

PLANNING COMMITTEE MEETING

Date: Thursday 30 November 2017
Time: 6.00 p.m.
Venue: Town Hall, High Street, Maidstone

Membership:

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

<u>AGENDA</u>	<u>Page No.</u>
1. Apologies for Absence	
2. Notification of Substitute Members	
3. Notification of Visiting Members	
4. Items withdrawn from the Agenda	
5. Date of Adjourned Meeting - 7 December 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 9 November 2017 adjourned to 16 November 2017 - Minutes of the adjourned meeting to follow	1 - 8
11. Presentation of Petitions (if any)	
12. Reference from the Policy and Resources Committee - Budget Monitoring - Development Control Appeals	9
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Issued on 22 November 2017

Continued Over/:

Alison Broom

Alison Broom, Chief Executive

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16.	16/507035 - Gibbs Hill Farm, Grigg Lane, Headcorn, Kent	40 - 62
17.	17/500984 - Land Between Ringleside & Ringles Gate, Grigg Lane, Headcorn, Kent	63 - 72
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21.	17/503909 - 14 Kings Road And 4 And 37 Forge Meadows, Headcorn, Ashford, Kent	140 - 147
22.	17/504314 - Land Rear Of 161 Heath Road, Coxheath, Kent	148 - 166
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26.	Chairman's Announcements	

PART II

To move that the public be excluded for the item set out in Part II of the Agenda because of the likely disclosure of exempt information for the reason specified having applied the Public Interest Test.

Head of Schedule 12A and Brief Description

27.	Exempt Appendix - 16/506436 - The Green Barn, Water Lane, Hunton, Kent	1 – Information re. Individual	182 - 183
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PLEASE NOTE

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

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

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

ALTERNATIVE FORMATS

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

MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON 9 NOVEMBER 2017 **ADJOURNED TO 16 NOVEMBER 2017**

Present: **Councillor English (Chairman) and Councillors**
9 November **Boughton, Butler, Clark, Cox, Harwood, Munford,**
2017 **Prendergast, Round, Spooner and Wilby**

Also Present: **Councillors Fermor, Garten, Mrs Grigg, Lewins,**
 B Mortimer, Springett, Webb and Willis

249. APOLOGIES FOR ABSENCE

It was noted that apologies for absence had been received from Councillors Powell, Mrs Stockell and Vizzard.

250. NOTIFICATION OF SUBSTITUTE MEMBERS

The following Substitute Members were noted:

Councillor Butler for Councillor Mrs Stockell
Councillor Wilby for Councillor Vizzard

251. NOTIFICATION OF VISITING MEMBERS

Councillors Fermor, Mrs Grigg, B Mortimer, Webb and Willis indicated their wish to speak on the report of the Head of Planning and Development relating to application 17/502072 (Land South of Forstal Lane, Coxheath, Kent).

Councillors Lewins and Willis indicated their wish to speak on the reports of the Head of Planning and Development relating to applications 17/502767 and 17/503680 (Land to the East of Hermitage Lane, Maidstone, Kent).

Councillor Springett indicated her wish to speak on the report of the Head of Planning and Development relating to application 17/502118 (Mount Lodge, Church Lane, Bearsted, Kent). In the event, Councillor Springett left the meeting before the application was discussed.

It was noted that Councillor Garten had indicated his wish to speak on the report of the Head of Planning and Development relating to application 17/500819 (Bungalow at Hill View, Yelsted Road, Yelsted, Kent), but would be late in arriving at the meeting.

252. ITEMS WITHDRAWN FROM THE AGENDA

The Chairman announced that, due to the number of items on the agenda, the reports of the Head of Planning and Development relating to the following applications had been rolled over to the adjourned meeting of the Committee scheduled to be held on 16 November 2017:

16/505932 – Land Rear of Chart View, off Chart Hill Road, Chart Sutton, Kent

16/508660 – Land South of Vicarage Road, Yalding, Kent

17/503043 – Land South of Avery Lane and Land South of Sutton Road, Otham, Kent

17/503284 – Church Farm, Ulcombe Hill, Ulcombe, Kent

17/503647 – Orchard Farm Nursery, Chartway Street, Sutton Valence, Kent

253. URGENT ITEMS

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

254. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members or Officers.

255. EXEMPT ITEMS

RESOLVED: That the items on the agenda be taken in public as proposed, but should it be necessary to receive legal advice in relation to application 17/502072 (Land South of Forstal Lane, Coxheath, Kent), then the public be excluded from the meeting because of the likely disclosure of exempt information having applied the Public Interest Test.

256. MINUTES OF THE MEETING HELD ON 19 OCTOBER 2017

RESOLVED: That the Minutes of the meeting held on 19 October 2017 be approved as a correct record and signed.

257. PRESENTATION OF PETITIONS

It was noted that a petition would be presented objecting to application 16/508660 (Land South of Vicarage Road, Yalding, Kent).

258. REFERENCE FROM THE POLICY AND RESOURCES COMMITTEE - BUDGET MONITORING 2017/18 - DEVELOPMENT CONTROL APPEALS

RESOLVED: That consideration of this reference be deferred until the adjourned meeting of the Committee scheduled to be held on 16 November 2017.

259. DEFERRED ITEMS

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

The Development Manager advised the Committee that ecological survey information was awaited in respect of this application.

17/501477 - USE OF LAND FOR THE SITING OF 1 NO. MOBILE HOME, PARKING FOR 1 NO. TOURING CARAVAN AND ERECTION OF AN AMENITY BUILDING FOR A MEMBER OF THE TRAVELLING COMMUNITY - LAND AT PYE CORNER, ULCOMBE, KENT

The Development Manager advised the Committee that further information was awaited in respect of an amended site layout.

260. 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

All Members stated that they had been lobbied.

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

Mr Hawkins, an objector, Councillor Parker of Coxheath Parish Council, Councillor Rigby of Loose Parish Council, Mr Hill, for the applicant, and Councillors Webb, B Mortimer, Fermor, Mrs Grigg and Willis (Visiting Members) addressed the meeting.

RESOLVED:

1. That subject to the prior completion of a S106 legal agreement as set out in the report of the Head of Planning and Development, with delegated powers being given to the Head of Planning and Development to review and amend the heads of terms of the legal agreement to:
 - Provide greater control and flexibility over contributions and to ensure that they are spent to serve the Coxheath area, with specific reference but not limited to social care and youth services;

- Secure a contribution for improvements to bus services in the locality of the site; and
- Achieve, as part of the LEMP, alongside other requirements, protection measures for open spaces and protected species prior to commencement of and during development. This should include demarcation of open spaces at the outset, phasing, landscaping, planting, provision of a receptor area for protected species and protection of the woodland,

the Head of Planning and Development be given delegated powers to grant outline permission subject to the conditions set out in the report with:

- The amendment of condition 21 to require, before development commences on site, a signed S278 agreement covering, inter alia, the access to Forstal Lane and measures to prevent access eastwards towards Well Street; a potential solution being to create an access which will enter Forstal Lane in a westerly direction where it is almost parallel at the point of access thereby preventing a right turn (the precise wording to be finalised by the Head of Planning and Development acting under delegated powers, including any subsequent amendments to condition 20);
- The addition of a condition to secure pedestrian links from the development area to the south east footpath access to increase pedestrian permeability (the precise wording to be finalised by the Head of Planning and Development acting under delegated powers); and
- An informative advising the applicant that the reserved matters application will be reported to the Planning Committee for determination.

2. That the details of the S106 legal agreement are to be finalised in consultation with Ward Members and the Parish Council.

Voting: 9 – For 0 – Against 2 – Abstentions

FURTHER RESOLVED to RECOMMEND to the MAIDSTONE JOINT TRANSPORTATION BOARD: That an item be included in the Board's Work Programme to monitor, after 50% occupation, the effectiveness of the measures put in place in order to prevent a right turn from the development into Forstal Lane towards Well Street and whether changes need to be made and/or a Traffic Regulation Order introduced.

Voting: 11 – For 0 – Against 0 – Abstentions

261. 16/505326 - VARIATION OF CONDITIONS 1 & 2 OF MA/13/0103 TO MAKE THE PERMISSION NON PERSONAL AND EITHER MAKE PERMISSION PERMANENT OR ALLOW A FURTHER TEMPORARY PERMISSION - PEAR PADDOCK, SYMONDS LANE, YALDING, KENT

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

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

Voting: 9 – For 1 – Against 1 – Abstention

262. 17/502118 - ERECTION OF DWELLINGHOUSE AND ENGINEERING OPERATIONS TO CREATE OFF ROAD PARKING - MOUNT LODGE, CHURCH LANE, BEARSTED, MAIDSTONE, KENT

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

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

Voting: 11 – For 0 – Against 0 – Abstentions

263. 17/502767 - APPROVAL OF RESERVED MATTERS (APPEARANCE, LANDSCAPING, LAYOUT AND SCALE BEING SOUGHT) PHASE 2 FOR THE ERECTION OF 119 DWELLINGS WITH ASSOCIATED INFRASTRUCTURE PURSUANT OF 13/1749 ALLOWED ON APPEAL APP/U2235/A/14/2226326 - LAND TO THE EAST OF HERMITAGE LANE, MAIDSTONE, KENT

All Members except Councillors Butler and Spooner stated that they had been lobbied.

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

Mr Young, an objector, and Councillor Lewins and Willis (Visiting Members) addressed the meeting.

RESOLVED: That permission be granted subject to the conditions and informatives set out in the report with the amendment of condition 5 and an additional condition as follows:

Condition 5 (amended)

Prior to any development above damp proof course level details of measures to prevent parking on landscaped/amenity areas, such as low level wooden posts, 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 and in the interest of safety.

Additional Condition

Prior to first occupation, each dwelling which has been allocated a garage/car port space shall have an electric charging point installed and thereafter retained.

Reason: In the interests of sustainability and to reduce reliance on fossil fuels.

Voting: 10 – For 0 – Against 1 – Abstention

264. 17/503680 - RESERVED MATTERS (APPEARANCE, LANDSCAPING, LAYOUT AND SCALE) FOR PHASE 2A OF THE OUTLINE APPROVAL 13/1749 COMPRISING COMMUNITY CENTRE WITH ASSOCIATED INFRASTRUCTURE - LAND TO THE EAST OF HERMITAGE LANE, MAIDSTONE, KENT

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

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

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

RESOLVED: That permission be granted subject to the conditions and informatives set out in the report with the amendment of conditions 3 and 4 and an additional condition and an additional informative as follows:

Condition 3 (amended)

Notwithstanding the agreed landscape planting, tree protection measures and play space provision, within a period of 3 months from the date of this decision notice details of supplementary landscape planting which shall incorporate blocks of shrub planting adjacent to the "wet" attenuation basin comprising purging buckthorn (*rhamnus cathartica*), goat willow (*salix caprea*), guelder rose (*viburnum opulus*) and hazel (*corylus avellana*) shall be submitted to, and approved in writing by, the Local Planning Authority. The landscaping and supplementary landscaping details shall be carried out in accordance with the approved landscaping planting plans (including supplementary landscaping detail), the Arboricultural Method Statements and NEAP details. No occupation of the development hereby permitted shall commence until all planting, seeding, turfing and NEAP provision specified in the approved landscape details has been completed. All such landscaping shall be carried out during the planting season (October to February). Any seeding or turfing which fails to establish or any trees or plants which, within ten years from the first occupation of a property, commencement of use or adoption of land, die or become so seriously damaged or diseased that their long term amenity value has been adversely affected shall be replaced in the next planting season with plants of the same species and size as detailed in the approved landscape scheme unless the Local Planning Authority gives written consent to any variation.

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

Condition 4 (amended)

Prior to any development above damp proof course level the following details shall be submitted to and approved in writing by the Local Planning Authority:

- a) Details and locations of swift bricks and bat boxes integral to building;
- b) Details and locations of bird and bat boxes throughout the site of phase 2A;
- c) Wildlife friendly gullies;
- d) Retention of cordwood on site and provision of at least 3 log piles within the site;
- e) Details of the existing and proposed contours levels to ODN in and around the attenuation basin within the open space area including measures to protect public safety; and
- f) Timing of delivery of the above matters.

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

Reason: To protect and enhance biodiversity.

Additional Condition

The development shall provide solar PV on the roof of the community centre in accordance with the requirements of condition 19 of the outline planning permission.

Reason: In the interests of sustainability and due to the design of the building and orientation which lends itself to solar PV technology.

Additional Informative

The applicant is advised that Members of the Planning Committee wish to strongly advise the applicant of the desirability of having a separate lockable access door to the side/rear of the building which could be used to access the store room. This could then facilitate separate use of this room for an external organisation.

Voting: 11 – For 0 – Against 0 – Abstentions

265. LONG MEETING

Prior to 10.30 p.m., during consideration of the report of the Head of Planning and Development relating to application 17/503680, the Committee:

RESOLVED: That the meeting should continue until 11.00 p.m. if necessary.

The Chairman advised the Committee that in view of the limited time available the reports of the Head of Planning and Development relating to applications 17/500819 (Bungalow at Hill View, Yelsted Road, Yelsted, Kent) and 17/501308 (1 Brooklands, Headcorn, Kent) would be rolled over to the adjourned meeting scheduled to be held on 16 November 2017.

266. 17/502262 - ERECTION OF FIRST FLOOR REAR EXTENSION - 56 VALLEY DRIVE, LOOSE, MAIDSTONE, KENT

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

Mr Slocombe, an objector, and Dr Pancholi, the applicant, addressed the meeting.

RESOLVED: That permission be granted subject to the conditions set out in the report with the amendment of condition 3 as follows:

The materials to be used in the construction of the external work to the first floor rear extension hereby permitted shall match those used in the existing building, and shall incorporate bat boxes or tubes in the eaves.

Reason: To ensure a satisfactory appearance to the development and in the interest of biodiversity.

Voting: 11 – For 0 – Against 0 – Abstentions

267. DURATION OF MEETING

6.00 p.m. to 10.50 p.m.

MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

30 NOVEMBER 2017

REFERENCE FROM POLICY AND RESOURCES COMMITTEE

BUDGET MONITORING – DEVELOPMENT CONTROL APPEALS

At its meeting on 20 September 2017 the Policy and Resources Committee considered the Report of the Director of Finance and Business Improvement relating to First Quarter Budget Monitoring 2017/18. This report detailed the current budget position for the Council.

At that meeting the Committee requested that, in view of the financial constraints for this Council, the Planning Committee is requested to pay particular attention to how they can manage planning appeal costs.

RECOMMENDED:

That in view of the financial constraints for this Council, the Strategic Planning, Sustainability and Transportation Committee and the Planning Committee are requested to pay particular attention to how they can manage planning appeal costs.

Note:

The Strategic Planning, Sustainability and Transportation Committee considered the reference at the meeting held on 7 November 2017. The reference was noted and the Committee requested a further report be brought back setting out the current and projected appeal costs in detail, so that the Committee could fully understand and appreciate the underlying causes and trends including historical data for the last five years.

Agenda Item 13

MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

30 NOVEMBER 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>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>
<p><u>17/501477 - USE OF LAND FOR THE SITING OF 1 NO. MOBILE HOME, PARKING FOR 1 NO. TOURING CARAVAN AND ERECTION OF AN AMENITY BUILDING FOR A MEMBER OF THE TRAVELLING COMMUNITY - LAND AT PYE CORNER, ULCOMBE, KENT</u></p> <p>Deferred to negotiate an amended layout to relocate the mobile home towards the eastern part of the site to reduce the visual impact and impact on neighbouring residential amenity.</p>	<p>19 October 2017</p>

REPORT SUMMARY

30 November 2017

REFERENCE NO - 16/505401/FULL		
APPLICATION PROPOSAL - Erection of 13 dwellings and garages with associated access and landscaping.		
ADDRESS – Vicarage Field At Wares Farm, Linton Hill, Linton, Kent		
RECOMMENDATION – REFUSE PLANNING PERMISSION		
SUMMARY OF REASONS FOR RECOMMENDATION –		
<p>The proposed development, in this prominent location would result in significant and pronounced harm to both local character and the appearance and openness of the wider countryside, failing to respond adequately to the site context and contrary to policies SP17 and DM30 of the Maidstone Local Plan 2017, the NPPF 2012 and the NPPG.</p>		
<p>The proposed development would have a detrimental impact and would fail to preserve or enhance the character of the Linton Conservation Area with the layout of the development failing to reflect the existing open character that makes a positive contribution to this part of the conservation area and failing to respect the linear layout of the village contrary to the Conservation Area Appraisal, the Conservation Area Management Plan, policies DM1 and DM4 of the Maidstone Local Plan 2017, the NPPF 2012 and the NPPG.</p>		
<p>The application site is located in the open countryside with no easily accessible or convenient public transport connections or convenient access to key services and facilities, and as a result is an unsustainable location with development of the site for housing leading to an overreliance on the private motor vehicle contrary to policies SS1 and SP23 of the Maidstone Local Plan 2017 and the NPPF.</p>		
<p>In the absence of an appropriate legal mechanism to secure planning obligations in relation to affordable housing, the enhancement of primary education, towards library book stock and to increase capacity in three local surgery premises, the development would be detrimental to existing infrastructure and contrary to policies ID1 and DM20 of the Maidstone Local Plan (2017), and central government planning policy as set out in the National Planning Policy Framework.</p>		
REASON FOR REFERRAL TO COMMITTEE -		
<p>Call in from Cllr Webb on the grounds that:</p>		
<ul style="list-style-type: none">• It is contrary to the Affordable Housing Development Plan Document (2006) (<i>NB: now superseded by policy SP20 Maidstone Local Plan 2017</i>);• In proportion to the size of Linton, the development would be a major increase in the number and concentration of housing;• The siting of the development on the A229 might cause traffic problems and other issues;• Local residents have expressed views both in support and against the application and as a result it is considered appropriate that both these opinions be heard at a planning committee.		
WARD Coxheath And Hunton	PARISH/TOWN COUNCIL Linton	APPLICANT Countryside Properties Ltd. AGENT DHA Planning
DECISION DUE DATE 17/10/16	PUBLICITY EXPIRY DATE 19/08/16	OFFICER SITE VISIT DATE 28/10/2016

RELEVANT PLANNING HISTORY:			
App No	Proposal	Decision	Date
14/504148/FULL	Erection of 14 detached dwellings together with new access and areas of landscaping.	Withdrawn	21.08.2015
TA/0146/08	An application for consent to fell and take out stumps of two Chestnut trees which have coppiced on their own, subject to Tree Preservation Order 21 of 1976	Approved	14.01.2009
TA/0147/08	Notification of intention to lower, road-side hedge, down two or three feet to the original size; the hedge being located within Linton Conservation area	No Objection	23/12/2008

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The application site is an agricultural field of 1.87 hectares located on the west side of Linton Hill (A229). The A229 road carries a large volume of traffic between Linton, Coxheath and Maidstone to the north, and Marden and Staplehurst to the south. The site is outside a settlement boundary as defined in the Local Plan. The eastern half of the application site is currently within Linton Conservation Area; committee approval is in place to carry out public consultation on amending the boundary to include the whole of the current application site in the conservation area.
- 1.02 There is a change in ground level across the site with a gradual fall from the centre to the west and to the south towards Wheelers Lane. Whilst the site is generally open there are trees along the boundaries, with two individual trees along the northern boundary covered by a Tree Protection Order (references 4518/TPO and 4519/TPO). Other trees located within the conservation area are given protection by this designation. The trees on the opposite side of Linton Hill running parallel to the road are also covered by a Tree Protection Order.
- 1.03 The application site is Class 3b agricultural land which is not considered the best and most versatile. The site is not land considered at risk from fluvial flooding (flood risk zone 1 has a low probability of flooding with less than 1 in 1,000 year's annual probability of river flooding). Bus stops are located on Linton Hill just to the south of the junction with Wheeler Lane served by routes 5, 27 and 28.
- 1.04 There are no statutorily or locally listed buildings located on the application site however the land on the east side of Linton Hill and opposite the side frontage forms part of the grounds of Linton Park. Linton Park is on the national Register of Historic Parks and Gardens for its special historic interest - Grade II*. Linton Park is included on the register as an early to mid-19 century garden with significant surviving features influenced by the horticultural writer and designer J C Loudun. Linton Park gardens contain a number of Grade II listed structures (late 18 century, early 19 century) including a sun dial, flight of steps, former stables, paved yard, ice house and a folly. The Grade I listed main house (around 450 metres to the north east of the application site) was built around 1730 with alterations by Thomas Cubitt from 1825.
- 1.05 The Wheelers Lane and Linton Hill road junction is located 83 metres to the south of the application site, separated by a row of four semi-detached properties fronting

Linton Hill. The rear gardens of semi-detached and detached properties and an allotment separate the site from Wheelers Lane that runs parallel to the southern site boundary.

- 1.06 To the west of the site is a children's playground, with the formally laid out cul-de-sac of Cornwallis Avenue to the rear of the playground and open fields beyond. A footpath link between Cornwallis Avenue and Linton Hill runs along the northern site boundary. The land immediately to the north and east is more open and rural in character with sporadic residential development.
- 1.07 Further to the south a row of semi-detached properties on large plots are located on the west side of the road running up to the Linton Hill and Redwall Lane road junction. This road junction is the southern boundary of the conservation area and special landscape area. Residential buildings in Linton are concentrated around St Nicholas Church and The Bull Public House located 480 metres to the north of the site on Linton Hill

2.0 PROPOSAL

- 2.01 The submitted proposal is for the construction of 13 properties on this existing agricultural arable field with vehicular access from Linton Hill provided in a similar location to the existing field access.
- 2.02 The layout of the proposed development includes a wedge shaped area of landscaped open space on the Linton Hill frontage that is intended to be publically accessible. The proposed building line reflects the existing building to south off the application site (Weatherstones) with the building line then angled away from the front boundary into the site to the north. The main internal spinal access road runs north east to south west with a pond located in the south west corner of the site.
- 2.03 The 13 properties are in seven different building styles with three 5 bedroom properties (plots 1, 2 and 5) and ten 4 bedroom properties. The three 5 bedroom properties cover 1850 square feet, plot 3 covers 2670 square feet, plots 4, 6, 7 8, 11, 12 and 13 cover 1775 square feet and plots 9 and 10 1975 square feet.

3.0 POLICY AND OTHER CONSIDERATIONS

Maidstone Local Plan (October 2017): DM1; DM2; DM3; DM4; DM6; DM8; DM12; DM19; DM20; DM21; DM23; DM30; SP19; SP20; SP23 and ID1
National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Supplementary Planning Documents: Kent Design Guide Review: Interim Guidance Note 3: Residential Parking; Linton Conservation Area Appraisal and Linton Conservation Area Management Plan.

4.0 LOCAL REPRESENTATIONS

- 4.01 The submitted planning application was publicised by means of a site notice, a press notice ('major' development) and individual consultation letters sent to neighbouring addresses.
- 4.02 Local Residents: Ten representations received from local residents objecting to the planning application on the following (summarised) grounds:

4.03 Character and appearance

- The proposal would spoil the character and charm of the village designated a Special Landscape Area with significant harm to the character of The Greensand Ridge Special Landscape Area.
- Policy SP17 states that the Greensand Ridge will be conserved, maintained and enhanced.
- Development does not recognise the intrinsic character and beauty of the countryside, particularly given that this site partly incorporates a conservation area.
- The development would erode the openness of the area and would result in harm to the character of the countryside contrary to Policies ENV28 and ENV34.
- Linton is a rural village, and an estate of luxury houses put in a field which used to be a pear orchard does not have the potential to protect or enhance this historic area.
- Advice on earlier application for 14 units was that a significant reduction in units was required, that the road frontage should be in keeping with the linear aspect of the village, this advice has not been followed
- It does not enhance or maintain the vitality of rural communities and fails to identify the open aspect of the existing site and the conservation area surrounding it.
- Fails to take account of the consultant's report published in March 2016 that recommended that the Linton Conservation Area boundary be extended to include all of Vicarage Fields and Linton Park.
- The infilling of this large plot will result in in built form that would erode the rural setting of the village.
- Neither the existing Local Plan nor the 2016 Draft version allow for development in Linton.
- The submitted planning and heritage statement fails to take account of the planning history for this site or other nearby sites
- Nothing has been communicated by previous comments from the previous planning attempts about the original trees being removed from the property without proper approvals.
- Fails to note that the site was a working pear orchard but was grubbed up in October 2008.
- Para 4.22 of the emerging plan seeks to protect the individual character of the hierarchy settlements.
- Concerns about the visual impact and future maintenance of the fencing around the attenuation pond.
- Concerns about the future maintenance of the open areas of the site including along the site frontage.
- The Linton Parish Council letter does not deal with the impact on the open space and the protection of the same and makes no mention of the Linton Conservation Area.
- The general character of the area is one of openness and this was referred to as one of the main grounds for refusing an application to build a pair of semi-detached cottages on a site adjacent to Vicarage Field.
- Infilling and building on farm land in such a sensitive and valued rural setting would set a very dangerous precedent.

4.04 Traffic

- Planning was turned down some years ago and as the circumstances have not changed in any way apart from increased volumes of traffic from neighbouring developments using the A229, I see no reason why planning should be granted.
- Linton is a quiet village which has been subjected to increasing amounts of traffic

- Multiple accidents have been witnesses. Linton crossroads is also an accident black spot.
- The queue of traffic up the hill in rush hour towards the crossroads takes 20 minutes at times,
- Realistically each proposed dwelling will accommodate a minimum of 2 cars plus visitor traffic, which means there will be a high volume of traffic attempting to access Linton Hill, a road that is already struggling to accommodate traffic in rush hour. It is not safe to allow further traffic to attempt to access this road.
- Linton Hill suffers long tail backs of traffic at busy times so yet another proposed junction would be an added danger and put further pressure on the road.
- There is a huge amount of development underway in Heath Road, Coxheath which will add to the considerable traffic congestion on the roads and in particular the A229.
- Building a further 13 large houses and creating another new access for the proposed estate onto the busy A229 can only make these problems worse.

4.05 Residential amenity

- There will be light pollution, noise pollution, and potential flood risk to the properties to the south west of the field due to run off and lack of permeability of the clay soil.
- This will cause an increased light and noise pollution in a rural village with amazing views.
- The scheme will result in light pollution in an area with little street lighting..
- The development will lead to overlooking of the allotments in Wheelers lane leading to issues of the security of crops and sheds

4.06 Infrastructure

- There are very large developments currently under construction in Coxheath, which will put pressure on the already stretched services that this application will rely on.
- The site is remote from any of the given service centres proposed in the plan.
- The infrastructure is not in place to cope with additional housing needs in the area.
- Local schools and GP practices are already struggling to cope with heavy demand and pushed to breaking point with the developments already underway and planned for Coxheath and Boughton Monchelsea.
- The local community cannot accommodate any further development in the area.
- The Linton Parish Council letter (that raises no objection) fails to address the lack of infrastructure to cope with the additional burden these houses will place on schools and local GP practices.
- There is a huge amount of development underway in Heath Road, Coxheath which will already add to the strain and pressure on local services

4.07 Demand / need

- There does not appear to be a demand for this type of property, as another large detached dwelling on Wheelers Lane has failed to sell after a long period of time.
- It should be noted that the existing Plan and the Emerging Local Plan dated February 2016 does not make provision for any development in Linton Village and this particular site is not proposed for any development in either Plans. In fact it is actually listed in a table of rejected sites SHEDLAA 2014 (site HO-44)
- The Linton Parish Council letter fails to address the fact that that neither the Emerging Plan or existing Plan makes provision for development on this site;

- 4.08 Flooding/drainage
- These 13 houses will lead to a substantial increased demand on an ancient drainage system which is already experiencing difficulties with raw sewage flooding a property in Wheeler's Lane
 - Concerns about the discharge of surface water into the public sewerage system
- 4.09 Other matters
- It is unclear which of the supporting documents have been updated to reflect the emerging local plan and new planned housing developments
 - The supporting documents fails to mention the views of the Local Plan inspector
 - There are lots of birds and animals living in this area which may never recover from such a venture.

5.0 CONSULTATIONS

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

Kent County Council Community Services

- 5.01 No objection subject to planning obligations to mitigate the additional pressure on local services. Including primary education and libraries and an informative on broadband provision.

Linton Parish Council

- 5.02 No objection, however it is requested that s106 money be requested to provide a roundabout at the junction to the North, at the crossroads with the B2163 and a pedestrian crossing facility on the A229 in the centre of Linton Village. Planning conditions are requested preventing street lighting within the development, a pedestrian gate from the development to the playground at the rear of the site and a hedge of mixed native species planted along the Southern border of the right of way along the Northern boundary of the field.

NHS (West Kent Clinical Commissioning Group)

- 5.03 No objection subject to a planning obligation of a financial contribution of £17,784 to mitigate the additional pressure on local services.

Historic England

No objection in principle in heritage terms subject to detailed specialist advice from the Council Conservation Officer.

- 5.04 The proposed development of 13 houses lies in an open area within the linear section of the conservation area. It is recommended that that the mass and grain of the proposed development should reflect the established character of openness and loose pattern of development within this part of the conservation area. In this case this may mean that the pattern of development, for example, will need further consideration so that the sense of openness and key views that reinforce the conservation area's hilltop location are preserved or, if possible, enhanced (NPPF 137).

Maidstone Borough Council Conservation Officer

- 5.05 Objection to the application on the following heritage grounds
- Half of this site lies within the Linton Conservation Area with approval given for the other half to be included.
 - Site is identified in the approved Conservation Area Appraisal as making a positive contribution to the character of the conservation area by allowing open views out of the village street.

- The Conservation Area Management Plan (approved in March 2010) says scope for new development is limited; secondly that any proposals should respect the linear form of the village.
- The proposals do not do this but seek to introduce an alien and informal scattered layout.
- The Conservation Area Management Plan states that the Council will seek to preserve existing open land on the western side of Linton Hill from development.

Applicant's response to the conservation officer and Historic England comments

5.06 *The following key principles were applied to the design and layout :*

- *Setting back the proposed built development and proposing an attractive area of open space at this frontage helps respect the character and setting of the Linton Conservation Area and the established character of openness.*
- *Framing of a key view, north east to south west through the site, by proposing an open corridor framed by trees and buildings leading to orchards and a pond to reflect the local character of the scarp slope. This purposely presents a loose pattern of development in keeping with the Conservation Area and preserve and enhances key views to help reinforce the Conservation Area's hilltop location.*
- *The provision of indigenous planting will respond positively to the existing landscaping within the area.*
- *The proposed architecture is influenced by local vernacular including the Vicarage and nearby houses. This will include the use of stone features, low stone walls with formal hedges and Kentish ragstone.*
- *we believe that this proposal would provide for a loose grain of development, as identified within Historic England's response to this application.*
- *Proposal would ensure that all key views across and of the site would be preserved, and where possible would allow for greater public access than at present, which would open the views up to local residents from within the site.*

Kent County Council Local Highway Authority

5.07 No objection subject to submission of a definitive A1 plan showing footways, access, visibility splays, the turning head and visitor parking and conditions relating to submission and approval of construction phase arrangements and provision and retention of facilities for the completed development and an informative providing advice on separate highways approvals.

Maidstone Borough Council Environmental Health

5.08 No objection subject to planning conditions and informatives relating to approval of construction management schedule, noise mitigation; hours of working, storage of oils and chemicals and the Mid Kent Environmental Code of Development Practice

Maidstone Borough Council Landscape Officer

5.09 Trees located in the eastern portion of the site are protected by virtue of being located in the conservation area and there are two individual horse Chestnut trees protected by TPO No. 1 of 1976 to the north of the site. The lines of hedgerow may be considered 'important' under the Hedgerow Regulations. The proposed development layout does not conform with the relevant guidelines of the Landscape Capacity Study and no landscape appraisal or tree survey information in accordance with BS5837: 2012 (covering trees and hedgerows) appears to have been produced by the applicant.

Maidstone Borough Council Housing Services

5.10 Development should provide 5 affordable housing units. As the size of the units and the proposed development may not be suitable for on-site affordable housing, in

accordance with policy, an off site provision should be sought in the following order of preference: 1) An identified off site scheme; 2) The purchase of dwellings off site; or 3) A financial contribution towards off site affordable housing.

Natural England

5.11 No comment

KCC Ecology

5.12 No objection subject to conditions requiring the submission and approval of a detailed precautionary mitigation strategy a detailed ecological enhancement and management plan.

Environment Agency

5.13 This planning application falls outside our remit as a statutory planning consultee and we do not wish to be consulted on it. The site lies in flood zone 1 on weald clay geology.

UK Power networks

5.14 No objection

CPRE Maidstone

5.15 Objection to the proposal on the following grounds

- Development not appropriate for Linton Conservation Area;
- Development contrary to the NPPF section 12, paragraphs 126 to 141, and the importance of preserving heritage assets has recently been reinforced by legal and planning;
- Contrary to Draft Local Plan policy SP17, in not meeting the criteria of paragraphs 1, 2, 4, 6 and 8 in particular;
- Proposal would exacerbate inappropriate ribbon development;
- To approve it would create “urban sprawl” in a rural area;
- The site makes an important and positive contribution to the local landscape;
- The site has always been in agricultural use, being orchard until relatively recently;
- The site has been refused planning permission on a number of occasions, most notably by the Planning Inspectorate prior to the adoption of the Maidstone Local Plan 2000;
- Site cannot be considered as an “exception site” because a) there is no known local need, b) there are too many dwellings, and c) the proposed dwellings are not of an appropriate size for that purpose (contrary to SP5 in Draft Local Plan);
- The site entrance and exit is directly on to the A229 which is already subject to high traffic flows, which will get worse as new developments are completed, especially to the south from Marden and Staplehurst;
- The site is not included in the Draft Local Plan

Scotia Gas Networks

5.16 No objection. The applicant is advised to contact Scotia Gas Networks before carrying out any works in the vicinity of the Scotia Gas Network.

Upper Medway Internal Drainage Board

5.17 The site of this proposal is located outside of the Boards district and provided offsite runoff is not increased the Boards interests should not be affected. Details of the proposed SuDS and its future maintenance should be designed and agreed in direct consultation with KCCs drainage and flood risk team.

Southern Water

- 5.18 No objection subject to planning conditions and informatives attached to any planning approval relating to the diversion of foul sewers that run under the site; details of a sustainable urban drainage system, details of the proposed means of foul and surface water sewerage disposal; highlighting the requirement for a formal application to connect to the public sewerage system; and for the applicant to contact Southern Water to discuss the location of new trees and soakaways and protection of existing infrastructure.

KCC Drainage

- 5.19 Insufficient information is currently available from the applicant to confirm that the proposal is acceptable in relation to drainage however at the time of writing discussions are on going with the applicant.

6.0 APPRAISAL

Main Issues

- 6.01 The key issues for consideration relate to:
- Sustainability of the location and housing need;
 - Design and appearance (including impact on Linton Conservation Area);
 - Impact on the amenities of neighbouring occupiers;
 - Standard of proposed residential accommodation;
 - Flooding and drainage,
 - Impact on the local highway network;
 - Trees and ecology.

Sustainability of the location and housing need

- 6.02 The NPPF states that sustainable development should be seen as a golden thread running through both plan-making and decision taking (paragraph 14). Patterns of growth should make the fullest possible use of public transport, walking and cycling, and focus significant development in locations which are, or can be made sustainable (paragraph 17). Paragraph 29 of the NPPF states that: *'The transport system needs to be balanced in favour of sustainable transport modes, giving people a real choice about how they travel....'*
- 6.03 The adopted plan sets out that development must be delivered at the most sustainable locations where employment, key services and facilities are available together with a range of transport choices (paragraph 4.11). In terms of guiding this development the plan sets out a sustainable settlement hierarchy with Maidstone urban area at the top of this hierarchy, followed by rural service centres and then the larger villages.
- 6.04 The current application site located outside a settlement boundary and for the purposes of the plan in open countryside is not located in any of the areas listed in the sustainable settlement hierarchy. Notwithstanding the adopted local plan, the suitability of the site needs to be considered in terms of transport choices and accessibility to employment, key services and facilities.
- 6.05 The facilities included in the main part of Linton located to the north are The Bull Public House and St Nicholas Church. Whilst the site benefits from a continuous pavement to the pub and the church, it is a distance of 480 metres and is along the narrow Linton Hill that carries a significant quantity of traffic and has a 40mph speed limit.

- 6.06 The information provided by the applicant in the Transport Statement indicates that a convenience shop is 1300 metres away (16 minute walk); and the medical centre, primary school, post office and pharmacy are around 2,500 metres away or 30 minutes walking time. It is concluded that with the distances from the site and the unattractive prospect of walking along Linton Hill future occupiers are unlikely to carry out journeys on foot. There is limited availability of public transport locally.
- 6.07 The suitability of the site to become allocated housing land was considered as part of the 2014 'Call for Sites' process. The site was rejected on the following grounds: *"Site is located in the open countryside and removed from an established settlement and associated services. Development would cause harm to the open character of the countryside and the adjacent conservation area"*.
- 6.08 The site was considered again as part of the Strategic Housing and Economic Development Land Availability Assessment in January 2016. It was concluded that *"There had been no change in circumstances from the previous submission to warrant a change"* with inclusion of the site rejected for a second time.
- 6.09 As confirmed by recent appeal decisions and the adoption of the Local Plan on the 25 October 2017 the council can adequately demonstrate a five year supply of housing without the need for housing development on the application site. In the context of a five year land supply adopted planning policies can be given full weight and there is no need for the housing that is currently proposed.

Landscape impact

- 6.10 The application site currently makes a positive contribution to the landscape, with the low front boundary hedge and open character the site maintaining the sporadic nature of local development and the rural character of this area. The site provides an important visual break between Cornwallis Avenue to the west, Wheelers Lane to the south and The Vicarage to the north allowing views to the south west.
- 6.11 It is considered that the proposed development with the introduction of housing onto this field, a new access would have a negative impact on the character of the local area, damaging the rural character and failing to conserve or enhance this landscape.

Design, appearance, impact on heritage assets and Linton Conservation Area;

- 6.12 Policy DM 1 of the local plan states that proposals which would create high quality design will be permitted. Proposals should respond positively to and where possible enhance the character of the area. Particular regard will be paid to scale, height, materials, detailing, mass, bulk, articulation, and site coverage - incorporating a high quality modern design approach.
- 6.13 There is a statutory requirement to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area (s.72, 1990 Act). This requirement must be taken into account when making decisions. NPPF paragraph 139 states that local planning authorities should look for opportunities for new development within conservation areas to enhance or better reveal their significance.
- 6.14 The boundary of Linton Conservation Area currently runs through the middle of the application site with the eastern half of the application site within the conservation area. An independent report recommended that the conservation area boundary be extended to include the whole of the application site. The Strategic Planning, Sustainability and Transportation Committee on the 11 April 2017 gave the Head of

Planning and Development delegated authority to take forward the boundary alterations to Linton Conservation Area.

- 6.15 Vicarage Field lies to the west of Linton Hill and it is considered that the site contributes to the character of the conservation area by providing open views to the West and separation between existing built development along Linton Hill. The site is identified in the approved Conservation Area Appraisal as making a positive contribution to the character of the conservation area by allowing open views out of the village street. It is considered that the proposed development involving the construction of houses on this open land, associated development, landscape screening of new houses, the new vehicular access and general domestic paraphernalia would have a negative impact on the Linton Hill Conservation Area.
- 6.16 The Conservation Area Management Plan advises that scope for new development is limited; that it will seek to preserve existing open land on the western side of Linton Hill from development and that any proposals should respect the linear form of the village. The submitted proposals fail to respect the form of the village providing an informal scattered layout that is out of keeping with the surrounding area and will fail to preserve the open nature of the land.
- 6.17 The parish council have suggested a planning condition preventing the installation of street lights within the development. It is considered that such a condition is unlikely to meet the necessary tests. It is considered that the provision of streetlights, domestic lighting and vehicle lights in this location would be required for safety and security and will have a negative impact on the character of the area.
- 6.18 There are no statutorily or locally listed buildings located on the application site however land on the east side of Linton Hill and opposite the side frontage forms part of the grounds of Linton Park. Linton Park is on the national register of historic parks and gardens for its special historic interest - Grade II*. Linton Park gardens contain a number of grade II listed structures (late 18 century, early 19 century). The closest of these features is the sundial which is around 400 metres to the north east of the current application site. The grade I listed main house is located around 450 metres to the north east of the application site. It is considered that due to the separation distances the proposed development would not harm the setting of the designated buildings and gardens.
- 6.19 The proposed facing materials include a mixture of plain red clay tiles; yellow multi stock brickwork; Kentish ragstone cladding or similar; smooth white render; reconstituted blue/grey slate with white uPVC windows and doors and black uPVC rainwater goods. The ridge heights of the houses range from 7.5 metre to 9 metres and eaves heights between 4 and 5 metres.
- 6.20 All of the properties are provided with a double garage and two formal open car parking spaces. The majority of the proposed housing plots also have additional space within their boundaries to accommodate parking for an additional two or three vehicles.

Residential amenity and standard of new accommodation

- 6.21 The core principles set out in the NPPF (para. 17) 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'*.
- 6.22 Policy DM1 advises that development should respect the amenities of occupiers of neighbouring properties by ensuring that development does not result in excessive

noise, activity or vehicular movements, overlooking or visual intrusion. The policy states that the built form would not result in an unacceptable loss of privacy or light enjoyed by the occupiers of nearby properties.

- 6.23 The development will not result in excessive noise, activity or vehicular movements, overlooking or visual intrusion. After assessing building orientation and separation distances it is concluded that the proposal is acceptable in relation to the loss of privacy or light enjoyed by current or future occupiers of nearby buildings and land. Passive surveillance of the adjoining allotments is likely to increase security rather than decrease it as has been suggested in consultation responses.
- 6.24 The submitted layout plan demonstrates that site can accommodate the number of dwellings proposed and provide these to a suitable standard including in terms of outdoor space and privacy.

Access, highway safety, trip generation and traffic impact

- 6.25 Paragraph 32 of the NPPF states that decisions taken on planning applications should take account of whether all people have safe and suitable access to the site. The National Planning Policy Framework (NPPF) states that development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are 'severe'. Whether the impact is severe can only be judged on a case by case basis, taking account of all material factors.
- 6.26 Whilst the existing local traffic issues raised in consultation responses are acknowledged, it is considered that the traffic impact from the proposed 13 houses will not be severe. It is considered that it is possible to provide the necessary visibility splays to ensure that a new access would be acceptable in relation to highway safety. It is considered that there are no highways grounds to refuse planning permission. KCC Highways have also considered traffic impact and they have advised that they have no objection to the development on highway grounds subject to information that could be requested through planning conditions.

Ecology and trees

- 6.27 The National Planning Policy Framework at paragraph 109 states that *'the planning system should contribute to and enhance the natural and local environment by... minimising impacts on biodiversity and delivering net gains in biodiversity where possible'*.
- 6.28 The National Planning Policy Framework states that *"the planning system should contribute to and enhance the natural and local environment by...minimising impacts on biodiversity and delivering net gains in biodiversity where possible"*.
- 6.29 The application site consists of an arable field with hedgerows, scattered deciduous trees, tall ruderal vegetation, rough semi-improved grassland and some areas of scrub with hedgerows, grassland and scrub. The site has no statutory ecology designation and is not recognised for being of any notable importance in relation to ecology. There is limited potential for protected/notable species to be impacted by the proposed development provided the precautionary mitigation is implemented and enhancement secured through the use of planning conditions if the council are minded to approve planning permission. If minded to approve permission conditions could be used to provide protection to trees on the site.

Flooding and drainage

- 6.30 The site is not in a location recorded by the Environment Agency as being prone to fluvial flooding, and no objection is raised on the grounds of fluvial flood risk. In

relation to surface water flooding if minded to approve pre-commencement conditions would be recommended seeking the submission of details of a sustainable surface water drainage scheme, and implementation of the approved details. Southern Water raise no objection. KCC drainage await further information from the applicant in relation to drainage issues.

Environmental Impact Assessment

- 6.31 The proposed development does not include more than 150 houses and the overall area of the development does not exceed 5 hectares, and as a result the proposed development falls outside the scope of Schedule 2 of The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 as an urban development project.

Planning obligations and the Community Infrastructure Levy Regulations

- 6.32 Policy ID1 of the Local Plan relates to infrastructure delivery. In the event of competing demands for developer contributions towards infrastructure the Council's hierarchy of prioritisation set out in policy ID1 is: affordable housing, transport, open space, public realm, health, education, social services, utilities, libraries and emergency services.

- 6.33 The Planning Act 2008 and the Community Infrastructure Levy Regulations 2010 (the CIL Regulations) (Regulation 122) require that requests for development contributions of various kinds must comply with three specific legal tests: The requests must be 1. Necessary, 2. Related to the development, and 3. Reasonably related in scale and kind.

- 6.34 In addition since 6th April 2015, section 123 of the CIL Regulations places a restriction on the number of different obligations (calculated back to April 2010) that relate to the funding or provision of an infrastructure project or type of infrastructure, ("the pooling restriction"). As such, the scope of contributions that can be requested in respect of new development is restricted. Affordable housing is excluded from this restriction.

- 6.35 The CIL 122 and 123 tests have been applied in the context of this planning application and the above planning obligations were found to be compliant with the Community Infrastructure Levy Regulations 2010 (Regulation 122). The planning obligations in the context of this planning application have been assessed against and were found to be compliant with the Community Infrastructure Levy Regulations 2010 (Regulation 123). With the proposed obligations also in line with adopted and emerging the provision of these contributions by way of an appropriate legal mechanism is considered acceptable.

Affordable housing

- 6.36 The NPPF (Chapter 6) supports the delivery of a wide choice of high quality homes, this includes at paragraphs 47 and 50 the provision of affordable housing. Policy SP20 of the adopted plan states that on housing sites of 11 residential units or more, or which have a combined floorspace of greater than 1,000m², the council will require the delivery of affordable housing.

- 6.37 Policy SP20 states that in exceptional circumstances, and where proven to be necessary, off-site provision will be sought. It is considered that as a result of the size of the proposed units the development is not suitable for on-site affordable housing. The applicant has indicated (email dated 25 October 2017) that they would be prepared to pay an off-site contribution towards affordable housing in the region of £1,000,000. The off-site affordable housing contribution calculated using the

applicant's open market value estimates and based on policy compliant on site provision would amount to £999,532.

Kent County Council

6.38 The County Council has assessed the potential impact of this proposal on the delivery of its community services. The County Council is of the opinion that the development will place additional demand on the delivery of its services and this will require mitigation either through the direct provision of infrastructure or the payment of an appropriate financial contribution. Potential obligations have been considered against the Community Infrastructure Levy (CIL) Regulations part 122 and 123.

- Primary Education

6.39 The proposal gives rise to additional primary school pupils during occupation of the development. This need, cumulatively with other new developments in the vicinity, can only be met through the enhancement of Boughton Monchelsea Primary School. The County Council requires a financial contribution towards the enhancement of Boughton Monchelsea Primary School at £2360.96 for each 'applicable' house.

- Secondary School Provision

6.40 Whilst Kent County Council Education Authority can demonstrate a forecast lack of provision which will require school expansions, due to the Government pooling restrictions the County Council can now not collect secondary contributions from every development, only those creating the largest amount of demand.

- Libraries

6.41 KCC are the statutory library authority. The library authority's statutory duty in the Public Libraries and Museums Act 1964 is to provide 'a comprehensive and efficient service'. The Local Government Act 1972 also requires KCC to take proper care of its libraries and archives. Bookstock in Maidstone Borough at 1119 items per 1000 population is below the County average of 1134 and both the England and total UK figures of 1399 and 1492 respectively.

6.42 To mitigate the impact of this development, the County Council will need to provide additional library books to meet the additional demand to borrow library books which will be generated by the people residing in these Dwellings. The County Council therefore requests £48.02 per household to address the direct impact of this development, and the additional stock will be made available locally as and when the monies are received.

NHS West Kent Clinical Commissioning Group

6.43 As of 1 April 2016, NHS West Kent Clinical Commissioning Group (CCG) took on responsibility for the delegated co-commissioning of primary care services in West Kent. We are now the body which will request Section 106 and Community Infrastructure Levy health care contributions on behalf of NHS England South (South East).

6.44 Inevitably any increase in the local population has an impact on provision of health care and NHS West Kent CCG would seek to apply this s106 contribution to meet these extra demands placed upon primary and community health service and to meet the needs of this population.

6.45 In terms of this particular application, a need has been identified for contributions to support the delivery of investments highlighted within the Primary Care Development Strategy and Estates Framework. These improvements to the primary care and out of hospital infrastructure will enable support for the registrations of the new population

with a local practice, in addition to the commissioning and delivery of health services to all.

- 6.46 The proposed development is expected to result in a need to invest in the local surgery premises at The Orchard Medical Centre and the Stockett Lane Surgery. These surgeries are within a 2 mile radius of the development at Vicarage Field. This contribution will be directly related to supporting the improvements within primary care by way of extension, refurbishment and/or upgrade in order to provide the required capacity.
- 6.47 NHS West Kent CCG will continue to use NHS West Kent formulae for calculating s106 contributions. This has been used for some time and considered fair and reasonable. NHS West Kent CCG will not apply for contributions if the units are identified for affordable/social housing.
- 6.48 Where the application identifies unit sizes the predicted occupancy rates will be for a 4 bedroom unit @ 3.5 persons and for a 5 bedroom unit @ 4.8 persons. These occupancy rates are then multiplied by £360 per person to calculate a financial contribution. With the proposal providing 10 four bedroom (10 x 35 x 360) and 3 five bedroom units (3 x 14.4 x 360) the total financial contribution would be £17,784.
- 6.49 In conclusion and if the submitted proposal were considered acceptable in all other respects planning obligations would be sought to secure the above infrastructure and affordable housing as part of a recommendation to approve planning permission. As set out in this report it is the officer recommendation to refuse planning permission and a reason for refusal is recommended that states that the proposal in the absence of the required planning obligations would have an unacceptable impact on local infrastructure and would fail to provide the affordable housing for which there is a proven need.

8.0 CONCLUSION

- 8.01 The proposed development, in this prominent location would result in significant and pronounced harm to both local character and the appearance and openness of the wider countryside, failing to respond adequately to the site context and contrary to policies SP17 of the Maidstone Local Plan 2017, the NPPF 2012 and the NPPG.
- 8.02 The proposed development would have a detrimental impact and would fail to preserve or enhance the character of the Linton Conservation Area with the layout of the development failing to reflect the existing open character that makes a positive contribution to this part of the conservation area and failing to respect the linear layout of the village contrary to the Conservation Area Appraisal, the Conservation Area Management Plan, policy DM1 of the Maidstone Local Plan 2017, the NPPF 2012 and the NPPG.
- 8.03 The application site located in the open countryside and with no easily accessible or convenient public transport connections or convenient access to key services and facilities, and as a result is in an unsustainable location with development for housing leading to an overreliance on the private motor vehicle contrary to policies SS1 and SP23 of the Maidstone Local Plan 2017 and the NPPF.
- 8.04 In the absence of an appropriate legal mechanism to secure planning obligations in relation to affordable housing, the enhancement of primary education, towards library book stock and to increase capacity in three local surgery premises, the development would be detrimental to existing infrastructure and contrary to policies ID1 and DM20

of the Maidstone Local Plan (2017), and central government planning policy as set out in the National Planning Policy Framework.

8.0 RECOMMENDATION

REFUSE planning permission for the following reasons:

- (1) The proposed development, in this prominent location would result in significant and pronounced harm to both local character and the appearance and openness of the wider countryside, failing to respond adequately to the site context and contrary to policies SP17 of the Maidstone Local Plan 2017, the NPPF 2012 and the NPPG.
- (2) The proposed development would have a detrimental impact and would fail to preserve or enhance the character of the Linton Conservation Area with the layout of the development failing to reflect the existing open character that makes a positive contribution to this part of the conservation area and failing to respect the linear layout of the village contrary to the Conservation Area Appraisal, the Conservation Area Management Plan, policy DM1 of the Maidstone Local Plan 2017, the NPPF 2012 and the NPPG.
- (3) The application site located in the open countryside and with no easily accessible or convenient public transport connections or convenient access to key services and facilities, and as a result is in an unsustainable location with development for housing leading to an overreliance on the private motor vehicle contrary to policies SS1 and SP23 of the Maidstone Local Plan 2017 and the NPPF.
- (4) In the absence of an appropriate legal mechanism to secure planning obligations in relation to affordable housing, the enhancement of primary education, towards library book stock and to increase capacity in three local surgery premises, the development would have a detrimental and unacceptable impact on existing infrastructure, would fail to meet the need for affordable housing and would be contrary to policies ID1 and DM20 of the Maidstone Local Plan 2017, and the NPPF.

Informative

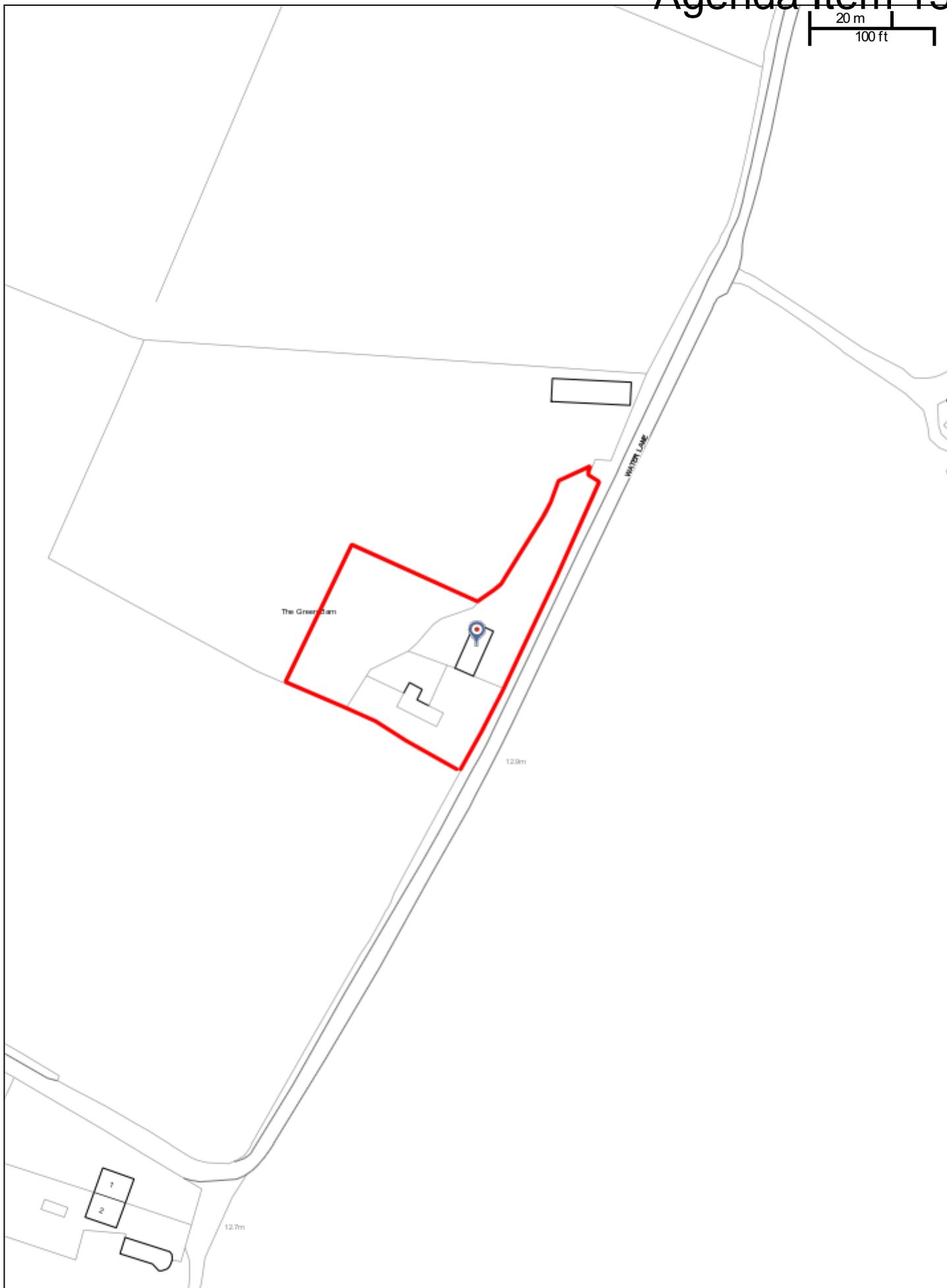
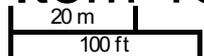
The development proposals are shown on the following drawings: 21954A/01A (site location plan); 21954A/02A (topographical survey); 21954A/05 (existing site sectional elevation A-A); 21954A/06 (existing site sectional elevation B-B); 21954A/07 (existing site sectional elevation C-C); 21954A/08 (existing site sectional elevation D-D); 21954A/10C (site layout plan); 21954A/20A (plot 1 floor plans and elevations); 21954A/22A (plots 2 & 5 floor plans and elevations); 21954A/23A (plot 3 floor plans and elevations); 21954A/24A (plots 4 & 7 floor plans and elevations); 21954A/25A (plot 6 floor plans and elevations); 21954A/28A (plots 8, 11, 12 & 13 floor plans and elevations); 21954A/29 (double garage floor plan and elevations); 21954A/50A (proposed site sectional elevation A-A); 21954A/51A (proposed site sectional elevation B-B); 21954A/52A (proposed site sectional elevation C-C); 21954A/53A (proposed site sectional elevation D-D); SURV1780 (topographical survey - sheet 1 of 1 showing trees); SURV1780 (topographical survey - sheet 1 of 1 showing contours);

The application is supported by a Visual Impact Assessment; Design and Access Statement; Planning and Heritage Statement; Utilities Feasibility Report; Noise Assessment for Proposed Residential Development; Tree Survey; Agricultural Land Classification Plan and a Site Appraisal and Development Strategy. The application also relies on the following information submitted with the earlier withdrawn application (ref 14/504148/full) Landscape Assessment and Statement; Transport

Statement; Flood Risk Assessment; Ecological Report; Contamination Report and Archaeological Assessment.

Case Officer: Tony Ryan

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



16/506436 - The Green Barn

Scale: 1:1250

Printed on: 22/11/2017 at 11:08 AM by EilyH



REPORT SUMMARY
30 November 2017

REFERENCE NO - 16/506436/FULL		
APPLICATION PROPOSAL: Variation of conditions 2 of MA/02/1380 approved under appeal reference APP/U2235/A/02/1104824 (Retrospective application for change of use from agriculture and residential use including the stationing of a mobile home for one Gypsy family) to allow additional 3 mobile homes (totaling 4 mobile homes).		
ADDRESS: The Green Barn, Water Lane, Hunton, Kent ME15 0SG		
RECOMMENDATION: Grant permanent planning permission subject to conditions.		
SUMMARY OF REASONS FOR RECOMMENDATION: The proposed variation of condition 2 of MA/02/1380 to allow three additional mobile homes, subject to imposition of conditions as herein recommended, is considered to comply with the policies of the Development Plan, specifically the Maidstone Local Plan and 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 Hunton Parish Council and the parish has requested that the application be referred to planning committee.		
WARD Coxheath and Hunton	PARISH/TOWN COUNCIL Hunton Parish Council	APPLICANT – Mrs Donna Mendham AGENT – N/A
DECISION DUE DATE (Extended) 31.12.2017.	PUBLICITY EXPIRY DATE 27.07.2016	OFFICER SITE VISIT DATE 21/06/2017
RELEVANT PLANNING HISTORY 03/2043 Approved - Retention of existing pole barn. 02/1380 Allowed at Appeal - Retrospective application for change of use from agriculture to mixed use agriculture and residential including the stationing of a mobile home for one gypsy family – subject to <i>Condition 1 ‘The uses hereby permitted shall be carried on only by, and the mobile home hereby permitted shall be occupied only by, Mr Lance Mendham and/or Mrs Donna Marie Mendham and their dependent children living with them’; and Condition 2 ‘No more than 1 mobile home, and no more than 1 touring caravan to be used only for purposes ancillary to the residential use of the mobile home hereby permitted, shall be stationed on the land at any one time’.</i>		

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.1 The proposed G&T site is rectangular in shape, measures approximately 0.18ha in area and lies within a land holding of approximately 0.88ha. It is located in open countryside on the north-west side of Water Lane 0.6km south of Hunton village.
- 1.2 The proposal site would be extended from a single pitch G&T site granted at appeal ref. APP/U2235/A/02/1104824. The site utilises the existing access off Water Lane at a point 40m to the north. The interconnecting access track lies parallel to Water Lane, behind a dense hedgerow and is included in the application site. There is a vehicular standing area and separate agricultural style gateway at the juncture of the access track with Water Lane.

- 1.3 The habitable part of the site is enclosed with 2m high imperforate timber fencing on all four sides. It is visually reinforced by a mature hedgerow along the boundary with Water Lane. Further hedgerows reinforced by mature conifers screen the site from a commercial orchard to the south west. The north-west and north-east parts of the site back onto level grazing land under the control of the applicant. Beyond the extent of ownership, land to the north-west forms part of the same neighbouring orchard land, while to the east, hedgerows reinforced by tall dense conifer screening further visually contain the wider land holding.
- 1.4 The site contains a large agricultural barn and an authorised mobile home. At the time of my site visit three hardstanding areas had been laid in accordance with the application. Two mobile homes had been placed on their respective plots, while a touring caravan had been placed on the third plot. All three units of accommodation for which retrospective permission is sought, appeared to be occupied. A large pole barn, approved is located to the north of the site access and used for stabling. This lies outside of the application site but within the land holding.
- 1.5 A signposted public footpath running from Water Lane on a south-east/north-west axis and skirting the north east boundary of the site affords the only public views of the site. Use of the footpath is constrained by a need to negotiate a deep roadside dyke and by an adjoining style.
- 1.6 The proposal site and land to the north and south lie within Flood Zone 2 and could be exposed to an extreme flood from the River Beult and its tributaries with up to a 1 in a 1000 chance of annual occurrence. Land to the west is not subject to flood risk. Water Lane is lower lying than the site and is subject to Flood Zone 3 which relates to extreme flood from rivers with up to a 1 in a 100 chance of annual occurrence.
- 1.7 Hunton, located to the north is not designated in the Local Plan. It has a primary school and social club but no shopping. Yalding, 1.5km further to the west is a third tier sustainable 'larger village' that in accordance with Policy SP16 of the Plan, has been identified for the delivery of approximately 265 new dwellings on two allocated sites and where the loss of existing services is to be resisted.
- 1.8 The site and surrounding area is not subject to any relevant local or national planning designations.

2.0 PROPOSAL

- 2.1 A variation is sought to the terms of conditions 2 of permission MA/02/1380 granted 23rd July 2003, to permit the stationing (retrospective) of 3 additional mobile homes. The current permission would allow a total of 4 mobile homes and 1 tourer.
- 2.2 Condition 2 of the appeal decision reads as follows: *'No more than 1 mobile home, and no more than 1 touring caravan to be used only for purposes ancillary to the residential use of the mobile home hereby permitted, shall be stationed on the land at any one time'*.
- 2.3 The application is supported by a flood risk assessment prepared by the Environment Agency.

3.0 POLICY AND OTHER CONSIDERATIONS

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

4.0 LOCAL REPRESENTATIONS

4.1 Hunton Parish Council objects to the application and has recommended refusal. The parish council would like the application to be referred for determination to Maidstone Borough Council Planning Committee for the following reasons:

- Although the Parish Council appreciates that the applicant would like her family to stay together and for her children and grandchildren to all live on the site, it is contrary to government policy.
- According to the DCLG 'Planning policy for traveller sites', gypsies and travellers must be 'persons of nomadic habit of life', but the applicant's children have not and do not lead a nomadic lifestyle.
- In addition, the site is not 2ha large and the proposed increase of three mobile homes is too many for this site.

4.2 There are no neighbour objections

5.0 CONSULTATIONS

Medway Internal Drainage Board

5.1 MIDB has responded that this proposal is unlikely to affect IDB interests. They have noted that part of this site is within a flood-zone from the River Beult and would therefore recommend that the Environment Agency be directly consulted.

Mid Kent Environmental Health

5.2 MKEH has acknowledged that the application includes details of a 'Marsh Industries' water treatment unit on site which is capable of treating the foul sewage from the proposed additional units. Although EH has not raised objection they have advised that there is no known private water supply in the vicinity and no details have been provided concerning the provision of potable water.

Kent Highway Authority

5.3 The Highway Authority raise no objection having noted the Appeal Inspectors main issues quoted in decision APP/U2235/A/02/1104824 and having considered the development proposals and the effect on the highway network.

6.0 APPRAISAL

6.01 The key issues for consideration relate to:

- Need for gypsy sites
- Supply of gypsy sites
- Gypsy status
- Visual/landscape impact
- Highways Impact
- Sustainability
- Residential amenity
- Ecology
- Flooding

Need for gypsy sites

- 6.02 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 (GTTSAA) 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

- 6.03 This, is the best current evidence of need, and forms the evidence base to the Local Plan. It should be acknowledged that the GTAA preceded the August 2015 publication of the revised PPTS which redefines amongst other things, status qualifications, and as a result the accuracy (albeit not substantially) of the GTAA figures.
- 6.04 The target of 187 additional pitches is included in Policy SS1 of Maidstone Borough Local Plan which was adopted on 25th October 2017.

Supply of gypsy Sites

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

- 6.06 Since the base date a net total of 128 permanent pitches have been provided. This means that a further 59 permanent pitches are required by 2031 to meet the objectively assessed need identified in the GTAA. The level of provision to 27.10.2017 can be broken down as follows:

107 Permanent non-personal mobiles
21 Permanent personal mobiles
3 Temporary non-personal mobiles
38 Temporary personal mobiles

- 6.07 'Planning Policy for Traveller Sites' (PPTS) states that LPA's should identify a future supply of specific, suitable Gypsy and Traveller sites sufficient to meet the 10 year period following Local Plan adoption. The Draft Plan allocates a number of sites sufficient to provide 41 additional pitches by 2031. 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.
- 6.08 The PPTS directs that the lack of a 5 year supply of Gypsy and Traveller pitches should be given weight when considering the expediency of granting consent on a temporary basis. The Council's position is that it can demonstrate a 5.6 year supply of gypsy and traveller sites at the base date of 1st April 2016. As the Council considers itself to be in a position to demonstrate a 5 year supply, it is not necessary to consider the PPTS fall-back position of granting a temporary consent.

Gypsy status

- 6.09 Full personal planning permission was granted to Mr and Mrs Mendham as set out in condition 1 of the appeal allowed on 23rd July 2003. At that time the Planning Inspector was satisfied that the resident family qualified for Gypsy and Traveller status. Mr Mendham continues to travel for work.
- 6.10 The parish council has maintained that the children of the applicant (ie those intending to occupy the additional mobile homes) do not lead a nomadic lifestyle and consequently do not qualify as being 'persons of nomadic lifestyle'
- 6.11 Based on the evidence of the G&T liaison officer, upon interview and on the balance of probability taking all known facts into account, it is considered that Mr and Mrs Mendham (senior) and the intended occupants (the extended Gypsy family of Mr and Mrs Mendham) are persons from the travelling community and qualify as being persons of nomadic lifestyle in accordance with the provisions of the revised PPTS.
- 6.12 Were permanent permission to be granted a condition would be imposed requiring the site to be occupied only by members of the Gypsy and Travelling community. This would supersede Condition 1 of the appeal decision which required that *'The uses hereby permitted shall be carried on only by, and the mobile home hereby permitted shall be occupied only by, Mr Lance Mendham and/or Mrs Donna Marie Mendham and their dependent children living with them'*.

Visual/landscape Impact

- 6.13 The larger land holding defined by the outer field enclosure is screened from all sides by mature hedgerows reinforced by tree planting. The G&T development which nestles in the southern corner of the outer field enclosure is further screened by tall imperforate fencing. As a consequence the application site cannot be viewed from Water Lane or from long range views across the neighbouring countryside. The upper parts of the mobiles can however be seen from the adjoining footpath which traverses the north-eastern boundary of the site. It is acknowledged that the existing G&T development at The Green Barn is to some degree visible from the footpath.
- 6.14 While the proposal will exacerbate this level of 'intrusiveness', the application provides the opportunity to require through condition, further landscape screening that will in the long term, improve on the existing non-existent level of screening and views of the site as might be experienced from the public right of way.
- 6.15 The concentration of further caravans as proposed will undeniably exacerbate the perception of urbanisation. In his appeal decision, the Inspector held that the original G&T site would only give rise to modest harm. It is inevitable that G&T development in the countryside will have some degree of impact. In this instance it is considered that this can be mitigated by further landscape screening along the north-west and north-east site boundaries. This would need to be secured by condition that would require native species to assist with assimilation into the surrounding natural environment. As the entranceway arrangement to the site where it joins the public highway is agricultural in character with the passage of time evidence of a Gypsy and Traveller site in this location would be minimal.

- 6.16 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 site would be enlarged there are no similar sites in the immediate vicinity. Accordingly the long term cumulative impact of development does not need to be addressed.
- 6.17 Although the PPTS does not refer to landscape impact Policy SP17 of the recently adopted Local Plan states that provided proposals do not harm the character and appearance of an area, small scale residential development necessary to meet a proven need for gypsy and traveller accommodation will be permitted.
- 6.18 In addition Local Plan 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.
- 6.19 Overall, it is considered that given the limited visual exposure of the site and the opportunity for sympathetic screen planting, the visual impact upon countryside appearance and character arising from the proposal is acceptable and that Policies SP17 and DM15 would be satisfied.

Highways

- 6.20 Although there would be a modest intensification of use and consequently an increase in vehicle trips, there is a safe vehicle access to the site which has been established for a number of years and no highway safety issues have been identified.
- 6.21 The layout of hardstanding around the mobile homes is sufficient to provide satisfactory on-site parking and turning areas. There are no significant highway issues to warrant refusal of the application.

Sustainability

- 6.22 The site is within 10 minutes walking distance of the nearest primary school at Hunton and 25 minutes walking distance of a wider range of service facilities at Yalding which in turn benefits from public transport connections. Although the occupants of the site would presumably utilise private motor vehicles to access local services and facilities, this is not untypical of Gypsy and Traveller sites in rural locations.
- 6.23 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 held by the Inspector when determining application MA/02/1380.

Residential amenity

- 6.24 There are no residential properties adjoining the site, or near enough to be disadvantaged by the development.
- 6.25 The parish council has raised concern that the density of development is too great. It is certainly the case that the three proposed units are located relatively close to each other. However given that development is intended for a small Gypsy family community, and that the remainder of the site is generously laid out

with sufficient room for on-site parking and manoeuvring this aspect of the proposal is not unacceptable. Furthermore the surrounding horse pasture land is in the ownership of the applicant, and provides a reasonable amount of ancillary amenity space.

Flooding

- 6.26 At the time of the 2003 appeal the Inspector considered the implications pertaining to flood risk and concluded that there was no unacceptable risk on the basis that the mobile units were raised off the ground and that projected flood waters would be unlikely to rise above the floor levels of the mobile units and would not occur rapidly without warning. Although access to the site would potentially be restricted this would be no different to other habitation in the locality and the likelihood of site inhabitants requiring the assistance of the emergency services in time of flood, would be minimal.
- 6.27 A comprehensive survey showing updated flood map modelling and historic data provided by the Environment Agency has been submitted. This reinforces the appeal findings and establishes that threat to life from river flooding would be insignificant.
- 6.28 While caravans can be vulnerable to floodwater they are generally raised off the ground allowing flood waters to flow beneath them and can if necessary be raised further above ground level. However, in accordance with other similar sites recently determined by the Local Planning Authority where flood risk was a consideration it is recommended that a planning condition be imposed requiring an emergency Flood Risk Plan to be put in place. Para 103 of the NPPF describes how an 'Exception Test' can be applied to include safety measures that could be introduced to ensure access and escape routes to the site. In this instance the caravans have a raised 'free-board of approximately 600mm which is higher than the projected maximum height of floodwater allowing for climate change. The applicants would be expected to sign up to EA flood alerts as part of the planning condition.
- 6.29 The Sequential Test requires development within areas at high risk of flooding to be considered if no other options are available. There are no suitable alternative sites currently available to the resident Gypsy family. In addition to specific need, the level of need in the Borough is also unsatisfied and this weighs heavily in favour of the applicant.
- 6.30 It can be concluded that subject to the imposition of the condition as proposed above it would be appropriate to grant permission on a permanent basis.

Ecology Impacts.

- 6.31 This is an existing site with no known ecology issues. Although development would be extended into the adjoining paddock area, such areas are considered to be low in ecological potential. Furthermore, because the application is retrospective the need for survey is irrelevant. The provision of landscaping will however provide opportunity for enhanced site biodiversity.

7.0 CONCLUSION

- 7.1 It is acknowledged that extension of the existing site will inevitably have a negative visual impact on the character and appearance of the rural area. However the level of impact would be modest. 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.

- 7.2 In this instance the development would be screened from public view and would not result in significant encroachment into the countryside. On such basis and having regard in this instance to the absence of landscape designation, visual harm can be mitigated.
- 7.3 The applicant has provided flood risk data. Subject to imposition of a safeguarding condition, flood risk is considered acceptable.
- 7.4 The applicant has provided a satisfactory level of information regarding his family's Gypsy status and their need to live together as an extended family unit. Grant of permission will address the identified personal need and assist in meeting the unmet need for viable Gypsy and Traveller accommodation.
- 7.5 Grant of permanent consent is deemed acceptable for the reasons given above and would comply with the Development Plan (Maidstone Local Plan 2016) and with National Planning Guidance. Material circumstances indicate that subject to imposition of conditions permanent planning permission should be granted.

8.0 RECOMMENDATION

Grant permanent planning permission subject to the following conditions.

(1)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, hard-standings, 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.

(2) No more than four static caravans and one tourer, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 shall be stationed on the site at any time unless otherwise agreed in writing with the Local Planning Authority;

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

(3) No commercial or business activities shall take place on the land including the storage of materials or storage, stationing or parking of any commercial vehicle over 3.5 tonnes gross unladen vehicle weight;

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

(4) If the use hereby permitted ceases, all caravans, structures, equipment and materials brought onto the land for the purposes hereby permitted including areas of hardstanding, stable blocks and utility rooms shall be removed within 3 months of cessation;

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

(5) Within three months of the date of this decision notice, the applicant shall submit a 'Flood Emergency Plan' to the Local Planning Authority. The Plan shall address measures that will be put in place in the event of flooding to ensure the safety of site residents and measures to allow the free flow of flood waters within the site. Once approved, the approved the 'Plan' shall be made capable of implementation within 2 months and adhered to during the life of this permission.

Reason: The site lies within a flood risk area and such measures are necessary in the interests of public safety and the control of flood water.

(6) Notwithstanding the provisions of Class A, Part 2, Schedule 2, of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any order revoking and re-enacting that Order, no other fences, gates walls or other means of enclosure shall be erected within the application site.

Reason: In the interests of residential amenity.

(7) Within 3 months of this permission details of a potable water supply and the method of foul sewage treatment for the development hereby approved shall be submitted to the Local Planning Authority. The approved means of water supply and foul sewage disposal shall be implemented and thereafter maintained in accordance with the approved details.

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

(8) Within 3 months of this permission a landscape scheme designed in accordance with the principles of the Council's landscape character guidance shall have been submitted to 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 Screening along the north west and north east site boundaries formed from a new double staggered mixed native species hedge and trees 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) No external lighting shall be installed on the site without the prior written consent of the Local Planning Authority.

Reason: To protect the rural environment from unnecessary light pollution.

(11) The development hereby permitted shall be carried out in accordance with the following drawings and documents and in accordance with any drawings and or documents subsequently approved in respect of the above conditions:

Site Location Plan 1:1250;

Supporting Statement dated 20th June 2016 Heine Planning.

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

Case Officer: Jeff Sadler

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 - 16/507035/FULL		
APPLICATION PROPOSAL Creation of 55 houses and associated roads, car parking, landscaping, vehicle access from Grigg Lane and a new area of public open space.		
ADDRESS - Gibbs Hill Farm Grigg Lane Headcorn Kent TN27 9LY		
RECOMMENDATION - The Head of Planning and Development BE DELEGATED POWERS TO GRANT planning permission subject to the prior completion of a legal agreement		
SUMMARY OF REASONS FOR RECOMMENDATION Site is strategic housing allocation H1(38) & strategic open space allocation OS(11) in Maidstone Local Plan (2017)		
REASON FOR REFERRAL TO COMMITTEE Headcorn Parish Council wish to see application refused and reported to Planning Committee		
WARD: Headcorn	PARISH COUNCIL: Headcorn	APP: Persimmon Homes AGENT: JCN Design
DECISION DUE DATE 22/12/17	PUBLICITY EXPIRY DATE 06/09/17	OFFICER SITE VISIT DATE 18/11/16
RELEVANT PLANNING HISTORY:		

16/501996 - Screening Opinion for creation of 96 houses, associated roads and parking, natural/semi-natural open space and play area – EIA not required

MAIN REPORT

1.0 BACKGROUND INFORMATION

- 1.01 During the life of this application, concerted effort has been made to achieve a development scheme that is policy compliant with policy H1(38) of the adopted Local Plan. Indeed, the proposals first presented to the local planning authority saw new housing expand outside the allocated site area (overflowing into the allocated open space area); a number of quality trees would have been removed; and the initial layout was considered to be poor in terms of creating a sense of place, particularly along the main route from Grigg Lane to the public open space. Negotiations have allowed for a policy compliant development to be presented to Members, as will be expanded upon in the main body of this report.
- 1.02 For clarification purposes, no amendments have been made to policy H1(38) since the Planning Inspector's *'Report on the Examination of the Maidstone Borough Local Plan'* and subsequently to the Local Plan's adoption. *'Utility infrastructure'* was always included in the strategic "*H1 – Housing Site Allocations*" policy at Regulation 19 and on submission, so as to cover all H1 sites without repeating the criterion for each and every allocation policy. However, Southern Water objected to this approach on the basis that it was only required for the specific sites they had identified (which includes H1(38)). As such, criterion 7 was added to policy H1(38), replacing the blanket requirement with a more targeted approach.

2.0 SITE DESCRIPTION

- 2.01 For the purposes of the Maidstone Local Plan (2017), the proposal site is allocated for housing under policy H1(38), with an area of open space allocated immediately to the south-east of the site (policy OS[11]). The site is currently grazing land and located at the eastern end of Headcorn Village, on the south-eastern side of Grigg Lane. The site covers an area of some 1.8ha, with the open space provision covering some 1.18 hectares.

2.02 To the east/north-east are a number of large greenhouses used by a nursery and a reservoir; to the north/north-west is the cul-de-sac 'Hardwicks' and the doctors surgery (across the road); to the south-west a housing estate; and to the south-east is agricultural land and the River Sherway, some 255m away (which is designated as a Local Wildlife Site). There are no significant land level changes on the site; and the majority of site lies within Flood Zone 1 (lowest probability of flooding), with the south-eastern end of the site being within flood zones 2 and 3. The River Beult (a Site of Special Scientific Interest) is located approximately 1km to the south of the proposal site, on the other side of Smarden Road and the railway line. Trees on the site are protected under Tree Preservation Order (5007/2017/TPO). For the purposes of the Local Plan, the site also falls within a Landscape of Local Value.

3.0 PROPOSAL

3.01 The proposal is for the erection of 55 houses with a new access to be created from Grigg Lane. The proposal also includes the provision of open space, with a LEAP (Local Equipped Area of Play) and informal football pitch proposed. There would also be the provision of 40% affordable housing, as discussed later on in the report.

3.02 All houses will be 2-storey in height; and in general terms there would be 6 traditional designs of houses making use of a common palette of external materials, including: red and buff facing brick and contrasting brickwork; smooth and profiled red tiles and slate style tiles; hanging tiles; and white weatherboarding. The layout splits the houses into 4 general blocks, resulting in spurs of road network throughout the site. In general terms, whilst set back from Grigg Lane, the properties to the front of the site will face the road; and there would be development fronting towards the allocated open space and the estate to the west of the site. The trees within the site (including boundary trees) are protected and will be retained, with further landscaping proposed.

3.03 The vehicle access would be some 40m to the east of the junction of Grigg Lane and The Hardwicks; and pedestrians would be able to access the site from here and at a point at the north-western corner of the site (again onto Grigg Lane). The proposal also shows a potential footpath link through the allocated open space into Locks Yard (subject to legal rights of access).

4.0 POLICY/ OTHER CONSIDERATIONS

- Maidstone Local Plan (2017): SS1, SP5, SP7, SP19, SP20, OS1(11), ID1, H1, H1(38), DM1, DM2, DM3, DM6, DM8, DM19, DM20, DM21, DM23
- National Planning Policy Framework (2012)
- National Planning Practice Guidance (2014)
- Minerals & Waste Local Plan (2013 – 2030): N/A - Not in safeguarding area
- Headcorn Neighbourhood Plan

5.0 LOCAL REPRESENTATIONS

5.01 **Local Residents:** 126 representations received raising following main (summarised) points:

- *Highway safety/parking provision/congestion/suitability of Transport Assessment*
- *Noise and general disturbance*
- *Poor design and cramped form of development/visual impact/too high a density*
- *Inappropriate countryside development*
- *Impact upon Green Belt*
- *Ecological impacts*
- *Unsustainable location*
- *Overlooking/loss of privacy/loss of light*

- *Impact upon community infrastructure*
- *Loss of agricultural land*
- *Arboricultural impact*
- *Location of affordable housing*
- *Flood risk*
- *Not in accordance with Local Plan/Headcorn NP; LP not adopted/housing not required*
- *Drainage/foul water disposal*
- *Actions taken by applicant/agent*
- *Light pollution*
- *Loss of view*
- *Harm of potential pedestrian links from Sharp's Field and Locks Yard*
- *Potential for road to join up with Sharp's Field/loss of open space adjacent western boundary*

6.0 CONSULTATIONS

6.01 **Headcorn Parish Council:** Wish to see application refused and reported to Planning Committee (comments summarised below);

"Pros include:

- *Improvement in layout*
- *Connectivity into Sharps Field & Locks Yard reflects type of connectivity outlined in HNP*
- *Open space & addition of LEAP & safe access proposed for residents of Locks Yard*
- *Mix of housing is mainly 2 & 3 bed reflects demand shown during consultation for HNP*
- *Material palette would appear to be in line with local requirements*
- *No 2.5 or 3 storey buildings proposed*

Cons include:

- *Grigg Lane & Oak Lane narrow country lanes & not suitable for cumulative increase in traffic*
- *Proposal represents over delivery on MBCLP which allocates 423 houses to Headcorn*
- *Unsustainable development: Ref to appeal decision 15/509288 (Land north of Lenham Rd)*
- *Site was not allocated in NP as it scored poorly in site assessment exercise.*
- *Other sites are better suited for development*
- *Transport Assessment is inaccurate*
- *Concern for future access to Sharps Field, across Spires Ash which is parish council owned*

6.02 **KCC Highways:** Have raised issues – See main report.

6.03 **Landscape Officer:** Raises no objection.

6.04 **Environmental Protection Team:** Raises no objection.

6.05 **Environment Agency:** Raises no objection.

6.06 **KCC Flood Risk Project Officer:** Raises no objection.

6.07 **Upper Medway IDB:** Raise no objection.

6.08 **Biodiversity Officer:** Raise no objection.

6.09 **Natural England:** Raise no objection.

6.10 **Southern Water:** Raises no objection.

6.11 **Kent Police:** Raise no objection.

6.12 **UK Power Networks:** Has made no comment.

6.13 **Scottish Gas:** Raises no objection.

6.14 **KCC Education:** Has requested contributions - See main report.

6.15 **NHS West Kent CCG:** Has requested contributions – See main report.

6.16 **Parks and Open Spaces:** Has not requested contributions – See main report.

6.17 **Housing:** Raise no objection.

7.0 **APPRAISAL**

Main issues

7.01 Policy H1(38) of the Maidstone Local Plan (2017) allocates this site for approximately 55 houses; and policy OS(11) allocates some 1.18ha of natural/semi-natural open space, to the immediate south-east of the housing site. In accordance with the relevant policies of the Maidstone Local Plan (as stated above) and specifically policy H1(38), the main issues to be considered first are the proposal's design and layout; access; open space; highways and transportation and utility infrastructure. The report will then go on to discuss flood risk; surface water drainage; ecology; residential amenity; Heads of Terms and affordable housing provision; and other planning matters as relevant.

7.02 Headcorn is a Rural Service Centre in the Maidstone Local Plan, which is considered to be the second most sustainable settlements in the hierarchy to accommodate growth. I will now go on to consider the details of this planning application, as set out above.

Design and layout

Visual/landscape impact

7.03 The main view of the proposal (and its access) would be from Grigg Lane, when immediately passing the site, although the established tree/hedge line fronting the road is to be largely retained and would provide screening and softening of the scheme. Some views would also be possible from Sharp's Field and Downs Close to the west of the site, between houses and at the end of these cul-de-sacs. This said, there is significant built development immediately to the west and north of the site that makes up Headcorn village.

7.04 Potential glimpses of the site maybe possible from Grigg Lane, when approaching the site from the east, although existing built development (including the neighbouring substantially sized greenhouses) and established tree/hedge lines would again provide good screening. Whilst glimpses may also be possible from Smarden Road, the topography of the land, existing boundary planting and built development, and the more than 350m separation distance between the new houses and this road, would ensure that views here would not be unacceptably harmful. So whilst the proposal would inevitably result in a visual and character change from the current field, it is evident that given the existing containment of development surrounding the site, the proposal's impact would be mainly limited to short range views. It is therefore considered that the development would not appear visually harmful or dominant from any public vantage point; and it is not considered to result in any significant protrusion beyond the current settlement.

Density/scale

7.05 The density of housing would be at an average density of 31 dwellings per hectare, as stated within policy H1(38); and the houses would be 2 storey (with no additional living accommodation within the roof), with single storey car barns, which is in keeping with other development in the locality. It is therefore considered that the density and scale of the proposal is acceptable and in line with Local Plan policy.

Layout

- 7.06 The layout splits the houses into 4 general blocks, resulting in spurs in the road network throughout the site. Whilst set back from Grigg Lane, there would be houses facing onto this road; and houses would also face onto the allocated open space and the housing estate to the west of the site.
- 7.07 The proposal would retain existing natural features of the site, including the boundary trees/hedging, as well as providing further enhancement landscaping and a large area of allocated open space. Indeed, the scheme has been landscape led, and in accordance with policy H1(38), the proposal will retain and enhance the planting along the boundaries of the housing site, particularly along the south-eastern boundaries of both the housing and open space, providing screening of the development from the adjacent countryside.
- 7.08 To clarify, in arboricultural terms the proposal will retain all existing protected trees within the site (except for 1 Cat B Oak tree for main access) and the Landscape Officer has not raised objection to the loss of this tree. The new access would be within the root protection area (RPA) of an A grade Oak tree; and the path within the site that runs along the front would also encroach into the RPA of a number of trees (including the grade A Oak already mentioned). The proposed access has been relocated to a preferable position in arboricultural terms. The Landscape Officer is satisfied that the use of 'no dig' construction where proposed is acceptable. Whilst no-dig construction will not be possible for the road access due to the need to match existing road levels at the junction, the Landscape Officer is of the view that with care, the construction of the access is possible and the amount of encroachment into the RPA is tolerable. Subject to an appropriate condition requesting a detailed arboricultural method statement, no objection is raised to the proposal on arboricultural grounds.
- 7.09 The proposed houses would have set backs from the roads, allowing for areas of soft landscaping and attractive streetscenes throughout; and parking areas are positioned to the side of houses in tandem (including car barns), reducing the level of hardstanding. The entrance road does have houses fronting onto it, with the first 2 properties having suitably articulated prominent elevations. There is room for good quality landscaping along the entrance road; and the use of appropriate boundary treatments would further enrich the landscape. Whilst set back (in order to retain the protected trees along the front boundary), the development would also have a relationship with Grigg Lane. Furthermore, the layout sees houses facing the estate to the west of the site and onto the allocated open space, which is considered to be a positive approach, avoiding the creation of an insular development.
- 7.10 The house types, the use of an appropriate palette of materials, and landscaping also helps to integrate this development with the surrounding area. The allocated site follows the natural boundaries of the field and a potential pedestrian link could be possible through to Locks Yard, increasing linkages with the local area adjacent Overall, it is concluded that the layout is of good quality and retains important landscape features and provides a large public open space, creating a sense of place.

Appearance/Materials

- 7.11 There would be a mix of detached and semi-detached houses that would be of a traditional form with gable-end roofs and gable-end projecting features and pitched canopies over front doors. A common palette of external materials is proposed, including red and buff facing brick, smooth and profiled red tiles and slate style tiles, hanging tiles, and white weatherboarding; and there would also be elements of contrasting brick detailing around windows and brick bands around the houses themselves.

7.12 It is considered that the traditional design of the buildings would be appropriate for this location; the materials draw on aspects of local vernacular; the buildings would have sufficient detailing; and use varied materials that would provide an acceptable appearance. Whilst materials are listed it is necessary to require samples by condition in order to fully consider whether these are appropriate. Hard surfacing would include asphalt for the pavements and for the stretches of road at the entrance and on the lead up to the open space. The remaining areas of road would be of 2 contrasting colours of block paving. Private driveways would be a mix of asphalt and block paving. This would provide good variation, and an appropriate condition would ensure the quality of the materials to be used.

Boundary Treatments/Landscaping

7.13 Prominent hard boundary treatments within the site would be of brick walling. The boundary fencing to the rear gardens on the eastern and western sides would not appear visually dominant from any public vantage point. The northern and southern edges of the housing remain open and naturally defined by existing planting (that is also to be enhanced in places). I also consider it appropriate to request details of measures to prevent parking on landscaped areas along the western and southern edges of the housing site. As outlined previously, established planting will be retained and strengthened and there would be landscaped front gardens and new street trees. It is considered that the boundary details would provide a good quality environment.

7.14 In summary, it is considered that the design of the development is of a good standard. Indeed, the proposal will retain and enhance hedges and trees along the southern boundary of the site in order to screen new housing from the adjacent open countryside; there is permeability throughout the site and the wider area; the layout works with the existing landscape features; strong streetscenes would be created with buildings addressing roads and corners; and appropriate landscaping and boundary treatments will be secured by condition. Furthermore, buildings are of a traditional design, reflecting the character of the area; and the varied quality building and hardsurfacing details will also be secured by condition.

Access

7.15 The highways authority raises no objection to the new access from Grigg Lane, in terms of visibility splays and they consider the junction design (T-junction serving 5.5m wide access road with 6m corner radii and 1.8m wide footways) to be acceptable. The new access achieves around a 40m stagger distance from the existing Grigg Lane/Hardwicks junction, which exceeds the typical recommended 30m distance quoted in the Kent Design Guide; and the highways authority have also raised no objection in terms of the swept path analysis, which demonstrates that the turning manoeuvres of large refuse vehicles can be satisfactorily accommodated.

7.16 The footpath within the site that links the development to Grigg Lane (at eastern corner of site) and the general layout is considered acceptable in permeability and highway safety terms, whilst ensuring the long-term retention of the front boundary trees and retaining the rural feel of the lane. Subject to legal rights of access, there is the opportunity for a pedestrian link between the site and Locks Yard. Access to Sharp's Field is also not possible because of different land ownership, but in any case access here should be resisted so as to not interfere with the wildlife corridor.

7.17 With this considered, the proposal would be in accordance with policy H1(38), in terms of access provision and links to the surrounding area for vehicles, pedestrians and cyclists.

Open space

- 7.18 The developer proposes the provision of 1.18ha of natural/semi-natural open space in accordance with policy OS1(11), which includes an on-site LEAP as well as an informal sports pitch area (with goal posts). The Parks and Open Space Team raise no objection to this provision and consider the submitted LEAP details to meet the Fields in Trust guidelines. They are therefore not seeking any off-site financial contributions and this approach is considered acceptable.

Highways and transportation

Sustainable Travel

- 7.19 The footway along the main entrance road ends at the corners of the new junction and an internal footpath would run close to the northern edge of the site, connecting with the footpath at the north-western corner of the site. To clarify, the footpaths and roads will not be put forward for adoption by Kent County Council. This approach is accepted, in terms of pedestrian safety, and considered beneficial for retaining the rural feel of the Grigg Lane boundary.
- 7.20 As requested by the Highways Authority, a zebra crossing is proposed on A274 Wheeler Street (in between Knowles Gardens and Kingsland Grove), to assist crossing movements to/from Headcorn Railway Station. The highways authority also consider that the upgrade of the 2 closest bus stops on Wheeler Street is required as mitigation. These improvements are considered reasonable and necessary and will be secured through a S278 Agreement.
- 7.21 With regards to the Wheeler Street/Oak Lane Junction, modifications to the junction have been secured through other prospective local developments. It is therefore unnecessary to secure an identical requirement to deliver these works through a S278 Agreement here. The Highways Authority has also confirmed that a financial contribution towards new cycle parking at Headcorn Railway Station and Sainsbury's is not required to make this application acceptable in highway safety terms.
- 7.22 The highways authority raises no objection to the proposal in terms of its distances from public transport links, subject to bus stop improvements that I consider reasonable. The implementation of a Travel Plan, to encourage sustainable travel patterns on an on-going basis, will be secured by way of an appropriate condition.
- 7.23 The highways authority accepts the vehicle trip generation forecasts in the Transport Assessment. The highways authority states that in terms of traffic impact, the submitted assessment has covered a sufficiently sized area and provides a robust representation of future conditions. The highways authority is satisfied that the applied assumptions provide a sufficiently robust basis for the capacity testing of the A274/Kings Road/Moat Road crossroads junction.
- 7.24 In summary, the results of the capacity assessment undertaken on the site access priority junction with Grigg Lane demonstrate that it would operate satisfactorily. It has been shown that the additional development traffic will not result in the junction of Wheeler Street/Oak Lane junction exceeding its practical capacity. Even when accounting for the cumulative effects of the proposed development and other planned development in Headcorn, the A274 Mill Bank/North Street/Moat Road/Kings Road junction would operate within capacity and these cumulative effects will be mitigated through implementation of signalisation improvements. The applicant has agreed to a financial contribution towards the improvements at the A274 Mill Bank/North Street/Moat Road/Kings Road junction.

- 7.25 With regards to the A274 Corridor to Maidstone, the Highways Authority comment that whilst it is evident that congestion on the A274 corridor is likely to be worsened because of this proposal and an increase in local congestion is likely, they are not able to conclude that it will result in conditions that could be described as a severe impact on congestion or safety and have not raised an objection in this respect. The NPPF states that “...development should only be prevented or refused on transport grounds where the residual cumulative impacts of development are severe”. The Highways Authority accepts the mitigation of this impact through previously secured junction improvements on Oak Lane, coupled with the good crash incident record, means that a highway objection on localised traffic impact grounds cannot reasonably be justified.
- 7.26 The proposed total number of car parking spaces (including unallocated visitor spaces), exceeds the minimum parking requirements of policy DM23. Whilst tandem parking is a feature throughout the site, in this instance it is considered acceptable as a more landscape led approach to the layout (avoiding larger areas of hardstanding) is more suited to the site’s edge of village location and Landscape of Local Value setting. For similar reasons, to avoid wider roads, no objection is raised to the waste carrying distances shown. The Highways Authority raises no objection in terms of the details submitted for the refuse collection strategy and the turning arrangements for refuse vehicles and fire tenders. Secure bicycle parking provision will be in the form of a shed in the rear garden of each plot.
- 7.27 The applicant has also confirmed that the footpaths and roads will not be put forward for adoption by Kent County Council and that no street lighting is proposed. The Highways Authority has suggested a number of conditions relating to the construction phase of the development, but these are not considered to pass the planning tests of when conditions are reasonable and necessary.
- 7.28 With all of the above considered, it is considered that the proposal would provide suitable access for all modes of movement and appropriate contributions would be secured towards improving and making safe the pedestrian environment. The proposal is therefore considered to be in accordance with policy H1(38) in this respect.

Utility infrastructure

- 7.29 Southern Water has raised no objection to the proposal and has confirmed that with the provision of strengthening local infrastructure, there is capacity in the existing system to accommodate the proposal.
- 7.30 The submitted Flood Risk Assessment (FRA) has looked at foul water drainage and it is understood that it has been agreed between the developer and Southern Water that foul drainage from the site will be taken via a 30m long connection at 150mm diameter to the existing sewer under Locks Yard, supported by 90m³ of on-line storage within the application site. It is considered that the applicant has demonstrated that on and off-site measures and improvements can be provided, (to be carried out in consultation with Southern Water), and that adequate foul drainage could be provided to mitigate the impact of the development. Clearly, this will not solve existing problems in the village but will mitigate the development’s impact, which is all that is required; and it should be stressed that a new development can only be required to mitigate its own impact and not solve existing problems. It is therefore advised that issues relating to foul drainage are not grounds to object to the application as this could be dealt with condition via the Water Industry Act.

Flood risk/surface water drainage

- 7.31 The Environment Agency (EA) has raised no objection to the proposal in terms of flood risk, as majority of site lies within Flood Zone 1 (Low Probability Flood), with the south-eastern end of the site being within flood zones 2 and 3 respectively being allocated as open space, providing amenity to development. This is subject to an appropriate condition securing that finished floor levels cater for the revised Climate Change allowance.
- 7.32 In terms of surface water run-off, the lead local flood authority raises no objection to the proposed surface water drainage strategy submitted for this application; and has recommended conditions for a detailed sustainable surface water drainage scheme and full details of its implementation, maintenance and management, which will be duly imposed. The applicant has also confirmed that each dwelling will have a finished floor level of more than 300mm above the maximum flood level.
- 7.33 The site is outside of the Upper Medway IDB district but it does drain to the River Sherway which is IDB maintained and so there is the potential for the proposal to affect IDB interests, that being downstream flood risk in particular. So, provided that run-off from the site is restricted to 7.1l/s with on-site storage to accommodate 100 year storm + climate change, and details of SUDS and its future maintenance is agreed in direct consultation with the lead local flood authority, the Upper Medway IDB raise no objection.
- 7.34 Natural England, whilst raising no objection, have commented that the proposal site is connected hydrologically to the SSSI via the River Sherway, and therefore there is a risk of water quality impacts (nutrient enrichment) and water level impacts on the SSSI. In order to avoid water quality impacts on the SSSI, Natural England state that foul sewerage should be dealt with by public sewerage network and that surface water should be addressed through SUDS. These matters have already addressed through consultation with the lead local flood authority and Southern Water.

Biodiversity implications

- 7.35 The Biodiversity Officer has reviewed the ecological information submitted and has advised that sufficient information has been provided to determine application and so no further information is required at this stage. Notwithstanding this, the following issues have been raised.

Great Crested Newts (GCNs)

- 7.36 As the wider area has previously been surveyed for GCNs due to number of other developments nearby, there is a good understanding of GCN ecology in the area and it is accepted that the adjacent pond has a 'low' population. Whilst there will be no loss of aquatic habitat, there will be the loss of foraging habitat and potential loss of connectivity.
- 7.37 In terms of obtaining a European Protected Species Mitigation Licence (EPSM), the local planning authority is satisfied that the need for this level of housing in this location is in the public interest, overriding the potential loss of foraging habitat and connectivity. Furthermore, the Biodiversity Officer accepts that mitigation measures have been provided, including the erection of exclusion fencing and associated methodology along with a suite of ecological enhancements. The enhancements include the creation of a pond, terrestrial habitat and sensitive management of these features. A 5m buffer zone has also been proposed along the western edge of the

site to retain connectivity with the existing pond and the south of the site. A suitable condition will also be imposed to secure wildlife friendly kerbs.

- 7.38 The Biodiversity Officer is satisfied that the outlined mitigation and enhancement measures are sufficient to ensure that there is no detrimental impact to the GCN population, subject to a condition for a management plan, to include management of any ecological enhancements, receptor sites and existing habitats (including the connective western edge).

Reptiles

- 7.39 1 slow worm has been recorded on site, and the only suitable habitat for reptiles is located around the margins. The Biodiversity Officer is satisfied that a specific mitigation strategy for slow worms would not be required as a sensitive working regime has been created for GCNs, and an informative will be added to remind the applicant that legislation states that all reptiles will need to be captured and relocated to a receptor site following current best practice guidelines.

Bats

- 7.40 A bat activity survey has been carried out with low levels of activity recorded, with most activity recorded along hedgerow and tree lines which are to be retained through development. The Biodiversity Officer is of the view that the proposal is likely to increase biodiversity gain for bats and a condition requesting details of a 'lighting design strategy for biodiversity' is not required because the development has proposed no external lighting.

Enhancements

- 7.41 One of the principles of the NPPF is that "*opportunities to incorporate biodiversity in and around developments should be encouraged*". The Biodiversity Officer advises that clear ecological enhancements should be included in any submitted landscape plans taking into consideration suggestions made in submitted ecological reports and that these can be secured by way of condition.

Residential amenity

- 7.42 The proposal is considered to provide acceptable living conditions for future occupants of the site. Given the separation distances between the new houses and those existing properties to the west of the site, together with the retention of the boundary trees, no objection is raised in terms of the proposal's impact upon the amenity of these local residents (including loss of light, outlook, privacy and general noise and disturbance). The proposal is also considered to not have an adverse impact upon the living conditions of any other local resident in the area. A condition will also be imposed to ensure that any new external lighting would not adversely harm the amenity of future and existing residents in the area.

Community infrastructure contributions

- 7.43 A development of this scale is likely to place extra demands on local services and facilities and it is important to ensure that the development can be assimilated within the local community. As such, suitable contributions to make the development acceptable in planning terms can be sought in line with the relevant policies of the Maidstone Local Plan (2017). However, any request for contributions also needs to be scrutinised, in accordance with Regulations 122 and 123 of the Community Infrastructure Levy (CIL) Regulations 2010. This has strict criteria setting out that any obligation must meet the following requirements: -

It is:

- (a) Necessary to make development acceptable in planning terms;*
- (b) Directly related to development; and*

(c) Fairly and reasonably related in scale and kind to development.

7.44 Planning obligations cannot pool more than 5 obligations of funding towards a single infrastructure project or type of infrastructure (since April 2010).

NHS West Kent CCG –

- Contribution of £39,060

7.45 The proposal will result in a need to invest in Headcorn Surgery, with healthcare contributions being directly related to the internal reconfiguration of the practice to create additional consulting rooms and/or treatment rooms. These improvements will support the registration of the new population and the contribution sought is £39,060. Headcorn Surgery is within 0.5 miles of the proposal site and these improvements would support the registration of the new population.

KCC Education -

- Primary education: contribution of £293,333.15

7.46 The proposal is forecast to give rise to 16 primary pupils and these pupils cannot be accommodated within forecast school capacities. Therefore this need can only be met through the provision of extended Primary Schools in area.

7.47 Headcorn Primary School is located close to proposed development site. This school currently provides for 210 pupil places (1 Form of Entry) and occupies a site of 2.13ha, with constraints on developable space due to the site being divided by a stream which flows into the River Bult. Expanding the school to 2FE (420 places) is feasible (KCC commissioned architects to examine this) and the cost of this is high given that it is in an area of flood risk.

7.48 Expansion to 2FE is likely to be undertaken in 2 distinct phases with projects to include provision of a new standalone single storey building which will incorporate: 6 classrooms; associated storage and cloak areas; toilets; additional staff room; studio/small hall; provision of walkway from new build to existing school; and provision of additional car parking space. This contribution will be applied to Phase 2 of expanding Headcorn Primary school from 1FE to 2FE.

- Primary school land: contribution of £49,042.95

7.49 Expansion of Headcorn Primary School to 2 Forms of Entry is not achievable within the current site, and so additional land to the north of the existing school boundary is required to enable expansion. This additional land (measuring some 3383m² in area) is required to meet Government space standards and KCC has secured this land through a planning obligation. This contribution will be put towards Phase 2 of the school's expansion.

- Secondary school provision: contribution of £129,789.00

7.50 This proposal would give rise to 11 additional secondary school pupils during occupation of this development; and this need can only be met through the expansion of The Cornwallis Secondary School (Phase 3).

- Library bookstock: contribution of £2640.87

7.51 This request towards the library Bookstock to Headcorn Library will mitigate the impact from this development. The bookstock in Maidstone Borough at 1119 items per 1000 population is below the County average of 1349 and both the England and total UK figures of 1510 and 1605 respectively.

- Community learning: contribution of £1688.32

- 7.52 To accommodate the increased demand on KCC services, this request will go towards the cost of commissioning additional adult and community learning classes within Headcorn village, including the rental of space and equipment required. It is accepted that 55 new households would see the need for additional services in Headcorn village.
- 7.53 It is considered that all of the contributions sought meet the tests of Regulation 122 and 123 of the Act and as such should be provided by the applicant. The applicant has also agreed to the Heads of Terms as set out.

Affordable housing

- 7.54 The development proposes 40% affordable housing, which equates to 22 (15 units affordable rent and 7 units shared ownership).
- 7.55 The affordable housing provision is well integrated/dispersed within the site; the provision is considered to be policy compliant; and the Housing Department raises no objection.

Other matters

- 7.56 The Headcorn Neighbourhood Plan (HNP) is a material consideration which needs to be taken into account/addressed in any application, and it is noted that the site is not allocated for development in the HNP. However, after the Inspector's examination (held October 2016) and the Inspector's *'Report to Maidstone Borough Council of the Examination into the Headcorn Neighbourhood Plan'* was released on 19th March 2017, the Inspector's recommendation is that this neighbourhood plan does not meet the Basic Conditions. The Inspector therefore concluded that the Plan should not proceed to a referendum and little weight is therefore given to the HNP.
- 7.57 The Environmental Protection Team states that the proposal would have an insignificant impact on the overall air quality in the area, but have recommended a condition to cover the overall impact of the emissions from the development. However, the proposal would provide an electric charging point in each property (except for 2), and the development can also cater for other modes of sustainable transport. This condition is therefore considered unreasonable. Details of a *Code of Construction Practice* are not considered to be necessary or reasonable for this development; and refuse collection details have been shown and considered acceptable. The Environmental Protection Team have also raised no objection in terms of land contamination, lighting, or noise impacts upon future occupants and so no further information is considered to be required in this respect.
- 7.58 The proposal site is classified as sub-grade 3b agricultural land under the Agricultural Land Classification Survey of Potential Development Sites in Maidstone Borough (Appendix 2: 21st Nov 2014), and therefore not considered to be best and most versatile agricultural land.
- 7.59 Kent Police have made suggestions in terms of achieving Secured By Design, but this is not a reason to delay this application and such matters will have to be dealt with under any application made by the applicant for SBD.
- 7.60 The main concerns raised by local residents and the parish council have been addressed in the main body of this report. It should also be noted that the loss of a view and alleged actions taken by the applicant/developer are not material planning considerations in the determination of this application; and the site is not within the Green Belt. I would also add that the application has been considered on its merits, and any potential future highway connection with Sharp's Field is not for consideration

here. During the life of this application, a new Local Plan has also been adopted and all policies in the 2000 Local Plan have been superseded.

- 7.61 A separate Screening Opinion has been undertaken by the Council for the application where it has been concluded that the development would not have significant environmental effects in the context of the EIA Regulations alone or cumulatively with other developments, would not be of more than local importance, and any environmental implications from the development would not be so significant or wide-ranging so as to warrant an EIA. Therefore it is considered that an EIA is not required for this application in light of the Town and Country Planning (Environmental Impact Assessment) Regulations 2017.

8.0 CONCLUSION

- 8.01 In accordance with policy H1(38), the proposal would provide an acceptable design and layout for its edge of village location; access is considered acceptable; the allocated area of open scape would be secured; and highways, transportation and utility infrastructure issues have been addressed.

9.0 RECOMMENDATION

- 9.01 Subject to the prior completion of a legal agreement to provide for the Heads of Terms set out below and subject to the conditions as set out below, the Head of Planning and Development **BE DELEGATED POWERS TO GRANT** to grant planning permission, and to be able to settle or amend any necessary Heads of Terms and planning conditions in line with the matters set out in the recommendation and as resolved by the Planning Committee.

Heads of Terms

- *financial contribution of £39,060 towards internal reconfiguration of Headcorn Surgery to create additional consulting rooms and/or treatment rooms*
- *financial contribution of £293,333.15 towards Phase 2 expansion of Headcorn Primary School*
- *financial contribution of £49,042.95 towards land acquisition costs of Headcorn Primary School expansion*
- *financial contribution of £129,789.00 towards Phase 3 expansion of Cornwallis School (creation of additional teaching accommodation - part 2)*
- *financial contribution of £2640.87 towards towards libraries to address demand from development towards additional bookstock (supplied to Headcorn Library)*
- *financial contribution of £1688.32 towards cost of commissioning adult and community learning classes within Headcorn village, including rental of space and equipment required*
- *provision of 40% affordable residential units within application site, of which 15 units will be affordable rented/social rented (5 3-bed & 10 2-bed) and 7 units will be of intermediate tenures (3 3-bed & 4 2-bed)*
- *financial contribution of £35,750 to ensure delivery of A274 Mill Bank/North Street/Moat Road/Kings Road junction signalisation improvements*

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 commencement of works/development above damp-proof course (DPC) level, written details and samples of the materials to be used in the construction of the external surfaces of the buildings and hardsurfacing (as indicated on drawings PH207a-PL-003 Rev A and PH207a-PL-006 Rev A received 12/10/17) shall be submitted to and approved in writing by the Local Planning Authority and shall include. The development shall be constructed using the approved materials and maintained thereafter unless otherwise agreed in writing by the local planning authority;

Reason: To ensure a good quality appearance to the development.

- (3) Prior to commencement of works/development above damp-proof course (DPC) level, written details and samples of the materials to be used in the construction of boundary treatments (as indicated on drawing PH207a-PL-003 Rev A received 12/10/17), shall be submitted to and approved in writing by the Local Planning Authority;

Reason: To ensure a good quality appearance to the development.

- (4) As shown on drawing PH207a-PL-02 Rev C, a wildlife corridor shall be provided along the western boundary of the site (including along the open space provision), and it shall not include amenity grassland. From the western flank of the house at plot 18 heading south, the wildlife corridor shall be a minimum of 5m in depth;

Reason: In the interests of biodiversity.

- (5) No development above damp proof course level shall take place until details of a scheme of landscaping, using indigenous species which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with a programme for the approved scheme's implementation and long term management, have been submitted to and approved in writing by the Local Planning Authority. The landscape scheme shall be designed using the principle's established in the Council's adopted Landscape Character Assessment 2012 and shall include:

- a) Triple row native mix hedgerow (at 45-60cm in height) interspersed with Oak trees (at 60-90cm in height) along eastern and southern boundaries of public open space;
- b) Double row native mix hedgerow (at 45-60cm in height) interspersed with Oak trees (at 60-90cm in height) along western boundary of the new housing and public open space;
- c) Reinforcement of front (northern) boundary of site with native planting;
- d) Native tree planting (of Select Standard size) across the public open space;
- e) Details of measures to prevent car parking within the section of wildlife corridor in front of plots 14, 15, 16, 17 and 18;
- f) Details of measures to prevent car parking along the northern boundary of the public open space.

The implementation and long term management plan shall include long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned domestic gardens. The landscaping of the site and its management thereafter shall be carried out in accordance with the approved details over the period specified;

Reason: To safeguard existing trees and hedges to be retained and ensure a satisfactory external appearance to the development and a good quality of design.

- (6) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner. Any seeding or turfing which fails to establish or any trees or plants which, within ten years from the first occupation of a property, die or become so seriously damaged or diseased that their long term amenity value has been adversely affected, shall be replaced in the next planting season with plants of the same species and size as detailed in the approved landscape scheme unless the local planning authority gives written consent to any variation.

Reason: To ensure a good quality appearance and landscaped setting to the development.

- (7) Prior to commencement of the development hereby approved, an arboricultural method statement (AMS) shall be submitted to and approved in writing by the local planning authority. The AMS shall include details of the phasing of the access road construction, arboricultural supervision and reporting during excavation (using hand tools only) and backfilling within root protection areas, and details of how any roots encountered during construction will be dealt with. The development shall be built in accordance with the approved AMS;

Reason: To ensure long term retention of trees protected by a Tree Preservation Order (5007/2017/TPO).

- (8) The development hereby approved shall be carried out in accordance with the tree protection details, as set out in the submitted Tree Survey and drawing 2188/14/B/4A (LaDellWood: Issue 3 received 19/08/17);

Reason: To ensure long term retention of trees protected by a Tree Preservation Order (5007/2017/TPO).

- (9) Prior to commencement of works/development above DPC level an ecological enhancement strategy which details what enhancements are going to be implemented and where and how, shall be submitted to and approved in writing by the local planning authority and shall include the following;

- a) Provision of log piles for invertebrates;
- b) Areas of terrestrial habitat along northern and western boundaries of site, to include refuge piles, reptile hibernacula, foraging territories and opportunities for shelter;
- c) Installation of ready-made bird/bat boxes to mature trees;
- d) Retention of boundary ditches;
- e) Provision of integral bird/bat bricks/boxes on northern elevation of buildings;
- f) Provision of hedgehog nesting boxes;
- g) Provision of 12cm square gaps under fencing to allow hedgehogs access into all garden areas;

The development shall be built in accordance with the approved ecological enhancement strategy and all features shall be retained in that manner thereafter;

Reason: In the interests of biodiversity enhancement.

- (10) Prior to commencement of the development hereby approved, a Landscape and Ecological Management Plan (LEMP) detailing the landscaping and ecological design and management for the site shall be submitted to and approved in writing by the local planning authority. The LEMP shall include the following:

- a) Purpose and conservation objectives of landscaping and ecological design, including creation of receptor area;
- b) Timetable for implementation, demonstrating that works are aligned with proposed phasing of construction;
- c) Description and evaluation of features to be managed;
- d) Aims and objectives of management, including long-term management of receptor area and wildlife corridor along western boundary of site;
- e) Appropriate management prescriptions for achieving aims and objectives;
- f) Preparation of work schedule (including annual work plan capable of being rolled forward over a 5-year period);
- g) Details of the body(/ies) or organisation(s) responsible for implementation of the LEMP;
- h) Ongoing monitoring and remedial measures.
- i) LEMP shall also include details of legal and funding mechanism(s) by which long-term implementation of plan will be secured by developer with the management body(/ies) responsible for its delivery. The plan shall also set out (where results from monitoring show that conservation aims and objectives of LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme.

The development shall be implemented in accordance with the approved LEMP details.

Reason: To ensure long term retention and management of landscaping and ecological design features.

- (11) Prior to commencement of works/development above DPC level, details of wildlife friendly kerbs and design features (including drainage gully pots and the installation of amphibian ladders made from 'Enkamat'). The development shall be built in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: In the interests of biodiversity.

- (12) No external lighting, whether temporary or permanent, shall be placed or erected within the site unless details are submitted to and approved in writing by the local planning authority. These details shall include, inter alia, measures to shield and direct light from the light sources so as to prevent light pollution and illuminance contour plots covering sensitive neighbouring receptors, and measures to ensure that bats foraging/commuting/nesting bats are not adversely impacted upon. The development shall thereafter be carried out in accordance with the subsequently approved details and maintained as such thereafter;

Reason: In the interest of residential amenity and biodiversity.

- (13) Before the development hereby permitted is first occupied, all proposed first floor side windows (except plots, 5, 54, 55) shall be obscure glazed and incapable of being opened except for a high level fanlight opening of at least 1.7m above inside floor level and shall subsequently be maintained as such;

Reason: To safeguard amenity of future occupants.

- (14) No occupation of the development hereby permitted shall take place until details of a scheme for the preparation, laying out and equipping of the play/amenity area, and

its on-going maintenance have been submitted to and approved in writing by the Local Planning Authority. The facility shall be completed in accordance with the approved details prior to the first occupation of the development.

Reason: To provide open space to contribute to meeting recreational needs of prospective occupiers.

- (15) The development shall not be occupied until details of the long-term management and maintenance of the public open space, including details of mechanisms by which the long term implementation of the open space (including play equipment and football pitch) will be secured by the developer with the management body(ies) responsible for its delivery, have been submitted to and approved in writing by the Local Planning Authority. The facility shall be completed in accordance with the approved details prior to the first occupation of the development and shall thereafter be maintained;

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

- (16) Development shall not begin until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall be based upon the proposals detailed within the drainage strategy (JBA Ref. 2016s3405 Version 2) and demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100yr storm) can be accommodated and disposed of without increase to flood risk on or off-site. 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;

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

- (17) 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.

- (18) Surface water run-off from the development hereby approved shall not exceed 7.1l/s with on-site storage accommodating 100 year storm + climate change;

Reason: To ensure site drainage does not increase downstream flood risk of the River Sherway.

- (19) The development hereby permitted shall not be commenced until such time as an agreement to implement finished floor levels that cater for the revised Climate

Change allowance has been submitted to, and approved in writing by the local planning authority;

Reason: To reduce risk of internal flooding to proposed development and future occupants.

- (20) Details of foul water drainage, which shall include details of on-site drainage and off-site improvements to the local network, shall be submitted to and approved in writing by the Local Planning Authority in consultation with Southern Water prior to the occupation of the development. The approved details shall be implemented in full prior to the first occupation of the development;

Reason: In the interest of pollution and flood prevention.

- (21) Prior to the commencement of development, details of decentralised and renewable or low-carbon sources of energy to be used as part of the approved development shall have been submitted to and approved in writing by the Local Planning Authority including details of how they will be incorporated into the development. The approved measures shall 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.

- (22) Prior to the occupation of the development hereby permitted, a Travel Plan shall be submitted to and approved in writing by the local planning authority. It shall include:
- (i) Targets for sustainable travel arrangements;
 - (ii) Effective measures for the on-going monitoring of the Plan;
 - (iii) A commitment to delivering the Plan objectives for a period of at least 5 years from the first occupation of the development; and
 - (iv) Effective mechanisms to achieve the objectives of the Plan by both present and future occupiers of the development.

The development shall be implemented only in accordance with the approved Travel Plan.

Reason: To promote sustainable travel measures.

- (23) No occupation of the development hereby permitted shall take place until the following off-site highways improvements have been made in full. Full details shall be submitted to and approved in writing by the Local Planning Authority in consultation with the Local Highways Authority:
- Provision of zebra crossing on Wheeler Street (as shown on drawing 14-233-205 Rev A)
 - Provision of kerbing suitable for low floor access at 2 bus stops on Wheeler Street, those being southbound: bus stop closest to Oak Lane junction, and northbound: bus stop at junction of Bramleys

Reason: In the interests of highway safety.

- (24) The access point onto Grigg Lane and visibility splays shall be carried out as shown on drawing 14-233/104 (received 25/07/17) prior to the occupation of the development. Visibility splays shall be maintained in accordance with the approved drawing and kept free of obstruction above 0.9m thereafter;

Reason: In the interests of highway safety.

- (25) Prior to the occupation of the buildings hereby permitted, a minimum of one operational electric vehicle charging point for low-emission plug-in vehicles shall be installed at every residential dwelling with dedicated off street parking (except for plots 18 and 19), and shall thereafter be retained and maintained for that purpose;

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

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

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

- (27) The vehicle parking spaces, and car barns, and cycle storage provision, and vehicle loading/unloading and turning facilities shown on the submitted plans shall be permanently retained for parking and turning and shall not be used for any other purpose;

Reason: In the interest of highways safety and parking provision.

- (28) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extension to any property shall be carried out without the permission of the Local Planning Authority;

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

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

Received 26/09/16: PH207-PL-01 Rev E

Received 07/07/17: PH207-LEAP-01; PH207a-Hat-A-01 Rev 00; PH207a-Hat-B-01 Rev 00; PH207a-Cor-A-01 Rev 00; PH207a-Cor-B-01 Rev 00; PH207-Cla-A-01 Rev 00; PH207a-Cla-B-01 Rev 00; PH207a-Cla-C-01 Rev 00 (not plot 6); PH207a-Ches-A-01 Rev 00 (not plot 7); PH207a-Ches-B-01 Rev 00; PH207a-Ches-C-01 Rev 00; PH207a-Aln-A-01 Rev 00; PH207a-ALn-B-01 Rev 00; PH207-Ched-A-01 Rev 00; PH207-Ched-B-01 Rev 00; and PH207a-CB-01 Rev 00.

Received 19/08/17: Tree Survey (Issue 3 - LaDellWood); and drawing 2188/14/B/4A.

Received 12/10/17: PH207a-PL-005 Rev A; and PH207a-HT-01 Rev 00.

Received 30/10/17: PH207-Ched-C-01 Rev A (with side openings to northern flank for plot 5 and southern flank for plot 38); 17-0701 C10101 A; and 17-0701 C10102 A.

Received 09/11/17: PH207a-PL-02 Rev C.

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

INFORMATIVES

- (1) Applicant 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 or www.southernwater.co.uk, in order to progress the required infrastructure.
- (2) It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil. Information about how to clarify the highway boundary can be found at <http://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land> of the works prior to commencement on site.
- (3) All precautions must be taken to avoid discharges and spills to the ground both during and after construction.

Please note that the CLAIRE Definition of Waste: Development Industry Code of Practice (version 2) provides operators with a framework for determining whether or not excavated material arising from site during remediation and/or land development works are waste or have ceased to be waste. Please also note that contaminated soil that is excavated, recovered or disposed of, is controlled waste. Therefore its handling, transport, treatment and disposal is subject to waste management legislation which includes:

- i. The Waste (England and Wales) Regulations 2011
 - ii. Hazardous Waste (England and Wales) Regulations 2005
 - iii. Pollution Prevention and Control Regulations (England and Wales) 2000
 - iv. Environmental Permitting (England and Wales) Regulations 2010
- (4) The Environment Agency's 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>.
 - (5) Any feature capable of conveying water can be considered to fall under the definition of an 'ordinary watercourse' and KCC Flood Rick Team recommends the applicant to contact them prior to undertaking any works that may affect any watercourse/ditch/stream or any other feature which has a drainage or water conveyance function. Any works that have the potential to affect the watercourse or ditch's ability to convey water will require our formal flood defence consent (including culvert removal, access culverts and outfall structures). Please contact flood@kent.gov.uk for further information. It should also be noted that parts of the site falls within the jurisdiction of the Upper Internal Drainage Board; and any works whatsoever that may have the potential to affect any adjacent watercourse (or the network's ability to convey water) within the IDB drainage district will require their

formal prior written permission. They can be contacted on 01622 758345 or via enquires@medwayidb.co.uk.

- (6) Kent County Council recommends that all developers work with a telecommunication partner or subcontractor in the early stages of planning for any new development to make sure that Next Generation Access Broadband is a fundamental part of the project. Access to superfast broadband should be thought of as an essential utility for all new homes and businesses and given the same importance as water or power in any development design. Please liaise with a telecom provider to decide the appropriate solution for this development and the availability of the nearest connection point to high speed broadband. We understand that major telecommunication providers are now offering Next Generation Access Broadband connections free of charge to the developer. For advice on how to proceed with providing access to superfast broadband please contact broadband@kent.gov.uk.

- (7) Bats and Lighting in the UK - Bat Conservation Trust and Institution of Lighting Engineers

Summary of requirements - The two most important features of street and security lighting with respect to bats are:

1. The UV component. Low or zero UV installations are preferred to reduce attraction of insects to lighting and therefore to reduce the attraction of foraging bats to these areas.
2. Restriction of the area illuminated. Lighting must be shielded to maintain dark areas, particularly above lighting installations, and in many cases, land adjacent to the areas illuminated. The aim is to maintain dark commuting corridors for foraging and commuting bats. Bats avoid well lit areas, and these create barriers for flying bats between roosting and feeding areas.

UV characteristics:

Low

- o Low pressure Sodium Lamps (SOX) emit a minimal UV component.
- o High pressure Sodium Lamps (SON) emit a small UV component.
- o White SON, though low in UV, emit more than regular SON.

High

- o Metal Halide lamps emit more UV than SON lamps, but less than Mercury lamps
- o Mercury lamps (MBF) emit a high UV component.
- o Tungsten Halogen, if unfiltered, emit a high UV component
- o Compact Fluorescent (CFL), if unfiltered, emit a high UV component.

Variable

- o Light Emitting Diodes (LEDs) have a range of UV outputs. Variants are available with low or minimal UV output.

Glass glazing and UV filtering lenses are recommended to reduce UV output.

Street lighting

Low-pressure sodium or high-pressure sodium must be used instead of mercury or metal halide lamps. LEDs must be specified as low UV. Tungsten halogen and CFL sources must have appropriate UV filtering to reduce UV to low levels.

Lighting must be directed to where it is needed and light spillage avoided. Hoods must be used on each lamp to direct light and contain spillage. Light leakage into hedgerows and trees must be avoided.

If possible, the times during which the lighting is on overnight must be limited to provide some dark periods. If the light is fitted with a timer this must be adjusted to reduce the amount of 'lit time' and provide dark periods.

Security and domestic external lighting

The above recommendations concerning UV output and direction apply. In addition:

- o Lighting should illuminate only ground floor areas - light should not leak upwards to illuminate first floor and higher levels;
- o Lamps of greater than 2000 lumens (150 W) must not be used;
- o Movement or similar sensors must be used - they must be carefully installed and aimed, to reduce the amount of time a light is on each night;
- o Light must illuminate only the immediate area required, by using as sharp a downward angle as possible;
- o Light must not be directed at or close to bat roost access points or flight paths from the roost - a shield or hood can be used to control or restrict the area to be lit;
- o Wide angle illumination must be avoided as this will be more disturbing to foraging and commuting bats as well as people and other wildlife;
- o Lighting must not illuminate any bat bricks and boxes placed on buildings, trees or other nearby locations.

- (8) Please note no ditch, watercourse or culvert shall be removed, constructed or altered unless formal land drainage consent is received from Kent County Council and/or the Upper Medway Internal Drainage Board. Please contact flood@kent.gov.uk for further information.
- (9) The applicant is reminded that reptiles are protected at all times by the Wildlife and Countryside Act 1981 (As amended). Under section 9 (1) this legislation makes it an offence to intentionally kill or injure any reptiles. Planning permission for development does not provide a defence against prosecution under this legislation. Therefore, all reptiles will need to be captured and relocated to the proposed ecological receptor site following current best practice guidelines.
- (10) Pursuant to condition 20, details within the design information should be given regarding the small section of existing ditch that is to be abandoned and whether it currently receives any flows from off the site.

Case Officer: Kathryn Altieri

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 - 17/500984/FULL		
APPLICATION PROPOSAL Erection of detached, two-storey house with parking		
ADDRESS Land between Ringleside & Ringles Gate Grigg Lane Headcorn Kent TN27 9LY		
RECOMMENDATION : REFUSE for the reasons set out in Section 8.0.		
SUMMARY OF REASONS FOR REFUSAL The site is outside of any settlement as defined in the Maidstone Borough Local Plan 2017 where new residential development is not readily supported and the development of this site with a new house of the design, scale and proportions proposed would result in significant harm to the character and appearance of the street scene and immediate context of the site, failing to promote local distinctiveness and would result in an overly prominent and visually obtrusive dwelling, infilling a currently open gap contrary to current policy and guidance.		
REASON FOR REFERRAL TO COMMITTEE The recommendation is contrary to the views of Headcorn Parish Council and they have requested the application be referred to the Planning Committee		
WARD Headcorn	PARISH/TOWN COUNCIL Headcorn	APPLICANT Mr Douglas Hodson AGENT Lee Evans Planning
DECISION DUE DATE 20/04/17	PUBLICITY EXPIRY DATE 31/03/17	OFFICER SITE VISIT DATE 17/3/17
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):		
App No	Summary	
Ringles Gate		
14/500656	Demolition of existing property and erection of detached dwelling – Refused <i>'It has not been demonstrated that a dwelling of the size proposed is commensurate to the needs of a person employed full time in agriculture. The proposal would therefore result in a large permanent residential dwelling in open countryside for which there is no justification which would cause harm to the character and appearance of the surrounding countryside contrary to saved policy ENV28 of the Maidstone Borough Wide Local Plan 2000 and guidance as set out in the National Planning Policy Framework 2012.'</i>	
06/1808	Demolition of existing dwelling and erection of a replacement dwelling - Permitted	
65/0286/MK2	Details of a Colt prefabricated bungalow with access – Permitted	
64/0242/MK2	Outline application for the erection of a nurserymans cottage – Permitted	
Ringles Gate and Land Between		
04/2240	Demolition of existing bungalow and erection of a replacement dwelling with parking and access; and erection of a new detached dwelling with parking and access – Permitted	

Ringles Gate, Ringleside and Land Between	
02/1686	<p>Erection of 4 no. new houses to replace 3 no. existing Cottages – Refused</p> <p><i>(1) No evidence has been submitted to demonstrate that there is no longer a need for agricultural workers dwellings to serve the adjoining nursery or the area as a whole. To allow the existing dwellings the subject of agricultural occupancy conditions to be replaced by unrestricted dwellings could well lead to a proliferation of dwellings in the countryside. As such the proposed development is considered to be contrary to the Central Government advice contained within Planning Policy Guidance Note 7 entitled 'The Countryside : Environmental Quality and Economic and social Development', policies ENV1 and RS5 of the Kent Structure Plan 1996 and policy ENV28 of the Maidstone Borough-Wide Local Plan 2000.</i></p> <p><i>(2) The design of the proposed development, by virtue of the inappropriate scale of the houses, would harm the character and appearance of the countryside which hereabouts is designated as a Special Landscape Area, contrary to policies ENV4 and RS1 of the Kent Structure Plan 1996 and policies ENV28, ENV34 and H32 of the Maidstone Borough- Wide Local Plan 2000.</i></p> <p>Appeal - Dismissed</p>
Ringles Nursery	
08/1007	<p>Certificate of lawful development for an existing use being the use as a dwelling house which began more than four years before the date of this application. – Refused</p> <p><i>(1) Insufficient evidence has been submitted with the application to demonstrate that, on the balance of probability, the use began more than 10 years before the date of the application.</i></p>
73/0098/MK2	The erection of a Colt bungalow - Permitted
71/0490/MK2	Extension to Colt bungalow – Permitted
50/0189/MK2	A dwelling - Permitted
Ringles Cottage	
61/0326/MK2	Details – Single storey dwelling for horticultural worker – Permitted
Miscellaneous	
55/0261/MK2	Proposed bungalow and access - Permitted

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The application site lies between the existing residential properties of Ringles Gate to the north-east and Ringleside to the south-west. These properties (together with Ringles Lodge) are Colt bungalows granted consent between the 1950s-1970s. The existing dwellings are single storey and each situated within respective curtilages. Two of the three existing dwellings are subject to agricultural occupancy conditions and various applications have been submitted to replace the respective dwellings and develop the application site.

- 1.02 The application site is understood to currently form part of the garden of Ringles Gate, although it is separated by a hedge and fencing with a gated access. The application site benefits from a separate gated access from Griggs Lane.
- 1.03 The site is enclosed by hedging and is predominantly laid to grass, with the site used for spoil storage at the time of the officer's site visit.
- 1.04 To the south of the site is Ringles Nursery which contains a number of agricultural buildings associated with the use, some of which are visible from Griggs Lane.
- 1.05 The site is outside the settlement boundary of Headcorn which lies approximately 250m to the south-west of the application site..

2.0 PROPOSAL

- 2.01 The proposal relates to the erection of a 2-storey detached dwelling.
- 2.02 The new dwelling would be double fronted with a single storey side projection and would have a maximum width of 13.2m and a maximum depth of 10.2m. It would have a pitched, hipped roof with an eaves height of 4.5m and a ridge height of approximately 7m.
- 2.03 A new area of hardstanding and turning head would be provided. An existing garage within the Ringles Nursery would be utilised, no hardsurfacing is proposed to link this garage with the access.
- 2.04 An existing access would be utilised.

3.0 POLICY AND OTHER CONSIDERATIONS

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

Maidstone Borough Local Plan October 2017 : Policies SP17, DM1, DM3, DM8,
DM12, DM23 and DM30

4.0 LOCAL REPRESENTATIONS

- 4.01 **Parish Council** : The Council wish to see this application approved

Referral to the planning committee is required if the planning officer is minded to refuse the application
- 4.02 **Local Residents** : Adjoining neighbours were notified of the application. A site notice was also put up at the site. No representation was received as a result.

5.0 CONSULTATIONS

- 5.01 Environmental Health : No objection
- 5.02 Kent Highways : No comment, does not meet criteria for comment
- 5.03 Headcorn Aerodrome : Applicants attention should be drawn to the proximity of the site to the aerodrome

6.0 APPRAISAL

6.01 The key issues for consideration relate to :

- Principle of development
- Sustainable development
- Residential amenity
- Highways and parking matters

Principle of development

Policy and history background

6.02 The application site is outside the settlement boundary for Headcorn and as such can be described as being within the countryside as set out in Policy SP17 of the Local Plan *'The countryside is defined as all those parts of the plan area not within the development boundaries shown on the proposals map.'*

Policy SP17 of the Local Plan sets out that :

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

6.03 Policy DM5 relates to brownfield sites as states :

*'Exceptionally, the residential development of brownfield sites in the countryside **which are not residential gardens**, which meet the above criteria will be permitted provided the redevelopment will also result in a significant environmental improvement and the site is, or can reasonably be made, accessible by sustainable modes to Maidstone urban area, a rural service centre or larger village.'*

6.04 As the site is likely to form part of the existing curtilage for Ringleside, the exclusion of residential garden land, means that the policy does not apply. The site is not considered to meet the description of Previously Developed Land (as set out in the NPPF) in any other respect..

6.05 Policy DM11 allows for development of domestic garden land to create new buildings within the defined boundaries of the urban area, rural service centres and larger villages. As the site falls within none of these defined areas the policy does not apply.

6.06 As such there are no policies in the local plan which readily allow for the residential development of residential garden land within the countryside.

6.07 It is however noted that the site has previously benefited from planning permission for a dwelling on the site, most recently in 2004, where consent was granted for a replacement dwelling on Ringleside together with a new dwelling on the application site. This consent no longer remains extant and was for two identical chalet bungalows. The dwelling now proposed differs significantly from this earlier approved scheme,

- 6.08 An earlier application in 2002 was refused for the replacement of the 3 existing dwellings and replacement with 4no 2-storey 4-bedroomed dwellings. Harm to the character and appearance of the countryside and the SLA were cited as part reason for refusal.
- 6.09 Planning permission more recently has been refused for a replacement dwelling on the neighbouring site, Ringlesgate for a two-storey detached dwelling of a similar design to the proposed for the application site. This application was refused on the grounds of the development would result in a large permanent residential dwelling in open countryside for which there is no justification which would cause harm to the character and appearance of the surrounding countryside. An earlier application in 2006 was granted for the replacement dwelling which would have been two storey, this consent has time expired and was not implemented.
- 6.10 It should be noted that both Ringlesgate and Ringles Cottage have agricultural occupancy conditions attached to link occupancy with the nursery. This application, although proposed to be occupied by the owner of the adjacent nursery and his family it is not proposed to have restricted occupancy.
- 6.11 The applicant in an additional supporting letter refers to a number of applications within Griggs Lane and requests that these consents be given material weight in consideration of the current application. These include the following :
- 6.12 MA/12/1949 (Kent Cottage And Chance Holding, Grigg Lane) : Outline planning application with access, layout, scale and appearance to be determined and with landscaping as a reserved matter, for the demolition of buildings at Kent Cottage and Chance Holding to enable the construction of residential development (for 25 dwellings inclusive of 10 affordable dwellings), inclusive of retained woodland as open amenity land, enhanced landscaping including new pond, electricity sub station, foul drainage pumping station with access road off Grigg Lane
- 15/505474 (Land To The Rear Of Elizabeth House) : Erection of a two storey dwelling
- 15/510473 (2 Woodside Cottages, Grigg Lane) : Demolition of existing cottage and erection of a replacement house and garage (Revision to planning permission MA/08/1589) (Part retrospective).
- 16/507035 (Gibbs Hill Farm) : Creation of 55 no. two, three, four and five bedroom houses and associated roads, car parking, landscaping, vehicle access from Grigg Lane and a new area of public open space.
- 6.13 It should be noted that application 16/507035 is pending consideration and has yet to be determined. Application 15/510473 relates to a replacement dwelling to which there are policy considerations which do not apply in the case of the current application. Applications 12/1949 and 15/505474 were granted on their own merits at the time of application and are not directly comparable in the case of this application.
- 6.14 Policy SP17 nor other policies within the adopted policy and guidance do not readily support residential development in the countryside, but at the heart of the NPPF is the presumption in favour of sustainable development and the sites contribution to windfall sites within the Borough is also a factor in favour of the development. This is discussed in further detail below, together with other material planning considerations.

Sustainable development

- 6.15 Paragraph 7 of the NPPF sets out the three dimensions to sustainable development, these being the economic, social and environmental roles. Paragraph 14 sets out that at the heart of the NPPF is the presumption in favour of sustainable development and for decision making this means approving development proposals that accord with the development plan without delay, unless material considerations indicate otherwise. Paragraph 55 of the NPPF sets out that *'To promote sustainable development in rural areas, housing should be located where it will enhance or maintain vitality of rural communities.'*

Economic role

- 6.16 The proposal is for a housing scheme of one dwelling. If granted the development would create jobs during the construction phase and the new dwelling could support local businesses, however the economic role that one new dwelling would play in this location would be limited.

Social role and Environmental role (including visual impact)

- 6.17 The NPPF sets out that that role should support strong, vibrant and healthy communities by providing the supply of housing required to meet the needs of present and future generations, and by creating a high quality built environment, with accessible local services that reflect the community's needs.
- 6.18 The environmental role as set out in the NPPF states that the planning system should *'contribute to protecting enhancing our natural, built and historic environment.'*, overlapping somewhat with the social role.
- 6.19 The Council can demonstrate a 5YHLS and as such there is no overriding need to identify additional housing sites and although windfall development would contribute to the overall supply, such development should be focussed on sites where the local plan support such proposals.
- 6.20 The site, although outside the settlement boundary does have relatively good connectivity with Headcorn. There is a lack of footpath along this section of Grigg Lane, however a grass verge along the highway could potentially allow occupants to walk to local services, with facilities such a primary school, train station, local shops, doctors surgery and recreation grounds within a 1-2km walk from the site. As such it is not considered that the site can be considered as wholly unsustainable in terms of the sites accessibility.
- 6.21 The social and environmental role, however also requires the creation of a high quality built environment. Policy SP17 of the local plan sets out the criteria for assessing development within the countryside which includes, that proposals will not be permitted unless they accord with other policies in the plan and will not result in harm to the character and appearance of the area. Policy DM30 sets out that *'The type, siting, materials and design, mass and scale of development...would maintain, or where possible, enhance local distinctiveness including landscape features.'* and that *'any new buildings should, where practicable, be located adjacent to existing buildings or be unobtrusively located and well screened by existing or proposed vegetation which reflects the landscape character of the area.'*
- 6.22 Policy DM12 of the local plan sets out :

'All new housing will be developed at a density that is consistent with achieving good design and does not compromise the distinctive character of the area in which it is situated.'

6.23 Policy DM1 of the local plan sets out amongst other criteria :

'Respond positively to and where possible enhance, the local....character of the area. Particular regard will be paid to scale, height, materials, detailing, mass, bulk, articulation and vernacular materials where appropriate.'

6.24 The proposed new dwelling would infill a gap between two existing single storey dwellings. These two dwellings form part of a linear development of three dwellings which two of the three were built as agricultural dwellings for workers of the Ringles Nursery which forms the backdrop to the site. Although there is extensive history relating to the site and the neighbouring dwellings which approved replacement dwelling and/or infill development these consents are no longer extant and expired over 10 years ago.

6.25 The three existing dwellings are extremely low key, single storey buildings and although comments suggest that these dwellings are in a poor state of repair and may need replacing, this is not a matter for consideration as part of this application. The proposed new dwelling needs to be considered in the existing context of the street scene and wider area.

6.26 The proposed dwelling would be two storey, mock-georgian design with a double frontage and a single storey side element. This design and appearance would be in complete contrast to the existing bungalows which form the immediate context. These dwellings are extremely modest 'farm worker' bungalows and the new dwelling proposed to be sited between these existing dwelling would appear as out of scale and at odds with the design and appearance of these dwelling and having a much greater prominence and visual presence within the street scene compared to neighbouring dwellings.

6.27 It is noted that the nursery buildings which forms the backdrop to the site are of a much larger scale, however these buildings are consistent with that of a working horticultural business and should not be considered as the reference point in approving a large, two storey dwelling in this location. It is expected that dwellings would be of a lesser scale and the character of the existing dwellings is that they fulfil their functional need, whereas the proposed new dwelling would be a large 4-bedroomed dwelling more akin to that of an executive home, found on a new housing estate. It is noted that there are two-storey dwellings in the surrounding area, however the presence of these dwellings is not considered to justify the dwelling proposed in this location.

6.28 The agent draws attention to the delegated report for a replacement dwelling at Ringleside, considered under application 14/500656. This application sought to replace the existing dwelling with a substantial two-storey dwelling akin to that proposed on the application site. This application was refused on the ground that there was not agricultural justification for the size of the dwelling. A key point in the report however highlighted by the agent is that the reports sets out that *'The proposal would not therefore have a significantly harmful impact on the character of the locality.'* This is noted, however the proposals are not directly comparable. The 2014 application related to a replacement dwelling, whereas this application is for a new dwelling where no built form currently exists and the application was refused on the grounds that there was harm to the character and appearance of the surrounding

countryside where no justification for the size of dwelling exists. Harm is therefore identified in the reason for refusal and there is clearly no need for the proposed dwelling justified as part of this application.

- 6.29 The applicant has been requested to amend the application to that of a smaller scale. In this respect some draft plans have been submitted for comments however no formal amended plans have been submitted and following the latest discussions the applicant has taken the decision that the application be determined on the originally submitted plans.
- 6.30 As such it is not considered that the proposed development would fulfil the social or environmental role of sustainable development and meet national or local plan policies which seek to promote high quality development and maintaining/enhancing the character of the local area, promoting distinctiveness.

Residential Amenity

- 6.31 The nearest neighbouring dwellings are to the north-east and south-west of the application site. These properties are Ringlesgate and Ringleside, other neighbouring properties are considered a significant distance from the application site such that no harm would result to their residential amenity.
- 6.32 Both neighbouring properties are of a lesser scale than the proposed new dwelling and do have side windows that face towards the application site. However the new dwelling would be sited approximately 8m from each common boundaries and on balance it is not considered that the proposed new dwelling would significantly harm the amenity of neighbouring properties.

Highways

- 6.33 The application would utilise an existing access from Grigg Lane and would provide a hardsurfaced turning area and parking for at least 2 vehicles. It is considered that the application adequately demonstrates that a suitable access and parking provision can be provided.

6.34 Ecology and landscaping

The application is accompanied by a plan which indicates indicative planting which would predominantly be situated around the periphery of the site, this would incorporate existing planting and could be re-enforced. It is considered that should the application be acceptable in all other respects landscaping could be satisfactorily dealt with by condition.

- 6.35 No ecological information accompanies the submission, however it is considered that ecological matters could be suitably addressed through condition for mitigation and/or enhancement should the application be acceptable in all other respects.

7.0 CONCLUSION

- 7.01 In terms of sustainable development, this scheme to provide one new house would provide some very modest benefits to the local economy and, from the social aspect, to the housing supply to provide one windfall dwelling. However, it is considered it fails to meet the environmental dimension, given the harm identified. It is therefore not considered that the proposal can be regarded as sustainable development. Accordingly, it does not enjoy the presumption in favour of such development, as set

out in the Framework. The negative aspects of this scheme are such that they outweigh the benefits of the application when assessed against the policies of the NPPF and the local plan as a whole. It is therefore recommend that the application be refused.

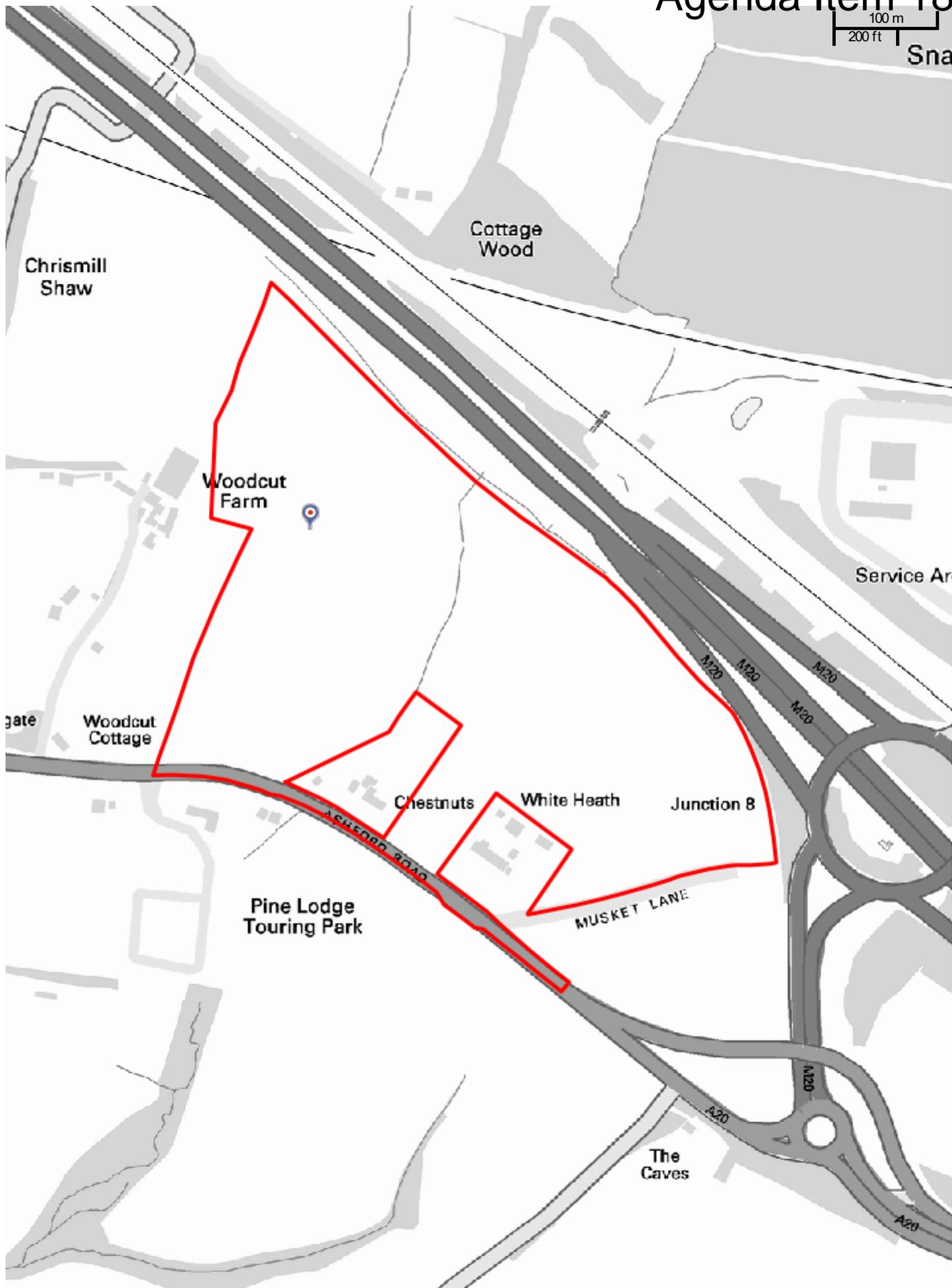
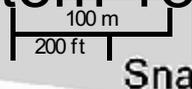
8.0 RECOMMENDATION

REFUSE for the following reason:

- (1) The site is outside of any settlement as defined in the Maidstone Borough Local Plan 2017 and the development of this site with a new house of the design, scale and proportions proposed would result in significant harm to the character and appearance of the street scene and immediate context of the site, failing to promote local distinctiveness and would result in an overly prominent and visually obtrusive dwelling, infilling a currently open gap in development contrary to the National Planning Policy Framework 2012, National Planning Practice Guidance 2013 and Policies SP17, DM1 and DM30 of the Maidstone Borough Local Plan 2017.

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.



15/503288 - Land at Woodcut Farm
Scale: 1:5000
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REPORT SUMMARY

REFERENCE NO - 17/502331/OUT			
APPLICATION PROPOSAL			
Outline application for a mixed commercial development comprising B1(a), B1(b), B1(c) and B8 units, with a maximum floor space of 45,295 square metres (Access being sought) (Resubmission of 15/503288/OUT)			
ADDRESS Land At Woodcut Farm, Ashford Road, Hollingbourne, Kent, ME17 1XH			
RECOMMENDATION – APPROVE subject to conditions and Section 106 agreement			
SUMMARY OF REASONS FOR RECOMMENDATION			
<ul style="list-style-type: none"> • The outline proposals are for a maximum floor space of 45,295m² of B1(a), B1(b), B1(c) and B8 units. This complies with policy EMP1(4) of the Maidstone Borough Local Plan (2011-2031) for the site which allows for up to 49,000m². • The outline proposals allow for compliance with the criterion under Local Plan policy EMP1(4) relating to layout; design; landscaping; ecology; and transport. (The specific details of which would be considered under future reserved matter applications and conditions will ensure compliance with relevant criterion). • The access to the site (the only specific matter being considered at this stage) is acceptable. • Heritage impacts would be very low and would be outweighed by public benefits. • Conditions would ensure appropriate mitigation of any outward impacts of the development. • A legal agreement will secure necessary master planning, environmental, transport, and floorspace delivery/safeguarding requirements as required by policy EMP1(4). • The proposals are in accordance with the Kent Minerals & Waste Local Plan. • The economic benefits will be extensive and the number of new jobs created substantial. • The primary policy EMP1(4) in the newly-adopted Local Plan is met in all respects, and other material considerations do not point to a refusal, therefore planning permission should be granted. 			
REASON FOR REFERRAL TO COMMITTEE			
<ul style="list-style-type: none"> • Councillor Garten has called the application to Planning Committee for the reasons outlined below. • Hollingbourne Parish Council raises objections and requests consideration at Planning Committee for the reasons outlined below. 			
WARD North Downs	PARISH Hollingbourne	COUNCIL	APPLICANT Roxhill Developments Ltd AGENT Barton Willmore
DECISION DUE DATE 15/12/17	PUBLICITY EXPIRY DATE 08/11/17	OFFICER SITE VISIT DATE 22/09/17 & other dates	
RELEVANT PLANNING HISTORY			
App No	Proposal	Decision	Date
15/503288	Outline application for a mixed commercial development	Refused	06/07/16

	comprising B1(a), B1(b), B1(c) and B8 units, maximum floor space 46,623 square metres. (Access being sought at this stage).	(Decision currently under appeal)	
07/2092	(Larger KIG Site – 113 hectares) Outline planning permission for the construction of hardstanding areas to form rail/road freight interchange with freight handling equipment, new railway sidings in part with acoustic enclosure, earthworks and retaining walls, buildings for Class B8 warehousing and Class B1 uses, access works, internal roads and bridges, loading and manoeuvring areas, car and lorry parking, ancillary truck-stop and gatehouse security facilities, electricity substation, realignment of public rights of way and watercourses, drainage works and landscaping with access to be considered at this stage and all other matters reserved for future consideration.	Refused & Appeal Dismissed	05/08/10
07/0682	(Larger KIG Site – 113 hectares) Scoping opinion sought in respect of an environmental assessment to be submitted in relation to a proposed rail freight interchange with associated development.	N/A	03/05/07
91/0908	Outline Application for erection of buildings for Multiscreen Cinema, Tennis Centre, Function Suite/Disco, Ten Pin Bowling, Cattle Market, Restaurants, 60 Bedroom Hotel, Service Station, Railway Station, Sports Stadium, Athletics Track, All Weather Pitch with ancillary car and coach parking.	Refused	12/11/91

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The red line application site is an irregular shaped parcel of arable farm land with an area of approximately 19 hectares that lies immediately west of junction 8 (J8) of the M20 motorway. The application also shows two areas of land outlined in blue (being adjoining land within control of the applicant) on the west edges of the site that would be planted with trees/managed, and this will be discussed in more detail below. Under the site allocation policy EMP1(4), only 40% of the site can be developed with buildings so the potential developed area would be less than 19ha. The site is around 1.25km east of the urban boundary of Bearsted in the Local Plan 2000 and 5.7km east of Maidstone town centre.
- 1.02 Along the northern boundary is the M20 with the High Speed railway (HS1), J8 service station and the Ashford to Maidstone railway line beyond; to the eastern boundary is the J8 roundabout and its slip roads; along the south eastern boundary is Musket Lane, a narrow track which provides agricultural access to the site; along the southern boundary is the A20 (Ashford Road) and two residential properties; and along the west boundary is further farmland and a number of residential properties including the Woodcut Farm complex of buildings.

- 1.03 The M20 is elevated above the site to the north, and the application site itself generally rises from the A20 on the south side in north eastwards and north westwards directions but with a dip in the centre where there is a small stream. The southern edge is approximately 49m Above Ordnance Datum (AOD), the north eastern corner 58m AOD, and the highest north western corner is at 68m AOD. The 'blue land' to the north west (proposed to be wooded) is even higher at a maximum of 70m AOD. The site boundaries are formed by a mix of trees and hedges varying in density. Beyond the site to the north, the land begins to rise to the steep scarp slope of the Kent Downs, and generally beyond to the west, south, and east the land is undulating.
- 1.04 The two dwellings adjoining the south edges of the site are 'Chestnuts' and 'White Heath' and there is a car wash/garage facility that adjoins part of the south boundary. On the south side of the A20 are a caravan site and a garage/car sales site. To the north west is the Woodcut Farm complex, set at a higher level with a private driveway (over which PROW KH641 runs) providing access from the A20. There are also around six other dwellings here including Woodcut Farmhouse a Grade II listed dwelling.
- 1.05 There are no local landscape designations affecting the site. The Kent Downs Area of Outstanding Natural Beauty (AONB) is north of the M20 and the Ashford to Maidstone railway line. At its closest point the AONB is within approximately 120m of the application site. It is considered that the application site falls within the setting of the AONB. There is also a local nature reserve to the north of the railway line around 130m from the site boundary at its closest point.
- 1.06 The site does not contain any designated heritage assets but there are a number within the vicinity, the closest being the Grade II listed Woodcut Farmhouse 80m to the west of the site. The Hollingbourne/Eyehorne Street Conservation Area, which features a number of listed buildings is around 710m to the east, and Leeds Castle (Grade I) and its Grade II* listed grounds (which features other listed buildings) are around 2km and 1km to the south east respectively.
- 1.07 There are no public footpaths running through the site but some within the local area. There are 5 protected trees (Oak and Scots Pine) along the south east boundary of the site with Musket Lane. A Council Agricultural Land Classification Study (November 2014) reveals the site to comprise a mixture of Grades 2 and 3a and therefore falls into the 'best and most versatile' category.

2.0 BACKGROUND

- 2.01 An outline application for a mixed commercial development comprising B1(a), B1(b), B1(c) and B8 units, (with only access considered) was recommended for approval by officers in summer 2016 but was refused by Planning Committee for the following reason:

"The proposed development would be harmful to the character and appearance of the countryside, Special Landscape Area, and the setting of the Kent Downs Area of Outstanding Natural Beauty and any benefits are not considered to outweigh this harm. It would also cause less than substantial harm to the setting of the Grade II listed building 'Woodcut Farm' and any public benefits are not considered to outweigh this harm. The development would therefore be contrary to saved policies ENV21, ENV28, and ENV34 of the Maidstone Borough-Wide Local Plan 2000 and advice within the National Planning Policy Framework 2012."

- 2.02 This application is currently under appeal with the Planning Inspectorate, and the Public Inquiry is scheduled to start on 6th February 2018.
- 2.03 The main difference from that application is a reduction in overall maximum floorspace by 1,328m². Since the decision to refuse that application, the new Local Plan was adopted on 25th October 2017, which allocates the site for commercial development, the detail of which will be discussed below.
- 2.04 (The full policy is attached at **Appendix 1**)

3.0 PROPOSAL

- 3.01 This is an outline application for a mixed commercial development comprising uses of B1(a), B1(b), B1(c) and B8 units, with a maximum floor space of 45,295 square metres. (For clarity, B1(a) use is offices, B1(b) is research and development, B1(c) is light industry, and B8 is storage and distribution.)
- 3.02 Being an outline application, consent is sought for the principle of this maximum amount and type of uses. The only specific detail for which consent is sought at present is the access to the site. The specific details of the layout of the site and buildings, the appearance and size of the buildings, and the site's landscaping would be decided at a future date under 'reserved matters' applications.
- 3.03 Under consideration now, there would be one main access to the site off the A20 between the dwellings 'Chestnuts' and 'White Heath'. Two emergency access points would be provided onto Musket Lane at the east end, and the A20 at the west end of the site.
- 3.04 Whilst an outline application, an illustrative masterplan has been provided showing one way the site could be developed (as is common place for major applications). In addition, what are called 'Parameter plans' covering matters such as building areas/plots; building heights; landscaping, access roads; and watercourses are also provided (as required under the EIA Regulations) but these simply show the maxims tested under the application (or worst case scenario), and are not for detailed consideration.
- 3.05 So to re-iterate, the detailed layout, height, appearance etc. is not being considered at this stage and the master plan is purely illustrative. It will be for future reserved matters applications to determine the final details of layout, scale, appearance and landscaping.
- 3.06 As mentioned above, there are two parcels of land adjoining the west of the site (outlined in blue). The larger north western parcel of land (6.5ha) would be retained as woodland pasture (agricultural, horticultural or forestry use) with new tree planting and this is proposed to be secured through a Section 106 agreement, including long term management. The other parcel of land (2.4ha) to the west would be planted up with trees, proposed to be secured under condition.
- 3.07 The construction programme outlines that the first plots will be constructed simultaneously along with the supporting infrastructure, while the other plots will be developed afterwards. The construction programme is anticipated to span approximately 12 to 24 months and is expected to commence in 2018 (subject to gaining planning permission) and the first plots are scheduled for completion in 2019, with the rest of the construction being occupier led and taking approximately a further two years to complete (2021).

- 3.08 Further detail on the proposals will be discussed in the relevant section of the assessment below.
- 3.09 The application has been amended since its original submission largely in response to consultee response on the application. Full re-consultation and advertisement was carried out on the amended information and this expired on 8th November.
- 3.10 The application is accompanied by an Environmental Statement in line with the Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended).

4.0 POLICY AND OTHER CONSIDERATIONS

- **Maidstone Borough Local Plan (2011-2031):** SS1, SP17, SP18, SP21, SP23, EMP1, EMP1(4), DM1, DM2, DM3, DM4, DM6, DM8, DM21, DM23, DM30
- **National Planning Policy Framework (NPPF)**
- **National Planning Practice Guidance (NPPG)**
- **Kent Minerals & Waste Local Plan 2013-2030**
- **The Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended)**
- **Kent Downs AONB Management Plan (2014-2019)**
- **Draft MBC Air Quality Planning Guidance (2017)**

4.0 LOCAL REPRESENTATIONS

- 4.01 **Local Residents:** 53 representations (21st Nov) received from local residents (including from the Crismill Lane Residents Association) raising the following (summarised) issues:

- Harm to the landscape.
- Harm to the setting of the AONB.
- Contrary to Local Plan policy.
- Greenfield site.
- Loss of agricultural land.
- Harm to wildlife.
- Entirely speculative proposal.
- No proven need for the development.
- Doubt as to delivery of economic benefits.
- Staff will come from other areas and not Maidstone.
- Suitable alternative brownfield sites in and outside the Borough.
- Won't employ large numbers.
- Not served by public transport and car dependant.
- Dangerous access.
- Traffic, congestion and disruption on local roads.
- Noise and disturbance.
- Air quality and pollution.
- Overshadowing, overlooking/loss of privacy.

- Poor outlook.
- Flood risk.
- Harm to heritage assets.
- Archaeology.
- Lack of infrastructure.
- Negative impact upon tourism including Leeds Castle.
- Contrary to KIG decision.
- Risk of groundwater pollution.
- Light pollution.
- Harm to quality of life.
- Does not meet sustainability aims of the NPPF.
- Precedent.
- Inadequate overnight HGV parking will lead to parking on local roads.

4.02 **(Ward) Cllr Garten:** *“The above application is based in my ward. As you may be aware, this is a politically controversial application. Therefore, should officers be minded to grant this application under delegated powers, I would like to call in this application to Planning Committee.”*

4.03 **Cllr Springett (Bearsted Ward):** Raises the following (summarised) points:

- Traffic data appears out of date.
- Dangerous access.
- Congestion for local villages.
- Modal shift will be difficult to achieve.
- Construction traffic.
- Contravenes Local Plan (2000)
- Contravenes new Local Plan (2000)
- Contravenes NPPF – landscape, pollution, unsustainable.
- Does not meet policy EMP1(4) – not parkland setting with substantial landscaping; general lack of landscaping; significant excavation.
- Impact upon air quality on M20 in AQMA.
- Application should be refused.

4.04 **Hollingbourne Parish Council:** Object and request Planning Committee consideration for the following (summarised) reasons:

- Detrimental to AONB
- More suitable existing commercial/industrial locations exist, notably at Detling Airfield;
- In-adequate local infrastructure to cope with increased traffic movements;
- Potential danger caused to the local community caused by influx of heavy goods vehicles.
- Speculative application.

4.05 **Leeds Parish Council (neighbouring):** Object for the following (summarised) reasons:

- Contrary to KIG decision.
- Congestion, traffic and highway safety.
- Harm to landscape and AONB.
- Noise and air pollution.

4.06 **Thurnham Parish Council (neighbouring):** Object for the following (summarised) reasons:

- Contrary to KIG decision.
- Congestion and traffic.
- Harm to landscape and AONB.
- Noise and Air pollution.
- Harm to ecology.
- Adverse impact upon cultural heritage including Leeds Castle setting.
- Contrary to NPPF.

4.07 **Bearsted Parish Council (neighbouring):** Object for the following (summarised) reasons:

- Contrary to KIG decision.
- Harm to landscape and AONB.
- Congestion and traffic.
- Not in keeping with cultural heritage.
- No benefit to local residents.
- Noise and Air pollution.
- Light pollution
- Harm to ecology.

4.08 **Detling Parish Council (neighbouring):** Object for the following (summarised) reasons:

- Harm to environment.
- Congestion and traffic.
- Impact on natural resources including water.
- Harm to local residents.

4.09 **Joint Parishes Group (15 Member Parishes):** Objects for the following (summarised) reasons:

- Impact upon aquifer and local rivers/streams.
- Traffic and congestion.
- Harm to landscape and AONB.
- Adverse impact upon cultural heritage.
- Air quality.
- Light pollution.
- Noise.
- Harm to ecology.
- Contrary to KIG decision.

4.10 **CPRE Maidstone:** Objects strongly to the application for the following (summarised) reasons:

- No need for development and would not meet job needs of the Borough.
- Harm to AONB and countryside.
- Air pollution.
- Would not provide quality development as envisaged in policy.
- Contrary to NPPF.
- Site is within setting of the AONB.

- Waterside Park dismissed appeal grounds are applicable and KIG appeal is relevant.
- Any approval would undermine Waterside Park dismissal and would open the way for further development.
- Public opinion is against the site.
- Raise concerns re. air quality specifically referring to a recent High Court Judgement on air quality, have questioned Environmental Health's response, and query impacts upon the AQMA.

4.11 **Kent Downs AONB Unit:** Strongly objects to the application and concludes by saying: *"It is considered that the proposed development would result in the introduction of an urban form and activities that are out of character with the local landscape and would neither conserve nor enhance this part of the setting of the AONB. The mitigation measures proposed would not reduce the impact to an acceptable level."*

4.12 **Leeds Castle Foundation:** Make reference to Historic England's original comments on the application.

4.13 **Kent Wildlife Trust:** Raise no objections subject to conditions to mitigate and manage ecological impacts.

4.14 **The Bearsted & Thurnham Society:** Raises objections on issues relating to the greenfield site; unsustainable and isolated; congestion; harm to the countryside, AONB, Leeds Castle, and Woodcut Farmhouse; speculative;

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 **Highways England: No objections.** *"Highways England considers that proposals for the development of land at Woodcut farm, as submitted, are unlikely to represent a 'severe' impact on safety, queues or delays on the Strategic Road Network. Hence we have no objection"*

5.02 **Environment Agency: No objections** subject to conditions covering land contamination and to prevent pollution of the underlying aquifer and groundwater.

5.03 **Historic England: No objections** in so far as this relates to the effect upon Leeds Castle and its associated landscape and advise that the impact upon its setting would be negligible.

5.04 **Natural England: Raises objection** based on the proposals significantly and detrimentally impacting on the AONB and its setting. (Their comments are partly based on the illustrative plans submitted with the application).

5.05 **KCC Highways (Highway Authority): No objections** subject to conditions or a legal agreement securing:

- The proposed off-site highway improvements to Ashford Road including the site access junction, pedestrian refuge, footway/cycleway and bus stop alterations;
- The provision, by way of a Section 106 Agreement, of financial contributions towards

improvement of the A20 Ashford Road/Willington Street junction, improvement of the no.10X bus service and monitoring of the Travel Plan; and

- Implementation of a site-wide Travel Plan, Construction Management Plan, measures to prevent the discharge of surface water onto the highway, wheel washing facilities, securing vehicle and cycle parking spaces, securing vehicle loading/unloading and turning facilities, and completion and maintenance of the accesses

5.06 **KCC (Local Lead Flood Authority): No objections** subject to a condition requiring the detailed design of sustainable surface water drainage including details of implementation, maintenance and management; and no infiltration subject to agreement.

5.07 **Kent County Council (Planning Authority): Raises strong objection** based on the following (summarised) grounds:

- Clear conflict with the MBWLP 2000, the Kent Minerals & Waste Local Plan and the NPPF.
- The absence of a robust economic needs case and reliance on the draft Maidstone Local Plan evidence base which lacks understanding of business needs in the functional economic area.
- The range of adverse landscape and visual impacts including on the setting of the Kent Downs Area of Outstanding Natural Beauty;
- Harm to the setting of Grade I listed Leeds Castle and its Grade II* listed registered park and garden, and the Grade II Listed Building (Woodcut Farmhouse);

5.08 **KCC Minerals & Waste:** Do not agree with conclusions of Minerals Assessment and request further clarification on matters.

5.09 **MKIP Environmental Health: No objections** subject to conditions relating to noise and air quality emissions reduction.

5.10 **MBC Conservation Officer: Raises objection** based on harm to the setting of Woodcut Farmhouse (Grade II). *"It is considered that the harm caused to the setting of Woodcut Farm is less than substantial and should be weighed in the overall planning balance."*

5.11 **MBC Landscape Officer:** Considers the key principles of the LVIA are generally acceptable.

5.12 **KCC Archaeology: No objections** subject to condition archaeological field evaluation works and any necessary safeguarding measures.

5.13 **KCC Ecological Advice Service: No objections** subject to conditions relating to a GCN survey report and mitigation strategy (if required); precautionary bat mitigation measures; precautionary mitigation measures relating to reptiles; biodiversity method statement, Ecological Design Strategy for enhancements; and a LEMP.

5.14 **Southern Water:** Advise that there is currently inadequate capacity in the local network to provide foul drainage and that, *"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.”

5.15 **Southern Gas Networks:** High pressure pipeline restrictions must be followed.

5.16 **Kent Police:** Recommend a condition to ensure crime prevention is addressed appropriately in the detailed design.

6.0 **APPRAISAL**

Main Issues

6.01 The site is allocated within the Local Plan under policy EMP1(4) for up to 49,000m² of mixed employment floorspace (B1a; B1b; B1c; B2; B8 uses). The text to the policy outlines that, *“office type uses (B1a & b) will be a vital component of this mix and the site will provide at least 10,000m² of B1a/B1b floorspace as an absolute minimum.”* The Inspector at the Local Plan Examination in considering the identified need for 24,000m² of office space across the Borough recognised that Woodcut Farm could not realistically deliver all of this floorspace (due to viability reasons) but could deliver a high proportion of it. He stated in his Final Report,

“Whilst the need for additional high quality office space is supported by the strongest evidence of quantitative need and by evidence of qualitative need, there is also evidence to the Examination that there are significant viability issues with developing stand-alone office space.

...Thus it is unlikely that development would come forward at this location for a development that is mainly or exclusively for office use. A mixed development of business space stands a better chance of supporting such development by sharing the costs of landscaping, access, and other infrastructure provision, whilst also providing floorspace to address the quantitative and/or qualitative needs for different types of employment.

...The remainder of the allocation would be available for industrial and storage uses. In that regard there is an identified qualitative need for new sites in locations with good access to the motorway network. This is notwithstanding that there is anticipated to be a net loss of industrial floorspace across the Borough as older sites in less functionally suitable locations are redeveloped for other purposes.”

6.02 As such, the adopted policy secures a minimum of 10,000m² of B1a/b floorspace, and for 5,000m² of this to be provided with vehicular access and to be serviced to promote early deliver. In addition, in the event that B1a/b floorspace is not being delivered in the early stages of the new Local Plan, the policy ring-fences the 10,000m² until 2026 (or until otherwise allocated through a Local Plan review) for B1a/b uses so it cannot be developed for alternative uses during that period. This would allow time for potential recovery of office development values if necessary.

6.03 The application proposes up to 45,295m² of mixed employment floorspace (B1(a), B1(b), B1(c) and B8 units) and confirms that at least 10,000m² will be B1a/b floorspace. This accords with the headline requirements of the policy and therefore the main issues relate to the following matters:

- Design & Layout

- Landscape & Ecology
- Heritage
- Access, Highways & Transportation
- Archaeology & Minerals
- Any Other Matters

Layout

6.04 The application is in outline form and so the specific details of layout, scale, and appearance of the development would be considered at the reserved matters stage. However, conditions can be set to guide the reserved matters. In terms of layout, the site policy EMP1(4) has a number of criterion and requires (in summary):

- The proposals to create a spacious parkland setting for development.
- Landscape buffers and the use of substantial tracts of planting extending into the body of the development to achieve clear visual separation between individual buildings and between parking areas.
- Buildings not covering more than 40% of the developed site area.
- Larger footprint buildings in the field to the east of the stream up to a maximum unit size of 5,000m² with units orientated end-on to predominant views to and from the AONB.
- Smaller footprint buildings in the field to the west of the stream up to 2,500m² footprint.
- On the highest part of the site (NW corner above the 55m contour line) building footprints limited to 500m².
- Development to respect the topography of the site by minimising the need for site excavation.
- The siting, scale and detailed design of development having regard to the preservation of Woodcut Farmhouse (Grade II) and its setting.
- An area of 9ha to the north and northwest of Woodcut Farm secured as an undeveloped landscape area in the form of open woodland including the addition of a landscape buffer of at least 30m along the eastern boundary.

6.05 Whilst not being considered, the illustrative masterplan shows that a spacious development with buildings covering less than 40% of the site is achievable. It also shows significant landscape buffers around the boundaries of the site and alongside the stream, with new waterbodies creating landscaping within the centre of the site.

6.06 This demonstrates that landscape buffers as per the allocation policy could be achieved in addition to the 9ha of land in the northwest corner that would be secured as woodland pasture. This would enable the creation of a well landscaped and parkland setting to the development in line with the allocation policy but it is considered vital that structural landscaping coming into the development areas and to divide buildings and parking areas is necessary in order to comply with the site policy and to fully achieve the 'parkland setting'. This would not only improve the layout but also further reduce the impact of the development in wider views from outside the site. This would be secured by condition to set the parameters of any reserved matters applications and to ensure policy compliance.

6.07 The application indicates larger buildings not exceeding 5,000m² to the east of the stream with buildings orientated end-on to the AONB, and smaller units not exceeding

2,500m² to the west in line with policy, and this can be secured by condition to set the detail under reserved matters applications.

- 6.08 In terms of topography, the proposals would require remodelling of the land to facilitate the development. This would be limited to the extent necessary for buildings and drainage. This would be done as a cut and fill exercise, reusing spoil and material where necessary and practicable. It is stated that there will be no net removal of spoil from the site during construction. The details generally show cutting levels in the NW corner and west edge (between 1m-3.5m) and raising in the SW corner and near the centre of the site (between 1-3m). It is considered that this would strike an appropriate balance between developing the allocated site and minimising the amount of excavation. A condition can be applied to follow these principles.
- 6.09 With regard to the listed 'Woodcut Farmhouse', the specific siting, scale and detailed design of development is not being considered at this stage, however, the illustrative plan shows space between the 'A' plots to the SE of the farmhouse and buildings to the east of the farmhouse would be on excavated ground and therefore lowered. There is an existing view past the farmhouse from its access road towards the site and spacing here would serve to limit the impact upon its setting. Again, structural landscaping in this area could also help to lessen any impact on this heritage asset as inferred under the site policy. I consider the impact upon the listed building's setting could be minimised through a sensitive layout and landscaping, which would be dealt with at the reserved matters stage.
- 6.10 For the above reasons, the outline proposals are not considered to show any conflict with criterion 1-9 of policy EMP1(4) in terms of layout and could comply with relevant criterion within policy DM1 (Principles of Good Design). The detailed layout would be considered at a later stage, and parameter conditions can be imposed to ensure delivery of key aspects (as outlined above) at this stage.

Design

- 6.11 In terms of design, policy EMP1(4) requires (in summary):
- Building ridge heights not to exceed 12m to the east of the stream.
 - Graded building heights taking account of the site's topography with building ridge heights not to exceed 8m to the west of the stream.
 - Development designed to limit its visual impact including through the use of curved roofs on buildings, non-reflective materials, sensitive colouring, green roofs and walls on smaller footprint buildings (500m² and below), and sensitive lighting proposals.
 - Buildings including active frontage elements incorporating glazing, and address both the A20 and M20.
- 6.12 The application details indicate that buildings on the east side of the site would have a maximum ridge height of 12m, and buildings on the west side a maximum of 8m, which complies with the policy, and can be secured by condition. Where applicable, eaves heights would obviously be slightly lower.
- 6.13 Whilst the detailed design of buildings is not being considered at this stage, the Design & Access Statement (DAS) outlines the current thinking on design and this follows the principles of the site policy including curved roofs, non-reflective materials, sensitive colouring, green roofs and walls on smaller footprint buildings, and sensitive lighting proposals. The DAS recognises that warehousing and light industrial buildings have a

relatively generic specification which reflects general occupier requirements. However, it outlines that office elements on the warehouse and light industrial buildings could be used as a separate form to the front of the main building, predominantly glazed to provide attractive frontages to the buildings. Additional materials could be used to create contrast and local identity in specific locations, such as around entrances, offices or vista stops. This is in line with achieving 'active' and glazed building frontages to address both the A20 and M20 in line with policy. The use of vernacular materials such as ragstone could also provide a quality appearance to elements of buildings, walls etc. Again, conditions can be used to set parameters on the appearance of any buildings

- 6.14 In terms of sustainability credentials, it is outlined that the development would achieve a BREEAM 'Very Good' standard and would include the use of photovoltaic cells incorporated into the design of the roofs. This can be secured by condition and would be in accordance with policy DM2 (Sustainable Design).
- 6.15 Overall, whilst the detailed design is not being considered at this stage, it is considered that the applicant's illustrative proposals and DAS demonstrate a commitment to achieve the aims of the policy and that the outline proposals would not conflict with criterion 1-9 of policy EMP1(4) with regard to design and could comply with relevant criterion within policy DM1.
- 6.16 Criterion 8 & 9 require a minimum of 7,500m² floorspace to the east of the stream and 2,500m² to the west of B1a and B1b floorspace to be protected from any other uses until April 2026 (or until otherwise allocated through a local plan review). This is to ensure the site substantially contributes towards meeting the employment needs for this floorspace, and this is protected, in line with the Local Plan. The outline application allows for this, and this can be secured under a legal agreement.
- 6.17 In addition, criterion 8 requires land sufficient for at least 5,000m² of this floorspace (to the east of the stream) to be provided with vehicular access and all necessary services including drainage and electrical power supply to the boundary of the plot/s prior to the first occupation of any units falling within Use Classes B1c, B2 or B8. This is to promote early delivery of such uses and again the outline application allows for this, and this can be secured under a legal agreement.

Landscape & Ecology

- 6.18 Policy EMP1(4) requires (in summary):
- Proposals are designed to take into account the results of a landscape and visual impact assessment (LVIA) which will specifically address the impact of development on views to and from the Kent Downs AONB escarpment. This will include environmental enhancements of the wider landscape beyond the allocation boundaries through financial contributions using the mechanism of a S106 agreement.
 - Proposals designed to take account of the results of a phase 1 habitat survey and any species specific surveys that may as a result be necessary, together with any necessary mitigation and significant enhancement measures.
- 6.19 The application is accompanied by a LVIA which the Council's landscape officer concludes is acceptable. The LVIA includes assessment of the impact of the development from 15 viewpoints in the local area. The conclusions of the LVIA are summarised as follows:

7.293

“The views from the neighbouring higher ground, particularly those within the Kent Downs AONB, are of higher sensitivity to change. However, due to the intervening distance or the effect of intervening landform and vegetation, the magnitude of impact upon these views tends to be low. Impacts upon receptors which are closer to the Application Site tend to be of a greater magnitude but these receptors tend to be of lower sensitivity to change.”

7.294

“The two key exceptions are the predicted effects upon receptors represented by viewpoints 8 and 9. These viewpoints relate to receptors on the footpath to Woodcut Farm and on those within dwellings adjacent to the Application Site to the west and south. The proximity of the viewpoints to the Application Site means that the proposed buildings will form notable elements which will obstruct longer distance views towards the countryside beyond. The resulting predicted effects on these receptors are major/moderate adverse and are considered to be significant. Moderate adverse effects were also predicted on receptors represented by viewpoint 3 which includes walkers on the PRow on the edge of the Kent Downs AONB.”

7.295

“All the predicted impacts and effects will be adverse in nature as the Proposed Development will result in the introduction of large buildings which will be out of scale and context with much of their surroundings and will not contribute to local character.”

6.20 In terms of mitigation, it advises as follows:

7.307

“In addition to the proposed buildings, the proposed masterplan (Appendix 7.3) includes large areas of tree and shrub planting between and around the buildings, and an extensive area of traditional grazed parkland and open woodland to the east, north and north west of Woodcut Farm. This planting will be in keeping with the surrounding landscape structure and will reinforce landscape character. It will also contribute to the greening and screening of the M20 corridor as highlighted within the published landscape character assessments. The woodlands and planting belts will take time to mature but the use of large scale native tree species will ensure that the visual impact of the Proposed Development will reduce significantly over time. A notable example of this is the nearby Maidstone Motorway Service Area at Junction 8 of the M20. The Maidstone Motorway Service Area includes a two-storey hotel, a large retail building, covered fuel station and lorry parking area. None of these elements are visible in the views described previously despite the prominent location of the Maidstone Motorway Service Area. This is due to the strong landscape infrastructure which has been established around and within the Maidstone Motorway Service Area.”

6.21 The Council commissioned its own assessment when investigating potential development at the site called ‘The Landscape Capacity Study: Sensitivity Assessment’ which acknowledged the inevitable impact of the development but in terms of mitigation it advises:

- *Retain and reinforce streamside vegetation, other tree belts and significant vegetation*
- *Retain the rural landscape character and the distinctive landform which forms an integral part of a wider pattern of undulations along the scarp foot of the Kent Downs*
- *Respect the setting of surrounding heritage assets*

- *Respect views from, and the setting of, Kent Downs AONB*

- 6.22 Natural England (NE) has raised an objection in terms of the impact upon the AONB and mainly reverts to its comments on the previous application in 2016, outlining that the development will be visible at least in part from several prominent locations along the North Downs Way, in particular from Cat's Mount (Viewpoint 12) and the stretch west of Hollingbourne Hill (Viewpoint 3). This view was taken into account by the Local Plan Inspector when considering and agreeing to allocation of the site in the Local Plan. In my opinion, having viewed the site from viewpoints from the AONB, I would agree with the LVIA conclusion that whilst views from the AONB and Pilgrim's Way National Trail are sensitive, due to the distance and/or the effect of intervening landform and vegetation, I would not consider the development to be overly intrusive from the AONB. Importantly, the detailed criterion required by the allocation policy would help to mitigate this impact to an acceptable level. Natural England also considers the plans submitted do not comply with all the policy criterion, however as advised, these are not being considered at this stage.
- 6.23 In localised views from the A20, M20, the access to the Woodcut Farm complex, (over which PROW KH641 runs), and Old Mill Lane around 400m to the south, the development would inevitably have a significant impact, and it would also be seen in views towards the AONB from Old Mill Lane and the A20 to the south, which would be harmful to its setting. However, the Local Plan Inspector carefully examined the likely impacts on the landscape and balanced it against the economic benefits and need for development, in allocating the site in the Local Plan. He considered that the design and layout modifications that are now part of policy EMP1(4) were needed to further minimise the landscape impacts. Whilst harm would arise, it is considered that the impact can be mitigated to an acceptable level through the landscape mitigation secured via the detailed policy criterion and through details at the reserved matters stage. On this basis, I do not consider this harm is sufficient to outweigh the extensive public benefits of the application which arise from the economic benefits through the creation of between 1000-1500 FTE jobs; input into the economy of some £19.6 million each year in Maidstone Borough, with a further input of £2.1 million in the wider economy; and it would significantly contribute to the identified employment needs of the Local Plan/Borough.
- 6.24 In conclusion, it is considered that the outline application has taken into account the recommendations of the LVIA and can allow for appropriate landscaping mitigation that follows the criterion within the allocation policy. The details of such landscaping would be specifically dealt with under any reserved matters application but as stated above, conditions can guide and set the main parameters and structural landscaping, which would ensure compliance with policy EMP1(4), policy SP17 so far as is possible bearing in mind the employment allocation, and where relevant, policy DM30 (Design Principles in the Countryside).
- 6.25 Criterion 10 requires environmental enhancements of the wider landscape beyond the allocation boundaries through financial contributions using the mechanism of a S106 agreement. In this regard, the applicant would provide £10,000 to be used towards tree planting, with priority given to schemes which provide screening for views into or out of the AONB, or alternatively tree planting schemes within 3km of the site boundary. Depending on the size of trees this could provide for between 40 (large) to 10,000 (forestry transplant) trees. Examples of possible locations could include highway verge in the vicinity of the A20/Junction 8 (subject to Highways Authority agreement); White Horse Wood Country Park; the River Len Local Nature Reserve; Millennium Green in Hollingbourne; and Church Landway Park, Church Lane,

Bearsted. It is considered that this would comply with the site policy and can be secured under a legal agreement with flexibility built in as to the potential locations.

- 6.26 In section 2 above, the previous decision dated 6th July 2016 to refuse planning permission for a similar scheme is referred to. The refusal was based on harm to the character and appearance of the countryside, Special Landscape Area, and the setting of the Kent Downs Area of Outstanding Natural Beauty not being outweighed by the benefits of the scheme, and the scheme causing less than substantial harm to the setting of the Grade II listed building which would not, it was said, be outweighed by public benefits. Heritage matters are considered below. In respect of harm to landscape interests, the application site is not within a Special Landscape Area because that category of designation has not been pursued in the recently adopted Local Plan. It is however countryside and it is within the setting of the AONB and its intrinsic character and beauty should be recognised.
- 6.27 The reasons for the acceptability of the development on the landscape and AONB are explained above. Since the previous refusal, the Local Plan Inspector has independently analysed the likely impacts of the site being allocated for up to 49,000m² of mixed employment use on the landscape and the AONB, and with the safeguards of the criteria in the now adopted policy he has found the policy to be sound. He had regard to the reasons why appeals at nearby Waterside Park and for the Kent International Gateway Rail Freight scheme had been dismissed. The fact that EMP1(4) is now adopted and that the current proposal accords with that policy lends considerable weight to the proposal and significantly more weight in favour of granting planning permission than could be accorded to the emerging unadopted policy which applied at the time of the previous refusal of permission.

Ecology

- 6.28 The site does not have a high ecological value due to it mainly being arable farmland. The KCC Ecological Advice Service advise they are satisfied with the ecological works carried out which shows the following:
- Low population of common lizards and slow worms
 - Breeding Birds – including skylark and yellowhammer (Priority Species – capable of being a material consideration in the determination of a planning habitat)
 - Low-moderate levels of bat foraging/commuting within the site and boundaries.
- 6.29 Whilst the proposals would result in the loss of arable land (habitat for skylark and yellowhammer), the proposed landscaping scheme will improve the extent and quality of the habitats for other priority birds such as song thrush, starling and house sparrow. Otherwise, the proposals would actually improve habitat for reptiles, and biodiversity would be improved by creating new habitats for wildlife.
- 6.30 KCC Ecology advise that, *“mitigation measures have been provided in the submitted ecological report, and we advise that these are sufficient to ensure there will be no detrimental impacts to these species. We advise that these measures are secured as a condition of any granted planning application.”* Conditions are recommended requiring a Biodiversity Method Statement; Ecological Design Strategy; and Landscape and Ecological Management Plan.
- 6.31 In terms of enhancements, one of the principles of the National Planning Policy Framework is that *“opportunities to incorporate biodiversity in and around developments should be encouraged”*. The application is proposing to create a grazed

parkland as part of the development with ponds, semi-improved grassland (just under 9ha) in addition to planting hedgerows and trees throughout the proposed development. If managed correctly, this will clearly increase the habitat suitable for protected/notable species. The conditions referred to above would ensure such enhancement.

- 6.32 Overall, any loss of arable habitat used by skylark and yellowhammer would be balanced by the improved extent and quality of habitats for other priority birds, and by the general enhancement of biodiversity across the site through creating new habitats for wildlife that would be secured by condition. This is in accordance with the NPPF, the policy for the site, and policies DM1 and DM3 (Natural Environment).

Heritage Matters

- 6.33 The Local Plan Inspector examined the likely impacts on heritage assets of the proposal which was the subject of the proposed allocation and he considered that the design and layout modifications that are now part of policy EMP1(4) were needed to minimise the potential for harm to the setting and heritage significance of Woodcut Farm House (listed grade II). The current application scheme, although in outline only, would have the potential to result in some minimal harm to the setting of this listed building. That harm would be significantly less than substantial harm but nevertheless merits considerable importance when the balancing exercise against public benefits of the development is undertaken. In this case, the public benefits of the scheme are very significant and attract substantial weight and, in terms of paragraph 134 of the NPPF, far outweigh the potential 'less than substantial' harm to the listed farmhouse.

Leeds Castle (Grade I Listed)

- 6.34 Initially, in relation to Leeds Castle and its associated listed Registered historic landscape/park, Historic England advised that there would be harm caused to the setting of Leeds Castle as they considered the development would be visible from the 5th tee of the golf course within the grounds of the Castle. However, following a comprehensive response from the applicant, Historic England advises that, in the first year of the development it would have at most a *"negligible visible presence"* and that once landscaping is established it would not be seen, and have withdrawn their previous advice. They advise that any harm would be negligible but state that, *"any and all harm must nevertheless be clearly and convincingly justified but we now think that any harm as represented by this viewpoint is within the potentiality of being outweighed by public benefits as per NPPF 134."* Clearly, the impact is considered to be negligible, but insofar as that impact is harmful it is extremely small and whilst the identification of some harm is always an important factor, I do not consider this harm (or this harm combined with minimal harm to Woodcut Farmhouse) is sufficient to outweigh the extensive public benefits of the application which arise from the economic benefits through the creation of between 1000-1500 FTE jobs; input into the economy of some £19.6 million each year in Maidstone Borough, with a further input of £2.1 million in the wider economy; and it would significantly contribute to the identified employment needs of the Local Plan/Borough.
- 6.35 In terms of Local Plan policy, policy DM4 (Development Affecting Designated & Non-designated Assets) requires new development to conserve the setting of a heritage asset. Harm to a setting, however minimal it is, does not strictly conserve the setting but the accompanying text to policy DM4 states that, *"in the determination of planning applications, the relevant assessment factors, including weighting of potential harm against wider benefits of the development, is set out in detail in the NPPF paragraphs*

131 to 135.” For the reasons outlined above, the design and layout modifications that are now part of policy EMP1(4) will minimise the potential harm through sensitive design to a suitable level in line with policy SP17 (The Historic Environment), such that the benefits outweigh that very low harm.

- 6.36 KCC has drawn attention to the Mortuary building of the former Hollingbourne Union Workhouse. This is not listed but considered to be a non-designated heritage asset by KCC and is located immediately south of the site in the rear garden area of ‘White Heath’. In my view, and having regard to the approach above, any harm to this building or its setting would be overwhelmingly outweighed by the public benefits of the development.

Access, Highways & Transportation

- 6.37 Policy EMP1(4) requires (in summary):

- Improvements to capacity at the A20/Willington Street junction.
- Package of measures to provide bus stops, pedestrian refuges and improvements to the footway on the northern side of the A20 Ashford Road.
- Contributions as proven necessary through a Transport Assessment towards any relevant junctions (M20 Junction 8 and A20 locations)
- A significant package of sustainable transport measures to secure access to the site by a range of sustainable modes, including the provision of a subsidised bus route, and supported by the implementation of a Travel Plan.

- 6.38 Highways England has raised no objections to the development in terms of any impact upon the M20 motorway and do not require any improvements to Junction 8. Highways England agreed with the applicant that a detailed assessment of J7 was not required and has stated that it will be for MBC, as part of their “managed approach” to mitigation of cumulative impact at J7 to decide whether contributions will be required. Improvements to J7 would be secured through financial contributions from three Local Plan housing sites and this has been agreed by Members, and so there is no need for this site to contribute.

- 6.39 The local Highways Authority (KCC) have raised no objections in relation to the local road network, subject to securing off-site highway improvements to the A20 including the site access junction; pedestrian refuge; footway/cycleway; bus stops; monies towards improvements to the A20/Willington Street junction; improvement of bus service; and travel plan and associated monitoring fee. For these reasons there are no highways objections in terms of the capacity of the highways network or safety in accordance with the site allocation and policy DM21 (Assessing the Transport Impacts of Development).

- 6.40 The proposals would include two new bus stops outside the site, and a financial contribution to increase the bus frequency at peak times to half hourly (10X service). The proposals also include the potential provision of a private staff shuttle bus service to accommodate shift patterns that would be secured via the Travel Plan for the site. A comprehensive Travel Plan to reduce car trips to/from the site with a range of initiatives and strategies, including on-going monitoring to ensure that the success can be continually tested and further mitigation measures required if necessary, is also proposed. It is also proposed to enhance the footway on the north side of the A20 to provide an attractive foot/cycle link between the site access and the A20/Roundwell

junction, and provide cycle parking and shower/changing facilities to encourage such use. This is in accordance with policy SP23 (Sustainable Transport).

- 6.41 The above measures would serve to improve the scope for public transport use and reduce impacts upon air quality at the site, which would be in accordance with site policy and would be secured by condition. Parking provision is not set at this stage but it is considered that appropriate parking could be provided in line with Local Plan policy DM23 (Parking Standards) under any reserved matters.

Archaeology & Minerals

- 6.42 Policy EMP1(4) requires (in summary):

- Proposals are designed to take account of the archaeological interest on the site as revealed through appropriate survey.
- Proposals will be required to undertake a minerals assessment to assess the viability and practicability of prior extraction of the minerals resource.

- 6.43 Regarding archaeology, KCC have advised that the potential for highly significant and extensive archaeology which would be a constraint on the proposed development is not high. They advise that further archaeological fieldwork and assessment would be appropriate prior to any detailed designs being agreed but they consider sufficient information has been produced at this stage and recommend conditions.

- 6.44 In terms of minerals, the site falls within a minerals safeguarding area, and in this case there is soft sand beneath the site. The Local Plan site policy requires a minerals assessment to assess the viability and practicability of prior extraction of the sand in line with Policy DM7 of the Kent Minerals and Waste Local Plan (KMWLP) and any supplementary planning guidance produced by the Minerals Planning Authority (KCC).

- 6.45 Therefore, the applicant has carried out what KCC considers to be a comprehensive Minerals Assessment. This in summary concludes that it would not be practical to extract sand prior to development due to physical constraints (high pressure gas main, existing services, watercourse and trees, and nearby residential properties in terms of amenity; and the setting of the AONB). The potential area left over equates to approximately four years of sand production and it is considered that this does not represent a viable investment for minerals extraction; is too small to warrant commercial investment in quarry plant for washing, without which the sand resource would have a limited market; it could not be linked to an existing facility; and the extraction would result in a steep sided quarry that would require backfilling in order to restore levels to accommodate the development. In addition, over the next four years there is considered to be a sufficient supply of minerals reserve already available to meet assessed needs, and that the site is a strategic employment allocation in the Local Plan with which comes significant employment/economic benefits that would be delayed. The assessment concludes that in the context of Policy EMP1(4), sand extraction on the site is constrained due to both practicability and viability considerations.

- 6.46 KCC have provided comments on the assessment (09/11/17) and consider that they require further clarification on the extent of the constraints, namely the buffer zones afforded to the nearby houses (White Heath, Chestnuts, and Woodcut Farm). They comment that the 100m buffer zones are to the curtilage boundaries rather than the houses, that potential mitigation to suppress dust is not assessed, and the maximum

standoff distance within the guidance have merely been applied. They comment the effect of simply imposing a 100m standoff reduces the potential extractable areas and this should be explored further. They also comment that further consideration needs to be given to the effect of prior partial extraction on the deliverability and viability of the proposed development.

- 6.47 To my mind, the 100m buffer zone (which follows the Institute for Air Quality Management Guidance) should be taken from the curtilage of the properties. The guidance states that the greatest potential for high rates of dust occurs within 100m of the source. I would consider that the effect from dust would not be greatly felt inside ones house but would be within ones garden and so I see no strong ground to reduce the buffer zone to the houses themselves, or that this is represents a fault within the minerals assessment that should require further work by the applicant.
- 6.48 The applicant has also responded to KCC's comments and whilst they contest that the buffer zones are appropriate, they consider that even if the buffer zones were reduced, the amount of sand would still remain unviable, and this would not affect the other factors (AONB, existing supply, need for site and delay etc.) that weigh against extraction.
- 6.49 Policy DM7 of the KMWLP, states planning permission can be granted for non-minerals if it is demonstrated that one or more of Clauses 1 to 7 apply. Clauses 2, 3, and 7 can allow for permission if extraction is not viable or practicable, if extraction effect's deliverability of the development, or if the need for the development is overriding following the exploration of opportunities for prior extraction. It is considered that the applicant has sufficiently explored opportunities for prior extraction as outlined above, and has subsequently identified reasonable constraints relating to practicality and delivery. I also consider the impact (albeit for a limited time) upon the AONB, and the proximity a quarry would be to residential properties weigh against sand extraction. Lastly, the need for this development which is the Council's strategic employment site within the Local Plan and its Economic Development Strategy, and the subsequent benefits that arise from the development are sufficient to override safeguarding of the sand. For these reasons, it is considered that the proposals are in accordance with policy EMP1(4) of the Local Plan and DM7 of the KMWLP.

Any Other Matters

Residential Amenity

- 6.50 The main impacts would be on nearby dwellings through the introduction of noise and disturbance from a 24 hour site from road traffic, vehicles and HGV's accessing the site, reversing, loading and manoeuvring within loading yard areas. Although it is submitted that HGV movements would be low overnight. It is submitted that the noise environment is dominated by traffic travelling on the M20 motorway and punctuated by the passing of high speed trains using the CTRL that runs parallel to the motorway, and to a lesser extent, there is noise from passing vehicles using the A20 and various farming activities.
- 6.51 Noise assessments and modelling has been carried out and this concludes that mitigation is required in the form of acoustic fencing/barriers to ensure nearby properties are sufficiently protected. This would involve acoustic barriers ranging between 2.4m and 3.5m in height and be positioned to protect nearby properties. MBC Environmental Health has been consulted and has raised no objections in terms of

noise and disturbance subject to conditions, and on this basis I do not consider there are any grounds to object to the proposals in this respect.

- 6.52 In terms of privacy, outlook, and light, it would be possible at the detailed design stage to position and design buildings so that they would not cause any unacceptable impacts in these respects, particularly bearing in mind the distance from these properties. Indeed the illustrative plan shows this is achievable. Whilst the current view over arable fields would be fundamentally changed, the loss or change to a view (as opposed to loss of outlook by undue enclosure) is not a material planning consideration warranting objection.
- 6.53 For the above reasons, the proposals are considered to be in accordance with policy DM1 of the Local Plan which seeks to protect residential amenity.

Flood Risk, Surface Water Drainage & Foul Drainage

- 6.54 The site is not within a high risk flood zone and as such the main issue relates to surface water drainage. KCC as Lead Local Flood Authority (LLFA) are the Statutory Consultee in this respect. A Flood Risk Assessment (FRA) has been submitted and states the drainage strategy for the site has been based upon the principle of controlling the post development runoff rate to that of the existing greenfield site. The LLFA approve of this principle but consider that investigation of more infiltration into the ground should be explored at the detailed design stage. They raise no objections subject to conditions which would be in accordance with policy DM1.
- 6.55 Southern Water advises that additional off-site sewers or improvements to existing sewers will be required to provide sufficient capacity to service the development. The applicant has consulted Southern Water which reveals that the local pumping station can accommodate the additional flows subject to additional storage being provided upstream of the pumping station. It is therefore proposed to upsize a pipe upstream of the pumping station from 150mm diameter to 1050mm diameter to provide the requisite additional storage required by Southern Water for the pumping station to operate effectively while accommodating the additional foul water flows. This would be secured under separate legislation (Water Industry Act) and as such there is no need for a condition.
- 6.56 The site is located over a principal aquifer which provides drinking water and within a groundwater source protection zone, and as such the Environment Agency advises conditions to prevent any pollution to the groundwater in accordance with policy DM3.

Air Quality

- 6.57 Local Plan policy DM6 (Air Quality) states that proposals that have an impact on air quality will be permitted, subject to the relevant criteria being met. These criteria relate to various scenarios where development may have an impact upon an area where air quality objectives are exceeded, or in Air Quality Management Areas (AQMA). They potentially require Air Quality Impact Assessments to be submitted and demonstrate that any impacts will be mitigated to acceptable levels or minimised. Maidstone's AQMA covers the urban area and the M20 corridor through the Borough.
- 6.58 The implications for air quality from the proposed development come through its construction and operation. For construction, predominantly the impact would be from dust and fine particles. The applicant's evidence suggests that existing background levels of dust are below air quality objectives and so the assessment therefore focuses on annoyance/nuisance dust effects, rather than health effects. Pollution from plant

and construction vehicles would occur, however, the evidence considers the volumes and periods over which these releases will occur are unlikely to result in any significant peaks in local air pollution concentrations. The evidence concludes that construction would have a low risk for any health effects (without mitigation).

- 6.59 During operation, the main impact would be from vehicle emissions. The evidence suggests that there would be a low effect on emissions at various sensitive locations, including five within the AQMA (A20 and Wellington St), and none of these would exceed air quality objectives. There are predicted to be no significant increases in pollution concentrations where changes in traffic flows as a result of the development are greatest, such as close to the site access. It is predicated that as traffic generated by the development disperses, it will not lead to any exceedances elsewhere within the AQMA.
- 6.60 With regard to the M20, the worst area is between J5 and J7 and traffic will obviously pass through the corridor. However, the proportion of traffic compared to that currently running through the M20 would be extremely low, and importantly there are no residential properties within the area most affected by air quality from the M20 (the carriageway and just beyond its boundaries). In addition, Environmental Health has stated that where they have measured air quality levels by the motorway carriageway, there were no exceedances on an annual basis in 2016.
- 6.61 As outlined above, the impact from construction and operation on air quality and harm to health is low, however, mitigation measures are proposed. With regard to construction, this would be through the tried and tested method of a Construction Environment Management Plan (CEMP) (and the Considerate Constructors Scheme) which essentially reduces the creation of dust/controls dust on site through a series of management measures.
- 6.62 In addition, an 'Emissions Mitigation Statement' has been produced in line with the Council's emerging Air Quality Planning Guidance, which calculates the development's transport related emissions and converts this into a monetary value that the applicant would spend on air quality mitigation measures that would be incorporated into the development. Relating to operation, this includes electric vehicle charging points, a Travel Plan, safe storage for bicycles and shower/ changing facilities, improvement of the footpath to the north of the A20, to encourage sustainable travel to work, two new bus stops on the A20 close to the site, provision of a private staff shuttle bus which would be secured by condition and/or legal agreement.
- 6.63 With mitigation measures applied, the evidence predicts that air quality impacts would be negligible. The Environmental Health Section agrees with this conclusion stating that it demonstrates '*negligible increases in NO₂ levels at all the receptor locations modelled*'. They have considered the evidence and raise no objections subject to a condition to require the specific measures of mitigation which will reduce the air pollutant emissions during construction and when in occupation. It is considered appropriate and reasonable to require and secure such details by way of condition due to the low impact on air quality that would be caused by the development, and as this is an outline application and so the detailed design/end users are not known at this stage.
- 6.64 For the above reasons, the proposal subject to mitigation is considered to comply with policy DM6 of the Local Plan and the NPPF with regard to air quality.

Tourism

6.65 Matters not generally considered above and raised in local representations relate to the impact upon tourism including Leeds Castle. There is no specific protection in the NPPF for tourism attractions but ‘support for sustainable rural tourism and leisure developments that benefit businesses in rural areas, communities and visitors’, and clearly such attractions contribute towards the economic aims of the NPPF. Nonetheless, I do not consider that the presence of the development next to the M20 and existing transport infrastructure would significantly deter people from visiting Leeds Castle or other local tourism sites so as to warrant any objection to this application. I also note the Inspector for the ‘Waterside Park’ Inquiry stated, “*I am not persuaded that visitors would avoid the Castle and its grounds, together with the numerous special events that are hosted there, only because they would see an industrial park on their drive to and from the venue.*”

National Economic Policy

6.66 The NPPF includes a range of economic development policy provisions, including the identification of sustainable economic development as a key aspect of sustainable development; the importance of securing economic growth; provision for new and emerging sectors likely to locate in the area and flexibility to accommodate unanticipated sectors; a positive and constructive approach and favourable treatment towards investment proposals that secure sustainable economic growth. The NPPF also indicates that significant weight should be placed in the planning process on the identified need to support economic growth through the planning system. In this case, economic benefits include the creation of between 1000-1500 FTE jobs; input into the economy of some £19.6 million each year in Maidstone Borough, with a further input of £2.1 million in the wider economy; and a significant contribution to the identified employment needs of the Local Plan/Borough.

Planning Obligations

6.67 The applicant has submitted draft Heads of Terms to form a Section 106 legal obligation to include the following:

1) Creation of buffer zone and landscaping, land within the application boundary and land west of the application boundary

6.68 This would involve approximately 2.5ha of land at the west edge of site (within the red outline) being conveyed to either:

- (a) Bearsted Parish Council or Hollingbourne Parish Council; or
- (b) Maidstone Borough Council; or
- (c) Management Company

6.69 The land would be subject to a covenant that it shall be maintained in perpetuity as woodland and not for any other purpose; its future maintenance including the provision of a commuted sum would be submitted to the Council for approval and the conveyance of the land would be subject to the approved maintenance details. If none of these bodies took on the land it would be managed by a management company.

6.70 Within the land outlined in blue on the site location plan to the northwest of the site (area approximately 6.6ha), a management plan would be submitted to the Council for approval, with the plan to include provision for additional tree planting to create an area of wooded pasture. The management plan would include provisions for the long

term management of the land as wooded pasture in perpetuity and would not be used for any purpose other than agriculture, horticulture or forestry.

- 6.71 As outlined at paragraph 6.25, there would be a financial contribution of £10,000.00 to be used for community tree planting schemes.

2) Transport

- 6.72 This would include a financial contribution to 'Stagecoach' who operate the 10X bus service past the site to secure increased frequency of buses in the morning and afternoon peak travel periods. The contribution would be sufficient to provide two additional bus services between the application site and Maidstone East Station, in each direction, and two additional bus services over the same route in the afternoon peak period. It would provide a sufficient subsidy to secure the viability of the additional bus services for a period of three years.

- 6.73 The applicant has held discussions with Stagecoach and they have advised that the maximum contribution to increase the peak time frequency of the service for three years is approximately £180,000. Stagecoach has advised that they would review such a proposal at the point at which timescales for the development became clearer. They advise that there are a number of possibilities on this corridor that they would look at which could give a potential cost reduction but they could not commit at this stage. As such the figure they have provided is an indicative maximum.

- 6.74 The Travel Plan would also be secured under a legal agreement to include specific reference to provision of a private staff shuttle bus service to accommodate shift patterns. A Travel Plan monitoring fee would also be required to cover the costs of the Highway Authority (KCC) in monitoring the plan, which is generally £1,000 per year. The Travel Plan would cover a 5 year period and so a total of £5,000 would be secured.

3) Phasing and Implementation

- 6.75 The legal agreement would provide that land to accommodate a minimum of 5,000sqm of floorspace within Classes B1(a) and B1(b) will be provided with vehicular access and all necessary services including drainage and electrical power supply to the boundary of the plot prior to the first occupation of any units falling within Classes B1(c), B2 or B8. This is to allow for potential early occupation of such uses which are in highest need for the Borough, and in line with the site policy.

- 6.76 The legal agreement would safeguard land for 7,500sqm of Class B1(a)/B1(b) floorspace east of the stream and 2,500sqm of Class B1(a)/B1(b) floorspace west of the stream from any other uses until April 2026 or until otherwise allocated through a Local Plan Review, in line with the site policy for reasons explained at paragraph 6.02.

Master Plan & Monitoring Group

- 6.77 It is considered necessary to require a master plan to be agreed between the applicant and the Council to include high level parameters such as the phasing of the development; layout of built areas; strategic landscaping; general building design, form and scale; road layout, and materials, to ensure a high quality and coherent development. This would not be to decide the fine detail of the development as this would be dealt with via reserved matters applications but would set the framework to guide future development.

- 6.78 It is considered appropriate for there to be a monitoring group for the development of this site due to its scale (as has been used successfully on other major sites), made up of MBC planning officer(s), North Downs Ward Councillors, and Hollingbourne Parish Council. The purpose of the group would be to monitor practical matters such as the implementation of the Section 106 Agreement, planning conditions submissions and compliance, and also to be kept up to date with potential future development of the site. (The latter would be for information purposes as any discussion on the actual details would be subject to normal pre-application procedures). This is likely to meet a number of times a year so it is considered reasonable to require a fee to cover the professional time of the Council and a figure of £1,000 per year for 5 years has been agreed (Total £5,000).
- 6.80 Any contributions or measures requested under Section 106 obligations need to be scrutinised, in accordance with Regulations 122 and 123 of the Community Infrastructure Levy (CIL) Regulations 2010.
- 6.81 In this case, the landscape obligations are considered to be necessary in order to provide mitigation for the development and are in line with the site allocation. The transport measures are necessary in order to improve the sustainability of the site and are in line with the site allocation. The phasing, marketing and implementation requirements are considered necessary to ensure delivery of much needed employment floorspace including safeguarding B1a/b uses until 2026 in line with the site allocation. The master plan and monitoring group is considered necessary to ensure coherent delivery of the site, and so local stakeholders are involved and kept up to date for such a major development. All proposals are considered to meet the CIL regulations tests.

7.0 Conclusion

- 7.1 In addition, to the reasons outlined in the assessment above, the outline application is considered to be acceptable for the summarised main reasons outlined below:
- Under Planning Legislation, the determination of this application must be made in accordance with the Development Plan unless material considerations indicate otherwise.
 - The outline proposals are for a maximum floor space of 45,295m² of B1(a), B1(b), B1(c) and B8 units. This complies with policy EMP1(4) of the Local Plan for the site which allows for up to 49,000m².
 - The outline proposals allow for compliance with the criterion under Local Plan policy EMP1(4) relating to layout; design; landscaping; ecology; and transport. (The specific details of which would be considered under future reserved matter applications and conditions will be attached to ensure compliance with relevant criterion).
 - The access to the site (the only specific matter being considered at this stage) is acceptable.
 - Heritage impacts would be very low and would be outweighed by public benefits.
 - Conditions would ensure appropriate mitigation of any outward impacts of the development.

- A legal agreement will secure necessary master planning, environmental, transport, and floorspace delivery/safeguarding requirements as required by policy EMP1(4).
- The proposals are in accordance with the Kent Minerals & Waste Local Plan.
- The economic benefits will be extensive and the number of new jobs created substantial. Significant weight must be given to these benefits.
- The primary policy EMP1(4) in the newly-adopted local plan is met in all respects, and other material considerations do not point to a refusal, therefore planning permission should be granted.

7.2 For these reasons, it is recommended that planning permission be approved subject to a legal agreement to secure the matters listed below and subject to the conditions listed below. Delegated powers are sought from Members in order to finalise the detailed terms of the legal agreement.

Conditions

7.3 In terms of the time limit for submission of reserved matters, the applicant has requested an extension to the standard requirement to submit details within 3 years, requesting 5 years. This is based on the size of the site and the multi-plot nature of the layout, and the applicant considers this would allow increased flexibility and enable individual reserved matters applications to be tailored to the specific requirements of individual businesses. Due to the scale of the development, this is a reasonable time period and strikes an appropriate balance between providing flexibility and also delivering the needed employment.

7.4 Conditions are also considered necessary to set certain floorspace amounts to ensure compliance with the maxims assessed under this application, and also to secure a minimum amount of B1a/b floorspace of 10,000m² in line with the site policy.

7.5 Otherwise conditions are considered necessary to cover the following key matters and are detailed in full below:

Parameters relating to landscaping, building areas, building footprints, building heights, building frontages, building and hard surfacing materials (including use of ragstone, green walls and roofs); and boundary treatments; Lighting; Landscaping (Details, Implementation & Management); Tree Protection; BREEAM Level; Ecology (Mitigation, Management & Enhancement); Off-site Highways Improvements (access, pedestrian refuge, footway/cycleway, bus stops and A20/Willington Street junction improvement); Other Highways (Site-wide Framework Travel Plan, Construction Environmental Management Plan, Wheel washing facilities prior to commencement of work on site; Completion and maintenance of the access); Foul and Surface Water Drainage; Contaminated Land; Pollution Groundwater Control; Air Quality; Plant & Ducting Details; Noise; Extraction Details; Archaeology; Crime Prevention; No Open Storage; Removal of PD Rights for Extensions;

8.0 RECOMMENDATION

Subject to the prior completion of a legal agreement to provide for the Heads of Terms set out below and subject to the conditions as set out below, the Head of Planning and

Development **BE DELEGATED POWERS TO GRANT** to grant planning permission, and to be able to settle or amend any necessary Heads of Terms and planning conditions in line with the matters set out in the recommendation and as resolved by the Planning Committee.

Heads of Terms

1. 2.5ha of land at the west edge of site (within the red outline on the site location plan) being conveyed to a Parish Council, Maidstone Borough Council or Management Company to be maintained in perpetuity as woodland. Future maintenance including the provision of a commuted sum will be submitted to the Council for approval and conveyance of the land subject to the approved maintenance details.
2. 6.6ha of land (within the land outlined in blue on the site location plan) to the northwest of the site shall not to be used for any purpose other than agriculture, horticulture or forestry in perpetuity including submission of a management plan to the Council for approval, with the plan to include provision for additional tree planting to create an area of wooded pasture and long term management of the land as wooded pasture.
3. Financial contribution of £180,000 to provide two additional bus services between the application site and Maidstone East Station in each direction (10X Service) in the morning and afternoon peak periods for a period of three years.
4. Travel Plan including provision of a shuttle bus service for staff to and from the site to public transport links (to be finalised by officers), and a Travel Plan monitoring fee of £5,000.
5. Securing land to accommodate a minimum of 5,000sqm of floorspace within Classes B1(a) and B1(b) with vehicular access and all necessary services including drainage and electrical power supply to the boundary of the plot prior to the first occupation of any units falling within Classes B1(c), B2 or B8.
6. Securing the safeguarding of land for 7,500sqm of Class B1(a)/B1(b) floorspace east of the stream and 2,500sqm of Class B1(a)/B1(b) floorspace west of the stream from any other uses until April 2026 or until otherwise allocated through a Local Plan Review.
7. Securing a Master Plan to be agreed between the applicant and the Council prior to the commencement of development to include high level parameters such as the phasing of the development; layout of built areas; strategic landscaping; general building design, form and scale; road layout, and materials.
8. The creation of a 'Development Monitoring Group' made up of MBC planning officer(s), North Downs Ward Councillors, and Hollingbourne Parish Council to monitor practical matters such as the implementation of the Section 106 Agreement, planning conditions submissions and compliance, and also to be kept up to date with potential future development of the site. To include a monitoring fee of £5,000.

Conditions

1. The development shall not commence until approval of the following reserved matters has been obtained in writing from the Local Planning Authority:-
 - a. Layout
 - b. Scale
 - c. Appearance
 - d. Landscaping

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

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

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

2. The details of layout submitted pursuant to condition 1 shall show no more than 40% of the site being covered by buildings.

Reason: To ensure a satisfactory appearance to the development.

3. On the eastern part of the site (east of the existing stream), there shall be no units with a footprint of over 5,000m², no buildings shall exceed a ridge height of 12 metres, and buildings shall be orientated end-on to the M20 motorway.

Reason: To ensure a satisfactory appearance to the development.

4. On the western part of the site (west of the existing stream), there shall be no units with a footprint of over 2,500m², no buildings shall exceed a ridge height of 8 metres, and buildings shall be orientated end-on to the M20 motorway.

Reason: To ensure a satisfactory appearance to the development.

5. On the highest part of the site at and above the 55m contour line, as shown on the Local Plan policies map, there shall be no buildings with a footprint of over 500m².

Reason: To ensure a satisfactory appearance to the development.

6. The details of appearance submitted pursuant to condition 1 shall follow the principles of the Design & Access Statement and include:

- Curved roof forms.
- Green roofs and walls on smaller footprint buildings (500m² and below).
- Non-reflective materials and sensitive colouring.
- Glazed frontages to buildings and active frontages addressing both the A20 and M20.
- The use of vernacular materials including ragstone on buildings and in boundary treatments.
- High quality surfacing materials.
- Sensitive lighting.
- The use of photovoltaic cells incorporated into the design of the roofs.

Reason: To ensure a satisfactory appearance to the development.

7. The details submitted pursuant to condition 1 shall provide for vehicle and cycle parking spaces in line with the Council's adopted standards.

Reason: In the interests of highway safety and to promote sustainability.

8. The details of landscaping submitted pursuant to condition 1 shall be designed in accordance with the principles of the Council's landscape character guidance. The

scheme shall show all existing trees, hedges and blocks of landscaping on, and immediately adjacent to, the site and indicate whether they are to be retained or removed. It shall detail measures for protection of species to be retained and include a planting specification, a programme of implementation and maintenance and a 10 year management plan. The programme of implementation shall include site boundary planting being established under the first phase of any development. The landscape scheme shall specifically address the need to provide:

- Substantial tracts of planting extending into the body of the development to achieve clear visual separation between individual buildings and between parking areas.
- Dense woodland planting along the A20 frontage at the south western edge of the site in excess of 25m width including a planted bund.
- A 30m native woodland belt with understorey shrubs and grasses along the western edge of the site to help secure the setting of Woodcut Farmhouse.
- Planted landscape buffer zones to the west north and east of Chestnuts and White Heath adjacent to the site to help protect the amenity of these properties.
- Retention of the protected trees along Musket Lane, augmented with hedgerows and a new native woodland shaw at least 15m in depth to Musket Lane.
- Creation of a circa 38m-70m landscape buffer between any development and the M20 which includes the gas pipe easement.
- A woodland shaw along the northern boundary and the M20 of at least between 10-24m width.
- The gas pipe easement corridor managed as long grass with indigenous wild flora.
- Tracts of structural landscaping extending into development areas of at least 15m in width.
- An avenue of tree planting along the access road.
- An area of heavily treed native woodland planting in the north west corner of the site of approximately 2.5ha.
- Tree planting within the area the land outlined in blue to the west of the application site (approximately 2.4ha).
- An area of tree planting within the land outlined in blue to the west of the application site.
- Swales and balancing ponds including the provision of shallow areas, and deeper, cooler areas, as well as the planting regimes.

Reason: To ensure a satisfactory appearance and landscape setting to the development and satisfactory implementation, maintenance and management of the landscaped areas.

9. The details submitted pursuant to condition 1 shall include at least 10,000m² of B1(a) or B1(b) floorspace.

Reason: To comply with the site allocation policy.

10. The details submitted pursuant to condition 1 shall not exceed the following floorspaces (unless made subject to further assessment):

B1(a)(b) uses - 10,000m²

B1(c) uses - 12,840m²

B8 uses - 22,455m²

Reason: To comply with the floorspace amounts assessed under the Environmental Statement.

11. The details submitted pursuant to condition 1 shall be designed so that any impact with regards to noise is reduced to a minimum in accordance with national policy and the design of the development shall aim to meet the levels defined by the Noise Rating Curve 35 at the existing noise sensitive properties. The final design and noise mitigation applied shall take into account the prevailing noise environment, the nature and extent of any residual impact as well as its economic cost and benefit.

Reason: In the interests of residential amenity.

12. The details submitted pursuant to condition 1 shall incorporate measures to minimise the risk of crime according to the principles and physical security requirements of Crime Prevention through Environmental Design (CPTED).

Reason: In the interest of security, crime prevention and community safety.

13. No development shall take place until a phasing plan for the whole site has been submitted to the Local Planning Authority and agreed in writing. The approved phasing plan shall be followed unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure a suitable development of the site.

14. No development shall take place until the specific details of the off-site highway improvements to the A20 including the site access junction, pedestrian refuges, footway/cycleway enhancements, and bus stops have been submitted to and approved in writing by the Local Planning Authority in consultation with the Highways Authority. The subsequently approved details shall be carried out in full prior to the occupation of any of the development.

Reason: In the interests of highway safety and to promote sustainability.

15. No development shall take place until a Construction Management Plan and Code of Construction Practice, including the provision of wheel washing facilities, has been submitted to and approved in writing by the local planning authority. The approved details shall be fully implemented. The construction of the development shall then be carried out in accordance with the approved Code of Construction Practice and BS5228 Noise Vibration and Control on Construction and Open Sites and the Control of dust from construction sites (BRE DTi Feb 2003) unless previously agreed in writing by the Local Planning Authority.

The code shall include:

- An indicative programme for carrying out the works
- Measures to minimise the production of dust on the site(s)
- Measures to minimise the noise (including vibration) generated by the construction process to include the careful selection of plant and machinery and use of noise mitigation barrier(s)
- Maximum noise levels expected 1 metre from the affected façade of any residential unit adjacent to the site(s)
- Design and provision of site hoardings

- Management of traffic visiting the site(s) including temporary parking or holding areas
- Provision of off road parking for all site operatives
- Measures to prevent the transfer of mud and extraneous material onto the public highway
- Measures to manage the production of waste and to maximise the re-use of materials
- Measures to minimise the potential for pollution of groundwater and surface water
- The location and design of site office(s) and storage compounds
- The location of temporary vehicle access points to the site(s) during the construction works
- The arrangements for public consultation and liaison during the construction works

Reason: In view of the scale of the development and in the interests of highway safety and local amenity.

16. No development shall take place (including any demolition, ground works, site clearance) until an updated Great Crested Newt survey report and mitigation strategy (if required) has been submitted to and approved in writing by the Local Planning Authority. Any approved mitigation shall be carried out in full and thereafter maintained.

Reason: In the interests of biodiversity.

17. No development shall take place until a Landscape and Ecological Management Plan (LEMP) has been submitted to, and approved in writing by, the local planning authority. The content of the LEMP shall include the following:

- a) Description and evaluation of features to be managed including the retained woodland pasture, SUDS scheme, wooded paddock and hedgerows;
- b) Ecological trends and constraints on site that might influence management;
- c) Aims and objectives of management;
- d) Appropriate management options for achieving aims and objectives;
- e) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period);
- g) Details of the body or organisation responsible for implementation of the plan;
- h) Ongoing monitoring and remedial measures.

The LEMP shall also include details of 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. The plan shall also set out (where the results from monitoring show that conservation aims and objectives of the LEMP are not being met) how contingencies and/or remedial action will be identified, agreed and implemented so that the development still delivers the fully functioning biodiversity objectives of the originally approved scheme. The approved plan will be implemented in accordance with the approved details.

Reason: In the interests of biodiversity.

18. No development shall take place until an ecological design strategy (EDS) addressing ecological enhancements for the site has been submitted to and approved in writing by the local planning authority. The EDS shall include the following:

- a) Purpose and conservation objectives for the proposed works;

- b) Review of site potential and constraints;
- c) Detailed design(s) to achieve stated objectives;
- d) Extent and location/area of proposed works on appropriate scale maps and plans;
- e) Type and source of materials to be used, e.g. native species of local provenance;
- f) Timetable for implementation demonstrating that works are aligned with any proposed phasing of development;
- g) Persons responsible for implementing the works;
- h) Details of initial aftercare and long term maintenance;
- i) Details for monitoring and remedial measures.
- j) Provision of ground nesting bird habitat.
- k) Follow the principles of the biodiversity enhancement plan as outlined under the 'Lloydboore Ecology Report (20/04/17)'

The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

Reason: To protect and enhance biodiversity.

19. No development shall take place (including any ground works, site or vegetation clearance) until a method statement for ecological mitigation has been submitted to, and approved in writing, by the local planning authority. The content of the method statement shall include the:

- a) Purpose and objectives for the proposed works;
- b) Detailed design(s) and/or working method(s) necessary to achieve stated objectives;
- c) Lighting strategy plan demonstrating that there will be no detrimental impacts to bats and their place of shelter;
- d) Extent and location of proposed works, including the identification of a suitable receptor site, shown on appropriate scale maps and plans;
- e) Timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
- f) Persons responsible for implementing the works, including times during construction when specialist ecologists need to be present on site to undertake / oversee works;
- g) Use of protective fences, exclusion barriers and warning signs;
- h) Initial aftercare and long-term maintenance (where relevant);
- i) Disposal of any wastes for implementing work (where relevant).

The works shall be carried out in accordance with the approved details and shall be retained in that manner thereafter.

Reason: To protect habitats and species identified in the ecological surveys from adverse impacts during construction.

20. No development shall take place (including demolition, ground works, vegetation clearance) until a construction environmental management plan (CEMP: Biodiversity) has been submitted to and approved in writing by the local planning authority. The CEMP (Biodiversity) shall include the following.

- a) Risk assessment of potentially damaging construction activities.
- b) Identification of "biodiversity protection zones".

- c) Practical measures (both physical measures and sensitive working practices) to avoid or reduce impacts during construction (may be provided as a set of method statements).
- d) The location and timing of sensitive works to avoid harm to biodiversity features.
- e) The times during construction when specialist ecologists need to be present on site to oversee works.
- f) Responsible persons and lines of communication.
- g) The role and responsibilities on site of an ecological clerk of works (ECoW) or similarly competent person.
- h) Use of protective fences, exclusion barriers and warning signs.

The approved CEMP shall be adhered to and implemented throughout the construction period strictly in accordance with the approved details, unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of biodiversity.

21. No development shall take place (including demolition, ground works, vegetation clearance) until a precautionary reptile mitigation strategy has been submitted to and agreed in writing by the Local Planning Authority. The precautionary mitigation strategy must include the following:

- Map showing the areas of suitable reptile habitat (both retained and lost by the development)
- Methodology to clear the reptile habitat
- Time of year the works will be carried out
- Confirmation that an experienced reptile worker will carry out the works
- Details of how the retained habitat will be protected during construction works.

The approved strategy shall be adhered to unless otherwise agreed in writing by the local planning authority.

Reason: In the interests of biodiversity.

22. No development shall take place a scheme detailing and where possible quantifying what measures or offsetting schemes are to be included in the development which will reduce the transport and building related air pollutant emissions of the development during construction and when in occupation have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. The developer should have regard to the DEFRA guidance from the document Low Emissions Strategy - using the planning system to reduce transport emissions January 2010.

Reason: In the interests of pollution reduction.

23. No development shall take place until the following details have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details:

- (i) Development shall not begin until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall maximise the use of infiltration and shall demonstrate that both the rate and volume of run-off leaving the

site post-development will be restricted to that of the existing site, with the rate of runoff not exceeding 80.1l/s for any rainfall event (up to and including the climate change adjusted 100 year critical storm).

- (ii) Development shall not begin until it has been appropriately demonstrated that the existing on-site surface water flow-routes and accumulation points will not be altered in such a way that the development places adjacent properties at risk of flooding during any rainfall event, up to and including the climate change adjusted critical 100 year storm.
- (iii) 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.

24. No phase of development shall take place until the following components of a scheme to deal with the risks associated with contamination of the site shall have been submitted to and approved, in writing, by the local planning authority:
- 1) A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site.
 - 2) A site investigation scheme, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - 3) A remediation method statement (RMS) based on the site investigation results and the detailed risk assessment (2). This should give full details of the remediation measures required and how they are to be undertaken. The RMS should also include a verification plan to detail the data that will be collected in order to demonstrate that the works set out in the RMS are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.
 - 4) A Closure Report is submitted upon completion of the works. The closure report shall include full verification details as set out in 3. This should include details of any post remediation sampling and analysis, together with documentation certifying quantities and source/destination of any material brought onto or taken from the site. Any material brought onto the site shall be certified clean;

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

Reason: For the protection of Controlled Waters and in the interests of pollution prevention.

25. No phase of development shall take place until the applicant, or their agents or successors in title, has secured the implementation of the following relating to that phase:

- 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 and that due regard is had to the preservation in situ of important archaeological remains.

26. No phase of the development shall take place until details of the proposed slab levels of the buildings and the existing site levels relating to that phase have been submitted to and approved in writing by the Local Planning Authority and the development shall be completed strictly in accordance with the approved levels.

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

27. No phase of the development shall take place until an Arboricultural Impact Assessment (AIA) in accordance with the current edition of BS:5837 relating to that phase (where relevant) has been submitted to and approved in writing by the local planning authority. It shall 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 take account of site access, demolition and construction activities, foundations, service runs and level changes. It shall also detail any tree works necessary to implement the approved scheme and include a plan showing protection of trees and ground designated for new structural planting.

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

28. No phase of the development above damp proof course level shall take place until written details and samples of the materials to be used in the construction of the external surfaces of any buildings and hard surfaces relating to that phase have been submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the approved materials. The materials shall follow the principles of the Design & Access Statement.

Reason: To ensure a satisfactory appearance to the development.

29. No phase of the development above damp proof course level shall take place until details of all fencing, walling and other boundary treatments relating to that phase have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details before the first occupation of the building(s) or land and maintained thereafter. The boundary

treatments shall follow the principles within the Design & Access Statement and include the use of ragstone walling.

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

30. No phase of the development above damp proof course level shall take place until details of any lighting for the site relating to that phase has been submitted to and approved in writing by the local planning authority. The submitted details shall include, inter-alia, details of measures to shield and direct light from the light sources so as to prevent light pollution and in the interests of biodiversity. The development shall thereafter be carried out in accordance with the subsequently approved details. All external lighting shall be installed in accordance with the specifications and locations set out in the details, and these shall be maintained thereafter.

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

31. No phase of the development shall take place above damp proof course level until details of facilities for the charging of electric vehicles within that phase have been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be provided before the first use of the building(s) or land, should conform to the latest standards and conform to best practice, and be thereafter retained.

Reason: In the interests of sustainable transport use, pollution reduction and local amenity.

32. The approved details of the access to the site as shown on drawing no. PL 003 RevC shall be completed prior to the occupation of the site and thereafter maintained to the satisfaction of the Local Planning Authority.

Reason: In the interests of highway safety.

33. Prior to first use of any premises, in respect of noise, details of the anticipated operation of the various units shall be submitted to and approved in writing by the Local Planning Authority. In particular, the details shall compare the anticipated operation with that assumed in the Environmental Statement (ES) to show that the level of noise impact and effect would continue to comply with national policy. The development shall be carried out in accordance with the approved details.

Reason: In the interests of residential amenity.

34. Notwithstanding the implementation of wider site boundary planting being established under the first phase of any development under condition 8, all planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season (October to February) following the occupation of the phase that the landscaping scheme relates to. Any seeding or turfing which fails to establish or any trees or plants which, within ten years from the first occupation of that phase or from planting of the wider site boundary planting, die or become so seriously damaged or diseased that their long term amenity value has been adversely affected shall be replaced in the next planting season with plants of the same species and size as detailed in the approved landscape scheme unless the local planning authority gives written consent to any variation.

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

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

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

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

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

37. All buildings shall achieve a Very Good BREEAM UK New Construction 2014 rating. A final certificate shall be issued to the Local Planning Authority for written approval to certify that at a Very Good BREEAM UK New Construction 2014 rating has been achieved within 6 months of the first occupation of each building.

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

38. The precautionary bat mitigation as detailed within the 'Lloydbore Ecology Report (20/04/17)' shall be strictly adhered to unless otherwise agreed in writing with the Local Planning Authority.

Reason: In the interests of biodiversity.

39. Details of the proposed location and design of any electricity substation(s) shall be submitted to and approved in writing by the Local Planning Authority. The design should aim to maximise the distance between the sub-station and existing noise sensitive properties and shall aim to meet the levels defined by the Noise Rating Curve 35 at the existing noise sensitive properties. The final design and noise mitigation applied shall take into account the prevailing noise environment, the nature and extent of any residual impact as well as its economic cost and benefit. The development shall be carried out in accordance with the approved details.

Reason: In the interests of residential amenity.

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

be implemented as approved, verified and reported to the satisfaction of the Local Planning Authority.

Reason: For the protection of Controlled Waters and in the interests of pollution prevention.

41. No infiltration of surface water drainage into the ground is permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to Controlled Waters. The development shall be carried out in accordance with the approval details.

Reason: For the protection of Controlled Waters and in the interests of pollution prevention.

42. Piling or any other foundation designs using penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

Reason: For the protection of Controlled Waters and in the interests of pollution prevention.

43. No open storage of plant, materials, products, good for sale or hire or waste shall take place on the site.

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

44. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (or any order revoking and re-enacting that Order with or without modification), no extensions to any buildings shall be carried out without the permission of the Local Planning Authority;

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

45. Any B1(a) and (B1(b) premises shall only be used for those purposes and for no other purpose (including any other purpose in Class B1 of the Schedule to the Town and Country Planning (Use Classes) Order 1987 (as amended) or permitted under the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended)) or any statutory instrument revoking and re-enacting those Orders with or without modification;

Reason: To ensure the development continues to meet the employment needs identified within the Local Plan.

46. In respect of the approved access from the A20 to a position 40 metres into the site only, the development hereby permitted shall be carried out in accordance with drawing no. 13-0596.110 (Site Access Visibility Splays), and 9325.PL.001B (Site Location Plan).

Reason: For the purposes of clarity.

Planning Committee Report

Case Officer: Richard Timms

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

Policy EMP1(4) Woodcut Farm, Ashford Road, Bearsted

Policy EMP1(4)

Woodcut Farm, Ashford Road, Bearsted

Woodcut Farm, as shown on the policies map, is allocated for development for up to 49,000m² mixed employment floorspace (B1a; B1b; B1c; B2; B8). The site will deliver a genuine mix of B class uses in terms of type and range. Office type uses (B1a & b) will be a vital component of this mix and the site will provide at least 10,000m² of B1a/B1b floorspace as an absolute minimum. The mixed use employment, landscaping and infrastructure elements will be delivered in an integrated and co-ordinated manner that respect the site's visual and physical relationship with the Kent Downs AONB. Planning permission will be granted if the following criteria are met.

Design & layout

1. The proposals create a spacious parkland setting for development through the addition of substantial internal landscaping which will be sympathetic to the site's countryside context and which will help to break up the visual appearance of the development, in particular in views from the AONB including through the use of substantial tracts of planting extending into the body of the development to achieve clear visual separation between individual buildings and between parking areas. Buildings will cover not more than 40% of the developed site area.
2. The development proposals will respect the topography of the site by minimising the need for site excavation.
3. Landscape buffers of at least 35m in depth are established along the site's boundary to the M20 including a new native woodland shaw at least 15m to Musket Lane, at least 25m to the A20 including a planted bund, and at least 30m along the western boundary, which will also help secure the setting to Woodcut Farmhouse (Grade II listed) and the amenity of residential properties at Chestnuts and White Heath. Tracts of structural landscaping will extend into development areas of at least 15m in width.
4. An area of 9ha to the north and north west of Woodcut Farm is secured as an undeveloped landscape area in the form of open woodland including the addition of a landscape buffer of at least 30m along the eastern boundary. Future management of this area will be secured by means of legal agreement and maintained in perpetuity.
5. Larger footprint buildings will be accommodated in the field to the east of the stream up to a maximum unit size of 5,000m² with building ridge heights not to exceed 12m. Units should be orientated end-on to predominant views to and from the AONB.

6. Development on the field to the west of the stream comprises smaller units of up to 2,500m² footprint. Graded building heights will take account of the site's topography with building ridge heights not to exceed 8m. On the highest part of the site at and above the 55m contour line as shown on the policies map, building footprints will be limited to 500m². The siting, scale and detailed design of development must have regard to the preservation of Woodcut Farmhouse (Grade II) and its setting.
7. The development proposals are designed to limit their visual impact including through the use of curved roofs on buildings, non-reflective materials, sensitive colouring, green roofs and walls on smaller footprint buildings (500m² and below), and sensitive lighting proposals. Buildings should include active frontage elements incorporating glazing, and address both the A20 and M20.
8. To the east of the stream, land to accommodate a minimum of 7,500m² of floorspace within Use Classes B1a and B1b will be provided. Land sufficient for at least 5,000m² of this floorspace will be provided with vehicular access and all necessary services including drainage and electrical power supply to the boundary of the plot/s prior to the first occupation of any units falling within Use Classes B1c, B2 or B8. The land which is provided for the minimum of 7,500m² of B1a and B1b will be safeguarded from any other uses until April 2026 or until otherwise allocated through a local plan review.
9. To the west of the stream, land to accommodate a minimum of 2,500m² of floorspace within Use Classes B1a and B1b will be provided. This land will be safeguarded from any other uses until April 2026 or until otherwise allocated through a local plan review.

Landscape and ecology

10. The development proposals are designed to take into account the results of a landscape and visual impact assessment (LVIA) undertaken in accordance with the principles of current guidance. The assessment will specifically address the impact of development on views to and from the Kent Downs AONB escarpment. This will include environmental enhancements of the wider landscape beyond the allocation boundaries through financial contributions using the mechanism of a S106 agreement.
11. The development proposals are designed to take account of the results of a phase 1 habitat survey and any species specific surveys that may as a result be necessary, together with any necessary mitigation and significant enhancement measures.

Archaeology

12. The proposals are designed to take account of the archaeological interest on the site as revealed through appropriate survey.

Access

13. Vehicular access to the site will be from A20 Ashford Road.

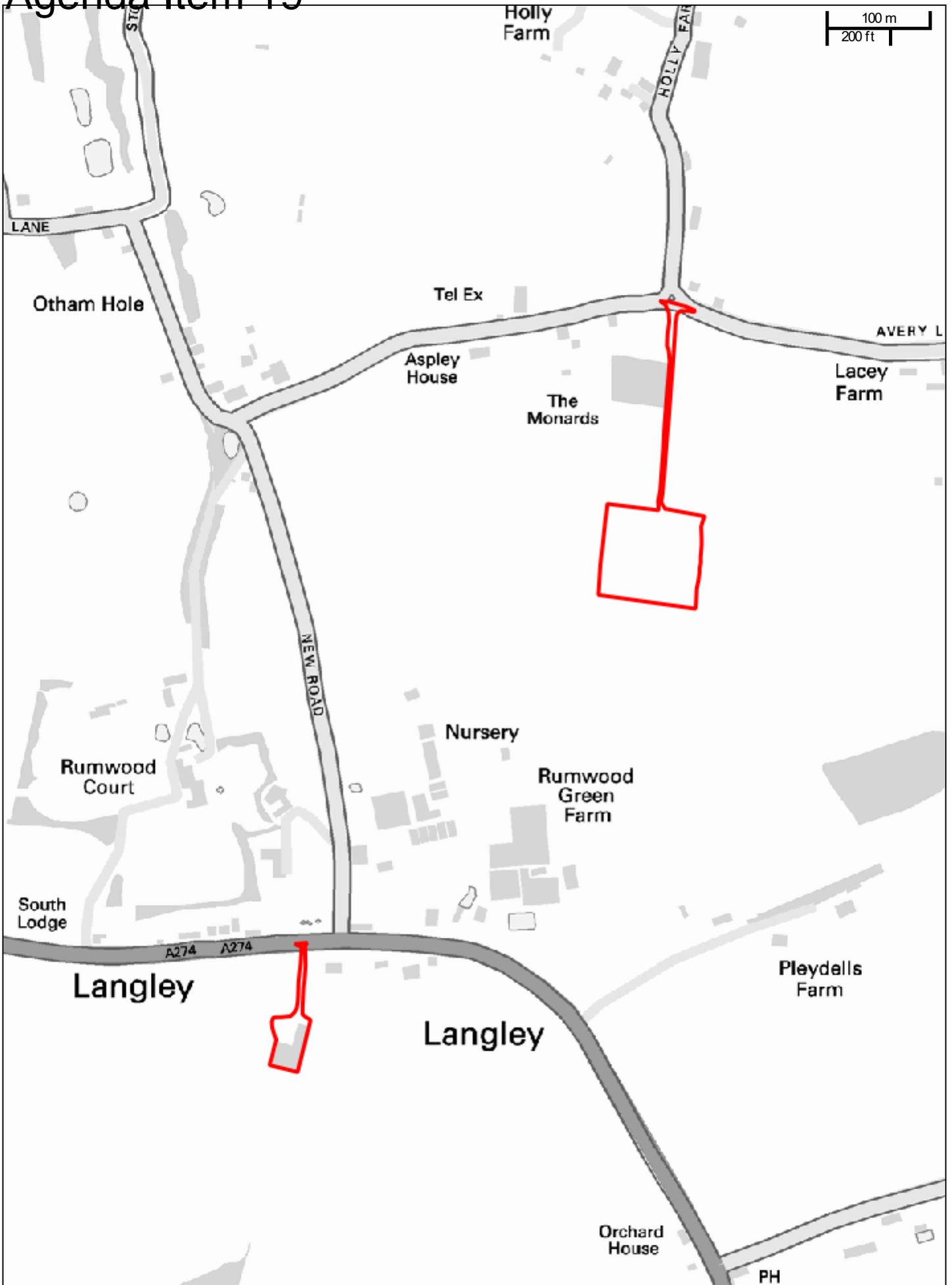
Highways and transportation

14. Improvements to capacity at the A20/Willington Street junction.
15. Package of measures to provide bus stops, pedestrian refuges and improvements to the footway on the northern side of the A20 Ashford Road.
16. Development will contribute, as proven necessary through a Transport Assessment, to improvements at the following junctions:
 - i. The M20 Junction 8 (including the west-bound on-slip and merge);
 - ii. The A20 Ashford Rd/M20 link road roundabout;
 - iii. The A20 Ashford Rd/Penford Hill junction;
 - iv. The A20 Ashford Rd/Eyehorne Street/Great Danes Hotel access; and
 - v. The Willington Street/A20 Ashford Rd junction.
17. Development will deliver a significant package of sustainable transport measures to secure access to the site by a range of sustainable modes, including the provision of a subsidised bus route, and must be supported by the implementation of a Travel Plan.

Minerals safeguarding

18. This site falls within the Minerals Safeguarding Areas as shown on the policies map and therefore development proposals will be required to undertake a minerals assessment to assess the viability and practicability of prior extraction of the minerals resource. The minerals assessment will comply with Policy DM7 of the Kent Minerals and Waste Local Plan (2013-2030) and any supplementary planning guidance produced by the Minerals Planning Authority in respect of minerals safeguarding.

Agenda Item 19



17/503043 Land South Avery Lane and Land South of Sutton Rd

Scale: 1:5000

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REPORT SUMMARY

REFERENCE NO - 17/503043/FULL			
APPLICATION PROPOSAL			
Demolition of existing pack house located at Sutton Road, Langley and erection of replacement agricultural/horticultural building with ancillary facilities, yard, drainage works, and alterations to existing access and landscaping at land at Avery Lane.			
ADDRESS Land South of Avery Lane and Land South of Sutton Road Otham Kent			
RECOMMENDATION - GRANT subject to the planning conditions set out in Section 5.0 of the report			
SUMMARY OF REASONS FOR RECOMMENDATION			
<p>There is a demonstrated agricultural need for the replacement building due to the loss of an existing building to facilitate future housing development and to allow for the sustained needs of the existing nursery and those future short-medium term future demands of the horticultural enterprise.</p> <p>The development would result in some landscape harm due to its greenfield location and proposed access, but this visual harm is balanced against the agricultural need and the demonstration that no other suitable sites within the applicants land ownership exist.</p> <p>No significant objections are raised on the grounds of highways matters, residential amenity, ecology or any other impacts that would warrant refusal of the application.</p>			
REASON FOR REFERRAL TO COMMITTEE			
The application is contrary to the views of Langley and Otham Parish Councils and both have requested it be presented to the Planning Committee should the recommendation be for approval.			
WARD Sutton Valence And Langley	PARISH/TOWN Langley	COUNCIL	APPLICANT Rumwood Nurseries Rumwood Nurseries AGENT DHA Planning
DECISION DUE DATE 11/09/17	PUBLICITY EXPIRY DATE 21/7/17	OFFICER SITE VISIT DATE 28/7/17	
RELEVANT PLANNING HISTORY (inc appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
Please see Appendix containing Committee report dated 9 th November 2017			

MAIN REPORT

1.0 BACKGROUND

- 1.01 The application was presented to Members at the deferred Planning Committee meeting dated 16th November 2017. At the meeting Member's resolved to defer the application in order that highways matters regarding the use of Avery Lane could be explored further and that an Officer from KCC Highways could be present at the meeting.
- 1.02 This report should be read in conjunction with the earlier report dated 9th November 2017.

- 1.03 Concerns were raised that KCC Highways had requested a planning condition which would restrict larger vehicles accessing the site and traffic movement in accordance with those trips set out in the Planning, Design and Access Statement. Paragraph 6.24 of the original report set out that such a condition would not meet the requisite tests and would be unreasonable and unenforceable.
- 1.04 Member's requested that alternative solutions be explored to achieve this. Solutions suggested were whether there could be an alternative appropriate condition attached, whether a legal agreement requiring a Traffic Regulation Order (TRO) could be explored, whether another mechanism would be appropriate to restrict access by larger vehicles or ultimately what would KCC Highways comments being if no restrictions were in place.

2.0 ACTIONS

- 2.01 KCC Highways have been made aware of Member's comments and the options put forward from Member's have been relayed to the Highways Officer and alternative options considered. The various options have been discussed with the Highways Officer.
- 2.02 A Traffic Regulation Order (TRO) is not considered reasonable and would not meet the relevant tests. It would also place unreasonable restrictions on existing larger vehicles which use Avery Lane, for example refuse vehicles and delivery vehicles. Placing a weight limit on Avery Lane would also not be practical as exceptions to the weight limit would exist when there is a genuine need for access. Again the securing of a travel plan would not in principle have the ability to limit larger vehicles from using Avery Lane and as such would not secure traffic restrictions that local representation would ideally wish to secure. The initial option of a condition to restrict the use of larger vehicles as part of the application remains to be considered the favoured option by the Highways Officer.
- 2.02 However in the event that a condition to restrict larger vehicles would not be appropriate due to the officer view that such a condition would not meet the 6 tests as set out by paragraph 206 of the NPPF, no sustainable objection would be raised to the application in the absence of a condition and that the proposed development would not result in significant traffic generation that would warrant refusal of the application. Good crash data for the lane itself exists such that it is not considered highways safety would be compromised.
- 2.03 A KCC representative will be present at the Committee Meeting.
- 2.04 The agent has provided additional information in respect of highways movements and sets out the following :

I attach for your assistance photographs of the tractors/trailers and Land Rovers which are used by Rumwood Nurseries, these are typical of the vehicles which will be used to transport plants/trees etc from the growing fields to the Avery Lane site. As set out in section 7.10.4 of the Planning Design and Access Statement it is anticipated that the proposal will generate up to 28 vehicle trips (14 arrivals and 14 departures) across a typical working day this includes staff vehicles, tractor/trailers and vans/light goods vehicles. The existing site access to Avery Lane will be widened and improved and it should also be noted that these are not new traffic movement on the highway networks. We remain of the opinion, therefore, that the

level of use does not represent a significant or 'severe' transport impact and thus is in line with the NPPF.

We also wish to reiterate that no large articulated vehicles will access the site. Any equipment or items that requires transporting to the Avery Lane site from the main nursery site will be by tractor/trailer and vans/light goods vehicles.

- 2.05 In conclusion it is considered that the proposed development would be acceptable in terms of the highways impact.

3.0 OTHER MATTERS

- 3.01 Following the Committee Meeting the agent has provided amended plans which show further enhanced buffer planting along the eastern and southern boundaries of the proposed parking area/building. Attention has also been drawn to the retained thick hedge along the western boundary. These plans supersede those previously presented to Member's and Condition 2 as set out in the recommendation below. The exact details of the landscaping scheme are conditioned by Condition 6 as set out in the recommendation.

- 3.02 Following member's earlier discussion an additional condition has been added to the recommendation to secure the use of Renewable Energy.

4.0 CONCLUSION

- 4.01 It is not considered there is reason to depart from the conclusions set out in the earlier committee report.

5.0 RECOMMENDATION – GRANT planning permission subject to the following conditions:

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

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

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

Drwg DHA/11313/06 rev B (Pack house relocation, existing and proposed site plans)
Drwg DHA/11313/08 (Pack house relocation – Proposed elevations)
Drwg DHA/11313/07 (Pack house relocation – proposed floor plans)
Drwg DHA/11313/09 (Access design)
Drwg DHA/11313/01 (Pack house relocation Site location plan)
Drwg DHA/11313/10 (Landscape Plan)

Reason: To clarify which plans have been approved.

- (3) Within 3 months of the first occupation of the building hereby approved the existing building (identified at location B on Drwg DHA/11313/01 (Pack house relocation Site location plan) shall be demolished and all resulting paraphernalia and spoil from the demolition removed from the site and the site made good in accordance with details submitted to and approved by the local planning authority (which could include the

site to be redeveloped in accordance with any future approved planning application for the site).

Reason: The justification for the new building is need and as such both buildings would not be required for the function of the farm.

- (4) The development shall be carried out in accordance with the details of external materials specified in the application which shall not be varied.

Reason: In the interests of visual amenity.

- (5) No open storage of plant, materials, products, goods for sale or hire or waste shall take place on the land;

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

- (6) The development hereby approved shall not commence above slab level until a landscape scheme designed in accordance with the principles of the Council's landscape character guidance has been submitted to and approved in writing by the local planning authority. The scheme shall show all existing trees, hedges and blocks of landscaping on, and immediately adjacent to, the site and indicate whether they are to be retained or removed and include a planting specification, a programme of implementation and a [5] year management plan. It shall also include details of hard landscaping and details of the surfacing of the access track and yard area, this should include details that a bound surface would be used for at least the first 5metres from the edge of the highway.

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

- (7) The use of the building hereby permitted shall not commence until all planting, seeding and turfing specified in the approved landscape details has been completed. All such landscaping shall be carried out during the planting season (October to February). Any seeding or turfing which fails to establish or any trees or plants which, within 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

- (8) The development hereby approved shall not commence above slab level until details for 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 scheme could consist of the enhancement of biodiversity through integrated methods and those into surrounding land. 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.

- (9) No external lighting shall be installed on the site without the prior written consent of the Local Planning Authority.

Reason: In the interests of amenity of adjoining residents.

- (10) Prior to the first use of the building hereby permitted the details for improving the access with Avery Lane and the provision of visibility splays shown on Drwg DHA/11313/09 (Access design) shall be carried out in accordance with the approved details and maintained as such.

Reason: In the interests of highway safety.

- (11) No gates or barriers shall be erected across the access within 7 metres from the back of the carriageway used by vehicular traffic.

Reason: In the interests of highway safety.

- (12) The area shown on Drwg DHA/11313/06 rev A (Pack house relocation, existing and proposed site plans) as vehicle parking, loading, off-loading and turning space, shall be paved and drained in accordance with details submitted to and approved in writing by the Local Planning Authority before the use is commenced or the premises occupied and shall be retained for the use of the occupiers of, and visitors to, the premises, and no permanent development, whether or not permitted by Town and Country Planning (General Permitted Development) Order 2015(or any Order revoking and re-enacting those Orders), shall be carried out on that area of land or in such a position as to preclude its use.

Reason: Development without provision of adequate accommodation for the parking, loading, off-loading and turning of vehicles is likely to lead to such activities inconvenient to other road users and harmful to highway safety.

- (13) The development hereby approved shall not commence until details of how decentralised and renewable or low-carbon sources of energy will be incorporated into the development hereby approved to provide at least 10% of total annual energy requirements of the development, will be 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 commencing to ensure the methods are integral to the design and to ensure that all options (including ground source heat pumps) are available.

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.

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ADDRESS Land South Of Avery Lane And Land South Of Sutton Road Otham Kent			
RECOMMENDATION - GRANT subject to the planning conditions set out in Section 8.0 of the report			
SUMMARY OF REASONS FOR RECOMMENDATION			
<p>There is a demonstrated agricultural need for the replacement building due to the loss of an existing building to facilitate future housing development and to allow for the sustained needs of the existing nursery and those future short-medium term future demands of the horticultural enterprise.</p> <p>The development would result in some landscape harm due to its greenfield location and proposed access, but this visual harm is balanced against the agricultural need and the demonstration that no other suitable sites within the applicants land ownership exist.</p> <p>No significant objections are raised on the grounds of highways matters, residential amenity, ecology or any other impacts that would warrant refusal of the application.</p>			
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DECISION DUE DATE 11/09/17	PUBLICITY EXPIRY DATE 21/7/17	OFFICER SITE VISIT DATE 28/7/17	
RELEVANT PLANNING HISTORY (inc appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
No history relating to the part of the application site on Avery Lane			
Site on Sutton Road			
15/509015/OUT	Outline application for residential development, together with non-residential uses (including potentially A1 (retail), A3 (sale of food and drink on the premises e.g. restaurant), A4 (public house), D1(a) (medical use), D1(b) (creche/day centre/day nursery), or B1 (office), up to 0.4 ha of land reserved for C2 (residential care), the reservation of 2.1 ha of land for primary education (use class D1), public open space in the form of natural green space, allotments, play facilities and informal open	Pending decision	N/A

	space together with landscaping, parking, footpath and cycle links and the necessary servicing, drainage and the provision of necessary utilities infrastructure, with all matters reserved for future consideration with the exception of access (Amended proposal).		
03/1952	Erection of steel framed horticultural building	Permitted	1/12/03
Rumwood Nurseries (Fronting New Road)			
10/1408	Application for prior notification for proposed agricultural development being the erection of a replacement horticultural building	Prior approval required and given	13/8/10
02/0099	Demolition of existing shop and construction of new shop.	Permitted	18/3/02
99/1602	Erection of 2 no. shade structures	Permitted	07/2/00
98/0276	Agricultural prior notification for the extension to existing agricultural building to provide for the despatch and packing of plants.	Permitted	26/2/98
Other history relating to the 1970s/1980s for replacement and new offices and a refused agricultural dwelling.			
Land to the South/South East Rumwood Green Farm			
15/503647	Part retrospective application for the over-winter storage of an additional 76 no. seasonal agricultural and general workers caravans with limited occupation over the winter period and formation of a new access to New Road to serve the caravan site.	Permitted	5/8/15
15/501103	Erection of controlled atmosphere storage building, chiller dispatch and loading building, general purpose agricultural storage buildings, hard surface yard and above ground water storage tanks	Permitted	18/5/15
13/0541	Retrospective application for the retention of polytunnels and a proposed change of use of land for the storage of 17 additional seasonal and general workers caravans with limited occupation during winter period	Permitted	31/5/13
12/1059	Erection of a general purpose agricultural storage building	Permitted	17/9/12
12/0715	An application for a lawful development certificate for an existing operation being the erection of polytunnels on the basis that the building works were completed more than four years before the date of the application.	Permitted	20/4/12
06/0724	Erection of an agricultural cold store/storage building	Permitted	19/7/06
04/2304	Erection of an agricultural cold store building	Permitted	17/2/05

MAIN REPORT**1.0 DESCRIPTION OF SITE**

- 1.01 The application relates to two separate site, firstly that located off Sutton Road where an existing agricultural storage building is located and secondly land located off Avery Lane where the proposed new agricultural building would be sited.

Land off Sutton Road

- 1.02 The existing agricultural building is located to the south of Sutton Road, almost opposite the junction with New Road to the north. The site benefits from its own access which is laid to hardcore and measures approximately 80m in length, with the existing agricultural building set back a similar distance from the road frontage.
- 1.03 The existing building is single storey with a grey corrugated wall finish and a corrugated roof. The building is approximately L-shaped and was previously extending in around 2004. There is an existing hedge fronting Sutton Road with the access into the site open and forming a Public Right of Way (KH369) which runs along the eastern boundary of the site. Existing residential development along this southern section of Sutton Road is sporadic, with the access track adjacent to Montrose being the nearest residential property.
- 1.04 The site is currently outside any settlement boundary, but is part of a wider allocation for development as part of the emerging local plan. This has been given a resolution to approve by the Planning Committee and is awaiting the completion of a legal agreement.

Land off Avery Lane

- 1.05 The proposed site of the new building is to the north-east of the existing building. It would be accessed from Avery Lane and would utilise an existing farm access which would be upgraded as required. The site is set back approximately 200m from the road frontage and is indicated as a regular square site which would be sited forward of the demarking hedge boundary to the south of the site and would be located to the east of an existing PROW (KH362) which lies to the west of an existing hedgerow along the western boundary.
- 1.06 The site is located to the south of existing residential properties which front Avery Lane (namely Holcott House and The Monards) which are located approximately 200m to the north. The main nursery buildings are located to the west of the site which front New Road and to the south of and south-west of the site there are existing agricultural operations of Rumwood Green Farm, which consists of polytunnels, agricultural workers caravans and agricultural storage and packing buildings.
- 1.07 The site is outside any settlement boundary as defined in the adopted or emerging local plans, as such is within the countryside. No specific landscape designations apply to the site.

2.0 PROPOSAL

- 2.01 The proposal is for the demolition of the existing packhouse off Sutton Road and the erection of a new packhouse off Avery Lane.

Land off Sutton Road

- 2.02 The existing packhouse building to be demolished measures an approximate maximum width of 27.4 (reducing to 12m), length of approximately 49m, with a pitched roof with an eaves height of 4.2m and a ridge height of 6.4m.

Land off Avery Lane

Building

- 2.03 The proposed new packhouse building would be rectangular in shape and would measure approximately 28m in width, 50m in length, with a pitched roof of approximately 5m to eaves and 7.7m to the ridge.

The building would be of steel construction and would be built on a brick plinth with metal sheeting clad walls coloured in Juniper Green, with a cement sheeting or metal profile sheeting roof in a anthracite grey colour.

Rooflights are proposed in the east and west facing elevations, totalling 60. The northern elevation would be blank, with four small low level windows in the western elevation. The eastern elevation would contain two sets of roller shutter doors and a more formal arrangement of windows to serve proposed office space. The southern elevation would contain a number of windows and doors to serve storage space, office space, toilets, staff, kitchen and lobby area.

The building at ground floor would accommodate a workshop area and nursery storage area, with a small area of mezzanine at the southern part of the building.

Access and parking

- 2.04 Access would be from Avery Lane to the north and would involve the upgrading of the existing field access. This would measure approximately 200m in length and the existing grassed surface would be scraped back to reveal the existing hardsurfacing and improved and widened where necessary.

The existing entrance onto Avery Lane would be upgrading to provide adequate width, which would result in the existing hedge being cut back and re-aligned.

An area of hardstanding is proposed to the east of the existing building, this would measure approximately 25m by 63m and accommodate parking for 14 cars. The area would also provide turning and manoeuvring area.

Landscaping

- 2.05 Hedge planting is shown to be retained along the southern, eastern and western boundaries with some enhancement of planting around part of the perimeter of the parking area and dissecting through the field southwards.

Other elements

- 2.06 Four water storage tanks are proposed to be located to the south of the proposed building. These would measure 6m in diameter and be 3m in height. They would be constructed of steel and would be coloured in Juniper Green.

3.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Maidstone Local Plan (2017) – DM1, DM3, DM6, DM8, DM21, DM23, DM30, DM36
and DM37

Landscape Character Assessment Guidelines and Maidstone Landscape Character
Study

4.0 LOCAL REPRESENTATIONS

Langley Parish Council: Would wish to see this application refused due to concerns relating an increased movement of large vehicles accessing and using Avery Lane, this is a narrow single track road and it is felt this would be detrimental to highway safety.

Otham Parish Council : Wish to see this application refused due to our concerns relating to an increased movement of vehicles accessing and using Avery Lane and due to the size and scale of the proposed building, both of which we believe will harm this rural area and harm the visual amenity of local residents and the adjacent public footpath.

Avery Lane is a narrow, poorly maintained, single track road and it is felt that any increase in traffic would be detrimental to highway safety and will harm this rural location. An alternative access from Sutton Road or via Rumwood's garden centre would make more sense.

We feel that the design and appearance of the proposed building is unsympathetic to the local area and will harm visual amenity.

Neighbour representation

Adjoining neighbours were notified of the application and a site notice was also put up at the site. 5 objections have been received in response to the original consultation which are summarised as follows :

- Increase in traffic
- Poor quality of road and cannot cope with more traffic
- Highway safety and poor point of access
- Large building which would be visually prominent
- Impact on house prices
- Flooding of Avery Lane
- Should choose an alternative site or point of access
- Application should not have sold land if it is still needed
- Loss of privacy
- Industrialisation of the countryside

5.0 CONSULTATIONS

5.01 Kent Highways

Of particular note is section 7.10 of the Planning Design and Access Statement which indicates that this proposal will be accessed by tractors and trailers, vans and

private staff cars only. It is also noted that the sum of all these movements is not expected to exceed 28 vehicle trips (14 arrivals and 14 departures) across a typical working day. The Planning Design and Access Statement states that 'No larger vehicles will access the site'. Should this application be approved it is considered that a planning condition reflecting this use would be helpful to maintain that case.

In the context of the transport movements described above and improvements proposed to the access with Avery Lane I write to confirm on behalf of this authority that I have no objections subject to conditions

5.02 **KCC Drainage**

Having reviewed the submitted information we are satisfied with the principles proposed for dealing with surface water. We do have slight concerns with how surface water from the new access road will be dealt with (given that the topography of the site falls towards Avery Lane) but feel this can be dealt with as part of the detailed design.

5.03 **Environment Agency**

No comment

5.04 **KCC Public Right of Way Officer**

Public Rights of Way KH362 footpath runs along the western boundary of the site and should not affect the application.

5.05 **Rural Planning Officer**

Assuming the existing structures are demolished, I consider a replacement facility, of the sort envisaged, to be necessary for agriculture, in accordance with policy ENV43(1) of the Local Plan(now superseded), so as to sustain the operation of this well-established specialist horticultural enterprise.

5.06 **Southern Water**

No objection, standing advice

5.07 **Southern Gas Networks**

No objection, standing advice

6.0 **APPRAISAL**

Main Issues

6.01 The key issues for consideration relate to:

- **Principle of development**
- **Agricultural need**
- **Sustainability**

- Residential amenity
- Highways
- Landscaping, ecology and tree matters

Principle of Development

- 6.02 The site is located within the countryside beyond the defined bounds of any settlement, which means that policy SP17 of the local plan is relevant.
- 6.03 Development in the countryside is restricted by the above policy, which emphasises the importance of the visual appearance of countryside locations. Policy SP17 supports agricultural proposals which facilitate the efficient use of the borough's significant agricultural land and soil resource providing any adverse impact on the appearance of the character of the landscape can be appropriately mitigated. Policy DM36 recognises the importance of farming to the economic and environmental well-being of the countryside. It states that new agricultural buildings on agricultural land will be permitted provided that the proposals are reasonably necessary for agriculture; the buildings are located within an existing group of buildings or in a location that minimises the impact on the character and appearance of the countryside and it does not have an adverse impact on the amenity of existing residents.
- 6.05 In terms of land use in this location, it is necessary to balance the needs of agriculture against the impact of the proposals.

Agricultural need

- 6.06 When considering the need for development, Rural Planning Ltd, provided the following statement:

'The proposal relates to a long-established horticultural business which includes a retail nursery and garden centre, and open ground used for the specialist growing of roses, as well as other shrubs and trees, sold by mail order online to retail and to trade customers. Overall some 86 ha is managed locally for this business, including about 60 ha owned, with the remainder rented. Production includes up to 400,000 rose bushes a year, as well as 50,000 hedging plants, and 40,000 trees, and involves some 30 employees.

One parcel of the applicants' land, south of the A274 Sutton Road, has been allocated for residential development, subject to completion of a S106 Agreement. This land (some 32 ha) includes the applicants' existing packing/storage/office building (about 27m x 24m) with adjoining farm workshop (25m x 12m). As these structures will also be lost under the development proposals, it is proposed now to remove them and to provide replacement facilities in a somewhat larger single building (50m x 28m, and 5m to eaves), located on land about 500m to the north-east, off Avery Lane.

Despite the forthcoming loss of the 32 ha, the applicants appear confident that they will be able to maintain, and indeed ultimately increase, their horticultural production using the new facility, by renting land locally and by purchasing further land in due course.

Assuming the existing structures are demolished, I consider a replacement facility, of the sort envisaged, to be necessary for agriculture, in accordance with policy

ENV43(1) of the Local Plan, so as to sustain the operation of this well-established specialist horticultural enterprise.'

- 6.07 These comments support the need for the new building and weight is given to the future prospect of the applicants securing further land to compensate for the loss of the land off Sutton Road.
- 6.08 It is acknowledged that a new building will be required should the housing development go ahead on Sutton Road as the existing building would be demolished to facilitate the new development. However in conjunction with this the applicants would lose approximately 32 hectares of their existing land holding. This would reduce the applicant's current land holding by approximately 35% and reduce the land they own by over 50%.
- 6.09 Retained land would be located off Avery Lane, further south along Sutton Road (Playdells), land off Leeds Road (Rectory Farm) and land in Chart Sutton off Warmlake Road.
- 6.10 The proposed new building would be approximately 32% larger in footprint than the existing building (excluding the mezzanine) and would be higher by approximately 1.3m. The applicants have been asked to justify the increase in size of building required and how this correlates with the loss of a large percentage of the land holding.
- 6.11 The information provided as justification for the building has been considered. It has been demonstrated that there is a genuine need for the building and its larger size. This justification in summary is as follows:
- Growth of the existing enterprise since the earlier packhouse extended in 2003, with an approximate doubling in trees and roses planted since that time.
 - Due to crop rotation and land left fallow to recover nutrients, the retained owned and rented land has in itself the capacity to sustain the current level of production for 2/3 years.
 - Land at Sutton Road (allocated for housing) is likely to be available for continued rose production for 2/3 years.
 - Since 2004/2005 there has been an increase in commercial customers from 200/300 to 1500.
 - The applicant has shown clear intentions to rent/purchase additional land. This however would not be required initially to sustain the growth forecast
 - A larger, more modern facility is required to ensure that the produce is of suitable quality, there is sufficient space for storage and ancillary space.
 - Space is required for machinery, currently this has to be kept outside when the existing building is at capacity. There needs to be space provided for 8/9 tractors and trailers, 100 plant trollies, 2 tree lifting machines, cultivators, excavators, 8 Land Rovers, straw bales, packing material and other equipment.
- 6.12 It is therefore considered that the principle of the new building is considered acceptable and that there is an agricultural need for the new larger building.

Sustainability

Economic and Social role

- 6.13 Paragraph 28 of the NPPF supports economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong economy support should be given to the sustainable growth and expansion of all types of businesses and enterprises in rural areas and promotion of development and diversification of agricultural and other land-based rural businesses.
- 6.14 Rumwood Nursery is a horticultural nursery which produces approximately 40,000 trees, between 380,000 to 400,000 roses each year, together with approximately 50,000 hedging plants. The nursery supplies both trade and retail customers, which include borough councils, hotel/leisure groups, land owners, commercial developers, private estates, golf courses, schools/colleges, National Trust, Leeds Castle Estate, farmers and crematoriums.
- 6.15 Comments from the National Farmers Union (NFU) sets out in the background the horticultural industry that:

'In headline terms the ornamental horticultural industry is worth £10.4 billion per annum in terms of the amount spent on UK garden products, tourism and services, employing a total workforce of 300,000 in horticulture and landscaping. The total value of UK plant and flower production is approximately £2 billion, in comparison to the £1 billion worth of plants that are imported into the UK each year, which could be substituted by UK production. There is therefore substantial room to grow the industry and over the past decade the UK has become more self-sufficient in hardy nursery stock produce, increasing to approximately 51% self-sufficiency in 2015 up 7% from 20062.

Despite this the value of hardy nursery stock imports and exports fell year on year by 4% in 2015, mirroring long term 4% declines in general profitability over the last decade. At the same time the value of home production in retail prices has increased by 56% over 2006-15. This serves to illustrate that the market has been "heating up" over the past decade. In response to declining profitability related to increasing labour and input costs, a weaker pound and more competitive negotiations with retail and wholesale buyers; growers have had to respond by increasing their volume of production, countering lower unit profitability with higher turnover. This is essentially the key requirement for growers wishing to stay competitive and viable: they must expand production to remain competitive or risk going out of business entirely.'

- 6.16 This increase in the business is mirrored in the expansion of Rumwood Nurseries which has seen production approximately double in the past 15years, as has the number of staff employed which has increase from around 20 to 40. The client/customer base is approximately 5x larger than in 2004.
- 6.17 It is considered that the new building is necessary and supports the existing horticultural enterprise and allows for its medium term growth, supporting the economic and social sustainable roles.

Environmental (including visual impact and landscaping)

- 6.18 Policies DM1, DM30 and DM36 of the emerging local plan seek to protect visual amenity and include criteria that development should respond positively to and where

possible enhance the local character of the area. Attention should be given to scale, height, mass, bulk and site coverage. New buildings, should where practicable be located adjacent to existing buildings or be unobtrusively located and well screened by existing or proposed vegetation. Where more isolated locations are essential the buildings should not impact on the character and appearance of the countryside.

- 6.19 The new building would be sited some distance from existing buildings to the south and north. It would be situated in a greenfield whereby the nearest development is agricultural workers caravans and polytunnels to the west and south-west. It would somewhat be seen in the backdrop of the existing agricultural buildings of Rumwood Green Farm to the south, albeit it is spatially separated from these buildings. Being set back from the road limits its visibility and at the time of the site visit the fields to the north were heavily planted, however due to the horticultural nature of the use of the land this is not a constant screening and there will be times where there screening is lower or the land is left fallow to allow nutrients to be regained into the ground. Views would also be possible from the PROW to the west, which although screened by a mature hedge, the height of the building would mean that the roof would be visible. The proposed access and amendments to the visibility splays would also increase the prominence of the entrance to the site.
- 6.20 The width of the access track has however been reduced and the applicant suggests that there is a historic surfacing of the track which has over time become overgrown. The proposal would be to scrape back the grass to reveal this historic surface and patch where necessary.
- 6.21 Other locations for the building have been explored, however due to the land in the applicant's ownership and the size of the building required it is not considered that any other locations are considered to cause lesser harm. For example those locations closer to Avery Road would result in new field openings in the hedgerow, a more prominent building and a location in closer proximity to neighbouring properties. There is insufficient space for the building to be accommodated on the site of the existing retail and office function fronting New Road and those locations fronting Sutton Road would be more prominent and those on other owned or rented land would be logistically separated from the main operations of the farm on New Road.
- 6.22 It is therefore acknowledged that there would be some degree of visual harm from the proposed new building which would be fairly large and would encroach into an undeveloped field, however the building is reasonably necessary for agricultural purposes and the lack of other suitable sites and the economic benefits of the building and its need to support the functions of the farm are such that the visual harm is outweighed by the need for the building.

Residential Amenity

- 6.23 The nearest residential properties are located approximately 200m to the north of the proposed building location and although the access track would be in closer proximity this would be separated from neighbouring properties by over 30m. The building itself would be a significant distance from neighbouring properties not to impact on their amenity and although the proposed access would be likely to be more heavily used than the existing track it is not considered that the noise and disturbance

generated by any traffic movements would be so significant such that it would significantly harm the amenity of neighbouring properties.

Highways

- 6.24 The application would utilise an existing access which would be upgraded to facilitate the use by increased traffic. This would allow for improved visibility at Avery Lane and would allow for vehicles to access the site along a surfaced drive. No objection is raised to the means of access and it is considered that safe access and egress could be taken from the site. Space would be available on site to accommodate turning and parking for the needs of the building. The Planning, design and access statement sets out that there is likely to be a maximum of 28 trips generated each date and that this would be predominantly be by tractors, trailers, vans and private staff cars. Kent Highways have raised no objections to these vehicle movements. It is suggested in the application that no larger vehicles would access the site and this has been suggested to be secured by condition, however this would be unreasonable and unenforceable as Avery Lane is a public road and it could not be conditioned what vehicles could use the road. This said in the absence of a condition it is still considered that the level of traffic which would be associated with the use of the building would be acceptable and would not cause significant harm to surrounding roads.

Other Matters

- 6.25 The application also includes water tanks which would allow for on-site storage of water which is considered beneficial.

7.0 CONCLUSION

- 7.01 There is a demonstrated agricultural need for the replacement building due to the loss of an existing building to facilitate future housing development and to allow for the sustained needs of the existing nursery and those future short-medium term future demands of the horticultural enterprise.
- 7.02 The development would result in some landscape harm due to its greenfield location and proposed access, but this visual harm is balanced against the agricultural need and the demonstration that no other suitable sites within the applicants land ownership exist.
- 7.03 No significant objections are raised on the grounds of highways matters, residential amenity, ecology or any other impacts that would warrant refusal of the application.

8.0 RECOMMENDATION – GRANT planning permission subject to the following conditions:

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

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

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

Drwg DHA/11313/06 rev A (Pack house relocation, existing and proposed site plans)
 Drwg DHA/11313/08 (Pack house relocation – Proposed elevations)
 Drwg DHA/11313/07 (Pack house relocation – proposed floor plans)
 Drwg DHA/11313/09 (Access design)
 Drwg DHA/11313/01 (Pack house relocation Site location plan)

Reason: To clarify which plans have been approved.

- (3) Within 3 months of the first occupation of the building hereby approved the existing building (identified at location B on Drwg DHA/11313/01 (Pack house relocation Site location plan) shall be demolished and all resulting paraphernalia and spoil from the demolition removed from the site and the site made good in accordance with details submitted to and approved by the local planning authority (which could include the site to be redeveloped in accordance with any future approved planning application for the site).

Reason: The justification for the new building is need and as such both buildings would not be required for the function of the farm.

- (4) The development shall be carried out in accordance with the details of external materials specified in the application which shall not be varied.

Reason: In the interests of visual amenity.

- (5) No open storage of plant, materials, products, goods for sale or hire or waste shall take place on the land;

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

- (6) The development hereby approved shall not commence above slab level until a landscape scheme designed in accordance with the principles of the Council's landscape character guidance has been submitted to and approved in writing by the local planning authority. The scheme shall show all existing trees, hedges and blocks of landscaping on, and immediately adjacent to, the site and indicate whether they are to be retained or removed and include a planting specification, a programme of implementation and a [5] year management plan. It shall also include details of hard landscaping and details of the surfacing of the access track and yard area, this should include details that a bound surface would be used for at least the first 5metres from the edge of the highway.

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

- (7) The use of the building hereby permitted shall not commence until all planting, seeding and turfing specified in the approved landscape details has been completed. All such landscaping shall be carried out during the planting season (October to February). Any seeding or turfing which fails to establish or any trees or plants which, within 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

- (8) The development hereby approved shall not commence above slab level until details for 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 scheme could consist of the enhancement of biodiversity through integrated methods and those into surrounding land. 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.

- (9) No external lighting shall be installed on the site without the prior written consent of the Local Planning Authority.

Reason: In the interests of amenity of adjoining residents.

- (10) Prior to the first use of the building hereby permitted the details for improving the access with Avery Lane and the provision of visibility splays shown on Drwg DHA/11313/09 (Access design) shall be carried out in accordance with the approved details and maintained as such.

Reason: In the interests of highway safety.

- (11) No gates or barriers shall be erected across the access within 7 metres from the back of the carriageway used by vehicular traffic.

Reason: In the interests of highway safety.

- (12) The area shown on Drwg DHA/11313/06 rev A (Pack house relocation, existing and proposed site plans) as vehicle parking, loading, off-loading and turning space, shall be paved and drained in accordance with details submitted to and approved in writing by the Local Planning Authority before the use is commenced or the premises occupied and shall be retained for the use of the occupiers of, and visitors to, the premises, and no permanent development, whether or not permitted by Town and Country Planning (General Permitted Development) Order 2015(or any Order revoking and re-enacting those Orders), shall be carried out on that area of land or in such a position as to preclude its use.

Reason: Development without provision of adequate accommodation for the parking, loading, off-loading and turning of vehicles is likely to lead to such activities inconvenient to other road users and harmful to highway safety.

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 - 17/503615/FULL		
APPLICATION PROPOSAL Change of use from a tattoo studio to a 24 hour private hire minicab firm.		
ADDRESS - 27 Pudding Lane Maidstone Kent ME14 1PA		
RECOMMENDATION - APPROVE		
SUMMARY OF REASONS FOR RECOMMENDATION - It is considered that the proposal would not have an adverse impact upon the residential amenity of local residents or have a detrimental impact upon highway safety; and it is considered acceptable in terms of all other material considerations such as are relevant.		
REASON FOR REFERRAL TO COMMITTEE - It is a departure from the Local Plan		
WARD High Street	PARISH COUNCIL – N/A	APPLICANT Sapphire Cars
DECISION DUE DATE 03/11/17	PUBLICITY EXPIRY DATE 24/11/17	OFFICER SITE VISIT DATE 18/09/17
RELEVANT PLANNING HISTORY:		

- MA/08/1647 - Erection of single storey rear extension - Approved
- MA/91/1015 - Security roller shutter blind for front door - Approved
- MA/91/0313 - Erection of roller shutter blinds – Refused
- MA/84/1610 - Internally illuminated projecting sign - Refused

MAIN REPORT

1.0 SITE DESCRIPTION

1.01 27 Pudding Lane is on the western side of the road and is currently occupied by a tattoo parlour. To clarify, the first floor area extends over the neighbouring commercial premises. For the purposes of the Maidstone Borough Local Plan (2017), the proposal site is within a Secondary Retail Frontage area. The proposal site also falls within Maidstone Centre Conservation Area and an Area of Archaeological Potential. There are residential properties in Pudding Lane, including apartments at 31-33 Pudding Lane, to the north of the site; at 'Star House', which is across the road; and there are flats on the corner of Pudding Lane and Medway Street, some 35m to the south of the site.

2.0 PROPOSAL

2.01 This proposal is for the change of use of the premises to a 24hr private hire minicab firm. The business operation is currently working out from an office in Medway Street and it is intend to move to these premises and operate in the same way. In summary:

- It is 24hrs (as it is currently on Medway Street);
- Downstairs area would be used for customer waiting room with controllers issuing journeys to Maidstone Borough Council licensed drivers to pick up from office and take to their address;
- Upstairs area would be used as offices and staff room for company staff only;
- For security and public order there will be security on entrance door during very busy times; and it is intended to have up to 16 CCTV cameras;
- Site has 2 parking bays at rear, used for vehicles that are at office waiting for customers;
- Vehicles are booked by phone, mobile app, and email as well as customers coming to office;
- Pick-up would be from the road.

3.0 POLICY AND OTHER CONSIDERATIONS

- Maidstone Borough Local Plan (2017): SP4, SP18, DM1, DM4, DM23, DM28
- National Planning Policy Framework
- National Planning Practice Guidance

4.0 LOCAL REPRESENTATIONS

4.01 **Local Residents:** 2 representations sent raising concerns over noise/disturbance.

5.0 CONSULTATIONS

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

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

5.03 **Community Protection Team:** Have confirmed that no noise complaints about current operation of taxi firm in Medway Street have been received.

6.0 APPRAISAL

Main issues

6.01 Policy DM28 of the Maidstone Borough Local Plan (2017) allows for development within a secondary frontage area where:

- *Proposal is for retail use, professional & financial services use, or café and restaurant; or*
- *Proposal is for drinking establishment or hot food takeaway provided development, either alone or cumulatively with other A4 and A5 uses in frontage, does not have adverse impact on local amenity; or*
- *Proposal is for leisure or community use which accords with policy DM33.*

In all cases, proposals should establish or retain an 'active frontage' to the street.

6.02 A private hire minicab firm is a sui generis use and to permit such a use here would be considered a departure from the Local Plan. The details of this planning application will now be assessed.

Residential amenity

6.03 There are residential properties within the vicinity. However, the proposal largely involves a booking office with a small number of phone operators. When customers do come to the office, there will be a waiting room inside the building, and anti-social behaviour would be dealt with by private security. There is the potential of customers to congregate outside the building, particularly at busy times (when pubs close for example), however, the Environmental Protection Team have not raised an objection to the proposal in this respect. It is also considered that the taxi pick-ups on the road would not generate significantly more levels of noise and disturbance, compared to the current situation, to adversely impact upon local residents. The proposal site is within Maidstone town centre which has an active night time economy, and local residents are already exposed to a variety of noise sources, including from nearby pubs and restaurants. Pudding Lane is also already a main thoroughfare at night. The existing mini-cab business (on Medway Street) is only some 80m away from the proposal site. The Community Protection Team has confirmed that no noise complaints have been made at these current premises, which are in a similar location, and close to residential properties. The Environmental Protection Team has also raised no objection to the proposal in terms of noise impact upon local residents.

- 6.04 Given the nature of the proposed use, it has to be in a town centre location. With the existing business also within close proximity of residential properties and not generating any form noise complaints, the proposal is considered to be acceptable on residential amenity grounds.

Highway safety implications

- 6.05 The proposal site benefits from 2 off-street parking spaces to the rear of the site. Customers would be picked up from the street if they have called into the offices, otherwise vehicles are out picking customers up from other addresses. The site is in a town centre location and no objection is raised in terms of parking provision, given the proposed use's nature. Furthermore the Highways Authority has raised no objection and so no objection is raised in terms of highway safety.

Other considerations

- 6.06 Given the nature of the proposal and that there are no external changes for consideration, no objection is raised in terms of its impact upon the setting of the Maidstone Centre Conservation Area and upon the surrounding area, or upon the Area of Archaeological Potential. The proposal will also maintain an active street frontage.

7.0 CONCLUSION

- 7.01 The proposal is contrary to policy DM28 of the Maidstone Borough Local Plan, in that its use is not for a retail use (A1), a professional and financial services use (A2), a café and restaurant (A3) use, a drinking establishment (A4), or a hot food takeaway (A5). However, it is considered that the proposal would not have an adverse impact upon the residential amenity of local residents, or a detrimental impact upon highway safety. The proposal would see the retention of the property's 'active frontage' to the street, keeping an important feature of vibrant and attractive town centre streets. The proposal would be relocating an existing taxi firm already in the locality and this use is considered to be appropriate for its town centre location. The proposal is acceptable in terms of all other material considerations such as are relevant, and approval of the application is therefore recommended.

8.0 RECOMMENDATION - APPROVE

- (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.

Case Officer: Kathryn Altieri

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 21



17/503909 - 14 Kins Road, 4 and 37 Forge Meadows

Scale: 1:1250

Printed on: 22/11/2017 at 11:04 AM by ElyH

REPORT SUMMARY

REFERENCE NO - 17/503909/FULL			
APPLICATION PROPOSAL Demolition of existing garage block and construction of two new homes and double garage. Alteration of north kerb line to Forge Meadows and the creation of new driveways to nos. 4 and 37 Forge Meadows.			
ADDRESS 14 Kings Road And 4 And 37 Forge Meadows Headcorn Ashford Kent TN27 9QU			
RECOMMENDATION - GRANT PERMISSION Subject to conditions:			
SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL – The details are considered to comply with the policies of the Development Plan, where relevant, and the National Planning Policy Framework, and there are no overriding material considerations to indicate a refusal of planning consent.			
REASON FOR REFERRAL TO COMMITTEE Headcorn Parish Council wish to see the application refused and reported to Planning Committee			
WARD Headcorn	PARISH/TOWN COUNCIL Headcorn	APPLICANT Country House Homes Limited AGENT Country House Homes Limited	
DECISION DUE DATE 29/09/17	PUBLICITY EXPIRY DATE 01/09/17	OFFICER SITE VISIT DATE 10/08/2017	
RELEVANT PLANNING HISTORY (including relevant history on adjoining sites):			
App No	Proposal	Decision	Date
67/0270/MK2	The erection of eight garages	Approved	02/10/1961

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.02 The application site lies to the south side of 14 Kings Road and consists of garden land and a garage block which is accessed via Forge Meadows. The garage block consists of 8 garages and is located on the northern side of Forge Meadows to the west of No's 14 and 16 and to the east of No. 18 Forge Meadows.
- 1.02 Forge Meadows to which the proposal would face is residential in character with properties of similar scale, design and age. The wider area along Kings Road is predominantly residential in character with properties of different scale, design and age. For the purposes of the Local Plan the site is within the defined village boundary of Headcorn.
- 1.03 To the west of the site is a footpath which provides access to Days Green, Kings Road/North street and the primary school.
- 1.04 In terms of designations, the site is located with Headcorn village Rural Service Centre, the site is located within Flood Zone 1, it is not located within or adjacent to a Conservation Area and the site is not listed nor is it adjacent to a listed building.

2.0 PROPOSAL

- 2.01 Demolition of the existing garage block and construction of a pair of semi-detached 3 bedroom dwellings. The application includes the construction of a double garage and construction of vehicle parking to the front of No.4 and No.37 Forge Meadows.
- 2.02 The dwellings would be two storey with a hipped roof with a two storey front element. Pedestrian access would be to the front of Forge Meadows with access to the rear provided to the side of each dwelling. In terms of materials, the lower elevations would be red stock facing brickwork, the upper elevations would be finished in cream coloured render, with the roof to be finished in plain tiles and with external joinery to be finished in white.
- 2.03 The double garage would be located to the west of proposed dwellings adjacent to the footpath which leads to Days Green. In terms of materials the garage would have a hipped roof with red brick and render elevations to match the materials on the proposed dwellings.
- 2.04 The existing trees and hedgerows on the east and west of the site would be retained with new native trees and hedgerows planted on the north side of the rear garden.

3.0 POLICY AND OTHER CONSIDERATIONS

- 3.01 The National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Development Plan: SP5, SP7, DM1, DM5, DM11, DM23

4.0 LOCAL REPRESENTATIONS

- 4.01 **Local residents:** 8 representations received from local residents raising the following summarised issues:
- Additional traffic
 - Insufficient parking provision
 - Highways safety from the proposed new parking areas
 - Overlooking
 - Loss of the turning circle which is used for a drop off point for school children
 - Proposed replacement turning circle is too small
 - Surface drainage and sewerage connection
- 4.02 Shenley Farms Ltd (Headcorn Aerodrome) – No objection.
- 4.03 Headcorn Parish Council: Objects and requests referral to planning committee for the following summarised reasons:
- Proposal would result in the reduction of the turning circle reducing access for residents and delivery vehicles
 - Proposed footpath crosses public land and this is not acceptable
 - The frontage is immediately adjacent to the footpath and is not in keeping with the street scene
 - Parking in this area is already limited and this proposal restricts parking even further
 - The proposal appears to cross the access to the footpath that provides direct access to Days Green, for the children's play area and the school

- Overdevelopment of the area

5.0 CONSULTATIONS

5.01 **KCC Highways Subsequent response (12/10/17)** - The development will not materially affect the existing refuse collection arrangements and suitable vehicle tracking has been provided to show larger vehicles can safely manoeuvre within the reduced turning area. In addition the traffic that will be generated as a result of the development is not considered to be severe and I therefore write on behalf of the highway authority that I have no objection to this application, subject to conditions covering construction and securing parking spaces.

6.0 APPRAISAL

6.01 The key issues are:

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

Principle of Development

6.02 The site is located within the village boundary of Headcorn as defined by the adopted Local Plan (2017) policy map. Headcorn is designated as a Rural Service Centre in the adopted Local Plan and Policies SP5 and SP7 state that outside of the Maidstone urban area Rural Service Centres are the second most sustainable settlements in the hierarchy to accommodate growth. Policy SP7 supports minor infill development in sustainable locations such as this application, as Headcorn has a range of services and community facilities, such as the primary school, shops, railway station etc. that are easily accessible from the site without the use of a car.

6.03 Having regards to the above policies, the principle of additional residential development on brownfield sites within the Rural Service Centre is considered to be acceptable.

Visual Impact

6.04 The application site covers an area of approximately 475m². Whilst the proposed dwellings and double garage would increase built development within the site, it is considered that the proposal would be appropriate for the size of the plot. The existing properties along Forge Meadows tend to be set back approximately 4.5m from the pedestrian footpath with soft landscaping to the front of the dwellings, although some properties have dropped kerbs and parking. The proposed dwellings would be set back from the proposed formal pedestrian footpath by approximately 4m and would include a parking space with some soft landscaping.

6.05 The applicant has received pre application advice which advised that the proposal was brought forward within the site so to avoid any overbearing impact on the adjacent properties to the east and west. It is considered that the proposal would be appropriately set back and in keeping with the existing streetscene in terms of frontage to the highway.

- 6.06 Forge Meadows is characterised by residential properties that are of similar design and are either semi-detached or terraced. The properties along Forge Meadows typically have gaps from the rear of corner plot dwellings to the side elevations of dwellings of approximately 9.5-10m. The proposal would be set back from the rear of No.16 Forge Meadows by 15.5m with the proposed double garage 11.0m from the front of No.18 Forge Meadows. In addition, the proposal would occupy a brownfield site which is currently occupied by a block of 8 garages which are of no architectural value. Although the proposed dwellings would be two storey, due to the separation gaps to the adjacent properties, it is not considered that the proposal would appear out of character or a cramped form of development within the streetscene.
- 6.07 In terms of design and materials, whilst the proposal would not mimic the design of the existing streetscene, the proposal would be sympathetic to the existing streetscene and is acceptable. The existing dwellings along Forge Meadows are a mixture of render, hanging tiles and facing brickwork. The dwellings would be two storey with brick elevations on the ground floor level and render on the first floor elevations which are appropriate for this proposal and would not cause significant harm to the streetscene.
- 6.08 In addition to the above, the design of the proposed double garage in terms of its scale, form, aesthetic and materials would be acceptable within the locality. In regards to the two dropped kerbs at No. 4 and No.37 Forge Meadows, there is evidence within the streetscene of existing dropped kerbs and front paving areas and it is not considered that this element of the proposal would harm the character and appearance of the area.

Residential Amenity

No. 8 and 10 Kings Road

- 6.09 No. 8 and No. 10 Kings Road are a pair of semi-detached properties located to the north western side of the site. These neighbouring dwellings are located approximately 15m to 17m at the closest point to the side of plot 1. It is considered that due to resultant angle of view from the rear of the proposal it would preclude any overlooking and the proposal would not cause an unacceptable loss of privacy.

No.14 and 16 Forge Meadows

- 6.10 The proposal would not include the provision of any new openings on the eastern side elevation and due to the angle from the rear of the proposal it would not result in overlooking of these properties. With regard to outlook and loss of light to these adjacent properties, due to the sufficient distance the proposal would not cause significant harm. The hedging and trees along the eastern boundary would also assist in providing some screening of the side elevation and the outlook from the rear of No.14 and No.16 would not be significantly harmed.

Other neighbouring properties

- 6.11 The adjacent property to the north (No. 14 Kings Road) would be located 26m from the rear elevation of the proposal. Due to this separation distance and the proposed boundary treatment, it is not considered that the proposed dwellings would overlook this neighbour's rear rooms to a degree that would result in significant harm to residential amenity.

Highways

- 6.12 The parking proposed complies with Policy DM23 of the adopted Local Plan and the proposal would provide a formal footpath to the north of Forge Meadows to connect with Days Green. The proposal also allows for a formal turning circle at the west end of Forge Meadows adjacent to the proposed double garage. KCC Highways consider the proposed parking and turning circle to be acceptable. Therefore it is considered that the proposal would not cause highways safety issues and there is no objection in regards to highways.

Landscaping

- 6.13 No trees on this site or immediately adjacent to the site are TPO protected. There are small trees and hedging around the margins of part of the site which are to be retained. The submitted plans show that new native trees and hedging would be planted to the rear with the gardens laid to lawn. To the front the plans indicate that the landscaping would include indigenous hedgerows and planting beds with permeable block paving for the parking areas. The landscaping proposed is considered to be acceptable.

Other Matters

- 6.14 Although concern has been raised in regards to the sewerage system, it is not considered that the addition of two additional dwellings in this location would cause significant additional sewerage issues and I do not consider that an objection on this ground could be maintained.
- 6.15 Given the existing garage use and garden land of the site, I do not consider there to be any significant issues with regard to a possible impact upon protected species.

7.0 CONCLUSION

- 7.01 The proposal would not cause visual harm; would not cause significant harm to residential amenity, 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 Local Plan, the NPPF and all other material considerations such as are relevant; and conditional approval is recommended on this basis.

8.0 RECOMMENDATION – GRANT PERMISSION Subject to the following conditions:

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

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

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

Location plan – Drawing Number: 505/JE/001 – Received on 26/07/2017;
Proposed Colour Site Layout Plan – Drawing Number: 505/JE/002 – Received on 26/07/2017;

Plot 1 & 2 Plans & Elevations – Drawing Number: 505/JE/003 – Received on 26/07/2017;
Proposed Monochrome Site Layout Plan – Drawing Number: 505/JE/004 – Received on 26/07/2017;
Proposed Colour Site Plan – Drawing Number: 505/JE/005 – Received on 26/07/2017;
Existing Arrangement Plan – Drawing Number: 505/JE/006 – Received on 26/07/2017;
Garage Plans & Elevations – Drawing Number: 505/JE/008 – Received on 26/07/2017; and
Driveway details – Drawing Number: 505/JE/009 – Received on 04/08/2017

Reason: To ensure a satisfactory appearance to the development.

- (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 buildings hereby permitted have been submitted to and approved in writing by the local planning authority and the development shall be constructed using the approved materials.

Reason: To ensure a satisfactory appearance to the development.

- (4) The development shall not commence 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) 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.

- (7) Before the development hereby permitted is occupied the proposed footpath works as shown in drawing '505/JE/005,' titled 'Proposed 'Colour Site Layout Plan,' shall have

been completed in accordance with the details submitted and approved by the Local Planning and Highways Authority.

Reason: In the interests of highway safety.

- (8) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order), no windows, or similar openings shall be inserted in the east or west facing elevations of the new dwellings.

Reason: In the interests of the amenity of occupants of the adjoining properties.

- (9) No development falling within Schedule 2, Part 1, Classes A or B of The Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order, with or without modification) shall take place on the site without the prior written consent of the local planning authority;

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

- (10) The development hereby approved shall not be occupied until a minimum of two electric vehicle charging points have been installed on the proposed dedicated off street parking, and shall thereafter be retained for that purpose.

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

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.

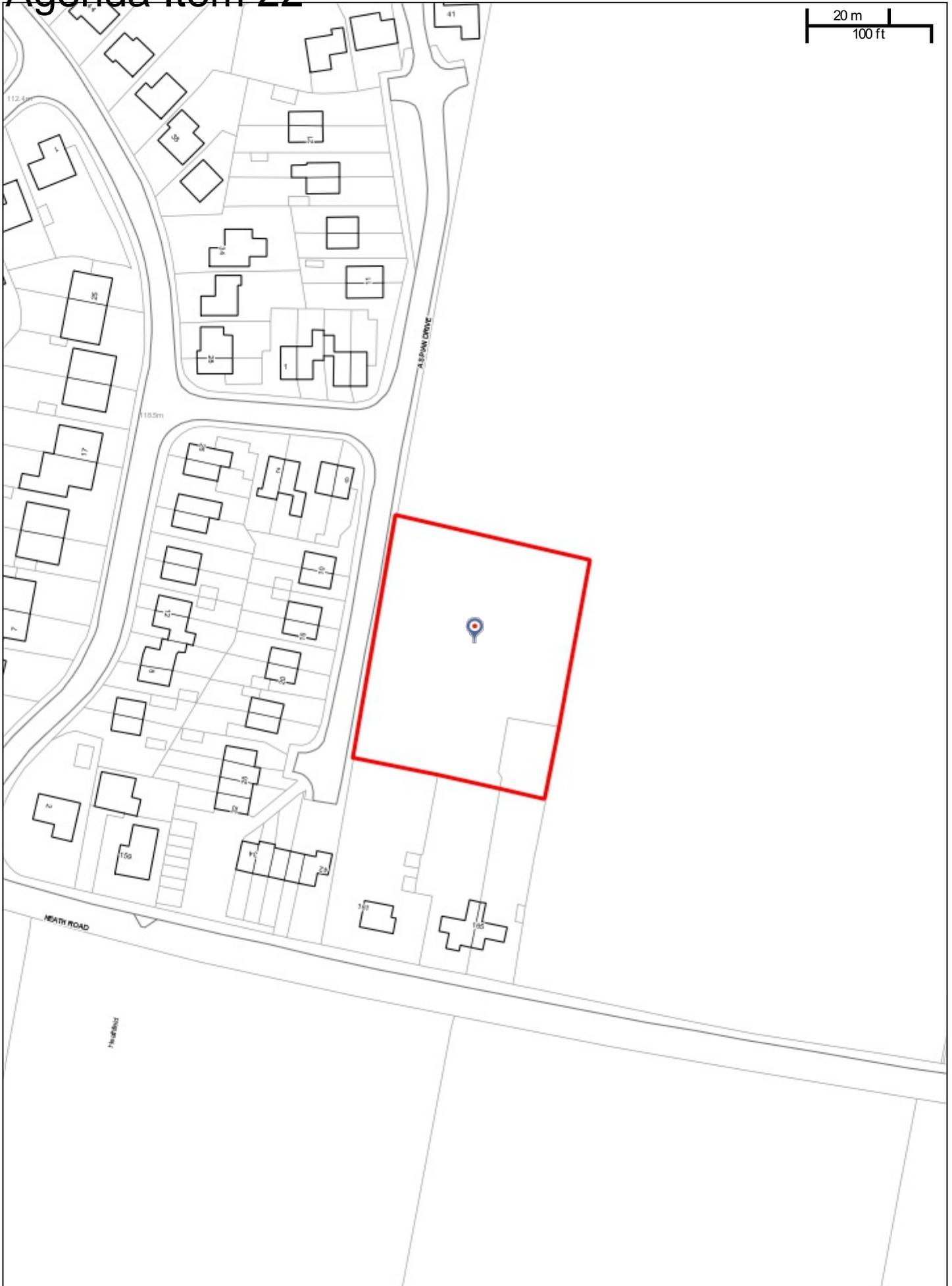
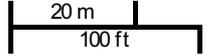
- (2) It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil. Information about how to clarify the highway boundary can be found at <https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>

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

Case Officer: 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



17/504314 - Land Rear of 161 Heath Road

Scale: 1:1250

Printed on: 22/11/2017 at 11:17 AM by ElyH

REPORT SUMMARY

REFERENCE NO - 17/504314/OUT			
APPLICATION PROPOSAL Outline application (with all matters reserved) for erection of 10 dwellings (fronting Aspian Drive) comprising two detached and four pairs of semi detached homes of two storey design with associated access, parking and landscaping. (Resubmission of 16/507895/OUT)			
ADDRESS Land Rear of 161 Heath Road Coxheath Kent ME17 4PA			
RECOMMENDATION - GRANT subject to the planning conditions set out in Section 8.0 of the report			
SUMMARY OF REASONS FOR RECOMMENDATION The site although being defined as countryside, does not form part of the open countryside and is land locked by existing or proposed residential development and it is not considered that the development would harm the intrinsic character of the countryside which policy and the NPPF seek to protect. It is not considered that the development of the site can be resisted in principle and the applicants have reduced the proposed quantum of development compared to the earlier refused scheme, to on balance an acceptable level which would be appropriate for the context of the site. The proposed development would not cause significant harm to neighbouring amenity and would allow for appropriate mitigation regarding landscaping, ecological matters and suitably addresses highways and parking matters and all other matters can suitably be addressed through appropriate conditions and the reserved matters submission.			
REASON FOR REFERRAL TO COMMITTEE The application has been advertised as a departure and relates to a major development within land defined as countryside. The recommendation is contrary to views of the Parish Council (although not explicitly requested to be presented to Planning Committee for this reason)			
WARD Coxheath and Hunton	PARISH/TOWN COUNCIL Coxheath	APPLICANT Brookworth Homes Limited AGENT Robinson Escott Planning	
DECISION DUE DATE 30/11/17	PUBLICITY EXPIRY DATE 03/11/17	OFFICER SITE VISIT DATE 16/10/17	
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
16/507895/OUT	Outline application (with all matters reserved) for erection of 14 dwellings on land fronting Aspian Drive with associated access, parking and landscaping.	Refused	5/5/17
(1)The proposed development to provide 14 dwellings would result in a cramped and overdeveloped scheme by reason of the loss or future pressure on boundary trees and landscaping and limited scope for replacement or enhancement, a development dominated by hardsurfacing and parking and a form of development which would be uncharacteristic to the surrounding area contrary to the National Planning Policy Framework 2012, National Planning			

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

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

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

Current appeal.

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

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The application site relates to a parcel of land to the rear of 161 Heath Road in Coxheath. The land in part forms rear gardens to the properties fronting Heath Road and the remainder is a small parcel of agricultural land totalling approximately 0.30 hectares. The land centrally has been cleared of previously coppiced woodland, with some tree and hedge planting remain around the perimeter of the site. There is currently no formal access into the site. The northern and eastern boundaries adjoin land recently granted planning permission for 110 new dwellings and the western boundary adjoins the cul-de-sac of Aspian Drive.
- 1.02 The site is outside the defined village boundary for Coxheath with the boundary wrapping around the site in the adopted plan. As such the site is defined as being within the countryside, albeit the site is enclosed along all boundaries by existing residential development and/or that currently under construction.

2.0 PROPOSAL

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

The indicative information submitted shows the following :

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

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

3.0 POLICY AND OTHER CONSIDERATIONS

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

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

4.0 LOCAL REPRESENTATIONS

4.01 Coxheath Parish Council

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

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

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

- Increase traffic and noise
- Loss of trees

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

5.0 CONSULTATIONS

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

6.0 APPRAISAL

Main issues

- 6.01 The key issues for consideration relate to:

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

Principle of Development

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

Sustainability

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

Economic role

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

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

- 6.06 The NPPF sets out that that role should support strong, vibrant and healthy communities by providing the supply of housing required to meet the needs of present and future generations, and by creating a high quality built environment, with accessible local services that reflect the community's needs.
- 6.07 The environmental role as set out in the NPPF states that the planning system should '*contribute to protecting and enhancing our natural, built and historic environment.*' With overlap to the social role above.
- 6.08 The Council can demonstrate a 5YHLS, as such there is no overriding need to identify additional housing sites and although windfall development would contribute to the overall supply, such development should be focussed on sites where the local plans support such proposals.
- 6.09 The site is clearly outside the settlement boundary within the adopted local plan, with the boundary lying to the western boundary of the site. However due to the allocated land to the north and east (which is currently undergoing construction for

110 dwellings), the settlement boundary now extends around the entire perimeter of the site, excluding the application site and numbers 161-165 Heath Road from within the defined boundary.

- 6.10 Following completion of the neighbouring development the site will become completely enclosed by residential development and although the site does presently have some localised amenity value in that it represents an area of undeveloped land within the wider development, it is difficult to argue that the site represents countryside characteristics and in this case it is considered that policies relating to countryside restraint carry limited weight for the consideration of whether or not the principle of development on the site would be acceptable. The considerations of impact on the character and appearance and quality of the environment do however carry weight to consideration of whether the development would be acceptable or not.
- 6.11 The social role, however also requires the creation of a high quality built environment. Policy SP17 of the adopted local plan sets out the criteria for assessing development within the countryside which includes, the type, siting, materials and design, mass and scale of the development and level of activity maintains or where possible enhancing local distinctiveness.
- 6.12 Policy DM30 of the local plan sets out that *'any new buildings should, where practicable, be located adjacent to existing buildings or be unobtrusively located and well screened by existing or proposed vegetation which reflects the landscape character of the area.'*
- 6.13 Policy DM12 of the local plan sets out :
- 'All new housing will be developed at a density that is consistent with achieving good design and does not compromise the distinctive character of the area in which it is situated.'*
- 3. At sites within or adjacent to the rural service centres and larger villages as defined under policies SP5-10 and SP11-16 respectively new residential development will be expected to achieve a net density of 30 dwellings per hectare.'*
- 6.14 Policy DM1 of the emerging plan sets out amongst other criteria :
- 'Respond positively to and where possible enhance, the local....character of the area. Particular regard will be paid to scale, height, materials, detailing, mass, bulk, articulation and vernacular materials where appropriate.'*
- 6.15 The application is only in outline with all matters reserved. As such the layout, scale and appearance of the proposed dwellings are all reserved for future consideration. The application is however accompanied by an indicative layout which seeks to demonstrate that 10 dwellings could be satisfactorily accommodated onto the site. The submitted plan shows two access points from the Aspian Drive frontage, this would lead to half the houses each and their respective parking areas.
- 6.16 The indicative layout shows some planting along the Aspian Road frontage, with some tree planting along the boundaries. The indicative layout also shows the landscaping associated with the neighbouring countryside development. The indicative layout indicates the removal of the existing tree/hedge planting along the western boundary fronting Aspian Road (which were shown to be retained on the

earlier refused application) and the retention of the hedge along the northern and eastern boundaries. This hedging is currently formed of Holly, Hawthorn and Hazel.

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

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

- 6.18 The removal of the planting along the Aspian Drive is considered as a negative to the proposed scheme and the indicative layout does not allow sufficient space along the Aspian Drive frontage to provide significant or meaningful replacement planting.
- 6.19 However the proposal would result in a density of approximately 30 dwellings per hectare, thus in accordance with the 30 dwellings set out in policy DM12. As all matters are reserved the layout is not fixed and there is the opportunity to add conditions which could provide parameters for the reserved matters application which could include the retention or meaningful replacement of the planting along the Aspian Drive frontage. There is opportunity for the footprint of the proposed dwellings to be reduced thus enabling a greater buffer along the western boundary.
- 6.20 The only matter for consideration under this submission is the principle of the development of the site for 10 dwellings and notwithstanding concerns regarding the indicative layout it is considered that on balance the site could accommodate the quantum of development proposed and would not be out of character with the surrounding area.

Residential amenity (future and existing occupiers)

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

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

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

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

- 6.23 The application is submitted in outline with all matters reserved, this said the indicative plan provides an indication of how layout could be achieved to provide 10 dwellings on the site.

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

Trees and landscaping

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

Highways and parking

- 6.32 The proposal to provide 10 dwellings would not give rise to significant highways implications that would result in the ability to sustain a reason for refusal on grounds of highways implications.

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

Ecology

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

Other matters

Surface water drainage

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

Public sewer

- 6.40 Southern Water records show that a public sewer dissects the site from the south-east corner, diagonally across the site toward Aspian Drive (approximately in front of no. 14). Southern Water comments have not raised an objection to the proposed scheme but have advised that the exact position of the sewer needs to be

ascertained and that a diversion may be necessary. This is a matter that although may inform the future planning layout, it is a matter that would need to be resolved between the applicant and Southern Water rather than making the scheme unacceptable in planning terms.

- 6.41 A condition attached to the consent will ensure that the matters are addressed fully at reserved matters stage.

Affordable Housing

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

Financial contributions

- 6.44 Policy ID1 of the Local Plan sets out that :

'Where development creates a requirement for new or improved infrastructure beyond existing provision, developers will be expected to provide or contribute towards the additional requirement being provided to an agreed delivery programme. In certain circumstances where proven necessary, the council may require that infrastructure is delivered ahead of the development being occupied.'

- 6.45 These contributions can include Affordable housing, Transport, Open space, Public realm, Health, Education, Social services, Utilities, Libraries, Emergency Services and Flood defences.

- 6.46 Policy DM20 re-iterates these points and sets out that where a need for new community facilities is generated these would be secured through appropriate means.

- 6.47 The NPPG sets out that :

'contributions should not be sought from developments of 10-units or less, and which have a maximum combined gross floorspace of no more than 1,000 square metres (gross internal area)'

- 6.48 A contribution request has not been received from KCC as the thresholds set out above are not currently met, together with no request sought from the NHS. A contribution request has been received from the Parks and Open Space officer, but as set out above the indicative floorspace (measured externally rather than internally) would exceed the threshold, but as part of detailed scheme this could increase or decrease. In line with the NPPG and ministerial advice it is not considered that

based on the information currently available that a contribution request would meet the necessary tests.

- 6.49 However as the reserved matters application could result in a floorspace of greater than 1000sq/m a condition is considered necessary and reasonable which would set out that should this threshold be exceeded then details of a mechanism to secure the appropriate mitigation would need to be submitted as part of the reserved matters scheme.

Boundary query

- 6.50 It is noted that the red line boundary shown on the submitted plan does not currently extend to the rear of the highway. The boundary line appears to reflect the position of the back edge of the footway along this section of Aspian Drive. However what is not clear is whether the existing hedge along the western boundary falls within the application site or not and who owns the land between the site boundary and the highway. This may be land owned by Kent Highways, but clarification has been sought from the agent and Member's will be updated by way of the Urgent Updates prior to the meeting.

7.0 CONCLUSION

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

8.0 RECOMMENDATION

GRANT planning permission subject to the following conditions:

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

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

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

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

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

- (2) Prior to the development above damp proof course level details of all external materials (including wearing surfaces for the roads, turning and parking areas), shall have been submitted in writing for the approval of the Local Planning Authority. The development shall only be carried out in accordance with the approved details.

Reason: In the interests of visual amenity.

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

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

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

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

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

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

- (6) The details submitted in pursuance of Condition 1 shall show adequate land, reserved for parking or garaging to meet the needs of the development in line with the residential parking standards set out in Appendix B of the Maidstone Borough Local Plan 2017. The approved area shall be provided, surfaced and drained in accordance with the approved details before the buildings are

occupied and shall be retained for the use of the occupiers of, and visitors to, the premises. Thereafter, no permanent development, whether or not permitted by Town and Country Planning (General Permitted Development) Order 2015, shall be carried out on the land so shown (other than the erection of a private garage or garages) or in such a position as to preclude vehicular access to this reserved parking area.

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

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

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

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

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

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

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

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

or removed, provide details of on site replacement planting to mitigate any loss of amenity and biodiversity value and include a planting specification, a programme of implementation and a [5] year management plan.

Reason: In the interests of visual amenity.

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

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

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

Reason: To ensure an energy efficient form of development.

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

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

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

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

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

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

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

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

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

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

The closure report shall include details of;

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

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

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

(v) the occupancy criteria to be used for determining the identity of occupiers of the affordable housing and the means by which such occupancy criteria shall be enforced.

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

Reason : In the interests of securing affordable housing.

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

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

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

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

Reason: To clarify which plans have been approved.

INFORMATIVES

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

ownership, this land may have 'highway rights' over the topsoil. Information about how to clarify the highway boundary can be found at <https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>

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

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

Should the applicant wish to divert apparatus:

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

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

- (5) Your attention is drawn to the following working practices which should be met in carrying out the development:
- Your attention is drawn to Sections 60 & 61 of the COPA 1974 and to the Associated British Standard COP BS 5228: 2009 for noise control on construction sites. Statutory requirements are laid down for control of noise during works of construction and demolition: if necessary you should contact the Council's environmental health department regarding noise control requirements.
 - Clearance and burning of existing woodland or rubbish must be carried without nuisance from smoke etc. to nearby residential properties. Advice on minimising any potential nuisance is available from the Council's environmental health department.
 - Plant and machinery used for demolition and construction should only be operated within the application site between 0800 hours and 1900 hours on Mondays to Fridays and between 0800 hours and 1300 hours on Saturdays and at no time on Sunday and Bank Holidays.
 - Vehicles in connection with the construction of the development should only arrive, depart, be loaded or unloaded within the general site between the hours of

0800 hours and 1900 Mondays to Fridays and 0800 to 1300 hours on Saturdays and at no time on Sundays and Bank Holidays.

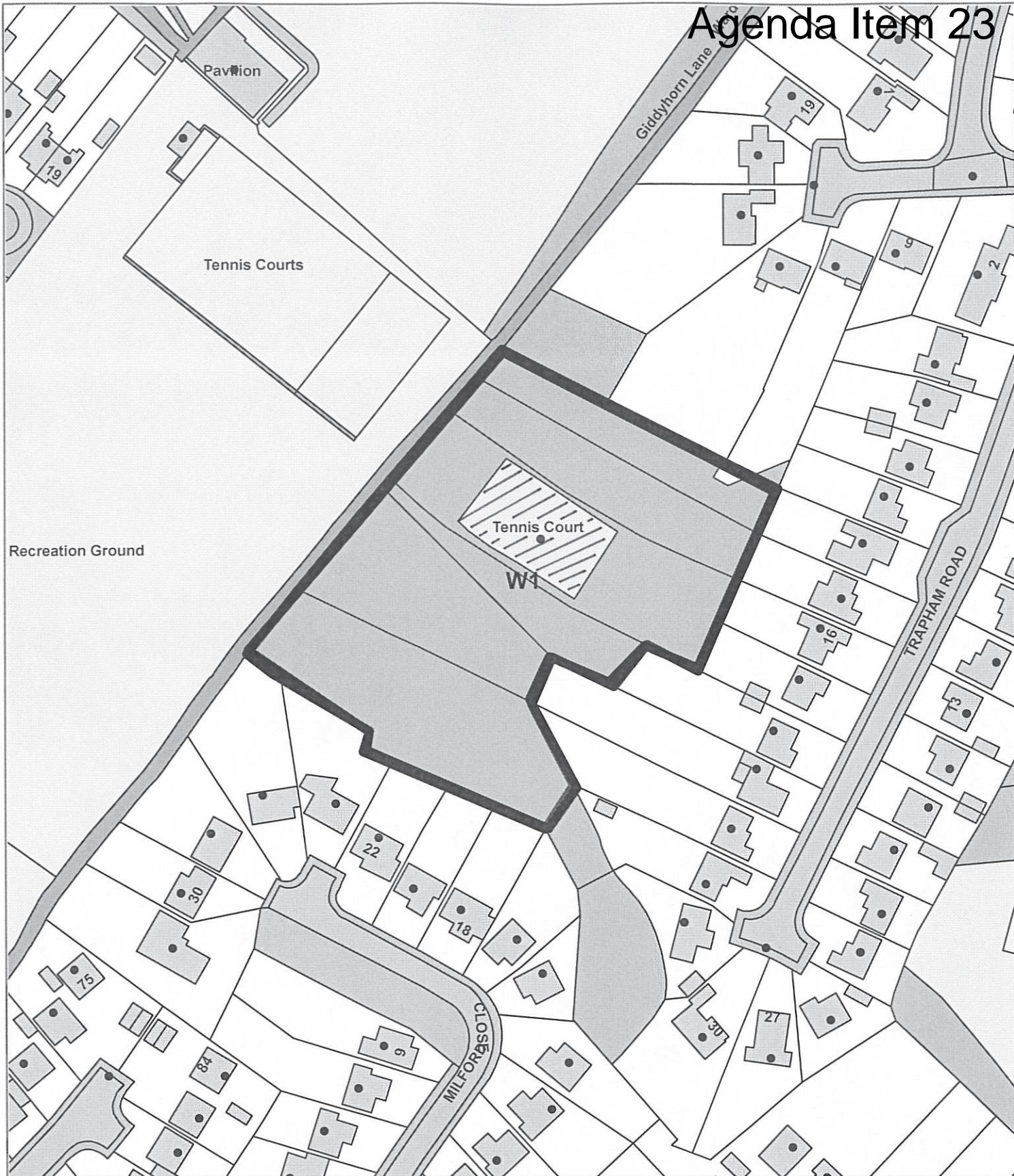
- The importance of notifying local residents in advance of any unavoidably noisy operations, particularly when these are to take place outside the normal working hours is advisable. Where possible, the developer shall provide residents with a name of a person and maintain dedicated telephone number to deal with any noise complaints or queries about the work.
- Adequate and suitable provision in the form of water sprays should be used to reduce dust from the site.
- It is recommended that the developer produces a Site Waste Management Plan in order to reduce the volumes of waste produced, increase recycling potential and divert materials from landfill. This best practice has been demonstrated to both increase the sustainability of a project and maximise profits by reducing the cost of waste disposal.
- Adequate and suitable measures should be carried out for the minimisation of asbestos fibres during demolition, so as to prevent airborne fibres from affecting workers carrying out the work, and nearby properties. Only contractors licensed by the Health and Safety Executive should be employed.

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

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

Case Officer: Rachael Elliott

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

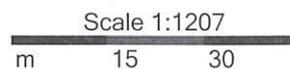


THE MAIDSTONE BOROUGH COUNCIL

Tree Preservation Order No. 5015/2017/TPO
Woodland West Of Trapham Road, Maidstone, Kent



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**Maidstone Borough Council
PLANNING COMMITTEE
30 November 2017**

REPORT BY THE HEAD OF PLANNING SERVICES

**The Maidstone Borough Council
TREE PRESERVATION ORDER NO 5015/2017/TPO
Woodland West Of, Trapham Road, Maidstone, Kent**

EXECUTIVE SUMMARY

This report seeks the permission of the Planning Committee to confirm without modification Tree Preservation Order No 5015/2017/TPO for which objections have been received.

FOR DECISION

RELEVANT PLANNING HISTORY

14/501187/OUT Outline application for demolition of existing dwelling to facilitate erection of 3(no) detached dwellings with access to be considered at this stage and all other matters reserved for future consideration as shown on drawings 8480/14 and 001/TRMH received on 20/6/14. Refused 09/12/2014. Appeal dismissed 23/07/2015

15/506746/OUT Outline (Access and layout not reserved) - Demolition of existing dwelling to facilitate erection of 3 No. detached dwellings and new accessway. Refused 06/11/2015. Appeal dismissed 19/04/2016.

16/504704/OUT Outline application for the redevelopment comprising demolition of existing house and erection of 2 detached dwellings and new access way. (Access and Layout being sought). Refused 12/10/2016. Appeal dismissed 07/03/2017.

17/502207/OUT (16 Trapham Road And Land Rear Of 10,12,14,18,20,22,24 and 26 Trapham Road) Outline application for proposed demolition of 16 Trapham Road and construction of access way and 8 detached dwellings with Access to be considered at this stage and all other matters reserved for future consideration. Invalid – no further action taken.

17/503306/OUT Outline application (some matters reserved) for the demolition of existing dwelling and erection of 3no. detached Passive dwellings with new access (Access and Layout being sought). Refused 29/08/2017. Appeal in progress

SUMMARY TPO INFORMATION

TPO Served (Date): 5 June 2017	TPO Expiry Date 5 December 2017
Served on: Millen Homes Ltd (Planning Agent) Owners and adjoining landowners as follows: Nos. 10, 12, 14, 16, 18, 20, 22, 24, 26 and 28 Trapham Road, Nos. 11 and 13 Vicary Way, Nos. 20, 22, 24 and 26 Milford Close, Maidstone Borough Council	
Copied to: Kent Highway Services Mid Kent Division, GIS Team, Land Charges Team, Planning Applications Unit	

TPO HISTORY

5069/2015/TPO Made 06/11/2015. Allowed to lapse and replaced by 5015/2016/TPO

5015/2016/TPO Made 11/05/2016. Allowed to lapse and replaced by 5029/2016/TPO

5029/2016/TPO Made 29/11/2016. Allowed to lapse and replaced by 5015/2017/TPO

5015/2017/TPO Made 05/06/2017. Due to lapse on 05/12/2017 unless confirmed

OBJECTIONS AND CONSULTATIONS

Objections to the TPO and representations in support of the making of the TPOs on this site have been received since the making of the first Order and in subsequent Orders that have been made.

With the complex and long planning history of this site, this report has taken into account the various objections and representations received in response to the general principle of a TPO in this location. The appraisal discussion below, summarises any valid considerations where they remain relevant to the current TPO being considered for potential confirmation. Where objections have been addressed through remaking the Order (e.g. by revising the boundaries of the protected area) these are not considered.

APPRAISAL

This TPO is a woodland designation on a piece of land to the west of Trapham Road, situated between the rear of houses in Trapham Road and Public Bridleway KMX10 'Giddyhorn Lane', beyond which lies the Giddyhorn Recreation Ground. The woodland itself is predominantly deciduous trees growing on the top of the bank above the properties in Trapham Road. The woodland is divided into plots that are in various ownership and are generally linked to Trapham Road gardens that have access to them, although the boundaries of woodland plots do not necessarily align with respective garden boundaries. The ownership situation means that the past management of the woodland varies between non-intervention and active management, either as woodland or garden. However, its overall character is considered to be that of cohesive woodland. The wooded slopes above the houses on both sides of Trapham Road are considered to make a valuable contribution to the character of the area.

The TPO history arose from the various development proposals on the site listed above. The plot to the rear of 16 Trapham Road, which contains a dilapidated tennis court which contained no significant trees, has been subject to various proposals for housing development, by demolishing no.16 to gain access to the site. The development proposals stated a clear intention to subsequently extend the development into the woodland either side. It was therefore considered expedient to make the woodland the subject of a Tree Preservation Order, alongside the refusal of 15/506746/OUT, as trees formed part of the reason for refusal.

Following objections to the first Order, 5069/2015/TPO, which was plotted based on aerial photography, it was apparent that the boundaries of the TPO were insufficiently accurate for it to be confirmed. It was also requested that the northern end of the TPO, which covered part of rear gardens of properties in Vicary Way, was excluded from the Order as this only contained a few trees of poor quality and did not have the same woodland character as the rest of the site. It was therefore necessary for it to be remade as 5015/2016/TPO, with revised boundaries to address the various objections. Further objections to the second TPO raised further boundary complications, resulting in a third version after the second TPO lapsed. It was intended to propose the confirmation of 5029/2016/TPO after no further boundary issues were raised, but officers were unable to do this before the TPO lapsed. In the week after the TPO lapsed, and before a replacement TPO was made, the council received a report that trees were being felled on the land behind 16 Trapham Road. A new woodland TPO, 5015/2017/TPO, was made and served the same day, at which point felling was stopped. This is the current provisional TPO which Members are being asked to consider for confirmation before it automatically lapses on 5 December 2017. Many of the trees in the plot behind no.16 had been indiscriminately felled to stumps. However, the TPO covers a wider area than this plot and it is considered that most of the felled stumps are capable of regenerating as multi-stemmed trees (many already are exhibiting new growth), with the current gap in the tree cover capable of returning to woodland.

The site behind no.16 Trapham Road remains subject to development proposals, with the most recent application subject to an appeal currently under determination. The Council continues to object to the current proposal on tree grounds despite the recent felling works, as there will be future pressure to fell trees on either side of the plot from future occupiers of the proposed dwellings. Furthermore, there may still be intentions to ultimately extend the development into the remaining woodland if consent is granted for the proposal.

The remaining objections to the Order largely relate to misunderstanding that it will prevent any future works taking place to the trees, that the Council takes on responsibility for tree management and an inability to be able to manage the woodland or deal with dangerous trees. This is not the case, as a TPO is a control mechanism that is used to ensure that proposed works are appropriate management and, in this case, to prevent further pre-emptive felling taking place ahead of development proposals. Works to dangerous trees can be carried out under the exceptions set out in the TPO legislation and other works can be applied for. It is recognised that this places an additional administrative burden on owners and time delay before they can undertake works to trees whilst an application is being determined, but an application does not attract a fee.

It is considered that the objections relating to the accuracy of the TPO boundaries have now been addressed and that the current Order accurately reflects the woodland tree cover present. Although it does not resemble natural unmanaged woodland across the whole site due to various gardening activities on some plots, it is still considered that a Woodland designation is the most appropriate. The development pressure continues to threaten clearance of trees to enable development and it is therefore considered expedient to continue to control tree works on the site.

It is therefore recommended that 5015/2017/TPO be confirmed without modification.

RECOMMENDED

That 5015/2017/TPO be confirmed without modification

Contact Officer: Nick Gallavin

Head of Planning Services

Appendices: Schedule for 5015/2017/TPO

APPENDIX

TREE PRESERVATION ORDER No.5015/2017/TPO Woodland West Of Trapham Road - Schedule

Article 3

Specification of trees

Trees specified individually (encircled in black on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
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None

Trees specified by reference to an area (within a dotted black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
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None

Groups of trees (within a broken black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
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None

Woodlands (within a continuous black line on the map)

<i>Reference on map</i>	<i>Description</i>	<i>Situation</i>
-------------------------	--------------------	------------------

W1	Woodland consisting mainly of deciduous species including Holly, Hornbeam, Oak and Sycamore, but excluding the area hatched and marked 'Tennis Court' on the attached plan	East of Giddyhorn Lane and West of houses in Trapham Road
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THE MAIDSTONE BOROUGH COUNCIL **PLANNING COMMITTEE – 30th November 2017**

APPEAL DECISIONS:

- 1. 16/506385** Erection of a new dwelling utilising existing access arrangements to the site. Demolition of existing garage.

APPEAL: Dismissed

2 New Cottage
Upper Street
Hollingbourne
Kent
ME17 1UJ

(Delegated)

- 2. 16/506458** Construction of 3 no. bungalows.

APPEAL: Dismissed

Land North Of
Tippen Way
Marden
Kent

(Delegated)

- 3. 17/500668** Erection of a detached garage

APPEAL: Dismissed

390 Loose Road
Maidstone
Kent
ME15 9TX

(Delegated)

- 4. 17/500888** Retrospective application for construction of decking at rear and walkway leading to decking at side of property

APPEAL: Allowed with conditions

Gunwalloe
59 Tonbridge Road
Teston
Kent

ME18 5BT

(Committee)

5. 17/502506

Erection of a part single storey, part two storey side and rear extension.

APPEAL: Dismissed

1 Hartley Close
Maidstone
Kent
ME15 8SY

(Delegated)

6. 17/501866

Variation of condition 14 (amended plans and reserved matters of landscaping) of previous application: 15/509547/OUT (Outline application for erection of 3 storey building containing 8 flats) for the insertion of 2no. dormer windows and rooflights for future change of use into dwelling).

APPEAL: Allowed with Conditions

Regal House
11-13 Albion Place
Maidstone
Kent
ME14 5DY

(Delegated)

Planning Committee

30 November 2017

S106 Public Realm Improvement at Maidstone East Railway Station

Final Decision-Maker	Planning Committee
Lead Head of Service/Lead Director	Rob Jarman, Head of Planning and Development
Lead Officer and Report Author	Julie Martin, S106 Monitoring Officer
Classification	Public
Wards affected	Heath

Executive Summary

This report seeks clarification from Members on the use of the £80,000 balance of the S106 contribution from Land at Former Horticultural Unit, Oakwood Park, Maidstone (planning app no: MA/10/0485) towards the public realm improvement project at Maidstone East Railway Station.

This report makes the following recommendations to this Committee:

That the £80,556.18 from the S106 Land at Former Horticultural Unit, Oakwood Park, Maidstone (planning app no: MA/10/0485) is spent towards the Public Realm Improvements Project at Maidstone East Railway Station to facilitate a greener environment of the open space.

That delegated authority is given to the Head of Regeneration and Economic Development, in consultation with the Chair and Vice Chair of the Planning Committee and the Planning Committee Political Group Spokespersons, to agree the final designs for the public realm in the forecourt of the Station.

The investment of £80,000 will have a long lasting beneficial impact on the town centre helping to improve its attractiveness as the Station is the gateway to the town for shoppers, visitors, and commuters.

Timetable

Meeting	Date
Planning Committee	30 th November 2017

1. INTRODUCTION AND BACKGROUND

- 1.1 The Outline Planning Application dated 1st October 2010 for residential development at the Former Horticultural Unit, Hadlow College, Oakwood Park Tonbridge Road (MA/10/0485) was resolved subject to the prior completion of a S106 legal agreement in such terms as the Head of Legal Services advised to secure the following:

A contribution towards the provision of open space of £1575 per dwelling (expected to be 50 dwellings) plus 'per dwelling' contributions toward Adult Social Services, Libraries and Youth and Community Services.

Subsequently, an Open Space contribution of £78,750.00 plus relevant indexation rate which brings the total to £80,556.18. This amount was paid to the council in 2013. The S106 agreement does not specifically define where the open space contribution should be spent and there is no 'spend by' date contained within the agreement.

- 1.2 The sum received as per the agreement has been held by the Council since May 2013 pending an allocation to a project. There are no other projects that have been identified relating to this S106 public open space contribution and no definition under the agreement. In light of this, and the information set out below it is considered that the Maidstone East project is an appropriate option.
- 1.3 The Development Management Manager discussed with the Regeneration and Economic Development Manager whether any unspent S106 contributions held by the Council might be used to assist in reducing the shortfall in funding that has arisen for the delivery of the public realm improvements and open space provision associated with the re-development of Maidstone East Railway Station and the demolition and re-development of the Victoria Public House.

2. AVAILABLE OPTIONS

- 2.1 Option 1: That committee agree that the full S106 amount of £80,556.18 goes towards the Maidstone East project and that Delegated authority is given to the Head of Regeneration and Economic Development, in consultation with the Chair and Vice Chair of the Planning Committee and the Planning Committee Political Group Spokespersons, to agree the final designs for the public realm in the forecourt of the Station.
- 2.2 Option 2: That Committee decides not to use the S106 funding from Former Horticultural Unit, Hadlow College, Oakwood Park Tonbridge Road (MA/10/0485) for the Maidstone East project.

3 REASONS FOR RECOMMENDATIONS

- 3.1 Option 1 is the recommended option. Kent County Council and Southeastern Railways Limited have secured government funding to refurbish the Maidstone East Ticket Office, including the demolition of the former Victoria Public House, a new ticket hall extension and public forecourt fronting Sandling Road. This would create much needed surface level access to the ticket office for the benefit of wheelchair users, the mobility impaired and those with prams and cots. The development also includes improvements to the side of the ticket office and station platform along Station Road, with better disabled parking and drop off facilities. Network Rail has agreed to deliver the development due to much of the work taking place over the railway tunnel.
- 3.2 In August 2016 an all Members briefing of the proposal highlighted Member concerns regarding the proposed forecourt. This public open space is directly next to the north end of Week Street and an important gateway into the town centre. Network Rail have agreed that the surface materials for the forecourt will match those being considered for the public realm works proposed for Week Street. Network Rail has followed a tendering process and will shortly appoint a contractor, George Osborne Limited, to deliver the works – see Appendix 1.
- 3.3 Unfortunately the budget available will only enable the areas labelled 1, 2, and 3 on the key to Appendix 1 to be built. Additional funding is required if the other areas 4,5,6, and 7 are to be built and the desired changes to the forecourt are to be considered by Network Rail. It has been proposed that landscaping in the forecourt could reflect nearby Brenchley Gardens, the designs for which were laid out to the 1871 plans of Alexander McKenzie, see attached sketch drawings in Appendix 2. A sum of £80,000 would help fund the additional design work and implementation of these forecourt improvements.
- 3.4 The proposed S106 spending is in accordance with the Open Space Contribution and is within the Public Realm Improvement Project linked to the priorities of Maidstone Council's Strategic Plan towards the regeneration of the Town Centre.
- 3.5 The proposal is supported by the Parks and Open Spaces Team as it will deliver additional open space in the Town Centre and improve the appearance of the Public Realm at the top end of the High Street. Whilst the S106 funding would be for the design and implementation, it is envisaged the open space will be retained by Network Rail and therefore future maintenance costs will not be incurred by the council.
- 3.6 During the last planning committee discussion, concerns were expressed about the age of some of the applications listed in the schedule and the delays in delivering the green infrastructure considered by Members and Officers to be required to allow developments to take place. Members were mindful that the S106 contributions held by the Council would continue to increase as housing developments came on stream, and felt that there was a need to expedite delivery of projects funded by S106 contributions/CIL going forward. It was suggested that as part of the review of the Planning

Service alternative arrangements be made to ensure that projects funded by S106 contributions/CIL are implemented, this should be followed up through the Strategic Planning, Sustainability and Transportation Committee.

4 RISK

- 4.1 The risks associated with this proposal, including the risks if the Council does not act as recommended, have been considered in line with the Council’s Risk Management Framework. We are satisfied that the risks associated are within the Council’s risk appetite and will be managed as per the Policy.

5 CONSULTATION RESULTS AND PREVIOUS COMMITTEE FEEDBACK

- 5.1 In August 2016 an all Members briefing was arranged in the Town Hall attended by Network Rail and Southeastern Railways.

6 NEXT STEPS: COMMUNICATION AND IMPLEMENTATION OF THE DECISION

- 6.1 Once the Committee has made its decision, this will be communicated to the relevant team to be spent on the project. It is recommended that a project co-ordinator is appointed from within the Council and a small member group set up to ensure the monies that are handed over to Network Rail to deliver the public realm improvements desired by Members.

7 CROSS-CUTTING ISSUES AND IMPLICATIONS

Issue	Implications	Sign-off
Impact on Corporate Priorities	Helping to ensure we have a thriving and attractive town centre that values our heritage and is fit for the future	Rob Jarman, Head of Planning & Development
Risk Management	There are no implications arising from this report	Rob Jarman, Head of Planning & Development
Financial	£80,556 funding is available from the S106 Land at Former Horticultural Unit, Oakwood Park, Maidstone is spent towards the Public Realm Improvements Project at Maidstone East Railway Station	John Foster, Regeneration & Economic Development Manager/ Paul Holland, Senior Finance Manager (Client)

Staffing	There are no implications arising from this report except those arising from paragraph 6.1 above.	Rob Jarman, Head of Planning & Development
Legal	There are no implications that arise from the allocation of funds to this scheme or clauses in the Unilateral Undertaking that would prevent this occurring.	Cheryl Parks, Lawyer (Planning) Mid Kent Legal Services
Privacy and Data Protection	There are no implications arising from this report.	Legal Team
Equalities	There are no implications arising from this report	Anna Collier, Policy & Information Manager
Crime and Disorder	There are no implications	Rob Jarman, Head of Planning & Development
Procurement	There are no implications arising from this report	Rob Jarman, Head of Planning & Development & Mark Green, Section 151 Officer

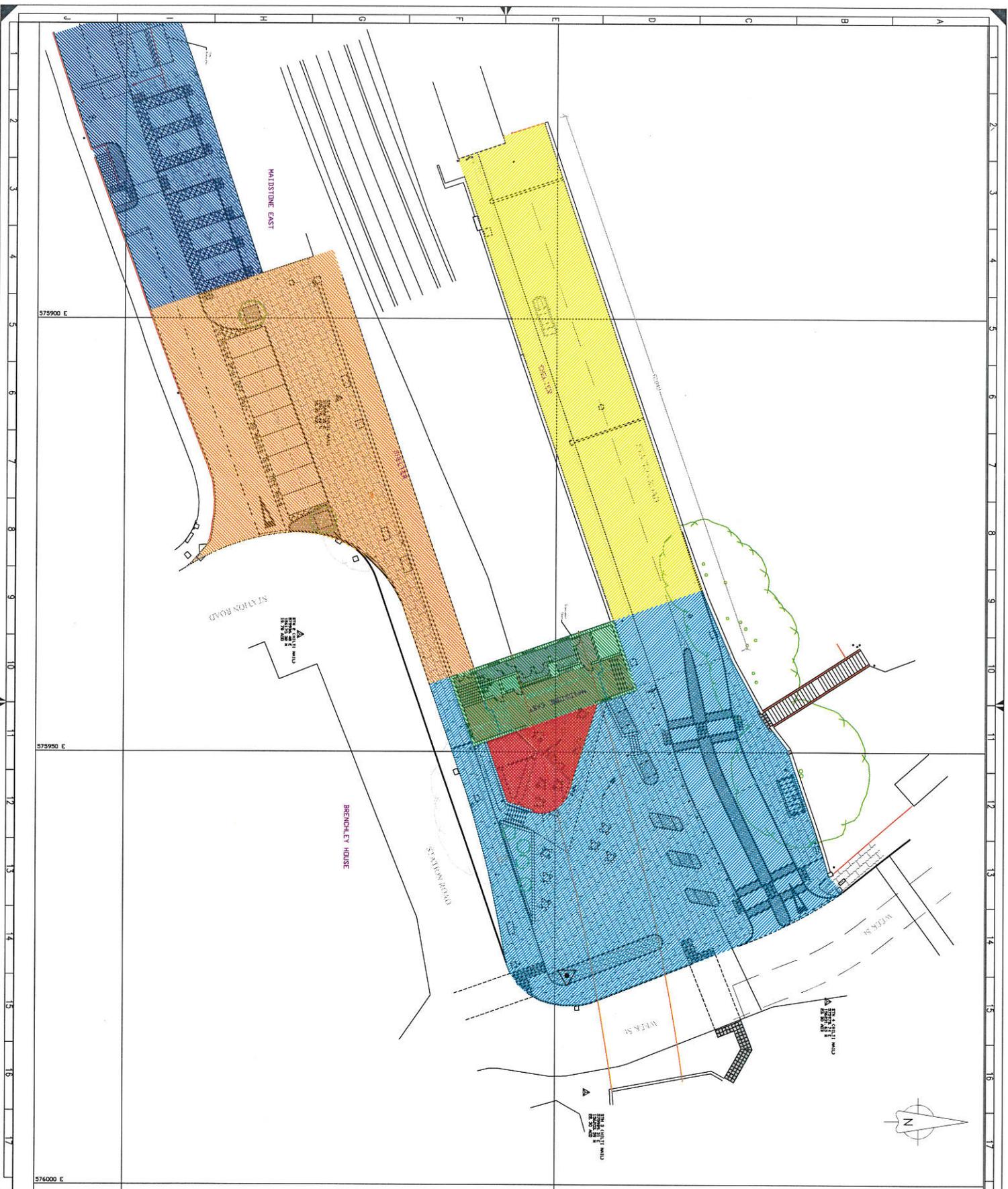
8 REPORT APPENDICES

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

- Appendix 1
- Appendix 2

9 BACKGROUND PAPERS

http://pa.midkent.gov.uk/online-applications/files/29AA77265B6E3462D35D9BB778321A4A/pdf/10_0485--3041722.pdf



- Work Areas**
1. Station Refurbishment (171m²)
 2. Station Extension (32m²)
 3. Forecourt Including Traffic Layout Improvements (193m²)
 4. Car Park Stair Refurbishment (32m²)
 5. DDA Parking and Stair Crossing (50m²)
 6. 20 Minute Bay, Access Improvement & Platform 1 Covered Walkway (602m²)
 7. Platform 2 and 3 Canopy Works (614m²)

REV	DESCRIPTION	ISSUED DATE	ASST	DATE
P4	Incorporated into option C		ASST PJ	
P3	Incorporated into option A		ASST PJ	
P2	Preliminary Issue		ASST PJ	
P1	Preliminary Issue		ASST PJ	

WSP
CONSTRUCTION CONSULTANTS

Office of Design
 Network Rail
 Network Rail
 0128330000

Network Rail
southeastern

- Design Stage - Milestones**
- Stage 01 - Strategic Outline
 - Stage 02 - Preparation and Order
 - Stage 03 - Concept Design
 - Stage 04 - Technical Design
 - Stage 05 - Construction
 - Stage 06 - Handover and Close Out
 - Stage 07 - In Use

Project No	Name	Date
J.Booth	J.Booth	29/01/16
A.Thompson	A.Thompson	29/01/16
P.Johnson	P.Johnson	29/01/16

Project Working Title: WSS273826A/01
 Station: Malpas East Railway Station
 Work Area Plan
 Scale: 1:200
 Date: 29/01/16

BRENCHLEY GARDEN
(Alexander MacKenzie)

ADOPTION agreement with MBC on maintenance and management of landscaping in style of the MacKenzie Brenchley Garden

great arrival in the county town of Garden of England

Maidsstone County Town of Kent 'The Garden of England'

<p>Project Title: Maidsstone East Railway Station</p> <p>Project No: 1200 on A1 paper</p> <p>Proposed Layout - Option C</p> <p>Project No: WS273535/008</p>	<p>Client: NetworkRail</p> <p>Contract No: 146/13</p> <p>Contract Date: 14/09/13</p> <p>Contract Value: £1.4m</p> <p>Contract Location: Kent</p>	<p>Design Stage: P1/P2</p> <p>Design No: 146/13</p> <p>Design Date: 14/09/13</p> <p>Design Location: Kent</p>	<p>Project Manager: P. Johnson</p> <p>Project Engineer: A. Thompson</p> <p>Project Designer: J. Booth</p> <p>Project Checker: P. Johnson</p>	<p>Project Title: Maidsstone East Railway Station</p> <p>Project No: 1200 on A1 paper</p> <p>Proposed Layout - Option C</p> <p>Project No: WS273535/008</p>
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Alexander MacKenzie garden station Alexander Mackenzie arrival in the county town of Garden of England

Agenda Item 27

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted