

# PLANNING COMMITTEE MEETING

Date: Thursday 16 August 2018  
Time: 6.00 pm  
Venue: Town Hall, High Street, Maidstone

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

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

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## AGENDA

Page No.

1. Apologies for Absence
2. Notification of Substitute Members
3. Notification of Visiting Members
4. Items withdrawn from the Agenda
5. Date of Adjourned Meeting - 23 August 2018
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 26 July 2018 1 - 7
11. Presentation of Petitions (if any)
12. Reference to the Democracy Committee - Consultation with the Planning and Licensing Committees on the Use of Budgetary Underspends
13. 18/502144 - Plot 9, Eclipse Park, Sittingbourne Road, North, Maidstone, Kent 8 - 35

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**Issued on Wednesday 8 August 2018**

**Continued Over/:**

*Alison Broom*

**Alison Broom, Chief Executive**

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16.	18/502850 -Barty House Nursing Home & Land At Barty Farm, Roundwell, Bearsted, Maidstone, Kent	104 - 112
17.	18/500346 - Lordswood Urban Extension, Gleamingwood Drive, Lordswood, Kent	113 - 153
18.	18/501158 - Knoxbridge Farm, Cranbrook Road, Staplehurst, Tonbridge, Kent TN17 2BT	154 - 163
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21.	18/502287 - Tovil Quarry Site, Straw Mill Hill, Tovil ME15 6FL	179 - 193
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## **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**

Information likely  
to reveal the  
identity of an  
individual

**PLEASE NOTE**

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

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

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

**PUBLIC SPEAKING AND ALTERNATIVE FORMATS**

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

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

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## **MAIDSTONE BOROUGH COUNCIL**

### **PLANNING COMMITTEE**

#### **MINUTES OF THE MEETING HELD ON THURSDAY 26 JULY 2018**

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

**Also** Councillors Brice, Fermor and Perry  
**Present:**

65. **APOLOGIES FOR ABSENCE**

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

66. **NOTIFICATION OF SUBSTITUTE MEMBERS**

It was noted that Councillor Mrs Wilson was substituting for Councillor Kimmance.

67. **NOTIFICATION OF VISITING MEMBERS**

Councillor Brice indicated her wish to speak on the reports of the Head of Planning and Development relating to applications 18/502510 (11 Iden Crescent, Staplehurst, Tonbridge, Kent) and 18/501342 (Meadow View, Marden Road, Staplehurst, Tonbridge, Kent).

Councillor Fermor indicated her wish to speak on the report of the Head of Planning and Development relating to application 18/501181 (Land South of Redwall Lane, Linton, Kent).

Councillor Perry indicated his wish to speak on the report of the Head of Planning and Development relating to application 18/501342 (Meadow View, Marden Road, Staplehurst, Tonbridge, Kent).

68. **ITEMS WITHDRAWN FROM THE AGENDA**

There were none.

69. **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 because they contained further information relating to the applications to be considered at the meeting.



70. DISCLOSURES BY MEMBERS AND OFFICERS

Councillor Harwood said that, with regard to the report of the Head of Planning and Development relating to application 18/502780 (Next, Eclipse Park, Sittingbourne Road, Maidstone), he was a Member of Boxley Parish Council, but he had not participated in the Parish Council's discussions on the application, and intended to speak and vote when it was considered.

71. EXEMPT ITEMS

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

72. MINUTES OF THE MEETING HELD ON 5 JULY 2018

**RESOLVED:** That the Minutes of the meeting held on 5 July 2018 be approved as a correct record and signed.

73. PRESENTATION OF PETITIONS

There were no petitions.

74. DEFERRED ITEMS

17/503237 - OUTLINE APPLICATION (SOME MATTERS RESERVED) FOR DEMOLITION OF EXISTING BUILDINGS, AND CESSATION OF COMMERCIAL USE ON SITE; ERECTION OF RESIDENTIAL DEVELOPMENT PROVIDING 18 NO. UNITS, OF WHICH 12 X 1 BED AND 6 X 2 BED. PROVISION OF 16 PARKING SPACES/2 DISABLED SPACES AND 4 VISITOR SPACES. ACCESS, LAYOUT AND SCALE BEING SOUGHT - J B GARAGE DOORS, STRAW MILL HILL, TOVIL, MAIDSTONE, KENT

The Development Manager said that he hoped to report this application back to the Committee on 16 August 2018, depending upon the size of the agenda.

17/504412 - DEMOLITION OF STORAGE BUILDINGS AND ERECTION OF 5 DETACHED DWELLINGS, 2 CAR PORTS FOR PLOTS 1 AND 5, AND 2 TWO BAY CAR PORTS FOR THE EXISTING HOUSE AND BARN CONVERSION APPROVED UNDER 14/505872/FULL - IDEN GRANGE, CRANBROOK ROAD, STAPLEHURST, TONBRIDGE, KENT

The Development Manager said that he hoped to report this application back to the Committee on 16 August 2018, depending upon the size of the agenda.

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

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

18/501158 - PROVISION OF NEW FARM ACCESS TO KNOXBRIDGE FARM FROM THE A229, INCLUDING LANDSCAPING, CROSSING OVER STREAM AND BARRIER (RESUBMISSION OF 16/508630/FULL) - KNOXBRIDGE FARM, CRANBROOK ROAD, STAPLEHURST, TONBRIDGE, KENT

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

75. 18/502780 - VARIATION OF CONDITION (14) OF PLANNING PERMISSION MA/12/2314 - ERECTION OF CLASS A1 RETAIL DEVELOPMENT (WITH ANCILLARY CAFE) AND ASSOCIATED SERVICING, CAR PARKING, LANDSCAPING AND ACCESS ARRANGEMENTS. (THE NET INTERNAL SALES AREA OF THE STORE HEREBY PERMITTED SHALL NOT EXCEED 3,722 SQ METRES (NET) OF WHICH NO MORE THAN 1,797 SQ METRES (NET) SHALL BE USED FOR THE SALE OF FASHION GOODS AND NO MORE THAN 1,841 SQ METRES (NET) SHALL BE USED FOR THE SALE OF HOME GOODS. NO MORE THAN 74 SQ METRES (NET) SHALL BE USED FOR THE SALE OF STATIONERY, GREETING CARDS AND WRAPPING PAPER WITHIN A CONCESSION ANCILLARY TO THE SALE OF FASHION AND HOME ITEMS. NO MORE THAN 53 SQ METRES (NET) SHALL BE USED AS A TRAVEL AGENT AS A CONCESSION ANCILLARY TO THE MAIN RETAIL USE. NO MORE THAN 198 SQ METRES (NET) SHALL BE USED AS A CAFE AND THIS WILL BE ANCILLARY TO THE MAIN RETAIL USE) - NEXT, ECLIPSE PARK, SITTINGBOURNE ROAD, MAIDSTONE, KENT

The Chairman and Councillors Bartlett, Harwood, Round and Mrs Wilson stated that they had been lobbied.

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

Mr Hallett, for the applicant, addressed the meeting.

**RESOLVED:** That subject to the negotiation of a S106 contribution based on the percentage increase in floor space as a proportion of the S106 contribution secured in relation to application MA/12/2314, index linked, for projects in the Town Centre to mitigate the impact of the increased floor space on the Town Centre (the details to be negotiated and settled by the Head of Planning and Development acting under delegated powers), the Head of Planning and Development be given delegated powers to grant permission subject to the conditions set out in the report.

Voting:        8 – For        4 – Against        0 – Abstentions

Councillors Adkinson and Harwood requested that their dissent be recorded.

76. 18/502116 - CONVERSION OF EXISTING DOUBLE GARAGE TO ANNEX AND CONSTRUCTION OF COVERED VERANDA ON GABLE END. ALTERATIONS TO CAR PARKING - POPLAR TREE FARM, MILEBUSH LANE, MARDEN, KENT

The Chairman and Councillors Bartlett and Round stated that they had been lobbied.

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 with an additional condition requiring the installation of a bat tube in the development (the wording to be finalised by the Head of Planning and Development acting under delegated powers).

Voting:        12 – For        0 – Against        0 – Abstentions

77. 18/502510 - ERECTION OF DETACHED (2-BED) HOUSE AND CREATION OF NEW DRIVEWAY - 11 IDEN CRESCENT, STAPLEHURST, TONBRIDGE, KENT

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

Mr Court, for the applicant, and Councillor Brice (Visiting Member) addressed the meeting.

In response to a question by a Member, the Development Manager confirmed that the second sentence of proposed condition 6 relating to the enhancement of biodiversity should read:

The scheme shall consist of the enhancement of biodiversity through integrated methods into the design and appearance of the extension by means such as swift bricks, bat tube or **bat** bricks.

**RESOLVED:** That permission be granted subject to the conditions and informative set out in the report, as amended by the Development Manager at the meeting, with the amendment of condition 4 to specify that the landscaping scheme shall include a privet hedge instead of fencing to the boundary of the site (adjacent to the road) to soften the appearance of the development (the wording to be finalised by the Head of Planning and Development acting under delegated powers).

Voting:        12 – For        0 – Against        0 – Abstentions

Note: During the discussion, it was suggested that, in future, it should be a requirement that landscaping schemes be submitted with applications. Prior to the closure of the meeting, the Chairman said that he had made a note to raise this issue at the next meeting of the Chairman, Vice-Chairman and Political Group Spokespersons of the Planning Committee.

78. 18/501181 - VARIATION OF CONDITIONS 10, 16 AND 17 OF APPLICATION 16/508659/FULL (DEMOLITION OF EXISTING DWELLING AND ERECTION OF B8 WAREHOUSE BUILDING WITH ANCILLARY OFFICES, DOCK LEVELLERS, ACCESS, PARKING AND LANDSCAPING INCLUDING THE CREATION OF NEW WOODLAND AND ATTENUATION POND) - LAND SOUTH OF REDWALL LANE, LINTON, 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.

The Principal Planning Officer advised the Committee that a further letter of objection had been received, the main points being:

- Questioning the conclusion that the principle of the development was established as the Committee had made its decision on the basis of original condition 10 which it was now proposed to amend;
- Expressing concern that the report did not refer to improvements required to increase capacity at Linton Crossroads and that no reference was made to the cumulative impact on traffic due to the recent grant of planning permission for a new medical centre in Heath Road; and
- Commenting that the report contained no traffic statistics and there was a failure to recognise the impact of the development beyond the immediate locality.

Councillor Cresswell of Linton Parish Council, Mr Allen, for the applicant, and Councillor Fermor (Visiting Member) addressed the meeting.

During the discussion, it was proposed and seconded that permission be granted subject to the conditions and informative set out in the report, as amended by the urgent update report, with the amendment of the noise conditions to require compliance with BS4142 at all times, and that Kent County Council be asked to be a signatory (by way of a Deed of Variation) to the HGV routing requirements of the S106 agreement for application 16/508659, which would apply to this permission, as this is not enforceable by the Local Planning Authority. It was also suggested that priority should be given to signage in regard to any mitigation from the Traffic Displacement Contribution (section 5 of Schedule 2 to the S106).

An amendment was moved, seconded and carried that consideration of this application be deferred to enable further negotiations with the applicant regarding the redrafting of condition 10 (formerly 9) to specify a time limit in months when the up to 32 in or out movements is permitted (for example, 1 November to 31 May) with a lower threshold for the months outside this time frame.

**RESOLVED:** That consideration of this application be deferred to enable further negotiations with the applicant regarding the redrafting of

condition 10 (formerly 9) to specify a time limit in months when the up to 32 in or out movements is permitted (for example, 1 November to 31 May) with a lower threshold for the months outside this time frame.

Voting:        6 – For        5 – Against        1 – Abstention

79.    18/501342 - RETROSPECTIVE APPLICATION SEEKING TO VARY CONDITIONS 2 AND 3 APPENDED TO PLANNING PERMISSION 15/507291/FULL TO ENABLE OCCUPATION OF THE SITE BY ANY GYPSY AND TRAVELLER FAMILY - MEADOW VIEW, MARDEN ROAD, STAPLEHURST, TONBRIDGE, KENT

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

Councillor Burnham of Staplehurst Parish Council, Mr Jones, for the applicant, and Councillors Brice and Perry (Visiting Members) addressed the meeting.

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

Voting:        11 – For        0 – Against        1 – Abstention

80.    CHAIRMAN'S ANNOUNCEMENTS

The Chairman said that a meeting of the Chairman, Vice-Chairman and Political Group Spokespersons of the Planning Committee had taken place recently, and the outcome of the discussions would be fed back to all other Members of the Committee.

The Chairman asked the Committee to agree to the inclusion of an item on the next appropriate agenda referring to the Democracy Committee the issue of the Planning and Licensing Committees being consulted on the use of budgetary underspends. The Committee raised no objection to this request.

81.    APPEALS LIST

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

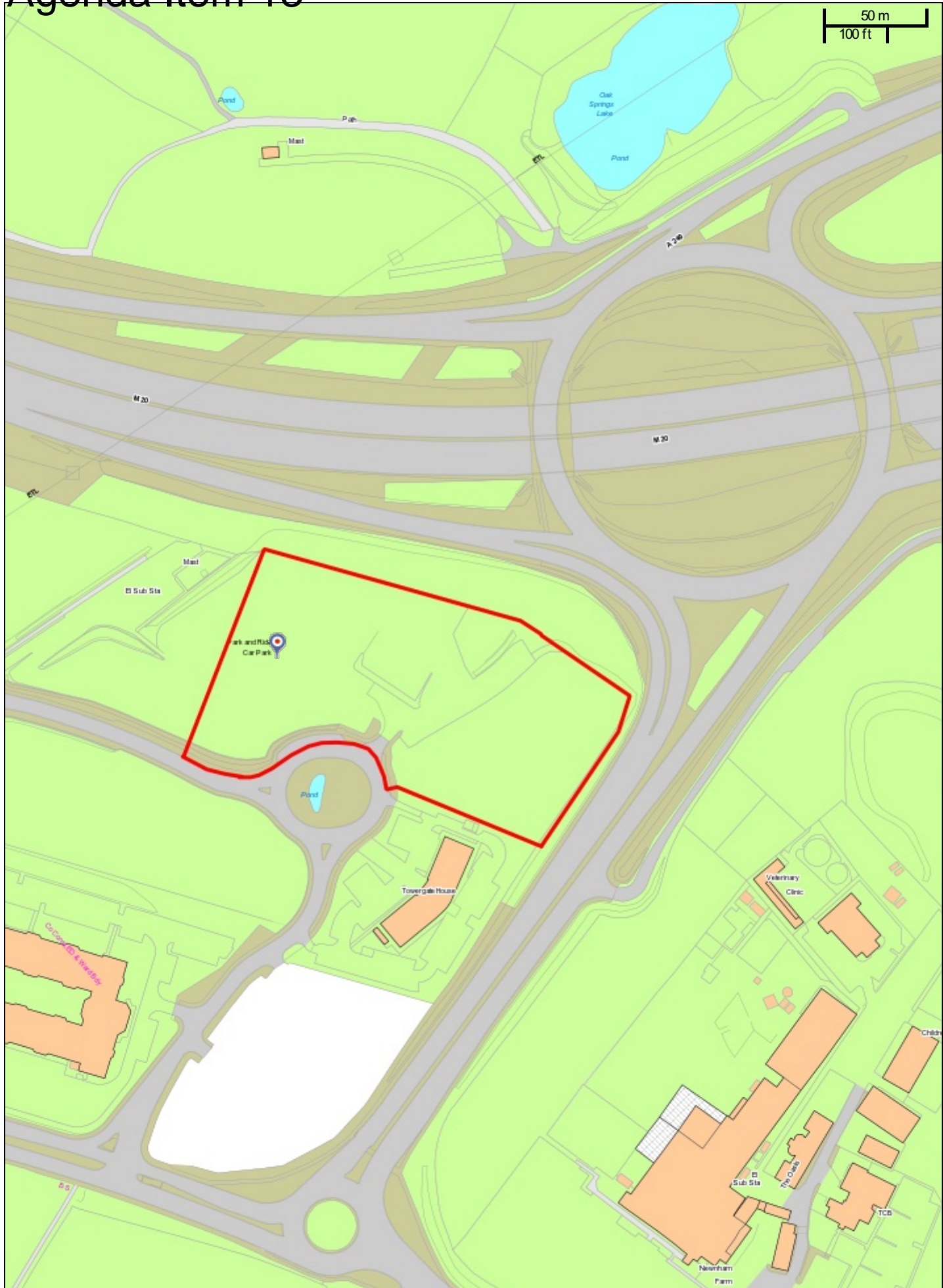
In response to a question by a Member, the Chairman said that an item would be put on the agenda for the next meeting of the Chairman, Vice-Chairman and Political Group Spokespersons of the Committee to enable a discussion on the principle of sending copies of appeal decisions to Ward Members.

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

82. DURATION OF MEETING

6.00 p.m. to 9.30 p.m.

# Agenda Item 13



18/502144/FULL - Plot 9, Eclipse Park, Sittingbourne Road, Maidstone, Kent

Scale: 1:2500

Printed on: 2/8/2018 at 8:10 AM by JoannaW

<b>REFERENCE NO - 18/502144/FULL</b>		
<b>APPLICATION PROPOSAL</b> Erection of a Class A1 Retail Store and associated servicing, parking, landscaping and access arrangements.		
<b>ADDRESS</b> Plot 9, Eclipse Park, Sittingbourne Road, Maidstone, Kent		
<b>SUMMARY OF REASONS FOR RECOMMENDATION – (APPROVE SUBJECT TO LEGAL AGREEMENT &amp; CONDITIONS)</b>		
<ul style="list-style-type: none"> <li>Whilst the site is not allocated for retail use, and the Local Plan seeks to direct such uses towards the town centre, policy DM16 does allow for out of town proposals where criterion are met. In this instance, we are satisfied that the criterion are met as follows: <ul style="list-style-type: none"> <li>The sequential test has been met showing that the proposal could not be accommodated on a site within the town centre or on its edge.</li> <li>The proposals would not have a 'significant adverse impact' upon Maidstone town centre or any other retail centres.</li> <li>The site has good accessibility by public transport and improvements would be made.</li> </ul> </li> </ul> <p>The terms of policy DM16 and the National Planning Policy Framework are therefore met.</p> <ul style="list-style-type: none"> <li>Notwithstanding this, the proposals would have some limited negative impact upon Maidstone town centre and or other local retail centres, and mitigation against this of £300,000 towards town centre projects would be secured.</li> <li>The site partly falls within an employment allocation for B class uses but there is not considered to be a reasonable prospect for such uses in the medium term future, and so the terms of policy SP22 are met.</li> <li>The proposals are considered to represent a high quality development through the design of the building and materials to be used.</li> <li>There is no other harm caused by the development, or conflict with the Development Plan.</li> </ul>		
<b>REASON FOR REFERRAL TO COMMITTEE</b> The application is for a major retail proposal outside of the town centre which the Head of Planning considers should be referred to Planning Committee.		
<b>WARD</b> Boxley	<b>PARISH COUNCIL</b> Boxley	<b>APPLICANT</b> Marks And Spencer Plc & Gallagher Properties Ltd <b>AGENT</b> MD Associates



<b>DECISION DUE DATE</b> 18/09/18		<b>PUBLICITY EXPIRY DATE</b> 19/07/18	
<b>RELEVANT PLANNING HISTORY</b>			
<b>App No</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
16/503863	Construction of a Class A1 Retail Foodstore and associated servicing, parking, landscaping and access arrangements (WAITROSE STORE)	APPROVED	05.05.17
09/0017	Change of use of land to provide extension to and remodelling of existing Park and Ride car-park site to provide approximately 150 (net) additional vehicle parking spaces for a temporary three year period	APPROVED	20.02.09
97/1305	Change of use of land from highways/contractors depot to provide a Park and Ride car park and access	APPROVED	30.10.97

## **1.0 DESCRIPTION OF SITE**

1.01 The site is a roughly rectangular parcel of land of some 1.8ha, in the northeast corner of 'Eclipse Park'. It is immediately south of Junction 7 of the M20 (J7) and to the west of the A249 link road to J7. The western part of the site was the former park and ride and has access off a roundabout to the south, and this part is largely covered with hardstanding. The site is approximately 9m lower than J7 and 4m lower than the A249, and rises approximately 5m from the roundabout to the northeast corner.

1.02 Eclipse Park is a mixed use area with four storey offices at the west end, a 'Hilton' hotel on the south side, a 'Next' retail store in the southeast corner, and another five storey office block on the east side (Towergate) which is immediately south of the site. There is an extant permission for offices within the centre and permission for a six storey hotel to the west of application site which the applicant states has commenced. There is also extant permission for 50 houses further west within the Local Plan housing allocation site H1(29). To the east, on the other side of the A249 is the Newnham Court shopping complex.

1.03 The site falls within the defined urban area in the Local Plan and the eastern half within an allocated employment site for B1 use. There is a small group of trees located towards the north of the site which are protected by a Tree Preservation Order (TPO). The southern boundary of the Kent Downs AONB is to the north of J7 and the M20, around 145m north of the site.

## **2.0 BACKGROUND**

2.01 Permission was granted under application 16/503863 for a 'Waitrose' store with a floorspace of 3,900m<sup>2</sup> and 284 car parking spaces in May 2017 at the application site. This permission is extant.

### 3.0 PROPOSAL

3.01 The application seeks permission for a retail unit for 'Marks & Spencer' with associated servicing, parking, landscaping and access arrangements. The building would have a gross internal floor area of 7,808m<sup>2</sup> that would be arranged over two levels with food sales, fashion and household goods sales, and a café. The indicative breakdown of the proposed floor areas are set out below:

Floorspace	Gross Floorspace	Net Sales Floorspace
Food Hall <i>Convenience goods</i>	7,808 sqm	1,045 sqm
General Merchandising (Fashion and Household) <i>Comparison goods</i>		4,390 sqm
Café		297 sqm
<b>Total</b>		<b>5,732 sqm</b>

3.02 The remaining circa 2,000m<sup>2</sup> would be used for storage, servicing, toilets, circulation space, staff facilities etc.

3.03 The building would be sited on the east part of the site with the car park on the west, where access would be taken off the roundabout with a separate access for service vehicles. The building would be set over two storeys with a roof height of 11.2m. There would be a projecting glazed section on the front, west elevation of the building that would protrude slightly above the main roof, and on the northeast corner of the building would be a ragstone feature that would protrude above the main roof to an overall height of 18.5m to create a focal gateway feature. The building would be mainly clad in white glass cladding with some grey metal cladding near the service areas. The front would feature a canopy with glazing on the ground floor and ragstone. A cut and fill exercise would be required due to the change on levels at the site. More detailed discussion on the design and landscaping will be carried out in the appraisal below.

3.04 The applicant outlines that Marks and Spencer currently operate from two stores in the town centre on Week Street. One store is freehold and the other (the ladies clothing store) a leasehold, with the lease expiring in 2022. The intention is that the leasehold store will close either at the end of the lease or, ideally, to allow staff to transfer to the new store at Eclipse Park. It is stated

that, operationally, having two stores within a town centre is far from ideal. The intention would be to significantly improve the freehold store opposite Fremlin Walk and it would continue to sell clothing and food as well as having a café. This store would therefore provide for visitors to the town centre and those living and working there. It would also allow for click and collect and better internet shopping from that store.

#### **4.0 POLICY AND OTHER CONSIDERATIONS**

- Maidstone Borough Local Plan (2011-2031): SS1, SP1, SP4, SP21, SP22, SP23, DM1, DM2, DM3, DM6, DM8, DM16, DM21, DM23
- Kent Waste and Minerals Plan 2016
- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- MBC Air Quality Planning Guidance (2018)
- MBC Public Art Guidance (2018)
- EIA Regulations 2017

#### **5.0 LOCAL REPRESENTATIONS**

5.01 **Local Residents:** No representations received.

5.02 **Cllr Harwood:** Makes the following (summarised) observations:

- Limited solar PV proposed.
- Loss of trees and oak should be provided to compensate.
- No green wall/roof proposed.
- Lack of biodiversity enhancements such as swift or bat bricks; pollinators should be used in the landscaping scheme; wildlife friendly drainage gullies are essential; cordwood should be retained.
- Pond is welcomed.
- Trees close to the building would help keep it cool.
- Muted greens, greys or other natural colours could soften the appearance.
- Planters should be utilised around the building for security, landscape, biodiversity and cooling.
- Public art within the new East Station public realm should be considered.
- Car parking charges should be considered to fund an ambitious green travel plan and public transport link to the new store to ensure greater sustainability.

5.03 **Nu-Venture (bus operator):** Consider bus stops/shelters should be provided outside the site or shelters provided on Sittingbourne Rd, and funding of a 7 days a week regular circular bus service.

5.04 **Kent Invicta Chamber of Commerce:** Fully supports the application.

5.05 **Locate in Kent:** Strong support for application.

5.06 **Capital & Regional (Operator of the Mall shopping centre):** Strongly objects and makes the following (summarised) points:

- Contrary to Local Plan Town Centre retail strategy (policy SP4) which should attract significant weight.
- Lack of robust reasons to discount the vacant premises in the Mall for the proposed development.
- The Council previously considered sites in the Mall were sequentially preferable for the scheme as Notcutts, and the Waitrose and Next applications.
- Policy SP4 refers to redevelopment of the Mall as a medium to long term aspiration and decisions made now will influence commercial decisions made by retailers in future years.
- Approval will create uncertainty regarding the future of the town centre.
- Disagree with the retail impact assessment in terms of trade draw levels from the town centre and health checks.
- Cannot guarantee that main town centre M&S store stays open and other locations in the UK have seen town centre store closures.
- Town centre would be put at risk.

5.07 **M&G Real Estate (Operator of Fremlin Walk shopping centre):** Objects and makes the following (summarised) points:

- Further out-of-centre retail will fundamentally affect our ability and those of other stakeholders in Maidstone, to retain and attract retailers to the town centre.
- It does not accord with adopted and emerging local or national planning policy;
- The proposal fails to satisfy the sequential or impact tests.
- Were the Council minded to recommend approving the planning application, that appropriate conditions are imposed to ensure that the proposal is suitably controlled
- It is unclear how many new jobs will actually be created by the proposal if the existing staff are to be relocated or how the proposal could increase overall employment capacity on the site.
- Contrary to policy SP21.
- The applicant does not demonstrate any flexibility in terms of reducing the site area; scale or format of the proposal; or car parking numbers.
- We consider that both the Maidstone East and Former Royal Mail Sorting Office and Former Bhs store in the Mall are available and potentially suitable to accommodate the proposal or something broadly similar.
- Maidstone has not benefited from significant investment and renewal in 'recent' years.
- Below national average level of vacancies in the town centre and the pressure for out of centre premises leads us to question the statement that the town centre has remained '*relatively stable since 2012*' (RIA, para 4.40).
- Overestimating the turnover of the Maidstone town centre;

- Overestimating the inflow of comparison expenditure from beyond the extensive catchment area;
- Overestimating the 'trade draw' of the proposal from outside Zone 1 (Maidstone town centre) and underestimating the trade diversion from Maidstone town centre (only 1/3 of the proposal's overall turnover at 2021); and
- Not evidencing the alleged overtrading of foodstores within the catchment area.
- Trade draw from town centre is underestimated.
- Conditions should include restricting the scale of the proposal and specially identifying net and gross floorspace; restricting the use class of the proposal; preventing the installation of mezzanines; and preventing the amalgamation of units.

5.08 **One Maidstone (Town Centre Management Body):** Raise objections and makes the following (summarised) points:

- Threat to economic health of town centre.
- Eclipse Park was never intended for this purpose.
- Site is conducive to destination shopping.
- If approved there should be considerable s106 contributions to mitigate the impact.

## 6.0 **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)*

6.01 **Boxley Parish Council:** *"Whilst Boxley Parish Council welcomes this development, members have concerns that the local infrastructure is inadequate and this development will have a detrimental impact on the local traffic."*

6.02 **Highways England: No objections.**

6.03 **Natural England: No objections/comments** to make.

6.04 **Environment Agency: No objections/comments** to make.

6.05 **KCC Highways: No objections** subject to securing the following (that pass the CIL and conditions tests) - bus shelters at the pair of bus stops on Bearsted Road; reconfiguration of the Bearsted Road/Eclipse Park junction traffic signal operation; Travel Plan; financial contribution for the monitoring of the Travel Plan; provision of a bus stop in the immediate vicinity of the site; financial contribution to facilitate improvements to local off-peak bus services; provision and permanent retention of the vehicle and cycle parking spaces;

provision and permanent retention of the vehicle loading/unloading and turning facilities.

6.06 **KCC Lead Local Flood Authority: No objections** subject to condition requiring the detailed SUDs scheme, maintenance, and verification.

6.07 **KCC Ecology: No objections** subject to enhancements.

6.08 **MBC Landscape: No objections** to the landscaping scheme.

6.09 **MBC Environmental Health: No objections** subject to conditions relating to contamination, noise, extraction maintenance, air quality emissions reduction, and installation of electric vehicle charging points.

6.10 **MBC Economic Development:** Supports the application and makes some main points as follows:

*"It has been well documented that Town Centre shopping has been heavily influenced by a rapid change in shopper trends over the past decade, driven by the explosion in digital devices as well as increased broadband speeds that are available to consumers on mobile devices.*

*Online shopping has led to a new generation of 'digital shoppers' who use this technology to their advantage to obtain the best price in the market for goods or clothes. This in turn has driven greater competition between retailers to the detriment of many who have not been able to adapt in the face of rising cost pressures.*

*It is apparent that there will be an adverse impact on the Town Centre when the new store opens according to the Retail Impact Assessment carried out by the applicant and challenged by the Council's own retail consultants. It estimates that the trade draw impacts of both convenience and comparison shopping on the Town Centre will be 2.8%. In a town centre, where vacancy levels remain at around the national average and footfall remains strong, it is considered that the impact will not be "significant" on the health of the town centre.*

*It is expected that the Business Rates payable on the new store will be in region of £480,000 per year. This is relevant as currently an element of the growth in business rates across the Borough is captured locally and can be spent on delivering the Council's adopted Economic Development Strategy, which includes initiatives to support the Town Centre.*

*Trying to hold back the inevitable changes occurring in the retail sector will mean investment leaving the Borough. This proposal will create 260 new jobs at a flagship store at Eclipse Business Park and retain an M&S presence in the town centre, as least for the medium term. It will draw trade away from the town centre but not significantly.*

*ED supports the application."*

- 6.11 **Ashford Borough Council: No objections** but consider the zone of influence could well cover more parts of urban Ashford as well as rural parts of the borough than suggested.
- 6.12 **Dartford Borough Council: No objections.**
- 6.13 **Gravesham Borough Council: No objections** but refer to conflict with policy SP22; potential impact of the proposal in combination with others recently permitted in the North Kent area; consider Maidstone East is not rejected on sound grounds; question convenience trade diversion from Bluewater and Gravesham; question suggested trade draw; question impact alongside Bluewater expansion.
- 6.14 **Medway Council: Raises objections.** Refers to conflict with policy SP22; lack of commentary of the impact on Medway and other neighbouring authorities and therefore real concerns about the impact of this proposal on its centres; the M&S proposed in Eclipse Park has direct implications for the M&S store in Hempstead Valley Shopping Centre; would have significant impact on Medway; the proposal could have a significant impact on drawing trade away from Maidstone town centre; and consider it would have a significant impact on Medway's growth strategy, its economy, the sustainability of its centres and ambitions of sustainable development partly centred on supporting the growth and sustainability of Chatham and its 5 district centres.
- 6.15 **Swale, Tunbridge Wells, and Tonbridge & Malling Borough Councils:** No comments made
- 6.16 **Southern Water:** Can provide foul sewage disposal to service the development.
- 6.17 **Kent Police: No objections.**

## **7.0 APPRAISAL**

7.01 The main issues for this application are considered to be as follows:

- Conflict with policy SP22 of the Local Plan as the site partly falls within land allocated for B1 employment uses.
- Being a major retail proposal outside the town centre, compliance with policy DM16 and the NPPF in terms of the sequential test; retail impact upon the town centre or other retail centres; and sustainable connections to retail centres.

- Design and appearance; landscaping; highways; ecology; drainage; and air quality.

### Employment Allocation

- 7.02 The eastern part of the site is allocated as an employment site for B1 uses (offices, R&D, light industry) under policies SP21 and SP22. This policy states that a change of use or redevelopment for non B class uses will not be permitted unless it can be demonstrated that there is no reasonable prospect of their take up or continued use for B1 use in the medium term. The applicant has provided marketing information showing there has been no take up for this site for office purposes in the past 9 years and considers that given the office market in Maidstone and the availability of existing vacant offices in the town centre, it is unlikely that this site will be required for office uses in the foreseeable future. There has also been no uptake of the planning permissions for three office buildings totalling 5,118m<sup>2</sup>, which were granted planning permission in September 2017 (Ref 16/507366/OUT) just to the south of the site.
- 7.03 There is no specific commentary of market trends for the next 5 years (medium term) but I consider it highly unlikely that there is going to be such a significant change in market conditions in the near future to alter this position. This is a view shared by the Council's Economic Development section and who state, *"there is little demand for larger office space on traditional lease terms and certainly not enough to encourage speculative development."* This was also the position accepted by the Council for the Waitrose application in November 2016 in the context of the previous Local Plan, which allocated the site for B1/B2 use, and the emerging policies of the current Local Plan which allocated the site for B1 uses, and I see no grounds to divert from this conclusion, notwithstanding the continued allocation of the site in the Local Plan. I therefore consider the terms of policy SP22 have been met. It must be noted that the employment expected from the proposal is 300 full and part time jobs (approximate mix of full time (30%) and part time (70%)), so whilst not a B class use, this would still provide a significant number of jobs within the employment allocation.

### Sequential Approach

- 7.04 Policy DM16 states that proposals such as this development should be located in an existing retail centre (Maidstone town centre or other retail centres) unless by means of a sequential approach it can be demonstrated that it can't be accommodated here, and secondly that it can't be accommodated at an 'edge of centre' site. Only then can an alternative 'out of centre' location be considered, which should be accessible by public transport. This follows paragraph 24 of the NPPF which states that Local Planning Authorities should apply a sequential test to planning applications that are not in an existing centre and are not in accordance with an up-to-date Local Plan.



7.05 Eclipse Park is located outside of Maidstone town centre and is not allocated for retail use in the Local Plan. The application site is considered to be 'out of centre' and so the applicant has assessed sites within the Town Centre (TC) and on its edge.

7.06 National Planning Policy Guidance (NPPG) provides a checklist that sets out considerations that should be taken into account in determining whether a proposal complies with the sequential test as follows:

- With due regard to the requirement to demonstrate flexibility, has the suitability of more central sites to accommodate the proposal been considered? Where the proposal would be located in an edge of centre or out of centre location, preference should be given to accessible sites that are well connected to the town centre.
- Is there scope for flexibility in the format and/or scale of the proposal? It is not necessary to demonstrate that a potential town centre or edge of centre site can accommodate precisely the scale and form of development being proposed, but rather to consider what contribution more central sites are able to make individually to accommodate the proposal.
- If there are no suitable sequentially preferable locations, the sequential test is passed.

7.07 In terms of assessing alternative sites, the applicants approach is that sequentially preferable sites should be capable of accommodating the development proposed *by this application*, being a full range M&S store (i.e. it cannot be reduced or divided into separate components for example the food element being separated from fashion). They seek to justify this approach based on various cases high court and appeal decisions. The Council's retail consultants 'Cushman & Wakefield' (CW) agree that applying the sequential test to the proposed development as a whole is the correct approach in this case.

7.08 CW agrees with the five alternative sites assessed by the applicant and I am not aware of any others that would be suitable. The five sites are as follows:

1. Newnham Park, Bearsted Road
2. Maidstone East and Former Royal Mail Sorting Office
3. King Street Car Park (incl. Former AMF Bowling)
4. Powerhub Building and Baltic Wharf
5. Former BHS Store and Former TJ Hughes, The Mall

7.09 These sites must be assessed for their suitability, availability and viability. I and CW agree that the Newnham Park shopping complex is not currently available and moreover it is not a sequentially preferable site. King Street Car Park is a retail allocation in the Local Plan for up to 1,400m<sup>2</sup> but is not large enough for the development proposed. The 'Powerhub building and Baltic Wharf' is also allocated for retail in the Local Plan but it is agreed that is not

suitable mainly given the need to retain the listed building. Redevelopment and the simultaneous refurbishment of the listed Powerhub building make this a very difficult site to bring forward for any retail scheme given the site's limitations and CW agree with this, as do I. The vacant TJ Hughes store in the Mall is too small to be suitable (1,449m<sup>2</sup>).

7.10 Maidstone East is the Council's primary retail allocation allowing for up to 10,000m<sup>2</sup> comparison and convenience retail. Whilst in principle the site would be suitable, MBC (who joint own a significant part of the site) have confirmed that the likelihood of the site being available for a retailer is at least 5/7 years away (2023/2025) and therefore this takes it beyond the time period for when M&S have targeted their new regional stores to be open (2020). On this basis, it is not considered to be available prospect at this time or deliverable within a reasonable timeframe.

7.11 The former BHS store has a floorspace of 6,751m<sup>2</sup> arranged over 3 levels (approximately 2,250m<sup>2</sup> per floor). The proposed M&S is 7,808m<sup>2</sup> over 2 levels (3,904m<sup>2</sup> each). Therefore, the floor plate sizes do not match M&S's requirements. The applicant considers the fundamental issue with this unit is the configuration (spread over 3 floors) and that it is in a covered shopping centre. This means that the store does not have the prominence or presence that M&S would want from a new, regional store. The applicant states that covered Shopping Centres that were developed in the 1980s around an anchor tenant such as BHS, are difficult to adapt when that tenant leaves to suit the requirements of another retailer. They point out that trading on multi levels in such centres is difficult, as TJ Hughes have found. TJ Hughes have relocated onto one level and vacated the lower level. They also consider having split level frontages can affect customer's attraction and footfall into the store. Reference is also made to the lack of immediate free surface level car parking and the servicing arrangements and plant area facilities do not meet M&S's requirements. Even if M&S were to adapt their format significantly to be able to take these premises, it is stated that the UK Property Director has assured that he would not be able to convince his Board to accept such a compromised location. The applicant concludes that given the above, the BHS unit is unsuitable for the proposed development. CW advises that they have sympathy for the applicant's position and, on balance, consider that the unit would not satisfy their commercial requirement.

7.12 Therefore for the above reasons it is considered that the sequential test has been met showing that the proposal could not be accommodated on a site within the town centre or on its edge in accordance with policy DM16.

#### Retail Impact

7.13 Policy DM16 requires an impact assessment to demonstrate that:

- The proposal would not result in significant adverse impact (*my emphasis*), cumulative or otherwise, on the vitality and viability of an existing centre (within or outside of MBC); or
- Undermine the delivery of a site allocated for the use proposed.
- The accompanying text states that the assessment should also follow the approach in the NPPF and NPPG which includes assessing:
- The impact on existing, committed and planned public and private investment in a centre or centres in the catchment area of the proposal; and
- The impact of the proposal on town centre vitality and viability, including local consumer choice and trade in the town centre and the wider retail catchment (as applicable to the scale and nature of the scheme).

7.14 Policy DM17 seeks to maintain and enhance the existing retail function of defined district centres. The district centres most likely to be affected by the proposal are the Mid Kent Centre, Allington and Grovewood Drive, Grove Green.

7.15 The planning application has been accompanied by a retail impact assessment which covers the following main aspects:

- Health check analysis of the relevant designated centres (Maidstone Town Centre, and Allington (Mid-Kent) and Grove Green District Centres) (in order to understand the potential impact of the development on the centres);
- Household surveys (to assess current shopping patterns across the catchment area)
- Trade Draw/Diversion of convenience and comparison shopping (to understand the proportion of trade the development is likely to receive from customers within and outside the catchment area)
- Retail Impact (an assessment of the likely impact on the vitality and viability of retail centres, and upon existing, committed and planned investment)

7.16 The applicant's assessment of trade diversion of both convenience and comparison shopping upon local retail centres is set out below. This shows the existing turnover of the town centre and district centres, and predicted turnover for 2021 (without the proposal). So for example, for the town centre, it is predicted there will be a £49.2m increase in turnover between 2018 and 2021. Of this increase, the proposed new store is expected to divert £16.5m of trade. Therefore with the development in place, it is predicted that the turnover of the town centre from 2021 would be 2.8% lower than it would have been without the new store. This is the impact upon which the proposal must be judged and is shown in the final column.

Destination	Existing Turnover at 2018 (£m)	Existing Turnover at 2021 (£m)	Trade Diversion (£m)	Post-Development Turnover at 2021 (£m)	Impact from Proposal (%)
<b>Maidstone Town Centre</b>	£532.8m	£582.0m	£16.5m	£565.6m	<b>2.8%</b>
<b>Allington (Mid-Kent) District Centre</b>	£15.0m	£15.4m	£1.0m	£14.5m	<b>6.2%</b>
<b>Grove Green District Centre</b>	£42.7m	£43.9m	£1.0m	£42.9m	<b>2.2%</b>

*(Any discrepancies due to rounding of figures)*

7.17 The applicant considers this would not result in a significant adverse impact on the vitality and viability of the town centre or local centres. In this regard, the NPPG advises that,

*"A judgement as to whether the likely adverse impacts are significant can only be reached in light of local circumstances. For example in areas where there are high levels of vacancy and limited retailer demand, even very modest trade diversion from a new development may lead to a significant adverse impact."*

7.18 The applicant considers that the town centre has a good range and offer and is a healthy and vibrant centre with the town centre's comparison retail offer providing a significant draw to Maidstone, and the town centre has remained relatively stable since 2012 (date of Council's own retail study). The town has 25 of the 29 major retailers in the UK and in the 'Javelin Venuescores index' which ranks 3,077 retail venues within the UK, Maidstone Town Centre has remained at 52<sup>nd</sup> as it was in 2013/14. As the Local Plan points out in the explanatory text to policy SP4, the town centre has a good balance of major, national retailers alongside a strong, independent offer.

7.19 The applicant points out that the proportion of vacant units has fallen over the past 6 years to below national averages (11% in comparison to 11.2%). It must be noted however that the actual amount of vacant floorspace is slightly higher than the UK average (12.6% compared to 9.8%), which is largely made up of the former TJ Hughes and BHS stores. Pedestrian flows through the town centre have risen year on year since 2015. Recent investment by the Council on public realm improvements in the High Street and those to come on Week Street are also positive aspects contributing to the environmental quality within the town centre. Clearly, many town centres are facing challenges due to changes in retail patterns, particularly online shopping, however, for the above reasons, it is considered that the town centre is a relatively healthy and

vibrant centre with a good range and offer, and which does not have high levels of vacancies.

- 7.20 For the Allington and Grove Green district centres, the applicant considers Allington is healthy and vibrant being based around the Waitrose store with varied independent shops/services, and only one vacant unit. In the case of Grove Green, this is also considered to be healthy with the anchor Tesco store serving day to day needs and with no vacancies.
- 7.21 The applicant refers to two tests that have been given weight in appeal decisions in considering whether significant adverse impacts have occurred ('Rushden Lakes' & 'Scotch Corner', which were for a mixed use development and designer outlet centre respectively). Firstly, one looks at whether the town centre would continue to turnover more at the test year (post completion and implementation of the proposal 2021) than it does in the base year (2018). In those appeal decisions, turnover would either be marginally lower, or more than the base year and the Secretary of State agreed that the impact would not be significant. The second test assesses whether the proposal is likely to result in any stores closing or cease trading as a result of the development and whether consumer choice would be affected.
- 7.22 Clearly, each case is judged on its own merits but in terms of turnover, both Maidstone town centre and Grove Green are predicted to turnover above the current levels post completion of the development in 2021 so would still increase trading despite the development. For Allington, the turnover would fall to 96.6% of 2018 trading levels but this is not a significant fall.
- 7.23 Turning to whether any stores would be at risk, the two district centres are anchored by supermarkets. The Tesco at Grove Green currently overtrades well above benchmark levels and so would not be at threat by the proposals so nor would the district centre. The Waitrose store at Allington currently trades at around 26% above benchmark levels and is predicated to overtrade by 22.5% as a result of the development. This continued overtrading means that the anchor store would not be at risk as a result of the development and so nor would the district centre. For the town centre, the Sainsbury's at Romney Place trades well above its benchmark so is not at risk. It is not possible to assess the impact upon individual comparison goods stores because it is not practicable to survey people on which stores they last used for the various categories of comparison goods.
- 7.24 CW originally sought further clarification/refinement on some of the retail impact analysis carried out. The applicant responded to this but there are still some areas of disagreement and on this basis, CW do not agree with the applicant's conclusion on the scale of trade diversion. However, and importantly, they advise that if the assessment was altered to their agreement, it would not forecast significantly higher proportions of trade diversion from, or retail impacts on the town centre, or district centres. There is often disagreement on the scale of impact for retail assessments from

consultants but on balance, they advise that they do not consider the proposal would have a significant adverse impact on the vitality and viability of Maidstone town centre, or any other centre.

- 7.25 I agree with this conclusion and therefore the proposal complies with this part of criterion (ii) of policy DM16 of the Local Plan and the impact test within the NPPF. However, there will still obviously be some limited negative impact and so mitigation is proposed which will be discussed below. Also, the NPPG advises that where there would be no likely significant impact on a town centre, the local planning authority must then consider all other material considerations in determining the application, as it would for any other development. I will return to this balancing exercise in the conclusion below.
- 7.26 In terms of whether the proposals would undermine the delivery of a site allocated for the use proposed (second part of criterion (ii)) or existing, committed and planned investment (NPPF)), Maidstone East is the Local Plan's primary retail allocation but this site is a number of years away from potential development and so the proposal would not undermine this site allocation. Newnham Court only allows for replacement retail floorspace of the amount that exists (and a recent permission has been granted for redevelopment of the garden centre and café), and the proposals would not compromise potential redevelopment of this allocation. King Street is a smaller site and more suitable for smaller users so would not be compromised. The Powerhub and Baltic Wharf is not suited to such a store and so the proposals would not compromise this allocation. Representations on behalf of 'The Mall' shopping centre consider that the development will have a bearing on investment decisions for the shopping centre. Policy SP4 refers to the medium to longer term aim of promoting a comprehensive retail redevelopment centred on The Mall but this is envisaged for the latter part of the Plan period (post 2026) and so is not considered to represent existing, committed or planned investment at the moment.
- 7.27 In terms of the Medway Council objection, C&W have confirmed that the applicant has adequately assessed centres within Medway, and based on the assessment it is considered that the likely trade impacts upon such centres are low such that significant adverse impacts would not be caused. Nor would there be any significant impacts upon any other centres outside the Borough.

#### Mitigation

- 7.28 Whilst the proposal would not have a 'significant adverse impact' on the vitality and viability of Maidstone town centre or any other centre it would still divert trade and have some limited negative impact, and as such mitigation has been negotiated with the applicant. The Council currently has a number of projects/initiatives for the town centre, details of which have been provided from the Economic Development Section, as follows:

1. Study into managing the transition of the Town Centre - Cost £30,000

2. Town Centre Marketing initiative - £90,000 (£30k/year x3)
3. Maidstone Shop Front Improvement Scheme - £120,000
4. Public realm works to Earl Street - £1m

7.29 I also consider potential public art provision in the town centre is appropriate bearing in mind the Council's adopted Public Art Guidance 2018.

7.30 There is no formula for working out an appropriate amount of money to mitigate the impact of retail development and the applicant is agreeable to a sum of £300,000 which is based on covering the costs of the first 3 town centre projects and additional monies towards public art/realm projects. I consider this is proportionate to the impact of the development on the town centre (circa 2.8% trade diversion) and this would provide clear benefits for the town centre. This would leave £60,000 towards public art and Earl Street works. The public art guidance seeks £3 per square metre and so would be in the region of £23,400 leaving £36,600 towards Earl Street. A legal agreement can secure this financial contribution but allow some flexibility should any of the projects or their costs change so that monies can still cover the projects, or be used in a different combination.

7.31 A legal agreement would therefore secure £300,000 to be used towards the town centre projects as set out below:

1. Study into managing the transition of the Town Centre - £30,000
2. Town Centre Marketing initiative - £90,000
3. Maidstone Shop Front Improvement Scheme - £120,000
4. Public Art provided within the town centre - £23,400
5. Public realm works to Earl Street - £36,600

7.32 The applicant is also agreeable to committing to investment of £300,000 on the freehold town centre store to be used towards re-fitting and upgrade works within 3 years of the first occupation of the proposed store. Whilst this is not necessary to make the development acceptable (and so is not a reason for granting permission), it is being proposed by the applicant and will therefore be included in the legal agreement.

7.33 Whilst not mitigation, the applicant (Marks & Spencer) is already proposing to contribute an additional 1.5% of their business rates annually towards Maidstone's business improvement district (BID) which is to facilitate improvements to the town centre.

#### Design, Appearance & Landscaping

7.34 Such retail units inevitably start as a 'box' shape for practical reasons but this has been broken up with visual interest, for example on the front west elevation with the provision of a two storey projecting glazed section which also protrudes above the roof. Either side are projecting canopies at single and two storey height which also wrap around the south side of the building where

it is exposed to view. Materials are also used to break the building up and are of high quality including ragstone on the ground floor to the front and south side, and white glass 'rainscreen' cladding, which would also be used on the east side of the building where it would be visible from the A249. The colours of the materials are also considered to complement one another. Windows are also used on the east side to break up the elevation and provide an active frontage to the A249. Timber effect cladding would be used on the supports for canopies and their undersides which would also provide a high quality finish. The north elevation is plainer as this would be screened from view by the embankment. A key feature of the building is the tall ragstone tower in the northeast corner which will provide a distinct and quality finished element to the building on this gateway to Maidstone from J7. The building would also meet a 'BREEAM Very Good' level in accordance with policy DM2 and solar PV is proposed and has been increased since submission. Overall, the building is considered to be of high quality in terms of its design and appearance.

- 7.35 The applicant (Gallaghers) is also proposing a digital display within Eclipse Park for advertisements in relation to Eclipse Park but this could also be used for Maidstone and town centre promotional material should the Council or One Maidstone wish to approach the applicant. The precise location is not yet decided and this requires separate advertisement consent. As this is part of the proposal and is a positive feature of the development, an advert consent application can be sought by condition.
- 7.36 Surface materials would include buff coloured paving around the entrance to the building, block paving for parking spaces and tarmac for circulation space in the car park and service areas. This would ensure variation and interest in surfacing. Ragstone walling would also be used for the ramped access near the southwest corner of the building.
- 7.37 Landscaping includes new trees and hedging around the perimeter of the parking area with a more substantial landscape buffer along the site frontage. Within the parking areas would be hedges and trees to break up the hardstanding areas. Around the rear and side of the building would structural planting and trees. Improvements have been made including additional trees, ivy trellis planting, and ragstone planters. The species proposed are predominantly native and overall it is considered the landscaping scheme is of good quality and would provide a good setting to the development. The Landscape Officer also concurs with this view. The applicant is also proposing new trees to the west of the application site along the road frontage. Whilst this is not strictly necessary, it is part of the applicant's proposals and will be referred to in the approved plans.
- 7.38 Lighting would be in the form of columns within the car park and wall mounted lights on the building. Details can be provided by condition to ensure a limited visual impact and quality units.



- 7.39 Boundary treatments would be 2.4m high secure green powder coated metal fencing to all boundaries to the service yard with the remainder either timber knee rails or 1.1m high powder coated metal fencing similar to that on the Next store. Specific details can be secured by condition.
- 7.40 In terms of the impact upon the setting of the AONB, the scale of the development being essentially 2 storeys, in the context of neighbouring existing or approved development (which is taller), in my view would not have a harmful impact upon the setting of the AONB both in terms of views from and views towards, particularly with the M20 motorway and J7 between.
- 7.41 For the above reasons the proposals are considered to comply with policies DM1, DM2, and DM3 of the Local Plan.

#### Highways & Sustainable Travel

- 7.42 Kent Highways have assessed the access and impact of traffic upon the local highway network and Highways England on the M20. Both consultees raise no objections in terms of capacity or safety. This is based on a small change to the traffic signals at the Eclipse Park/Bearsted Road junction to provide a left turn filter for vehicles exiting Eclipse Park, which would be secured by condition. Parking provision would be a total of 282 spaces that are to be available to staff and customers (including for the mobility impaired and cycle parking), and it has been demonstrated that this would meet the usual peak demand for parking. There is the potential for more pronounced peaks in demand to occur on occasion, such as at weekends and during the Christmas period but KCC Highways would not regard these instances to justify a higher level of parking provision in view of the need for compliance with maximum parking standards and the scope for such situations to be effectively monitored and managed. Electric vehicle charging points would also be provided in accordance with policy DM23 and on this basis, the parking is considered acceptable.
- 7.43 In terms of sustainable travel, the site is served by new bus stops on the Bearsted Road (around 300m) which provide a frequent (30 mins) bus service to and from the town centre. In off-peak evenings and on Sundays the service is more limited but I consider it is still a sufficient to serve the development. Based on the current service, I also consider that monies towards town centre projects is more appropriate than towards bus improvements. I agree with Kent Highways that the provision of shelters for the existing bus stops is appropriate and the potential provision of a bus stop outside the site should bus services come into the site (something that the bus companies do not currently propose). This is proportionate to comply with criterion 2 of policy DM16.
- 7.44 A draft Travel Plan has been submitted which provides a basis for encouraging sustainable travel patterns and reducing vehicle trips over time. It includes a range of measures and initiatives that are largely focused around group

participation in travel schemes (e.g. Cycle to Work, Kent Journey Share Scheme), the availability of travel related information (e.g. travel information board, welcome leaflets, bus timetables), the provision of cycle parking and potential discounts on bicycle purchases. Implementation will be overseen by a Travel Plan Co-ordinator. This can be secured by condition and a monitoring fee of £5,000 secured alongside this through a legal agreement.

- 7.45 For the above reasons the proposals are considered to comply with policies SP23, DM16, DM21 and DM23 of the Local Plan.

#### Other Matters

##### *Ecology*

- 7.46 The ecology survey outlines that the habitats within the site that consist of hardstanding, recolonising ground, woodland, amenity grassland and amenity planting are in the main species poor and of low biodiversity value, and their removal is of little ecological significance. There would be no impact upon protected species and so no harmful ecological impacts. The landscaping scheme will provide biodiversity enhancement and a pond is also proposed along the frontage to provide enhancement. Other measures such as swift bricks, cordwood and wildlife friendly drainage are also proposed and can be secured by condition.

##### *Drainage*

- 7.47 Surface water would be drained via soakaways and with the use of permeable paving which KCC consider is acceptable subject to conditions covering the specific details, verification, and maintenance.

##### *Air Quality*

- 7.48 An assessment has been provided which concludes that the development is predicted to result in a negligible impact on air quality with no predicted risk of exceedance of air quality standards. As such, the overall effect on air quality (human health) from the proposals is considered not to be significant. The Environmental Health section has reviewed the assessment and agrees with its conclusions that the impact will be negligible. Measures to lessen any impact would be through the Travel Plan, electric charging points, and bus shelters which is considered proportionate to the impact in this case.

##### *Environmental Impact Assessment*

- 7.49 The proposals would result in more than 1ha of 'urban development' taking into account the new retail building and surrounding development and so would fall within Schedule 2 of the EIA Regulations 2017. This does not mean an EIA is required but that an assessment needs to be carried out as to whether the proposal is "*likely to have significant effects on the environment*".

The site falls within the setting of the AONB, defined as a 'sensitive area' under the Regulations but does not affect any other 'sensitive areas'. It is considered that the size and nature of the development means that it would not have any significant effect upon natural resources, the production of waste, population and human health, pollution or nuisances, any risk of major accidents or to human health, or would not result in harm to the AONB landscape, or to the natural environment including biodiversity, land, soil, water, air and climate, or cultural heritage. The impact of the development would be localised and would not be so significant or wide-ranging so as to warrant an EIA. On this basis, it is considered that an EIA is not required.

## **8.0 BALANCING OF ISSUES/CONCLUSION**

- 8.01 Whilst the site is not allocated for retail use, and the Local Plan seeks to direct such uses towards the town centre, policy DM16 can allow for out of town proposals where criterion are met. The sequential test has been met showing that the proposal could not be accommodated on a site within the town centre or on its edge, and proposals would not have a 'significant adverse impact' upon Maidstone town centre or any other retail centres. The site has good accessibility by public transport and improvements would be made. The site partly falls within an employment allocation but there is not considered to be a reasonable prospect of its use for offices in the near future so policy SP22 is met.
- 8.02 The proposals would nonetheless still have some negative impact upon Maidstone town centre and or other local retail centres. Balancing this against mitigation of £300,000 towards town centre projects, the economic benefits of the net job creation of a predicated 260 (full and part-time) jobs created in store (40 staff employed at leasehold store will be offered the opportunity to work from the new store), and a further 200 jobs created in the construction and fit out of the development, the high quality design of the development, and the lack of any other harm caused by the development or conflict with the Development Plan, it is considered that the proposals are acceptable.
- 8.03 I have considered all representations received on the application and for the above reasons it is considered the proposals are in accordance with the relevant policies of the Development Plan and permission is recommended subject to the following Heads of Terms and conditions.

## **9.0 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 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. Financial contribution of £300,000 to be used towards the town centre projects as set out below. Should any projects or their costs change the contribution can be used in any alternative combination or different amounts for all or some of the projects listed:
  - a) Study into managing the transition of the Town Centre - £30,000
  - b) Town Centre Marketing initiative - £90,000
  - c) Maidstone Shop Front Improvement Scheme - £120,000
  - d) Public Art provided within the town centre - £23,400
  - e) Public realm works to Earl Street - £36,600
2. Securing that the applicant spends £300,000 on the Marks & Spencer freehold store in the town centre to be used towards re-fitting and upgrade works within 3 years of the first occupation of the development hereby approved.
3. £5,000 to be used for monitoring of the Travel Plan.

### 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 strictly in accordance with the following approved plans:

0301-Rev 02, 0302-Rev 05, 0303-Rev P04, 0304-Rev 02, 0305-Rev P03, 0310-Rev 01, 0320-Rev P06, 17-77-PL-201 B, 17-77-PL-202 B, 17-77-PL-203, and 17-77-PL-204

Reason: To ensure a high quality development and to clarify which plans have been approved.

3. No development shall take place until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of within the curtilage of the site without increase to flood risk on or off-site. The drainage scheme shall also demonstrate that silt and pollutants resulting from

the site use and construction can be adequately managed to ensure there is no pollution risk to receiving waters.

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

4. No development shall take place until details of the proposed slab levels of the building and associated development and the existing site levels have been submitted to and approved in writing by the local planning authority and the development shall be completed strictly in accordance with the approved levels;

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

5. No development above slab level shall take place until details for the provision of 5 publicly accessible electric vehicle charging points have been submitted to and approved in writing by the Local Planning Authority. The approved charging points shall be provided and fully available for use prior to the occupation/operation of the retail store and shall thereafter be retained for that purpose.

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

4. No development above slab level shall take place until details of the trolley bays have been submitted to and approved in writing by the local planning authority. The development shall thereafter be carried out in accordance with the subsequently approved details.

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

5. No development above slab level shall take place until details of all 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.

6. No development above slab level shall take place until a sample panel for the ragstone facing of the building, walling, and planters as shown on the approved plans has been submitted to and approved in writing by the Local

Planning Authority. Such details as approved shall be fully implemented on site.

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

7. No development above slab level shall take place until details of wildlife friendly drainage gullies and ecological enhancements including swift bricks, retention of cordwood on site, and maintenance/management of the approved pond have been submitted to and approved in writing by the Local Planning Authority. Such details as approved shall be fully implemented on site.

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

8. The development hereby permitted shall not be occupied until a scheme and maintenance schedule for the extraction and treatment of fumes and odours generated from cooking or any other activity undertaken on the premises, has been submitted to and approved in writing by the Local Planning Authority. The scheme shall be designed in accordance with the DEFRA publication Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems January 2005. Any equipment, plant or process provided or undertaken in pursuance of this condition shall be installed prior to the first operation of the premises and these shall thereafter be operated and retained in compliance with the approved scheme.

Reasons: In the interests of local amenity.

9. The development hereby permitted shall not be occupied details of lighting have been submitted to and approved in writing by the local planning authority. Details shall include designs, heights, luminance levels and measures to shield and direct light from the light sources so as to prevent light pollution and illuminance contour plots covering sensitive neighbouring receptors. The development shall thereafter be carried out in accordance with the subsequently approved details.

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

10. The development hereby permitted shall not be occupied until an operation and maintenance manual for the proposed sustainable drainage scheme has been submitted to and approved in writing by the local planning authority. The manual at a minimum shall include the following details:

- A description of the drainage system and it's key components
- A general arrangement plan with the location of drainage measures and critical features clearly marked
- An approximate timetable for the implementation of the drainage system
- Details of the future maintenance requirements of each drainage or SuDS component, and the frequency of such inspections and maintenance activities

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

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

11. The development hereby permitted shall not be occupied until a Verification Report pertaining to the surface water drainage system, carried out by a suitably qualified professional, has been submitted to and approved in writing by the Local Planning Authority which demonstrates the suitable operation of the drainage system such that flood risk is appropriately managed. The Report shall contain information and evidence (including photographs) of earthworks; details and locations of inlets, outlets and control structures; extent of planting; details of materials utilised in construction including subsoil, topsoil, aggregate and membrane liners; full as built drawings; and topographical survey of 'as constructed' features.

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

12. The development hereby permitted shall not be occupied until a final Travel Plan in accordance with the Planning Practice Guidance and following the principles of the submitted draft Travel Plan has been submitted to and approved in writing by the Local Planning Authority. The approved Travel Plan shall be thereafter implemented and maintained.

Reason: In the interest of sustainable transport.

13. Within 6 months of occupation, an advertisement consent application for the proposed digital display, within either the application site or land outlined in blue on the site location plan, shall be submitted to the Local Planning Authority.

Reason: To facilitate delivery of this positive aspect of the applicant's proposals.

14. The building hereby approved shall be constructed strictly accordance with the facing materials and colours as shown on drawing no. 0320-Rev P06 and as listed in the 'Notes' section on that drawing unless otherwise agreed in writing with the Local Planning Authority.

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

15. The development shall be carried out strictly in accordance with the ground surface materials and colours as shown page 31 of the Design & Access Statement unless otherwise agreed in writing with the Local Planning Authority.

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

16. The development shall be carried out in accordance with the approved landscaping scheme as shown on drawing nos. 17-77-PL-201 RevB (Landscaping 1 of 2), 17-77-PL-202 RevB (Landscaping 2 of 2), and 17-77-PL-204 (Tree Planting along the Western Approach Road) unless otherwise agreed in writing with the Local Planning Authority. No development above slab level shall take place until details of the implementation and long term management of the approved landscaping scheme, commensurate with the development/occupation of the site, has been submitted to and approved in writing by the Local Planning Authority, and the planting shall be carried out in accordance with the approved details. Any planting, seeding or turfing which fails to establish or any trees or plants which, within five years from its 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: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development

17. The recommendations of the Lustre Consulting Report reference 1498\ML\12-2015\422 shall be implemented in full. A Closure Report shall be submitted upon completion of the works. The closure report shall include full verification details as set out in the report. 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 site should be suitable for use via risk assessment for both human health and controlled water. Any changes to these components require the express consent of the local planning authority. The scheme shall thereafter be implemented as approved.

Reason: In the interests of human health.

18. The approved details of all vehicle parking/turning and cycle parking areas shall be completed before the commencement of the use of the land or buildings to which they relate 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 and sustainability.

19. The retail unit shall achieve a Very Good BREEAM Retail 2014 rating. A final certificate shall be issued to the Local Planning Authority for written approval to certify that a Very Good BREEAM Retail 2014 rating has been achieved within 6 months of the first occupation of the development.

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

20. The building or land shall be used for A1 retail use only and for no other purpose (including any other purpose in Class A of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or permitted under the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any statutory instrument revoking and re-enacting those Orders with or without modification);

Reason: To clarify the permitted use and to accord with the terms of the retail impact assessment and to safeguard the primary function of Maidstone Town Centre and local centres.

21. The development shall not exceed:

- (a) 7,808 square metres gross internal area;
- (b) 5,732 square metres net internal retail area, of which:
  - (i) no more than 1,045 square metres net shall be used for the sale of convenience goods; and
  - (ii) no more than 4,390 square metres net shall be used for the sale of comparison goods.
  - (iii) no more than 297 square metres net shall be used as a café, the use of which shall be ancillary to the retail sale use within Use Class A1 of the Town and Country Planning (Use Classes) Order 1987, as amended;

Reason: To accord with the terms of the retail impact assessment and to safeguard the primary function of Maidstone Town Centre and local centres.

22. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no development within Schedule 2, Part 7, Class A to that Order shall be carried out without the permission of the local planning authority;

Reason: To accord with the terms of the retail impact assessment and to safeguard the primary function of Maidstone Town Centre and local centres.

23. No additional floorspace shall be created through the use of mezzanies or otherwise.

Reason: To accord with the terms of the retail impact assessment and to safeguard the primary function of Maidstone Town Centre and local centres.

24. The use hereby permitted shall only open to customers within the following times:

07.00 to 22.00 Monday to Saturday and up to 6 hours between 10.00 and 18.00 on Sunday and Bank Holidays. The café shall not be open outside of the store opening hours.

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

25. Deliveries shall only take place or be accepted at the store within the following times:

06:00 to 22:00 Monday to Saturday or between 09:00 and 18:00 on Sundays/Bank/Public Holidays.

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

26. The retail building hereby permitted shall not be occupied until the off-site highways works under (i) and (ii) below have been fully implemented, and the details for (iii) have been approved in writing by the Local Planning Authority. The details for (iii) shall be carried out as approved and maintained thereafter.

(i) The provision of bus shelters at the two bus stops on Bearsted Road;

(ii) Reconfiguration of the Bearsted Road/Eclipse Park junction traffic signal operation as outlined in the Transport Assessment.

(iii) Details for the provision and implementation of a bus stop near to the application site.

Reason: In the interests of highway safety and sustainable transport use.

Case Officer: Richard Timms

# Agenda Item 14



18/502683/FULL - Lyewood Farm, Green Lane, Boughton Monchelsea, Maidstone, Kent

Scale: 1:2500

Printed on: 2/8/2018 at 10:31 AM by JoannaW

<b>REFERENCE NO -</b> 18/502683/FULL			
<b>APPLICATION PROPOSAL</b> Demolition of the existing chicken sheds and associated structures, the erection of 85 residential dwellings, together with associated access, parking, landscaping and drainage.			
<b>ADDRESS</b> Lyewood Farm Green Lane Boughton Monchelsea Maidstone Kent ME17 4LD			
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b> <p>The scheme is a more extensive development than the Local Plan allocation by 60 units which has no significant extra impacts and the scheme would satisfactorily deal with or mitigate the planning issues from the proposed development subject of planning conditions or obligations in a s106 legal agreement.</p> <p>The impact of the development on the landscape acceptable whether viewed from the wider countryside or a more local viewpoint. The proposed development would replace existing built form of farm buildings on the site and there would be beneficial effects, through the substantial new woodland structure, new green infrastructure including the new areas of open space and new coppice woodland, all of which would contribute positively to the local landscape. Furthermore, the proposed landscape framework would contribute over time to softening views of the proposed development and the resultant visual impact would therefore reduce through the maturing of the vegetation.</p> <p>The scheme complies with the Government's definition of sustainable development as defined in the new NPPF. It is in a relatively sustainable location in environmental terms and the social and economic benefits of the new housing would be significant, especially regarding the increased in the stock of the offer of affordable housing: 24 units of affordable rent and 5 units of shared ownership and 5 units of shared equity, all subject to a local lettings plan.</p> <p>The site provides 85 units of which 60 would be part of the Council's "windfall" housing supply. Policy SS1 (Maidstone Borough Spatial Strategy) refers to housing target being made through the granting of planning permissions in addition to allocations. The increase in number of units in this planning application therefore adds to the "windfall" contribution from this site by 60 units without any impact that cannot be satisfactorily mitigated.</p> <p>By their greater scale, the proposals provide greater benefits over and above than the policy H1(54) requires by the provision of a large area of publically accessible open space on site, biodiversity enhancements including the provision of community woodland for use of both existing and future residents and land secured in perpetuity for the benefit of the village via Boughton Monchelsea Amenity Trust.</p>			
<b>REASON FOR REFERRAL TO COMMITTEE</b> The proposal does not accord with Policy H1(54) of the Local Plan.			
<b>WARD</b> Boughton Monchelsea And Chart Sutton	<b>PARISH/TOWN COUNCIL</b> Boughton Monchelsea	<b>APPLICANT</b> Nicholson <b>AGENT</b> DHA Planning	Crest
<b>TARGET DECISION DATE</b> 31/08/18		<b>PUBLICITY EXPIRY DATE</b> 09/07/18	

## **Relevant Planning History**

n/a

## **MAIN REPORT**

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

- 1.01 The application site measures 12.9 ha in size. It is to the North East of and outside the village of Boughton Monchelsea and is thus in the countryside. It comprises a former egg farm plus open agricultural land. It encircles Lyewood Farm House, which is outside the red line of the application site. Lyewood Farm Oast is situated to the west of the site, but also does not form part of the application site.
- 1.02 It is sited to the east of Boughton Monchelsea. To the south is Green Lane with residential properties beyond. To the north is a quarry face and then residential properties in The Quarries. To the east, the site is bounded by Old Tree Lane, a small group of residential properties and farmland beyond.
- 1.03 The site has been used for egg production farming purposes in the past and consists of several large chicken shed buildings ranging from 1 to 2 storeys in height, with associated structures and hardstanding.
- 1.04 The site lies on the edge of countryside with no specific landscape policy protection. It does fall within the Local Landscape Character Type of Farleigh Greensand Fruit Belt in the Maidstone Landscape Character Assessment of 2012, as amended in 2013.
- 1.05 A public right of way (PROW) footpath KM106 runs north into the site from Green Lane then turns westwards to join with the restricted byway of KM104A which runs along the western boundary. This links Green Lane with The Quarries, North West of the application site it forks into KM103 and KM104.
- 1.06 The site is located on a north facing valley slope, with ground levels falling approximately 11m from south to north , and with the general topography of the area continuing to fall towards The Quarries and then rising again further to the north. An overhead power cable runs east to west across the northern part of the site.

### **2. PROPOSAL**

- 2.01 The scheme is for 85 dwellings on approx. 2.85 ha central part of the overall red line application site, giving a density of 30 dwellings per hectare. Generally the new houses are detached and semi detached. They are all 2 storeys dwellings in a mix of 2, 3 and 4 bed properties. Of these, 32 units (70%) will be affordable rented and 14 (15%) will be shared ownership and 15% will be Shared Equity. All will be delivered through a local lettings plan with priority to Boughton Monchelsea. This is policy compliant provision.

- 2.02 The development will provide new pedestrian routes (including hoggins paths) through the encircling landscaped open spaces (4.65 ha) and to connect to existing footpaths and the public rights of way. One part of the PROW KM106 is to be re-aligned slightly southwards under a separate process direct with KCC.
- 2.03 Planting along the southern boundary of the site will be retained and enhanced, and a 3 row strip of cobnut plat to the north of Green Lane in the southeast corner of retained arable farmland is proposed, in order to mirror existing planting to the south of Green Lane and also to create a gateway to village Furthermore it is intended to create a visual link with the nut plat proposed in the southwest corner of the site. A footway/cycleway link to the west will be provided.
- 2.04 In terms of renewable and low carbon design, the applicants state the Government Guidelines place significantly more emphasis on the building fabric rather than renewables. This is because renewable energy may require maintenance or replacement in time, and because of the technical nature of most forms of renewable energy this could be a costly and difficult exercise. The building fabric, however, has a much longer and more sustainable lifespan. The external fabric of a building well insulated and air tight. Improved building fabric can save on the energy required to heat a property and provide a substantial reduction in carbon emissions. Building materials to all dwellings, will have a favourable rating from the Green Guide. The development drawings indicate traditional external materials, which would have a good (D – A+) rating.
- 2.05 In order to reduce the consumption of potable water, water efficient kitchen and bathroom fittings will be used to restrict the predicted average water consumption to 125 litres per person per day (to comply with the minimum building regulation requirements).
- 2.06 A palette of traditional materials is proposed.
- 2.07 The perimeter is surrounded by open space with a multipurpose landscape screening, ecological and recreational function. The open space and communal areas which are publicly accessible are generally overlooked by adjacent dwellings providing a natural surveillance.
- 2.08 Parking is adjacent the dwellings generally in a tandem format. Vehicle parking is provided to accord with locally applied standards, as is cycle parking and car parking for visitors.
- 2.09 There will be no street lighting: parking areas will be lit by bollards and there will be lighting affixed to the dwellings, details to be provided by condition.
- 2.10 A comprehensive ecological appraisal in support of the application addresses biodiversity issues.
- 2.11 The Tree Report submitted concludes that the proposed development results in very minor loss of trees and an overall increase in the amount of tree cover with an emphasis on locally native species.

- 2.12 A Landscape and Visual Impact Assessment states that the proposed scheme will have no visual impact on the landscape that cannot be mitigated by landscape screening etc within 15 year time frame of maturity.
- 2.13 Trip forecasts and traffic speeding monitoring to determine the impacts on the surrounding highway network conclude that the proposed development is in a sustainable location with respect to local facilities, whilst its impact on the safety of the local highway network is judged to be minimal.
- 2.14 Foul drainage is intended to connect to the mains sewer and surface water to infiltrate to ground in a dispersed pattern as part of SuDS scheme
- 2.15 An Archaeological report advises that the site is considered to have a moderate archaeological potential for the Iron Age and Roman periods, and a low potential for all other past periods of human activity which will necessitate further archaeological works will be required before work commences.
- 2.16 The applicant submits that Gas SGN has confirmed that there is a sufficient capacity in its Low Pressure network to accommodate this development.

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

National Planning Policy Framework (NPPF)  
National Planning Practice Guidance (NPPG)  
Maidstone Borough Local Plan 2017 (MBLP) SS1; SP17; SP19; SP20; SP23; DM1; DM3; DM6; DM8; DM12; DM19; DM20; DM21;DM23;DM30; H1; ID1  
Supplementary Planning Documents: Air Quality

### **4. LOCAL REPRESENTATIONS**

#### **Local Residents:**

- 4.01 They have been 19 representations received from local residents with 13 objections. They raise the following (summarised) issues
- roads cannot accommodate the additional load from cars of 85 houses
  - Vehicles already use Green Lane as a cut through to Brishing Lane
  - Speeding vehicles on Green Lane
  - roads would need additional footpaths and potentially widening.
  - Poor broadband supply
  - disappointing that such a large increase has been proposed from the allocation

- needs a commitment to the landscaping, provision of open space and the granting of land to BMAT together with new footpaths (particularly to the north of Green Lane
- there is a "pinch point" outside Tudor Cottage where the footpath north joins
- The proposed pathway to the north of the hedge is welcome,
- footpath KM104A with Green Lane: visibility is poor and it is difficult to navigate
- views from Green Lane northwards currently reach to the North Downs
- Green Lane already floods
- would ask that no street lighting is installed
- an increase of 85 houses with an average of 300 people, with 2 cars per family would have a large impact on the village,
- insufficient amenities in the village, e.g 1 shop, small village school, no doctors
- limited bus service.
- increase to noise and light pollution.
- Busy crossroads by the Albion Restaurant: the hazards that already exist if they then turn into Church Street.
- two recent housing developments in Hubbards Lane and a third has now started off Heath Road.
- village does not have sufficient resources to accommodate such an increase in population
- too higher density housing for this site.
- The parish council survey identified 14 affordable houses being required and yet 34 are proposed.
- There is talk of medical facility- where and when ?
- PRoW track(KM106) lying to the south of the oast is to be moved further south to facilitate the development with the view to increasing the size of the development itself.
- There is a proposal to use low level bollard lights and house wall lights to light the site, this means 117 parking lights and 85 house lights, so will create a glow in an otherwise 'dark' village- a detrimental visual impact
- The boundary at the upper edge of the Quarry face is currently a wire fence and indigenous hedging of varying age, condition and size. If publically accessible open space will allow pedestrians and cyclists to access to the top edge of a fragile and sensitive geological quarry face.



- ecological landscaping needed protection for the northern boundary: public access too close the edge will result in its alteration and harm.
- the quarry face is subject to erosion by water: the impact of water run-off from the development, percolating down the quarry face will speed up the process
- the landscape appraisal has not considered the northern aspect and the potential impact on the quarry edge. It is not on public view and I have not been approached
- landscape areas should be indigenous hedging and vegetation that can knit the soil and prevent further erosion
- Large trees next to Quarry face will eventually need felling or surgery if planted too close or allowed to get too large
- the quarry has a wealth of important species and the impact of this development could affect their habitat. eg feeding bats above a pond at the base of the face, a sensitive habitat for birds and burrowing bees.
- There is an established badger set, a high reptile and amphibian population including indigenous snakes, frogs and newts.
- Quarry face: potential public safety issue
- The main sewer running undergoes significant bore size reductions which is the root cause of the blockages. would exacerbate an already intolerable situation,
- Too close to The Quarries which will impact on its very rural atmosphere: 85 dwellings should be moved to a more central position
- the affordable housing is situated at the closest point to The Quarries, affecting peace and tranquillity
- This application does not comply with Policy H1 (54) and should be refused because call for sites concluded this site could accommodate up to 25 units not 85. A sensible compromise to 40 units.
- development should be restricted to the footprint of the existing chicken sheds
- The application does not accord with DM30 in the local plan.
- local plan is quite recent and must be upheld in applications otherwise the plan going forward is completely meaningless.
- the access be moved east to relieve impact on the existing houses on Green Lane,
- need to push the traffic east away from the village centre during the school run
- glare from car headlights

- Variety of commercial vehicles possibly resulting in about 600 movements per day.
- concern at construction phase
- Loss of privacy: need planting of trees on the border of our property adjacent to the development.
- reduced safety from the potential foot traffic so the footpath need to be diverted

## **5. CONSULTATIONS**

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

### **5.01 Boughton Monchelsea PC:**

- concerned at road safety, including the speed of traffic along Green Lane.
- mitigation measures to include improvement work to the Green Lane / Heath Road / Brishing Lane junction,
- a suitably designed permanent access onto Green Lane and a speed limit reduction along the length of Green Lane
- concerns regarding the number of vehicle movements: seek reassurance that the traffic surveys were performed during term time and not school holiday periods.
- The landscaping buffer zone at the south east corner of the site should be increased to reduce the visual impact of the development on the surrounding countryside
- lighting within the development should be only low level, downward pointing lights within the boundary of individual properties
- the current access road to the site is not suitable for the construction phase of the work and would like to see a temporary access road constructed across the field
- vital that construction traffic is not allowed to use the narrow and already congested lanes around the site. All construction traffic should enter and leave site via the Cock Inn junction, exiting onto Heath Road and then A-roads thereafter (eg Sutton Road, Loose Road)
- Boughton Monchelsea Parish Council fully support this application and look forward to it being realised on a site which, in our view, is appropriate for such a development.

### **5.02 West Kent CCG** The CCG require a financial contribution of £83,556 towards new general practice premises for Orchard Medical Centre and Greensands Health Centre (now merged as Greensands Health Centre). The obligation should also include the provision for the re-imburement of

any legal costs incurred in completing the agreement. The existing premises of the practices are located 2 miles from the development and would therefore be where the majority of the new residents register for general medical services. The Practices are taking forward a premises development project for a new building; the trigger of any healthcare contribution to be available linked to commencement of development. There are no more than four other s106 obligations pooled towards this project.

5.03 KCC Education/ Economic Development :

- Community Learning £2609.20 Towards Portable equipment for the new learners for use in the Maidstone area
- Youth Service £721.25 Towards additional equipment and sessions for the Maidstone outreach Youth Service
- Libraries £4081.34 Towards additional bookstock for the new borrowers from this development
- Social Services £5402.60 Towards Boughton Monchelsea Village Hall accessibility improvement works
- Primary Education £265,089.00 Towards South Borough PS permanent expansion to 2 Forms of Entry
- Secondary Education £373,789.00 Towards Phase 1 of the new School of Science and Technology Valley Park Maidstone
- Plus seek High Speed Fibre Optic Broadband connection and 1 Wheelchair Adaptable Home as part of the Affordable Homes delivery on this site

5.04 Environment Agency- No objection to the proposal providing contamination conditions are imposed.

5.05 KCC Ecology: Suitable habitat for reptiles is present on site: a reptile survey will need to be undertaken. These surveys and any necessary mitigation, will need to be submitted prior to determination. Breeding bird surveys and any required mitigation strategy should be submitted prior to determination of any planning application. Any further necessary surveys, and mitigation measures, will need to be submitted prior to determination of any planning application. It is essential that the presence or otherwise of protected species and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.

5.06 (Reptile and breeding bird survey results have now been submitted and KCC Ecology comments have been sought which will be reported in an urgent update)

5.07 KCC Archaeology- The site of the application lies within an area which contains considerable evidence for Iron Age and Romano-British activity. Boughton Camp, a Late Iron Age oppidum and Scheduled Ancient Monument lies to the west and there are possibly associated earthworks

to the south. Evidence for Iron Age and Romano-British activity- Condition is needed for archaeological field evaluation works.

- 5.08 KCC (PROW)- PROW KM104A restricted byway runs along the western boundary of the site and should not affect the application and footpath KM106 runs through the site, and should not affect planning. A Temporary 6 month closure is needed when the road is made up along the eastern side of the footpath to ensure the safety of pedestrians.
- 5.09 KCC (Drainage) – Conditions recommended: Flood issues in relation to properties at the Quarries are separate. The underlying strata is the Hythe Formation (Ragstone). The installation of soakaways may lead to ground instability if loosely infilled features known as ‘gulls’ are present and are inundated with water. However ground investigation may identify these issues and technical solutions may be found to construct within these areas.
- 5.10 Variable infiltration results from were found across the site. Based on the Phase I/II Geo-Environmental Assessment undertaken by Gemco (March 2018), further investigation to assess potential deep soakaways does not appear to have been submitted with the application.
- 5.11 The final overflow pond is located within the northern green open space. close to the steep slopes on the northern boundary. We would prefer if the pond was moved south in closer proximity to the road boundary. Alternatively, need confirmation from a geotechnical professional as to likelihood of any soil/ground stability issues so that any risks are managed for the location selected.
- 5.12 The infiltration measures proposed are for the most part shallow features which may be contrary to the initial geo-environmental assessment therefore further investigation at the specific locations of any infiltration measure should assess the presence of existing solution features.
- 5.13 Infiltration rates should be determined at the location of any infiltrating drainage measures and reflective of the infiltration zone of the drainage measure. Utilisation of deep bore soakaways should also be assessed at this time.
- 5.14 The Microdrainage calculations included within the Drainage Strategy utilise rainfall statistics based on FSR. At the detailed design stage, we would expect to see the drainage system modelled using FeH rainfall data in any appropriate modelling or simulation software or 26.25mm should be manually input.
- 5.15 The drainage strategy should be integrated with the landscape strategy for the site and that consideration given to small portions of retained water with appropriate plantings in small pockets within the swales. An appropriate planting scheme may also address ecological matters raised with respect to reptiles. Overall, there is sufficient open space within the development to accommodate surface water management.
- 5.16 KCC (Highways and Transportation): The applicant has proposed to upgrade the existing site access onto Green Lane that is located towards the south western corner of the site. The access serves the 5.5m wide

development access road and incorporate a 1.8m wide footway. Junction visibility sightlines of 2.4m x 45m and 2.4m x 51m have been proposed in either direction on the basis of measured speeds. The hedge fronting Green Lane will need to be cut back to ensure the sightlines. The Safety Audit recommended that the 30 mph speed limit on Green Lane is extended further to the south east in view of its proximity to the site access. This important as a greater number of vehicles will be slowing, stopping and turning to access the site. A Traffic Regulation Order will be required as part of a Section 278 Agreement.

- 5.17 Swept path analysis has been provided to demonstrate how the turning manoeuvres of refuse vehicles will be accommodated at the junction. The Safety Audit has recommended that the radii is adjusted to reduce the potential for conflicts with passing vehicles on Green Lane. Whilst KCC Highways agree that the potential for conflict is low, the importance attached to maximising highway safety warrants an adjustment to the junction layout to satisfy the audit recommendation.
- 5.18 The TA highlights how the site is well-placed in relation to several key local facilities. The site is not currently well connected to Boughton Monchelsea village. To the west of the site the applicant has proposed to widen the existing footway along Green Lane to achieve a minimum width of 1.2m by narrowing of the carriageway to a minimum width of 4.1m. The TA shows the footway widening necessary to achieve a consistent width of 1.2m to extend over a length of around 6m, thereby meeting the minimum requirement. The proposed narrowing of the carriageway to a width of 4.1m will enable two cars to pass but result in conflicts when there are larger vehicles present. Green Lane already serves a sizable number of residential properties, is a bus route and is regularly used by farm vehicles. It must therefore continue to be suitable for use by larger vehicles, particularly in view of the additional traffic movements that will be generated by the proposed development. KCC Highways regard it to be essential that a minimum 4.8m carriageway width is achieved so as to enable a car to pass a large vehicle. It is therefore recommended that the applicant is asked to investigate the following: relocation of the stone wall to enable footway widening to be achieved that does not require narrowing of the carriageway; and/or confirmation, in the form of a drawing, that a minimum 4.8m carriageway width can be achieved within the limits of the publicly maintainable highway alongside a minimum footway width of 1.2m.
- 5.19 Public transport will only play a marginal role in meeting the accessibility needs of residents and visitors in the absence of any improvements.
- 5.20 The net change in traffic generation has regard to the previous permitted use as a poultry farm. The trip generation forecasts in the TA indicate that the proposed development will 47 vehicle trips in the AM peak hour and 45 vehicle trips in the PM peak hour. These forecasts are based on the exact breakdown of proposed housing types (i.e. private/affordable). The vehicle trip rates are based on the TRICS database: use of 'edge of town' site locations and achieving a sufficient site sample size within the selection criteria, in line with that expected for this site location. Subtracting the existing use gives a net daily residual impact of 413 trips.

- 5.21 The distribution of trips onto the network indicates that 57% of trips are expected to route via Green Lane to the east, with 25% using the Brishing Lane/Wallis Avenue corridor to access the A274. Of the remaining 43%, 27% will use Boughton Lane to access the A229 and 11% will use Church Street to access the B2163. In total, 26% of trips are expected to pass through the A229 Linton Crossroads junction.
- 5.22 The assessment of traffic impact has been founded on surveys undertaken in April 2018 at the junctions at either end of Green Lane, as well as the key junctions of A229 Linton Crossroads, A229 Loose Road/Boughton Lane/Cripple Street and A274 Sutton Road/Wallis Avenue. This was a Easter holiday time but was intended to measure traffic speeds and so was adequate for that type of data. The TA has included a summary of three-year (2014-2017) road crash data for the nearby Green Lane, Church Street, Heath Road and Brishing Lane corridors. No crash incidents occurred in the vicinity of the site access on Green Lane. The assessment of traffic impact has included background traffic growth and that from prospective developments in and around Marden, Coxheath, Staplehurst, Boughton Monchelsea and south east Maidstone to provide a robust representation of future conditions. KCC Highways do not envisage that capacity will be problematic in this instance.
- 5.23 Regarding the A229 Linton Crossroads and A229 Loose Road/Boughton Lane/Cripple Street junctions, the Linton Crossroads junction is already operating at a level above practical capacity in both peak periods but nonetheless confirm the considerable extent of congestion already prevalent and would continue to deteriorate in the absence of any intervention. The proposed development would add to the queuing and delays on the western Heath Road arm in the AM peak. Junction improvement is due to be implemented to achieve operating conditions that are better than the current situation in both 2023 and 2028. The proposed development will utilise a small element of the additional capacity created by the improvement but this does not represent justifiable grounds for objection.
- 5.24 A229 Loose Road/Boughton Lane/Cripple Street junction also operates under MOVA control and alterations were made to the signal stage configuration as recently as in June 2016. The TAA pre-dates the recent changes to the junction. This needs to be corrected.
- 5.25 Regarding the A274 Sutton Road/Wallis Avenue junction, when the development is fully occupied in 2023 and 2028, identified traffic increases of up to 12 PCUs in each peak period: some concerns over the additional local congestion this development would create. KCC Highways has considered the traffic assessment and the current and likely future conditions on the local highway network. This shows that the situation is likely to be worsened, but KCC Highways are not able to conclude that it will result in conditions that could be described as a severe impact on congestion or safety (NPPF test). However, the residual impact of this development is likely to be characterised by additional local traffic generation and some consequent increase in congestion, which the applicant cannot fully mitigate.

- 5.26 Green Lane, Church Street and Brishing Lane are used as alternative routes to avoid congestion on the A229/A274 corridors and will be the subject of further traffic increases. This could result in some worsening of conflicts and delays on sections where the carriageway width or forward visibility is more restricted. In view of the modest scale of the increases and good crash records on these routes, this does not however represent a sustainable ground for objection.
- 5.27 182 car parking spaces, which include 18 visitor spaces accords with requirements. Nearly half of the residential dwellings are proposed to be served by tandem parking arrangements, likely to result in higher levels of obstructive on-street parking. 5 of the 17 visitor spaces are positioned in the north western corner and only one space is on the central cul-de-sac to the east of the spine road. Cycle parking is proposed at a rate of one space per unit in accordance with the minimum standards.
- 5.28 The swept path analysis indicates that larger vehicles, including refuse vehicles, will overrun the edge of carriageway at numerous locations when turning within the site. Widening at the internal junctions and cul-de-sac turning heads will be needed to prevent future damage to grassed areas.
- 5.29 KCC Highways object subject to the applicant addressing the following: Road Safety Audit recommendations on junction radii and relocation of the 30 mph Green Lane speed limit; Provision of suitable carriageway and footway widths on Green Lane; Clarification on proposed public transport improvements; Site access and A229 Loose Road/Boughton Lane/Cripple Street capacity modelling; Site layout design deficiencies regarding parking and vehicle tracking. Subject to further submissions being satisfactory, it will then be necessary for the applicant to enter into a Section 278 Agreement to secure all required highway works. Suggested conditions: construction matters on site and for the duration of construction; prevent the discharge of surface water onto the highway; the provision and permanent retention of vehicle parking spaces and/or garages shown on the submitted plans prior to the use of the site commencing; the provision and permanent retention of vehicle loading/unloading and turning facilities prior to the use of the site commencing; and the provision and permanent retention of cycle parking facilities prior to the use of the site commencing.
- 5.30 Southern Water- The exact position of the public sewers must be determined on site by the applicant before the layout of the proposed development is finalised. The impact of the proposed development on the existing public sewer network gives an increased risk of flooding unless network reinforcement is undertaken. This reinforcement will be provided through the New Infrastructure charge but Southern Water will need to work with and understand the development program and to review if the delivery of network reinforcement aligns with the occupation of the development.
- 5.31 Any SUDS scheme needs to specify the responsibilities of each party for implementation, a timetable for implementation plus provide a management and maintenance plan for the lifetime of the development, include the arrangements for adoption by any public authority or statutory

undertaker and arrangements to secure the operation of the scheme throughout its lifetime.

- 5.32 A pumping station is proposed and all habitable rooms should be at least 15 metres away from the boundary of the site. The design of drainage should ensure that no groundwater or land drainage is to enter public sewers.
- 5.33 Kent Police- Applicant has not demonstrated that they have considered crime prevention and have attempted to apply the seven attributes of CPTED in their submitted on-line plans or in a DAS. However, references within the Planning Statement to Create a safe and secure environment and incorporate adequate security measures and features to deter crime, fear of crime, disorder and anti-social behaviour; Local authorities are to ensure that developments create safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion. To date we have had no communication from the applicant/agent and there are other issues that may need to be discussed and addressed including CPTED and a formal application for SBD if appropriate.
- 5.34 Environmental Protection No objection subject to suggested conditions.
- 5.35 Air Quality The site is not in or near an Air Quality Management Area, but may have the potential to impact if traffic is accessing/egressing the centre of Maidstone via the A274 or Loose Road. Recommend a robust air quality assessment be undertaken, taking account of all known proposed development in the vicinity and including consideration of the impact of the development on, amongst others, offsite receptors in the AQMA. Expect to see extensive air quality mitigation, as outlined in Maidstone's planning guidance.
- 5.36 Noise is not an issue at this location.
- 5.37 Contaminated Land: Owing to the site's previous agricultural use, a contaminated land condition should be imposed.
- 5.38 Any lighting scheme proposed for the site should have regard to the latest guidance, from the Institute of Lighting Professionals, in order to ensure that no a nuisance is caused from light spill.
- 5.39 Parks and Open Space- Based on the quantitative assessment of the area, the proposed site and the requirements of DM19, there would be a requirement of 0.516ha of open space within this development. There will be 4.65ha of semi-natural open space on site. Therefore there is no requirement for off-site contribution.

## **6. APPRAISAL**

### **Main Issues**

- 6.01 The key issues for consideration relate to:
- Principle of Development
  - Environmental Sustainability



- Ecology
- Landscape Impact
- Design and Layout
- Traffic and Highways
- Developer Contributions

### **Principle of Development**

- 6.02 Lyewood Farm is a housing allocation under policy H1 (54) in the adopted Local Plan. The allocation was on previously developed land (PDL or "brownfield") to deliver new homes in the Borough, including affordable homes.
- 6.03 Policy H1(54) states that Lyewood Farm is designated for a development of approximately 25 dwellings on 1.25 ha at an average density of 20 dwellings per hectare. In addition to the requirements of policy H1, planning permission will be granted if the certain criteria are met which include:
- Built development restricted to the current developed area of the chicken sheds
  - landscape and visual impact assessment that addresses the impact of from Cliff Hill and PROW KM100 that runs east/north east from Cliff Hill towards Pested Bars Road and from Green Lane and Old Tree Lane.
  - proposed layout to respect the clustered pattern of development
  - no built development to the north of the existing chicken sheds
  - use of vernacular materials.
  - A footpath/cycle path provided along the frontage to Green Lane on land within the landowner's control to the north of the existing hedgerow (which shall be retained)
  - surface water run-off from the site to not lead to an increased risk of flooding along the River Loose at The Quarries and downstream from The Quarries
- 6.04 The principle of residential development on 1.25ha of the site has therefore been established through the allocation within the local plan. The 85 unit proposal that lies on the allocation and on a small area of land to its east is considered to meet all the above criteria.
- 6.05 The yield of 25 dwelling (as with other allocations) is indicative and is not a policy criterion in itself. This is referenced in para 4.189 of the Local Plan: the actual number of dwellings on each site could be higher or lower following the detailed consideration of a planning application.
- 6.06 The developable area of H1(54) is tightly drawn around the actual chicken sheds but the application shows a greater area. As with the former, the

layout proposal needs to be primarily considered on whether it meets the site specific criteria in H1(54). One of these is the gap to the north being retained as per criterion 5 which is achieved in the scheme.

- 6.07 The remainder of the development proposal is uplift in the quantum of development over a larger site area that needs to be considered against Policy SP17 of the MBLP and also the overall wider objectives of H1(54).
- 6.08 That policy defines the countryside as outside the settlement boundaries of the Maidstone urban area, rural service centres and larger villages defined on the policies map. It states that development proposals in the countryside will not be permitted unless they accord with other policies in the plan and they will not result in harm to the character and appearance of the area.
- 6.09 The NPPF is less restrictive when it comes to assessing new housing in a countryside location such as this. Paragraph 79 states that planning decisions should avoid the development of isolated homes in the countryside. This scheme does not result in isolated homes due to the proximity to Boughton Monchelsea: the housing would not be isolated either geographically nor in terms of access to a number of key services.
- 6.10 The increase in the quantum of development aims to provide an opportunity to expand an existing allocated site in order to create a landscape led scheme and deliver more significant community benefits than the allocation secures:
- more affordable housing delivery overall: 34 units of affordable housing delivered through a local lettings plan to prioritise local people. This is adequate to meet specific local Housing Needs.
  - a S106 package to deliver benefits over and above what would have been secured with 25 units
  - a larger provision of open space for both existing and future residents
  - transferring 5.4 ha of land to gifted to Boughton Monchelsea Amenity Trust to be let as farmland to allow them to secure an income that will help maintain other areas of open space within their control
  - A coppice woodland and nut plat gifted to Boughton Monchelsea Amenity Trust to preserve the rural character of Green Lane
  - footpath widening adjacent to Green Lane that improve connectivity for existing residents in the village ( subject to KCC approval)
  - enhancement of the recreational value of the Site,
  - enhancement of the ecological and biodiversity value of the Site,
  - provision of new woodland areas, meadows, pedestrian paths and open space.
- 6.11 The BMAT is a local charity which aims to protect and enhance the environment in and around Boughton Monchelsea. The land transferred to BMAT as part of this application would be retained as farmland, for their

management in perpetuity and for the benefit of the community. It will contain restrictive covenants confirming the land can only be used as amenity or agricultural land. Further land in the form of the landscaped areas within and around the developable area will also be transferred to BMAT freehold, with a 999 year long lease granted back to a Residents' Management Company.

6.12 This element of the scheme would need to be secured by legal agreement.

### **Environmental Sustainability**

6.13 Paragraph 8 of the NPPF details that achieving sustainable development means three overarching objectives, which are interdependent: economic, social and environmental.

6.14 The site lies close to the village of Boughton Monchelsea which offers some local facilities and services including employment, shops, pubs, schools, library. There is adequate scope to cycle or walk to these local facilities

6.15 It is considered that development is environmentally sustainable.

### **Landscape Impact**

6.16 Certain principal views are referred to in the Design and Layout section of policy H1 (54). However, the application site has no designation of a national landscape value nor is it a Landscape of Local Value in the current Local Plan.

6.17 Policy DM30 for development in the countryside requires impacts on the appearance and character of the landscape to be appropriately mitigated and assessed in a Landscape and Visual Impact Assessment. The submitted LVIA is considered to be acceptable in principle.

6.18 The site lies within landscape character of Farleigh Greensand Fruit Belt. This area is categorised as being in good condition with a high sensitivity, leading to an overall guideline of conserve. The specific site has been assessed in more detail in the Maidstone Landscape Capacity Study: Site Assessments January 2015.

6.19 In that study, the landscape character sensitivity is categorised as moderate, the visual sensitivity as high, the overall landscape sensitivity as high and landscape value as moderate. This leads to a conclusion that there is a low capacity to accommodate housing with the following advice:

- Rural site that is detached from any significant residential development
- Site relates poorly to other surrounding development
- Extent of site is disproportionate to pattern and extent of existing surrounding development
- Development across this site would remove the gap between residential development at Boughton Monchelsea and The Quarries
- Retain and reinstate hedgerow boundaries

- Respect landscape setting of surrounding listed buildings
- Retain open landscape between separate areas of built development at Boughton Monchelsea and The Quarries
- Consider extensive visibility of this site and sensitive distant views from the North Downs

6.20 As the landscape here has been assessed as having an overall landscape value as moderate and landscape sensitivity as high, this leads to a conclusion that there is a low capacity to accommodate housing. Clearly this application would not accord with those guidelines as it introduces a major housing development albeit there is an attempt in the materials and design to be sensitive and to comply with the objectives listed above.

6.21 The LVIA submitted concludes that due to a combination of topography, built form and vegetation structure, the site of the existing farm buildings is not visible in its entirety from any publicly accessible viewpoint locations, but parts of the site are visible from a limited areas in proximity to the site: valley slopes to the north of the site, the PROW to the west (KM104A) and roads adjoining the site. The LVIA concludes that the site offers scope to accommodate development extra to the policy allocation subject to landscape buffer between the proposed development and The Quarries to the north of the site, and that development layout is designed within a landscape setting.

6.22 The conclusions of the LVIA have resulted in the area of built form being proposed on the expanse of the existing chicken sheds and on agricultural land further east where levels are lower. The enlarged development area means the number of units rising to 85 dwellings from the allocation of up to 25.

6.23 The development therefore extends beyond the allocation (the existing sheds and hardstanding on site) and moves to the east where levels are lower. The applicants state the there is a significant amount of soft landscaping will be provided through and around the site to ensure the development is not visually intrusive.

6.24 A landscape buffer is proposed along the western boundary of the site, to screen development from the PROW and woodland beyond. Semi natural open space and tree planting are provided to the east of the site to filter views from Cliff Hill etc and to provide a buffer between the proposed development and existing pig farm. A coppice woodland is proposed to the southwest, and to the south and southeast is the area of BMAT farmland, extending to approximately 5 hectares.

6.25 The strategic landscaping proposals within the housing layout are intended to limit the visual impact of the development from key views to the site. It includes corridors of tree planting along the north-south and east-west primary roads.

6.26 However, the screening around the houses is constrained to a degree by the land being transferred to BMAT as in order to transfer the required amount of viable farmland that appears to have restricted the opportunities for a full landscape buffer to the SE corner. The alternative

promoted by the applicant is to fill in gaps in hedgerows and plant a small nut plat in the SE corner of the field adjacent Green Lane to block low level view points of that part of the proposed development. It has been satisfactorily demonstrated that this is achieved.

- 6.27 Bearing in mind its intensive agricultural use to date, this planning application would give an opportunity to introduce greater ecological diversity. The detailed Landscape and Visual Appraisal seeks to demonstrate that the proposal will be contained within the landscape, given the height of the proposed houses and sensitive roof materials, existing hedgerows, proposed landscape screening.
- 6.28 The site is generally exposed to the open countryside and parts of the site are just visible from long range views currently and at near range through gaps in the hedgerows and via the bellmouth to the access. However, I am satisfied with the conclusions of the Appraisal regarding long range views to the site: over the longer term as screening matures, the development as detailed in this scheme will not significantly intrude into views from these directions.
- 6.29 Residential development over the larger extent and in greater numbers would not appear out of character in the medium to long term in the landscape with this form of strategic landscaping being implemented. The application sets out a number of landscape mitigation measures as landscape screening augmentation of the existing mixed planting on the bunds with local tree species and native Hedge and scrub planting.
- 6.30 The developed areas of the application site are set well back from the Green Lane. It is accepted that it would be an isolated pocket of suburban development but that is because of the general need to site the housing units clear of land being transferred to the Boughton Monchelsea Trust, away from the edge of the land rear of the Quarries.

### **Design and Layout**

- 6.31 Criterion 6 of the Design and Layout section of policy H1(54) requires development to be of a high standard of design and sustainability incorporating the use of vernacular materials.
- 6.32 Policy DM 30 relates to design principles in the countryside and as this site is outside of the settlement boundaries, there is an expectation for high quality design in terms of the type, siting, materials and design, mass and scale of development.
- 6.33 The proposed layout provides sufficient detail to demonstrate that the housing can be developed in a manner meeting the normal spacing, privacy, amenity space, parking and road layout standards. The site will be developed at a density of 30 dph which is the minimum recommended rural housing density in policy DM12.
- 6.34 The layout comprises 4 separate perimeter blocks generally facing open space. This gives a very open form to the development and allows landscape features be included in the open space around the site and along the 2 main axes.

- 6.35 Regarding design, the details show traditional 2 and storey pitched roof housing with the use of materials of vernacular appearance. The appearance of the new buildings is intended to replicate those typical to a Kentish village with pitched roofs, dominant gables and varied ridge heights with features such as bay windows, prominent chimneys and dormer windows, brickwork with tile hanging and a feature ragstone. The roofs will need to have clay tiles to weather well and be appropriate in the locality. Regarding policy H1(54) and DM1 of the Local Plan, the proposed form, scale, height, materials, detailing, and articulation are considered to meet the high design standards required by those 2 policies.
- 6.36 The amenity open space contains no formal play space, it is intended that it be informal in its nature. Overall this meets needs for on site open space (policy DM19) and will assist in providing an attractive setting and outlook for the dwellings. The majority of the dwellings will generally face outwards onto the perimeter open space. The layout and its landscaping attempt to ensure there are green corridors both on North-South and a East-West axes which incorporate the swales and thus integrates the drainage, the landscape setting and ecology.
- 6.37 Policy DM8 of the Local Plan refers to lighting. In terms of the potential for public and private artificial lighting to detract from the character of the area, the absence of formal street lighting is supported in this locality and the detail of any bollard or house external lighting can be considered at details stage.
- 6.38 The layout will provide passive surveillance in accordance with policy DM1 and accords with the principle of minimising the risk of crime.

### **Traffic and Highways**

- 6.39 Policy DM21 relates to the transport implications of development. Paragraph 109 of the new NPPF state that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 6.40 The site is currently accessed from Green Lane which routes between B2163 Heath Road in the east and Church Street to the west. Heath Road provides wider connectivity to the primary road network, including the A229 at Linton Corner and the A274 at Five Wents. Access to Maidstone Town Centre can also be gained via Church Street, Beresfords Hill and Boughton Lane, which intersects with the A229 in Loose
- 6.41 The site will have a single point of vehicular in its existing location with the construction access provided off of the main spine road of the site.
- 6.42 The site's internal access layout accord with local standards, accommodating larger vehicle movements, including a refuse vehicle, fire tender, pantechnican and pumping station vehicle. The parking for cars and cycles is adequate. Garage provision is in addition to the requirement and provide outside cycle storage. Electric charging facilities will be provided within car barn and garage facilities.

- 6.43 The application includes details of the locations of the refuse and recycling storage, the bin collection points and the maximum extent of the 25m distance to a bin collection point where relevant.
- 6.44 The development will provide new pedestrian routes through the landscaped open spaces and will connect to existing footpaths and PROW which adjoin the site. An intention to divert the existing public right of way that currently runs along the access road to the Oast House to give it more privacy. The realigned footpath Public Footpath KM106 would be incorporated within the pedestrian access arrangements for the development. It will then connect with PROW KM104A along the western boundary of the site.
- 6.45 As required by policy H1(54), a 2.5m wide footpath/cycleway will pass along the Green Lane site frontage to the north of the existing hedgerow, providing connectivity to the existing footway to the west towards the village. Subject to approval by KCC (H&T), the footway on Green Lane will be widened to 1.2m. In conjunction with this, a minimum carriageway width of 4.1m to this section of Green Lane will be provided. The proposed footway and access improvements are currently being assessed as part of a Stage 1 Road Safety Audit and it appears that it will be feasible to retain carriageway width of 4.8 m to allow 2 vehicles to pass each other.
- 6.46 The site is located within a reasonable walking distance of a number of everyday amenities, including local bus services, a post office and a primary school. This will allow future residents choice as to how they travel, with accessibility options beyond that of a private vehicle.
- 6.47 Analysis of the TRICS trip rate database and trip distribution analysis undertaken using Census 2011, it has been shown that the worst impact at any one of the junctions to be assessed is at the B2163 Heath Road / Brushing Lane / Green Lane / Park Lane junction, but this is at a level that is not considered to be 'severe' in line with the NPPF test.
- 6.48 No crash incidents have been recorded within the vicinity of the site during the studied period. Given this and the nature of the incidents recorded in the wider area, it is considered that the proposed development should have no adverse impact on highway safety
- 6.49 In light of these findings, it is concluded that the proposals would not have a significant impact in terms of transport and therefore there should be no sound transport based objections to the proposals. No objection in principle was raised by the Local Highway Authority as the number of vehicle journeys generated by this proposal would represent only a very small proportion of journeys on the local network
- 6.50 Policy DM1 of the MBLP seeks to enhance the non-vehicular permeability of the proposed development and this is achieved by the pedestrian/cyclist links.
- 6.51 Subject to various suggested conditions and the applicant entering into a Section 278 Agreement in connection with local road improvements, I do not consider that the scheme can be refused on highway grounds although KCC will continue to be involved in securing further information

and details in the discharge of its statutory role as Local Highway Authority for some aspects.

- 6.52 Hence there is no objection to the proposal on highway or parking grounds as the scheme complies with policies DM21 and DM23. The local objections are noted but overall it is clear there will not be a severe impact on highway safety which is the test in the NPPF.

### **Developer Contributions**

- 6.53 Policy ID1 of the Local Plan relates to the need for development to provide the infrastructure needed to support growth. The Council's CIL policy comes into force on 1 October 2018 so up until that point, s106 agreements under the Town And Country Planning Act 1990 must be used where conditions cannot be imposed to secure the infrastructure.
- 6.54 The priority is Affordable housing. This is being met in full in terms of unit numbers and tenure split in terms of the requirements of policy SP20 in the Local Plan. All other types of infrastructure can be secured either by condition or by requiring the developer to meet planning obligations within the s106 legal agreement.
- 6.55 KCC seeks the following contributions as Local Education Authority
- Primary Education £265,089.00 Towards South Borough PS permanent expansion to 2 Forms of Entry
  - Secondary Education £373,789.00 Towards Phase 1 of the new School of Science and Technology Valley Park Maidstone
- 6.56 These have not been agreed by the applicant as it is claimed that they do not meet the CIL tests by being unnecessary and/or not sufficiently related to the development. I concur with the applicant's view on the secondary school request. The applicant is prepared to make contributions to local primary school(s) if they meet the CIL tests which will need further investigation. This can be secured in a s106 legal agreement.
- 6.57 KCC also seeks the contributions for:
- Community Learning £2609.20 Towards Portable equipment for the new learners for use in the Maidstone area
  - Youth Service £721.25 Towards additional equipment and sessions for the Maidstone outreach Youth Service
  - Libraries £4081.34 Towards additional bookstock for the new borrowers from this development
  - Social Services £5402.60 Towards Boughton Monchelsea Village Hall accessibility improvement works
- 6.58 The CCG requests contributions of £83,556 towards new general practice premises for Orchard Medical Centre and Greensands Health Centre ( now merged as Greensands Health Centre). The contributions satisfy the CIL tests as the scheme could serve the residents of the development and the



CCG has provided up to date confirmation that it would not exceed the pooling limits.

- 6.59 As detailed above, 40% of the development is affordable in a 70/30 tenure split which meets the requirements of the Affordable Housing policy SP20 of the MBLP. The final detail of the sizes of units for each tenure type will need to be considered in more detail in liaison with the Housing Officers.
- 6.60 Boughton Monchelsea PC asked for off site junction improvements in the village. These have not been supported by KCC as reasonably necessary to make the development acceptable in highway safety terms and thus would not be appropriate for the LPA to secure.

### **Other matters**

- 6.61 Paragraph 170 of the new NPPF requires planning decisions to contribute to and enhance the natural and local environment by recognising the wider benefits from natural capital and ecosystem services of trees; minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures
- 6.62 Paragraph 109 of the NPPF states that the planning system should contribute to and enhance the natural environment by minimising impacts on biodiversity. Policy DM3 of the Local Plan requires new development to protect and enhance the natural environment; supporting opportunities to enhance, restore and connect habitats.
- 6.63 The ecological appraisal shows that these objectives will be met. It confirms that the majority of the site is of low ecological value, however the scrub and tree planted boundaries offer suitable habitats for breeding birds, reptile and hedgehogs. The chicken sheds are not considered suitable for roosting bats due to their past high levels of disturbance, light and noise. The majority of trees on site are not considered suitable for roosting bats due to their size, age and general lack of roosting features. However three trees, are considered suitable. The proposed layout has as such ensured these trees are retained and have a large buffer around them. Other mitigation: protection of retained hedgerows and off-site woodlands where possible, with compensatory planting where not; Invasive species walkover; Precautionary construction techniques sympathetic to badgers and a pre-construction walkover. To the north will be a pond feature proposed biodiversity enhancements which will be set amongst additional tree planting and landscaping.
- 6.64 The proposed site layout seeks to retain key ecological features and to maximise biodiversity gains. Bat and bird boxes will be incorporated into the built environment and soft landscaping which will contribute to an ecological network within the wider landscape. A mosaic of complementary habitats will include those listed on the Kent Biodiversity Action Plan such as species-rich hedgerows, lowland meadow, standing open water as well as the creation transitional habitats which complement existing boundary hedgerows. This will result in a significant biodiversity enhancement and allow connections to the wider habitats locally.

- 6.65 Through the above mentioned assessments and precautionary methods, it is considered that any impacts upon biodiversity will be satisfactorily mitigated in line with relevant legislation and the policies related to nature conservation within national and local planning policy. Overall, there will be significant positive ecological enhancement.
- 6.66 The main land use within the site is arable farmland, bound by mature hedgerow and trees. The trees within the site are predominantly along the site boundaries, and along the PRow track (KM106) connecting from the west of the site to the access track. There is also a cluster of trees around the south-western part of the chicken shed complex, including a row of poplar trees. Two lengths of hedges are present along the eastern edge of the hardstandings, east of the chicken sheds.
- 6.67 An Arboricultural Survey has been carried out to assess the existing trees on site and impact of the proposed development. A number of trees and groups are in very poor condition that they should be removed in any event. To facilitate the proposed scheme, a small number of trees and hedges will be removed which are located within the centre of the site and are well screened by the boundary vegetation to the surrounding fields. Where the sections of hedge are to be removed around the entrance to the site and at the junction with the footpath, the works only extend the openings, while the hedges themselves are maintained at a low level and do not offer full screening from the road.
- 6.68 The replacement planting scheme proposed reinforces the boundary screening as well as planting new lines of trees. Extensive planting is anticipated throughout the publicly visible elements in the new residential area as well as along the new access roads. Open space tree planting will use advanced nursery stock *Acer campestre*, *Betula pendula*, *Carpinus betulus*, *Prunus avium* 'Plena', *Quercus robur*, *Tilia cordata* 'Green Spire'. *Sorbus aria*, *Sorbus torminalis*. Street and parking court trees or trees for front gardens will be planted as semi-mature or advanced nursery stock of more ornamental species. SUDs and water associated tree planting; *Alnus glutinosa* (multi-stem) *Betula nigra*; *Cornus mas*. Coppiced Chestnut Woodland will be planted as transplanted *Castanea sativa* and the Nut Plat will be Planted as transplants *Corylus maxima* 'Kentish Cob' Native Mix
- 6.69 Semi- natural buffer planting as transplants with a mix of *Acer campestre*; *Carpinus betulus*; *Corylus avellana*; *Crataegus monogyna*; *Ilex aquifolium*; *Ligustrum vulgare*; *Prunus avium*; *Prunus spinose*; *Quercus robur*; *Rosa canina*; *Taxus baccata*.
- 6.70 The proposed development will not have an adverse impact on the arboricultural character and appearance of the local landscape, or on trees of significant amenity or biodiversity value, so it complies with national and local planning policy guidance in this regard.
- 6.71 The site is located in Flood Zone 1 with the lowest risk of flooding. Ground conditions surveys indicate that it is feasible to discharge generated surface water runoff into the ground by Infiltration. Due to the nature of the Hythe Formation and the location of existing residential properties to the north of the site (The Quarries) the discharge of surface water in

catchments across the site via shallow infiltration techniques. The SuDS will include a network of swales, permeable paving and a lined infiltration basin. So the pond will remain wet to provide both drainage and ecology benefits but also allow for some infiltration to the ground. The basin will have sediment forbays and landscaping to aid with pollution prevention.

- 6.72 The discharge of surface water will be in catchments across the site via shallow infiltration techniques rather than conveying flows to a single point of discharge to the north of the site. The attenuation pond in the northeast corner of the site will now primarily form ecology benefits rather than being the main point for infiltration to ground. The scheme therefore comprises a series of (dry) swales, infiltration trenches, permeable paving, plot soakaways and an infiltration basin within the scheme. The swales and permeable paving will aid water quality. The SuDS will remain private and therefore its features will need to be periodically inspected and be maintained by a management company.
- 6.73 Southern Water has completed a foul sewer capacity check for the new development site and stated there is currently inadequate capacity within the foul sewerage network to accommodate a foul flow. Southern Water has stated that additional off-site sewers, or improvements to existing sewers, will be required to provide sufficient capacity to service the development. Southern Water would not seek to challenge foul connections to their network for new residential developments that are part of the local authority Local Plan. The foul drainage condition suggested will need to be phrased to factor in the stance of Southern Water.
- 6.74 South East Water (SEW) have reviewed the effect of the proposed development on water supply network and have advised that the additional demand can be accommodated without the need for offsite reinforcement, subject to there being no other development taking place before the connection works are programmed.
- 6.75 Telecoms BT will provide fibre infrastructure to all developments in excess of 30 units at nil cost to the developer.
- 6.76 UKPS has provided a proposal which includes the installation of a single 315kVA substation for electricity needs to be met.
- 6.77 In terms of heritage matters, the key areas of heritage value are The Quarries Conservation Area to the north of the site, the listed buildings of Elm House, Tudor Cottage and Lewis Court to the south of the site. . Any impacts upon the significance of these built heritage assets has been reduced or removed through careful detailed design of the proposed development, including ensuring building heights and external materials are in keeping with the surrounding built form. As such the proposed development is in accordance with the duties set out in the 1990 Act and the relevant policies of the NPPF. A desk-based built heritage and archaeological assessment has been undertaken. Any further archaeological investigations could be secured by an appropriately worded planning condition.
- 6.78 The Environmental Protection section advises that Air Quality can be dealt with by condition.

- 6.79 On the basis of the desktop and site investigation, it is considered that the site can be decontaminated and made suitable for the proposed end users subject to conditions.
- 6.80 KCC (H&T) and the PC suggest conditions on a Construction Environmental Management Plan and/or the hours of the construction. It is not considered that in the context of this specific site that these could be justified as planning conditions so an informative is suggested to relate to these issues.

## **7. CONCLUSION**

- 7.01 The scheme is a more extensive development than the Local Plan allocation by 60 units which has no significant extra impacts and the scheme would satisfactorily deal with or mitigate the planning issues from the proposed development subject of planning conditions or obligations in a s106 legal agreement.
- 7.02 The impact of the development on the landscape acceptable whether viewed from the wider countryside or a more local viewpoint. The proposed development would replace existing built form of farm buildings on the site and there would be beneficial effects, through the substantial new woodland structure, new green infrastructure including the new areas of open space and new coppice woodland, all of which would contribute positively to the local landscape. Furthermore, the proposed landscape framework would contribute over time to softening views of the proposed development and the resultant visual impact would therefore reduce through the maturing of the vegetation.
- 7.03 The scheme complies with the Government's definition of sustainable development as defined in the new NPPF. It is in a relatively sustainable location in environmental terms and the social and economic benefits of the new housing would be significant, especially regarding the increased in the stock of the offer of affordable housing: 24 units of affordable rent and 5 units of shared ownership and 5 units of shared equity, all subject to a local lettings plan.
- 7.04 The site provides 85 units of which 60 would be part of the Council's "windfall" housing supply. Policy SS1 (Maidstone Borough Spatial Strategy) refers to housing target being made through the granting of planning permissions in addition to allocations. The increase in number of units in this planning application therefore adds to the "windfall" contribution from this site by 60 units without any impact that cannot be satisfactorily mitigated.
- 7.05** By their greater scale, the proposals provide greater benefits over and above than the policy H1(54) requires by the provision of a large area of publically accessible open space on site, biodiversity enhancements including the provision of community woodland for use of both existing and future residents and land secured in perpetuity for the benefit of the village via Boughton Monchelsea Amenity Trust.

### **7.06 .**

- 7.07 The application was advertised as a Departure from the development plan. The recommendation is for approval but in the event that Members do resolve the permit the application, it does not need referral to the NCPU under the criteria of the current (2009) Direction.

## **8. RECOMMENDATION**

The Head of Planning and Development BE DELEGATED POWERS TO GRANT planning permission subject to the prior completion of a legal agreement to provide the following (including the Head of Planning and Development being able to settle or amend any necessary terms of the legal agreement in line with the matters set out in the recommendation resolved by Planning Committee):

- Community Learning £2609.20 Towards Portable equipment for the new learners for use in the Maidstone area
- Youth Service £721.25 Towards additional equipment and sessions for the Maidstone outreach Youth Service
- Libraries £4081.34 Towards additional bookstock for the new borrowers from this development
- Social Services £5402.60 Towards Boughton Monchelsea Village Hall accessibility improvement works
- Primary Education £265,089.00 Towards local facilities.
- West Kent CCG £83,556 towards premises for Greensands Health Centre
- 34 affordable housing units comprising 24 units being affordable rented and 5 being shared ownership and 5 being shared equity (sizes and tenure mix to be agreed)
- A Travel Plan and £5000 monitoring fee
- The transfer of land to the Boughton Monchelsea Amenity Trust

And the imposition of the conditions as set out below:

- 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 not commence until the following components of a scheme to deal with the risks associated with contamination of the site shall have been submitted to and approved by the local planning authority:

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.

A site investigation, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

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.

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: To avoid pollution.

- 3) No development shall take place until the applicant has secured and implemented
  - i. archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and
  - ii. further archaeological investigation, recording and reporting, determined by the results of the evaluation, in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority.

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

- 4) The development hereby approved shall not commence until details of the proposed finished floor, eaves and ridge levels of the building(s) and the existing site levels have been submitted to and approved in writing by the local planning authority and the development shall be completed in accordance with the approved levels.

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

- 5) The development hereby approved shall not commence until a detailed sustainable surface water drainage scheme for the site consistent with the principles of the Foul and Surface Water Drainage Strategy prepared by Fairhurst Consulting (April 2018) has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of within the curtilage of the site without increase to flood risk on or off-site. The drainage scheme shall also demonstrate that silt and pollutants resulting from the site use and construction can be adequately managed to ensure there is no pollution risk to receiving waters. The drainage scheme shall be implemented in accordance with the approved details prior to first occupation of the development (or within an agreed implementation schedule).

Reason: In the interests of prevention of pollution and flood

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

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

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

Reason: In the interests of prevention of pollution and flood

- 7) No infiltration of surface water drainage into the ground is permitted other than with the written consent of the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: To comply with the National Planning Policy Framework. Please note that the use of soakaways in the Hythe Beds are not recommended as they can promote instability of the geology via washout of the sandier

horizons, leading to the opening and enlargement of fissures within the Hythe Beds, and subsequent collapse.

- 8) 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: To protect controlled waters, including groundwater and to comply with the National Planning Policy Framework.

- 9) The development hereby approved shall not commence above slab level until samples and large scale drawings of the materials to be used in the construction of the external surfaces of the building(s) hereby permitted (incorporating those material and architectural detailing on drawings hereby approved including ragstone, clay tiles and segmental gauged arches) have been submitted to and approved in writing by the local planning authority. These shall accord with the materials described in the Design and Access Statement hereby approved. The development shall be constructed using the approved materials.

Reason: To ensure a satisfactory appearance to the development.

- 10) The development hereby approved shall not commence above slab level until a landscape scheme designed in accordance with the principles of the Council's landscape character guidance has been submitted to and approved in writing by the local planning authority. The details shall include a double staggered hedgerow to the rear of plots 84 and 85 consisting of 80% hawthorn/blackthorn, 10 % hornbeam and 10% privet. The scheme shall show all existing trees, hedges and blocks of landscaping on, and immediately adjacent to, the site and indicate whether they are to be retained or removed, provide details of on site replacement planting to mitigate any loss of amenity and biodiversity value together with the location of any habitat piles and include a planting specification, a programme of implementation and a 5 year management plan. The landscape scheme shall specifically address the need to provide landscape screening to the site perimeters.

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

- 11) The development hereby approved shall not commence above dpc until details of the foul drainage works (which may be for a phase or sub phase of the development) have been submitted to and approved by the local planning authority and these works shall be completed in



accordance with the approved details before the first occupation of the building within that phase or sub phase "

Reason: To ensure adequate drainage arrangements.

12) The development hereby approved shall not commence until a report, undertaken by a competent person in accordance with current guidelines and best practice, has been submitted to the local planning authority for approval. The report shall contain and address the following:

- i. An assessment of air quality on the application site and of any scheme necessary for the mitigation of poor air quality affecting the residential amenity of occupiers of this development.
- ii. An assessment of the effect that the development will have on the air quality of the surrounding area and any scheme necessary for the mitigation of poor air quality arising from the development. Any scheme of mitigation set out in the subsequently approved report shall be implemented prior to the first occupation of the building and maintained thereafter.

Due to the scale of this proposal, a calculation of pollutant emissions costs from the vehicular traffic generated by the development should be carried out, utilising the most recent DEFRA Emissions Factor Toolkit and the latest DEFRA IGCB Air Quality Damage Costs for the pollutants considered, to calculate the resultant damage cost. The calculation should include: Identifying the additional vehicular trip rates generated by the proposal (from the Transport Assessment); - The emissions calculated for the pollutants of concern (NO<sub>x</sub> and PM<sub>10</sub>) [from the Emissions Factor Toolkit]; - The air quality damage costs calculation for the specific pollutant emissions (from DE EV Charging Points 1 Publically accessible EV "rapid charge" point (of 22kW or faster) should be provided per 10 residential dwellings (where no dedicated off-street parking is provided) and/or per 1000m<sup>2</sup> of commercial floor space. Any dwellings with dedicated off-street parking should be provided with their own charge points for low-emission plug-in vehicles. Where these things are not practicable, contribution towards installation at nearby locations should be considered.

Reason: In the interests of pollution control.

13) No development above slab level shall take place until details of plots where electric vehicle charging points can be installed have been submitted to and approved in writing by the Local Planning Authority. The approved plots shall not be occupied until a minimum of one electric vehicle charging point has been installed on each property, and shall thereafter be retained for that purpose.

Reason: To promote the reduction of CO<sub>2</sub> emissions through the use of low emissions vehicles

- 14) The development shall not be occupied until details of all fencing, walling and other boundary treatments have been submitted to and approved in writing by the local planning authority. The details shall include large scale drawings of 2/3 coursed and coped ragstone walling along the eastern boundary of plot 21. The housing areas and open space shall be implemented in full in accordance with the approved details before the first occupation of any of the dwellings hereby approved, or in accordance with a programme to be agreed in advance in writing by the local planning authority.

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

- 15) No dwelling shall be occupied until off site highway improvements under s278 of the Highways Act 1980 have been completed.

Reason: In the interests of highway safety.

- 16) The access to the site from Green Lane shall be carried out in accordance with drawings hereby approved and shall be completed before the first occupation of the buildings hereby permitted. The visibility splays hereby approved shall be retained free of all obstruction to visibility above 1m thereafter.

Reason: In the interests of road safety.

- 17) A landscape and ecological management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscaped and open areas other than privately owned domestic gardens, shall be submitted to and approved in writing by the local planning authority prior to first occupation of any dwelling on the site. Landscape and ecological management shall be carried out in accordance with the approved plan unless the local planning authority gives written consent to any variation.

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

- 18) The occupation of any phase or sub phase of the development 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

- 19) The Ecological Mitigation shall be implemented in accordance with the approved details and retained thereafter.

Reason: In the interests of biodiversity.

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

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

- 21) No external lighting shall be installed on the site without details and specifications having been submitted to and approved by the Local Planning Authority.

Reason: In the interests of visual amenity and ecological interest

- 22) 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.

- 23) The development hereby permitted shall be carried out in accordance with the following approved plans:  
;2692-C-1005-Q ;2692-C-1005.1-Q (LOW RES) ;2692-c-1021-A  
;123071-C02 ;123071-C03; Tree Protection Plan 1 Rev D REV P02  
;123071/C06 REV P2 ;123071/C07 REV P2 ;123071/C09 REV P2  
;1522/002 Rev d ;1522/003 Rev C ;2692-A-1000-A ;2692-A-1020-A  
;2692-A-1023-A ;2692-A-1025-A ;2692-A-1028-A  
;2692-A-3000-A ;2692-A-3005-C ;2692-A-3006-B ;2692-A-3007-B  
;2692-A-3010-A ;2692-A-3011-A ;2692-A-3015-A

;2692-A-3016-A ;2692-A-3020-B ;2692-A-3025-A ;2692-A-3026-A ;2692-A-3027-B ;2692-A-3028-B ;2692-A-3029-A ;2692-A-3030-B ;2692-A-3031-A ;2692-A-3035-C ;2692-A-3036-B ;2692-A-3037-B ;2692-A-3040-A ;2692-A-3045-A ;2692-A-3046-A ;2692-A-3050-A ;2692-A-3051-A ;2692-A-3052-A ;2692-A-3055-A ;2692-A-3060-A ;2692-A-3061-A ;2692-A-3065-A ;2692-A-3066-A ;2692-A-3067-A ;2692-A-3070-A ;2692-A-3080-A ;2692-C-1022-A ;2692-C-1024-C ;2692-C-1026-A

### **INFORMATIVE**

- 1) No demolition/construction activities shall take place, other than between 0700 to 1900 hours (Monday to Friday) and 0700 to 1300 hours (Saturday) with no working activities on Sundays, Bank or Public Holidays.
- 2) The Public Right of Way must not be stopped up, diverted, obstructed (this includes any building materials or waste generated during any of the construction phases) or the surface disturbed. There must be no encroachment on the current width, at any time now or in future and no furniture or fixtures may be erected on or across Public Rights of Way without consent.

You are advised to ensure provision of:

- construction vehicle loading/unloading and turning facilities prior to commencement of work on site and for the duration of construction;
  - parking facilities for site personnel and visitors prior to commencement of work on site and for the duration of construction;
  - wheel washing facilities prior to the commencement of work on site and for the duration of construction;
  - measures to prevent the discharge of surface water onto the highway;
- 3) Any facilities for the storage of oils, fuels or chemicals shall be provided with secondary containment that is impermeable to both the oil, fuel or chemical and water, for example a bund, details of which shall be submitted to the local planning authority for approval. The minimum volume of the secondary containment should be at least equivalent to the capacity of the tank plus 10%. If there is more than one tank in the secondary containment the capacity of the containment should be at least the capacity of the largest tank plus 10% or 25% of the total tank capacity, whichever is greatest. All fill points, vents, gauges and sight

gauge must be located within the secondary containment. The secondary containment shall have no opening used to drain the system. Associated above ground pipework should be protected from accidental damage. Below ground pipework should have no mechanical joints, except at inspection hatches and either leak detection equipment installed or regular leak checks. All fill points and tank vent pipe outlets should be detailed to discharge downwards into the bund. During the decommissioning of storage facilities, product could be lost to ground as a result of either deliberate or accidental release during dismantling and removal of tanks and pipework. In addition, a risk could arise off-site if contaminated tanks and pipework are not disposed of in an appropriate manner. It would be preferable to remove all redundant tanks and pipework. If tanks are left in-situ, a risk could arise if any residual product remains in the tanks. As the integrity of the equipment would no longer be maintained or monitored, the potential risk posed might be greater than during the operational lifetime of the site. Any residual product should be removed from the tanks. This process is known as bottoming. Care must be taken to ensure that no product is lost to ground. Following bottoming, the tanks need to be made safe by the removal of any explosive vapours. One method involves filling the tanks with inert gases or water. All tanks must be bottomed and made safe before removal from the ground. Similar methods should be employed prior to removal of pipework. As water used for this purpose will become contaminated with the residual product, a risk of contamination of controlled waters could arise if this water is not disposed of in a manner appropriate to the degree of hydrocarbon contamination. Typically this would involve consignment to a suitable waste treatment facility or, possibly, discharge to foul sewer. It is normal good practice to remove tanks, pipework and dispensers. 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. Under the Code of Practice:

- excavated materials that are recovered via a treatment operation can be re-used on-site providing they are treated to a standard such that they fit for purpose and unlikely to cause pollution
- treated materials can be transferred between sites as part of a hub and cluster project some naturally occurring clean material can be transferred directly between sites. Developers should ensure that all contaminated materials are adequately characterised both chemically and physically, and that the permitting status of any proposed on site operations are clear. If in doubt, we should be contacted for advice at an early stage to avoid any delays. We recommend that developers should refer to: the Position statement on the Definition of Waste: Development Industry Code of Practice and The Environmental regulations page on GOV.UK contaminated soil that is, or must be,

disposed of is waste. Therefore, its handling, transport, treatment and disposal are subject to waste management legislation, which includes: Duty of Care Regulations 1991; Hazardous Waste (England and Wales) Regulations 2005; Environmental Permitting (England and Wales) Regulations 2010; The Waste (England and Wales) Regulations 2011

- 4) Developers should ensure that all contaminated materials are adequately characterised both chemically and physically in line with British Standard BS EN 14899:2005 'Characterization of Waste - Sampling of Waste Materials - Framework for the Preparation and Application of a Sampling Plan' and that the permitting status of any proposed treatment or disposal activity is clear. If in doubt, we should be contacted for advice at an early stage to avoid any delays. If the total quantity of waste material to be produced at or taken off site is hazardous waste and is 500kg or greater in any 12 month period the developer will need to register with us as a hazardous waste producer. Refer to the Hazardous Waste pages on GOV.UK for more information
- 5) No works can be undertaken on a Public Right of Way without the express consent of the Local Highway Authority. Should any temporary closures be required to ensure public safety then: The applicant pays for the administration costs; the duration of the closure is kept to a minimum; alternative routes will be provided for the duration of the closure. A minimum of six weeks notice is required to process any applications for temporary closures. This means that the Public Right of Way must not be stopped up, diverted, obstructed (this includes any building materials or waste generated during any of the construction phases) or the surface disturbed. There must be no encroachment on the current width, at any time now or in future and no furniture or fixtures may be erected on or across Public Rights of Way without consent.
- 6) Where infiltration is to be used to manage the surface water from the development hereby permitted, it will only be allowed within those parts of the site where information is submitted to demonstrate to the Local Planning Authority's satisfaction that there is no resultant unacceptable risk to controlled waters and/or ground stability. This information shall be submitted prior to commencement and as a basis for detailed design. The development shall only then be carried out in accordance with the approved details.
- 7) No development or new tree planting should be located within 3 metres either side of the external edge of the public sewer and all existing infrastructure should be protected during the course of construction works. No soakaways, swales, ponds, watercourses or any other surface water retaining or conveying features should be located within 5 metres of a public (also adoptable) gravity sewer, rising main or water main. Due to changes in legislation that came in to force on 1st October 2011

regarding the future ownership of sewers it is possible that a sewer now deemed to be public could be crossing the above property. Therefore, should any sewer be found during construction works, an investigation of the sewer will be required to ascertain its condition, the number of properties served, and potential means of access before any further works commence on site.

- 8) 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>
- 9) Appropriate pollution control methods (such as trapped gullies/interceptors or swale & infiltration basin systems) should be used for drainage from access roads, made ground, hardstandings and car parking areas to reduce the risk of hydrocarbons from entering groundwater.

Only clean uncontaminated water should drain to the proposed infiltration system. Roof drainage shall drain directly to the surface water system (entering after the pollution prevention measures).

No infiltration system should be sited in or allowed to discharge into made ground, land impacted by contamination or land previously identified as being contaminated.

There must be no direct discharge to groundwater, a controlled water. An unsaturated zone must be maintained throughout the year between the base of infiltration system and the water table. A series of shallow infiltration systems are preferable to deep bored systems, as deep bored systems can act as conduits for rapid transport of contaminants to groundwater.

**Lyewood Farm, Boughton Monchelsea**

**Additional Local Resident objection:** Safety and Congestion Concerns: Traffic would emerge onto a blind bend where Green Lane is at its narrowest, if a large vehicle such as a bus or lorry is encountered, would become an accident black spot; extra traffic towards the village would cause severe problems due to the extensive parking on Church Street.

**KCC Ecology:**

Sufficient information has been provided: the reports have highlighted that the works may impact breeding birds and hedgehogs and advise that the mitigation measures detailed in table 7 *Phase 2 Ecological Surveys & Assessment*. (SES. July18) are implemented during construction. The application provides opportunities to incorporate features into the design which are beneficial to wildlife, such as native species planting or the installation of bat/bird nest boxes. We advise that measures to enhance biodiversity are secured as a condition of any granted planning permission.

**Officer Response:**

KCC Highways raise no objections in principle to the main access onto Green Lane nor congestion impacts of the traffic from the development proposed.

It is understood that the developer has suggested 2 options for the improvements to the footway at Green Lane and depending on the results of a safety audit. The options that will be investigated for the s278 works could involve a widening of the footway with either 2 way or 1-way priority on the carriageway depending on the available width within the adopted highway.

The submitted ecology report indicates that mitigation/enhancement will be in the form of: Creation of chestnut coppice woodland, wildflower/grassland, wildlife friendly SuDS, transitional habitats, gapping up of hedgerows, planting species of benefit to wildlife and habitat management with greenspace areas; hedgehog access holes in fencing/walls of residential housing; range of nest boxes and provision of bat boxes, dead wood piles and bog boxes. The report states that these will be detailed in the LEMP. For the avoidance of doubt, condition 17 can be amended accordingly.

Members will note that the detailed landscape scheme required by condition no. 10 has to be designed in accordance with the Landscape Character Guidance which will be expected to incorporate appropriate native and ecologically beneficial species. An additional informative is suggested to detail these.

For clarification, the head of terms for the contribution to primary schools would need to be based on the geographical proximity to the application site subject to such projects being in accordance with CIL Regulations.



The local lettings plan in relation to affordable housing would prioritise Boughton Monchelsea and then cascade out to Loose/Linton/Chart Sutton/Marden.

An additional Head to the legal agreement has been secured in regard to £25,000 to be transferred to Boughton Monchelsea Parish Council via the Borough Council to be used towards making medical facilities more accessible for future residents. This is necessary and related to the development as the recent resolution by this Planning Committee for a new GP surgery building at Heath Road Linton would mean that it is highly unlikely that local GP facilities in the village of Boughton Monchelsea would be feasible.

Amend recommendation

Additional Head of Term for the legal agreement:

- £25,000.00 to be transferred to Boughton Monchelsea Parish Council via the Borough Council to be used towards making medical facilities more accessible for future residents

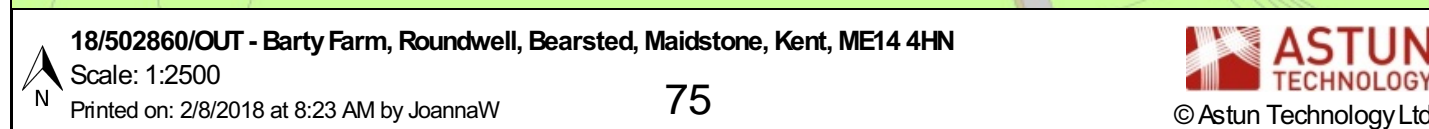
Amend condition 17.

17) A landscape and ecological management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscaped and open areas other than privately owned domestic gardens, shall be submitted to and approved in writing by the local planning authority prior to first occupation of any dwelling on the site. Landscape and ecological management shall be carried out in accordance with the approved plan unless the local planning authority gives written consent to any variation. This shall give details of all the mitigation measures in table 7 of the Phase 2 Ecological Surveys & Assessment hereby approved and shall include details of the numbers and locations of the following: bird and bat bricks; wildlife gaps in boundary fencing; deadwood piles; wildlife friendly gullies.

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

Additional informative:

10) In regard to the landscape scheme you are advised that it is expected that it includes native species and not exotics eg Tree species should include *Malus* spp., *Prunus padus*; *Crataegus* spp; *Prunus avium*; *Betula pubescens*; *Cornus sanguinea*; the plantation should feature a few standard sessile oaks (*Quercus petraea*), some open space in the form of a clearing and ride network and some native shrubs around the boundary e.g. Hazel (*Corylus avellana*), holly (*Ilex aquifolium*), goat willow (*Salix caprea*), blackthorn (*Prunus spinosa*), hawthorn (*Crataegus monogyna*), dogwood (*Cornus sanguinea*), guelder rose (*Viburnum opulus*), purging buckthorn (*Rhamnus cathartica*) and spindle (*Euonymus europaeus*).



<b>REFERENCE NO - 18/502860/OUT</b>			
<b>APPLICATION PROPOSAL</b> Variation of Conditions 5 (Surface Materials), 7 (Landscaping), 19 (Foul and Surface Water Drainage), and 31 (Approved plans) of application 14/506/738/OUT (Outline application for the erection of 100 dwellings) to allow for flexibility on open space and landscape details, include additional alterations to the listed wall at Barty House, and alter the time for the delivery of approved surface materials and drainage.			
<b>ADDRESS</b> Barty Farm, Roundwell, Bearsted, Maidstone, Kent, ME14 4HN			
<b>SUMMARY OF REASONS FOR RECOMMENDATION (APPROVE SUBJECT TO LEGAL AGREEMENT AND CONDITIONS)</b> <ul style="list-style-type: none"> <li>• The principle of 100 houses with access off Roundwell has been accepted under an approved outline consent, and the site is allocated in the Local Plan for approximately 122 dwellings under policy H1(21).</li> <li>• The proposed changes to conditions 5, 7, 19, and 31 are acceptable and comply with the site allocation policy.</li> <li>• Permission is therefore recommended.</li> </ul>			
<b>REASON FOR REFERRAL TO COMMITTEE</b> Councillor Cuming has requested the application be heard at Planning Committee in order to allow the residents affected by the proposed changes to address the Planning Committee.			
<b>WARD</b> Detling & Thurnham, and Bearsted	<b>PARISH COUNCIL</b> Thurnham and Bearsted	<b>APPLICANT</b> Crabtree & Crabtree (Bearsted) Ltd & Barty Developments Ltd <b>AGENT</b> Dandara Ltd	
<b>DECISION DUE DATE</b> 31/08/18		<b>PUBLICITY EXPIRY DATE</b> 09/07/18	
<b>RELEVANT PLANNING HISTORY</b>			
<b>App No</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
18/502850	Listed Building Consent for alterations to boundary wall, relocation of gas cabinet and provision of landscaping to facilitate improved access.	UNDER CONSIDERATION (AT THIS PLANNING COMMITTEE)	
16/506735	Listed Building application for alterations to boundary wall and provision of landscaping to facilitate improved access	APPROVED	05/04/17

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

## **1.0 DESCRIPTION OF SITE**

- 1.01 The application site falls within the defined urban area in the Local Plan at Bearsted located off 'Roundwell', Thurnham, east of Water Lane, and north of houses fronting on to Roundwell. The site is approximately 3.9 hectares in area currently used for sheep pasture. The southwest boundary with the rear gardens of houses has tree/hedging in places but is open to gardens other places; the northwest boundary feature large mature trees upon a steep bank down to Water Lane where there are houses including on Maillings Drive; the northeast boundary has hedging with fields and a railway line beyond; and the southeast boundary has an established hedge bordering an unmade track which serves Barty Farm.
- 1.02 The site is approximately 1km south of the Kent Downs Area of Outstanding Natural Beauty and does not fall within any special landscape designations. Bearsted Conservation Area is located around 360m west of the site boundary and Bearsted Holy Cross Church Conservation Area is located some 400m to the southwest. Barty House (currently in use as a nursing home) is a Grade II Listed early 18th Century house and is situated approximately 20m southeast of the site boundary. The land is classified as Grade 3 agricultural land.
- 1.03 The proposed access to the site is from an existing access to the south/south east corner. The access is currently used by Barty House nursing home and residential properties within the Barty Farm complex. The land rises in a north-easterly direction around 10m across the site.
- 1.04 The site is allocated in the Local Plan for approximately 122 dwellings under policy H1(21).

## **2.0 BACKGROUND**

- 2.01 Outline permission was granted under application 14/506738/OUT for 100 houses with access via the track past Barty House onto Roundwell. This included the widening of this access through relocation of the existing listed wall at Barty House and the lowering of the wall and re-grading of the bank along the frontage of Barty House to provide visibility. Apart from the details of access, all other detailed matters were reserved for future consideration.
- 2.02 Listed building consent was also granted for the widening and works to the listed walls at Barty House for the access under application 16/506735/LBC. Amendments to this listed building consent are being sought under application 18/502850/LBC to reflect the changes proposed under this application to retain a greater extent of walling (which is also before Member's on the Committee Agenda).

### **3.0 PROPOSAL**

- 3.01 The application proposes to alter 4 conditions (nos. 5, 7, 19, and 31) that were attached to outline permission 14/506738. The applicant considers they need to be altered in order to deliver the development.
- 3.02 The main change is in relation to condition 7 (landscaping). This condition requires a landscaping scheme and specifies a requirement for 1.05 hectares of useable open space within the site. The application seeks to remove the requirement for a specific amount on the basis that the adopted policy only seeks 0.4ha, and it is not possible to provide this amount of open space, whilst also providing for 100 houses with an acceptable design and layout. Other changes sought are to remove specific reference to the landscape buffers on the illustrative layout plan and to provide swales and balancing ponds only if they are required as part of the final SUDs scheme. This will be assessed and discussed in more detail below.
- 3.03 The change to condition 31 (which sets out the approved plans) relates to listed wall and bank along the front boundary with Barty House. Following further investigations and discussions with KCC Highways, it is now proposed that the wall and bank to the front does not need to be lowered as much as previously approved. The visibility splay requires no obstruction above a height of 1m (as opposed to 0.6m as previously proposed) and so the wall does not need to be lowered as much, and the bank does not need to be re-graded as much. It is also proposed to move the gas cabinet (which would obscure visibility) 13.5m eastwards to the side of Barty House. The separate listed building consent application 18/502850/LBC covers these changes to the frontage wall.
- 3.04 For condition 5 (surface materials) this requires approved surface details to be carried out before any houses are occupied (*my emphasis*). As some of the early houses would be occupied when ready as one would expect, the applicant states that it would not be practicably possible to complete all the surfaces across the site (as it will still be under construction). So they seek to alter the

wording to provide surfacing before occupation of the dwelling(s) to which they relate.

- 3.05 For condition 19 (foul and surface water drainage) the applicant is seeking a change to require the relevant drainage to be in place before occupation of the dwelling(s) to which they relate, as opposed to it all being in place before any occupation of the development for similar reasons as above.
- 3.06 It is important to note that under the outline application, the principle of up to 100 houses has been accepted by the Council and so this is not for consideration. It is only the changes to the specific conditions and the reason for those conditions that is being considered now. *(The outline permission is attached as an **Appendix** for information)*

#### **4.0 POLICY AND OTHER CONSIDERATIONS**

- Maidstone Borough Local Plan (2011-2031): SS1, SP1, SP18, SP19, SP20, SP23, H1, ID1, H1(21), DM1, DM2, DM3, DM4, DM6, DM8, DM12, DM19, DM20, DM21, DM23
- Kent Waste and Minerals Plan 2016
- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Town and Country Planning (Environmental Impact Assessment) Regulations 2011 (as amended)
- MBC Air Quality Planning Guidance (2018)
- MBC Public Art Guidance (2018)

#### **5.0 LOCAL REPRESENTATIONS**

- 5.01 **Local Residents:** 9 representations received raising the following (summarised) points:

- Access not safe.
- Pedestrians crossing Roundwell dangerous.
- Dropped crossing with tactile paving would fail the Disability Discrimination Act 1995 and a Safety Audit.
- Plans are not correct.
- Recent accident on road.
- Traffic impact.
- Urbanisation.
- Lack of infrastructure.
- Inadequate screening.
- Landscape buffer to the south and west should not be reduced.
- Does not enhance setting of Barty House.
- Additional harm to setting of listed building.
- Height for visibility splay should be lower.
- Can maintenance of visibility splay be controlled by applicant.
- Loss of hedge to visibility splay.

- 1.05ha of useable open space should be provided.
- Flooding on road may be worse.
- Archaeology.

## **6.0 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)*

**6.01 Thurnham Parish Council:** No response received.

**6.02 Bearsted Parish Council:** Recommend refusal on the following grounds:

*"Concerns for the boundary of Plots 89/90 and Magnolia House where the width of the landscape buffer is greatly reduced compared to the other properties backing onto the development. MBC Strategic Policy H1 (21) 1 states that an undeveloped section of land will be retained along the southern and western boundaries of the site, and landscape buffers will be included in these areas to protect the amenity and privacy of residents living in Water Lane and Roundwell. BPC therefore object to the revised planning applications because of concerns for the privacy of residents because of insufficient landscaping depth. BPC request that the boundary should be adjusted to afford all residents protection of privacy and should be constructed using plants/trees at an early stage of the building project so that growth is sufficiently established once the development is completed."*

**6.03 Conservation Officer: Raises no objections** subject to conditions attached to previous permission and covering brick bonding, grade of lime mortar uses, and fabrication of the piers. Advises that the less than substantial harm would be caused to the listed wall and setting of the listed building.

**6.04 MBC Parks & Leisure:** Based on the policy requirement for 0.4ha of public open space would request £542.21 per dwelling for an off-site contribution towards mitigating the impact of the development for play, amenity and wildlife improvements at Bearsted Woodland Trust sit; play and amenity at Bearsted Green; sport and amenity at Elizabeth Harvie Field off Crosskeys; and allotments at Church Lane. Suggest allocation of 40% to Bearsted Woodland Trust with the remainder to Bearsted Parish Council to implement improvements as appropriate.

**6.05 KCC Highways: No objections** and advise that the changes to the visibility splays are necessary and acceptable.

**6.06 KCC Lead Local Flood Authority: No objections** and recommend maintenance and verification conditions re. the SUDs scheme.

6.07 **KCC Economic Development:** Seek the same contributions as under the original outline application apart from an increase in the secondary school contribution based on increased build costs that were calculated earlier in the year.

6.08 **NHS:** Seek the same contribution as under the original outline application.

6.09 **Historic England:** No need to consult us.

## **7.0 APPRAISAL**

7.01 The principle of 100 houses with access via the track past Barty House onto Roundwell including widening of the access through relocation of the existing listed wall at Barty House and the lowering of the wall along the frontage of Barty House to provide visibility has been accepted. This application is concerned only with the proposed alterations to the conditions and not re-visiting the principle of residential development at the site. Section 73 of the Town and Country Planning Act 1990 states that *"the local planning authority shall consider only the question of the conditions subject to which planning permission should be granted"*. In addition, the site is now allocated for approximately 122 houses with access from Roundwell only in the Local Plan, and there have been no changes on site since the previous approval. I will now assess each condition proposal.

### Condition 7 (Landscaping)

7.02 The applicant seeks removal of the specific requirement for 1.05 hectares of 'useable' open space within the site. 'Useable' open space means spaces such as recreation grounds, village greens, parks, and playing fields. The applicant wishes not to specify an amount and leave it to negotiation on the reserved matters application but would provide at least 0.4ha as is required by policy, and potentially more.

7.03 Firstly, and most importantly, the site allocation policy requires a minimum of 0.4ha of open space within the site, which alone is considered sufficient grounds to allow a reduction in open space. However, I do consider the condition should be amended to require a minimum of 0.4ha of open space within the site in line with the site policy.

7.04 Secondly, I also consider that to provide 1.05ha of 'useable' open space would make it very difficult to achieve a high quality layout and design. I also note that the site policy seeks an undeveloped section of land along the southern and western boundaries to create landscape buffers in order to protect the amenity and privacy of residents living in Water Lane and Roundwell. Such buffers would be classed as 'natural/semi-natural' open space so again this would make it extremely difficult to achieve this with an additional 1.05ha of 'useable' open space being required.



7.05 The current condition also states that *"the landscape scheme shall provide landscape buffer zones of no less area than shown in the illustrative site layout on drawing no. 2527-21"*. This is only an illustrative layout and as the now adopted policy specifically requires undeveloped landscape buffers along the southern and western boundaries, I do not consider it is necessary or appropriate to require this now. The adopted policy means that the Council can ensure suitable buffers under any reserved matters. The extent of the buffers should also be considered alongside the layout of the housing development itself, and the position of existing properties and existing landscaping. The buffers on the illustrative layout are also not necessarily the most appropriate showing the largest amount to the rear of some of the houses that are furthest from the site boundary (eg Cherrybank & Annelida), and the smallest buffer next to a garden which does not have any existing landscaping (Magnolia House). This is not to say that they couldn't be as shown but this should be left to consideration at reserved matters stage where all aspects of the development are known.

7.06 The condition also requires swales and balancing ponds and the applicant is seeking a change to provide these if they are required as part of the SUDs scheme. The final scheme may not need swales or balancing ponds and so I consider it is appropriate to decide this at the reserved matters stage.

7.07 I therefore recommend amendment to condition 7 as follows (changes struck through and in bold):

7. (A) *Prior to any dwelling hereby permitted being constructed to slab level, and pursuant to condition 1 of the Reserved Matters a landscape scheme which provides **1.05 at least 0.4 hectares** of **useable** open space within the site and designed in accordance with the principles of the Council's adopted landscape character guidance shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be fully implemented.*

*(B) The scheme shall show all existing trees, hedgerows and landscaping and indicate whether they are to be retained or removed. It shall detail measures for protection of species to be retained and include a planting specification, a programme of implementation and maintenance and a 10 year management plan. The landscape scheme shall provide **details of landscape buffer zones in accordance with policy H1(21) of the Local Plan of no less area than shown in the illustrative site layout on drawing no. 2527-21** and specifically address the need to provide:*

- *Reinforced and new tree belt along the southern boundary of the site.*
- *New hedgerow and tree planting along the northern boundary (M20 motorway).*
- *Tree and hedge planting throughout the site.*
- *Area of semi-natural open space along the southern boundary.*

- *Swales and balancing ponds, **if required as part of the SUDs scheme.***
- *Reinforced tree and hedgerow planting along the eastern and western boundaries.*
- *Naturalistic boundary along Water Lane*

*(C) The approved scheme shall be fully implemented prior to the occupation of the 50<sup>th</sup> dwelling unless otherwise agreed in writing with the Local Planning Authority.*

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

7.08 Under the previous permission no off-site contribution was sought based on 1.05ha of open space being provided on site. As this would reduce to 0.4ha an off-site contribution of £542.21 per dwelling towards mitigating the impact of the development for play, amenity and wildlife improvements at Bearsted Woodland Trust sit; play and amenity at Bearsted Green; sport and amenity at Elizabeth Harvie Field off Crosskeys; and allotments at Church Lane is now sought. This is considered to be necessary to mitigate the impact of the development and can be secured through a variation to the original section 106 agreement. I would also agree with the suggested allocation of 40% of the monies to the Bearsted Woodland Trust land and remainder to Bearsted Parish Council to implement improvements to the open spaces listed.

#### Condition 31 (Approved Plans)

7.09 The applicant seeks a change to the approved plans in relation to the listed wall and visibility splays along the front of Barty House. This is as a result of discussions with Kent Highways who have confirmed that visibility above a height of 1m is necessary and not 0.6m as previously proposed. This results in less removal of the listed wall so that its minimum height would be 0.99m. This also means less excavation of the land behind the wall. The existing gas cabinet would be re-located to a position close to Barty House just to the east. The new position would be adjacent to the listed building and it would be visible next to the building and so causes some harm to its setting. However, I do not consider the harm is any worse than caused by the current location and so there would be a neutral impact.

7.10 The proposals would therefore lessen the impact upon the setting of the listed building from that which the Council has already approved as more of the wall would be retained and less re-grading is proposed. However, this would still result in less than substantial harm to the setting of the listed building, which is also a view shared by the Conservation Officer who raises no objections subject to conditions. The proposals would therefore conflict with policy DM14 of the Local Plan as they would not conserve the significance of the heritage asset. The accompanying text to this policy outlines that any harm should be weighed against wider benefits of the development as outlined in the NPPF

(paragraph 134). In balancing matters, it is concluded once more that the public benefits of facilitating a safe access to deliver 100 needed dwellings, including affordable housing, now on an allocated housing site, and the associated economic benefits through construction jobs and from future residents contributing to the economy, would outweigh the less than substantial harm in this case. In reaching this conclusion regard has been given to Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which states that special regard should be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest.

- 7.11 In terms of the change to visibility height to 1m, Kent Highways have confirmed that this is appropriate for the access and that the proposed works would ensure this is provided and the splay is acceptable. They raise no objections to the proposals in terms of highway safety. As such, the plans condition will be amended to include these changes.

Condition 5 (surface materials)

- 7.12 This proposed change would simply allow for houses to be occupied before surface materials over the whole development are complete. The effect of the current condition means that no houses can be occupied until the whole site is essentially finished. The surface materials would be put in place as the development is built and occupied. It is entirely reasonable to allow occupations and the condition should be amended as follows:

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

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

- 7.13 For condition 19 (foul and surface water drainage) the applicant is seeking a change to require the relevant drainage to be in place before occupation of the dwelling(s) to which they relate, as opposed to it all being in place before any occupation of the development. Again the effect of the current condition means that no houses can be occupied until drainage for the whole site is finished. Drainage would be in place as the development is built and occupied and it is entirely reasonable to allow occupations. I also note that condition 19 does not need to refer to surface water drainage as this is fully covered by condition 20. The condition should therefore be amended as follows:

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

*Reason: In the interest of water pollution*

#### Other Matters

- 7.14 Bearsted Parish Council has raised concerns regarding the landscape buffers along the south boundary of the site making reference to the illustrative layout. As outlined above at paragraph 7.05, it is not considered necessary or appropriate to specify that the buffer is in line with the illustrative layout plan, and I note the Parish also point out that the width of the buffer is greatly reduced in places on this plan. The extent of the buffers should be considered alongside the layout of the housing development itself, and the position of existing properties and existing landscaping at reserved matters stage. Houses along these boundaries are different distances away from the site and have different landscaping in place, and so it is appropriate that this is assessed at the reserved matters stage once the layout is known. The site policy requires an undeveloped section of land along the southern and western boundaries to create landscape buffers in order to protect the amenity and privacy of residents living in Water Lane and Roundwell.
- 7.15 Local residents have raised a number of issues many of which refer to principle issues or matters not relevant to the conditions being altered and so are not relevant to this application. Other matters raised which are not considered above relate to whether the applicant can maintain the visibility splay as they do not own the land, whether the new crossing would be DDA compliant and pass a safety audit, and accuracy of the plans. The visibility splay is within the red outline of the application site and therefore a condition can ensure that the visibility splay is maintained. Planning conditions run with the land and in the event that it is breached the Council can pursue this with the landowner. The crossings would be subject to a separate safety audit which would cover DDA compliance and Kent Highways have indicated that they would expect them to pass an audit. I am satisfied that the plans are accurate.
- 7.16 KCC have recommended maintenance and verification conditions for the surface water drainage scheme, and I consider it is appropriate to attach these additional conditions.

#### Section 106 Agreement

- 7.17 The original Section 106 will be applied to this permission and so will secure monies towards primary and secondary education, healthcare, railway station

improvements, community learning, libraries, youth services, and improvement to public right of way KH127 to Church Lane. As there is now a requirement for an off-site open space contribution the original section 106 agreement will need to be varied to secure this. KCC have requested additional monies towards secondary education as they re-assessed their costs earlier this year. As this application is only to vary 4 conditions and not re-visiting the principle of development the Council can only look at the reasons for these conditions and not entertain wider considerations. It is therefore not possible or reasonable to re-visit financial contributions so the monies will remain as the original s106. It important to note that this permission will not allow any more time to implement the planning permission and this will follow the same timeframe as the outline.

## 8.0 CONCLUSION

- 8.01 For the reasons outlined above the variation of conditions 5, 7, 19, and 31 are considered acceptable and in accordance with the site policy and Development Plan.
- 8.02 As an approval will create a new outline planning permission the full conditions are set out below as are the necessary changes to the section 106 agreement.

## 9.0 RECOMMENDATION:

Subject to the prior completion of a deed of variation to the legal agreement attached to permission 14/506738/OUT 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 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 - *(Secured through deed of variation to the legal agreement attached to permission 14/506/738/OUT)*

- Financial contribution of £542.21 per dwelling mitigating the impact of the development for play, amenity and wildlife improvements at Bearsted Woodland Trust site off Ashford Road (40% of monies); play and amenity at Bearsted Green; sport and amenity at Elizabeth Harvie Field off Crosskeys; and allotments at Church Lane.

### Conditions

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

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

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

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

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

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

Reason: To ensure a satisfactory appearance to the development.

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

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

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

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

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

shall thereafter be carried out in accordance with the subsequently approved details.

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

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

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

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

(C) The approved scheme shall be fully implemented prior to the occupation of the 50<sup>th</sup> dwelling unless otherwise agreed in writing with the Local Planning Authority.

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

Reason: In the interests of visual amenity

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

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

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

Reason: In the interests of highway safety.

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

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

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

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

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

Reason: In the interest of water pollution

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

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

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

21. Prior to commencement of the development details of vehicle parking and cycle storage shall be submitted to the Local Planning Authority and approved in writing. The approved details of parking shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any order revoking and re-enacting that Order, with or without modification) or not, shall be carried out on the areas indicated or in such a position as to preclude vehicular access to them.

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

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

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

23. Works shall not commence on the demolition of the wall until a method statement has been submitted providing the following information:
  - (a) confirmation that all existing bricks will be re-used where possible;
  - (b) process of demolition, materials to be used to clean up the bricks and means of storage of bricks to be re-used.

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

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

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

25. Prior to the commencement of development the recommendations of the Callumma Ecological Services report dated October 2015 shall be carried out. A detailed mitigation strategy shall be submitted to the Local Planning Authority as set out in this report (CES) together with a monitoring timetable

whilst works are ongoing with regard to the Great Crested Newt population within the identified ponds.

Reason: In the interests of biodiversity.

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

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

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

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

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

Reason: In the interests of the environment.

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

- 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 to show that no contamination was discovered should be included.

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

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

The code shall include:

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

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

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

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

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

Reason: To ensure the development is undertaken satisfactorily.

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

- A description of the drainage system and its key components
- An general arrangement plan with the location of drainage measures and critical features clearly marked
- An approximate timetable for the implementation of the drainage system
- Details of the future maintenance requirements of each drainage or SuDS component (including existing ordinary watercourses), and the frequency of such inspections and maintenance activities
- Details of who will undertake the above inspections and maintenance activities, including the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime

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

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

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

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

Case Officer: Richard Timms

Crabtree And Crabtree (Bearsted) Limited  
C/O Hobbs Parker Property Consultants  
Romney House  
Monument Way  
Orbital Park  
Ashford  
Kent  
TN24 0HB



20 March 2018

## PLANNING DECISION NOTICE

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<b>APPLICANT:</b>	<b>Crabtree And Crabtree (bearsted) Limited</b>
<b>DEVELOPMENT TYPE:</b>	<b>Small Major Dwellings</b>
<b>APPLICATION REFERENCE:</b>	<b>14/506738/OUT</b>
<b>PROPOSAL:</b>	<b>Outline application for the erection of 100 dwellings - reserved matters for which approval is being sought: Access, including access widening comprising relocation of wall forming part of outer curtilage of Barty Nursing Home (Grade II listed)</b>
<b>ADDRESS:</b>	<b>Land At Barty Farm Roundwell Bearsted Kent ME14 4HN</b>

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

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

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

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

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**MKPS – Working in Partnership with:** Maidstone Borough Council

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

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

Email: [planningsupport@midkent.gov.uk](mailto:planningsupport@midkent.gov.uk)

Access planning services online at: [www.maidstone.gov.uk](http://www.maidstone.gov.uk); or submit an application via [www.planningportal.gov.uk](http://www.planningportal.gov.uk)

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

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

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

Reason: To ensure a satisfactory appearance to the development

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

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

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

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

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

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

- (7) (A) Prior to any dwelling hereby permitted being constructed to slab level, and pursuant to condition 1 of the Reserved Matters a landscape scheme which provides 1.05 hectares of useable open space within the site and designed in accordance with the principles of the Council's adopted landscape character guidance shall be submitted to and approved in writing by the local planning authority. The approved scheme shall be fully implemented.



(B) The scheme shall show all existing trees, hedgerows and landscaping and indicate whether they are to be retained or removed. It shall detail measures for protection of species to be retained and include a planting specification, a programme of implementation and maintenance and a 10 year management plan. The landscape scheme shall provide landscape buffer zones of no less area than shown in the illustrative site layout on drawing no. 2527-21 and specifically address the need to provide:

- o Reinforced and new tree belt along the southern boundary of the site.
- o New hedgerow and tree planting along the northern boundary (M20 motorway).
- o Tree and hedge planting throughout the site.
- o Area of semi-natural open space along the southern boundary.
- o Swales and balancing ponds.
- o Reinforced tree and hedgerow planting along the eastern and western boundaries.
- o Naturalistic boundary along Water Lane

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

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

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

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

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

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

- (10) All trees to be retained must be protected by barriers and/or ground protection in accordance with BS 5837 (2012) 'Trees in Relation to Construction-Recommendations' and in strict compliance with the Draft Arboricultural Method Statement by Chartwell Tree Consultants Ltd dated 9 March 2016. No equipment, machinery or materials shall

be brought onto the site prior to the erection of approved barriers and/or ground protection except to carry out pre commencement operations approved in writing by the local planning authority. These measures shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Nothing shall be stored or placed, nor fires lit, within any of the protected areas. No alterations shall be made to the siting of barriers and/or ground protection, nor ground levels changed, nor excavations made within these areas without the written consent of the local planning authority.

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

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

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

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

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

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

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

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

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

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

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

Reason: In the interests of visual amenity

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

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

(B) The approved visibility splays within the S278 scheme shall be retained at all times.

Reason: In the interests of highway safety.

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

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

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

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

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

Reason: In the interest of water pollution

- (20) No development shall take place until a sustainable surface water drainage scheme based on details provided within the Surface Water Management Strategy prepared by RMB Consultants (Civil Engineering) Ltd dated December 2014, has been submitted to and approved in writing by the local planning authority. The surface water strategy should also be compliant with the Non-Statutory Technical Standards for Sustainable

Drainage (March 2015), and should demonstrate the surface water run-off generated up to and including the 100yr critical storm (including an allowance for climate change) will not exceed the run-off from the undeveloped site following the corresponding rainfall event, so as not to increase the risk of flooding both on- or off-site. The strategy should also include details for the provision of long term maintenance of all surface water drainage infrastructure on the site.

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

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

- (21) Prior to commencement of the development details of vehicle parking and cycle storage shall be submitted to the Local Planning Authority and approved in writing. The approved details of parking shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) Order 1995 as amended (or any order revoking and re-enacting that Order, with or without modification) or not, shall be carried out on the areas indicated or in such a position as to preclude vehicular access to them.

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

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

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

- (23) The existing wall which aligns the curtilage of Barty House shall not be taken down until a methodology statement has been submitted to cover the following areas:

- (i) Removal, cleaning and reuse of existing brickwork;
- (ii) Submission of sample replacement bricks where necessary;
- (iii) A sample panel to be erected on site to ensure appropriate bonding/mortar mix

Reason: To ensure appropriate materials and protection of the character of the wall.

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

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

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

Reason: In the interests of Biodiversity.

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

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

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

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

- (28) Details of a scheme to provide sources of renewable energy including solar power and where practical publicly accessible EV charging points, shall be submitted to the LPA with the application for approval of reserved matters and the approved details shall be implemented before the development is first occupied

Reason: In the interests of the environment.

- (29) If during construction/demolition works evidence of potential contamination is encountered, works shall cease and the site fully assessed to enable an appropriate remediation plan to be developed. Works shall not re-commence until an appropriate remediation scheme has been submitted to, and approved in writing by, the Local Planning Authority and the remediation has been completed.

Upon completion of the building works, this condition shall not be discharged until a closure report has been submitted to and approved in writing by the Local Planning Authority. The closure report shall include details of;

- 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 to show that no contamination was discovered should be included.

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

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

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

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

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

- o Drawing no.s: 475-108A; 475-112; 475-115; 475-116; 475-123; 475-125 A; 475-127A; 2527-21b; 2527-20 Rev D; site location plan; 2527-22A; Drawing No. 1460/001 Rev. B Landscape Plan; 2527-03H; 2527-16 - Barty House Proposed Landscaping,; 2527-04C; 2527-05C; 2527-06B; 2527-16- "Boundary Wall Demolition Plan"

Reports: Great Crested Newt Survey October 2015, Calumma Ecological Services; Arboricultural report by Chartwell Tree Consultants December 2015, Arboricultural Method Statement 9 March 2016, Transport Assessment Addendum December 2016; Surface Water Management Strategy incorporating a Flood Risk Assessment dated December 2014.

Reason: To ensure the development is undertaken satisfactorily.

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

The Council's approach to this application:

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

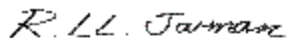
Offering pre-application advice.

Where possible, suggesting solutions to secure a successful outcome.

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

In this instance:

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



**Rob Jarman**  
**Head of Planning Services**  
**Maidstone Borough Council**

**IMPORTANT - YOUR ATTENTION IS DRAWN TO THE ATTACHED NOTES**

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

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

### Appeals to the Secretary of State

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

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

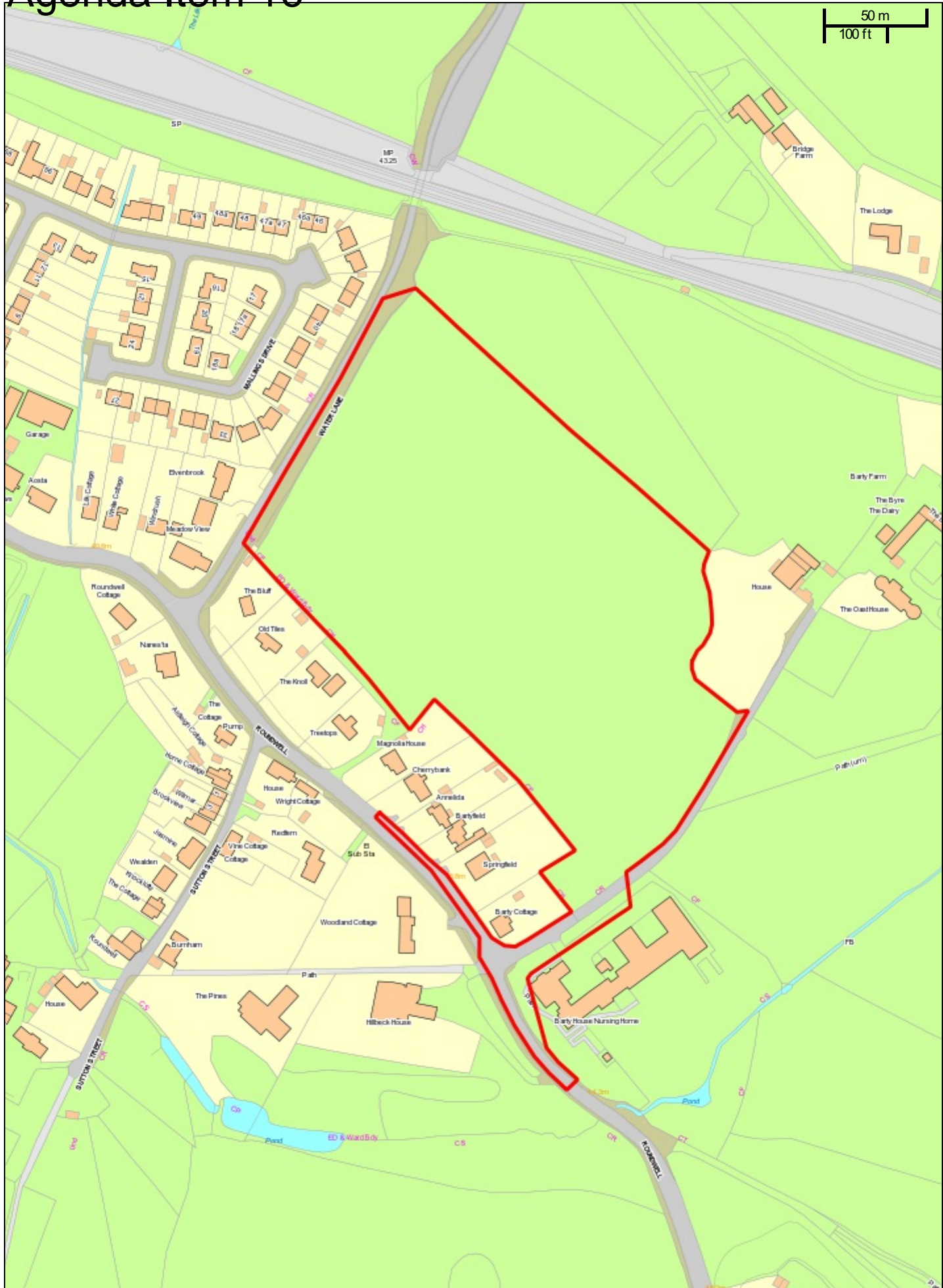
Appeals must be made using a form which you can get from the Secretary of State at Temple Quay House, 2 The Square, Temple Quay, Bristol BS1 6PN or online at [www.planningportal.gov.uk/pcs](http://www.planningportal.gov.uk/pcs).

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

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



# Agenda Item 16



18/502850/FULL - Barty House Nursing Home & Land at Barty Farm, Roundwell, Bearsted, Maidstone, Kent, ME14 4HN

Scale: 1:2500

Printed on: 2/8/2018 at 8:41 AM by JoannaW

<b>REFERENCE NO - 18/502850/LBC</b>			
<b>APPLICATION PROPOSAL</b>			
Listed Building Consent for alterations to boundary wall, relocation of gas cabinet and provision of landscaping to facilitate improved access.			
<b>ADDRESS</b> Barty House Nursing Home & Land At Barty Farm, Roundwell, Bearsted, Maidstone, Kent, ME14 4HN			
<b>SUMMARY OF REASONS FOR RECOMMENDATION (APPROVE SUBJECT TO CONDITIONS)</b>			
<ul style="list-style-type: none"> <li>The demolition of the listed wall and its re-build further into the site has been accepted under approved listed building consent 16/506735/LBC and there are no overriding reasons to reach a different conclusion.</li> <li>The works to the wall along the front of the site seek less removal than has already been approved and so the harm to the listed wall and the setting of the listed building is less.</li> <li>The public benefits of facilitating a safe access to deliver 100 needed dwellings, including affordable housing, on an allocated housing site, and the associated economic benefits through construction jobs and from future residents contributing to the economy, would outweigh the less than substantial harm caused by the proposed works.</li> <li>Listed building consent is therefore recommended.</li> </ul>			
<b>REASON FOR REFERRAL TO COMMITTEE</b>			
Councillor Cuming has requested the application be heard at Planning Committee in order to allow the residents affected by the proposed changes to address the Planning Committee.			
<b>WARD</b> Detling & Thurnham, and Bearsted	<b>PARISH COUNCIL</b> Thurnham and Bearsted	<b>APPLICANT</b> Crabtree & Crabtree (Bearsted) Ltd & Barty Developments Ltd <b>AGENT</b> Dandara Ltd	
<b>DECISION DUE DATE</b> 27/07/18		<b>PUBLICITY EXPIRY DATE</b> 09/07/18	
<b>RELEVANT PLANNING HISTORY</b>			
<b>App No</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
18/502860	Variation of Conditions 5 (Surface Materials), 7 (Landscaping), 19 (Foul and Surface Water Drainage), and 31 (Approved plans) of application 14/506/738/OUT (Outline application for the erection of 100 dwellings) to	UNDER CONSIDERATION (AT THIS PLANNING COMMITTEE)	

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

## **1.0 DESCRIPTION OF SITE**

1.01 The application relates to a curtilage listed wall on the boundary of Barty House nursing home on the north side of the road 'Roundwell' within the defined urban area of Bearsted in the Local Plan. The wall runs along part of the frontage of Barty House with 'Roundwell', and along its boundary with an unmade track which serves Barty Farm and the car park for the nursing home.

1.02 Barty House is a Grade II listed building with a fairly extensive planning history which has resulted in significant extensions to the original building. The original building dates from the 18<sup>th</sup> Century and was the subject of extension and/or alterations in the 19<sup>th</sup>, 20<sup>th</sup> and 21<sup>st</sup> centuries. The extensions are concentrated on the north eastern rear elevations. The Listing states:

Bertie (as named then/possible typographical error) House Grade II

*House. Early C18 with early C19 and later additions. Red brick with plain tile roof. 2 storeys attics and basement with moulded brick string course, moulded brick eaves cornice and plain stone-coped parapet. Ground floor painted red*

*with traces of tuck or painted pointing. Roof hipped to right, gabled behind parapet to left. End stacks. 2 hipped dormers. Regular 5-window front of glazing-bar sashes, with rubbed brick voussoirs, those on ground floor with segmental heads. First floor windows have blind hoods. Large early C19 porch up 4 steps with fluted Doric columns carrying deep entablature and flat hood over. Early C19 door with fielded panels and ornate rectangular fanlight. Left end elevation: has 2-storey canted bay in same style as front elevation but merged with C19 rear additions. 2-storey C19 red brick additions to rear.*

- 1.03 Bearsted Conservation Area is located around 360m west of the site boundary and Bearsted Holy Cross Church Conservation Area is located some 400m to the southwest.
- 1.04 Just to north of the site is a housing allocation in the Local Plan for approximately 122 dwellings under policy H1(21), and the proposed works are connected to this in that they are proposed in order to provide access to this site.

## **2.0 BACKGROUND**

- 2.01 Listed building consent was previously granted under application 16/506735/LBC for demolition and alterations to the listed boundary wall to facilitate an improved access and visibility for the housing allocation to the north in November 2016.
- 2.02 Connected to this, outline permission was granted under application 14/506738/OUT for 100 houses with access past Barty House onto Roundwell. This application also included the widening of the access track facilitated by the alterations to the listed boundary wall. The applicant is seeking changes to some of the conditions of this permission under application 18/502860/OUT, including altering the plans to reflect the changes proposed under this listed building consent application. This application is also before Members on the Committee Agenda.

## **3.0 PROPOSAL**

- 3.01 Listed building consent (LBC) is sought for the demolition of the existing listed wall which runs from a gate by the entrance to the car park, along the north boundary with the unmade track, and over part of the corner where it meets the main road. The wall acts as a retaining wall to the garden land on the northern side of Barty House. Consent is sought for the rebuilding of this wall in a set-back position around 2m closer the Barty House. It would be rebuilt at a lower height than existing and include a new stepped access, and would link up with wall along the front of the site.
- 3.02 This frontage wall is proposed to be lowered in height to 0.99m which means that around 0.1m would be removed from its top near the junction, increasing to 0.5m further south. The works to the wall along the front of the site seek

less removal of the listed wall than previously approved as a result of discussions with Kent Highways who have confirmed that visibility above a height of 1m is sufficient, and not 0.6m as previously proposed.

- 3.03 It is proposed to carefully remove each brick, clean each brick which is capable of being reused and store until the rebuild in the new location. The rebuild will use matching mortar and pointing. Bricks which are inappropriate i.e non-matching as used in the past for repair work, will not be reused; instead matching bricks will be resourced to make up any shortfall.
- 3.04 The works are proposed in to both widen and upgrade the existing track to facilitate access to the approved housing site to the north under application 14/506738, and to provide sufficient visibility along Roundwell.
- 3.05 The excavation works to the remove the bank outside Barty House to enable re-building of the wall do not require LBC and have been approved under application 14/506738. This is also the case for the section of new wall adjacent to the car park to the north east and relocation of the gas cabinet.
- 3.06 The application includes a detailed landscaping scheme, although it should be noted that this has been submitted as supporting information only, as LBC is not required for landscaping and this is covered/would be secured under the new application to change the conditions of the outline permission (18/502860/OUT) which is also before Members on the Committee Agenda.

#### **4.0 POLICY AND OTHER CONSIDERATIONS**

- Maidstone Borough Local Plan (2011-2031): SP18, DM4
- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- Planning (Listed Buildings and Conservation Areas) Act 1990

#### **5.0 LOCAL REPRESENTATIONS**

- 5.01 **Local Residents:** 11 representations received. Most points raised relate to housing on the nearby allocated site which is not relevant to this LBC application. Points that are relevant are summarised as follows:
- Will materially affect and compromise Barty House and its setting.
  - Re-constructing wall would be a poor pastiche and vague representation of the original.
  - The line of the wall and the wall itself, comprise an integral part of the street scene.
  - Steps up to the house introduce a new and unprecedented element into the setting of a Grade II listing building.
  - Changing and re-locating the wall will not enhance either Barty House or its setting.

- The proposed 'urbanising' of the garden of Barty House completely destroys the existing setting.

## **6.0 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)*

6.01 **Thurnham Parish Council:** No response received.

6.02 **Bearsted Parish Council: No objections.**

6.03 **Conservation Officer: Raises no objections** subject to conditions attached to previous permission and covering brick bonding, grade of lime mortar uses, and fabrication of the piers. Advises that the less than substantial harm would be caused to the listed wall and setting of the listed building.

6.04 **Historic England:** No need to consult us.

## **7.0 APPRAISAL**

7.01 The Council accepted the demolition of the listed wall and its re-build further into the site under application 16/506735/LBC subject to detailed conditions. This is an extant consent that could still be implemented. The conclusion for that application was as follows:

*"The proposed relocation of the wall is considered to cause harm to the setting and fabric of the listed building (Section 16 of the Planning (Listed Buildings and Conservation Areas) Act 1990), however this harm is considered to be less than substantial. In accordance with advice contained in paragraph 134 of the NPPF which indicates that if the harm caused brings about sufficient benefits to the wider public then permission can be granted.*

*In this instance it is considered that whilst the relocation of the wall is neither essential in terms of repair work nor desirable in terms of reducing the setting to this Grade II listed building, the public benefit test in the NPPF cannot be ignored. If Listed Building Consent is granted, then it will facilitate the development of 100 houses on the nearby site. The site in question, is an allocation in the emerging local plan, which would deliver much needed affordable homes and other benefits such as support of the local economy.*

*Were it not for the linkage with the outline planning application the recommendation would be one of refusal as the need and harm could not be justified."*

- 7.02 This part of the proposed works are exactly the same as previously approved and I have no reason to reach a different conclusion. Since that decision the new Local Plan has been adopted with relevant heritage policies SP18 and DM4. The proposals would conflict with policy DM14 as they would not conserve the significance of the heritage assets but the accompanying text to this policy outlines that any harm should be weighed against wider benefits of the development as outlined in the NPPF. In this regard, I reach the same conclusion as before. With adoption of the Local Plan, the housing site for which these works facilitate access is now allocated adding further weight in favour.
- 7.03 With regard to the works to the wall along the front of the site, the application seeks less removal of the listed wall so that its minimum height would be 0.99m. This is as a result of discussions with Kent Highways who have confirmed that visibility above a height of 1m is sufficient, and not 0.6m as previously proposed.
- 7.04 The proposals would therefore lessen the impact upon the listed wall itself and the setting of the listed building from that which the Council has already approved as a greater proportion of the listed wall would be retained. However, this would still result in less than substantial harm to wall and the setting of the listed building, which is also a view shared by the Conservation Officer who raises no objections subject to conditions. The proposals would therefore conflict with policy DM14 of the Local Plan as they would not conserve the significance of the heritage assets. The accompanying text to this policy outlines that any harm should be weighed against wider benefits of the development as outlined in the NPPF (paragraph 134). In balancing matters, it is concluded once more that the public benefits of facilitating a safe access to deliver 100 needed dwellings, including affordable housing, now on an allocated housing site, and the associated economic benefits through construction jobs and from future residents contributing to the economy, would outweigh the less than substantial harm in this case. In reaching this conclusion regard has been given to Section 16) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which states that special regard should be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest.
- 7.05 As before detailed conditions requiring a method statement covering the process of demolition and re-use of bricks; and sample panels for the new/replacement walls with mortar/brick bond and pointing details are necessary.

## **8.0 CONCLUSION**

- 8.01 For the reasons outlined above the public benefits of facilitating a safe access to deliver 100 needed dwellings, including affordable housing, now on an allocated housing site, and the associated economic benefits through construction jobs and from future residents contributing to the economy,

would outweigh the less than substantial harm caused by the proposed works. Listed building consent is therefore recommended subject to conditions.

## **9.0 RECOMMENDATION:**

**APPROVE Listed Building Consent** subject to the following conditions:

### Conditions

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

Reason: In accordance with the provisions of Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

2. Works shall not commence on the demolition of the wall until a method statement has been submitted providing the following information:
  - (a) confirmation that all existing bricks will be re-used where possible;
  - (b) process of demolition, materials to be used to clean up the bricks and means of storage of bricks to be re-used.

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

3. Works on rebuilding the wall shall not commence until a sample brick panel of both bricks for the new wall and replacement have been constructed and inspected on site by the local planning authority. Written details shall also be provided confirming details of mortar/brick bond and pointing. The wall build shall be undertaken in accordance with the approved details.

Reason: To ensure the design, materials and construction of the boundary wall is visually acceptable.

4. The listed building consent hereby approved shall only be implemented in conjunction with the valid implementation of outline planning permission pursuant to planning application ref. 14/506738/OUT or 18/502860. In accordance with this condition, prior to the demolition of the listed wall subject of this application, the applicant/future successor in title will enter into a signed contract with the developer to ensure the delivery of the associated housing development. A copy of the signed agreement shall be provided to the Council before the wall is taken down.

Reason: Without justification of applications 14/506738 or 18/502860 the listed building consent would be unacceptable.



5. The works permitted shall be undertaken in strict accordance with the following plans/documents: 2527-03RevK (proposed boundary wall), 2527-16 (boundary demolition plan), and 2527-20 E (site location plan).

Reasons: To clarify the approved details and to ensure the design, materials and construction of the boundary wall is visually acceptable.

6. The demolition of the existing wall shall not commence until a detailed photographic survey of the existing wall along the Northern and Western boundaries of Barty House Nursing Home has been submitted to and approved in writing by, the local planning authority;

Reason: In order to record the character, appearance and alignment of the existing wall which is of historical significance.

Case Officer: Richard Timms



**18/500346/FUL - Lordswood Urban Extension, Gleamingwood Drive, Lordswood, Kent**

Scale: 1:2500

Printed on: 2/8/2018 at 11:13 AM by JoannaW



<b>REFERENCE NO - 18/500346/FULL</b>		
<b>APPLICATION PROPOSAL</b> Erection of 115 dwellings together with associated infrastructure, open space, landscaping and access works.		
<b>ADDRESS</b> Lordswood Urban Extension Gleamingwood Drive Lordswood Kent		
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b> <p>The impact of the extra 26 units on the key issues of the countryside location and the loss of Ancient Woodland stay largely the same and in this case, the access road is narrower slightly allowing more of Ancient Woodland to be retained including more separation from 2 important trees.</p> <p>The design of the dwellings and the overall layout complies with the need for good design that is enshrined in Policies DM1 and DM30 of the Local Plan.</p> <p>Considering landscape matters which relates to their individual value (a policy stance which has not changed in the new NPPF), the impact of the development on the landscape is not considered to warrant refusal whether viewed from the wider Countryside/setting of the AONB nor as seen from the existing development in Lordswood.</p> <p>There is planning harm that cannot be mitigated is the countryside location and the impact on Ancient Woodland.</p> <p>However, there are 3 key areas which outweigh the harm and justify the granting of planning permission.</p> <p>There is an extant planning permission granted on appeal for 89 houses which is a realistic and genuine fall back position and could be progressed by the submission of reserved matters application before 30 November 2018.</p> <p>The scheme complies with the Government's definition of sustainable development as defined in the new NPPF. It is in a relatively sustainable location in environmental terms and the social and economic benefits of the new housing would be significant, especially regarding the increased in the stock of the offer of affordable housing: 32 units of social rent and 14 units of shared ownership.</p> <p>The site has an existing planning permission for 89 units which is part of the Council's "windfall" housing supply. Policy SS1 (Maidstone Borough Spatial Strategy) refers to housing target being made through the granting of planning permissions in addition to allocations. The increase in number of units in this planning application within the same red line envelope as the appeal decision therefore adds to the "windfall" contribution from this site by 26 units without taking up any more land.</p>		
<b>REASON FOR REFERRAL TO COMMITTEE</b> Called into Committee by Boxley PC and contrary to their views		
<b>WARD</b> Boxley	<b>PARISH/TOWN COUNCIL</b> Boxley	<b>APPLICANT</b> McCulloch Homes And Palm Developments Limited <b>AGENT</b> Tetlow King

		Planning
<b>TARGET DECISION DATE</b> 12/07/18		<b>PUBLICITY EXPIRY DATE</b> 03/08/18

### **Relevant Planning History**

15/503359/OUT

Outline application with all matters reserved for residential development (approx. 89 dwellings) plus open space, biomass plant and access road (plus emergency access) (Revised Scheme).

Appeal Allowed Decision Date: 30.11.2015

13/1797

Outline application with all matters reserved to develop the site for residential (approximately 89 dwellings) with open space, access road and biomass heating plant as shown on drawing no: PL001 Rev 11, PL002 Rev 11 and PL003 Rev 11, Refused Decision Date: 23.04.2014

13/1587 Request for Screening Opinion - Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999.

Environmental Impact Assessment Not Req. Decision Date: 03.10.2013

TPO Woodland Order No: 5007/2015/TPO dated the 7<sup>th</sup> August 2015

### **MAIN REPORT**

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

- 1.01 The site is close to the Medway Council district. It is outside the urban confines of Lordswood and is thus in the countryside. It comprises an area of 4.28ha mainly being 2 fields in open agricultural land with some Ancient Woodland.
- 1.02 It is sited to the east of Lordswood, a residential area that spans the Borough boundaries and was developed in the 1960s and 70s. The red line application site includes a main access through the woodland to Gleamingwood Drive plus land needed either side for visibility splays and also an emergency access to the south to Westfield Sole Road and a non-vehicular link to the northernmost extent (Sindals Lane).
- 1.03 To the east, the site is bounded by Sindals Lane, an unmade track, to the North by Roots Wood and the site of Gibraltar Farm. Gibraltar Farm has an outline planning application recently allowed on appeal for the second time (and thus effectively renewed) for up to 450 homes.
- 1.04 The M2 motorway forms a boundary to the southern edge of Lordswood and separates it from Kent Downs Area of Outstanding Natural Beauty (AONB).
- 1.05 The site has been used for horse related purposes in the past and is mainly 2 fields. They are separated visually from open agricultural land to

the east and south by a small bund planted with a mixture of deciduous trees and an inner row of mature coniferous trees.

- 1.06 Gleamingwood Drive follows the perimeter of the built up area and on its eastern side is lined with mature trees designated as Ancient Woodland owned by the applicant. This adjoining woodland is known as Reeds Croft and Cowbeck Woods and has an area of approx. 7 ha. These two woodland parcels are believed to have remained more or less continuously wooded since at least 1600, although part of Reeds Croft Wood was replanted in the 19th or 20th Century, in part for softwoods and in part for commercial sweet chestnut coppice.
- 1.07 The new access road would be created through the Ancient Woodland from Gleamingwood Drive and another section of roadway through Ancient Woodland would link the 2 fields. The housing units themselves and a landscaped buffer area would be entirely contained within the open fields sections of the application site.
- 1.08 The site lies on the edge of countryside which forms a gap between Lordswood and Hempstead to the east, but the gap between these settlements has no specific landscape policy protection. It does fall within the Local Landscape Character Type of "Dry Valleys and Downs" and the "Bredhurst and Stockbury Downs Landscape Character Area" in the Maidstone Landscape Character Assessment of 2012, as amended in 2013. The Ancient Woodland within the site is acknowledged to have been maintained by coppicing in the past but there is currently no active management.
- 1.09 A public right of way runs along the NE boundary (PROW KH37). The Ancient Woodland forms a strong visual barrier between suburban development and open farmland. The woods themselves do not have a PROW through them but there are informal paths and hence there is some informal use of the application site and the adjacent wooded area for recreation such as dog walking.

## **2. PROPOSAL**

- 2.01 The scheme is for 115 dwellings, an increase of 26 dwellings over that approved in the outline appeal scheme, approx. 27 dwellings per hectare. Generally the new houses are detached and semi detached with a few terraces. They are mainly 2 storeys but there are some 2.5 storey dwellings, the latter have eaves heights of 7m and ridge heights of 10.5m. The mix is 2, 3 and 4 bed properties. There are to be 46 affordable units comprising; 12 x 2 bed; 31 x 3 bed; 3 x 4 bed. Of these, 32 units (70%) will be social rented and 14 (30%) will be shared ownership.
- 2.02 In the centre of the site is a triangular open space indicated to include a Locally Equipped Area for Play (LEAP).
- 2.03 In terms of renewable and low carbon design, the applicants state that the new development has been designed to meet best practice criteria relating to sustainable design and the scheme incorporates a number of energy efficiency measures such as passive solar design and orientation,

- high quality roof, wall and floor insulation, air tightness and the use of energy efficient appliances and lighting throughout the development.
- 2.04 A palette of traditional materials is proposed which are intended to compliment the proposed contemporary external appearance. They consist of Cambridge dark weathered brick, profiled Larch cladding Black stained profiled Larch cladding; Marley artificial slate; Black rainwater goods Joinery: pale grey aluminium windows and doors.
- 2.05 The perimeter is predominately surrounded by trees. Parking areas and communal areas which are publicly accessible are generally overlooked by adjacent dwellings providing a natural surveillance. Footpaths are intended to be visually open, and have clear intended routes to encourage their use.
- 2.06 Street lighting will be introduced for all public routes, to consist of energy efficient LED luminaires with no up lighting to minimise light spillage.
- 2.07 A comprehensive ecological appraisal in support of the application addresses biodiversity and the ancient woodland. Most affected woodland areas are overstood coppice with low bat roosting potential so the risk to roosting bats is relatively low. The report also concludes that the existing woodland is of relatively poor quality for the majority of specialist woodland birds. The 2 reptile species found are both relatively common in Kent (slow-worm and common lizard).
- 2.08 An objective of this application is the need to find a vehicular access route through Reeds Croft Wood having the least impact on the Ancient Woodland. The application has therefore been accompanied by a detailed route plan based on a precise survey of trees forming part of the Ancient Woodland.
- 2.09 The carriageway will have a gradual bend and a narrowing chicane intended to result in minimal loss of trees and coppice stools all of which have been the subject of a detailed survey. Specifically, the tree survey states that the route will require the loss of smaller trees, such as some of the birch and chestnut and some of the weaker birch and beech. Revision to the roadway, narrowing by approx. 2m where it passes tree group 36, has reduced the impact and enabled a further tree in the group to be retained.
- 2.10 Overall the Tree Report submitted concludes that the proposed development results in the loss of very few trees. Most trees being lost are those of low quality and value. The impact on trees is not materially altered from that already deemed acceptable and allowed at appeal.
- 2.11 A landscape visual impact assessment states that the proposed new scheme will have no greater visual impact on the landscape setting than the approved appeal scheme despite the increase in unit numbers.
- 2.12 As with the scheme allowed on appeal, the development would have a single access from Gleamingwood Drive, with a secondary emergency access onto Westfield Sole Road using an existing entry point. Westfield Sole Road is narrow with passing points at regular intervals but no pedestrian access so is not promoted as a main access.

- 2.13 Trip forecasts to determine the impacts on the surrounding highway network have been updated due to the increase in number of proposed dwellings on the site, and have also factored in recent approvals that may affect highway capacity. The assessment concludes that the proposed development is in a sustainable location with respect to local facilities and public transport, whilst its impact on the local highway network is minimal.
- 2.14 Following comments from KCC as the Local Highway Authority, changes have been made such as the relocation of the proposed crossing point at the site access junction with Gleamingwood Drive in order to tie in with existing provision and to avoid the loss of the first section of existing parking layby on the opposite side of the road.
- 2.15 In response to KCC concerns about the need for off site highway improvements at Gleamingwood Drive/Lordswood Lane Junction, the applicant's consultants have suggested an alternative scheme: partial widening on the eastern side of Lordswood Lane and where the footway and verge is at a comparable level to the carriageway, to reduce queuing, to address the existing overrunning of the verges which already occurs on the northbound Lordswood Lane and on the left turn radius from Gleamingwood Drive. Works to the splitter islands and white lining of Round Wood roundabout have been agreed with KCC.
- 2.16 In addition to the network of woodland walks, the proposed development benefits from an accessible pedestrian footpath, which provides access from Gleamingwood Drive to all units and sections for a circular footpath along the site's perimeter.
- 2.17 The landscape masterplan proposes
- Retention, protection and positive management of important landscape features
    - Removal of the conifer tree belt
    - Retention and enhancement of existing hedgerow along Westfield Sole Road and creation of a 10m tree/scrub buffer;
    - Creation of a 15m buffer to the Ancient Woodland
    - creation of areas of public open space and amenity areas
    - informal green linear recreational route around the proposed development;
    - landscape/ecological management/enhancement of the site and woodland adjacent
    - Creation of a new footpath link to Gleamingwood Drive.
- 2.18 The scheme includes provision of policy compliant onsite affordable housing.
- 2.19 Foul drainage is intended to connect to the Mains sewer and surface water to soakaway as part of SuDs scheme.

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

National Planning Policy Framework (NPPF 2018)  
National Planning Practice Guidance (NPPG)  
Maidstone Borough Local Plan 2017 (MBLP) SS1; SP17; SP19; SP20; SP23;  
DM1; DM3; DM6; DM8; DM12; DM19; DM20; DM21; DM23; DM30; H1; ID1  
Supplementary Planning Documents: Air Quality; Public Art.

### **4. LOCAL REPRESENTATIONS**

#### **Local Residents:**

4.01 48 objections received from local residents raising the following (summarised) issues

- Woodland Trust: strongly objects due to the loss of and damage to Ancient Woodland; contravenes national and local planning policy and flies in the face of the government's intention to better protect Ancient Woodland from inappropriate development; needs a minimum 30m buffer and alternative routes for the access road and link road.
- This site has not been identified as a housing allocation site in the Maidstone Borough Council
- Road fatalities in the area
- 115, from the original 89, is too many extra houses
- many of the surveys, transport etc are out of date
- approval gets given and as this has set a precedent - plans change and
- Pleased with the biomass plant removal
- This build is coupled with the Gibraltar Farm build next door of 450 homes – overall impact should be assessed
- Local residents not given opportunity to attend meetings
- Other sites should be developed with less of an impact.
- proposed entrance is on an already tight and dangerous bend that buses cannot pass cars
- Junction will be an accident blackspot.
- Needs significant improvements to Gleamingwood Drive
- access to the site should be via Westfield Sole Road to A2
- emergency exit onto Westfield Sole Road is unsuitable for that purpose since it exits onto a narrow country lane
- needs new slip roads on and off of the A2 and peak time traffic lights at the roundabout



- improve the cycle lane
- improve bus infrastructure
- fire risk of the new houses
- inadequate parking
- needs a suitable pedestrian crossing
- should not result in less layby parking outside the site
- impact on overstretched GP Surgeries and local secondary schools, a new doctors surgery is needed
- Loss of ancient woodland is unnecessary, will suffer damage by resident using it as a short cut or for recreation.
- Identity of the area should remain characterised by Woods.
- harm to wildlife- Some species not listed in the ecology report
- loss of natural barrier against sound/fumes/smells/cross winds
- loss of privacy and views
- parking on Gleamingwood Drive makes the road dangerous- too narrow and unsafe by blind spots
- roads impassable when heavy snow
- loss of green wedge into the urban area when brownfield sites or empty properties in urban areas exist
- harms the local beauty of the area
- should pay a levy to Medway Council
- access should be from Maidstone not Medway
- need to take notice of the views of the residents
- Only a few Lordswood residents who come under Maidstone Council were informed of this build and then, at a very late stage in the planning process.
- headlight nuisance at new junction, affecting sleep
- unsustainable, allow the sprawl of London to increase into Kent
- South east is overheated and overcrowded
- Affordable homes are not necessary- just upsizing.
- merging of urban areas
- concrete will affect surface water drainage
- opens up the woods for more development

- loss of biomass boiler nullifies the Inspectors approval
- not enough parking at local shops
- noise during construction
- huge amount of housing going up in this part of Kent
- profiteering
- Travel Plan will not make any difference
- Sewers will not cope
- Commuting misery to our already overcrowded trains and coaches.
- Bus routes only serve Chatham station during the morning and evening peak.
- Water which is already in seriously short supply during periods of drought
- on the edge of the Kent Downs AONB and is an area of Local Landscape Importance
- the development did not get declared on legal searches
- devaluation of house prices
- Teenagers and young adults with cars will stay at home as cannot afford to move out so will park in Lordswood roads necessitating permits.
- Shameful that views of every person who lives in the area ignored by local council and Government

#### **Ward and Medway Council Members**

- previous application was only allowed on appeal
- a negative impact upon local residents from the increase in numbers of dwellings
- overdevelopment
- detrimental impact on the quality of life during construction period and also when finally built out
- Junction 3 of the M2 is already beyond capacity and 300 hundred more cars will have an enormous impact
- The traffic now is much heavier than when the original application was submitted
- The impact on local schools, doctors and dentist will have an impact on an area already over developed, and all this area is served by Medway Hospital a hospital already very overstretched.

- Boxley Parish Council has thoroughly covered all the relevant reasons why this application should be refused.

**Local MP (Tracey Crouch)**

- impact on the local area from increasing number of dwellings
- pressure on local infrastructure, services and roads
- Nearby application for 450 dwellings has been granted on appeal.
- concerns about the scale of housebuilding taking place in the area a

**5. CONSULTATIONS**

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

**5.01 Boxley PC- Strongly objects**

- a greenfield site is inherently unsustainable
- incongruous urbanisation into the countryside
- Planning Inspector was heavily swayed by the inclusion of a sustainable bio-mass
- MBC now has a 5-year housing
- Poorly related to the existing built up urban area.
- visual impact
- main access creates significant gaps in the woodland- harm to the street scene and loss of visual amenity
- direct loss of Ancient Woodland
- loss of connectivity for Dormice and bats
- harm to wildlife habitat from lighting, activity, recreational use
- loss buffer zone to the rural strategic gap
- Harms setting of the North Downs AONB and its landscape and scenic beauty.
- light and noise pollution
- loss or deterioration of irreplaceable habitat and aged veteran trees
- selling coppiced wood would require additional road traffic movements,
- the applicant is exploring how to get volunteers involved suggests that the funding of future woodland management is not robust
- inadequate car parking

- Inadequate Travel Plan: unmaintainable, unfunded
  - Unlikely to get an on-site LEAP managed by MBC
  - No sustainable inclusive and mixed communities
  - inadequate public transport or cycling routes
  - Over 500m from the nearest stop through a wooded area
  - Local sewer network inadequate
  - Unsafe access
  - Outdated 2013 traffic count statistics
  - M2 junction 3 is beyond its design capacity.
  - proposed Lower Thames Crossing is expected to increase local road usage
  - inadequate local medical services
  - air pollution
  - no consultation took place with the community
  - 106 payments are requested for: Highway junction improvements; the local parish council hall; that the bike routes are linked.
- 5.02 Additional objections on revised plans: the junction improvement of the left hand lane of Gleamingwood Drive, for drivers turning left into Lordswood Lane, is not included and it is unlikely to be financed by the Gibraltar Farm development. Concern that the proposed improvement on Lordswood Lane will be insufficient in width and length especially as the junction is extensively used by HGVs. Insufficient parking spaces, All road surfaces should be permeable to allow rain water to be captured over a larger area as possible; The Green Travel Plan is not achievable and not enforceable; KCC's Consultee Comment – The cycle path does not continue along Gleaming Wood Drive (past the Industrial Estate) to the Lords Wood Lane junction - a cycle route from the development to the Lords Wood Lane junction is needed. KCC response falls short on the impact of the development on Jct3 of the M2 and associated roundabouts, Walderslade Woods and local highway infrastructure.
- 5.03 Medway Council: No objection subject to a Section 106 Agreement to secure the following developer's contributions:
- Nursery School Expansion: £105,248.00 and Primary School Expansion: £258,336.00 at one or more of: St. Benedict's RCP, Lordswood Primary or Kingfisher Primary
  - Secondary School Expansion: £68,770.00 at Holcombe Grammar School
  - £80,070.00 towards the provision of open space locally

- Appropriately worded conditions pertaining to access arrangement, lighting, submission of a Construction Environmental Management Plan to ensure that mud is not brought on to the highway and the hours of the construction would not be detrimental to the amenities of the local residents.
- 5.04 Medway CCG- Funding sought of £53814.25 towards running a Minor Illness Clinic in Lordswood.
- 5.05 KCC Education: KCC schools could not accommodate the increased pupil demand for both Primary and Secondary provision. Medway Council's confirmation needed that schools within that area can accommodate the additional demand or will be expanded to do so.
- 5.06 Environment Agency- a low environmental risk. The applicant may be required to apply to the EA for other consents, permissions or licenses.
- 5.07 Forestry Commission- refer to standing advice and in the wider planning context the Forestry Commission encourages local authorities to consider the role of trees in delivering planning objectives. For instance through the inclusion of green infrastructure (including trees and woodland) in and around new development; and the use of locally sourced wood in construction and as a sustainable, carbon lean fuel.
- 5.08 Natural England: proposal is unlikely to affect any statutorily protected sites. Natural England advises that the planning authority uses national and local policies, together with local landscape expertise and information to determine the proposal. Where available, a local Landscape Character Assessment can also be a helpful guide to the landscape's sensitivity to this type of development and its capacity to accommodate the proposed development. The statutory purpose of the AONB is to conserve and enhance the area's natural beauty. You should assess the application carefully as to whether the proposed development would have a significant impact on or harm that statutory purpose.
- 5.09 Natural England has published Standing Advice on protected species and Ancient Woodland.
- 5.10 This application may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment; use natural resources more sustainably; and bring benefits for the local community.
- 5.11 KCC Ecology objection: direct loss of Ancient Woodland through the creation of two access roads to facilitate the development that will result in a loss of connectivity throughout the site.
- Reduction in the area of other semi-natural habitat adjoining the woodland though the proposed 15metre buffer could provide similar benefits if it is established and managed appropriately.
  - Disturbance to species present within the Ancient Woodland including breeding birds, dormice and bats.
  - Increase in recreation within the woodland, trampling of the ground flora and a disturbance to protected species within the site.

- Lighting scheme could be developed to minimise the impact but impact cannot be avoided completely.
  - fly tipping/Garden encroachment:
  - Translocation of the soils from the proposed road ways can enable the seedbank to be retained active
  - Needs management of the woodland for the lifetime of the development, regardless of whether the proposed works are economically viable.
  - A minimum of a 15 metre woodland buffer along the boundary of the woodland must be created and managed appropriately as per the current NE Standing Advice.
  - Protected Species surveys were carried out in 2013 but the results are likely to still be valid but there will be a need for updated species surveys for detailed mitigation strategies and any EPS licence applications. Consider management on the grassland fields for suitable reptile habitat. 5 species of bats are foraging within the site mainly along the woodland boundaries and hedgerows which should be retained within the proposed development.
  - Detailed lighting strategy must demonstrate that there will be minimal light spill in to the open/natural spaces.
  - Dormice have been recorded within the Ancient Woodland and the proposed development site so the canopy should be retained across the access road.
- 5.12 KCC Archaeology- The site lies within a general broad area of prehistoric and Roman archaeological potential requiring a programme of archaeological work.
- 5.13 KCC (PROW)- Public Rights of Way KH37 restricted byway runs along the eastern boundary of the site and should not affect the application
- 5.14 KCC (Drainage) - No objection subject to a condition for a sustainable surface water drainage scheme with additional ground investigation carried out in relevant locations across the site to support the use of infiltration: soakage tests are compliant with BRE 365, a modified infiltrate rate and any soakaway with an appropriate half drain time.
- 5.15 UKPN: 33KV overhead network crosses the land so steps must be taken to ensure their safety when working near the overhead network.
- 5.16 KCC (Highways and Transportation): A new priority T-junction onto Gleamingwood Drive that will be positioned at the south western end of the site is consistent with 15/503359, with the alignment influenced by the need to minimise loss of trees. At least one of the footways should be widened to form a shared footway/cycleway, commensurate with the larger scale of development and consistent with that on Gleamingwood Drive. The TA needs details such as the location, date or number of readings. Visibility sightlines of 2.4m x 43m are required due to the 30

mph speed limit on Gleamingwood Drive. Sightlines should be perpendicular to the kerblines. Swept path analysis has been provided - the turning manoeuvres of refuse vehicles can be accommodated. To the south west the new 2m wide footway will provide connectivity to the existing nearby bus stop. To the north east the 2m wide footway is shown to require the removal of several on-street parking spaces: prefer widening of the carriageway and the provision of a build-out to assist pedestrian crossing movements, which should be the subject of a Road Safety Audit. An emergency access is proposed onto Westfield Sole Road. This will need barrier control and improved visibility sightlines.

- 5.17 The TA highlights how the site is well-placed in relation to several key local facilities within Lordswood: local shops, primary/infant/junior schools, health centres, leisure centres and employment areas. Additional facilities are also available further afield at Walderslade and Hempstead Valley. Pedestrians and cyclists are assisted by the shared route that runs along Gleamingwood Drive to the west with connectivity to facilities in Lordswood and Walderslade. There is a dedicated pedestrian access at the northern end of the site providing a more direct route into Lordswood for residents within the northern part of the site.
- 5.18 There are bus stops on the Gleamingwood Drive/Clanton Road corridor. The development must be supported by bus stops with accessible waiting facilities for all passengers, ie. Raised kerbing for low floor access and dropped kerb/tactile paving to assist crossing pedestrians. These works should be secured as part of a S278 Agreement. There are bus links with scope for interchange with rail services at Chatham railway station.
- 5.19 The submitted Travel Plan has measures and initiatives proposed for the dissemination of travel information, overseen by a TP Co-ordinator, with a process of survey and review. Monitoring requirements should only cease when there is sufficient evidence for all parties to be sure that the travel patterns of the development are in line with the objectives. A fee of £5000 is required to fund KCC's review of monitoring reports and work with the TP Coordinator to achieve the objectives. This should be secured via a Section 106 Agreement.
- 5.20 The TA seeks to quantify the net change in traffic generation that could arise having regard to extant planning permission no.15/503359. This is a legitimate methodology if permission 15/503359 can be lawfully implemented. The trip generation forecasts indicate that the proposed development will generate up to 76 vehicle trips in each AM and PM peaks. The vehicle trip rates are identical to those applied within the TA that supported the 2015 application and have not been updated but there is no set rule against using an earlier version. In overall terms, the TA predicts a net increase of 17 vehicle trips in both the AM and PM peak periods which are modest in the context of the traffic flows already on the local network as a whole.
- 5.21 Trip Distribution: two thirds of trips being assumed to route to the west via Gleamingwood Drive and the Round Wood Roundabout. Over a third of all trips are assumed to route via Walderslade Woods (A2045) they have used traffic surveys undertaken in September 2013. This data is older

than 3 years and is not therefore representative of current conditions, affecting the robustness of the findings.

- 5.22 Road crash data (2012 – 2017) identified 14 incidents, of which one resulted in serious injury. None in the vicinity of the proposed site access. The assessment of traffic impact has included background traffic growth over the period to 2018 (current year) and 2023 (horizon year). Uncertain whether this includes the 450 dwellings at Gibraltar Farm (MC/14/2395) approved by the Secretary of State as recently as March 2017. Capacity modelling analysis has been undertaken for peak periods on the key junctions when the development will be fully occupied in 2023. The Lordswood Lane/ Gleamingwood Drive junction is predicted to operate over practical capacity during both peak periods in 2023. The additional traffic will result in a further worsening of operating conditions. The predicted 38 vehicles queuing northbound would be more likely to impede traffic flow at the Round Wood Roundabout. Concerned that traffic growth over the intervening period has reduced the available capacity at the junction. Require this impact to be mitigated.
- 5.23 At Round Wood Roundabout, the additional traffic will result in a further deterioration in operating conditions. The applicant should fully mitigate the impact of the development.
- 5.24 Proposed 253 car parking spaces include 23 visitor spaces which accord with requirements. Cycle parking is proposed in accordance with the minimum standards. Suitable carry distances for refuse can be achieved.
- 5.25 Southern Water- The exact position of the public water mains must be determined before the layout of the proposed development is finalised. The results of an initial desk top study indicate that cannot accommodate the pumped flow without additional local infrastructure. Alternatively, the developer can discharge foul flow no greater than existing levels if proven to be connected and it is ensured that there is no overall increase in flows into the foul system. Suggest condition for a drainage strategy for means of surface water drainage and foul disposal and an implementation timetable; need to ensure that arrangements exist for the long term maintenance of the SUDS facilities to avoid the inundation of the foul sewerage system. The design of drainage should ensure that no groundwater or land drainage is to enter public sewers. No habitable rooms should be located closer than 15m to the boundary of a proposed pumping station site. Southern Water can provide a water supply to the site. The proposed development would lie within a Source Protection Zone around a public water supply sources.
- 5.26 Kent Police- ( initial comments) Note section Secured By Design in the DAS, but significant concerns about the amount and type of permeability/footpaths provided through the parking court and general lack of natural and informal surveillance, particularly from active rooms, use of some blank elevations; Recessed front doors; Door sets and windows, should be certified to PAS24:2016.
- 5.27 (Comments on revisions): Having reviewed the on line amended plans and documentation, we note the changes to the proposed site plan and the inclusion of recommendations made from a CPTED aspect



#### 5.28 Environmental Protection

- The proposed development is not in an Air Quality Management Area, and unlikely to be an issue for the new residents. However, any air quality impact for existing residents would need to be properly mitigated.
- The site does not appear on our database as being potentially contaminated.
- The main potential noise source would be the M2: the external noise levels in back garden and other relevant amenity areas should conform to the standard identified by BS 8233 2014
- One EV Charging Points 1 Publically accessible EV "rapid charge" point (of 22kW or faster) should be provided per 10 residential dwellings (where no dedicated off-street parking is provided). Ideally any dwellings with dedicated off-street parking should be provided with their own charge points for low-emission plug-in vehicles. Where not practicable, contribution towards installation at nearby locations should be considered.

5.29 Parks and Open Space- There is some scope for Open Space to be included on-site.

### **6. APPRAISAL**

#### **Main Issues**

6.01 The key issues for consideration relate to:

- Principle of Development and the Allowed Appeal
- Environmental Sustainability
  - Ancient Woodland and Ecology
- Landscape Impact
- Design and Layout
- Traffic and Highways
- Developer Contributions

#### **Principle of Development and the Allowed Appeal**

6.02 Since the appeal decision, there is an adopted Local Plan and a 5 year housing land supply (6.5 years). The improved housing supply gives more weight to the countryside protection policy SP17.

6.03 Adopted Policy SP17 of the MBLP defines the countryside as outside the settlement boundaries of the Maidstone urban area, rural service centres and larger villages defined on the policies map. Development proposals in the countryside will not be permitted unless they accord with other policies in this plan and they will not result in harm to the character and appearance of the area.

- 6.04 By letter dated 30 November 2015 (following a Public Inquiry in October 2015) an Inspector granted outline planning permission (15/503359/OUT) on an identical site for residential development of up to 89 dwellings plus open space, biomass plant and access road from Gleamingwood Drive (plus emergency access to Westfield Sole Road).
- 6.05 That appeal decision is an extant planning permission that is a material consideration in that it provides a "fall back" position: a genuinely realistic alternative development opportunity. The planning permission granted in that appeal decision requires details of access, appearance, landscaping, layout, and scale all to be submitted before 30 November 2018. Once the last of the reserved matters were to be approved, the developer would have a further 2 years to implement. The implementation target date is therefore not established as yet because it depends on an as yet unknown timeframe (being the time taken to approve the reserved matters applications). The reserved matters submission would be expected to include the biomass boiler as a key component of that outline consent but not one in this current application. However, that in itself would not necessarily affect the ability of the applicant to argue a genuine fall-back position in terms of the 2015 scheme. That scheme established the principle for development of this countryside site with housing and creating an access with its consequent impacts upon the Ancient Woodland.
- 6.06 The appeal decision was subject to a section 106 Unilateral Undertaking (UU) which, inter alia, included a commitment to submit a scheme to secure the biomass boiler. However, the time trigger for that is before implementation which, as mentioned above, is a date that has not been established. Hence there are no commitments in the UU that prevent the "fall back position" being a genuinely realistic one.
- 6.07 At the time the allowed appeal was determined, there was a shortfall in a 5 year housing supply in the Borough and that meant that key policies that restricted housing in terms of location were judged to be out of date, ie countryside protection policy.
- 6.08 The Inspector did acknowledge that the site was outside the development boundary in an area appreciated and enjoyed as countryside. However, he judged that there had been no recognition by the Borough Council of any balance to be struck in assessing the merits of development and the site did not warrant landscape protection based on objective landscape character assessment.
- 6.09 The Inspector regretted the loss of some trees and soil under the access roads. Nonetheless, he placed weight on that less than 2% of Ancient Woodland on the site would be removed to provide the access and said the harm was outweighed by the benefits of management to the overall area of Ancient Woodland. He said that where necessary, roots could be bridged to ensure that trees could continue to thrive. Some coppice stools would need to be relocated and that was to be ensured by means of a suitable planning condition.
- 6.10 The Inspector formed the view that as the Ancient Woodland had not been managed for a considerable time, selective coppicing and felling on a

rotational basis would be beneficial for its long term health and future biodiversity. That the products of woodland management would be used in a biomass installation (serving a small number of the houses) was mentioned by the Inspector as a sustainability benefit.

- 6.11 The Inspector said that tree screening would largely conceal housing from the south and east, even in winter. He considered it to be a natural extension of existing development of the Medway conurbation.
- 6.12 Therefore much importance was given to the Ancient Woodland being managed and maintained, the low density of 21 dwellings per hectare (dph) and that access through the woodland facing Gleamingwood Drive and a footway along a small part of that road, would not seriously compromise the perception of the woodland as an attractive feature.
- 6.13 A signed and dated S106 UU covered various community/education contributions; affordable housing; a Woodland Management Plan; a Biomass Energy Delivery Plan.
- 6.14 Overall, he decided to allow the appeal which is therefore still an extant outline planning permission, a genuine fall back position and thus is a material consideration of significant weight when determining this planning application.

### **Environmental Sustainability**

- 6.15 Paragraph 8 of the NPPF details that achieving sustainable development means three overarching objectives, which are interdependent: economic, social and environmental.
- 6.16 The NPPF requires in paragraph 9 that planning decisions should play an active role in guiding development towards sustainable solutions but should take local circumstances into account, to reflect the character, needs and opportunities of each area. Paragraph 11 states that permission should be granted where there are no relevant development plan policies, unless the application of policies in the Framework that protect areas or assets of particular importance provide a clear reason for refusing the development or unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
- 6.17 The site lies close to the built up area of Medway. Lordswood offers a wide range of facilities and services including employment, shops, pubs, schools, library and primary care medical facilities. There is adequate scope to cycle or walk to local facilities or to take public transport including bus connections to Chatham Train Station or commuter coaches that serve London.
- 6.18 It is considered that development is environmentally sustainable.

### **Ancient Woodland and Ecology**

- 6.19 Policy DM3 of the Local Plan requires new development to protect and enhance the natural environment by incorporating measures where appropriate to protect areas of Ancient Woodland and to enhance, extend

and connect fragmented Ancient Woodland; supporting opportunities to enhance, restore and connect other habitats, including links to habitats outside Maidstone Borough, where opportunities arise.

- 6.20 The ecological appraisal undertaken continues to acknowledge the importance of the site as Ancient Woodland having high habitat and nature conservation value. The wood has nevertheless been subject to damage due to informal recreational use with a number of informal footpaths running through it and being well used by local dog walkers. Reference is made to various hedgerows also having high nature conservation value with the survey identifying the presence of badgers, numerous bird species, slow worms and common lizard, bats and dormice.
- 6.21 Ancient Woodland is irreplaceable and an important ecological resource. The Standing Advice for Ancient Woodland and Veteran Trees published by Natural England and the Forestry Commission sets out aims in relation to Ancient Woodland and veteran trees: this resource is an irreplaceable biological and cultural asset that needs protection and maintenance, and improvement in the condition of the UK's tree and woodland resource needs sensitive sustainable management.
- 6.22 Regarding direct loss of Ancient Woodland from the application proposal, the main site access route and that providing access between the north and south housing parcels follow routes to minimise tree loss though of course this is still significant and has implications beyond the actual footprint of the roads for reasons stated in the representations. In addition to the long term impact of creating permanent roadways through the Ancient Woodland, there may be trees lost on the line of the roadways due to the construction process. The concern is that root systems are disturbed or damaged making their retention unviable or becoming unstable and a hazard to road users and pedestrians. This effect is ongoing for future regenerating woodland, which will need to be managed so that it does not present a hazard to road users. There are long term ecological implications to permanently fragmenting woodland: less viable, as populations are less able to move freely; more disturbance from traffic noise, vehicle emissions, road lighting, lack of a buffer zone (contrary to the recommended 15m minimum in standing advice).
- 6.23 The main impact on the Ancient Woodland remains the creation of a bellmouth with visibility splays onto Gleamingwood Drive with the access road having a width of just under 8 metres where it enters the woodland continuing in a broadly straight line of 5.1m width with a 2.3m wide footpath /cycleway on its southern edge for just under 100 metres before emerging from the designated extent to the AW and turning to the north. A narrowed chicane has been added in this scheme between the 2 most important trees in this stretch of roadway so that the extent of

engineering is reduced giving a lessened impact on their Root Protection Zones. This chicane will also assist traffic calming and provide a gateway into the development.

- 6.24 The access has been revised to be narrower and so there is less impact on the Ancient Woodland. However, it cannot be denied that road will still create a significant gap in the otherwise currently largely unbroken aspect provided by the existing woodland and an adopted road and junction would inevitably urbanise and appear out of character in the existing wooded frontage. The fragmentation of the Ancient Woodland, the loss of ecological connectivity and the lack of a recommended 15m buffer between the new Road and the Ancient Woodland means the impact is greater still. There are knock on implications of reducing the area of other semi-natural habitats adjoining the woodland resulting in a negative impact on the bio diversity of the woodland.
- 6.25 A second section of the AW will be removed in order to between the northern and southern housing parcels. This is said to have been based on a detailed survey and the tree report states that it involves removal of smaller trees that are of little consequence to the woodland overall.
- 6.26 This is a lesser section of about 60m wide with an access road through it. The fragmentation of the Ancient Woodland at this part of the site and the lack of a recommended 15m buffer between the new Road and the Ancient Woodland could be argued to be relatively less harmful because this part is already more peripheral to the main Ancient Woodland. However, there is still a loss of habitat overall and ecological connectivity.
- 6.27 The applicant has committed that any soil forming part of the Ancient Woodland lying beneath the line of the proposed roads would be removed and translocated elsewhere on the site as compensatory measure.
- 6.28 The applicants have continued to offer a management scheme to ensure that there will always be a belt of uncoppiced woodland between the proposed development and houses on the opposite side of Gleamingwood Drive. The applicant also refers to the screening effect of the 15m wide buffer zone that will be in place irrespective of coppicing and which will be planted up with natives species mix.
- 6.29 As detailed above, the Inspector was of the view that the appeal scheme was acceptable overall. However, that decision was made based on paragraph 118 of the NNPF 2012. It is therefore necessary to re-assess based on the change in emphasis in the recently published NNPF 2018 which can be interpreted as giving a level of extra weight to Ancient Woodland over that of the original NNPF.
- 6.30 Paragraph 118 of the now superseded NNPF stated:

*planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss*

6.31 The new NPPF in paragraph 175 states:

*Development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists.*

6.32 Paragraph 170 requires Planning decisions to contribute to and enhance the natural and local environment by protecting and enhancing valued sites of biodiversity and soils, recognising the wider benefits from natural capital and ecosystem services of trees and woodland; minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures

6.33 Notwithstanding the proposed mitigation it is considered that the proposal will disturb protected species. It is also likely that the proposal will bring about an increase in harmful recreational use of the woodland, risk of predation by domestic cats and additional losses arising from perceived harm of having trees close to houses. There is also the likely harmful impact of artificial lighting along with the reasonable possibility of fly tipping, garden encroachment by houses directly backing onto the woodland buffer while increasing the risk of non-native species establishing within the woodland.

6.34 Given the likely direct harmful impacts still identified to the Ancient Woodland and wildlife within it and reasonably foreseeable and ongoing harmful additional impacts both to the woodland and the protected species identified above, it is considered that notwithstanding the proposed compensation/mitigation measures, the proposal will have a harmful impact on these interests. This harm will need to be balanced against material considerations that weigh in favour of the application. One of those would be the intended mitigation:

- A woodland management plan is proposed to improve and restore the remaining Ancient Woodland in terms of biological diversity.
- Retention of all existing hedgerows, dormouse and reptile translocation and new habitats either on or off site as appropriate.
- Non-native trees cleared and new native habitats created in their place (Site clearance would take place outside the bird nesting season with surveys undertaken beforehand to establish bat roost potential).

- In addition to informal access, the Ancient Woodland would be managed such that access to the more sensitive parts could be controlled.
- The 15m buffer zones around the housing areas would be planted up with a native species mix of a type and density to discourage access from the housing areas into the Ancient Woodland which would be supplemented by a post and rail fence within the buffer zone.
- In mitigation of the impact on bats and dormice, there would be selective felling and management to improve bats and dormice foraging and hibernation conditions for dormice and other protected species
- Trees abutting the proposed main site access road would have canopies to interlock and an artificial dormouse bridge.
- Lighting of the scheme would be designed to be sympathetic to foraging bats.
- log-piles to provide habitat for dead wood specialists
- roost and nest boxes
- retention of existing hedgerows on site
- coppice regime to benefit ground flora and improve structural diversity;
- selective removal of coniferous component
- remove and control any growth/re-growth of non-native species;
- manage sapling trees for growing on as future standards
- use wood chipping for paths to allow access through the woodland whilst controlling public access to ecologically sensitive areas through dense boundary vegetation/fencing/ use of brash hedging

### **Landscape Impact**

- 6.35 Landscape: The adjacent woodland, fronts directly onto the development (the road) and the long term impact of this is likely to result in some deterioration. The long term impact of creating permanent roadways through ancient woodland is greater than the loss of individual trees for the width of the proposed roadway itself. Additional room is likely to be required for the construction itself. Future regenerating woodland will need to be managed so that it does not present a hazard to road users. Long term ecological implications by permanently fragmenting woodland. Smaller woodland units are less viable and subject to the resultant disturbance from traffic noise, vehicle emissions, road lighting, making the effective separation distance greater. If loss or damage is

unavoidable, conditions must be used to secure appropriate mitigation measures and (as a last resort) compensation measures.

- 6.36 The submitted arboricultural information consists of a tree survey, tree constraints plan and tree protection plan. Need information on the proposed 'no dig construction'. Further arboricultural information in accordance with BS5837: 2012 is required. In terms of the Indicative Landscape Masterplan, the principles are sound and the principles of the Landscape and Visual Impact Assessment appear to comply with current guidelines.
- 6.37 Policy DM30 for development in the countryside requires that impacts on the appearance and character of the landscape to be appropriately mitigated and assessed in a Landscape and Visual Impact Assessment.
- 6.38 As with the appeal decision, it is still the case that the application site has no designation of a landscape of local value in the current Local Plan albeit the Ancient Woodland designation is a valuable contributor to landscape quality.
- 6.39 Key characteristics of the landscape are a mixture of arable fields, paddocks, remnant orchards and small to medium blocks of woodland in an irregular pattern. The application site is within the north western corner which is outside the AONB (yet provides a setting to it) and includes large blocks of Walderslade suburbs in between woodland. The overall condition assessment is 'poor' for the whole Landscape Character Assessment (LCA) with moderate sensitivity; guidelines are to 'restore and improve' including avoiding further built development which is out of character in terms of materials and design; conserve the blocks of Ancient Woodland; restore and improve the woodlands by improving management within historical coppice and introducing greater structural diversity; and reduce overgrazing, removing rubbish and discouraging fly-tipping.
- 6.40 Clearly this application would not accord with the guidelines of the LCA as it introduces built development (albeit there is an attempt in the materials and design to be sensitive) nor would it conserve blocks of Ancient Woodland. However, it would give an opportunity to require improved woodland management by re-coppicing and introducing greater ecological diversity. However, it is necessary to bear in mind the views of the Inspector when he said that this specific site did not warrant landscape protection based on objective landscape character assessment. Essentially, this accords with other decisions from appeal Inspectors which have clarified that it is necessary to assess landscape harm on a site by site basis ie. Being in the countryside is not, in itself, an objective basis on which to assign landscape value.
- 6.41 The detailed Landscape and Visual Appraisal seeks to demonstrate that given the height of the proposed houses, existing woodland, proposed landscaping and landscape buffers and existing bunds, that the proposal will be well contained within the landscape.
- 6.42 The site is generally exposed to the open countryside spreading out towards Lidsing, Bredhurst and Hempstead. Parts of the site are visible from long range views currently. Regarding long range views to the site from the south and easterly directions from public vantage points,



abutting the site to the north east is Sindals Lane which is a PROW whilst there are further PROWs to the north east. Given the existence of the perimeter bund with planting on top, and existing planting, which it is intended will be reinforced, it is now difficult to argue that the development will significantly intrude into views from these directions.

- 6.43 The application sets out a number of landscape mitigation measures as follows being:
- The retention and protection of important landscape features abutting the site including the Ancient Woodland, perimeter hedgerows and trees and deciduous tree belts abutting the eastern and southern site boundaries.
  - Removal of alien conifer trees along the east and south site boundaries.
  - Enhancement of perimeter tree belts on east and south site boundaries and
- 6.44 There would be landscape screening augmentation of the existing mixed planting on the bunds with local tree species (eg Field Maple, Oak, Beech, Hornbeam, Wild Cherry) and the conifers removed. Hedge and scrub planting would be Field Maple, Hazel, Hawthorn, Holly and Spindle.
- 6.45 The level of screening that can be achieved means that it would not significantly affect the perception of a gap between settlements. Policy SS1 of the MBLP is thus not breached in that regard. Residential development would not appear out of character in the medium to long term in the landscape with this form of strategic landscaping being implemented
- 6.46 The application site lies outside the identified built up area of Lordswood defined by the outer edge of Gleamingwood Drive. The developed areas of the application site are set, on average just over 100m back from the road with dense woodland intervening. It is accepted that it would be an isolated pocket of suburban development but that is because of the general need to site the housing units in the open fields and thus secure some protection of the Ancient Woodland.
- 6.47 Given the current height and depth of the intervening woodland fronting Gleamingwood Drive, which is mainly deciduous in nature, the trees, when in leaf and in daytime, are likely only to present glimpse views of the houses through the trees. This is considered to be similarly the case when viewing the site from Westfield Sole Road to the south and also to the east where there are existing planted bunds.
- 6.48 At night-time, it is likely that lights from, houses, street and car lights will still be evident through the trees from Gleamingwood Drive. In winter when the trees are not in leaf it is likely that the outline of houses will also be visible in addition to the impact of any street lighting. Given it is likely that rotational coppicing will take place both as part of woodland management, the screening effect of the woodland will be reduced.

- 6.49 However, bearing in mind the views expressed by the Inspector on landscape matters which relates to their individual value (a policy stance which has not changed in the new NPPF), the impact of the development on the landscape is not considered to warrant refusal whether viewed from the wider Countryside/setting of the AONB nor as seen from the existing development in Lordswood

### **Design and Layout**

- 6.50 Policy DM 30 relates to design principles in the countryside and as this site is outside of the settlement boundaries, there is an expectation for high quality design in terms of the type, siting, materials and design, mass and scale of development.
- 6.51 The proposed indicative layout provides sufficient detail to demonstrate that the two housing parcels can be developed in a manner meeting the normal spacing, privacy, amenity space, parking and road layout standards. In addition the site will be developed at a density of 27 dph which is comparable to existing development fronting Gleamingwood Drive. It cannot meet the minimum recommended rural housing density in policy DM12 (30dph) due to constraints to provide mitigation such as the woodland buffer and the need for landscape screening on the perimeter and to respect the woodland setting.
- 6.52 It is therefore considered that the site has been well designed in terms of the style and layout to accommodate for this number of houses in an acceptable manner.
- 6.53 Regarding design, the details show contemporary two and 2.5 storey pitched roof (gabled/skillion/lean-to) housing which would be an attractive appearance with the use of materials of vernacular appearance eg extensive use of larch cladding. The slate grey colour to the roofs is sensitive to the locality in terms of reducing long range visual impact of the roofscape.
- 6.54 The scheme layout has been revised since originally submitted. There are a number of dual aspect house designs in corner locations. Corner plots will have large glazed feature bays that will add visual interest and help to break up side aspect of the buildings. The highway will meander through a series of plot configurations which will create separate neighbourhoods, intended to have their own individuality. The public open spaces have also have landscaped and there is screened parking being further distanced from them. These new layouts will provide better passive surveillance and are intended to respond to concern expressed in the Kent Police representation in terms of being 'Secured-by-design'. The scheme was amended to take on board concerns of the Police and a safer layout has resulted in accordance with policy DM1.
- 6.55 The central amenity open space with a LEAP (Locally Equipped Area for Play) meets needs for on site open space (policy DM19) and will assist in providing an attractive setting and outlook for the dwellings that front it. The majority of the dwellings will generally face outwards onto the perimeter trees. The layout and its landscaping attempt to ensure the Woodland punctuates through the development and there is an emphasis placed on the woodland setting.

- 6.56 Policy DM8 of the Local Plan refers to lighting. In terms of the potential for public and private artificial lighting to detract from the character of the area, it was stated by the Inspector that would not make a significant difference in the prevailing circumstances of the M2, traffic generally, residential areas, farm buildings and other semi-industrial and retail uses that exist in the area. It is difficult to argue that there has been a significant worsening of the scheme in this regard notwithstanding the increase in unit numbers.

### **Traffic and Highways**

- 6.57 Policy DM21 relates to the transport implications of development. Paragraph 109 of the new NPPF stated that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.
- 6.58 The application has been accompanied by a detailed transport assessment (TA) which concludes that the site is within easy walking and cycling distance of nearby services and close to bus stops providing links to Chatham.
- 6.59 The site location is sustainable in terms of access to transport, schools, health services and shops.
- 6.60 The number of vehicle journeys generated by this proposal would represent only a very small proportion of journeys on the local network; no objection in principle was raised by the Local Highway Authority.
- 6.61 The scheme proposes a priority junction onto Gleamingwood Drive including extending a footpath to provide safe walking route to nearby bus stop though no traffic calming measures are proposed.
- 6.62 A pedestrian link is also proposed at the northern end of the site with links to the footpath running to the east to enhance the non-vehicular permeability of the proposed development. This is a criterion within Policy DM1 of the MBLP.
- 6.63 The TA also concludes that though traffic flows along Gleamingwood Road would materially increase at peak hours but the existing and combined flows still fall well within the design capacity of the road while beyond Gleamingwood Road there would be very little impact overall from the development. However minor mitigation works have been offered in terms of queuing problems to slightly widen the carriageway on Lordswood Road opposite the junction with Gleamingwood Drive to allow more space for cars to pass any waiting to turn right.
- 6.64 Kent Highway Services raise no objection on any aspect of the highway or parking elements detailed in the submission subject to various suggested conditions and the applicant entering into a Section 278 Agreement in connection with local road improvements. This should include splitter islands and white lining to Round Wood roundabout as required by KCC because it is a junction that is already known to be congested and more up-to-date traffic data would be needed in evidence to contest that requirement.

- 6.65 In the circumstances it is considered that there is no sustainable objection to the proposal on highway or parking grounds as the scheme complies with policies DM21 and DM23. Notwithstanding the appeal decision at nearby Gibraltar Farm, the s278 highways works that will be required means that there will not be a severe impact on highway safety as judged by KCC as Local Highway Authority, which is the test in the NPPF.

### **Developer Contributions**

- 6.66 Policy ID1 relates to the need for development to provide the infrastructure needed to support growth. The Council's CIL policy comes into force on 1 October 2018 so up until that point, s106 agreements under the Town and Country Planning Act 1990 must be used where conditions cannot be imposed to secure the infrastructure.
- 6.67 The priority is Affordable housing. This is being met in full compliance with SP20 of the Local Plan. All other types of infrastructure can be secured either by condition or by requiring the developer to meet planning obligations within the s106 legal agreement.
- 6.68 Medway Council seeks the following contributions as an adjoining unitary authority and given that the catchment area of the site falls mainly within Medway:
- Nursery School and Primary School Expansion at one or more of: St. Benedict's RCP, Lordswood Primary or Kingfisher Primary
  - Secondary School Expansion at Holcombe Grammar School
  - provision of open space locally
- 6.69 An up to date review of the Education requests will need to be sought from Medway Council together with confirmation that the pooling limits (5 maximum per project) have not been exceeded.
- 6.70 Similarly, in terms of the open space request, confirmation will be needed from Medway Council that these funds will be used to provide sports and/or semi-natural space projects that cannot be accommodated on site. An up to date clarification that the pooling limits have not been exceeded is also needed. Under the CIL Regulations, the Open Space contributions cannot be sought by the Borough Council as there are no projects for outdoor sports and/or semi-natural space that would be adequately accessible to serve the development set against the criteria in policy DM19.
- 6.71 Medway CCG requests contributions to improve the Lordswood Healthy Living Centre, sought of £53814.25. The contributions satisfy the CIL tests as the scheme could serve the residents of the development and the CCG has provided up to date confirmation that it would not exceed the pooling limits.
- 6.72 In order to meet the requirements of the Affordable Housing policy, 40% of the development should be affordable. The applicants are agreeable to the above contributions with full compliance with the policy SP20 of the MBLP: provision of 40% affordable housing and have submitted a tenure

mix of that of 70% social rent and 30% shared ownership (32 social rent and 14 shared ownership). The final detail of the sizes of units for each tenure type will need to be considered in more detail in liaison with the Housing Officers.

- 6.73 Boxley PC asked for a contribution towards its hall but it is not considered that such a contribution would comply with the CIL Regulations in terms of being necessary or related to the development.

### **Other matters**

- 6.74 The Public Art threshold is exceeded and in this site I am of the view that on- site public art will be necessary and should be secured by condition.
- 6.75 The Environmental Protection section advises that mitigation of Air Quality for existing residents can be dealt with by condition.
- 6.76 Concern has been raised by objectors that the proposal will affect the character and setting of the North Downs AONB. However given that the AONB is sited to the south of the M2 while the application site is sited just under 300 metres to the north of the M2 at its nearest point, it is not considered the proposal will have any material impact on the character or setting of the AONB with the landscape screening proposed.
- 6.77 In the centre of the site is a triangular open space indicated to include a Locally Equipped Area for Play (LEAP). This contributes as play area and amenity greenspace. However, there is no provision of all typologies of Open Space in full by the developer, eg the woodlands mainly serve an ecological purpose. Therefore sports and semi-natural open space would need to be the subject of off site provision within accessibility standards with contribution sought via legal agreement: this would accord with policy DM19 of the Local Plan.
- 6.78 The application has been accompanied by a site assessment which concludes that given the site history there is unlikely to be any significant contamination from past uses requiring any specific response and this matter can be dealt with by condition.
- 6.79 Regarding water management, a SUDS system is proposed which is intended attenuate water runoff to minimise the risk of flooding both on and off site while also enabling green spaces to be provided and maintained while improving natural habitats within the site.
- 6.80 The site is not at risk of flooding and the EA raises no objection on flooding grounds.
- 6.81 Southern Water's concerns regarding inadequate sewer capacity in the local network are noted. It will be for the developer to investigate sewerage options to overcome that constraint and that could be subject of a planning condition.
- 6.82 Regarding air quality (policy DM6) and vehicle noise due to the proximity of the site to the M2 to the south (policy DM1), these do not amount to fundamental objections to the principle of housing in this location. Subject to further details of the aural and air quality environment along

with any mitigation, there are considered to be no objections to the development on these grounds.

- 6.83 Medway Council suggest conditions on a Construction Environmental Management Plan and the hours of the construction. It is not considered that in the context of this specific site that these could be justified as planning conditions so an informative is suggested to relate to these issues.
- 6.84 Some objectors refer to the loss of the biomass boiler in the new scheme (some support its removal and some do not). The Inspector supported the biomass boiler principally because it would give a market for the products of positive woodland management. The applicant has committed to the same woodland management so the overall objective would still be met.

## **7. CONCLUSION**

- 7.01 The scheme is a more dense development than the appeal scheme and has an extra 26 units (partly in lieu of the biomass boiler) which increases the impact on some elements but not necessarily in a proportionate degree. The impact of the extra units on the key issues of the countryside location and the loss of Ancient Woodland do not get affected by the increase in unit numbers as the area for built development stays the same and in this case, the access road is narrower slightly allowing more of Ancient Woodland to be retained including more separation from 2 important trees.
- 7.02 Considering landscape matters which relates to their individual value (a policy stance which has not changed in the new NPPF), the impact of the development on the landscape is not considered to warrant refusal whether viewed from the wider Countryside/setting of the AONB nor as seen from the existing development in Lordswood.
- 7.03 From the assessment above, it is my conclusion that the extra impacts are not material and the revised scheme can be the subject of planning conditions or obligations in a s106 legal agreement that would satisfactorily deal with or mitigate most of the planning concerns from the proposed development.
- 7.04 The elements where planning harm remains that cannot be mitigated are the impact on Ancient Woodland and the countryside location. In term of the latter, it does need to be born in mind that NPPF policy does give wider scope for non-isolated residential development in the countryside.
- 7.05 In both of these matters, the harm to both the Ancient Woodland and to the countryside in this revision is no worse than that judged by the Inspector to be outweighed by the benefits he cited. The design of the dwellings and the overall layout complies with the need for good design that is enshrined in Policies DM1 and DM30 of the Local Plan.
- 7.06 It is acknowledged that the appeal decision was based on a Local Plan that did not have 5 year supply meaning that housing supply policies such as one restricting new residential development of this nature and scale in the countryside had less weight. It is also the case that the new NPPF gives a

greater degree of protection to Ancient Woodland from planning decisions on development.

7.07 However, there are 3 key areas which, in my view, continue to outweigh the harm detailed above and justify the granting of planning permission.

- The scheme complies with the Government's definition of sustainable development of three overarching objectives: economic, social and environmental as defined in the new NPPF. It is in a sustainable location in environmental terms and the social and economic benefits of the new housing would be significant, especially regarding the increased in the stock of the offer of affordable housing by 10 units overall compared to the appeal provision.
- There is an extant planning permission granted on appeal for 89 houses which is a realistic and genuine fall back position and could be progressed by the submission of reserved matters application before 30 November 2018.
- The site has an existing planning permission for 89 units which is part of the Council's "windfall" housing supply. Policy SS1 (Maidstone Borough Spatial Strategy) refers to housing target being made through the granting of planning permissions in addition to allocations. The increase in number of units in this planning application within the same red line envelope as the appeal decision therefore adds to the "windfall" contribution from this site by 26 units without taking up any more land.

7.08 The application was advertised as a Departure from the development plan. The recommendation is for approval but in the event that Members do resolve the permit the application, it does not need referral to the National Planning Casework Unit under the criteria of the current (2009) Direction.

## **8. RECOMMENDATION**

The Head of Planning and Development BE DELEGATED POWERS TO GRANT planning permission subject to the prior completion of a legal agreement to provide the following (including the Head of Planning and Development being able to settle or amend any necessary terms of the legal agreement in line with the matters set out in the recommendation resolved by Planning Committee):

- £105,248.00 towards Nursery School expansion at one or more of St. Benedict's RCP, Lordswood Primary or Kingfisher Primary
- £258,336.00 towards Primary School Expansion at one or more of: St. Benedict's RCP, Lordswood Primary or Kingfisher Primary
- £68,770.00 towards Secondary School Expansion at Holcombe Grammar School
- £80,070.00 towards provision of open space locally in the form of outdoor sports and/or semi-natural areas of open space

- £53814.25 for Medway CCG towards improving the Minor Illness Clinic at Lordswood Healthy Living Centre
- 46 affordable housing units comprising 32 units being social rented and 14 being shared ownership (sizes and tenure mix to be agreed)
- A Travel Plan and £5000 monitoring fee.

And the imposition of the conditions as set out below:

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

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

- 2) No development shall take place until the applicant has secured and implemented 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 enable the recording of any items of historical or archaeological interest.

- 3) The development hereby approved shall not commence until details of the proposed finished floor, eaves and ridge levels of the building(s) and the existing site levels have been submitted to and approved in writing by the local planning authority and the development shall be completed in accordance with the approved levels.

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

- 4) Development shall not begin until a detailed sustainable surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The detailed drainage scheme shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of within the curtilage of the site, as set out in the "FLOOD RISK ASSESSMENT INCORPORATING SURFACE WATER AND FOUL DRAINAGE STRATEGY" dated January 2018, without increase to flood risk on or off-site. The drainage scheme shall also demonstrate that silt and pollutants resulting from the site use and construction can be adequately managed to ensure there is no pollution risk to receiving waters. No dwelling shall be occupied until all the works necessary have been implemented in accordance with the approved details. The submitted details shall:

- i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from



the site, including any requirement for the provision of a balancing pond and the measures taken to prevent pollution of the receiving groundwater and/or surface waters.

ii) include a timetable for its implementation in relation to the development. and,

iii) provide a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public authority or statutory undertaker, or any other arrangements to secure the operation of the scheme throughout its lifetime.

Reason: In the interests of pollution and flood prevention These details and accompanying calculations are required prior to the commencement of the development as they form an intrinsic part of the proposal, the approval of which cannot be disaggregated from the carrying out of the rest of the development.

- 5) No works shall take place within 15m of the Ancient Woodland (including demolition, ground works and vegetation clearance) until an updated species survey has been carried out to inform production of an Ecological Design Strategy (EDS) addressing all species mitigation for all species recorded within 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 method statements to achieve stated objectives for each species including installation of bat and bird bricks;
- d) Extent and location/area of proposed mitigation for all species on appropriate scale maps and plans;
- e) Type and source of materials to be used where appropriate, for example native species of local provenance;
- f) Timetable for implementation demonstrating that works are aligned with the proposed programme 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) Details for disposal of any wastes arising from works.

The EDS shall be implemented in accordance with the approved details and retained thereafter.

Reason: In the interests of biodiversity.

- 6) No part of the development hereby granted (including demolition, ground works and vegetation clearance) shall take place within 15m of the Ancient Woodland 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) Details of the areas where Ancient Woodland soil and coppiced stools are to be translocated and method statement for translocation.
  - b) Risk assessment of potentially damaging construction activities.
  - c) Identification of biodiversity protection zones.
  - d) 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).
  - e) The location and timing of sensitive works to avoid harm to biodiversity features.
  - f) The times during construction when specialist ecologists need to be present on site to oversee works.
  - g) Responsible persons and lines of communication.
  - h) 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. and
  - i) Provisions for the removal of all fly-tipped material and any necessary restitution of the Ancient Woodland before any other works take place.

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

- 7) No development including site clearance and demolition shall take place within 15m of the Ancient Woodland until an Arboricultural Method Statement (AMS) in accordance with the current edition of BS 5837 has been submitted to and approved in writing by the local planning authority. The AMS should detail implementation of any aspect of the development

that has the potential to result in the loss of, or damage to trees, including their roots and, for example, take account of site access, demolition and construction activities, foundations, service runs and level changes. It should also detail any tree works necessary to implement the approved scheme and include a tree protection plan.

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

- 8) The development shall not commence within 15m of the Ancient Woodland until a Woodland Management Plan (WMP) for the areas W1-W9 on Bioscan report E1739r4 dated January 2018 has been put in place in accordance with details to be approved by the local planning authority. The measures set out in the WMP shall be adhered to in accordance with the approved details.

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

- 9) The development hereby approved shall not commence above slab level until samples of the materials to be used in the construction of the external surfaces of the building(s) hereby permitted have been submitted to and approved in writing by the local planning authority. These shall accord with the materials described in the Design and Access Statement hereby approved. The development shall be constructed using the approved materials.

Reason: To ensure a satisfactory appearance to the development.

- 10) The development hereby approved shall not commence above slab level until a landscape scheme designed in accordance with the principles of the Council's landscape character guidance has been submitted to and approved in writing by the local planning authority. The scheme shall show all existing trees, hedges and blocks of landscaping on, and immediately adjacent to, the site and indicate whether they are to be retained or removed, provide details of on site replacement planting to mitigate any loss of amenity and biodiversity value together with the location of any habitat piles and include a planting specification, a programme of implementation and a 5 year management plan. The landscape scheme shall specifically address the need to provide landscape screening to the site perimeters.

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

- 11) The development shall not commence above dpc until details of a scheme for the preparation, laying out and equipping of a play/amenity area have been submitted to and approved by the Local Planning authority and the land shall be laid out in accordance with the approved details.

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

- 12) The development hereby approved shall not commence above dpc until details of the foul drainage works have been submitted to and approved by the local planning authority and these works shall be completed in accordance with the approved details before the first occupation of the buildings. Occupation of the development is to be phased and implemented to align with the delivery by Southern Water of any sewerage network reinforcement required to ensure that adequate waste water network capacity is available to adequately drain the development.

Reason: To ensure adequate drainage arrangements

- 13) The development hereby approved shall not commence above dcp until a scheme to demonstrate that the internal noise levels within the residential units and the external noise levels in back garden and other relevant amenity areas will conform to the standard identified by BS 8233 2014, Sound Insulation and Noise Reduction for Buildings - Code of Practice, have been submitted to and approved in writing by the Local Planning Authority. The work specified in the approved scheme shall then be carried out in accordance with the approved details prior to occupation of the premises and be retained thereafter.

Reason: In the interests of aural amenity.

- 14) The development shall not commence above dpc until an Air Quality report, undertaken by a competent person in accordance with current guidelines and best practice, has been submitted to the local planning authority for approval. The report shall contain an assessment of the effect that the development will have on the air quality of the surrounding area and any scheme necessary for the reduction of emissions giving rise to that poor air quality. The assessment should, where possible, quantify what measures or offsetting schemes are to be included in the development which will reduce the air pollution of the development when in occupation. Any scheme of mitigation set out in the subsequently approved report shall be implemented prior to the first occupation of the development and maintained thereafter.

Reason: In the interests of pollution control.

- 15) The development shall not commence above dpc until details of all fencing, walling and other boundary treatments have been submitted to and approved in writing by the local planning authority. The housing areas and buffer zones shall be implemented in full in accordance with the approved details before the first occupation of any of the dwellings hereby approved, or in accordance with a programme to be agreed in advance in

writing by the local planning authority. All boundary treatments and buffer zones to be installed within the Ancient Woodland shall be carried out in accordance with the approved details.

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

- 16) Development shall not commence above dpc until details and method of barrier control of an emergency access have been submitted and approved in writing by the local planning authority. The approved emergency access shall be installed prior to the first occupation of any dwelling and retained as approved.

Reason: No such details have been submitted.

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

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

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

Reason: To ensure that any measures to mitigate flood risk and protect water quality on/off the site are fully implemented and maintained.

- 18) No dwelling shall be occupied until off site highway improvements under s278 of the Highways Act 1980 have been completed in regard to the junction of Lordswood Lane with Gleamingwood Drive; Round Wood Roundabout junctions; access arrangements onto Gleamingwood Drive; the nearest bus stops to be provided with accessible waiting facilities ie. Raised kerbing for low floor access and dropped kerb/tactile paving to assist crossing pedestrians.

Reason: In the interests of highway safety and environmental sustainability.

- 19) The access to the site from Gleamingwood Drive and the access between sites 'A' and 'B' shall be carried out in accordance with drawing 9888-KC-XX-YTREE-TPP02RevC and shall be completed before the first occupation of the buildings hereby permitted. The visibility splays hereby approved shall be retained free of all obstruction to visibility above 1m thereafter.

Reason: In the interests of minimising impact on the Ancient Woodland and in the interests of road safety.

- 20) Prior to the first occupation, details of public art to be provided on site shall be submitted to the local planning authority for approval. This should include the selection and commissioning process, the artist's brief, the budget, form, materials and location, the timetable for provision, maintenance agreement and community engagement, and the development shall be carried out in accordance with the approved details.

Reason: In the interests of good place making in accordance with Maidstone Borough Council Public Art Guidance.

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

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

- 22) The occupation of each phase of the development 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

- 23) A landscape and ecological management plan, including long term design objectives, management responsibilities and maintenance schedules for all landscaped and open areas other than privately owned domestic gardens, shall be submitted to and approved in writing by the local planning authority prior to first occupation of any dwelling on the site. Landscape and ecological management shall be carried out in accordance with the

approved plan unless the local planning authority gives written consent to any variation.

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

#### Compliance

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

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

- 25) No external lighting shall be installed on the site without details and specifications having been submitted to and approved by the Local Planning Authority.

Reason: In the interests of visual amenity and ecological interest of the Ancient Woodland.

- 26) 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: In the interests of protecting the health of future occupants from any below ground pollutants.

- 27) 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.

- 28) The development hereby permitted shall be carried out in accordance with the following approved plans: 9888-KC-XX-YTREE-TPP02RevC; 667-SL01; 667\_100P8; 667\_200P4; 667\_201P3; 667\_202P4; 667\_203P2; 667\_203P4; 667\_204P3; 667\_205P3; 667\_206P3; 667\_207P3; 667\_208P3; 667\_209P3; 667\_210P3; 667\_211P3; 667\_212P3; 667\_213P4; 667\_214P2; 667\_215P3; 667\_216P2; 667\_217P2; 667\_218P3; 667\_219P3; 667\_220P2; 667\_221P3; 667\_222P2; 667\_223P2; 667\_224P2; 667\_224P2; 667\_225P2; 667\_226P2;

## **INFORMATIVES**

- 1) No demolition/construction activities shall take place, other than between 0700 to 1900 hours (Monday to Friday) and 0700 to 1300 hours (Saturday) with no working activities on Sundays, Bank or Public Holidays.
- 2) The Public Right of Way must not be stopped up, diverted, obstructed (this includes any building materials or waste generated during any of the construction phases) or the surface disturbed. There must be no encroachment on the current width, at any time now or in future and no furniture or fixtures may be erected on or across Public Rights of Way without consent.
- 3) You are advised to ensure provision of:
  - construction vehicle loading/unloading and turning facilities prior to
  - commencement of work on site and for the duration of construction;
  - parking facilities for site personnel and visitors prior to commencement of work on site and for the duration of construction;



- wheel washing facilities prior to the commencement of work on site and for the duration of construction;
  - measures to prevent the discharge of surface water onto the highway;
- 4) It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil. Information about how to clarify the highway boundary can be found at <https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>.  
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.
- 5) No works can be undertaken on a Public Right of Way without the express consent of the Highways Authority. In cases of doubt the applicant should be advised to contact this office before commencing any works that may affect the Public Right of Way. Should any temporary closures be required to ensure public safety then this office will deal on the basis that:
- The applicant pays for the administration costs
  - The duration of the closure is kept to a minimum
  - Alternative routes will be provided for the duration of the closure.
  - A minimum of six weeks notice is required to process any applications for temporary closures.
- This means that the Public Right of Way must not be stopped up, diverted, obstructed (this includes any building materials or waste generated during any of the construction phases) or the surface disturbed. There must be no encroachment on the current width, at any time now or in future and no furniture or fixtures may be erected on or across Public Rights of Way without consent.
- 6) Where infiltration is to be used to manage the surface water from the development hereby permitted, it will only be allowed within those parts of the site where information is submitted to demonstrate to the Local

Planning Authority's satisfaction that there is no resultant unacceptable risk to controlled waters and/or ground stability.

- 7) UKPN 33KV overhead network crosses the land so steps must be taken by the developer to ensure their safety when working near the overhead network. Alternatively should the developer wish to reroute the line elsewhere they must enter into negotiations with UKPN Connections Business at their earliest convenience.
- 8) Southern Water will carry out detailed network modelling as part of this review which may require existing flows to be monitored. This will enable us to establish the extent of works required (If any) and to design such works in the most economic manner to satisfy the needs of existing and future customers. The assessment of the timescales needed to deliver network reinforcement will consider an allowance for the following:
  - Initial feasibility, detail modelling and preliminary estimates.
  - Flow monitoring (If required)
  - Detail design, including land negotiations.
  - Construction.
  - The overall time required depends on the complexity of any scheme needed to provide network reinforcement.

Southern Water will seek however to limit the timescales to a maximum of 24 months from a firm commitment by the developer to commence construction on site and provided that Planning approval has been granted.

## **Urgent Update – 18/500346 -- Item 17 pages 113-153**

### **Lordswood Urban Extension Gleamingwood Drive**

**KCC (Highways and Transportation):** The additional information submitted by the applicant has addressed principal areas of concern and enables the holding objection previously raised to be removed: avoiding any loss of existing on-street parking spaces. The arrangements improve upon those previously submitted in how they better cater for all types of road user.

The internal layout has been amended to enable the shared footway/cycleway to extend into the site. Priority workings have been included where tree retention necessitates a narrower carriageway width.

Further capacity modelling of the Gleaming Wood Drive/Lordswood Lane junction has been undertaken with the traffic generation of the Gibraltar Farm development and a proposal to improve the junction by widening the Lordswood Lane carriageway. In the case of the Round Wood Roundabout, the applicant has reaffirmed minor adjustments to road markings and splitter islands. The modifications are unlikely to prevent a worsening of the already extensive queuing on Walderslade Woods in the PM peak. Whilst KCC Highways remain concerned about worsening congestion in this locality, it is recognised that the differential in impact between the consented 89 dwellings and the proposed 115 dwellings will make it difficult to sustain an objection.

**Woodland Trust:** The Woodland Trust **maintains an objection** to this application on the basis of likely damage to the ancient Reedscoft Wood (grid ref: TQ780620). The Government has recently updated the National Planning Policy Framework. Protection for ancient woodland and ancient and veteran trees has been strengthened. This application contravenes paragraph 175c which states: "When determining planning applications, local planning authorities should apply the following principles: development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons [58] and a suitable compensation strategy exists." Exceptional reasons are defined as follows: "For example, infrastructure projects (including nationally significant infrastructure projects, orders under the Transport and Works Act and hybrid bills), where the public benefit would clearly outweigh the loss or deterioration of habitat." The proposed development does not fit these criteria and as such should be refused on the grounds it does not comply with national planning policy.

### **Officer Response:**

Medway Council has not yet responded with the necessary confirmation that the contributions they seek for Open Space and Education are necessary and meet the CIL tests.

The change in the NPPF as regards Ancient Woodland is described in the main agenda report.

Paragraph 175(c) and its explanatory Footnote 58 of the NPPF gives an example of a “wholly exceptional reason” being a national infrastructure project. However, that may not necessarily prevent a Local Planning Authority giving due weight to an extant planning permission granted on appeal also being a “wholly exceptional circumstance”

### **Amend Recommendation**

**Defer application to consider the detailed implications of the new National Planning Policy Framework with regard to Ancient Woodland and to obtain formal confirmation from Medway Council on its requests complying with the CIL Regulations.**

[illegible]

## REPORT SUMMARY

<b>REFERENCE NO -</b> 18/501158/FULL		
<b>APPLICATION PROPOSAL</b> Provision of new farm access to Knoxbridge Farm from A229, including landscaping, crossing over stream and barrier. (Resubmission of 16/508630/FULL)		
<b>ADDRESS -</b> Knoxbridge Farm, Cranbrook Road, Staplehurst, TN17 2BT		
<b>RECOMMENDATION –</b> REFUSE		
<b>SUMMARY OF REASONS FOR REFUSAL</b> There is no overriding need for the access road in this location and there are no significant benefits that would outweigh the identified visual harm. The proposal is not acceptable with regard to the relevant provisions of the Development Plan, the NPPF and all other material considerations such as are relevant.		
<b>REASON FOR REFERRAL TO COMMITTEE</b> - Petition of more than 100 signatures has been received in support of proposal		
<b>WARD</b> Staplehurst	<b>PARISH COUNCIL</b> Staplehurst	<b>APPLICANT</b> Fridays Ltd <b>AGENT</b> Mr David Harvey
<b>DECISION DUE DATE</b> 17/08/18	<b>PUBLICITY EXPIRY DATE</b> 11/05/18	<b>OFFICER SITE VISIT DATE</b> 22/03/18

## MAIN REPORT

### 1.0 BACKGROUND INFORMATION

- 1.01 This planning application was presented to Planning Committee on 5<sup>th</sup> July 2018 and the original report is found in APPENDIX A. Members resolved to defer the application to seek the submission of further details of the proposed junction layout; and to seek additional landscape mitigation measures in the form of a woodland shaw.
- 1.02 The applicant has submitted additional plans in response to the deferment. These include further details of the proposed junction (with tracking) and the addition of two woodland shaws (one either side of the proposed access along the roadside boundary). The applicant confirms that the woodland shaws will be some 15m in depth.

### 2.0 ASSESSMENT

#### Additional landscaping

- 2.01 Whilst the additional landscaping along the road boundary would provide further screening of the proposed development from the A229, this would not be in the short term whilst the trees establish and the proposal would still create substantial urban development through countryside that has a high overall landscape sensitivity.

#### Junction details

- 2.02 As previously set out, the Highways Authority is satisfied that the proposal can achieve the required standards for access onto the strategic road network. On review of the additional junction details received, the Highways

Authority has confirmed that their position remains the same.

### **Other matters**

- 2.03 It must be stressed that no economic case has been put forward by the applicant, in terms of there being an essential need for this new access in order for the farm operations to continue successfully. The argument presented is that the proposal would be of overriding benefit in highway safety and residential amenity terms, and this is what is disputed.
- 2.04 The Local Plan policies this application has been considered against remain relevant and the introduction of the amended National Planning Policy Framework (July 2018) does not significantly alter the assessment of this application.
- 2.05 Except for KCC Highways Authority, no further representations have been received on this application.

### **3.0 CONCLUSION**

- 3.01 With the additional information, it is still considered that the proposal would result in an inappropriate development that would be harmful to the character and appearance of the countryside hereabouts that has a high overall landscape sensitivity. There also continues to be no demonstration of an overriding need for the proposal in this location, in either economic terms, highway safety terms, or residential amenity terms. As such, there remain no significant benefits that would outweigh this identified harm, and the recommendation remains for refusal of the application on this basis.

### **4.0 RECOMMENDATION – REFUSE for following reason:**

The proposal would result in an inappropriate development in the countryside that would cause unacceptable harm to the character and appearance of the landscape that is of high overall landscape sensitivity. No significant evidence has been submitted to indicate overriding highway safety or residential amenity benefits such as to outweigh this identified harm. The application is therefore contrary to policies SP17, DM1, DM3 and DM30 of the Maidstone Local Plan (2017); the Maidstone Landscape Character Assessment & Supplement (2012); the Maidstone Landscape Capacity Study: Sensitivity Assessment (2015); the Staplehurst Neighbourhood Plan (2016-2031); and the National Planning Policy Framework (2018).

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

## APPENDIX A.

### Report to the planning committee on the 5<sup>th</sup> July 2018

#### REPORT SUMMARY

<b>REFERENCE NO - 18/501158/FULL</b>			
<b>APPLICATION PROPOSAL</b> Provision of new farm access to Knoxbridge Farm from A229, including landscaping, crossing over stream and barrier. (Resubmission of 16/508630/FULL)			
<b>ADDRESS -</b> Knoxbridge Farm, Cranbrook Road, Staplehurst, Tonbridge, Kent, TN17 2BT			
<b>RECOMMENDATION – REFUSE</b>			
<b>SUMMARY OF REASONS FOR REFUSAL</b> There is no overriding need for the access road in this location, in either highway safety or residential amenity terms, and there are no significant benefits that would outweigh the identified visual harm. The proposal is not acceptable with regard to the relevant provisions of the Development Plan, the NPPF and all other material considerations such as are relevant.			
<b>REASON FOR REFERRAL TO COMMITTEE</b> Petition of more than 100 signatures has been received in support of proposal.			
<b>WARD</b> Staplehurst	<b>PARISH</b> Staplehurst	<b>COUNCIL</b>	<b>APPLICANT</b> Fridays Ltd <b>AGENT</b> Mr David Harvey
<b>DECISION DUE DATE</b> 09/07/18	<b>PUBLICITY EXPIRY DATE</b> 11/05/18	<b>OFFICER SITE VISIT DATE</b> 22/03/18	
<b>RELEVANT PLANNING HISTORY:</b>			

- 16/508630: Access from A229 - Refused (Aug 2017: visual impact grounds)
- 16/07865 (Tunbridge Wells): Provision of farm access – Approved (Feb 2017)
- 16/07705 (Tunbridge Wells): 3 replacement poultry houses – Approved (Mar 2017)
- TW/15/504981 (KCC): Installation of Anaerobic Digester - Approved (Sept 2015)
- 09/03366 (Tunbridge Wells): Erection of 3 poultry sheds - Approved (Mar 2010)
- MA/03/0264: Access from A229 - Refused (June 2003: visual impact grounds)

#### 1.0 SITE DESCRIPTION

- 1.01 The proposed development site forms part of Knoxbridge Farm, a large colony style chicken farm established by Fridays. The farm extends to approximately 130ha comprising arable crop production and a poultry farm, which forms the subject of the proposed development.
- 1.02 The farm itself is located in the borough of Tunbridge Wells, to the south-east of Staplehurst, and to the east of the A229 Cranbrook Road. The majority of the proposal site and the proposed access road however are within the Borough of Maidstone (except for some 40-50m of the eastern end of the road). There is an existing access to the farm from the A229, this is adjacent to the Knoxbridge café and within Tunbridge Wells, which is also a public footpath (WC237). Part of the site is within Flood Zone 3, and



part of the site (parallel with Cranbrook Road) within an Area of Archaeological Potential.

- 1.03 The surrounding area is rural in character, comprised predominantly of farmland in arable production or pasture, woodland blocks, and interspersed rural properties; and for the purposes of the Local Plan, the proposal site is within the countryside.

## **2.0 PROPOSAL**

- 2.01 The proposal is for the provision of a new farm access road to Knoxbridge Farm from the A229. The new access will provide an alternative to the existing access and would be located further north along the A229. It is stated that the proposal would not have an impact on the operation of the farm in terms of vehicle movements.

- 2.02 The proposed access is in a similar location to that refused under planning application in August 2017 (reference 16/508630) for the following reason:

*“Proposal would result in unnecessary and inappropriate development in open countryside which would be harmful to the intrinsic character of the landscape. No significant evidence has been advanced to indicate any overriding highways or residential amenity benefits such as to outweigh the fundamental harm to the character of the countryside. The application is therefore contrary to Local Plan 2000 Policy ENV28; and Local Plan (Reg 19) Submission Version 2016 Policy SP17”.*

- 2.03 The main difference between the proposal refused permission and the current proposal is additional planting now shown along the southern edge of the new road (close to farm buildings).

## **3.0 POLICY AND OTHER CONSIDERATIONS**

- Local Plan (2017): SS1, SP17, DM1, DM3, DM30, DM36
- National Planning Policy Framework (2012)
- National Planning Practice Guidance (2014)
- Landscape Character Assessment (am. 2013) & Supplement (2012)
- Maidstone Landscape Capacity Study: Sensitivity Assessment (2015)
- Staplehurst Neighbourhood Plan (2016-2031)

## **4.0 LOCAL REPRESENTATIONS**

- 4.01 **Local Residents:** 9 representations received in support of application, including a petition of 224 signatures in favour of the proposed access road on the grounds of highway safety. Raise objections to current access because of unwanted odours; property damage; air quality; and transportation of animal waste and dangerous substances.
- 4.02 1 representation objects with concerns over location of new access and what impact it would have upon their amenity.

## **5.0 CONSULTATIONS**

- 5.01 **Staplehurst Parish Council:** Wish to see application approved and do not request its referral to planning committee;

*Councillors commented proposal would help address residents' concerns about safety in Knoxbridge area and recommend application is approved.*

- 5.02 **KCC Highways:** Raise no objection to proposal but also have no highway safety objection to existing access (see main report).
- 5.03 **Landscape Officer:** Their view does not conflict with the case officer's view taken from a planning perspective (see main report).
- 5.04 **KCC Flood & Water Management Team:** Raise no objection.
- 5.05 **Biodiversity Officer:** Raises no objection.
- 5.06 **Environmental Protection Team:** Raise no objection.
- 5.07 **Environment Agency:** Has no comments to make.
- 5.08 **Upper Medway Internal Drainage Board:** Raises no objection.
- 5.09 **Agricultural Advisor:** Commented application doesn't fall within their advisory remit.
- 5.10 **KCC Archaeology Officer:** Has made no comments.
- 5.11 **Health & Safety Executive:** Raise no objection on safety grounds.
- 5.12 **Tunbridge Wells Borough Council:** Raise no objection.

## **APPRAISAL**

### **Main issues**

- 6.01 Development proposals in the countryside will not be permitted unless they accord with other policies in the Local Plan and will not result in harm to local character and appearance; and impacts on the appearance and character of the landscape shall be appropriately mitigated and where possible, enhance local distinctiveness (policies DM1, DM3 and DM30).
- 6.02 The adopted Staplehurst Neighbourhood Plan is also part of the Development Plan, and policy PW2 seeks new development outside the village envelope to be assessed in terms of its potential impact upon the visual setting and landscape features of the site and its surroundings.
- 6.03 This report will set out and consider the applicant's justification for the proposal, as well as its visual impact and its potential impact upon residential amenity; biodiversity; surface water drainage; and other planning matters as relevant.

### **Highway safety implications**

- 6.04 In terms of the new access the Highways Authority comments are summarised as follows:

#### Visibility sight lines

- 6.05 Visibility sightlines of 4.5m x 160m will be provided for the new access in accordance with Design Manual for Roads and Bridges advice note TD 42/95. In this instance, a set-back distance of 4.5m has been used which is more than that required under The Kent Design Guide. No objection is raised in relation to the visibility of the access to the A229 Cranbrook Road.

#### Personal injury Collision Record

- 6.06 The applicant has provided personal injury collision record data (sourced from KCC) for the A229 Cranbrook Road within the vicinity of the proposed and existing site accesses. As this only covers the period up to 31/03/16 crash map has used to check for the additional period up to June 2017, and KCC have confirmed no additional collisions have been recorded.

#### Vehicle tracking

- 6.07 On reviewing the swept path analysis, the proposed junction arrangements are considered satisfactory for the largest types of vehicles that are likely to use them.
- 6.08 As an overview, KCC are satisfied that it has been demonstrated that the required standards for access onto the strategic road network can be achieved and so no objection is raised by them to the new access in this respect.

#### Suitability of the existing access

- 6.09 In assessing the need for the proposed new access road (which is considered against visual harm later in this report) the Highways Authority has stated that there is no issue with the standard of the existing site access that the new road is proposed to replace for HGV access. Whilst the Highways Authority state that the proposed access would be of a higher standard in respect of visibility and turning movements, the personal injury collision record for the existing access does not provide evidence to support the conclusion that there are inordinate safety issues at the existing access. The existing access is not considered a crash cluster site by KCC (that being within a 50m diameter having experienced 4 or more crashes in a 3yr period). The agent also states that none of the Farm's vehicles have been directly involved in collisions at the existing access.

#### Summary

- 6.10 On this basis, there is considered to be insufficient evidence to demonstrate that this new access/road is required, necessary, and will result in a significant improvement in road safety. Furthermore, as there is already an existing access to the farm that KCC do not consider to have inordinate safety issues, and it is considered that the proposal cannot be considered 'reasonable' for the purposes of agriculture.

### **Visual impact**

- 6.11 Policies SS1 and SP17 of the Local Plan states that protection will be given to the rural character of the borough; and proposals in the countryside will not be permitted if they

result in harm to the character and appearance of the area. Policy DM30 states that new development should maintain, or where possible, enhance the local distinctiveness of an area.

- 6.12 In accordance with the Council's Landscape Character Assessment and Capacity Study, the Low Weald generic guidelines seek to *"....conserve the largely undeveloped landscape with its scattered development pattern and isolated farmsteads"*. More specifically, the site is within the Knoxbridge Arable Lowlands character area (46) as designated in the Maidstone Landscape Character Assessment, and the overall landscape sensitivity for this area is considered to be high and sensitive to change.
- 6.13 There are no protected trees on, or immediately adjacent to the site, and the applicant has submitted a Landscape and Visual Appraisal (LVA) that concludes that there would be no total or substantial loss upon the main landscape features that characterise the application site.
- 6.14 Notwithstanding this, the proposed access including the necessary sightlines would puncture through a hedgerow along the A229, with some hedgerow also being removed within the site itself; and the first 40m of the new access would measure 7.5m wide, with the remaining road measuring more than 4m wide. The new road would measure more than 400m in length and traverse what is currently an open field, albeit with the edges of the fields lined by trees and/or hedges.
- 6.15 The proposal would appear as an urbanising feature on this sensitive landscape, by virtue of it dissecting existing fields with the laying of significant levels of hard surfacing, then the public view of large vehicles moving up and down this road; and by the introduction of an intrusive element along the A229 in the shape of the new junction and views of the road through the junction. This is considered to be unacceptable encroachment in to the countryside, being at odds with the rural context and sensitive nature of the site and the surrounding area. It is considered that it would require substantial screening in order to shield the proposal from public view, and any new landscaping/screening would take a number of years to reach maturity; and even once established it could be considered to be incongruous with the character of what is currently an open undeveloped field.
- 6.16 The proposal would be contrary to the Council's Landscape Character Assessment, as the proposal is not considered to be closely associated with an existing settlement or farmstead, given that it is a new urbanising feature measuring more than 400m in length that carves through undeveloped land; and given that it introduces new development along the A229. There is also reference in the LVIA to trees that are proposed to be removed, but the submitted plans do not clearly indicate the details of the existing vegetation in question. The Landscape Officer would normally expect arboricultural information to be provided to enable a proper assessment of the effects of the proposed development.
- 6.17 Whilst the Landscape Officer confirms that the conclusions of the applicant's LVA are drawn from the methodology followed, there are always elements of subjectivity within this. So whilst the Landscape Officer does not disagree that the proposed mitigation planting would help screen and filter views of the access road in the long term, they state that there is clearly an adverse effect arising from the effect of additional human activity

within this sensitive landscape. The Landscape Officer goes on to comment that the access road does not conserve and enhance the historic field pattern, and nor is it directly associated with existing farmsteads or in keeping with existing. The Landscape Officer therefore considers the scheme to not reflect the Council's suite of landscape documents in respect of this character area, which is defined as being of high overall sensitivity and sensitive to change.

- 6.18 It has been concluded that further information or screening etc. that could be requested through planning conditions would fail to mitigate against the harm identified. It is therefore considered that the development would result in unacceptable harm to the rural character and appearance of the landscape hereabouts, contrary to the findings of the submitted LVIA. There are considered to be no overriding circumstances here that justify such a harmful development in this location that has already been refused by the local planning authority, and the identified harm would therefore be contrary to the relevant policies of the Local Plan and policy PW2 of the Staplehurst Neighbourhood Plan.

### **Residential amenity**

- 6.19 The proposed access/road would not have an unacceptable impact upon the amenity of any local resident.
- 6.20 The argument has been made that the proposal will benefit the existing residential properties that are located close to and along the existing access, because the proposal would result in a net loss of HGV/tractor movements. However, the access will still be used by other motor vehicles coming and going from the farm and elsewhere; there is no substantial evidence submitted with the application that demonstrates that the existing access is harmful to the amenity of the existing residents, in terms of general noise and disturbance; and as KCC have stated, they do not consider the existing access to the farm to have inordinate safety issues.
- 6.21 Furthermore, there are no reasonable means for this local planning authority to ensure that no heavy vehicles would use the existing access, or in fact define what vehicles can and cannot use this access as it is not in Maidstone borough. As it is currently in use and of an appropriate standard KCC highways would also not have the means or reason to stop the use of the existing access. Imposing a condition to restrict what type of vehicles can use the existing access would also not prevent use of the existing access as once the new access was in use this would not be reasonably enforceable. As such, a condition of this nature would not pass the NPPF's 6 tests for when planning conditions should be imposed.

### **Other considerations**

- 6.22 A preliminary ecological appraisal report was submitted as part of this application. The Biodiversity Officer is satisfied with this report's findings and concludes that there will be no need for further survey work to be carried out prior to determination of this application. This conclusion is reached given the small area of habitat to be lost as a result of the proposed development, and given the works are unlikely to impact the population of any species present within the wider area. If this application was recommended for approval and as agreed by the Biodiversity Officer, suitable conditions

could be imposed to secure appropriate ecological mitigation (including a precautionary mitigation strategy).

- 6.23 The Environmental Protection Team raise no objection in terms of noise, air quality and land contamination grounds; and the Environment Agency has assessed this application as having a low environmental risk and have no comments to make in terms of flood risk. The Upper Medway Internal Drainage Board also raises no specific objection to the proposal; and the KCC Flood and Water Management Team have raised no objection to the proposal in terms of surface water drainage.
- 6.24 Part of the site (close to the road) falls within an Area of Archaeological Potential, but as the KCC Archaeology Officer has made no comment, it assumed that they raise no objection to the proposal on archaeological grounds.
- 6.25 The comments made by Staplehurst Parish Council and the local representatives have been considered in the assessment of this application. However, it should be noted that potential property damage and what environmental implications there may be with transporting animal waste and dangerous substances are not material planning considerations.

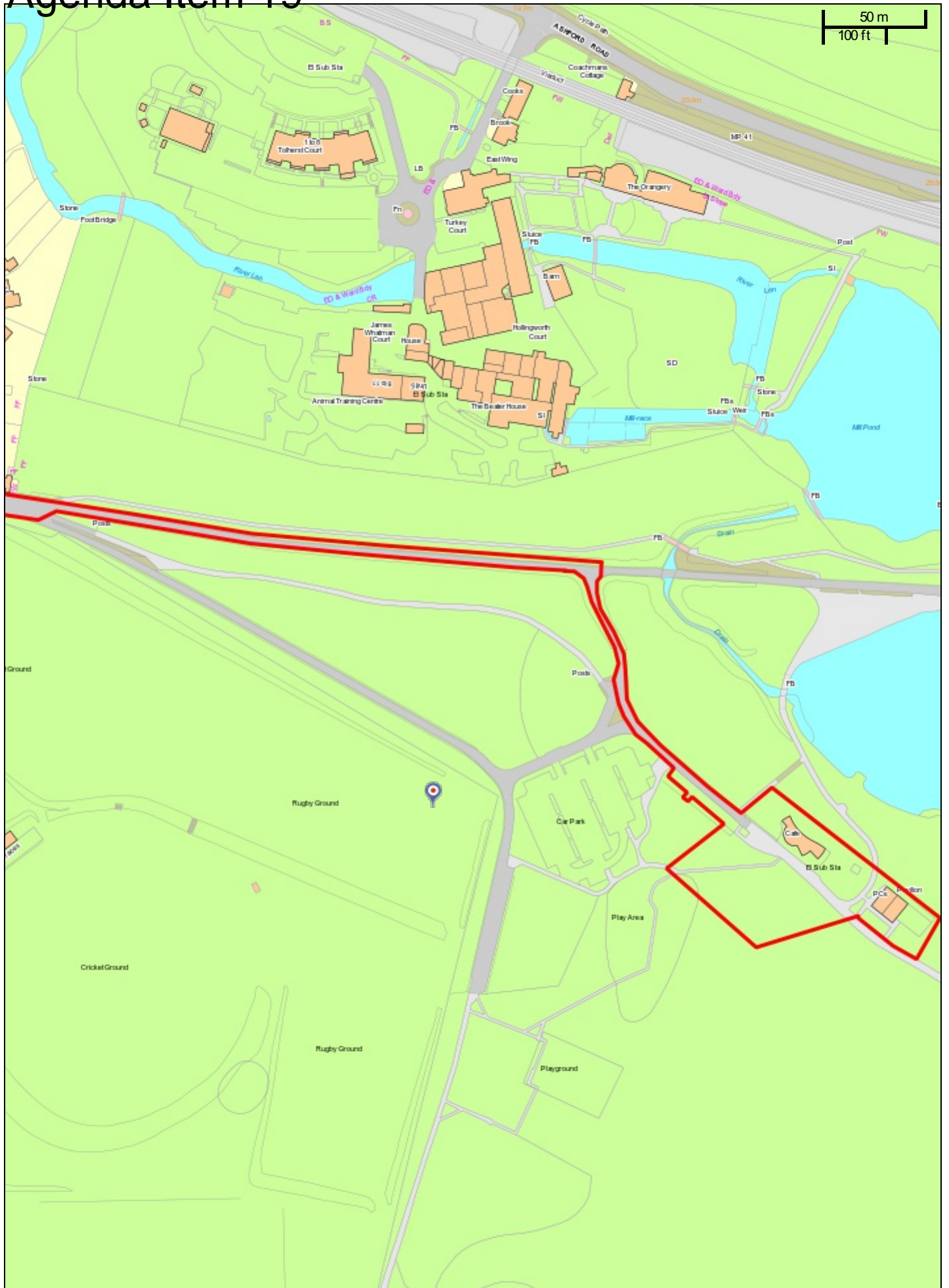
## **7.0 CONCLUSION**

- 7.01 It is considered that the proposal would result in an inappropriate development that would be harmful to the character and appearance of the countryside hereabouts that has a high overall landscape sensitivity. The application fails to adequately demonstrate an overriding need for the access road in this location, in either highway safety or residential amenity terms, and so there are considered to be no significant benefits that would outweigh this identified harm. It is therefore considered that the proposal is not acceptable with regard to the relevant provisions of the Development Plan, the NPPF and all other material considerations such as are relevant. A recommendation of refusal of the application is made on this basis.

## **8.0 RECOMMENDATION – REFUSE for following reason:**

The proposal would result in an inappropriate development in the countryside that would cause unacceptable harm to the character and appearance of the landscape that is of high overall landscape sensitivity. No significant evidence has been submitted to indicate overriding highway safety or residential amenity benefits such as to outweigh this identified harm. The application is therefore contrary to policies SP17, DM1, DM3 and DM30 of the Maidstone Local Plan (2017); the Maidstone Landscape Character Assessment & Supplement (2012); the Maidstone Landscape Capacity Study: Sensitivity Assessment (2015); the Staplehurst Neighbourhood Plan (2016 — 2031); and the National Planning Policy Framework (2012).

# Agenda Item 19



18/502327/FULL - Mote Park Maidstone, Willow Way, Maidstone, Kent, ME15 7RN

Scale: 1:2500

Printed on: 2/8/2018 at 14:58 PM by JoannaW

<b>REFERENCE NO - 18/502327</b>			
<b>APPLICATION PROPOSAL</b> Demolition of existing cafe building and erection of new Mote Park Centre with associated terraces, bin storage area and car parking.			
<b>ADDRESS</b> Mote Park Maidstone, Willow Way, Maidstone, ME15 7RN			
<b>SUMMARY OF REASONS FOR RECOMMENDATION (APPROVE SUBJECT TO CONDITIONS)</b>			
<ul style="list-style-type: none"> <li>The development is considered to be of high quality and the low harm caused to the historic park (Mote Park) and setting of Mote House, through the introduction of new buildings, would be outweighed by the clear public benefits of providing a modern visitor's facility and café for Mote Park.</li> <li>The existing café would be removed and replaced by better designed buildings within the historic park.</li> <li>Permission is therefore recommended.</li> </ul>			
<b>REASON FOR REFERRAL TO COMMITTEE</b> The applicant is Maidstone Borough Council.			
<b>WARD</b> Shepway North	<b>PARISH COUNCIL</b> N/A	<b>APPLICANT</b> Maidstone Borough Council <b>AGENT</b> Hazle McCormack Young LLP	
<b>DECISION DUE DATE</b> 20/08/18		<b>PUBLICITY EXPIRY DATE</b> 09/07/18	
<b>RELEVANT PLANNING HISTORY</b>			
<b>App No</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
16/506505	Creation of an adventure zone to include high rope/wire climbing equipment, climbing wall, and adventure golf enclosed by 2.44m high fencing with associated ancillaries including a kiosk, footpaths, planting and overflow car parking.	APPROVED	14/07/17

## **1.0 DESCRIPTION OF SITE**

1.01 The application site relates to a grassed area in the northwest corner of Mote Park and includes the existing café and grounds keeper's buildings where there are a number of mature trees. The site is just to the east of the car park and north of the existing children's play areas, and is immediately north of the approved adventure zone (which is not yet constructed).

1.02 Mote Park is a Grade II Registered Park and Garden and Mote House (around 700m to the east) is a Grade II\* listed building. There is a Local Wildlife site which includes land around the café and grounds keeper's buildings.



## **2.0 PROPOSAL**

2.01 Permission is sought for two buildings, one larger main building that would be used as a new visitors centre with kitchen and café, meeting room space, toilets, and outdoor seating area, and the other smaller building with toilets and a coffee bar. The two buildings would be separate but linked by a timber pergola and a new pathway would run between them from the car park and link through to existing pathways to the north. New steps down towards the lake to the north would be provided and the existing café building would be demolished here. A bin store to the northwest of the building is also proposed which would be surrounded by metal fencing. The site has a very slight slope to the north and so levelling works for the buildings would be limited. The appearance and design of the buildings will be assessed and discussed in more detail below.

## **3.0 POLICY AND OTHER CONSIDERATIONS**

- Maidstone Borough Local Plan (2011-2031): SS1, SP1, SP18, DM1, DM2, DM3, DM4, DM8, DM21, DM23
- Kent Waste and Minerals Plan 2016
- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- MBC Public Art Guidance (2018)

## **4.0 LOCAL REPRESENTATIONS**

4.01 **Local Residents:** No representations received.

## **5.0 CONSULTATIONS**

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

5.01 **Historic England:** Do not require consultation.

5.02 **Natural England: No objections.**

5.03 **Conservation Officer: Raises no objections** outlining that the building and landscaping will not unduly harm or impinge upon the significance of the surrounding registered parkland and its historic built structures. The proposals cause less than substantial harm.

5.03 **Landscape Officer: Raises no objections** subject to pre-commencement/demolition conditions in accordance with BS5837: 2012 and the submitted AIA, which include details of the site storage/compound area. Landscape conditions are also required.

5.05 **KCC Highways:** No objections.

## **6.0 APPRAISAL**

6.01 The principle of a visitor's centre and associated facilities within Mote Park is acceptable and the main considerations are as follows:

- Design and appearance
- Impact upon Mote Park and Mote House
- Landscaping & Trees
- Highways & Parking

### Design & Appearance

6.02 The main building is a single storey flat roof structure with a height of approximately 4m. It would have a simple box form with interest provided through the use of materials. Zinc standing seam cladding would be used as the main facing material and this would be broken up with large amounts of glazing, particularly on the south side where the main entrance to the café would be, and the use of larch cladding. A ragstone plinth would also provide a quality feature to the building. The west elevation of the building also provides this mix of materials and glazing so that it has an active frontage to visitor's approaching from the car park. An open terrace area with freestanding roof overhang on the east side of the building would provide a quality appearance here. The building will also be provided with 79 solar PV cells on the roof. Overall, the building is considered to represent a high design quality with the use of good quality materials that can be secured by condition. A BREEAM Very Good Standard will be secured by condition in line with policy DM2.

6.03 The toilet/coffee bar building would be a simple flat roof building set slightly lower than the main building at approximately 3m. It would be finished with larch cladding and feature a large cantilevered steel pergola roof on the east side to provide cover. The building would be linked to the main building by way of a timber pergola between the two. The west elevation of the building would be finished with ragstone blocks and Mote Park signage which would provide a quality face when approaching from the car park. The design of this building is considered to be of good quality that fits in with the design and appearance of the main building. The bin store area would be enclosed by metal railings and new hedging which can be secured to screen/soften its appearance.

6.04 Surface materials would include natural stone paving between the building and tar with chippings for all other surfaces, which are considered to provide a good quality setting to the buildings.

- 6.05 For the above reasons, the proposals are considered to present a high quality development in accordance with policy DM1 of the Local Plan.

#### Impact upon Mote Park and Mote House

- 6.06 The proposals would introduce buildings into an area that is currently open and undeveloped and has historically been so. The buildings are limited in height and grouped near to existing development being the car park, paths and the play area. The existing café would also be demolished so open up an area here. For these reasons it is considered that the impact upon the historic park and setting of Mote House would be low and any harm to their significance would be less than substantial. The proposals would therefore have some conflict with policy DM14 of the Local Plan as they would not conserve the significance of the heritage assets. The accompanying text to this policy outlines that any harm should be weighed against wider benefits of the development as outlined in the NPPF (paragraph 134). In balancing matters, it is concluded that the clear public benefits of providing a modern visitor's facility and café for Mote Park would outweigh the harm in this case. In addition, the existing café would be removed and replaced by better designed buildings within the historic park.

#### Landscaping & Trees

- 6.07 The new buildings would require the removal of 4 small trees and their loss would not be objectionable. The bin store would require the removal of a larger hornbeam tree which does contribute positively to the area. It is a category B tree (rather than A) so its loss is not an overriding factor but I consider a replacement should be provided. There are mature trees close to the new building(s) and very close to the existing café to be demolished. The Landscape Officer is satisfied these can be retained subject to a condition requiring an arboricultural method statement.
- 6.08 Planting is relatively limited with an area of shrub planting on the east side of the building, hedging around the bin store, and grass areas. This area of Mote Park is mainly open and grassed and so I consider this is reflective of the character here. I consider a tree to replace the hornbeam is appropriate to mitigate its loss and will require this by condition.

#### Highways & Parking

- 6.09 No additional parking is proposed as part of this application. Whilst the proposals would provide meeting space, which does not currently exist, I do not consider this warrants any increase in parking and ultimately there would be no highway safety issues on public highway. Kent Highways have raised no objections. Cycle parking is proposed which can be secured. Sixteen existing parking spaces would be altered to provide disabled parking bays, in addition to two existing.

## Other Matters

- 6.10 The submitted assessments conclude that there would be no harmful ecological impacts and some enhancements are proposed in the form of two bat boxes. Lighting details can be provided by condition to ensure they are appropriate for bats. Surface water from the roofs will be attenuated by the use of sedum matting on the southern roof and soakaways would be used. The Council's public art guidance seeks art for significant public buildings, which I consider this is. A condition will therefore be attached requiring a Public Art Delivery Plan.

## **7.0 CONCLUSION**

- 7.01 For the reasons outlined above the proposals are considered to be of high quality and the low harm caused to the historic park and setting of Mote House would be outweighed by the clear public benefits of providing a modern visitor's facility and café for Mote Park. Permission is therefore recommended.

## **8.0 RECOMMENDATION:**

**GRANT PLANNING PERMISSION** subject to the following conditions:

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

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

2. No development (including demolition) shall take place until an Arboricultural method statement (AMS) in accordance with the current edition of BS 5837 has been submitted to and approved in writing by the local planning authority. The AMS 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 should also detail any tree works necessary to implement the approved scheme and include a tree protection plan in accordance with the current edition of BS 5837. 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: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development

3. No development above slab level shall take place until details of the materials and colours to be used for the hard surfaces have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details before the first occupation of the buildings and maintained thereafter.

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

4. No development above slab level shall take place until details of lighting have been submitted to and approved in writing by the local planning authority. Details shall include designs, heights, luminance levels and measures to shield and direct light from the light sources so as to prevent light pollution and limit any impact upon bats and illuminance contour plots covering sensitive neighbouring receptors. The development shall thereafter be carried out in accordance with the subsequently approved details.

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

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

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

6. No development above slab level shall take place until specific details of the landscape scheme, which shall be designed in accordance with the principles of the Council's landscape character guidance, has been submitted to and approved in writing by the local planning authority. The scheme shall include a planting specification, a programme of implementation and a 5 year management plan. The landscape scheme shall specifically address the need to provide robust native hedge planting around the bin store and a replacement tree.

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

7. No development above slab level shall take place until details of means of enclosure for the bin store hereby approved 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 maintained thereafter.

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 shall not be occupied until a written statement of public art to be provided on site in the form of a Public Art Delivery Plan has been submitted to and approved in writing by the local planning authority. This should include the selection and commissioning process, the artist's brief, the budget, possible form, materials and locations of public art, the timetable for provision, maintenance agreement and community engagement, and the development shall be carried out in accordance with the approved details.

Reason: To comply with the Council's public art guidance.

9. Prior to the first operation of the premises, a scheme and maintenance schedule for the extraction and treatment of fumes and odours generated from cooking or any other activity undertaken on the premises, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be designed in accordance with the DEFRA publication Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems January 2005. Any equipment, plant or process provided or undertaken in pursuance of this condition shall be installed prior to the first operation of the premises and these shall thereafter be operated and retained in compliance with the approved scheme.

Reason: In the interests of local amenity.

10. The existing café building as outlined in blue on drawing no. 1956\_005 P1 shall be demolished and the resulting materials and debris removed from the site to the satisfaction of the local planning authority within 3 months of the first occupation of the building hereby permitted;

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

11. The approved details of the cycle parking 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: In the interests of promoting sustainable travel.

12. All planting, seeding and turfing specified in the approved landscape details shall be carried out either before or in the first planting season (October to February) following the occupation of the building(s) or the completion of the development, whichever is the sooner; and 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.

13. The buildings shall achieve a Very Good BREEAM 2018 rating. A final certificate shall be issued to the Local Planning Authority for written approval to certify that a Very Good BREEAM 2018 rating has been achieved within 6 months of the first occupation of the development.

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

14. The materials to be used in the construction of the external surfaces of the building shall be as stated on drawing nos. 1956\_ 015 P1 and 1956\_ 020 P1 unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure a satisfactory appearance to the development.

15. 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.

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

1956\_001 P1, 1956\_005 P1, 1956\_006 P1, 1956\_008 P1, 1956\_010 P1, 1956\_011 P1, 1956\_015 P1, 1956\_020 P1, and 1956\_021 P1.

Reason: To ensure the development is undertaken satisfactorily.

Case Officer: Richard Timms

**18/502327**

The applicant is proposing a built-in bat box recessed into the timber cladding on the southern building and so a condition to secure this is proposed to achieve net gains for biodiversity in line with the NPPF as follows:

*The approved details of the bat boxes as shown on page 31 of the Design & Access Statement shall be completed before the commencement of the use of the land or buildings hereby permitted and shall thereafter be maintained.*

*Reason: In the interests of biodiversity enhancement.*

**RECOMMENDATION**

My recommendation remains unchanged subject to the additional condition.

**Approve subject to conditions**



# Agenda Item 20



18/502656/FULL - Mote Park Maidstone, Willow Way, Maidstone, Kent, ME15 7RN

Scale: 1:2500

Printed on: 2/8/2018 at 15:17 PM by JoannaW

<b>REFERENCE NO - 18/502656</b>		
<b>APPLICATION PROPOSAL</b> Erection of storage, mess and welfare facilities for park maintenance team.		
<b>ADDRESS</b> Mote Park Maidstone, Willow Way, Maidstone, ME15 7RN		
<b>SUMMARY OF REASONS FOR RECOMMENDATION (APPROVE SUBJECT TO CONDITIONS)</b>  • The development causes no harm and permission is therefore recommended subject to conditions.		
<b>REASON FOR REFERRAL TO COMMITTEE</b> The applicant is Maidstone Borough Council.		
<b>WARD</b> Shepway North	<b>PARISH COUNCIL</b> N/A	<b>APPLICANT</b> Maidstone Borough Council <b>AGENT</b> Hazle McCormack Young LLP
<b>DECISION DUE DATE</b> 20/08/18		<b>PUBLICITY EXPIRY DATE</b> 09/07/18
<b>RELEVANT PLANNING HISTORY –</b> None specific		

## **1.0 DESCRIPTION OF SITE**

1.01 The application site relates to part of the car park to the rear, south of the Leisure Centre at Mote Park. There is a large bund immediately to the south of the car park and metal clad building to the west used by the indoor bowls club. The site is immediately north of the boundary of the Grade II Registered Park and Garden of Mote Park and Mote House (around 900m to the east) is a Grade II\* listed building.

## **2.0 PROPOSAL**

2.01 Permission is sought a building for storage, mess and welfare facilities for the parks maintenance team. This would replace the existing building that is located east of the café near the main parking area for the park. The building would have a simple pitched roof with ridge height of 5.3m and be finished with green metal sheet cladding. Two entrance doors would be on the east side to the car park. New security fencing would enclose the building.

## **3.0 POLICY AND OTHER CONSIDERATIONS**

- Maidstone Borough Local Plan (2011-2031): SS1, SP1, SP18, DM1, DM2, DM3, DM4, DM8
- Kent Waste and Minerals Plan 2016
- National Planning Policy Framework (NPPF)

## **4.0 LOCAL REPRESENTATIONS**

4.01 **Local Residents:** No representations received.

## **5.0 CONSULTATIONS**

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

5.01 **Historic England:** Do not require consultation.

5.02 **Natural England:** No comments.

5.03 **The Gardens Trust:** Do not wish to comment.

5.04 **Landscape Officer: No objections.** *"Whilst there are 2 trees within the vicinity of this proposal, only one appears to be being retained. However, they are not considered to cause a constraint to the development. I therefore raise no objection on arboricultural grounds subject to landscape conditions, which should include a replacement tree to mitigate the loss of the tree in the southwestern corner of the site."*

5.05 **Kent Highways: No objections** subject to replacement disabled parking.

5.06 **Environmental Health: No objections.**

## **6.0 APPRAISAL**

6.01 The principle of a replacement parks maintenance building within Mote Park is acceptable and the main considerations are design/appearance and impact upon Mote Park and Mote House; landscaping & trees; highways & parking

6.02 The building is utilitarian in its design and appearance, similar in appearance to the indoor bowls club building, grouped close to the leisure centre, and would be substantially screened by the existing tall bunding from the park. For these reasons the design and siting is acceptable and it would not have any harmful impact upon Mote Park or the setting of Mote House.

6.03 One tree would be lost to the development and whilst this is not objectionable, it does contribute to the park and so I consider a replacement tree is appropriate which could be provided on land outside the application site owned by the applicant. Otherwise I do not consider any landscaping is necessary as the site is generally screened from view and within a car park.

6.04 There are no highway objections and as the proposals would result in the loss of disabled parking bays these, would be replaced in the main car park on the south side nearer to the entrance to the leisure centre, which can be secured by condition.

6.05 The nearest houses are some 110m to the west and at this distance and with the indoor bowls building between, there would not be any harmful impacts upon amenity in terms of outlook, privacy, or noise.

6.06 It is appropriate to require removal of the existing parks maintenance building and as this is positioned between mature trees an arboricultural method statement is necessary to ensure no harm to trees.

## **7.0 CONCLUSION**

7.01 For the reasons outlined above the proposals are considered to be acceptable and cause no harm to the historic park or setting of Mote House and are in accordance with the Development Plan. Permission is therefore recommended.

## **8.0 RECOMMENDATION:**

**GRANT PLANNING PERMISSION** subject to the following conditions:

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

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

2. No demolition of the existing parks maintenance building (as outlined in blue on drawing no. 1956\_005 P1) shall take place until an Arboricultural method statement (AMS) in accordance with the current edition of BS 5837 has been submitted to and approved in writing by the local planning authority. The AMS shall detail implementation of any aspect of the demolition 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 should also detail any tree works necessary to demolish the building and include a tree protection plan in accordance with the current edition of BS 5837. 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: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development

3. No development above slab level shall take place until details of any lighting has been submitted to and approved in writing by the local planning authority. Details shall include designs, heights, luminance levels and measures to shield and direct light from the light sources so as to prevent light pollution and limit any impact upon bats and illuminance contour plots covering sensitive neighbouring receptors. The development shall thereafter be carried out in accordance with the subsequently approved details.

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

4. No development above slab level shall take place until details of the proposed fencing has 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 maintained thereafter.

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

5. Prior to the occupation of the development details of a replacement tree and its location shall be submitted to and approved in writing by the local planning authority. Planting of the approved tree shall be carried out either before or in the first planting season (October to February) following the occupation of the building or the completion of the development, whichever is the sooner. If the tree fails to establish or dies within five years from the first occupation of the building hereby approved, it shall be replaced in the next planting season with a tree of the same species and size as approved unless the local planning authority gives written consent to any variation.

Reason: In the interests of maintaining the setting of Mote Park.

6. The existing parks maintenance building (as outlined in blue on drawing no. 1956\_005 P1) shall be demolished and the resulting materials and debris removed from the site to the satisfaction of the local planning authority within 6 months of the first occupation of the building hereby permitted;

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

7. The replacement disabled parking bays as shown on the parking plan received on 04/07/28 shall be provided prior to the occupation of the building hereby approved unless otherwise agreed in writing with the local planning authority.

Reason: To ensure replacement disabled parking bays.

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

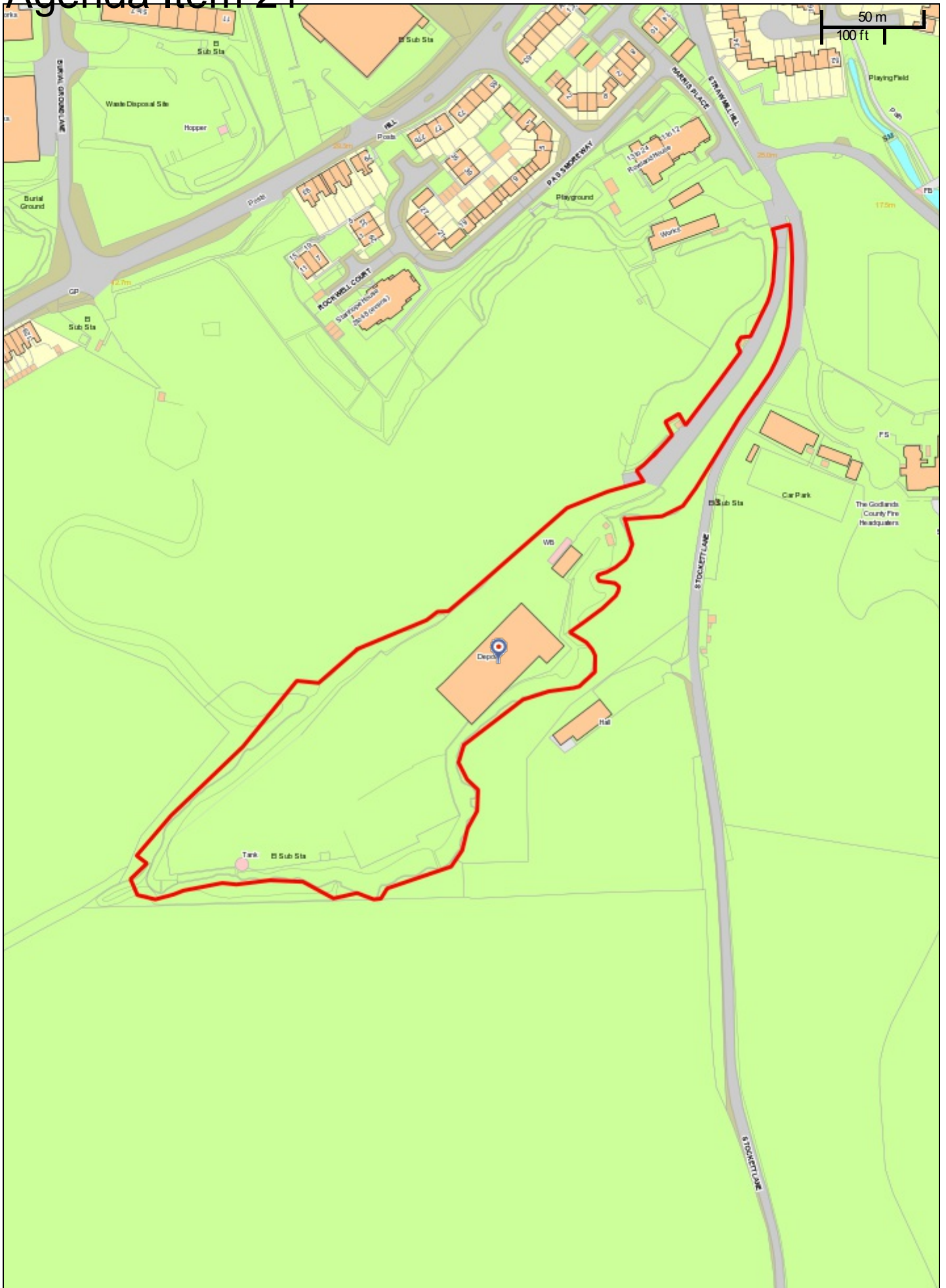
1956\_050 P2, 1956\_055 P3, 1956\_058 P2, 1956\_059 P3, 1956\_061 P4, 1956\_062 P4, 1956\_064 P4, and Parking Plan (received on 04/07/18) .

Reason: To ensure the development is undertaken satisfactorily.

Case Officer: Richard Timms



# Agenda Item 21



18/502287/REM - Tovil Quarry Site, Straw Mill Hill, Tovil, ME15 6FL

Scale: 1:2500

Printed on: 2/8/2018 at 15:34 PM by JoannaW

<b>REFERENCE NO -</b> 18/502287/REM		
<b>APPLICATION PROPOSAL</b> Approval of Reserved Matters following Outline application 15/505441/OUT for a residential development of up to 108 dwellings with associated vehicular access from Straw Mill Hill (Appearance, landscaping, layout and scale being sought).		
<b>ADDRESS</b> Tovil Quarry Site Straw Mill Hill Tovil ME15 6FL		
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b> The principle of up to 108 houses with access off Straw Mill Hill has already been approved under the outline consent  The submitted details of the appearance, landscaping, scale and layout are considered to be acceptable and provide a high quality development in accordance with the outline planning permission and the relevant policies within the Local Plan.  The reserved matters application is therefore recommended for approval.		
<b>REASON FOR REFERRAL TO COMMITTEE</b> Councillor Mortimer called the application into Planning Committee for the reasons set out within the report under the consultation section		
<b>WARD</b> South	<b>PARISH/TOWN COUNCIL</b> Tovil	<b>APPLICANT</b> Pinden Ltd <b>AGENT</b> DHA Planning
<b>TARGET DECISION DATE</b> 24/08/18		<b>PUBLICITY EXPIRY DATE</b> 01/06/18

### **Planning History (most relevant)**

15/505441/OUT

Outline planning application for the erection of up to 108 dwellings with associated vehicular access from Straw Mill Hill, Tovil, Maidstone.

Approved Decision Date: 29.04.2016

86/1675

Industrial waste paper processing building with ancillary office and weighbridge office extension as validated and amended on 6th January 1987 by the agent's letter and accompanying Plan No. 8632/2A dated 5th January 1987

Approved Decision Date: 02.02.1987

88/1338



Alteration of approved ground floor weighbridge office extension (ref MA/86/1675N) and first floor extension over.

Approved Decision Date: 30.10.1988

83/0048

Change of use of part to conversion of waste paper as amended by the letter dated 22/2/83.

Approved Decision Date: 25.03.1983

## **MAIN REPORT**

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

- 1.01 The application site lies to the southwest of Straw Mill Hill & Stockett Lane. The site lies within the defined urban confines of Tovil. To the east of the application site and Straw Mill Hill is the Loose Valley Conservation Area and an area of Local Landscape Value.
- 1.02 The existing access into the site is from Straw Mill Lane, which lies between Cave Hill and the entrance to the Kent Fire & Rescue Services Headquarters. This existing access has limited visibility. The land running to the south of the access is a mix of trees, shrubs and a ragstone wall.
- 1.03 The site is a former quarry with its last lawful use as a waste- paper recycling centre. The use on this site has stopped and all associated buildings have been demolished and the land levelled. As such the former use has long been abandoned.
- 1.04 A sunken access track currently leads off south-westward from Straw Mill Hill leading to the floor of the former quarry. The north western and western site boundary is marked by extensive banking/quarry face in excess of 8m in height that separates the site from the '*Burke's land*' has outline planning permission for a new housing development (reference MA/01/0686 and MA/01/0686/01), that was renewed on 22 November 2012 under ref MA/10/0256. The adjacent site has a right of way through the current application site to Straw Mill Hill.
- 1.05 Land levels within the site, as a former quarry, are also approximately some 10m lower than Straw Mill Hill/Stockett Lane which runs along the eastern site boundary and also along the adjoining land to the south. There are trees on the banked areas surrounding the quarry floor.
- 1.06 Land on the east side of Straw Mill Hill/Stockett Lane lies within the Loose Valley Area of Local Landscape Importance The land associated with 'Godlands' (the HQ of the Kent Fire & Rescue Service) and the former cricket ground to its south, on the eastern side of the above mentioned road, are within the Loose Valley Conservation Area. Tovil Scout Hut is located on higher land to the southeast side of the site (accessed from Straw Mill

Hill/Stockett Lane) and is not visible from the site due to height of quarry face and trees.

- 1.07 Straw Mill Hill/Stockett Lane in the vicinity of the site are narrow roads with a rural character and appearance and are enclosed in part by ragstone walls on both sides of the road, although the wall bounding the application site has been repaired/re-built in the past and includes bricks and cement render over some of its length.

## **2. PROPOSAL**

- 2.01 This is a reserved matters application seeking approval of the layout, appearance, landscaping and scale for the housing of the proposed housing scheme. The new access onto Straw Mill Hill/Stockett Lane has already been approved at the outline stage.
- 2.02 The reserved matters application is for 108 dwellings and utilises the approved access onto Straw Mill Hill in line with the outline application. The proposal provides 22 one bed apartments, 17 two bed houses, 16 three bed houses and 53 two bed apartments. The two & three bedroom houses are a mix of semi-detached and terraced blocks and are predominantly two storey. The apartment blocks are a mix of 2 to 5 storeys, though predominantly four storey, which are entwined into the scheme with the houses, so that the development results in good quality of mix and variety of buildings, heights and vistas throughout the development.
- 2.03 The scheme provides 1 parking space for all one and two bed units (92 in total), 24 parking spaces for the 16 three bed houses and then also provides 22 visitor parking spaces which have been spread across the development site.
- 2.04 The scheme incorporates two open space play areas, as well as providing an access and/or opportunities to link into the adjacent Burke's land to the north. These connections are for pedestrians and cyclist and not intended for vehicular movements.

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

National Planning Policy Framework (NPPF)  
National Planning Practice Guidance (NPPG)  
Maidstone Borough Local Plan 2017 – DM1, DM4, DM5, DM12, SP17 & DM23  
Supplementary Planning Documents

## **4. LOCAL REPRESENTATIONS**

### **Local Residents:**

- 4.01 Three representations received from local residents raising the following (summarised) objections:

- Security fence on boundary with the scouts should be provided;
- Water supplies should not be affected as part of this development;
- Increase in traffic movements in a quiet area;
- Increases in noise levels and disturbance;
- Infrastructure was designed for a small community not large housing estates;
- Roads are used for rat run and are narrow;
- New access will cause queueing.

## 5. CONSULTATIONS

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

- 5.01 **Tovil Parish Council:** Views awaited on amended scheme. Original Parish Council comments below.
- 5.02 Tovil Parish Council does not want to see a management company manage the estate areas, but request that this task is undertaken by MBC because of many problems experienced at other managed developments in Maidstone.
- 5.03 With regards to the angled access road to Burkes quarry, TPC would like to see this moved to the centre of the estate without it being angled, thereby allowing traffic in both directions.
- 5.04 TPC requests that the play area provision is considerably improved.
- 5.05 TPC would like to see an updated review to the ecology survey as this is nearly 3 years old. TPC would like some money allocated for the rag stone wall restoration of Straw Mill Hill and nearby nature conservation area. TPC requests the installation of bat boxes around the development.
- 5.06 TPC would like highways issues examined further, especially with regards to the impact of this development in the context of future adjoining developments.
- 5.07 Unless all these conditions are met, Tovil Parish Council would like to see the application refused.
- 5.08 **Environment Agency:** No comment
- 5.09 **Kent Police:** We have considered this application in regard to Crime Prevention Through Environmental Design (CPTED), in accordance with the

National Planning Policy Framework (NPPF) and Department for Communities and Local Government (DCLG) Planning Practice Guidance – Crime Prevention.

- 5.10 Having reviewed the on line amended plans and documentation, I note the amendments to address my concerns as detailed in my letter dated 22nd May 2018, listed again below, with clarifications in bold. I can also confirm that further verbal clarification has been provided by architects today.
- 5.11 **Kent Flood & Water Management:** We note the proposal would be generally consistent with the details previously reviewed as part of the Flood Risk Assessment & Surface Water Drainage Strategy, RSK, June 2015. This provided a surface water drainage scheme with permeable paving and other attenuation features, discharging to surface water sewers at 5 litres per second.
- 5.12 We recommended a condition on the outline planning permission for the provision of a sustainable drainage scheme and securing details of its future maintenance in our correspondence dated 17th March 2016, however this condition has not been included within the decision notice.
- 5.13 We would recommend that KCC as LLFA is consulted during the discharge of condition 7. Consultation with the sewerage authority may not be sufficient address all matters in relation surface water drainage provision at this proposed development, particularly as sewerage undertakers do not adopt permeable pavement and some attenuation devices.
- 5.14 Notwithstanding these comments, we have no objection in principle to the approval of reserved matters for this application but we would recommend the additional conditions are attached.
- 5.15 **Kent Highways:** This response is additional to the original consultation response of this authority dated 18th May 2018. In preparing this report the following documents and drawings have been reviewed: covering letter from DHA dated 4th July 2018, stage 1 road safety audit dated 31st July 2012, revised design and access statement and the additional or revised drawings and block plans that have been submitted.
- 5.16 *Design: Visibility sight lines:* A further drawing (drawing number: 13102-H-01 Rev P1) has been produced demonstrating the visibility sight lines of the sites internal roads, based upon the intended design speeds and relevant guidance in Manual for Street (MFS) and Kent Design Guide Review: Interim Guidance Note 2 visibility. There are some instances where it appears the soft landscaping proposed, or car parking spaces will conflict with the visibility sight lines. It is recommended that either the landscaping is set back, or of a low growth type to avoid any future conflict.
- 5.17 *Road widths:* It is acknowledged that there are some sections of the development where a road width of less than 4.8 meters will be provided, contrary to the guidance for a major access road (MAR) contained in the

Kent Design Guide. In addition, there are areas where the footways are narrower than the minimum adoptable standard. However, I note from the applicant's covering letter dated 4th July 2018 that it is not proposed to offer the development's internal roads for adoption. As a result, the future upkeep of the road will not be the responsibility of the local highway authority (LHA).

- 5.18 *Parking:* Kent Design Guide Review Interim Guidance Note 3 (IGN3) provides guidance on parking standards for residential developments, dependent upon their location and the number of bedrooms in each dwelling. IGN3 also advises that 0.2 visitor spaces should be provided per unit for developments in an edge of centre location, which would mean 22 visitor parking spaces should be provided in this instance. As requested the applicant has produced a '*parking layout*' drawing (drawing number: 21156B\_010) illustrating the parking spaces allocated to the residential units, as well as those allocated for visitors. I note that a total of 138 spaces will be provided, inclusive of 22 visitor spaces in line with IGN3 guidance.
- 5.19 *Turning and servicing arrangements:* Swept path analysis has been undertaken by the applicant for a 7.7-meter fire tender, 11 meter pantechicon and 11.4 meter refuse freighter (drawing numbers 13102-T-02 and 13102-T-01). This analysis shows that all the aforementioned vehicles can circulate around the proposed layout and egress onto the public highway in a forward manner.
- 5.20 *Stage 1 road safety Audit:* A stage 1 road safety (RSA) audit dated 31st July 2012 has been submitted by the applicant. However, this audit relates to the proposed access arrangements and off-site improvement works on Straw Mill Hill and is not an audit of the development's internal layout. I understand from the sites planning history that access, any required off-site highway improvement works and subsequent road safety audit that may have been required was determined as part of the sites outline permission (MBC reference: 15/50441/OUT). Therefore, the road safety audit submitted is of no relevance to the reserved matters application now being considered. As stated at the start of this report it is my understanding that it is not proposed to offer the development's internal roads for adoption. Therefore, in this instance a stage 1 RSA is not required because the sites internal roads will remain private and their maintenance the responsibility of a management company.
- 5.21 *Sustainable transport - Cycle parking:* The applicant has confirmed that a level of cycle parking will be provided in accordance with Supplementary Planning Guidance (SPG4), Kent Vehicle Parking Standards via ground floor cycle stores and on plot storage facilities. This approach is satisfactory to this authority.
- 5.22 *Electric vehicle charging points:* 9 electric vehicle charging points (1 per block) will be provided as shown on drawing '21156B\_010' titled '*parking layout.*' Kent County Council Highways and Transportation is currently

working on an emerging policy for electric vehicle charging points. As a result, a provision of 1 point per block is acceptable in this instance.

- 5.23 **Summary:** Although there are some elements of the proposed layout that do not meet adoptable standards, the applicant has demonstrated that vehicles will be able to egress onto the public highway in a forward manner and that the level of car parking will be in accordance with IGN3 guidance. Therefore, on this basis I can confirm that I do not wish to raise an objection.
- 5.24 **Parks & Open Spaces:** The Parks and Open Spaces Team have viewed this application and have a number of comments relating to the two play areas proposed.
- 5.25 Firstly with regard to the triangle shaped play area to the West of the site, this appears fairly one dimensional as it is limited to spring equipment. It is suggested that a spinning play kit or agility play kit is used in place of items B and C. There is also a concern about the use of the wooden benches which could be at risk of fire. There is a concern about tree safety for the central tree and it would need to be regularly assessed. Use of thorny trees in the vicinity of a play area is likely to pose a risk to its users.
- 5.26 With regard to the second play area in the centre of the site, the main concern here is the planting as they all produce fruit some of which is non-edible which will drop to floor creating mess, attract wasps and risk children may eat them. The use of hawthorn is also a risk due to the presence of thorns again in vicinity of young children's play area. One species (*Catalpa bignonioides* "Aurea") is also identified as medicinal and possibly poisonous and therefore not recommended in this location.
- 5.27 **Southern Water:** No comment.
- 5.28 **Landscape Officer:** Views on amended scheme awaited. Original comments stated: The submitted Arboricultural Method Statement produced by Broad oak tree Consultants Limited, dated 27/04/18, is considered to be acceptable.
- 5.29 The submitted Detailed Landscape Proposals scheme (soft landscaping) and Landscape Management Plan also appear to be generally acceptable. I would only comment that 4 of the 7 proposed trees to the south of the access road are not specified (I think it is a problem with the graphics rather than an omission). If the species are confirmed as native trees in line with those specified elsewhere along this entrance route then I would raise no objection to the application on landscape/arboricultural grounds accordingly.
- 5.30 **KCC Heritage:** The site of the application lies within an area of archaeological potential associated with early prehistoric activity, Roman activity and post medieval industrial heritage. The site lies within an area of Hythe Beds which in certain areas can contain remnants of Pleistocene deposits which may contain Palaeolithic remains. To the north of the site lies the recorded location of a Romano-British cemetery and associated remains

may survive in unquarried areas nearby. This quarry was part of a network of quarrying which developed during the post medieval period and possibly before. Although this quarry itself seems to be part of the later 20th century expansion, there may be elements of local industrial heritage which need consideration. In view of the above archaeological interest, I recommend the condition is placed on any forthcoming consent.

- 5.31 **Cllr Mortimer:** Should the officer be minded to approve this application I wish it 'called in' to the committee for the following reasons and will supply further details during the consultation process.
- 5.32 My main concern is that this site is proposed to access onto Straw Mill Hill. It would be more sensible, safer and environmentally friendly to link this site to the former landfill site (Burkes land) and out towards Farleigh Hill. The access onto Straw Mill Hill will be dangerous and cause even more rat running through the Loose Valley area.
- 5.33 There appears to be no SUD's scheme proposed for the site. Due to the nature of the site and its geographical location I would have expected this to be a priority.
- 5.34 There is lack information regarding the location of the site being adjacent to the Loose Valley Conservation area. The valley supports many species of wildlife, especially bats and birds. This was previously reported in the out line application 15/505441 and little provision has been made to support wildlife in this application.
- 5.35 The site has an access route for the Burkes land to the west. This application does not show future use of the proposed access route through the site out to Straw Mill Hill and could jeopardise future development of the Burkes land site that already has outline permission.
- 5.36 The proposed play area is insufficient for the amount of children to enjoy outside play exercise for this size of development.
- 5.37 The blocks of flats will dwarf the houses proposed in the centre of the site. There is also concern that shadowing will occur and that natural sunlight will be obscured at various points within the site.
- 5.38 Contamination within the site from previous uses and from adjacent quarries and landfill remains a concern and this has not been fully addressed.
- 5.39 **Environmental Health:** I have reviewed the details submitted in the context of the previous comments made by environmental protection. These raised concerns about land contamination and air quality recommending conditions to be attached. I have re-stated these below to reflect any changes in guidance since they were requested. The applicant should be aware that the air quality assessment required should take account of cumulative effects of the other recent and permitted developments in this

area particularly on the Burke site. The assessment should also pay particular attention to receptors on College Road.

- 5.40 *RECOMMENDATIONS:* That the following conditions are attached to the application replacing those requested on the outline permission in 2015.

## **6. APPRAISAL**

- 6.01 The main issues for Members to consider are as follows:

- Appearance, scale and layout
- Landscaping;
- Highways and parking;
- Linked planning conditions to reserved matters submission;
- Other matters

### **Appearance, scale and layout**

- 6.02 The outline planning permission granted did not set out any limits or parameters for residential units approved on this brownfield site. As such the site is not bound or restrict in its built form in terms of heights, scale and massing of development. That said, the proposed scheme has been carefully designed to ensure that the form of development sits comfortably within the quarry, without impinging on the wider area.
- 6.03 The application site is quite unique, with a new access point and internal access road leading into an expansive quarry floor. The quarry floor is relatively level, surrounded on three sides by the quarry walls, which vary in height of between 8 to 10m. Whilst the adjacent "*Burke's land*" lies to the north. The slope of the quarry walls and faces varies, but all feature extensive vegetation and mature tree coverage. Therefore the site is essentially fully enclosed and not visible from any public vantage points outside of the site.
- 6.04 The heights of the buildings varies from 9m to 15.6m in height (only for two blocks), whilst the scale and massing of the development has been laid out in an aesthetically pleasing manner, with varying heights, vistas, approaches, focal squares, open spaces and key buildings, which all help to shape a good quality layout and sense of place. The unique setting of the site enables the taller buildings to sit comfortably within the site, without causing any visual intrusive or perceived harm to the wider local area.
- 6.05 The proposed housing development will not be visible from the approved new access onto Straw Mill Hill. The site and also land ownership tapers away from Straw Mill Hill and Stockett Lane, to such a great extent that the site boundary is over 100m the road at its southern corner and separated woodland within different land ownership.



- 6.06 The proposed housing scheme does not lie in close proximity to any adjoining properties and therefore will not result in any loss of residential amenity. The housing scheme has been designed to ensure the future residential amenity of future occupants is acceptable as well, in terms of maintaining suitable separation distances.
- 6.07 Therefore the appearance, scale and layout of the scheme are all appropriate and ensure that a high quality development is created within the quarry floor of this brownfield site. As such the proposal complies with policy DM1 of the MBLP.

### **Landscaping**

- 6.08 The proposed landscaping scheme seeks to retain the existing trees and vegetation on the quarry walls, along its southern, western and northwestern sections. The proposed scheme incorporates extensive tree planting, along with woodland planting for the section of existing access road, which is to be blocked up. Native hedgerow planting is proposed in a number of appropriate locations, as well as naturalised shrub planting. The scheme includes two open play areas, along with numerous areas of wildflower meadows in exposed quarry face areas. Whilst the scheme involves the removal of a number of trees, principally around the new access onto Straw Mill Road and the immediate section of the linked access road, the number of trees to be planted far exceeds those proposed to be removed.
- 6.09 The Landscape Officer raises no objection to the proposed soft landscaping, which provides a high quality backdrop to the proposed housing scheme, given the extensive level of trees and vegetation along the quarry walls. The amended drawings also clarify the species of a small number of trees that the landscape Officer had previously requested.
- 6.10 The reserved matters submission is accompanied by root protection plans, an arboricultural method statement and a long term landscape management plan. These details have been found to be acceptable by our Landscape Officer.
- 6.11 The hard landscaping of the roads, paths, squares and shared space zones is a mix of tarmac, block paving, coated gravel over asphalt and textured slab paving. These materials would be appropriate for this site.

### **Highways and parking**

- 6.12 The main point of consideration here is that the new access and junction onto Straw Mill Hill/Stockett Lane has already been agreed under the outline planning permission. The subsequent internal access road into the development site is not going to be adopted and therefore does not need to comply with the Kent Highways adoption standards. The proposed internal road layout will not result in dangerous egress or ingress movements onto the public highway and therefore the scheme will not result in hazardous

highway condition as a result. It should also be noted that Kent Highways raise no objections to the scheme.

- 6.13 The level of parking spaces for 108 proposed residential units complies within the parking standards as set out in policy DM23 and appendix B of the Maidstone Borough Local Plan.
- 6.14 The applicant has indicated the provision of electric charging points in each of the apartment blocks. This is not technically required by any planning condition, but a welcomed inclusion within the scheme and meets the aspirations of policy DM23 for electric charging.
- 6.15 The applicant has also indicated the provision of cycle stores in each of the apartment blocks. This is also not technically required by any planning condition, but a welcomed inclusion within the scheme and meets the aspirations of policy DM23 for cycle parking facilities.

#### **Linked planning conditions to reserved matters submission**

- 6.16 The outline planning permission also includes a number of conditions, which required details to be submitted as part of the reserved matters application. These details relate to fencing, walling, boundary treatment, the play area and pedestrian/cycle route.
- 6.17 The details of the fencing, walling and other boundary treatments, incorporates some high quality boundary treatment within the development site, to create visually engaging, interesting and appropriate forms of boundary treatment within this site. The scheme utilises ragstone walling of various heights, brick & ragstone walling, close board fencing including sections with trellis on top, post & rail fencing and small low level steel hooped fencing. These details will ensure that the proposed development has good quality mix of boundary treatment throughout.
- 6.18 It should be noted details of the ragstone wall to be rebuilt on the Straw Mill Hill/Stockett Lane are indicated with this submission. A 2m high, good quality full ragstone wall has been provided at the frontage of the site as an improvement on the existing random rubble ragstone wall situation. This ragstone wall is also covered by condition 19, which requires the submission of further details, i.e., ragstone sample panel in the future.
- 6.19 The application has been amended to incorporate two play areas, as the first submission only included a single play area at the end of the site, which was considered insufficient. The revised scheme provides a second and much larger play area in the middle of the site and now provides an acceptable level of play space and equipment for this site. However our parks team has raised some concerns over the choice of equipment in one of the areas and the some of the species due to planted adjacent to the play areas. These matters have been raised with the applicant's agent and amended drawings sought to address their concerns. An update will be provided in the urgent update papers.

- 6.20 The proposed details also include a provision of a footpath from within the development site out to the new access onto Straw Mill Hill and then continuing up to the existing access and to the northeast site boundary of the site. The proposal also incorporates the cycle path along the access road, which starts where the cycleway/footpath links in the adjacent Burke's land and then continues up the access road onto Straw Mill Hill and then continuing up to the existing access and to the northeast site boundary of the site, which is acceptable.

### **Other Matters**

- 6.21 A number of concerns raised by the Parish Council and local residents relate to matters of the principle of the development, the increase in traffic movements and the position of the access. These matters have already been previously agreed and accepted when the outline planning permission was granted in April 2016. As such these are not matters that the Planning Committee can consider in determining this reserved matters application.
- 6.22 Equally the future management of the estate is not a matter for the reserved matters application. Also as this is a reserved matters application and that each individual application has to be considered on its own merits, what happens to the future of the adjacent Burke's land and whether or not it comes forward with or without this site is not relevant to the determination of this reserved matters application.
- 6.23 Matters relating to archaeology, contamination and air quality are already covered by planning conditions on the outline planning permission and the submission of additional information in the future.
- 6.24 The development incorporates ecological enhancements in line with condition 4 and an ecological survey. Whilst these details are not required to be submitted under the reserved matters, the applicant has indicated on their landscape masterplan drawing, the inclusion of a series of wildflower meadows adjacent to a number of quarry faces, bat boxes, bird boxes and deadwood habitats for reptiles in the undeveloped areas.
- 6.25 The Scout group has raised concerns over the boundary fence, between themselves and the development site. The applicant has confirmed that the existing railings to the top of the bank forming the boundary with the adjacent Scout's land are to remain and to be made good as necessary in the interests of safety. Furthermore a 1.2m post and rail timber fence has been proposed along the entire site boundary.
- 6.26 Whilst the submission of details of the foul and surface water drainage is covered by a separate planning condition, the applicant has confirmed the scheme has been fully designed to include a sustainable drainage scheme. The current layout was designed around the principles of the RSK scheme submitted as part of the outline planning application, which essentially incorporates modular storage provided under the courtyard and parking areas, as well as detention basins provided in each area of open space. Full

details will be required to be submitted in the future. In addition, Kent Flood & Water Management raises no objection subject to the imposition of two additional conditions, regarding maintenance and verification of the surface water drainage scheme installed.

- 6.27 The proposed housing will not have any impact upon the setting of the adjacent Loose Valley Conservation Area, given that they lie at the closest point, over 50m away, at the bottom of the quarry and screened by extensive trees and vegetation. The impact of the approved access has been accepted and the existing access is to be planted up as small woodland, apart from a creation of a footpath beside the road. In addition, the ragstone wall is to be rebuilt. As such I am satisfied that the proposal would preserve the setting of the adjacent Conservation Area and therefore complies with policy DM4 of the MBLP.

## **7. CONCLUSION**

- 7.01 In light of the above considerations I am satisfied that the reserved matters of the appearance, layout, scale and landscaping are acceptable in this instance. Some matters raised under the consideration of this reserved matters application have resulted in the imposition of additional conditions to address matters, which are now relevant at detailed this stage.

## **8. RECOMMENDATION**

**GRANT** reserved matters subject to the following conditions:

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

A description of the drainage system and it's key components

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

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

Reason: To ensure that any measures to mitigate flood risk and protect water quality on/off the site are fully implemented and maintained (both during and after construction), as per the requirements of paragraph 165 of the NPPF and its associated Non-Statutory Technical Standards.

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

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

- 3) The development hereby permitted shall be carried out in accordance with the following approved plans: 21156B-001A, 21156B-002B, 21156B-003L, 21156B-004J, 21156B-005A, 21156B-006B, 21156B-007B, 21156B-008A, 21156B-009A, 21156B-010, 21156B-018C, 21156B-019C, 21156B-020E, 21156B-021E, 21156B-022D, 21156B-023D, 21156B-024B, 21156B-025B, 21156B-026D, 21156B-027D, 21156B-028D, 21156B-029B, 21156B-030B, 21156B-031B, 21156B-032B, 21156B-033D, 21156B-034D, 21156B-035D, 21156B-036D, 21156B-037D, 21156B-038D, 21156B-040E, 21156B-041G, 21156B-042D, 21156B-043F, 21156B-044C, 21156B-045G, 21156B-046E, 21156B-047E, 21156B-048D, 21156B-050C, 21156B-051C, 21156B-052C, 21156B-060, 21146B-061, 2156B-062, 21156B-063, 21156B-064, MHS142.15-G01 D, 4858-LLB-XX-XX-DRL-0001-S4-P01, 4858-LLB-XX-XX-DRL-0002-S4-P01, J40.76/04 1 of 2, J40.76/04 2 of 2, 12971-H-01, 12971-T-01 and 12971-T-02.

Reason: To clarify which plans have been approved.

### **Urgent Update – 18/5102287/REM – Tovil Quarry site – Item 21 Adjourned meeting**

Landscape Officer: I note the trees have now been labelled as requested. However, there appears to be no detailed landscape specification for the new play area. I guess that this can be dealt with by condition if necessary.

Officer: The applicant has submitted amended drawings in relation to the play areas as detailed in paragraph 6.19 of the main papers to address the type of bench and landscaping. The revised details are now acceptable.

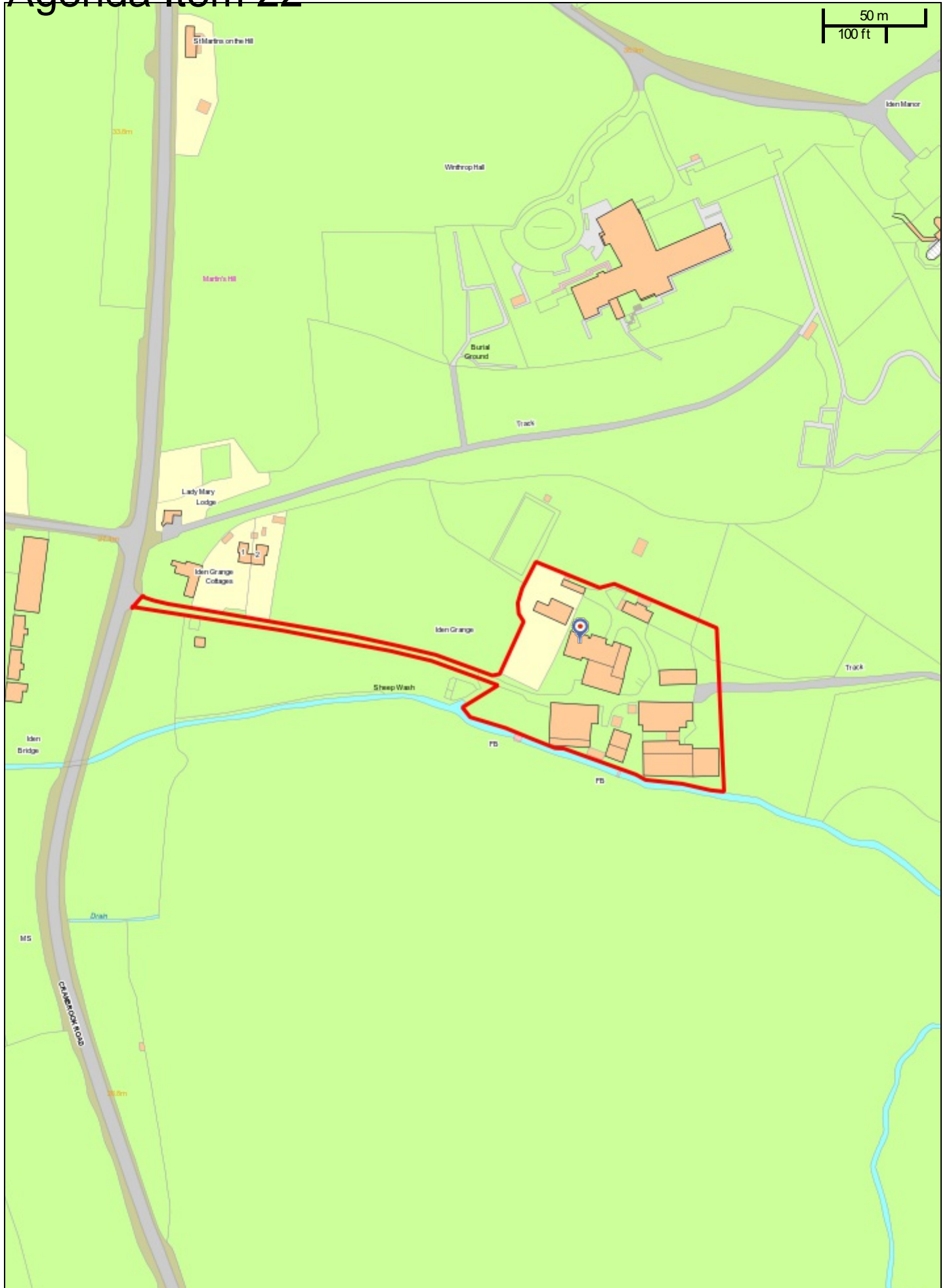
#### **Amend recommendation**

Amend Condition 3 to involve the amended drawings:

- 3) The development hereby permitted shall be carried out in accordance with the following approved plans: 21156B-001A, 21156B-002B, 21156B-003L, 21156B-004J, 21156B-005A, 21156B-006B, 21156B-007B, 21156B-008A, 21156B-009A, 21156B-010, 21156B-018C, 21156B-019C, 21156B-020E, 21156B-021E, 21156B-022D, 21156B-023D, 21156B-024B, 21156B-025B, 21156B-026D, 21156B-027D, 21156B-028D, 21156B-029B, 21156B-030B, 21156B-031B, 21156B-032B, 21156B-033D, 21156B-034D, 21156B-035D, 21156B-036D, 21156B-037D, 21156B-038D, 21156B-040E, 21156B-041G, 21156B-042D, 21156B-043F, 21156B-044C, 21156B-045G, 21156B-046E, 21156B-047E, 21156B-048D, 21156B-050C, 21156B-051C, 21156B-052C, 21156B-060, 21146B-061, 2156B-062, 21156B-063, 21156B-064, MHS142.15-G01 Rev E, 4858-LLB-XX-XX-DRL-0001-S4-P02, 4858-LLB-XX-XX-DRL-0002-S4-P02, J40.76/04 1 of 2, J40.76/04 2 of 2, 12971-H-01, 12971-T-01 and 12971-T-02.

Reason: To clarify which plans have been approved.

# Agenda Item 22



17/504412/FULL - Iden Grange, Cranbrook Road, Staplehurst, Kent

Scale: 1:2500

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<b>REFERENCE NO -</b> 17/504412/FULL			
<b>APPLICATION PROPOSAL</b>  Demolition of storage buildings and erection of 5 detached dwellings, 2 car ports for plots 1 and 5, and 2 two bay car ports for the existing house and the barn conversion approved under 14/505872/FULL			
<b>ADDRESS</b> Iden Grange Cranbrook Road Staplehurst Tonbridge Kent TN12 0ET.			
<b>RECOMMENDATION –</b> APPROVE			
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b>  Members previously resolved to defer the application and for officers to seek the submission of a strategy for an open, wet Sustainable Urban Drainage system, identifying how it will work and where it will be positioned within the existing layout; and seek modifications to boundary fencing to allow the passage of wildlife. Clarification on these matters has now been sought.  There have been no other material changes since consideration of the report on 26.4.2018 other than the replacement of the NPPF with the July 2018 version. This however has no material impact on consideration of the application.			
<b>REASON FOR REFERRAL TO COMMITTEE</b>  Committee deferral			
<b>WARD</b> Staplehurst	<b>PARISH/TOWN</b> Staplehurst	<b>COUNCIL</b>	<b>APPLICANT</b> Mrs Susan Banfield <b>AGENT</b> Peter Court Associates
<b>DECISION DUE DATE</b> 03/11/17	<b>PUBLICITY EXPIRY DATE</b> 14/12/17	<b>OFFICER SITE VISIT DATE</b> 6.4.2018	
<b>RELEVANT PLANNING HISTORY</b> (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
14/505872	Conversion of a timber framed Kentish barn to form a single dwelling house together with the demolition of associated barns and the erection of a timber framed 2-bay car garage or wood store – Granted	Permitted	27.3.15
96/0349	Rebuilding of the garage and conversion of the first floor to ancillary accommodation – Granted	Permitted	24.4.96



## **MAIN REPORT**

### **1.0 DESCRIPTION OF SITE**

- 1.01 The application site is approximately 1.02 hectares, and is a rural countryside location off the east side of Cranbrook Road, south of Staplehurst. The host dwelling, Iden Grange is located to the north west of the proposed development, a converted Coach House to the north of the application site, and a Kentish Barn centrally located amongst the group of existing buildings. The rest of the site is occupied by Dutch barn style and tin shed former agricultural buildings.
- 1.02 Further description of the development is available in the original committee report which is appended to this document..

### **2.0 PROPOSAL**

- 2.01 The application proposes the demolition of existing redundant farm buildings and the erection of five detached three storey houses with integral double garages for plot 2, 3 and 4, and detached double open car ports for plots 1 and 5. Also proposed is a 2 bay carport located to the north of plot 2 to serve the Kentish barn (given permission to convert to a dwelling under ref 14/505872/FULL) centrally located within the group of buildings. Each of the five houses has 5 bedrooms. The dwellings are shown of broadly similar design, style and appearance but with differing detail regarding their form, shape, and footprint. All houses feature forward projections, gables, steep roof slopes, hipped roofs, clay tiled roofs, brickwork, tile hanging, render with exposed timber beams, timber windows and doors, and weatherboarding.
- 2.03 The floor area of the proposed dwellings ranges from 408sq m to 440 sq.m. The maximum height of the proposal does not exceed the existing farmhouse, and the layout will follow the loop that is established by the existing buildings.
- 2.04 The proposed access is shown as widened to 3.8m with provision of passing places. The buildings would be sited as per the current arrangement in a loop, with all the buildings facing towards the non-designated heritage asset at the centre of the development. A post and rail fence is proposed on the plot boundary, native hedges are proposed on common boundaries to separate the dwellings. Hard and soft landscaping is shown to the front of the dwellings.
- 2.05 The application is supported by a Phase 1 Habitat Survey, A Flood Risk Assessment and a Land Contamination Survey.
- 2.06 The application was considered by committee on 26.4.2018 and members deferred consideration to seek the submission of a strategy for an open, wet Sustainable Urban Drainage system, identifying how it will work and where it will be positioned within the existing layout; and seek modifications to boundary fencing to allow the passage of wildlife
- 2.07 A copy of the officer's report is appended to this report.

### **3.0 POLICY AND OTHER CONSIDERATIONS**

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

Maidstone Borough Local Plan 2017: Policies SS1, SP5, SP17, SP18, SP20 DM1, DM3 DM4, DM5, DM23, DM30, DM33

#### **4.0 LOCAL REPRESENTATIONS**

- 4.01 No representations were received in relation to the original submission, and nothing has been received to date.

#### **5.0 CONSULTATIONS**

- 5.01 N/a

#### **6.0 APPRAISAL**

- 6.01 Consideration of the submission remains as per the original appended committee report which members considered on 26.4.18. This report will consider the two items which members called for deferral, being submission of a strategy for an open, wet Sustainable Urban Drainage system, identifying how it will work and where it will be positioned within the existing layout; and modifications to boundary fencing to allow the passage of wildlife. In addition, consideration has been made to the provision of an affordable housing contribution.

##### Sustainable Urban Drainage (SUDs):

- 6.02 The planning application is accompanied by a 65 page technical report regarding drainage matters. This includes a drainage strategy plan (No.SKDR01).
- 6.03 The technical report provides an assessment of development and flood risk; including reference to the SuDS Manual (CIRIA C753) and the non-statutory technical standards for the design, maintenance and operation of sustainable drainage systems.
- 6.04 The report advises that the developed area of the site is located within Flood Zone 1 and the flood risk from all sources is considered to be low or very low. The proposals for the residential development of the site are deemed appropriate according to the principles set out in the NPPF. Proposed finished floor levels are set at a minimum of 300mm to mitigate the residual flood risk.
- 6.05 The existing surface water discharge to the southern watercourse is proposed to be formalised through headwalls and it is calculated that there will be an increase in the surface water runoff rate and discharge volume to the downstream river network due to climate change, despite there being a 27.8% reduction of impermeable area at the site.
- 6.06 The report proposes that the increase is to be mitigated through the use of attenuation SuDS utilising a permeable paving solution to provide sufficient storage to limit the flow from the post development 1 in 100 year storm event to the existing 1 in 2 year storm event runoff rate.
- 6.06 The report states that peak foul water flow rates from the development will be increased over the existing, and a new package treatment plant will need to be installed to manage the foul water discharge, subject to Environment Agency (EA) approval.
- 6.07 The report proposes that the use of proprietary systems within the permeable paving make-up would manage the quality of surface water runoff from the site and would be

compliant with EA guidance and the SuDS manual in terms of water quantity and quality. The site is not located within a Source Protection Zone (SPZ) and no additional pollution control measures are required in this regard.

- 6.08 The report concludes that identified measures that reduce the level of flooding risk to the development have been demonstrated. It is concluded that SuDS measures can be implemented to limit the surface water runoff from the developed site to provide a betterment over the existing runoff management arrangement. Proposals for the redevelopment of the Iden Grange site can be successfully implemented and managed sustainably and there is a reduction in risk to future users and neighbouring properties in regard to flooding over the expected lifetime of the development
- 6.09 The Environment Agency have considered this report, and raised no objection to it. As detailed in the officer's previous report, it would be appropriate for suitable conditions to be attached to secure the provision of acceptable SUDS mitigation if planning permission is given for the development.
- 6.10 At committee on 26.4.2018 members deferred consideration of the application to seek the submission of a strategy for an open, wet Sustainable Urban Drainage system, identifying how it will work and where it will be positioned within the existing layout.
- 6.11 The applicant has made clear that there is no intention to install an open wet sustainable urban drainage system on the site and that this has not been planned for. As detailed above, extensive work was undertaken prior to the submission of the application to deal with surface and foul water matters. The approach to this, as outlined in the technical report, has been found sound and acceptable by the Environment Agency.
- 6.12 On this basis, although the applicant is unwilling to accommodate an open wet sustainable urban drainage system within the scheme, Officers advise that this is not a reason for refusal that could be sustained at appeal given the alternative appropriate and unobjectionable drainage measures that have been proposed.

Boundary fencing to allow the passage of wildlife:

- 6.13 The original planning application is accompanied by a 32 page report on ecology and landscaping. One of the enhancements recommended in the report is the provision of 12cm square gaps under any new fencing to allow hedgehogs access onto all garden areas.
- 6.14 More specifically, drawing No.PD-003A was produced by the applicant at the request of Council Officers to show the location along the fences of access for hedgehogs (125mmx125mm. KCC Biodiversity Officers have assessed this, and advised that sufficient information has been submitted. It is considered that the application is acceptable subject to conditions to secure the ecological enhancements.

Affordable housing

- 6.15 Policy SP20 of the local plan requires that housing sites which have a combined floorspace of greater than 1000sqm (gross internal area) should make a contribution towards the delivery of affordable housing.
- 6.16 The site makes provision for 2104sqm of floor space and therefore triggers the

requirement. Given the exceptional circumstances of the proposal (that the floor space is accommodated by 5 houses), a financial contribution towards off site affordable housing is considered an appropriate means of provision.

- 6.17 The proposal results in the loss of 1886sqm of vacant buildings on brownfield land. The National Planning Practice Guidance states:

*'National policy provides an incentive for brownfield development on sites containing vacant buildings. Where a vacant building is brought back into any lawful use, or is demolished to be replaced by a new building, the developer should be offered a financial credit equivalent to the existing gross floorspace of relevant vacant buildings when the local planning authority calculates any affordable housing contribution which will be sought. Affordable housing contributions may be required for any increase in floorspace'*

- 6.18 It goes on to explain that where there is an overall increase in floorspace in a proposed development, the amount of affordable housing contributions required from the development as set out in the Local Plan should be calculated. A 'credit' should then be applied which is the equivalent of the gross floorspace of any relevant vacant buildings being brought back into use or demolished as part of the scheme and deducted from the overall affordable housing contribution calculation. In this instance, it then applies where a financial contribution is being provided.
- 6.19 The existing floorspace of vacant buildings should be credited against the floorspace of the new development. In this instance, the floorspace of the vacant buildings are 90% of the new floorspace being provided, and therefore 90% credit should be applied to the off site affordable housing figure.
- 6.20 The applicant has accepted the proposed figure of contribution required and is preparing a unilateral undertaking to make this contribution.
- 6.21 On this basis, the proposal would accord with the requirements of Policy SP20 of the Local plan, and would make a policy compliant contribution towards affordable housing provision.

## **7.0 CONCLUSION**

- 7.01 The matters of concern highlighted by members at the previous committee have been fully addressed by the submission of technical reports which have been found acceptable by technical consultees.
- 7.02 As previously considered by committee on 26.4.18, the scheme is acceptable in relation to all other relevant planning matters and would comply with the development plan. On this basis, it is considered that there are no overriding material considerations to justify a refusal of planning permission, and it is recommended that planning permission is granted subject to planning conditions.

## **8.0 RECOMMENDATION**

The Head of Planning and Development BE DELEGATED POWERS TO GRANT planning permission subject to the prior completion of a legal agreement to provide the following (including the Head of Planning and Development being able to settle or amend any necessary terms of the legal agreement in line with the matters set out in the recommendation resolved by Planning Committee):

- Offsite affordable housing contribution  
and the imposition of the conditions as set out below:

- (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:

5527-PD-001  
5527-PD-002  
5527-PD-003A  
5527-PD-004B  
5527-PD-005  
5527-PD-006  
5527-PD-007  
5527-PD-008  
5527-PD-009  
5527-PD-010  
5527-PD-011  
5527-PD-012  
5527-PD-013  
5527-PD-014  
5527-PD-015

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

- (3) The development shall not commence above DPC level until, written details and samples of the materials to be used in the construction of the external surfaces of any buildings and hard surfaces have been submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the approved materials;

The details and samples of the materials submitted shall include details of swift and / or bat bricks incorporated into the eaves of the proposed housing units;

Reason: To ensure a satisfactory appearance to the development and interest of ecological enhancement.

- (4) The development shall not commence above DPC level until, details of all fencing, walling and other boundary treatments (to accord with those shown on approved plan No.PD-003A) 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 development shall not commence above DPC level until there has been submitted to and approved in writing by the Local Planning Authority a scheme of

landscaping, using indigenous species which shall include indications of all existing trees and hedgerows on the land and on adjoining sites, and details of any to be retained, together with measures for their protection in the course of development and a programme for the approved scheme's implementation and long term management.

The landscape scheme shall be designed using the principle's established in the Council's adopted Landscape Character Assessment 2012 and shall include details of the repair and retention of existing hedgerows and tree lines within the site;

The landscaping of the site 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

- (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; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation;

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

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

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

- (8) The development shall not commence until details of a scheme of foul and surface water drainage for the site have been submitted to and approved by the local planning authority. The development shall thereafter be carried out in accordance with the subsequently approved details.

Reason: To ensure adequate drainage arrangements

- (9) No development shall take place until details of tree and hedgerow protection, for all retained on-site trees and hedgerows, and trees and hedgerows in adjoining properties in proximity to the site boundary, in accordance with the current edition of BS 5837 have been submitted to and approved in writing by the local planning authority. All trees to be retained on site must be protected by barriers and/or ground protection.

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

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

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

- (11) The approved 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.

- (12) The access shall be completed to a width of 3.7 as approved before the commencement of the use of the land or buildings hereby permitted.

Reason: In the interests of road safety.

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

- (13) No surface water shall discharge onto the public highway.

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

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

Reason: To ensure that historic building features are properly examined and recorded.

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

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

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

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

- (16) Native species hedging, the mix of which shall be agreed in writing before any part of the development reaches eaves level, sited as shown on drawing no: 023-11 rev A shall be planted in the first available planting season following first occupation of any of the dwellings. Any planting becoming dead diseased or dying within 5 years of planting shall be replaced by specimens of the same size, and species in the same location.

Reasons: In the interests of visual amenity.

- (17) Prior to first occupation of any of the houses hereby permitted, biodiversity enhancements including bird nesting and bat roosting boxes as shown on approved plan 5527-PD-003A shall be approved in writing by the local planning authority, and shall be installed and retained as such at all times thereafter.

Reason: To ensure that adequate provision is made for wildlife in accordance with the provisions of the NPPF.

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

Reason: In the interests of visual amenity

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

1) A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

2) A site investigation, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

3) A remediation method statement (RMS) based on the site investigation results and the detailed risk assessment (2). This should give full details of the remediation measures required and how they are to be undertaken. The RMS should also include a verification plan to detail the data that will be collected in order to demonstrate that the works set out in the RMS are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

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

- (20) A Closure Report shall be submitted upon completion of the works. The closure report shall include full verification details as set out in 3. This should include details of any post remediation sampling and analysis, together with documentation certifying quantities and source/destination of any material brought onto or taken from the site. Any material brought onto the site shall be certified clean; Any changes to these components require the express consent of the local planning authority. The scheme shall thereafter be implemented as approved

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

#### INFORMATIVES

- (1) Should works be required in the highway a statutory licence must be obtained. Applicants should contact Kent County Council - Highways and Transportation (web:



[www.kent.gov.uk/roads\\_and\\_transport.aspx](http://www.kent.gov.uk/roads_and_transport.aspx) or telephone: 03000 418181) in order to obtain the necessary Application Pack.

- (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.
- (3) 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.
- (4) As the development involves demolition and / or construction, I would recommend that the applicant is supplied with the Mid Kent Environmental Code of Development Practice. Broad compliance with this document is expected.
- (5) 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. Any redundant materials removed from the site should be transported by a registered waste carrier and disposed of at an appropriate legal tipping site.
- (6) The applicant should be aware that the site is in a radon affected area with a 3-5% probability of elevated radon concentrations. If the probability of exceeding the action level is 3% or more in England and Wales, basic preventative measures are required in new houses, extensions, conversions and refurbishments - British Research Establishment code BR211 (2015) and The Building Regulations 2010 England (amendments 2013). If the probability rises to 10% or more, provision for further preventative measures are required in new houses. Test(s) for the presence of radon gas are recommended

Case Officer: Joanna Russell

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

Appendix A: Report to the planning committee meeting on the 26 April 2018

**REPORT SUMMARY**

<b>REFERENCE NO - 17/504412/FULL</b>			
<b>APPLICATION PROPOSAL</b>			
Demolition of storage buildings and erection of 5 detached dwellings, 2 car ports for plots 1 and 5, and 2 two bay car ports for the existing house and the barn conversion approved under 14/505872/FULL			
<b>ADDRESS</b> Iden Grange Cranbrook Road Staplehurst Tonbridge Kent TN12 0ET.			
<b>RECOMMENDATION – APPROVE</b>			
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b>			
<ul style="list-style-type: none"><li>• The proposed houses will be built on previously developed land, and will result in an environmental improvement. No objection is identified to the principle of the proposal.</li><li>• No material harm is identified to the character, appearance or layout of the locality.</li><li>• No material harm is identified to neighbouring amenity. Is acceptable in design and layout terms</li><li>• Is acceptable in its highways and wildlife impacts.</li><li>• Will make a valuable windfall contribution to the provision of housing units within the Borough</li><li>• The proposal will provide a good standard of residential accommodation.</li><li>• The proposal is acceptable in relation to flooding and drainage, impact of the proposal on the local highway network and impact on trees and ecology.</li></ul>			
<b>REASON FOR REFERRAL TO COMMITTEE</b>			
Parish Council Objection			
<b>WARD</b> Staplehurst		<b>PARISH/TOWN COUNCIL</b> Staplehurst	<b>APPLICANT</b> Mrs Susan Banfield <b>AGENT</b> Peter Court Associates
<b>DECISION DUE DATE</b> 03/11/17		<b>PUBLICITY EXPIRY DATE</b> 14/12/17	<b>OFFICER SITE VISIT DATE</b> 6.4.2018
<b>RELEVANT PLANNING HISTORY</b> (including appeals and relevant history on adjoining sites):			
App No	Proposal	Decision	Date
14/505872	Conversion of a timber framed Kentish barn to form a single dwelling house together with the demolition of associated barns and the erection of a timber framed 2-bay car garage or wood store – Granted	Permitted	27.3.15
96/0349	rebuilding of the garage and conversion of the first floor to ancillary accommodation – Granted	Permitted	24.4.96

**MAIN REPORT**

**4.0 DESCRIPTION OF SITE**

- 1.01 The application site is approximately 1.02 hectares, and is a rural countryside location off the east side of Cranbrook Road, south of Staplehurst. The host dwelling, Iden Grange is located to the north west of the proposed development, a converted Coach House to the north of the application site, and a Kentish Barn centrally located amongst the group of existing buildings. The rest of the site is occupied by Dutch barn style and tin shed former agricultural buildings.
- 1.02 A long access drive leads off eastwards from the Cranbrook Road towards the cluster of buildings and the large existing farmhouse. The farmhouse is a 19<sup>th</sup> century half timber framed building with an arts and crafts style design with a distinctive tall chimney. A traditional timber

framed Kentish barn sits within the centre of the application plot. This is a non-designated heritage asset and has planning permission to be converted to a single dwelling under ref 14/505872.

- 1.03 The buildings to be demolished are redundant commercial buildings that were formerly used for the storage of historic cars and commercial vehicles (B8 use). The buildings have remained vacant since the cars were sold at auction. The applicant has advised that no farming has been practiced since they bought the farm in 1973. The application is accompanied by Statutory declarations, pictures taken from circa 30 years ago and copies taken from a 1989 Veteran Car Club magazine listing many of the vehicles stored at Iden Grange.
- 1.04 Adjoining the site to the north west is Iden Grange Cottages (1&2), to the north is a bluebell woodland which adjoins an NHS treatment centre, and the south and west boundary of the site is bounded by agricultural land.
- 1.05 The site is approximately half a mile from the southern part of the settlement boundary of Staplehurst, and as such is within the countryside for planning purposes.
- 1.06 There is a watercourse that runs to the southern boundary of the site and a Flood Risk Assessment accompanies the application.
- 1.07 The site is roughly rectangular in shape and the ground levels are fairly flat. There are a number of mature trees on the southern boundary of the site. The site is accessed via a long drive taken from Cranbrook Road and is self enclosed with a gated entrance.

## **5.0 PROPOSAL**

- 2.01 The application proposes the demolition of existing redundant farm buildings and the erection of five detached three storey houses with integral double garages for plot 2, 3 and 4, and detached double open car ports for plots 1 and 5. Also proposed is a 2 bay carport located to the north of plot 2 to serve the Kentish barn (given permission to convert to a dwelling under ref 14/505872/FULL) centrally located within the group of buildings. Each of the five houses has 5 bedrooms. The dwellings are shown of broadly similar design, style and appearance but with differing detail regarding their form, shape, and footprint. All houses feature forward projections, gables, steep roof slopes, hipped roofs, clay tiled roofs, brickwork, tile hanging, render with exposed timber beams, timber windows and doors, and weatherboarding.
- 2.02 The floor area of the proposed dwellings ranges from 408sq m to 440 sq.m. The maximum height of the proposal does not exceed the existing farmhouse, and the layout will follow the loop that is established by the existing buildings.
- 2.03 The existing buildings on site occupy a total floorspace of 3232 m<sup>2</sup> and a volume of 12,387 m<sup>3</sup>. The proposal would occupy a total floorspace of 3067 m<sup>2</sup>, and a volume of 9363 m<sup>3</sup>. As such the proposal would result in a reduction in built form on the site.
- 2.04 The proposed access is shown as widened to 3.8m with provision of passing places. The buildings would be sited as per the current arrangement in a loop, with all the buildings facing towards the non-designated heritage asset at the centre of the development. A post and rail fence is proposed on the plot boundary, native hedges are proposed on common boundaries to separate the dwellings. Hard and soft landscaping is shown to the front of the dwellings.
- 2.05 The application is supported by a Phase 1 Habitat Survey, A Flood Risk Assessment and a Land Contamination Survey.

## **6.0 POLICY AND OTHER CONSIDERATIONS**

The National Planning Policy Framework (NPPF)  
National Planning Practice Guidance (NPPG)  
Maidstone Borough Local Plan 2017: Policies SS1, SP5, SP17, SP18, DM1, DM3 DM4, DM5, DM23, DM30, DM33

Supplementary Planning Documents:

Staplehurst Neighbourhood Plan: Key visions, Policy PW2 and Objective 11.

Maidstone Borough Landscape Appraisal

Staplehurst Village Design Statement

#### **4.0 LOCAL REPRESENTATIONS**

##### **4.01 Local Residents:**

Six letters of representation have been received from neighbouring properties. Comments are summarised as follows:

- The three storey houses would be out of keeping with the adjoining properties.
- Increased traffic and highways safety.
- The proposal does not enhance or preserve the special character of the conservation area.
- The site is garden land.
- The ridge heights would dominate the neighbouring properties.
- Loss of privacy, overshadowing and overlooking.
- Parking is not acceptable at the front of the houses.

**Staplehurst Parish Council** has recommend that the application is refused and have requested that it be referred to MBC Planning Committee. 'Although Councillors noted that the proposal would be brownfield development, they raised several concerns as follows: the development would be outside the village envelope (against Neighbourhood Plan policy PW2); access and exit would be hazardous; there was no suitable footway provision; the refusal of consent for Aydhurst Farm Oast (17/502803) which was smaller in scale but also outside the village envelope created a precedent for refusing this application.'

In response to the submission of amendments, the Parish continue to recommend that the application be REFUSED 'as the new information did not alter their concerns about development outside the village envelope (contrary to Staplehurst Neighbourhood Plan policy PW2) and the lack of footpath provision. Councillors wish the application to be referred to MBC Planning Committee.'

#### **5.0 CONSULTATIONS**

5.01 **KCC Highways:** No objection to the proposal subject to the imposition of conditions.

5.02 **KCC Archaeological Officer:** No objection. subject to the imposition of conditions.

5.03 **Kent Ecology:** No objection. subject to the imposition of conditions.

5.04 **The Environment Agency:** No objection to the proposal subject to drainage matters . They have made the following additional comments:

5.05 **Maidstone Landscape Officer** I request that a tree survey and Arboricultural Method Statement in accordance with BS5837:2012 is provided. This should cover tree protection details for demolition as well as construction and include shade arcs in relation to the trees to the south of dwellings 1 and 2.'

5.06 **The Health and Safety Executive:** No objection.

#### **6.0 APPRAISAL**

6.01 The key issues for consideration are:

- The principle of development
- Design character and appearance
- Impact on residential amenities

- Impact on non designated heritage asset
- Highways and Parking
- Ecology and landscape
- Flooding
- Renewable Energy

#### **Principle of Development**

- 6.02 Paragraph 14 of the NPPF states that at the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.
- 6.03 One of the core planning principles of the NPPF is the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value.
- 6.04 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 the plan and will not result in harm to the character and appearance of the area.
- 6.05 DM5 of the Local Plan states that exceptionally, the residential redevelopment of brownfield sites in the countryside which are not residential gardens, and meet a set of criteria will be permitted provided that the redevelopment will result in a significant environmental improvement, and the site is or can be made accessible by sustainable modes to Maidstone urban area, a rural service centre or larger village. The criteria is that the site is not of a high environmental value, and that the density of the residential development reflects the character and appearance of individual localities and is consistent with policy DM12 (which sets an indicative density of 30 dwellings per hectare on such sites).
- 6.05 Policy PW2 of the Staplehurst Neighbourhood Plan states that proposals for new development in the countryside beyond the extended village envelope will be assessed in terms of the potential impact of the development upon the visual setting and landscape features of the site and its surroundings, the potential impact upon the biodiversity of the area and other relevant planning considerations, such as the impact of traffic and noise. Proposals which fail to demonstrate these impacts can be satisfactorily addressed will not be supported.
- 6.06 Iden Grange is not located within the Staplehurst settlement boundary and as such is within the countryside as defined by the adopted Local Plan. It is not an allocated site and therefore, there is a resistance in principle to its development unless it accords with other policies within the plan and does not result in harm to the character and appearance of the area,
- 6.07 The application site is occupied by built development and extensive hardstanding with a long established B8 use, and as such is a brownfield site of low environmental quality. The proposed houses are shown as entirely contained within the area of existing built development with no spillage onto surrounding greenfield land.
- 6.08 The current buildings on site occupy a total floorspace of 3232 m<sup>2</sup> and a volume of 12,387 m<sup>3</sup>, in addition to an extensive amount of hardstanding. The proposal would occupy a lesser total floorspace of 3067 m<sup>2</sup>, with a smaller overall volume of 9363 m<sup>3</sup> and would introduce substantial greening within the site which would be visible in the wider landscape.
- 6.09 As such, in accordance with Paragraph 17 of the NPPF, the proposal would represent the effective use of previously developed land and would not result in harm to the character and appearance of the area.
- 6.10 It therefore falls for the development to be considered against DM5 of the Local Plan (development on brownfield land) as outlined above. Paragraph 6.37 of the adopted Local Plan further advises that the Council will consider residential development of brownfield sites in the countryside under exceptional circumstances, and the key considerations will be the level of harm to the character and appearance of an area, the impact of proposals on the

landscape and the environment, any positive impacts on residential amenity, that sustainable travel modes are available or could reasonably be provided, what traffic the present or past use has generated, and the number of car movements that would be generated by the new use.

- 6.11 The proposal would result in the removal of the B8 use buildings, their associated hardstanding and potential usage impact, and their replacement with 5 houses within a landscaped setting. There would be an overall reduction in built form in both area and volumetric terms, along with a restricted height of the proposed development to no greater than the maximum existing height of the adjacent farmhouse. In this respect, the proposal would result in a significant environmental and visual improvement to the site, and within its wider landscape setting.
- 6.12 In terms of the accessibility of the site, although it is outside of the Staplehurst Rural Service Centre, it is in an accessible location on a major road which is served by a regular bus service (Arriva No.5). In addition to this, if the full B8 use of the site were fully facilitated, this current B8 use would have a less sustainable vehicular impact than the current proposal.
- 6.13 The site currently houses two residential properties with permission for a third conversion. The use of the remainder of the site for residential purposes rather than for B8 use would have significantly less impact on residential amenity in terms of both operational activity and traffic movements.
- 6.14 As such, it is considered that in environmental and sustainability terms, the proposal would result in a betterment of the site and represents an exceptional circumstance as considered under policy DM5 (development on brownfield land) as a development which would result in a significant environmental improvement.
- 6.15 Given the low density of the proposal, the resultant improvement to the visual setting of the site and its potential improvement in terms of vehicular movements, the proposal would accord with policy PW2 of the Staplehurst Neighbourhood Plan.
- 6.16 Given the above considerations and the merits of the individual site and proposal, it is concluded that on balance, the principle of the development is supported by national and local policy and is therefore acceptable.

#### **Design, Character and Appearance**

- 6.17 Paragraph 56 of the NPPF requires all new development to provide high quality design, and states that good design is a key aspect of sustainable development and is indivisible from good planning, and that it should contribute positively to making places better for people.
- 6.18 Local Plan Policy DM1 seeks to achieve high quality design in all development proposals, and to achieve this, the Council expects proposals to positively respond to, and where appropriate enhance the character of their surroundings. The key aspects of a development proposal are its scale, height, materials, detailing, mass, bulk and site coverage. To achieve this, the Council expects proposals to positively respond to, and where appropriate enhance the character of their surroundings.
- 6.19 Policy DM 30 of the Local Plan requires all development proposals in the countryside to be of a high quality design. The type, siting, materials, design, mass and scale of development should maintain or, where possible, enhance local distinctiveness. This is reinforced by the adopted Staplehurst Neighbourhood Plan.
- 6.20 The buildings would be in a courtyard layout closely following the pattern of the existing farm buildings. The dwellings are shown as well proportioned and laid out in a manner that respects the former farm buildings. The design, size and scale, bulk, massing detailing, fenestration, and choice of materials is characteristic of the Kent vernacular and is sympathetic to the character of the existing farmhouse and the historic character of the non-designated heritage asset within the farm complex. There is sufficient spacing in between the proposed houses to

reflect the open nature of the former farm yard and respect the spatial quality of the site. The proposal incorporates features and characteristics of Staplehurst local vernacular and complies with guidance in the Staplehurst Village Design Statement (2005).

- 6.21 The proposed dwellings will be 2.5 storey high with the top floor located within the roof space. The height of the 2.5 storey buildings is proportionate in the context of the existing farmhouse and the Kent Barn. The proposed heights also accord with requirements of the Staplehurst Neighbourhood Plan.
- 6.22 A landscaping scheme is proposed which shows extensive greening of the site along with the use of native hedgerows, and a British native wildflower meadow towards the entrance of the site. Further details of landscaping could be required by condition.
- 6.23 Policy DM12 advises that all development proposals should be of a density that is consistent with achieving good design and does not compromise the distinctive character of the area. For all sites within and adjacent to rural service centres, new residential development will be expected to achieve a net density of 30 dwellings per hectare. Taking account of the three dwellings / conversions already on site / consented, the site density would be significantly lower than this at 7.8 dwellings per hectare. However, given the location of the site, and its appearance within the wider landscape, this lower density is considered to be appropriate and acceptable as it would ensure that the proposal would not compromise the distinctive character of the area in which it is located.
- 6.24 Overall, it is considered that the proposed scheme presents a sensitively designed development that reflects Kent Wealden Architecture. The layout and form of the development is sensitively designed to reflect the original courtyard form and layout of buildings, and the vernacular appearance and character of the existing dwellings within the farm complex. The site is not currently of high environmental or visual value, and the proposal would improve this within the site and the wider landscape. The low density of development would be assimilated well into the existing built footprint of the site without detrimental impact on the surrounding countryside. As such the development complies with Local Plan Policies DM1, DM30 and the NPPF.

#### **Impact on residential amenities**

- 6.25 The application site is rectangular in shape and is located more than 20 metres from existing dwellings (outside of the site itself). In addition, the site is generally level with no major differences in land levels.
- 6.26 The NPPF states that proposals should always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings.
- 6.27 Policy DM1 of the local plan states that proposals should respect the amenities of occupiers of neighbouring properties and uses and provide adequate residential amenities for future occupiers of the development by ensuring that development does not result in, or is exposed to excessive noise, vibration, odour, air pollution, activity or vehicular movements, overlooking or visual intrusion, and that the built form would not result in an unacceptable loss of privacy or light enjoyed by the occupiers of nearby properties.
- 6.28 The inter relationship of dwellings within the development is an important consideration in this case. Whilst a separation distance of approximately 3m is maintained from the common boundaries with adjoining plots the dwellings have been sensitively located such that they are staggered in siting and have been sensitively designed so that there are no windows serving habitable rooms at first and second floor side elevation of each dwelling. All the windows on the first or second floor side elevations of the dwellings serve a toilet/bathroom or landing.
- 6.29 Given the staggered layout of the dwellings, the available separation distance, the orientation of the dwellings to each other, and the detailed design of the dwellings, it is considered that future occupiers of the development will not suffer any harmful overlooking, overshadowing, overbearing impact or loss of light as a result of the development. Given the available

separation distance between the Farmhouse and the converted barns, existing and future occupiers of these buildings will not suffer any loss of residential amenity as a result of the development.

- 6.30 As also previously considered, the use of the site for residential purposes rather than for B8 use would be significantly less impacting on residential amenity in terms of both operational activity and traffic movements.
- 6.31 Turning to the standard of accommodation proposed, each habitable room of each dwelling would have a door and window for natural light and ventilation, and all rooms are of generous room size. In addition, the occupants of the dwellings would have access to reasonably sized individual private gardens. Furthermore, there is a good vehicular and pedestrian access. As such, the development would provide an acceptable standard of living for future occupants in line with policy requirements.
- 6.32 Overall, the proposal would not harm the residential amenity of future occupiers of the dwellings, and existing occupiers of Iden Grange. As such the development is considered acceptable and complies with Local Plan Policy DM1 and Paragraph 17 of the NPPF.

#### **Impact on the non-designated heritage asset**

- 6.33 Policy SP18 of the local plan states that 'the characteristics, distinctiveness, diversity and quality of heritage assets will be protected and, where possible, enhanced. This will be achieved by the council encouraging and supporting measures that secure the sensitive restoration, reuse, enjoyment, conservation and/or enhancement of heritage assets'. One of the methods by which this can be achieved is 'through the development management process, securing the sensitive management and design of development which impacts on heritage assets and their settings'.
- 6.34 Policy DM4 of the local plan states that 'applicants will be expected to ensure that new development affecting a heritage asset incorporates measures to conserve, and where possible enhance, the significance of the heritage asset and, where appropriate its setting'.
- 6.35 Paragraph 135 of the NPPF requires that 'the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.'
- 6.36 There is a non-designated heritage asset within the application site. Planning permission was given in March 2015 to convert the central Kentish barn into a dwelling under ref 14/505872/FULL.
- 6.37 The development has been carefully designed to respect the appearance and character of this building. By replacing the existing redundant buildings with carefully designed dwellings representing Kent Wealden Architecture, in a pattern to reflect the existing layout, and through enhanced landscaping, the setting of the non-designated heritage asset will be respected and enhanced. As such the development complies with the NPPF and policy DM1 and DM4 of the adopted Local Plan.

#### **Highway Matters and Parking**

- 6.38 The application site lies in a sustainable location in reasonable proximity to bus and rail services, and is well served by local facilities and amenities. The proposed development will use an existing vehicular access.
- 6.39 The KCC Highways Engineer initially raised concern regarding the width of the access and advised that the access needs to be a minimum of 3.7m in width. A revised drawing was submitted widening the access and addressing this concern. The Highways Engineer subsequently advised that there is no objection to the proposed highway arrangement subject



to conditions relating to details of vehicle loading and unloading being approved, details of parking facilities for visitors, details of measures to discharge surface water, details showing the provision of wheel washing facilities, provision and retention of parking spaces, and provision and retention of vehicle loading and unloading.

- 6.40 Adopted Local Plan Policy DM23 requires that the level of provision will take account of the type, size and mix of units whilst ensuring parking should be integrated within developments in an attractive manner. Overall, it is considered that having regard to the type of dwellings proposed, the parking provision is adequate and complies with local policy.

### **Ecology and Landscape**

- 6.41 Policy DM1 of the local plan states that proposals 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 a positive tool to help assimilate development in a manner which reflects and respects the local and natural character of the area.
- 6.42 Staplehurst Neighbourhood Plan objective 10 seeks to safeguard the green and rural feel of the approach to Staplehurst from the south. The approach to the village from the south is important as it helps to define and identify Staplehurst as a village set within the countryside. The close proximity of the village's built elements within the surrounding countryside gives this approach a distinctive feel.
- 6.43 As previously discussed, the proposal would result in an improvement within the natural landscape, with the removal of built form and hardstanding, the improvement of spatial quality and the introduction of more soft landscaping.
- 6.44 All existing trees are shown as being retained on site. However insufficient information has been submitted to demonstrate protection measures for them. Permission can be conditioned to require, prior to commencement of development, a tree survey and Arboricultural Method Statement in accordance with BS5837:2012. This should cover tree protection details for demolition as well as construction and include shade arcs in relation to the trees to the south of dwellings 1 and 2.
- 6.45 The NPPF, Local Plan and the Staplehurst Neighbourhood Plan all seek to protect and enhance the natural environment. Local Plan Policy DM3 advises that to enable Maidstone Borough to retain a high quality of living and to be able to respond to the effects of climate change, developers will ensure that new development protects and enhances the natural environment.
- 6.46 Paragraph 109 of the NPPF requires new development to minimise impacts on biodiversity and provide net gains in biodiversity where possible.
- 6.47 Paragraph 118, the NPPF states that local planning authorities are required to conserve and enhance biodiversity when determining planning applications and take opportunities to incorporate biodiversity in and around developments.
- 6.48 There are mature trees with suitable bat roosting features alongside the stream to the south of the development and these are to be retained. The ecological appraisal submitted with the application has been assessed by KCC Biodiversity Officers who advise that sufficient information has been submitted, and the application is acceptable subject to conditions securing the implementation of ecological enhancements.
- 6.49 In terms of ecology and landscape impact, the proposal would accord with local plan policies DM1 and DM3, the Staplehurst Neighbourhood Plan, and the NPPF.

### **Flooding**

- 6.50 Paragraph 103 of the NPPF states that planning authorities should require planning applications for development in areas at risk of flooding to include a site-specific flood risk assessment to ensure that flood risk is not increased elsewhere, and to ensure that the development is appropriately flood resilient, including safe access and escape routes where required, and that any residual risk can be safely managed. Development should also give priority to the use of sustainable drainage systems.
- 6.51 There is a watercourse that runs along the southern boundary of the site and a Flood Risk Assessment has been submitted to justify the development. The land closest to the stream is within flood zone 3 (high risk) whilst the majority of the application site is located on Flood Zone 1 (low risk). The proposed finished floor levels of the development is set at a minimum of 300mm above the design flood level so as to mitigate the residual flood risk to minimum levels. SUDS are also proposed to provide a permeable paving solution to provide sufficient storage to limit the flow to acceptable levels. Suitable conditions can be attached to secure the provision of acceptable SUDS mitigation if planning permission is given for the development.
- 6.52 The Environment Agency have considered the submission and the flood risk assessment information and have raised no objection to the proposal. The development will be built to modern standards of design and sustainability to accord with current building regulations. The proposed development would be resilient to climate change and flooding in accordance with the NPPF. Given this, there is no objection to the development on this ground and as such it is considered the proposal could comply with the NPPF policies.

### **Renewable Energy**

- 6.53 The NPPF states that 'planning plays a key role in helping shape places to secure radical reductions in greenhouse gas emissions, minimising vulnerability and providing resilience to the impacts of climate change, and supporting the delivery of renewable and low carbon energy and associated infrastructure. This is central to the economic, social and environmental dimensions of sustainable development.' It states that 'local planning authorities should adopt proactive strategies to mitigate and adapt to climate change, taking full account of flood risk, coastal change and water supply and demand considerations.'
- 6.54 A condition should therefore secure the use of renewables as part of the proposal. In order to attenuate water run off, surface water drainage can be dealt with via a SUDS, which can also be dealt with by condition

## **7.0 CONCLUSION**

- 7.01 The proposal would represent the effective use of previously developed land and would not result in harm to the character and appearance of the area. The proposal would result in a significant environmental improvement to the site, and within its wider setting. The proposal would be a sustainable form of development and would result in a betterment of the site. This represents an exceptional circumstance under policy DM5 as a development which would result in a significant environmental improvement. On balance, the principle of the development would accord with the NPPF and local plan policies DM5, SP17 and DM12, and the Staplehurst Neighbourhood Plan.
- 7.02 The proposed scheme is sensitively designed in terms of size, scale, bulk and layout, and is well designed, taking account of the context of the site. As such the development complies with Local Plan Policies DM1, DM30 and the NPPF.
- 7.03 The proposal will result in an improvement to the appearance of the site within the wider landscape and can be conditioned to secure appropriate landscaping and tree protection measures. In terms of ecology and landscape impact, the proposal would accord with Policies DM1 and DM3, the Staplehurst Neighbourhood Plan, and the NPPF.

- 7.04 The proposal would enhance the appearance and character of the non-designated heritage asset within the application site in accordance with the NPPF, and policy DM1 and DM4 of the adopted Local Plan.
- 7.05 The proposal would not harm the residential amenity of future occupiers of the dwellings, and would result in an improvement to the amenity of existing occupiers of the site. As such the development complies with the NPPF and Local Plan Policy DM1.
- 7.06 The highways impact and parking provision are acceptable and in accordance with policies DM1 and DM23 of the local plan.
- 7.07 The scheme is acceptable in relation to all other relevant planning matters and would comply with the development plan. On this basis, it is considered that there are no overriding material considerations to justify a refusal of planning permission, and it is recommended that planning permission is granted subject to planning conditions.

**8.0 RECOMMENDATION – GRANT Subject to the following conditions**

CONDITIONS to include

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

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

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

5527-PD-001  
5527-PD-002  
5527-PD-003A  
5527-PD-004B  
5527-PD-005  
5527-PD-006  
5527-PD-007  
5527-PD-008  
5527-PD-009  
5527-PD-010  
5527-PD-011  
5527-PD-012  
5527-PD-013  
5527-PD-014  
5527-PD-015

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

- (3) The development shall not commence above DPC level until, written details and samples of the materials to be used in the construction of the external surfaces of any buildings and hard surfaces have been submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the approved materials;

The details and samples of the materials submitted shall include details of swift and / or bat bricks incorporated into the eaves of the proposed housing units;

Reason: To ensure a satisfactory appearance to the development and interest of ecological enhancement.

- (4) The development shall not commence above DPC 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 development shall not commence above DPC level until there has been submitted to and approved in writing by the Local Planning Authority a scheme of landscaping, using indigenous species which shall include indications of all existing trees and hedgerows on the land and on adjoining sites, and details of any to be retained, together with measures for their protection in the course of development and a programme for the approved scheme's implementation and long term management.

The landscape scheme shall be designed using the principle's established in the Council's adopted Landscape Character Assessment 2012 and shall include details of the repair and retention of existing hedgerows and tree lines within the site;

The landscaping of the site 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

- (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; and any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation;

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

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

Reason: To ensure the appearance and the character of the building is maintained.

- (8) The development shall not commence until details of a scheme of foul and surface water drainage for the site have been submitted to and approved by the local planning authority. The development shall thereafter be carried out in accordance with the subsequently approved details.

Reason: To ensure adequate drainage arrangements

- (9) No development shall take place until details of tree and hedgerow protection, for all retained on-site trees and hedgerows, and trees and hedgerows in adjoining properties in proximity to the site boundary, in accordance with the current edition of BS 5837 have been submitted to and approved in writing by the local planning authority. All trees to be retained on site must be protected by barriers and/or ground protection.

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

- (10) Prior to any part of the development hereby approved reaching damp proof course details of a decentralised and renewable or low-carbon sources of energy and how they will be incorporated into the development shall be submitted for prior approval in writing by the Local

Planning Authority. The approved details will be in place before first occupation of any part of the development hereby approved and maintained as such at all times thereafter.

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

- (11) The approved 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.

- (12) The access shall be completed to a width of 3.7 as approved before the commencement of the use of the land or buildings hereby permitted.

Reason: In the interests of road safety.

- (13) Prior to any part of the development hereby approved reaching damp proof course a scheme for the disposal of surface water (which shall in the form of a SUDS scheme) shall be submitted to and approved by the local planning authority. The development shall thereafter be undertaken in accordance with the approved details.

Reason: To ensure satisfactory drainage in the interests of flood prevention

- (14) Prior to the development commencing, on site provision shall be made (a) for the parking loading/unloading and turning of all construction and site personnel vehicles and (b) wheel washing facilities. These facilities shall be retained throughout the construction phase of the development hereby permitted.

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

- (15) No surface water shall discharge onto the public highway.

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

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

Reason: To ensure that historic building features are properly examined and recorded.

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

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

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

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

- (18) Native species hedging, the mix of which shall be agreed in writing before any part of the development reaches eaves level, sited as shown on drawing no: 023-11 rev A shall be planted in the first available planting season following first occupation of any of the dwellings. Any planting becoming dead diseased or dying within 5 years of planting shall be replaced by specimens of the same size, and species in the same location.

Reasons: In the interests of visual amenity.

- (19) Prior to first occupation of any of the houses hereby permitted, biodiversity enhancements including bird nesting and bat roosting boxes as shown on approved plan 5527-PD-003A shall be approved in writing by the local planning authority, and shall be installed and retained as such at all times thereafter.

Reason: To ensure that adequate provision is made for wildlife in accordance with the provisions of the NPPF.

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

Reason: In the interests of visual amenity

#### INFORMATIVES

- (1) Should works be required in the highway a statutory licence must be obtained. Applicants should contact Kent County Council - Highways and Transportation (web: [www.kent.gov.uk/roads\\_and\\_transport.aspx](http://www.kent.gov.uk/roads_and_transport.aspx) or telephone: 03000 418181) in order to obtain the necessary Application Pack.
- (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.
- (3) 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.

Case Officer: Joanna Russell

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 23



17/503237/OUT - J B Garage Doors, Straw Mill Hill, Tovil, Maidstone, Kent, ME15 6FL

Scale: 1:1250

Printed on: 18/7/2018 at 10:04 AM by JoannaW



## REPORT SUMMARY

**REFERENCE NO -** 17/503237/OUT

### APPLICATION PROPOSAL

Outline Application (Some Matters Reserved) for erection of residential development providing up to 18 units and provision of parking spaces. Access and scale being sought, with remaining issues to be determined as reserved matters.

**Description changed from:** Outline Application (Some Matters Reserved) for demolition of existing buildings, and cessation of commercial use on site; Erection of residential development providing 18 No. units, of which 12 x 1 Bed and 6 x 2-Bed. Provision of 16 parking spaces/2 disabled spaces and 4 visitor spaces. Access, Layout and Scale being sought.

**ADDRESS** J B Garage Doors Straw Mill Hill, Tovil, Maidstone, Kent ME15 6FL.

**RECOMMENDATION** Grant outline planning permission with conditions and subject to a Section 106 agreement and conditions as detailed in Paragraph 11 of the report.

### SUMMARY OF REASONS FOR RECOMMENDATION

- The site lies within the urban area of Maidstone whereby the principle of the scheme is considered to be acceptable subject to other policies.
- The scheme will utilise a brownfield site for a mix of market and affordable homes including those available for market rent.
- The buildings are considered to be of acceptable scale, appropriate to their context and subject to conditions will assimilate within the area without harm to nearby properties.
- The proposed access is acceptable and the indicative parking layout would suggest that there would be sufficient space for parking.
- The scheme is considered acceptable in relation to all other relevant planning matters and will comply with the development plan. On this basis, it is considered that there are no overriding material considerations to indicate a refusal of planning permission, and it is recommended that planning permission is granted subject to planning conditions and legal agreement.

### REASON FOR REFERRAL TO COMMITTEE

Councillor Derek Mortimer has said that should officers be minded to recommend approval the application is 'called in' to committee for the following summarised reasons:

Although the application is outline only, more detail needs to be provided at this stage in terms of vehicle access use and footpath proposals. The proposed parking within the site is totally inadequate, 18 flats with a (questionable) 18 spaces. The local bus service is poor and getting worse and many residents are reluctant to use it because they cannot guarantee getting to their destination at the required time.

- There is a need and demand for one and two bed units but I have serious concerns that some of these units will essentially be bed-sits and not flats.



<ul style="list-style-type: none"><li>• Poor internal layout appears to be confined would be detrimental to any future enjoyment by residents.</li><li>• I support residential development on this site but would like to see a reduction in the amount of units, better design and perhaps omitting the smaller units with the view to providing more parking on the lower level.</li></ul> Surface water run off from anywhere in this area is a major concern. Local flooding regularly occurs at the junction of Straw Mill Hill and Tovil Hill and although regular cleansing takes place the capacity must be increased to cope with any further development in this proximity.			
<b>WARD</b> South	<b>PARISH/TOWN COUNCIL</b> Tovil	<b>APPLICANT</b> Baker Byrne LLP <b>AGENT</b> SJM Planning And Construction Ltd	
<b>DECISION DUE DATE</b> 28/09/17	<b>PUBLICITY EXPIRY DATE</b> 24/10/17	<b>OFFICER SITE VISIT DATE</b> 21/12/2017	
<b>RELEVANT PLANNING HISTORY (inc appeals and relevant history on adjoining sites):</b>			
<b>App No</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
16/506547/PAME ET	Pre application Meeting - Demolition of existing buildings and storage areas. Erection of residential flat development.	CLOSED	27.09.2016
05/0523	Change of use and erection of 10 No. town houses with associated car parking as shown on site layout, block plans and elevational drawings received on 22 February 2005, 9 March & 16 March 2005 and as amended by plans JBGA – 103, 3210 letter dated 26 May 2005 received on 27 May 2005.	PER	19.07.2005
90/0737	Proposed alterations to existing building as validated by agent's plan No. 90-20-03A received 17 October 1990.	PER	16.11.1990
89/0429	Two storey office accommodation.	PER	06.10.1989

## MAIN REPORT

### 1.0 BACKGROUND

- 1.1 This application was deferred at the Committee meeting on 1<sup>st</sup> February 2018 for the following reasons:

- Investigate the scope for improved pedestrian links from the site entrance to existing footways;
- Seek the advice of Kent Highway Services on the cumulative impact of new development in the area on the highway network;
- Enable a representative of Kent Highway Services to be in attendance when the application is discussed;
- Review the density, design and layout of the scheme having regard to the topography, setting and history of the site and seek to secure the provision of structural landscaping; and
- Discuss with the Council's Parks and Open Spaces Team whether the proposed Open Space Contribution might be spent at other sites within the immediate area subject to CIL compliance checks.

1.2 The original committee report is attached as an appendix.

## **2.0 ADDITIONAL INFORMATION SUPPLIED**

- 2.1 New pedestrian links have been introduced from the site entrance to existing footways.
- 2.2 The location plan has been extended by approximately 5.0 metres to the south, which allows the proposed footpath to meet the footpath that had been included in planning application 15/505441/OUT (Tovil Quarry site - erection of up to 108 dwellings with associated vehicular access from Straw Mill Hill, Tovil).
- 2.3 New red line encompassing the extended footpaths.
- 2.4 New planning forms with revised certificate D to advertise the development proposal taking place on land with unknown ownership.
- 2.5 Comments by KCC Highways have been made with regard to the cumulative impact of residential developments in this area.
- 2.6 The description of the development proposal has been altered to remove references to layout being considered as part of the current application and to allow a range of up to 18 dwellings to be provided.
- 2.7 New public amenity spaces have been identified which could be funded by contributions from the development proposal as the previous contributions towards parks have already secured funding.

## **3.0 REPRESENTATIONS**

- 3.1 No representations from members of the public have been received to date.

### **CONSULTEE RESPONSES -**

- 3.2 Tovil Parish Council  
Comments unchanged – object

- 3.3 KCC Highways:  
No objection on the amended footpaths provided.
- 3.4 MBC - Parks and Leisure  
Contributions for alternative parks have been requested as Woodbridge Drive play area already had sufficient funds allocated to it. The alternative parks suggested are Bridge Mill Way and Hayle Place Nature Reserve.
- 3.5 NHS West Kent have removed their request for contributions since the previous application due to a policy change where they do not seek contributions on applications of less than 20 dwellings.

#### **4.0 APPRAISAL**

- 4.1 Following deferral of the application at the committee meeting of the 1<sup>st</sup> February 2018 on the grounds cited in paragraph 1.1 above, the following changes have been secured to the application:
- Proposed pedestrian links
- 4.2 The proposed pedestrian links/footpaths would connect with those included in planning application 15/505441/OUT (Tovil Quarry site - erection of up to 108 dwellings with associated vehicular access from Straw Mill Hill, Tovil). They would extend north along the road stopping short of Cave Hill, and providing a break to accommodate the site access. There is an existing pavement north of the Cave Hill junction, and the existing and proposed pavements would assist in the provision of a safer pedestrian route on Straw Mill Hill. The provision of these pedestrian links would be secured by a S278 agreement with KCC Highways which would be secured via a suggested condition.
- 4.3 The proposed pavements provide safer pedestrian links around the access to the site and would alleviate any highway safety concerns in this regard. This addresses the first concern raised by members.
- Cumulative impact of residential development onto highways
- 4.4 KCC Highways have commented on the cumulative impact of the residential developments in this area. In order to provide some insight into this, reference should be made to the more significant Skillcrown Homes application (15/505441/FULL) which is adjacent to the site, as a transport assessment (TA) was provided as part of the application. (This is in contrast to this application site which is not of a scale that requires a transport assessment to be undertaken.)
- 4.5 The transport assessment supplied for Skillcrown Homes took into account the neighbouring site as committed development (a further 275 – 300 dwellings) and established that there will be no significant impact under all development scenarios – including 2025. Furthermore, the Highways response to the TA stated, 'The results of the capacity assessment

demonstrate that the junction operation will satisfactorily accommodate the development traffic in the 2025 design year.

- 4.6 On a wider scale KCC Highways consider that it is likely that many of the additional traffic movements will gravitate to/from the A229 corridor, given that this forms the nearest major road. Consequently there are some concerns regarding the cumulative effects of further traffic on congestion and delays to road users on this route. In this instance however, the Transport Assessment submitted for the Skillcrown Homes development has demonstrated that the scale of any increase will be small and is therefore unlikely to exceed the variations in traffic volumes that occur on a day-to-day basis. The impact is not therefore regarded to be severe when viewed in the context of the current conditions.'
- 4.7 With these comments in mind, it can be concluded that, while there may be some impact on the surrounding area as a result of the cumulative development in this area, this development proposal for up to 18 units would not result in a significant increase in traffic to warrant a refusal on highways grounds.

Density, design and layout of scheme

- 4.8 The description of the development proposal has now been amended. The previous description read:  
Outline Application (Some Matters Reserved) for demolition of existing buildings, and cessation of commercial use on site; Erection of residential development providing 18 No. units, of which 12 x 1 Bed and 6 x 2-Bed. Provision of 16 parking spaces/2 disabled spaces and 4 visitor spaces. Access, Layout and Scale being sought.
- 4.9 The current description reads:  
Outline Application (Some Matters Reserved) for erection of residential development providing up to 18 units and provision of parking spaces. Access and scale being sought, with remaining issues to be determined as reserved matters.
- 4.10 As can be seen, the current description removes any reference to design and layout, as only the principle of development, access and scale can be assessed. The development relates to 'up to 18 units,' and there are no specifications for sizes/mix etc, therefore the actual number and size/mix of units, in addition to their design and layout, can be assessed as part of a reserved matters application. This said, the indicative plan provides an indication of how layout could be achieved to provide a detached building accommodating up to 18 flats on the site.
- 4.11 The relationship of the development to adjoining land is an important consideration in this case as the site adjoins sites that are occupied or have planning permission for residential development as detailed earlier in this report. The illustrative layout of the development suggests that there would

be a separation distance of approximately 15-20m between the proposed development and the adjoining residential uses to the north and west of the site and as such any impact on the residential amenities of neighbours will be minimised, and not cause harm to the living conditions of neighbouring properties.

- 4.12 To the south of the site, there is an existing belt of trees that fall within the ownership of a neighbouring planning application for the erection of 272 houses currently under consideration referenced 15/509041/REM. Although some of the trees would be removed, a landscape buffer is shown on the drawings to be retained, and reinforced in part, as part of the reserved matters application. The indicative block plan shows the proposed building to be sited approximately 19 metres from this boundary. This, in conjunction with the changes in land levels will minimise any impact to neighbouring occupiers to acceptable levels and demonstrates that an acceptable layout and design can be achieved for a future reserved matters application.
- 4.13 The differences in land levels between this site and adjoining neighbours to the north of the site would result in the proposed development being set at a higher level. However, given the separation distance of approximately 17 metres at the closest point of the development (as set out on the indicative plans) the proposal would pass the light test on both plan and elevational drawings and, as such, it is considered that the potential impact on the flats and the future occupiers of the application site with regard to overshadowing, overbearing and loss of light is to acceptable level. The distance would be sufficient to minimise any issues in terms of issues relating to loss of privacy.
- 4.14 In terms of scale, a condition was added previously in order to restrict the development to a maximum of three storeys on the application site. In numerical terms, the condition is recommended to restrict the development to a height of no more than 11 metres which is similar to the illustrative drawings put before the committee on 1st February 2018. However, in this instance, the description of development has been changed to refer to up to 18 dwellings on the site and would therefore allow for a lower number of units or 18 units to come forward at the reserved matters stage. This would allow for a degree of flexibility in design and layout terms to ensure sufficient privacy distances are maintained to sensitive neighbouring boundaries.

Provision of structural landscaping

- 4.15 Landscaping of the site is reserved for future consideration, and this being the case it means that the submitted landscaping details are for illustration purposes only. The application site is limited in size and there is limited opportunity for soft landscaping, green areas and a communal amenity area for future residents. If structural landscaping is incorporated as requested by members at the previous meeting, then the limited area for soft landscaping would be reduced. However, given that layout is not for consideration at this stage and the footprint of the building is shown on the submitted plans for illustrative purposes only, then I find it reasonable to add wording to the

landscaping condition (condition 2 below) setting out that when the landscaping details are submitted for consideration, that the details shall include a structural landscaping belt along the rear (west) and front (eastern) boundary to help assimilate the development into the landscape setting.

#### Open space contributions

- 4.16 Following discussions with the Parks team it has been confirmed that the previous requests for funds to be directed to the Woodbridge Drive play area have been revisited as this play area already had sufficient funds allocated to it. Parks have therefore requested contributions of:

£28350 (if 18 units provided) is split 50/50: £1575 per dwelling at the following sites:

£14175 to Bridge Mill Way for improved play and sport facilities

£14175 to Hayle Place Nature Reserve for new tractor store/barn and fencing to allow site to be sustainably managed for continuing public use.

The Parks team have confirmed that the request is in line with CIL 123 requirements in that no more than 5 contributions have been secured to fund these projects.

#### 4.17 Further contributions

- Library Bookstock - There is a requirement for the developer to contribute £48.02 per dwelling and as such a total of £864.28 is required for a development of 18 units.
- Primary Education - Although there is a need for Primary School contributions, due to the current Government's 5 obligation pooling restriction KCC are unable to pursue the request
- Secondary Education - Although there is a need for Secondary School contributions, due to the current Government's 5 obligation pooling restriction KCC are unable to pursue the request

## 5.0 **CONCLUSION**

- 5.1 The application relates to an outline application for residential development with access and scale assessed at this stage whilst layout, appearance and landscaping are reserved for future consideration. With this in mind, the subject matter of this application is whether the site is suitable for residential development, whether it could satisfactorily accommodate the proposed number of dwellings, whether the means of access is acceptable, and whether the scale of the development is acceptable.

- 5.2 On all those points, the application is considered acceptable. In addition, the site specific impacts have been assessed and there are no issues that would suggest the site either would not be suitable for development or that the site cannot accommodate the proposed development.

- 5.3 Previous concerns raised by the Parish Council and neighbours are noted, however, it is considered that the proposal would not result in any unacceptable highway safety issues to warrant refusal of the application on this ground. KCC Highways & Transportation raise no objection to the proposed access and amended pedestrian links.
- 5.4 It is considered that the site accords with the development plan and other material considerations weigh in favour of the development. Therefore it is recommended that outline permission is granted subject to the imposition of the appropriate planning conditions and Section 106 agreement as detailed herein.

## **6.0 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 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. The provision of 30% affordable residential units within the application site comprising of indicative targets for tenure of 70% affordable rent/social rent or a mix of the two and 30% intermediate housing
2. Library contribution of £48.02 per dwelling towards libraries to address the demand from the development towards additional book stock and help to replenish it in the Maidstone borough.
3. Open Space Contribution of £1575 per dwelling. This based on off-site provision that cannot be provided onsite to be used towards improvements at the Hayle Place Nature Reserve and Bridge Mill Way recreation area on a 50/50 proportional basis.

### Conditions:-

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

a) appearance (b) landscaping (c ) layout

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. The reserved matters application relating to landscaping and in pursuant of condition 1 should including a full landscaping plan and specification which is based upon the opportunities and mitigation measures set out in the Maidstone Landscape Character Guidelines and should include native species and species which are good pollinators for local wildlife. The landscaping scheme shall include a strategic landscape buffer to the east and west of the site in order to assimilate the development into the landscape setting.

Reason: to give clarity on the appropriate type of landscaping which is suitable to the local area and to help assimilate the development into the landscape setting.

3. Landscaping details submitted pursuant to conditions 1 and 2 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.

4. 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.

5. The development hereby permitted shall be carried out in accordance with the following approved plans:-
  - 15.03.2018 2016-024v9-PropEast;
  - 15.03.2018 2016-024v9-PropNorth;
  - 15.03.2018 2016-024v9-PropSouth;



15.03.2018 2016-024v9-PropWest;  
28.09.2017 2016-024v9-BlgPos  
28.09.2017 2016-024v9-LargeVehicle  
18.07.2018 2016-024v9-PropBlock  
26.06.2018 2016-024v9-Location plan

Reason: For the purposes of clarity and to ensure the quality of the development is maintained.

6. Prior to the development above slab 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.

7. The development hereby approved shall not commence above slab level until details of 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.

8. 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.

9. 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.

10. 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

11. Prior the commencement of development above slab level, details of EV rapid charge points (of 22kW or faster) should be submitted for approval by the Local Planning Authority. This should be on the basis of one space per 10 residential dwellings (where no dedicated off-street parking is provided) and where dwellings with dedicated off-street parking should be provided with their own charge points for low-emission plug-in vehicles. Once approved, the details shall be implemented prior occupation of the dwellings and retained thereafter.

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

12. Before any unit 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.

13. 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.

14. Development shall not begin until a detailed sustainable surface water drainage design for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage design shall demonstrate that:-
- i. 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 onsite before being discharged at an agreed rate to the receiving watercourse.
  - ii. Measures to prevent silt, mud and other pollutants from entering the downstream watercourses during construction.
  - iii. Appropriate allowances for climate change have been incorporated into design.

Reason: In the interests of sustainable drainage.

15. 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: In the interests of sustainability.

16. The development hereby permitted shall be no more than three storeys in height including any roof space which is used as habitable rooms and the ridge height shall not exceed 11.0 metres from normal ground level.

Reason: To ensure conformity with the existing form and character of development in the surrounding area.

17. The development hereby approved shall not commence above slab level until, details of hard landscape works 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 or land.

Reason: To ensure a satisfactory appearance to the development.

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

a) A preliminary risk assessment which has identified:

- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.

b) A site investigation, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.

c) A remediation method statement (RMS) based on the site investigation results and the detailed risk assessment (2). This should give full details of the remediation measures required and how they are to be undertaken. The RMS should also include a verification plan to detail the data that will be collected in order to demonstrate that the works set out in the RMS are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

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

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

19. A contaminated land Closure Report shall be submitted upon completion of the works. The closure report shall include full verification details as set out in point 3 of the preceding condition. This should include details of any post remediation sampling and analysis, together with documentation certifying quantities and source/destination of any material brought onto or taken from the site. Any material brought onto the site shall be certified clean;

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

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

20. On completion of the construction of the properties, a scheme to demonstrate that the internal noise levels within the residential units will conform to the standard identified by BS 8233 2014, Sound Insulation and Noise Reduction

for Buildings - Code of Practice, shall be submitted to and approved in writing by the Local Planning Authority. The work specified in the approved scheme shall then be carried out in accordance with the approved details prior to occupation of the dwellings and be retained thereafter.

Reason: To protect the amenity of future residential occupiers.

21. Before the commencement of construction, details of the following shall be submitted to, and approved in writing by, the local planning authority:
- Provision of construction vehicle loading/unloading and turning facilities prior to commencement of work on site and for the duration of construction.
  - Provision of parking facilities for site personnel and visitors prior to commencement of work on site and for the duration of construction.
  - Provision of measures to prevent the discharge of surface water onto the highway.
  - Provision of wheel washing facilities prior to commencement of work on site and for the duration of construction.
  - Completion and maintenance of the access shown on the submitted plans prior to the use of the site commencing.

Reason: In the interests of highway safety and to avoid inconvenience to other road users.

22. No dwellings hereby approved shall be occupied until such time as the highways works to extend the pedestrian links around the site entrance as shown on approved plan 2016-024v9-PropBlock received on 18.07.2018 have been secured and constructed in full as part of a S278 agreement with KCC Highways.

Reason: In the interests of highway safety.

#### INFORMATIVE

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

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: Jocelyn Miller

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

## REPORT SUMMARY

**REFERENCE NO -** 17/503237/OUT

### APPLICATION PROPOSAL

Outline Application (Some Matters Reserved) for demolition of existing buildings, and cessation of commercial use on site; Erection of residential development providing 18 No. units, of which 12 x 1 Bed and 6 x 2-Bed. Provision of 16 parking spaces/2 disabled spaces and 4 visitor spaces. Access, Layout and Scale being sought.

**ADDRESS** J B Garage Doors Straw Mill Hill, Tovil, Maidstone, Kent ME15 6FL.

**RECOMMENDATION** Grant outline planning permission with conditions and subject to a Section 106 and conditions as detailed in Paragraph 11 of the report.

### SUMMARY OF REASONS FOR RECOMMENDATION

- The site lies within the urban area of Maidstone whereby the principle of the scheme is considered to be acceptable subject to other policies.
- The scheme will utilise a brownfield site for a mix of market and affordable homes including those available for market rent.
- The buildings are considered to be of acceptable layout and scale, well-designed, appropriate to their context and subject to conditions will assimilate within the area without harm to nearby properties.
- The scheme will provide a mix of 1 and 2 bedrooms flats which will provide a good standard of accommodation.
- The proposed access and indicative parking layout complies with policies and the parking SPD.
- The scheme is considered acceptable in relation to all other relevant planning matters and will comply with the development plan. On this basis, it is considered that there are no overriding material considerations to indicate a refusal of planning permission, and it is recommended that planning permission is granted subject to planning conditions and legal agreement.

### REASON FOR REFERRAL TO COMMITTEE

Councillor Derek Mortimer has said that should officers be minded to recommend approval the application is 'called in' to committee for the following summarised reasons

- Although the application is outline only, more detail needs to be provided at this stage in terms of vehicle access use and footpath proposals. The proposed parking within the site is totally inadequate, 18 flats with a (questionable) 18 spaces. The local bus service is poor and getting worse and many residents are reluctant to use it because they cannot guarantee getting to their destination at the required time.
- There is a need and demand for one and two bed units but I have serious concerns that some of these units will essentially be bed-sits and not flats.
- Poor internal layout appears to be confined would be detrimental to any future enjoyment by residents.
- I support residential development on this site but would like to see a reduction in the amount of units, better design and perhaps omitting the smaller units with the view to providing more parking on the lower level.  
Surface water run off from anywhere in this area is a major concern. Local flooding regularly occurs at the junction of Straw Mill Hill and Tovil Hill and although regular cleansing takes place the capacity must be increased to cope with any further development in this proximity.

<b>WARD</b> South	<b>PARISH/TOWN COUNCIL</b> Tovil	<b>APPLICANT</b> Baker Byrne LLP <b>AGENT</b> SJM Planning And Construction Ltd	
<b>DECISION DUE DATE</b> 28/09/17	<b>PUBLICITY EXPIRY DATE</b> 24/10/17	<b>OFFICER SITE VISIT DATE</b> 21/12/2017	
<b>RELEVANT PLANNING HISTORY (inc appeals and relevant history on adjoining sites):</b>			
<b>App No</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
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05/0523	Change of use and erection of 10 No. town houses with associated car parking as shown on site layout, block plans and elevational drawings received on 22 February 2005, 9 March & 16 March 2005 and as amended by plans JBGA – 103, 3210 letter dated 26 May 2005 received on 27 May 2005.	PER	19.07.2005
90/0737	Proposed alterations to existing building as validated by agent's plan No. 90-20-03A received 17 October 1990.	PER	16.11.1990
89/0429	Two storey office accommodation.	PER	06.10.1989

## MAIN REPORT

### 1.0 DESCRIPTION OF SITE

- 1.01 The application site is located to the west side of Straw Mill Hill and adjoining the site to the north is a three storey development of flats accessed via Harris Place. To the south and west of the site is a site known as land off Farleigh Hill which has outline planning permission for up to 272 houses or flats as approved under MA/10/0256. Development at the adjoining site has not yet started and the reserved matters have not been approved. There is a further outline planning permission under ref 15/505441/OUT furthest to the south west at the Tovil Quarry for the erection of up to 108 dwellings.
- 1.02 The surrounding built up area in Tovil is predominantly residential. The application site is currently used for commercial purposes as a garage door company. The site has changes in land levels that rise from north to south.
- 1.03 There is a belt of protected trees (TPO No.11 of 1984) on the steep bank to the southern boundary of the application site.
- 1.04 The site is within the urban area of Maidstone and within an area covered by the Council's residents parking scheme that restricts on-street parking to permit holders.

### 2.0 PROPOSAL

- 2.01 The application proposes the demolition of existing buildings and their replacement with a three storey detached building accommodating a total of 18 flats consisting of 12x one bedroom units and 6 two bedroom units. The application provides 16 car parking spaces and an additional 2 disabled spaces plus 4 visitor parking spaces.



- 2.02 The current application is submitted in outline form, with access, layout and scale being sought at this stage, whilst appearance and landscaping of the site reserved for future consideration.
- 2.03 The indicative detail shows that access will be taken from Straw Mill Hill, and given the rectangular shape of the plot, the building will sit parallel to the plot boundary with the side elevations of the building running parallel to the north and south plot boundary. The frontage of the building would face east.
- 2.04 In terms of scale the submitted indicative drawings show a three storey building with a maximum height of approximately 11 m. Given the differences in land levels the building will be cut into the slope and would have a stepped entrance to the east elevation, and a ramped access to the north elevation of the building.
- 2.04 The submitted indicative drawings show a detached rectangular building designed as two rectangular blocks linked by a stair and circulation area. The flats would be located on either end of the building with a walkway in-between the units. The indicative drawing shows a total of 6 flats on each floor of the building comprising of 2no. two bed flats located to the northern end of the building and 4 one bed flats located to the southern end of the building. This layout is repeated on all three floors of the building.
- 2.05 The external appearance of the building is reserved for future consideration, however, the submitted detail indicates use of a forward projection to mark the front entrance, Juliette balconies, pitched roofs, brick detailing etc. Such matters will be fully assessed at reserved matters stage.
- 2.05 A total of 18 car parking spaces are proposed for residents with an additional 2 spaces provided as disabled parking. There are an additional of 4 spaces provided for visitors. A grassed area is proposed to the north, east and west of the development.
- 2.07 The site area measures approximately 0.16 hectares and the provision of 18 dwellings would result in a density of approximately 113 dwellings per hectare.
- 2.08 An amended layout drawing, and parking layout, together with additional information to demonstrate the accessibility of the proposed vehicular access, and, HGV and refuse collection turning areas were submitted to address concerns raised by the Parish Council and consultees.
- 2.09 The application is supported by a Design and Access statement and the application seeks to integrate the recommendations of this report within the scheme.

### **3.0 POLICY AND OTHER CONSIDERATIONS**

- The National Planning Policy Framework (NPPF): section 1, 2, 4, 6, 7, 8 and 10
- National Planning Practice Guidance (NPPG)
- Adopted Maidstone Local Plan 2017: DM1, DM2, DM3, DM5, DM11; DM12; DM19; DM20; DM21; DM23; DM24; SP19; and SP20
- Supplementary Planning Documents: SPG4 - Vehicle parking standards (July 2006)

### **4.0 LOCAL REPRESENTATIONS**

No comments received from neighbours.

One objection received from Councillor Derek Mortimer. Concerns raised are summarised as follows:-

- More detail is needed on vehicle use and details of footpath as Star Hill Mill is a narrow road
- Straw Hill Mill is a single track and applicant should demonstrate that the site access is safe
- There will be a conflict between vehicles and pedestrians
- Parking is inadequate and will overspill onto Straw Hill Mill
- Some of the units will be bedsits and not flats
- The proposed internal layout is confined and restricted
- Surface water runoff is a problem in this area.

Tovil Parish Council raised concern regarding the application and recommended refusal for the following reasons:

- Traffic access into Straw Mill Hill is not sufficiently detailed
- The development will lead to loss of the existing commercial use and loss of employment in the area
- Whilst TPC acknowledges that the parking requirement is met by the proposed development, they recommend that the parking allocation must be increased to a realistic number to take into account that additional street parking will not be possible
- A more detailed plan and proposal will highlight these concerns

## **5.0 CONSULTATIONS**

5.01 **Natural England** has no objection to the application

5.02 **UK Power** advise that they have no objection to the proposed works

5.03 **Southern Water** has no objection to the development and advise that if planning permission is given for the development an informative should be attached, requiring an application to made to Southern Water to make a connection to the public sewerage system.

5.04 **Crime Prevention Design Advisor** advises that the applicant's attention should be drawn to the Kent Design Initiative which will also assist them with Crime Prevention and Community Safety. The following will need to be considered and conditioned if planning permission is given for the development: full audio visual access control system for the main entrance and disabled entrance, access control for other entrances or exits, post delivery, storage of cycles and bins, boundary treatments, use of certified door sets, protection of ground floor windows from a privacy and security aspect.

5.05 **KCC Developer Contributions** advise that the development will have additional impact on the delivery of services which will require mitigation either through the direct provision of infrastructure or the payment of an appropriate financial contribution.

They require the provision of high speed fibre broadband connection, and that the developer should make a contribution of £48.02 per dwelling for library book stock, which is a total of £864.28 for 18 units.

5.06 **KCC Flood and Water Management** advise that whilst no drainage strategy has been provided it is recognised that the site is largely impermeable and has some existing drainage infrastructure in place. Therefore there is no objection to the development subject to drainage conditions as recommended.

- 5.07 **KCC Highways & Transportation** initially raised concern regarding the development and requested amended and additional information on the proposed highway arrangement.

Several revised schemes and additional information was received from the agent. The revised scheme and additional detail submitted reviewed the injury crash record, demonstrated how refuse collection vehicles will access the site, and provided full details of the proposed access and after further negotiation KCC advise that they have no objection to the proposed development, that the proposed access is acceptable and that they have no objection to the proposed parking scheme.

- 5.08 **KCC Minerals & Waste** have no objection to the development

- 5.09 **KCC Archaeology** advises that the application site is on land with archaeological potential and as such recommend a condition to be attached (if planning permission is given for the development) requiring securing 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.

- 5.10 **Environmental Health** advise that the site has the potential to be contaminated and as such a condition is recommended requiring the submission of a Phase 1 Contaminated Land Study (including potential landfill gas aspect).

- 5.11 **Tree Officer** initially objected to the development on grounds of impact on nearby mature tree belt with a group protection (TPO No.11 of 1984). The scheme was then revised and officers have no objection to the revised siting subject to conditions protecting the existing trees, and conditions requiring submission of a landscaping scheme.

- 5.12 **MBC Parks and Open Spaces Team** advise that there is a requirement to contribute 0.366 ha of open space within this development and given that there is no scope for this to be included within the site there is a request for a contribution of £1575 per property for site improvements to the existing open space. Based on 18 units this would be a total of £28,350. The contribution will be spent on improvements at the Woodbridge Drive Play Area (introduction of imaginative play, upgrading the surface, and improvements to the drainage of the site to improve accessibility).

## 6.0 APPRAISAL

### Main Issues

- 6.01 The key issues for consideration are:-

- The principle of development
- Visual impact
- Residential amenity
- Highways
- Landscaping
- Renewable energy
- Contamination
- Developer contributions

### Principle of Development

- 6.02 The site is located within the Maidstone urban area which is considered to be the most sustainable location in the Borough as set out in policy SS1. It is located in

reasonable proximity to bus and rail services and would be well served by local facilities and amenities.

- 6.03 Paragraph 17 of the NPPF lists its core principles and one of them is the need for the effective use of land by re-using land that has been previously developed, provided it is not of high environmental value. Policy DM5 of the Local Plan stresses the necessity of utilising vacant plots to their full potential providing the site is not of high environmental value, and provided the proposed density of housing reflects the character and appearance of individual localities, and is consistent with Policy DM12, unless there is acceptable justification for a change in density.
- 6.04 The application site represents a brownfield site in a sustainable location which fully accords with the strategic objectives of the Local Plan and its policies, policy DM5 in particular. The site is currently used as a car garage/ workshop and as such falls within the definition of previously developed land. There are no policies that restrict loss of the existing commercial uses in this location.
- 6.05 The site is not of high environmental value and the development will reflect the density parameters set out in DM12, and will respect the character of its surroundings, in particular the flat development to the North on Harris Place. On this basis it is not considered the loss of the existing uses would represent matters on their own which would justify the refusal of the application or would be directly contrary to any policy of the Local Plan. The scheme would accord with Policy DM5 in supporting the reuse of brownfield land.
- 6.06 In addition, NPPF paragraph 50 and Policy SP19 of the Maidstone Local Plan require housing development to deliver a wide choice of high quality homes by having an acceptable housing mix so as to promote sustainable development. The proposed development is for 12 x 1 bedroom and 6 x 2 bedroom flats and as such will make a positive contribution in meeting this target.
- 6.07 For the above reasons it is considered that the proposed quantum of development proposed is considered acceptable, that development would be appropriate in terms of Local Plan Policies, and as such the principle of redeveloping the site to a flat development of 18 units as proposed is considered to be acceptable.

#### **Visual Impact**

- 6.08 Paragraph 56 of the NPPF requires all new development to provide high quality design and that good design is a key aspect of sustainable development and is indivisible from good planning, and that it should contribute positively to making places better for people. Local Plan Policy DM1 seeks to achieve high quality design in all development proposals, and to achieve this, the Council expects proposals to positively respond to, and where appropriate enhance the character of their surroundings. The key aspects of a development proposal are its scale, height, materials, detailing, mass bulk and site coverage.
- 6.09 The current scheme follows officers' recommendation made to the applicant at pre-application stage. The layout, and scale have been revised to reflect officer's advice.
- 6.10 The proposed building would measure approximately 34m deep and 11 m wide and would be three storeys in height with a maximum height of 12.5m. The scale and layout of the development are to be assessed at this stage, whilst appearance and landscaping are reserved for future consideration.

- 6.11 Following concerns raised by officers regarding the design of the development, the applicant amended the scheme so that the appearance of the development is reserved for future consideration. Given that appearance is a reserved matter, the submitted elevation detail is for illustration purposes only.
- 6.12 The indicative drawings show a three storey building block sited in a longitudinal form with the front elevation facing to the east of the site on Straw Mill Hill. The siting of the block appears appropriate and that it would make efficient use of the site. The north and south elevations would be key to the success of the scheme and its integration into existing development. These elevations would be the principal elevations of the building and it is expected that, being three storey and easily visible from public vantage points, they should be of high level design with variation and careful choice of materials.
- 6.13 There are residential flats immediately to the north of the site and these are of good standard of design with simple pitched roofs and quality materials, balconies, projecting bays and recesses, pitched roof and projecting balconies. At reserved matters stage, the proposed development would be expected to take cues from the adjoining flatted development to the north of the site, and this can be negotiated and secured by conditions. In addition, the east elevation would be expected to be actively designed so as to provide an attractive and active front elevation addressing Straw Mill Hill.
- 6.14 In terms of density, the scheme would represent 113 dwellings per hectare which would accord with the parameters set out in Policy DM12 of the local plan which considered a range between 45 and 170 dph to be acceptable at this type of location. The scale, layout and approach to the overall design is considered to have taken account of the site context, site levels and the character and scale of the surrounding built form.
- 6.15 Therefore, it is considered the outline scheme can provide good quality design which takes account of its context and would accord with policies DM1 and DM12 of the Local Plan and Section 7 of the NPPF.

#### **Residential Amenity**

- 6.16 The application site is a long and narrow fronted plot addressing Straw Mill Hill. In addition, the site has differences in land levels. With neighbours to the north and south on adjoining sites careful consideration needs to be given to creating an appropriate balance between the street scene and context to the development and protecting neighbour amenity.

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.'*

- 6.17 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.'*

- 6.18 The application is submitted in outline with some matters reserved for future consideration; this said the indicative plan provides an indication of how layout, access and scale could be achieved to provide a detached building accommodating a total of 18 flats on the site.
- 6.19 The relationship of the development to adjoining land is an important consideration in this case as the site adjoins sites that are occupied or have planning permission for residential development as detailed earlier in this report. The submitted layout of the development suggests that there would be a separation distance of approximately 15-20m between the proposed development and the adjoining residential uses and as such any impact on the residential amenities of neighbours will be minimised, and not cause harm to the living conditions of neighbouring properties.
- 6.20 To the north 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. To the southern elevation the existing belt of trees coupled with the changes in land levels will minimise any impact to neighbouring occupiers to acceptable levels.
- 6.21 Given the differences in land levels between this site and adjoining neighbours a dominant three storey development as proposed could have a harmful impact on the outlook currently enjoyed from the neighbouring flats at Harris Place. However, it is considered that given the separation distance, and the orientation of the new development to the existing Harris Place flatted development, it is considered that such separation will minimise any overshadowing, overbearing and loss of light to acceptable level.
- 6.22 In terms of the standard of accommodation proposed, all flats have rooms that have windows for natural light and ventilation and all of the flats are of good size, and as such will afford all future occupiers a good standard of living.
- 6.23 It is therefore considered that a development of a detached building accommodating a total of 18 flats would not harm the residential amenity of neighbouring dwellings and as such proposed quantum of development proposed is considered acceptable and complies with Policy DM1 and Paragraph 17 of the NPPF.

#### **Highways**

- 6.24 The application site lies in a sustainable location in reasonable proximity to bus and rail services, and is well served by local facilities and amenities. Access is to be resolved at this stage and the applicant proposes to use an existing access from Straw Mill Hill. The KCC Highways Engineer advise that the proposal to use an existing access point from Straw Mill Hill is acceptable. They further advise that whilst the revised designated area for refuse storage is a short distance greater than that recommended from the roadside for roadside collection to be undertaken, it is considered that this is not onerous and that refuse collection can efficiently be undertaken via a nearby street.
- 6.25 Indicative parking is shown on the proposed plans; this would predominantly be parallel parking. 16 no. spaces are proposed for residents, an additional 2 is proposed for disabled users and 4 spaces are proposed for visitors.
- 6.26 I note the concerns raised regarding the adequacy of the proposed parking scheme. However, it is considered that this level of parking provision would accord with the Council's parking standards where there is a maximum suggested parking level of 1 space per unit with the advice stating reduced provision is encouraged in support of the efficient use of land and where the site is in a sustainable location. The proximity

of the site to public transport and to the town centre is a positive and justifies the proposed level of parking.

- 6.27 DM23 states the level of provision will take account of the type, size and mix of units whilst ensuring parking should be integrated within developments in an attractive manner. It is considered when having regard to the type of units, the sustainable location and the balance between the constraints of the site and making efficient use of land, it is considered the parking provision is adequate.
- 6.28 Due to the outline nature of the application and the plan being indicative the parking arrangement could be secured by condition. KCC Highways have reviewed the parking provision and have no objections to this. The scheme will also include cycle parking as per the Council's standards and it is recommended planning conditions are imposed to secure both vehicular and cycle parking post development.
- 6.29 Overall it has been demonstrated that a suitable access could be provided and the addition of 18 flats on this plot would not give rise to significant highways implications that would result in the ability to sustain a reason for refusal on highways grounds.

#### **Landscaping and Ecology**

- 6.30 Policy DM3 advises that to enable Maidstone Borough to retain a high quality of living and to be able to respond to the effects of climate change, developers should ensure that new development protects and enhances the natural environment by incorporating measures where appropriate to protect trees with significant amenity value as is the case here where the site adjoins trees with a group preservation order (TPO No.11 of 1984).
- 6.31 The retention of boundary planting (mature protected trees TPO No.11 of 1984) at the southern boundary of the site is important to retaining the character of the site. 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;'*
- 6.32 Landscaping of the site is reserved for future consideration, and this being the case it means that the submitted landscaping details are for illustration purposes only. The application site is limited in size and there is limited opportunity for soft landscaping, green areas and a communal amenity area for future residents. However, it is recommended that the proposed development should provide a landscaping scheme to soften the appearance and character of the development, and that the scheme should have balconies to provide private amenity space to all future occupiers.
- 6.33 If outline planning permission is given for the development, a landscaping condition should be attached in order to ensure that the development is completed satisfactorily and that would enhance the character of the locality. This should be carefully considered at reserved matters stage.
- 6.34 In regards to ecological matters, the application site has little opportunity for bio diversity enhancements. However, given that the belt of mature trees on southern

boundary will be retained, it is considered that the proposal can be considered acceptable on ecological grounds, subject to appropriate conditions relating to provision of biodiversity enhancements.

- 6.35 As such it is considered the proposed development is capable of securing the necessary mitigation through a robust landscaping scheme, and biodiversity enhancements, and that the future pressure on any retained existing protected trees would not be significant such that the proposed quantum of development proposed is considered acceptable.

#### **Renewable Energy**

- 6.36 In accordance with the NPPF development proposals are required to incorporate sources of renewable energy, including solar power where possible. Policy DM2 of the Maidstone Local Plan requires all new homes to meet the Building Regulations optional requirement for tighter water efficiency. In order to maximise carbon efficiency all homes are required to meet the strengthened on-site energy performance standards of Building Regulations. If planning permission is given for the development, a renewable energy condition should be attached in order to ensure that appropriate mitigation measures are incorporated into the development.

#### **Contamination**

- 6.37 Given the previous use of the site there is potential for the site to be contaminated. The Environmental Health Officer advises that if planning permission is granted for the development a contamination report should be submitted for consideration and this should be secured by condition.

#### **Other matters**

##### **S106 Developer Contributions**

##### Affordable Housing

- 6.38 The Maidstone Strategic Housing Market Assessment supports the seeking of a proportionate of dwellings to be provided on-site for affordable housing needs. Policy SP20 of the Maidstone Local Plan requires a 30% contribution for sites within Maidstone urban Area and that the tenure should be 70% affordable rented housing, social rented housing or a mixture of the two and 30% intermediate affordable housing (shared ownership and or intermediate rent). In addition, all affordable housing should be appropriately integrated within the site. In this case, a total of 6 flats should be affordable units: 4 of these flats being affordable rent and 2 flats being intermediate affordable housing (shared ownership or intermediate rent).
- 6.39 In addition, a development of 18 units will trigger a requirement for financial contributions in order to mitigate the impact of the development and help to deliver necessary infrastructure to accommodate the new development.

##### Financial contributions

- 6.40 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.'*



- 6.41 These contributions can include Affordable housing, Transport, Open space, Public realm, Health, Education, Social services, Utilities, Libraries, Emergency Services and Flood defences.
- 6.42 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.
- 6.43 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)'.*
- 6.44 A request for contributions has been received from Maidstone Borough Council Parks and Open Space, and from Kent County Council (KCC) Library Bookstock and they are detailed as follows:-
- Parks and Open Spaces – There is a requirement of 0.366 ha of open space within this development. However, given that there is no scope for this to be included onsite it is requested that a contribution of £1575 per property is made for offsite improvements to existing open space. Based on 18 units this would be a total of £28,350. This request would be used for improvements at the Woodbridge Drive Play Area to provide an imaginative play area, upgrading of the surfacing and improvements to the drainage of the site to improve accessibility.
  - Library Bookstock - There is a requirement for the developer to contribute £48.02 per dwelling and as such a total of £864.28 is required for a development of 18 units.
  - Primary Education - Although there is a need for a Primary School, due to the current Government's 5 obligation restriction KCC are unable to pursue the request
  - Secondary Education - Although there is a need for a Secondary School, due to the current Government's 5 obligation restriction KCC are unable to pursue the request

## **7.0 CONCLUSION**

- 7.01 The application relates to an outline application for residential development with access, scale and layout assessed at this stage whilst appearance and landscaping reserved for future consideration. Given this, the subject matter of this application is whether the site is suitable for residential development, whether it could satisfactorily accommodate the proposed quantum of dwellings, whether the means of access is acceptable, and whether the scale of the development is suitable.
- 7.02 On all those points, the application is considered acceptable as detailed herein. Furthermore, the site specific impacts have been assessed and reviewed by the various stakeholders and departments and there are no issues that would suggest the site is not suitable for development or that the site cannot accommodate the proposed quantum of development.
- 7.03 Concerns raised by the Parish Council and neighbours are noted, however, it is considered that the proposal would not result in any unacceptable highway safety issues to warrant refusal of the application on this ground. KCC Highways & Transportation raise no objection to the proposed access and amended parking arrangement as detailed herein.
- 7.04 It is considered that the site accords with the development plan and other material considerations weigh in favour of the development. Therefore it is recommended that

outline permission is granted subject to the imposition of the appropriate planning conditions and Section 106 agreement as detailed herein.

## 11.0 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. The provision of 30% affordable residential units within the application site ( to be a total of 6 affordable units)
2. Library contribution of £48.02 per dwelling (a total of £864.28 for 18 units) is sought towards libraries to address the demand from the development towards additional book stock.
3. Open Space Contribution of £1575 per property totalling £28,350 for 18 units. This based on off-site provision that cannot be provided onsite to be used towards improvements at the Woodbridge Drive Play Area.

### Conditions:-

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

a) appearance (b) landscaping

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. The reserved matters application relating to landscaping and in pursuant of condition 1 should including a full landscaping plan and specification which is based upon the opportunities and mitigation measures set out in the Maidstone Landscape Character Guidelines and should include native species and species which are good pollinators for local wildlife.

Reason: to give clarity on the appropriate type of landscaping which is suitable to the local area.

3. Landscaping details submitted pursuant to conditions 1 and 2 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.

4. 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.

5. The development hereby permitted shall be carried out in accordance with the following approved plans:- 2016-024v9-PropEast; 016-024v9-PropFirst; 2016-024v9-PropGround; 2016-024v9-PropNorth; 2016-024v9-PropSecond ; 2016-024v9-PropSouth; 2016-024v9-PropWest; 2016-024v9-BlgPos ; 2016-024v9-LargeVehicle and 2016-0249v9-Parking

Reason: For the purposes of clarity and to ensure the quality of the development is maintained.

6. 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.

7. The development hereby approved shall not commence above slab level until details of 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.

8. 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.

9. 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.

10. 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

11. Prior the commencement of development above damp proof course, details of EV rapid charge points (of 22kW or faster) should be submitted for approval by the Local Planning Authority. This should be on the basis of one space per 10 residential dwellings (where no dedicated off-street parking is provided) and where dwellings with dedicated off-street parking should be provided with their own charge points for low-emission plug-in vehicles. Once approved, the details shall be implemented prior occupation of the dwellings and retained thereafter.

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

12. Before any unit 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.

13. 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.

14. Development shall not begin until a detailed sustainable surface water drainage design for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage design shall demonstrate that:-

- i. 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 onsite before being discharged at an agreed rate to the receiving watercourse.
- ii. Measures to prevent silt, mud and other pollutants from entering the downstream watercourses during construction.
- iii. Appropriate allowances for climate change have been incorporated into design.

Reason: In the interests of sustainable drainage.

15. 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: In the interests of sustainability.

16. The development hereby permitted shall be no more than three storeys in height including any roof space which is used as habitable rooms and the ridge height shall not exceed 12.5m from normal ground level.

Reason: To ensure conformity with the existing form and character of development in the surrounding area.

17. The development hereby approved shall not commence above slab level until, details of hard landscape works 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 or land.

Reason: To ensure a satisfactory appearance to the development.

18. The development hereby permitted shall not be commenced until the following components of a scheme to deal with the risks associated with contamination of the site shall have been submitted to and approved, in writing, by the local planning authority:-
  - a) A preliminary risk assessment which has identified:
    - all previous uses
    - potential contaminants associated with those uses
    - a conceptual model of the site indicating sources, pathways and receptors
    - potentially unacceptable risks arising from contamination at the site.
  - b) A site investigation, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
  - c) A remediation method statement (RMS) based on the site investigation results and the detailed risk assessment (2). This should give full details of the remediation measures required and how they are to be undertaken. The RMS should also include a verification plan to detail the data that will be collected in order to demonstrate that the works set out in the RMS are complete and identifying any requirements for

longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

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

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

19. A contaminated land Closure Report shall be submitted upon completion of the works. The closure report shall include full verification details as set out in point 3 of the preceding condition. This should include details of any post remediation sampling and analysis, together with documentation certifying quantities and source/destination of any material brought onto or taken from the site. Any material brought onto the site shall be certified clean;

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

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

20. Prior to the first occupation of the development, a scheme to demonstrate that the internal noise levels within the residential units will conform to the standard identified by BS 8233 2014, Sound Insulation and Noise Reduction for Buildings - Code of Practice, shall be submitted to and approved in writing by the Local Planning Authority. The work specified in the approved scheme shall then be carried out in accordance with the approved details prior to occupation of the dwellings and be retained thereafter.

Reason: To protect the amenity of future residential occupiers.

#### INFORMATIVE

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

Case Officer: Thandi Zulu

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 24



## REPORT SUMMARY

<b>REFERENCE NO -</b> 18/501471/FULL			
<b>APPLICATION PROPOSAL</b> Erection of a covered dry store. (Resubmission of 17/505103/FULL)			
<b>ADDRESS</b> Mid Kent Roofing Yard Forstal Lane Harrietsham Kent ME17 1LA			
<b>RECOMMENDATION – GRANT</b> subject to planning conditions set out in Section 8.0 of the report.			
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b> <p>The application is for a dry store on the existing site that would have little impact on the surrounding rural and landscape character of the area. It would provide a facility to meet the business needs of the applicant and allow for the removal of the existing visually unsightly temporary storage on the site. The impact of the development on the amenities of neighbouring properties has been considered and found to be acceptable. No works could commence until appropriate landscaping has been submitted for approval by the Council and implemented and it is considered that the proposal could be appropriately mitigated by appropriate planning conditions.</p>			
<b>REASON FOR REFERRAL TO COMMITTEE –</b> <p>The application has been called in by Harrietsham Parish Council on the grounds that the building is of an excessive height and that the proposal contravenes Policy DM37 section 1. The proposed building site is astride the bund designed to protect neighbouring properties from noise etc. and no indication has been given for the provision of drainage or waste disposal.</p>			
<b>WARD</b> Harrietsham And Lenham	<b>PARISH/TOWN COUNCIL</b> Harrietsham	<b>APPLICANT</b> Mr R Smith <b>AGENT</b> Martin Potts Associates	
<b>DECISION DUE DATE</b> 11/05/18	<b>PUBLICITY DATE</b> 26/04/18	<b>EXPIRY</b>	<b>OFFICER SITE VISIT DATE</b> 06/04/18 and 24/07/18
<b>RELEVANT PLANNING HISTORY (inc. appeals and relevant history on adjoining sites):</b>			
<b><u>Current application site</u></b>			
<b>App No:</b>	<b>Proposal:</b>	<b>Decision :</b>	<b>Date:</b>
15/509813/FULL	Retrospective application for new office unit (considering external alterations to previously approved office building).	Approved	12/09/2017
15/507388/NMAM D	Amendment for 6 skylights to west elevation; relocate front door; glaze 1st floor north gable with stairs and access door; patio door to south elevation of planning application 15/502517/FULL.	Refused	28/09/2015
15/502517/FULL	Proposed new office unit	Approved	29/06/20



			15
15/501861/SUB	Submission of details pursuant to Condition 5 - Hard and Soft Landscaping of 14/500358	Approved	22/05/2015
14/500358/FULL	Continued use of Area B as storage for building materials, with car parking.	Approved	24/11/2014
97/0613	Certificate of Lawful Development for the use of the site for the storage and distribution of building materials, wholesale and retail sale of building materials, and ancillary office and toilet block.	Approved	31/10/1997

Land at Avonbank, Holm Mill Lane, Harrietsham, Maidstone, Kent, ME17 1LA

<b>App No:</b>	<b>Proposal:</b>	<b>Decision :</b>	<b>Date:</b>
18/500553/FULL	Demolition of existing dilapidated stable block and adjacent pre-fabricated garage. Change of use and creation of new single-storey link-detached block containing 3no holiday let chalets – Summary of reasons for refusal –  1) Proposal would result in an incongruous development detrimental to the openness of the countryside. 2) Would result in a sub-standard form of development poor outlook to the rear and insufficient provision of amenity space detrimental to future occupiers,	Refused	16/04/2018
10/1080	Change of use of redundant buildings to holiday lets	Approved	31/08/2010

Millfield, Holm Mill Lane, Harrietsham, Maidstone, Kent, ME17 1LA

<b>App No:</b>	<b>Proposal:</b>	<b>Decision :</b>	<b>Date:</b>
16/506875/FULL	Demolition of existing outbuilding and erection of a 3 bed chalet style single storey holiday let with a private access route and designated parking	Approved	21/11/2016

## MAIN REPORT

### 1.0 DESCRIPTION OF SITE

- 1.01 The application site covers an area of 4590 square metres located to the east side of and accessed by a track from Forstal Lane (Greenway Lane). The site is 460 metres to the north west of the Harrietsham settlement boundary (junction of Ashford Road and West Street). The site is outside of the Landscape of Local Value designation that is located to the south of the Channel Tunnel Rail Link.
- 1.02 The application site is to the north and to the rear of two residential properties fronting Holm Mill Lane (Hollowdene, Millfield). To the east of the site is a row of single storey former office buildings; planning permission was granted in 2010 (10/1080) for conversion of these buildings to holiday lets (stable oak cottages) with a rise in roof ridge heights to between 3.8 to 4.7 metres. It appears that this adjacent site contains a mixture of holiday lets and stabling for horses. The property called Avonbank is adjacent to Millfield to the east on Holm Mill Lane, the occupier of Avonbank owns the holiday lets and open land to the north of the application site.
- 1.03 In terms of the application site, this is a flat parcel of land that was granted a certificate of lawful development in 1997 (MA/97/0613), for the storage and distribution of building materials, wholesale and retail sale of building materials, and an ancillary office and toilet block. Planning permission was subsequently granted in 2014 for the use of adjacent additional land to be used in connection with the business.
- 1.04 Planning permission was approved in 2015 for a new office building on the application site in connection with the existing roofing business that has a footprint of 8m x 18m and measures 2.9m to the eaves and 6.4m to the ridge. The building has been constructed and is in use and a further retrospective application in 2015 permitted the retention of changes that were made to the previously approved plans.

## **2.0 PROPOSAL**

- 2.01 In regards to this proposal, the application seeks permission for the erection of a dry store on the north east side of the site. The building would measure 30m metres in length, 12 metres in depth at the narrowest part and a maximum of 18m in depth at the widest part. The building has a proposed floor space of approximately 392sqm. In terms of height, the building would measure 3.4m to the eaves with a maximum ridge height of 5.2m. The walls would be timber clad with dark stained weatherboarding with a brick built plinth and imitation slate roof tiles.
- 2.02 The building is required in connection with the business on the site Mid Kent Roofing who require internal storage for materials to protect them from external elements. Two small covered temporary storage units have been erected on the site, one on the south of the site and one to the north of the site without planning permission. The applicant is proposing to remove these temporary structures and replace them with the proposed dry store.

- 2.03 The business is conditioned under application reference 14/500358/FULL to only be open during the hours of 7am to 5pm Mondays to Fridays; and 8am to 12noon on Saturdays, with no opening on Sundays and Bank Holidays. The business currently employs 8 employees. The existing access and parking arrangements would be maintained as at present.

### **3.0 POLICY AND OTHER CONSIDERATIONS**

The National Planning Policy Framework 2018(NPPF)  
National Planning Practice Guidance (NPPG)  
Development Plan: SP17, SP21, DM1, DM2, DM3, DM30 and DM37

### **4.0 LOCAL REPRESENTATIONS**

#### **LOCAL REPRESENTATIONS**

- 4.01 Harriestsham Parish Council (summarised): Object and request application is referred to planning committee.

Of the view that this application contravenes Policy DM37 sections 1 of the Maidstone Borough Local Plan 2017.

No indication on the plan of provision for draining or waste disposal other than a soak away. Understanding that there is a cess pit on site immediately beneath where the new building is proposed.

The proposed building site is astride the bund designed to protect neighbouring properties from noise etc.

Concern with adjacent field being turned into hardstanding and an additional building being erected to accommodate a manufacturing business.

Concern is also raised with previous noncompliance of planning conditions

Rural access and roads are unsuitable for the traffic accessing the site.

- 4.02 Local residents:** 4 representations received from local residents objecting to the proposal on the following grounds (summarised):

- Loss of view to the downs
- Additional hardstanding has caused flooding
- Concern that the building would be let out to other businesses
- Overdevelopment of the site in the setting of the Kent Downs AONB
- Large amount of development has occurred on the site over recent years
- Narrow lanes are not suitable for HGV's
- Harm to the landscape in an SLA
- Impact of noise from the business
- Concern that a furniture manufacturing business has moved to the site

## **5.0 CONSULTATIONS**

5.01 KCC Highways: No objection

5.02 Environmental Health: No objection

## **6.0 APPRAISAL**

6.01 The key issues for consideration therefore relate to:

- Principle of development
- Visual impact and landscaping
- Residential amenity
- Highways safety

### **Principle of Development**

6.02 Policy DM37 of the Local Plan (2017) is relevant and supports the sustainable growth and expansion of rural businesses in the rural area. This is where the new buildings are small scale and appropriate for the location and can be integrated into the local landscape. There is support where the increase in floorspace would not result in unacceptable traffic levels; where the proposal would not result in loss of amenity and where no open storage will be permitted unless adequately screened.

6.03 In this instance, the site is located within the countryside, but consists of previously developed land that has been used for the open storage of building materials for a number of years. The proposal does not look to extend the site into the countryside, but is seeking a permanent dry storage area for materials. It is considered that Policy DM37 lends support to the proposal, provided that it can be demonstrated that the building would not cause unacceptable harm to the countryside, landscape and residential amenity. Such impacts are considered in greater detail below.

### **Visual Impact and Landscaping**

6.04 The proposed building would be sited within the confines of the existing permitted site, and would replace existing temporary storage constructed from scaffolding that is located towards the middle of the site and a temporary building located on the southern boundary of the site. The proposed building of 392 sqm in floor area and up to 5.2 metres in height would be seen in the context of the existing office building which stands at 6.4m high.

6.05 The site is relatively flat and the site is well screened in views from the south and west by trees and buildings. Views of the site from the east are interrupted by buildings. The vista is more open to the north and the site is visible from the Kent Downs AONB and views could be possible from a public footpath to the north east. Such views are at distances of 320-350m and there is currently screening in place. It is highlighted that the additional screening required under the 2015 permission has not been

sufficiently managed and uninterrupted views at a distance are possible without this sufficient mitigation.

- 6.06 At present, the proposed open storage on site is permitted up to 3m in height, which is a similar height to the eaves of the proposed building. The proposed building height is required to allow for internal access by a forklift truck and for the removal of the existing temporary unsightly scaffolding that has been erected on site to provide dry storage.
- 6.07 In landscape terms the site falls within the Leeds Castle Parkland Borough Wide Landscape Character Area under the Maidstone Landscape Character Assessment March 2012 (Amended July 2013). The site is located to the north and east of the landscape character area and the character assessment identifies that the landscape here is heavily influenced by the M20/HS1 corridor, and traffic is both visible and audible and reduces the sense of remoteness.
- 6.08 In terms of built development, this is described as sparsely scattered along the A20 and adjoining roads and to the east near Harrietsham. A notable amount of commercial development is situated along the A20, with a large hotel, caravan park, garden centre, and car cleaning facilities.
- 6.09 The site is located 150m to the east of the Garden of England Mobile Park Home and 460m to the west of Harrietsham village boundary. In my opinion the site falls within the area of built development close to the mobile park home site, on adjoining roads to the A20 close to the village boundary of Harrietsham. In this context the proposed building would be seen in context of this existing built development that is adjacent to the site to the south, east and west.
- 6.10 With the proposal there is scope for further landscaping to the north of the proposed building. The details and implementation of this landscaping could be secured prior to construction taking place as members have sought on other sites. The building is located within the confines of the existing site on land that can already has lawful open storage up to a height of 3m. With suitable landscaping it is considered that the development would largely maintain the existing visible appearance within the landscape and could be satisfactorily integrated as required by criterion 1.i. of policy DM37.

### **Residential Amenity**

- 6.11 To the south, a distance of 75 metres separates the site from neighbouring properties that front on to Holm Mill Lane although it should be noted that the holiday lets at Holm Mill are located approximately 10m to the east. The building would be screened at least in part from these main dwellings by landscaping and a condition seeks further screening through additional landscaping on the east and south boundaries to be implemented before construction commences. Therefore with the distances involved and the additional landscaping, it is not considered that any views of the building from surrounding properties could be considered to be harmful to the outlook. The adjacent holiday lets also face away

from the proposal site to the east and therefore the proposal would not impact upon their outlook.

- 6.12 In terms of noise, concern has been raised in neighbour consultation responses. The application site currently has a lawful use that includes open storage and the hours of opening are also restricted as listed above. The proposed dry store would not contain any machinery and would be used solely for the storage purposes. On this basis it is not considered that the construction of a storage facility would cause significantly more noise than the current lawful use and by enclosing the storage this could contain noise within the building and have a positive impact upon the neighbour's amenity. In addition, a planning condition could be used to ensure that the building is only used for storage to prevent any noise-generating activities taking place within it.
- 6.13 Criterion 1.iii. of Policy DM37 seeks to ensure that new development cause no significant harm to amenity. It is acknowledged that the existing premise causes some disturbance. However it is not considered that the proposed dry store would be likely to cause any additional or unacceptable loss to amenity than what is currently already experienced and the dry store could have a positive impact upon amenity by containing sounds within the building. It is therefore not considered that the proposal would be in conflict with the above policy.

### **Highways**

- 6.14 The proposal seeks to erect a storage facility to store materials that need to be under shelter. Roofing materials are currently already permitted to be stored on site but are currently stored under a temporary scaffolding structure. There is no suggestion in the application that the development would lead to a greater demand for storage and increased vehicle movements and this application is to accommodate the needs of an existing local business. As a result it is unlikely that there would be an increase in vehicle movements associated with the dry store.
- 6.15 KCC Highways and Transportation do not raise any objection to the proposal and in addition a planning condition is proposed to restrict the use of the building to storage only, so that it cannot be used for manufacturing purposes. Forstal Lane and Holm Mill Lane are a short distance from the A20 and although these are country lanes, it has been accepted by the Council through previous planning applications that movements to the application site can be adequately accommodated on the local highway network.
- 6.16 Therefore, it is not considered that the proposal would lead to any significant increase in vehicular movements and it is not considered that there is justification to contradict the advice of KCC Highways and decisions that have previously been made in regards to the site and its impact on the local highway network.

### **Other Matters**

- 6.17 This is an existing commercial site and there no significant ecology or tree related issues here. A condition will be imposed however requesting details of ecological enhancements. On the flooding/drainage issues this is not land liable to flood and there is no reason as to why significant drainage issues would arise here but a condition will be imposed requesting details of drainage to be submitted.
- 6.18 No designated heritage assets are within the vicinity of the proposal site and so no objection is raised on heritage grounds.

## **7.0 CONCLUSION**

- 7.01 The site is located within the countryside where impacts relating to rural and landscape character and matters relating to sustainability often preclude many forms of development. However, in this instance, the proposal would result in an additional building in the context of an existing open storage roofing yard and the proposed building would be within the built apron of the existing premises. With mitigation, the impact on the rural character of the area and the landscape would be limited. The proposal would cater for the business needs of a local employer, providing on site storage facility allowing for the removal of temporary structures. The proposal would not lead to any direct increase in traffic movements as the site area could already currently be used for the open storage up to 3m in height.
- 7.02 It may be possible to pick out the proposed building from surrounding vantage points to the north, however these would be mid to long range views, seen against the context of the existing site and the taller office building. The proposal would not be materially harmful to the visual/landscape amenity or to the outlook of any residential properties in the surrounding area, and any noise or increased activity arising from the proposal would not be of sufficient impact to harm residential or rural amenity.
- 7.03 Taking the above into account, the development would meet the business needs of the operator, with minimal visual impact with mitigation and would not be in conflict with the Local Plan policies identified in the sections above.

## **8.0 RECOMMENDATION – GRANT 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:

P846/1 Rev B – Proposed Plans & Elevations  
P864/100 – Proposed Dry Store & Existing Office  
Site Location Plan – Received on 16/03/2018

Reason: To clarify which plans have been approved.

- (3) The building hereby approved shall only be used for the storage of goods and materials ancillary to the business operating from the main building, and shall not be used for any other purpose.

Reason: To accord with the terms of the application, to ensure that no industrial process is carried out within the building, or any independent occupation of the building without proper consideration through a formal application of any noise or highway related impacts, in the interest of aural amenity and highways safety.

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

Reason: To ensure a satisfactory appearance to the development.

- (5) No development shall commence until a landscape scheme designed in accordance with the principles of the Council's landscape character guidance has been submitted to and approved in writing by the Local Planning Authority. The scheme shall show all existing trees, hedges and blocks of landscaping on, and immediately adjacent to, the site and indicate whether they are to be retained or removed, provide details of on-site replacement planting to mitigate any loss of amenity and biodiversity value together with the location of any habitat piles, and include a planting specification, a programme of implementation and a 5 year management plan. The landscape scheme shall specifically address the need to provide hedging (native species) to screen the boundaries and protect the surrounding countryside.

Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development. In addition, previous landscaping requirements have not been adhered to and it is essential that no development commences until such time as the landscaping scheme is implemented.

- (6) No development shall 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 first planting season (October to February). Any seeding or turfing which fails to establish or any trees or plants which, within five years from the first occupation of the day room, 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. In addition, previous landscaping requirements have not been adhered to and it is essential that no development commences until such time as the landscaping scheme is implemented.

- (7) Any external lighting installed on site shall be in accordance with details that have previously been submitted to and approved in writing by the LPA and shall be maintained as such thereafter.

Reason: In the interests of visual amenity.

- (8) Before development commences, details of any plant (including ventilation, air conditioning and heating) or ducting to be used in pursuance of this permission shall be submitted to and approved in writing by the local planning authority. This shall include details of predicted noise levels, extent of use (whether continuous or intermittent), location of the plant / machinery, and any mitigation measures required for noise control. The plant or machinery shall be installed in full accordance with the approved details, and all approved noise control measures shall be implemented before first use of the building. Following installation, all plant and machinery shall be operated and maintained so as to ensure full compliance with the approved details at all times.

Reason: In order that noise outbreak can be controlled and mitigated where necessary, in the interests of amenity.

- (9) 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 shall consist of the enhancement of biodiversity through integrated methods into the design and appearance of the extension by means such as swift bricks, bat tube or bricks. 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.

- (10) The development hereby approved shall not commence until, details of the drainage works have been submitted to and approved in writing by the local planning authority and these works shall be completed in accordance with the approved details before the first use of the building;

Reason: To ensure adequate drainage arrangements.

- (11) The existing buildings shown to be removed on drawing number P846/1 Rev B shall be demolished and the resulting materials and debris removed

from the site to the satisfaction of the local planning authority within 3 month(s) of the first use of the building hereby permitted;

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

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 25



18/503001/FULL - Boxmend Industrial Estate, Cavallino Building, Bircholt Road, Maidstone, ME15 9YG

Scale: 1:1250

Printed on: 2/8/2018 at 11:42 AM by JoannaW

## REPORT SUMMARY

<b>REFERENCE NO -</b> 18/503001/FULL		
<b>APPLICATION PROPOSAL</b> Proposed infill extension to existing automotive repair facility.		
<b>ADDRESS</b> Boxmend Ind. Estate, Cavallino Building, Bircholt Road, Maidstone, ME15 9YG		
<b>RECOMMENDATION – APPROVE subject to conditions</b>		
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b> The proposed development complies with the policies of the Development Plan and there are no overriding material considerations to indicate a refusal of planning permission.		
<b>REASON FOR REFERRAL TO COMMITTEE</b> - Maidstone Borough Council is the landowner		
<b>WARD</b> Park Wood	<b>PARISH COUNCIL</b> Boughton Monchelsea	<b>APPLICANT</b> Rumpton Properties LLP <b>AGENT</b> David Mills Architect
<b>DECISION DUE DATE</b> 18/09/18	<b>PUBLICITY EXPIRY DATE</b> 14/08/18	<b>OFFICER SITE VISIT DATE</b> 22/06/18
<b>RELEVANT PLANNING HISTORY:</b>		

- 14/500825 - Proposed car showroom extension to front of building and proposed 3 storey car storage extension to rear of building – Approved (permission not implemented)
- MA/09/2185 - Change of use to B1, B2 or B8 uses – Approved

### 1.0 SITE DESCRIPTION

- 1.01 The proposal site, known as the Cavallino building, is an industrial building located at the southern end of Bircholt Road close to the junction with Christen Way. This building is occupied by the Ferrari Centre, and is currently used predominantly as a workshop, with the associated showroom currently occupying the front of the building. There is parking on the site, to the north of the building, and the only access into the site is from Bircholt Road. For the purposes of the Local Plan, the proposal site is within the defined urban area and a designated area of Economic Development.

### 2.0 PROPOSAL

- 2.01 The proposal is for an infill extension to the existing automotive repair facility, at its eastern end, effectively squaring off the building. The proposal would add some 200m<sup>2</sup> of extra floor space to the garage/workshop (existing 1,090 m<sup>2</sup> - proposed 1,290 m<sup>2</sup>). The existing vehicle access and parking provision would remain unaffected by the proposal.

### 3.0 POLICY AND OTHER CONSIDERATIONS

- Local Plan (2017): SS1, SP1, SP21, SP22, DM1, DM5
- National Planning Policy Framework (2018)
- National Planning Practice Guidance (2014)

#### **4.0 LOCAL REPRESENTATIONS**

- 4.01 **Local Residents:** No representations have been received.

#### **5.0 CONSULTATIONS**

- 5.01 **Boughton Monchelsea Parish Council:** Raised no objection to proposal.
- 5.02 **KCC Public Rights of Way Officer:** Commented that PROW KM112 runs along western boundary of site and should not affect the application.

#### **APPRAISAL**

##### **Main issues**

- 6.01 As the largest and most sustainable location, the urban area of Maidstone, as defined by the Local Plan, should be the focus for new development. Relevant policies in the Local Plan (as listed above) also seek to ensure the retention, intensification, and regeneration of existing industrial and business estates identified as Economic Development Areas; and that proposals will not result in harm to the character and appearance of the area, or adversely impact upon the amenities of occupiers of residential properties. This is in accordance with the NPPF. This report will set out and consider the visual and residential amenity impacts of the proposal, and then will go on to consider other relevant planning matters.

##### **Visual impact**

- 6.02 The proposal would be noticeably set back from any public vantage point, largely screened by the host building; and it would square off the existing building, whilst respecting the building's height and use of external materials. It is therefore considered that the proposal would not appear visually incongruous or excessive in scale, but very much a development read in context with the character and appearance of the surrounding area.

##### **Residential amenity**

- 6.03 Given the existing industrial use of the site, the context of its industrial estate surroundings and the proposal's separation distance from any residential property, it is considered that the proposal would not have an adverse impact on the living conditions of the occupants of any residential property.

##### **Highway safety implications**

- 6.04 The proposal would not result in a significant intensification of the current use of the site, and it would not put further pressures on parking provision. No objection is therefore raised in terms of highway safety.

## **Other considerations**

- 6.05 The proposal is to extend and refurbish an existing building and so it is not considered necessary to impose any BREEAM standards of build. No objection is raised in terms of land contamination; air pollution; and flood risk.

## **7.0 CONCLUSION**

- 7.01 The proposal is acceptable with regard to the relevant provisions of the Development Plan, the NPPF and all other material considerations such as are relevant. A recommendation of approval of the application is made on this basis.

## **8.0 RECOMMENDATION – APPROVE subject to 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 materials to be used in the construction of the external surfaces of the building hereby permitted shall match those used in the existing building;

Reason: To ensure a satisfactory appearance to the development.

- (3) The development hereby permitted shall be carried out in accordance with the following plans: M206/P01; P02; P03; and P04 received 04/06/18;

Reason: To ensure a satisfactory appearance to the development.

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 26



## REPORT SUMMARY

16 August 2018

<b>REFERENCE NO – 18/502003/FULL</b>			
<b>APPLICATION PROPOSAL –</b> Change of use of part of an area of existing garden to accommodate two Shepherd’s Huts providing holiday let accommodation			
<b>ADDRESS –</b> The Oast House, Pilgrims Way, Hollingbourne, Kent, ME17 1RB			
<b>RECOMMENDATION –</b> GRANT PLANNING PERMISSION subject to conditions			
<b>SUMMARY OF REASONS FOR RECOMMENDATION –</b> The principle of the provision of holiday let accommodation within rural locations such as this accords with Government guidance in the NPPF and adopted Local Plan policies which generally support holiday/tourism related development in the rural areas of the borough. The proposed holiday let use in this case is very modest in scale and the site is well screened by existing trees and hedgerows. It is not considered that the proposed holiday let use is likely to impact unacceptably on the visual amenities of the open countryside location, the landscape of the AONB, the amenities of neighbouring residential properties, the setting of the adjoining conservation area and listed buildings, archaeological and ecological interests of the site, or highway safety.			
<b>REASON FOR REFERRAL TO COMMITTEE –</b> The application has been called-in for consideration by the Planning Committee by the Ward Councillor, Councillor Patrik Garten, on the grounds that there is a lot of discontent in the hamlet caused by this application.			
<b>WARD</b> North Downs		<b>PARISH/TOWN COUNCIL</b> Hollingbourne	<b>APPLICANT</b> Mr and Mrs Clare <b>AGENT</b> Kent Design Studio Ltd
<b>DECISION DUE DATE</b> 21.06.18		<b>PUBLICITY EXPIRY DATE</b> 28.06.18	<b>OFFICER SITE VISIT DATE</b> 28.06.18
<b>RELEVANT PLANNING HISTORY</b>			
<b>App No</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
18/501600/FULL	Erection of a single storey rear extension. Conversion of basement with connecting single storey side extension. Alterations to fenestration along South East elevation. Erection of a detached pool house and detached car port.	Withdrawn by applicant	30.07.18
03/0642	Existing lean-to extension extended along front (north-east elevation).	Approved	04.09.03
02/2277	Demolition of existing buildings and erection of a porch extension and detached garage.	Approved	20.02.03
90/1840	Single-storey extension to dwelling.	Approved	28.01.91
90/1636	Erection of domestic garage building.	Refused	26.04.91

## MAIN REPORT

### 1.0 DESCRIPTION OF SITE

- 1.01 The site forms part of the extensive rear garden area to a detached two-storey residential property located on the south side of Pilgrims Way, approximately 60m to the east of the junction of Broad Street Hill with Pilgrims Way. The extensive rear garden area to the property has an overall depth of some 125m and a width of 40m. The application site comprises mainly the end (southern) part of rear garden and



measures 30m approx. in depth and 40m in width. The application site is adjoined by a tennis court enclosed by fencing within the remaining part of the rear garden area. A Public Footpath (KH132A) runs along the eastern boundary of the site and separates the site from the adjoining residential property to the east of the site at The Old House and its extensive rear garden area. Agricultural land adjoins the site to the south and partly to the west. Residential properties on Pilgrims Way adjoin the remaining (northern) part of the western boundary.

- 1.02 The site forms part of the open countryside of the Kent Downs Area of Outstanding Natural Beauty. The main dwelling and the northern part of the extensive rear garden area to the property are within the Hollingbourne/Broad Street Conservation Area but the main body of the application site is outside. The neighbouring residential properties at The Old House to the east and Pilgrims Cottages to the west are Grade II listed buildings. The site is within an area identified as being of potential archaeological interest.

## **2.0 PROPOSAL**

- 2.01 The application proposes the change of use of the end (southern) part of the extensive rear garden area to the residential property to accommodate the siting of two Shepherd Hut units providing holiday let accommodation. The proposed hut structures have a footprint of 11 sq. m, an eaves height of 2.6m approx., and a maximum height of 3.2m approx. Both huts comprise a kitchen, a toilet with shower, a dining area, and a fold down wall bed. The huts are sited either side of a man made pond at the southern end of the extensive rear garden and will be accessed via a pathway through the remaining rear garden area to the existing main dwelling adjacent to the western boundary. An existing detached double garage building accessed via a driveway to the western side of the existing main dwelling is to be used to provide guest parking for the proposed holiday let accommodation with the pathway access to the proposed holiday let huts continuing southwards beyond the garage.
- 2.02 The submitted Design, Access & Heritage Statement states that the two huts are to be clad with rural style materials. One hut is to comprise corrugated steel sheets (green walls with black roof) and the other is to be natural feather edge boarding with corrugated steel sheet roofing. Both huts will have timber joinery windows and doors. The submitted plan shows the planting of a new native species hedgerow between the proposed holiday let accommodation site and the remaining extensive garden area to the existing main dwelling.
- 2.03 In support of the application, the applicants have stated that they are catering for a maximum of 4 people only at any time, it is likely they will attract walkers and ramblers who can enjoy the many walks and attractions the North Downs has to offer, they will be supporting their guests stay by supplying electric bicycles and giving a personal concierge service to visit attractions such as Chapel Down Vineyard, Leeds Castle, local pubs and restaurants and other points of interest. The applicants further state that access and departure to the holiday let huts will be managed sensitively and within time specified periods.

## **3.0 POLICY AND OTHER CONSIDERATIONS**

Maidstone Local Plan 2017: Policies SS1, SP17, SP18, SP21, DM1, DM3, DM4, DM8, DM23, DM30, DM37, DM38

National Planning Policy Framework (NPPF) 2018: Paragraphs 11, 47, 83, 84, 109, 130, 172, 175, 193, 194, 196  
National Planning Practice Guidance (NPPG)

#### **4.0 LOCAL REPRESENTATIONS**

4.01 **Local Residents:** Thirteen representations received from and on behalf of local residents raising the following (summarised) concerns/objections:

- Introducing a commercial use into a residential curtilage is inappropriate.
- A need for the holiday let accommodation in the area has not been demonstrated in the application.
- There are alternative local facilities for holiday makers.
- The proposals will set a precedent for similar development in the area which will change the character of the area.
- The proposals will change Broad Street in a negative way.
- The proposals will remove important garden space in an Area of Outstanding Natural Beauty.
- The site could develop into a full blown holiday camp/camp site with all the associated holiday activity.
- Guests are likely to be less considerate to neighbours than local residents.
- Potential light intrusion and noise pollution will impact on neighbouring residents.
- Property values in the Broad Street hamlet would be negatively affected.
- The proposals will impact on the adjoining public footpath and change its character.
- The provision of holiday let accommodation will increase traffic on Pilgrims Way.
- Use of the shared driveway and the arrival and departure of additional vehicles to the property and additional parking requirements will have a detrimental impact on the quality of life of neighbouring residents.
- A shared driveway used by residents would not support visitor parking.
- Increased use of the shared driveway would impact on the neighbouring Grade II listed cottage.
- Change of use of the garden land could have an adverse impact on the population of bats in the area.
- Incorrect ownership certificates have been submitted with the application and the required notices were not served.

4.02 **Hollingbourne Parish Council:** The Parish Council do not wish to comment/object.

#### **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 **Environmental Health Officer:** No objections to the application.

5.02 **KCC Highways and Transportation:** Comment that the development proposal does not meet the criteria to warrant involvement from the Highway Authority in accordance with the current consultation protocol arrangements.

5.03 **KCC Archaeological Officer:** Comments that the application site lies within an area of archaeological potential relating to activity focussed along the routeway of the

Pilgrims Way and that Anglo-Saxon burials have been found in fields within the general area. Recommends a condition be attached to any grant of consent to secure the implementation of a watching brief to be undertaken by an approved archaeologist so that the excavation is observed and items of interest and finds are recorded.

- 5.04 **Kent Downs AONB Unit:** No objection raised to the application. Comment that they would wish to see the use of the huts controlled to ancillary accommodation/holiday lets only and the materials/colours as specified in the Design and Access Statement. Also request that conditions be attached ensuring the retention of existing vegetation along the southern boundary of the site to help filter views from the PROWs to the south and east and that external lighting is strictly controlled to help meet the objectives of the AONB Management Plan policy SD7 which seeks to retain and improve tranquillity in the AONB including the experience of dark skies at night.

## **6.0 APPRAISAL**

### **Main Issues**

- 6.01 The key issues for consideration relate to:

- The principle of holiday let accommodation in the open countryside location
- Visual impact
- Character and appearance
- Residential amenity
- Traffic and parking
- Setting of the conservation area and listed buildings
- Archaeological interests
- Ecology

### **Principle of development**

- 6.02 Government guidance in the National Planning Policy Framework (NPPF) (2018) states (para. 83) that planning policies and decisions should enable the sustainable growth and expansion of all types of business in rural areas, both through conversion of existing buildings and well-designed new buildings. The guidance in paragraph 83 further states that planning policies should enable sustainable rural tourism and leisure developments which respect the character of the countryside.
- 6.03 The NPPF further states (para. 84) that planning policies and decisions should recognise that sites to meet local business and community needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. The NPPF states that in these circumstances it will be important to ensure that development is sensitive to its surroundings, does not have an unacceptable impact on local roads and exploits any opportunities to make a location more sustainable (for example by improving the scope for access on foot, by cycling or by public transport).
- 6.04 Policy SP21 of the adopted Maidstone Borough Local Plan is supportive of proposals for the expansion of existing economic development premises in the countryside, including tourism related development, provided the scale and impact of the development is appropriate for its countryside location.
- 6.05 Policy DM37 of the adopted Maidstone Borough Local Plan sets out circumstances where planning permission will be granted for the sustainable growth and expansion

of rural businesses in the rural area. These circumstances include where new buildings are small in scale, appropriate scale for the location and can be satisfactorily integrated into the local landscape; the proposal would not result in unacceptable traffic levels on nearby roads or a significant increase in use of an existing substandard access; and, the new development will not result in an unacceptable loss in the amenity of the area, particularly with regard to the impact on nearby properties and the appearance of the development from public roads.

- 6.06 Policy DM38 of the adopted Maidstone Borough Plan states that proposals for sites for the stationing of holiday caravans and/or holiday tents outside of the defined settlement boundaries will be permitted in certain circumstances. These include where the proposal would not result in an unacceptable loss in the amenity of the area, particularly with regard to the impact on nearby properties and the appearance of the development from public roads, and, the site would be unobtrusively located and well screened by existing or proposed vegetation and would be landscaped with indigenous species. The policy states that a holiday occupancy condition will be attached to any permission, preventing use of any unit as a permanent encampment.
- 6.07 As noted from the Government guidance in the NPPF and adopted Local Plan policies referred to above, holiday/tourism related development in the rural areas of the borough is generally supported by planning policy. In the case of the current proposals, the proposed holiday let use is modest in scale, both in terms of the number and size of the units and the number of guests that could be accommodated, and the site is well screened by existing trees and hedgerows along the rear garden boundaries. The location provides excellent walking opportunities for holiday makers and the applicant has indicated that electric bicycles will be available for guests and a personal concierge service will be provided to visit local attractions which will assist in making the location more sustainable in accordance with the guidance in the NPPF. In light of the above, the principle of the use of the rear garden site for holiday let accommodation is considered acceptable. The specific site considerations are assessed under the relevant headings below.

### **Visual impact**

- 6.08 The rear garden site is well screened by existing trees and hedgerows, both along the rear garden boundaries and generally within the main body of the garden. The proposed holiday let huts are very modest in size and height and in the locations proposed in the application the huts will have minimal visual impact in any views from outside the site, including views from the public footpath which runs along the eastern boundary of the rear garden. One of the proposed holiday let huts is already positioned on the site and is currently used by the applicant incidental to the occupation of the main dwelling. This existing hut is currently only glimpsed from certain points outside the site. The huts are considered appropriate for the rural location in terms of design and elevational treatment and whilst the current screening provided by existing trees and hedgerows will naturally reduce during the winter months, additional planting is proposed within the site as part of the current application, and it is not considered that the two modest sized huts will appear as visually intrusive in any views or will have an unacceptable harmful impact on the visual amenities of the locality.

### **Character and appearance**

- 6.09 The site forms part of the open countryside of the Kent Downs Area of Outstanding Natural Beauty. Government guidance in the NPPF states (para. 172) that great weight should be given to conserving and enhancing landscape and scenic beauty in

National Parks, the Broads and Areas of Outstanding Natural Beauty, which have the highest status of protection in relation to these issues. The NPPF further states that planning policies and decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.

- 6.10 Given the modest scale of the proposed holiday let accommodation, the modest size and height of the proposed huts, and the screening provided by the existing trees and hedgerows along the site boundaries and within the site generally, it is not considered that the proposals will have a harmful impact on the character, appearance and openness of the landscape of the open countryside of the Kent Downs Area of Outstanding Natural Beauty. The submitted application has been considered by the Kent Downs AONB unit, the unit has confirmed that they have no objection to the proposal in relation to AONB impact.

### **Residential amenity**

- 6.11 The rear garden location for the proposed holiday let huts is some 85 – 95m from the backs of the neighbouring residential properties either side of the site at The Old House to the east and Pilgrims Cottages to the west. As a result of the separation distance and the screening provided by the existing trees and hedgerows, both along the rear garden boundaries and generally within the main body of the garden, and the additional planting proposed as part of the current application, the proposed holiday let huts are unlikely to impact in the outlook to the rear of the neighbouring residential properties. Given the modest scale of the holiday let use (the two huts cater for a maximum of 4 people only at any time) and the separation distance between the site and the neighbouring residential properties, the use of the site and level of activity within the site is unlikely to impact on the residential amenities of the neighbouring occupiers in terms of noise and disturbance.
- 6.12 The increased use of the shared access off Pilgrims Way adjacent to the western side of the main dwelling at The Oast House to provide access to the garage parking for the holiday let guests with the access continuing southwards as a pedestrian access to the holiday let hut accommodation is likely to have some impact on the neighbouring dwellings at Pilgrims Cottages to the west. However, given the modest scale of the development, any additional comings and goings to and from the site via the existing shared access are unlikely to be so significant as to result in unacceptable noise and disturbance to the neighbouring occupiers. Any modest increase in traffic along Pilgrims Way as a result of the proposals is unlikely to impact on residential amenity in the wider area.
- 6.13 The proposed holiday let accommodation is considered to provide prospective users with a good holiday environment.

### **Traffic and parking**

- 6.14 An existing detached double garage building accessed via an existing shared driveway to the western side of the main dwelling at The Oast House is to be used to provide guest parking for the proposed holiday let accommodation. There is pathway access to the proposed holiday let huts continuing southwards beyond the existing garage. The existing two bay garage is considered to provide adequate parking for the two 2-person maximum holiday let huts.
- 6.15 Separate off-road parking for the existing main dwelling at The Oast House is available immediately adjacent to the western side of the dwelling on the Pilgrims Way frontage.

- 6.16 The provision of the two holiday let huts is likely to result in a modest increase in vehicle movements to and from the site via the existing shared access to Pilgrims Way and a similar modest increase in vehicle movements along Pilgrims Way. The modest increases are not likely to raise any overriding highway safety issues in the locality.
- 6.17 The provision of the two holiday let huts is likely to result in a modest increase in vehicle movements to and from the site via the existing shared access to Pilgrims Way and a similar modest increase in vehicle movements along Pilgrims Way. The modest increases are not likely to raise any overriding highway safety issues in the locality.

### **Setting of conservation area and listed buildings**

- 6.18 The main dwelling at The Oast House and the northern part of the extensive rear garden area to the property are within the Hollingbourne/Broad Street Conservation Area but the main body of the application site is outside. The neighbouring residential properties on Pilgrims Way at The Old House to the east and Pilgrims Cottages to the west are Grade II listed buildings.
- 6.19 Given the modest size and scale of the proposed holiday let huts, the separation distance between the proposed huts and the conservation area boundary and neighbouring listed properties on Pilgrims Way to the north, and the screening provided by the existing trees and hedgerows between the proposed huts and the conservation area boundary and listed buildings, it is not considered that the proposed huts will have a harmful impact on the setting of the conservation area or the neighbouring Grade II listed buildings. It is not considered that the significance of the designated heritage assets (conservation area and listed buildings) will be harmed by the proposals.

### **Archaeological interests**

- 6.20 The application site lies within an area of archaeological potential relating to activity focussed along the routeway of the Pilgrims Way. Anglo-Saxon burials have been found in fields within the general area.
- 6.21 Whilst the stationing of the two holiday let huts on the site is unlikely to involve any groundworks of significance which could impact on any archaeological interests within the site, KCC's Archaeological Officer has recommended that a planning condition be attached to any grant of planning permission to secure the implementation of a watching brief to be undertaken by an approved archaeologist so that the excavation is observed and items of interest and finds are recorded. The condition recommended by KCC's Archaeological Officer can be imposed on any planning permission granted and will ensure any archaeological interests at the site are safeguarded.

### **Ecology**

- 6.22 The two holiday let huts proposed are to be sited within the end part of an extensive rear garden area to the residential property at The Oast House on Pilgrims Way. The garden area is well managed and maintained and incorporates a modest sized man made pond. The proposed huts are sited on existing managed grassed areas within the garden area, the existing man made pond is retained and no existing trees or hedgerows are removed as part of the proposals. External lighting to the proposed holiday let huts and within the site generally could impact on any ecological interests

at the site and a condition is recommended to be imposed on any grant of planning permission to secure the submission of details of external lighting for consideration and approval.

### **Other Matters**

- 6.23 One of the issues raised on behalf of local residents with regards to the application relates to the incorrect ownership certificate having been submitted with the application and the required notices not being served on the relevant owners as part of the planning application process. This matter has been resolved.

## **7.0 CONCLUSION**

- 7.01 Government guidance in the NPPF and adopted Local Plan policies are generally supportive of holiday/tourism related development in the rural areas of the borough. In the case of the current proposals, the proposed holiday let use is modest in scale, both in terms of the number and size of the units and the number of guests that could be accommodated, and the site is well screened by existing trees and hedgerows along the rear garden boundaries and within the rear garden site generally. The proposals will not have a harmful visual impact in the area. The character, appearance and landscape of the Kent Downs Area of Outstanding Natural Beauty are similarly not harmed as a result of the proposed use of the site for the siting of the two holiday let huts. The settings of the adjoining Hollingbourne/Broad Street Conservation Area and the neighbouring listed buildings on Pilgrims Way are preserved in the proposals.
- 7.02 Given the modest scale of the holiday let use and the separation distance and existing tree and hedgerow screening between the site and the neighbouring residential properties, the use of the site and level of activity within the site is unlikely to impact unacceptably on the residential amenities of the neighbouring occupiers in terms of noise and disturbance, including that generated by vehicle movements on the existing shared access. The modest increases in the use of the existing shared access and vehicle movements along Pilgrims Way are not likely to raise any overriding environmental or highway safety issues in the locality.
- 7.03 The application does not raise any overriding issues of conflict with the relevant Government guidance in the NPPF (2018) or the policies in the adopted Maidstone Borough Local Plan (2017). The grant of planning permission is recommended subject to the conditions set out below.

## **8.0 RECOMMENDATION**

- 8.01 GRANT planning permission subject to the following conditions:

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

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

- (2) The development hereby permitted shall be carried out in accordance with the following approved plans/document unless otherwise agreed in writing by the Local Planning Authority:

Drawing numbers 1767 21, Blackdown Shepherd Huts Drawing No. 001 Sheets 1 of 4 and 2 of 4, Design, Access & Heritage Statement;

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

- (3) The materials to be used in the construction of the external surfaces of the shepherd hut structures hereby permitted shall be as stated within the submitted Design, Access & Heritage Statement unless otherwise agreed in writing by the Local Planning Authority;

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

- (4) Before the holiday let units hereby permitted are first occupied, a detailed landscaping scheme for the site comprising native species planting, including details of the new hedgerow to the northern boundary of the site and the enhancement of the existing planting to the southern and eastern boundaries, shall have been submitted to and approved in writing by the Local Planning Authority. A plan for the long term maintenance of the landscaping scheme shall also be included in the details submitted. The approved landscaping scheme shall be implemented by the end of the first planting season following the first occupation of the holiday let units.

Any trees or plants which within a period of five years from the implementation of the approved landscaping scheme die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation;

Reason: In the interests of the visual amenities of the area and the setting of the completed development.

- (5) Prior to the holiday let units hereby permitted being stationed on the site, details of the surfacing materials to be used in construction of all new hardsurfacing within the site, including the new footpaths shown on the approved plan (Drawing No. 1767 21), shall have been submitted to and approved in writing by the Local Planning Authority. The new hardsurfacing shall comprise permeable material. The new hardsurfacing shall be carried out in accordance with the approved details before the first occupation of the holiday let units;

Reason: In the interests of the visual amenities of the area and the setting of the completed development.

- (6) The two holiday let units hereby permitted shall only be used as holiday accommodation;

Reason: To prevent permanent residential development in the open countryside in the interests of sustainable development.

- (7) The two holiday let units hereby permitted shall only be occupied continuously by any persons for a period not in excess of 28 days and not for more than 112 days in total in any calendar year. A written record of all lettings shall be kept and made available for inspection by the Local Planning Authority at their reasonable request;



Reason: To prevent permanent residential development in the open countryside in the interests of sustainable development.

- (8) The holiday use of the site hereby permitted shall be restricted to the two holiday let units shown on the approved plan (Drawing No. 1767 21) only;

Reason: In the interests of the amenities of the occupiers of neighbouring residential properties and the locality.

- (9) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and/or re-enacting that order with or without modification), no further development, other than that shown on the approved plan (Drawing No. 1767 21), shall take place within the site without the prior written approval of the Local Planning Authority;

Reason: In the interests of the amenities of the occupiers of neighbouring residential properties, visual amenity and the character and appearance of the open countryside location.

- (10) The guest parking shown on the approved plan (Drawing No. 1767 21) shall be provided and maintained available for use for parking purposes by the users of the two holiday let units hereby permitted. No development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and/or re-enacting that order with or without modification), shall be carried out within the guest parking area or in such a position as to preclude vehicular access to the guest parking. The holiday let units shall not be occupied without the allocated guest parking being available;

Reason: Development without adequate parking provision is likely to lead to parking inconvenient to neighbouring residents and other road users and in the interests of local amenity and road safety.

- (11) No external lighting shall be installed to the holiday let units or within the site without full details of the lighting having been first submitted to and approved in writing by the Local Planning Authority. The external lighting shall be installed in accordance with the details approved and shall be retained and maintained as such thereafter;

Reason: In order to safeguard the night-time rural environment, the ecological interests of the site, and residential and local amenity generally.

- (12) No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of a watching brief to be undertaken by an archaeologist approved by the Local Planning Authority so that the excavation is observed, and items of interest and finds are recorded. The watching brief shall be in accordance with a written programme and specification, which has been submitted to and approved in writing by the Local Planning Authority;

Reason: To ensure that features of archaeological interest are properly examined and recorded in accordance with Government guidance in the NPPF (2018).

- (13) Prior to the commencement of the development hereby approved, full details of a scheme of foul and surface water drainage for the site shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented in strict accordance with the details approved prior to the first occupation of the holiday let units hereby permitted;

Reason: To ensure that adequate drainage is provided for the development and reduce the potential for flooding and contamination.

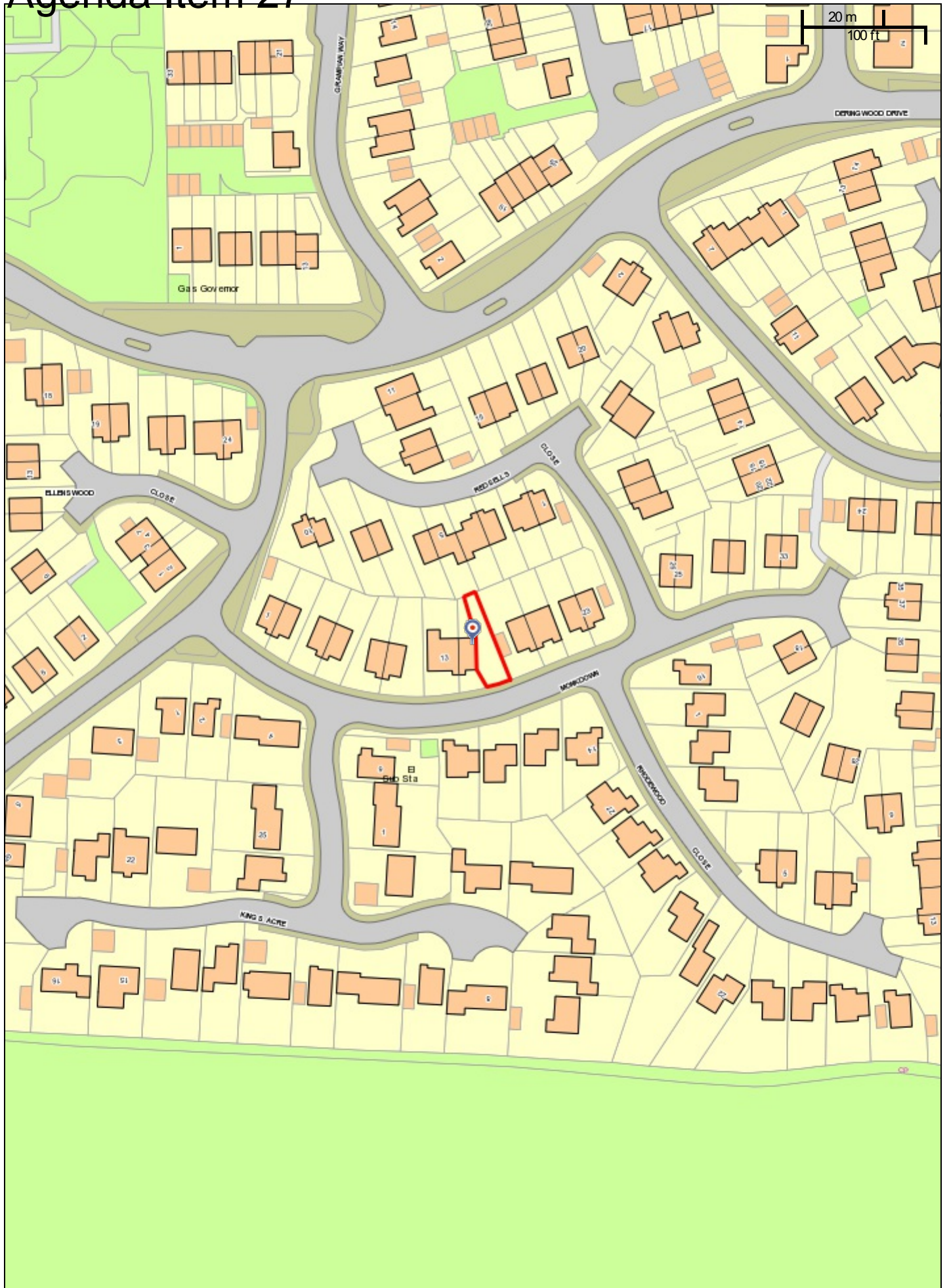
Informative:

The Council's Environmental Health Team advise that broad compliance with the Mid Kent Environmental Code of Development Practice is expected in the development.

Case Officer: Jon Barnes

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 27



18/502748/FULL - 15 Monkdown, Downswood, Maidstone, Kent, ME15 8SP

Scale: 1:1250

Printed on: 2/8/2018 at 10:10 AM by JoannaW

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## REPORT SUMMARY

16<sup>th</sup> August 2018

<b>REFERENCE NO -</b> 18/502748/FULL			
<b>APPLICATION PROPOSAL -</b> Demolition of the existing outbuilding and the construction of a two bedroom attached house.			
<b>ADDRESS -</b> 15 Monkdown Downswood Maidstone Kent ME15 8SP			
<b>RECOMMENDATION -</b> GRANT PLANNING PERMISSION subject to conditions			
<b>SUMMARY OF REASONS FOR RECOMMENDATION –</b> The current proposal being similar to the two-storey side extension approved in April 2018, under reference number 18/500753/FULL is acceptable in terms of scale and design and no material harm will be caused to the character, appearance or layout of the vicinity of the site. The proposal accords with all relevant policies of the development plan (Maidstone Borough Local Plan (2017) and the NPPF and will make a valuable windfall contribution towards the provision of smaller housing units within the Borough.			
<b>REASON FOR REFERRAL TO COMMITTEE –</b> Downswood Parish Council have requested the application is reported to the Planning Committee if Officers are minded to recommend approval.			
<b>WARD</b> Downswood And Otham	<b>PARISH/TOWN</b> Downswood	<b>COUNCIL</b>	<b>APPLICANT</b> Ms Amanda Cooper <b>AGENT</b> Mr Paul Fowler
<b>DECISION DUE DATE</b> 30/07/18	<b>PUBLICITY EXPIRY DATE</b> 12/07/18	<b>OFFICER SITE VISIT DATE</b> 15/06/18	
<b>RELEVANT PLANNING HISTORY</b>			
<b>App No</b>	<b>Proposal</b>	<b>Decision</b>	<b>Date</b>
18/500753/FULL	Demolishing of existing outbuilding, Erection of a two-storey side extension and extended vehicular cross over.	Permitted	10.04.2018

## MAIN REPORT

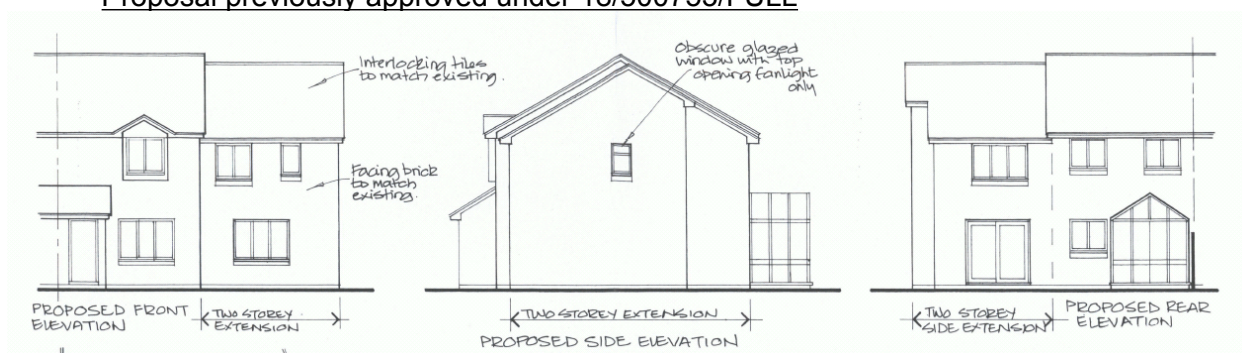
### 1.0 DESCRIPTION OF SITE

- 1.01 The application relates to an irregular shaped plot of land taken from the side and rear garden of the semi-detached property at no.15 Monkdown that is currently occupied by a timber framed shed. The site lies on the north side Monkdown and forms part of a dense residential development within the settlement of Downswood. The site is located within the defined urban area of Maidstone in the adopted Maidstone Borough Local Plan (2017).
- 1.02 The prevailing character of the street scene is mixed and comprises of detached, semi-detached and terraced properties largely of similar scale, design and age. There are gaps between the properties, especially at first floor level, which vary in scale and maintain a visual break between the properties. Some of these gaps have been infilled over time with the erection of two storey side extensions.
- 1.03 The neighbouring dwelling to the east of the site at no. 17 Monkdown has an outbuilding adjacent to the site which appears to have been converted to living accommodation and has a window to the south (front) elevation.

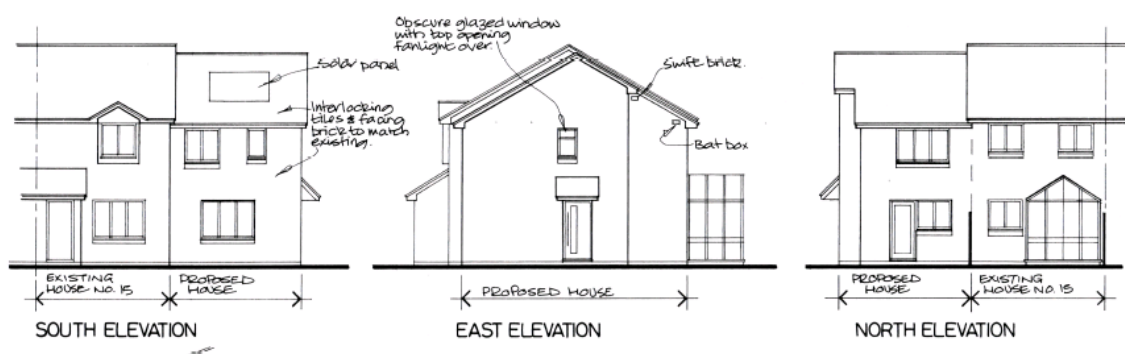
## 2.0 PROPOSAL

- 2.01 Planning permission was granted on the 4th of April 2018 under application reference number 18/500753/FULL for demolition of the existing outbuilding and erection of a two-storey side extension and extended vehicular cross over.
- 2.02 The current application effectively seeks to convert this approved development into a two bedroom residential dwelling with some minor alterations to fenestration. The current proposal will result in the creation of a three block terrace, and will include a separate curtilage for the dwelling and off street parking. A visual comparison between the previously approved extension and the attached building currently proposed is provided below.

### Proposal previously approved under 18/500753/FULL



### Current proposal



- 2.03 The new dwelling would have a width of 4.5 metres and a depth of 7.5 metres. The dwelling would be approximately 7 metres above ground level with eaves at a height of just 4.8 metres. The building would be set back from the front elevation by 0.5 metres with the roof set down from the roof of the main dwelling by approximately 0.3 metres.
- 2.04 The proposed new dwelling would retain a gap of 0.5 metres at the narrowest point with the common boundary of the neighbouring dwelling to the east of the site (no.17 Monksdown) widening towards the front part of the site. The gap with this neighbouring dwelling at first floor level would be above 5 metres at its widest point flank to flank.



- 2.05 The application indicates a separate garden for the new dwelling, which extends from the rear of the development to the rear boundary of the site. The existing dwelling and the proposed new dwelling would have open frontages, with the provision of one off street car parking space for each dwelling. Unlike existing dwellings on the street, the front door is located on the east facing elevation, but the fenestration details proposed would be largely similar to those on the existing dwellings within the street.
- 2.06 The ground floor of the new dwelling would provide a living room, kitchen, and downstairs toilet. There would be two bedrooms on the first floor with a separate family bathroom. Materials proposed for the dwelling include facing brickwork and plain roof tiles which reflects those used on the main dwelling and surrounding properties.

### **3.0 POLICY AND OTHER CONSIDERATIONS**

- 3.01 The National Planning Policy Framework (NPPF): 47, 55, 122, 124, 127 and 128 of the National Planning Policy Framework July 2018  
National Planning Practice Guidance (NPPG):  
Maidstone Borough Local Plan 2017 SS1, DM1, DM9, DM11, DM12 and DM23

### **4.0 LOCAL REPRESENTATIONS**

- 4.01 **Local Residents:** No representations have been received from local residents either in support or objecting to this application.
- 4.02 Cllr Gordon Newton has requested that notwithstanding the planning permission granted for the two storey side extension, the current scheme is unacceptable and should be reported to the planning committee if the case officer is minded to approve.
- 4.03 Comments have been received from Cllr Matt Boughton stating that the development as planned due to its proximity to site boundaries and the lack of boundary landscaping is incongruous and harmful to the character and appearance of the surrounding area contrary to policy DM1 of the adopted Local Plan.
- 4.01 Downswood Parish Council objects to the application on the following summarised grounds.
- The site density is not appropriate for a separate residential dwelling.
  - It does not meet the relevant parking standards
  - The proposal is without a boarder and in close proximity to the adjacent building.

### **5.0 CONSULTATIONS**

- 5.01 KCC Highways and Transport: No objections

### **6.0 APPRAISAL**

#### **Main Issues**

- 6.01 The application proposes erection of two bedroom attached house to create a three block terrace. The main issues for consideration are;
- The principle of the development

- Impact upon the character of the retained property and the character and appearance of the surrounding area;
- Impact upon the residential amenity of future occupants of the new dwelling.
- The potential impact on the occupiers of surrounding neighbouring dwellings.
- Impact on highways in terms of parking and access.

#### Principle of development

- 6.02 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that all planning applications must be determined in accordance with the Development Plan unless other material considerations indicate otherwise.
- 6.03 Policy SS1 of the adopted local plan sets out the spatial strategy for Maidstone Borough. The Maidstone urban area is the most sustainable location in the hierarchy where new development is firstly directed followed by the rural service centres and the larger villages as defined on the proposals map to the Maidstone Borough Local Plan (2017).
- 6.04 Policy SP1 of the adopted local outlines the Council's objectives of ensuring that the Maidstone urban area remains an attractive place to live and work. In line with this objective, the Council aspires to infill appropriate urban sites in a way that contributes positively to the local distinctive character.
- 6.05 Having regards to the development plan and in considering the approved development at the site which is similar to the current scheme in terms of scale and design, no overriding planning objection can be raised to this currently proposed scheme. The proposed scheme converts the approved extension into a two bedroom self contained dwelling. The submission is consistent with all the relevant provisions of the adopted local and the NPPF and on this basis principle of the development is considered acceptable.

#### **Visual Impact:**

- 6.06 Policy DM1 of the adopted local plan addresses the Council's aspiration of achieving high quality design throughout the borough. The policy requires proposals to positively respond to, and where appropriate enhance the character of their surroundings. Additional guidance is set out in policy DM12 of the plan requiring new housing development to be at a density that is consistent with achieving good design without compromising the distinctive character of the area in which it is situated. The proposed density of development that is currently proposed is in line with the character of the site and the surrounding area.
- 6.07 The general street scene is of a mixed character and cannot be argued to have a defined layout, being largely made up of a mixture of detached, semi-detached and terraced properties. The proposed building slightly set back and set down from the height and front elevation of the original building would maintain the character, appearance and proportions of the original building.
- 6.08 The existing semi detached dwellings at 13 and 15 Monkdown are not of uniform or symmetrical appearance, with the host dwelling at no 15 having a Gablet to the front elevation. Therefore the development when seen in the current context of the street is considered sympathetic to the existing dwelling. The proposed building would be sufficiently separated from the two-storey part of the dwelling at number 17 such that it

would not create a terracing effect. The proposal would preserve the character and appearance of the street scene.

- 6.09 The layout of the front of the site has been well designed to include the provision of an off street car parking space which is similar to other nearby dwellings. The layout of the frontage also includes an area for the storage of refuse bins, new landscaping and cycle parking and this is considered an appropriate setting to the new building.
- 6.10 Whilst there are a number of different facing materials used on buildings locally (including red and buff brick) the proposed building will use facing brick and roofing tiles to match the existing building at 15 Monkdown
- 6.11 In summary the proposed new dwelling will respect the character, appearance and layout of the existing dwelling, the general streetscene and surrounding development.

**Residential Amenity:**

- 6.12 Policy DM1 of the adopted local plan (2017) requires that proposals are assessed in terms of the level of amenity they provide for future occupants and the occupiers of neighbouring residential properties.
- 6.13 The proposed new dwelling would provide a good level of internal floor space for future occupants with adequate levels of natural light and outlook. The outdoor amenity space the proposed dwelling and that retained by the application property are of an adequate size and useable proportions and considered acceptable.
- 6.14 In terms of privacy, the front openings would face south on to the public road with sufficient separation distance across it to properties opposite. To the side (east) elevation, the proposed first-floor window is stated to be obscure glazed with a top opening fanlight only. The main entrance door is on the eastern elevation and would face the blank side extension at no.17 Monkdown. In summary there would be no unacceptable harm to the amenities of neighbours in terms of overlooking or loss of privacy.
- 6.15 In relation to potential neighbour impact there is sufficient separation distance of approximately 19 metres to the properties behind so as to maintain amenity levels. In addition views from the proposed rear openings towards properties at the rear would not be significantly different to views from existing windows in the existing main house. It is highlighted that the changes from the previously approved two storey extension include a reduction in the overall total area of window and door openings in the rear elevation.
- 6.16 In summary the proposed new dwelling will maintain amenity levels for nearby residents whilst providing a good standard of amenity for future occupants of the new accommodation.
- 6.17 It is highlighted that there were no objections received from neighbours or the parish council following the two rounds of public consultation on this application and the earlier application for a two storey side extension.

**Parking and highway safety:**

- 6.18 The submitted plans indicate the provision of one car parking space in addition to the provision of a cycle stand on site. This provision is consistent with provisions of the development plan. There are no highways issues arising from the extended



crossover, since the site lies within an estate with a 30 mph speed limit, and due to the road layout vehicle speeds are likely to be relatively low.

- 6.19 The proposed new dwelling is likely to generate a marginal increase in vehicular movement to and from the site. This would not be significantly different from the vehicle trips likely to be generated by the additional accommodation provided by the approved extension. It is considered that the resulting traffic increase can be adequately accommodated on the road network without detriment to highway safety or local amenity of the site.
- 6.20 With the sustainable location of the site, absence of highway safety issues, and off street parking that complies with requirements of policy DM23 of the adopted Maidstone Borough Local Plan (2017), the proposal is acceptable in relation to parking, traffic and highway safety.

#### **Ecology:**

- 6.21 The proposal site currently forms part of a managed residential garden. The nature, siting and scale of the proposal do not raise any significant ecological issues to consider. The scheme proposes to incorporate swift bricks and bat boxes in the development in accordance with requirements of the NPPF.

### **7.0 CONCLUSION**

- 7.01 The proposed new dwelling has been found to be acceptable in terms of design and appearance, and there are no adverse impacts on the character, appearance and visual amenity of the local area. No adverse impacts are identified to the amenities of occupiers of neighboring dwellings. The proposals are acceptable on in relation to parking and highway safety.
- 7.02 The proposal conforms with all the relevant provisions of the development plan and national planning policy and there are no other material consideration that would support the refusal of planning permission. In the circumstances, I recommend that this application is approved subject to appropriate conditions.

### **8.0 RECOMMENDATION**

- 8.01 GRANT planning permission subject to the following conditions:

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans/drawing numbers;

A site location plan, proposed site plan, proposed plans and elevations received on 21/05/18;

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

3. The development hereby approved shall not commence above slab level until written details of 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.

The details of the material shall include swift bricks and bat tubes/boxes to be incorporated into the development.

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

4. The development shall not be occupied until the parking spaces shown on the approved plans have been provided. They shall be kept available for the parking of vehicles connected to the occupiers of the approved development at all times and permanently retained as such thereafter.

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

5. Prior to occupation of the proposed new dwelling a minimum of one electric vehicle charging point shall be installed and ready for use and in accordance with details that have previously been submitted to and approved in writing by the local planning authority with the details including a programme for installation, maintenance and management with the points retained thereafter and maintained in accordance with the approved details.

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

6. Notwithstanding the information on the approved plans, 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 hereby approved to provide at least 10% of total annual energy requirements of 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. Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015, no further development shall take place on the site without the prior written consent of the Local Planning Authority;

Reason: To ensure the appearance and the character of the building is maintained.

8. The development hereby approved shall not commence above slab level until a landscape scheme designed in accordance with the principles of the Council's landscape character guidance has been submitted to and approved in writing by the local planning authority. The scheme shall show all existing trees, hedges and blocks of landscaping on, and immediately adjacent to, the site and indicate whether they are to be retained or removed [, provide details of on site replacement planting to mitigate

any loss of amenity and biodiversity value [together with the location of any habitat piles] and include a planting specification, a programme of implementation and a [5] year management plan.]

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

9. The approved landscaping shall be in place at the end of the first planting and seeding season following completion of the dwelling. Any trees or plants, which, within a period of 5 years from the completion of the development die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species.

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

10. Before the development hereby permitted is first occupied, the first floor windows opening on the eastern elevation of the proposed development (as shown on the proposed plans and elevations) shall be obscure glazed and shall be 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 the privacy of existing and prospective occupiers.

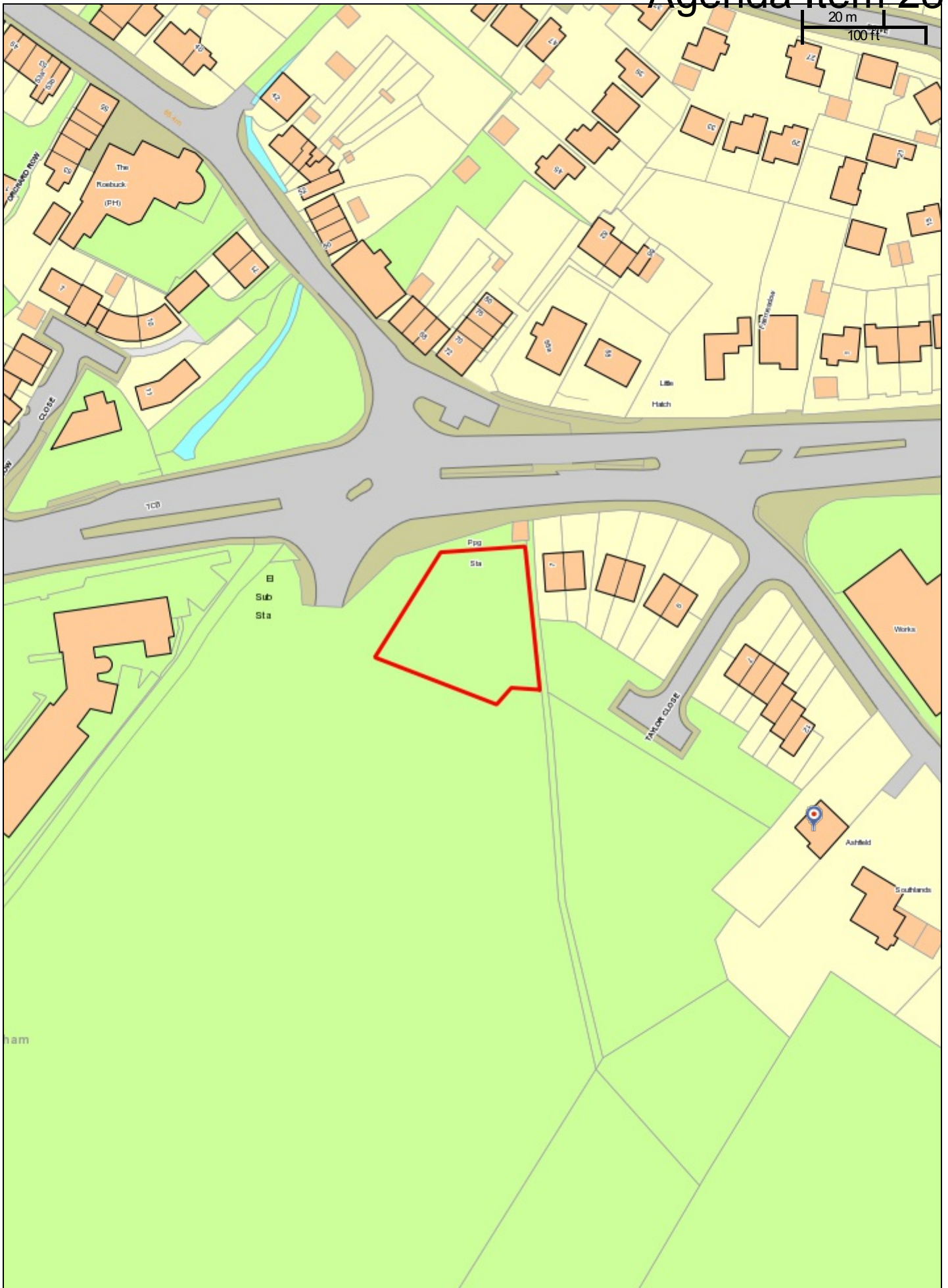
11. The development hereby approved shall not commence above slab level until, details of all fencing, walling and other boundary treatments have been submitted to and approved in writing by the local planning authority with the details including gaps at ground level to allow the passage of wildlife 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, to safeguard the enjoyment of their properties by existing and prospective occupiers and in the interests of wildlife.

#### INFORMATIVES

- (1) The applicant is advised that in order to avoid nuisance to neighbours thought should be given to restricting that use of plant and machinery used for demolition and construction to 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. It is advised to restrict vehicles arriving, departing, loading or unloading 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.

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



18/501236/FULL - Land South of Ashford Road, Harrietsham, Maidstone, Kent, ME17 1HH

Scale: 1:1250

Printed on: 2/8/2018 at 9:48 AM by JoannaW

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<b>REFERENCE NO -</b> 18/501236/FULL			
<b>APPLICATION PROPOSAL</b> Variation of condition 32 (retail opening hours) of permission 14/0828 - The redevelopment of land south of Ashford Road for residential development comprising the erection of 113/114 dwellings, internal access road, landscaped public open space, a LAP, a convenience store and highways works to Ashford Road. Condition 32 to read' The retail use hereby permitted shall only open to customers within the following times: 0700 to 2200 Monday to Sunday, including Public and Bank Holidays'			
<b>ADDRESS</b> Land South Of Ashford Road Harrietsham Maidstone Kent ME17 1HH			
<b>SUMMARY OF REASONS FOR RECOMMENDATION</b> The extension of the opening hours of the retail unit from 8am to 7am and from 9pm to 10pm on Sundays and bank holidays would support the retail function of the unit and would meet local needs in accordance with policies SP5 and SP6 of the Local Plan. Restrictions are in place to manage impact of the use. There are no sustainable objections to the extended opening hours and no objections from consultees regarding traffic or environmental impact.			
<b>REASON FOR REFERRAL TO COMMITTEE –</b> The Parish Council commented that they see no valid reason why the opening hours need to be extended beyond the previously approved times. There are concerns that, by doing this, it will encourage anti-social behaviour in a residential area. If the Planning Officer view differs, the Parish Council have requested that the application be reported to the Planning Committee. Councillors Sams have requested that if minded to grant the application, they would like it to be brought before the planning committee On the grounds of excessive opening hours within a residential setting and the loss of amenity by the impact of noise and light on local residents. They believe the hours should be 7am- 10pm (called prior to change to hours)			
<b>WARD</b> Harrietsham And Lenham	<b>PARISH</b> Harrietsham	<b>COUNCIL</b>	<b>APPLICANT</b> Co- Operative Group Food Limited <b>AGENT</b> Pegasus Planning Group Limited
<b>DECISION DUE DATE</b> 12/06/18		<b>PUBLICITY EXPIRY DATE</b> 02/07/18	

### **Planning History**

14/0828

The redevelopment of land south of Ashford Road for residential development comprising the erection of 113/114 dwellings, internal access road, landscaped public open space, a LAP, a convenience store and highways works to Ashford Road.

Approved

18/502417/ADV

Advertisement Consent for 1no. Set of Non Illuminated Acrylic Text, 2no. Internally Illuminated Co-Op Logos, 4no. Non Illuminated Wall Mounted Flat Aluminium Panels, 1no. Internally Illuminated 4.5m Totem.

Approved Decision Date: 03.07.2018

## **MAIN REPORT**

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

- 1.01 The proposal site is located to the south of Ashford Road (A20). Planning permission was granted under application reference 14/0828 for the redevelopment of land south of Ashford Road for residential development comprising the erection of 113/114 dwellings, internal access road, landscaped public open space, a LAP, a convenience store and highways works to Ashford Road. The subject of this application is the retail store which sits adjacent to Ashford Road
- 1.02 The retail unit sits to the east of the access of the site and set back from, and at an angle to the A20. This siting allowed for the provision of landscaping to the site frontage to echo the existing village green to the north of the A20.
- 1.03 The retail unit has an articulated frontage to the A20 which follows the entrance to the site and allows for openness between it and the apartment block. An enclosed courtyard to the rear of the retail unit provides a service and delivery area.
- 1.04 Condition 32 of the permission states:  
The retail use hereby permitted shall only open to customers within the following times: 0700 to 2200 Monday to Saturday and 0800 to 2100 on Sundays and Public/Bank Holidays;

Reason: To protect the amenities of the neighbouring occupiers

### **2. PROPOSAL**

- 2.01 Initially, permission was sought to vary condition 32 of the condition to permit the use of the retail premises by customers between the hours of 06.00 and 23.00. The applicant has reduced the proposal to seek permission for the opening of the store from 0700 and 2200 Monday to Sunday, including Public and Bank Holidays(i.e. opening 1 hour earlier and closing 1 hour later on Sundays and Bank Holidays) .

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

The National Planning Policy Framework (NPPF)  
National Planning Practice Guidance (NPPG)  
Maidstone Borough Local Plan 2017: Policy DM1, SP5, SP6

### **4. LOCAL REPRESENTATIONS**

#### **Local Residents:**

- 4.01 When the proposed hours were 06.00 – 23.00, representations were received from 3 local residents raising the following (summarised) issues

- Extension of hours should only take place once there is a demand due to detrimental impact on residents.
- The decision to allow the opening of a convenience store 30m from another is ill informed.
- The new business will bring large articulated lorry's all day and night. What restrictions have been put in place to protect residents from this blight?
- Given the limited number of parking spaces, Where will visitors to the shop turn their cars, vans and lorry's?
- Are yellow lines and enforcement camera being put in place as a preventative measure?
- Cars turn on neighbouring drives and mount the pavement currently. This will get worse.
- How will the council prevent casual parking by shoppers on pavements and in front of drivers at the entrance to the estate opposite the store?
- Noise and disturbance impact – delivery lorries and cars turning very early or late at night.
- The added traffic coming into the estate will cause more issues on a dangerous main road
- If children are playing outside this could cause an accident as cars will speed into the estate to use the shop without any due care.

4.02 No responses were received during re-consultation on the reduced opening hours of 7.00 to 22.00.

4.3 Harrietsham Parish Council have requested that the application be refused.

The Parish Council sees no valid reason why the opening hours need to be extended beyond the previously approved times. There are concerns that, by doing this, it will encourage anti social behaviour in a residential area. They requested that if the Planning Officer view differs, that the application be reported to the Planning Committee.

## **Consultations**

### Kent Highways

4.4 No objection to the proposal

### Environmental protection

4.5 In response to the initial proposal for hours 06.00 to 23.00, Environmental protection raised no objection but suggested that suitable safeguards should be put in place to mitigate any additional noise cause mainly by customers arriving and departing the site.

4.6 In response to the revised hours of 7.00 to 22.00, they have raised no objection to the proposal.

## **5. APPRAISAL**

5.01 The key issues for consideration are:

- The principle of the extended opening hours

- The impact of the extended opening hours

#### Principle of Proposal

- 5.02 Policies SP5 and SP6 of the Local Plan state that outside the Maidstone urban area, rural service centres are the second most sustainable settlements in the hierarchy to accommodate growth. At the rural service centre of Harrietsham, services will be retained and supported.
- 5.03 It further states that the loss of local shops, community facilities and green spaces will be resisted, and new retail development, community services and open space will be supported to meet local needs in accordance with policy SP5(3).
- 5.04 The applicant has advised that the current opening hours on Bank Holidays and Sundays do not offer the requisite flexibility that the occupier of the unit requires to trade successfully. This needs addressing so it is proposed that the opening hours are extended on Sundays and Bank Holidays to match those permitted on the rest of the week.
- 5.05 The proposed opening hours are reflective of typical opening hours for convenience stores, which provide a top-up role in locations such as in Harrietsham, and reflect the location of the store.
- 5.06 The earlier retail unit opening with the change from 8am to 7am and the later closing with the change from 9pm to 10pm on Sundays and Bank Holidays would support the retail function of the unit and would meet local needs in accordance with policies SP5 and SP6 of the Local Plan.

#### Impact of the Proposal

- 5.07 Consultation responses have raised concern about the impact of the revised opening hours in terms of impact on the neighbouring store, disturbance through deliveries and visitors to the store, parking provision, highway safety and anti social behaviour.
- 5.08 Visitor parking is provided for the specific use of the store and would remain available during the extra hours on Sundays and Bank Holidays . With regard to the delivery and visitor traffic disturbance, and highway safety, it is noted the Kent Highways have raised no objection to the proposal. As such, the proposal is considered acceptable in this regard.
- 5.09 The original permission includes conditions to control impacts through restricted delivery times (condition 35), the control of noise and vibration of any plant (condition 36), a service yard management plan, including details of noise mitigation behaviours for vehicle operatives and the provision of heavy duty curtains to loading bays (condition 37), and a restriction on external amplified sound within the service yard (condition 38).



- 5.10 These conditions have all been discharged to the satisfaction of the Environmental Protection Team.
- 5.11 Concerns have been raised about anti social behaviour as a result of the extended opening hours. There is no reason to suggest that the opening of the store between the additional hours of 7-8am and 9-10pm on Sundays and Bank Holidays would result in any additional anti social behaviour. It is not considered that an objection on this basis could be sustained.
- 5.12 Given the existing restrictions in place, the extension of the opening hours of the store on Sundays and Bank Holidays is not considered objectionable and the proposal in this regard is supported.

## **6. CONCLUSION**

The extension of the opening hours of the retail unit from 8am to 7am and from 9pm to 10pm on Sundays and Bank Holidays would support the retail function of the unit and would meet local needs in accordance with policies SP5 and SP6 of the Local Plan. Given this and the existing restrictions in place to manage impact of the use, and the lack of objection from consultees regarding traffic and environmental impact, on balance the proposal is supported.

## **7. RECOMMENDATION**

GRANT planning permission subject to the following conditions:

- (1) The development shall be constructed using the materials approved under application references 15/507926/SUB and 17/505490/SUB unless otherwise agreed in writing by the Local Planning Authority;

Reason: To ensure a satisfactory appearance to the development and a high quality of design, and to secure biodiversity enhancements within the development.

- (2) The development shall be undertaken in accordance with the roof overhangs and eaves, window and doors and recesses/reveals and junction of the timber boarding and the brickwork as approved under application reference 16/502634, and maintained as such thereafter;

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

- (3) Prior to first occupation, the development shall be carried out in accordance with the fencing, walling and other boundary treatment details approved under application reference 17/502628/SUB and maintained as such thereafter.

Reason: To ensure a satisfactory appearance to the development, safeguard the amenity of future occupiers and prevent harm to biodiversity assets.

- (4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended by any order revoking and re-enacting that Order with or without modification) no development within Schedule 2, Part 1, Class(es) A, B, C, D, E, F and G, Schedule 2, Part 2, Class A, Schedule 2 Part 3 Classes CA, F and IA, and Schedule 2 Part 42 to that Order shall be carried out without the permission of the Local Planning Authority;

Reason: To ensure a satisfactory appearance to the development and safeguard the residential amenity of future occupiers.

- (5) The approved details of the parking, and turning areas, together with the anti-social parking prevention measures shown on drawing number 061302-WARD-BS-01 received 27th January 2015, 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) Order 1995 as amended (or any order revoking and re-enacting that Order, with or without modification) or not, shall be carried out on the areas indicated or in such a position as to preclude vehicular access to them;

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

- (6) Prior to first occupation of the retail unit, cycle storage facilities for the retail unit shall be provided in accordance with the details approved under application reference 16/502634/SUB and maintained as such thereafter.

Reason: In the interests of sustainable travel.

- (7) Any changes to the components of the remediation strategy approved under application reference 15/507926/SUB requires the express written consent of the Local Planning Authority. Otherwise, the scheme shall be implemented in full as approved.

Reason: to prevent pollution to the environment.

- (8) The long-term monitoring and maintenance plan as approved under application reference 17/505974/SUB shall be implemented in full as approved.

Reason: To prevent pollution of the environment and protect controlled waters.

- (9) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing by the Local Planning Authority) shall be carried out until the developer has submitted a revised investigation and remediation strategy to the Local Planning Authority, undertaken in accordance with the requirements of condition 7 above, detailing how this unsuspected contamination will be dealt with and written approval obtained from the Local Planning Authority. The revised remediation strategy shall be implemented in full as approved.

Reasons: To prevent pollution of the environment.

- (10) External lighting shall only be installed in accordance with the plans approved under application reference number 15/507926/SUB. The lighting shall be installed, maintained and operated in accordance with the approved details and maintained thereafter unless the Local Planning Authority gives its written consent to any variation;

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

- (11) Archaeological work shall be carried out in accordance with the details approved under application reference 15/507162/SUB.

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

- (12) The development permitted by this planning permission shall only be carried out in strict accordance with the approved Flood Risk Assessment prepared by Banners Gate, reference 13179 FRA, received 21st May 2014, and SuDS Methodology Statement prepared by Kirk Saunders Associates, reference 5699-D008 rev A, received 21st November 2014, subject to the details approved in writing in respect of the following:

- i) The development permitted by this planning permission shall not commence until a detailed surface water drainage scheme for the site based on sustainable drainage principles incorporating surface attenuation measures and an assessment of the hydrological and hydrogeological context of the development has been submitted to, and approved in writing by, the Local Planning Authority. Off site discharges should be restricted to greenfield QBAR values for all events up to and including the 1 in 100 year plus climate change event.
- ii) The drainage details submitted to the Local Planning Authority shall:
  - (a) Specify the responsibilities of each party for the implementation of the SUDS scheme;
  - (b) Specify a timetable for implementation;
  - (c) Provide a management and maintenance plan for the lifetime of the development. This should include the arrangements for

adoption by any public authority or statutory undertaker and any other arrangements to secure the operation of the scheme throughout its lifetime; and

(d) Relevant manufacturers' details on all SUDS features should be provided within the Flood Risk Management Plan and the Health and Safety Plan Operation and Maintenance manuals.

The development shall be carried out in accordance with the approved details and maintained thereafter unless with the agreement in writing of the Local Planning Authority;

Reason: To reduce the impact of flooding on the proposed development and prevent any impact from the development on surface water storage and flood, and future occupiers.

- (13) The development shall be carried out in accordance with the details approved under application reference 15/507932/SUB and maintained thereafter unless with the agreement in writing of the Local Planning Authority:

Reason: In the interest of flood prevention and safeguarding biodiversity assets.

- (14) The details approved under application reference 15/507932/SUB shall be in full prior to the first occupation of the development. implemented

Reason: In the interest of pollution and flood prevention.

- (15) Notwithstanding the recommendations of the Noise Assessment prepared by Sharps Redmore, reference 1414270, received 21st May 2014, the development shall not commence until an acoustic report providing details of noise mitigation to dwellings (including private garden areas) which attains acoustic protection for future occupiers in accordance with the recommendations of BS8233:2014 "Guidance on sound insulation and noise reduction for buildings" has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved details and the mitigation maintained thereafter unless otherwise agreed in writing by the Local Planning Authority;

Reason: In the interest of safeguarding the residential amenity of future occupiers.

- (16) The landscaping of the site and its management thereafter shall be carried out in accordance with the details approved under application reference 17/506192/SUB.

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

- (17) All planting, seeding or turfing comprised in the details of landscaping approved under application reference 17/506192/SUB shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of ten years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation;

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

- (18) The development shall be carried out in accordance with the details approved under application reference number 15/507929/SUB and in compliance with the Lloyd Bore Arboricultural Impact Assessment reference 3094\_RP\_003 received 21st May 2014;

Reason: To ensure retained trees are protected during the course of development and to ensure a satisfactory external appearance to the development.

- (19) The development shall be undertaken in strict accordance with the recommendations of the Aspect Ecology Ecological Appraisal reference ECO3367.EcoApp.dv6 and Aspect Ecology Reptile Survey Report reference ECO3367.Rept Survey.dv6 received 21st May 2014, subject to the additional information and mitigation required by conditions 21 and 22 below, and maintained thereafter;

Reason: To secure appropriate management and enhancement within the site in the interests of ecology and biodiversity.

- (20) Notwithstanding the details and recommendations set out in Aspect Ecology Ecological Appraisal reference ECO3367.EcoApp.dv6 and Aspect Ecology Reptile Survey Report reference ECO3367.Rept Survey.dv6 received 21st May 2014, the development shall be carried out in accordance with the construction environmental management plan approved under application reference 15/507929/SUB unless otherwise agreed in writing by the Local Planning Authority;

Reason: To secure appropriate management and enhancement within the site in the interests of ecology and biodiversity.

- (21) The development shall only be carried out in accordance with the ecological design strategy approved under application reference 15/507929/SUB.

Reason: To secure appropriate management and enhancement within the site in the interests of ecology and biodiversity.

- (22) The approved details of the access, as shown in Appendix E of the Transport Assessment undertaken by DHA Transport reference JSL/10140

received 21st May 2014 shall be completed before occupation of the development and maintained thereafter unless with the agreement in writing of the Local Planning Authority;

Reason: In the interests of highway and pedestrian safety and sustainability

- (23) The facilities for the storage of refuse and recycling on the site shall be provided in accordance with the details approved under application reference 17/502628/SUB before the first occupation of the development and maintained thereafter;

Reason: In the interest of amenity.

- (24) The development shall be undertaken in accordance with the details of the materials to be used in the surfacing of all access roads, parking and turning areas and pathways within the site, and the design of kerb-stones/crossing points as approved under application reference 15/507162/SUB and maintained thereafter;

Reason: To ensure a high quality external appearance to the development, safeguard pedestrian rights of way and in the interests of ecology and biodiversity.

- (25) No works to extinguish the KH276 Public Right of Way will be undertaken prior to the approval in writing of details of, and completion in accordance with the approved details, the alternative route for pedestrians to the south and west of the retail unit hereby permitted. The development shall be carried out in accordance with the approved details and maintained thereafter;

Reason: to prevent harm to pedestrian access to the open countryside and harm to the public rights of way network.

- (26) The Sustainable Travel Measures Action Plan as approved under application reference number 17/506193/SUB shall be implemented in full;

Reason: In the interests of sustainable transport use.

- (27) The development shall be completed strictly in accordance with the levels approved under application reference number 16/502021/SUB

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

- (28) The external meter cupboards, vents, and flues shall be installed only in accordance with the details approved under application reference 16/502021/SUB.

Reason: To secure a high standard of design.

- (29) The building provided for retail use falling within Use Class A1 of the Use Classes Order 1987 (as amended by any order revoking and re-enacting that Order with or without modification) of the unit hereby permitted shall be used for a maximum number of two retail units. Once initially occupied, no change to the number of retail units, including internal subdivision, will be permitted without the agreement in writing of the Local Planning Authority;

Reason: To define the permission and to ensure that any impact upon the village centre is controlled.

- (30) The retail use falling within Use Class A1 of the Use Classes Order 1987 (as amended by any order revoking and re-enacting that Order with or without modification) hereby permitted shall be restricted to the sale of convenience goods, and no display or sale of comparison goods will take place on the site;

Reason: To define the permission and to ensure that any impact upon the village centre is controlled.

- (31) The retail use hereby permitted shall only open to customers within the following times:

0700 to 2200;

Reason: To protect the amenities of the neighbouring occupiers.

- (32) No structure, plant, equipment or machinery shall be placed, erected, or installed on or above the roof or on external walls other than in accordance with the details approved under application reference 18/501235/SUB

Reason: In order not to prejudice the visual appearance of the building and in the interests of safeguarding the residential amenity of the occupiers of adjacent dwellings.

- (33) Plant and ducting shall only be carried out in accordance with the details approved under application reference 18/501235/SUB and maintained as such thereafter. No new plant or ducting system shall be used without the prior written consent of the Local Planning Authority;

Reason: In the interests of safeguarding the residential amenity of the occupiers of adjacent dwellings.

- (34) No commercial vehicle may arrive, depart, be loaded or unloaded in association with the use of the retail unit hereby permitted on the general site; nor shall vehicles equipped with refrigeration units be allowed to remain stationary with their refrigeration units in operation in the service yard, except between the hours of 0700 hours and 2200 Mondays to Saturdays and 0800 hours and 1200 hours on Sundays and Bank/Public Holidays;

Reason: To safeguard the amenity of the occupiers of neighbouring dwellings and the character of the surrounding area.

- (35) The scheme for the control of noise and vibration of any plant (including ventilation, refrigeration, air conditioning and air handling units) as approved under application reference number 18/501235/SUB shall then be installed in accordance with the approved details prior to the first use of the premises and maintained thereafter. The equipment shall be maintained and operated in compliance to the approved scheme whenever it is operation. After installation of the approved plant, no new plant or ducting system shall be used without the prior written consent of the Local Planning Authority;

Reason: In the interests of safeguarding the residential amenity of the occupiers of adjacent dwellings.

- (36) The use of the retail unit shall be carried out in strict accordance with the service yard management plan as approved under application reference number 18/501235/SUB, and maintained thereafter;

Reason: To safeguard the amenity of the occupiers of neighbouring dwellings and the character of the surrounding area.

- (37) There shall be no external amplified sound within the service yard of the development hereby permitted;

Reason: in the interests of protecting the amenities of nearby residential property.

- (38) The retail unit shall achieve at least a Very Good BREEAM Retail rating. The unit shall not be occupied until a final certificate has been issued for it certifying that at least a Very Good BREEAM Retail rating has been achieved;

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

- (39) The construction of the retail unit of the development hereby permitted shall not commence until details of the shop front to the retail unit in the form of large scale drawings (at a scale of 1:20 or 1:50) have been submitted to and approved in writing by the Local Planning Authority; The development shall be undertaken in accordance with the approved details and maintained thereafter;

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

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



drawing numbers : 061302-WARD-06, 061302-WARD-AB-E1, 061302-WARD-AB-P1, 061302-WARD-AC-E1, 061302-WARD-AC-P1, 061302-WARD-AD-E1, 061302-WARD-AD-P1, 061302-WARD-B-P1, 061302-WARD-BCS01, 061302-WARD-BLK4-P1, 061302-WARD-C-E1, 061302-WARD-C-E2, 061302-WARD-C-P1, 061302-WARD-CP01, 061302-WARD-CP02, 061302-WARD-CS01, 061302-WARD-E-E1, 061302-WARD-E-P1, 061302-WARD-G-E1, 061302-WARD-G-P1, 061302-WARDS-GAR01, 061302-WARDS-GAR02, 061302-WARDS-GAR03, 061302-WARDS-GAR04, 061302-WARDS-GAR05, 061302-WARD-J-E1, 061302-WARD-J-P1, 061302-WARD-K-E1, 061302-WARD-K-P1, 061302-WARD-SH01, 061302-WARD-SH02, 061302-WARD-SH03, 3094\_DR\_001 and 3094\_DR\_004 all received 21st May 2014; drawing numbers 061302-WARD-A-E4 rev A, 061302-WARD-A-P2 rev A, 061302-WARD-B-E1 rev A, 061302-WARD-BCS02, 061302-WARD-BCS03, 061302-WARD-BLK1-E1 rev A, 061302-WARD-BLK1-E2 rev A, 061302-WARD-BLK1-E4 rev A, 061302-WARD-BLK1-P3 rev A, 061302-WARD-BLK2-E1 rev A, 061302-WARD-BLK2-E2 rev A, 061302-WARD-BLK2-E4 rev A, 061302-WARD-BLK2-P3 rev A, 061302-WARD-BLK3-E1 rev A, 061302-WARD-BLK3-E2 rev B, 061302-WARD-BLK3-E3 rev B, 061302-WARD-BLK3-P3 rev A, 061302-WARD-BLK4-E1 rev A, 061302-WARD-BLK4-E2 rev A, 061302-WARD-BLK4-P2 rev A, 061302-WARD-BLK4-P3 rev A, 061302-WARD-CP03, 061302-WARD-D-E1 rev A, 061302-WARD-D-P1 rev A, 061302-WARD-L-E1, 061302-WARD-L-P1, 061302-WARD-RET-E1 rev A, 061302-WARD-RET-E2 rev A, 061302-WARD-RET-E3 rev A, 061302-WARD-RET-E4, 061302-WARD-RET-P1 rev A, 061302-WARD-SUB01, and 3094\_DR\_002 rev C received 21st November 2014; drawing numbers 061302-WARD-PLAN1 and 061302-WARD-PLAN2, all received 20th January 2015; and drawing numbers 061302-WARD-00 rev A, 061302-WARD-01 rev B, 061302-WARD-02 rev B, 061302-WARD-03 rev B, 061302-WARD-04 rev B, 061302-WARD-05 rev B, 061302-WARD-A-E3 rev B, 061302-WARD-A-P1 rev C, 061302-WARD-AA-E2 rev B, 061302-WARD-AA-E3 rev B, 061302-WARD-AA-P2 rev C, 061302-WARD-AA-P3 rev C, 061302-WARD-BLK1-E3 rev B, 061302-WARD-BLK1-P1 rev B, 061302-WARD-BLK1-P2 rev B, 061302-WARD-BLK2-E3 rev B, 061302-WARD-BLK2-P1 rev B, 061302-WARD-BLK2-P2 rev A, 061302-WARD-BLK3-E4 rev C, 061302-WARD-BLK3-P1 rev C, 061302-WARD-BLK3-P2 rev A, 061302-WARD-BS-01, 061302-WARD-F-E1 rev A, 061302-WARD-F-P1 rev A, 061302-WARD-H-E1 rev A, 061302-WARD-H-P1 rev A and 061302-WARD-MF-01 rev A, all received 27th January 2015 and drawing numbers 13179/ATR05, 13179/ATR01 A, 13179/ATR02 A, 13179/ATR03 B, 13179/ATR04 B, 13179-110 and 13179-111, and an Arboricultural Impact Assessment (undertaken by Lloyd Bore, reference 3094\_RP\_003), Archaeological Desk-Based Assessment (undertaken by CgMs Consulting, reference DH/KB/16917), Design And Access Statement, Ecological Appraisal (undertaken by Aspect Ecology, reference ECO3367.EcoApp.dv6), Flood Risk Assessment (undertaken by Banners Gate, reference 13179 FRA), Hard Landscape Materials and Shared Surface Design Guide (undertaken by Lloyd Bore, reference 3094/RP/001), Landscape and Visual Impact Assessment, Noise Assessment (undertaken by Sharps Redmore, reference 1414270), Planning Statement, Reptile Survey Report (undertaken by Aspect

Ecology, reference ECO3367.Rept Survey.dv6), Statement of Community Involvement and Transport Assessment (undertaken by DHA Transport, reference JSL/10140), all received 21st May 2014; and drawing numbers 061302-WARD-PER01 rev A, 061302-WARD-PER02 rev A, 061302-WARD-PER03 rev A, 061302-WARD-SS01 rev A, 061302-WARD-SS02 rev A, 061302-WARD-SS03 rev A, 061302-WARD-SS04 rev A, 061302-WARD-SS05 rev A, and 061302-WARD-SS06 rev A, and a Design and Access Statement Addendum, Planning Statement Addendum, Agricultural Land Assessment (undertaken Tim O'Hare Associates, reference TOHA/RWA), and SuDS Methodology Statement (undertaken by Kirk Saunders Associates, reference 5699-D008 rev A), all received 21st November 2014

As amended by the following plans: 14-45-311 RevP1, 14-45-310 RevP3, 14-45-253 RevC2, 14-45-312 Rev P1, 14-45-251 Rev C2, 14-45-252 OptB Rev C2, 14-45-252 C2 Plot 9 First Floor Opt B, 14-45-252 C2 Plot 9 ground floor, 14-45-308 Rev C1, 14-45-335 Rev C1, 14-45-339 Rev C1, 14-45-342 Rev C1, 14-45-346 Rev C1, 14-45-376 Rev B, 14-45-379 Rev B, 14-45-378 Rev B, 14-45-380 Rev B, 14-45-381 Rev B, 14-45-404 Rev B, 14-45-406 Rev B, 14-45-210 C1, 14-45-211 C2, 14-45-223 C2, 14-45-310 P8, 14-45-341 C1, 14-45-342 C1, 14-45-343 C1

Reason: In the interests of clarity and to ensure the quality of the development is maintained.

Informative(s):

- (1) The lighting scheme provided in accordance with condition 11 should adhere to the following advice from the Bat Conservation Trust and Institution of Lighting Engineers.  
Bats and Lighting in the UK  
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

Low pressure Sodium Lamps (SOX) emit a minimal UV component.

High pressure Sodium Lamps (SON) emit a small UV component.

White SON, though low in UV, emit more than regular SON.

High

Metal Halide lamps emit more UV than SON lamps, but less than Mercury lamps

Mercury lamps (MBF) emit a high UV component.

Tungsten Halogen, if unfiltered, emit a high UV component

Compact Fluorescent (CFL), if unfiltered, emit a high UV component.

Variable

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:

Lighting should illuminate only ground floor areas -light should not leak upwards to illuminate first floor and higher levels;

Lamps of greater than 2000 lumens (150 W) must not be used;

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; Light must illuminate only the immediate area required, by using as sharp a downward angle as possible;

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;

Wide angle illumination must be avoided as this will be more disturbing to foraging and commuting bats as well as people and other wildlife;

Lighting must not illuminate any bat bricks and boxes placed on buildings, trees or other nearby locations.

- (2) A formal application for connection to the public sewerage system is required to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (0330 303 0119 or [www.southernwater.co.uk](http://www.southernwater.co.uk)).
- (3) The applicant/developer should enter into a formal agreement with Southern Water to provide the necessary sewerage infrastructure required to service this development. Please contact Southern Water, Sparrowgrove House, Sparrowgrove, Otterbourne, Hampshire SO21 2SW (0330 303 0119 or [www.southernwater.co.uk](http://www.southernwater.co.uk)).
- (4) For the purposes of discharge of conditions 33 and 34:  
The rating level of noise emitted from the proposed plant and equipment to be installed on the site (determined using the guidance of BS 4142 :

1997 Rating for industrial noise affecting mixed residential and Industrial areas) shall be at least 5dB below the existing measured ambient noise level LA90, T during the night time period. For the purpose of the assessment the Authority will accept 2300 to 0700 hours as covering the night time period.

The rating level of noise emitted from the proposed plant and equipment to be installed on the site (determined using the guidance of BS 4142 : 1997 Rating for industrial noise affecting mixed residential and Industrial areas) shall be at least 5dB below the existing measured ambient noise level LA90, T during the day time period. For the purpose of the assessment the Authority will accept 0700 to 2300 hours as covering the night time period.

- (5) 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 and you are advised to contact the EHM regarding noise control requirements.
- Plant and machinery used for demolition and construction shall 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.
- 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 Environmental Health Manager.
- Vehicles may 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.
- Adequate and suitable provision in the form of water sprays should be used to reduce dust from the site.
- (6) Care should be taken during and after construction to ensure that all fuels, oils and any other potentially contaminating materials should be stored (for example in bunded areas secured from public access) so as to prevent accidental/unauthorised discharge to ground. The areas for storage should not drain to any surface water system.
- Where it is proposed to store more than 200 litres (45 gallon drum = 205litres) of any type of oil on site it must be stored in accordance with the Control of Pollution (oil storage) (England) Regulations 2001. Drums and barrels can be kept in drip trays if the drip tray is capable of retaining 25% of the total capacity of all oil stored.
- All precautions must be taken to avoid discharges and spills to the ground both during and after construction. For advice on pollution prevention, the applicant should refer to Environment Agency guidance PPG1 General guide to prevention of pollution, which is available on online at [www.environment-agency.gov.uk](http://www.environment-agency.gov.uk).
- 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. Duty of Care Regulations 1991
- ii. The Waste (England and Wales) Regulations 2011
- iii. Hazardous Waste (England and Wales) Regulations 2005
- iv. Pollution Prevention and Control Regulations (England and Wales) 2000
- v. Environmental Permitting (England and Wales) Regulations 2010

- (7) No new planting should be introduced within 1m of the KH275 public right of way.  
Public rights of way shall not be blocked either permanently or temporarily (including "Heras" or other fencing associated with construction works). Should a Temporary Traffic Regulation Order be required for footpath KH272 whilst works are undertaken, the relevant Authority will need no less than 6 weeks notice for its processing.
- (8) You are advised to ensure that the appointed contractor(s) is/are registered with the 'Considerate Constructors Scheme' and that the site is thereafter managed in accordance with the Scheme. Further information can be found at [www.considerateconstructorsscheme.org.uk](http://www.considerateconstructorsscheme.org.uk).
- (9) The applicant is advised that the site lies within a Area of Special Control of Advertisements.
- (10) Any swales or basins required in association with the details required in connection with conditions 14 and 15 above should, where possible, be located in the south of the site where they can contribute towards the biodiversity enhancement of the semi-wild public open space and receptor site.

Case Officer: Jo Russell

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

## **THE MAIDSTONE BOROUGH COUNCIL** **PLANNING COMMITTEE – 16 AUGUST 2018**

### **APPEAL DECISIONS:**

#### **1. ENF/17/500611**

Change of use for stationing of 1no. mobile home, 1no. touring caravan with associated works including utility block, hardstanding and cess pool.

**APPEAL:** ALLOWED

Acers Place  
Lenham Road  
Headcorn  
Ashford  
Kent  
TN27 9LG

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# Agenda Item 30

## **MAIDSTONE BOROUGH COUNCIL**

### **PLANNING COMMITTEE**

**16 AUGUST 2018**

#### **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.

<b>APPLICATION</b>	<b>DATE DEFERRED</b>
<p><u>17/503291 - ERECTION OF 6 NO. LIGHTWEIGHT COMMERCIAL/INDUSTRIAL UNITS - THE PACKHOUSE, QUEEN STREET, PADDOCK WOOD, TONBRIDGE, KENT</u></p> <p>Deferred to:</p> <ul style="list-style-type: none"><li>• Check whether the correct certificates were served;</li><li>• Seek the views of Kent Highway Services on the implications of the potential use of HGVs to serve the site taking into account possible business growth;</li><li>• Investigate the potential for traffic calming measures on the shared access;</li><li>• Seek details of the proposed landscaping scheme including what it would comprise and where it would be planted;</li><li>• Enable the Officers to draft suggested conditions to prevent the amalgamation of the units into one enterprise and to link the hours of illumination to the hours of opening of the premises;</li><li>• Discuss with the applicant the possibility of limiting the hours of operation on Saturdays; and</li><li>• Enable a representative of Kent Highway Services to be in attendance when the application is discussed.</li></ul>	<p>19 December 2017 adjourned to 4 January 2018</p>
<p><u>17/503237 - OUTLINE APPLICATION (SOME MATTERS RESERVED) FOR DEMOLITION OF EXISTING BUILDINGS, AND CESSATION OF COMMERCIAL USE ON SITE; ERECTION OF RESIDENTIAL DEVELOPMENT PROVIDING 18 NO UNITS, OF WHICH 12 X 1 BED AND 6 X 2 BED. PROVISION OF 16 PARKING SPACES/2 DISABLED SPACES AND 4 VISITOR SPACES. ACCESS, LAYOUT AND SCALE BEING SOUGHT - J B GARAGE</u></p>	<p>1 February 2018 adjourned to 8 February 2018</p>

<p><u>DOORS, STRAW MILL HILL, TOVIL, MAIDSTONE, KENT</u></p> <p>Deferred to:</p> <ul style="list-style-type: none"> <li>• Investigate the scope for improved pedestrian links from the site entrance to existing footways;</li> <li>• Seek the advice of Kent Highway Services on the cumulative impact of new development in the area on the highway network;</li> <li>• Enable a representative of Kent Highway Services to be in attendance when the application is discussed;</li> <li>• Review the density, design and layout of the scheme having regard to the topography, setting and history of the site and seek to secure the provision of structural landscaping; and</li> <li>• Discuss with the Council's Parks and Open Spaces Team whether the proposed Open Space Contribution might be spent at other sites within the immediate area subject to CIL compliance checks.</li> </ul>	
<p><u>17/504412 - DEMOLITION OF STORAGE BUILDINGS AND ERECTION OF 5 DETACHED DWELLINGS, 2 CAR PORTS FOR PLOTS 1 AND 5, AND 2 TWO BAY CAR PORTS FOR THE EXISTING HOUSE AND BARN CONVERSION APPROVED UNDER 14/505872/FULL - IDEN GRANGE, CRANBROOK ROAD, STAPLEHURST, TONBRIDGE, KENT</u></p> <p>Deferred to:</p> <ul style="list-style-type: none"> <li>• Seek the submission of a strategy for an open, wet Sustainable Urban Drainage system, identifying how it will work and where it will be positioned within the existing layout; and</li> <li>• Seek modifications to boundary fencing to allow the passage of wildlife.</li> </ul>	<p>26 April 2018 adjourned to 30 April 2018</p>
<p><u>18/501158 - PROVISION OF NEW FARM ACCESS TO KNOXBRIDGE FARM FROM THE A229, INCLUDING LANDSCAPING, CROSSING OVER STREAM AND BARRIER (RESUBMISSION OF 16/508630/FULL) - KNOXBRIDGE FARM, CRANBROOK ROAD, STAPLEHURST, TONBRIDGE, KENT</u></p> <p>Deferred to seek the submission of (a) further details of the junction layout and (b) additional landscape mitigation measures, in the form of a woodland shaw.</p>	<p>5 July 2018</p>



18/501181 - VARIATION OF CONDITIONS 10, 16 AND 17 OF APPLICATION 16/508659/FULL (DEMOLITION OF EXISTING DWELLING AND ERECTION OF B8 WAREHOUSE BUILDING WITH ANCILLARY OFFICES, DOCK LEVELLERS, ACCESS, PARKING AND LANDSCAPING INCLUDING THE CREATION OF NEW WOODLAND AND ATTENUATION POND) - LAND SOUTH OF REDWALL LANE, LINTON, KENT

26 July 2018

Deferred to enable further negotiations with the applicant regarding the redrafting of condition 10 (formerly 9) to specify a time limit in months when the up to 32 in or out movements is permitted (for example, 1 November to 31 May) with a lower threshold for the months outside this time frame.

**MAIDSTONE BOROUGH COUNCIL**

**PLANNING COMMITTEE**

**16<sup>TH</sup> AUGUST 2018**

**REPORT OF HEAD OF PLANNING AND DEVELOPMENT –  
ENFORCEMENT TRACKER**

**Report prepared by Sue King**

**1. ENFORCEMENT TRACKER**

1.1 Exempt Category

- 1.1.1 The information contained within the report has been considered exempt information under Part 3.2 (Access to Information Procedure Rules) section 10.4 (Exclusion of access by the public to meetings) Category 6, Category 2 and Category 7 of the MBC Constitution, as there would be a breach of data protection should the information be released into the public domain. There is also a risk that too much information about a future enforcement strategy could undermine the enforcement strategy being considered.

1.2 Public Interest Test

- 1.2.1 I have applied the public interest test and in this case the benefit of making the information public is outweighed by the confidentiality of enforcement cases and providing the intention of potential action on some sites.

1.3 Report content

- 1.3.1 The Enforcement tracker report was introduced for the first time at the 26<sup>th</sup> April 2018 Planning Committee. The report provides the current status of enforcement cases that have had formal notices served. It is intended to bring this to Planning Committee each quarter.
- 1.3.2 The report sets out the case reference, address and brief description of the breach. The notice type column indicates the type of formal action carried out and three key dates:

**Issue date** – Date Notice was served

**Effective date** – Date the Notice takes effect from

**Compliance date** – Date the Notice is due to be complied with. This may change according to an appeal being lodged, which if the appeal is dismissed and the Notice is upheld the Inspector will impose a new compliance period from the date of the decision.

1.3.3 A legend is supplied which shows five levels of status, being:

**Blue** – Cases closed since the previous tracker due to compliance

**Red** - Preparation for the next step of formal action;

**Amber** - Awaiting planning application/appeal decisions and compliance dates on Notices served;

**Green** - Awaiting appeal start dates, and

**White** - contentious cases that are being monitored i.e. sites with injunctions.

1.3.4 The enforcement tracker is contained in the exempt appendix titled Exempt Appendix – Enforcement Tracker.

By virtue of paragraph(s) 2, 6a, 6b, 7 of Part 1 of Schedule 12A of the Local Government Act 1972.

Document is Restricted

By virtue of paragraph(s) 2, 6a, 6b, 7 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted