

PLANNING COMMITTEE MEETING

Date: Thursday 30 May 2019
Time: 6.00 p.m.
Venue: Town Hall, High Street, Maidstone

Membership:

Councillors Adkinson, Bartlett, English, Eves, Harwood, Kimmance, Munford, Parfitt-Reid, Perry, Round, Spooner, Vizzard and Wilby

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

AGENDA

Page No.

1. Apologies for Absence
2. Notification of Substitute Members
3. Notification of Visiting Members
4. Items withdrawn from the Agenda
5. Date of Adjourned Meeting - 6 June 2019
6. Any business the Chairman regards as urgent including the urgent update report as it relates to matters to be considered at the meeting
7. Disclosures by Members and Officers
8. Disclosures of lobbying
9. To consider whether any items should be taken in private because of the possible disclosure of exempt information.
10. Minutes of the meeting held on 25 April 2019 adjourned to 29 April 2019 1 - 15
11. Minutes of the meeting to be held on 21 May 2019 - to follow
12. Appointment of Political Group Spokespersons
13. Presentation of Petitions (if any)
14. Deferred Items 16 - 17

Issued on Tuesday 21 May 2019

Continued Over/:

Alison Broom

Alison Broom, Chief Executive

15.	18/505455/REM - Land East of Gleamingwood Drive, Lordswood, Kent	18 - 34
16.	18/506657/FULL - Land West of Loder Close and Westwood Close, Ham Lane, Lenham, Kent	35 - 58
17.	19/500271/FULL - Oakhurst, Stilebridge Lane, Marden, Tonbridge, Kent	59 - 71
18.	Appeal Decisions	72 - 75

PLEASE NOTE

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

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

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

PUBLIC SPEAKING AND ALTERNATIVE FORMATS

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

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

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Agenda Item 10

MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

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

Present: **Councillor English (Chairman) and Councillors Adkinson, Bartlett, Boughton, Clark, Harwood, Kimmance, Munford, Parfitt-Reid, Round, Spooner and Wilby**
25 April 2019

Also Present: **Councillors Cuming, Hinder, Mrs Hinder and J Sams**

328. APOLOGIES FOR ABSENCE

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

329. NOTIFICATION OF SUBSTITUTE MEMBERS

It was noted that Councillor Clark was substituting for Councillor Vizard.

330. NOTIFICATION OF VISITING MEMBERS

Councillors Cuming and Hinder indicated their wish to speak on the reports of the Head of Planning and Development relating to applications 18/506656/FULL (Popesfield, Bearsted Road, Weaverling, Kent) and 18/506609/OUT (Newnham Park, Bearsted Road, Weaverling, Kent).

Councillor Mrs Hinder indicated her wish to speak on the report of the Head of Planning and Development relating to application 18/506656/FULL (Popesfield, Bearsted Road, Weaverling, Kent).

Councillor J Sams indicated her wish to speak on the report of the Head of Planning and Development relating to application 18/506223/FULL (Parkwood House, West Street, Harrietsham, Maidstone, Kent).

It was noted that Councillor Garten might wish to speak on the report of the Head of Planning and Development relating to application 19/500149/FULL (Cherry Tree Farm, West Wood Road, Stockbury, Kent). In the event, Councillor Garten did not attend the meeting.

331. ITEMS WITHDRAWN FROM THE AGENDA

It was noted that following advice from the Council's Monitoring Officer, it was the recommendation of the Head of Planning and Development that applications 18/506656/FULL (Popesfield, Bearsted Road, Weaverling, Kent) and 18/506609/OUT (Newnham Park, Bearsted Road, Weaverling,

Kent) should not be determined until after the local elections on 2 May 2019 due to their controversial nature.

The Chairman said that taking all matters into consideration, the difficulty in drawing a line as to what constituted "controversial" and based on case law, it was his view that the Committee should proceed to determine these applications at the meeting. All commentaries legal and otherwise stated that provided a decision maker takes into account only matters that are material that decision cannot be open to question. The Committee had been careful over the years to make its planning decisions based only on material planning considerations. In the unlikely event that it did not, the Council had procedures in place to deal with that.

Since no Members indicated that they considered that these applications should be withdrawn from the agenda, the Chairman said that the Committee would proceed to determine the applications at the meeting.

332. URGENT ITEMS

The Chairman said that, in his opinion, the update report of the Head of Planning and Development should be taken as an urgent item because it contained further information relating to the applications to be considered at the meeting.

333. DISCLOSURES BY MEMBERS AND OFFICERS

Councillor Harwood said that, with regard to the reports of the Head of Planning and Development relating to applications 18/506656/FULL (Popesfield, Bearsted Road, Weaverling, Kent) and 18/506609/OUT (Newnham Park, Bearsted Road, Weaverling, Kent), he was a Member of Boxley Parish Council. However, he had not participated in the Parish Council's discussions on the applications and from that perspective he intended to speak and vote when they were considered. Further, it had been noted by the Council's Legal Team that he had submitted multiple detailed critiques regarding these applications. He did this on almost every large planning application and it gave no inference of a closed mind or pre-determination so he intended to speak and vote.

With regard to the report of the Head of Planning and Development relating to application 18/506494/FULL (Stilebridge Paddock, Stilebridge Lane, Linton, Maidstone, Kent), Councillor Munford said that he was the Chairman of Boughton Monchelsea Parish Council. However, he had not participated in the Parish Council's discussions on the application, and intended to speak and vote when it was considered.

Councillor Spooner said that on 12 March he had attended a meeting along with Borough Councillors Bob and Wendy Hinder to discuss application 18/506656/FULL (Popesfield, Bearsted Road, Weaverling, Kent) with Kent County Council (KCC) Members and Officers, including the KCC Cabinet Member for Education. He had made it quite clear at the start of the meeting that as a member of the Borough Council's Planning Committee he had a duty of impartiality and would not comment on the

application. However, he did convey the known comments of his fellow Bearsted Ward Members who were unable to attend the meeting. He was disappointed, therefore, to see a report from Boxley Parish Council on its website and subsequently on other social media saying that he had agreed with the objections raised by the other Borough Councillors. That was not correct, and he could assure the Committee that he was attending the meeting with an open mind and had not pre-determined.

334. MINUTES OF THE MEETING HELD ON 4 APRIL 2019

RESOLVED: That the Minutes of the meeting held on 4 April 2019 be approved as a correct record and signed.

335. EXEMPT ITEMS

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

336. PRESENTATION OF PETITIONS

There were no petitions.

337. 18/506656/FULL - ERECTION OF A NEW TWO-STORY PRIMARY SCHOOL AND SPECIAL EDUCATIONAL NEEDS SECONDARY SCHOOL WITH VEHICULAR AND PEDESTRIAN ACCESS VIA KENT MEDICAL CAMPUS, TOGETHER WITH ASSOCIATED CAR PARKING AND DROP OFF AREA, PEDESTRIAN ACCESS, DRAINAGE, AREAS FOR FORMAL AND INFORMAL OUTDOOR PLAY AND LANDSCAPING WORKS - POPESFIELD, BEARSTED ROAD, WEAVERING, KENT

All Members stated that they had been lobbied.

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

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

- The description of the application set out at the beginning of the Committee report should be amended as it was drafted when vehicular and pedestrian access was going to be from Bearsted Road. The proposals had been amended in response to representations made on the application so that both vehicular and pedestrian access would be via the Kent Medical Campus.
- Since the agenda was published, Kent County Council which dealt with surface water drainage had reviewed the information submitted and confirmed that further details were not required. This meant that recommended condition 11 relating to surface water drainage should be deleted but a condition requiring its implementation and relating to the operation and management of the proposed sustainable drainage scheme should be added.

Mr Coward, an objector, Mrs Bowdery, on behalf of Boxley Parish Council, Councillor Hughes of Bearsted Parish Council, Mr Wallis, for the applicant, and Councillors Hinder and Mrs Hinder (Visiting Members) addressed the meeting. Councillor Cuming also addressed the meeting as a Visiting Member in his own right and on behalf of Councillor Springett (Bearsted Ward Member) and de Wiggondene-Sheppard (Detling and Thurnham Ward Member) who were unable to attend the meeting.

RESOLVED:

1. That subject to
 - (a) The prior completion of a legal agreement to provide for the Heads of Terms set out in the report; AND
 - (b) The conditions set out in the report, as amended by the Principal Planning Officer at the meeting, with:
 - The removal of original condition 19 (Off-site highway works) and the removal of part (c) of original condition 20 (Off-site upgrade works);
 - The amendment of the Biodiversity Enhancement and Landscape Management Plan to include a less intensive management regime for the woodland buffers and grassland areas in order to preserve wildlife and a semi-natural edge to this part of north Maidstone;
 - The addition of a condition removing permitted development rights and a condition stipulating that no temporary buildings shall be placed on the application site without the consent of the Local Planning Authority;
- the Head of Planning and Development be given delegated powers to grant permission and to be able to settle, add or amend any necessary Heads of Terms and conditions in line with the matters set out in the recommendation and as resolved by the Planning Committee.
2. That the details to be submitted pursuant to original condition 21 (Car Park Management Plan) are to be agreed in consultation with the Boxley and Bearsted Ward Members, Boxley and Bearsted Parish Councils and the Chairman, Vice-Chairman and Political Group Spokespersons of the Planning Committee.

Voting: 7 – For 5 – Against 0 – Abstentions

338. 18/506609/OUT - APPLICATION TO VARY CONDITIONS 3, 4, AND 5 OF PLANNING PERMISSION 16/507292/OUT (OUTLINE APPLICATION WITH ACCESS SOUGHT FOR DEVELOPMENT OF MEDICAL CAMPUS) TO ALLOW FOR THE RELOCATION OF THE NATURE RESERVE - NEWNHAM PARK, BEARSTED ROAD, WEAVERING, KENT

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

Mr Clark, an objector, Councillor Willmott of Boxley Parish Council, Councillor Hughes of Bearsted Parish Council and Mr Blythin, for the applicant, addressed the meeting. Councillor Hinder addressed the meeting in his own right as a Visiting Member and on behalf of Councillor Mrs Hinder (Boxley Ward Member). Councillor Cuming also addressed the meeting as a Visiting Member in his own right and on behalf of Councillor Springett (Bearsted Ward Member) and de Wiggondene-Sheppard (Detling and Thurnham Ward Member) who were unable to attend the meeting.

RESOLVED:

1. That subject to:
 - (a) The prior completion of a variation to the previous legal agreement to secure the relocated nature reserve;
 - (b) A mechanism to secure the retention of the "Hockers Wood Nature Reserve" as an area managed for ecological protection and enhancement in perpetuity with the intention of ensuring that no development occurs there and investigation of a mechanism for its designation as a Local Nature Reserve, including land ownership and any funding arrangements; AND
 - (c) The conditions set out in the report with the amendment of condition 5 (Landscaping) to require a more appropriate, less intensive management regime for the Nature Reserve,

the Head of Planning and Development be given delegated powers to grant permission and to be able to settle, add or amend any necessary Heads of Terms and conditions in line with the matters set out in the recommendation and as resolved by the Planning Committee.
2. That if the Head of Planning and Development is unable to secure a mechanism in consultation with the Chairman, Vice-Chairman and Political Group Spokespersons of the Planning Committee to secure the retention of the "Hockers Wood Nature Reserve" as an area managed for ecological protection and enhancement in perpetuity, the application must be reported back to the Committee.

Voting: 9 – For 1 – Against 2 - Abstentions

339. 18/506258/FULL - WORKS TO BE CARRIED OUT AT MOTE PARK LAKE RESERVOIR (TO SATISFY THE RESERVOIRS ACT 1975 "MATTERS IN THE INTERESTS OF SAFETY"): WORKS TO EXISTING CULVERT SLUICE GATES; CONSTRUCT AN AUXILIARY SPILLWAY CIRCA 58M WIDE; LOWER GROUND LEVEL ON WEST ABUTMENT TO ACCOMMODATE AUXILIARY SPILLWAY; INCREASE GROUND LEVEL ON EAST ABUTMENT TO RESIST OVERTOPPING; CONSTRUCT WAVE WALL ALONG DAM CREST; DIVERT HV

(11KV) CABLE; MODIFY BRIDGE PARAPET; AND ENVIRONMENTAL MITIGATION - MOTE PARK MAIDSTONE, WILLOW WAY, MAIDSTONE, KENT

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

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

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

- It had now come to light that the letter purporting to be an objection to the development from the Mote Park Fellowship was actually the personal opinion of one member. The Secretary of the Mote Park Fellowship had since written in clarifying that although disruption to the Park and its ecosystems should be avoided no formal objections were being raised at this stage by the Fellowship.
- An update had been received from the Corporate Property Team regarding the timetable for the scheme if approved. It was the aim to start the detailed design of the scheme in May 2019 in preparation for construction tendering in August 2019. Assuming all went to plan trees would be removed from September 2019 to February 2020 to avoid the bird nesting season and construction would commence in April 2020 with a view to completion by October 2020.

RESOLVED:

1. That permission be granted subject to the conditions and informatics set out in the report with:
 - (a) The amendment of condition 6 (Landscaping) to include significant replacement tree planting of appropriate species both within the site and elsewhere within the Park; screening of the retaining walls as far as practicable; wildflower meadow seeding where tree or shrub planting is not feasible; on-site retention of cordwood; and no net loss of trees overall; AND
 - (b) An additional informative reminding the applicant that from an ecological point of view there is a need to allow for migratory fish such as the European Eel and that there needs to be a precautionary approach during construction, for example in relation to River Snails.
2. That the Head of Planning and Development be given delegated powers to finalise the wording of the amended condition and additional informative as a consequence of the decisions set out in paragraphs 1 (a) and (b) above.

3. That the details to be submitted pursuant to condition 6 (Landscaping) are to be agreed in consultation with the Chairman, Vice-Chairman and Political Group Spokespersons of the Planning Committee.

Voting: 12 – For 0 – Against 0 – Abstentions

340. 18/505541/FULL - ERECTION OF A CHALET STYLE RESIDENTIAL PROPERTY WITH DETACHED GARAGE AND LANDSCAPING - LAND OPPOSITE ST ANNS, CHAPEL LANE, THURNHAM, KENT

There were no disclosures of lobbying.

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

In presenting the application, the Planning Officer advised the Committee that one further representation had been received after the consultation period had closed raising objection to the proposed development as it would lead to an increase in pollution.

Mr Street addressed the meeting on behalf of the applicant.

RESOLVED: That consideration of this application be deferred for one cycle to negotiate amendments to the scheme to mitigate its impact on the countryside, the wider rural character of the area and the historic setting; this to include:

- Incorporation of the pond and ditches into the scheme;
- Soft domestic boundaries;
- Incorporation of integrated niches for wildlife and renewable energy measures such as solar panels; and
- Exploration of a vernacular design taking cues from historic buildings along Chapel Lane (elevations and materials).

Voting: 12 – For 0 – Against 0 – Abstentions

341. 19/500558/FULL - PART DEMOLITION OF EXISTING DWELLING TOGETHER WITH ERECTION OF A PART SINGLE AND PART TWO STOREY FRONT, SIDE AND REAR EXTENSION - THE COTTAGE, HAMPSTEAD LANE, YALDING, KENT

There were no disclosures of lobbying.

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

The Committee was informed that Yalding Parish Council had now withdrawn its objection to this application.

RESOLVED: That subject to no new issues being raised in the current consultation process, the Head of Planning and Development be given

delegated powers to grant permission subject to the conditions and informative set out in the report.

Voting: 12 – For 0 – Against 0 – Abstentions

342. 18/506494/FULL - ERECTION OF A DETACHED BUILDING TO BE USED AS A DAY ROOM WITH ANCILLARY FACILITIES (RE-SUBMISSION OF 18/504791/FULL) - STILEBRIDGE PADDOCK, STILEBRIDGE LANE, LINTON, MAIDSTONE, KENT

There were no disclosures of lobbying.

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

Councillor Cresswell of Linton Parish Council and Mr Simpkin, for the applicant, addressed the meeting.

RESOLVED: That subject to:

- (a) The prior completion of a legal agreement or unilateral undertaking to provide for the obligation on the applicant set out in the report; AND
- (b) The conditions set out in the report with an informative asking the applicant to provide additional planting along the eastern boundary of the site,

the Head of Planning and Development be given delegated powers to grant permission and to be able to settle or amend any necessary terms of the legal agreement or unilateral undertaking and planning conditions in line with the matters set out in the recommendation and as resolved by the Planning Committee and to finalise the wording of the additional informative.

Voting: 10 – For 2 – Against 0 - Abstentions

343. 19/500149/FULL - PART RETROSPECTIVE APPLICATION FOR THE SITING OF 2 ADDITIONAL MOBILE HOMES FOR RESIDENTIAL USE BY A GYPSY & TRAVELLER FAMILY - CHERRY TREE FARM, WEST WOOD ROAD, STOCKBURY, KENT

There were no disclosures of lobbying.

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

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

Voting: 12 – For 0 – Against 0 – Abstentions

344. APPEAL DECISIONS

The Committee considered the report of the Head of Planning and Development setting out details of an appeal decision received since the last meeting. It was noted that the appeal against the decision taken under delegated powers to refuse application 17/502997 (Maplehurst Paddock, Frittenden Road, Staplehurst) had been allowed with conditions and costs had been awarded against the Council.

Members were disappointed that the Council had lost another appeal, and it was suggested that the decision reflected a change in the approach of the Planning Inspectorate to appeals, and that this change was being repeated across other Councils in Kent.

It was also suggested that whilst there was a Key Performance Indicator relating to the number of appeals received, it might be more appropriate to measure the Council's success at appeal.

RESOLVED: That the report be noted.

345. ADJOURNMENT OF MEETING

At 10.10 p.m., following consideration of the report of the Head of Planning and Development relating to appeal decisions, the Committee:

RESOLVED: That the meeting be adjourned until 6.00 p.m. on Monday 29 April 2019 when the remaining items on the agenda will be discussed.

346. 18/506223/FULL - INSTALLATION OF SEWERAGE PACKAGE TREATMENT PLANT AND ASSOCIATED DRAINAGE FIELD, PIPEWORK AND EQUIPMENT - PARKWOOD HOUSE, WEST STREET, HARRIETSHAM, MAIDSTONE, KENT

Rolled over to the adjourned meeting of the Committee to be held on 29 April 2019.

347. 18/505561/FULL - REDEVELOPMENT OF THE SITE COMPRISING THE ERECTION OF 32 NEW DWELLINGS, WITH ASSOCIATED GARAGES, CAR BARNS AND PARKING SPACES, LANDSCAPING, TREE PLANTING AND ENHANCEMENTS TO EXISTING PONDS, INCLUDING AMENITY AREA FOR NATURE CONSERVATION AND NEW SHARED SURFACE ACCESS ROAD OFF CLAYGATE ROAD - BENTLETTS SCRAP YARD, CLAYGATE ROAD, YALDING, MAIDSTONE, KENT

Rolled over to the adjourned meeting of the Committee to be held on 29 April 2019.

348. 19/500399/FULL - PROPOSED STATIONING OF 4 NO. ADDITIONAL MOBILE HOMES FOR EXTENDED GYPSY & TRAVELLER FAMILY - MEADOW VIEW, MARDEN ROAD, STAPLEHURST, TONBRIDGE, KENT

Rolled over to the adjourned meeting of the Committee to be held on 29 April 2019.

349. DURATION OF MEETING

6.00 p.m. to 10.10 p.m.

MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

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

Present: **Councillor English (Chairman) and
Councillors Adkinson, Boughton, Brice, Mrs Gooch,
Harwood, Kimmance, Parfitt-Reid, Round and
Spooner**
**29 April
2019**

**Also
Present:** **Councillor J Sams**

350. APOLOGIES FOR ABSENCE

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

351. NOTIFICATION OF SUBSTITUTE MEMBERS

The following Substitute Members were noted:

Councillor Brice for Councillor Perry
Councillor Mrs Gooch for Councillor Munford

352. NOTIFICATION OF VISITING MEMBERS

Councillor J Sams indicated her wish to speak on the report of the Head of Planning and Development relating to application 18/506223/FULL (Parkwood House, West Street, Harrietsham, Maidstone, Kent).

353. ITEMS WITHDRAWN FROM THE AGENDA

There were none.

354. URGENT ITEMS

The Chairman said that, in his opinion, the updates to be included in the Officer presentations should be taken as urgent items as they contained further information relating to the applications to be considered at the meeting.

355. DISCLOSURES BY MEMBERS AND OFFICERS

Councillor Brice said that since she had pre-determined application 19/500399/FULL (Meadow View, Marden Road, Staplehurst, Tonbridge, Kent) she would address the Committee in her capacity as a Ward Member and then leave the meeting when it was discussed.

356. EXEMPT ITEMS

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

357. 18/506223/FULL - INSTALLATION OF SEWERAGE PACKAGE TREATMENT PLANT AND ASSOCIATED DRAINAGE FIELD, PIPEWORK AND EQUIPMENT - PARKWOOD HOUSE, WEST STREET, HARRIETSHAM, MAIDSTONE, KENT

All Members had been lobbied on this application.

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

Mrs Davis, an objector, Councillor Powell of Harrietsham Parish Council, Mr Beck, for the applicant, and Councillor J Sams (Visiting Member) addressed the meeting.

RESOLVED: That consideration of this application be deferred to:

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

Voting: 10 – For 0 – Against 0 - Abstentions

358. 18/505561/FULL - REDEVELOPMENT OF THE SITE COMPRISING THE ERECTION OF 32 NEW DWELLINGS, WITH ASSOCIATED GARAGES, CAR BARNS AND PARKING SPACES, LANDSCAPING, TREE PLANTING AND ENHANCEMENTS TO EXISTING PONDS, INCLUDING AMENITY AREA FOR NATURE CONSERVATION AND NEW SHARED SURFACE ACCESS ROAD OFF CLAYGATE ROAD - BENTLETT'S SCRAP YARD, CLAYGATE ROAD, YALDING, MAIDSTONE, KENT

All Members except Councillors Boughton, Brice and Mrs Gooch stated that they had been lobbied.

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

In presenting the report, the Major Projects Manager advised the Committee that:

- The applicant had confirmed that photovoltaics would be provided on the four additional units so proposed condition 22 would need to be amended to include specific reference to the requirement to provide details of photovoltaics on these four units.
- The materials and landscaping conditions for the previously approved scheme had been discharged, but provided the minimum benchmark for discharging conditions on this application.
- Delegated authority was sought to make minor amendments to the wording of some of the proposed conditions and to amend proposed condition 9 as the applicant had agreed to a scheme to integrate the bat and bird nesting boxes within the development and the open areas.

Councillor Goff of Collier Street Parish Council and Ms Allwood, for the applicant, addressed the meeting.

RESOLVED: That subject to:

- (a) The prior completion of a legal agreement to provide for a contribution of £79,744 towards off-site affordable housing in the Borough; AND
- (b) The conditions and informatives set out in the report, as amended by the Major Projects Manager at the meeting, subject to
 - (i) confirmation that pre-commencement conditions 6 (Sustainable Surface Water Drainage Scheme) and 13 (Foul Water Sewerage Disposal) have been formally agreed by the applicant and (ii) the following additional amendments:

The further amendment of condition 9 (Biodiversity Enhancements) to specify that the bat and bird nesting boxes are to be integral to the structure of the buildings;

The amendment of conditions 8 (Materials) and 12 (Reptile Mitigation Strategy) so that they do not refer to another planning permission but require the submission of details with the expectation that they will be to the standard approved under the previous permission;

The amendment of condition 14 (Landscaping) to ensure that the details to be submitted incorporate the full details of the landscaping scheme approved under the previous planning permission with the

expectation that they will be to the standard approved under the previous permission,

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

Voting: 9 – For 1 – Against 0 – Abstentions

359. 19/500399/FULL - PROPOSED STATIONING OF 4 NO. ADDITIONAL MOBILE HOMES FOR EXTENDED GYPSY & TRAVELLER FAMILY - MEADOW VIEW, MARDEN ROAD, STAPLEHURST, TONBRIDGE, KENT

The Chairman stated that he had been lobbied.

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

Councillor Burnham of Staplehurst Parish Council and Mr Reachtigan, for the applicant, addressed the meeting.

Having stated that she had pre-determined the application, Councillor Brice addressed the Committee in her capacity as a Ward Member and then left the meeting.

RESOLVED: That

1. Subject to the addition of dimensions to the plan referred to in condition 4 (Block Plan) to show the depth of the undeveloped front paddock for monitoring and enforcement purposes, the Head of Planning and Development be given delegated powers to grant permission subject to the conditions and informatives set out in the report with:

The amendment of condition 8 (Landscaping) to require a native mixed hedge scheme in accordance with the Council's Landscape Character Guidance;

An additional informative advising the applicant to liaise with the Council's Landscape Team regarding the design and implementation of the landscaping scheme; and

The amendment of condition 5 (External Lighting/Floodlighting) to require the lighting scheme to be specific to the new layout.

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

Voting: 8 – For 0 – Against 1 – Abstention

360. DURATION OF MEETING

6.00 p.m. to 8.05 p.m.

Agenda Item 14

MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

30 MAY 2019

REPORT OF THE HEAD OF PLANNING AND DEVELOPMENT

DEFERRED ITEMS

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

APPLICATION	DATE DEFERRED
<u>18/505541/FULL - ERECTION OF A CHALET STYLE RESIDENTIAL PROPERTY WITH DETACHED GARAGE AND LANDSCAPING - LAND OPPOSITE ST ANNS, CHAPEL LANE, THURNHAM, KENT</u> Deferred to negotiate amendments to the scheme to mitigate its impact on the countryside, the wider rural character of the area and the historic setting; this to include: <ul style="list-style-type: none">• Incorporation of the pond and ditches into the scheme;• Soft domestic boundaries;• Incorporation of integrated niches for wildlife and renewable energy measures such as solar panels; and• Exploration of a vernacular design taking cues from historic buildings along Chapel Lane (elevations and materials).	25 April 2019 adjourned to 29 April 2019
<u>18/506223/FULL - INSTALLATION OF SEWERAGE PACKAGE TREATMENT PLANT AND ASSOCIATED DRAINAGE FIELD, PIPEWORK AND EQUIPMENT - PARKWOOD HOUSE, WEST STREET, HARRIETSHAM, MAIDSTONE, KENT</u> Deferred to: <ul style="list-style-type: none">• Ask the applicant to agree to the removal of the existing septic tank from the site and any associated pollution;• Ask the Environment Agency to consider the specific biomedical contamination impacts of a care home (the potential for effluent to contain a high proportion of medicines);	25 April 2019 adjourned to 29 April 2019

- Investigate how the generator backup system is managed to maintain connections to the pump house because of the sensitivity of the chalk streams and the River Len;
- Ask Natural England whether it has any concerns regarding the potential impact of the development on watercourses and ecology;
- Ascertain distances to watercourses/bodies (ponds and streams) (Condition 2.3.1 of the Environment Agency Permit EPR/LB3798VP) and seek further clarification from various consultees as to whether any adverse impacts arise from that proximity, including the potential impact on white-clawed crayfish and the Desmoulin's whorl snail; and
- Seek the advice of Building Control regarding the management of the drainage field.

Agenda Item 15



18/505455 - Land East of Gleamingwood Drive

Scale: 1:2500

Printed on: 21/5/2019 at 10:22 AM by EllyH

REFERENCE NO - 18/505455/REM

APPLICATION PROPOSAL

Approval of Reserved Matters for Access, Appearance, Landscaping, Layout, and Scale, pursuant of 15/503359/OUT - Outline application with all matters reserved for residential development (approx 89 dwellings) plus open space, biomass plant and access road (plus emergency access).

ADDRESS Land East Of Gleamingwood Drive Lordswood Kent

RECOMMENDATION Application Approved

SUMMARY OF REASONS FOR RECOMMENDATION

The scheme benefits from outline planning permission granted on appeal, which established the principle of the development of this countryside site with housing and which also established the principle of creating an access with its consequent impacts upon the Ancient Woodland.

A Tree Preservation Order on the site has been served in the interests of amenity, but this does not override the planning permission granted on appeal.

Whilst the NPPF (in paragraph 175 (c)) requires wholly exceptional reasons for development that would result in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees), this is not engaged because an application for reserved matters approval is not an application for planning permission and so there is no scope to re-assess the principle of development.

Case law establishes that reserved matters approval cannot not be withheld on a ground that has already been decided in principle at the grant of outline planning permission as that would be to reopen an issue already decided and frustrate the permission granted.

The outline planning permission secures ecological mitigation and enhancement measures that acknowledge the importance of the site as Ancient Woodland that possesses high habitat and nature conservation value. The layout now proposed is the optimal in terms of ecological mitigation, bearing in mind that the alignment of the accesses through the Ancient Woodland were established by the Planning Inspector in the outline planning permission.

The Inspector also considered the outline scheme to be acceptable in terms of landscape impact. The detailed Landscape Masterplan now before Members is sound and achieves the necessary level of screening practicable and provides significant levels of amenity space, land for landscaping and ecological mitigation/enhancement.

Developer Contributions have already been secured in the outline planning permission and the applicants are already committed to delivering policy compliant affordable housing.

Traffic and Highways issues were all dealt with at outline stage.

The design of the scheme scores well when assessed against the criteria in Building for Life 12-Maidstone Edition 2018.

REASON FOR REFERRAL TO COMMITTEE

At the request of Boxley PC

WARD Boxley	PARISH/TOWN COUNCIL Boxley	APPLICANT McCulloch Homes And Palm Developments Ltd AGENT Tetlow King Planning
TARGET DECISION DATE 05/06/19		PUBLICITY EXPIRY DATE 23/11/18

Relevant Planning History

13/1797

Outline application for residential (approximately 89 dwellings) Refused 2014

15/503359/OUT

Outline application for residential development (approx 89 dwellings) Appeal Refused 2015

18/500346/FULL

Erection of 115 dwellings together with associated infrastructure, open space, landscaping and access works. Refused 2018

Appeal History:

14/500114/REF

Outline application for residential (approximately 89 dwellings) Dismissed 2015

15/500128/NONDET

Outline application for residential development (approx 89 dwellings) plus open space, biomass plant and access road (plus emergency access) Appeal Allowed 2015

TPO History

TPO Woodland Order No TPO ref 5008/2018/TPO

MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 The site is close to the boundary with Medway Council district. It is outside the urban confines of Lordswood and is thus in the designated countryside. It comprises an area of 4.28ha mainly being 2 open agricultural fields with some Ancient Woodland.
- 1.02 It is sited to the east of Lordswood, a residential area that spans the Borough boundaries, which 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. Also provided are 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 permission for up to 450 homes (originally allowed on appeal).
- 1.04 The M2 motorway forms a boundary to the southern edge of Lordswood and separates it from the Kent Downs Area of Outstanding Natural Beauty (AONB).
- 1.05 The site has been used for horse related purposes in the past and comprises 2 fields that 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.

- 1.07 The Appeal Inspector accepted that a new access road would be created through the Ancient Woodland from Gleamingwood Drive and that another section of roadway through Ancient Woodland would link the 2 fields. The reserved matters are consistent with the details required by the inspector. 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. 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 (PROW) 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.
- 1.10 A woodland TPO ref 5008/2018 has been confirmed on this site and adjoining woodland.

2. PROPOSAL

- 2.01 These reserved matters are pursuant to the outline planning permission for 89 dwellings.
- 2.02 The outline planning permission is subject to a s106 unilateral undertaking which addresses:
 - Payment of £44 647.20 towards Primary healthcare at Lordswood Community Healthy Living Centre
 - 40% affordable housing, mix and tenure to accord with MBC policy
 - A Woodland and Structural Landscaping Management Plan with 18 specific objectives
 - A Biomass Energy Delivery Plan with a 30 year maintenance schedule and details of funding
 - A biomass plant of minimum 300kW for heating and hot water by some or all of the dwellings
 - Scheme or £17,000 for Employment Training and Workforce development
 - Payment of £202 243 for secondary school education (ie classrooms and dining rooms) at Greenacre Boys School and Walderslade Girls School.
 - £80, 0000 for equipment at Lordswood Leisure Centre
 - £76,954 for a greenway open space (although the Inspector considered that not to be justified).
 - £12 167.19 for IT and Education facilities at Hook Meadow Community Centre
- 2.03 Matters that are addressed by conditions imposed on the outline planning permission and which do not need to be repeated on these reserved matters include:

- The access route through Ancient Woodland to be as per 2 specific drawings referenced
- In accordance with 3 indicative plans showing the extent of development vis a vis the Ancient Woodland
- An Arboricultural Method Statement and Tree Protection Plan
- A Woodland Management Plan
- Removal of some residential permitted development rights
- Ecological Design Strategy and ecological enhancement
- Construction Environmental Management Plan
- Air Quality report/mitigation
- Details of the Biomass plant
- Emergency access
- Archaeology

- 2.04 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 36 affordable units comprising; 13 x 2 bed; 18 x 3 bed; 5 x 4 bed. The Tenure split is to accord with the Council's policy, currently 70% affordable rented and 30% shared ownership.
- 2.05 In the centre of the site is an open space with a Locally Equipped Area for Play (LEAP). This is shown to contain 9 items of play equipment on brown rubber mulch safety surfacing in a black bow topped fenced compound with 2 self closing gates to match.
- 2.06 In terms of renewable and low carbon design, the design is said to incorporate high quality sustainability elements in terms of energy consumption and production. The dwellings will also be highly sustainable in terms of the technologies incorporated in the fixtures and fittings as well as the construction techniques, giving them exceptional energy performance when measured against Building Regulations. These design elements include 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.
- 2.07 The proposals provide family housing of contemporary appearance and form, utilising vernacular materials.
- 2.08 The biomass plant is shown to be in the northernmost part of the site. It measures 12.5m by 8m with a simple gable pitched roof with fibre cement roof, 2 small chimneys and timber cladding to the elevations. Half of the building is indicated to be the boiler room and the other half the fuel store.
- 2.09 The foul water pumping station is also in the northernmost part of the site.
- 2.10 The perimeter is predominately surrounded by trees. The dwellings are arranged in outward facing perimeter blocks such that they provide a natural surveillance of open spaces, with the living conditions, outlook and aspect of occupants respected.
- 2.11 The lighting scheme has been designed to be sympathetic to foraging bats and mitigate any potential adverse impacts to their foraging habits.
- 2.12 The ecological appraisal submitted with the application seeks to demonstrate that the development will improve the ecological value and potential of the site, and woodland adjacent to the site, through a range of landscape and ecological

management and enhancement measures. This will include new landscape features such as trees, green corridors (the perimeter thicket).

- 2.13 The appeal decision was in outline subject to a Unilateral Undertaking, with all matters reserved, but the Inspector specifically approved the access from Gleamingwood Drive and the link access between the 2 housing parcels as per the submitted drawings.
- 2.14 Consistent 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 it has no pedestrian access so is not suitable as a main access.
- 2.15 The landscape masterplan proposes the retention, enhancement and management of the existing locally distinctive landscape features of the site - ancient woodland, tree belts and hedgerows, including:
- reinstatement of coppicing within the ancient woodland, as part of a long-term management plan.
 - creation of an appropriate ancient woodland buffer zone.
 - enhancement of perimeter tree belts through appropriate planting and management to improve species diversity, screening value and age structure.
 - reinforcement of hedgerow along Westfield Sole Road with additional native planting.
 - removal of alien features within the local landscape - the rows of conifers to the north-east and south-east boundaries.
 - creation of a high quality landscape setting to the development through strong landscape structural planting and provision of useable public open space.
 - removal of the conifer tree belt
 - a 15m Ancient Woodland Buffer Zone with native thorny shrub planting to the woodland edge and mown grass paths through species-rich meadow grassland
 - to restore and improve the woodlands within the area by improving management within historical coppice and introducing greater woodland structural diversity.
 - compact, upright tree species for street planting creating green routes through the development
- 2.16 Foul drainage is intended to connect to the main sewer via a pumping station and surface water to infiltration to ground via infiltrating cellular storage tanks, as part of SuDs scheme.

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; Public Art.

4. LOCAL REPRESENTATIONS

Ward Members

This application relies heavily on the Inspector at appeal giving much weight to the fact of a biomass unit being built for the site. However, there are no supporting documents regarding this and the management of the ancient woodland in order to run the boilers.

There have also been significant changes to the NPPF since the original application of 2015 and I firmly believe that these carry much weight and should feature in any decision taken. The loss of ancient woodland in creating an access to the site should not be allowed.

The comments submitted by Boxley Parish Council are fully endorsed.

Local Residents:

4.01 30 representations received from local residents raising the following (summarised) issues

- Highway danger / junction is on a bend on fast road
- Traffic congestion
- Removal of parking facilities in Gleamingwood Drive
- Access should be via Westfield Sole Road
- Bus routes limited
- Poor cycling provision
- Cumulative impact of housing proposals in Medway and Maidstone
- Government has banned building on ancient woodland
- Loss of countryside/woodland as an amenity for exercise and dog walking
- Loss of green wedge
- Loss of trees and wildlife
- More Trees should be planted not removed
- Woods stop the noise from the M2
- Water is already in seriously short supply during periods of drought
- Will overload sewers
- Schools and infrastructure overloaded
- GP surgeries and hospitals overstretched
- Increases air pollution from traffic and congestion
- Smell and air pollution from the biomass boiler and fuel deliveries to it
- Noise/dust during construction
- More litter in the woodlands

Issues such as water supply are not material planning considerations and therefore cannot be taken into account in the determination of this application. The other matters raised by Ward Members, neighbours and other objectors are discussed in the detailed assessment below.

5. CONSULTATIONS

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

Boxley PC:

5.01 Object on the following grounds:

- The applicant has failed to prove that this development is sustainable. No clear business plan for the operation of the biomass unit nor details of the Management Plan for the Ancient Woodland, which is to be managed to provide fuel to the bio-mass
- Question whether the bio-mass boiler is viable.
- Reiterate their previous objections submitted for 15/503359/OUT
- Since the outline Planning Permission there has been a significant change regarding protection for Ancient Woodland (NPPF 118) and Boxley Parish Council considers the change must be a material consideration
- The policy framework by which the impact is assessed differs greatly from the situation in 2015.
- Consider that the traffic survey needs revisiting as it is now 5 years out of date
- If MBC is minded to approve then the following conditions are requested: Proof, that a bio mass unit is sustainable and can be funded and maintained by the current scheme and a legal requirement that the bio mass unit is funded to remain in operation for 30 years; Approval of the Ancient Woodland Management Plan, fully costed and cross referenced to the bio mass feasibility study.

Woodland Trust

5.02 The Trust strongly objects to this application on the basis of loss and deterioration of Reedscroft Wood, an area designated as both ancient semi-natural woodland (ASNW) and plantation on ancient woodland site (PAWS) on Natural England's Ancient Woodland Inventory (AWI). In particular the Trust make the following comments:

- Despite the previous outline application having been approved they consider that the recently updated protection afforded to ancient woodland within the National Planning Policy Framework (NPPF) must be strongly considered.
- Advise that ancient woodland takes hundreds of years to establish and is defined as an irreplaceable habitat.
- Both types of Ancient Woodland are given equal protection in the National Planning Policy Framework (NPPF) regardless of their condition.
- National Planning Policy Framework states that development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists. There is no wholly exceptional reason for the development in this location and as such it should be refused on the grounds it does not comply with national planning policy.

5.03 The Trust considers that whilst the proposed development has been granted outline approval, the proposals would result in significant loss and damage to ancient woodland. In particular the Trust is concerned about:

- Direct loss of ancient woodland from the proposed access road
- Fragmentation

- Disturbance by noise, light, trampling and other adjacent activity from construction processes and use of the site
- Dust deposition as a direct result of construction processes
- Intensification of recreational activity of humans and their pets eg disturbance to fauna, vegetation damage, soil compaction, littering, removal of deadwood and fire damage
- Hydrological changes will result in changes to the characteristics and quality of adjacent woodland's water sources from pollution, contamination etc.
- Any effect of development can impact cumulatively on ancient woodland - this is much more damaging than individual effects.
- damaging or destroying all or part of them (including their soils, ground flora, or fungi); roots and understorey; compacting soil; polluting the ground around them; changing the water table or drainage ; damaging archaeological features or heritage assets
- Nearby development can also have an indirect by breaking up or destroying connections between woodlands and veteran trees; reducing the amount of adjacent semi-natural habitats; increasing the amount of pollution, including dust; increasing disturbance to wildlife; light pollution, damaging activities like fly-tipping and the impact of domestic pets; changing the landscape character of the area
- The direct loss of ancient woodland will lead to the deterioration and long-term degradation of Reedscroft Wood. In turn this is likely to result in a loss to local biodiversity; from resident and migrating wildlife, to site endemic soils and their associated flora. Natural England's standing advice provides guidance in relation to buffer zones to ancient woodland, stating: "For ancient woodlands, you should have a buffer zone of at least 15 metres to avoid root damage. Where assessment shows other impacts are likely to extend beyond this distance, you're likely to need a larger buffer zone."
- The siting of this large housing development will largely surround and fragment this area of ancient woodland, as such a suitable buffer in this instance should be at least 30m between any developed area and ancient woodland. Ideally planted with at least 50% native tree cover to allow it to develop into a semi-natural habitat and must also be established and fenced off before any construction work commences.
- Despite outline permission having been granted for this site it is of paramount importance that ancient woodland is protected from damage and loss, as per the recently strengthened national planning policy for ancient woodland. At present, this application will inevitably result in adverse impacts on the ancient woodland. Any proposed planting or proposed management of the woodland cannot possibly mitigate for the loss of ancient woodland; only avoidance of irreplaceable habitat constitutes mitigation of impact. Any such proposals would only constitute compensation, and should not be taken into account as part of considering the merits of the development, as per Natural England's standing advice: "Ancient woodland, ancient trees and veteran trees are irreplaceable. Consequently you should not consider proposed compensation measures as part of your assessment of the merits of the development proposal."
- Until the applicant has rerouted access roads to avoid loss of ancient woodland and implemented minimum 30m buffers between development and ancient woodland, the Trust will maintain its strong objection to this application.

KCC Highways and Transportation

- 5.04 The Local Highway Authority considers that this point should be an emergency access point only as encouraging pedestrians onto a narrow country lane without

footways, would be undesirable. Details should be submitted regarding a suitable gated design for consideration.

Natural England

- 5.05 Confirm that they maintain their previous position where they made no objection to the original proposal and consider that the proposed amendments to the original application are unlikely to have significantly different impacts on the natural environment than the original proposal.

Forestry Commission

- 5.06 Confirm that ancient woodland is an irreplaceable habitat and direct the Council to joint standing advice prepared with Natural England on ancient woodland and veteran trees.

KCC(Flood and Water Management)

- 5.07 Note that within the planning statement it is proposed to deal with surface water via infiltration and as such have no objection to the reserved matters application.

Kent Police

- 5.08 Met with the applicant/agent at the early design stages regarding CPTED for this proposal and note the inclusion of the Secured By Design (SBD).

Southern Water Services

- 5.09 SWS suggest a condition requiring a drainage strategy detailing the proposed means of foul disposal and an implementation timetable, and advise that where a SUDS scheme is to be implemented, the drainage details submitted should specify a management and maintenance plan for the lifetime of the development.

- 5.10 Advise that due to the vibration, noise and potential odour generated by sewage pumping stations, no habitable rooms should be located closer than 15m to the boundary of a proposed pumping station site.

Medway Council

- 5.11 No response

KCC Ecology

- 5.12 No objections: the submitted site plans demonstrate that the minimum size buffer area has been included within the site (in some areas it is larger).

- 5.13 Garden areas are not directly adjacent to the buffer area and there is a path running through the buffer area - both of these inclusions will minimise the risk of garden grabbing occurring within the site. We are supportive of the use of the buffer area as recreation however there is a need to ensure that the dense scrub area is sufficiently dense to ensure that it will prevent access in to the woodland (access should only be at the designated points). Some areas within the landscape plan do suggest that the scrub is very narrow and the buffer is mostly meadow.

- 5.14 There is a need to ensure that the scrub will be planted as soon as possible to ensure that it is established by the time the development is occupied.

- 5.15 Information about lighting will be submitted as part of a separate condition but there is a need to ensure that there is minimal light spill from the lighting. If it is not intended to use lighting on the road we strongly recommend that the houses are provided with security lights to ensure that the external lighting can be designed to minimise light spill. Not including lighting will not stop residents from installing external lighting.

- 5.16 A condition was included requiring the submission of a management plan for the site and woodland - so there is a need to ensure that it is implemented for the lifetime of the development. In particular it will ensure that the buffer area is replanted if it's damaged (for example the creation of gaps for direct access in to the wood).

6. APPRAISAL

Main Issues

- 6.01 The key issues for consideration relate to:

- Principle of Development
- Ancient Woodland
- Ecology
- Landscape Impact
- Design and Layout
- Traffic and Highways
- Developer Contributions

Principle of Development

- 6.02 The scheme has outline planning permission granted on appeal.
- 6.03 The appeal decision is an extant planning permission that can still be implemented because all outstanding details of access, appearance, landscaping, layout and scale were submitted before 30 November 2018. The appeal decision therefore establishes the principle for development of this countryside site with housing and the creation of an access with its consequent impacts upon the Ancient Woodland. These principles are not for review as part of this reserved matters submission.
- 6.04 The section 106 Unilateral Undertaking (UU) included a commitment for a biomass boiler of minimum 300kW capacity. The time trigger for submission of the Biomass Energy Delivery Plan is before implementation and the time trigger for the operation of the biomass boiler is first occupation.

Ancient Woodland

- 6.05 A TPO on the site has been served in the interests of amenity but cannot override the planning permission granted on appeal. Therefore no objection can be raised to the loss of any TPO trees arising from the housing and access.
- 6.06 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.
- 6.07 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. As a requirement of the outline planning permission arboricultural information needs to be submitted in the future pursuant to a condition on the outline planning permission.

- 6.08 The Inspector who allowed the appeal in 2015 regretted the loss of some trees and soil under the access roads. Nonetheless, he said that less than 2% of Ancient Woodland on the site would be removed to provide the access and that 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 planning condition. Therefore, in the Inspector's opinion, overriding the direct loss and impact on the Ancient Woodland was the benefit that the remainder would be managed and maintained, a low density form of development 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.
- 6.09 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 6 of the houses) was mentioned by the Inspector as a sustainability benefit.
- 6.10 The main impact on the Ancient Woodland remains the creation of a bellmouth with visibility splays onto Gleamingwood Drive with the access road with footpaths. These layouts have been conditioned in the outline planning permission and it is not open for the Council to re-visit any of the Inspector's assessments of impact.
- 6.11 A second section of the Ancient Woodland will be removed in order to link the northern and southern housing parcels. Again, this was specifically conditioned by the Inspector in the appeal decision.
- 6.12 As has been highlighted by the Woodland Trust and other objectors, the appeal decision was made before the change in emphasis in the recently published NPPF 2019 which can be interpreted as giving a very substantial level of extra weight to preservation of the Ancient Woodland over that of the original NPPF from 2012.
- 6.13 The new NPPF in paragraph 175 (c) 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".*
- 6.14 What could constitute a "wholly exceptional reason" is given in a footnote as "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".
- 6.15 Unlike the recent full application that was refused planning permission based on the above, it is the legal situation that a reserved matters application is not subject to para 175 (c) in the same way and cannot be refused on that issue.
- 6.16 An application for reserved matters approval is not an application for planning permission and so there is no necessity to decide if the development is in accordance with the development plan as a whole. In this case, advice in paragraph 175 of the NPPF is not engaged.
- 6.17 In allowing the appeal in 2015, the Secretary of State expressly found that the harm caused by the access roads through AW was clearly outweighed by the need for and benefits of development in this location. Case law establishes that reserved matters approval cannot not be withheld on a ground that has already been decided in principle at the grant of outline planning permission as that would be to reopen an issue already decided and frustrate the permission granted.

- 6.18 It follows that if the Committee were to refuse reserved matters approval on the basis of the new NPPF para 175, it would have taken into account irrelevant considerations and it would not be likely to succeed at an appeal against the refusal of reserved matters approval.

Ecology

- 6.19 The outline planning permission secures ecological mitigation and enhancement measures which acknowledge the importance of the site as Ancient Woodland having high habitat and nature conservation value.
- 6.20 Paragraph 170 of the NPPF 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.
- 6.21 As the principle of the development has been established, the objective in assessing the Reserved Matters details is to ensure that the impact on biodiversity is minimised within the available parameters. The submitted site plans demonstrate that the minimum size buffer area of 15m has been included within the site (in some areas it is larger). This accords with current Standing Advice from Natural England. The submitted drawings show the detail of the landscaping of the buffer. The 15m buffer is also covered by the need for the Woodland and Structural Landscaping Management Plan required to be submitted before implementation by the s106 obligation. Fencing and other boundary treatment details are required by a condition on the outline planning permission.
- 6.22 As the layout of the scheme has been revised to perimeter blocks with outward facing units, this has the advantage that private garden areas are not directly adjacent to the buffer area. Together with the path running through the buffer area, the layout and the degree of public domain supervision of the buffer minimises risk of garden grabbing occurring within the site which can be a problem where rear gardens abut woodland buffer zones. There is a need to ensure that the dense scrub area is sufficiently dense to ensure that it will prevent access in to the woodland except at designated points and this is a detail that would be addressed when the relevant conditions on the outline planning permission are submitted and KCC's Ecology officers will be consulted at that time.
- 6.23 Similarly, details of external lighting are not part of this application but a condition on the outline planning permission and the need to minimise pollution and biodiversity harm will be dealt with at the time the condition is discharged.
- 6.24 Paragraph 175 of the revised NPPF states: planning permission should be refused if significant harm to biodiversity resulting from a development cannot be avoided or adequately mitigated, or, as a last resort, compensated. I am satisfied that in the context of the outline permission, the layout proposed is acceptable in terms of ecological mitigation and allows the scheme overall to comply with the NPPF.

Landscape Impact

- 6.25 The application sites lies outside the identified built up area of Lordswood, as 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 because of the general need to site the housing units in the open fields and thus secure some protection of the Ancient Woodland.

- 6.26 Policy DM30 requires that for development in the countryside, impacts on the appearance and character of the landscape are appropriately assessed and mitigated. The Inspector said that this specific site did not warrant landscape protection. 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 any particular landscape value.
- 6.27 The outline planning permission establishes that the Inspector considered the scheme to be acceptable in terms of landscape impact. In terms of the Landscape Masterplan, the principles are sound and achieve the necessary level of screening practicable, such that the requirements of Policy DM30 are met.
- 6.28 There would be landscape screening augmentation of the existing mixed planting on the bunds with local tree species Field Maple, Oak, Beech), Hornbeam Wild Cherry and the conifers removed. Hedge and scrub planting would be Field Maple, Hazel, Hawthorn, Holly and Spindle.

Design and Layout

- 6.29 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.
- 6.30 The houses all fall within the same development envelope as the appeal scheme. The proposed indicative layout provides sufficient detail to demonstrate that the two housing parcels can be developed in a manner that achieves acceptable spacing, privacy, amenity space, parking and road layout standards. In addition the site will be developed at a modest 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 the woodland buffer and the need for landscape screening on the perimeter and to respect the woodland setting.
- 6.31 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. There is a need for a condition on this approval for large scale details of joinery and other constructional details such as rain water goods, eaves and verges to ensure the design quality is acceptable.
- 6.32 Regarding design, the details show contemporary 2 and 2.5 storey pitched roof (gabled/skillion/lean-to) housing of an attractive appearance with the use of materials of vernacular appearance; thus ensuring sensitivity to the locality in terms of reducing long range visual impact.
- 6.33 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 access road 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 been significantly landscaped and there is screened parking. These new layouts will provide better passive surveillance and are intended to respond to comments expressed in the Kent Police representation in terms of being 'Secured-by-design'.
- 6.34 The central amenity open space would meet needs for children's play in accordance with open space policy DM19. It will assist in providing an attractive setting and outlook for the dwellings that front it. The majority of the dwellings will face outwards onto the perimeter trees. The layout and landscaping ensure that the

Woodland punctuates through the development and there is an emphasis placed on the woodland setting. This further assists in addressing Policy DM30.

- 6.35 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 this would not make a significant difference in the context of the M2, traffic generally, residential areas, farm buildings and other semi-industrial and retail uses that exist in the area.

Traffic and Highways

- 6.36 These issues were all dealt with at outline stage and 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, there will not be a cumulative severe impact on highway safety as confirmed by KCC as Local Highway Authority.

Developer Contributions

- 6.37 These have already been secured in the outline planning permission as listed above and cannot be amended or added to in this type of application.

The applicants are already committed to full compliance with policy SP20 of the MBLP, with the provision of 40% affordable housing and have submitted a tenure mix of 70% social rent and 30% shared ownership.

Building for Life 12- Maidstone Edition 2018

- 6.38 The NPPF has a chapter dedicated to design ("12. Achieving well-designed places") and there is specific reference to the design assessment framework 'Building for Life 12'. Maidstone BC has now published its own version and this application has been carefully considered against this assessment framework, with particular emphasis on:

- vernacular materials and architectural detailing;
- landscaping being integral to design;
- ecological corridors;
- streets which are not dominated in design terms to cater for the car;
- sustainable design principles;
- biodiversity.

- 6.39 In response to BfL12, the scheme offers potential pedestrian/cyclist connections in addition to the main access road in order to achieve integration and permeability. It is close to the urban area of Lordswood with its range of facilities and services including public transport.

- 6.40 In terms of character and well-defined streets and spaces, the key design feature that gives the proposed layout structure and distinctiveness are the pockets of perimeter blocks set amongst generous open space and the backdrop of the Ancient Woodland. Outward looking dwellings provide an acknowledgement to the site's setting within ancient woodland.

- 6.41 The road layout allows easy legibility and waymarking and is traffic calmed with raised tables at junctions to encourage low vehicle speeds and encourage pedestrian and bicycle flows.

- 6.42 Design techniques such as dual aspect buildings turning corners along the most publicly visible corners define and add interest.
- 6.43 Distinct 'green ecological corridors' are proposed around the boundaries and the intervening open space, shown to be landscaped with indigenous species incorporating positive biodiversity features.
- 6.44 Sufficient amenity space is proposed. Private gardens are intended to be the location of bin and recycling storage (except for day of collection points).
- 6.45 In terms of architectural detailing, both vernacular materials and façade treatment are proposed in a modern idiom. It is therefore considered that the reserved matters respond positively to the guidance within BfL 12 including the Maidstone edition. As mentioned above, a condition is suggested to ensure the detail is of acceptable quality.

Other Matters

- 6.46 Whilst the Public Art threshold is exceeded as this is reserved matters, it cannot be insisted upon but could be the subject of an informative.
- 6.47 The proposed development is CIL liable. The Council adopted a Community Infrastructure Levy on 25 October 2017 and began charging on all CIL liable applications approved on and from 1 October 2018. The actual amount of CIL can only be confirmed once all the relevant forms have been submitted and relevant details have been assessed and approved.

7. CONCLUSION

- 7.01 The scheme has outline planning permission granted on appeal which establishes the principle for development of this countryside site with housing development and an access with their consequent impacts upon the Ancient Woodland.
- 7.02 A TPO on the site has been served in the interests of amenity but cannot override the planning permission granted on appeal.
- 7.03 The NPPF paragraph 175 (c) test in relation to the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) is not engaged because an application for reserved matters approval is not an application for planning permission and so there is no necessity to decide if the development is in accordance with the development plan as a whole.
- 7.04 The outline planning permission secures ecological mitigation and enhancement measures that will acknowledge the importance of the site as Ancient Woodland having high habitat and nature conservation value. Overall, the layout proposed is appropriate ecological mitigation bearing in mind the alignment of the accesses through the Ancient Woodland are conditions in the outline planning permission.
- 7.05 The Inspector considered the scheme to be acceptable in terms of landscape impact. In terms of the detailed Landscape Masterplan now before Members, the principles are sound and achieve the necessary level of screening practicable. Developer Contributions have already been secured in the outline planning permission and the applicants are already committed to making full compliance for affordable housing. Traffic and Highways issues were all dealt with at outline stage. The design of the scheme scores well in comparison to the criteria in Building for Life 12- Maidstone Edition 2018.

8. RECOMMENDATION

APPROVE Reserved Matters subject to the following condition

- 1) Unless otherwise approved in writing, the development shall include the following materials: profiled Larch cladding, Black stained profiled Larch cladding; Black rainwater goods Joinery: pale grey aluminium windows and doors. The roof shall be natural slate or composite (ie slate waste) roof slates. Development shall not commence above damp proof course level until full details of the following matters have been submitted to and approved in writing by the Local Planning Authority:-
 - a) new external joinery in the form of large scale drawings.
 - b) details of eaves, verges and roof overhangs in the form of large scale drawings
 - c) details of balconies, projecting bays and porch canopies
 - d) details of rain water goods
 - e) details of the cladding to all plots to accord with the elevational drawings hereby approved.

The development shall be carried out in accordance with the approved details.

Reason: To ensure the appearance of the buildings accord with the appeal decision whereby the buildings blend as far as possible into the woodland setting and include a high proportion of recycled products.

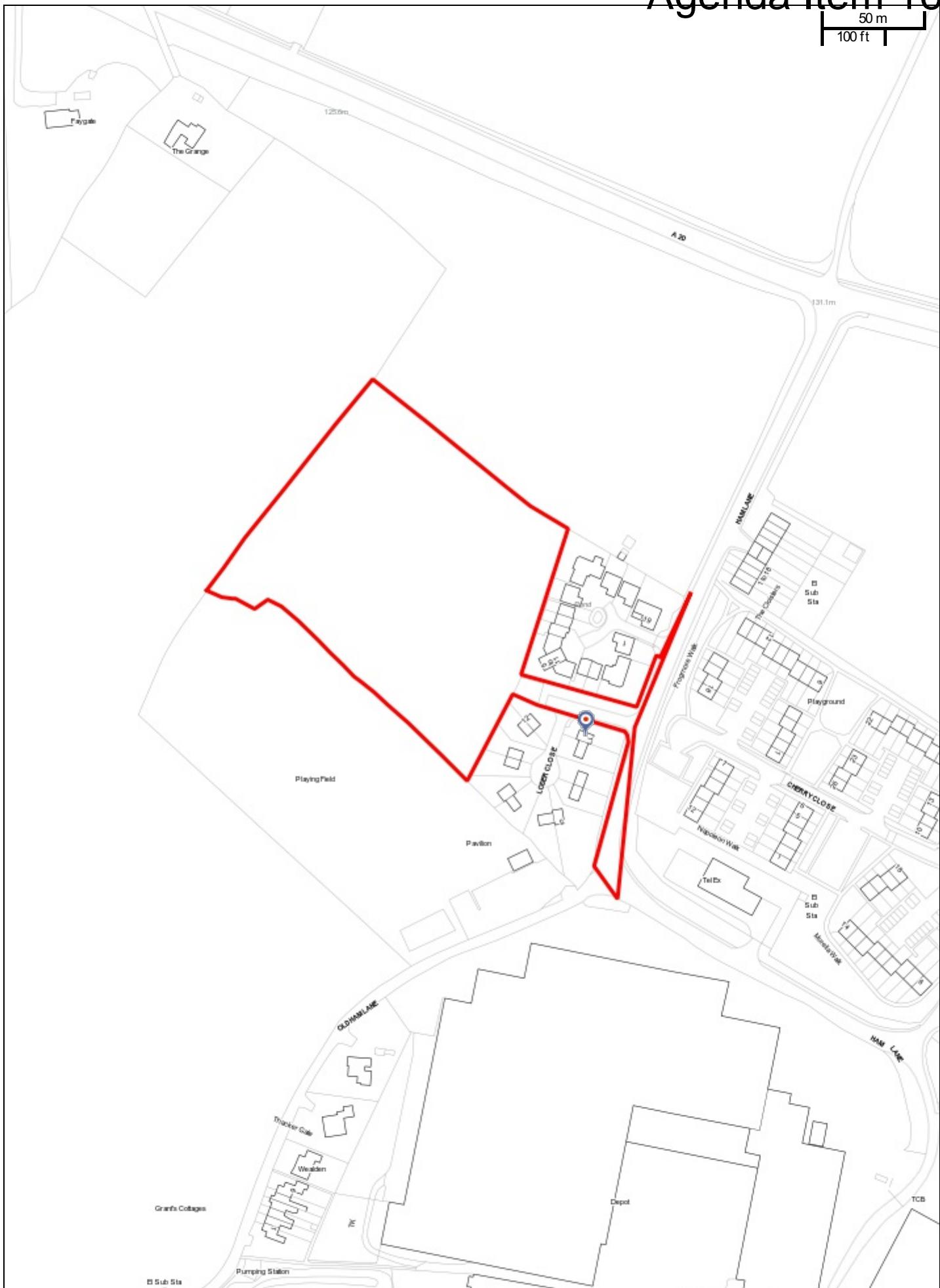
INFORMATIVES

- 1) You are invited to consider the inclusion of Public Art within the scheme with reference to Maidstone Borough Council's Public Art Guidance 2017.
- 2) You are advised that the 15m buffer will be expected to include scrub sufficiently dense to ensure that it will prevent access in to the woodland (access should only be at the designated points). The scrub should be planted as soon as possible to ensure that it is established by the time the development is occupied.

Case Officer: Marion Geary

Agenda Item 16

50 m
100 ft



18/506657 - Land West of Loder Close and Westwood Close



Scale: 1:2500

Printed on: 21/5/2019 at 10:40 AM by EllyH

REFERENCE NO - 18/506657/FULL		
APPLICATION PROPOSAL Residential development of 53 no. two, three and four bedroom traditional two storey houses and apartments inclusive of 40% affordable housing including provision of foul pumping station, open space with ecological pond and landscaping with vehicular/pedestrian access via Loder Close off Ham Lane, Lenham.		
ADDRESS Land West Of Loder Close And Westwood Close Ham Lane Lenham Kent		
RECOMMENDATION Conditional planning permission be granted subject to the completion of a s106 agreement		
SUMMARY OF REASONS FOR RECOMMENDATION The proposal is considered to be acceptable in terms of the impact on the character of the area, the adjacent countryside, the landscape setting of the AONB, highway safety and parking, neighbouring amenity, ecology, arboriculture and drainage. Under Policy SP8 of the MBLP, Lenham is to provide additional housing growth and it has been designated as a Rural Service Centre and a broad Location for future housing development in the Local Plan to be delivered between 2021 and 2031. The policy states that future housing sites should be allocated and determined by a Neighbourhood Plan and master plan process, by April 2021 in accordance with the criteria of policy H2(3). However, the Lenham Neighbourhood Plan (LNP) has encountered delays and can no longer be agreed in time to allow it to facilitate a realistic and desirable housing trajectory over the 2021 to 2031 period. The site will be able to meet approx. 5% of future requirements for the settlement. The development will be self contained functionally and visually. The form and layout do not prejudice acceptable development in principle coming forward on neighbouring sites. The site is not dependent on any of the other earmarked sites in the draft LNP. It has independent and acceptable safe direct access via Loder Close to Ham Lane and there are no capacity problems at the junction of Ham Lane with the A20 from an additional 53 units considered cumulatively with the 70 units at Westwood, a site with residential planning permission to the north. Bearing in mind the location of the site where the countryside can be accessed relatively easily and there are playing field facilities immediately to the south, the development has an acceptable level of on-site open space and children's play which will also be available to neighbouring residents. It will provide reasonable and appropriate contribution to other infrastructure by CIL payments.		
REASON FOR REFERRAL TO COMMITTEE Called by Cllrs Tom and Jeanette Samms to the planning committee on the grounds that it is of significant development in Lenham; impacts upon the amenity of residents; poses a flood risk; causes harm to the rural character of the Countryside; displays insufficient landscaping		
WARD Harrietsham And Lenham	PARISH/TOWN COUNCIL Lenham	APPLICANT Wealden Land Ltd AGENT Wealden Homes
TARGET DECISION DATE 07/06/19	PUBLICITY EXPIRY DATE 17/05/19	

Relevant Planning History

15/507941/FULL

Residential development of 45 two, three and four bedroom traditional two storey houses inclusive of 40% affordable housing including provision of open space, with vehicular access via Loder Close off Ham Lane
Refused Decision Date: 31.03.2016

16/508039/FULL
Residential development of forty two 2, 3 and 4 bedroom two storey houses inclusive of 40% affordable housing including provision of open space and with vehicular access.
Refused Decision Date: 17.03.2017

Adjoining site (Westwood, Ham Lane, Lenham)

14/502973/FULL
Erection of 82 new residential dwellings together with access onto Ham Lane, internal roads, parking, landscaping and ancillary works on land at Ham Lane
Refused Decision date: 12.03.2015
Allowed on appeal Decision date: 24.06.2016

17/504450/REM
Approval of Reserved Matters for the erection of 70 dwellings (Appearance, Landscaping, Layout and Scale being sought) pursuant to 14/502973/FULL - Outline application for erection of 82 new residential dwellings together with access onto Ham Lane, internal roads, parking, landscaping and ancillary works on land at Ham Lane
Approved Decision date: 16.03.2018

MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 The application site is approximately 1.97 ha in size and relates to a parcel of horse grazing land to the west of Lenham village. The site slopes gently down from north to south. To the south east of the site are two cul-de-sac developments known as Loder Close and Westwood Close, both of which are accessed from Ham Lane. To the southwest of the site is the village playing field (the William Pitt Field) which contains grass football pitches with parking and changing facilities. To the northwest of the site are agricultural fields/open countryside with 2 residential properties beyond, approx. 140m away and the TPO protected Dickley Wood to the west. Further to the north is the North Downs Area of Outstanding Natural Beauty. The site is 190m from the southern extent of the AONB and separated by a site with planning permission for housing development and the A20.
- 1.02 The parcel of land immediately to the northeast called Westwood is bounded by Ham Lane and the A20 and has an outline planning permission granted on appeal to Jones Homes for up to 82 dwellings although a reduced number of 70 dwellings were recently granted reserved matters approval. The appeal planning permission needs to commence before 16 March 2020. Vehicular access to that site is to be off Ham Lane. A footpath link from that site to the application site was indicated in the Reserved Matters approval.
- 1.03 All trees and significant vegetation are on the site boundaries. The north-eastern boundary includes sporadic tree/hedge planting and there is less vegetation on the north-western boundary. The southwestern boundary is lined by fairly substantial vegetation of an overgrown hedge with paling/wire fencing separating the site from the adjacent sports pitches. The south-eastern boundary of the site consists mainly of residential post and rail timber fencing to the rear of Westwood Close or close boarded fencing rear of Loder Close.

- 1.04 Access to the site is indicated to be via Loder Close which has a conventional macadam carriageway and a footway on its southern side and planted service strip on its northern side. The carriageway terminates at the site entrance by a 5 bar gate and then a grass track some 15m long before the site proper.
- 1.05 The junction of Loder Close to Ham Lane is on a straight section of Ham Lane with good visibility splays.

2. PROPOSAL

- 2.01 This is a full application for residential development of 45 no. 2, 3 and 4 bedroom two storey houses and 8 no. 1 bed flats in 2 storey apartment blocks of 4 flats each. There will be 40% affordable housing on a 70/30 affordable rent/shared ownership tenure including provision of public open space. The affordable units are sited on the boundary next to the playing field.
- 2.02 The overall density (excluding the access to Loder Close) is approx. 30 dph.
- 2.03 There would be a non-adopted shared surfaced loop road around a central island containing 16 houses with the remaining houses backing onto the 3 site boundaries plus part of the south-eastern boundary. Most of the south-eastern boundary comprises an area of Public Open Space measuring 0.3ha in 2 sections. This includes a new cycleway link to the Westwood site to the north, an ecological pond and a play area (intended for toddler play).
- 2.04 In addition to the pedestrian/cycle link indicated to the Westwood site, a potential future pedestrian link with the adjoining site to the west is proposed in the southwest corner of the site, should this link be needed in the future if there were to be further development. There is also an indicative pedestrian/cyclist link to the Playing Field in the south-eastern corner.
- 2.05 The scheme has been revised since originally submitted, there is one fewer housing unit, more open space, concrete roof tiles have been replaced by either clay tiles or Redland Cambrian and simplified but authentic architectural detailing to the units.
- 2.06 The proposed houses would all be two storey in height and of a traditional appearance with mostly red/brown facing brickwork although 10 plots will have buff/brown brick type. There will be some use of red feature brickwork, white Hardieplank weather boarding, and clay tile hanging. Roofs will be either clay or composite slate roof tiles (using 60% reconstituted slate waste). The 2 sets of flats will have Juliette balconies to the front elevations. Ragstone is to be used on the ground floor publicly visible elevations of 4 houses which front onto the Public Open Space and on the side garden walls of 5 plots which turn visually prominent corners.
- 2.07 Rainwater goods are to be black UPVC and fascias/soffits and windows are white UPVC. Some of the plots will have rafter feet eaves. There are flat or clay tiled pitched roofed canopies to front doors and some plots have pitched roof bay windows.
- 2.08 An area of Public Open Space of approx. 0.3ha is proposed to span the access road at the entrance of the site. The larger part would abut the south-eastern boundary of the site adjoining and acting as a buffer to Westwood Close. The north boundary of the site adjoins the appeal site (Westwood). This provides a soft landscaped area on entering the site. It has a varying width of 13-20m.
- 2.09 A public footpath/cycleway connection is shown partly crossing the POS for 28m which then makes use of the shared surface access road with an aim of linking the application site to the adjoining site to the north and the sports field to the south, should the completion of those links be needed in the future.

2.10 In terms of landscaping, the strategy is:

- North-western boundary to open countryside: 4 rows of mixed native hedgerow with 2m grass strip as a habitat corridor, to be outside gardens and managed by the management company, to include canopy native trees
- North-eastern boundary to Westwood: double row mixed native hedge with canopy native trees, to be within private gardens (abutting proposed substantial landscaping beyond the common boundary on the adjacent site if developed to its planning permission)
- South-western boundary to Playing Field: no landscaping within the site due to existing dense belt of trees within and bordering the playing field
- South-eastern boundary: double row mixed native hedge planted against a 1.8m high green mesh fence for temporary security, planted outside of private gardens and to be managed by the management company.
- Public Open Space: line of fruit trees and a small area of meadow species; pond designed to retain water year round with various depth shelves to the edges for biodiversity; native tree and shrub mix; log piles; hawthorn boundary to pond to reduce disturbance.
- Planting around the pumping station to screen (privet and broom).
- Single species hedges to demarcate some front and side garden boundaries of hazel, hawthorn, privet, beech or hornbeam
- Areas of ornamental and native shrubs in domestic areas and to screen boundary fences.

2.11 The ecological enhancement is to comprise bird boxes (sparrow terraces), bat tubes, hedgehog gaps in fences, dormouse-friendly hedges, hazel coppice and green corridors; log piles. Ornamental species in the domestic landscaping is shown to be used when native equivalents are not practicable, but the applicant states that ones chosen will be nectar rich or have berries.

2.12 The lighting will comprise lantern style to the house front doors and rear doors. Otherwise there will be 15 bollards to street/parking areas (the road is not to be adopted).

2.13 Foul drainage is via a pumping station sited in the SW corner with a connection to the main sewer. Surface water drainage is indicated to be to ground via permeable paving and soakaways.

3. POLICY AND OTHER CONSIDERATIONS

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Maidstone Borough Local Plan 2017
SP8 Lenham Rural Service Centre
SP17 Countryside
SP20 Affordable Housing
ID1 Infrastructure Delivery
H2(3) Lenham broad location for housing growth
DM1 Principles of good design
DM3 Natural environment
DM6 Air Quality
DM8 External lighting
DM12 Density of housing development

DM19 Open space and recreation
DM21 Assessing the transport impacts of development
DM23 Parking standards
DM30 Design principles in the countryside;

Supplementary Planning Documents Air Quality; Public Art

4. LOCAL REPRESENTATIONS

Local Residents:

4.01 10 representations received from local residents raising the following (summarised) issues

- Highway danger: Ham Lane lacks a pavement on both sides for most of its length, is already busy including HGVs to and from Lenham Storage and the speed limit is routinely breached.
- Ham Lane and A20 junction is unsafe with additional traffic
- negative impact to the country lanes
- Increased traffic congestion on A20 and M20 motorway which already suffer from traffic related incidents & daily have slow moving/queuing vehicles.
- Unsustainable location due to reliance on the car, residents will not walk to Lenham's village centre facilities
- Poor bus services
- Residents will drive to railway station
- Noise and pollution during construction
- parking problems will worsen in village centre
- overlooking
- noise, smells and disturbance from the new properties and the traffic
- reduce the sense of outlook and natural light
- addition of trees along boundary reduces natural light
- traffic noise and light and air pollution
- detrimental impact on local community facilities (e.g. shops, schools, healthcare)
- expanding the village into farmland
- loss of rural character to Lenham, becoming a small town
- affects the setting of the AONB
- Contrary to the Maidstone Landscape Capacity Study 2015
- brownfield sites should be concentrated on first
- devaluation of neighbouring houses
- harm to mental health and wellbeing of neighbouring residents
- public footpath and play area will harm privacy and security of the houses in Westwood Close from theft and vandalism
- visual impact study has no reference to the affected view from Westwood Close
- The site floods during periods of wet weather, presumably due to the gradient and its proximity to the North Downs

- construction sites known to attract thieves and youths
- ecology study does not cover bats and hedgehogs and birds including pheasants, starlings and blue tits
- proposed pool will attract rats and insects near to Westwood Close
- no additional employment in the area and people already travel out of Lenham for work
- no need for more housing in this area, the houses already built within Lenham and surrounding area are not selling
- not part of wider Masterplanning that should inform the Neighbourhood Plan
- the affordable element would be of no real benefit to the Parish of Lenham
- Inadequate on-site open space
- Noise from play area
- Street lighting would cause light pollution affecting wildlife
- Inaccuracies in the application documents indicate the applicant has not visited the village
- too much harm to justify only 54 extra houses, the existing residents have not been considered or consulted
- site should remain as open countryside to break the vista of continuous housing
- Local Plan in Policy H2(3): should be refused as prior to a review of the Local Plan or adoption of the Neighbourhood Plan
- The Hearn report, on which Maidstone Borough Council have formulated their housing needs, stipulates that The Rural East (Harrietsham & Lenham) should only have a net gain of 25 houses p.a., already met by current developments underway in Harrietsham and in Lenham.
- contrary to NPPF re a plan-led system is the primary mechanism in delivering sustainable development by succinct local and neighbourhood plans
- Premature- the draft Lenham Neighbourhood Plan is at Regulation 14 and not far enough advanced to have any influence in the decision making process
- The decision should be as the 2 recent refusals on this site.

- 4.02 One further objection was received to the revised plans: The reduction of 1 house does not reduce impact of the development; footpath still impacts the privacy; noise levels from this play area which will be a magnet for children from adjoining Jones Homes development (70 houses with approx 140 children) and children who currently use William Pitt field as a meeting point; litter; inadequate open space.
- 4.03 Issues such as property value, a right to a view and construction nuisance are not material planning considerations and therefore cannot be taken into account in the determination of this application. The other matters raised by neighbours and other objectors are discussed in the detailed assessment below.

5. CONSULTATIONS

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

Lenham PC

- 5.01 No objections subject to conditions relating to on site contractor parking, open space calculation, CIL monies percentage, improvements to the quality of detailing

relating to the elevations of buildings and improved street sections should be included.

- 5.02 Regarding the weight to be given to the emerging Lenham Neighbourhood Plan, there are currently unresolved objections made by Kent County Council and Maidstone Borough Council regarding infrastructure provisions within the Plan.
- 5.03 To grant permission would pre-determine decisions about the scale and location of new development in the emerging LNP. Phasing could be pre-determined and decisions about how and whether Section 106 contributions can be collected may well be pre-determined.
- 5.04 The draft Plan should not be used as a basis for confirming the residential use of the land. The application should be refused because otherwise it would undermine the plan-making process by pre-determining decisions on the scale and location of new development in the emerging Lenham Neighbourhood Plan.

KCC (Development Contributions)

- 5.05 Original response: Based on the original proposals for 54 units, this development will place unfunded pressures on KCC in the form of Primary Education; Community learning, Youth Service, Libraries, Social Care. Funding will be sought from the CIL receipts.
- 5.06 Request a requirement to provide 'fibre to the premise' Broadband Delivery UK (BDUK), part of the Department for Culture, Media and Sport, requires delivery of superfast broadband to all.
- 5.07 Revised response: Request £159,552.00 towards the 1FE expansion of Lenham Primary School via a s106 legal agreement.

Southern Water

- 5.08 Southern Water can provide foul sewage disposal to service the proposed development. A formal application for connection to the public sewerage system is required in order to service this development.
- 5.09 There are no public surface water sewers in the area to serve this development. Alternative means of draining surface water from this development are required, the applicant will need to ensure that arrangements exist for the long-term maintenance of the SUDS facilities.
- 5.10 Due to the vibration, noise and potential odour generated by sewage pumping stations, no habitable rooms should be located closer than 15 metres to the boundary of a proposed pumping station site.

KCC (Flood and Water Management)

- 5.11 No objection in principle to the proposed development with surface water drainage based upon a combination of permeable paving and soakaways. Additional ground investigations will be required to give sufficient coverage of the site and allow testing at the proposed depth/invert level of infiltration features, including permeable paving areas. Recommend groundwater monitoring is undertaken for a sufficient period prior to commencement of development as further design information and ground investigations are required to confirm the suitability of the drainage proposals.

Natural England

- 5.12 Based on the plans submitted, Natural England considers that the proposed development will not have significant adverse impacts on statutorily protected sites.

- 5.13 The proposed development site is close to the Kent Downs AONB. NE advises that the planning authority uses national and local policies, together with local landscape expertise and information to determine the proposal.
- 5.14 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 application must not have a significant impact on or harm the statutory purpose of the AONB which is to conserve and enhance the area's natural beauty.

Environmental Protection

- 5.15 The site is outside the Council's Air Quality Management Area. The scale of this development warrants an air quality assessment. Installation of a publically accessible Electric Vehicle charging point would be a useful promotion of a sustainable travel option.
- 5.16 Due to the proximity of the site to the main road (A20), as the most significant noise source, request mitigating measures mentioned in the noise assessment report are put in place. There are some indications of land contamination based on information from the contaminated land database & historic maps databases near the site. Also there could be contamination risks on the proposed site due to its present use. There is no indication of any significant chance of high radon concentrations.
- 5.17 Details regarding any external lighting should be required as a condition of any planning permission granted.

Kent Police

- 5.18 They have met the applicant to discuss CPTED for this proposal; note the inclusion of the SBD section (section 7) within the Design and Access Statement (DAS).
- 5.19 The proposed pedestrian Link/Cycle path, whilst running to the rear of the properties in Westwood Close is screened from their rear garden boundaries with a hedge of defensive planting. The path moves away from the rear of the properties in Westwood Close as it heads northwards of the proposed new development. The Landscape Masterplan also shows the defensive planting hedge as detailed "Double row mixed native hedge to provide a green boundary between the existing Westwood Close development and the public open space on the subject site.
- 5.20 The present rear boundary treatments of the gardens in Westwood Close appeared to be machined post and rail fencing with what looks to be an access path for some of the rear of the properties, between a second post and rail fence, with stock fence mesh infilling. The low height and type of existing fencing does give cause for concern, should the proposed new footpath run directly against the existing fence.
- 5.21 Suggest that defensive planting mentioned above, be conditioned as part of any planning consent and that this planting be protected by additional temporary fencing until it has become mature and fully established.

6. APPRAISAL

Main Issues

- 6.01 The key issues for consideration relate to:
- Development Plan Context
 - Principle of Development
 - Visual impact/Landscape
 - Residential Amenity

- Drainage and flooding
- Highways
- Ecology
- Affordable Housing
- Infrastructure and Open Space

Development Plan Context

- 6.02 In terms of the reasoning behind the adopted Local Plan policies affecting development in the broad location of Lenham, one needs to consider the Planning Inspector's Report on the Examination of the Maidstone Borough Local Plan (July 2017).
- 6.03 In the submission version of the Local Plan, 1500 homes were proposed for the Broad Location of Lenham between 2026 and 2031 but the Inspector was unconvinced that 300 homes would be delivered per annum for a 5 year period. Rather he opined that (paragraph 191):

"There is no reason to delay delivery until 2026 as was proposed in the submitted Local Plan. However, as there is an available supply of planning permissions and proposed allocations in both Lenham and nearby Harrietsham to address short term needs, neither is it necessary or appropriate to bring development forward sooner than 2021, particularly as there are expected to be infrastructure constraints to be addressed including sewerage and waste water treatment capacity and the need for a new primary school."

- 6.04 The Inspector concluded that:
- "200. The H2(3) Lenham Broad Location should be reduced from 1500 to 1000 dwellings to be delivered between 2021 and 2031. That would be a more realistic delivery rate. The reduced total development within the Plan period would also allow more flexibility for the individual site allocations. These allocations would be determined by a Neighbourhood Plan or, by default, in a Local Plan review before April 2021. The plans would need to address any infrastructure constraints..."*
- 6.05 Therefore, in order to provide a 'realistic' delivery rate, 100 homes per annum need to be delivered (i.e be ready for occupation) between April 2021 to 2031. Given that only 53 homes are proposed and there are no other current applications, it seems likely that the first delivery target of 100 homes between 2021 and 2022 will be missed. Moreover, given that it is now mid 2019, it seems unlikely that the scheme will be completed by April 2021 given the need for a s106, discharge of conditions, other authorisations, site clearance and preparation, construction etc. In conclusion, I consider that delivery, in isolation, is to be welcomed as this was the focus for the Inspector bringing forward the start of the delivery period to 2021.
- 6.06 Recent analysis of Housing land supply projections indicates that it is not unrealistic to assume 3-4 years for delivery from detailed planning permission awaiting s106 agreements. The developers here have indicated that they see their development providing key delivery at the front end of the Plan period.
- 6.07 The Lenham Neighbourhood Plan is at Regulation 14 stage and so only limited weight can be given to it.
- 6.08 In terms of potential infrastructure constraints, the Inspector refers to wastewater capacity and the need for a new primary school. I am not aware of Southern Water requesting developer contributions to improve capacity at the local wastewater

treatment plant. Drainage is discussed later but the proposal incorporates a self contained drainage system. Secondly, monies for primary school education will be dealt with by CIL and it is understood that KCC Education now want monies for expanding the existing primary school in Lenham (previously they favoured Harrietsham) and this can be a focus for CIL monies. I am not aware of any other significant infrastructure constraints.

- 6.09 In terms of connectivity, links or potential links are proposed on all 4 sides so this is not piecemeal development rather a layout that respects and takes account of its surroundings.
- 6.10 Therefore, I conclude that this scheme, even if it were interpreted as 'premature', would cause no significant harm in strategic policy terms. Rather it provides some certainty of actual delivery which was the focus of the Inspector and remains a focus of the revised NPPF.

Principle of Development

- 6.11 The site has been the subject of 2 refusals of planning permission for residential development in 2015 and 2016. In both cases, the applications were determined against the MBLP from 2000 and the policies in emerging Local Plan in 2016/17, principally on the grounds of being in the open countryside and by being premature and prejudicing future housing development in Lenham which was intended to be strategically delivered after 2021 through a Neighbourhood Plan/strategic master plan. Those previous schemes were judged to be contrary to the NPPF which made clear that the plan-led system was the primary mechanism in delivering sustainable development, with succinct local and neighbourhood plans setting out a positive vision for the future of the area.
- 6.12 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that all planning applications must be determined in accordance with the Development Plan unless other material considerations indicate otherwise. In this case the Development Plan comprises the Maidstone Borough Local Plan 2017.
- 6.13 The site is outside the settlement boundary of Lenham and is thus initially covered by policy SP17 which relates to development within the countryside. The policy presumption is against development which harms the character and appearance of the area or the amenities of surrounding occupiers. However, housing development here needs to be assessed as to whether it falls within category (5) listed in policy SP17 as follows: "*such other exceptions as indicated by policies elsewhere in this plan*".
- 6.14 Policy SP8 of the MBLP allocates Lenham as one of the Borough's rural service centres which are the second most sustainable settlements in the hierarchy and appropriate to accommodate growth. Thus policy SP17 can be set aside in determining this case.
- 6.15 Within policy SP8, Lenham is also identified as a broad location for growth by the delivery of approximately 1000 dwellings post April 2021 to be delivered in accordance with policy H2(3). The policy goes on to say that Masterplanning of the area will be essential to achieve a high quality design and layout, landscape and ecological mitigation, and appropriate provision of supporting physical, social and green infrastructure. The policy includes an expectation that housing site allocations and associated infrastructure requirements will be made through the Lenham Neighbourhood Plan (LNP) or through the local plan review to be adopted by April 2021. The policy requires that housing sites should avoid significant adverse impact on the setting of the AONB and coalescence with neighbouring Harrietsham.

- 6.16 The 1000 houses are expected to be delivered from April 2021 to April 2031, which is considered to be a realistic delivery rate of approx. 100 units per annum.
- 6.17 As Members are aware, in the time that has elapsed since this approach to the future development at Lenham was formulated at the Local Plan Examination, the LNP has not advanced at the expected rate and is still at Consultation draft stage Regulation 14 and thus much behind its anticipated timetabling. It would not have significant weight in terms of development management decisions until several more stages have passed, not anticipated to be realistically achievable until 2020 at the earliest.
- 6.18 Notwithstanding the above, the Consultation draft LNP which was published in September 2018 does indicate a general direction of travel for the residential allocations for Lenham. It includes the application site for development of
- approximately 55 dwellings at a density of 30 per hectare;
 - access from Loder Close;
 - a structural landscape corridor at least 15 metres wide being provided to the north-east of the site of at least 0.15 ha in order to provide enhanced visual screening for the existing dwellings in Westwood Close.
- 6.19 As demonstrated below, all these objectives are generally met by the application scheme albeit the PoS has a more varying width of 13-20m. The approximate 30dph density meets policy DM12 of the MBLP.
- 6.20 The draft LNP also allocates agricultural land for housing development to the west as site 5 and the William Pitt Playing Field to the south as site 6 (subject to prior replacement playing pitches being made within Lenham Parish).
- 6.21 It is now less than 2 years until April 2021 and it is important to ensure that delivery of 1000 units is relatively even throughout the 2021-2031 period (which was a factor given much weight by the Inspector). To allow for the time taken for planning permissions to be granted, conditions to be discharged and for site preparation and construction to proceed, it is clear that delaying planning decisions until the LNP is made/agreed is no longer feasible. To do so, MBC would be failing in its duty to meet this element of its housing targets.
- 6.22 The developer has committed to not allowing occupation of any of the units until after April 2021 and this could be a planning condition on the basis it reflects the policy position in an adopted Local Plan regarding the earliest date of delivery of the 1000 units in this broad location.
- 6.23 To rely on future allocations in Lenham being determined by the agreed LNP would not allow adequate time for delivery of housing in the early part of the period 2021 to 2031. Essentially, the delay in the progress of the LNP which could not have been envisaged when the policy was being formulated and is a factor that has weight in policy H2(3) in this case.
- 6.24 It is necessary to afford significant weight to the need for a pragmatic and realistic trajectory for the delivery of 1000 housing units in Lenham and this outweighs the strict application of the policy as worded. Paragraph 50 of the NPPF gives context for assessing prematurity. It states that refusal of planning permission on grounds of prematurity will seldom be justified before the end of the Local Planning Authority publicity period on a draft neighbourhood plan. Thus the PC's and objectors' submission that prematurity should be a reason for the refusal of this application is not in accordance with clear national policy on that issue.
- 6.25 Lenham PC, whilst initially not objecting to the principle of the development, did subsequently submit comments regarding the NPPF's policy context for the weight

that the LPA should give to the consultation draft LNP. Paragraph 48 of the NPPF states that Local Planning Authorities may give weight to relevant policies in emerging plans according to the stage of preparation of the emerging plan (the more advanced its preparation, the greater the weight that may be given). In the case of LNP, the Regulation 14 policies have not been subject to any formal consultation and thus low weight must be given to it. Accordingly, the application site has to be assessed on its individual merits in the context of its juxtaposition with the village of Lenham, the William Pitt Field, the approved development at Westwood, highway access and contributions toward delivery of infrastructure necessary for and relevant to the development.

Visual impact/Landscape

- 6.26 The 'Landscape Assessment of Kent' (Kent County Council, 2004) locates the site within the landscape character area of: Hollingbourne Vale West. ie typically small broadleaved woodlands and irregular fields. The Landscape Assessment of Kent seeks to:
- Restore rural views by controlling the visibility of detracting features
 - Create a dense woodland framework for transport corridors
 - Create edges to settlements and new rural features to distinguish highways and the approaches to settlements.
- 6.27 The Maidstone Landscape Character Assessment (2012/2013) locates the site within the landscape character area of: Harrietsham to Lenham Vale. This is identified as: "*..... some fragmentation is caused by the railway line and the busy A20, the pattern of landscape elements is generally coherent.The pattern of woodlands, hedgerows and the mosaic like field pattern between Harrietsham and Lenham is very distinctive, as is the location of Harrietsham and Lenham, situated at the foot of the Downs and at the sources of rivers and springs.*"
- 6.28 It makes the following recommendations to enhance the landscape:
- Conserve the undeveloped foreground and rural setting of the Kent Downs AONB
 - Conserve the mosaic field pattern and hedgerow boundaries, and restore further traditional boundaries where practicable.
- 6.29 The Maidstone Landscape Capacity Study: Sensitivity Assessment January 2015, site specific assessment for Loder Close (HO3-195) considers that the landscape character sensitivity is moderate and the visual sensitivity low. It concludes that the overall landscape sensitivity is low leading to the conclusion that the site has a high capacity to accommodate housing without material harm to the landscape. The report includes reference to some opportunities and constraints:
- increase the footprint of Lenham when viewed from the AONB
 - effects of lighting
 - relate to the playing field and schools
 - cumulative effects with adjacent sites
 - Reflect the style, density, pattern and materials of the village vernacular
 - Consider outward looking frontages to the adjacent countryside and playing field
 - Maintain open countryside between Lenham and Harrietsham to prevent the further ribbon development on the A20

- 6.30 The site is considered to be within the setting of the AONB, being 190m away at its closest. Although the site is not within the AONB, and so certain policy considerations within the MBLP and NPPF do not apply, the national Planning Practice Guidance (PPG) sets out that the duty to 'have regard' to the purposes of the AONB can also be relevant outside AONB boundaries, where there might be an impact their statutory purposes.
- 6.31 The site would be effectively screened from the east/Ham Lane by the existing residential developments at Loder Close and Westwood Close. Fairly substantial boundary treatment along the southern boundary of the site assists in screening the development from the south. From the west and north the site is more open and visible and these are arguably the more important existing viewpoints given the rural setting and the location of the AONB further to the north of the A20. There is sporadic tree and hedge planting along the northern boundary of the site and there is further sporadic vegetation/tree planting along the south side of the A20 adjacent the neighbouring site. There is limited boundary planting along the west boundary of the site. From the rising ground within the AONB to the north, views of the site are possible from the footpaths and bridleways and from the higher escarpment the site is visible within the patchwork landscape. On lower and closer land to the north, northeast and northwest, the site would be visible from the A20 and Ham Lane.
- 6.32 Taking account of the Westwood site having planning permission, the submitted Landscape and Visual Assessment concludes that proposed housing development of site would only be visible from 3 significant local viewpoints and 1 from within the AONB. Where the site is visible, landscape mitigation is proposed to reduce the visibility of the site and soften the development from the neighbouring landscape, roads and existing dwellings. This will follow existing field patterns.
- 6.33 The adjoining site of Westwood would sit in the foreground of the application site and would screen the proposal from the A20. In terms of the cumulative impact and the setting on the AONB the proposed housing development would not project further west into the open countryside than Westwood and the proposal would be viewed in the backdrop of the adjoining site and the context of the existing housing at Loder Close and Westwood Close.
- 6.34 Even without the Westwood site to the north being built out, the development of this site for houses is not considered to have a detrimental impact on the setting of the AONB due to:
- Its minor scale in relation to Lenham as a whole
 - The adjacent existing residential development
 - The retention of the existing field pattern
 - The existing landscape topography and screening
- 6.35 Regarding any harmful visual impact of the development in terms of the western boundary abutting the open countryside and adjoining field, the Regulation 14 draft LNP has this adjoining land a site making a key contribution to the 1000 unit broad housing growth of policy H2(3). Even so, on its own merits, the proposed scheme would have significant landscape screening to that boundary, making it acceptable in visual impact terms.
- 6.36 The development of this site for 53 houses, subject to robust landscape conditions, would not have an unacceptably harmful impact on the character of the surrounding area, the wider countryside or the setting of the AONB and would not appear significantly dominant or incongruous within this setting when viewed from the A20 and Ham Lane. It would not cause coalescence with Harrietsham which is another criterion of policy SP8.

- 6.37 I am satisfied that the scheme as revised accords with policies SP17, DM1, DM3 and DM30 of the MBLP.

Residential Amenity

- 6.38 Policy DM1 of the MBLP requires respect for the amenities of occupiers of neighbouring properties and uses and adequate residential amenities for future occupiers of the development.
- 6.39 To the east of the site are the residential properties in Loder Close and Westwood Close. These have rear gardens backing onto the application site mostly with post and wire boundary treatment which allows clear views into the site from the rear gardens. The rear gardens of the properties in Westwood Close are short (approx. 4m) in places and the rear elevations of these properties are close to the site boundary.
- 6.40 The layout proposes an area of open space with substantial landscaping that spans the internal access road stretching along the part of the south-eastern boundary adjacent to the rear gardens of the properties in Westwood Close. Given the location of the open space and separation distance typically between the proposed houses and the properties located in Westwood Close, the proposal is not considered to result in an unacceptable loss of amenity, in terms of loss of light, outlook or privacy to the properties in Westwood Close.
- 6.41 The rear gardens of plots 1-4 would back onto the eastern boundary of the site adjacent Loder Close. The properties in Loder Close adjacent the site boundary benefit from larger rear gardens than those in Westwood Close. The outlook from the rear windows and garden areas in Loder Close would undoubtedly change, however, it is considered that there would be sufficient separation between the proposed units and existing houses on Loder Close such that there is no material impact on amenity in terms of outlook, privacy and natural light.
- 6.42 It is acknowledged that the rear gardens of the properties in Westwood Close are largely open (post and rail fencing) and allow views over the application site and countryside. As Members will appreciate, there is no right to a view when determining planning applications. Whilst the proposed layout and location of the open space would encourage public access in proximity to the boundary of the private rear gardens in Westwood Close, I do not consider this point would warrant a sustainable reason for refusal and is mitigated by the introduction of a detailed robust landscape boundary treatment which would be secured by condition, including the recommendation of Kent Police as regards temporary enhanced security from a mesh fence within the hedgerow.
- 6.43 The introduction of a small play area for toddlers is not considered to result in a risk of unduly noisy or otherwise anti-social behaviour to substantiate concerns in that regard.
- 6.44 There is no in situ residential development to the north, south and west of the site which would be affected by the proposed development.

Drainage and flooding

- 6.45 The site is located in Flood Zone 1 and so presents a low environmental risk of flood in terms of fluvial flooding.
- 6.46 Notwithstanding concerns of the neighbouring residents and PC over alleged waterlogging of the site, KCC (Flood and Water Management) are satisfied that SUDs can be accommodated in principle on this site and raise no objections subject to the submission for further details by a pre-commencement condition.

Highways

- 6.47 Lenham is designated as a sustainable location for growth in the Local Plan based on, for example, its accessible rail service and local village centre services.
- 6.48 A single vehicular access is proposed along the northern edge of Loder Close and would link the application site with Ham Lane. The existing vehicular and pedestrian access onto Ham Lane from Loder Close would be utilised/shared by the proposed housing development. Parking in accordance with adopted standards is proposed for all the residential units with visitor parking within the site. The proposal includes sustainable connectivity to other parts of Lenham.
- 6.49 KCC (H&T) has no objections to the proposed development in terms of parking, and the shared surface loop road nor by additional trip generation or wider highway matters. Therefore, I do not consider there to be any sustainable highways grounds to object to the proposed development in the light of policies DM21 and DM23 of the Local Plan.

Ecology

- 6.50 KCC (Ecology) acknowledge that the main body of the site holds limited ecological interest although boundary hedgerows/trees have the potential to support nesting birds and some. Confirmation is needed that the trees proposed for removal have been assessed for their bat-roosting potential. This can be the subject of a planning condition.
- 6.51 The hedgerow along the north-eastern boundary includes ancient hawthorns and old blackthorns and should be retained within the proposed development. This can be the subject of a planning condition is suggested to deal with these points.
- 6.52 They support the incorporation of features into the design which are beneficial to wildlife, including native species planting and the installation of bat/bird nest boxes and sparrow terraces. They support the measures to enhance biodiversity that are outlined on the Landscape Masterplan, which would provide opportunities for wildlife within the site.
- 6.53 A condition for a LEMP (landscape and ecological management plan) is suggested.

Affordable Housing

- 6.54 The development is for a total of 53 units with the applicant proposing 40% affordable housing which equates to 21 units. The level of affordable housing and 70/30 tenure split is in accordance with Council policy SP20 and secured by a s106 legal agreement. This will help to meet housing needs and will assist in creating a sustainable community.

Infrastructure and Open Space

- 6.55 The requests of KCC for education and community services financial contributions are noted and would need to put forward to be considered to be funded by CIL, including the request for primary school funds. The NHS did not make representations on this application but similar consideration of local healthcare needs generated would take place.
- 6.56 Policy DM19 relates to access/provision of open space and recreation. Bearing in mind the location of the site where the countryside can be accessed relatively easily and there are playing field facilities immediately to the south, I consider that the development is providing its own acceptable level of on-site open space and children's play, being approx. 0.3 ha out of a site area of 1.97ha.

Building for Life 12- Maidstone Edition 2018

- 6.57 The NPPF has a chapter dedicated to design ("12. Achieving well-designed places") and there is specific reference to the design assessment framework 'Building for Life 12'. Maidstone BC has now published its own version of BfL12 and this application has been carefully considered against this assessment framework, especially with particular emphasis on vernacular materials and architectural detailing; landscaping being integral to design; ecological corridors; streets which are not dominated in design terms in catering for the car; sustainable design principles, and bio-diversity.
- 6.58 There are proposed pedestrian/cyclist connections to the SE, SW and NE corners, in addition to the main access road in order to achieve integration and permeability. The site is adjacent to the village of Lenham with its range of facilities and services including public transport.
- 6.59 In terms of character and well defined streets and spaces, the key design feature that gives the proposed layout structure and distinctiveness is the circular shared surface layout and the location of generous open space and pond spanning both sides of the entrance on the south-eastern frontage of the site, generally faced by outward looking dwellings.
- 6.60 The loop road allows easy legibility and waymarking and is traffic calmed with raised tables to encourage low vehicle speeds and encourage pedestrian and bicycle use.
- 6.61 Design techniques such as dual aspect buildings turning corners and ragstone wall garden enclosures along the most publicly visible corners define and add locally reflected interest.
- 6.62 Distinct 'green ecological corridors' are proposed around the boundaries including the ecological pond near the south-eastern boundary. The ecological pond area is shown to be landscaped with indigenous species incorporating positive biodiversity features.
- 6.63 Sufficient amenity space is proposed. Private gardens are intended to be the location of bin and recycling storage (except for day of collection points).
- 6.64 In terms of architectural detailing, both vernacular materials and façade treatment are proposed in an authentic manner. The use of natural roof materials which weather well is appropriate in an edge of village location where the roofscape will be visible, including from the AONB until landscaping matures.

Other Matters

- 6.65 The proposed method foul drainage would be acceptable in principle from planning point of view and would be for the developer to agree with Southern Water Services under its own legislation. Surface Water drainage does need to be the subject of a pre-commencement planning condition however as requested by KCC as the Lead Local Flood Authority because if amendments are necessary following further technical work, that must not be prejudiced by development having commenced.
- 6.66 The external lighting detailed above is low level and respectful of the rural locality and neighbouring amenity and accords with policies DM1 and DM8 of the MBLP.
- 6.67 Solar renewable energies will be applied to 10% of the site and will be located on the rear elevation of the units to the southern end of the site to receive photovoltaic solar panels facing to a south-south-west direction which maximises on the solar gain as shown on sunlight paths included in this application. All units will have provision of electric car charging points to promote and encourage the use of this

mode of transport which assists in complying with the objectives of policy DM6 as regards air quality

- 6.68 There are no protected trees on or immediately adjacent to this site and the submitted Arboricultural Report is considered acceptable in principle. Therefore, no arboricultural objections are raised subject to a condition requiring compliance with this report.
- 6.69 Issues raised by local residents have been largely addressed in the preceding sections. In terms of the expressed fear of crime, this in itself is not always a land use planning matter: case law has established that the extent to which it might be, must have reasonable basis. The boundary is open and exposed, the risk of unauthorised access is there, changing this area to one where there is increased activity, but where greater community supervision will take place and where the land use is sympathetic, does not justify the fear of crime being of material weight in this instance.
- 6.70 In terms of policy ID1, the proposed development is CIL liable. The Council adopted a Community Infrastructure Levy on 25 October 2017 and began charging on all CIL liable applications approved on and from 1 October 2018. The actual amount of CIL can only be confirmed once all the relevant forms have been submitted and relevant details have been assessed and approved.

7. CONCLUSION

- 7.01 The proposal is considered to be acceptable in terms of the impact on the character of the area, the adjacent countryside, the landscape setting of the AONB, highway safety and parking, neighbour amenity, ecology, arboriculture and drainage.
- 7.02 Lenham is to provide additional housing growth and it has been designated as a Rural Service Centre and a broad Location for future housing development in the Local Plan to be delivered between 2021 and 2031.
- 7.03 The site will be able to meet approx. 5% of future requirements. The development will be self contained functionally and visually and the form and layout do not prejudice acceptable development in principle coming forward on neighbouring sites. The site is not dependent on any of the other earmarked sites in the draft LNP.
- 7.04 It has independent and acceptable safe direct access via Loder Close to Ham Lane and there are no current envisaged capacity problems at the junction of Ham Lane with the A20 from an additional 53 units considered cumulatively with the 70 units at Westwood to the north.
- 7.05 Bearing in mind the location of the site where the countryside can be accessed relatively easily and there are playing field facilities immediately to the south, the development has an acceptable level of on-site open space and children's play which will also be available to neighbouring residents. It will provide reasonable and appropriate contribution to other infrastructure by CIL payments.

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):

- Provision of Affordable housing of 12 shared ownership and 9 affordable rented to a size to be agreed by the Housing Officer
- 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: 0147/18/B/20A Landscape Masterplan; SP/WH/01 Schedule Of Parking; WH-LC-001 Site Location Plan; WH-LC-002 Existing Site Plan; WH-LC-004 Rev A Refuse Vehicle Tracking and Collection; WH-LC-005 Rev B Proposed Hard Landscaping Plan; WH-LC-006 Rev A Proposed Street Scenes; WH-LC-007 Rev A Proposed Boundary Treatment Plan; WH-LC-009 Proposed Shed and Bin Storage; WH-LC-010 Rev A Proposed Site Management Plan; WH-LC-011 Rev A Proposed Lighting Plan; WH-LC-G-01 Single Garage Details; WH-LC-P1-5-01 Plots 1-5 Floor Plans; WH-LC-P1-5-02 Rev A Plots 1-5 Elevations; WH-LC-P1-5-03 Plots 1-5 Elevations; WH-LC-P6-8-01 Plots 6-8 Floor Plans; WH-LC-P6-8-02 Rev A Plots 6-8 Elevations; WH-LC-P9-10-01 Plots 9-10 Floor Plans; WH-LC-P9-10-02 Plots 9-10 Elevations; WH-LC-P11-13-01 Plots 11-13 Floor Plans; WH-LC-P11-13-02 Rev A Plots 11-13 Elevations; WH-LC-P14-17-01 Rev A Plots 14-17 Floor Plans; WH-LC-P14-17-02 Rev C Plot 14-17 Elevations; WH-LC-P18-21-01 Rev A Plots 18-21 Floor Plans; WH-LC-P18-21-02 Rev B Plots 18-21 Elevations; WH-LC-P22-23-01 Plots 22-23 Floor Plans; WH-LC-P22-23-02 Plots 22-23 Elevations; WH-LC-P24-26-27-01 Plots 24,26 and 27 Floor Plans; WH-LC-P24-27-02 Rev A Plots 24 and 27 Elevations; WH-LC-P25-01 Plots 25 Floor Plans; WH-LC-P25-02 Rev B Plot 25 Elevations; WH-LC-P26-02 Rev A Plot 26 Elevations; WH-LC-P28-29-01 Plots 28-29 Floor Plans; WH-LC-P28-29-02 Rev A Plots 28-29 Elevations; WH-LC-P30-31-01 Plots 30-31 Floor Plans; WH-LC-P30-31-02 Rev A Plots 30-31 Elevations; WH-LC-P32-33-01 Plots 32-33 Floor Plans; WH-LC-P32-33-02 Rev A Plots 32-33 Elevations; WH-LC-P34-35-01 Plots 34-35 Floor Plans; WH-LC-P34-35-02 Rev A Plots 34-35 Elevations; WH-LC-P36-37-01 Plots 36-37 Floor Plans; WH-LC-P36-37-02 Plots 36-37 Elevations; WH-LC-P38-39-01 Plots 38-39 Floor Plans; WH-LC-P38-39-02 Rev A Plots 38-39 Elevations; WH-LC-P40-41-01 Plots 40-41 Floor Plans; WH-LC-P40-41-02 Rev A Plots 40-41 Elevations; WH-LC-P42-43-01 Plots 42-43 Floor Plans; WH-LC-P42-43-02 Rev A Plots 42-43 Elevations; WH-LC-P44-45-01 Plots 44-45 Floor Plans; WH-LC-P44-45-02 Rev A Plots 44-45 Elevations; WH-LC-P46-47-01 Plots 46-47 Floor Plans; WH-LC-P46-47-02 Rev A Plots 46-47 Elevations; WH-LC-P48-01 Plot 48 Floor Plans; WH-LC-P48-02 Rev A Plot 48 Elevations; WH-LC-49-01 Plot 49 Floor Plans; WH-LC-P49-02 Rev A Plot 49 Elevations; WH-LC-P50-51-01 Plots 50-51 Floor Plans; WH-LC-P50-51-02 Rev A Plots 50-51 Elevations; WH-LC-P52-53-01 Plots 52-53 Floor Plans; WH-LC-P52-53-02 Rev B Plot 52-53 Elevations;

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

- 3) Development shall not begin until a detailed sustainable surface water drainage scheme for the site has been submitted to and approved by the local planning authority. It 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 and without increase to flood risk on or off-site. The drainage scheme shall also demonstrate (with reference to published guidance): that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters; appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker. The drainage scheme shall be implemented in accordance with the approved details.

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

- 4) 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 the Local Planning Authority which demonstrates the suitable modelled 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; topographical survey of 'as constructed' features; and an operation and maintenance manual for the sustainable drainage scheme as constructed.

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

- 5) No dwelling hereby permitted shall be occupied before April 2021.

Reason: To ensure the delivery of the site accords with policies SP3 and H2(3) of the Maidstone Borough Local Plan.

- 6) The access to the site from Loder Close shall be carried out in accordance with drawings hereby approved and shall be completed before the first occupation of the buildings hereby permitted.

Reason: In the interests of highway safety.

- 7) 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 and the relationship with neighbouring dwellings.

- 8) No external lighting shall be installed on the site except in accordance with the details shown on drawing WH-LC-011 A hereby approved. All lights shall be suitably cowed or shall have light directed downwards to minimise light pollution.

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

- 9) The materials to be used in the construction of the external roofs, elevations and boundary treatment hereby permitted shall incorporate those materials and architectural detailing on drawings hereby approved including ragstone, clay tiles unless alternative similar materials have agreed in writing by the Local Planning Authority.

Reason: To accord with the terms of the application and to ensure a satisfactory appearance to the development.

- 10) 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 hereby approved and shall include details of the numbers and locations of the following: bird bricks and bat tubes; 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.

- 11) The development hereby approved shall not commence above DPC 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 the enhancement/creation of hedgerows to the boundaries as detailed on the landscape masterplan hereby approved. 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

- 12) The approved landscape details relevant to an individual dwelling shall be completed by the end of the first planting season following completion of that dwelling. Any other communal shared or street landscaping shall be completed by the end of the first planting and seeding season following completion of the 53rd unit. 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.

- 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: In the interests of pollution control.

- 14) The energy strategy hereby approved shall be implemented prior to the occupation of the 53rd dwelling on the site.

Reason: In order to provide for a sustainable form of development.

- 15) Noise mitigation shall be carried out as detailed in the Noise Assessment ref 151201/2 hereby approved.

Reason: In the interest of the amenity of future occupants.

- 16) 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 where hereby approved. The ragstone walling shall use a lime based mortar and be completed with flush joints. 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.

- 17) Notwithstanding the Arboricultural Implications Assessment, the hedgerow along the north-eastern boundary which includes ancient hawthorns and old blackthorns and should be retained within the proposed development. No tree shall be removed unless it has first been assessed as having no bat roosting potential in accordance with details that have been submitted to and approved by the Local Planning Authority.

Reason: In the interests of biodiversity.

- 18) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no extension to any property shall be built and no new boundary treatments shall be erected without the permission of the Local Planning Authority.

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

- 19) 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.

- 20) 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.

If evidence of potential contamination is encountered, the closure report shall include:

- 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.

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 submitted for information.

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

INFORMATIVES

- 1) In regard of surface water drainage, additional ground investigations will be required to give sufficient coverage of the site and allow testing at the proposed depth/invert level of infiltration features, including permeable paving areas. 2. There should be an absolute minimum 1m unsaturated zone above the highest recorded groundwater level. We would recommend groundwater monitoring is undertaken for a sufficient period prior to commencement of development. The design should accommodate the 1 in 100 year storm with a 20% allowance for climate change and an additional analysis undertaken to understand the flooding implication for a greater climate change allowance of 40%. 4. At the detailed design stage, the drainage system should be modelled using FeH rainfall data in any appropriate modelling or simulation software. Where FeH data is not available, 26.25mm should be manually input for the M5-60 value,

Case Officer: Marion Geary

Case Officer: Marion Geary

Agenda Item 17



19/500271 - Oakhurst

Scale: 1:2500

Printed on: 21/5/2019 at 10:54 AM by EllyH

REFERENCE NO 19/500271/FULL

APPLICATION PROPOSAL

Change of use of land for the stationing of 20 holiday caravans with associated works including laying of hardstanding and bin store.

ADDRESS Oakhurst Stilebridge Lane Marden Tonbridge Kent TN12 9BA

RECOMMENDATION GRANT PLANNING PERMISSION subject to conditions

SUMMARY OF REASONS FOR RECOMMENDATION

The proposal is acceptable with regard to the relevant provisions of the Development Plan, the NPPF and all other material considerations such as are relevant.

REASON FOR REFERRAL TO COMMITTEE

Councilor Burton has called application in given level of local resident interest.

WARD Marden	PARISH/TOWN COUNCIL Marden	APPLICANT Mr & Mrs P Body AGENT Graham Simpkin Planning
TARGET DECISION DATE 03/06/19		PUBLICITY EXPIRY DATE 30/01/19

Relevant planning history

- MA/11/1037 – Keeping of horses & erection of stable block & hay barn - Approved

1.0 Site description

- 1.01 Oakhurst is a detached residential property located on the eastern side of Stilebridge Lane, close to the junction with Tilden Lane. The proposal site is an area of land to the immediate south of Oakhurst (some 2.3ha in area), with road access into the site from the south-western corner.
- 1.02 The western (front) part of the proposal site is currently used by the Caravan and Camping Club (its website states that the site can accommodate up to 5 caravans or motorhomes and up to 10 trailer tents or tents). The eastern part has been used for horse grazing. The road side (western) boundary is in Flood Zone 2 and the eastern boundary is adjacent to Ancient Woodland. The River Beult (Site of Special Scientific Interest), is some 335m to the north of the site. For the purposes of the Maidstone Local Plan (2017) the proposal site is within the countryside.

2.0 Proposal

- 2.01 This application is for the change of use of the land for the stationing of 20 holiday caravans, with associated works including hardstanding and parking. The 20 caravans will be moved on to the site and remain in situ, and so guests will not be towing caravans; and no other caravans, touring caravans, or tent pitches will go on the site. The Caravan Site Licence will deal with all of the health and safety requirements under separate legislation.

2.02 The application states that the 20 caravans will fall within the lawful definition of a caravan, under Section 29 of the Caravan Sites and Control of Development Act 1960, and no further plans/details are required in this respect. For reference, a caravan under this definition can be up to 20m in length and 6.8m in width; with the overall height being 3.05m (measured internally from the floor at the lowest level to the ceiling at the highest level). Any additions to the caravans, such as verandas, would then take the caravans out of this definition and planning permission would be required for each structure.

3.0 Policy and other considerations

- Maidstone LP: SS1, SP17, SP21, DM1, DM3, DM8, DM30, DM37, DM38
- National Planning Policy Framework (2019)
- National Planning Practice Guidance
- Natural England Standing Advice
- Maidstone Landscape Character Assessment & Maidstone Landscape Capacity Study: Sensitivity Assessment

4.0 **Local representations:** 15 representations received raising concerns over:

- *Caravans being lived in permanently;*
- *Flood risk/surface water drainage/foul sewage disposal;*
- *Highway safety/traffic generation;*
- *Light pollution/impacts upon ecology*
- *Impact upon trees/ancient woodland*
- *Commercial viability of business/need for such development;*
- *Visual impact;*
- *Not a sustainable location;*
- *Impact upon residential amenity (noise, odours, general disturbance);*
- *Impact upon setting of Grade II listed building (Little Tilden Farm)*
- *Loss of agricultural land*

5.0 Consultations

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

5.02 **Marden Parish Council:** Wish to see application refused but has not requested for it to be reported to Planning Committee. In summary their views are as follows:

- *Introduction of vulnerable usage in Flood Zone 2*
- *Proposal would result in adverse impact on highway safety*
- *Would have adverse visual impact on countryside*
- *Noise and light pollution resulting from use would be detrimental to amenity of the area*

If minded to approve, Cllrs recommend following conditions:

- *To prohibit any permanent occupancy;*
- *To provide low level lighting scheme;*
- *Provide further information and mitigation of protected species;*
- *Provide specific and detailed method of foul water disposal;*
- *Provision of landscaping scheme;*
- *Provision of ecology assessment;*
- *Applicant to demonstrate adequate access arrangements and vision splays.*

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

5.04 **Environment Agency:** Raise no objection.

- 5.05 **Environmental Protection Team:** Raise no objection in terms of noise, air quality, sewage and land contamination.
- 5.06 **KCC SUDS:** Raise no objection.
- 5.07 **Landscape Officer:** Raise no objection.
- 5.08 **Biodiversity Officer:** Advises sufficient information has been provided to determine planning application.
- 5.09 **Natural England:** Raise no objection.
- 5.10 **Agricultural Advisor:** Raise no objection.
- 5.11 **Southern Water:** Raise no objection.
- 5.12 **Kent Police:** Raise no objection.
- 6.0 Appraisal**
- Main issues*
- 6.01 Local Plan policy SS1 seeks to support small scale employment opportunities in appropriate locations to support the rural economy; and policy SP21 sets out that the Council is committed to supporting and improving the economy of the borough and providing for the needs of businesses, by (inter alia): *Supporting proposals for expansion of existing economic development premises in the countryside, including tourism related development, provided scale and impact of development is appropriate for its countryside location, in accordance with policy DM37.*
- 6.02 Local Plan policy DM37 also supports the expansion of existing businesses in the rural area provided certain criteria are met; and Local Plan policy DM38 allows for holiday caravan sites in the countryside provided they:
- i. *Would not result in unacceptable loss in amenity of area. In particular, impact on nearby properties and appearance of development from public roads will be of importance; and*
- ii. *Site would be unobtrusively located and well screened by existing or proposed vegetation and would be landscaped with indigenous species.*
- 6.03 The proposal is also subject to the normal constraints of development in the countryside under the Maidstone Local Plan. Local Plan policy SP17 states that new development in the countryside will not be permitted unless it accords with other policies in the Local Plan, and would not result in harm to the character and appearance of the area or in terms of residential amenity. Local Plan policy DM30 states (inter alia) that new development should maintain, or where possible, enhance the local distinctiveness of an area; and ensure that associated traffic levels are acceptable.
- 6.04 Furthermore, Local Plan policy seeks new development to respect the amenities of occupiers of neighbouring properties; and avoid inappropriate development within areas at risk from flooding (LP policy DM1); and to protect areas of Ancient Woodland from inappropriate development and avoid significant adverse impacts as a result of development. Indeed, policy DM3 relates to how development should protect areas of Ancient Woodland from inappropriate development and to avoid significant adverse impacts as a result of development.
- 6.05 Please note that the proposal site could be used for camping (without restriction of numbers) for 28 days in total of any calendar year without requiring planning permission under Class 4, Part B of the GPDO.

- 6.06 The key issues for this application are considered to be what impacts the proposal would have upon the character and appearance of the area (including Ancient Woodland impacts); its highway safety and residential amenity impacts; flood risk; and what impact it would have upon the adjacent ancient woodland and biodiversity. Other material planning considerations will then also be addressed.

Visual impact

- 6.07 Within the Maidstone Landscape Capacity Study: Sensitivity Assessment, the proposal site is in the Staplehurst Low Weald landscape character area (44) that is considered to be sensitive to change. This assessment also states that development in this area could support existing rural enterprises, although extensive, large scale or visually intrusive development would be inappropriate.
- 6.08 It is accepted that the proposal would change the character of what is an open field. However, the site benefits from a mature, well-established hedgerow to the roadside boundary; the southern boundary also benefits from a well-established hedge and several individual trees; and the eastern (rear) boundary is entirely enclosed by Ancient Woodland. To the north, the site is largely screened by Oakhurst and its associated outbuildings; existing hedgerows; and by more Ancient Woodland and Stilebridge Caravan Park. In general terms, the surrounding road network is also lined with hedges/trees; existing built development provides some screening; and no public footpath comes within 200m of the proposal site. As such, it is considered that views of the proposal would be limited to short range views, particularly when passing the site along Stilebridge Lane; and any medium to long distance views of the development from any other public vantage point would be glimpsed.
- 6.09 To further safeguard the character and appearance of the countryside, a suitable condition will also be imposed to secure the retention of the existing hedgerows along the southern and western boundaries of the site; for the retention of the existing trees within the site, as shown on the submitted plan; for further native planting within the 15m buffer zone to the ancient woodland; and for a mixed native hedge to be planted along the northern boundary of the site.
- 6.10 In accordance with the Maidstone Landscape Capacity Study, the proposal would conserve the existing Oak trees on the site; the landscaping scheme would seek new Oak tree planting; and existing hedgerows would be retained. External lighting could also be appropriately controlled by way of condition.
- 6.11 It is therefore considered that the proposal would not appear prominent or visually intrusive in a landscape that is sensitive to change, and would not result in significant harm to the appearance of the landscape and the rural character of the countryside hereabouts.

Highway safety implications

- 6.12 The Highways Authority has reviewed the application and considered the vehicle movements associated with such uses as permissible, notwithstanding the limitations that the nature of Stilebridge Lane presents.
- 6.13 The Highways Authority states a significant factor in considering the change of use of the site would be to recognise that towing caravans/motorhomes would no longer be coming and going from the site, as the accommodation will already be in situ; and that this can be ensured by way of an appropriate condition. This would leave only private cars using Stilebridge Road in association with the proposal and the Highways Authority confirm that they would have no grounds to object to the application in this respect. There will of course be an initial exception with the caravans coming onto the site, but the Highways Authority is satisfied that the impact of this could be feasibly mitigated by a Site Management Plan.

- 6.14 The Highways Authority has considered the nature of Stilebridge Lane, in terms of available passing widths and forward visibility; and they have also noted that the road is served at both ends by junctions which fall below current highway standards. However, despite the limitations this presents to current road users, the personal injury accident record (which provides KCC's evidence base in such judgements) does not suggest that these issues present an overbearing impact on road safety or that they will be significantly exacerbated by the proposals as they stand. No objection is raised in terms of parking provision.
- 6.15 With everything considered, the Highways Authority raise no objection to the proposal on highway safety grounds subject to the imposition of conditions including for the submission of a Site Management Plan.

Residential amenity

- 6.16 The applicant lives at Oakhurst, the property to the immediate north of the site. The next nearest residential property is Ellmacy. Whilst there is extant planning permission for the erection of an annexe to the north of Ellmacy, the main house is more than 40m from the south-western corner of the site, and the main garden area for this property is to the south of the house, more than 50m away from the proposal site. Beyond this is Stilebridge Barn; the caravans on Stilebridge Lane Caravan Site are some 120m to the north-east of the site; and no other residential property would be within 200m of the site.
- 6.17 When considering the intended use of the site and the separation distances from it and any residential property, the noise generated by the proposal (including vehicle movements to and from the site) will be acceptable in residential amenity terms, and the Environmental Protection Team has also raised no objection in terms of noise. It is also considered that most of the vehicle movements to and from the site would be by private motor vehicles only, coming from the A229 to the north-east of the site and not passing the nearest houses to the site. No objection is therefore raised to the proposal in terms of general noise and disturbance, and there is no reason to believe that odours from the site would create an unacceptable living environment for any local resident.

Flood risk/surface water drainage

- 6.18 The western (front) boundary of the site is within Flood Zone 2; and the proposed layout shows 4/5 of the caravans within this, with the rest of the site being in Flood Zone 1. In accordance with the revised NPPF and its Technical Guidance, sites used for holiday caravans are classified as '*More Vulnerable*'. Such development in Flood Zone 2 is acceptable subject to a specific warning and evacuation plan; and subject to the Sequential and Exception Tests being applied. Furthermore, local planning authorities should also ensure that flood risk is not increased elsewhere, and should only consider development in flood risk areas to be appropriate where informed by a site-specific Flood Risk Assessment (FRA).
- 6.19 The applicant has submitted a Flood Risk Assessment (FRA), and a further letter (from Ambient Environmental Assessment) has provided further flood risk information. The submitted details confirm that the floor levels of the caravans will be raised 150mm above surrounding ground levels, and this can be secured by way of an appropriate condition.
- 6.20 In terms of the Sequential and Exception Tests, whilst no alternative sites have been discussed as part of this application, the Environment Agency has reviewed the submitted details and they are satisfied that the proposal would not pose a risk to property; and that future occupants would remain safe for the development's lifetime without increasing flood risk elsewhere (when allowances for climate change are taken into consideration). Furthermore, the development would provide a small scale employment opportunity to help support the rural economy;

and it must be stressed again that the majority of the site falls within Flood Zone 1, where these tests are not required.

- 6.21 It is noted that the surrounding access roads to the site are located within Flood Zones 2/3; and with regards to a specific warning and evacuation plan, the application states that the applicant will sign up to the EA Flood Warning/Alert Service. This would ensure that future occupants of the site would be safe and have time to evacuate the site if necessary, avoiding the need of emergency egress and access. Furthermore, the majority of the site falls outside Flood Zones 2/3 and the floor levels of the caravans would be raised as accepted by the Environment Agency, so there is also the potential for future occupants to safely 'sit-out' any flood event.
- 6.22 The application also includes a Surface Water Drainage Strategy and as the lead local flood authority, KCC have reviewed the application. No objection is raised to the proposal, subject to appropriate pre-commencement conditions requiring a detailed sustainable surface water drainage scheme for the site, and a verification report pertaining to the surface water drainage system. With this all considered, the balanced view is that the proposal is acceptable in flood risk terms.

Biodiversity and ancient woodland implications

- 6.23 The Biodiversity Officer has advised that sufficient information has been provided to determine the planning application and they have raised no objection to the proposal in biodiversity terms. This is subject to appropriate conditions for details to be submitted of any external lighting scheme to mitigate against potential adverse effects on bats; of precautionary measures for reptiles and Great Crested Newts, including habitat manipulation and creating/improving reptile and GCN habitat; and of what ecological enhancements are to be incorporated into the scheme.
- 6.24 The Biodiversity Officer and the Landscape Officer both highlighted the need to protect the ancient woodland to the east of the proposal site. The submission details show the required 15m buffer-zone that is to be planted with native shrub species. Appropriate conditions can be imposed to ensure this buffer-zone planting is carried out and that public access should be prevented in this area.

Other matters

- 6.25 There is no indication that any agricultural business would be affected by the current proposal. The Agricultural Advisor, having regard to the relatively small extent of the land; its current use; and its likely quality, considers that the proposal would not involve a significant loss of agricultural land in planning policy terms, and so no objection is raised in this respect.
- 6.26 Foul sewage will be disposed of via a package treatment plant. Southern Water has raised no objection to the proposal; and the Environmental Protection Team also raise no objection in this respect subject to the submission of its details. Natural England has also raised no objection but comment that without appropriate mitigation the proposal could harm the interest features for which the River Beult Site of Special Scientific Interest (SSSI) has been notified. With this considered and in order to mitigate against potential adverse effects in relation to foul sewage disposal, a suitable condition will be imposed requesting further details.
- 6.27 No objection is raised in terms of refuse storage, air quality, and land contamination; the proposal would not have a harmful impact upon the setting of any listed building, given its scale, nature and the separation distances; and the proposal is not Environmental Impact Assessment development.
- 6.28 The issues raised by Marden Parish Council, Councillor Burton, and local residents have been considered in the determination of this application. It should also be

noted that potential future breaches of planning would be investigated by the Planning Enforcement team as and when necessary; and the future commercial viability of the proposed business is not a material planning consideration in the assessment of this application.

- 6.29 Please note that the applicant has agreed to the imposition of all of the pre-commencement of works conditions.

7.0 Conclusion

- 7.01 The proposal would not be obtrusive and would not result in an unacceptable loss in the amenity of the area, in terms of its visual impact and its impact upon the living conditions of local residents; and existing landscaping will be retained and the site will enhanced by further native planting. Furthermore, no objection is raised in terms of highway safety; flood risk; biodiversity; and in terms of Ancient Woodland protection. A holiday occupancy condition will also be attached to any permission, preventing use of any unit as a permanent encampment. As such, 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 this application is therefore made on this basis.

8.0 Recommendation - GRANT planning permission 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. No more than 20 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 shall be stationed on the site at any time;

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

3. The site shall not be open to touring caravans and tents at any time;

Reason: To safeguard the character and appearance of the countryside and in the interests of highway safety.

4. All caravans permitted at the site shall be occupied for holiday purposes only. No such accommodation shall be occupied as a person's sole or main place of residence. The operators of the caravan park shall maintain an up-to-date register of the names of all owners/occupiers of individual accommodation units on the site, and of their main home addresses, and shall make this information available at all reasonable times to the local planning authority;

Reason: In order to ensure proper control of the use of the holiday units and to prevent the establishment of permanent residency.

5. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no fencing, walling and other boundary treatments shall be erected within or around the site;

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

6. If the use hereby approved ceases, all caravans, buildings, structures,

hardstanding, and equipment brought on to the land, and all works undertaken to it in connection with the use, shall be removed within 2 months of cessation of the use, and the land shall be restored to its condition before the development took place;

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

7. The finished floor level of the caravans shall be no less than 150mm above surrounding ground levels.

Reason: In order to reduce the risk to occupants from flooding.

8. Prior to the first occupation of any caravan on the site, details of a scheme of landscaping, using indigenous species which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with a programme for the approved scheme's implementation and long-term management, have been submitted to and approved in writing by the Local Planning Authority. The landscape scheme shall be designed using the principle's established in the Council's adopted Landscape Character Assessment (2012) and shall include:
 - a) Location, species (to include Oak) and size of all new trees and shrubs to be planted;
 - b) Native planting within the 15m buffer zone to the ancient woodland (as shown on drawing ref: 05 Rev A);
 - c) Details of how the buffer zone will be delineated to prevent public access;
 - d) The retention of the existing hedgerows along the western and southern boundaries of the site;
 - e) The retention of the existing trees within the site (as shown on drawing ref: 05 Rev A);
 - f) Details of a mixed native hedgerow along the northern boundary of the site.

The landscaping of the site and its management thereafter shall be carried out in accordance with the approved details;

Reason: To safeguard the character and appearance of the countryside and to safeguard the protection of existing trees and ancient woodland.

9. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of any caravan. Any seeding or turfing which fails to establish or any trees or plants which, within ten years from the first occupation of a property, die or become so seriously damaged or diseased that their long-term amenity value has been adversely affected, shall be replaced in the next planting season with plants of the same species and size as detailed in the approved landscape scheme;

Reason: To safeguard the character and appearance of the countryside and to safeguard the protection of ancient woodland.

10. The development hereby approved shall not commence until details of tree protection in accordance with the current edition of BS5837:2012 has been submitted to and approved in writing by the local planning authority. All trees to be retained must be protected by barriers and/or ground protection. No caravans, equipment, plant, machinery or materials shall be brought onto the site prior to the erection of approved barriers and/or ground protection except to carry out pre commencement operations approved in writing by the local planning authority. Nothing shall be stored or placed, nor fires lit, within any of the protected areas or within the 15m buffer zone from the ancient woodland (as shown on drawing ref: 05 Rev A); and no alterations shall be made to the siting of the barriers and/or ground protection, nor ground levels changed, nor excavations made within these areas. These measures shall be maintained until all equipment, machinery and surplus

materials have been removed from the site;

Reason: To ensure the protection of existing trees and hedges and to avoid compaction of ground within the 15m buffer zone.

11. The development hereby approved shall not commence 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 at a rate of 1.7l/s (unless otherwise agreed with the Local Planning Authority and Lead Local Flood Authority) and without increase to flood risk on or off-site. The drainage scheme shall also demonstrate (with reference to published guidance):

- that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.
- appropriate operational, maintenance and access requirements for each drainage feature or SuDS component are adequately considered, including any proposed arrangements for future adoption by any public body or statutory undertaker.

The drainage scheme shall be implemented in accordance with the approved details.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding. These details and accompanying calculations are required prior to the commencement of the development 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.

12. Prior to the first occupation of any caravan on the site, details of a Verification Report pertaining to the surface water drainage system, carried out by a suitably qualified professional, shall be submitted to and approved by the local planning authority. This report shall demonstrate the suitable modelled 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; topographical survey of 'as constructed' features; and an operation and maintenance manual for the sustainable drainage scheme as constructed.

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of paragraph 165 of the National Planning Policy Framework (July 2018).

13. Prior to the first occupation of any caravan on the site, details of the proposed method of foul sewage treatment, along with details regarding the provision of potable water and waste disposal, shall be submitted to and approved in writing by the local planning authority. These details shall include the size of individual cess pits and/or septic tanks and/or other treatment systems, and shall also specify exact locations on site plus any pertinent information as to where each system will discharge to;

Reason: To safeguard against ground/water course pollution, and to protect the interest features of the River Beult Site of Special Scientific Interest.

14. Prior to the first occupation of the caravans hereby approved, details of the external lighting scheme (temporary and/or permanent), shall be submitted to and approved in writing by the local planning authority. These details shall include:

- a) Measures to shield and direct light from the light sources so as to prevent light pollution;
- b) Identification of those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance to routes used to forage and commute;
- c) Show where external lighting will be installed so that it can be clearly demonstrated that areas to be lit will not disturb bat activity.

The development shall thereafter be carried out in accordance with the subsequently approved details and maintained as such thereafter;

Reason: To safeguard the character and appearance of the countryside and to mitigate against potential adverse effects on bats.

15. Prior to the commencement of the development hereby approved (including site clearance), details of precautionary measures for reptiles and great crested newts (GCN), including habitat manipulation and creating/improving reptile and GCN habitat, shall be submitted to and approved by the local planning authority. The approved details will be implemented prior to the occupation of the caravans and thereafter retained as such thereafter;

Reason: To safeguard protected species.

16. Prior to the first occupation of the caravans hereby approved, details for a scheme for the enhancement of biodiversity on the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details prior to the first occupation of the caravans and all features shall be maintained thereafter.

Reason: In the interests of biodiversity enhancement.

17. Prior to the commencement of the development hereby approved (including site clearance), a Site Management Plan (SMP) shall be submitted to and approved in writing by the local planning authority. The SMP shall include details of:
- (a) Routing of construction and delivery vehicles to and from the site
 - (b) Parking and turning areas for construction and delivery vehicles and site personnel
 - (c) Timing of deliveries, with special provision for the proposed caravans
 - (d) Provision of wheel washing facilities
 - (e) Temporary traffic management/signage

The development shall be carried out in accordance with the approved details;

Reason: In the interests of highway safety.

18. The vehicle parking spaces and turning facilities as shown shall be permanently retained for parking and turning and shall not be used for any other purpose;

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

19. Any gate(s) at the vehicular access to the site must be set back a minimum of 5 metres from the highway boundary;

Reason: In the interests of highway safety.

20. Prior to the first occupation of the caravans hereby approved, the first 5 metres of the vehicle access from the edge of the highway shall be of a bound surface and shall be maintained as such thereafter;

Reason: In the interests of highway safety.

21. The development hereby permitted shall be carried out in accordance with the following approved plan references: Site location plan (01);

Reason: To safeguard the character and appearance of the countryside, in the interests of protecting biodiversity, existing trees and ancient woodland; and to safeguard the enjoyment of their properties by existing and prospective occupiers.

INFORMATIVES

1. In order to protect future occupants at times of flood risk, the applicant is strongly advised to sign up to the Environment Agency's flood warning service prior to the occupation of any caravan on the site. This can be done via the following link: <https://www.gov.uk/sign-up-for-flood-warnings>
2. 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 present on the application site and are to be assumed to contain nesting birds between 1st March and 31st August, unless a recent survey has been undertaken by a competent and has shown that nesting birds are not present.
3. In terms of lighting and to mitigate against potential adverse effects on bats, the applicant is advised to refer to the Bat Conservation Trust's Bats and Lighting in the UK guidance.
4. Due to changes in legislation that came into 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. The applicant is advised to discuss the matter further with Southern Water, Sparrowgrove House Sparrowgrove, Otterbourne, Hampshire SO21 2SW (Tel: 0330 303 0119) or www.southernwater.co.uk.
5. The applicant is advised to consult a local Designing Out Crime Officer (DOCO), or suitably qualified security specialist to help design out the opportunity for crime, fear of crime, Anti-Social Behaviour (ASB), nuisance and conflict.
6. 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:

Case Officer: Kathryn Altieri

Agenda Item 18

THE MAIDSTONE BOROUGH COUNCIL PLANNING COMMITTEE – 30th May 2019

APPEAL DECISIONS:

- 1. 18/500210** Change of use of land for stationing of caravans for residential occupation by one family, with associated hard standing, cess tank and shed (retrospective).

APPEAL: The appeal is allowed with Conditions

Costs Decision: Award of costs is refused.

Blossom Lodge
Frittenden Road
Staplehurst
Tonbridge
Kent
TN12 0DL

(Delegated)

-
- 2. 14/505532** Stationing of an additional double unit mobile home.

APPEAL: The appeal is allowed with Conditions

Costs Decision: Award of costs is refused.

Four Oaks
Church Hill
Boughton Monchelsea
Kent
ME17 4BU

(Delegated)

-
- 3. 15/509516** Retrospective application for new entrance gates and access track to equestrian development.

APPEAL: Allowed

Henikers,
Heniker Lane,
Sutton Valence,
Maidstone,
Kent,
ME17 3EE

(Delegated)

- 4. 13/1869** Change of use of land from keeping of horses to a mixed use for the keeping of horses and as a residential caravan site for four gypsy families with a total of 8No. caravans (of which no more than 4 shall be static caravans or mobile homes) including the laying of hard standings, erection of 2No. amenity buildings and erection of fencing

APPEAL: Allowed subject to Conditions

Udene Barn Stud,
Marden Road
Staplehurst
Tonbridge
TN2 0JQ
(Delegated)

- 5. 18/501117** New vehicular access, driveway and car parking spaces (revision to 17/504146/FULL).

APPEAL: Allowed with Conditions

Toke Place
Linton Hill
Kent
ME17 4AP

(Delegated)

- 6. 18/501471** Erection of a covered dry store. (Resubmission of 17/505103/FULL)

APPEAL: Dismissed

Mid Kent Roofing Yard
Forstal Lane
Harrietsham
Kent
ME17 1LA

(Committee decision)

- 7. 18/502039** Erection of a dwelling and detached garage, with

demolition of existing garage to 15 Court Drive and replacement parking.

APPEAL: Dismissed

15 Court Drive
Maidstone
Kent
ME16 0JJ

(Delegated)

- 8. 18/503281** Erection of a detached five bedroom dwelling and car barn with associated landscaping.

APPEAL: Dismissed

Land between Glebe Cottage and Cherry Bungalow
East Street
Harrietsham

(Delegated)

- 9. 18/504404** Two storey side and single storey rear extension, with part demolition of existing Garage to create Garden Room.

APPEAL: Allowed with Conditions

78 Poplar Grove
Maidstone
Kent
ME16 0AL

(Delegated)

- 10. 17/504433** Change of use from gypsy caravan site to mixed use for residential gypsy caravan site and for the keeping of horses, including the stationing of 6 caravans, of which no more than 3 shall be static, the erection of 3 amenity buildings, 3 stable buildings, fencing and laying of hardstanding (part retrospective).

Planning Appeal: Allowed with Conditions

Enforcement Appeal: Subject to Enforcement notice corrections and variations, the appeal is dismissed and the enforcement notice is upheld, and planning permission is refused on the

application deemed to have been made under section 177(5) of the 1990 Act as amended.

Land at Perfect Place,
Frittenden Road
Staplehurst
Tonbridge
Kent
TN12 0LD

(Delegated)
