mix of dwelling sizes on the application site. It is considered that the submitted information and indicative plans have successfully demonstrated that the development can provide accommodation to meet local need as identified within the Strategic Housing Market Assessment.

Affordable housing

- 8.24 Chapter 6 of the NPPF promotes the delivery of a wide range of high quality homes, this includes at paragraphs 47 and 50 the provision of affordable housing. The Council's adopted Affordable Housing Development Plan Document (DPD) sets out at policy AH1 the requirement for affordable housing relating to *'housing sites or mixed-use development sites of 15 units or more, or 0.5 hectare or greater'* and

above this threshold 40% of units be provided as affordable accommodation. The application site meets the criteria set out in the DPD in relation to site area and 40% of the 65 dwellings would equate to 26 dwellings.

8.25 Paragraph 2.14 of the DPD sets out :

'the Council is aware that there may be circumstances whereby 40% affordable housing will not be viable if the Councils is expecting a full range of other planning obligations, such as contributions towards open space, highways, education, health, public art, etc. In such cases, the Council will priorities requirements, but the onus will lie with the developer to prove to the Borough Council's satisfaction why a site cannot economically sustain the provision of 40% affordable housing.'

This is reiterated in paragraph 2.16 which states :

'The onus will lie with the developer to prove to the Council's satisfaction why a site cannot meet this requirement.'

Policy AH1 states at point A :

*'The Council will seek to negotiate that a minimum of 40% of the total number of dwellings to be provided shall be affordable housing to meet the identified housing need, **unless the Council is satisfied of the exceptional circumstances that demonstrate that only a lesser proportion can be provided.**'* (Officer's emphasis)

8.26 The developer has sought to demonstrate that the provision of affordable housing on would make the submitted proposal financially unviable. The planning application was accompanied by a viability report and during the assessment of the planning application this viability information has been independently reviewed on behalf of the Council by a third party assessor. The third party assessment agreed with the applicant's report and concluded *'The scheme is unviable as currently presented and cannot provide further contributions to affordable housing'*.

8.27 With the viability information submitted by the applicant and the results of the independent assessment, it is concluded that the proposed development on the application site would not be financially viable if it were to include affordable housing provision.

Visual Impact

8.28 Tonbridge Road varies significantly in character and appearance as it moves out from the town centre and away from Maidstone West Station. Recent redevelopment has changed the character of the area and planned development is likely to affect the character further. Development in the immediate vicinity is generally between 2-4 storeys on the frontage, with higher 6 storey development further eastwards towards the town centre at Broadway Heights. Buildings behind the frontage (in line with south of the site) are predominantly lower 2-storey dwellings.

There is no dominant design, however to the south of the road there is generally a slight set back from the back edge of the footway with vehicular accesses kept to a minimum and minimal frontage landscaping (more recent development has taken into consideration the need to soften the street scene).

8.29 Whilst the existing buildings sit comfortably within the street scene they do not make a significant contribution to the area and the principle of their removal (as identified in

the accepting of the prior notification application for demolition) is considered acceptable.

- 8.30 The proposed development is in outline form and as such matters of scale, appearance and layout are reserved matters. Indicative plans have however been provided to demonstrate that the proposed quantum of development could be provided on the site. This indicates layout and storey heights. No detailed design has been provided at this stage.
- 8.31 The indicative plans show two key character areas within the site, the higher density apartments to the north of the site and the lower density housing to the south of the site. The development and layout to the south generally accords with development on neighbouring sites.
- 8.32 With a change in ground level in Tonbridge Road the application site is at a lower level than the neighbouring medical centre site (3 storeys), but higher than the existing three storey building at 3 Tonbridge Road.

The indicative information that has been submitted states that a building at the front of the site would be six storeys in height. The flatted building would include undercroft parking at the lower level and residential accommodation on the upper floor levels.

Whilst only indicative outline information is available at this stage, in the context of neighbouring development there are reservations about the suitability of a six storey building in this location. Notwithstanding these reservations it is highlighted that the current application is in outline form with all matters (including scale) reserved and the applicant requesting the provision of 'up to' 60 dwellings. It would be for the applicant to demonstrate through the submission of the detailed design at reserved matters stage that the development is in keeping with the character and scale of the surrounding area. This information could include the submission of existing and proposed street scene drawings and how the development would use existing and proposed ground levels.

Air quality

- 8.33 The application site is within the Air Quality Management Area (AQMA). This is designated as an area with poor air quality due to the nature of road networks and traffic movements. The severity of the air quality cascades southwards away from Tonbridge Road itself.
- 8.34 Paragraph 124 of the NPPF states :
- 'Planning decisions should ensure that any new development in Air Quality Management Areas is consistent with the local air quality action plan.'*
- 8.35 Policy DM5 of the emerging local plan sets out :
- 'Proposals located close to identified air quality exceedance areas as defined through the Local Air Quality management process will require a full Air Quality Impact Assessment in line with national and local guidance.'*
- 8.36 The application is accompanied by an Air Quality Assessment. The Environmental Health Officer (EHO) raises concerns regarding the adequacy of the report as it does not include modelling or monitoring to indicate the air quality which would be

experienced on site. The data used is taken from generic monitoring stations rather than from the location of the application site.

- 8.37 Whilst the information on air quality with the outline submission was found to be of poor quality, this can be adequately addressed through the use of planning conditions and a future reserved matters application.

Noise

- 8.38 The application is accompanied by a Noise and vibration assessment. Paragraph 123 of the NPPF sets out :

‘Planning policies and decisions should aim to :

-avoid noise from giving rise to significant adverse impacts on health and quality of life as a result of new development;

-mitigate and reduce to a minimum other adverse impacts on health and quality of life arising from noise from new development, including through conditions;

-recognise that development will often create some noise and existing businesses wanting to develop in continuance of their business should not have unreasonable restrictions put on them because of changes in nearby land uses since they were established;

-identify and protect areas of tranquillity which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason.’

- 8.39 The main issue regarding noise relates to the standard of the proposed residential accommodation. The impact of road noise from Tonbridge Road that carries a significant volume of traffic and the adjacent railway line need to be considered. The submitted report in support of the planning application identifies mitigation measures including high performance acoustic double glazing, enhanced insulation to ceiling and an acoustic fence.

- 8.40 With the exact noise mitigation scheme dependent on the detailed design of the development a planning condition is recommended seeking a detailed mitigation proposal.

Land contamination

- 8.41 The application is accompanied by a Phase 1 Geo-Environmental Assessment which has identified ground contamination on the application site. The assessment recommends that a Phase II intrusive investigation of the land is carried out. With the application site currently occupied and the intrusive nature of the recommended investigation works a planning condition is recommended to seek the completion of this further work.

Residential Amenity

- 8.42 The core principles set out in the NPPF state that planning should *‘always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.’*

Point (iv) of Policy DM1 of the emerging local plan re-iterates this requirement and states proposal shall :

'Respect the amenities of occupiers of neighbouring properties and uses and provide adequate residential amenities for future occupiers of the development by ensuring that development does not result in excessive noise, vibration, odour, air pollution, activity or vehicular movements, overlooking or visual intrusion, and that the built form would not result in an unacceptable loss of privacy or light enjoyed by the occupiers of the nearby properties.'

- 8.43 The main consideration is the impact on the occupiers of the properties in Vine Mews and Rowland Close to the west of the site. Neighbours opposite the site in Tonbridge Road are considered a significant distance away and the property to the east (3 Tonbridge Road) is yet to be converted to residential.
- 8.44 It is considered that the submitted indicative plans demonstrate that the redevelopment of the application site with residential accommodation could take place whilst maintaining adequate residential amenity for neighbouring residential occupiers.

Vehicular Access and Parking

- 8.45 Whilst access is not due to be considered at this stage the indicative plans show access to the north-eastern corner of the site. This would reuse the existing access to Tonbridge Road (as outlined in the draft allocation).
- 8.46 The application satisfactorily demonstrates that safe access could be provided onto Tonbridge Road. The Transport Statement demonstrates to the satisfaction of the Highways Officer that the trip generation of the proposed residential use of the site would be less than existing uses.
- 8.47 The submitted indicative plans show parking provision of 70 car parking spaces, with 5. Spaces for visitors and the other 65 spaces allocated as one space per dwelling. This level of parking provision is considered acceptable for this town centre location.
- 8.48 A concern has been raised by Kent Highways regarding the potential of the access road within the application site to be used as overspill public parking for Maidstone West Railway Station. As a result Kent Highways state that appropriate parking enforcement methods would need to be provided within the application site. A planning condition is recommended to seek the submission and approval of these measures.

Trees, Landscaping and Ecology

- 8.49 The existing site has limited existing tree planting, landscaping or ecology capability. The site is predominantly occupied by buildings or hardsurfacing. There is some overgrown planting along the southwest boundary which appears to be as a result of planning conditions attached to permission to extend the existing distribution building. Other trees exist on the boundary to the east of site within the boundary of 3 Tonbridge Road.
- 8.50 The redevelopment of the site would allow for the enhancement of the site and its improvement in terms of tree planting, landscaping and ecology. The Tree/Landscape Officer raises no objection to the scheme and identifies the reduced number of units and the revised indicative layout allowing for greater opportunity for

landscaping to the front of the site, due to a greater set back from the highway shown.

8.51 Cllr Harwood has made a representation which seeks improvements to landscaping and ecology, requesting that the following is secured by a planning condition:

- Set back from the highway in line with the neighbouring Vines Medical Centre to allow for planting and landscaping to the front of the site.
- Incorporation of swift bricks into the northern and eastern flanks of all the proposed buildings
- Incorporation of bat boxes, tube or tiles.
- Felled wood from trees on the site used for woodpiles to provide hibernation sites for hedgehogs
- Detailed landscaping scheme to maximise hedgerow planting

8.52 It is considered that these requests would be acceptable and could be dealt with by condition in order to improve the site in terms of landscaping and ecological potential.

Developer Contributions

8.53 A development of this scale would place extra demands on local services and facilities and it is important to ensure that, if permitted, the development can be assimilated within the local community. As such, suitable infrastructure contributions to make the development acceptable in planning terms may be sought in line with policy CF1 of the Local Plan and the Council's Open Space DPD.

8.54 Any request for contributions needs to be scrutinised, in accordance with Regulation 122 of the Community Infrastructure Levy (CIL) Regulations 2010. This has strict criteria that any obligation must meet the following requirements: -

- (a) necessary to make the development acceptable in planning terms;*
- (b) directly related to the development; and*
- (c) fairly and reasonably related in scale and kind to the development*

8.55 **Open Space** - With regard to public open space and the Council's adopted DPD, there is not space for on-site provision of Open Space and therefore a commuted sum towards off-site provision is requested. This would equate to £1575 per dwelling towards the resurfacing of the MUGA, tennis courts and pathways within Clare Park as well as improvements to the bowls green which could include the green itself and its surrounds. This is considered necessary and reasonable and would comply with the adopted DPD and pass the CIL tests.

8.56 **Healthcare** - A contribution of £62,136 (members will be updated at the meeting should this figure change to take into consideration the lowered unit numbers) is sought in order to deliver investment in The Vine Practice, Lockmeadow Clinic or The College Practice in order to provide the required capacity that this is directly related to the proposed new housing, which is considered necessary and reasonable and therefore accords with policy CF1 and passes the CIL tests.

8.57 **Education.** KCC has requested a contribution of £2,360.96 per applicable house and £590.24 per applicable flat towards an extension to South Borough Primary to allow permanent expansion to 2 Form Entry and £2,359.80 per applicable house and £589.95 per applicable flat towards Maplesden Noakes 1st Phase of expansion. Evidence has been submitted that the schools in the vicinity are nearing capacity and that the projections over the next few years, taking into account this development and

those permitted, show that capacity would be exceeded. The requested contribution for school expansion complies with policy CF1 of the Maidstone Borough-Wide Local Plan (2000) and the three tests above.

- 8.58 **Libraries** - KCC have identified that there would be an additional requirement for bookstock at local libraries on the basis that the development would result in additional active borrowers and therefore seek a contribution of £48.02 per dwelling. It is considered this request to be compliant with policy CF1 and to meet the tests set out above.
- 8.59 **Community Facilities** A community learning contribution of £30.70 is sought towards portable equipment for the new adult learners in Maidstone. This complies with policy CF1 and the three tests as set out above.
- 8.60 **Youth Services** - A contribution of £8.49 per dwelling towards local youth services is sought towards additional equipment for the new attendees supplied to InfoZone Youth Centre. I consider that this request is justified, compliant with policy CF1 and the three tests as set out above.

Other issues

- 8.61 Policy H1(14) of the emerging local plan encourages a joint development with the Slencrest House (3 Tonbridge Road), which is allocated under policy H1(16). This suggestion was highlighted to the applicant early in the application process. At that time the applicant stated that they had approached the neighbouring owner and was told that the neighbour was not envisaging redevelopment of the neighbouring site at this time. Since this time an application has been registered for 3 Tonbridge Road which seeks to demolish the existing building and erect 21 apartments, this application is currently invalid and is some time of determination. Although a joint development would have been preferred this cannot be insisted upon and each scheme must be considered on its own merits.
- 8.62 The site lies on a site of potential archaeological importance. The applicant has provided a desk based Archaeological Study which the KCC Archaeological Officer is happy with the findings and detail. Subject to a planning condition there is no objection is raised on archaeological grounds.
- 8.63 The application is accompanied by a flood risk statement. This identifies that the site is within Flood Risk Zone 1, which has the least risk. Southern Water have raised no objection and subject to a satisfactory surface water drainage system the scheme is not considered to raise undue issues regarding flooding or drainage.

Public transport and pedestrian improvements

- 8.64 Policy T2 of the Local Plan seeks to develop measures to aid bus and hackney carriage access and Policy T3 requires major developments to provide facilities for public transport. Policy DM24 of the emerging plan seeks to facilitate the delivery of transport improvements and Policy H1 (14) refers to the improvement of pedestrian and cycle links from the site to and through Maidstone town centre.
- 8.65 The application has been discussed with the Council's Planning Policy team and the Council's Consultant Transport Planner. The conclusion of these discussions are that the site is in an extremely sustainable location. The site is in close proximity to Maidstone West Train station (ranging from 50m to 250m), with the route benefiting

from a footpath along Tonbridge Road linking to the station. The town centre is within walking distance and other everyday services (including a doctors, schools and parks) are all within a short distance. Bus stops are located along Tonbridge Road and these provide access to the town centre, hospital, and other towns.

- 8.66 It is considered the key on this site is not to provide additional off-site works, but to ensure that the development itself promotes the use of the sustainable transport available. This could include the provision of secure cycle parking and a travel plan for the site, including measures to promote sustainable transport.

9.0 CONCLUSION

- 9.01 The proposal would result in the loss of land currently designated in the adopted local plan for employment retention. However with the emerging local plan now carrying significant weight, the existing mix of uses and their compatibility with neighbouring uses, the overall changing character of the area and the highly sustainable location of the site it is considered that the provision of housing towards the Council's 5 year housing supply outweighs the employment retention of the site in this case.

- 9.02 Subject to conditions the proposed redevelopment of the site could result in environmental enhancement which would seek to protect existing and future occupiers and the overall character and appearance of the area.

11.0 RECOMMENDATION –

That subject to the prior completion of a Section 106 legal agreement in such terms as the Head of Legal Services may advise to secure the following:

- Financial contribution of £2360.96 per applicable house and £590.24 per applicable flat towards an extension to South Borough Primary to allow permanent expansion to 2 Form Entry.
- Financial contribution of £2359.80 per applicable house and £589.95 per applicable flat towards Maplesden Noakes 1st Phase of expansion.
- Financial contribution of a contribution of £48.02 per dwelling towards additional bookstock required to mitigate the impact of the new borrowers from this development.
- Financial contribution of £30.70 is sought towards portable equipment for the new adult learners in Maidstone.
- Financial contribution of £8.49 per dwelling towards local youth services is sought towards additional equipment for the new attendees supplied to InfoZone Youth Centre
- Financial contribution of £1575 per dwelling towards the resurfacing of the MUGA (Multi Use Games Area), tennis courts and pathways within Clare Park as well as improvements to the bowls green.
- Financial contribution of £62 136 (members will be updated at the meeting should this figure change to take into consideration the lowered unit numbers) is sought in order to deliver investment in The Vine Practice, Lockmeadow Clinic or The College Practice

The Head of Planning and Development be given DELEGATED POWERS TO GRANT outline permission subject to the conditions and informatives set out in the report:

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

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

Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this decision. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved;

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

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

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

- (3) Landscaping details submitted pursuant to condition 1 shall be implemented in the first available planting season following first occupation of the development hereby approved. Any part of the approved landscaping scheme that is dead, dying or diseased within 5 years of planting shall be replaced with a similar species of a size to be agreed in writing beforehand with the Local Planning Authority. The submitted details shall include landscaping to the northern boundary adjacent to Tonbridge Road and maximise native hedgerow planting.

Reason: In the interests of visual amenity.

- (4) Vehicular access pursuant to condition 1 shall be from Tonbridge Road (A26) only and shall provide visibility splays to the satisfaction of the Local Planning Authority which shall be provided and maintained prior to first occupation.

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

- (5) Prior to the development reaching damp proof course level written details and samples of the materials to be used in the construction of the external surfaces, including hard surfaces, of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The materials shall include, inter alia, swift and bat bricks. The development shall thereafter be constructed using the approved materials unless otherwise agreed in writing by the Local Planning Authority;

Reason: To ensure a satisfactory appearance to the development and a high quality of design.

- (6) Prior to the development reaching damp proof course level, details of all fencing, walling, railings and other boundary treatments have been submitted to and approved in writing by the Local Planning Authority, approved details shall be in place prior to first occupation of the relevant residential unit and maintained as such thereafter;

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

- (7) Prior to the development reaching damp proof course level, details of satisfactory facilities for the storage of refuse on the site have been submitted to and approved in writing by the Local Planning Authority, the approved details shall be in place prior to first occupation of the relevant residential unit and maintained as such thereafter;

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

- (8) Prior to the commencement of development details of the proposed slab levels of the buildings and the existing site levels shall 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. These details shall include details any proposed re-grading, cross-sections, retaining walls and other means to facilitate the development.

Reason: In order to secure a satisfactory form of development having regard to the topography of the site. Details are required prior to commencement of development to ensure that no unnecessary altering of levels takes place to accommodate the scheme.

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

Reason: To ensure an energy efficient form of development. Details are required prior to development to ensure the methods are integral to the design and to ensure that all options (including ground source heat pumps) are available.

- (10) No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of
- i archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and
 - ii following on from the evaluation, any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority

Reason: To ensure that features of archaeological interest are properly examined and recorded. Details are required prior to commencement of development to ensure that works do not damage items of archaeological value that may be present.

- (11) Prior to the commencement of development 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.

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

- (12) Prior to first occupation of the development a closure report shall be submitted to and approved in writing by the Local Planning Authority. The closure report shall include full verification details as set out in point 3 of condition 11. The report should include details of any post remediation sampling and analysis, together with documentation certifying quantities and source/destination of any material brought onto or taken from the site. Any material brought onto the site shall be certified clean. Any changes to these components require the express consent of the local planning authority. The scheme shall thereafter be implemented as approved.

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

- (13) Prior to the commencement of the development hereby approved, a scheme to demonstrate that the internal noise levels within the residential units and the external noise levels in back garden and other relevant amenity areas will conform to the standard identified by BS 8233 2014, Sound Insulation and Noise Reduction for Buildings - Code of Practice, shall be submitted to and approved in writing by the Local Planning Authority. The work specified in the approved scheme shall then be carried out in accordance with the approved details prior to occupation of the premises and be retained thereafter

Reason: To protect residential amenity. Details are required prior to commencement as the measures necessary may need to be integral to the design of the development.

- (14) Pursuant to Condition 1 a report, undertaken by a competent person in accordance with current guidelines and best practice, has been submitted to the local planning authority for approval. The report shall contain and address the following:
1. An assessment of air quality on the application site and of any scheme necessary for the mitigation of poor air quality affecting the residential amenity of occupiers of this development.
 2. An assessment of the effect that the development will have on the air quality of the surrounding area and any scheme necessary for the mitigation of poor air quality arising from the development.

Any scheme of mitigation set out in the subsequently approved report shall be fully in place prior to the first occupation of the building and maintained as such thereafter.

Reason: To protect air quality and the amenity of future residents. Details are required prior to development as the content of the report may inform design and layout.

- (15) Prior to the commencement of development a calculation of pollutant emissions costs from the vehicular traffic generated by the development should be carried out and submitted to and approved in writing by the Local Planning Authority. The calculation should utilise the most recent DEFRA Emissions Factor Toolkit and the latest DEFRA IGCB Air Quality Damage Costs for the pollutants considered, to calculate the resultant damage cost. The calculation should include the following:
- Identifying the additional vehicular trip rates generated by the proposal (from the Transport Assessment);
 - The emissions calculated for the pollutants of concern (NO_x and PM₁₀) [from the Emissions Factor Toolkit];
 - The air quality damage costs calculation for the specific pollutant emissions (from DEFRA IGCB);
 - The result should be totalled for a five year period to enable mitigation implementation.
 - The calculation is summarised below:
Road Transport Emission Increase = Summation [Estimated trip rate for 5 years X Emission rate per 10 km per vehicle type X Damage Costs]
The pollution damage costs will determine the level of mitigation/compensation required to negate the impacts of the development on local air quality.

Reason: To ensure that the development does not exacerbate poor air quality and provide mitigation. Details are required prior to commencement to ensure that adequate compliance and implement methods can be provided.

- (16) Prior to the commencement of development a scheme detailing and where possible quantifying what measures or offsetting schemes are to be included in the development to reduce transport related air pollution from the development both during the construction phase and when in occupation. The scheme should be submitted to and approved by the Local Planning Authority with the approved scheme implemented in full prior to first occupation of the development and maintained as such thereafter. [The developer should have regard to the DEFRA

guidance from the document *Low Emissions Strategy - using the planning system to reduce transport emissions January 2010.*]

Reason: To ensure that the development does not exacerbate poor air quality and provide mitigation. Details are required prior to commencement to ensure that adequate compliance and implement methods can be provided.

- (17) Provision shall be made for EV “rapid charge” point (of 22kW or faster) and for charge points for low-emission plug-in vehicles. Details shall be submitted to and approved by the Local Planning Authority prior to the development reaching damp proof course level, provided in accordance with the approved details prior to first occupation and maintained as such thereafter.

Reason: To provide for low emission vehicles and a lower carbon footprint

- (18) No residential dwelling shall be occupied until a detailed Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The agreed Travel Plan measures shall be implemented within three months of first occupation of any building hereby permitted and thereafter retained.

The Travel Plan should include the following:

- a) Setting objectives and targets.
- b) Measures to promote and facilitate public transport use, walking and cycling.
- c) Promotion of practices/facilities that reduce the need for travel.
- d) Monitoring and review mechanisms.
- e) Travel Plan co-ordinators and associated support.
- f) Provision of travel information.
- g) Marketing.
- h) Timetable for the implementation of each element.

Reason: In order to realise a sustainable pattern of development in the area.

- (19) Prior to first occupation details shall be submitted to the Local Planning Authority of a scheme for parking enforcement measures within the development. These measures shall be carried out in accordance with the approved measures prior to first occupation and maintained as such thereafter.

Reason: To prevent misuse of the site for commuter parking resulting in overspill of vehicles onto the highway.

- (20) Prior to the commencement of development a sustainable surface water drainage scheme, shall have been submitted to and approved in writing by the local planning authority. The surface water scheme should be compliant with the Non-Statutory Technical Standards for Sustainable Drainage (March 2015). The scheme should also include details for the provision of long term maintenance of all surface water drainage infrastructure on the site. The scheme shall be implemented in accordance with the approved details prior to first occupation and maintained as such thereafter.

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site. Details are required prior to commencement to maximise the options that are available to achieve a sustainable drainage system.

- (21) Prior to the commencement of development details of facilities, by which vehicles will have their wheels, chassis and bodywork cleaned and washed free of mud and similar substances at the application site, details of construction vehicle loading/unloading and turning facilities and details of parking facilities for site personnel and visitors during construction phase shall be submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be provided prior to construction work commencing on site and maintained as such in an effective working condition and used before vehicles exit the site and enter onto the adopted highway for the duration of the construction works.

Reason: To ensure that no mud or other material is taken from the site on to the neighbouring highway by wheels of vehicles leaving the site to the detriment of highway safety and the amenities of local residents and to ensure that adequate space is available on site to ensure construction phase can be carried out without a detrimental impact on highway safety and local amenities. Details are required prior to commencement to avoid unacceptable implications during the construction phase.

- (22) The development hereby permitted shall be carried out in accordance with the following approved plans:
Transport Statement
1:1250 Site Location Plan
Drawing number 2353/1/- (Block Plan) (Indicative Only) - Matters relating to point of access only.

Reason: For the avoidance of doubt and in the interests of proper planning

INFORMATIVES

- (1) A formal application for connection to the public sewerage system is required in order to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk
- (2) Should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site.
- The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk
- (3) A formal application for connection to the public sewerage system is required in order to service this development. To initiate a sew capacity check to identify the appropriate connection prior to the development, Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire, SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk
- (4) Planning permission does not convey any approval for construction of the vehicular crossings, or any other works within the highway, for which a statutory licence must be obtained separately. Applicants should contact Kent County Council Highways (www.kent.gov.uk or 03000 41 81 81) for further information.

Case Officer: Rachael Elliott

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

Reference number: 15/510179

Paragraph 8.32 of the Committee report should refer to up to 65 dwellings rather than 60 dwellings.

Additional Consultee responses

Environment Agency (25 July 2016)

No objection to the proposed development but recommend that additional conditions and informatives be included in any permission granted. In summary these relate to the following :

Conditions

- Contamination, including remediation strategy, verification report and dealing with previously unidentified contamination.
- No drainage system for infiltration of surface water into the ground shall be provided until it has been demonstrated that there is no risk to controlled waters.

Informatives

- Foul sewage
- Infiltration drainage
- Waste to be taken off site
- Guide for developers

Officers response

Matters relating to contamination are dealt with in Conditions 11 and 12 of the Committee Report and at Section 11.0. These conditions are considered to suitably address the Environment Agency comments.

An additional condition is proposed to deal with infiltration, this is set out below.

The informatives suggested are to be added to those set out in the Committee report and are set out in detail below.

Kent Highways (25 July 2016)

“Thank you for obtaining further information regarding this application. I note that it is intended that the on-site access roads will remain private and that any potential parking by commuters will be enforced by a private management company. I am also grateful for the cross section provided along the length of the car ramp access. It is noted that this ramp will entail gradients exceeding the standards required in Kent Design (1:15 max) where there is proposed to be 3m of ramp at a gradient of 1:12 and 4m of ramp at a gradient of 1:6 (incidentally these gradients are shown correctly on the plan but incorrectly transposed on the long section).”

Whilst the roads are not intended for adoption it is considered that effective management of the roads both for enforcement and maintenance is required, including at appropriate times gritting of the access ramp to ensure that access to the parking areas is continued. The overall ramp length is ~ 25m and the installation of salt bins may be helpful.

On behalf of the highway authority I write to confirm that I have no objection to this application. The proposed development generates fewer trips than would be permitted, without planning permission, from the existing site uses. Should this application be approved I would recommend that the essence of the following conditions are included in any approval notice.

- 1. Provision of construction vehicle loading/unloading and turning facilities prior to commencement of work on site and for the duration of construction.*
- 2. Provision of parking facilities for site personnel and visitors prior to commencement of work on site and for the duration of construction.*
- 3. Provision of measures to prevent the discharge of surface water onto the highway.*
- 4. Provision of wheel washing facilities prior to commencement of work on site and for the duration of construction.*
- 5. Provision and permanent retention of the vehicle parking spaces and/or garages shown on the submitted plans prior to the use of the site commencing.*
- 6. Provision and permanent retention of the vehicle loading/unloading and turning facilities shown on the submitted plans prior to the use of the site commencing”.*

Officers response

Points 1, 2 and 4 are addressed in Condition (21) as set out in Section 11.0 of the committee report.

Point 5 is addressed in Condition (2) as set out in Section 11.0 of the committee report.

It is proposed to amend Condition (2) to include reference to vehicle loading/unloading and turning facilities to address point 6.

To address point 3, it is proposed to amend condition (20) to include reference to prevent the discharge of surface water onto the highway.

Condition (19) is proposed to be amended to include details of road maintenance to ensure that access is available into the site at all times.

Additional comments received from Cllr Harwood

“I am a little concerned that the proposed conditions for the residential application at 5 Tonbridge Road are not as detailed or expansive as is usual for outlines.

For example, at paragraph 8.51 on page 92 of the Committee report there is reference to the detailed points I raised in relation to landscaping and a statement that “It is considered that these requests would be acceptable and could be dealt with by condition in order to improve the site in terms of landscaping and ecological potential”. However, this does not appear to be the case e.g. no condition re. swift bricks, no specific specification in relation to continuing the phased introduction of ‘air pollution scrubbing’ lime trees along Tonbridge Road etc.

Further, standing conditions which we normally attach to residential applications, such as renewable energy generation and ensuring gaps under boundary fencing to facilitate ecological networks, are not referenced.

From a design perspective I also suggest that greater detail on the approach we will demand in terms of design approach to the proposed apartment and house elevations and materials when a detailed scheme comes forward is strongly advisable on such a key gateway into the town centre”.

Officers comments

The provision of swift bricks is set out in Condition 5 of the Committee report at Section 11.0. Renewable energy is dealt with by Condition 9, together with condition 17 relating to EV charging points.

Matters relating to air pollution are addressed in conditions 14-16. It is proposed that a reference to air pollution scrubbing lime trees is including as part of condition 16 relating to a scheme to offset emissions.

To facilitate ecological networks it is proposed to amend Condition (6) to ensure gaps under boundary treatment. It is also proposed to add an additional condition to provide on-site ecological enhancements.

With regard to the detailed design, there are a number of approaches that could be taken by the developer on this site. The surrounding street scene presents a mix of materials, vernacular and design. So not to unnecessarily influence the design as set out in Section 7 of the NPPF, it is not considered that prescriptive design solutions should be included within the conditions. However it is considered that the development should promote or reinforce local distinctiveness and should ensure high quality design. An informative is therefore suggested to advise the applicants to engage in pre-application advice and the establishment of a development delivery group to discuss the detailed scheme prior to submission of reserved matters, to include Ward Members and an invitation to the Planning Committee chairman and political group spokesmen.

Proposed changes to conditions outlined at Section 11.0 (changes in bold)

Amend condition 2 to include provision of on-site . This shall now read :

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

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

Amend condition 6 to include the provision of gaps to allow for ecological networks :

*Prior to the development reaching damp proof course level, details of all fencing, walling, railings and other boundary treatments that **shall include provision of***

gaps under boundary fencing to facilitate ecological networks, have been submitted to and approved in writing by the Local Planning Authority, approved details shall be in place prior to first occupation of the relevant residential unit and maintained as such thereafter.

*Reason: To ensure a satisfactory appearance to the development, to safeguard the enjoyment of their properties by existing and prospective occupiers **and to facilitate local ecological networks**.*

Amend condition 16 to include the provision of air pollution scrubbing lime trees :

*Prior to the commencement of development a scheme detailing and where possible quantifying what measures or offsetting schemes are to be included in the development to reduce transport related air pollution from the development both during the construction phase and when in occupation. The scheme should be submitted to and approved by the Local Planning Authority with the approved scheme implemented in full prior to first occupation of the development and maintained as such thereafter. [The developer should have regard to the DEFRA guidance from the document Low Emissions Strategy - using the planning system to reduce transport emissions January 2010.] **The measures shall include the phased introduction of air pollution scrubbing lime trees along Tonbridge Road.***

Reason: To ensure that the development does not exacerbate poor air quality and provide mitigation. Details are required prior to commencement to ensure that adequate compliance and implement methods can be provided.

Amend condition 19 to include details of maintenance of the private road, this shall read :

*Prior to first occupation details shall be submitted to the Local Planning Authority of a scheme for parking enforcement measures within the development **and maintenance measures for the internal road (which shall include the provision of salt bins)**. These measures shall be carried out in accordance with the approved measures prior to first occupation and maintained as such thereafter.*

Reason: To prevent misuse of the site for commuter parking and ensure access to the site to reduce the potential for overspill of vehicles onto the highway.

Amend condition 20 to include provision to prevent the discharge of surface water onto the highway :

*Prior to the commencement of development a sustainable surface water drainage scheme, shall have been submitted to and approved in writing by the local planning authority. The surface water scheme should be compliant with the Non-Statutory Technical Standards for Sustainable Drainage (March 2015) **and shall prevent the discharge of surface water onto the highway**. The scheme should also include details for the provision of long term maintenance of all surface water drainage infrastructure on the site. The scheme shall be implemented in accordance with the approved details prior to first occupation and maintained as such thereafter.*

Reason: To prevent flooding by ensuring the satisfactory storage and disposal of surface water from the site. Details are required prior to commencement to maximise the options that are available to achieve a sustainable drainage system.

Proposed additional conditions

The details pursuant to Condition 20 shall demonstrate that drainage systems would not allow the infiltration of surface water drainage into the ground. The development shall be carried out in accordance with the approved details.

Reasons: Infiltration through land contamination has the potential to impact on groundwater quality and unacceptable risk to controlled waters. The application form states that surface water will be disposed of via SuDs (which may include infiltration) and mains sewer.

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

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

Additional informatives

- The Environment Agency advises that foul sewage must connect to mains. If no foul sewer is available, the Environment Agency advise the applicant to refer to their Pollution Prevention Guidelines (PPG) 4: Treatment and Disposal of Sewage which can be found at: <https://www.gov.uk/permits-you-need-for-septic-tanks>

The Environment Agency advises that the granting of planning permission does not guarantee the granting of a permit under the Environmental Permitting Regulations 2010. A permit will be granted where the risk to the environment is acceptable. Applicants must assess the environmental impact of their proposal to demonstrate an acceptable environmental outcome at the site.

- The Environment Agency advises that the following points should be noted wherever infiltration drainage (such as soakaways) is proposed at a site:
- Appropriate pollution prevention methods (such as trapped gullies or interceptors) should be used to prevent hydrocarbons draining to ground from roads, hardstandings and car parks. Clean uncontaminated roof water should drain directly to the system entering after any pollution prevention methods.
- No infiltration system should be sited in or allowed to discharge into made ground, land impacted by contamination or land previously identified as being contaminated.
- There must be no direct discharge to groundwater, a controlled water. An unsaturated zone must be maintained throughout the year between the base of the system and the water table.
- A series of shallow systems are preferable to systems such as deep bored soakaways, as deep bored soakaways can act as conduits for rapid transport of contaminants to groundwater.
- The Environment Agency advises that contaminated soil is, and must be disposed of, as waste. The handling, transport, treatment and disposal of contaminated soil is subject to waste management legislation, which includes:

- Duty of Care Regulations 1991
- Hazardous Waste (England and Wales) Regulations 2005
- Environmental Permitting (England and Wales) Regulations 2010
- The Waste (England and Wales) Regulations 2011
Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standard BS EN 14899:2005 'Characterization of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, the Environment Agency should be contacted for advice at an early stage to avoid any delays.
- The Environment Agency advise that if the total quantity of waste material to be produced at or taken off site is hazardous waste and is 500kg or greater in any 12 month period the developer will need to register with the Environment Agency as a hazardous waste producer. Refer to our website at <https://www.gov.uk/government/organisations/environment-agency> for more information.
- The Environment Agency Guide for Developers is designed to give practical advice on the environmental issues that may affect sites and provides some examples of sites where good practice has already been applied. Some of the topics covered in the guide include, Green Roofs, using water wisely, wildlife & green space, managing waste and land affected by contamination. You can find this guide and links to further information at: <https://www.gov.uk/government/publications/planning-a-guide-for-developers>
- The applicant is advised that prior to the submission of a reserved matters scheme, pre-application advice should be sought and a development delivery group established to discuss the detailed scheme, The development delivery group shall include Ward Members with an invitation to the Planning Committee chairman and political group spokesmen.

Recommendation : Grant planning permission as set out in Section 11.0 of the report subject to the amendments set out above.

Reference number: 15/510179

Proposed phased development

Since the publication of the Committee Report the agent has indicated that the applicants may wish to carry out the development in phases. This is due to the length of the remaining leases on some of the units. It is suggested that the development would be phased with the front part of the site developed first and the rear at a later date.

In order to facilitate a phased approach it is proposed that Condition 1 be amended and an additional phasing condition be added. It is requested that Delegated Powers be given to the Head of Planning Services to amend the other conditions as necessary to facilitate the phased approach to development.

Condition 1 to read :

The development shall not commence until approval for any phase or sub-phase of the following reserved matters has been obtained in writing from the Local Planning Authority:-

- a. Scale b. Appearance c. Landscaping d. Access e. Layout*

Application for approval of the reserved matters for each phase or sub-phase of this development shall be made to the Local Planning Authority before the expiration of three years from the date of this decision.

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

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

Phasing condition

Prior to the commencement of development a phasing plan that indicates the number of phases within the residential development, the number and type of residential units proposed in each phase, projected commencement dates for each phase and a timescale for the completion of each phase shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the redevelopment of the residential element of this development shall be undertaken in accordance with the approved phasing plan.

Reason : No details related to the phasing of the residential development have been submitted and these details are required prior to commencement as in the absence of such details the residential element of the development could potentially be harmful to the character and appearance of the surrounding area and residential amenity.

Update on Matters relating to air quality.

Further to the publication of the committee report discussions have been on-going between the applicants air quality consultant and the Council's Environmental Health Officer (EHO) regarding whether Conditions 14, 15 and 16 are necessary and reasonable. Condition 14 required a report to assess the impact of the development on air quality and the impact of the air quality on the residential development, requiring mitigation in both respects. Condition 15 related to the provision of calculations requiring a pollutant emissions costs calculation and the use of this cost to determine mitigation/compensation required. Condition 16 requires a scheme for offsetting transport air pollution during construction and occupation.

The application is accompanied by a Transport Statement which demonstrates to the satisfaction of the Highways Officer that there would be a reduction in the traffic generation compared to the existing use of the site. As such it is not considered reasonable or necessary to require an assessment of the impact of the development on air quality, provide calculations or offsetting measures for occupation. It is however accepted that the air quality is likely to have an impact on the residential units to the façade of any buildings and measures for the protection of future amenity and measures during construction phase are however still considered necessary.

Conditions 15 should be deleted and conditions 14 and 16 amended as follows :

Condition 14

Pursuant to Condition 1 a scheme of mitigation to address poor air quality affecting the residential amenity of occupiers of the development shall be provided and any scheme of mitigation set out in the subsequently approved scheme shall be fully in place prior to the first occupation of the building and maintained as such thereafter.

Reason: To protect air quality and the amenity of future residents. Details are required prior to development as the content of the report may inform design and layout.

Condition 16

Prior to the commencement of development a scheme detailing and where possible quantifying what measures or offsetting schemes that are to be included to reduce transport related air pollution from the development during the construction phase. The scheme should be submitted to and approved by the Local Planning Authority with the approved scheme implemented in full prior to commencement of the development and maintained as such thereafter. [The developer should have regard to the DEFRA guidance from the document Low Emissions Strategy - using the planning system to reduce transport emissions January 2010.]

Reason: To ensure that the development does not exacerbate poor air quality and provide mitigation. Details are required prior to commencement to ensure that adequate compliance and implement methods can be provided.

Proposed amendment to the Heads of Terms set out in Section 11.0

Following re-consultation comments with NHS, the financial contribution requested has been amended to £55 296 to take into consideration the reduced number of units proposed. To now read :

- *Financial contribution of £55 296 is sought in order to deliver investment in The Vine Practice, Lockmeadow Clinic or The College Practice*

Open space contribution be amended to include provision for the monies to be spent at Cornwallis Park or The River Medway Area within Maidstone Town Centre. To now read :

- *Financial contribution of £1575 per dwelling towards the resurfacing of the MUGA (Multi Use Games Area), tennis courts and pathways within Clare Park as well as improvements to the bowls green, general maintenance, improvements and refurbishments of existing equipment of sports, play and ancillary items of Cornwallis Park or the improvement of paths, signage, shrub planting, tree improvement works, bin, benches and encouragement of access to the River Medway Area within the Maidstone Town Centre.*

To ensure the deliverability of parking restriction and the upkeep of the site, it is considered a clause in any legal agreement should relate to the setting up of a management company. Additional Head of Term to read :

- *Setting up of a management company to deal with parking enforcement and upkeep of any common areas within the site.*

Proposed additional condition to those outlined in Section 11.0

Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by the Local Planning Authority in consultation with Southern Water.

Reason :To avoid pollution of the surrounding area and required prior to commencement of development due to the means of drainages suggested in the submission and the implications this may have on layout.

Recommendation : Grant planning permission as set out in Section 11.0 of the report subject to the amendments set out above and in the earlier Urgent Update dated 2 August 2016 and with delegated powers to the Head of Planning Services to agree conditions regarding the phasing of development.

MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON 4 AUGUST 2016

Present: Councillor Perry (Chairman) and Councillors Boughton, M Burton, Clark, English, Fermor, Harwood, Hastie, Hemsley, Munford, Powell, Round and Mrs Stockell

Also Present: Councillors McLoughlin and Webb

95. **APOLOGIES FOR ABSENCE**

It was noted that apologies for absence had been received from Councillors Cox and Prendergast.

96. **NOTIFICATION OF SUBSTITUTE MEMBERS**

The following Substitute Members were noted:

Councillor M Burton for Councillor Prendergast
Councillor Fermor for Councillor Cox

97. **NOTIFICATION OF VISITING MEMBERS**

Councillor McLoughlin indicated his wish to speak on the report of the Head of Planning and Development relating to application 16/501263.

Councillor Webb indicated his wish to speak on the report of the Head of Planning and Development relating to application 13/1607 in his capacity as both Ward Member and Member/representative of Coxheath Parish Council.

98. **ITEMS WITHDRAWN FROM THE AGENDA**

There were none.

99. **URGENT ITEMS**

The Chairman said 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 applications to be considered at the meeting.

100. **DISCLOSURES BY MEMBERS AND OFFICERS**

There were no disclosures by Members or Officers.

101. EXEMPT ITEMS

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

102. MINUTES OF THE MEETING HELD ON 14 JULY 2016

RESOLVED: That the Minutes of the meeting held on 14 July 2016 be approved as a correct record and signed.

103. PRESENTATION OF PETITIONS

There were no petitions.

104. DEFERRED ITEMS

14/504109 - ADVERTISEMENT CONSENT FOR THE INSTALLATION OF 2 NO. NON-ILLUMINATED METAL POLE MOUNTED SIGNS (RETROSPECTIVE APPLICATION) - HUNTON C OF E PRIMARY SCHOOL, BISHOPS LANE, HUNTON, KENT

15/503223 - PART RETROSPECTIVE - CHANGE OF USE AND REBUILDING OF FORMER CATTLE SHED TO PROVIDE TOURIST ACCOMMODATION - BLETCHENDEN MANOR FARM, BLETCHENDEN ROAD, HEADCORN, KENT

The Development Manager advised Members that, with regard to application 14/504109, alternative locations for the signage were awaited. Further details were also awaited in respect of application 15/503223. In response to questions by Members about timescales, the Development Manager said that he would emphasise to the respective Case Officers the need to expedite the reporting back of these applications to the Committee.

105. 15/510179 - OUTLINE APPLICATION (ALL MATTERS RESERVED) FOR REDEVELOPMENT WITH UP TO 65 DWELLINGS AND ASSOCIATED VEHICULAR AND PEDESTRIAN ACCESS, CAR AND CYCLE PARKING, STREET AND EXTERNAL LIGHTING, MAIN SERVICES, BIN STORES AND OTHER ANCILLARY DEVELOPMENT - 5 TONBRIDGE ROAD, MAIDSTONE, KENT

Councillors Boughton and English stated that they had been lobbied.

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

The Principal Planning Officer advised the Committee that, having regard to advice received from the Head of Legal Partnership, it was suggested that reference to the setting up of a management company to deal with parking enforcement and upkeep of any common areas within the site be removed from the Heads of Terms of the proposed S106 legal agreement and that the issue be dealt with by the imposition of the following condition to replace original condition 19:

Prior to the first occupation, a plan for the management of the communal areas of the site and estate roads shall be submitted for approval by the Local Planning Authority. Such a plan should include the following:

The areas within the scope of the management plan and the maintenance requirements of these;

Method and works schedule for maintaining communal areas and estate roads;

Details of the parking control measures to be implemented within estate and access roads;

Details on the enforcement of parking control measures;

The setting up of an appropriate management body;

The legal and funding mechanism(s) by which the long term implementation of the plan will be secured by the developer with the management body(ies) responsible for its delivery; and

Ongoing monitoring of implementation of the plan.

The approved plan will be implemented in full accordance with the approved details and retained in operation thereafter.

Reason: To ensure the amenity of residents and the character and appearance of the development.

Mr Thurlow addressed the meeting on behalf of the applicant.

RESOLVED:

1. That subject to the prior completion of a S106 legal agreement in such terms as the Head of Legal Partnership may advise to secure the following:
 - A financial contribution of £2,360.96 per applicable house and £590.24 per applicable flat towards an extension to South Borough Primary School to allow permanent expansion to 2 Form Entry;
 - A financial contribution of £2,359.80 per applicable house and £589.95 per applicable flat towards the first phase of expansion of Maplesden Noakes School;
 - A financial contribution of £48.02 per dwelling towards additional book stock required to mitigate the impact of the new borrowers from this development;
 - A financial contribution of £30.70 towards community learning facilities; specifically towards portable equipment for the new adult learners in Maidstone;
 - A financial contribution of £8.49 per dwelling towards additional equipment to be supplied to InfoZone Youth Centre for the new attendees;

- A financial contribution of £55,296.00 to deliver investment in The Vine Practice, Lockmeadow Clinic or The College Practice; and
- A financial contribution of £1,575.00 per dwelling towards the resurfacing of the MUGA (Multi-Use Games Area), tennis courts and pathways within Clare Park as well as improvements to the bowls green, general maintenance, improvements and refurbishments of existing equipment of sports, play and ancillary items of Cornwallis Park or the improvement of paths, signage, shrub planting, tree improvement works, bins, benches and encouragement of access to the River Medway Area within the Maidstone Town Centre,

the Head of Planning and Development be given delegated powers to grant outline permission subject to the conditions and informatives set out in the report, as amended by the urgent update reports and by the Principal Planning Officer at the meeting (including the deletion of condition 15), and the additional conditions and informatives set out in the urgent update reports, with an additional condition and additional informatives as follows:

Additional Condition

The details submitted pursuant to condition 1 shall show all buildings to have a minimum set back of 7m from the front (northern) boundary of the site.

Reason: To ensure a satisfactory appearance to the development in its context.

Additional Informatives

The reserved matters application will be reported to the Planning Committee to consider the details of access, layout, scale, landscaping and appearance, as Members of the Planning Committee consider this to be a key site due to its prominent location adjacent to the railway station. In particular, Members of the Planning Committee want to address the set back of the development from Tonbridge Road and the elevational treatments to be used in the buildings.

When submitting the reserved matters application, the applicant is strongly encouraged to implement a staggered approach to the building line proposed along the front (northern) boundary of the site.

The applicant is advised that the Members of the Planning Committee wish to see high quality elevational materials used within the scheme such as panelling and tinted glass rather than render.

2. That the Head of Planning and Development be given delegated powers to agree conditions as necessary to facilitate a phased approach to the development.

Voting: 10 – For 0 – Against 3 – Abstentions

106. 16/504639 - TWO BEDROOM DWELLING - 529 TONBRIDGE ROAD, MAIDSTONE, KENT

Councillors Boughton and English stated that they had been lobbied.

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

RESOLVED: That subject to no representations raising new material issues being received in response to the re-notification exercise, the Head of Planning and Development be given delegated powers to grant permission subject to the conditions set out in the report.

Voting: 13 – For 0 – Against 0 – Abstentions

107. 16/501263 - ERECTION OF 25 DWELLINGS WITH ASSOCIATED GARAGES, CAR BARN AND PARKING SPACES, LANDSCAPING, TREE PLANTING AND NEW POND, INCLUSIVE OF AMENITY AREA FOR NATURE CONSERVATION AND NEW SHARED SURFACE ACCESS ROAD OFF CLAYGATE ROAD - BENTLETTS SCRAP YARD, CLAYGATE ROAD, YALDING, KENT

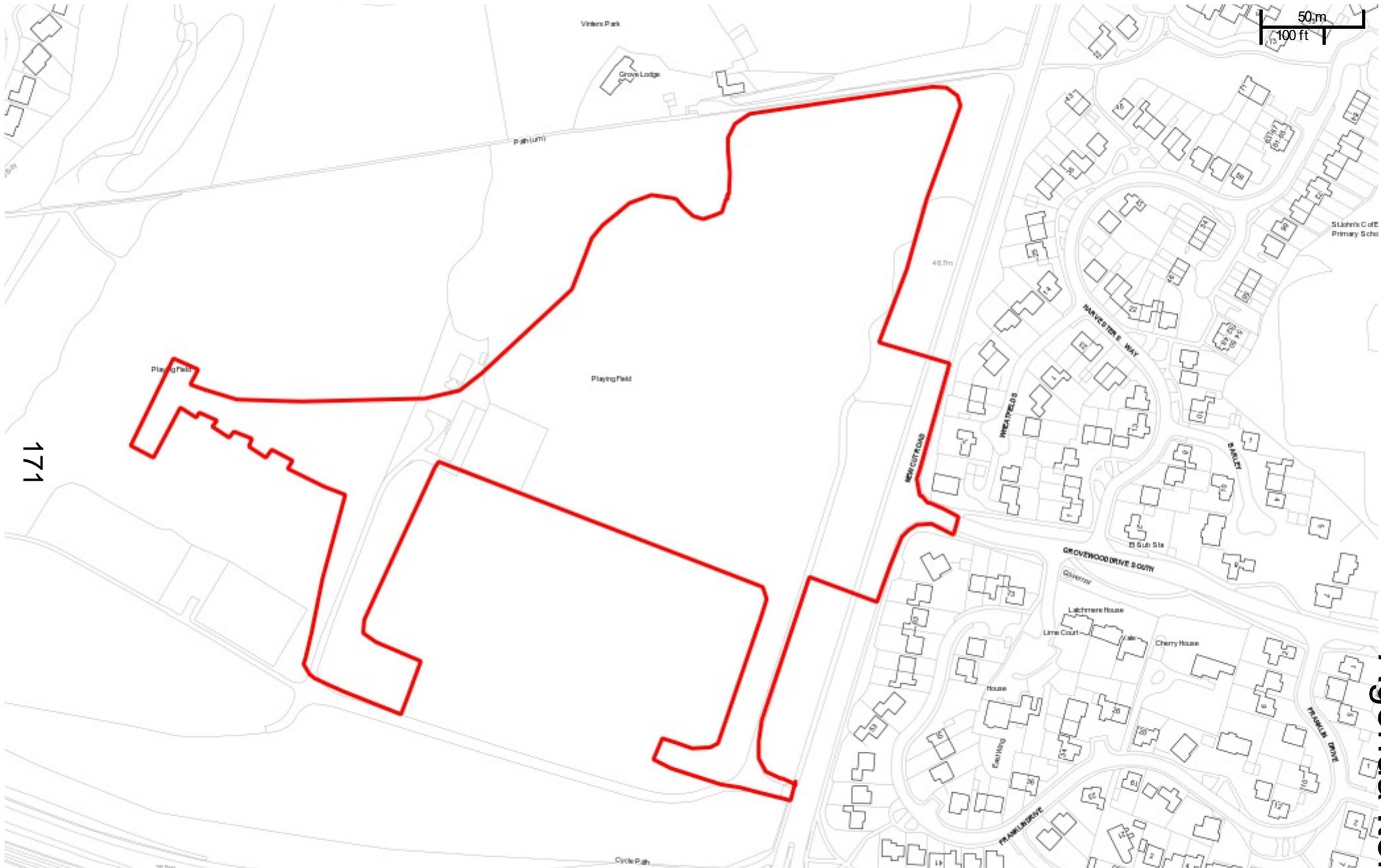
Councillor Round stated that he had been lobbied.

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

Mr Norton, for the applicant, and Councillor McLoughlin (Visiting Member) addressed the meeting.

RESOLVED: That subject to the prior completion of a S106 legal agreement in such terms as the Head of Legal Partnership may advise to secure the following:

- A financial contribution of £59,024.00 towards the enhancement of St Margaret's Primary School, Collier Street;
- A financial contribution of £29,232.00 to be invested in improvements within primary care by way of extension, refurbishment and/or upgrade in order to provide the required capacity at Yalding Surgery and The Pond Surgery; and
- A financial contribution of £61,744.00 towards off-site affordable housing in the Borough,



17/501471 Valley Park School

Scale: 1:2500

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Agenda Item 25

REPORT SUMMARY

REFERENCE NO - 17/501471/FULL		
APPLICATION PROPOSAL Erection of a three storey secondary school with associated access, car parking and landscaping.		
ADDRESS Land At Valley Park School, New Cut Road, Maidstone, Kent, ME14 5SL		
RECOMMENDATION – Approved subject to conditions		
SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL The application is considered to comply with the relevant policies of the development plan and the approach of the National Planning Policy Framework (NPPF) and other relevant publications which represent material considerations in support of the application. The proposed school is considered to be acceptable having regard to the relevant matters including design and layout of the school, relevant standards, access to play space and open space, impact on amenity of neighbouring properties and highway matters.		
REASON FOR REFERRAL TO COMMITTEE Boxley Parish Council object to the proposed development and have called the application to committee.		
WARD Boxley	PARISH/TOWN COUNCIL Boxley	APPLICANT BAM Construction Ltd AGENT Vincent & Gorbing
DECISION DUE DATE 23/06/17	PUBLICITY EXPIRY DATE 24/05/17	OFFICER SITE VISIT DATE
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites): 17/503510/REM – Approval of Reserved Matters for Access, Appearance, Landscaping, Layout and Scale following Outline Approval for 13/1687 - An outline application with all matters reserved for future consideration for a new 12 court sports hall and ancillary accommodation. To be completed in 2 phases – Pending 14/504158/FULL - Proposed new sports equipment storage building - Permitted 14/504161/FULL - Extended area of 3G pitch (with reference to planning application MA/13/1260) the size being increased to 100 x 64m in order to provide an FA adult pitch. Together with 2 additional tennis courts - Permitted 13/1687 - An outline application with all matters reserved for future consideration for a new 12 court sports hall and ancillary accommodation - Permitted 13/1260 - The construction of a new 3G sports pitch with floodlighting; 4 new tennis courts; the upgrading and extension of existing pedestrian access ways from the main school site; the refurbishment of existing tennis courts; and associated fencing – Permitted 13/2067 - An application for a non-material amendment to planning permission MA/13/1260 being: a) The removal of a retaining wall and replacement with banking; b) A simplification of the access and viewing arrangements; c) A reduction in the number of required floodlight columns from 8 to 6 - Permitted 13/2068 - An application to discharge conditions relating to MA/13/1260 - (The construction of a		

new 3G sports pitch with floodlighting; 4 new tennis courts; the upgrading and extension of existing pedestrian access ways from the main school site; the refurbishment of existing tennis courts; and associated fencing) - being details of condition 3 (walls and surfacing) and condition 4 (tree protection) – Permitted

12/0526 - Construction of new sports hall with changing rooms – Permitted

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.1 The application site relates to a section of the shared school playing field at Valley Park Community School and Invicta Grammar School. The site is located on the west side of New Cut Road and to the north of Ashford Road. The site currently comprises three sports pitches for use of both schools. There is an existing vehicle access in the southeast corner of the site to the north of the junction at New Cut Road and Ashford Road with an unmade vehicle track running along the eastern boundary within the site. This existing vehicle access is primarily used to access the school playing fields and for maintenance of the grounds. The site can also be accessed on foot via the two schools to the west. The north, east and part of the south and west boundary of the site comprise mature tree and hedgerows along the boundary of the school playing fields. The remaining boundary of the site comprises the school playfields with no fixed or marked boundary treatment. The tree line boundary around the wider school playing field and the trees within the playfields has recently been designated as a group TPO - 5011/2017/TPO.
- 1.2 The application site slopes down gently from north to south while the ground levels within the eastern part of the school playfield fall from north to south by approx. 19m with two fairly significant changes in the ground levels.
- 1.3 The northern boundary of the school playing field abuts PROW KH2 which runs in a south-westerly direction connecting New Cut Road and Grove Green to Huntsman Lane, Vinters Park and Maidstone town centre. Beyond the PROW is Vinters Valley local nature reserve which contains several grade II* listed ha-ha walls. Grove Lodge is a detached residential property located on the north side of PROW KH2. To the south and west of the site are playing fields and sports pitches utilised by Valley Park and Invicta Grammar schools, these schools are located further to the west and are accessed off Huntsman Lane. The playing fields include several grass pitches, tennis courts and an all-weather sports pitch (3G pitch). A third school, East Borough Primary School is located on Vinters Road further to the west. The southwest corner of the shared playing fields is the site for the new sports hall which has extant outline consent and the reserved matters application is currently being considered by the LPA (ref: 17/503510/REM). To the east of the site is New Cut Road with Grove Green housing estate beyond.
- 1.4 The site is located within the urban area of Maidstone and is designated as an Area of Local Landscape Importance in the 2000 Local Plan along with the Vinters Valley local nature reserve to the north of the site, although this designation has not been carried through into the emerging local plan. The proposed site lies within the Vinters Park Landscape Character Area.

2.0 PROPOSAL

- 2.1 Erection of a three storey secondary school with associated access, car parking and landscaping. The new school would accommodate 1,200 pupils equating to 6 forms of entry (11-18yrs) and 100 full-time equivalent staff. The proposed school would

specialise in Science and Technology for students interested in engineering based subjects and would become a member of the Valley Invicta Academies Trust along with Valley Park and Invicta Grammar.

- 2.2 The new school building would be located east of the centre of the existing playing fields with a proposed parking area to the east of the new school adjacent the New Cut Road boundary. A new roundabout access is proposed and would incorporate the opposite New Cut Road and Grovewood Drive South junction. The school building would be three storeys high with a flat roof with a u-shaped footprint of some 3030 sqm with a central courtyard open to the south. The gross floor area of the building would measure some 9188 sqm and the school would have a maximum height of some 12.6m. The building would be formed of two main materials a light grey facing brickwork and darker grey render. The main school entrance would be on the eastern elevation adjacent the parking area and site entrance with a secondary student entrance in the southern elevation via the open courtyard. PV panels are proposed on the roof of the school building.
- 2.3 The proposed roundabout junction would replace the existing junction at New Cut Road and Grovewood Drive South. The roundabout would comprise four arms serving New Cut Road, the new school site and Grovewood Drive South. The vehicle access would require the removal of a number of significant trees along the eastern boundary of the site. The access would serve the proposed school and new sport hall, forming a loop around the proposed parking area and running to the north of the 3G pitch to the new sports hall site.
- 2.4 The proposed parking area incorporates 104 parking spaces for staff and visitors, 7 disabled spaces and 18 drop off bays. Some 30 cycle parking spaces are proposed with sufficient space to accommodate additional cycle storage if the need arises to provide total number of 172 spaces. The exact number of spaces provided at the start of first school year would be secured and determined via condition.
- 2.5 The roundabout and required visibility would result in the loss of approx. 32 trees, some of which are significant mature species, and a 20m stretch of a group of trees. It is proposed to mitigate for the loss of trees with additional tree planting and landscaping within the site. The north and east edge of the car park and vehicle access would include a landscape buffer incorporating new tree planting to screen the parking area. Some 90 new trees would be planted within the site, a majority of which would be located within and around the proposed parking area and adjacent the new roundabout junction to soften the approach into the site and help screen the parking and vehicle access road.
- 2.6 It is proposed that the new school would share the existing playing fields and sports facilities, including the new sports hall (see history), with the two existing schools.

3.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Development Plan: ENV6, ENV35, CF1
Emerging Local Plan; DM1, DM3, DM23, DM27
Supporting Documents: Area guidelines for mainstream schools BB103

4.0 APPRAISAL

4.1 This application was deferred at 24 August 2017 planning committee for further discussions on:

- An analysis of the catchment area of the School to better define focus/scope of the Travel Plan.
- An investigation of alternative traffic access options including, but not limited to, use of the existing maintenance access to the southeast corner of the site to eliminate the need for the roundabout and loss of TPO/Veteran/High Grade trees.
- The scope of the Travel Plan including the financial contribution package to achieve modal shift.
- Design quality in terms of both landscape and built form, including an improved materials palette (use of a panel system and possibly ragstone plinths).
- The requirement for a Landscape Master Plan to address the key issues for this historic landscape.

(The August 2017 committee report is attached at appendix 1)

4.2 The applicant has confirmed that they cannot or will not be amending the original proposal. The reasons are set out below.

4.3 The catchment area of the school was previously questioned during the course of the planning application and was reviewed and justified by the applicants transport consultant. KCC Highways and Highways England have both accepted the catchment area and do not raise any objection in this respect.

4.4 KCC Highways confirmed on the night of the previous committee that the use of the existing maintenance access in the south eastern corner of the site would not be a suitable highways access for the new school, even for an entry only access, due to the proximity to the signalised junction at New Cut Road and Ashford Road. KCC has reiterated this point following the August committee meeting. Various access options have been reviewed applicant as set out in their Access Options Assessment.

4.5 An updated Travel Plan was submitted in support of this application prior to the August committee meeting and this has been reviewed and endorsed by KCC Highways and Highways England. HE has conformed that the TP would secure an acceptable modal shift from private car travel to sustainable modes of travel providing it is implemented and monitored properly with penalties in place should the aims and objectives of the TP not be achieved.

4.6 In terms of design quality, the applicants attended pre application meetings with the council, one of which included a member pre app meeting in which local and neighbouring ward members and planning committee spokes persons were invited. Only three members attended the meeting and no objections were raised in relation to the use of render rather than a panel system, on the assumption that a dark / grey render was used as apposed to the white render originally proposed during initial pre-app schemes. Members also suggested incorporating ragstone into the building at pre-application stage. As set out in the Design and Access Statement it was not possible to introduce ragstone into the elevational design due to budget constraints

and the compatibility of this more traditional material with modern methods of construction, including the fact that ragstone faced slips are not available. The proposed colour palette has been selected to reflect the ragstone seen in the wider area as clearly set out in the Design and Access Statement. The school are proposing to use ragstone on boundary treatment within the site in the retaining wall and stepped area at the southern approach to the building and external courtyard area. The use of a ragstone plinth has been reviewed by the applicants design team following the August committee meeting but it has not been possible to introduce this element into the design due to budget constraints and without a significant redesign of the elevations.

- 4.7 The applicant has confirmed that the landscape master plan has been designed to soften / screen the impact of the car park area. The tree belt within the site to the south of the access road would also be reinforced with additional trees. The school are not generally supportive of a tree belt adjacent the entire north boundary of the school and car park as this would cut the visual link and prohibit access to the sports pitches at the top of the school site.

5.0 POLICY SUPPORT FOR SCHOOLS (set out in further detail in the August 2017 committee report)

- 5.1 This site and proposed school is included in the KCC Commissioning Plan 2017-2021 to provide secondary school places within the Maidstone area and there is an identified need for a new secondary school in this area of the borough. The Commissioning Plan advises that any further delay in the opening of the school would lead to a significant shortfall in places and little time in which to respond.

- 5.2 At a national level, the policy relating to the provision of school development remains a positive one with paragraph 72 of the NPPF stating; *“the government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should give great weight to the need to create, expand or alter schools; and work with schools promoters to identify and resolve key planning issues before applications are submitted”*

- 5.3 There is significant support offered by national and local policy for new schools and school expansions. The Communities and Local Government Policy Statement on Planning for Schools Development (Aug 2011) sets out the Government’s Commitment to support the development of state-funded schools and their delivery through the planning system. The policy statement advises that *“it is the Government’s view that the creation and development of state-funded schools is strongly in the national interest and that planning decision makers can and should support that objective, in a manner consistent with their statutory obligations”*. It encourages collaborative working, which *“would help to ensure that the answer to proposals for the development of state-funded schools should be, wherever possible, “yes” ”*. It states that *“the Government believes that the planning system should operate in a positive manner when dealing with proposals for the creation, expansion and alteration of state-funded schools, and the following policies should apply with immediate effect:*

- *There should be a presumption in favour of the development of state funded schools, as expressed in the National Planning Policy Framework.*

- *Local authorities should give full and thorough consideration to the importance of enabling the development of state-funded schools in their planning decisions. The Secretary of State will attach significant weight to the need to establish and develop state-funded schools when determining applications and appeals that come before him for decision.*
- *Local authorities should make full use of their planning powers to support state-funded schools applications. ...*
- *A refusal of any application for a state-funded school, or the imposition of conditions, will have to be clearly justified by the local planning authority. Given the strong policy support for improving state education, the Secretary of State will be minded to consider such a refusal or imposition of conditions to be unreasonable conduct, unless it is supported by clear and cogent evidence.”*

5.4 The Plain English Guide to Planning for Free Schools, produced by the Department for Communities and Local Government in January 2015, reinforces and strengthens earlier advice. It sets out in paragraph 2 that *“the Government is committed to ensuring there is sufficient provision to meet growing demand for state-funded school places, increasing choice and opportunity in state funded education, and raising educational standards. Free schools have an important part to play in delivering this challenge.”*

7.0 CONCLUSION – PLANNING BALANCE

7.1 The relevant planning and government guidance set out strong support for new school facilities and there is an identified current and future need in the area for a new secondary school and the school itself is identified within the KCC Commissioning Plan for the area. In light of NPPF guidance and significant government support, such considerations must be given significant weight in any decision.

7.2 The proposal would constitute a good standard of design and would not appear significantly prominent within the site due to the boundary screening and set back from the road. The proposal would meet the relevant government standards for a new school and will ensure sufficient sports provision on the site for the three schools as confirmed by Sport England and a Community Use Agreement would ensure the sports pitches are available to the local community.

7.3 Against the proposal is the loss of a significant number of trees along the New Cut Road frontage. However, as identified above the proposed location of the school building and the roundabout has been determined by a number of factors, including highways capacity and safety, retention of the best sports pitches on the site and ground levels and, it is noted that any new access point along New Cut Road would result in the loss of a significant number of trees. Other access locations / designs would result in the loss of less mature / significant trees than the proposed access, however, the roundabout access and location has been led by a number of factors including Sport England’s requirement to retain the best / most grass playing pitches within the site, the ground level changes and the fact that the roundabout would result in a betterment in terms of traffic flows and reduced congestion times along New Cut Road compared to the existing situation. In addition, the scheme proposes a comprehensive landscaping and tree planting plan which proposes to replant some 90 new trees on the site which is more trees than would need to be removed to facilitate the site access, which would in part mitigate the impacts of the roundabout and tree loss in accordance with saved policy ENV6.

- 7.4 The new school would result in additional traffic flows and congestion at nearby junctions, a point which does weigh against the proposed development. However, the impacts of the scheme on the wider Highway network including the M20 Junction 7 are not considered to cause a severe impact subject to a robust Travel Plan being secured by a S106 which would include contingency funding and appropriate mitigation measures to be used on sustainable transport scheme(s) benefitting the local area and relevant to the proposed development. Although Highways England do note that if the TP is implemented and monitored appropriately, the mitigation would not be required.
- 7.5 The scheme is acceptable in all other regards including that relating to neighbour amenity, drainage, air quality and heritage.
- 7.6 Therefore, on balance, it is considered that the strong educational support in government guidance and local policy, the identified need in the KCC Commissioning Plan and the lack of alternative sites, represent material considerations and together with the ecological enhancements, traffic flow and reduction in congestion and other factors, would outweigh the harm caused resulting from the loss of the trees along the east side of New Cut Road.
- 8.0 RECOMMENDATION** – Subject to the prior completion of a legal agreement, in such terms as the Head of Legal Services may advise, to provide the following:
- Travel Plan, including a monitoring fee and contingency funding to provide appropriate mitigation measures to be used on sustainable transport scheme(s) benefitting the local area and relevant to the proposed development

The Head of Planning and Development BE GIVEN DELEGATED POWERS TO GRANT planning permission subject to the imposition of the conditions set out below

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 premises shall be used for a school and for no other purpose (including any other purposes in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

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

3. Prior to the commencement of development, a phasing strategy for the delivery of the development hereby approved, including condition discharge, shall be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, the scheme shall include, but not be limited to:

- Key milestones in the development of the site;
- Commencement on site;
- Timescales for installation of utilities;
- Phases of development of the building;
- Timings for hard and soft landscaping;
- Associated timings for discharge of conditions.

The development shall thereafter be carried out in accordance with the approved phasing strategy.

Reason: To ensure satisfactory progression of the development.

4. The erection of fencing for the protection of any retained tree or hedge shall be carried out in complete accordance with BS5837:2012 and as shown on plan reference TPP01, before any equipment, machinery, or materials are brought onto the site for the purposes of development or other operations. The fencing shall be retained intact for the full duration of the development until all equipment, materials and surplus materials have been removed from the site. If the fencing is damaged all operations shall cease until it is repaired in accordance with the approved details. Nothing shall be stored or placed in any fenced area in accordance with this condition and the ground levels within those areas shall not be altered, nor shall any excavations be made without the written approval of 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.

5. In accordance with the phasing strategy, as approved under condition 3, a construction specification/method statement for the delivery of any aspect of the development hereby permitted, falling within 5m of the Root Protection Area, approved under condition 4, shall be submitted to and approved in writing by the Local Planning Authority, prior to the works being undertaken. The development shall thereafter be carried out in accordance with the approved details.

Reason: To safeguard the trees on the site.

6. In accordance with the phasing strategy, as approved under condition 3, details of all the external materials, including samples, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

The proposed materials shall include details of swift bricks and / or bat boxes / bricks incorporated into the development.

Reason: To ensure a satisfactory appearance to the development.

7. In accordance with the phasing strategy, as approved under condition 3, details of all the external windows and door, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development.

8. In accordance with the phasing strategy, as approved under condition 3, a detailed sustainable surface water drainage scheme for the site shall be submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of at a rate not exceeding 3.9l/s. The drainage scheme shall also demonstrate that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.

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

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

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

9. In accordance with the phasing strategy, as approved under condition 3, details of both the hard and soft landscaping proposals shall be submitted to and approved in writing by the Local Planning Authority. These details shall include:

- Proposed finished levels or contours
- Means of enclosure
- Car parking layouts
- Other vehicle and pedestrian access and circulation areas
- Hard surfacing materials
- Minor artefacts and structures (eg furniture, play equipment, refuse or other storage units, signs, lighting)
- Proposed and existing functional services above and below ground.

Soft Landscaping details shall include:

- Planting plans
- Written specifications (including cultivation and other operations associated with plant and grass establishment)
- Schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate.
- Implementation timetables.

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

10. The use or occupation of the development hereby permitted shall not commence until all hard and soft landscaping specified in the approved landscape details has been completed. All soft landscaping shall be carried out during the planting season

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

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

11. Within 3 months of the date of planning permission a detailed lighting scheme finalised by the bat activity surveys must be submitted to the LPA for written approval. The lighting scheme must demonstrate that there will be no or minimal impact on foraging/commuting bats. The development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development and to safeguard neighbour amenity and ecology.

12. All external lighting shall be turned off by no later than 22:00 on any given day.

Reason: To safeguard neighbour amenity and ecology.

13. In accordance with the phasing strategy, as approved under condition 3, details of the proposed cycle parking enclosures shall be submitted to and approved in writing by the Local Planning Authority. The cycle parking plan shall include at least 86 cycle parking spaces from the start of the first school year and shall clearly indicate how this would be increased to 172 spaces in accordance with the Travel Plan. The approved cycle parking shall be installed in accordance with the details approved and retained thereafter.

Reason: To promote sustainable travel.

14. In accordance with the phasing strategy, as approved under condition 3, a landscape management plan, including long term design objectives (10 years), management responsibilities and maintenance schedules for all hard and soft landscape areas, shall be submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be carried out as approved.

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

15. In accordance with the phasing strategy, as approved under condition 3, details of the proposed car parking spaces and drop off / pick area shall be submitted to and approved in writing by the Local Planning Authority. The proposed parking area shall show a reduction in the number of parking spaces shown on drawing LP2073-FIRA-LA-WS-L-90-03 to encourage sustainable modes of travel. The agreed car parking provision shall be installed in accordance with the details approved and retained thereafter.

Reason: To ensure adequate parking provision is provided to promote sustainable modes of travel in accordance with the travel plan

16. Any facilities used for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The bund capacity shall give 110% of the total volume of the tanks.

Reason: To prevent pollution of the site.

17. In accordance with the phasing strategy, as approved under Condition 3, details of how the development will enhance biodiversity will be submitted to and approved in writing by the Local Planning Authority. This will include clear ecological enhancement for breeding birds, bats and reptiles and shall include provision of bat boxes, bird boxes, native planting and the retention of cordwood on the site. The enhancement plan must provide details on how the enhancements will be managed long term. The approved details will be implemented and thereafter retained.

Reason: To enhance biodiversity.

18. In accordance with the phasing strategy, as approved under Condition 3, a bat scoping survey shall be carried out prior to any works commencing within 10metres of the trees on the site. The bat scoping survey, emergence survey (if required) and details of any bat mitigation required must be submitted for written approval by the LPA. The removal of the tree must be carried out as detailed within the submitted documents.

Reason: In the interest of ecology and bat protection.

19. Prior to the commencement of development the applicant, or their agents or successors in title, will secure and implement:

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

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

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

20. In accordance with the phasing strategy, as approved under condition 3, details of any plant (including ventilation, refrigeration and air conditioning) or ducting system to be used in pursuance of this permission shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. The scheme shall ensure that the noise generated at the boundary of any noise sensitive property shall not exceed Noise Rating Curve NR35 (*in areas of low background sound levels a target of NR30 shall be achieved*) as defined by BS8233: 2014 Guidance on sound insulation and noise reduction for buildings and the Chartered Institute of Building Engineers (CIBSE) Environmental Design Guide 2006. The equipment shall be maintained in a condition so that it does not exceed NR35 as described above, whenever it's operating. After installation of the approved plant, no new plant or ducting system shall be used without the prior written consent of the Local Planning Authority;

Reason: To protect occupants from noise and disturbance.

21. In accordance with the phasing strategy, as approved under condition 3, details of a minimum of two electric vehicle charging points, including a programme for their installation, maintenance and management, shall be submitted to and approved in writing by the local planning authority. The electric vehicle charging points as approved shall be installed prior to occupation of the building(s) hereby permitted and shall thereafter be retained and maintained in accordance with the approved details.

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

22. Use of the development shall not commence until a community use agreement prepared in consultation with Sport England has been submitted to and approved in writing by the Local Planning Authority, and a copy of the completed approved agreement has been provided to the Local Planning Authority. The agreement shall apply to the playing field and include details of pricing policy, hours of use, access by non-educational establishment users, management responsibilities and a mechanism for review [, and anything else which the Local Planning Authority in consultation with Sport England considers necessary in order to secure the effective community use of the facility]. The development shall not be used at any time other than in strict compliance with the approved agreement;

Reason: To secure well managed safe community access to the sports facility, to ensure sufficient benefit to the development of sport;

23. Prior to the first occupation of the school hereby permitted, the sports hall access road and car parking, replacement tennis court and long jump facility shall be constructed and made available for use.

Reason: To ensure the satisfactory quantity, quality and accessibility of compensatory provision which secures a continuity of use.

24. Prior to the first occupation of the school hereby permitted, a six court sports hall, pursuant to application 12/0526 "Construction of new sports hall with changing rooms", or any subsequent planning application approved by the Local Planning Authority, shall be constructed and made available for use.'

Reason: To ensure the satisfactory quantity, quality and accessibility of compensatory provision which secures a continuity of use.

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

1 A, 11408-H-01 P3, 11408-H-02 P3, 11408-H-03 P3, 16777-KSS-00-00-DR-A-01001 P7, 16777-KSS-00-01-DR-A-01001 P7, 16777-KSS-00-02-DR-A-01001 P7, 16777-KSS-00-03-DR-A-01001 P3, 16777-KSS-00-XX-VS-A-70001 P1, 16777-KSS-00-XX-VS-A-70002 P1, 16777-KSS-00-XX-VS-A-70003 P1, 16777-KSS-00-Z0-DR-A-00001 P4, 16777-KSS-00-Z0-DR-A-00002 P3, 16777-KSS-00-ZZ-DR-A-02001 P3, 16777-KSS-00-ZZ-DR-A-02002 P3, 16777-KSS-00-ZZ-DR-A-03010 P3, 6418-MST-KSA-Z0-ZZ-DR-C-6000-S2-P1; received 15.03.2017

LP2073-FIRA-LA-WS-L-93-01, LP2073-FIRA-LA-WS-L-93-02, NBMC102/23044/1 - 3a, NBMC102/23045/1 - 3b, NBMC102/23101/1 - 3a, NBMC102/23102/1 - 3b, SST-BMD-ZZ-XX-DR-E-40901-P03, SST-BMD-ZZ-XX-DR-E-40902-P03, SST-BMD-ZZ-XX-DR-E-40903-P03, SST-BMD-ZZ-XX-DR-E-40904-P03; received 24.03.2017 and LP2073-FIRA-LA-WS-L-90-01G, LP2073-FIRA-LA-WS-L-90-02G, LP2073-FIRA-LA-WS-L-90-03; received 27.03.2017 and SSTM-BHD-BG-XX-DR-E-49050-P03; dated April 2017

Supporting Documents: Acoustic Report by ADT; dated 6 March 2017, Arboricultural Impact Assessment and Method Statement (ref:NBMC102/002) by Thomson Ecology; dated March 2017, Archaeological Desk Based Report by ARS Ltd; dated March 2017, Flood Risk Assessment by Kirksaunders; dated March 2017, External Lighting Assessment (SST-BMD-00-XX-RP-M-48700-S2) by Bam; dated 22.02.2017, Interim Travel Plan and Transport Assessment by DHA Transport (PL/HA/11408); dated March 2017, Planning Statement by Vincent+Gorbing; dated March 2017, Primary Ecological Assessment by Thomson Ecology; dated March 2017, Landscape & Visual Impact Assessment by fra; dated March 2017 and Heritage Statement by Archaeological Research Service Ltd, Construction Methodology by Bam; received 15.05.2017.

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

26. All trees to be felled and assessed as low/medium within the Thompson Ecology Letter (dated 27th February 2017) must be felled using a soft fell technique under the watching brief of a licenced ecologist.

The intact hulk of the veteran holly tree should be felled and relocated within the eastern boundary tree belt in close proximity to the felled veteran tree and the landscaping details pursuant to condition 9 shall include young trees of similar species to the veteran holly to be planted along the eastern boundary of the site.

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

27. The use or occupation of the development hereby permitted shall not commence until the following highways works have been fully implemented:

- Works required for the proposed roundabout and pedestrian crossing, including, and if appropriate, a shared footway/cycleway to the north on New Cut Road.
- Parking restrictions in Grovewood Drive South
- Reduction in the speed limit on New Cut Road from 40 mph to 30 mph
- The upgrade of the New Cut Road/Ashford Road junction

Reason: In the interests of highway safety.

INFORMATIVES

No demolition/construction activities shall take place, other than between 0800 to 1800 hours (Monday to Friday) and 0800 to 1300 hours (Saturday) with no working activities on Sunday or Bank Holiday.

The applicant/developer should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development. Please contact Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk".

A wastewater grease trap should be provided on the kitchen waste pipe or drain installed and maintained by the owner or operator of the premises.

Land uses such as general hardstanding that may be subject to oil/petrol spillages should be drained by means of oil trap gullies or petrol/oil interceptors.

INFORMATIVES

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

APPENDIX 1 – 24 August committee report

REPORT SUMMARY

REFERENCE NO - 17/501471/FULL		
APPLICATION PROPOSAL Erection of a three storey secondary school with associated access, car parking and landscaping.		
ADDRESS Land At Valley Park School, New Cut Road, Maidstone, Kent, ME14 5SL		
RECOMMENDATION – Approved subject to conditions		
SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL The application is considered to comply with the relevant policies of the development plan and the approach of the National Planning Policy Framework (NPPF) and other relevant publications which represent material considerations in support of the application. The proposed school is considered to be acceptable having regard to the relevant matters including design and layout of the school, relevant standards, access to play space and open space, impact on amenity of neighbouring properties and highway matters.		
REASON FOR REFERRAL TO COMMITTEE Boxley Parish Council object to the proposed development and have called the application to committee.		
WARD Boxley	PARISH/TOWN COUNCIL Boxley	APPLICANT BAM Construction Ltd AGENT Vincent & Gorbing
DECISION DUE DATE 23/06/17	PUBLICITY EXPIRY DATE 24/05/17	OFFICER SITE VISIT DATE
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites): 17/503510/REM – Approval of Reserved Matters for Access, Appearance, Landscaping, Layout and Scale following Outline Approval for 13/1687 - An outline application with all matters reserved for future consideration for a new 12 court sports hall and ancillary accommodation. To be completed in 2 phases – Pending 14/504158/FULL - Proposed new sports equipment storage building - Permitted 14/504161/FULL - Extended area of 3G pitch (with reference to planning application MA/13/1260) the size being increased to 100 x 64m in order to provide an FA adult pitch. Together with 2 additional tennis courts - Permitted 13/1687 - An outline application with all matters reserved for future consideration for a new 12 court sports hall and ancillary accommodation - Permitted 13/1260 - The construction of a new 3G sports pitch with floodlighting; 4 new tennis courts; the upgrading and extension of existing pedestrian access ways from the main school site; the refurbishment of existing tennis courts; and associated fencing – Permitted 13/2067 - An application for a non-material amendment to planning permission MA/13/1260 being: a) The removal of a retaining wall and replacement with banking; b) A simplification of the access and viewing arrangements; c) A reduction in the number of required floodlight		

columns from 8 to 6 - Permitted

13/2068 - An application to discharge conditions relating to MA/13/1260 - (The construction of a new 3G sports pitch with floodlighting; 4 new tennis courts; the upgrading and extension of existing pedestrian access ways from the main school site; the refurbishment of existing tennis courts; and associated fencing) - being details of condition 3 (walls and surfacing) and condition 4 (tree protection) – Permitted

12/0526 - Construction of new sports hall with changing rooms – Permitted

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.1 The application site relates to a section of the shared school playing field at Valley Park Community School and Invicta Grammar School. The site is located on the west side of New Cut Road and to the north of Ashford Road. The site currently comprises three sports pitches for use of both schools. There is an existing vehicle access in the southeast corner of the site to the north of the junction at New Cut Road and Ashford Road with an unmade vehicle track running along the eastern boundary within the site. This existing vehicle access is primarily used to access the school playing fields and for maintenance of the grounds. The site can also be accessed on foot via the two schools to the west. The north, east and part of the south and west boundary of the site comprise mature tree and hedgerows along the boundary of the school playing fields. The remaining boundary of the site comprises the school playfields with no fixed or marked boundary treatment. The tree line boundary around the wider school playing field and the trees within the playfields has recently been designated as a group TPO - 5011/2017/TPO.
- 1.2 The application site slopes down gently from north to south while the ground levels within the eastern part of the school playfield fall from north to south by approx. 19m with two fairly significant changes in the ground levels.
- 1.3 The northern boundary of the school playing field abuts PROW KH2 which runs in a south-westerly direction connecting New Cut Road and Grove Green to Huntsman Lane, Vinters Park and Maidstone town centre. Beyond the PROW is Vinters Valley local nature reserve which contains several grade II* listed ha-ha walls. Grove Lodge is a detached residential property located on the north side of PROW KH2. To the south and west of the site are playing fields and sports pitches utilised by Valley Park and Invicta Grammar schools, these schools are located further to the west and are accessed off Huntsman Lane. The playing fields include several grass pitches, tennis courts and an all-weather sports pitch (3G pitch). A third school, East Borough Primary School is located on Vinters Road further to the west. The southwest corner of the shared playing fields is the site for the new sports hall which has extant outline consent and the reserved matters application is currently being considered by the LPA (ref: 17/503510/REM). To the east of the site is New Cut Road with Grove Green housing estate beyond.
- 1.4 The site is located within the urban area of Maidstone and is designated as an Area of Local Landscape Importance in the 2000 Local Plan along with the Vinters Valley local nature reserve to the north of the site, although this designation has not been carried through into the emerging local plan. The proposed site lies within the Vinters Park Landscape Character Area.

2.0 PROPOSAL

- 2.1 Erection of a three storey secondary school with associated access, car parking and landscaping. The new school would accommodate 1,200 pupils equating to 6 forms of entry (11-18yrs) and 100 full-time equivalent staff. The proposed school would specialise in Science and Technology for students interested in engineering based subjects and would become a member of the Valley Invicta Academies Trust along with Valley Park and Invicta Grammar.
- 2.2 The new school building would be located east of the centre of the existing playing fields with a proposed parking area to the east of the new school adjacent the New Cut Road boundary. A new roundabout access is proposed and would incorporate the opposite New Cut Road and Grovewood Drive South junction. The school building would be three storeys high with a flat roof with a u-shaped footprint of some 3030 sqm with a central courtyard open to the south. The gross floor area of the building would measure some 9188 sqm and the school would have a maximum height of some 12.6m. The building would be formed of two main materials a light grey facing brickwork and darker grey render. The main school entrance would be on the eastern elevation adjacent the parking area and site entrance with a secondary student entrance in the southern elevation via the open courtyard. PV panels are proposed on the roof of the school building.
- 2.3 The proposed roundabout junction would replace the existing junction at New Cut Road and Grovewood Drive South. The roundabout would comprise four arms serving New Cut Road, the new school site and Grovewood Drive South. The vehicle access would require the removal of a number of significant trees along the eastern boundary of the site. The access would serve the proposed school and new sport hall, forming a loop around the proposed parking area and running to the north of the 3G pitch to the new sports hall site.
- 2.4 The proposed parking area incorporates 104 parking spaces for staff and visitors, 7 disabled spaces and 18 drop off bays. Some 30 cycle parking spaces are proposed with sufficient space to accommodate additional cycle storage if the need arises to provide total number of 172 spaces. The exact number of spaces provided at the start of first school year would be secured and determined via condition.
- 2.5 The roundabout and required visibility would result in the loss of approx. 32 trees, some of which are significant mature species, and a 20m stretch of a group of trees. It is proposed to mitigate for the loss of trees with additional tree planting and landscaping within the site. The north and east edge of the car park and vehicle access would include a landscape buffer incorporating new tree planting to screen the parking area. Some 90 new trees would be planted within the site, a majority of which would be located within and around the proposed parking area and adjacent the new roundabout junction to soften the approach into the site and help screen the parking and vehicle access road.
- 2.6 It is proposed that the new school would share the existing playing fields and sports facilities, including the new sports hall (see history), with the two existing schools.

3.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Development Plan: ENV6, ENV35, CF1
Emerging Local Plan; DM1, DM3, DM23, DM27
Supporting Documents: Area guidelines for mainstream schools BB103

4.0 LOCAL REPRESENTATIONS

4.1 Some 34 local residents have responded to the public consultation with 31 objections received and 3 comments. The neighbour representations are summarised below.

- Increase traffic on New Cut Road.
- Traffic congestion.
- Noise and pollution from additional traffic.
- Views from rear gardens.
- Noise and light pollution from the school.
- Disturbance during construction works (*non material planning consideration*)
- Parking pressures on surrounding streets, including Grovewood Drive South.
- Negative impact on wildlife.
- Safety and/or traffic calming measures.
- Impact on nearby residential properties.
- Loss of trees.
- Increased litter.
- Loss of privacy, overshadowing.
- Development of the site would detract from the green open space between Maidstone and Weaving.
- Alternative access should be considered opposite Turkey Mill on the A20.
- Consultation by the developer should have covered a wider area.
- Questions whether a new school is required in Maidstone with existing schools undersubscribed.
- Proposed school would not be serving local children.
- Pupils likely to be driven to school rather than catch the bus.
- Traffic safety along New Cut Road.
- Insufficient on-site parking proposed.
- The application fails to take into account the cumulative impact of other developments in the area and impact on the highway network.
- Proposed entrance is dangerous.
- Request lighting is switched off in the evening if proposal is granted.
- The Travel Plan will not resolve the issue of inadequate parking provision.
- Requests for parking restrictions implemented on nearby roads and speed restrictions if the proposal is approved.
- Lack of consultation by the LPA.
- The catchment area will be bigger than indicated on the TA.
- The figures on the TA are inaccurate.
- The development would extend the urban sprawl of Maidstone.
- Increased congestion along New Cut Road would cause rat running via other roads.
- Impact of new roundabout and traffic lights on residential amenity.
- The Integrated Transport Strategy for Maidstone has an overarching objective to reduce transport impacts and the demand for travel.
- There is to be a new school at the Kent Medical Campus.
- No indication of heating proposed for the building.
- Additional ecology (bat / reptile) surveys are required.
- The new school should be built in east Maidstone in proximity to new housing developments.
- Loss of existing playfields at the site including football pitches currently used by Vinters Football Club.

4.2 **Boxley Parish Council:** Raise an objection for the following summarised reasons:

- Consider that an incorrect baseline for vehicle usage assessment. The comparator used for these calculations is Valley Park Community School, which is a comprehensive. The PC believes Invicta Grammar School should be used as a comparator which is also STEM.
- Insufficient car parking.
- Parking pressure in Grove Green from overspill parking and drop off for school children.
- The evidence on committed development in the TAD is incomplete.
- Road safety concerns.
- Traffic congestion.
- Noise, light and air pollution.
- Loss of some very prominent TPO trees.
- The parish council would like to see grey water and PV panels in the design.
- Impact on Vinters Valley nature reserve.
- Cumulative effect of the schools adjacent the site including; highways infrastructure, public transport, litter and local community.
- Should the application be approved the PC request conditions for; parking restrictions in Grovewood Drive South and in the adjacent roads; indigenous trees planting should be used in the landscaping proposals; consideration is given to having a different finishing time to the other schools.

5.0 CONSULTATIONS

- 5.1 **Natural England:** No objections. Recommends following NE Standing Advice and providing biodiversity enhancements.
- 5.2 **KCC Drainage:** No objections regarding the site's drainage design and proposed discharge rates. Recommend conditions.
- 5.3 **Nu-venture buses:** Advise that bus stops should ideally be created on the site. Bus stops nearby the site on main roads should also be considered as not all buses serving schools will be dedicated to that school.
- 5.4 **Arriva buses:** No comments received.
- 5.5 **KCC Archaeology:** No objections. Remains associated with prehistoric and Roman activity may survive on the site. Recommend a condition for archaeological field evaluation prior to commencement of development.
- 5.6 **KCC Ecology:** No objections. Are satisfied the submitted information provides a good overview of the ecological interest of the site. The majority of the site is unsuitable for reptiles. Recommend biodiversity enhancements and a bat scoping survey prior to any trees works.
- 5.7 **Highways England:** Would not raise an objection in respect of this planning application, subject to; a Section 106 agreement being entered into to secure the revised Travel Plan, to include contingency mitigation.
- 5.8 **MBC Environmental Health:** No objections. Recommend conditions to ensure suitable sound insulation and electric car charging conditions to promote sustainable travel. A condition has been requested regarding a code of construction practice,

however, the Construction Methodology by Bam has now been updated to include the relevant information therefore a condition is not necessary.

- 5.9 **SGN:** No objections. Advise of pipelines in the area owned by SGN.
- 5.10 **MBC Parks and Open Space:** No objections.
- 5.11 **KCC Highways:** KCC Highways would not raise an objection in respect of this planning application, subject to the applicant being required to enter into a Section 278 Agreement to secure the highway works on New Cut Road (including the upgrade of the New Cut Road/Ashford Road junction) and a Section 106 Agreement to secure the Travel Plan and its associated financial contribution towards additional bus capacity.
- 5.12 **Southern Water:** Advise that there is currently inadequate capacity in the local network to provide foul sewage disposal to service the proposed development. SW has advised that additional off-site sewers, or improvements to existing sewers, will be required to provide sufficient capacity to service the development. Any improvements required will need to be agreed between the developer and SW and Section 98 of the Water Industry Act 1991 provides a legal mechanism through which the appropriate infrastructure can be provided. An informative would be attached to the decision to ensure the developer is aware of their responsibility and to contact SW.
- 5.13 **Sport England:** Sport England does not wish to raise an objection to this application as it is considered to meet a mixture of exceptions of policy E4 and E5. Sport England has consulted the FA and they have confirmed that they do not object subject to a community use agreement being secured via a planning condition.
- 5.14 **Natural England:** No objections. Recommend applying standard advice and biodiversity enhancements.
- 5.15 **Kent Police:** No objections. Following initial consultation the applicants have met with Kent Police and an additional drawings has been provided showing the location of CCTV on the site. Request a formal application for BREEAM and Secured By Design (SBD) will be required if appropriate.
- 5.16 **KCC PROW:** No objections. PROW KH2 runs along the northern boundary and should not affect the application.
- 5.17 **MBC Landscape:** The proposal will result in tree removals that will include a number of mature specimens, some of which are high value, together with lower value trees. Visually, the existing tree belt will be split by a significant gap.

6.0 APPRAISAL

Principle of Development

- 6.1 The application proposes a new 1200 student free school within the existing playing fields of Invicta Grammar and Valley Park School. Maidstone Local Plan 2000, the relevant policy is CF1 which relates to new community facilities, including educational facilities. Policy CF1 advises new facilities should be provided to meet future need which is generated by new development. Policy CF1 is taken forward in policy DM23 of the emerging plan which again recognises the need to provide community facilities to meet the needs of new residential development. Emerging local plan policies are considered to have full weight at this stage of the local plan process. As

set out below, there is currently a deficit of school places within Maidstone and thus there is a context where further education provision is necessary.

- 6.2 Of relevance to this point is that this site and proposed school is included in the KCC Commissioning Plan 2017-2021 to provide secondary school places within the Maidstone area. The Commissioning report states that Secondary School forecasts indicate that from 2017-18 the surplus capacity for Year 7 places will be below the operating guideline of 5% and a substantial deficit of Year 7 places is anticipated from 2018-19 and beyond. The KCC Plan acknowledges that the opening of the new proposed Secondary Free School, the Maidstone School of Science and Technology has been delayed to September 2018. Consequently the number of Year 7 places in Maidstone will be below the target of 5% surplus capacity in 2017-18. KCC anticipate that the proposed 180 Year 7 places at the Free School will meet the majority of the forecast demand for non-selective places in Maidstone town from 2018-19. The Commissioning Plan advises that any further delay in the opening of the school would lead to a significant shortfall in places and little time in which to respond.
- 6.3 The Commissioning report acknowledges that there will also be significant pressure for additional Year 7 places elsewhere in the Borough, which could not reasonably be met by a Free School in central Maidstone and KCC propose to expand Cornwallis Academy to address the demand.
- 6.4 Even with the a new Free School in the borough and expansion of Cornwallis Academy the Commissioning report advises that beyond 2021-22 the pressure on Secondary school places is forecast to increase further.
- 6.5 At a national level, the policy relating to the provision of school development remains a positive one with paragraph 72 of the NPPF stating; *“the government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education. They should give great weight to the need to create, expand or alter schools; and work with schools promoters to identify and resolve key planning issues before applications are submitted”*
- 6.6 There is significant support offered by national and local policy for new schools and school expansions. The Communities and Local Government Policy Statement on Planning for Schools Development (Aug 2011) sets out the Government’s Commitment to support the development of state-funded schools and their delivery through the planning system. The policy statement advises that *“it is the Government’s view that the creation and development of state-funded schools is strongly in the national interest and that planning decision makers can and should support that objective, in a manner consistent with their statutory obligations”*. It encourages collaborative working, which *“would help to ensure that the answer to proposals for the development of state-funded schools should be, wherever possible, “yes” ”*. It states that *“the Government believes that the planning system should operate in a positive manner when dealing with proposals for the creation, expansion and alteration of state-funded schools, and the following policies should apply with immediate effect:*
- *There should be a presumption in favour of the development of state funded schools, as expressed in the National Planning Policy Framework.*

- *Local authorities should give full and thorough consideration to the importance of enabling the development of state-funded schools in their planning decisions. The Secretary of State will attach significant weight to the need to establish and develop state-funded schools when determining applications and appeals that come before him for decision.*
- *Local authorities should make full use of their planning powers to support state-funded schools applications. ...*
- *A refusal of any application for a state-funded school, or the imposition of conditions, will have to be clearly justified by the local planning authority. Given the strong policy support for improving state education, the Secretary of State will be minded to consider such a refusal or imposition of conditions to be unreasonable conduct, unless it is supported by clear and cogent evidence.”*

6.7 The Plain English Guide to Planning for Free Schools, produced by the Department for Communities and Local Government in January 2015, reinforces and strengthens earlier advice. It sets out in paragraph 2 that *“the Government is committed to ensuring there is sufficient provision to meet growing demand for state-funded school places, increasing choice and opportunity in state funded education, and raising educational standards. Free schools have an important part to play in delivering this challenge.”*

6.8 Therefore it is clear the position of the NPPF, wider government policy, the council's existing and emerging policy and KCCs Commissioning Plan, presents strong support for school related development where this can deliver quality school places to meet the needs of the local community. However, it is recognised that the impacts of the new school need to be properly assessed in order to ensure there is no unacceptable harm that would outweigh this strong presumption that weighs heavily in favour of the scheme.

Visual Impact / Design

6.9 At some 12.6m high with a gross floor area of some 9188 sqm the proposed building, associated parking and turning areas would undoubtedly have a visual impact on the existing site and surrounding area. However, the school building would be set well back within the site away from the New Cut Road and Ashford Road frontage and the palette of materials and colours proposed would have a muted appearance and proposed landscaping would soften the impact of the building and parking area. Glimpses of the new building would be afforded through the new entrance, however, the proposed alignment of the new access road and additional tree planting to the north and south of the access would limit views into the site. With the exception of the area required for the new access the existing tree belt along the boundary of the playing field would be retained and there would be additional tree planting around the east and northern parts of the parking area and further tree planting would reinforce the existing tree belt to the north of the existing rugby pitch and south of the parking area.

6.10 Mid-long range views towards the school site are afforded from the higher ground in the neighbouring Vinters Valley nature reserve and glimpses of the top of the floodlights on the 3G pitch are visible in the distance. However, the school building would be bounded by dense mature woodland to the north and northwest and the north part of the building would be recessed to take account of the slope in the ground levels. As such the building would be screened from mid-long range views and would not appear significantly prominent or obtrusive from the nature reserve.

- 6.11 Overall it is therefore considered that the school building and associated parking area would not appear significantly prominent
- 6.12 The main visual impact would arise from the creation of a new roundabout along New Cut Road which would require a significant number of trees to be removed to accommodate the new entrance, roundabout junction and necessary visibility splays. The removal of trees along the eastern boundary of the site would clearly be regrettable and does weigh against the proposal, but would be an inevitable requirement of any new access along this site boundary. The various access options will be reviewed in greater detail below. In terms of the visual impact of the proposed roundabout, New Cut Road is a busy through road in the urban area of Maidstone and there are three existing roundabouts on New Cut Road to the north of the site such that I do not consider the introduction of a new roundabout here would appear incongruous in this location.
- 6.13 The proposed location of the school has been determined by a number of factors including (inter alia) ground levels, retention of playing pitches, vehicle access, loss of trees and deliverability. The proposed location of the school and car park is considered to be the most appropriate location on site in terms of deliverability which is affected by fairly significant changes in ground level across the eastern part of the shared playing fields. A requirement by Sport England to retain the best sports pitches at the southern end of the playing fields has been a key determining factor in choosing the proposed location. The impact on playing pitches will be looked at in greater detail below.
- 6.14 In terms of the design and layout, the school building would be three storeys with a flat roof with a u-shaped footprint of some 3030 sqm with a central courtyard open to the south. The flat roof would have space to facilitate PV panels, the design and location of which would be secured by condition. The gross floor area of the building would measure some 9188 sqm and have a maximum height of some 12.6m. The building would be formed of two main materials a light grey facing brickwork and darker grey render with recessed windows framed by coloured (dark grey and light blue) panels. The main school entrance would be on the eastern elevation adjacent the parking marking a clear entrance / focal point on the front elevation of the building. There would be a secondary student entrance in the southern elevation via a south facing courtyard which would form as a key focal point for students and would benefit from grassed areas, planters and seating making this an attractive open space. Landscaping would be located at the front the school, along the boundaries and within the car park to soften the impact of the built development.
- 6.15 Subject to suitable conditions relating to materials, landscaping, it is considered from a design and layout perspective, the development would constitute good design and would accord with policy DM1 and Section 7 of the NPPF.

Highways

- 6.16 The proposed parking area incorporates 104 parking spaces for staff and visitors, 7 disabled spaces and 18 drop off bays. Some 30 cycle parking spaces are proposed with sufficient space to accommodate additional cycle storage if the need arises to provide a policy compliant total number of 172 spaces. KCC Highways have not objected to the car parking provision which would be in accordance with guidance and the internal loop road within the site would accommodate sufficient space to allow vehicle pick up and drop off within the site so as not to disrupt the surrounding road networks. Concerns have been raised by local residents regarding the potential for 6th form students to park in the adjacent roads in Grove Green. To overcome this the applicant has proposed a Temporary Traffic Regulation Order to restrict

parking within the nearby residential road for a limited time period during school hours to deter students from parking in the area. The number of cycle spaces is low (although there would be space to expand) and through negotiations the applicant has agreed to increase the number of cycle parking spaces from the start of the first school year which would promote cycle usage and help reduce vehicle trips to the school. The exact number of cycle spaces to be provided from the start of the first school year would be secured by condition.

Pedestrian connectivity

- 6.17 The site is located less than 1 mile from Maidstone town centre and is bound by the east by New Cut Road which is a key distributor route, and to the south by Ashford Road which is a primary route between Maidstone and villages to the east.
- 6.18 The site is well connected to the town centre by pedestrian footpaths. The proposed layout includes a new footpath within the site which would connect the new school with Valley Park and Invicta Grammar schools to the west and, it is envisaged that pupils accessing the school from the west, town centre, train station, and central town centre bus depot, would access the site via Huntsman Lane and walk through the existing school sites. The site is therefore considered to offer sustainable, safe and accessible pedestrian and cycle access from the town centre.
- 6.19 There is a pedestrian footpath on the northern side of Ashford Road (and cycle path along part of the route) and along the eastern side of New Cut Road, and the junction at Ashford Road / New Cut Road is signalised to allow safe crossing. A new pedestrian / cycle path is proposed within the site to connect the school with the existing access gate in the southeast corner of the playing fields. The new path would need to have low level ecology lighting to ensure safe use and the path would link up to the existing footpath and cycle route at the Ashford Road / New Cut Road junction. This new internal path would follow the route of an existing unmade vehicle access road within the site and would allow pedestrians and cycles to enter the southeast corner of the site thus avoiding the busy New Cut Road. This access would also serve pupils using the bus stops near the signalised junction on Ashford Road.
- 6.20 The proposed roundabout design would include pedestrian puffin crossing to the north of the roundabout with a new section of pedestrian footpath on the western side of New Cut Road to enable safe pedestrian access into the school from pupils coming from Grove Green and the east and from the north along New Cut Road.
- 6.21 PROW KH2 runs along the northern boundary of the application site in a south-westerly direction connecting New Cut Road and Grove Green to Huntsman Lane, Vinters Park and Maidstone town centre. The PROW is currently used by pupils from Valley Park and Invicta travelling to school from the east. It is envisaged that the new internal pedestrian route linking the three schools would reduce the likelihood that KH2 would be utilised by the pupils from the new school as it would not form the most direct route to the town centre. A pedestrian connection could be provided to KH2 in the northeast corner of the site, however, a new internal access route would need to be provided and this would have an impact on the existing sports pitches and would also require the removal of existing boundary vegetation such that this has not been proposed by the applicant.
- 6.22 Overall, school site is considered to have good pedestrian accessibility to the surrounding area.

Access

- 6.23 Several different access options have been assessed by the school taking into account the impact on the tree lined boundary, ground levels, highways safety and congestion impacts, costings, deliverability and neighbouring amenity.
- 6.24 The proposed vehicle access comprises a new 4-arm roundabout junction on New Cut Road, which will incorporate the main site access and the existing Grovewood Drive South junction.
- 6.25 Objections and concerns have been raised regarding the loss of trees due to the choice of a roundabout access in this location. Prior to this application being submitted none of the trees along the eastern boundary of the school playing field were protected by TPOs and could have been removed by the school without obtaining permission from the council.
- 6.26 The location of the school within site together with the highways safety / capacity impacts and ground level changes has largely dictated the choice and location of the proposed access point. The applicant has submitted an Access Options Assessment reviewing four potential access points along New Cut Road. A further option was reviewed on Ashford Road but this was discounted due to the significant loss of trees and highways impacts of providing a new junction along this primary route. All of the options along New Cut Road would result in a significant loss of trees, however, some options would require fewer trees or less mature trees to be removed. The different access options have varying impact on highways safety, free flow of traffic along New Cut Road and Ashford Road while some options are considered to be more deliverable than others. Taking all of these matters into consideration, on balance, the roundabout option was considered to be the most appropriate all round solution at this site. Option 2 relates to the proposed location of the roundabout.

Option 1 – Southeast corner of the playing fields

- 6.27 The existing gated vehicle access in the southeast corner of the site was discounted as only a left in / left out access could be achieved. Further, a signalised junction would not be possible due to the proximity to the A20 / New Cut Road junction. This access point is also discounted from the school site and would require the loss of significant number of trees and the loss of a further sports pitch as a new internal access road would be required. This option has been discounted.

Option 2 – Proposed location

- 6.28 This option provides the best connectivity to the car park and school building. The applicant has reviewed two junction options at this location, a signalised junction and the proposed roundabout. The signalised junction has been tested and shown to operate poorly in capacity terms and would also impact on the existing signalised junction at Ashford Road / New Cut junction, creating additional congestion. Both options would improve accessibility into Grove Green estate opposite the site and controlled pedestrian crossing could be provided on New Cut Road. The roundabout would result in betterment in terms of traffic flows and reduced congestion times along New Cut Road compared to the existing situation. It is noted that the proposed development is only required to mitigate its own impact in terms of additional traffic generation, however, with future growth in Maidstone proposed, a betterment in traffic flows along New Cut is considered a significant benefit of the roundabout option. The applicant has confirmed that both junction options would cost approximately the same to deliver. Both options would also require the removal of a significant number of trees to accommodate the new access. The signalised junction would require fewer trees to be removed along the New Cut Road boundary and would clearly be the less obtrusive option in terms of the visual

impact on the streetscape / tree belt along the boundary of the site, however, this option would also require the removal of more trees within the site and would allow unobstructed views into the site along a straight internal access road. The signalised junction would also require a revised internal parking / access layout to ensure cars do not queue and block traffic on New Cut Road, which in turn is likely to impact on more sports pitches and the existing tree belt to the south of the site. To my mind this is a clear case of balancing up between the loss of trees and the highways impacts / improvements between the two options. As both options would result in the significant loss of trees and therefore harmful visual impact along New Cut Road, overall on balance, it is therefore considered that the roundabout offers the better solution as this option would result in highway betterment along New Cut Road and would reduce congestion in the immediate and longer term.

Option 3 – northeast of site

- 6.29 This option is located to the northeast of the school site. An uncontrolled priority junction in this location could be provided, however, the applicant has advised that a right hand turning lane (additional lane) would need to be provided on New Cut Road to allow safe uncongested access into the site. Due to the location of private properties along the east side of New Cut Road the road would need to be widened on the west / school side which would result in a significant amount of tree removal along the boundary of the site and New Cut Road, although it would likely result in the loss of fewer mature / significant trees than the other options. This access option is also disconnected from the school site and the route of the internal access road would result in the loss of a further sports pitch and urbanising engineering works to deal with levels changes within the site. This option has been discounted.

Option 4 – far northeast corner of the site

- 6.30 This option is located to northeast corner of the site. Again, an uncontrolled priority junction in this location could be provided in this location. Again the likely inclusion of right hand turn lane would require road widening and the loss of trees, including in areas outside the schools ownership. This option is notably disconnected from the school building and the new internal road would require the loss of a further sports pitch and significant engineering works within the site to address the levels changes along the route of the internal access road. This option has been discounted.
- 6.31 KCC Highways raise no objections to the proposed roundabout access advising the crucial difference between the two junction types is that a roundabout provides a more effective means of maintaining traffic flow along New Cut Road and is less likely to result in queues that block back either to or from the Ashford Road/New Cut Lane junction. KCC also advise that the roundabout proposal would provide a physical means of reducing vehicle speeds in the vicinity of the site, which will be important in view of the pedestrian/cyclist activity generated by the school. A reduction in the speed limit on New Cut Road from 40 mph to 30 mph is also proposed, which will need to be secured via a Traffic Regulation Order.
- 6.32 The proposed roundabout access arrangements have been the subject of a Stage 1 Road Safety Audit, which takes account of the proposed controlled crossing. KCC Highways have advised that the majority of the auditors' recommendations have been satisfactorily addressed in the Designers Response. The outstanding point relates to the introduction of a shared cycle route to the north on New Cut Road and this will be investigated and, if appropriate, included within the scope of Section 278 Agreement works required for the proposed roundabout and crossing.

Trip generation

- 6.33 The trip generation forecasts are founded on an assumption that the pupil mode share will reflect that of the nearby Valley Park School, including 53% walking, 2% cycling, 20% travelling by bus and 11% travelling by car. Using Valley Park as a comparator school site has been accepted by KCC and HE.
- 6.34 The trip distribution assumptions are based on the areas where housing growth is planned to take place (as identified in the emerging local plan) and the catchment areas served by the nearby Valley Park and Invicta Grammar Schools. This reflects the likelihood that the school will primarily cater for the demand associated with new areas of housing in and around Maidstone.
- 6.35 The resulting trip generation forecasts indicate that, in total, there will be 230 additional vehicle movements in the AM peak (08:00 – 09:00) and 195 additional vehicle movements in the PM peak (15:00 – 16:00), although this is outside the normal PM Peak rush hour. It is also of note that 240 pupils are expected to travel by bus.
- 6.36 The assumptions are that 55% of pupil trips will involve routes to/from the south, with 25% using Ashford Road (A20) to the east, 20% using Ashford Road to the west and 10% using Willington Street to the south. The remaining 45% of pupils will head to/from the northern part of New Cut Road. The staff distribution is weighted more towards the northern part of New Cut Road (59%).
- 6.37 The Transport Assessment identifies that the vehicle trips associated with the new school would result in a worsening of operating conditions and queuing delays at nearby junctions including the Bearsted Road/New Cut Road/Newham Court Way junction and the M20 Junction 7.
- 6.38 KCC advises that capacity modelling findings should be viewed in the context of the operational characteristics of the school. These mean that the impact of additional traffic on congestion will be limited to during school term-time and concentrated within short time periods at the beginning and end of the school day. In addition, Highways England has acknowledged that the proposed development will only impact the Strategic Road Network in one Peak Hour (AM Peak) and have included an allowance for the potential for linked trips and diverted trips.
- 6.39 The NPPF states that Development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe. In this regard KCC Highways are not able to conclude that the development will result in conditions that could be described as a severe impact on congestion or safety. KCC do advise Members that the residual impact of this development is likely to be characterised by additional local traffic generation and some consequent increase in congestion, which the applicant cannot fully mitigate.
- 6.40 Highways England has confirmed that the school site would not be required to contribute towards improvements to M20 Junction 7 on the provision that there is a robust travel plan secured by S106 with contingency measures included should the school not meet the aims and objectives of the travel plan.
- 6.41 An updated Interim Travel Plan has been submitted in support of this application and this has been reviewed by KCC Highways and Highways England.
- 6.42 Highways England advise that in theory, if implemented and monitored appropriately, the Travel Plan should be capable of achieving the desired outcomes; in which case nothing more would need to be done. However, to ensure that Highways England

requirements are met and vehicle trips to the school do not exceed the assumption in the TA and TP, they have requested that as a fall-back position and an incentive to the school, alternative mitigation should be secured via the TP and associated S106, should the desired outcomes of the TP not be achieved. The TP would therefore need to be secured through an S016 agreement to secure an appropriate contingency contribution and monitoring fee for the TP.

- 6.43 HE has suggested that one way to achieve the contingency could be to align the school to the “managed approach” to the required M20 Junction 7 mitigation scheme works. In this case, the further mitigation would be a payment in line with the “managed approach” methodology, calculated based on the additional vehicles generated above the levels presented within the Transport Assessment. The sums contributed would go towards sustainable transport scheme benefitting the area. Using formulae aligned with a “managed approach” the school would have absolute clarity of what the penalty would be for any given level of exceedance over the mode share targets. Alternatively, HE would be content to negotiate an acceptable “Trip Mitigation Sum” (as referenced in Transport for London Travel Plan sanction guidance).
- 6.44 Therefore, should the school fail to meet the objectives of the TP alternative mitigation will be secured through the S106 to be used on sustainable transport scheme(s) benefitting the area and relevant to the proposed development which could include, but not necessarily limited to:
- Upgrading cycle routes.
 - Illumination of PROWs
 - Bus contributions
 - Bus discounts / tickets for pupils
 - Bike tokens for pupils
 - Pedestrian crossing points
 - Additional electrical vehicle charging points
- 6.45 The total capped figure for the TP mitigation has not been determined yet and until a fully justified and reasonable figure has been provided the school will not be in a position to agree. To allow further negotiations and to agree an appropriate contingency figure and TP monitoring fee Members are asked to give the Head of Planning and Development full delegated powers to secure the details of the Travel Plan, the monitoring contribution and level of the contingency contributions and triggers.
- 6.46 To promote sustainable travel and support a robust travel plan, additional cycle parking (more than 30 spaces) will be provided when the school first opens and it is also proposed to reduce the amount of on-site car parking from that shown on the current plans in order to promote car sharing, bus use and other sustainable modes of transport. This has been agreed by the applicant and would be secured by condition, including the number of spaces that would need to be omitted in order to promote sustainable travel.
- 6.47 KCC Highways have acknowledged that schools by their nature tend to benefit from a high proportion of sustainable journeys on foot, by bicycle and by bus compared to other land uses. However, KCC has advised that the proposed new school would have an impact on the existing bus network as a result of the additional 240 pupils that are expected to travel by bus. In order to mitigate the potential impact on the existing bus network KCC have requested an annual contribution from the school

£139,080, to provide for additional bus capacity in perpetuity. This contribution request is not considered to meet the relevant CIL tests and given that a robust travel plan would be secured by a S106 this open-ended contribution towards local bus services is not deemed to be reasonable or necessary. 6.48 To conclude Highways England and KCC Highways advise that they would not raise an objection to the planning application subject to a Section 106 Agreement to secure the revised Travel Plan to include contingency mitigation as set out above.

Residential Amenity

- 6.49 The new school building, car park and vehicle access would be located a sufficient distance from neighbouring residential properties such that there would be no unacceptable impact in terms of loss of light, privacy or outlook. The proposed roundabout layout would not relocate the highway any closer towards the rear gardens / properties backing onto New Cut Road than the current arrangement.

Sports pitch provision

- 6.50 The existing shared playing fields consist of 10 marked out sports pitches, a 3G pitch, an astro turf pitch (located between Valley Park and Invicta School) and 8 tennis / netball courts and cricket nets. The grass sports pitches are of varying quality depended on the size and gradient of the land. The best grass sports pitches comprise the 2 x rugby pitches and a football pitch located in the southeast part of the playing fields and would be retained as part of the proposal. The loss of the best playing surfaces on the site would not be supported by Sport England. The other remaining grass pitches are not drained and all slope to varying degrees.
- 6.51 The proposed school site would result in the loss of three football pitches and one tennis court (which would be replaced). It is necessary to assess whether the loss of these three pitches would be acceptable, and more importantly whether the shared playing fields / sports pitch provision at the overall site would provide sufficient sports pitch provision for all three schools (Valley Park, Invicta Grammar and the proposed Free School).
- 6.52 Due to the loss of sports pitches there is a statutory requirement to consult Sport England and they have confirmed that they have no objections to the proposed development in terms of sports pitch provision and shared facilities subject to a community use agreement being secured via a planning condition.
- 6.53 SE has confirmed that the new artificial (3G) pitch on the site mitigates the loss of three grass pitches. The 3G pitch is floodlit and is a versatile playing surface and has the benefit that it can be used continually throughout the day and all year round, whereas grass pitches can only be used for a limited period of time and are therefore less versatile.
- 6.54 In addition to the existing sports pitch provision on the site, there is an outline planning consent on the school playing fields for a new sports hall which would provide indoor sports provision and would be shared by the three schools. The current school planning application would secure the new access road and car parking for the proposed sports hall and existing 3G pitch. The reserved matters application for the new sports hall is currently being considered by the LPA and a condition is recommended to ensure the first phase of the new sports hall is provided at the same time as the new school. Subject to such a condition SE has confirmed that sufficient sports pitch provision would be provided for the three schools through the existing play pitch provision and proposed indoor sports hall. SE therefore advise that the proposed development would be in accordance with SE policies and SE do not raise any objections subject to conditions, including a condition to secure a

community use agreement which would be in accordance with emerging policy DM23 which advises (inter alia) that *'The council will seek to ensure, where appropriate, that providers of education facilities make provision for dual use of facilities in the design of new schools, and will encourage the dual use of education facilities (new and existing) for recreation and other purposes'*.

Ecology

- 6.55 The application site located adjacent to Vinters Park nature reserve and reptiles are known to be present within this area. The application is accompanied by an ecology scoping survey that identifies that a majority of the application site is unsuitable for reptiles being managed playing field and tree cover. KCC ecology has advised that there is no requirement for a specific reptile survey and raise no objections in terms of impact on reptiles.
- 6.56 KCC Ecology has confirmed that all the trees to be felled (for the access road) have a low/negligible potential to be suitable for roosting bats and KCC are satisfied that no additional emergence surveys are required to determine the planning application. A condition is recommended to secure a soft fell technique under the watching brief of a licenced ecologist.
- 6.57 The site is bounded by a mature tree belt and a lighting scheme has been provided which demonstrates that the applicant is taking steps to minimise impacts on foraging/commuting bats. KCC has advised that they are satisfied that the finalised lighting scheme can be submitted as a condition of planning permission which shall be informed by a bat activity survey. The school have also indicated that the lighting will be turned off by 10pm every night and this would be secured by condition.
- 6.58 The ecology scoping survey advises that there are opportunities to incorporate biodiversity within the site in accordance with the NPPF and KCC ecology has confirmed that the enhancements can be secured by condition which would ensure that the ecological enhancements are over and above any ecological mitigation which is required.

Landscape

- 6.59 The proposed roundabout access would result in a loss of a significant number of trees along New Cut Road. However, as advised above the Access Options Assessment indicates that a significant number of trees would need to be removed for any new access along New Cut Road and the proposed location and roundabout access have been proposed due to a number of determining factors as described above.
- 6.60 The submitted arboricultural report considers the roundabout option in detail. The roundabout proposal will cut through the existing belt of mixed woodland, which contains a wide range of species of varying age up to over-mature specimens. There are direct losses to accommodate the junction and associated works, including footpaths and visibility splays, which includes a large A graded Oak tree and 12 B graded trees, together with 17 C graded trees and a group of trees also graded C. Two U grade trees would also be removed - trees of a condition that they should be removed irrespective of this proposal.
- 6.61 The council's tree officer has advised that in general, the submitted tree surveys are an accurate assessment of the trees present and the reasoning behind the proposed removals based on sound arboricultural judgement in the context of the proposal. However, the tree officer has advised that whilst the assignment of tree categories appears to be in line with the recommendations of BS5837, it should be noted that

some of the trees assigned lower gradings based on their arboricultural condition may be considered of higher value for other reasons – for example, it has been suggested that the C graded Holly T38 may be a veteran tree. The tree officer has advised from his own assessment of this is that it may be considered an early veteran based on its stem diameter and because it is beginning to develop features of a veteran. Other mature trees that are in poor condition might also be potential veterans and provide habitat.

- 6.62 It is acknowledged that the proposal will result in tree removals that will include a number of mature specimens, some of which are high value, together with lower value trees. Visually, the existing tree belt will be split by a significant gap. The loss of trees along New Cut Road does clearly weigh against the proposal and would need to be considered in the balancing exercise when determining this proposed development. In addition, the scheme proposes a comprehensive landscaping and tree planting plan which proposes to replant some 90 new trees on the site which equates to more trees than would need to be removed to facilitate the site access, which would in part mitigate the impacts of the roundabout and tree loss in accordance with saved policy ENV6.

Other matters

- 6.63 KCC Drainage have confirmed that the proposed drainage design / strategy is acceptable subject to further details being submitted by condition to secure the necessary drainage rates and to ensure there is no pollution risk. The site is located in flood zone 1 with a low risk of flooding and the EA has raised no objections.
- 6.64 The application site lies in an area of archaeological potential and KCC Archaeology have advised that remains associated with prehistoric and roman activity may survive on site and therefore recommend an archaeological field evaluation and recording condition.
- 6.65 An Environmental Noise Impact Assessment has been submitted in support of this application. The EHO has advised that potential noise nuisance from plant equipment should be guarded against through relevant conditions attached to any planning permission granted. The impact of existing traffic noise on the proposed development has also been assessed and the EHO has advised that acceptable indoor noise levels would be achieved with natural ventilation as the proposed layout has the most sensitive teaching rooms in acoustically sheltered locations. The site is within the Maidstone Town Air Quality Management Area. In this regard the EHO does not consider the scale of this development and/or its site position warrants an air quality assessment or an Air Quality Emissions Reduction condition. Electric Vehicle charging points would be installed at the site and a travel plan would promote sustainable travel such that there is not considered to be an unacceptable increase in air pollution from the proposed development. The EHO has confirmed that there is no indication of land contamination or high radon concentrations at the application site.
- 6.66 Southern Water has confirmed that there is currently inadequate capacity in the local network to provide foul sewage and, additional off-site sewers, or improvements to existing sewers, will be required to provide sufficient capacity to service the development. Section 98 of the Water Industry Act 1991 provides a legal mechanism through which the appropriate infrastructure can be requested (by the developer) and provided to drain to a specific location. Southern Water has a legal obligation to provide capacity and an informative will be added to the decision notice advising the developer to contact SW.

7.0 CONCLUSION – PLANNING BALANCE

- 7.1 The relevant planning and government guidance set out strong support for new school facilities and there is an identified current and future need in the area for a new secondary school and the school itself is identified within the KCC Commissioning Plan for the area. In light of NPPF guidance and significant government support, such considerations must be given significant weight in any decision.
- 7.2 The proposal would constitute a good standard of design and would not appear significantly prominent within the site due to the boundary screening and set back from the road. The proposal would meet the relevant government standards for a new school and will ensure sufficient sports provision on the site for the three schools as confirmed by Sport England and a Community Use Agreement would ensure the sports pitches are available to the local community.
- 7.3 Against the proposal is the loss of a significant number of trees along the New Cut Road frontage. However, as identified above the proposed location of the school building and the roundabout has been determined by a number of factors, including highways capacity and safety, retention of the best sports pitches on the site and ground levels and, it is noted that any new access point along New Cut Road would result in the loss of a significant number of trees. Other access locations / designs would result in the loss of less mature / significant trees than the proposed access, however, the roundabout access and location has been led by a number of factors including Sport England's requirement to retain the best / most grass playing pitches within the site, the ground level changes and the fact that the roundabout would result in a betterment in terms of traffic flows and reduced congestion times along New Cut Road compared to the existing situation. In addition, the scheme proposes a comprehensive landscaping and tree planting plan which proposes to replant some 90 new trees on the site which is more trees than would need to be removed to facilitate the site access, which would in part mitigate the impacts of the roundabout and tree loss in accordance with saved policy ENV6.
- 7.4 The new school would result in additional traffic flows and congestion at nearby junctions, a point which does weigh against the proposed development. However, the impacts of the scheme on the wider Highway network including the M20 Junction 7 are not considered to cause a severe impact subject to a robust Travel Plan being secured by a S106 which would include contingency funding and appropriate mitigation measures to be used on sustainable transport scheme(s) benefitting the local area and relevant to the proposed development. Although Highways England do note that if the TP is implemented and monitored appropriately, the mitigation would not be required.
- 7.5 The scheme is acceptable in all other regards including that relating to neighbour amenity, drainage, air quality and heritage.
- 7.6 Therefore, on balance, it is considered that the strong educational support in government guidance and local policy, the identified need in the KCC Commissioning Plan and the lack of alternative sites, represent material considerations and together with the ecological enhancements, traffic flow and reduction in congestion and other factors, would outweigh the harm caused resulting from the loss of the trees along the east side of New Cut Road.

8.0 RECOMMENDATION – Approval subject to planning conditions and to the prior completion of a legal agreement, in such terms as the Head of Legal Services may advise, to provide the following:

- Travel Plan, including a monitoring fee and contingency funding to provide appropriate mitigation measures to be used on sustainable transport scheme(s) benefitting the local area and relevant to the proposed development

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 premises shall be used for a school and for no other purpose (including any other purposes in Class D1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification.

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

3. Prior to the commencement of development, a phasing strategy for the delivery of the development hereby approved, including condition discharge, shall be submitted to and approved in writing by the Local Planning Authority. For the avoidance of doubt, the scheme shall include, but not be limited to:

- Key milestones in the development of the site;
- Commencement on site;
- Timescales for installation of utilities;
- Phases of development of the building;
- Timings for hard and soft landscaping;
- Associated timings for discharge of conditions.

The development shall thereafter be carried out in accordance with the approved phasing strategy.

Reason: To ensure satisfactory progression of the development.

4. The erection of fencing for the protection of any retained tree or hedge shall be carried out in complete accordance with BS5837:2012 and as shown on plan reference TPP01, before any equipment, machinery, or materials are brought onto the site for the purposes of development or other operations. The fencing shall be retained intact for the full duration of the development until all equipment, materials and surplus materials have been removed from the site. If the fencing is damaged all operations shall cease until it is repaired in accordance with the approved details. Nothing shall be stored or placed in any fenced area in accordance with this

condition and the ground levels within those areas shall not be altered, nor shall any excavations be made without the written approval of 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.

5. In accordance with the phasing strategy, as approved under condition 3, a construction specification/method statement for the delivery of any aspect of the development hereby permitted, falling within 5m of the Root Protection Area, approved under condition 4, shall be submitted to and approved in writing by the Local Planning Authority, prior to the works being undertaken. The development shall thereafter be carried out in accordance with the approved details.

Reason: To safeguard the trees on the site.

6. In accordance with the phasing strategy, as approved under condition 3, details of all the external materials, including samples, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development.

7. In accordance with the phasing strategy, as approved under condition 3, details of all the external windows and door, shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance to the development.

8. In accordance with the phasing strategy, as approved under condition 3, a detailed sustainable surface water drainage scheme for the site shall be submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of at a rate not exceeding 3.9l/s. The drainage scheme shall also demonstrate that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.

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

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

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

9. In accordance with the phasing strategy, as approved under condition 3, details of both the hard and soft landscaping proposals shall be submitted to and approved in writing by the Local Planning Authority. These details shall include:
- Proposed finished levels or contours
 - Means of enclosure
 - Car parking layouts
 - Other vehicle and pedestrian access and circulation areas
 - Hard surfacing materials
 - Minor artefacts and structures (eg furniture, play equipment, refuse or other storage units, signs, lighting)
 - Proposed and existing functional services above and below ground.

Soft Landscaping details shall include:

- Planting plans
- Written specifications (including cultivation and other operations associated with plant and grass establishment)
- Schedules of plants, noting species, planting sizes and proposed numbers/densities where appropriate.
- Implementation timetables.

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

10. The use or occupation of the development hereby permitted shall not commence until all hard and soft landscaping specified in the approved landscape details has been completed. All soft landscaping shall be carried out during the planting season (October to February). Any seeding or turfing which fails to establish or any trees or plants which, within five years from the first occupation of a property, commencement of use or adoption of land, die or become so seriously damaged or diseased that their long term amenity value has been adversely affected shall be replaced in the next planting season with plants of the same species and size as detailed in the approved landscape scheme unless the local planning authority gives written consent to any variation.

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

11. The external lighting shall be implemented in accordance with the details shown with the Lighting Assessment Statement (SSt-BMD-ZZ-XX-RP-M-48700) and associated plan reference SST-BMD-ZZ-XX-DR-E-40901-P02. The lighting shall thereafter be retained in the approved form.

Reason: To ensure a satisfactory appearance to the development and to safeguard neighbour amenity and ecology.

12. All external lighting shall be turned off by no later than 22:00 on any given day.

Reason: To safeguard neighbour amenity and ecology.

13. In accordance with the phasing strategy, as approved under condition 3, details of the proposed cycle parking enclosures shall be submitted to and approved in writing by the Local Planning Authority. The cycle parking shall be installed in accordance with the details approved and retained thereafter.

Reason: To promote sustainable travel.

14. In accordance with the phasing strategy, as approved under condition 3, a landscape management plan, including long term design objectives (10 years), management responsibilities and maintenance schedules for all hard and soft landscape areas, shall be submitted to and approved in writing by the Local Planning Authority. The landscape management plan shall be carried out as approved.

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

15. In accordance with the phasing strategy, as approved under condition 3, details of the proposed car parking spaces and drop off / pick area shall be submitted to and approved in writing by the Local Planning Authority. The agreed car parking shall be installed in accordance with the details approved and retained thereafter.

Reason: To ensure adequate parking provision is provided to promote sustainable modes of travel in accordance with the travel plan

16. Any facilities used for the storage of oils, fuels or chemicals shall be sited on impervious bases and surrounded by impervious bund walls. The bund capacity shall give 110% of the total volume of the tanks.

Reason: To prevent pollution of the site.

17. In accordance with the phasing strategy, as approved under Condition 3, details of how the development will enhance biodiversity will be submitted to and approved in writing by the Local Planning Authority. This will include clear ecological enhancement for breeding birds, bats and reptiles and shall include provision of bat boxes, bird boxes and native planting. The enhancement plan must provide details on how the enhancements will be managed long term. The approved details will be implemented and thereafter retained.

Reason: To enhance biodiversity.

18. In accordance with the phasing strategy, as approved under Condition 3, a bat scoping survey shall be carried out prior to any works commencing within 10metres of the trees on the site. The bat scoping survey, emergence survey (if required) and details of any bat mitigation required must be submitted for written approval by the LPA. The removal of the tree must be carried out as detailed within the submitted documents.

Reason: In the interest of ecology and bat protection.

19. Prior to the commencement of development the applicant, or their agents or successors in title, will secure and implement:

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

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

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

20. In accordance with the phasing strategy, as approved under condition 3, details of any plant (including ventilation, refrigeration and air conditioning) or ducting system to be used in pursuance of this permission shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. The scheme shall ensure that the noise generated at the boundary of any noise sensitive property shall not exceed Noise Rating Curve NR35 (*in areas of low background sound levels a target of NR30 shall be achieved*) as defined by BS8233: 2014 Guidance on sound insulation and noise reduction for buildings and the Chartered Institute of Building Engineers (CIBSE) Environmental Design Guide 2006. The equipment shall be maintained in a condition so that it does not exceed NR35 as described above, whenever it's operating. After installation of the approved plant, no new plant or ducting system shall be used without the prior written consent of the Local Planning Authority;

Reason: To protect occupants from noise and disturbance.

21. In accordance with the phasing strategy, as approved under condition 3, details of a minimum of two electric vehicle charging points, including a programme for their installation, maintenance and management, shall be submitted to and approved in writing by the local planning authority. The electric vehicle charging points as approved shall be installed prior to occupation of the building(s) hereby permitted and shall thereafter be retained and maintained in accordance with the approved details.

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

22. Use of the development shall not commence until a community use agreement prepared in consultation with Sport England has been submitted to and approved in writing by the Local Planning Authority, and a copy of the completed approved agreement has been provided to the Local Planning Authority. The agreement shall apply to the playing field and include details of pricing policy, hours of use, access by non-educational establishment users, management responsibilities and a mechanism for review [, and anything else which the Local Planning Authority in consultation with Sport England considers necessary in order to secure the effective community use of the facility]. The development shall not be used at any time other than in strict compliance with the approved agreement;

Reason: To secure well managed safe community access to the sports facility, to ensure sufficient benefit to the development of sport;

23. Prior to the first occupation of the school hereby permitted, the sports hall access road and car parking, replacement tennis court and long jump facility shall be constructed and made available for use.

Reason: To ensure the satisfactory quantity, quality and accessibility of compensatory provision which secures a continuity of use.

24. Prior to the first occupation of the school hereby permitted, a six court sports hall, pursuant to application 12/0526 "Construction of new sports hall with changing rooms", or any subsequent planning application approved by the Local Planning Authority, shall be constructed and made available for use.'

Reason: To ensure the satisfactory quantity, quality and accessibility of compensatory provision which secures a continuity of use.

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

1 A, 11408-H-01 P3, 11408-H-02 P3, 11408-H-03 P3, 16777-KSS-00-00-DR-A-01001 P7, 16777-KSS-00-01-DR-A-01001 P7, 16777-KSS-00-02-DR-A-01001 P7, 16777-KSS-00-03-DR-A-01001 P3, 16777-KSS-00-XX-VS-A-70001 P1, 16777-KSS-00-XX-VS-A-70002 P1, 16777-KSS-00-XX-VS-A-70003 P1, 16777-KSS-00-Z0-DR-A-00001 P4, 16777-KSS-00-Z0-DR-A-00002 P3, 16777-KSS-00-ZZ-DR-A-02001 P3, 16777-KSS-00-ZZ-DR-A-02002 P3, 16777-KSS-00-ZZ-DR-A-03010 P3, 6418-MST-KSA-Z0-ZZ-DR-C-6000-S2-P1; received 15.03.2017

LP2073-FIRA-LA-WS-L-93-01, LP2073-FIRA-LA-WS-L-93-02, NBMC102/23044/1 - 3a, NBMC102/23045/1 - 3b, NBMC102/23101/1 - 3a, NBMC102/23102/1 - 3b, SST-BMD-ZZ-XX-DR-E-40901-P03, SST-BMD-ZZ-XX-DR-E-40902-P03, SST-BMD-ZZ-XX-DR-E-40903-P03, SST-BMD-ZZ-XX-DR-E-40904-P03; received 24.03.2017 and LP2073-FIRA-LA-WS-L-90-01G, LP2073-FIRA-LA-WS-L-90-02G, LP2073-FIRA-LA-WS-L-90-03; received 27.03.2017 and SSTM-BHD-BG-XX-DR-E-49050-P03; dated April 2017

Supporting Documents: Acoustic Report by ADT; dated 6 March 2017, Arboricultural Impact Assessment and Method Statement (ref:NBMC102/002) by Thomson Ecology; dated March 2017, Archaeological Desk Based Report by ARS Ltd; dated March 2017, Flood Risk Assessment by Kirksaunders; dated March 2017, External Lighting Assessment (SST-BMD-00-XX-RP-M-48700-S2) by Bam; dated 22.02.2017, Interim Travel Plan and Transport Assessment by DHA Transport (PL/HA/11408); dated March 2017, Planning Statement by Vincent+Gorbing; dated March 2017, Primary Ecological Assessment by Thomson Ecology; dated March 2017, Landscape & Visual Impact Assessment by fra; dated March 2017 and Heritage Statement by Archaeological Research Service Ltd, Construction Methodology by Bam; received 15.05.2017.

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

INFORMATIVES

No demolition/construction activities shall take place, other than between 0800 to 1800 hours (Monday to Friday) and 0800 to 1300 hours (Saturday) with no working activities on Sunday or Bank Holiday.

The applicant/developer should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development. Please

Planning Committee Report

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

A wastewater grease trap should be provided on the kitchen waste pipe or drain installed and maintained by the owner or operator of the premises.

Land uses such as general hardstanding that may be subject to oil/petrol spillages should be drained by means of oil trap gullies or petrol/oil interceptors.

Case Officer: Andrew Jolly

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

THE MAIDSTONE BOROUGH COUNCIL **PLANNING COMMITTEE – 28th September 2017**

APPEAL DECISIONS:

15/510147 Hybrid application comprising change of use and conversion of existing building to one residential dwelling, site access works and alterations to existing farm access. Outline with access being considered for up to 45 residential dwellings, open space, play, landscaping and associated drainage works at Bell Farm, East Street.

APPEAL: Dismissed

Bell Farm, Land south of East Street, Harrietsham Maidstone,
(Delegated)

16/506569 Demolition of existing fire damaged building and removal of parking area. Erection of four detached dwellings together with associated garaging, parking, landscaping and creation of new site entrance.

APPEAL: Dismissed

Former Poundstop Warehouse, Crismill Lane, BEARSTED,
ME14 4NT

(Delegated)

16/505643 Erection of two detached dwellings with garaging, parking access provision, other associated works and restoration works to the front facade of the existing property (Slade House).

APPEAL: Dismissed

Slade House, Pickering Street, Loose, MAIDSTONE, ME15 9RH

(Non Determination)

16/508374 Erection of two detached dwellings together with associated parking, access and landscaping.

APPEAL: Dismissed

Tumblers Plat, Tumblers Hill, Sutton Valence, MAIDSTONE

(Non Determination)

16/506615

Demolition of existing bungalow with erection of replacement detached dwelling to include indoor swimming pool and erection of detached double garage.

APPEAL: Dismissed

Stockins Meadow, Blind Lane, Bredhurst, GILLINGHAM, ME7 3JS

(Delegated)

16/506157

Demolition of existing structure and the erection of a new three bedroom dwelling with attached three bay carport.

APPEAL: Dismissed

Amberley, South Green, Sittingbourne

(Delegated)

16/506630

Demolition of existing bungalow and erection of 2 replacement detached four bedroom dwellings, set on 3 floors with associated parking.

APPEAL: Dismissed

St. Faiths Bungalow, St. Faiths Lane, Bearsted, MAIDSTONE

(Committee)

16/508003

Demolition of existing timber outbuilding and formation of new detached 1-bedroom bungalow and garage

APPEAL: Dismissed

Building to the Rear Of 45 Kingsley Road, MAIDSTONE

(Delegated)

15/505493

Change of use of land to a residential caravan site for two gypsy traveller families containing two static caravans, two touring caravans, parking for four vehicles with associated

hardstanding and water treatment plant.

APPEAL: Dismissed

Land Adjacent Greengates, Long Lane, Lenham Road,
Headcorn

(Committee)



PLANNING COMMITTEE 28th SEPTEMBER 2017

S.106 CONTRIBUTIONS SECURED & HELD (AUGUST 2017) TOWARDS:

PUBLIC OPEN SPACE AND RECREATION	£ 2, 000, 977
TOWN CENTRE	£101,453
CAR PARK WORKS	£21, 199
CYCLE STORE	£35, 811
WILDLIFE	£823
COMMUNITY FACILITY	£ 83,262
*HEALTHCARE	£ 1, 137, 807

*The Healthcare Sums are collected on behalf of NHS England and held by Maidstone until the appropriate project is identified and monies requested by NHS England for release

Traffic Light Analysis	Less than 2 years to spend	3-5 years to spend	No spend by date or 6 years + to spend
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Spent

S106	PUBLIC OPEN SPACE & RECREATION	AMOUNT SPENT TO DATE	PROJECT DELIVERY	PROJECT STATUS	SPEND BY DATE
St.Faith's Lane Bearsted MA/04/1608	00.00	£6663.01	Spent on improvements to public open spaces in Bearsted - Payment to BPC		Closed
Land at Ware Street Bearsted MA/01/1297	00.00	£59, 275.55	Spent Play Area Improvement Scheme - towards Peveral Drive		Closed
Land at Maidstone Car Park Site, Brenchley Gardens (Waterside – Fairmeadow) High St MA/05/0211	00.00	£30,027.15	Spent on toilets at Brenchley Gardens		Closed
Land East of Ecclestone Road, Tovil South MA/05/0279	00.00	£31,064	towards multi-sport facility at South Park		Closed
Wallis Yard (All Saints) Fant MA/04/0951	00.00	£59,267	Spent on Woodbridge Drive rocky outcrop repairs; Fant Wildlife Area; Law Courts shrub beds and rebuild steps		Closed
Beaconsfield Road (Cartem Site) South MA/05/0335	00.00	£44,474.96	Spent on off site POS drainage works at Woodbridge Drive & resurfacing play area at Bridge Mill Way		Closed
Railway Hotel – Broadway Fant MA/05/1719	00.00	£9719.40	Spent towards the war memorial works		Closed
Former Ophthalmic Hospital High Street MA/06/0093	00.00	£3,647	Towards Trinity Park signage		Closed
Parkwood Tavern Parkwood MA/07/1344	00.00	£40,950	Parkwood Skate Park		Closed
Land at Oakwood Park Heath MA/07/2328	00.00	£31,500	Spent on Gatland Lane Park Play Area Improvement Scheme		Closed
Threeways Depot, Headcorn MA/06/0389	00.00	£71,515.07	Spent by Headcorn Parish Council towards Days Green Play Area/Hoggs Bridge Green		Closed
59 Wheeler Street/Sherway Close Headcorn MA/06/1940	00.00	£22,503.18	Spent towards the refurbishment upgrading and improvement at Days Green and Hoggs Bridge Recreational grounds		Closed
Former BP Garage 531 Tonbridge Road Fant MA/12/0825	00.00	£22,443.50	Spent towards Play Area Improvement Scheme At Gatland Lane		Closed
Land at Northland & Groom Way Harrietsham and Lenham MA/12/1777	00.00	£17,593.39	Spent by Lenham Parish Council towards the refurbishment and upgrade of play equipment at ham Lane playpark and Cherry Estate Park		Closed

22-27 High Street & 1-9 Pudding Lane High Street MA/06/2134	00.00	£48,029	Towards Whatman Skate Park		Closed
S106	PUBLIC OPEN SPACE & RECREATION HELD AT AUGUST 2017	AMOUNT SPENT TO DATE	PROJECT DELIVERY	PROJECT STATUS	SPEND BY DATE
Sandling Place North MA/03/0886	£30,000	00.00	£5k to be used to improve Sandling Allotment infrastructure (paths, roadways, boundary fencing, etc.) £5k to be used for James Street Allotments wall repairs. Brookbank Play Area £10k for improvements to play area or open space. Penenden Heath £10k - Interpretation of site	To commence 2017/18	No date
Westree Works - Hart Street Fant MA/05/0492	£67,162.49	00.00	£50k towards Mote Park Play Area Improvements. £17k towards improvements to River Park Infrastructure including Whatman Park	To commence 2017/18	No date
Land at 390-408 Loose Road South MA/06/0273	£13,603	£1,927	Towards Fencing at South Park and £1,927 spent on CCTV and open space	To commence 2017/18	October 2019
Convent of Mercy Park Wood MA/06/1044	£6,412.51	00.00	Towards Parkwood Recreation Ground pathway works	To commence 2017/18	No date
Furfield Quarry Boughton Monchelsea MA/01/1904	£34,000	00.00	Parkwood Recreation Ground pathway, access improvements and interpretation	To commence 2017/18	September 2022
Fintonaugh House North MA/05/1101	£12,076	00.00	Penenden Heath Play Area improvements	to be included in Play Improvement Project	December 2023
Former Leonard Gould Factory Loose MA/04/1363	£530	00.00	Towards repairs or signage at King George playing fields	For Loose PC	June 2020
46 Sittingbourne Road East MA/08/0108	£22,050	00.00	Foley Park infrastructure improvements. £14332.50 Ashhurst Road Tree Planting and infrastructure improvements £7717.50	To commence 2018-21	June 2021
Former Trebor Basset Site Maidstone MA/02/0820	£63,707.80	£52,825	£45k already used to improve riverside access and £7825 towards high level bridge works. Remainder to be used on other riverside improvements in town centre	To commence 2018-22	No date
58-64 Sittingbourne Road East MA/09/0996	£17,325	00.00	Penenden Heath Play Area Improvements	to be included in Play Improvement Project	No date
Senacre College Site Parkwood MA/10/1413 & 0846	£300,000	00.00	Proposal to improve access and quality of Mote Park from Shepway (School Lane and York Roped and Claygate), improvements to Shepway Green. Improvements to access and safety of Senacre Wood. Projects to be agreed. Hampshire Drive Allotment Community Project, Wooley Road open space, Sommerset Road open space and other local projects	Spend on each project to be agreed To commence 2018-22	April 2022

115 Tonbridge Road Fant MA/08/2323	£13,912.81	00.00	Improvements to boundary walls at Rocky Hill Allotments.	To commence 2017	February 2018
S106	PUBLIC OPEN SPACE & RECREATION	AMOUNT SPENT TO DATE	PROJECT DELIVERY	PROJECT STATUS	SPEND BY DATE
	HELD AT AUGUST 2017				
Cedarwood, Queens Road Bridge MA/07/0415	£15,326.16	00.00	To be used to surface car park at Giddyhorne lane Open Space	To commence 2018-22	November 2022
Parisfield Headcorn MA/07/0629	£5878	£13,022	Towards Staplehurst PC for the enhancement & provision of outdoor/ amenity space facilities within the parish of Staplehurst in particular Surrenden Road play area	Money released to Staplehurst PC (March 2017) towards replacement of the play area safety surfaces at Surrenden Field £5878 to go to Youth Club improvements and Surrenden Field Path and Drain project	November 2017
Ecclestone Road, Tovil South MA/10/1478	£55,214.38	00.00	Improvements to riverside footpath and to Bridgemill Way open space including Play area and infrastructure.	To commence 2017/18	No date
27 Hartnup Street Fant MA/06/0767	£17,325	00.00	For improvements to Fant Allotments, Wildlife site and Roseholm open space.	To commence 2018-22	No date
Astley Road (Kent Music School) High Street MA/10/0594	£39,554.79	00.00	£19,554 towards Mote path way. £10k for Len Valley NR Interpretation and infrastructure. £10k to improve access link between Mote Park and Town Centre via river Len Green Corridor	To commence 2017/18	December 2022
Land at Depot Site George Street High Street MA/12/0590	£37,649.75	£14,381	Towards the enhancement and repair and renewal at Collis Millenium Green	To be transferred to Collis Millenium Green Trust	February 2023
Hadlow College - Oakwood Park Heath MA/10/0485	£80,556.18	00.00	Towards Open Space	Project to be agreed in 2017	No date
13 Tonbridge Road Fant MA/11/1078	£16,092.61	00.00	Clare Park Play Area	To be included in Play Improvement Project	July 2023
Land to rear of 125 Tonbridge Road Fant MA/12/0381	£3,349.54	00.00	Rocky Hill Allotment wall repairs	In Progress	November 2018
Former Car Sale Site – Ashford Road Harrietsham and Lenham MA/11/2154	£12,032.75	£3,717.25	Towards Glebefield Play Area	£3,717.25 Spent by Harrietsham Parish Council towards repairs of play equipment at Glebefield Play Area	September 2019
The Willows, Church Green, Marden and Yalding MA/10/0562	£16,770.60	00.00	Cockpits Play Area improvements	To Marden Parish Council to be included in Play Improvement Project	November 2020
Former Rose PH, Farleigh Hill, Tovil South MA/12/0367	£22,306.31	00.00	£ 13383.77 improvements to play equipment and access to Woodbridge Drive play area and £8922.52 required tree works along the footpath at Hudsons Quarry	To commence 2018/22	February 2024
Hayle Place (Hayle Mill Road) South MA/11/0580	£166,524.08	£525	£100,000 Towards Fencing and £67,000 on the new parking with pathway on Armstrong Road at South Park	To commence 2017/19	November 2019

Oliver Road, Staplehurst Staplehurst MA/12/2106	£40,502.03	00.00	Towards provision of allotments and outdoor sports facilities and for improving, enhancing and replacing the play area equipment at Surrenden Road play area	To Staplehurst Parish Council towards Jubilee Field and Surrenden Field	May 2025
S106	PUBLIC OPEN SPACE & RECREATION	AMOUNT SPENT TO DATE	PROJECT DELIVERY	PROJECT STATUS	SPEND BY DATE
	HELD AT AUGUST 2017				
Westree Court, Rowland Close Fant MA/13/0718	£41,246.87	£16,356	To be used on each site at Cornwallis Park, Clare Park, Whatman Park and Mote Park to improve infrastructure (paths, boundaries, planting, interpretation, bins, play improvements, etc.)	£16,136 spent on Whatman Skate Park £220 Buckland Hill Local Wildlife Area	May 2025
Oakapple Lane and Hermitage Lane Heath 14/500412/FULL	£108,675.00	00.00	Infrastructure improvements (paths, boundaries, planting, interpretation, bins, play improvements, etc.) at Barming Heath, St Andrews Park and Tarragon Road open spaces.	To commence 2018-22	June 2022
22-26 Tonbridge Road Bridge MA/13/0941	£60,096.09	00.00	£34,667 towards Clare Park Play Area & £20,000 towards Cornwallis Park play areas and £5429.09 towards infrastructure at Clare Park and Cornwallis Park	To commence 2018-22	November 2025
Land at Buckland Hill Bridge MA/13/1213	£102,922.11	00.00	£35,000 to set up Buckland Hill local wildlife area including fencing, interpretation, works to trees, etc., including allotments. £67,922 Improvements to Whatman and River Park in town centre infrastructure (paths, boundaries, planting, interpretation, bins, play improvements, etc.)	To commence 2017/18	January 2021
Land at North Sutton Rd, Otham(Imperial Park) Park Wood MA/13/0951	£134,545.19	00.00	Project imminent following greenspaces audit.	To commence 2018-20	January 2021
Land off Marigold Way (Wyatt Grove) Heath MA/12/1749	£64,449.20	00.00	Sum divided up towards Tarragon Road, St Andrews Park, Barming Heath, Oakwood Hospital closed cemetery for repairing, improving and enhancing existing	To commence 2018-22	February 2026
Land to north of Lenham Rd, Headcorn 14/505162/FULL	£30,350.77	00.00	Towards the Refurbishment of Hoggs Bridge Green Play Area	To commence 2018-22	February 2026
Russell Hotel 136 Boxley Road North 14/500997/FULL	£23,217.36	00.00	Towards Penenden Heath History Garden currently underway	In Progress	No date
MAP Depot Site, Marden Marden and Yalding MA/13/0115	£55,835	£32,165	Towards the cost of upgrading Marden Playing Fields and Cockpits in Marden	£32,165 paid To Marden Parish Council	June 2025
Bridge Nursery, London Road Allington 14/501209/FULL	£58,268.89	00.00	£27,000 Towards Midley Close Play Area Improvements Funding £30,245 to be used for Allington Open space infrastructure improvements (paths, boundaries, interpretation, planting, interpretation, bins, and play improvements.)	To commence 2018-22	August 2026

S106	PUBLIC OPEN SPACE & RECREATION HELD AT AUGUST 2017	AMOUNT SPENT TO DATE	PROJECT DELIVERY	PROJECT STATUS	SPEND BY DATE
Eyhorne Street, Hollingbourne North Downs MA/14/0475	£138.30	£21,911.70	Open Space Provision for the maintenance, replacement and renewal of existing play equipment and outdoor sports facilities and/or installation of new facilities at Hollingbourne Recreation Ground and Cardwell Play Area	Money released to Hollingbourne Parish Council towards the Cardwell Pavillion Play Area	May 2026
The Coppice (Land adjacent to Bicknor Farm) Sutton Road Park Wood MA/13/1523	£41,102.76	00.00	Towards cost of improvements, refurbishment and replacement of facilities (inc pavilions, play equipment and play areas, ground works and facilities) at Senacre Recreation Ground or Parkwood Recreation Ground	To commence 2018-20 Project to be agreed following greenspaces audit	October 2021
43-51 Lower Stone Street (Miller House) High Street 15/510396/FULL	£18,900	00.00	Improvements, maintenance and/or enhancement of the natural and semi-natural areas and amenity green space at Archbishops Palace, Maidstone and/or improvements and/or maintenance of natural and semi-natural area at Mill Pond Maidstone or such other improvement refurbishment enhancement renewal and/or maintenance of such other green space amenity and/or play areas within a one (1) mile radius of the Development	To commence 2018-22	No date
Land at Grigg Lane (Oakley Grange) Headcorn, Ashford MA/12/1949	£21,255.58	00.00	Open Space Facilities" means the improvement of outdoor playing fields within the village of Headcorn	Received May 2017	May 2022
The Parsonage, Land East of Goudhurst Road, Marden MA/13/0693	£106,343.36	00.00	Playing Field Contribution to be used solely towards the upgrading of Marden Playing Fields	Received June 2017	June 2022
Land At Bell Farm (Chantry Green), Church Road, Harrietsham MA/14/0095	£23,770.22	00.00	Outdoor Sports Facilities Contribution -for the repair, renewal, replacement and improvement of outdoor sports facilities and equipped areas at Booth Field and Glebe Field	Received June 2017	October 2026

Other Sums

S106	TOWN CENTRE CONTRIBUTION HELD AT AUGUST 2017	AMOUNT SPENT TO DATE	PROJECT DELIVERY WHAT MONEY TO BE SPENT ON TO DATE	PROJECT STATUS	SPEND BY DATE
Next Store - Eclipse Park East MA/12/2314	£101,453	£ 40,000	£140,453 To be allocated to the Council's Maidstone Town Team for projects to improve the vitality of Maidstone Town Centre.	Resolved at planning committee that the sum is to be spent towards the Public Realm Improvements Project Phase 3 to include the whole of Week Street and Gabriels Hill in order for the Council to use to mitigate the effect of the Eclipse Park Development on Maidstone town centre	December 2018

S106	CAR PARK CONTRIBUTION HELD AT AUGUST 2017	AMOUNT SPENT TO DATE	PROJECT DELIVERY WHAT MONEY TO BE SPENT ON TO DATE	PROJECT STATUS	Spend By Date
Victoria Court: 17-21 Ashford Road Maidstone MA/94/0156	£21,199.60	00.00	Towards Lockmeadow Car Park Lighting	To be spent 2017/18	No date

S106	CYCLE STORE CONTRIBUTION HELD AT AUGUST 2017	AMOUNT SPENT TO DATE	PROJECT DELIVERY WHAT MONEY TO BE SPENT ON TO DATE	PROJECT STATUS	SPEND BY DATE
MAP Depot Site, Marden Marden and Yalding MA/13/0115	£15,095.60	00.00	Towards provision of cycle stores at Marden rail Station, Library and Post Office	To Network Rail and Kent County Council towards cycle racks	July 2024
The Parsonage, Land East of Goudhurst Road, Marden MA/13/0693	£20,716.24	00.00	Towards the provision of bicycle parking facilities at Marden Railway Station	Received June 2017	June 2022

S106	WILDLIFE HELD AT AUGUST 2017	AMOUNT SPENT TO DATE	PROJECT DELIVERY WHAT MONEY SPENT ON TO DATE	PROJECT STATUS	SPEND BY DATE
The Hollies, Hook Lane Harrietsham and Lenham MA/11/0592	£823.48	00.00	towards management of receptor sites identified for the translocation of any relevant wildlife from the site	Towards River Len LNR (A 2.54 hectare MBC owned reserve, where connections exist to adjacent Mote Park, Turkey Mill, local authority allotments and railway embankments. Survey work indicated absence of slow worm. Prior to translocation, scalloping of ride edges carried out and creation of numerous timber, brash, leaf and hay/straw piles). Required tree-thinning works along the southern bank of the River Len at the western sector of the reserve scheduled for autumn/winter 2017)	November 2024

S106	COMMUNITY FACILITIES HELD AT AUGUST 2017	AMOUNT SPENT TO DATE	PROJECT DELIVERY WHAT MONEY SPENT ON TO DATE	PROJECT STATUS	SPEND BY DATE
Springfield Development, Moncktons Lane Maidstone MA/01/1356	00.00	£5,000	Springfield Park community feasibility study - £5000 towards consultant appointment with residue towards Community Facility if built	May 2017 The final report from the feasibility study concluded there is a need for a community facility for the residents of Maidstone North Ward	SPENT

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Springfield Park Royal Engineers Road North 15/506426/MOD106	£83,262.51	£2,695	Part-Paid – £2,695 towards feasibility study and towards the provision of the Community Facility- a community meeting facility and crèche area to be provided within the ground floor of the retail unit of the development or such other community facility which directly serves the occupants of the development	May 2017 The final report from the feasibility study concluded there is a need for a community facility for the residents of Maidstone North Ward	September 2026
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Healthcare Sums

S106	Healthcare Sums Held (AUGUST 2017)	Spend By Date
Astley Road (Kent Music School) Hastings Road (High Street) 10/0594	£21,240 improve existing healthcare facilities to the surgery sited at King Street (moved to Bower Mount Medical Practice)	Dec 2017
Rear of 48-54 Buckland Road (Bridge) 07/2477	£15,120 towards provision of primary healthcare services or facilities within a 3 mile radius of the land	March 2019
115 Tonbridge Road (Fant) 08/2323	£5,980 Towards the provision of facilities Within one mile radius	February 2018
Land adj 27 Hartnup St (Fant) 06/0767	£9,900 Towards facilities in Maidstone Borough	No date
221 The Hollies, Land at Hook Lane (Harrietsham) 11/0592	£56,099.17 Upgrade/ improve doctors surgery in Harrietsham to serve development	November 2024
13 Tonbridge Road (Fant) 11/1078 & 12/0774 DOV	£11,444.04 Towards Vine Medical Centre	July 2020
Land at James Whatman Way 09/0863	£ 81,370 Use within a 5 mile radius	August 2019
Land to rear of 125 Tonbridge Road (Fant) 12/0381	£3,177.28 within one mile radius of the site	November 2018
Former Car Sales Site, Ashford Road (Harrietsham) 11/2154	£10,080 upgrading facilities at Glebe/ Sutton Valance/ Cobtree/ New Grove Green Medical Centres/ surgery	September 2019
Land at Hillbeck Res Home, (Bearsted) 12/1012	£5,850.03 For upgrading and improving up to 3 local surgeries known as Bearstead Medical Practice, Downswood Surgery and Grove Green Surgery, all within 2 miles of the Property	No date
The MAP Depot Site, Goudhurst Road, Marden 13/0115	£27,321.58 Towards expansion works at Marden Medical Practice	June 2025
Hayle Place Hayle Mill Road 11/0580	£50,728.81 within a two mile radius of the land	November 2019

Land at Oliver Road (Staplehurst) 12/2106	£38,001.60 Towards new healthcare services and facilities within the Parishes of Staplehurst and Marden	March 2025
Former BP Garage 531 Tonbridge Road 12/0825	£12,078.67 Towards the provision of primary healthcare services and facilities within a five mile radius of the land	March 2020
27S106	Healthcare Sums Held (AUGUST 2017)	Spend By Date
The Old School 92A Melville Road (High Street) 11/2108	£3,544.18 Towards all or any of the medical centres; Marsham St, St Lukes, Holland Rd, Brewer St and Grove Park	June 2025
Buckland Hill, Maidstone MA/13/1213	£24,260.21 For primary healthcare services & facilities within the Borough primarily to support the delivery of investments to surgeries at St Andrews Road (Blackthorn), Allington Park and College Road Maidstone	January 2021
Land at Northland and Groom Way, Old Ashford Road, Lenham MA/12/1777	£9,139.42 Towards the cost of healthcare services	No Date
Land at Langley Park, Sutton Road 13/1149	£256,290.61 (£106,200 + £150,090.61) Towards improvements to health care provision within the locality of the development	1 st 50% - November 2025 2 nd 50% - July 2027
Land North Sutton Road, (Imperial Park) Maidstone 13/0951	£133,919.17 For extension, refurbishment and/or upgrade at the 4 doctors surgeries at Wallis Avenue, Orchard Langley, The Mote and Cobtree	January 2026
Land off Marigold Way, Maidstone MA/12/1749	£26,516.24 Towards improvements to existing and new healthcare services and facilities (including upgrading and improving the doctors surgeries which will serve the development within a two mile radius of the site) anticipated the nearby Blackthorn and College surgeries will get first attention	February 2023
Mote House Retirement Village Mote Park MA/10/0748	£38,110.96 Towards Northumberland Road and Shepway Surgery	No Date
Former Russell Hotel 136 Boxley Road, Maidstone (North) MA/14/500997/FULL	£12,407.27 St Lukes/ Brewer Street/ Marsham Street/Grove Green Surgeries/The College Practice/ Lockmeadow Clinic/Allington Park Surgery/ Allington Clinic	No Date
Eyhorne Street, Hollingbourne MA/14/0475	£20,880 Toward extension, refurbishment and/or upgrade of Orchard Surgery Langley, Glebe Surgery Harrietsham, Yeomans Lane Surgery Bearstead	May 2021
Bridge Nursery, London Road 14/501209/FULL	£113,650.80 Towards improvements (refurbishment and reconfiguration) of Aylesford Medical Practice	August 2026
Springfield Park, Royal Engineers Road, Maidstone (North) 15/506426/ MOD106	£15,507.69 (1 st Instalment) Health Trust Contribution towards provision of investment into primary health care facilities and infrastructure at Bower Mount Surgery, Allington Park Surgery, The College Practice and Albion Place Surgery	September 2026
The Coppice (Land at Bicknor Farm) Sutton Road MA/13/1523	£75,686.62 Towards improvements by way of extension, refurbishment and/or upgrade at the doctors surgeries sited at Wallis Avenue, Orchard Langley, The Mote and Cobtree surgeries	October 2021

Land at Grigg Lane (Oakley Grange) Headcorn, Ashford MA/12/1949	£21,769.96 Provision of healthcare facilities and services within Headcorn Parish	May 2022
The Parsonage, Land East of Goudhurst Road, Marden MA/13/0693	£37,733.66 Towards provision of medical facilities and improvement of services and facilities at Marden and Staplehurst Medical Centres	June 2022