PLANNING COMMITTEE MEETING

Date: Thursday 9 November 2017
Time: 6.00 p.m.
Venue: Town Hall, High Street, Maidstone

Membership:

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

---

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	Items withdrawn from the Agenda	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 - 16 November 2017	
6.	Any business the Chairman regards as urgent including the urgent update report as it relates to matters to be considered at the meeting	
7.	Disclosures by Members and Officers	
8.	Disclosures of lobbying	
9.	To consider whether any items should be taken in private because of the possible disclosure of exempt information.	
10.	Minutes of the meeting held on 19 October 2017	1 - 7
11.	Presentation of Petitions (if any)	
12.	Reference from the Policy and Resources Committee - Budget Monitoring 2017/18 - Development Control Appeals	8
13.	Deferred Items	9
14.	16/505326 - Pear Paddock, Symonds Lane, Yalding, Kent	10 - 20

Issued on Wednesday 1 November 2017 **Continued Over/:**

Alison Broom

Alison Broom, Chief Executive

MAIDSTONE Borough Council

15.	16/505932 - Land Rear Of Chart View, Off Chart Hill Road, Chart Sutton, Kent	21 - 37
16.	16/508660 - Land South Of Vicarage Road, Yalding, Kent	38 - 57
17.	17/500819 - Bungalow at Hill View, Yelsted Road, Yelsted, Kent	58 - 63
18.	17/501308 - 1 Brooklands, Headcorn, Kent	64 - 72
19.	17/502072 - Land South of Forstal Lane, Coxheath, Kent	73 - 105
20.	17/502118 - Mount Lodge, Church Lane, Bearsted, Kent	106 - 115
21.	17/502262 - 56 Valley Drive, Loose, Maidstone, Kent	116 - 122
22.	17/502767 - Land To The East Of Hermitage Lane, Maidstone, Kent	123 - 151
23.	17/503043 - Land South Of Avery Lane And Land South of Sutton Road, Otham, Kent	152 - 166
24.	17/503284 - Church Farm, Ulcombe Hill, Ulcombe, Kent	167 - 187
25.	17/503647 - Orchard Farm Nursery, Chartway Street, Sutton Valence, Maidstone, Kent	188 - 193
26.	17/503680 - Land To The East Of Hermitage Lane, Maidstone, Kent	194 - 221
27.	Appeal Decisions	222 - 223
28.	Chairman's Announcements	

PLEASE NOTE

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

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

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

ALTERNATIVE FORMATS

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

MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON 19 OCTOBER 2017

Present: **Councillor English (Chairman) and Councillors Barned, Boughton, Butler, Cox, Harwood, Munford, Round, Spooner and Vizzard**

Also Present: **Councillors McLoughlin and Springett**

229. APOLOGIES FOR ABSENCE

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

230. NOTIFICATION OF SUBSTITUTE MEMBERS

The following Substitute Members were noted:

Councillor Barned for Councillor Powell
Councillor Butler for Councillor Prendergast

231. NOTIFICATION OF VISITING MEMBERS

Councillor McLoughlin indicated his wish to speak on the report of the Head of Planning and Development relating to application 17/503487 (Wickham Field, Pattenden Lane, Marden, Kent).

Councillor Springett indicated her wish to speak on the report of the Head of Planning and Development relating to application 17/503319 (8 Shirley Way, Bearsted, Kent).

It was noted that Councillor Brice had indicated her wish to speak on the reports of the Head of Planning and Development relating to applications 15/501537 and 17/504081 (Maplehurst Lane, Frittenden Road, Staplehurst, Kent), but would be late in arriving at the meeting. In the event, Councillor Brice did not arrive in time to address the Committee on these applications.

232. ITEMS WITHDRAWN FROM THE AGENDA

17/502714 - CHANGE OF USE OF LAND TO CREATE TWO ADDITIONAL PLOTS ADJACENT TO AN EXISTING GYPSY SITE, FOR THE ACCOMMODATION OF TWO GYPSY TRAVELLER FAMILIES. EACH PLOT TO CONTAIN ONE STATIC CARAVAN, ONE TOURING CARAVAN, A SEPTIC TANK, PARKING FOR TWO VEHICLES AND ASSOCIATED HARDSTANDING - CARAVAN 2, HAWTHORN FARM, PYE CORNER, ULCOMBE, KENT

RESOLVED: That this application be withdrawn from the agenda to enable the Officers to address the Gypsy and Traveller status of the future occupiers of the site in a revised report.

233. URGENT ITEMS

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

234. DISCLOSURES BY MEMBERS AND OFFICERS

With regard to the report of the Head of Planning and Development relating to application 17/503285 (Crispin Cottage, 163 Heath Road, Coxheath, Maidstone, Kent), the Chairman said that all Members present knew Councillor Brian Mortimer who owned part of the application site.

235. EXEMPT ITEMS

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

236. MINUTES OF THE MEETING HELD ON 28 SEPTEMBER 2017 ADJOURNED TO 5 OCTOBER 2017

RESOLVED: That the Minutes of the meeting held on 28 September 2017 adjourned to 5 October 2017 be approved as a correct record and signed.

237. PRESENTATION OF PETITIONS

There were no petitions.

238. DEFERRED ITEMS

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

17/502072 - OUTLINE APPLICATION FOR RESIDENTIAL DEVELOPMENT FOR UP TO 210 DWELLINGS TOGETHER WITH ACCESS OFF FORSTAL LANE, 1.85 HECTARES OF OPEN SPACE AND ASSOCIATED INFRASTRUCTURE (ACCESS BEING SOUGHT) - LAND SOUTH OF FORSTAL LANE, COXHEATH, KENT

16/506349 - VARIATION OF CONDITION APPLICATION IN RELATION TO INSTALLATION OF 6 NO. FLOODLIGHTING COLUMNS REF. MA/09/1616 (ALLOWED ON APPEAL) WITH AMENDMENT TO CONDITION 3) THE FLOODLIGHTING SHALL NOT BE USED BETWEEN 1 MAY AND 31 AUGUST IN ANY CALENDAR YEAR; AND CONDITION 4) THE FLOODLIGHTING SHALL NOT BE USED OUTSIDE THE HOURS OF 15:00-22:30 ON

TUESDAYS, WEDNESDAYS AND THURSDAYS, 15:00-21:30 ON SATURDAYS AND NOT AT ALL ON ANY OTHER DAY OF THE WEEK - BEARSTED FOOTBALL CLUB, HONEY LANE, OTHAM, KENT

16/505932 - CHANGE OF USE OF LAND TO USE AS A RESIDENTIAL CARAVAN SITE FOR 2 GYPSY FAMILIES EACH WITH 2 CARAVANS OF WHICH NO MORE THAN ONE WOULD BE A STATIC MOBILE HOME, TOGETHER WITH ERECTION OF TWO AMENITY BUILDINGS, LAYING OF HARDSTANDING AND FORMATION OF NEW ACCESS - LAND REAR OF CHART VIEW, OFF CHART HILL ROAD, CHART SUTTON, KENT

The Development Manager advised the Committee that he had nothing further to report in respect of these applications at present.

239. 17/504081 - REMOVAL OF CONDITION 1 REQUIRING SITE VACATION AFTER 3 YEARS AND CONDITION 2 SEEKING REMOVAL OF NAMED OCCUPIER APPENDING TO PLANNING PERMISSION 15/501528 (CHANGE OF USE OF LAND FOR THE STATIONING OF A MOBILE HOME, UTILITY ROOM, STABLE BLOCK AND TOURING CARAVAN FOR GYPSY FAMILY (PART RETROSPECTIVE)) - MAPLEHURST LANE, FRITTENDEN ROAD, STAPLEHURST, TONBRIDGE, KENT

All Members stated that they had been lobbied.

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

Councillor Sharp of Staplehurst Parish Council addressed the meeting.

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

Voting: 7 – For 1 – Against 1 – Abstention

Note: Councillor Boughton entered the meeting whilst this application was being introduced by the Development Manager (6.10 p.m.), and did not participate in the discussion or the voting.

240. 15/501537 - CHANGE OF USE OF LAND FOR THE PERMANENT STATIONING OF A MOBILE HOME, UTILITY ROOM, STABLE BLOCK AND TOURING CARAVAN FOR GYPSY FAMILY (PART RETROSPECTIVE) - MAPLEHURST LANE, FRITTENDEN ROAD, STAPLEHURST, KENT

All Members stated that they had been lobbied.

The Committee considered the report of the Head of Planning and Development. In introducing the report, the Development Manager took the opportunity to apologise to the applicant for the drafting error which occurred when the application was first reported to the Committee.

Councillor Burnham of Staplehurst Parish Council addressed the meeting.

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

Voting: 8 – For 2 – Against 0 – Abstentions

241. 17/501477 - USE OF LAND FOR THE SITING OF 1 NO. MOBILE HOME, PARKING FOR 1 NO. TOURING CARAVAN AND ERECTION OF AN AMENITY BUILDING FOR A MEMBER OF THE TRAVELLING COMMUNITY - LAND AT PYE CORNER, ULCOMBE, KENT

All Members stated that they had been lobbied.

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

Mr Kent, for objectors, Councillor Titchener of Ulcombe Parish Council, and Mr Gilham, for the applicant, addressed the meeting.

In response to a statement signed by seven local residents confirming that they recalled the applicant saying at a meeting of the Ulcombe Parish Council in April 2017 that she and her husband wanted to settle and live permanently in Ulcombe, and that she did not have a traveller lifestyle, the Principal Planning Officer advised the Committee that a person could permanently live on a Gypsy and Traveller site and have a settled base and still pursue a nomadic habit of life. The applicant had submitted a Statutory Declaration that she did have a traveller lifestyle as confirmed by her husband at the meeting. The Officers were content from the evidence submitted under the planning application regarding the applicant's gypsy status.

RESOLVED: That consideration of this application be deferred to negotiate an amended layout to relocate the mobile home towards the eastern part of the site to reduce the visual impact and impact on neighbouring residential amenity.

Voting: 6 – For 3 – Against 1 – Abstention

242. 17/503285 - ERECTION OF FOUR DWELLINGS WITH PARKING PROVISION AND HIGHWAYS ACCESS - CRISPIN COTTAGE, 163 HEATH ROAD, COXHEATH, MAIDSTONE, KENT

The Chairman and Councillors Boughton, Cox, Munford 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.

Mr Street addressed the meeting on behalf of the applicant.

RESOLVED: That permission be granted subject to the conditions and informatives set out in the report, as amended by the urgent update report, with the amendment of condition 10 as follows:

Following first occupation of any of the houses hereby permitted details of the size, design and siting of four integral bird bricks and two bat boxes to be incorporated into the fabric of the houses shall be submitted for prior approval in writing by the Local Planning Authority. The bird bricks and bat boxes shall be installed within 3 months of approval and retained as such at all times thereafter.

Reason: To ensure that adequate provision is made for wildlife in accordance with the provisions of the NPPF.

Voting: 9 – For 1 – Against 0 – Abstentions

Note: Councillor B Mortimer, who owned part of the application site and was sitting in the public gallery, left the meeting whilst this proposed development was discussed.

243. 17/503487 - CONSTRUCTION OF 2 BEDROOM, SELF-BUILD, DETACHED BUNGALOW - WICKHAM FIELD, PATTENDEN LANE, MARDEN, KENT

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

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

Councillor Mannington of Marden Parish Council, Ms Tindale, for the applicant, and Councillor McLoughlin (Visiting Member) addressed the meeting.

Contrary to the recommendation of the Head of Planning and Development, the Committee agreed to grant permission subject to conditions to be finalised by the Head of Planning and Development acting under delegated powers.

In making this decision, Members felt that, subject to appropriate landscape mitigation, the proposed development would not cause significant harm to the character of the open countryside in this location.

RESOLVED: That permission be granted subject to conditions to be finalised by the Head of Planning and Development acting under delegated powers; these conditions to cover, inter alia, materials, renewables, integral niches for wildlife and landscaping (with an emphasis on landscaping, appropriate to the area, to the front).

Voting: 10 – For 0 – Against 0 – Abstentions

244. 17/500917 - PROPOSED ERECTION OF INFILL DETACHED CHALET STYLE DWELLING WITH GARAGING, PARKING PROVISION AND HIGHWAY ACCESS - MEADOWCROFT, MAIDSTONE ROAD, HEADCORN, KENT

All Members stated that they had been lobbied.

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

Councillor Dungey of Headcorn Parish Council and Mr Street, for the applicant, addressed the meeting.

Contrary to the recommendation of the Head of Planning and Development, the Committee agreed to grant permission subject to conditions to be finalised by the Head of Planning and Development acting under delegated powers.

In making this decision, Members felt that, subject to appropriate landscape mitigation, the proposed development would not cause significant harm to the character of the countryside in this location.

RESOLVED: That permission be granted subject to conditions to be finalised by the Head of Planning and Development acting under delegated powers; these conditions to cover, inter alia, materials, renewables, integral niches for wildlife, landscaping and the incorporation of cordwood into the landscaping scheme.

Voting: 9 – For 0 – Against 1 – Abstention

245. 17/503319 - PROPOSED 2 STOREY SIDE AND REAR EXTENSION WITH SINGLE STOREY SIDE ELEMENT, ENCLOSED FRONT PORCH AND ROOF EXTENSION. MINOR INTERNAL CHANGES - 8 SHIRLEY WAY, BEARSTED, KENT

All Members stated that they had been lobbied.

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

Mr Hann, for objectors, and Councillor Springett (Visiting Member) addressed the meeting.

Contrary to the recommendation of the Head of Planning and Development, the Committee agreed to refuse permission. In making this decision, Members felt that the proposed development by virtue of its height, scale, mass and overbearing impact would result in an unacceptable impact on the residential amenity of the adjacent properties either side, specifically on the conservatories and rear elevation windows, contrary to policies DM1 (iv) and DM9 of the Final Draft Maidstone Local Plan and the Residential Extensions SPD 2009.

RESOLVED: That permission be refused for the following reason:

The proposed development by virtue of its height, scale, mass and overbearing impact would result in an unacceptable impact on the residential amenity of the adjacent properties either side, specifically on the conservatories and rear elevation windows, contrary to policies DM1

(iv) and DM9 of the Final Draft Maidstone Local Plan and the Residential Extensions SPD 2009.

Voting: 6 – For 3 – Against 1 – Abstention

246. APPEAL DECISIONS

The Committee considered the report and the urgent update report of the Head of Planning and Development setting out details of appeal decisions received since the last meeting. It was noted that the appeal against the Committee's decision to refuse application 16/505005 (Permanent stationing of two additional mobile homes for the applicant's dependants – Little Boarden Farm, Boarden Lane, Hawkenbury, Kent) had been allowed with conditions by the Planning Inspectorate. In addition, a full costs award had been made against the Council.

During the ensuing discussion, reference was made to the provision of Gypsy and Traveller sites, the needs of the local Gypsy and Traveller population and the implications of speculative applications for both the settled and Gypsy and Traveller communities. It was suggested that this should be addressed as soon as work commences on the Review of the Local Plan (subject to adoption by the Council on 25 October 2017); through duty to co-operate discussions with other Boroughs; and possibly through the Council's property portfolio.

The Development Manager undertook to circulate the appeal decisions in respect of applications 16/506707 (57-59 Church Street, Tovil) and 16/503947 (3 Hockers Lane, Detling) (both allowed with conditions) to all Members of the Committee for information.

RESOLVED: That the report be noted.

247. CHAIRMAN'S ANNOUNCEMENTS

The Chairman said that a report on Member training would be submitted to the Committee in November 2017.

248. DURATION OF MEETING

6.00 p.m. to 9.45 p.m.

MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

9 NOVEMBER 2017

REFERENCE FROM POLICY AND RESOURCES COMMITTEE

BUDGET MONITORING – DEVELOPMENT CONTROL APPEALS

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

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

RECOMMENDED:

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

MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

9 NOVEMBER 2017

REPORT OF THE HEAD OF PLANNING AND DEVELOPMENT

DEFERRED ITEMS

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

APPLICATION	DATE DEFERRED
16/506349 - VARIATION OF CONDITION APPLICATION IN RELATION TO INSTALLATION OF 6 NO. FLOODLIGHTING COLUMNS REF. MA/09/1616 (ALLOWED ON APPEAL) WITH AMENDMENT TO CONDITION 3) THE FLOODLIGHTING SHALL NOT BE USED BETWEEN 1ST MAY AND 31ST AUGUST IN ANY CALENDAR YEAR; AND CONDITION 4) THE FLOODLIGHTING SHALL NOT BE USED OUTSIDE THE HOURS OF 15:00-22:30 ON TUESDAYS, WEDNESDAYS AND THURSDAYS, 15:00-21:30 ON SATURDAYS AND NOT AT ALL ON ANY OTHER DAY OF THE WEEK - BEARSTED FOOTBALL CLUB, HONEY LANE, OTHAM, KENT Deferred to consider the impact of the additional hours and month of the floodlighting on ecology grounds, specifically in relation to bats.	7 September 2017 adjourned to 14 September 2017
17/501477 - USE OF LAND FOR THE SITING OF 1 NO. MOBILE HOME, PARKING FOR 1 NO. TOURING CARAVAN AND ERECTION OF AN AMENITY BUILDING FOR A MEMBER OF THE TRAVELLING COMMUNITY - LAND AT PYE CORNER, ULCOMBE, KENT Deferred to negotiate an amended layout to relocate the mobile home towards the eastern part of the site to reduce the visual impact and impact on neighbouring residential amenity.	19 October 2017

16/505326 Pear Paddock
Scale: 1:1250
Printed on: 1/11/2017 at 9:59 AM by JulieM

© Astun Technology Ltd

REPORT SUMMARY

9 November 2017

REFERENCE NO - 16/505326/FULL		
APPLICATION PROPOSAL: Variation of conditions 1 & 2 of MA/13/0103 to make the permission non personal and either make permission permanent or allow a further temporary permission.		
ADDRESS: Pear Paddock, Symonds Lane, Yalding, Kent ME18 16HA		
RECOMMENDATION: Grant permanent planning permission subject to conditions.		
SUMMARY OF REASONS FOR RECOMMENDATION: The proposed variation of conditions 1 & 2 of MA/13/0103 to allow a further temporary permission, subject to imposition of conditions as herein recommended, is considered to comply with the policies of the Development Plan (Maidstone Borough Wide Local Plan 2000), the Final Draft Maidstone Local Plan and the NPPF and there are no overriding material planning considerations justifying a refusal of permission.		
REASON FOR REFERRAL TO COMMITTEE: The recommendation is contrary to the views of Yalding Parish Council.		
WARD Marden and Yalding	**PARISH/TOWN COUNCIL** Yalding Parish Council	**APPLICANT –** Mr and Mrs T Coster **AGENT –** Heine Planning Consultancy
DECISION DUE DATE (Extended) 31.10.2017.	**PUBLICITY EXPIRY DATE** 27.07.2016	**OFFICER SITE VISIT DATE** 21/06/2017

RELEVANT PLANNING HISTORY

Enforcement and Stop notices were issued in September 2000 and a separate planning application made for the stationing of a caravan and a gypsy family. Permission was refused and the subsequent appeal dismissed in 2001. A further application was made in 2005 which were also refused. The appeal was considered at a public inquiry in 2007 on the basis of a change of use for the retention of 2 mobile homes and 2 touring caravans together with associated buildings and a new access to Pear Paddock, The appeal was dismissed. Under the terms of the injunction the site should have been vacated by the end of December 2007.

Personal planning permission MA/09/0731 was granted at Pear Paddock and MA/09/0732 Pear View (the adjoining site to the east) on appeal in 2010 for a limited period of 3 years. The planning inspector identified three areas of concern:
Personal planning permission 10/0504 was granted at 'Green Top' in 2010 for a limited period of 3 years. This site adjoins Pear View to the east.

Personal planning permission 13/0103 was granted at Pear Paddock and Pear View (the adjoining site to the east) on 27th June 2013 for a further three year period. That permission expired on 26th June 2016. The current application for variation of conditions 1 & 2 of 13/0103 relating just to Pear Paddock was submitted on 22nd June 2016.

Condition 1 of 13/0103 restricted the use of the site to Mr and Mrs Tom Coster (senior) and Mr and Mrs Thomas Coster (junior) and their resident dependents for a period of three years.

Condition 2 of 13/0103 required that when the site ceases to be occupied by the named occupants and their dependents, or at the end of three years, whichever shall first occur, the use hereby permitted shall cease, all caravans, buildings, structures, materials and equipment shall be removed and the land restored to its former condition in accordance with a scheme to be submitted and approved.

MAIN REPORT

1.0 DESCRIPTION OF SITE

1.1 The site occupies a rectangular shaped plot of land, located in the countryside approximately 1.5 kilometres south of Yalding. The site is on slightly elevated land on the north east side of Symonds Lane, a narrow rural lane bordered by mature hedgerows.

1.2 Land to the north and west comprises open farmland. A similar gypsy and traveller compound, Pear View, adjoins the site to the east. This in turn is adjoined by 'Green Top' also a gypsy and traveller site. The curtilage of the site is screened by native species hedgerows, which are particularly dense along Symonds Lane. The hedgerow boundaries are reinforced by timber fencing.

1.3 Access to the site from the north of Symonds Lane is via a recessed vehicular standing area, rising above highway level and flanked by splayed brick walling terminating in a pair of imperforate gates.

1.4 The application site currently accommodates a double width mobile home, a single width mobile home, a touring caravan and an assortment of stable, day room and storage buildings, on elevated land to the north of the site. The larger and lower lying southern part of the site comprises orchards and lawn.

1.5 In accordance with the Final Draft Local Plan 2016, Yalding is designated as a 'Larger Village' as part of policy SP16. The site and its surroundings are not subject to any landscape designation. In accordance with the Environment Agency's latest flood mapping the site is shown to lie within Flood Zones 2 & 3 (previously shown to lie within Flood Zone 1).

2.0 PROPOSAL

2.1 A variation is sought to the terms of conditions 1 & 2 of permission MA/13/0103 granted 27th June 2013 in order to retain the use of the land as a caravan site on a permanent basis. If this is not accepted the family would accept, renewal on a further temporary basis. As permission MA/13/0103 was 'personal', permission is also sought for additional family members (former dependents and their partners).

2.2 Condition 1 reads as follows: *"The use hereby permitted shall be carried on only by Mr and Mrs Tom Coster (senior) and Mr and Mrs Thomas Coster and their resident dependents, and shall be for a limited period of three years from the date of this decision, or the period during which the land is occupied by them, whichever is the shorter; Reason: The site is in an area where the stationing of caravans/mobile homes for residential purposes is not normally permitted and an exception has been made to reflect the personal need of the applicant and other occupiers, in accordance with Maidstone Borough-Wide Local Plan 2000 policy ENV28, and central government planning policy as set out in the National Planning Policy Framework 2012 and Planning Policy for Traveller Sites 2012".*

2.3 Condition 2 reads as follows: *"When the site ceases to be occupied by those named in condition 1 (above) or at the end of three years, whichever shall first occur, the use hereby permitted shall cease, all caravans, buildings, structures, materials and equipment brought on to the land, or erected on it, or works undertaken to it in connection with the use hereby permitted, shall be removed and the land restored to its former condition in accordance with a scheme of work submitted to and approved in writing by the Local Planning Authority; Reason: To*

appropriately restore the site in the interest of protecting the character and appearance of the countryside in accordance with policy ENV28 of the Maidstone Borough-Wide Local Plan 2000, and central government planning policy as set out in the National Planning Policy Framework 2012 and Planning Policy for Traveller Sites 2012".

2.4 The application is supported by a planning statement submitted on behalf of the applicant by Alison Heine Planning. The planning statement at page 2 provides the following background

"Consent is sought to vary conditions 1 and 2 to retain the use of the land as a caravan site on a permanent basis but if this is not accepted the family would accept, in the alternative, renewal on a further temporary basis. Condition 1 is a personal condition which limits the use to a period of three years until 27 June 2016. Condition 2 is a restoration condition requiring the site to be restored to its previous condition when the site ceases to be occupied in compliance with condition1.

Whilst I question the need for the personal condition, there is no objection to a personal consent being retained if consent is renewed for a further temporary period as this is a family site and only family members would ever occupy the caravans on the site. But if permission were to be granted on a permanent basis it is considered there would be no justification for a personal consent and permission should be for any Gypsy-Traveller to occupy the site".

3.0 POLICY AND OTHER CONSIDERATIONS

- Maidstone Borough-Wide Local Plan 2000: ENV6, ENV28, ENV50
- National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)
- Planning Policy for Traveller Sites 2015 (PPTS)
- Final Maidstone Local Plan (2011-2031): GT1, SP16, SP17, DM15
- Neighbourhood Plan: N/A

4.0 LOCAL REPRESENTATIONS

4.1 Yalding Parish Council objects to the application recommending refusal for the following reasons:

- The development is harmful to the character and appearance of the area and permanent permission should not be allowed;
- Previous permissions have been personal to the applicant and his dependents - should permission be granted the permission should remain personal and be for a limited period of three years.
- During times of flooding, safe access and egress to the site is prevented.

4.2 A letter of objection with two signatories has been received. Their comments can be summarised as follows:

- The site has been occupied for 16 years and much of this time has been in contravention of planning control;
- The Council have referred (in the context of previous applications) to the development as being harmful to the character and appearance of the area and contrary to development plan policies;
- A planning inspector found in 2010 that the site was harmful to highway safety and that there would be increase to the number of people at risk during flood events, concluding that 'the totality of harm is not outweighed by

other material considerations that favour the development therefore a permanent permission is not warranted'.

- It would appear that the appeal decision was based upon the unavailability of any alternative site – this does not justify grant of permission on an unsuitable site;
- Proof should be provided that the Gypsy status of the family members has not changed.

5.0 CONSULTATIONS

The Environment Agency

5.1 The site would be at risk from shallow flooding during extreme events; the Local Planning Authority should therefore consider the type of accommodation on the site and whether floor levels would be raised sufficiently above ground level to minimise the risk of internal flooding.

5.2 If the Local Planning Authority is satisfied on the above point and the requirements of the Sequential Test, they should also consider the details of any 'Flood Plan' the residents may have and the potential for safe evacuation under flood conditions.

6.0 APPRAISAL

6.01 The key issues for consideration relate to:

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

Need for gypsy sites

6.02 Local Planning Authorities are required to set their own Local Plan targets for pitch provision in their area. In order to address this, Salford University were commissioned to carry out a Gypsy and Traveller and Travelling Show-people Accommodation Assessment (GTAA) which was published in 2012 to cover the period October 2011 to March 2031. The GTAA concluded the following need for pitches over the remaining Local Plan period:

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

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

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

Supply of gypsy Sites

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

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

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

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

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

Gypsy status

6.09 Personal temporary planning permission was granted to Mr and Mrs Coster following an appeal in 2010 with the Planning Inspector satisfied that the resident family qualified for gypsy and traveller status. Mr Coster still travels for work and is helped by his two sons Thomas and Joseph who have grown up on the site, married and now have their own families. Accordingly there is a need for schooling and a structured family life.

6.10 In accordance with the terms of the permission (13/0103) granted for Mr and Mrs Tom Coster (senior) and Mr and Mrs Thomas Coster (junior) and their resident dependents. Joseph Coster (formerly a resident dependent) has now married and has a resident family. Mr and Mrs Tom Coster's daughter (formerly a resident dependent) also has a family. Permission is in addition sought for the additional adult family members. Permission is not being sought for any additional mobile homes or caravans.

6.11 Taking all evidence into account it is considered that Mr and Mrs Coster (senior) and their family fall within the revised PPTS Gypsy status and are from the travelling community. Were permanent permission to be granted a condition

would be imposed requiring the site to be occupied only by members of the Gypsy and Travelling community.

Visual/landscape Impact

6.12 The site is screened by a mature hedgerow to the south west bordering Symonds Lane.

6.13 Although hedgerow cover to the remaining three boundaries is not so dense, affording partial views of the upper parts of the mobile homes from vantage points within the adjoining farmland, the degree of screening has improved since previously reported in the context of the 2013 and 2010 applications. Furthermore, notwithstanding that the entranceway arrangement is urban in character, the larger part of the site itself has been given over to grass with substantial tree planting, softening the hard surfacing and overt urbanisation often associated with such sites. The mobiles and associated development would not be readily visible from within the public domain and only marginally visible from private vantage points.

6.14 Guidance in the PPTS states that Local Planning Authorities should very strictly limit new traveller development in the countryside but also states that where sites are in rural areas they not should dominate the nearest settled community and or place undue pressure on local infrastructure.

6.15 Although the site forms a small cluster with two similar sites to the east, these do not benefit from permanent consent. Accordingly the long term cumulative impact of development does not need to be addressed as there would be no conflict with Local Plan Policy ENV16 and with PPTS guidance

6.16 Although the PPTS does not refer to landscape impact this is addressed in the NPPF, emerging policy SP17 states that provided proposals do not harm the character and appearance of an area, small scale residential development necessary to meet a proven need for gypsy and traveller accommodation will be permitted.

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

6.18 This site has been granted successive permissions for use as a Gypsy and Traveller site, including at appeal, albeit on a temporary and personal basis. In terms of the visual impact of the site on the local landscape the Inspector and the Local Planning Authority have acknowledged that site development would give rise to visual harm and would not protect local distinctiveness. However having regard to all other material considerations impact was found to be not so serious as to warrant dismissal of the appeal or subsequent planning application.

6.19 Due to the passage of time and establishment of boundary treatments and associated landscaping, the site has become better assimilated into its surroundings.

6.20 While the proposal would not result in the removal of previously identified harm to the countryside it would not result in additional harm. The impact upon the rural

character of the area can be mitigated in accordance with Policy ENV28, Policy SP17 of the emerging Local Plan and the provisions of the NPPF. The visual impact upon countryside appearance and character arising from the proposal is therefore considered acceptable.

Highways

6.21 There would be no intensification of use and consequently no increase in vehicle trips. There is a safe vehicle access to the site which has been established for a number of years and no highway safety issues have been identified.

6.22 The layout of hardstanding around the mobile homes is sufficient to provide satisfactory on-site parking and turning areas. There are no significant highway issues to warrant refusal of the application.

Sustainability

6.23 Although the occupants of the site would be largely reliant on private motor vehicles to access local services and facilities, this is not untypical of Gypsy and Traveller sites in rural locations.

6.24 Having regard to Gypsy and Traveller lifestyle choices, sites will almost inevitably be located in countryside locations. Although not highly sustainable in respect of location, the site is not so far removed from basic services and public transport opportunities as to justify refusal on this basis. This follows the reasoning held by the Inspector when determining application MA/09/0731.

Residential amenity

6.25 There is an adjoining gypsy and traveller site (Pear View) directly to the east of Pear Paddocks. This site was granted temporary consent for 3 years in 2013 and this has now expired. The sites are separated by 1.8m high close boarded timber fencing and boundary landscaping.

6.26 As both sites have independent means of access, do not rise above single storey level and would be used by the Gypsy and Traveller community, amenity is not perceived as an issue.

6.27 There are a number of residential properties lining Lees Road, some 200m to the west and others further along Symonds Road to the south east. The proposal site is located sufficiently distant from these properties so as not give rise to unacceptable loss of amenity in terms of noise, disturbance, and privacy.

Flooding

6.28 At the time of the 2010 appeal the site was noted as lying within Flood Zone 1 where there would normally be no fluvial flood risk and consequently no requirement for Flood Risk Assessment (FRA).

6.29 Although the appeal Inspector acknowledged that rural access roads in the vicinity may be subject to temporary flooding, inhibiting access to the site, in his view this did not warrant refusal of the application on the grounds of flood risk. The Inspector considered that the 'threat to life from river flooding would be insignificant'. Since the initial consultation response in September 2016 the Environment Agency has re-assessed the local flood plain and lowered the threshold for flood risk on this site.

6.30 While there is recent evidence of flooding in the surrounding area, no records are available of actual flooding within the site. While caravans can be vulnerable to

floodwater they are generally raised off the ground allowing flood waters to flow beneath them and can if necessary be raised further above ground level. Furthermore the caravans are located within the highest part of the site which would act as an 'island' refuge during extreme flood events.

6.31 The Environment Agency has agreed that flood risk mitigation measures, comprising an 'Emergency Flood Plan' would be acceptable and a planning condition is recommended.

6.32 The Sequential Test requires development within areas at high risk of flooding to be considered if no other options are available. There are no suitable alternative sites currently available to the resident Gypsy family. In addition to the undisputed need in this particular case, the level of need in the Borough is also considerable and this weighs heavily in favour of the applicant.

6.33 Para 103 of the NPPF describes how an 'Exception Test' can be applied to include safety measures that could be introduced to ensure access and escape routes to the site. In addition in this instance the caravans have a raised 'free-board of approximately 600mm and the applicants have 'signed-up' to EA flood alerts.

6.34 It can be concluded that subject to the imposition of the condition as proposed above it would be appropriate to grant permission on a permanent basis.

Ecology Impacts.

6.35 This is an existing site with no known ecology issues.

7.0 CONCLUSION

7.1 It is acknowledged that the continuation of this site use will inevitably have a negative visual impact on the character and appearance of the rural area. However policy allows that subject to strict control and in order to satisfy the Borough's responsibility to satisfactorily accommodate the Gypsy and Traveller community in development commensurate with their traditional lifestyle, Gypsy sites can be acceptable in the countryside.

7.2 In this instance the development would be screened from public view and would not result in further encroachment into the countryside. On such basis and having regard in this instance to the absence of landscape designation, visual harm can be mitigated.

7.3 Although concern has been raised by the Environment Agency in relation to the vulnerability of the site to flood risk, they have confirmed that subject to imposition of a safeguarding condition, permission would be acceptable.

7.4 The applicant has provided a satisfactory level of information regarding his family's Gypsy status and their need to live together as an extended family unit. Grant of permission will address the identified personal need and assist in meeting the unmet need for viable Gypsy and Traveller accommodation.

7.5 Grant of permanent consent is deemed acceptable for the reasons given above and would comply with the Development Plan (Maidstone Borough-Wide Local Plan 2000) with National Planning Guidance and with the Final Draft Maidstone Borough Local Plan. Material circumstances indicate that subject to imposition of conditions permanent planning permission should be granted.

8.0 RECOMMENDATION

Grant permanent planning permission subject to the following conditions.

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

Reason: The site is in the countryside where such development is considered to cause visual harm to the character and appearance of the countryside and the stationing and occupation of caravans/mobile homes is not normally permitted other than by members of the Gypsy and Travelling community.

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

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

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

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

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

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

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

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

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

Reason: In the interests of residential amenity.

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

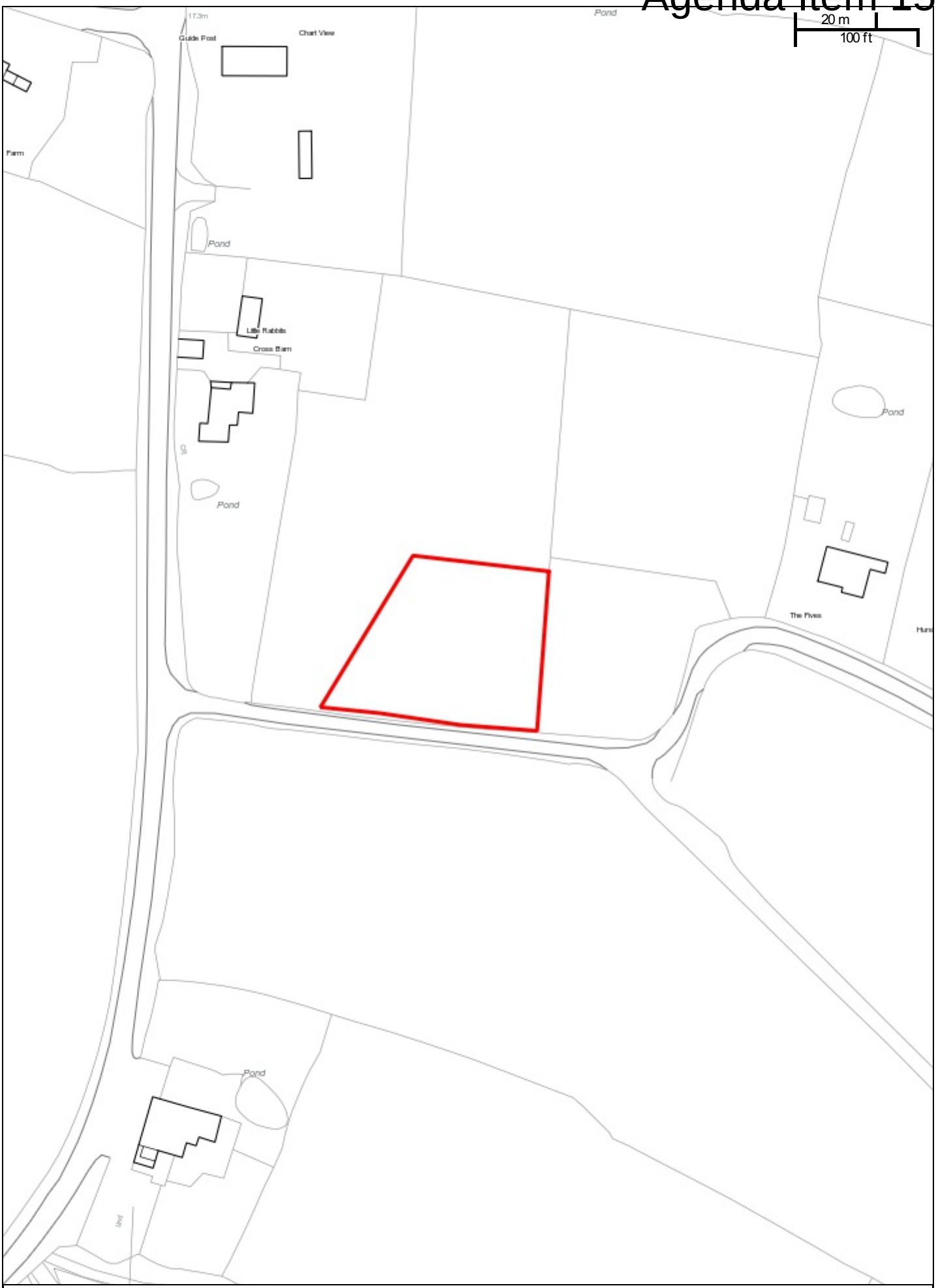
Reason: In the interests of visual amenity

(8) The development hereby permitted shall be carried out in accordance with the following drawings and documents and in accordance with any drawings and or documents subsequently approved in respect of the above conditions:
Site Location Plan 1:1250;
Supporting Statement dated 20th June 2016 Heine Planning.

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

Case Officer: Jeff Sadler

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



16/505932 Land rear of Chart View

Scale: 1:1250

Printed on: 1/11/2017 at 10:03 AM by JulieM

N

ASTUN TECHNOLOGY
© Astun Technology Ltd

REPORT SUMMARY
9 November 2017

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

MAIN REPORT

1.0 BACKGROUND

1.1 At Planning Committee on 28.09.2017 the application was deferred until the expiry of the additional publicity set out in the urgent update report. The original report and urgent update is attached to this report.

1.2 Members will recall that the application was amended so that the access lane running parallel to the southern boundary of the site could be included within the 'red-line' boundary of the application site. Certificate D was signed and the application was advertised in the local press as the applicant could not identify the owners of the site. The publicity period has now expired.

1.3 Members will be aware that The Local Plan 2016 was adopted on the 25th October superseding The Maidstone Borough Local Plan 2000. For the purposes of this application, the Development Plan comprises the Local Plan 2016 and reference to the Local Plan 2000 and Policies ENV6, ENV28, ENV34 as contained in the original Report to Planning Committee should therefore be set aside.

2.0 REPRESENTATIONS

2.1 Further representations have been received from local residents, and two planning consultants on behalf of local residents. The issues raised can be summarised as follows:

- The status of the access lane - neighbours have claimed that it is private but are unable to establish title. They are in the process of lodging a claim for adverse possession;

- The heritage value of the hedgerow - an objector has submitted that on the basis of historic maps the hedgerow should be considered a 'heritage asset' - Planning Policies SP18 (The Historic Environment) and DM4 (Development Affecting Non-Designated and Designated Heritage Assets) are relevant;
- The potential for the hedgerow having ecological value – due to its 'age';
- There is no existing access - a gate within the hedgerow is not evidence of an access;
- There is no need for additional G&T sites as the 187 pitch allocation within The Plan is for the period until 2031, and the number of sites that have been delivered are sufficient for the current stage of The Plan.

3.0 OFFICER RESPONSE

3.1 In addition to the assessment in the main report the following responses are provided to the further consultation responses that have been received.

The status of the access lane

3.2 Whether or not the lane is private or public, is immaterial for planning purposes. The applicant has complied with the provisions of the Act by issuing Certificate 'D'. If the status is subsequently proven to be private, access would be a civil matter to be negotiated between the relevant parties.

The heritage value of the hedgerow

3.3 While it is possible for a hedgerow to contribute to the setting of a heritage asset (such as a listed building) or to the heritage significance of an area, this does not mean that hedgerows are a heritage asset in its own right. The only determining factor is whether a hedgerow is 'important' (as set down within the terms of The Hedgerow Regulations 1997) and it falls to the LPA to determine whether in the context of this separate legislation the hedgerow is 'important'.

3.4 For a hedgerow to be considered 'important' it must: mark a boundary between pre 1850 Parishes; or Mark an archaeological feature of a scheduled ancient monument or one noted on the Historic Environment Record (ie a listed building); or mark the boundary of a pre-1600 estate or manor, or field system pre dating the Enclosure Acts.

3.5 It has been maintained that because the field boundary is shown on an 1842 Tithe Map it must pre date the Enclosure acts. However no Enclosure Award evidence has been submitted. Consequently the Tithe map copy submitted by the objectors is not evidence of pre enclosure status. This can only be established by referral to the relevant enclosure award which may in turn also establish the status of the lane.

3.6 Furthermore, whether or not a hedgerow is 'important' does not preclude its removal in whole or in part. It means only that regard must be given to its 'importance'. While it is appreciated that hedgerows, like trees, can make an important contribution to the character of an area and may be historically important, there is as yet no evidence that this hedgerow has such significance. It should be remembered that there is no mechanism to prevent the lawful seasonal 'cutting back' of hedgerows whether 'important' or not.

3.7 Should it be established that the hedgerow is indeed 'important', given its context as marking no more than the boundary of a minor country lane that is of itself not historically important, the proposal to remove a section of hedgerow for access purposes is considered acceptable. Heritage Policies SP18 and DM4 are consequently considered not material in this context.

Ecology

3.8 Although the hedgerow has been surveyed by a third party on behalf of objectors, the plant species identified in the hedgerow are common native species and no evidence of endangered or protected flora or fauna has been found.

3.9 There is no legislation in place to prevent seasonal cutting back of hedges providing there is no adverse impact on nesting birds (this being subject to separate legislation). Consequently it is considered that the greater extent of replacement native species hedging that is proposed, far in excess of that to be removed, would amply compensate for the loss of existing hedgerow in terms of biodiversity provision.

3.10 While it is appreciated that Hedgerows, like trees, can contribute significantly to biodiversity, it is considered that in the ecological potential of the hedgerow is insufficient to warrant refusal of permission. All parties are agreed that the field in isolation holds little biodiversity interest. In instances where preservation of hedge root-balls may be desirable, this can be achieved through transplanting. Such measures are considered unnecessary in this instance. However if members are minded, this can be subject to a planning condition.

Access to the site:

3.11 The field is currently accessed via Chart View to the north-west. An original access to the land directly off the (Elderdon) Lane was absorbed into the adjoining Gypsy and Traveller site at Old Oak Paddocks and in deference to the objectors it must be conceded that it would be unusual for there to be two such gates so close together serving the same field enclosure. The objector's have asserted that there is no evidence of gateposts relating to the overgrown '5- bar gate' within the hedgerow. The Committee Report references this gate but does not draw any conclusions from it. Whether or not there was an access at this point must therefore remain a matter of conjecture. This does not have any impact on the overall conclusions.

Need for Sites:

3.12 The proposal relates to a speculative, 'windfall' site. Such sites form an intrinsic element to the delivery of unidentified Gypsy and Traveller sites in accordance with the council's GTAA.

Other Matters:

3.13 Although much has been written regarding the impact that the development would have on the character of the countryside, it is considered that such matters have been adequately addressed within the original report to committee.

4.0 CONCLUSION

4.1 Consideration has been given to all representations received pursuant to planning committee on 28.09.2017. Notwithstanding such representations, the recommendation remains to grant planning permission.

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

4.3 A grant of planning permission would assist in meeting the Council's unmet need for Gypsy and Traveller accommodation in the Borough and would comply with the Development Plan (Maidstone Borough-Wide Local Plan 2000), with emerging policies

within the Draft Maidstone Local Plan and with National Planning Guidance. Material circumstances indicate that subject to imposition of conditions full permanent (non-personal) planning permission should be granted.

5.0 RECOMMENDATION

GRANT FULL PERMANENT PERMISSION subject to the following conditions:

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

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

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

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

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

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

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

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

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

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

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

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

7. No development shall take place until details of the proposed method of foul sewage treatment for the development hereby approved has been submitted to and approved

in writing by the Local Planning Authority. The approved means of foul sewage disposal shall be implemented prior to occupation of the site and thereafter maintained in accordance with the approved details.

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

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

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

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

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

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

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

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

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

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

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

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

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

Case Officer: Jeff Sadler

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

REPORT SUMMARY

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

MAIN REPORT

1.0 DESCRIPTION OF SITE

1.1 The site occupies a rectilinear shaped plot of agricultural land, and is located in the countryside approximately 2.5 kilometres south of Chart Sutton. The site lies on level ground on the north side of an unclassified single track rural cul-de-sac, known locally as Elderdon Lane, which spurs off Chart Hill Road to the west.

1.2 A residential garden within the curtilage of Little Rabbits Cross Farmhouse fronting Charthill Road, lies close to the western flank boundary of the site. A public right of way (footpath) traverses the field on a south west/north east alignment, runs between the site and Little Rabbits Cross and emerges near the junction of Elderdon Lane with Charthill Road. Undeveloped open grazing land within the control of the applicant lies to the north. A lawful Gypsy and Traveller enclosure, benefiting from approval for a single mobile home, touring caravan, utility block and paddock area and originally part of the same field system, adjoins to the east.

1.3 Although there is no current direct access to the site, there is evidence in the hedgerow of an overgrown field gate.

1.4 The site and its surroundings are subject to Local Plan designation ENV34 which classifies the land as a 'Special Landscape Area (SLA)'. In accordance with the emerging Plan, SLA designation no longer pertains and the land is now classified as a 'Landscape of Local Value' (LLV) where emerging policy seeks to conserve and enhance.

2.0 PROPOSAL

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

3.0 PLANNING HISTORY

3.1 The site comprises previously undeveloped agricultural grazing land.

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

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

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

4.0 POLICY AND OTHER CONSIDERATIONS

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

5.0 LOCAL REPRESENTATIONS

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

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

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

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

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

6.0 CONSULTATIONS

6.1 The Weald of Kent Protection Society

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

6.2 KCC Highways

The Highway Authority do not raise objection.

6.3 Environmental Health

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

7.0 APPRAISAL

7.1 Policy Background

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

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

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

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

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

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

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

7.2 Need for Gypsy sites

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

The GTAA concluded the following need for pitches over the remaining Local Plan period:
Oct 2011 – March 2016 - 105 pitches
April 2016 – March 2021 - 25 pitches
April 2021 – March 2026 - 27 pitches
April 2026 – March 2031 - 30 pitches
Total: Oct 2011 – March 2031 - 187 pitches

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

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

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

7.3 Supply of Gypsy Sites

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

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

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

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

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

7.4 Gypsy status

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

7.5 Visual/Landscape Impact

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

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

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

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

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

7.6 Highways

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

7.7 Cumulative Impacts:

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

7.8 Ecology Impacts.

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

7.9 Sustainability

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

7.10 Residential amenity

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

7.11 Flooding

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

8.0 CONCLUSION

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

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

9.0 RECOMMENDATION

GRANT Full permanent permission subject to the following conditions:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Amendments to the Site Location Plan

The location plan has been amended (27.09.2017). The red line site boundary outline has been extended to include the access road on the southern boundary of the site, up to a point where it adjoins Charthill Road (Public carriageway). An amended ownership Certificate B has been submitted to supersede Certificate A, and an Article 13 Notice to owner has been served.

Late Representations

An additional letter has been received from a member of the public reiterating previous objections particularly relating to the alleged private status of the road, access and road safety issues. The writer states that access via Charthill Road would however be supported as an alternative.

An additional letter has been received from Messrs Folletts on behalf of local residents. The letter is accompanied by an 1842 Tithe Map which has been submitted to show the location of 'ancient' hedgerows. The letter maintains that the access road is private but does not identify the owner. The letter refers to several issues that have been identified in the report and states a need for ecological assessment.

Officer Comment

The amendment to the red-line application site boundary to include the access road, has been submitted in order to enable determination of the application in light of the alleged private status of the access road. The County Highway Authority has confirmed that their records indicate that the road is not maintainable at public expense. A private road can still however benefit from rights over it and accordingly access would be a civil and not a planning or highways matter.

As no proof of private ownership has been submitted, it is considered that the status of the road remains indeterminate and the application can be determined accordingly.

In order to comply with planning procedure the amendment will be subject to a further 21 day public consultation.

In accordance with the above, the recommendation has been amended to:

The Head of Planning and Development BE GIVEN DELEGATED POWERS TO GRANT planning permission subject to conditions and the expiry of the consultation period regarding the amended site location plan and ownership certificate and no new material issues being raised.

16/508660 Land South of Vicarage Rd

Scale: 1:2500

Printed on: 1/11/2017 at 10:23 AM by JulieM

N

ASTUN TECHNOLOGY
© Astun Technology Ltd

REPORT SUMMARY

REFERENCE NO - 16/508660/FULL		
APPLICATION PROPOSAL - Erection of 65 residential dwellings, together with access, parking, drainage		
ADDRESS - Land South Of Vicarage Road Yalding Kent		
RECOMMENDATION – Approve Subject to conditions and S106 agreement		
SUMMARY OF REASONS FOR RECOMMENDATION - The application relates to a housing allocation H1-65 contained within the adopted Maidstone Local Plan which was ratified at the meeting on the 25th October 2017. It is considered the scheme would accord with the relevant policies of the development plan, including the policy specific to the allocation. The scheme is an integral part of the Yalding strategy being the only housing scheme in the village strategy and will deliver the identified requirements of the strategy. The application is supported by a suite of surveys and documents which have been reviewed by the relevant stakeholders and it is considered the impacts of the development are acceptable or can be appropriately mitigated through planning conditions and the legal agreement. Therefore it is considered the development will accord with the NPPF and the adopted strategy for the Borough and Yalding and therefore it is recommended planning permission is granted for the development subject to the relevant conditions and legal agreement which will secure the relevant contributions and affordable housing.		
REASON FOR REFERRAL TO COMMITTEE – Objection by the Parish Council		
WARD Marden and Yalding	**PARISH/TOWN COUNCIL** Yalding	**APPLICANT** Countryside **AGENT** DHA Planning
DECISION DUE DATE 21/04/17	**PUBLICITY EXPIRY DATE** 30.10.2017	**OFFICER SITE VISIT DATE** 17.10.17

RELEVANT PLANNING HISTORY

App No	Proposal	Decision	Date
	None		

MAIN REPORT

1.0 DESCRIPTION OF SITE

1.1 The site lies to the east of Yalding within the village boundary as defined by the Local Plan, with properties to the north along Vicarage Road, the allotments and church yard extension to the west and the Kintons Playing field to the south. The site is predominately laid to grass which falls gently from north to south although the site is set at a higher level than the footpath to the south. The site abuts the rear gardens to properties on Vicarage Road to the north and has established hedgerows and trees to its eastern and southern boundaries although it is more open to the west and south west. An area of woodland forms the southernmost part of the site which borders the playing fields. A vehicular access track runs parallel with the eastern boundary of the site which leads to the car park to the playing fields. A public footpath (PROW 193) runs along the south of the site and leads westwards into the village adjacent to the Church which is Grade I Listed. Further informal undesignated footpaths run along the south of the Vicarage Road properties and also along the south western boundary to the allotments. The boundary to the Conservation Area is located

approximately 60metres to the east. Yalding has been identified as a rural service centre in the adopted plan and has a range of local service and facilities as well as a mainline railway station which is located to the north west of the village with the Primary School a short distance to the west. The application is short walk from the village centre.

2.0 PROPOSAL

2.1 The application relates to a development of 65 dwellings which seek to deliver the local plan allocation H1-65. The access will be taken from Vicarage Road with a central access road leading through the site to the south with a number of secondary lanes leading from this. The development includes a mix of dwelling types including 1-2 flats and 2-4 bedroom dwellings along with parking provision, landscaping and open space including an area of woodland that will be opened up to public access. The mix of the development is as follows;

6 x 1 and 2 bed flats
12 x 2 bedroom houses
26 x 3 bed houses
21 x 4 bed houses

2.2 The development will secure 40% affordable housing which will include a mix of 4 x 1-bed, 2 x 2-bed flats, 12 x 2-bed houses and 8 x 3-bed houses. The scheme will include additional landscaping throughout the site and parking provision which will provide both on plot parking and unallocated and visitor parking throughout the site. The scheme will also secure improvements to Vicarage Road including traffic calming measures and a speed limit reduction as well as securing financial contributions to local infrastructure including that of schools, open space and healthcare.

3.0 POLICY AND OTHER CONSIDERATIONS

National Planning Policy Framework (NPPF) Section 1, 3, 5, 11 and 12
National Planning Practice Guidance (NPPG)
Supplementary Planning Documents: Affordable Housing and Open Space DPD and Adopted Maidstone Local Plan (2011-2031): Policy DM1, DM2, DM3, DM4 DM12, DM21, DM23, SP11, SP16, SP19, SP20, H1, H1-65

4.0 LOCAL REPRESENTATIONS

4.01 **Local Residents**: Approximately 160 representations received from local residents raising the following (summarised) issues:

- Impact to the character of the village
- Harm caused to the setting of Listed Building and the Conservation Area
- Congestion and highway impacts of the development
- Vicarage road unsuitable for level of traffic due to parking cars and narrow road
- Foul sewage capacity is inadequate
- Density and design unsuitable for location
- Number of dwellings too much for site and village
- Access unsuitable
- Impacts on the Town Bridge
- Air quality
- Impacts on local infrastructure and local services

- Impacts on local ecology
- Pedestrian and child safety
- Unsustainable location
- Impacts on sports pitch and access

Following amendment of the application reducing the scheme to 65 units, at the time of writing this report, over 104 comments have been received covering the following issues

- Objections remain despite the reduction in dwelling
- Traffic and air quality and congestion
- Air Quality
- Impact on character of village
- Design inappropriate
- Pressure on infrastructure- Doctors, schools, community
- Lack of consultation
- Wildlife and ecology
- Flooding
- Sustinability of settlement
- Visual impact of development

4.02 The **Parish Council** have also objected on the following grounds;

- Density is unacceptable
- School would not be able to take additional pupils despite S106 monies
- Number of dwellings would undermine health provision in the village
- Foul/water supply inadequate
- Vicarage road is unsuitable and congestion and highway impacts are unacceptable
- Traffic calming measures unacceptable
- Flooding, lighting and design issues

Following the reduction of scheme to 65 dwellings, the Parish Council have the following further comments which confirmed they still object to the application;

- Numbers too high and had the appeal at Mount Avenue been allowed prior to Local hearing, numbers would have been reduced at Vicarage Road
- 65 dwellings too many for the site
- Impact on Heritage
- Design and layout not in keeping
- Infrastructure such as school and doctors over stretched and S106 monies insufficient
- Drainage issues
- Congestion unacceptable and refer to bus company objection
- Traffic impact, congestion and improvements inappropriate and will cause problems to parking, flooding and congestion
- Open space contributions and monies should go Yalding School and Doctors

4.03 In addition to the objections by residents there have been notable objections from the Local Bus Company, who advise the congestion is currently causing delays to services and also from the Doctors Surgery stating the increase in population will put

an unacceptable strain on the health provision and CPRE who object on landscape and visual impact grounds.

5.0 CONSULTATIONS

5.01 **KCC Ecology** No objections and advise conditions should be placed regarding securing a LEMP

5.02 **KCC Highways**: No objections on basis of trip generation and works to Vicarage Road are acceptable. Raised concerns on initial scheme regarding parking provision and reliance on garage but now confirm no objections to the revised scheme.

5.03 **Natural England** No objections

5.04 **KCC Archaeology** No Objection subject to condition relating to fieldwork prior to commencement

5.05 **KCC Drainage** No objections subject to planning conditions

5.06 **KCC Economics** No objections subject to contributions being secured by legal agreement

5.07 **Historic England** At time of writing report awaiting comments

5.08 **Environment Agency** No objections and advice given on SUDS

5.09 **Southern Water** Currently inadequate capacity and suggest condition to require upgrades to the network.

5.10 **Kent Wildlife Trust** No objections but advice given on design and landscaping

5.11 **MBC Landscape** No objections and generally content with the illustrated masterplan. Originally requested AIA

6.0 APPRAISAL

Main Issues

6.01 The key issues for consideration are the following

- Compliance with Policy H1 and Policy H1-65
- Design and layout
- Heritage
- Highways
- Visual Impact and Landscape

Compliance with Policy H1 and Yalding Strategy Policy S16

6.02 Firstly the site is a key part of the strategy for Yalding which is set out in policy SP16 of the adopted plan as it represents the only housing allocation for the village and would fall within the development boundary for Yalding within the adopted plan where development is acceptable in principle. The scheme will deliver the improvements to

pedestrian access and contribute towards improvements in healthcare within the village in accordance with the policy criteria. The additional homes created by the development will also support the existing village facilities though additional investment which will have indirect benefits in preventing the loss of these facilities, which is also a key part of the policy. On this basis the scheme is considered to be an integral part of the village strategy and will fully accord with the relevant policy criteria for the village.

6.03 Policy H1 sets out the general requirements for applications relating to housing allocations and this sets out a general criteria. This includes the need for particular surveys to be undertaken such as those relating to ecology, transport, drainage and that the development will provide an appropriate housing mix including affordable provision and provide open space in accordance with Policy DM22. The policy also required the development to contribute to local infrastructure including health provision. The scheme is supported by the relevant assessments and is considered to deliver open space, housing mix and tenure and infrastructure in accordance with H1 subject to the completion of a legal agreement which is discussed further below.

6.04 Turning to Policy H1(65) which is the policy specific to the allocation of the application site as a housing development for approximately 65 dwellings. This policy therefore imposes a presumption for its development for housing subject to a specified criteria, which any development will have to meet. The parts of the policy parts are assessment below includes;

(1) **Quantum and Density** The developer will deliver approximately 65 Dwellings at 30 dwellings per hectare – The development is for 65 dwelling and is under 30 dwellings per hectare.

(2) **Structural Landscaping along eastern, southern and western boundaries**. The aim of this part of the policy is to protect the development from the wider countryside and the Conservation Area and it is considered the existing structural vegetation and the proposed landscape will fulfil these aims. The site already enjoys significant boundary vegetation along the southern and eastern boundaries and it is proposed to plant further native tree/hedgerow planting to these boundaries to strengthen this existing cover. Furthermore, to the east of the adjoining lane, there is a further area of woodland which will provide a further buffer between open countryside. To the southern boundary there will be an area of greenspace where there will be additional hedgerow and tree planting. Further new trees and thicket and hedgerow mixes will be planted in the SW corner and west of the site. Whilst the western boundary with the allotments will be subject to less structural planting, the context of this adjoining land is characterised with views of built form so is less sensitive as a result. It is considered the site achieves this structural landscaping and as such will conserve the wider landscape character through the retention of existing cover and the proposed planting which will be secured and maintained over the long term through a landscape and ecology management plan (LEMP)

(3) **Access is to be taken from Vicarage Road**. The development complies with this requirement and KCC have confirmed the access meets the relevant highway standards in terms of visibility

(4) **Extension of footway along Vicarage Road**. Due to the rural character of the Vicarage Road, the application secures a footpath from the site access to a crossing point to enable residents to safely utilise the existing northern

footpath. These works will be subject to a Section 278 agreement and will become part of the Highway (although the internal roads and parts of the site will be privately maintained). This is considered to meet the aims of the policy in making the site accessible to village along Vicarage Road.

(5) **Improvement to the public footpath to the south of the site**. KCC rights of way have advised. KCC Rights of way have been consulted over the improvement and their response is awaited.

On account of the above, it is considered the scheme would comply with the relevant site specific criteria of H1(65)- and those relevant parts of Policy H1.

Design and Layout

6.05 Policy DM1 of the adopted local plan and Section 7 of the NPPF confirm good design is an integral part of sustainable development. The application will deliver a density which is within the policy parameters and that which is set out in Policy DM12 for villages such as Yalding. The development will retain a green frontage to Vicarage Road with a main spine road which will provide visual permeability through to the open space in the southern part of the site and the Kintons beyond. This frontage and central access will be subject to tree planting and native hedgerows to front gardens and secondary lanes will lead on a E-W basis to provide access to further dwellings. The development will contain a mix of detached, semi-detached dwellings and terraced properties which will provide a mix of 2, 3 and 4 bedroom properties which is considered to accord with the council's housing mix policy SP20. There is one apartment block to the SW of the site which will provide 1 and 2 bedroomed flats. The development is designed with a lower density in the eastern part of the site, in order to address the transition from village to open countryside, with a tighter grain of development in the SW of the site, where this adjoins the village. The scheme will retain its existing trees and hedgerows to its boundaries, which will be strengthened through additional planting and will include an area of open space which will provide access to the playing fields and to the woodland walk area to the south. It is considered the layout achieves the principles of good design as well as retaining important natural features as an integral part of the development.

6.06 The development is on the whole two storey with the exception of two properties which will of a town house design. The buildings will be of a traditional architectural vernacular with variety of architectural features employed through the development, ranging from gable and hipped roof forms, decorative porches and a wide range of materials ranging from brick, weatherboarding and tile hanging to create wider design and visual interest within the scheme. To achieve a good standard of architectural quality as part of the final scheme, planning conditions are recommended to achieve additional architectural features such as greater detail to windows surrounds and reveals, the upper floor treatment of properties and soffits and fascia detail, chimneys along with detailed conditions relating to materials. On the applicant has confirmed plots 64 and 65 which are those properties that are visible from Vicarage Road. Furthermore, the boundary treatments facing onto public open space will also consist of Ragstone. Whilst the apartment block is of greater scale, the building is set away from the boundary with the conservation area and although this will be visible from the allotments, this is considered to be an environment which is more influenced by the urban grain of the village, where views of other properties are possible and so presents a less sensitive context in this regard. In an overall sense, it is considered the range of house types and materials will create a good quality development which reflects the wider design principles and materials of the local area.

6.07 The development will secure a good standard of amenity for future occupiers with all units exceeding the National Floorspace Standards in respect of the relevant unit sizes and there are sufficient separation distances or acceptable relationships between properties to avoid any harm by way of overlooking, overshadowing or outlook issues subject to relevant conditions. In terms of existing properties, the nearest properties are those to the north which back onto Vicarage Road and the nearest proposed properties will be some 35 metres away to the north. On this basis the scheme will secure a good standard of amenity for future and existing occupiers.

6.08 Therefore it is considered the scheme will accord with Policy DM1, DM4 SP19, and section 7 of the NPPF which considers design to be a key part of Sustainable Development.

Heritage

6.09 The preservation of the country's heritage is a key part of sustainable development and have been considered by the application through its layout and design. Concerns have been raised over impacts on the setting of the conservation area and nearby Listed Buildings, notably Warde Moat (Grade II), St Peters Church (Grade I) and a scheduled Ancient Monument which is the Yalding Bridge, which lies some distance to the west. The site does not lie within the Conservation Area although the boundary is approximately 60metres to the west. There is a legal duty to preserve the special character and setting of Listed Buildings and scheduled monuments and there is also to preserve the special character of Conservation Areas, including their setting. The NPPF also states where a development has less than substantial harm on the significant of a heritage asset one must weigh this harm against the public benefits of the scheme, The applicant has produced a Heritage Assessment assessing the significance of these heritage assets and the impacts of the development on the identified assets. Historic England have been consulted regarding the application and its response is awaited.

6.10 Firstly, dealing with the impacts on the Listed Church and its setting, views from the Church Yard are currently disrupted by existing vegetation and there is proposed new landscaping in the form of new tree and thicket planting which will further screen the proposed development. Furthermore, the units closest to the Church Yard are two storey properties which are set some 10 metres into the site which together with the aforementioned screening will limit the impacts of the development. Whilst, it is recognised the site would have previously formed part of land associated with the church, it is considered to have only minor significance in heritage terms. Due to the aforementioned limited intervisibility and the intervening distance, it is considered the development will have a very limited impact on the significance of the Church and its setting and having regard to Paragraph 134 of the NPPF, there would be less than substantial harm caused to the heritage asset.

6.11 The impacts on Warde Moat have also been cited as being affected by the development. The eastern boundary of the site is a heavy tree line and beyond this is a further area of scrub and woodland. Warde Moat is approximately 250 metres from the site and with its access east of the adjoining lane, along Vicarage Road. It is not considered the development will have any impact on this listed building or its setting due to the boundary and intervening vegetation.

6.12 Turning, finally to the conservation area, this covers the historic core of Yalding and its nearest boundary runs to the edge of the churchyard, some 60 metres to the west of the application site. The western boundary of the application site with the more recent burial ground is screened by an hedgerow of around 2 metres but there is a

relatively heavy tree cover further south and which interrupts/obscures views of the development from the churchyard and the conservation area itself. Whilst the site does have some contribution to the setting of the Conservation Area, as it provides a quiet and rural character to the village edge, it is not key characteristic of this designated area nor does it offer any historic or particular special contribution to its designation. Thus the site contributes limited value to the overall significance to the setting of the Conservation Area and causes less than substantial harm to the significance of this designated asset. It is considered the design and layout and landscape approach, which includes heavy planting to the south west of the site, the development will mitigate any impact and the retention and strengthening of the western/south western boundary will maintain the character of the Conservation Area. The conservation officer has reviewed the development and does not have any objections to the scheme.

6.13 It is considered the scheme has taken account of the proximity to the Conservation Area, through the provision of a new landscape buffer and by locating the more modest units nearest to the south western Boundary which will be set back from the boundary. Through the design and layout of the scheme, it is considered the development has conserved the character of the relevant heritage assets in accordance with Policy DM4 and accords with the duties Listed Building and Conservation Area Act 1990. Furthermore, having regard to the tests of Paragraph 132-134, it is considered the development would have less than substantial harm. when weighing the public benefits against such minor impacts, which are given significant weight in decision making having regard to the legal duties, it is considered the wide range of benefits will outweigh these very limited impacts.

Highways

6.14 There have been a number of concerns raised both regarding the suitability of Vicarage Road for the additional traffic brought by the development and also that of congestion on the local highway network, including the route via the Historic bridge towards Lee's Road. The original application for 75 units, before it was amended, was subject to further assessment by the applicant in response to congestion and cumulative impacts on the local highway network. The applicant forecasts 38 trips in the AM peak and 35 trips in the PM peak from the development with an overall daily trip rate of 339 trips. The applicant calculates approximately 91% of vehicles of traffic would head west along Vicarage Road and at the junction with the B2010, 57% of vehicles heading north and the remainder routing south. Traffic surveys were undertaken of this junction which confirm the junction is operating within capacity and this would continue to do so with the additional trips generated by the development. Many respondents have cited the impact of additional trips upon the town bridge and that this is already over capacity in highway terms. The applicant has also undertaken a study on the increase of trips caused by the development and having regard to the forecast flows (with forecast growth and committed development) in 2020, there would be, without the development, 790 (AM) and 794 (PM) trips via Yalding. The development would contribute an additional 22 trips in the AM peak and 20 trips in the PM and would represent a mere 2% increase in this context. KCC highways have reviewed this information and confirm that they have no technical reason to object to the development on the basis of congestion. Notwithstanding this conclusion, it should in any case be noted the application site is an allocated site which formed part of the council's wider strategy where such matters as highway impacts would have been considered at the strategic level and the level of growth in Yalding was considered to be sound by the Local Plan Inspector. Paragraph 32 of the NPPF, states that the development on highway grounds should only be refused if the impacts are severe. It is clear from the decision to allocate the site as a housing site

within the Local Plan process and the absence of any objection from KCC Highways that there would be no grounds to argue the impacts would be severe.

6.15 In relation to other highway matters, in order to facilitate the development the applicant is also proposing a number of improvements to Vicarage Road including the new access from the site, a raised table, speed cushions and warning signs and a 20mph reduction to the speed limit. A footpath will extend from the site access to a crossing point, which will be achieved by tactile paving to create the connection to the existing footpath to the north of Vicarage Road which leads to the village centre. The public footpath to the south which will have links into the development site will also provide connections to the village.

6.16 In the previous scheme of 75 units, KCC Highways raised concerns regarding the use of garages within the parking provision and the potential for obstructions to the main spine road. The applicant has sought to address this matter, through the enlargement of garages and an increase in the level of off road parking. In an overall sense, the application provides for 86% of the parking standards and KCC Highways do not object on the basis the road will remain un-adopted and such impacts from such provision are unlikely to be severe in highway terms.

6.17 In summary, it is considered the scheme will not adversely affect the highway network to the point whereby an objection could be sustained against the development and subject to the imposition of relevant condition including parking retention and highway works, it is considered the development would be acceptable in relation to highway matters. Thus the development would accord with DM1, H1-65 and the relevant parts of the NPPF.

Landscape and Visual Impact

6.18 The site currently enjoys a good standard of structural landscaping on the eastern and southern boundary which will be retained as part of the wider landscape strategy for the site and strengthened through new planting. The applicant has submitted a wider landscape masterplan which seeks to strengthen this existing structure and also create additional strategic landscaping to the west of the site where the site borders the more recent burial ground which itself has a native hedgerow which is fast maturing. The planting will include new semi mature tree planting and hedgerow and thicket mixes which will, in time, largely limit views of the development from the conservation area. Whilst the boundary with the allotment is proposed to consist of close boarded fencing, this is understood to be on the basis of the option agreement with the owners of the allotment and as such a local requirement. In any case, the development will contain tree planting to the southern boundary of the allotments and hedgerow along the western boundary of the site. In any case, it is considered the allotments area is less sensitive in visual terms, as it is an environment related to the built context village where views are already characterised by existing built form. The site will be subject to tree planting along the main access road with an area of open space to the south of the site with further planting and a SUDS attenuation basin which will be planted with wetland species. In order to finalise the overall scheme and the landscape specification it is considered necessary to impose a condition to require the landscape details and its implementation which will also include details of the wetland planting to the SUDS attenuation pond. The LEMP will secure the long term management of this new planting.

6.19 The scheme will create a substantial landscaping buffer through the existing and proposed structure and this together with the intervening space of the playing fields

between the site and open countryside, will ensure the development will not have adverse impacts on the wider countryside character. The new planting and open area that will retained on the Vicarage Road frontage will soften views from Vicarage Road and retain a remnant of the existing landscaped frontage. In views from the footpath and from the wider village to the west, the existing planting structure and new landscaping proposed on the prominent boundary will broadly screen the site in such views. Having regard to the fact, the adopted plan has allocated the land for development and thus accepted some degree of visual impact and loss of openness, the scheme would conserve the character of the countryside in accordance with policy SP17 of the adopted plan and the relevant part of H1-65 which requires structural landscaping to be secured.

6.20 The scheme in its amended form will now seek to open up the area of woodland to the south to allow public access with the route to avoid any significant trees and following existing clearings. At this stage the exact route is only indicative and it is proposed to impose a condition to require further details of such a route which shall be informed by arborcultural evidence and details of its construction to avoid any undue harm to the existing woodland. MBC landscape have no objections to this public access to this woodland or the scheme as a whole on landscape grounds but advise that conditions relation to an arboricultural method statement and landscape detail should be submitted for approval to ensure that the scheme secured a high quality landscape scheme.

Ecology and Landscaping

6.21 The application was accompanied by a Phase 1 Ecology Assessment and further surveys in respect of bats, great crested newts (GCN) and reptiles. The site was considered to present low potential for reptiles and GCN and the bat potential was limited to foraging along the hedge and trees lines. The initial appraisal sets out a range of enhancement measures that can be incorporated into the development to seek gains in biodiversity as per relevant local and national policies. KCC ecology have reviewed this information and consider sufficient information (in terms of assessment) has been submitted to allow a decision to be made and they recommend a Landscape and Ecology Management Plan is submitted for approval to ensure long term management of ecology and landscape considerations within the site which shall include the provision of integral habitat within buildings and across the site and new native planting and landscaping. It is also recommended that a condition is placed to maintain the communal areas of the development including the estate roads to ensure the development is maintained in a good order

Other matters

6.22 The site lies within Flood Zone 1 and the application was accompanied by a Flood Risk Assessment and Drainage strategy and a further addendum was produced to address initial comments by KCC Drainage. Concerns have been raised by residents regarding flooding but the site and its drainage attenuation are all located within Flood Zone 1 and the proposed SUDS layout will restrict run-off rates to greenfield rates. KCC Drainage and the Environment Agency have reviewed the strategy and are content the scheme will be acceptable in terms of flood risk and drainage. This is on the basis the scheme will not cause flooding elsewhere and the proposed layout can incorporate SUDS within the proposed layout and therefore there are no matters which weight against the development on this matter. On this basis the scheme would accord with Paragraph 101 of the NPPF and National Policy in respect of SUDS and it is recommended a condition is imposed to require further detail on the strategy and its management. A condition is also recommended for foul water to

ensure the relevant upgrades to the sewage system in consultation with Southern Water.

6.23 The site will provide 40% affordable housing with a mix of 4 x 1-bed flats, 2 x 2-bed flats, 12 x 2-bed houses and 8 x 3-bed houses. The development will secure a tenure mix of between 55-65% affordable rent and 35-45% shared ownership with the final mix to be agreed and negotiated with MBC Housing. This mix and location of affordable housing within the development site has been reviewed by MBC and it is considered to be acceptable. Thus the development will accord with the SP20 of the adopted local plan.

Heads of Terms

6.38 Any request for contributions needs to be scrutinised, in accordance with Regulations 122 and 123 of the Community Infrastructure Levy (CIL) Regulations 2010. This has strict criterion that sets out that any obligation must meet the following requirements:

It is:

(a) necessary to make the development acceptable in planning terms;

(b) directly related to the development; and

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

6.39 The regulations also mean that planning obligations cannot pool more than 5 obligations of funding towards a single infrastructure project or type of infrastructure (since April 2010).

6.40 During the application KCC have requested contributions to a range of infrastructure affected by the development and this would be secured by a legal agreement should it be resolved to grant planning permission. These include contributions to Primary Education at Yalding Primary School of £3324 per applicable dwelling(£831 per applicable flat) which will amount to a total of £197,778.00. In respect of secondary education KCC request £2359.80 per applicable dwelling (£589.95 per applicable flat) towards secondary education at Maidstone Grammar School which will amount to £140,408.10. KCC also request further contributions towards Community Learning of £1,996.50 (£30.70 per dwelling) which will contribute towards additional flexible courses in Maidstone, £7,536.10 towards Yalding Library (£115.94), Youth Services of £551.85 (£8.49 per dwelling) towards Maidstone area outreach service. Further details are provided in Section 8 below. The proposed ontributions are considered to be justified having regard to the impacts of the development in creating additional demands and pressures on local infrastructure and these monies will assist in creating additional provision or enhancing existing facilities in relation to the identified sectors.

6.41 The development will place additional pressure on local health services and local doctors surgeries and therefore the contribution requested by the NHS of £44,604 which will be spent on improvements to Yalding surgery. This is a key part of the Yalding strategy set out in policy SP16 and is considered to be justified and necessary and proportionate to the likely occupation of the site.

6.42 Whilst the applicant is seeking to provide a 1.29ha of open space (including the woodland) and MBC Parks and Leisure department have requested an amount of £19,950 towards open space provision. At the time of the report, the Parks and Leisure have yet to confirm where this will be spent and this will be updated prior to the committee.

6.45 The above contributions are considered to be CIL compliant and justified in relation to the regulations. The applicant has engaged with the council's legal services to start the drafting of the legal agreement.

7.0 CONCLUSION

7.01 The site is an allocated site within the Council's Local Plan which can be given full weight and the submitted scheme will accord with the policy criteria of H1 and H1(65) which allocate the site for 65 dwellings. The scheme is also an integral part of the strategy for Yalding which is set out in Policy SP16 which seeks to secure contributions for health and pedestrian improvements. The scheme will deliver a mix of housing and affordable housing in accordance with the relevant policies, all of which lend significant weight in favour of the scheme.

7.02 The scheme will also be acceptable on matters such as design, drainage, ecology and trees and whilst there will be very limited impacts upon the setting of the conservation area in the short term and the proposed landscaping and layout will mitigate such effects. Having regard to paragraph 134 of the NPPF, the development will have less than substantial harm and the public benefits of the application will outweigh the identified harm which is itself given significant weight in the balancing test. These benefits include compliance with the housing policies and the wide range of benefits means that the development will accord with the development plan and the presumption in favour of sustainable development will apply in this case.

8.0 RECOMMENDATION

8.01 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):

- The provision of 40% affordable residential units within the application site (Tenure mix to be secured of between 55-65% Affordable Rent and the remainder Shared Ownership. Final mix between these parameters to be agreed with MBC Housing and Head of Planning to be given delegated power to secure this through negotiation with applicant).
- Financial contribution of Yalding Primary School of £197,778.00
- Financial contribution of £140,408.10 towards Maidstone Grammar School
- Financial contribution of £1,996.50 is sought towards community learning and the cost of of providing flexible courses in Maidstone
- Financial contribution of £7,536.10 towards libraries to address the demand from the development towards additional bookstock at Yalding Library
- Financial contribution of £44,604 towards Healthcare at Yalding Surgery
- Financial contribution of £551.85 for Youth Services which will be put towards Maidstone Outreach workers

- Financial Contribution of £4131.40 towards social care and Trinity Foyer Sensory Beds and Rockery

- Open Space Contribution of £19,950 is based upon the off-site provision that cannot be provided on site and will be put towards

GRANT planning permission subject to the following conditions:

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

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

2. Prior to any development above damp proof course level, written details and samples of the materials to be used and incorporated within in the construction of the external surfaces of the buildings which shall include Kentish Ragstone plinths to plots 64 and 65, stock brickwork, Kent peg tile hanging, weatherboarding, and clay and natural slate roof tiles and hard surfaces shall be submitted to and approved in writing by the Local Planning Authority. Once approved the Development shall be carried out in accordance with the approved details.

   Reason: To ensure a satisfactory appearance of development.

3. Notwithstanding the details shown on the approved elevation drawings, prior to the development above damp proof level, further details shall be provided in respect of the elevation detail of the approved dwellings for approval by the Local Authority. These details shall include the following;
   (1) Detail of brick arches to windows
   (2) Reveals around doors and windows
   (3) Extent and detail of first floor cladding including that to all elevations
   (4) Soffit and Facia detail
   (5) Chimneys across the development

   Once approved, the development shall then be undertaken in accordance with these details and retained thereafter;

   Reason: to ensure a satisfactory appearance of development

4. The development hereby approved shall not commence until a method statement for the demolition and/or construction of the development hereby approved has been submitted to, and approved in writing by, the Local Planning Authority. The demolition and construction works shall be carried out in accordance with the approved method statement. Details submitted in respect of the method statement, incorporated on a plan, shall provide for wheel-cleaning facilities during the demolition, excavation, site preparation and construction stages of the development. The method statement shall also include details of the means of recycling materials, the provision of parking facilities for contractors during all stages of the development (excavation, site

preparation and construction) and the provision of a means of storage and/or delivery for all plant, site huts, site facilities and materials.

Reason: To ensure the construction of development does not result in highway safety.

5. All existing trees and hedges on, and immediately adjoining, the site, shall be retained, unless identified on the approved site plan (or block plan in the absence of a site plan) as being removed, except if the Local Planning Authority gives prior written consent to any variation. All trees and hedges shall be protected from damage in accordance with the current edition of BS5837. Any trees or hedges removed, damaged or pruned such that their long term amenity value has been adversely affected shall be replaced as soon as is reasonably practicable and, in any case, by not later than the end of the first available planting season, with plants of such size and species and in such positions to mitigate the loss as agreed in writing with the Local Planning Authority.

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

6. No development including site clearance and demolition shall take place until an Arboricultural Method Statement (AMS) in accordance with the current edition of BS 5837 has been submitted to and approved in writing by the local planning authority. The AMS should detail implementation of any aspect of the development that has the potential to result in the loss of, or damage to trees, including their roots and, for example, take account of site access, demolition and construction activities, foundations, service runs and level changes. It should also detail any tree works necessary to implement the approved scheme and include a tree protection plan.

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

7. The development hereby approved shall not commence above slab level until a landscape scheme designed in accordance with the principles of the Council's landscape character guidance has been submitted to and approved in writing by the local planning authority. The scheme shall show all existing trees, hedges and blocks of landscaping on, and immediately adjacent to, the site and indicate whether they are to be retained or removed , provide details of new planting and the specification, a programme of implementation and long term management plan.

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

8. The approved landscaping will be undertaken and completed in the first planting season following the first occupation of the development hereby permitted. 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

9. Development shall not commence above slab level until details of the proposed pedestrian footpath route through the southern area of woodland has been submitted for approval by the Local Planning Authority. This route shall be informed by arboricultural information in accordance with the current version of BS5837 to ensure a suitable routes is achieved whilst retaining the integrity of the woodland. The report shall also include an Arboricultural Method Statement and include a schedule of any required access facilitation works, a tree protection plan and specific details of the construction of the said footpath with existing and finished levels. Once approved the footpath will be constructed in accordance with the approved details prior to the first occupation of the development and retained in accordance with such details.

   Reason: to ensure integrity of the woodland is maintained as part of the development

10. The development hereby approved shall not commence above slab level until, details of hard landscape works have been submitted to and approved in writing by the local planning authority and the development shall be carried out in accordance with the approved details before the first occupation of the building(s) or land;

    Reason: To ensure a satisfactory appearance to the development.

11. The approved garages hereby permitted shall only be used for vehicular parking and 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 to the garages so as to preclude the parking of a vehicle;

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

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

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

13. No development shall commence on site until a signed S278 Agreement is finalised and ready for signing, covering the following;

- The alterations to Vicarage Road as set out in the Transport Assessment
- The access to Vicarage Lane and appropriate visibility splays
- Pedestrian Footpath from site access and tactile paving to create crossing point to northern footpath

The development shall not be occupied until the Section 278 is complete and highways works covered in the agreement as set out have been completed.

Reason: To ensure compliance with Policy H1-65 (as modified) and to ensure highway and pedestrian safety

14. The development hereby permitted shall incorporate measures to minimise th erisk of crime. No development shall take place until details of such measures, According to the principles and physical security requirements of Crime Prevention Through Environmental Design (CPTED) have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented before the development is occupied and thereafter retained

    Reason: to secure crime prevention and safety of the area

15. Prior the commencement of development above damp proof course, details of EV rapid charge points (of 22kW or faster) should be submitted for approval by the Local Planning Authority. This should be on the basis of one space per 10 residential dwellings (where no dedicated off-street parking is provided) and where dwellings with dedicated off-street parking should be provided with their own charge points for low-emission plug-in vehicles. Once approved, the details shall be implemented prior occupation of the dwellings and retained thereafter

    Reason: to promote sustainable travel and reduce vehicle emissions

16. The development hereby approved shall not commence above slab level until, details of all fencing, walling and other boundary treatments have been submitted to and approved in writing by the local planning authority. Such details shall include ragstone walling on plots or boundaries facing onto public open space and shall include detail of bond, mortar mix and pointing detail. The development shall be carried out in accordance with the approved details before the first occupation of the building(s) or land and maintained thereafter;

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

17. Prior to the commencement of development above damp proof course level details of how decentralised and renewable or low-carbon sources of energy will be incorporated into the development hereby approved shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details and all features shall be maintained thereafter;

    Reason: To ensure an energy efficient form of development.

18. The development hereby permitted shall not be commenced until the following components of a scheme to deal with the risks associated with contamination of the

site shall have been submitted to and approved, in writing, by the local planning authority:
as
1) A preliminary risk assessment which has identified:
- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.
2) A site investigation, based on (1) to provide information for a detailed assessment of the risk to
all receptors that may be affected, including those off site.
3) A remediation method statement (RMS) based on the site investigation results and the detailed risk assessment (2). This should give full details of the remediation measures required and how they are to be undertaken. The RMS should also include a verification plan to detail the data that will be collected in order to demonstrate that the works set out in the RMS are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.
4) A Closure Report is submitted upon completion of the works. The closure report shall include full verification details as set out in 3. This should include details of any post remediation sampling and analysis, together with documentation certifying quantities and source/destination of any material brought onto or taken from the site. Any material brought onto the site shall be certified clean;

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

Reason: To ensure the future development is not at risk from polluntants or contaminants

19. Details of a "lighting design strategy for biodiversity" for the site
shall be submitted to and approved in writing by the local planning authority prior to occupation of the development. The development shall be
carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.

The strategy shall:
a) Identify those areas/features on site that are particularly sensitive for bats and in which lighting must be designed to minimise disturbance, and;
b) Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory or having access to their breeding sites and resting places.
c) Include measures to reduce light pollution and spillage.
All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy.

Reason: In the interest biodiversity protection and visual amenity

20. Development shall not begin until a detailed sustainable surface water drainage design for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage design shall demonstrate that:

i. Surface water generated by this development (for all rainfall durations and

intensities up to and including the climate change adjusted critical 100yr storm) can be accommodated onsite before being discharged at an agreed rate to the receiving watercourse.
ii. Measures to prevent silt, mud and other pollutants from entering the downstream watercourses during construction.
iii. Appropriate allowances for climate change have been incorporated into design.

Reason: In the interests of sustainable drainage.

21. No dwellings hereby permitted shall be occupied until details of the foul water sewerage disposal have been submitted to, and approved in writing, by the Local Planning Authority.'
.
Reason: to ensure adequate drainage to the site

22. No building hereby permitted shall be occupied until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. The scheme Shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:

    i. a timetable for its implementation, and
    ii. a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime.

    Reason: In the interests of sustainability.

23. Prior to the commencement of development the applicant, or their agents or successors in title, will secure and implement:

    i archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and

    ii further archaeological investigation, recording and reporting, determined by the results of the evaluation, in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority

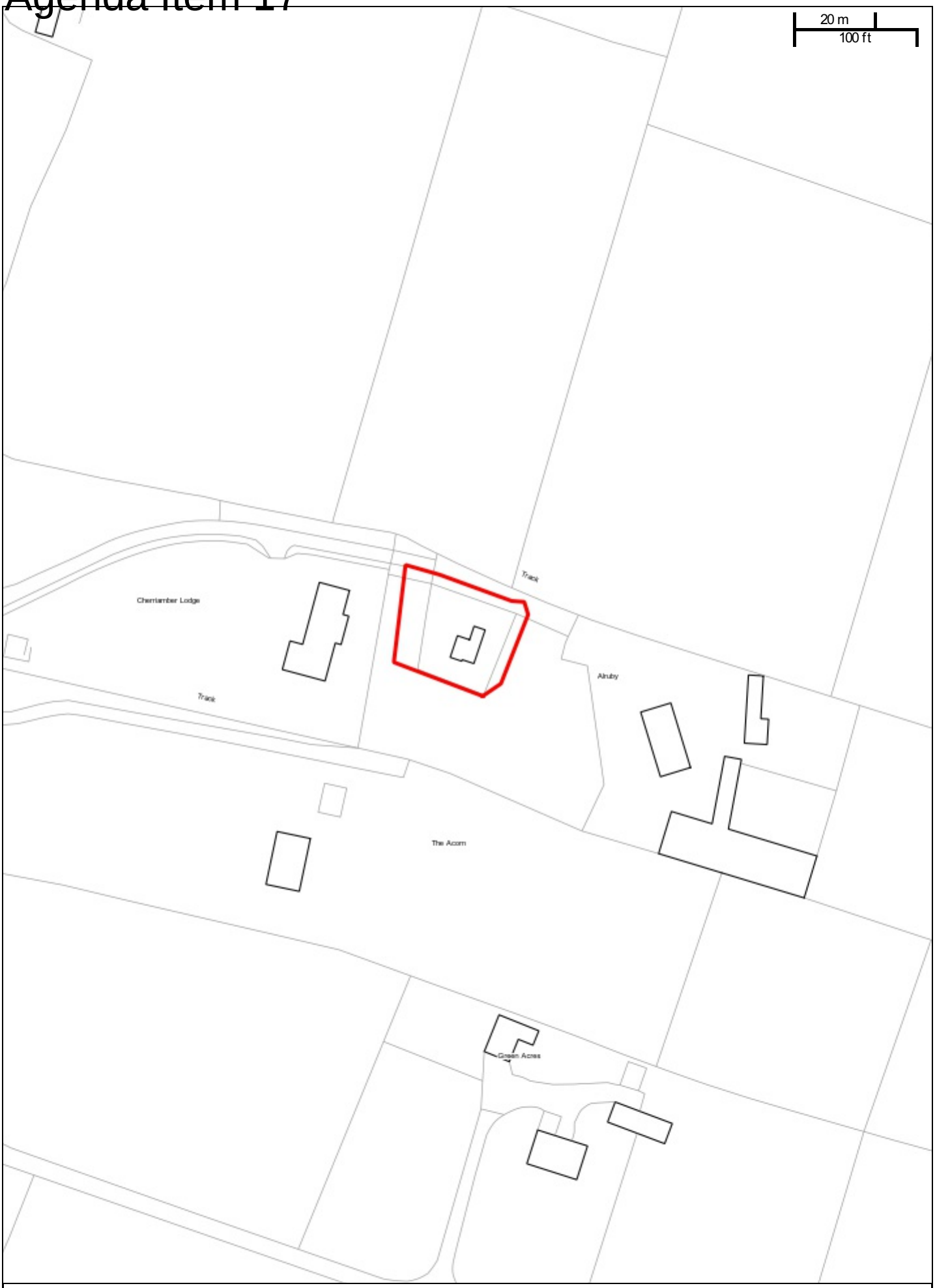
    Reason: To ensure that features of archaeological interest are properly examined and recorded.

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

- Drawing 2855 10 Site Location Plan
- Drawing 2855 100 Rev Q Site Layout Plan
- Drawing 2855 101 Rev L Parking Plan
- Drawing 2855 102 Rev L Tenure Plan
- Drawing 2855 103 Rev M Refuse Strategy

- Drawing 2855 104 Rev O Storey Heights Plan
- Drawing 2855 105 Rev M Unit Mix Plan
- Drawing 2855 106 Rev L Roof Plan
- Drawing 2855 107 Rev L Roof Plan
- Drawing 2855 108 Rev C Street Elevations
- Drawing 2855 110 Rev F Proposed Site Plan
- Drawing 2855 110 Rev F Proposed Site Plan (Without Notes)
- Drawing 2855 201 Rev E House Type B1 Plans & Elevations
- Drawing 2855 202 Rev D House Type B2 Plans & Elevations
- Drawing 2855 204 Rev G House Type D1 Plans & Elevations
- Drawing 2855 206 Rev F House Type E2 Plans & Elevations
- Drawing 2855 207 Rev F House Type F1 Plans & Elevations
- Drawing 2855 209 Rev E House Type G1 Plans & Elevations
- Drawing 2855 210 Rev E House Type G2 Plans & Elevations
- Drawing 2855 212 Rev D House Type G4 Plans & Elevations
- Drawing 2855 213 Rev G House Type H1 Plans & Elevations
- Drawing 2855 214 Rev E House Type H2 Plans & Elevations
- Drawing 2855 215 Rev E House Type H3 Plans & Elevations
- Drawing 2855 216 Rev D House Type H4 Plans & Elevations
- Drawing 2855 217 Rev F House Type AF2-A Plans & Elevations
- Drawing 2855 218 Rev D House Type AF2-B Plans & Elevations
- Drawing 2855 220 Rev E House Type AF3-B Plans & Elevations
- Drawing 2855 224 Rev C Affordable Apartments Elevations 1
- Drawing 2855 226 Rev G House Type E3 Plans & Elevations
- Drawing 2855 227 Rev F House Type F3 Plans & Elevations
- Drawing 2855 228 Rev F Car Ports & Garages Plans & Elevations Sheet 1
- Drawing 2855 229 Rev E Car Ports & Garages Plans & Elevations Sheet 2
- Drawing 2855 230 Rev B House Type L1 Plans & Elevations
- Drawing 2855 232 Rev B House Types AF2-B Plans & Elevations
- Drawing 2855 235 House Type B1 Plans & Elevations
- Drawing 2855 238 House Type D2 Plans & Elevations
- Drawing 2695-LA-01P7 Illustrative Landscape Masterplan

Reason: To clarify which plans have been approved



17/500819 Bungalow at Hill View
Scale: 1:1250
Printed on: 1/11/2017 at 16:57 PM by JulieM

ASTUN TECHNOLOGY
© Astun Technology Ltd

REPORT SUMMARY

REFERENCE NO - 17/500819/FULL		
APPLICATION PROPOSAL – **Detached double garage with pitched roof and storage in the loft space.**		
ADDRESS – Bungalow at Hill View, Yelsted Road, Yelsted, Kent ME9 9UU		
RECOMMENDATION - GRANT PLANNING PERMISSION Subject to planning conditions		
SUMMARY OF REASONS FOR RECOMMENDATION - The proposed detached double garage development compiles with relevant policies of the Development Plan (Maidstone Borough Local Plan (2017), and provisions set out in the SPD for Residential Extensions (2009). There are no adverse impacts on the character and appearance of the application property, the visual amenity of the vicinity of the site, or character and openness of the surrounding countryside and its AONB designation. The detached double garage development does not result in any adverse impacts on the amenities of surrounding occupiers.		
REASON FOR REFERRAL TO COMMITTEE - Stockbury Parish Council has requested that the application be determined by the Planning Committee if the case officer was minded to recommend approval.		
WARD North Downs	**PARISH/TOWN COUNCIL** Stockbury	**APPLICANT** Mr Richard Bearsby **AGENT** Peter Jackson Architects
DECISION DUE DATE 11/04/2017	**PUBLICITY EXPIRY DATE** 10/04/2017	**OFFICER SITE VISIT DATE** 20/03/2017

RELEVANT PLANNING HISTORY

App No	Proposal	Decision	Date
15/506969/FULL	The replacement of existing caravan with a detached bungalow property	PERMITTED	19.11.15
16/502175/FULL	Replacement of existing mobile home with the erection of chalet-style detached bungalow.	PERMITTED	12.05.16

MAIN REPORT

1.0 DESCRIPTION OF SITE

1.01 The application site is an irregular shaped plot of land located within an area of open countryside designated as Area of Outstanding Natural Beauty in the newly adopted Maidstone Borough Local Plan (2017). The site was previously used for the stationing of a caravan, but is now occupied by a chalet-style detached bungalow approved under planning application with reference number 16/502175/FULL.

1.02 The site is accessed by a shared driveway off Yelsted Road, approximately 100 metres to the west of the site. The site has a grassed area to the east, and is bounded by a 1.8m metre fence on the west and south sides. A bungalow known as 'Catharos Lithos' is situated to the east of the site, with 'Cherriamber Lodge' to the west. The surrounding area is rural in character involving undulated landscape with small pockets of sporadic development.

2.0 PROPOSAL

2.01 The proposal is for the erection of a detached double garage with pitched roof and storage in the loft space. The garage is proposed on the south western elevation of the approved bungalow and would be set back from the front elevation of the property by approximately 8 metres. It would be 6 metres in height from the ground level to the highest part of the pitched roof, incorporating a large garage door on its north facing frontage. Due to the change in ground levels from west to eastwards, the height of the garage development would be approximately 2 metres lower when compared with the height of the chalet bungalow at the site. It would have a square shaped foot print with a width of 6.5 metres and depths of 6 metres. An additional door is proposed on the southern elevation of the garage building and an internal staircase to the storage area above.

2.02 The application includes the construction of a driveway approximately 3.5 metres in width and 16.5 metres in length. It extends from the frontage of the garage building to the norther boundary of the site. The application states that the driveway would be constructed with permeable gravel.

3.0 POLICY AND OTHER CONSIDERATIONS

Maidstone Borough-Wide Local Plan 2000: ENV6, ENV22, ENV33
National Planning Policy Framework (NPPF) Paragraphs 56 and 57 of the government guidance in the National Planning Policy Framework.
National Planning Practice Guidance (NPPG)
Supplementary Planning Documents: para. 4.45, 4.46 and 4.47 page 28 of Residential Extensions
Maidstone Local Plan (2017): Policy DM8

4.0 LOCAL REPRESENTATIONS

4.01 The owners/occupiers of dwellings adjoining the site were notified of this application by letter and a site notice displayed. Representations were received from owners/occupiers of High Vistas, The Acorn and Poppy View, objecting to the proposal on the following summarised grounds;

- Overdevelopment of the application site
- Overlooking from previously approved chalet-style bungalow at the site
- The scale of development not in keeping with the character of the area
- The manner in which the application has been submitted in stages represents a circumvention of the planning rules.

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

5.0 CONSULTATIONS

5.01 Stockbury Parish Council objects to the application on grounds that it amounts to overdevelopment of the site and would set precedent for similar developments in the future.

6.0 APPRAISAL

Main Issues

6.01 Existing and emerging development plan policies allows for extensions and alterations to dwellings within the open countryside subject to outlined criterion being met. Therefore, the key issues for consideration and determination in this application for the erection of a detached double garage with pitched roof and storage in the loft space are;

- The impact of the detached garage building on the space surrounding the application property.
- Its' impact on the character and appearance of the general vicinity of the site, the wider countryside and its AONB and SLA designation.
- The impact on the amenities of surrounding residential owners/occupiers.

Visual Impact

6.02 The general character of the area is depicted by small pockets of sporadic developments set within large sized plots of land. Considering that the application site is well screened and set back from Yelsted Road, the proposed double garage building would not have any significant adverse visual impact on the character of the general locality of the site, as it will not be readily visible from within the street.

6.03 The garage development would be sympathetically sited to the western elevation of the property at the site, which is consistent with recommendations set out in the SPD for Residential Extensions. The building would be set back from the front elevation by approximately 8 metres, and therefore, would not appear over dominant or visually harmful when seen in the context of the site. Whilst the built form at the site would be slightly higher when compared with surrounding developments, the addition of the garage building would not significantly overwhelm the form of the host dwelling as suggested by the Parish Council and neighbouring objectors.

6.04 There is a change in ground levels from west to eastwards, and therefore, the garage building would be significantly stepped down by approximately 2.5 metres in relation to the ridge line of the main dwelling. Consequently, the proposed garage development would not significantly detract from the existing character and appearance of the main dwelling or developments in the immediate vicinity of the site.

6.05 The garage building would be screened from the neighbouring dwelling to the west of the site Cherriamber Lodge by the conifer hedges running along the common boundary. It would be sufficiently distanced from the neighbouring dwelling to the east of the site known as Alruby.

6.06 Whilst the proposed driveway would appear slightly disproportionate in width when seen in the context of the site, it would be constructed of permeable gravel which would help soften its appearance. It is recommended that giving the sensitive nature of the site, a condition is included in the grant of permission requiring the retention of the proposed permeable gravel.

6.07 Overall, it is not considered that there would be any significant adverse impacts resulting from the proposed garage development significant enough to raise overriding planning objections to this proposal. The garage development and the driveway would not have any significant detrimental impact on the character of designated AONB.

Residential Amenity

6.08 The proposed garage development is sufficiently distanced from neighbouring properties and screened on the east and western elevations by leylandii boundary hedges. The distances from the rear elevation of the garage building and the neighbourong dwelling to the south would be above 50 metres. Therefore, the existing boundary treatment and separating distances with neighbouring dwellings would maintain acceptable levels of privacy.

Other Matters

6.09 Comments have been received from neighbouring occupiers objecting to the proposals on the grounds that previous assurances given that the approved dwelling would not overlook their property have turned out to be false. Members are reminded that the current submission for the erection of the detached double garage with storage above needs to be assessed on its own merit in the context of the site. The garage proposal would be significantly lower in relation to the ridge line of the main dwelling at the site. The inclusion of a condition restricting alterations would ensure that there is no unacceptable impact on any neighbouring residential dwelling in terms of overlooking and loss of privacy.

6.10 Further comments have been received criticising the manner in which the application has been submitted in stages ostensibly to circumvent planning rules. The existing and emerging development plan allows for extensions and amendments to approved developments. Each proposal submitted is assessed on its on merit in the context of the planning history for the site and existing surrounding neighbouring developments. Therefore, it is not possible for applicants to circumvent planning rules by submitting proposal in an incremental fashion.

7.0 CONCLUSION

7.01 The proposed development, compiles with the relevant policies of the Development Plan (Maidstone Borough Local Plan (2017), and the Supplementary Planning Document for Residential Extensions (2009). There are no adverse impacts on the character, appearance and visual amenity of the vicinity of the site, the surrounding countryside and its AONB designation. The detached double garage development does not result in any unacceptable impact on the amenities of surrounding occupiers.

7.02 The proposal is acceptable with regard to the relevant provisions of the Development Plan, the NPPF and all other relevant material considerations. There are no overriding material considerations to indicate a refusal of planning permission and the recommendation is to approve planning permission subject to the relevant conditions.

8.0 RECOMMENDATION GRANT planning permission subject to the following conditions:

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

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

2. The development hereby permitted shall be carried out in accordance with the following approved plans/drawings nos; 1932/PL/03.2/A, 1932/PL/03.01/A, 1932/PL/03.3/A and 1932/LOC/01.1

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

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

   Reason: To ensure a satisfactory appearance to the development

4. The double garage building with storage space above hereby approved shall only be used for car parking purposes and storage incidental to domestic use of the related dwelling house and for no other purpose whatsoever including residential annex accommodation.

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

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

   Reason: In the interest of the character and appearance of the existing dwelling and residential amenity of neighbourng owners/occupiers.

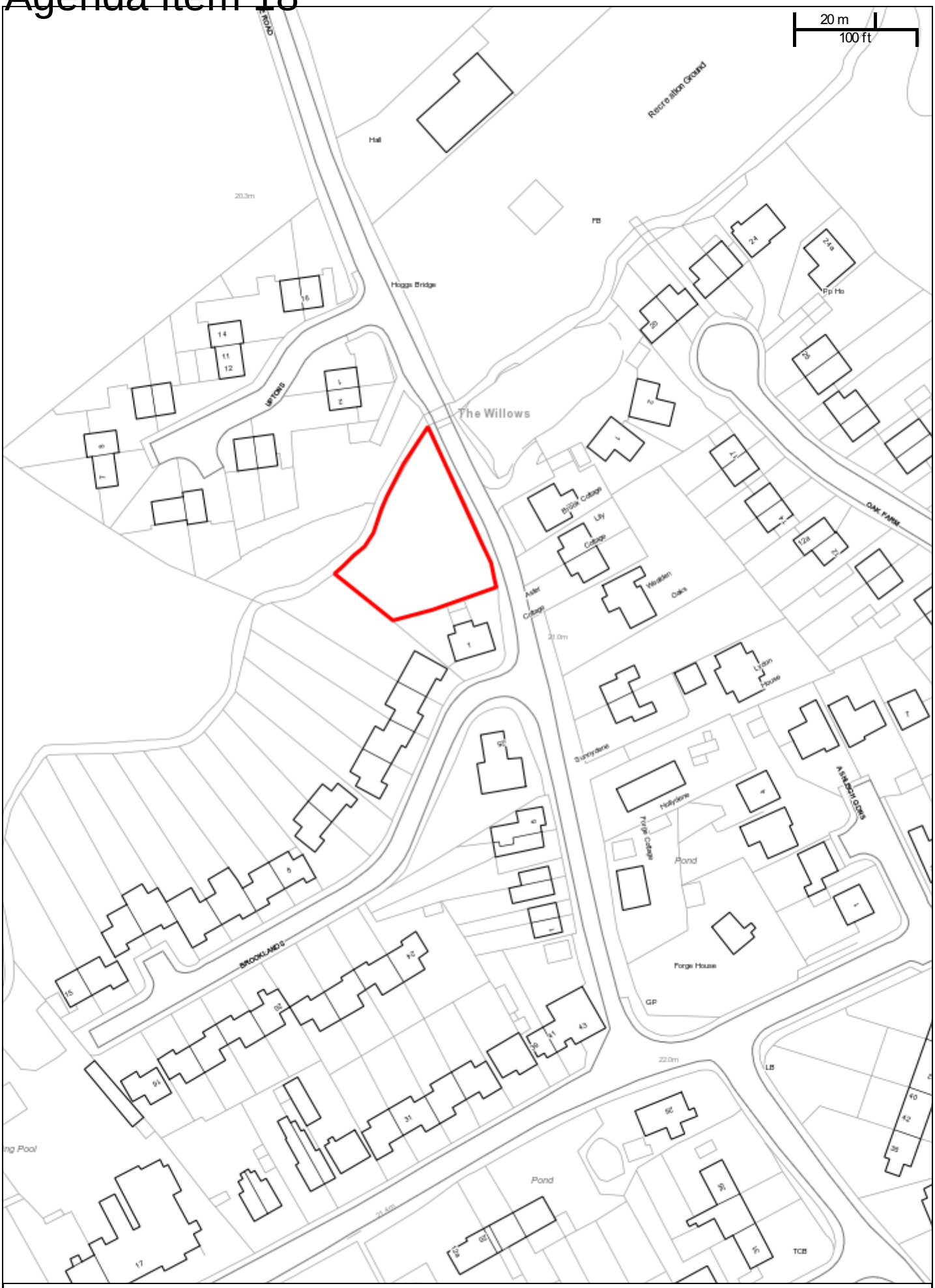
6 The driveway hereby permitted shall be constructed of permeable material and retained as such thereafter to the satisfaction of the Local Planning Authority.

   Reason: To soften the appearance of the development and In the interest of the character and appearance of the AONB.

Case Officer: Francis Amekor

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

Agenda Item 18



17/501308 1 Brooklands
Scale: 1:1250
Printed on: 1/11/2017 at 10:26 AM by JulieM

ASTUN TECHNOLOGY
© Astun Technology Ltd

REPORT SUMMARY

REFERENCE NO - 17/501308/FULL		
ADDRESS 1 Brooklands, Headcorn, Kent, TN27 9QS		
RECOMMENDATION- Grant subject to conditions		
SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL The details are considered to comply with the policies of the Development Plan, where relevant, and the National Planning Policy Framework, and there are no overriding material considerations to indicate a refusal of planning consent.		
REASON FOR REFERRAL TO COMMITTEE Headcorn Parish Council recommends refusal and request referral to planning committee.		
WARD Headcorn	**PARISH/TOWN COUNCIL** Headcorn	**APPLICANT** Mr P Fox **AGENT** E P Architects Ltd
DECISION DUE DATE 05/05/17	**PUBLICITY EXPIRY DATE** 15/05/17	**OFFICER SITE VISIT DATE** 07/04/17
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites): 16/501929/FULL - Erection of 2no detached dwellings in the garden of 1 Brooklands – Withdrawn to address objection raised by the EA. 13/2088 - Single storey side extension to existing dwelling and demolition of detached double garage, subdivision of plot and erection of 1(no) detached dwelling with access and associated works – Withdrawn to address objection raised by the EA.		

MAIN REPORT

1.0 DESCRIPTION OF SITE

1.1 1 Brooklands is a detached two storey residential property located at the junction of Brooklands and Ulcombe Road with frontage and vehicle access onto Ulcombe Road. The house is located in the southern corner of the site with a detached garage located in the northern section with block paving / off road parking between the house and garage. The Ulcombe Road boundary is characterised by a circa 2m high mature hedge to the front of the house, a vehicle access and close board fencing with a hedge behind. The rear garden of 1 Brookland is largely laid to lawn with close boarded fencing along the boundary.

1.2 To the north of the site is a stream. The stream is separated from the site by a 2m high close board fence. The site is located in flood zone 3a according to the EA records.

1.3 The surrounding area is predominantly residential in character, with properties of differing scale, design and age. For the purposes of the Local Plan, the site is within the defined village envelop / urban area of Headcorn. To the east of the site is pair of semi-detached houses that has been approved and constructed within the last 10 years.

2.0 PROPOSAL

2.1 Erection of a pair of semi-detached 3 bed dwellings in the side garden of 1 Brooklands, to the north of the existing house.

2.2 The houses would be two storey with a void below to allow for flood alleviation. A traditional design is proposed with gable ends, pitched roofs and two small pitched roof dormers on the front elevation. Pedestrian access at the front of each house would be via a raised walkway spanning the width of the building. Access to the rear garden would be via a raised veranda at the rear of the building with steps down to the garden. Materials include facing brick at ground level, weatherboarding to the first floor and gables and plan roof tiles.

2.3 The existing hedge along the Ulcombe Road boundary would be retained except for a gap required for the proposed vehicle access which would accommodate two rows of tandem parking (4 cars in total) in the northern part of the site.

Amended plans
Amended plans have been submitted during the course of the planning application to address comments received from the EA and relocate the building / parking area further away from the stream running outside the northern boundary of the site.

3.0 POLICY AND OTHER CONSIDERATIONS

- National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)
- Local Plan (2017): SP1, SP7, DM1, DM9, DM11, DM27

4.0 LOCAL REPRESENTATIONS

4.1 **Local residents:** 3 representations received from local residents raising the following issues:

- The site and road are liable to flooding. In December 2012 there was severe flooding.
- Highways safety.
- Ulcombe Road is not suitable for additional traffic.
- Impact on local sewerage system.
- Additional traffic.
- Insufficient parking provision.
- Loss of light, overshadowing and overlooking to neighbouring property.

4.2 **Headcorn Parish Council:** Objects and requests referral to planning committee for the following summarised reasons:

- Gross overdevelopment
- Location in a flood plain
- Parking for provision for the existing property

5.0 CONSULTATIONS

KCC Highways: The proposal does not met criteria for consultation with KCC.

EA: No objections subject to conditions.

KCC Ecology: No objections subject to conditions.

MBC Environmental Health Officer: No objections

6.0 APPRAISAL

Principle of Development

6.1 The site is located in the residential urban area of Headcorn as defined on the saved and emerging policy maps. Headcorn is designated as a rural service centre in the new local plan and policy SP5 and SP7 of the new local plan state that outside the Maidstone urban area, rural service centres are the second most sustainable settlements in the hierarchy to accommodate growth. Policy SP5 and SP7 support, (inter alia) minor development such as infilling and redevelopment of appropriate sites. Policy DM11 of the new local plan supports development of residential garden land in rural services centres subject to certain criteria. Saved policy H27 allows new minor residential development within the village envelope.

6.2 Having regard to the above policies I consider the principle of additional residential development on garden land at this property within the rural service centre to be acceptable.

6.3 Key considerations are flooding, design, amenity (future occupiers and neighbours), highways safety and parking.

Visual Impact

6.4 The proposed development would be clearly visible from close range views outside the site on Ulcombe Road. The existing boundary hedge would be retained and enhanced and would screen the void area, elevated walkway and majority of the ground floor of the proposed development. A new gap in the hedge would provide access to the vehicle parking spaces.

6.5 The surrounding area is characterised by a variety of residential properties including a recently constructed semi-detached pair on the opposite side of Ulcombe Road. The front building line would reflect the established building line to the south of the site and the existing hedge along Ulcombe Road would be retained with the proposed development located behind the hedge. The bulk of the proposed ridge line would reflect the height of the existing property at 1 Brookland with the gable sections extending slightly higher, which is considered to be acceptable at this section of Ulcombe Road as the existing properties located to the north would not be viewed in the same streetscene context. The fenestration heights / alignment at ground and first floor level would reflect the fenestration at 1 Brookland Road. Objections have been raised regarding overdevelopment of the site. In this regard both proposed houses would provide adequate rear gardens, road frontage boundary treatment would be retained and enhanced and distances to the side / shared boundary would be similar to neighbouring residential properties. As such I consider that the proposed layout and traditional form and design would reflect the surrounding residential development in this part of Headcorn in accordance with policy DM1 and DM11. A condition is recommended to ensure good quality materials are used that reflect the local vernacular of the area.

Residential Amenity

6.6 The closest residential property to the proposed development would be the existing property at 1 Brooklands located to the south of the site. There are not considered

to be any unacceptable amenity impacts upon this property due to the orientation of the proposed development and location of proposed and existing windows.

6.7 Residential properties to the north and west of the site would not be affected due to the separation distances involved and natural screening.

6.8 The property located on the opposite side of Ulcombe Road has raised objections regarding loss of light, overshadowing and loss privacy. The development would be located some 18m from the house on the opposite side of the road and, Ulcombe Road, which is a public highway, would be located between the proposed development and neighbouring property. It is therefore considered that the proposal would not result in an unacceptable loss of amenity to this neighbouring property.

Highways

6.9 The proposal includes four parking spaces in total, two tandem parking spaces for each property. The parking provision is in accordance with the councils saved and emerging parking policy. Two off-street parking spaces would be retained at 1 Brookland Road. There would be no on-site turning area and future occupiers would have to either reverse onto the site or road. This is a similar arrangement to existing houses on Ulcombe Road, including the semi-detached pair recently constructed opposite 1 Brookland Road and, does not warrant a sustainable reason for refusal.

6.10 The proposed development would not result in a significant increase in traffic generation or severe highway impact to warrant an objection in highways terms.

6.11 Cycle storage is proposed to the rear / side of each house in accordance with policy.

Landscaping

6.12 The existing hedge along Ulcombe Road would be retained with the development located wholly behind this existing boundary feature. The retention of the boundary hedge would reflect the boundary treatment to the south of the site at 1 Brookland Road. A condition could be attached to ensure any gaps in the hedge are filled in and the hedge is extended across the frontage where possible as shown on the proposed layout plan. The rear gardens would be laid to lawn.

6.13 One small apple tree would be removed to facilitate the proposed development. The tree is not protected by a TPO and is not visible from a public vantage point such that its proposed removal does not warrant objection. In accordance with policy I consider it would be appropriate to provide a new tree as mitigation which could be secured by condition.

Flooding

6.14 The EA has advised that the application site is located within flood zone 3a and neighbours have objected to the proposed development on grounds of flooding. The development has been designed following advice from the EA and applicants flood specialists and the semi-detached pair would be raised above ground level with a void below the houses to allow flood water to flow unobstructed over the site. Following the submission of a revised layout the EA does not raise any objections to the proposed development subject to a condition requiring a buffer zone to safeguard the existing water course as delineated by the existing fencing and shown on the submitted site layout. The buffer zone would safeguard the existing watercourse buffer zone and ensure no outbuildings / extensions are built and would be secured by condition 2.

6.15 The FRA advises that safe access can be provided to the site as Ulcombe Road is located above the predicted flood water level and the driveways will also be above the predicted flood water level. The design / ground floor height and raised access would ensure the properties and residents are safe at times of flooding and the void area below the houses would ensure there would be no loss of flood plain storage.

6.16 The EA has advised that the sequential test should be applied by the LPA. The application site comprises part of the applicants residential garden and there are not considered to be any alternative appropriate sites for the purposes of the sequential test. The EA has advised that the proposed development would pass the exception tests and does not raise an objection in terms of increased flood risk to neighbouring properties or to future occupiers of the site.

Ecology

6.17 The application is accompanied by a preliminary ecology survey which indicates that the site comprises a managed residential garden land and offers negligible potential for amphibians and reptiles, no potential to support the hazel dormouse. The site and surroundings offer potential to support breeding birds and bats. With the exception of the apple tree in the rear garden the trees and hedgerows within / adjacent the site would be retained thus continuing to support these species. The ecology report advises it is unlikely that water voles are present, however, surveys are recommended as a condition (as suggested by the ecology report and EA) to ensure they are not present and safeguard their habitat during the course of the construction.

Other issues

6.18 Impact on the local sewerage system has been raised by a neighbour. Connection to the local sewerage system would fall within the remit of Southern Water and is controlled under the Water Industry Act.

7.0 CONCLUSION

7.1 It is considered that 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. I therefore recommend approval of the application on this basis.

8.0 RECOMMENDATION – GRANT Subject to the following conditions for the following reasons:

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

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

(2) No development shall take place until a scheme for the provision and management of a buffer zone no less than that currently delineated by the existing fence line alongside the watercourse shall be submitted to and agreed in writing by the Local Planning Authority. Thereafter the development shall be carried out in accordance with the approved scheme and any subsequent amendments shall be agreed in writing with the Local Planning Authority. The buffer zone shall be kept free from built development including lighting, domestic gardens and formal landscaping. The scheme shall include:

- plans showing the extent and layout of the buffer zone.
- details of any proposed planting scheme (to be of native species).
- details demonstrating how the buffer zone will be protected during development and managed/maintained over the longer term.

Reason: To safeguard the existing watercourse buffer zone during the construction and thereafter.

(3) No development shall take place until a report detailing water vole surveys carried out between April and September by a competent surveyor has been submitted to the Local Planning Authority. The report should detail the results of surveys carried out within the most recent survey season and, if present, include a plan for the protection of the species and their habitat:

Such a plan should include:

- detailed drawings of the location and construction of the proposed development (including timing of works, methods and materials to be used);
- details of how water voles and their resting places are to be protected during construction works;
- a scheme for the long-term management and protection of the water vole population and its habitat;
- details of mitigation and / or compensation for the loss of habitat used by the water vole
- the design, construction, mitigation and compensation measures should be based on the results of a survey carried out at an appropriate time of year by a suitably experienced surveyor using recognised survey methodology.

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

Reason: In the interest of wildlife protection during the construction and thereafter.

(4) The approved details of the parking 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) 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 is likely to lead to parking inconvenient to other road users and in the interests of road safety.

(5) The development hereby approved shall not commence above slab level until, details of all fencing, walling and other boundary treatments have been submitted to and approved in writing by the local planning authority and the development shall be carried out in accordance with the approved details before the first occupation of the buildings and maintained thereafter;

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

(6) Prior to commencement of development above damp proof course level, written details of a scheme of landscaping shall be submitted to and approved in writing by

the Local Planning Authority which shall include a long term management plan. The scheme shall be designed using the principles established in the Councils adopted Landscape Character Assessment and Landscape Guidelines;

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

Reason: To ensure a satisfactory appearance to the development.

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

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

(8) The development shall not commence above slab level until written details and samples of the materials to be used in the construction of the external surfaces of the building, including those of the roof, elevations, hard surfaces and retaining walls, hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Proposed materials shall include details of bat/bird bricks/boxes incorporated into the building. The development shall be constructed using the approved materials;

Reason: To ensure a satisfactory appearance to the development.

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

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

(10) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification) no development within Schedule 2, Part 1, Class(es) A,B, D, E, to that Order shall be carried out without the permission of the local planning authority;

Reason: To safeguard the character and of the surrounding area and to safeguard flood risk.

(11) The development hereby approved shall not commence above slab level until a landscape scheme designed in accordance with the principles of the Council's landscape character guidance has been submitted to and approved in writing by the local planning authority. The scheme shall show all existing trees, hedges and blocks of landscaping on, and immediately adjacent to, the site and indicate whether

they are to be retained or removed [provide details of on site replacement planting to mitigate any loss of amenity and biodiversity value [together with the location of any habitat piles] and include a planting specification, a programme of implementation and a [5] year management plan. The landscape scheme shall specifically address the need to provide a replacement tree and details of the frontage hedgerow.

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

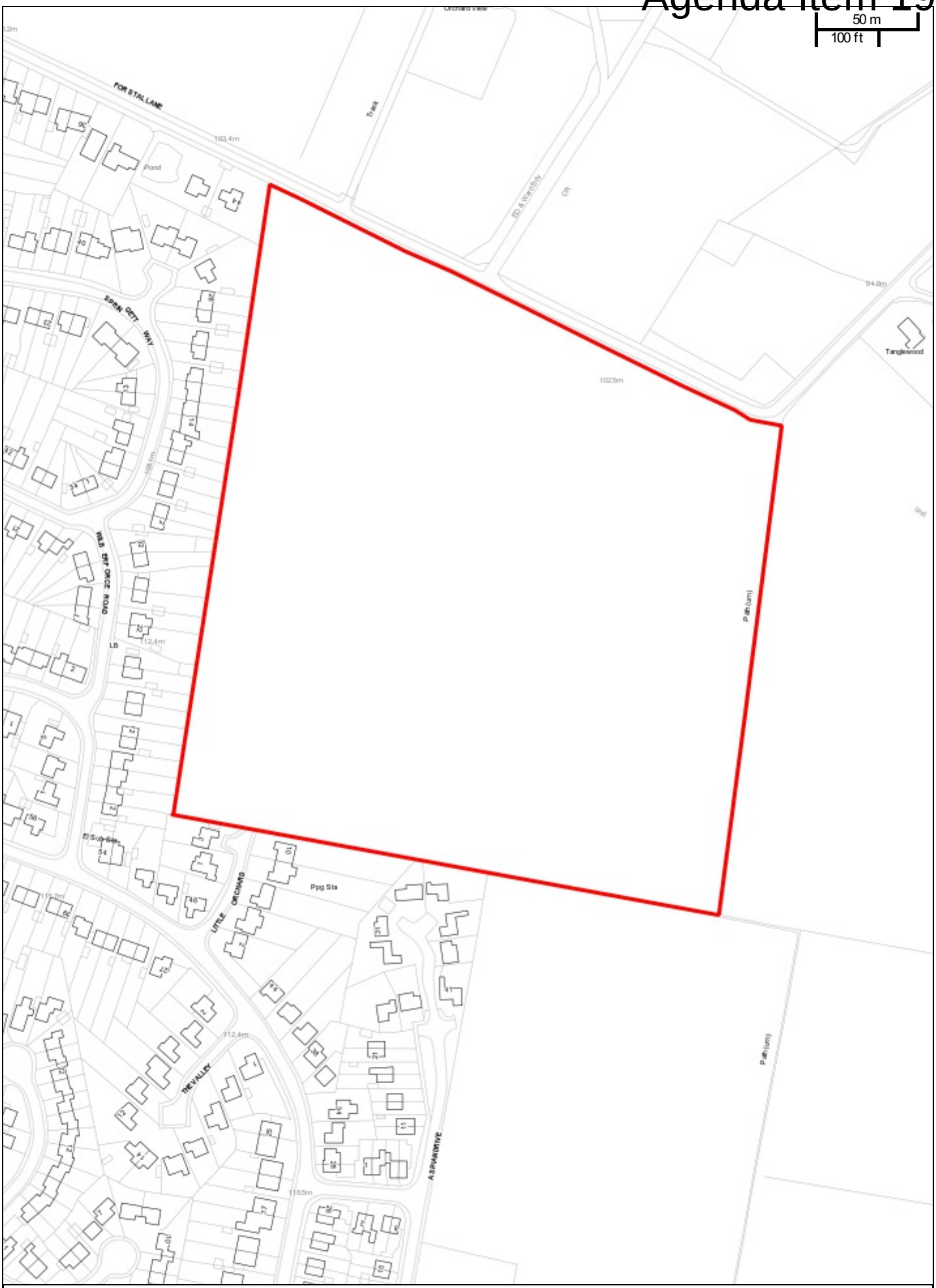
(12) The development hereby permitted shall be carried out in accordance with the following approved plans:

1692.P.101 Rev B; received 26.09.2017 and 1692.P.100 Rev B; received 21.07.2017 and 1692.P.100, 1692.P.101 and 1692.E.01; received 08.03.2017. And supporting documents: KB Ecology Preliminary Ecological Appraisal; dated 16th December 2015 and Arboricultural Report; date January 2016.

Reason: To clarify which plans and documents have been approved.

Andrew Jolly

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



17/502072 Site H1 Forstal Lane
Scale: 1:2500
Printed on: 1/11/2017 at 10:30 AM by JulieM

N

ASTUN TECHNOLOGY
© Astun Technology Ltd

REPORT SUMMARY

REFERENCE NO - 17/502072/OUT		
APPLICATION PROPOSAL - Outline Application for residential development for up to 210 dwellings together with access off Forstal Lane, 1.85 hectares of open space and associated infrastructure (Access being sought).		
ADDRESS – Land South of Forstal Lane, Coxheath,		
RECOMMENDATION – **Approve subject to conditions and completion of a legal agreement**		
SUMMARY OF REASONS FOR RECOMMENDATION – The application relates to a housing allocation H1-58 within the adopted plan which was adopted at the Full Meeting of the 25th October 2017. Whilst the current application proposes dwellings in excess of that set out in the policy H1-58 the policy does allow flexibility and as it is an outline scheme, it is considered there is scope to secure a high quality scheme at the reserved matters stage including a substantial area of open space and the other matters relevant to the policy. Therefore the development of the site is acceptable in principle and the development would accord with the relevant policy criteria. Furthermore, the submitted documents demonstrate the site is capable of accommodating the proposed quantum of development having regard to any identified constraints and also demonstrate the wider impacts of the development are acceptable or can be mitigated. Whilst the reasons for deferral are noted, these matters have been addressed by the applicant and there are no material considerations which suggest a different recommendation should be reached. Therefore it is considered the development will accord with the NPPF and the adopted strategy for the Borough and Coxheath and therefore it is recommended outline planning permission is granted for the development subject to the relevant conditions and legal agreement.		
REASON FOR REFERRAL TO COMMITTEE - • Major Development • Coxheath Parish Council object to the application and wish for the application to be heard at the committee		
WARD Coxheath and Hunton	**PARISH/TOWN COUNCIL** Coxheath	**APPLICANT** Charterhouse Property Group **AGENT** Simply Town Planning
DECISION DUE DATE 24.7.2017	**PUBLICITY EXPIRY DATE** 2.6.2017	**OFFICER SITE VISIT DATE** 15.5.2017

RELEVANT PLANNING HISTORY

App No	Proposal	Decision	Date
	None directly relating to the site		
14/0836	Adjoining site to the south. Construction of 130 dwellings (site-H1-59 – Reg 19)	Approved	17.9.2015

1.0 MAIN REPORT

1.1 The application was deferred at the committee of the 14th September 2017 to enable the following matters to be addressed and reported back to the committee for decision;

- The possibility of a southern access and mitigation of existing

proposed access.
- The possibility of including contributions for a late night bus service within the heads of terms of the Section 106 legal agreement.
- Whether the contributions to Southborough Primary School have already been pooled and the feasibility of taking the contribution to Coxheath Primary School.
- Whether the eastern edge of the development could be rounded to provide a more natural boundary.
- Whether the open space can incorporate woodland and scrub to soften views and enable a habitat for wildlife.

1.2 The full committee report is attached as **Appendix 1**.

1.3 Following the deferral of the application, the applicant has met with KCC highways and the landowner of one of the ransom strips to the south of the site. Furthermore, the applicant has undertaken costings of these alternative access options in relation to the access proposal to Willow Grange and also met with the landowner of one of the ransom strips to the south of the application site.

2.0 Proposal:

2.1 The proposals relates to the outline application for access to Forstal Lane and construction of 210 units, open space, landscaping and parking.

2.2 The full description is set out in the original committee report at **Appendix 1**

3.0 CONSULTATIONS

3.1 Since the previous committee, a meeting between the applicant and the landowner holding one of the ransom strips to the south and a further meeting between the applicant and KCC Highways has taken place regarding the access to Forstal Lane.

3.2 Since the report was issued, 35 further comments have been received regarding the alternative access, namely those people who reside in the Willow Grange development (although it should be noted this development is still under construction) who object to the access being taken through the new development. They object on the basis they reside in a cul-de-sac and brought their properties on this knowledge rather than being the main thoroughfare for a further 210 homes. A further 2 comments from residents have been received who object to the Forstal Lane access

4.0 APPRAISAL

4.1 There has been change in context since the committee meeting on September, in that Local Plan has now been formally adopted at the committee meeting at the 25th October 2017 and thus now forms the development plan for the area. Therefore, Planning Law dictates that applications shall be considered in accordance with the development plan unless other indications indicative otherwise. Therefore the policy relating to the application site, H1-58, should be given full weight which includes the relevant policy requirements to this deferral, that of access Forstal Lane only and that the southern boundary shall be maintained to provide a separation between developments.

Access option

4.2 Since the deferral, the landowners have met with the adjacent landowners and undertaken more work regarding the potential for an access through the new estate to the South. Following this additional investigation, it remains the officer view that the requirement to utilise an alternative access to the south is unreasonable and unjustified. This on the basis of the following factors;

- The policy position has become much clearer as the Local Plan is now adopted and should be given full weight, including the policy requirement to access Forstal Lane only and to retain a southern break between development. Therefore, there would have to be strong and reasonable material considerations to justify an alternative approach which is not considered to be the case here.
- The alternative access would require access over two areas of land not owned by the applicant (two ransom strips) which would place the delivery of the development into serious question. Having regard to the compliance with adopted policy, there is no requirement to place the delivery of the development in jeopardy. Any condition relating to the alternative access would not meet the test of the NPPG relating to planning conditions.
- There are no objections to the Forstal Lane access on highway grounds and this has been reviewed by KCC Highways and found to be acceptable.
- Furthermore, the applicant has reviewed the costs for the alternative access having costing report undertaken by Aecom. Using their calculations, the new access route would be approximately £387,000 more expensive to utilise a southern access and the landowners of the first ransom strip have informed the applicant that 2.25 million would be required for the ransom strip (would be reduced to 1.75 million if a roundabout was required). This does not take into account there is a further additional ransom strip to the south understood to be owned by Countryside Properties.
- The costs of the new access are understood to be more than the access to Forstal Lane on account of the engineering works required to create a level access into the Willow Grange on account of the topography of the site near the boundary.
- On the point of Landscape, MBC Landscape have reviewed the potential impacts of the alternative route and consider this would be potentially contrary to the Maidstone Landscape Character Guidelines as it would potentially not respect the existing topography and the valley formation of the site.

4.3 On account of the Forstal Lane access being acceptable in principle and in technical terms, there have been no studies to properly assess the impacts of the alternative access and thus any amendment to the scheme would essentially require a new application and cannot be simply amended and would require a new application. For example all the studies and assessments that accompany the application relate to the use of the access onto Forstal Lane and the amendment would also require significant amendments to the application including changes to the red application site. In any case the applicant has confirmed they would not pursue this alternative access due to the uncertainties outlined above. There is also badger presence along this southern boundary although this is noted this was presented to the previous committee.

4.4 On the basis of the above policy position and the reliance on two areas of third party land which puts into question the delivery of the site, it is considered it is unreasonable and unjustified to require the applicant to utilise the alternative access through the new estate. The applicant has received a legal opinion on the reasonableness of the requirement for an alternative access and that should the

application be refused, there would in his opinion be a good chance of an award of full costs award on the basis of unreasonable behaviour.

4.5 Therefore on the basis this matter has been investigated and that it is not considered justified to require the applicant to secure an alternative access route and the additional uncertainty would place on the development, it is considered this matter has been adequately dealt with. This is further reinforced by the fact the applicant has confirmed the Forstal Lane will remain access to the proposals.

4.6 On the matter of the access to Forstal Lane, the access design has been further developed through discussions with KCC Highways in order to prevent access eastwards towards Well Street. This access has been considered to be acceptable and that the final design can be secured at the Section 278 stage. A relevant condition is recommended as part of any planning permission.

Bus Services

4.6 KCC Highways and their Sustainable Travel Team have been consulted over the potential need for a contribution towards a night time bus service and they have confirmed there is no identified need or justification for such a contribution. On this basis of this response and the fact no other development was required to pay towards such a scheme, it is considered a contribution would be unjustified and would not meet the CIL Tests.

.

Education

4.7 KCC Economics have been consulted over the destination of the contributions in respect of the Primary school and they have confirmed the Coxheath Primary School expansion has been fully funded and there is no opportunity or requirement for further funding. The strategic expansion for education for this area is taking place at Southborough Primary School and thus the contributions as proposed remain valid.

Open Space and Ecology.

4.8 The application is an outline application with matters of landscaping and layout to be reserved for later determination and a planning condition is recommended to require at least 1.85ha of open space to be provided which is in excess of the policy requirements. The S106 seeks to secure a LEMP which will secure wider ecology and landscaping enhancement which will be managed in perpetuity. The LEMP and the later reserved matters application can secure a more natural boundary to the built development and if necessary, in combination with the S106, secure woodland or other scrub within the LEMP/open space area. The LEMP will contain a requirement to submit details of a planting specification and the reserved matters landscaping application can be designed to address councillor comments. If necessary an informative can be placed that would require the reserved matters application to be considered at Planning Committee.

4.9 On this basis, it is not considered any further information is required and this matter has been dealt with.

5.0 CONCLUSION

5.1 Following the deferral of the application on the 14th September, the applicant has provided further information on the matters raised by councillors and it is considered the requirement to utilise a new access through Willow Grange is both unjustified and unreasonable having regard to the policy position, the additional cost and uncertainty to the delivery of the development as well as potential landscape impacts. Also due to the significant change in the development it is also not considered the application could be amended and thus would essentially require a new application. In respect of the other matters raised by the committee, these can either be dealt with by planning condition or the S106 and further evidence confirms the original approach to the matters of the primary school and bus contributions were justified. Thus it is the officer view that the original recommendation remains valid and the development remains acceptable in planning terms.

7.0 RECOMMENDATION

RECOMMENDATION - Subject to the prior completion of a legal agreement, in such terms as the Head of Legal Services may advise, to provide the following:

- The provision of 40% affordable residential units within the application site (Tenure mix to be 70 Affordable Rent, 30% Shared Ownership).
- The securing of a LEMP for the management of the Open Space and management of other communal areas within the development.
- Financial contribution of £3324 per applicable house (£831 per applicable flat) for Primary Education and towards permanent expansion to 2FE of South Borough Primary School
- Financial contribution of £2359.80 per applicable house dwelling (£589.95 applicable flat) towards Secondary Education and the cost of Phase 2 expansion at Maidstone Grammar School
- Travel Plan and monitoring fee of £5,000
- Financial contribution of £1,500 per dwelling towards the Linton Crossroads Improvements scheme
- Financial contribution of £30.79 per dwelling is sought towards community learning and the cost of additional portable equipment in Maidstone
- Financial contribution of £48.02 per dwelling is sought towards libraries to address the demand from the development towards additional bookstock (supplied to Coxheath Library).
- Financial contribution of £360 per person towards Healthcare at Stockett Lane surgery and Orchard.
- Financial contribution of £8.49 per dwelling for Youth Services which will be put towards Coxheath youth workers

- Financial Contribution of £63.56 per dwelling is sought towards Social Care and Trinity Foyer Sensory beds and rockery

- Open Space Contribution of £880 per dwelling) is based upon the off-site provision that cannot be provided on site to be used towards ….

  - Whitebeam Drive Play Area – improvements to the surfacing of the play area and access to the site including pathways and gates.

  - Teen Facilities – infrastructure to engage teenagers with the open space at Stockett Lane to replace the existing "teen shelter"

  - Access to Outdoor Sports and Amenity Green Space (Linden Road) – improvements to pathways, signage and access points to the outdoor space from Linden Road to improve accessibility for the local community

  - Car park for Outdoor Sports and Amenity Green (Linden Road) – improve access and visual appearance to encourage greater use of open space

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

.

1. The development hereby approved shall not commence until approval of the following reserved matters has been obtained in writing from the local planning authority:

   1. Scale

   2. Layout

   3. Appearance

   4. Landscaping

   Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.

   The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later;

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

2. The reserved matters application relating to landscaping should including a full landscaping plan and specification which is based upon the opportunities and mitigation measures set out in the Maidstone Landscape Character Guidelines and should include native species and species which are good pollinators for local wildlife. The landscaping should also include a specification to require the length of

the PROW to the east of the site to be upgraded to bounded surface made up of loose materials.

Reason: to give clarity on the appropriate type of landscaping which is suitable to the local area.

3. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

   i. The parking of vehicles of site operatives and visitors
   ii. Loading and unloading of plant and materials
   iii. Wheel washing facilities
   iv. Measures to control the emission of dust and dirt during construction
   v. A scheme for recycling/disposing of waste resulting from demolition and construction works
   vi. Provision of measures to prevent the discharge of surface water onto the highway.

   Reason: In the interest of highways safety.

4. Prior to the commencement of development the applicant, or their agents or successors in title, will secure and implement:

   i archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and

   ii further archaeological investigation, recording and reporting, determined by the results of the evaluation, in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority

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

5. All existing hedges shall be retained, other than the part required to create the approved access, unless removal has been agreed in writing. Such hedgerows shall be protected over the course of the construction of the development and retained thereafter as part of the landscaping scheme to the site

   Reason: in order to maintain existing landscaping and wildlife habitat

6. The development shall not commence for the relevant phase until an Arboricultural Method Statement in accordance with BS5837:2012 has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

7. The development hereby approved shall not commence until details of tree protection in accordance with the current edition of BS 5837 have been submitted to and approved in writing by the local planning authority. All trees to be retained must be protected by barriers and/or ground protection. No equipment, plant, machinery or materials shall be brought onto the site prior to the erection of approved barriers and/or ground protection except to carry out pre commencement operations

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

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

8. Development shall not begin until a detailed sustainable surface water drainage design for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage design
shall demonstrate that:

   i. Surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100yr storm) can be accommodated onsite before being discharged at an agreed rate to the receiving watercourse.
   ii. Measures to prevent silt, mud and other pollutants from entering the downstream watercourses during construction.
   iii. Appropriate allowances for climate change have been incorporated into design.

   Reason: In the interests of sustainable drainage.

9. No building hereby permitted shall be occupied until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. The scheme Shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:
   i. a timetable for its implementation, and
   ii. a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime.

   Reason: In the interests of sustainability.

10. Where infiltration is to be used to manage the surface water from the development hereby permitted, it will only be allowed within those parts of the site where it has been demonstrated to the Local Planning Authority's satisfaction that there is no resultant unacceptable risk to controlled waters and/or ground stability. The development shall only then be carried out in accordance with the approved details.

    Reason: To protect vulnerable groundwater resources and ensure compliance with the National Planning Policy Framework.

11. A minimum of 10% of the properties hereby permitted shall be provided to a Lifetime Homes standard.

    Reason: In the interests of good design.

12. Details of a "lighting design strategy for biodiversity" for the site
    shall be submitted to and approved in writing by the local planning authority prior to occupation of the relevant phase of the development. The development shall be

carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.
The strategy shall:
a) Identify those areas/features on site that are particularly sensitive for bats and in which lighting must be designed to minimise disturbance, and;
b) Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory or having access to their breeding sites and resting places.
c) Include measures to reduce light pollution and spillage.
All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy.

Reason: In the interest biodiversity protection and visual amenity

13. Prior to the commencement of development an ecological design and management strategy (EDS) addressing mitigation, habitat creation, management and enhancement, has been submitted to and approved in writing by the local planning authority. The EDS shall include the following:

    a) Purpose and conservation objectives for the proposed works.
    b) Review of site potential and constraints.
    c) Detailed design(s) and/or working method(s) to achieve stated objectives, including the creation of an appropriately sized nature conservation area
    d) Extent and location/area of proposed works on appropriate scale maps and plans.
    e) Type and source of materials to be used where appropriate, e.g. native species of
    local provenance.
    f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
    g) Persons responsible for implementing the works.
    h) Details of initial aftercare and long term management and maintenance.
    i) Details for monitoring and remedial measures.
    j) Swift bricks and bat boxes integral to buildings, wildlife friendly gullies, and retention of cordwood on site.

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

    Reason: To protect and enhance biodiversity.

14. The reserved matters application for layout will secure 1.85 hectares of open space which will include childrens play space as part of the final development.

    Reason: to ensure compliance with Policy H1-58 (as modified and DM19 (as modified) of the adopted plan to create a good quality area of open space to serve the development

15. Due to the scale of this proposal, a calculation of pollutant emissions costs from the vehicular traffic generated by the development should be carried out, utilising the most recent DEFRA Emissions Factor Toolkit and the latest DEFRA IGCB Air Quality Damage Costs for the pollutants considered, to calculate the resultant damage cost.9

-Identifying the additional trip rates generated by the proposal (from the Transport Assessment);
-The emissions calculated for the pollutants of concern (NOx and PM10) [from the Emissions Factor Toolkit];

The air quality damage costs calculation for the specific pollutant emissions (from DEFRA IGCB);The result should be totalled for a five year period to enable mitigation implementation.

The calculation is summarised below:

Road Transport Emission Increase = Summation [Estimated trip rate for 5 years X Emission rate per 10 km per vehicle type X Damage Costs] The pollution damage costs will determine the level of mitigation/compensation required to negate the impacts of the development on local air quality.

No development shall commence until the developer has developed a scheme detailing and where possible quantifying what measures or offsetting schemes are to be included in the development which will reduce the transport related air pollution of the development during construction and when in occupation. The report should be submitted to and approved by the Local Planning Authority, prior to development. The measures shall then be carried out as part of the development.[The developer should have regard to the DEFRA guidance from the document *Low Emissions Strategy -using the planning system to reduce transport emissions January 2010.]*

Reason: to ensure the impact of the proposal upon air quality is mitigated.

16. The development hereby permitted shall not be commenced until the following components of a scheme to deal with the risks associated with contamination of the site shall have been submitted to and approved, in writing, by the local planning authority:

1) A preliminary risk assessment which has identified:
- all previous uses
- potential contaminants associated with those uses
- a conceptual model of the site indicating sources, pathways and receptors
- potentially unacceptable risks arising from contamination at the site.
2) A site investigation, based on (1) to provide information for a detailed assessment of the risk to
all receptors that may be affected, including those off site.
3) A remediation method statement (RMS) based on the site investigation results and the detailed risk assessment (2). This should give full details of the remediation measures required and how they are to be undertaken. The RMS should also include a verification plan to detail the data that will be collected in order to demonstrate that the works set out in the RMS are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.
4) A Closure Report is submitted upon completion of the works. The closure report shall include full verification details as set out in 3. This should include details of any post remediation sampling and analysis, together with documentation certifying quantities and source/destination of any material brought onto or taken from the site. Any material brought onto the site shall be certified clean;

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

Reason: To ensure the future development is not at risk from polluntants or contaminants.

17. Prior to the commencement of development above damp proof course level details of how decentralised and renewable or low-carbon sources of energy will be incorporated into the development hereby approved shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details and all features shall be maintained thereafter;

    Reason: To ensure an energy efficient form of development.

18. The development shall be strictly undertaken in relation to the Bagder Mitigation Strategy and the mitigation measures set out in the Ecological Impact Assessment and its recommendations shall be fully implemented in line with its recommendations and timescales for implementation

    Reason: To protect the ecological integrity of the site and protected species

19. Prior the commencement of development above damp proof course, details of EV rapid charge points (of 22kW or faster) should be submitted for approval by the Local Planning Authority. This should be on the basis of one space per 10 residential dwellings (where no dedicated off-street parking is provided) and where dwellings with dedicated off-street parking should be provided with their own charge points for low-emission plug-in vehicles. Once approved, the details shall be implemented prior occupation of the dwellings and retained thereafter.

20. The access to the site shall be constructed strictly in accordance with the detail set out on drawing number. BR-514-001-H-SK04- 1 and this shall be completed prior to first occupation the development

    Reason: to ensure a safe means of access is created to the development.

21. No development shall commence on site until a signed S278 Agreement is finalised and ready for signing, covering the following;

    - The alterations to Forstal Lane and Junction with Stockett Lane as set out in the Transport Assessment
    - Any alteration relating to the access to the site with measures to discourage vehicles along Well Street
    - Pedestrian Footpath from site to Mill Road along the southern side of Forstal Lane

    The development shall not be occupied until the Section 278 is complete and highways works covered in the agreement as set out have been completed.

    Reason: To ensure compliance with Policy H-58 (as modified) and to ensure highway and pedestrian safety.

22. The development shall not commence (excluding a haul road) until a drainage strategy detailing the proposed means of foul water and surface water disposal and

an implementation timetable, has been submitted to and approved in writing by the Local Planning Authority in consultation with the sewerage undertaker. Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by the Local Planning Authority in consultation with Southern Water.

The development shall be carried out in accordance with the approved schemes and timetable.

23. The development hereby permitted shall incorporate measures to minimise the risk of crime. No development shall take place until details of such measures, According to the principles and physical security requirements of Crime Prevention Through Environmental Design (CPTED) have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented before the development is occupied and thereafter retained

24. The development hereby permitted shall be carried out in accordance with the following approved plans/documents: Drawing 9001 A Location Plan, Drawing 9600 A Parameters Plan Green Infrastructure 9604 A

    Reason: For the purposes of clarity and to ensure the quality of the development is maintained.

Case Officer: Ashley Wynn

REPORT SUMMARY

REFERENCE NO - 17/502072/OUT

APPLICATION PROPOSAL -

Outline Application for residential development for up to 210 dwellings together with access off Forstal Lane, 1.85 hectares of open space and associated infrastructure (Access being sought).

ADDRESS – Land South of Forstal Lane, Coxheath,

RECOMMENDATION – Approve subject to conditions and completion of a legal agreement

SUMMARY OF REASONS FOR RECOMMENDATION –

The application relates to a housing allocation H1-58 as modified (formerly H1-60 in the Reg 19) version) which is contained within the emerging Maidstone Local Plan which has now progressed through examination and is now awaiting formal adoption by the council. There have been no significant modifications or concerns raised in respect of the site and thus this status as a housing allocation can be given very significant weight. Whilst the current application proposes dwellings in excess of that set out in the policy H1-58 (as modified), the policy does allow flexibility and as it is an outline scheme, it is considered there is scope to secure a high quality scheme at the reserved matters stage including a substantial area of open space and the other matters relevant to the policy. Due to the stage of the emerging plan, it is considered residential development of the site is acceptable in principle and the development would accord with the relevant policy criteria. Furthermore, the submitted documents demonstrate the site is capable of accommodating the proposed quantum of development having regard to any identified constraints and also demonstrate the wider impacts of the development are acceptable or can be mitigated. Therefore it is considered the development will accord with the NPPF and the emerging strategy for the Borough and Coxheath and therefore it is recommended outline planning permission is granted for the development subject to the relevant conditions and legal agreement.

REASON FOR REFERRAL TO COMMITTEE -

- Major Development
- Coxheath Parish Council object to the application and wish for the application to be heard at the committee

WARD	**PARISH/TOWN COUNCIL**	**APPLICANT** Charterhouse Property Group **AGENT** Simply Town Planning
Coxheath and Hunton	Coxheath	
DECISION DUE DATE	**PUBLICITY EXPIRY DATE**	**OFFICER SITE VISIT DATE**
24.7.2017	2.6.2017	15.5.2017

RELEVANT PLANNING HISTORY

App No	Proposal	Decision	Date
	None directly relating to the site		
14/0836	Adjoining site to the south. Construction of 130 dwellings (site-H1-59 – Reg 19)	Approved	17.9.2015

MAIN REPORT

1.0 DESCRIPTION OF SITE

1.1 The site extends to 7.79ha and lies to the south of Forstal Lane, adjoining the existing estate of Park Way and Mill Road to the west and a Local Plan allocation H1(59 Reg 19) as modified which was approved in 2015 for 130 dwellings. The site is currently laid out as rough grassland and scrub which is enclosed by hedgerows to its boundaries, with the western part of the site being relatively level with the eastern part of the site dropping into a gentle valley which runs from the southern to northern boundary of the site. The site has an existing site access onto Forstal Lane to the northern boundary and has a public footpath, KM67 which runs north to south along the eastern boundary.

1.2 The established part of Coxheath village lies to the south and west, including Park Way and open countryside lies to the north and west. Forstal Lane itself is characterised by a lane with deep highway verges bordering the boundaries with the properties that front onto the lane. Coxheath village is a short walk via the existing estates to the south west via the footpath link or alternatively along Forstal Lane and through Mill Lane and through the aforementioned housing estate. The village itself has a range of facilities including shops, medical and community facilities and public transport links.

2.0 PROPOSAL

2.1 Outline planning permission is sought for a residential development of up to 210 dwellings together with access to Forstal Lane, 1.85ha of open space and associated works such as landscaping and parking provision. The application is submitted in outline form with only access to be considered at this stage and therefore, the matters subject of the application is the principle of the development, including an assessment that the quantum of development can be accommodated on the proposed site and whether the means of access, i.e. that the position and standard of access, are acceptable. The matters of scale, appearance, landscaping and layout are reserved for later determination.

2.2 As part of the scheme the applicant is also proposing improvements to Forstal Lane itself to widen the carriageway, improve the junction with Stockett Lane and to provide a footpath to Mill Lane, on the southern side of Forstal Lane from the site entrance. These are directly associated with the proposals but would be secured by Section 278 agreement with KCC Highways. The site is proposing to include 1.85ha of open space, in excess of the policy standards, which is shown in the eastern part of the site on the indicative masterplan, which will also include a SUDS attenuation area and play equipment.

3.0 POLICY AND OTHER CONSIDERATIONS

Maidstone Borough-Wide Local Plan 2000: ENV6, ENV28
National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Supplementary Planning Documents:

Draft Maidstone Local Plan (2011-2031): SS1, DM1, DM3, H1, ID1, H1-60 (H1-58 as modified), DM14 (DM13 as modified), DM22 (DM19 as modified), DM25 (DM21 as modified)

4.0 LOCAL REPRESENTATIONS

4.1 **Local Residents**: Approximately 275 representations received from local residents raising the following (summarised) issues:

- Highway congestion and increase in traffic
- Highway safety
- Severe impact causes and inadequate mitigation
- Lane inappropriate for volumes of traffic
- Impact on countryside character
- Size of development inappropriate
- Infrastructure at breaking point including doctors and community facilities
- Access along narrow country lane is inappropriate
- Inaccuracies/incorrect approach in Transport Assessment- impact of certain developments not considered
- Ecology impacts and adverse effects on local wildlife
- Air Quality issues
- Scale of development too large for a village such as Coxheath and already had too many homes built
- Character of Coxheath as a village is disappearing.
- Pedestrian and school safety especially along Forstal Lane and Stockett Lane
- Rat Running through estate and also through country lane and Well Street
- Sewage and surface water infrastructure is inadequate
- Flooding issues
- Access could be developed through new estate
- Impact on amenity of existing properties
- Conservation area
- Merging of Loose and Coxheath and contrary to anti-coalescence policies.

4.2 Coxheath Parish Council has objected to the application on the following grounds;

- Coxheath is a larger village and local plan inspector was inconsistent with regards to level of growth and has raised objections to levels of growth throughout local plan
- Development unsustainable due to level of infrastructure
- Site is unable to demonstrate it can achieve infrastructure in terms of highways, flood risk and sewerage.
- Excessive housing numbers individual and cumulatively with other applications
- Forstal Lane unsuitable and no footpath provided to Stockett Lane
- Transport Assessment is flawed
- Sewage and water supply issues
- Eradicate countryside between Coxheath and Loose
- Flood measures

4.3 Loose Parish Council (the adjoining Parish) have also objected to the application on the following grounds;

- Impact of traffic via Forstal Lane into Well Street

- Loss of countryside between Loose and Coxheath
- Density of housing
- Surface water flooding
- Inaccuracies over walking and bus times
- Infrastructure

4.4 There has also been an objection from the Ward Councillor Brian Mortimer who has submitted concerns regarding the means of access to the site along with a report produced by a local Transport Consultancy, DHA Planning, which assessed the proposed means of access and considered other access points to the site to be more appropriate, namely that through the new estate to the south.

4.5 Furthermore, at the time of writing a petition had been signed with around 600 people objecting to the application on the basis of the access point along Forstal Lane and pressures on infrastructure. The points raised are addressed later in this document.

5.0 CONSULTATIONS

5.1 **KCC Drainage** No objections and suggest a condition relating to SUDS and restricting infiltration

5.2 **KCC Ecology** No objections and all relevant surveys have been undertaken and subject to the proposed mitigation measure no detrimental impact will be caused and advise that a condition be placed regarding a biodiversity enhancement plan and mitigation

5.3 **KCC Archaeology** No objections subject to a condition requiring field evaluation works

5.4 **KCC Economic Development** No objections subject to contributions being secured in respect of education, social care, library, youth services and community learning.

5.5 **KCC Highways** No objections to the application subject to contributions to Linton Crossroads and planning conditions.

5.6 **KCC Rights of Way** No objections and confirm footpath KM67 should not be affected by the application require a bounded surface to be provide on the existing footpath.

5.7 **KCC Minerals and Waste**- Objects to the application on the basis of lack of information relating to minerals safeguarding

5.8 **MBC Environmental Health** No objections subject to conditions relating to contamination and air quality and electric charging point.

5.9 **MBC Landscape** No objections and considers LVIA to be in accordance with guidelines and the site has a high capacity for change having regard to the council's previous assessment. Suggests condition relating to tree and hedge protection and new planting scheme

5.10 **MBC Parks and Leisure** No objection and have acknowledged on site provision and have advised upon off-site provision

5.11 **Southern Water** Confirm at present there is a lack of capacity relating to foul drainage and suggests a condition and informative

6.0 APPRAISAL

Planning Policy Context

6.1 Although the site lies outside the development boundary as defined by the local plan that was adopted in 2000 and thus in principle would be contrary to policy ENV28, the site is allocated as a residential site for approximately 195 dwellings under policy H1-60 (which is now H1-58 in the modifications) within the emerging plan and therefore is a site which is an integral part of the councils future housing strategy including that for the larger village of Coxheath which is set out in policy SP13 of the plan. This emerging Local Plan is at very advanced stage having been found to be sound, subject to modifications, by the examining Inspector who confirmed this position in his report dated 27th July 2017. The examination of the plan included the Inspector assessing the suitability of the application site as an allocation including the proposed policy criteria. Apart from a minor modification which resulted in an increased density to 30dph, the Inspector found the policy relating to the site, H1-58 (as modified) to be sound. It is anticipated that the adoption of the Local Plan will now be considered at the next meeting of the Council on 27th September 2017.

6.2 Paragraph 216 of the NPPF sets out the factors which influence the weight to be given to the emerging Local Plan policies; the preparation stage, the extent of unresolved objections & the consistency with the NPPF. In the respect of the allocation at Forstal Lane, it has been a consistent site within all stages of the Local Plan preparation, there are no unresolved objections to the site for a housing allocation and is considered to be consistent with the NPPF. In these circumstances, it is considered that **a**pproaching full weight should be afforded to the Maidstone Borough Local Plan incorporating the Main Modifications, in the determination of planning applications.

6.3 It is also key that the Local Plan also adapts the current development boundary (as defined by ENV28) to bring the application site within the development boundary of Coxheath and the site plays a key role in the Coxheath Strategy which is set out in Policy SP13 which seeks to deliver approximately 506 dwellings within the village through the five housing allocations within the village. Therefore the site will lie within the village rather than within the countryside over the future plan period.

6.4 There have been some concerns raised regarding the scale of development for the village of Coxheath and its status of being a larger village. However, in his final report, the examining inspector states the following in respect of Coxheath;

> '*The other Larger Villages are also appropriately identified as part of the plan's spatial strategy. The amount of development is suitably related to the existing services and facilities which they possess. Where for example Coxheath is proposed for more development than Sutton Valence, it also possesses a wider selection of services and facilities, rivalling the Rural Service Centres (apart from the lack of a railway station but benefitting from closer proximity to Maidstone with reduced travel distances).'*

Thus on the basis of these factors, it is considered the site and its location are considered acceptable in principle. Whilst the impacts of the scheme would have been considered from a strategic perspective in relation to the wider effects of the development, the main issues facing the site are now discussed below;

Main Issues

Compliance with policy H1-58 (as modified) previously H1 (60) within Reg 19

6.5 This policy sets out the policy criteria to which the development needs to be considered against. H1-58 as modified (H1-60 in the Reg 19 plan) sets out the policy criteria for the development to meet which is based upon a development of approximately 195 dwellings at an average density of 30dph. The application proposes up to 210 units which reflect an average density of 35dph which is combined with an increased amount of open space, 1.85ha open space. This density is calculated on the basis of the modified Local Plan definition of calculating residential density. If one were to take a gross density of the site, it would be 26dpa. Whilst it has been noted that the provision is in excess of the number quoted in the policy, paragraph 6.6 of the emerging plan does confirm the proposed dwelling yield within the housing policies are an estimate and these may go up or down at the planning application stage. Furthermore, the proposals are considered to make efficient use of the site and the density would be similar to Site H1-57 as modified (H-59 Reg 19) which had a similar policy density estimate of 30dph but is instead around the 35dph level. Most importantly it is considered the indicative masterplan provides sufficient certainty that the quantum of development can be accommodated on the site in an acceptable manner including other associated infrastructure such as parking, landscaping and SUDS.

Parts 1, 2 and 3) The hedgerows along the eastern, western and southern boundary will be retained.

6.6 The indicative masterplan shows all hedgerows being retained (with the exception of the part necessary to create the access) including that along the western boundary and an appropriate condition is to be imposed to ensure protection of hedgerows and trees over the course of the development and that they are retained over the lifetime of the development. The landscaping to be reserved for later determination will also retain these within the scheme.

Part 4- Access will be taken only for Forstal Lane

6.7 The access is taken from Forstal Lane as per the policy requirements and KCC highways have reviewed this as part of the application and have no objections to the access design which it is considered can be secured by planning condition and the S278 process. This will be further discussed later in the report.

Part 5- Provision of a minimum of 1.4ha of open space together with additional off-site provision and contributions in accordance with policy DM22

6.8 The indicative masterplan shows a provision of 1.85h of open space and it is recommended a relevant condition secures this as a minimum provision and a LEMP is required by legal agreement to oversee its detail and management. A legal agreement will also secure the relevant contributions towards off-site open space which have been calculated as £184,800 (or £880 per dwelling) by the council's parks team in lieu of the open space that cannot be delivered on site to meet the DM 22 criteria.

Part 6 – Provision of footway between site and Mill Lane

6.9 The access plan shows a footpath from the site entrance to Mill Lane and KCC highways have reviewed this and have no objections to this. A planning condition will secure this and will require works to be undertaken prior to occupation through the mechanism of a S278 agreement.

Part 7- Improvements to footpath the eastern boundary

6.10 Improvements can be made to the footpath as part of a LEMP which is recommended to be secured by planning condition

Part 8- Contributions to the Linton Crossroads

6.11 This is recommended to be secured by legal agreement and is outlined in the section below

Part 9- Appropriate contributions to mitigation measures to improve the crash record at the junction of Stockett Lane and Heath Road

6.12 The KCC Highway states there is a low/medium risk of crash incidents at the junction and confirm that such contributions are now not required.

6.13 The Development will also conform to the general policy H1 in terms of supporting documentation and relevant assessments and will deliver the requisite infrastructure and open space requirements, either on-site or via a legal agreement.

Highway Impact

6.14. Many of the concerns raised by local residents and the Parish Council relate to the potential impact of the development in terms of local congestion and highway safety and the suitability of Forstal Lane to provide access to the site for this level of development. The application is supported by a Transport Assessment, Road Safety Audit and Travel Plan. Whilst, these local comments are noted, it is clear the Local Plan, which has recently been found sound, took account of these wider impacts, both individually and cumulatively as part of the process in allocating these sites for development. It also identified the infrastructure that would be required to mitigate the effects of congestion and safety issues which in this case would be the Linton Crossroads Contributions. These matters were also reviewed by the Local Plan Inspector who also considered the access to the site to be acceptable in policy terms.

6.15 In terms of trips from the development, the Transport Assessment forecasts 96 trips in the AM peak and 113 in the PM Peak and this is considered to be an adequate estimate by KCC Highways. At the Forstal/Stockett junction, the TA estimates that 36% movements will go north and the remainder will route south to Heath Road. The TA also estimates there will be movements via the estate roads of Mill Road/Wilberforce Road/Parkway. KCC Highways have reviewed the calculated trip rates and distribution and consider the Forstal Lane/Stockett Lane and Stockett Lane/Heath Road will all operate within capacity with the development.

6.16 Firstly, dealing with the matter of congestion, the Local Plan identifies the improvement to Linton Crossroads as being essential to the delivery of the housing sites within the locality. The application site is a key contributor to the Linton Crossroads improvement scheme as identified in the Infrastructure Delivery Plan and the funds to be secured by the application are crucial to this improvement plan coming forward. Whilst it has been recognised the capacity of the Linton Crossroads is currently over capacity and the development will add to this in the short term, the site will be required to provide contributions of £1500 per unit (£315,000 in total if 210 units are delivered) towards the Linton Crossroad improvement scheme. Once this is in place, the impacts of such development can be largely mitigated. In relation to the wider impacts, KCC consider development would not cause any severe effects which could justify a refusal on transport grounds.

6.17 There has also been concern raised over the suitability of Forstal Lane as an access as this matter has been raised by local people and councillors, including a local petition. An access appraisal has also been submitted in support of this local opinion which concludes an access through Site H1-57 (as modified) is most appropriate. Whilst such comments and information is acknowledged, it should be noted that the site specific policy specifically requires the development to be accessed only from Forstal Lane and the development accords with this requirement. This matter was specifically discussed at the Local Plan Examination whereby the Inspector explored this part of the Policy and found it to be sound. This can be seen from the Inspectors examination report and its appendices dated July 2017 that this part of the policy remains unmodified and is to be taken forward as part of the adopted plan.

6.18 Furthermore, the applicant is proposing improvements to the lane, which including widening of the road nearest to the access to 5.5m and the remainder of the lane to 4.8m in width along with a footpath of 1.8m from the site entrance to Mill Road, all within highway land. Furthermore, the junction of Forstal Lane/Stockett Lane is to be subject to improvements to improve visibility at this junction. These changes have been subject to a Road Safety Audit and have been reviewed by KCC Highways who have no objection in principle to these works and it is recommended these works are secured by a Section 278 agreement by way of planning condition.

6.19 As the scheme seeks approval for the access point to Forstal Lane, aside from the principle issue, this is the only detailed matter to be subject of assessment under this application. There have been comments by residents, a petition and views put across by Councillor Brian Mortimer (who draws upon the supporting Access Appraisal) regarding an alternative access point being more appropriate than that of Forstal Lane, this being an alternative access through the new estate, Willow Grange, to the south although it is noted this will require access through third party land. Whilst it is understood the applicant has investigated this matter through a meeting with the councillors and investigated this point in more detail in response to the council's concerns, it is considered the access to Forstal Lane is acceptable and the notion of requiring the applicant to look at alternative access points at this stage is unjustified and inappropriate for the reasons set out below -

6.20 Firstly, the most important point is that it is a specific policy requirement for the development to access via Forstal Lane and thus the scheme would be contrary to the policy if the alternative access was utilised. This policy has been scrutinised and approved by the council at many stages of the plan process and also reviewed by the government Inspector who found the access element of Policy H-58 to be sound. The policy has remained unchanged with the access to be taken only from Forstal Lane. This access scheme has been subject of a Road Safety Audit and KCC Highways have no objection to the access or the means of access along Forstal Lane. Therefore from a technical and policy standpoint, the means of access is fully justified and acceptable. Such policy support and acceptance of detail means it would very difficult to substantiate any objections on the basis of the access to Forstal or presence of an alternative access. It is considered if one were to object to the application on the point of access, such a decision could be seen to represent unreasonable behaviour which could face a potential cost award at any appeal.

6.21 Secondly, it is also noted that the access via the new estate is restricted by intervening third party land. Whilst it is suggested that the landowner of the third party land is happy to discuss potential resolution of this issue, it would also be inappropriate for the council to insist the applicant engages with other landowners which could then threaten the deliverability of the development especially when the scheme complies with the relevant policy in terms of access. It should also be noted that the policy also

requires retention of the southern hedgerow, which would be breached by the alternative access and there is a clear policy intention to retain this southern hedgerow in order to create a natural break between housing sites. This risk to deliverability is relevant as the site plays an important role in the council's housing trajectory and the contributions towards the Linton Crossroads improvements which are both crucial matters in the council's future strategy for the area.

6.22 Notwithstanding the compliance with the policy, the applicant has in any event met with councillors and has investigated this potential access further. However, it is the applicants view that the alternative access is restricted by other site specific matters such as ecology, notably the presence of badger setts along the southern and eastern boundaries and the applicant has also estimated the likely costs of this alternative access which they consider to be potentially prohibitive, for example the works required to enable an access road to be built to the appropriate gradient into Willow Grange and new roundabout on Heath Road, would be in excess of the costs to upgrade Forstal Lane. It is their view this would place financial burdens on the development when it is already providing substantial contributions to infrastructure such as affordable housing, highways, healthcare and open space. That being said, due to the policy position outlined above, there is no reasonable requirement to require applicant to undertake any further work on this matter.

6.23 Concerns have also been raised regarding motorists potentially turning east out of the site and using Well Street. This point has been addressed by KCC Highways who consider a suitable access design can be achieved along with suitable signage which would discourage such travel and this would be secured by planning condition and Section 278 agreement.

6.24 It is noted, part of the criteria of H1-58 as modified (H1-60 Reg 19) requires contributions to improve the crash record at the junction of Stockett Lane and Heath Road. The applicant has provided a highway safety risk assessment for the area and KCC Highways has reviewed this requirement and concur that there is a low to medium safety risk and there are no issues that the development would exacerbate and thus there are no grounds to require such a contribution. The applicant has also submitted a framework Travel Plan which KCC Highways request is secured by legal agreement along with a monitoring fee.

6.25 Therefore, on the basis of access and highway matters it is considered the scheme fully complies with policy H1-58 – as modified, Policy H1 and DM1, DM24 of the emerging plan and Section 3 of the NPPF.

Visual Impact/Landscape Considerations

6.26 The application is supported by a Landscape Visual Impact Assessment (LVIA) which assessed the impact of development from a range of vantage points and this has been reviewed by the MBC Landscape officer who confirms that this study has been undertaken in accordance with best practice guidelines. The site lies within the Coxheath Plateau Farmlands LCA and within the Coxheath Orchards LCA. The report identifies a number of potential receptors to the visual impacts of the development, including users of the local footpath network, users of Forstal Lane and the residential properties on the adjacent estate to the west.

6.27 The MBC Landscape officer has drawn attention to the site assessment of the application site that was undertaken for the local plan process where the Landscape Sensitivity was considered to be low and the overall capacity to accommodate housing was considered to be high. The assessment considered the site to be well related to

Coxheath Village and there to be an opportunity to strengthen the rural village edge with new landscaping. I would concur with such a conclusion as the development abuts the existing village to its western and southern boundaries and any views from the footpath already takes in the existing built form which in its current state, is a relatively harsh visual edge to the village. Whilst the detail of the layout, scale and landscaping of the development is to be reserved for later determination, the size of the site offers the opportunity to create a substantial landscaped area to the eastern part of the site which will create a green wedge running southwards into the Heathfield (Willow Grange) site to the south which is currently under construction. This area will be planted with trees and hedgerows and the indicative masterplan includes planting buffers to the boundaries which will provide further screening to the site and soften views from local receptors. In terms of the impact of the access, the development will require some additional hedgerow to be removed to widen the existing access but whilst this will have some urbanising effect on Forstal Lane, along with the footpath, these impacts were specifically considered to be acceptable at the Local Plan stage (as they form part of the policy criteria).

6.28 Whilst the development of the site will inevitably have some visual effects, the allocation as a Local Plan housing site infers a degree of acceptance of some visual impact on the landscape, and indeed the council's own assessment considers the site is suitable for new housing having regard to its landscape character and lower sensitivity. It is also key that the emerging Local Plan has defined the land as being part of the built up area of Coxheath and will not be within the countryside where policies seeks to strictly prevent harm to the character of the countryside. Instead it will form part of the village. On the basis of the information submitted it is considered the site can accommodate the proposed quantum of development in manner that can preserve the character of its surroundings and manage the transition from the existing urban area to the wider countryside. Thus the development will accord with policies DM1 and SP17 of the emerging plan.

Ecology

6.29 The application is supported by a Phase 1 Ecology survey, Ecological Impact Assessment and a Badger mitigation strategy, all which have been reviewed by KCC Ecology who consider there to be sufficient information submitted to enable a decision to be made and that any impacts can be compensated and mitigated for in accordance with the guidance and policy approach of Paragraph 118 of the NPPF. The ecology phase identified potential for reptiles, badgers, dormice and bats and further surveys have been carried out in respect of these species. One of the surveys identified a pair of ground nesting Skylarks and Linnets on the site and KCC Ecology are content with the extent of land remaining as open space and confirm that there is sufficient space for mitigation and enhancement of habitat for these species.

6.30 Of note is the number of badger setts within the site, with three active setts along the eastern boundary and three setts on the southern boundary, all of which are considered to be occupied by the same family group. Of these, there is a main breeding sett on the site near to the southern boundary which borders the existing housing estate. Whilst the reserved matters scheme could have secured a buffer around the breeding sett as per the relevant guidance, the consultant considered it more preferable to the health of the group to build a new artificial sett within the site, with work starting on this in June 2017. This is located 20m from the eastern boundary, in the area to be secured as open space which will avoid conflict between badgers and the development. The existing sett will remain although during construction it will be temporarily closed off to avoid impacts although the sett will be reopened on completion of construction to allow badgers to reuse the sett if required.

6.31 The development will secure a significant amount of open space which offers opportunities for enhancements including opportunities for significant enhancement and habitat creation across the site. Native landscaping including new tree and hedgerow planting and good pollinating species can be secures as part of the reserved matters stage of the application. It is proposed the legal agreement secures the detail and long term management and enhancement of the site in ecological and landscape terms through a Landscape and Ecology Management Plan which need to be submitted and approved.

Other matters

6.32 The scheme would deliver 40% Affordable Housing as part of the development in accordance with DM13 (DM14 Reg 19) and MBC Housing has advised that the tenure mix should be 70% affordable rent and 30% shared ownership and this will be secured by the legal agreement. The MBC Housing Officer also advised that the need is predominately for smaller units, including 2 and 3 bed dwellings. As this is an outline application, the exact location and mix of house types is to be agreed at the reserved matters stage although it is expected a mix of affordable properties can be secured to meet the local housing needs.

6.33 It is noted KCC Minerals and Waste objected to the scheme on the basis of the site lying within a safeguarding area for Ragstone and that the applicant had not submitted an assessment as to whether extraction of the mineral could be undertaken prior to the development starting. However, since that consultation response, the modifications to the local Plan have identified the sites under Policy H1 which have to undertake such an assessment (modification MM-16). The modification confirms the application site is not one of the H1 sites which are required to undertake such an assessment and therefore the development is not contrary to the relevant policies on this basis.

6.34 The site lies in Flood Zone 1 and thus is at a low risk of flooding. The applicant has also submitted details of how SUDS can be incorporated into the detailed scheme and these have been reviewed by KCC Drainage. This will be secured by an attenuation pond in the open space area which will maintain run-off rates to that of the existing greenfield situation. The reserved matters stage allows further opportunity to integrate SUDS feature within the final layout which can aid drainage and wildlife opportunities. A condition is also recommended to be imposed to require the development to provide a connection to the foul water system at the point of adequate capacity in collaboration with the local provider.

6.35 The application includes a desk top archaeological assessment which considers the site would have low potential for archaeological deposits over all periods. This has been reviewed by KCC Archaeology and they have suggested a planning condition to require some initial field evaluation works to provide further investigation and this is to be secured at this outline stage.

6.36 The Environment Health officer drew attention to the potential for air quality impacts and recommended a condition which calculated air quality impacts and requires a scheme to address any impacts identified through measures to be incorporated into the scheme. A condition in respect of renewable energy and electric charging points are also recommended in order the detailed detail stage secures the optimum sustainable benefits.

6.37 Whilst the design and layout is to be reserved for later determination, it is considered the masterplan shows any future development can maintain the amenity of adjoining

properties with substantial hedgerows and buffer planting and suitable back to back distances achieved. Whilst, there will be some additional vehicles passing properties to Forstal Lane and other roads, this is not considered to be to the extent that would justify the refusal of planning permission.

Heads of Terms

6.38 Any request for contributions needs to be scrutinised, in accordance with Regulations 122 and 123 of the Community Infrastructure Levy (CIL) Regulations 2010. This has strict criterion that sets out that any obligation must meet the following requirements:

It is:

(a) necessary to make the development acceptable in planning terms;

(b) directly related to the development; and

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

6.39 The regulations also mean that planning obligations cannot pool more than 5 obligations of funding towards a single infrastructure project or type of infrastructure (since April 2010).

6.40 During the application KCC have requested contributions to a range of infrastructure affected by the development and this would be secured by a legal agreement should it be resolved to grant planning permission. These include contributions to Primary Education at South Borough Primary School £3,324 per dwelling (£831 per flat) and £2,359.80 per dwelling (£589.95 per flat) towards secondary education at Maidstone Grammar School. KCC also request further contributions towards Community Learning of £30.70 per dwelling, Libraries at £48.02, Youth Services at £8.49 per dwelling. These contributions are considered to be justified having regard to the impacts of the development in creating additional demands and pressures on local infrastructure and these monies will assist in creating additional provision or enhancing existing facilities in relation to the identified sectors.

6.41 The development will place additional pressure on local health services and local doctors surgeries and therefore the contribution requested by the NHS of £70,761 is considered to be justified and necessary and proportionate to the likely occupation of the site. It is also considered to meet the requirements of the Inspector's main modification MM4 – helping to improve health infrastructure in the village.

6.42 Whilst the applicant is seeking to provide a large area of on-site open space, there will be a requirement to provide off-site contributions to meet the shortfall in the various typology types of open space as required by policy DM22. On this basis, MBC Parks and Leisure department have requested an amount of £880 per dwelling or £184,800 relating to the 210 units. These monies would be spent on the following;

- Whitebeam Drive Play Area – improvements to the surfacing of the play area and access to the site including pathways and gates.

- Teen Facilities – infrastructure to engage teenagers with the open space at Stockett Lane to replace the existing "teen shelter"

- Access to Outdoor Sports and Amenity Green Space (Linden Road) – improvements to pathways, signage and access points to the outdoor space from Linden Road to improve accessibility for the local community

- Car park for Outdoor Sports and Amenity Green (Linden Road) – improve access and visual appearance to encourage greater use of open space

6.43 The legal agreement would also secure the affordable housing and the contribution towards Linton Crossroads Improvement Scheme of £1500 per dwelling which is also considered to be justified on the additional trips the scheme will generate in relation to this existing junction.

6.44 KCC Highways have requested the Travel Plan be secured by legal agreement along with a £5,000 monitoring fee which is considered necessary to secure a modal shift towards sustainable modes of travel.

6.45 The above contributions are considered to be CIL compliant and justified in relation to the regulations.

7.0 CONCLUSION

7.1. The application relates to an outline application for the residential development of an emerging housing allocation H1-58 (as modified) within the Local Plan which the council can give very significant weight. Therefore, the matter subject of this application is whether the site is suitable for residential development, whether it could accommodate the proposed quantum of dwellings and whether the means of access is suitable. On all those points, the application is considered acceptable as set out above. Furthermore, the site specific impacts have been assessed and reviewed by the various stakeholders and departments and there are no issues that would suggest the site is not suitable for development or that the site cannot accommodate the proposed quantum of development. Whilst the various concerns over the point of access and congestion are noted, the access point is a specific policy requirement and the levels of local congestion were considered at the local plan stage which considered the level of growth at Coxheath was acceptable subject to the proposed mitigation and improvement works on the local highway network. Therefore, it is considered the site accords with the development plan and other material considerations weigh heavily in favour of the development. Therefore it is recommended outline permission is granted subject to the imposition of the relevant planning conditions and Section 106 agreement.

8.0 RECOMMENDATION

8.0 RECOMMENDATION - Subject to the prior completion of a legal agreement, in such terms as the Head of Legal Services may advise, to provide the following:

- The provision of 40% affordable residential units within the application site (Tenure mix to be 70 Affordable Rent, 30% Shared Ownership).

- The securing of a LEMP for the management of the Open Space and management of other communal areas within the development.

- Financial contribution of £3324 per dwelling (£831 per flat) for Primary Education and towards permanent expansion to 2FE of South Borough Primary School

- Financial contribution of £2359.80 per dwelling (£589.95) towards Secondary Education and the cost of Phase 2 expansion at Maidstone Grammar School

- Travel Plan and monitoring fee of £5,000

- Financial contribution of £1,500 per dwelling towards the Linton Crossroads Improvements scheme

- Financial contribution of £30.79 is sought towards community learning and the cost of additional portable equipment in Maidstone

- Financial contribution of £48.02 towards libraries to address the demand from the development towards additional bookstock (supplied to Coxheath Library).

- Financial contribution of £70,761 towards Healthcare at Stockett Lane surgery and Orchard.

- Financial contribution of £8.49 per dwelling for Youth Services which will be put towards Coxheath youth workers

- Financial Contribution of £63.56 per dwelling is sought towards Social Care and Trinity Foyer Sensory beds and rockery

- Open Space Contribution of £184,800 (or £880 per unit) is based upon the off-site provision that cannot be provided on site

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

.

1. The development hereby approved shall not commence until approval of the following reserved matters has been obtained in writing from the local planning authority:

   1. Scale

   2. Layout

   3. Appearance

   4. Landscaping

   Application for approval of the reserved matters shall be made to the local planning authority before the expiration of three years from the date of this permission.

   The development hereby permitted shall be begun either before the expiration of three years from the date of this permission, or before the expiration of two years from the date of approval of the last of the reserved matters to be approved, whichever is the later;

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

2. The reserved matters application relating to landscaping should including a full landscaping plan and specification which is based upon the opportunities and mitigation measures set out in the Maidstone Landscape Character Guidelines and should include native species and species which are good pollinators for local wildlife. The landscaping should also include a specification to require the length of the PROW to the east of the site to be upgraded to bounded surface made up of loose materials.

   Reason: to give clarity on the appropriate type of landscaping which is suitable to the local area.

3. No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

   i. The parking of vehicles of site operatives and visitors
   ii. Loading and unloading of plant and materials
   iii. Wheel washing facilities
   iv. Measures to control the emission of dust and dirt during construction
   v. A scheme for recycling/disposing of waste resulting from demolition and construction works
   vi. Provision of measures to prevent the discharge of surface water onto the highway.

   Reason: In the interest of highways safety.

4. Prior to the commencement of development the applicant, or their agents or successors in title, will secure and implement:

   i archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and

   ii further archaeological investigation, recording and reporting, determined by the results of the evaluation, in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority

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

5. All existing hedges shall be retained, other than the part required to create the approved access, unless removal has been agreed in writing. Such hedgerows shall be protected over the course of the construction of the development and retained thereafter as part of the landscaping scheme to the site

   Reason: in order to maintain existing landscaping and wildlife habitat

6. The development shall not commence for the relevant phase until an Arboricultural Method Statement in accordance with BS5837:2012 has been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

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

7 . The development hereby approved shall not commence until details of tree protection in accordance with the current edition of BS 5837 have been submitted to and approved in writing by the local planning authority. All trees to be retained must be protected by barriers and/or ground protection. No equipment, plant, machinery or materials shall be brought onto the site prior to the erection of approved barriers and/or ground protection except to carry out pre commencement operations approved in writing by the local planning authority. Nothing shall be stored or placed, nor fires lit, within any of the protected areas. No alterations shall be made to the siting of barriers and/or ground protection, nor ground levels changed, nor excavations made within these areas without the written consent of the local planning authority. These measures shall be maintained until all equipment, machinery and surplus materials have been removed from the site.

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

8. Development shall not begin until a detailed sustainable surface water drainage design for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage design
shall demonstrate that:

i. Surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100yr storm) can be accommodated onsite before being discharged at an agreed rate to the receiving watercourse.
ii. Measures to prevent silt, mud and other pollutants from entering the downstream watercourses during construction.
iii. Appropriate allowances for climate change have been incorporated into design.

Reason: In the interests of sustainable drainage.

9. No building hereby permitted shall be occupied until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. The scheme Shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:
i. a timetable for its implementation, and
ii. a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime.

Reason: In the interests of sustainability.

10. Where infiltration is to be used to manage the surface water from the development hereby permitted, it will only be allowed within those parts of the site where it has been demonstrated to the Local Planning Authority's satisfaction that there is no resultant unacceptable risk to controlled waters and/or ground stability. The development shall only then be carried out in accordance with the approved details.

Reason: To protect vulnerable groundwater resources and ensure compliance with the National Planning Policy Framework.

11. A minimum of 10% of the properties hereby permitted shall be provided to a Lifetime Homes standard.

    Reason: In the interests of good design.

12. Details of a "lighting design strategy for biodiversity" for the site shall be submitted to and approved in writing by the local planning authority prior to occupation of the relevant phase of the development. The development shall be carried out in accordance with the approved details unless otherwise agreed in writing by the Local Planning Authority.
    The strategy shall:
    a) Identify those areas/features on site that are particularly sensitive for bats and in which lighting must be designed to minimise disturbance, and;
    b) Show how and where external lighting will be installed (through the provision of appropriate lighting contour plans and technical specifications) so that it can be clearly demonstrated that areas to be lit will not disturb or prevent bats using their territory or having access to their breeding sites and resting places.
    c) Include measures to reduce light pollution and spillage.
    All external lighting shall be installed in accordance with the specifications and locations set out in the strategy, and these shall be maintained thereafter in accordance with the strategy.

    Reason: In the interest biodiversity protection and visual amenity

13. Prior to the commencement of development an ecological design and management strategy (EDS) addressing mitigation, habitat creation, management and enhancement, has been submitted to and approved in writing by the local planning authority. The EDS shall include the following:

    a) Purpose and conservation objectives for the proposed works.
    b) Review of site potential and constraints.
    c) Detailed design(s) and/or working method(s) to achieve stated objectives, including the creation of an appropriately sized nature conservation area
    d) Extent and location/area of proposed works on appropriate scale maps and plans.
    e) Type and source of materials to be used where appropriate, e.g. native species of
    local provenance.
    f) Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
    g) Persons responsible for implementing the works.
    h) Details of initial aftercare and long term management and maintenance.
    i) Details for monitoring and remedial measures.
    j) Swift bricks and bat boxes integral to buildings, wildlife friendly gullies, and retention of cordwood on site.

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

    Reason: To protect and enhance biodiversity.

14. The reserved matters application for layout will secure 1.85 hectares of open space which will include childrens play space as part of the final development.

Reason: to ensure compliance with Policy H1-58 (as modified and DM19 (as modified) of the emerging plan to create a good quality area of open space to serve the development

15. Due to the scale of this proposal, a calculation of pollutant emissions costs from the vehicular traffic generated by the development should be carried out, utilising the most recent DEFRA Emissions Factor Toolkit and the latest DEFRA IGCB Air Quality Damage Costs for the pollutants considered, to calculate the resultant damage cost.9

    -Identifying the additional trip rates generated by the proposal (from the Transport Assessment);
    -The emissions calculated for the pollutants of concern (NOx and PM10) [from the Emissions Factor Toolkit];

    The air quality damage costs calculation for the specific pollutant emissions (from DEFRA IGCB);The result should be totalled for a five year period to enable mitigation implementation.

    The calculation is summarised below:

    Road Transport Emission Increase = Summation [Estimated trip rate for 5 years X Emission rate per 10 km per vehicle type X Damage Costs] The pollution damage costs will determine the level of mitigation/compensation required to negate the impacts of the development on local air quality.

    No development shall commence until the developer has developed a scheme detailing and where possible quantifying what measures or offsetting schemes are to be included in the development which will reduce the transport related air pollution of the development during construction and when in occupation. The report should be submitted to and approved by the Local Planning Authority, prior to development. The measures shall then be carried out as part of the development.[The developer should have regard to the DEFRA guidance from the document *Low Emissions Strategy -using the planning system to reduce transport emissions January 2010.]*

    Reason: to ensure the impact of the proposal upon air quality is mitigated.

16. The development hereby permitted shall not be commenced until the following components of a scheme to deal with the risks associated with contamination of the site shall have been submitted to and approved, in writing, by the local planning authority:

    1) A preliminary risk assessment which has identified:
    - all previous uses
    - potential contaminants associated with those uses
    - a conceptual model of the site indicating sources, pathways and receptors
    - potentially unacceptable risks arising from contamination at the site.
    2) A site investigation, based on (1) to provide information for a detailed assessment of the risk to
    all receptors that may be affected, including those off site.
    3) A remediation method statement (RMS) based on the site investigation results and the detailed risk assessment (2). This should give full details of the remediation measures required and how they are to be undertaken. The RMS should also include a verification plan to detail the data that will be collected in order to demonstrate that the works set out in the RMS are complete and identifying any requirements for

longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.
4) A Closure Report is submitted upon completion of the works. The closure report shall include full verification details as set out in 3. This should include details of any post remediation sampling and analysis, together with documentation certifying quantities and source/destination of any material brought onto or taken from the site. Any material brought onto the site shall be certified clean;

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

Reason: To ensure the future development is not at risk from polluntants or contaminants.

17. Prior to the commencement of development above damp proof course level details of how decentralised and renewable or low-carbon sources of energy will be incorporated into the development hereby approved shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details and all features shall be maintained thereafter;

    Reason: To ensure an energy efficient form of development.

18. The development shall be strictly undertaken in relation to the Bagder Mitigation Strategy and the mitigation measures set out in the Ecological Impact Assessment and its recommendations shall be fully implemented in line with its recommendations and timescales for implementation

    Reason: To protect the ecological integrity of the site and protected species

19. Prior the commencement of development above damp proof course, details of EV rapid charge points (of 22kW or faster) should be submitted for approval by the Local Planning Authority. This should be on the basis of one space per 10 residential dwellings (where no dedicated off-street parking is provided) and where dwellings with dedicated off-street parking should be provided with their own charge points for low-emission plug-in vehicles. Once approved, the details shall be implemented prior occupation of the dwellings and retained thereafter.

20. The access to the site shall be constructed strictly in accordance with the detail set out on drawing number. BR-514-001-H-SK04- 1 and this shall be completed prior to first occupation the development

    Reason: to ensure a safe means of access is created to the development.

21. No development shall commence on site until a signed S278 Agreement is finalised and ready for signing, covering the following;

    - The alterations to Forstal Lane and Junction with Stockett Lane as set out in the Transport Assessment
    - Any alteration relating to the access to the site with measures to discourage vehicles along Well Street
    - Pedestrian Footpath from site to Mill Road along the southern side of Forstal Lane

The development shall not be occupied until the Section 278 is complete and highways works covered in the agreement as set out have been completed.

Reason: To ensure compliance with Policy H-58 (as modified) and to ensure highway and pedestrian safety.

22. The development shall not commence (excluding a haul road) until a drainage strategy detailing the proposed means of foul water and surface water disposal and an implementation timetable, has been submitted to and approved in writing by the Local Planning Authority in consultation with the sewerage undertaker. Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by the Local Planning Authority in consultation with Southern Water.

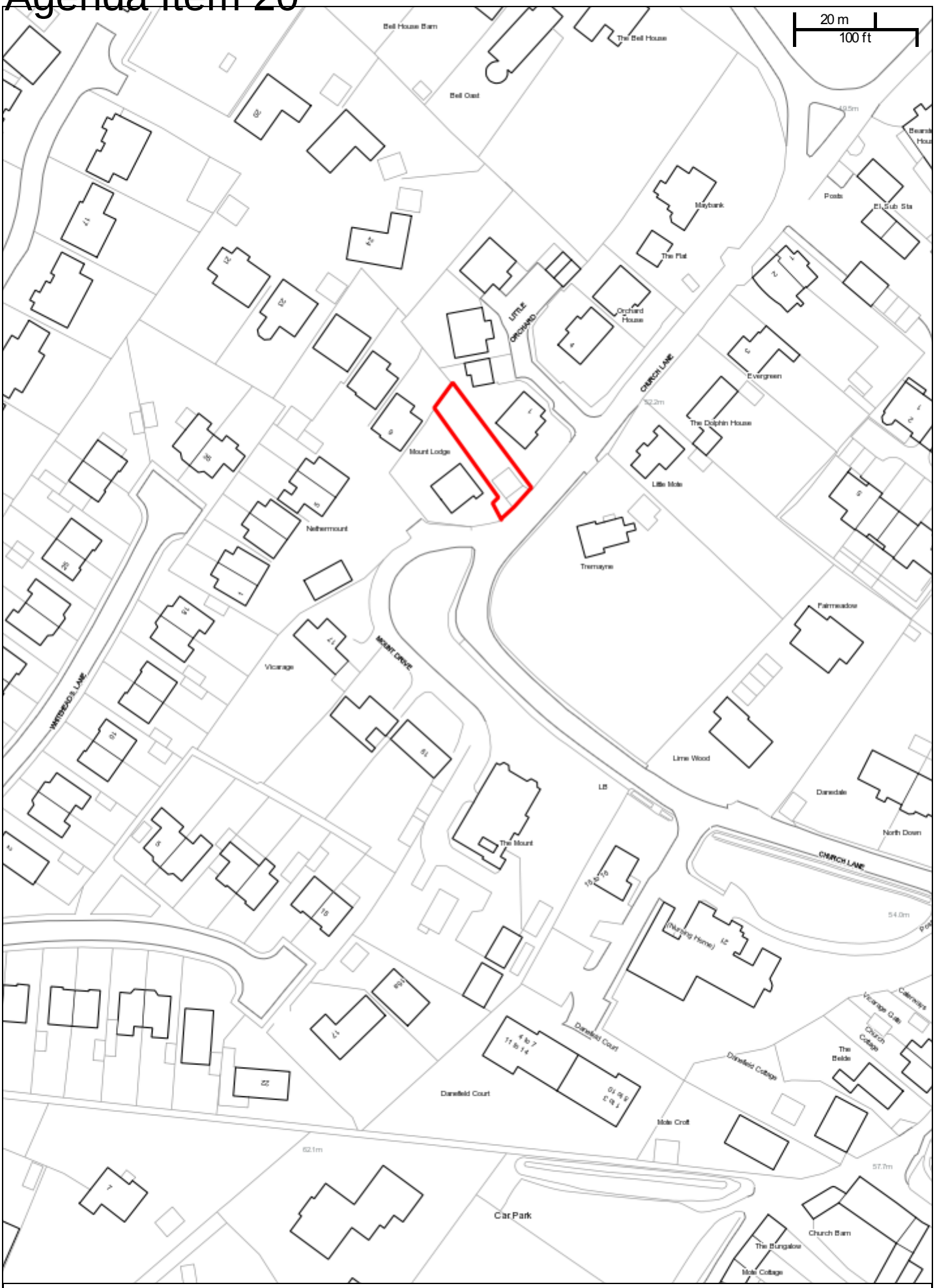
    The development shall be carried out in accordance with the approved schemes and timetable.

23. The development hereby permitted shall incorporate measures to minimise the risk of crime. No development shall take place until details of such measures, According to the principles and physical security requirements of Crime Prevention Through Environmental Design (CPTED) have been submitted to and approved in writing by the Local Planning Authority. The approved measures shall be implemented before the development is occupied and thereafter retained

24. The development hereby permitted shall be carried out in accordance with the following approved plans/documents: Drawing 9001 A Location Plan, Drawing 9600 A Parameters Plan Green Infrastructure 9604 A

    Reason: For the purposes of clarity and to ensure the quality of the development is maintained.

Case Officer: Ashley Wynn



17/502118 Mount Lodge
Scale: 1:1250
Printed on: 1/11/2017 at 10:38 AM by JulieM

N

ASTUN TECHNOLOGY
© Astun Technology Ltd

REPORT SUMMARY

REFERENCE NO - 17/502118/FULL		
APPLICATION PROPOSAL Erection of dwellinghouse and engineering operations to create off road parking		
ADDRESS Mount Lodge Church Lane Bearsted Maidstone Kent ME14 4EF		
RECOMMENDATION - APPROVE		
SUMMARY OF REASONS FOR RECOMMENDATION The details are considered to comply with the policies of the Development Plan, where relevant, and the National Planning Policy Framework, and there are no overriding material considerations to indicate a refusal of planning consent		
REASON FOR REFERRAL TO COMMITTEE - Bearsted Parish Council wish to see application refused and reported to Planning Committee		
WARD Bearsted	**PARISH COUNCIL** Bearsted	**APPLICANT** Mrs Diana Bishop
DECISION DUE DATE 10/09/17	**PUBLICITY EXPIRY DATE** 26/05/17	**OFFICER SITE VISIT DATE** 17/05/17
RELEVANT PLANNING HISTORY: SEE ATTACHED REPORT		

MAIN REPORT

1.0 DESCRIPTION OF SITE

1.01 SEE ATTACHED REPORT

2.0 PROPOSAL

2.01 SEE ATTACHED REPORT

3.0 POLICY AND OTHER CONSIDERATIONS

- Maidstone Borough-Wide Local Plan 2000: ENV6, T13
- National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)
- Final Draft Maidstone Local Plan (2017): SP1, DM1, DM11, DM23

4.0 LOCAL REPRESENTATIONS

4.01 SEE ATTACHED REPORT FOR PREVIOUS COMMENTS

4.02 3 further representations have been made from 1 Little Orchard and The Vicarage, raising concerns over privacy; proposal being out of character; parking provision; boundary treatments; and rights of way.

5.0 CONSULTATIONS

5.01 **Consultee responses:** SEE ATTACHED REPORT FOR PREVIOUS COMMENTS

5.02 **Councillor Springett** has commented as follows on amended plans**:**

"I am very pleased to see the revised roof design and removal of the garage which will greatly improve the street scene. I fully accept the argument regarding the lowering of the slab levels by 1 metre instead of 2 to ensure roof height is not lower than that at Little Orchard. My only comment would be a disappointment that the property is still set back from the front of Mount Lodge, which although ensuring a level of privacy for the patio area at Mount Lodge, it does not assist with the privacy issue for the rear patio at Little Orchard. It also leaves room for a potential garage in front of the house, which was one of the objections I had. If it was possible to move the property, as designed, forward in the plot to align the front and rear elevations with that of Mount Lodge, I would fully support this application. It would be helpful in this respect if the outline of the new property could be shown on the measured survey, as it would give a clear indication of the alignment of the new property relative to the properties either side."

5.03 **Bearsted Parish Council:** Raise no objection pending resolution of car parking issues and access over neighbouring driveway issues.

6.0 BACKGROUND INFORMATION

6.01 This application was reported to Planning Committee on 27th July 2017 and subsequently deferred for the following reason:

> *That consideration of this application be deferred to seek to secure (a) changes in roof profile and bulk to reduce mass of development and (b) reductions in height of proposed slab levels, in order to mitigate impact of proposal on 1 Little Orchard.*

7.0 APPRAISAL

7.01 As requested by the Members of Planning Committee, the amended scheme has seen the barn-hipped roof design of the house amended to a fully hipped design. I am satisfied that this has adequately reduced the bulk and mass of the proposal.

7.02 The amended plans now also show the ridge height of 1 Little Orchard within the streetscene and it has been confirmed that the proposal itself would be set down approximately 1m below the threshold level of Mount Lodge. The agent has confirmed that the slab levels have not been lowered a further 1m, as requested by Members of Planning Committee. This is because it was not deemed necessary by the agent, given that the amended plans have better clarified the relationship between the proposal and the neighbouring properties (particularly 1 Little Orchard). In my view, the proposal (with its hipped roof) has been shown to not have an adverse impact upon the occupants of 1 Little Orchard or any other property; and if the proposal was set down a further metre say, it would look incongruous within the streetscene where the properties step down in sequence, in response to the topography of the street.

7.03 Whilst this was not a reason for deferral by Members of Planning Committee, the proposal now also shows the removal of the garage to the front of the site. This opens up views of the site to the benefit of the character of the area and this change is welcomed.

7.04 Councillor Springett has welcomed the amendments and accepts the argument made regarding the lowering of the slab levels, but is disappointed that the property has not been brought forward in the site, to reduce its impact upon 1 Little Orchard. It must be stressed that changing the position of the new house was not part of the reasons for deferral by Members; and as set out above, the amended proposal is not considered to have an adverse impact upon the occupants of any neighbouring property in terms of loss of privacy or appearing overbearing. This suggestion is therefore considered to be unnecessary.

Other Matters

6.0 SEE ATTACHED REPORT

8.0 CONCLUSION

8.01 The issues raised by Councillor Springett, Bearsted Parish Council and the neighbours have been considered in the recommendation put forward and it should be added that issues of rights of way over land is a civil matter that needs to be dealt with privately between the interested parties, it is not a material planning consideration in the determination of planning applications. Furthermore, no objection is still raised in terms of parking provision and details of boundary treatments will be requested by way

of condition; and relevant conditions have been changed/added to reflect the submitted amendments.

8.02 It is considered that the reasons for deferral have been suitably addressed and the view therefore remains that the proposal would not cause unacceptable visual harm; it would not have an adverse impact upon the living conditions of any neighbouring property or upon future occupants; it would not result in a highway safety issue; and all other matters are acceptable as set out in the original committee report. I therefore recommend approval of the application on this basis.

9.0 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) The development shall not commence until written details and samples of the materials to be used in the construction of the external surfaces of the building, including those of the roof, elevations, hard surfaces and retaining walls, hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed using the approved materials;

Reason: To ensure a satisfactory appearance to the development.

(3) The approved details of the parking 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) 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 is likely to lead to parking inconvenient to other road users and in the interests of road safety.

(4) The development hereby approved shall not commence above slab level until, details of all fencing, walling and other boundary treatments have been submitted to and approved in writing by the local planning authority and the development shall be carried out in accordance with the approved details before the first occupation of the building(s) or land and maintained thereafter;

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

(5) Prior to commencement of works/development above DPC level, written details of a scheme of landscaping shall be submitted to and approved in writing by the Local Planning Authority which shall include a long term management plan. The scheme shall be designed using the principles established in the Councils adopted Landscape Character Assessment and Landscape Guidelines;

Reason: To ensure a satisfactory appearance to the development.

(6) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees

or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation;

Reason: To ensure a satisfactory appearance to the development.

(7) Prior to commencement of works/development above DPC level, written details of the provision of swift and/or bat/bird bricks/boxes within the building shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be installed prior to the first occupation of the property and maintained thereafter unless otherwise agreed in writing by the local planning authority;

Reason: In the interests of biodiversity enhancement.

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

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

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

Reason: To safeguard the character and appearance of the surrounding area and in the interests of residential amenity.

(10) Before the development hereby permitted is first occupied, the proposed first floor flank windows shall be obscure glazed and shall subsequently be maintained as such to the satisfaction of the local planning authority;

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

(11) The finished threshold level of the dwelling hereby approved shall not exceed 56.30AOD unless otherwise agreed in writing by the local planning authority;

Reason: To prevent harm to the residential amenity of neighbouring occupiers.

(12) The development hereby permitted shall be carried out in accordance with the following approved plans: drawing number 2144 (29/09/17 revision) and unnumbered proposed elevations and floor plans (08/09/17 revision) received 12/09/17;

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

Case Officer: Kathryn Altieri

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

APPENDIX 1

REPORT SUMMARY

REFERENCE NO - 17/502118/FULL		
APPLICATION PROPOSAL Erection of dwellinghouse and engineering operations to create off road parking.		
ADDRESS Mount Lodge Church Lane Bearsted Maidstone Kent ME14 4EF		
RECOMMENDATION - APPROVE		
SUMMARY OF REASONS FOR RECOMMENDATION The details are considered to comply with the policies of the Development Plan, where relevant, and the National Planning Policy Framework, and there are no overriding material considerations to indicate a refusal of planning consent.		
REASON FOR REFERRAL TO COMMITTEE - Bearsted Parish Council wish to see application refused and reported to Planning Committee		
WARD Bearsted	**PARISH COUNCIL** Bearsted	**APPLICANT** Mrs Diana Bishop
DECISION DUE DATE 23/06/17	**PUBLICITY EXPIRY DATE** 26/05/17	**OFFICER SITE VISIT DATE** 17/05/17
RELEVANT PLANNING HISTORY:		

- 16/502127 – Single storey side extension - Approved
- MA/14/0094 - Erection of house and engineering operations to create off road parking (replacement of expired consent MA/10/0854) - Approved
- MA/10/0854 – Erection of house and engineering operations to create off road car parking – Approved

MAIN REPORT

1.0 DESCRIPTION OF SITE

1.01 'Mount Lodge' is a detached property that fronts onto Church Lane, with its existing garage sitting at a lower level to the main house. The surrounding area is predominantly residential in character, with properties of differing scale, design and age; and for the purposes of the Local Plan, the site is within the defined urban area. To the immediate northeast and northwest is housing that has been approved and constructed within the last 10 years.

2.0 PROPOSAL

2.01 The proposal is for the erection of a detached (4-bed) house, to be sited on the north-eastern side of 'Mount Lodge', and for a pitch roof to the garage and additional parking area for 'Mount Lodge'.

2.02 The same proposal was originally approved under MA/10/0854 (on 10th December 2010) and then renewed under MA/14/0094 (on 14th April 2014). The approval granted under MA/14/0094 expired in April this year.

3.0 POLICY AND OTHER CONSIDERATIONS

- Maidstone Borough-Wide Local Plan 2000: ENV6, T13
- National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)
- Draft Maidstone Local Plan (2011-2031): SP1, DM1, DM10, DM27

4.0 LOCAL REPRESENTATIONS

4.01 **Local Residents**: 3 representations received from local residents raising the following issues:

- Loss of light/overshadowing
- Loss of privacy
- Visual impact
- Surface water drainage
- Out of date plans submitted/incorrect details submitted
- Highway safety/parking provision

5.0 CONSULTATIONS

5.01 **Councillor Springett:** Raises objection and comments are summarised as follows;

"Proposed dwelling will be over-dominant to adjacent property at 1 Little Orchard.

It will cause loss of light to 2 principle rooms at 1 Little Orchard that have windows looking towards the proposed building; and will cause loss of privacy to their private patio area.

Design of proposal is very poor when compared to the existing street scene and will create a cramped form of development which is out of character with the rest of the lane, which lies between two Conservation areas.

It will also introduce row of parked vehicles which is not seen elsewhere in Church Lane.

Vehicles will need to manoeuvre on blind bend in order to park on proposed parking area.

Potential loss of privacy to rear gardens of 3 properties in Nethermount to north of site

Whilst I appreciate that permission was previously granted in 2010, and renewed in 2014, there are changes that need to be taken into consideration. In 2010, there was a significant distance between the proposed dwelling and the next nearest property to the north east. Whilst I appreciate that 1 Little Orchard had been constructed by the time permission was renewed in 2014, there was an error in the officer report that failed to acknowledge the close proximity of 1 Little Orchard, and it is not clear if a site visit was undertaken at the time of renewal. Therefore, that decision could have been made on incorrect information and should be disregarded when making your decision.

Loss of some of terraced garden to Mount Lodge is disappointing and in conjunction with proposed 4 parking spaces, introduces more urban appearance to otherwise semi-rural lane in a sensitive location.

Development will contravene parts i), ii) and iii) of emerging Policy DM10 as part of site is residential garden land. As Maidstone Borough now has well in excess of a five year land supply, the harm caused by this development will not outweigh the benefit."

5.02 **Bearsted Parish Council:** Wishes to see the application refused and requests Planning Committee consideration;

"The Planning Committee wish to raise objection for the following reasons:
1. Restriction of light to neighbouring houses;
2. Overlooking windows to adjacent property and gardens;
3. The building style is oppressive with an overbearing design;
4. Access to building is on dangerous corner with little visibility. Sight lines for parking at Mount Lodge are dangerous as parking will be cut into a bank and therefore drivers will not be able to see when exiting parking area for new property.

Committee wish to point out that the ordinance survey map supplied with application is considerably out of date and therefore disingenuous as it does not show current density of surrounding houses."

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

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

6.0 APPRAISAL

6.01 The proposal is the same scheme as approved under MA/10/0854 and MA/14/0094, with the latter application only expiring in April this year.

6.02 The neighbouring development of 'Little Orchard' was first approved in August 2009, under MA/09/0760, before the new house was approved at 'Mount Lodge'; and the impact upon the amenity of the future (now existing) residents of this cul-de-sac development were fully considered under MA/10/0854 and MA/14/0094 and this relationship was not 'overlooked' as has been suggested. Under both previous applications, no objection was raised in terms of the impact upon neighbouring residential amenity. I concur with those assessments in that the side windows on '1 Little Orchard' are small secondary windows on the ground floor and serve bathrooms on the first floor, and so any impact here would not be objectionable. Nor would the new dwelling overlook the garden/patio area immediately to the rear of this property as its rear building line/windows would be parallel. Being parallel, there would not be any unacceptable overbearing or overshadowing impact. The new dwelling would also be a sufficient distance from '9 Nethermount' to the northwest so as not to overlook (approximately 14m from the boundary).

6.03 No objection was raised to the development in terms of its visual impact and in terms of highway safety under both MA/10/0854 and MA/14/0094. Again, it is considered that the proposals are still visually acceptable and that the density is in keeping with the more recent developments to the northwest and northeast. KCC Highways raise no objections.

6.04 Under the last renewal (MA/14/0094), the proposal was considered against the NPPF and saved polices ENV6 and T13 of the 2000 Local Plan. This remains as relevant policy/guidance and the emerging policies of the submitted version of the Local Plan do not significantly change the approach of recommending approval of this proposal. Policy DM10 allows for the development of garden land subject to there being no visual harm; no harm to amenity; and suitable access. For the above reasons, the proposals comply with this policy.

6.05 The local planning authority has twice previously approved the same scheme, with the most recent permission expiring only in April 2017; and there are considered to be no new material planning issues that would warrant refusal.

Other Matters

6.06 The Environmental Protection Team raises no objection in terms of noise, air quality and land contamination, and so no objection is raised in these respects. Given the relatively modest scale and location of the proposal and the previous planning history, no objection is raised in terms of flood risk and surface water drainage.

6.07 There are some inconsistencies within the submitted details of this application, however, the applicant has clarified that the windows would be timber and there would be a slope up the new house (not steps as shown on the plan). Whilst the site location plan is not up to date, I have visited the site, have used up to date maps, and have therefore assessed the application with regard to the current situation on the ground. The Code for Sustainable Homes is no longer relevant within planning considerations

and the previous condition for this will be removed and replaced with a request for renewable energies to be incorporated into the scheme.

7.0 CONCLUSION

7.01 It is considered that 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. I therefore recommend approval of the application 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) The development shall not commence until written details and samples of the materials to be used in the construction of the external surfaces of the building, including those of the roof, elevations, hard surfaces and retaining walls, hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be constructed using the approved materials;

Reason: To ensure a satisfactory appearance to the development.

(3) The approved details of the parking 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) 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 is likely to lead to parking inconvenient to other road users and in the interests of road safety.

(4) The development hereby approved shall not commence above slab level until, details of all fencing, walling and other boundary treatments have been submitted to and approved in writing by the local planning authority and the development shall be carried out in accordance with the approved details before the first occupation of the building(s) or land and maintained thereafter;

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

(5) Prior to commencement of works/development above DPC level, written details of a scheme of landscaping shall be submitted to and approved in writing by the Local Planning Authority which shall include a long term management plan. The scheme shall be designed using the principles established in the Councils adopted Landscape Character Assessment and Landscape Guidelines;

Reason: To ensure a satisfactory appearance to the development.

(6) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the development, whichever is the sooner; and any trees or plants which within a period of five years from the completion of the development

die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the Local Planning Authority gives written consent to any variation;

Reason: To ensure a satisfactory appearance to the development.

(7) Prior to commencement of works/development above DPC level, written details of the provision of swift and/or bat/bird bricks/boxes within the building shall be submitted to and approved in writing by the Local Planning Authority. The approved details shall be installed prior to the first occupation of the property and maintained thereafter unless otherwise agreed in writing by the local planning authority;

Reason: In the interests of biodiversity enhancement.

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

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

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

Reason: In order to ensure a satisfactory appearance to the development.

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

Reason: To safeguard the character and appearance of the surrounding area and in the interests of residential amenity.

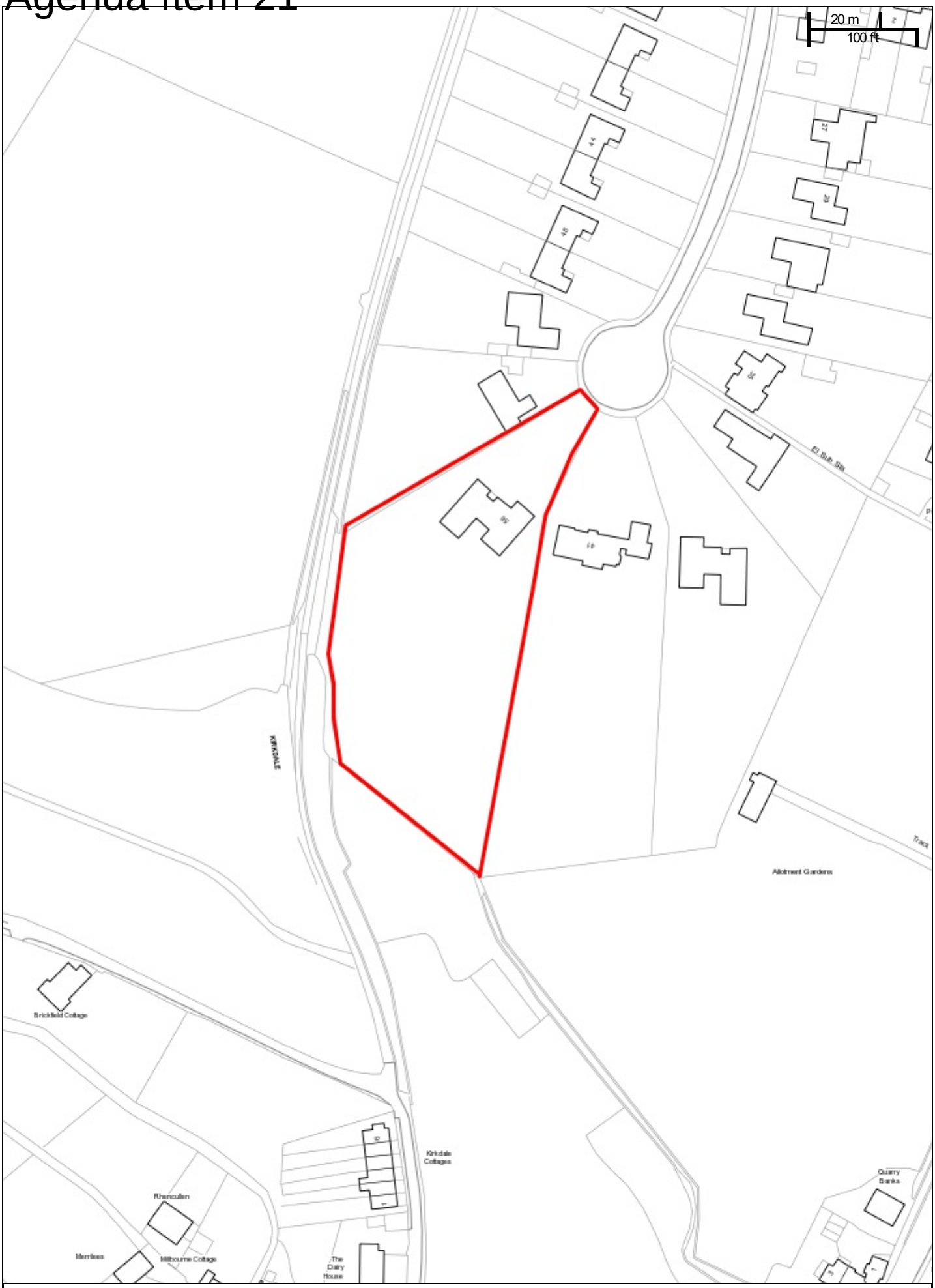
(11) The development hereby permitted shall be carried out in accordance with the following approved plans: drawing number 2144 and unnumbered proposed elevations and floor plans received 20th April 2017;

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

Case Officer: Kathryn Altieri

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

Agenda Item 21



17/502262 56 Valley Drive
Scale: 1:1415
Printed on: 1/11/2017 at 11:40 AM by JulieM

N

ASTUN TECHNOLOGY
© Astun Technology Ltd

REPORT SUMMARY

REFERENCE NO - 17/502262/FULL		
APPLICATION PROPOSAL - Erection of first floor rear extension.		
ADDRESS - 56 Valley Drive Loose Maidstone Kent ME15 9TL		
RECOMMENDATION - GRANT planning permission subject to conditions:		
SUMMARY OF REASONS FOR RECOMMENDATION - The current submission is considered to overcome the Council's previous reasons for refusal, and the reasons as to why the previous appeal was dismissed. The proposed first floor rear extension is now deemed to be consistent with the existing character and appearance of the property, and there are no significant adverse impacts upon the character, appearance and visual amenity of the locality generally. The proposed extension complies with requirements set out in the development plan. It would not result in any adverse impacts on adjoining neighbouring properties considering that the window openings on the western elevation would be conditioned to be obscure glazed.		
REASON FOR REFERRAL TO COMMITTEE - Loose Parish Council requested that the application be determined by the planning committee if the case officer was minded to recommend approval.		
WARD Loose	**PARISH/TOWN COUNCIL** Loose	**APPLICANT** Dr Pancholi **AGENT** Prime Folio Ltd
DECISION DUE DATE 30/06/2017	**PUBLICITY EXPIRY DATE** 04/06/2017	**OFFICER SITE VISIT DATE** 15/05/2017

RELEVANT PLANNING HISTORY

App No	Proposal	Decision	Date
15/505586/FULL	Single-storey side extension, front porch and first floor extension; First floor sun room and balcony at rear	REFUSED	03.09.2015
15/510004/FULL	Erection of a single-storey side extension, front porch extension and first floor rear extension.	REFUSED	27.01.2016
APP/U2235/D/16/3150675	Erection of a single-storey side extension, front porch extension and first floor rear extension.	APPEAL DISMISSED	12/09/2016
17/504355/LAWPRO	Lawful Development certificate for proposed single storey side extension and conservatory. Conversion of existing integral garage to bedroom/gym.	PERMITTED	24/08/2017
17/502264/FULL	Erection of New double Garage	PERMITTED	29/09/2017
17/502032/FULL	Erection of front Porch	PERMITTED	29/09/2017

MAIN REPORT

1.0 DESCRIPTION OF SITE

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

1.02 The neighbouring development comprises of a mix detached bungalows of varied design and scale, interspersed with a handful of detached two-storey properties, all set within a sizeable and well planted and manicured garden plots. The site is located outside the Loose Valley Conservation Area, which runs along its western boundary. A 1.8 metre high evergreen hedge of Leylandii species runs along the common boundary with the neighbouring dwelling to the north west of the site no.54 Valley Drive. The rear boundary abuts the Loose Valley Conservation Area, with matured trees and boundary vegetation screening the site from view.

1.03 Part of the application site lies within the urban boundary as defined by the Maidstone Borough-Wide Local Plan (2000), with the other half within the open countryside. The part of the site where the development is proposed is within the urban boundary, therefore the relevant development polices would apply.

2.0 PROPOSAL

2.01 This application for the erection of a first floor rear extension over the existing hall, lounge, kitchen and study. It is in part a re-submission of 15/505586/FULL and 15/510004/FULL which was refused by the Council and found to be unacceptable at appeal. The appeals inspector took issue with the three dimensional form of the proposed first floor addition, the relationship of the eaves line to the roof of the existing bungalow, its fenestrations pattern, and the introduction of the glazed bay with slopping roof on the eastern elevation of the landing. In dismissing the previous appeal, the appeals inspector stated that the first floor rear addition as designed 'would serve to overwhelm and destroy the character of the original property'.

2.02 The current resubmission for a first floor addition comprises of master suite and landing area above the existing single storey rear projection. It would be approximately 8 metres in depth and just under 7.5 metres across the full width of the rear projection. It would have a hipped roof which would project above the existing roof incorporating dormer windows within the eastern, western and rear southern roof slopes. In addition to other amendments, the height of the first floor rear extension in the current proposals has been considerably set down when compared with the previously refused applications. Other changes include a significantly scaled back fenestrations pattern, and removal of the glazed bay with sloping roof on the southern and eastern elevations referred to in the inspectors report. Also, the relationship of the eaves line to the roof of the existing bungalow which was subject to criticism in the inspector's report has been replaced with a significantly reduced eaves height which is below the ridge line of the existing roof.

2.03 The applicant have submitted design amendments removing the element of the proposals involving replacement of the Leylandi boundary hedging along the common

boundary with the neighbouring dwelling to the north west of the site (no.54 Valley Drive) with Yew hedge.

3.0 POLICY AND OTHER CONSIDERATIONS

3.01 The National Planning Policy Framework (NPPF) Paragraphs 57, 60 and 61 of the government guidance in the National Planning Policy Framework.
National Planning Practice Guidance (NPPG)
Development Plan: Policy DM8 of the adopted Maidstone Borough Local Plan (2017)
Supplementary Planning Documents: Residential Extensions (May 2009), Loose Road Character Assessment SPD (2008)

4.0 LOCAL REPRESENTATIONS

4.01 **Local Residents**: The owners/occupiers of dwellings adjoining the site were notified of this application by letter and a site notice displayed. Representations were received from neighbouring occupiers of nos. 41, 52, 54 and 56 Valley Drive, objecting to the proposal on the following summarised grounds;

- Overlooking and loss privacy
- Over dominant and out of character with the area**;**
- Loss of Leylandii hedge**;**
- First step towards commercialisation of the site

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

5.0 CONSULTATIONS

5.01 Loose Parish Council raises objection to this proposal on the grounds that;

- Loss of Leylandii hedge**;**
- The height and mass is out of proportion to the adjacent properties.
- It would be detrimental to the views across the Conservation Area;
- The application is not in keeping with the character of the surrounding area.
- There will be significant harm to the architectural integrity as identified in the last inspectors report.
- The removal of the hedge would open up the visibility into the rear of 54 Valley Drive.

5.02 Natural England has no comments to make on this application.

6.0 APPRAISAL

Main Issues

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

- The impact of the first floor rear extension on the character and appearance of the application property, the general vicinity of the site, and the character and setting of the nearby Loose Valley Conservation Area; together with
- The impact on the amenities of owners/occupiers of surrounding residential properties.

6.02 Being a resubmission of planning application 15/506785/FULL and 15/510348/FULL, the Local Planning Authority needs to be satisfied that this current application by reason of its scale, design and fenestration pattern overcomes the previous reasons for refusal and the reasons given for dismissal at appeal.

6.03 Given the presence of two storey buildings within the street, it needs to be pointed out that the key issues for consideration in this submission does not include the principle or acceptability of a two-storey developments within Valley Drive. Members are reminded that this did not form the basis of the appeals inspector's decision to dismiss the appeal.

Visual Impact

6.04 The application property forms part five individually designed properties located to the southern end of Valley Drive. The character of the area is depicted by bungalows and a handful of two storey buildings set well back from the road with generally low boundary wall treatment and glimpses of the countryside beyond. The application site is screened by tall conifers and boundary vegetation, which terminates the views from within the street. There are matured trees running along the rear boundary site with the Loose Valley Conservation Area, which screens the property and neighbouring properties from view within the Conservation Area.

6.05 The proposed first floor rear extension is set back from Valley Drive by approximately 60 metres, with views of the property from the streetscene terminated by the established vegetation along its front boundary. The roof of the proposed first floor addition would be hipped and significantly set down when compared with the height of ridge line of the previously refused applications. Therefore, whilst it would protrude slightly above the roof of the main dwelling, it would not appear of excessive bulk and massing when seen in the context of the site and neighbouring developments. The reduced height of the ridge line, the reconstituted relationship with the eaves, and change in fenestration pattern in the current application ensures that the development would not overwhelm or destroy the character of the host property.

6.06 Generally, the current resubmission is designed to accord with the character of the existing dwelling with limited visual impact when view from within the street of Valley Drive. Given its location, scale and distance from the front boundary of the site, it would not appear over dominant or visually harmful within the street when viewed as an addition to the host property. The proposed first floor addition would appear subordinate and a further unassuming change to Valley Drive.

6.07 The application property is set back from the neighbouring dwelling to the north west of the site (no.54 Valley Drive) by a distance of approximately 17 metres. Therefore, the proposed development would be to the rear of this property. Whilst the upper sections of the western elevation of the development would rise above the dense leylandii boundary vegetation running along the common boundary of both properties, the appearance of the extension from the rear garden of the application property would not detract from the existing character and appearance of the area. The first floor rear addition would have a separating distance of approximately 32

metres from the western flank of the neighbouring dwelling to the east of the site (no.41 Valley Drive). Therefore it would not appear over dominant when viewed from within the curtilage of this dwelling.

6.08 In terms of visual appearance, the current resubmission is acceptable as it would not appear overly prominent or visually harmful when viewed in the context of the application property and developments within the street at Valley Drive. It is therefore considered to overcome reasons outlined in the Council's previous decision notices and the visual appearance reasons as to why the inspector dismissed the appeal.

6.09 The application states that external surfacing materials would be similar to those used in the construction of the existing dwelling, which would ensure that it is in keeping with the character and appearance of the host property.

Residential Amenity

6.10 The application incorporates two dormer windows in the eastern roof slope which is not considered to raise any significant overlooking concerns given its location and the separating distances with the neighbouring property to the east of the site (no.41 Valley Drive). An additional dormer window is proposed on the west facing roof slope which could overlook the rear garden of the neighbouring dwelling to the north west of the site (no.54 Valley Drive). Therefore, it is recommended that this window is conditioned to be obscure glazed and incapable of being opened except for a high level fanlight opening of at least 1.7m above the inside floor level to safeguard the privacy of neighbouring occupiers. The small roof light window opening incorporated on the same elevation is not considered to raise any significant overlooking concerns. The large glazing panels incorporated on the south facing rear dormer facing onto the rear garden of the application site, would not overlook any neighbouring dwelling or their garden. The proposal is considered acceptable on amenity.

Other Matters

6.11 In terms, of landscaping the submitted plans whilst showing some details of the existing driveway and the proposed garages do not indicate any additional landscaping within the site. As indicated above, the applicant has submitted design amendments removing the element of the proposal involving replacement of the existing Leylandii hedge with Yew. Considering that the site has a well landscaped front and rear garden which would be retained, I do not consider it necessary to impose a landscaping condition requiring submission of details of landscaping within the site.

6.12 Comments have been received from Loose Parish Council and neighbours objecting to the proposals on grounds that it is contrary to the Loose Road Character Assessment. However, as indicated in my assessment above, the amended proposal does not obscure the existing views and connections to the open countryside which is terminated by the tall trees surrounding the site. The proposal respects the quiet residential character and scale of developments within Valley Drive and therefore considered to protect the character and setting of the nearby Loose Valley Conservation Area and the vicinity of the site generally.

6.13 Further comments have been received from neighbouring occupiers objecting to the proposals on grounds that the submitted plans/drawings are conflicting and lack

dimension. The submitted plans/drawings are of appropriate dimension and there is no evidence to substantiate the claims made that the submitted scheme is conflicting.

6.14 Loose Parish Council have raised concerns over the loss of the hedge running along the common boundary with the neighbouring dwelling to the north west of the site. The removal of the boundary hedge in itself is not classed as development and therefore, cannot be considered as part of the application.

7.0 CONCLUSION

7.01 The design of the current scheme represents a significant improvement upon the previous applications. Officers have assessed the submission and consider the impact on the character, appearance and visual amenity of the application property and generally locality to be acceptable. The proposed development does not result in any adverse impact on the amenities of any neighbouring property.

7.02 The proposed development is acceptable in design terms. The development will assimilate well within the general streetscene of Valley Drive, particularly when considering that there are existing two storey dwellings within the street. In the circumstances, I recommend that this application is approved subject to appropriate conditions.

8.0 RECOMMENDATION GRANT planning permission subject to the following conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission;
   Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

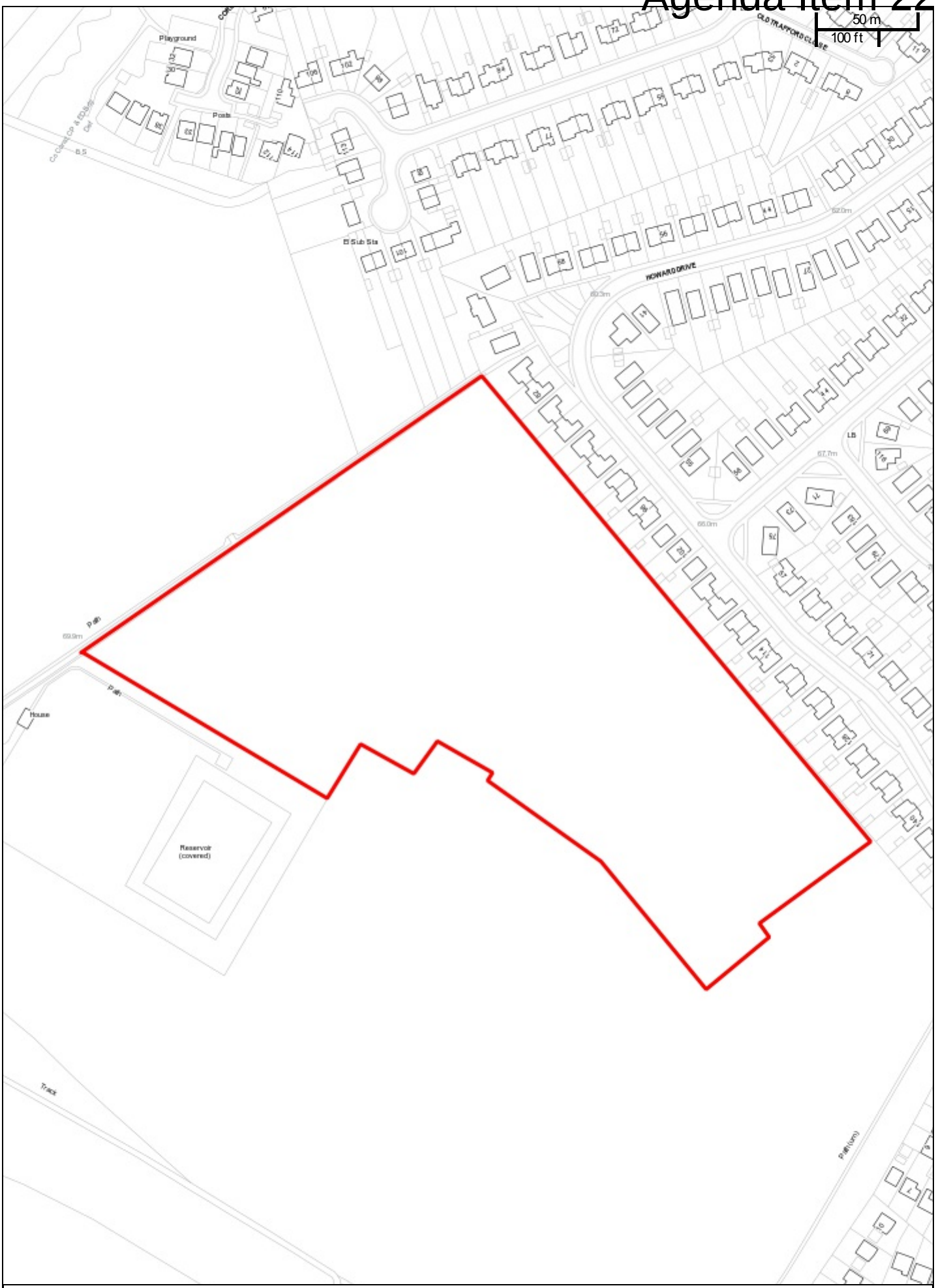
2. The development hereby permitted shall be carried out in accordance with the following approved plans/drawings received on 27th April, 2017
   Drawing Number 15-24-12 Proposed Plans and Elevations
   Reason: To ensure the quality of the development is maintained and to prevent harm to the residential amenity of neighbouring occupiers.

3. The materials to be used in the construction of the external work to the first floor rear extension hereby permitted shall match those used in the existing building;
   Reason: To ensure a satisfactory appearance to the development.

4. Before the development hereby permitted is first occupied, the windows on the first floor of the west facing elevation of the extension hereby permitted (as shown on drawing no.15-24-12) shall be obscure glazed and shall be incapable of being opened except for a high level fanlight opening of at least 1.7m above inside floor level and shall subsequently be maintained as such to the satisfaction of the Local Planning Authority.
   Reason: To prevent overlooking of adjoining property and to safeguard the privacy of existing and prospective occupiers.

Case Officer: Francis Amekor

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



17/502767 Land to the East of Hermitage Lane

Scale: 1:2500

Printed on: 1/11/2017 at 11:55 AM by JulieM

N

ASTUN TECHNOLOGY
© Astun Technology Ltd

REPORT SUMMARY

REFERENCE NO - 17/502767/REM		
APPLICATION PROPOSAL Approval of Reserved Matters (Appearance, Landscaping, Layout and Scale being sought) Phase 2 for the erection of 119 dwellings with associated infrastructure pursuant of 13/1749 allowed on appeal APP/U2235/A/14/2226326.		
ADDRESS - Land to the East of Hermitage Lane Maidstone Kent		
RECOMMENDATION – Approve subject to conditions		
SUMMARY OF REASONS FOR RECOMMENDATION The reserved maters application follows the key principles established by the outline planning permission and the illustrative masterplan and accords with the adopted Maidstone Borough Local Plan (2017).		
REASON FOR REFERRAL TO COMMITTEE The application has been called to planning committee by Cllrs C.Robertson, D. Daley and D.Lewins due to the large scale nature of the proposals and the change to the character of the locality.		
WARD Allington	**PARISH/TOWN COUNCIL** **N/A**	**APPLICANT** Croudace Homes Ltd **AGENT** Croudace Homes Ltd
DECISION DUE DATE 05/09/17 – Extension of Time agreed to 10.11.17	**PUBLICITY EXPIRY DATE** 18/09/17	**OFFICER SITE VISIT DATE** Various

RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):

App No	Proposal	Decision	Date
17/503680	Reserved matters of appearance, landscaping, layout and scale for Phase 2A of the outline approval 13/1749 comprising Community centre with associated infrastructure.	Awaiting decision	
16/503641	Reserved matters of appearance, landscaping, layout and scale for Phase 1 for erection of 183 dwellings with associated infrastructure pursuant to outline approval ref 13/1749.	Approved	20.12.16
16/507319	Submission of details pursuant to conditions 10, 11, 12, 14 and 18 of outline planning permission MA/13/1749 for the access road (from Hermitage Lane) only.	Approved	30.12.16
14/503735	Outline - Access not reserved - Mixed use development comprising up to 420 residential dwellings (including Affordable homes), land safeguarded for an education facility and land safeguarding for a community centre. Provision	Withdrawn Resolved to be approved	04.02.16

	of public open space (including children's play areas) associated infrastructure and necessary demolition and earthworks. The formation of 2 no. new vehicle accesses from Hermitage Lane and Howard Drive	by planning committee 30.07.2015.	
14/503786/OUT	Outline application for up to 80 residential dwellings with access to be considered at this stage with all other matters reserved for future consideration.	Withdrawn	04.02.16
13/1749	An Outline application for a Mixed-Use development comprising up to 500 residential dwellings (including affordable homes), land safeguarded for an education facility and land safeguarded for a community centre. Provision of public open space (inc. children's play areas) associated infrastructure and necessary demolition and earthworks. The formation of 2No. new vehicular accesses from Hermitage Lane and Howard Drive. With access to be considered at this stage and all other matters reserved for future consideration.	Refused – Allowed on appeal	19.10.15
MA/12/2307	Request for a screening opinion as to whether the proposed development incorporating up to 700 dwellings, a mixed use centre, a 2 form entry primary school, access from Hermitage Lane, up to 15,000sqft employment uses, extension to Barming Railway Station car park, drainage infrastructure and open space is development requiring an Environmental Impact Assessment.	Not EIA development	24.01.13
MA/01/0080	Outline application for residential development, the creation of new vehicular accesses, provision for a local centre, community building, school site, public open space, informal parkland, greenways and landscaping, with all matters except means of access reserved for future consideration	Refused – Non determine Appeal dismissed	02.10.02

MAIN REPORT

1.0 DESCRIPTION OF SITE

1.01 The site is located to the east of Hermitage Lane (the B2246). The southern boundary is demarcated by a belt of designated Ancient Woodland with a smaller fallow field beyond. The Maidstone Hospital and land associated with the Old Hermitage/St Lawrence's Chapel are located further beyond.

1.02 The western boundary of the wider site follows Hermitage Lane in parts and also a paddock to the rear of properties fronting Hermitage Lane. Areas of open agricultural land including a pear orchard are located immediately north of the site.

1.03 The remaining boundaries of the wider site are adjacent to existing residential development. To the north-east are properties on Howard Drive and to the south east are the rear gardens and properties located on Rosslyn Green, Hawkwood, Watermill Close and The Weavers.

1.04 The whole site granted outline permission on appeal under 13/1749 extends to approximately 30.66 ha and comprises a strategic allocation in the adopted Maidstone Borough Local Plan (2017) (and one in the former Local Plan 2000) and is within both Maidstone Borough and Tonbridge and Malling Borough, however the site area the subject of the current phase 2 application extends to approximately 3.43 hectares. The site is irregular in shape (and excludes a covered reservoir in the centre) and comprises fields and areas of woodland which vary in character and use. The northern field contains a commercial pear orchard with the main field previously used for crop growing. The site also comprises two residential properties, nos. 100 and 102 Howard Drive. These properties are proposed to be demolished to facilitate a secondary emergency/bus access.

1.05 There are a number of trees within the site predominantly located in woodland groups. The most substantial of these is located along the southern boundary, with part of this belt designated as Ancient Woodland. The remainder of trees are located along the other boundaries. Tree Preservation Orders cover the trees along the north eastern and south eastern boundaries.

1.06 A number of Public Rights of Way traverse or lie adjacent to the site including PROW MR489/KB47 extending between Hermitage Lane and Howard Drive, PROW KB51, extending south east from MR489/KB47 through the main block of woodland and PROW KB19, following the south eastern boundary to Howard Drive.

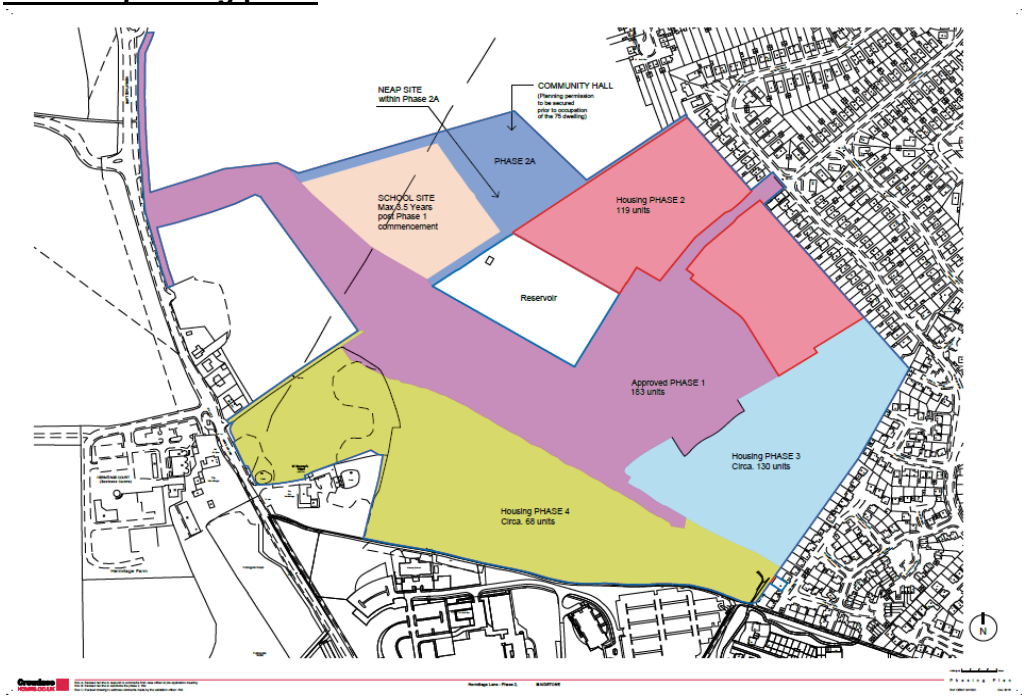
1.07 The site lies on the transition between the Greensand Ridge to the south and the river Medway valley to the north and is gently undulating, falling steadily to the north - north east, from a high point of 80m AOD at the south eastern corner, to a low point of approximately 60m AOD at the north western and western corners. Beyond this, the land continues to fall gradually to the north-west and north

2.0 PROPOSAL

2.01 The reserved matters application seeks approval of matters relating to layout, appearance, scale and landscaping for Phase 2 only for 119 dwellings with associated infrastructure. Matters relating to access were approved as part of the outline approved under 13/1749.

2.02 The Phasing plan (shown in red below), shows the subject application with a Phase 2A comprising the community centre (the subject of a separate application) with a further 2 phases to follow. Phase 4 (which includes the Ancient Woodland) and the area known as the “hospital field” is shown in green.

Phase 2 phasing plan



2.03 The phase 2 land connects directly with the recently approved phase 1 (shown in purple) land to the north east and continues the primary link through the site linking with Howard Drive. The outline approval granted permission for the access road from Hermitage Lane to a point some 581m into the site (almost parallel with the reservoir to the east and forming part of phase 1 – now approved) and a secondary access from Howard Drive extending some 67m into the site which is included within the phase 2 detail. Use of this access is restricted by condition 7 (see Appendix A) for buses, emergency vehicles, pedestrians and cyclists only. As such means of access is not for consideration with this reserved matters application.

2.04 The application was the subject of pre-application discussions which involved a number of amendments to the scheme prior to submission and recently was the subject of amended plans to address concerns relating to layout and the design format of some of the buildings.

2.05 The Phase 2 scheme builds upon the parameters set by the outline permission regarding quantity and type of open space provision (secured by condition 21 of the outline planning permission) with phase 2 following the principle established by the illustrative Masterplan. Phase 2 contributes 1.68 hectares of principally semi natural open space which includes that part of the retained tree belt covered by TPO No. 36 of 2003 and which includes within this area SUDs features to manage the surface water drainage for the site. The cumulative total provision of open space across phases 1 and 2 totals 4.62 hectares with Phase 2A (a separate item on the agenda) contributing an additional 1.55 ha. This is in line with condition 21 of the outline planning permission.

2.06 The Phase 2 scheme incorporates a buffer area with retained established landscaping between the rear of houses along Howard Drive ranging from between 100-135 metres in depth from the front facing elevation of the new properties to the rear fence line of the Howard Drive properties.

2.07 Specific building forms are provided at prominent locations within the Phase 2 site which consist of “vista” and “key” buildings and continue the design format laid out by the Phase 1 approval. The scale of buildings range from one to three storey’s with taller buildings fronting the primary road and smaller scale buildings positioned around the fringes of the site. All building heights are below or at 11m, as required by condition 20 of the outline permission (see Appendix A). Parking is provided in accordance with vehicle parking standards. A mix of dwelling types are proposed within the 119 units ranging from 1-5 bedroom units with materials comprising of facing brickwork, brick features, tile hanging, ragstone walling on “key” buildings and render. A variety of bays and entrance porches, set under a mix of plain tile and slate roofs are proposed. A total of 36 affordable dwellings are proposed within Phase 2, which comprise 61% affordable rent (8 – 1 bed flats, 7 – 2 bed houses, 6 - 3 bed houses and 1 - 4 bed house and 39% shared ownership (6 – 1 bed flats, 6 – 2 bed houses and 2 – 3 bed houses, all following the requirements established by the outline planning permission.

3.0 POLICY AND OTHER CONSIDERATIONS

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Supplementary Planning Documents: MBC Affordable Housing DPD (2006) and Open space DPD (2006)
The Maidstone Borough Local Plan (2017): SS1, SP1, SP2, SP18, SP23, H1, H1(2), DM1, DM2, DM3, DM4, DM6, DM11, DM12, DM13, DM21, DM24,
Former policies no longer applicable - Maidstone Borough-Wide Local Plan 2000: ENV6, ENV24, ENV27, ENV31, H1 (xvii), H12, CF1, CF6, CF8, T3

4.0 LOCAL REPRESENTATIONS

4.01 **Local Residents**: 141 representations received from local residents raising the following (summarised) issues:

- Significant traffic congestion
- Over-capacity in local schools
- Harm to countryside character
- Flooding issues
- Restricted access due to traffic to major hospital
- Lack of sufficient infrastructure capacity
- Insufficient parking for the new houses
- New retail park at end of Hermitage lane has caused traffic chaos
- Too many apartments being built in phase 1
- Concern over exit into Howard Drive and who may use this
- Concerns over air quality
- Loss of green spaces
- Objects to the loss of woodland TG3001- protected by TPO No.36
- Phase 1 plan appears to show an access road leading up to the Ancient woodland
- Work should not take place during the bird nesting season
- Protection of fauna and flora
- Air pollution
- Excessive height

4.02 Letter received from the New Allington Action Group (NAAG) raising concerns on the following information.

- Abuse of ancient Woodland buffer on Phase 1
- Premature for Phase 2 to come forward when phase 1 is making slow progress
- Sewerage and Drainage – a detailed drainage design has not been submitted
- Phase 2 LEMP - no long term management for the ancient woodland set out.
- 3 storey building heights are not in keeping with the local area
- Visitor parking is inadequate
- No details about the bus gate from Howard Drive is provided
- PROW/Byway – Inadequate protection to user of the byway. Demand speed restrictions for new access road.

5.0 CONSULTATIONS

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

5.01 SGN Natural Gas -: standard response citing location of gas pipeline – but will not be affected by application proposal.

5.02 UK Power Networks: -: No objections

5.03 MBC Environmental Services - No objection

5.04 MBC Arboricultural and Landscape Officer – The main change from the outline proposals to the current application is the extent and layout of the proposed attenuation basins with the resultant impact on further tree and scrub losses (including a number of larger trees). The resultant effect is a negative visual impact in the short term where additional trees will have to be felled to accommodate the attenuation basins, although the individual quality of these trees is moderate to low. Significant semi-natural replanting is proposed around the basins which will naturally become vegetated in time such that the area will regain a semi-natural character in time.

The landscape details follow the principles already approved and no objection is raised to the details submitted.

5.05 KCC PROW – No objection – refers to protection of restricted byway KB47

5.06 KCC LLFA – No objection to reserved matters details

5.07 KCC Highways – Following the receipt of requested information, no objection raised

5.08 KCC Ecology - Following receipt of additional information no objection to the detail of the submitted amended LEMP for Phase 2.

5.09 KCC Archaeology – Recommends an archaeological field evaluation condition.

5.10 Natural England – No comment

5.11 Highways England – In accordance with outline approval – no further comments to make.

5.12 E.A – No objection to reserved matters details but await final drainage design to be submitted in support of condition 11 of the outline permission. Acknowledge letter from Croudace dated 14.07.17 and find the response acceptable.

5.13 Southern Water – an application under S104 and 106 under the Water Industry acts needs to be submitted and approved by SW.

6.0 APPRAISAL

Main Issues

6.01 The key issues for consideration relate to:

- Principle of development
- Layout – visual amenity
- Design
- Landscaping of the site

Background matters

6.02 Members will recall that outline planning permission 13/1749 was refused by the Council on a number of grounds, principally the impact on the Ancient Woodland, the absence of a Country Park within Tonbridge and Malling Borough Council and in the absence of a legal agreement to secure financial contributions to mitigate the impacts of the development. The appeal was recovered by the Secretary of State and was the subject of a public inquiry between 2-5 June and 9 June 2015. The Inspector submitted his report to the Secretary of State in August 2015 with the Secretary of State issuing his approval notice in October 2015 – see Appendix B.

6.03 The outline approval for the site granted planning permission for a mixed use development comprising of up to 500 dwellings, land safeguarded for an education facility and community facility, provision of open space, associated infrastructure and necessary demolition/earthworks and the formation of 2No. new vehicular access from Hermitage Lane and Howard Drive. Matters relating to the access were approved as part of the outline permission but all other matters were reserved for future consideration.

6.04 Phase 1 approval for 183 dwellings as part of the reserved matters application was granted on 20 December 2016. Conditions imposed on the outline permission, amongst other matters require the submission of a phasing plan to identity the sequence of phases and site area coming forward. Conditions on the outline permission generally defer to the phasing plan to enable each phase and their subsequent conditions to be considered on a phase by phase basis. There are exceptions to this however, relating to the construction management plan.

6.05 A separate S106 agreement relating to infrastructure provision was accepted by the Inspector/ S of S and within this agreement requires the provision of a LEMP – Landscape Ecological Management Plan. Croudace have submitted this document as a supporting document to the current reserved matters for Phase 2 (as they did for Phase 1), however, this document is not a requirement of the outline conditions or a

detailed matter for consideration as part of the reserved matters application. It will need to be formally approved prior to development commencing on phase 2.

Principle of Development

6.06 The principle of development has already been established by the grant of outline planning permission by the Secretary of State (SoS) under planning reference 13/1749 on 19th October 2015. This granted permission for development of the site for up to 500 dwellings with access considered at the outline stage. Matters relating to layout, scale, appearance and landscaping were reserved for future consideration. Whilst a number of supporting plans were submitted with the outline application, most of these were for illustrative purposes only and the SoS in his decision notice – see Appendix A and B, only conditioned the access roads (condition 5), the height of the buildings not to exceed 11m (condition 20) and that the quality and type of open spaces shall be as set out in the Design and Access Statement dated Oct 2013 (condition 21). The submitted reserved matters application meets the specified criteria and is therefore a valid reserved matters application.

6.07 The adopted Maidstone Borough Local Plan (2017) (which was adopted by the Council on 25th October 2017) includes the whole site as an allocation for residential led housing development under polices SP2 and H1(2) (formerly under polices H1(xvii) and H12 of the Maidstone Borough Wide Local Plan 2000) and consideration of this application needs to be assessed against the criteria set out below.

Policy H1(2) of the Maidstone Borough Local Plan (2017) is set out below:

East of Hermitage Lane, Maidstone
East of Hermitage Lane, as shown on the policies map, is allocated for development of approximately 500 dwellings at an average density of 40 dwellings per hectare. In addition to the requirements of policy H1, planning permission will be granted if the following criteria are met.
Design and layout
1. A 15 metres wide landscape buffer will be implemented between the identified area of ancient woodland and the proposed housing development, to be planted as per recommendations detailed in a landscape survey. Development will not be permitted within this area.
2. The root protection area of trees identified as in and adjacent to the area of ancient woodland will be maintained and kept free from development.
3. A buffer will be provided along the north eastern boundary of the site (rear of Howard Drive dwellings), incorporating existing protected trees, the details of which will be agreed with the council.
4. The wooded character of the footpath (KB19) running along the south eastern boundary of the site will be maintained.
5. Development will be subject to the results and recommendations of an archaeological survey.
Access
6. Access to the site will be taken from B2246 Hermitage Lane. Subject to the agreement of junction details, this access will be made in the vicinity of the land opposite the entrance to Hermitage Quarry.
7. An automated bus gate will be provided that allows buses and emergency vehicles to access the site from Howard Drive. Pedestrian and cycle access from Howard Drive will enable permeability to the site.
8. Where ownership of component land parcels differs, access for development purposes will not be impeded to or from these component parcels.

Air quality

9. Appropriate air quality mitigation measures to be agreed with the council will be implemented as part of the development.

Open space

10. The ancient woodland on the south western boundary of the housing development will be retained as public open space.

11. The linear woodland, extending south and south east from the ancient woodland to the site boundary, will be retained as public open space.

12. The land currently used as a commercial orchard, north west of the restricted byway and extending as far as the borough boundary, will be retained for a combination of community infrastructure and public open space uses.

13. Provision of 12.95 ha of open space within the site comprising 6.62ha woodland/landscape buffers, 5.41ha amenity green space, 0.77ha of allotments (community orchard), 0.15ha of provision for children and young people and contributions towards outdoor sports facilities at Giddyhorn Lane. Development should maximise the use of the southern part of the site including Bluebell Wood and the "hospital field" for the provision of open space, making best use of existing features within the site.

Community Infrastructure

14. Land will be transferred for primary education use, the details of which will be agreed with the local education authority.

15. A multi-functional community centre will be provided. The use of the north western part of the site (land to the north of the restricted byway and south of the borough boundary) for the siting of community infrastructure is strongly encouraged.

Highways and transportation

16. A direct pedestrian/cycle path, complementary to the current character of the orchard and open fields, will be provided alongside the western access to site.

17. Contributions will be made towards pedestrian and cycle links to existing residential areas, shops, schools and health facilities, including links through to Howard Drive and Queen’s Road via Freshland Road.

18. Provision of pedestrian crossing facilities on Hermitage Lane to the north of the site.

Strategic highways and transportation

19. Interim improvement to M20 J5 roundabout including white lining scheme.

20. Traffic signalisation of M20 J5 roundabout and localised widening of slip roads and circulatory carriageway.

21. Provision of an additional lane at the Coldharbour roundabout.

22. Capacity improvements at the junction of Fountain Lane and A26.

23. Provision of a circular bus route to serve the north west Maidstone strategic development area.

24. Provision of a new cycle lane along B2246 Hermitage Lane.

Utility infrastructure

25. A connection is provided to the local sewerage system at the nearest point of adequate capacity, in collaboration with the service provider.

Minerals safeguarding

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

6.08 Phase 1 of the development which was approved by members of this committee with planning issued on 20th December 2016 and with development progressing on site, has established the key street hierarchy, with key "feature" buildings framing the primary route (primarily 3 storeys) with principally 2 storey building fanning out to the more suburban edges. The current Phase 2 proposal seeks to continue this layout and provide a key vista to the new community building accessed off the new primary route.

6.09 Policy SP2 of the adopted Local Plan requires amongst other matters, the provision of local shopping facilities on the H1(2) site. The outline application considered the appropriateness and likely success of sustaining shopping facilities within the overall development, however it was concluded (and evidenced) that the allocation could not sustain local shopping facilities. As such, no such facilities were included in the outline approval.

6.10 The current proposals are details pursuant to the outline permission and as such no such requirement could be imposed on the current application. So whilst the policy sets out a requirement for such facilities within the overall site, there is no mechanism available under the current reserved matters application for this to be included.

Layout

6.11 As set out above, policy H1(2) of the Maidstone Borough Local Plan (2017) provides the detailed criteria to be met for developing out the site. The phase 1 permission has established the key design principles for the centre of the site with the current application seeking to establish the key design principles for the more suburban outer edges of the site, whilst also proving a clear and visible route, promoted by the enhanced scale of the buildings, to the new community building. Most of the criteria for the H1(2) policy has been established by the outline permission and the phase 1 reserved matters, with a key criteria for the second phase being point 3 of the above policy, which seeks to retain a buffer along the north eastern boundary of the site (rear of Howard Drive dwellings), incorporating existing protected trees, the details of which will be agreed with the council.

6.12 The phase 2 application maintains the principles adopted by the illustrative master plan and seeks the retention of a significant amount of existing semi natural landscaping to the north-west boundary (approximately 1.68 ha) which includes those tress protected under TPO No.36 of 2003 . Whilst the proposals will remove a number of these trees – a matter recognised when the outline approval was granted (by virtue of the detailed FLAC Tree Survey) a significant buffer area will be maintained between the new houses and the rear garden fences of those properties backing onto the site (but fronting Howard Drive). This buffer varies along the length of the north west boundaries from 100 -135 metres in depth. The buffer area contains the existing semi-natural appearance but will also include the swale basins and attenuation ponds to manage the surface water disposal of the site. This matter is discussed in more detail in the landscaping section of the report but the layout proposals establish the retention of a significant amount of existing semi-natural open space along the boundary of the site aiding the creation of potential new habitats and thereby increasing the biodiversity potential of the site in accordance with paragraph 118 of the NPPF.

6.13 The phase 2 proposals continue the established and accepted design form of the phase 1 reserved matters with principally 3 storey dwellings along the primary street frontage with tree lined avenues and on street parking to create a clear and legible

street which has been intentionally elevated to create the main street. Off the primary street - to the NW and NE, dwellings are reduced in scale comprising principally 2 and 2.5 storey dwelling houses to reflect a more suburban and edge of settlement character with reduced width roads and limited on street parking which frame the edges of the development and are generally informal and shared spaces.

6.14 Outside the phase 2 application site but on the same agenda for planning committee is the Community Centre building, which forms a key focal point of the whole scheme. Whilst not for consideration as part of the phase 2 application, its positioning within the overall site has a major implication for the positioning of dwellings on the application site as it is key that this community building is easily identified with a clear logical route off the primary street. To this end, the street leading to the community centre has been intentionally positioned so that the community building is the focal building at the end of the street with buildings along this street elevated in scale to 2.5 and 3 storey buildings to focus attention along the street to the new community building.

Phase 2 Layout

6.15 Strong well defined building lines are promoted by the establishment of principally perimeter blocks to each road frontage which provide an active street frontage with the use of vista buildings to terminate longer views. Corner buildings are used to actively turn corners and engage with the street. This continues the strong urban form established by the phase 1 design in the centre axis of the site and helps to create clearly defined and legible streets which assist in way making across the early crucial phase of the development site. Key buildings are used to create an identity and continue the use of Kentish ragstone (shown as ⬭). Linkages with the surrounding PROW network is achieved by the phase 1 layout and this will be further enhanced as the relevant phases come forward.

6.16 The layout of the site provides for the retention of important existing landscaping and trees which are discussed later in this report, whilst meeting the requirements of the final Draft policy and the outline condition (21 – see Appendix A) which specifies the quantity and type of open space to be provided across the whole site.

Parking

6.17 Visitor parking is provided on street with each unit being provided parking in accordance with KCC standards. The full parking details are set out below. Essentially 1 and 2 bed apartments have 1 parking space, 2 bed houses have on average 1.5 to 2 spaces, 3 bed houses have on average 2 to 3 spaces and 4 and 5 bed houses have 3 to 4 parking spaces. KCC Highways are satisfied with the parking and turning provision within the site.

Housing Mix and Affordable Housing

6.18 A good mix of housing types are dispersed throughout the phase 2 site area which meet the identified needs of the borough -ranging from 1 bed flats/maisonette to 5 bedroom houses. A detailed mix has been submitted with the application. Affordable housing is distributed within the site and provides for 36 dwellings which equates to 30% of the overall housing provision in phase1 (as required by the S106 agreement).The S106 agreement for the outline application secured 30% affordable housing across the whole site. The Phase 2 scheme provides for 22 affordable rental dwellings comprising a mix of 1, 2, 3 and 4 bed units and 14 affordable shared ownership dwellings comprising a mix of 1, 2 and 3 bed units.

Residential amenity

6.19 The housing layout provides for good separation distances between houses which meet industry recognised standards and prevents significant overlooking of residential gardens. Windows are positioned on dwellings to reduce the occurrence of overlooking whilst creating active frontages and surveillance of public spaces. The perimeter block format adopted by the proposal establishes overlooking of public areas from residential dwellings and provides for natural surveillance of the public open spaces/squares which create a sense of safety for users of the space. The phase 2 proposals are considered acceptable on the amenity of future residential properties.

6.20 The pedestrian/cycle and bus only access from Howard Drive which runs through the phase 2 site area will have a limited impact on principally the properties either side of the access due to increased noise and disturbance however this was previously accepted by the SoS in the granting of outline permission for this access and therefore is not for consideration as part of this reserved matters application.

6.21 Given the distance away from other existing residential properties, especially those fronting Howard Drive, the phase 2 proposals will not have an impact on overlooking/loss of privacy although surrounding properties will obviously experience a change as the site is developed out.

6.22 Overall and with changes negotiated to the layout of phase 2 through the progression of the application and at pre-application stage, the layout of phase 2 will provide a high quality housing development which responds to the sensitivities of the site, promotes legibility and way making, utilises key landscape features as focal points with enhanced habitats for biodiversity, provides for sufficient on and off street parking and provides an acceptable level of residential amenity for future and existing dwellings.

Scale

6.23 The overall scale of the buildings varies across the phase 2 site (similarly to that of the phase 1 scheme) from single storey garage units (shown in red below) to two storey dwellings (shown in light blue) and three storey buildings, (in purple). The maximum scale of buildings was restricted by outline condition 20 – (see Appendix A) which limits building heights to 11m. All the buildings across phase 2 are at or below 11m. As can be seen from the drawing below, the three storey buildings are predominately those which continue the primary street and those which front the new street leading to the Community Centre. Whilst not part of this application, this building is key to the wayfinding for future visitors to the site and to how this building is easily located. The scale of buildings along this street denotes its importance in the street hierarchy and seeks to promote and identify wayfinding to this important community resource. Lower storey heights are used to reflect the changing character areas and reduced density toward the fringes of the site.

6.24 Amendments have been negotiated during the course of the application to ensure streets are coherent, clearly defined and create active street frontages. This is promoted and reinforced by appropriate building heights in key locations. I consider the correct balance has now been achieved and the scale of the buildings in the locations shown is appropriate and continues the theme created by the approved phase 1 layout to create a strong coherent strategy for the remaining phases of the site.

Building Heights

Appearance

6.25 The proposed buildings include a variety of house types and designs which are of a traditional design and continue the theme created by the phase 1 development. Materials include a mixture of brickwork – (yellow stock and red multi bricks), ragstone walling to key buildings, render, hardie-plank cedar boarding and vertical tile hanging. Roofs are proposed in two key materials, grey natural slate and plain tiles. The use of these materials follow the themes established under the phase 1 consent where natural slate is used on the dwellings fronting the main street and the street leading to the community centre and plan tiles and natural slate is used on the other buildings. A variety of bays and entrance porches are used to help articulate the buildings with windows to be finished with a mixture of tiled and cast stone cills and brick window heads.

6.26 Boundaries fronting the public realm are to be constructed using facing brickwork to match the adjacent house. Those not immediately visible from public areas will use close boarded fencing with hedging proposed in certain locations. Details of the boundary treatment across the phase 2 site have been carefully considered to ensure high quality boundary treatment is used in association with a strong public realm landscaping scheme.

6.27 Key buildings are promoted in the site, predominately along the route leading to the Community Centre by the use of ragstone walling fronted buildings with yellow stock brickwork under natural slate roofs. This promotes the importance of these buildings and of the street – leading to a focal building of the development, while the palette of materials, establishes a coherent link to the phase 1 consent scheme. Whilst the palette of materials has been set out, the exact details, method of laying the ragstone, pointing detail, window details etc should be controlled by condition. I recommend the imposition of a materials condition.

6.28 Overall, it is considered that the proposed appearance of the development will create a high quality development site which responds to the local context, builds upon the consented Phase 1 scheme and continues the use of high quality materials and meets the objectives of local plan polices and the NPPF - paragraphs 56, 57, 58 and 60.

Landscaping

6.29 The application is accompanied by detailed landscaping drawings for all the open spaces areas within phase 2, together with Arboriculture Method Statements and a revised LEMP for phase 2.

6.30 Members will note that the submission of the site wide LEMP was a requirement of the S106 agreement on the outline permission which requires its submission prior to commencement of development. It was NOT a requirement of the outline conditions. There is therefore no need to submit the LEMP provisions as part of the reserved matters detail for phase 2. However the developers have submitted the LEMP provisions to provide members with the confidence that they are fulfilling the requirements of the S106 agreement and due to commitments given on the phase1 proposals where it was agreed to include management of the Ancient Woodland within the Phase 2 LEMP proposals. The LEMP has been reviewed by the KCC Ecology and following a number of suggested changes, is now in a form which they confirm “that the updated information is sufficient to demonstrate that the site will be under active management and it will commence as soon as the works within the relevant section has been completed”.

6.31 A key requirement of adopted policy H1(2) - criterion 3, is the "provision of a buffer along the north eastern boundary of the site (rear of Howard Drive dwellings), incorporating existing protected trees the details of which are to be agreed by the council". The Council's Arboricultural officer has inspected the submitted Arboricultural Method Statement plans. His comments are mainly directed at the semi-natural area along the northern boundary (covered by criterion 3 of policy H1(2)). He acknowledges the fairly significant changes from those submitted for the outline application to the current proposals, this being attributable to the extent and layout of the proposed attenuation basins and the resultant further loss of trees/scrub cover. He accepts this will have a negative short term visual impact but with the additional planting proposed, that this area will regain a semi- natural character in time. He also acknowledges the balances between SUDs and biodiversity objectives (as proposed by the current reserved matters details and the retention of existing tree cover as advocated by the policy.

6.32 The Council's Landscape officer has confirmed that the landscaping details are acceptable and are in general conformity with the Landscape Guidelines which are supplemental to the Maidstone Landscape Character Assessment.

6.33 Clearly, there is a balance that needs to be struck which seeks to meet the criteria of the adopted policy whilst seeking to improve biodiversity objectives and provide for sustainable surface water drainage solutions. To have a better understanding of the surface water drainage requirements for the site and the implications of this on the proposed landscaped areas, the applicants were asked to provide a drainage strategy to support the current application (as it was known at the outline stage that swales/attenuation basins were proposed in northern buffer area). The updated Drainage Strategy submitted with the application and included within the landscaping detail provides for swales and attenuation ponds which are to be designed as "wet" ponds to provide biodiversity enhancements and mange water quality. Whilst this will meet the objectives of paragraph 118 of the NPPF which seek to enhance biodiversity within development sites, the consequences are the loss of existing trees/shrubs, which although of moderate to low quality, do contribute to the visual character of the boundaries of the site.

6.34 Having weighted the benefits arising from new habitat creation and a site wide designed SUDs scheme, whilst acknowledging the negative impact in the short term due to the loss of trees within this northern boundary buffer, the benefits of the current proposals outweigh the short term harm, especially as the proposed landscaping will mature over time to regain a semi natural character. I therefore concur with the Arboricultural officer' comment that the initial effects can be mitigated with appropriate landscaping and long term management objectives. I have recommended conditions to cover this.

6.35 Overall, it is considered that the landscaping proposals within phase 2 are acceptable and will meet the aspirations of adopted policy H1(2), the Council's Landscape Guidelines as set out in the Landscape Character Assessment and condition 21 of the outline consent which requires all reserved matters applications to provide for the quantity and type of open space specified in the Design and Access statement submitted for the outline application. The plans submitted demonstrate that the overall quantity and type of open space is on course to be delivered across the phases.

Other Matters

Conditional Approval of Outline Matters (conditions 2,10,18 & 20)

6.36 The outline permission requires a number of details to be submitted as part of the reserved matters application. Condition 1 requires a phasing plan to be agreed by the LPA. The Phasing plan was agreed as part of the Phase 1 details. Condition 2 requires the submission of reserved matters and is addressed by the current application. Condition 10 requires details of tree retention and protection during the relevant phase of development. The submitted details are considered acceptable with no objections raised by the Council's Arboricultural officer for phase 2. The condition should be discharged for phase 2 only.
Condition 18 requires details of public lighting to be agreed by the LPA for each phase of development. The applicants have submitted a lighting detail for phase 2. This is considered acceptable and should be discharged for phase 2 only. Condition 20 limits height of all buildings to 11m. All buildings within the phase 2 are at or under 11m.

Surface Water Drainage

6.37 The applicants have submitted an Updated Drainage Strategy for the site which has been reviewed by KCC's Flood and Water Management Team and the E.A. KCC as Lead Local Flood Authority have no objection to the discharge of the reserved matters phase for phase 2 and note the revisions to the drainage strategy and are satisfied with the proposed disposal of surface water via deep-bored soakaways and attenuation ponds. The E.A's updated comments following clarification from the applicants now confirm that as the agreed unsaturated zone will be maintained and where an increased depth of borehole is deemed necessary, then further testing and monitoring will be required, they find the details acceptable.

Archaeology

6.38 Condition 12 of the outline permission requires the submission of archaeological work in accordance with a scheme of investigation which requires the approval of the LPA and KCC. Whilst KCC Archaeology in their statutory response have requested a condition to cover archaeological works, this was already imposed on the outline consent and it would not be appropriate to impose this again on the reserved matters phase 2 scheme. A scheme has bene submitted to cover the phase 1 proposals and the applicants are working with KCC archaeology to address this matter.

KCC PROW

6.39 KCC's –PROW team have requested that the applicant be advised on the matters covered in informatives 2 and 3 below. As these matters are controlled by separate legislation - the Highways Act, I consider that these matters are best dealt with by the informatives set out below.

7.0 CONCLUSION

7.01 The granting of outline planning permission by the SoS in October 2015 established the principle of a mixed use development across the site for up to 500 dwellings, education facility, community centre, provision of open space and two new accesses from Hermitage Lane/Howard Drive. The approval of the first phase of development for 183 dwellings in December 2016 established the key design principles for development of this site and the current phase 2 continues those established design and landscape principles.

7.02 The reserved matters application follows the requirements of the adopted Maidstone Borough Local Plan policies SS1, SP2 and H1(2) and the outline planning permission. Following revisions to the phase 2 application, I am now satisfied that the proposals will create a high quality development with place making at its heart. Key legible routes are clearly defined with a hierarchy of streets with key vista buildings marking important routes. Landscape protection is afforded to the buffer area behind properties fronting Howard Drive which seeks to retain existing (albeit reduced in area) semi natural habitats with the introduction of swales and attention ponds designed to provide biodiversity enhancements to the site. The objectives and aspirations of the illustrative masterplan are on track to be met by the phase 2 scheme. High quality materials are proposed to the facing elements of buildings which will ensure a connection to the surrounding built form and local heritage. The guiding principles of the LEMP will ensure the long term protection of the Ancient Woodland and the open space areas of the site.

7.03 The phase 2 layout and material detail will set a high quality standard for the remaining parts of the site and is considered an appropriate response to this sensitive site on the edge of the Maidstone urban area.

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

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

Layouts

- **4389/1:** Site Survey 1 Aworth Sheet 1
- **4389/2:** Site Survey 1 Aworth Sheet 2
- **4389/3:** Site Survey 1 Aworth Sheet 3
- **4389/4:** Site Survey 1 Aworth Sheet 4
- **4389/5:** Site Survey 1 Aworth Sheet 5
- **4694:** Site Survey 1 Aworth Tree Schedule
- **4694/1:** Site Survey 2 Aworth Sheet 1
- **4694/2:** Site Survey 2 Aworth Sheet 2
- **4389:** Site Survey 2 Aworth Tree Schedule
- **DES/118/021:** Site Photograph Key Plan
- **DES/145/100:** Site Location Plan **Rev. C**
- **DES/118/101:** Illustrative Master Plan **Rev. C**
- **DES/118/102:** Phasing Plan **Rev. C**
- **DES/145/101:** Phase 2 Site Layout **Rev. D**
- **DES/145/102:** Phase 2 Housing Mix Plan **Rev. B**
- **DES/145/103:** Phase 2 Affordable Housing Tenure Plan **Rev. B**
- **DES/145/104:** Phase2 Refuse Storage and Tracking Plan **Rev. B**
- **DES/145/105:** Phase 2 Parking Strategy Plan **Rev. B**
- **DES/145/106:** Phase 2 Storey Heights Plan **Rev. B**
- **DES/145/107:** Phase 2 Materials Plan **Rev. B**
- **DES/145/108:** Phase 2 Enclosures Plan **Rev. B**
- **DES/145/109:** Phase 2 Lighting Plan **Rev. B**

- **DES/145/110:** Phase 2 Hard Surface Materials Plan **Rev. B**
- **DES/145/111:** Phase 2 Proposed Road Offer for Adoption Plan **Rev. A**

Street Scenes

- **DES/145/300:** Street Scenes Sheet 1 **Rev. A**
- **DES/145/301:** Street Scenes Sheet 2 **Rev. B**
- **DES/145/302:** Street Scenes Sheet 3 **Rev. A**

Landscape

- **DES/145/500:** Planting Plan 1 of 6 **Rev. B**
- **DES/145/501:** Planting plan 2 of 6 **Rev. B**
- **DES/145/502:** Planting plan 3 of 6 **Rev. B**
- **DES/145/503:** Planting plan 4 of 6 **Rev. B**
- **DES/145/504:** Planting plan 5 of 6 **Rev. B**
- **DES/145/505:** Planting plan 6 of 6 **Rev. B**
- **DES/145/511:** Arboricultural Method Statement 1 of 5 **Rev. A**
- **DES/145/512:** Arboricultural Method Statement 2 of 5 **Rev. A**
- **DES/145/513:** Arboricultural Method Statement 3 of 5 **Rev. A**
- **DES/145/514:** Arboricultural Method Statement 4 of 5 **Rev. A**
- **DES/145/515:** Arboricultural Method Statement 5 of 5 **Rev. A**

Documents

- **DES-145-400:** Design & Access Statement
- **DES-145-402:** Affordable Housing Statement
- **DES-145-403:** Drainage Strategy
- **DES-145-531:** Detailed LEMP- Phase 2 **Rev. C**
- **DES-145-404:** Parking Schedule
- **DEV/145/LPA-01:** EA Response Letter

House Types Plans and Elevations

- **DES-145-200:** S718 (Plots 184,185, 257,258, 263 & 264)
- **DES-145-201:** F768 (Plots 186-191)
- **DES-145-202:** F768 (Plots 186-191)
- **DES-145-203:** S718 (Plots 192, 193 & 194)
- **DES-145-204:** S718 (Plots 195, 196 & 197)
- **DES-145-205:** P176 (Plots 198-209)
- **DES-145-206:** P176 (Plots 198-209)
- **DES-145-207:** P176 (Plots 198-209)
- **DES-145-208:** S713 (Plot 210)
- **DES-145-209:** B276 (Plots 211, 212, 213214, 289, 290, 291, 293, 294, 297, 298, 299, 300, 301 & 302)
- **DES-145-210:** S719 (Plot 215) **Rev. A**
- **DES-145-211:** P166-P168 (Plots 216 & 217)
- **DES-145-212:** P166 (Plots 218 & 219)

- **DES-145-213:** B265-B635 (Plots 220 & 221) **Rev. A**
- **DES-145-214:** B265 (Plots 222, 223, 224, 225, 230 & 231)
- **DES-145-215:** B265-B635 (Plots 226 & 227) **Rev. A**
- **DES-145-216:** B678 (Plots 228 & 229)
- **DES-145-217:** B266 (Plot 232)
- **DES-145-218:** P166 (Plots 233 & 245)
- **DES-145-219:** P168 (Plots 234, 235, 238, 239, 246, 247, 250 & 251)
- **DES-145-220:** P168 (Plots 236, 237, 248 & 249)
- **DES-145-221:** P170 (Plot 240)
- **DES-145-222:** P198-P174 (Plots 241, 242 & 243)
- **DES-145-223:** P171 (Plot 244)
- **DES-145-224:** P166 (Plot 252)
- **DES-145-225:** B266 (Plot 253)
- **DES-145-226:** B265-B635 (Plots 254 & 255) **Rev. A**
- **DES-145-227:** G6 (Plot 256)
- **DES-145-228:** S718 (Plots 259, 260, 261, 262, 27, 272, 273 & 274)
- **DES-145-229:** G6 (Plots 265 & 275)
- **DES-145-230:** S717 (Plots 266 & 267)
- **DES-145-231:** S713 (Plot 268)
- **DES-145-232:** S290 (Plots 269 & 270)
- **DES-145-233:** S780 (Plot 276)
- **DES-145-234:** S688 (Plots 277 & 284) **Rev. A**
- **DES-145-235:** B291 (Plots 278,279, 282 & 283)
- **DES-145-236:** B291 (Plots 280 & 281)
- **DES-145-237:** S652 (Plot 285)
- **DES-145-238:** B265 (Plots 286 & 287)
- **DES-145-239:** S652 (Plot 288)
- **DES-145-240:** S713 (Plot 295)
- **DES-145-241:** S713 (Plot 296)
- **DES-145-242:** Sheet 1 Garages
- **DES-145-243:** Sheet 2 Garages and Carports
- **DES-145-244:** Sheet 3 Garages and Studio
- **DES-145-245:** Sheet 4 Garages and Studio **Rev. A**
- **DES-145-246:** Sheet 5 Carports and Studio **Rev. A**
- **DES-145-247:** Sheet 6 Bin and Cycle Stores
- **DES-145-248:** Sheet 7 Carports

Reason: For the avoidance of doubt.

2. Prior to any development above damp proof course level, written details and samples of the materials to be used in the construction of the external surfaces of any buildings and hard surfaces shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include the method of laying the ragstone

walling, mortar mix and pointing detail for those buildings comprising of ragstone walling. Prior to the first laying of the ragstone walling, a sample panel showing the agreed ragstone detailing shall be constructed on site and shall measure no less than 2 x 2 metres and the sample panel shall remain on site for the duration of the construction of those buildings which contain ragstone walling. Development shall be carried out in accordance with the approved details.

Reason: To ensure a satisfactory appearance of development.

3. The landscape planting and tree protection measures shall be carried out in accordance with the approved landscaping planting plans and the Arboricultural Method Statements, No occupation of the development hereby permitted shall commence until all planting, seeding and turfing specified in the approved landscape details has been completed. All such landscaping shall be carried out during the planting season (October to February). Any seeding or turfing which fails to establish or any trees or plants which, within ten years from the first occupation of a property, commencement of use or adoption of land, die or become so seriously damaged or diseased that their long term amenity value has been adversely affected shall be replaced in the next planting season with plants of the same species and size as detailed in the approved landscape scheme unless the local planning authority gives written consent to any variation.

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

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

   a) Details and locations of swift bricks and bat boxes integral to buildings
   b) Details and locations of bird and bat boxes throughout the site of phase 2
   c) Wildlife friendly gullies
   d) Retention of cordwood on site
   e) Provision of 12cm square gaps under any new boundary fencing to allow passage of small mammals
   f) Details of the existing and proposed contours levels to ODN in and around the attenuation basins within the northern boundary buffer area including measures to protect public safety.
   g) Timing of delivery of the above matters

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

   Reason: To protect and enhance biodiversity

5. Prior to any development above damp proof course level details of measures to prevent parking on landscaped/amenity areas shall be submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the approved materials.

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

6. The vehicle parking spaces and/or garages and vehicle loading/unloading and turning facilities shown on the submitted plans shall be permanently retained for parking and turning and shall not be used for any other purpose. Notwithstanding the provisions of the General Permitted Development (England) Order 2015 as amended

or subsequent amendments, the car ports shown on the approved plans shall not be enclosed at any time.

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

7. Prior to any development above damp proof course level details of the positioning of all external meter cupboards shall be submitted to and approved by in writing the Local Planning Authority. No external meter cupboards shall be positioned on the front/primary elevation of any building. The development shall be carried out in accordance with the agreed details.

   Reason: No such details have been provided and to ensure a satisfactory appearance to the development.

INFORMATIVES

1. The applicant is advised the Condition 10 relating to details of tree retention and protection during Phase 2 is approved BUT for Phase 2 only. Condition 18 requiring details of public lighting for Phase 2 is approved BUT for Phase 2 only.
2. The applicant is advised that PROW KB15 shall be open and available to the public throughout construction and that measures are put in place to ensure public safety is maintained. That the right of way shall be kept in a clean and usable condition.
3. That any proposed surfacing and changes to existing PROW KB47 are agreed by the County Council's PROW and Access Service.
4. KCC Highways have stated the following:
   Public Rights of Way KB47 restricted byway runs along the north western boundary of the site and should not affect the application. I would ask that the restricted byway, has an overlay of tarmac as there will be far more use once the development is completed. I have however, enclosed a copy of the Public Rights of Way network map showing the line of this path for the information of yourself and the applicant. The County Council has a controlling interest in ensuring that the restricted byway is maintained to a standard suitable for use by pedestrians, horse riders, horse and cart cyclists. Any maintenance to the higher level required for continuous motorised vehicular access would be the responsibility of the relevant landowners.

Case Officer: James Bailey

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

Appendix A

Conditions applicable to planning applications referenced 13/1749 & TM/13/03147/OA:

1) Details of a phasing plan for the development shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out in accordance with the approved details.

2) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") for each phase or sub-phase of the development shall be submitted to and approved in writing by the local planning authority before any development begins within that phase or sub-phase and the development shall be carried out in accordance with the details as approved.

3) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.

4) Each phase or sub-phase of the development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved for that phase or sub-phase.

5) The access to the development hereby permitted shall be carried out in accordance with the following approved plans: 1402-GA-32 revision B and 1402-GA-37 revision A.

6) No other development of any phase or sub-phase shall commence until the access to the development has been completed in accordance with approved plan 1402-GA-32 revision B.

7) Prior to the first use of the access from Howard Drive, details of the measures to prevent its use other than by buses, emergency vehicles, pedestrians and cyclists shall have been submitted to and approved in writing by the local planning authority and the approved measures shall have been installed and made operational and thereafter retained in operation.

8) No more than 250 dwellings within the development hereby permitted shall be occupied until the completion of the improvements to M20 Junction 5 shown on drawing number WSP Figure 5 (dated 1 May 2014).

9) No part of the development hereby approved shall be occupied until details of measures (known as a Green Travel Plan) to encourage the use of access to and from the site by a variety of non-car means have been submitted to and approved in writing by the local planning authority, put into operation and thereafter retained in operation.

10) No development shall commence on any phase or sub-phase until details of trees to be retained on that phase and of the measures to be taken for their protection during construction have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

11) No development shall commence on any phase or sub-phase until details of both foul and surface water drainage for that phase or sub-phase have been submitted to and approved in writing by the local planning authority. The development shall be carried out in

accordance with the approved details. No building shall be occupied or used until its foul and surface water drainage has been completed in accordance with the approved details. The drainage shall thereafter be retained in an operational condition.

12) No development shall take place within the areas indicated in paragraphs 8.3.2, 8.3.3 and 8.4.2 of the submitted Heritage Statement dated October 2013 prepared by Wessex Archaeology (report reference 86910.03) until a programme of archaeological work in accordance with those paragraphs has been implemented in accordance with a written scheme of investigation and, if necessary, preservation of finds, which has been submitted to and approved in writing by the local planning authority.

13) If, during development of any phase or sub-phase, contamination not previously identified is found to be present at the site then no further development of that phase or sub-phase (or any lesser but more appropriate area agreed in writing by the local planning authority) shall be carried out until details of a remediation strategy have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

14) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

i) working hours on site

ii) the parking of vehicles of site operatives and visitors

iii) loading and unloading of plant and materials

iv) construction traffic management

v) storage of plant and materials used in constructing the development

vi) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate

vii) wheel washing facilities

viii) measures to control the emission of dust and dirt during construction

ix) measures to control noise and vibration during construction

x) a scheme for recycling/disposing of waste resulting from demolition and construction works

15) No building shall be occupied until provision has been made for the storage of its refuse and recycling bins in accordance with details to be submitted to and approved by the local planning authority.

16) No building shall be occupied until underground ducts have been installed to enable it to be connected to telephone and internet services, electricity services and communal television services without recourse to the erection of distribution poles or overhead lines within the development hereby permitted. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 or any other or subsequent Order revoking or re-enacting that Order, no distribution pole or overhead line shall be erected within the site of the development hereby permitted.

17) No dwelling shall be occupied unless its bedrooms have been fitted with windows with acoustically treated trickle vents in accordance with the recommendations of paragraphs 4.1.8 to 4.1.10 and 5.4 of the submitted Site Suitability Assessment Report: Noise by WSP UK Ltd revision 1 dated 24/09/2013.

18) No development shall commence on any phase or sub-phase until details of public lighting for that phase or sub-phase have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details. No building shall be occupied or used until public lighting to it has been completed and made operational in accordance with the approved details. The lighting shall thereafter be retained in an operational condition.

19) Before the development of each phase or sub-phase begins a scheme (including a timetable for implementation) to secure at least 10% of the energy supply of that phase or sub-phase from decentralised and renewable or low carbon energy sources shall have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented and retained as operational thereafter.

20) The details of scale to be submitted in accordance with condition 2 shall limit to 11m the height from ground level to ridgeline of any building proposed.

21) The details of the layout to be submitted in accordance with condition 2 shall provide for the quantity and type of open space specified in the tables headed Land Use and Green Space Type on pages 38 and 41 and in paragraph 13.15 of the submitted revised Design and Access Statement revision 06 dated 21 October 2013.

Appendix B

Secretary of State Decision Notice

TOWN AND COUNTRY PLANNING ACT 1990 - SECTION 78
APPEALS BY CROUDACE STRATEGIC LTD
LAND EAST OF HERMITAGE LANE, MAIDSTONE, KENT
APPLICATION REFS: 13/1749 & TM/13/03147/OA

1. I am directed by the Secretary of State to say that consideration has been given to the report of the Inspector, P W Clark MA MRTPI MCMI, who held a public inquiry on 5 days between 2 to 9 June 2015 into your client's appeals against the refusal of Maidstone Borough Council (MBC or 'the Council') and Tonbridge and Malling Borough Council (TMBC) to grant planning permission for a mixed-use development comprising up to 500 residential dwellings (including affordable homes, land safeguarded for an education facility and land safeguarded for a community centre, the provision of open space (including children's play areas) associated infrastructure and necessary demolition and earthworks and the formation of 2№ new vehicular accesses from Hermitage Lane and Howard Drive, in accordance with applications 13/1749 & TM/13/03147/OA, both dated 11 October 2013.

2. On 14 October 2014 the appeals were recovered for the Secretary of State's determination, in pursuance of section 79 of, and paragraph 3 of Schedule 6 of the Town and Country Planning Act 1990. The reason for recovery was that the appeals involve proposals for residential development of over 150 units or on sites of over 5 hectares, which would significantly impact on the government's objective to secure a better balance between housing demand and supply and create high quality, sustainable, mixed and inclusive communities.

Inspector's recommendation and summary of the decision
4. The Inspector recommended that the appeals be allowed and planning permission granted. For the reasons given below, the Secretary of State agrees with the Inspector's conclusions and agrees with his recommendations. A copy of the Inspector's report (IR) is enclosed. All references to paragraph numbers, unless otherwise stated, are to that report.

Policy considerations
5. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the development plan comprises the saved policies of the Maidstone Borough-Wide Local Plan, adopted December 2000, together with the Maidstone Local Development Plan Framework Affordable Housing and Open Space Development Plan Documents (DPDs) adopted December 2006 (IR27). Within Tonbridge and Malling, the statutory Development Plan comprises the Core Strategy adopted September 2007 and the Managing Development and the Environment Development Plan Document adopted April 2010 (IR27). The Secretary of State agrees with the Inspector that the most relevant policies to these appeals are those listed at IR29-36.

6. The Secretary of State notes that MBC is in the process of producing a new Local Plan (IR37 - 43). The latest draft is the 2014 Regulation 18 Consultation Document, which proposes to allocate the northern field for 500 dwellings, but the woodland and southern field are proposed to be designated for public open space. However, as this

plan is still at an early stage and may change, the Secretary of State gives it limited weight.

7. Other material considerations which the Secretary of State has taken into account include the National Planning Policy Framework, March 2012 (The Framework), the associated planning practice guidance issued in March 2014, and the Community Infrastructure Levy (CIL) Regulations 2010 as amended. He has also considered the other documents referred to at IR26 and IR44 – 46.

Procedural matters

8. The Secretary of State notes that there are two identical applications and two appeals because the development proposed straddles the boundary between the two local authorities, but that no buildings are envisaged within TMBC's area (IR3). He agrees with the Inspector's conclusion regarding Appeal B at IR209.

9. The Secretary of State notes that both MBC and TMBC adopted Screening Opinions to the effect that the proposed development would not require an Environmental Impact Assessment.

Main issues

Housing supply

10.MBC cannot demonstrate a five year housing land supply and therefore the relevant policies in the development plan for the supply of housing should not be considered up to date in accordance with paragraph 49 of the Framework.

11.The Secretary of State notes that both the main parties agree that 30% of dwellings should be provided as affordable housing, and therefore the proportion of affordable housing offered is not an issue in this appeal.

Ecology

12.For the reasons given at IR218-236, the Secretary of State agrees with the Inspector's conclusions that majority of the area has been correctly designated as ancient woodland (IR227) and that the site has medium to high ecological value at local level (IR237).

13.The Secretary of State agrees with the Inspector's reasoning and conclusions at IR238-252, including that there is no convincing justification for a condition insisting on the delivery of the proposal through the option 3 route to gain access to the southern field, as other options may prove to be more preferable (IR252). As this is an outline application the exact route would be decided at reserved matters stage. The Secretary of State endorses the Inspector's consideration of the option 3 route as an exemplar of how access would be resolved at reserved matters stage because this option is the appellant's currently preferred option (IR247). However, for the reasons at IR245-252, the Secretary of State considers that further investigation at the reserved matters stage might lead to another option to gain access to the southern field being identified and chosen that would be less harmful in ecological terms than option 3. Consequently he considers that option 3 may be regarded as the 'worst case' scenario for the purpose of deciding if the proposal would comply with Framework paragraph 118.

14.Option 3, if taken forward, would result in an absolute loss of about 0.03 ha of Ancient Woodland, equating to only 1.8% of the designated area (IR98 and 253). The Secretary

of State agrees with the Inspector's assessment at IR253-260 of the ecological effects of the proposal on the basis of option 3. Although the small loss of Ancient Woodland would technically infringe the requirements of adopted Local Plan policy H12 which calls for the retention, without qualification, of trees and woodland, the Secretary of State agrees with the Inspector that the ecological effects of option 3 would be acceptable, notwithstanding the minor loss. For the reasons given at IR253-260, the Secretary of State does not consider that harm to biodiversity if option 3 were taken forward would be significant. In respect of the loss of Ancient Woodland, he considers that the need for, and benefits of the development in this location clearly outweigh the loss. He therefore agrees that the tests of Framework paragraph 118, bullets 1 and 5 are clearly met in this case (IR259 and 260).

Landscape
15.For the reasons given at IR261-270 the Secretary of State agrees with the Inspector's conclusion that the effects of the proposal on the landscape character of the neighbourhood would be acceptable, notwithstanding a technical contravention of adopted Local Plan policy H12 (IR271).

Other matters
16.The Secretary of State has had regard to the New Allington Action Group's concerns referred to at IR272 – 273. However he agrees with the Inspector that there is no substantive evidence on which to disagree with Kent County Council and TMBC that the outcomes of this proposal in terms of highway safety and air quality would be acceptable.

17.The Secretary of State agrees with the Inspector's reasons and conclusions at IR275-280 regarding infrastructure, loss of agricultural land, archaeological interest, the Strategic Gap, access to the development and issues arising with development on the Hythe beds.

Conditions
18.The Secretary of State agrees with the Inspector's assessment at IR281-300 regarding planning conditions. He is satisfied that conditions proposed by the Inspector and set out at pages 76-78 of the IR meet the tests of Paragraph 206 in the Framework and comply with the Planning Practice Guidance.

Section 106 planning obligations
19.The Secretary of State agrees with the Inspector's assessment at IR301-304 on the proposed planning obligations. He agrees with the Inspector that with the exception of the provision of £426 per dwelling for the provision and maintenance of strategic open space, the remaining obligations do accord with Paragraph 204 of the Framework and the CIL Regulations 2010 as amended, and so should be taken into account in making the decision.

Overall balance and conclusion
20.The Secretary of State agrees with the Inspector's conclusions at IR305-313. As the relevant policies for the supply of housing in the development plan are out of date the decision taking process in this case should be that set out in the final bullet of paragraph 14 of the Framework.

21.The social and economic benefits of the housing would be very significant. The effect of development on landscape character would be acceptable and there would be a positive overall environmental balance.

22.The harm to biodiversity would not be significant and Framework paragraph 118 does not represent a policy which indicates that development should be restricted in this case for the reasons set out in paragraph 14.

23.Overall, the significant benefits of the proposal would not be outweighed at all, let alone significantly or demonstrably, by the limited adverse impacts. It follows that the scheme should benefit from the presumption in favour of sustainable development.

Formal decision

24.Accordingly, for the reasons given above, the Secretary of State agrees with the Inspector's recommendations and hereby allows your client's appeals and grants planning permission for a mixed-use development comprising up to 500 residential dwellings (including affordable homes, land safeguarded for an education facility and land safeguarded for a community centre, the provision of open space (including children's play areas) associated infrastructure and necessary demolition and earthworks and the formation of 2№ new vehicular accesses from Hermitage Lane and Howard Drive, in accordance with applications 13/1749 & TM/13/03147/OA, both dated 11 October 2013, subject to the conditions set out at Annex A of this letter.

25.An applicant for any consent, agreement or approval required by a condition of this permission for agreement of reserved matters has a statutory right of appeal to the Secretary of State if consent, agreement or approval is refused or granted conditionally or if the Local Planning Authority fail to give notice of their decision within the prescribed period.

26.This letter does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than section 57 of the Town and Country Planning Act 1990.

Right to challenge the decision

27.A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged by making an application to the High Court within six weeks from the date of this letter.

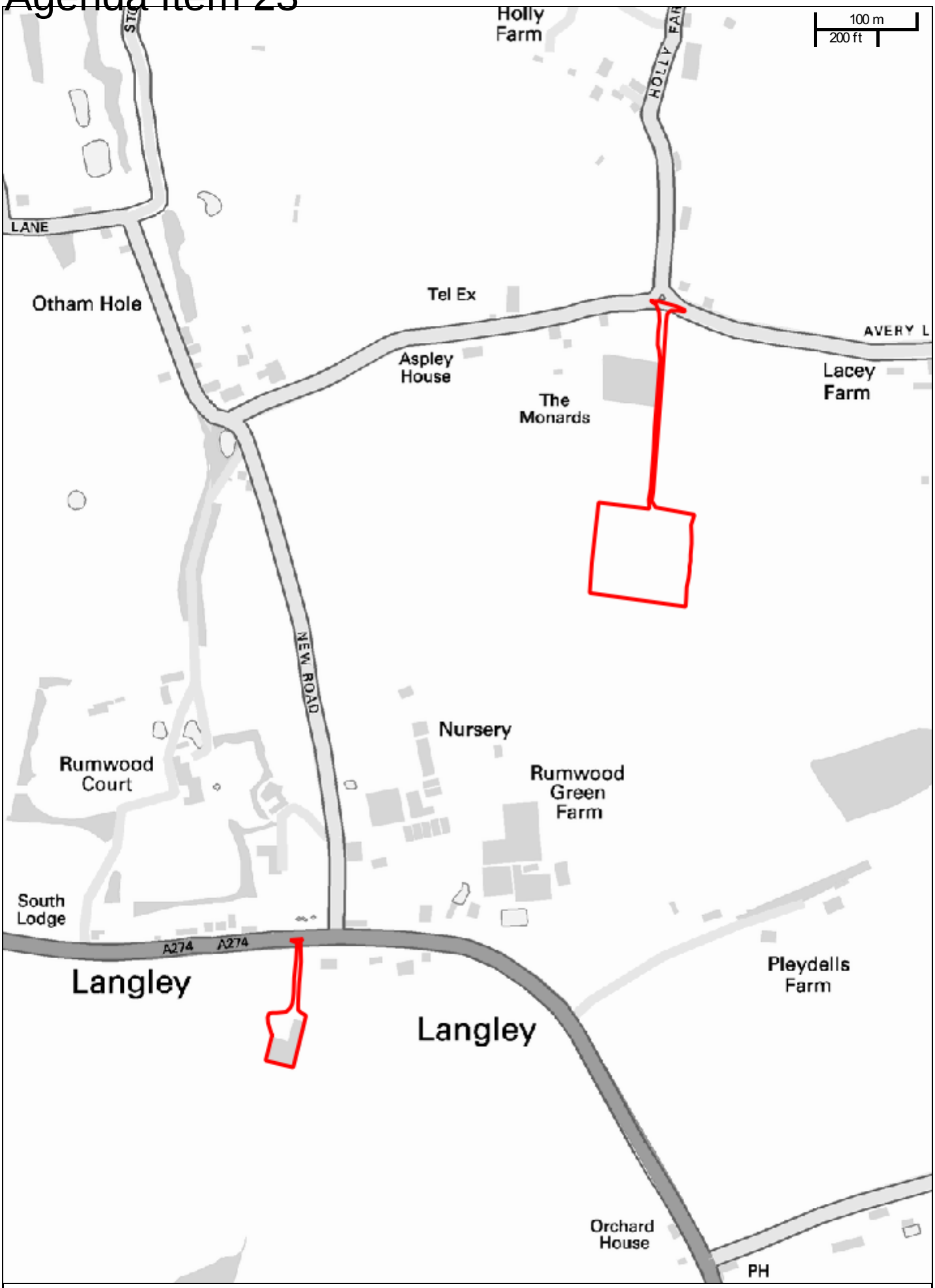
28.A copy of this letter has been sent to Maidstone Borough Council and Tonbridge and Milling Borough Council. A notification e-mail or letter has been sent to all other parties who asked to be informed of the decision.

Yours faithfully

Julian Pitt

JULIAN PITT

Authorised by Secretary of State to sign in that behalf



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

Scale: 1:5000

Printed on: 1/11/2017 at 10:55 AM by JulieM

N

ASTUN TECHNOLOGY
© Astun Technology Ltd

REPORT SUMMARY

REFERENCE NO - 17/503043/FULL

APPLICATION PROPOSAL

Demolition of existing pack house located at Sutton Road, Langley and erection of replacement agricultural/horticultural building with ancillary facilities, yard, drainage works, and alterations to existing access and landscaping at land at Avery Lane.

ADDRESS Land South Of Avery Lane And Land South Of Sutton Road Otham Kent

RECOMMENDATION - GRANT subject to the planning conditions set out in Section 8.0 of the report

SUMMARY OF REASONS FOR RECOMMENDATION

There is a demonstrated agricultural need for the replacement building due to the loss of an existing building to facilitate future housing development and to allow for the sustained needs of the existing nursery and those future short-medium term future demands of the horticultural enterprise.

The development would result in some landscape harm due to its greenfield location and proposed access, but this visual harm is balanced against the agricultural need and the demonstration that no other suitable sites within the applicants land ownership exist.

No significant objections are raised on the grounds of highways matters, residential amenity, ecology or any other impacts that would warrant refusal of the application.

REASON FOR REFERRAL TO COMMITTEE

The application is contrary to the views of Langley and Otham Parish Councils and both have requested it be presented to the Planning Committee should the recommendation be for approval.

WARD Sutton Valence And Langley	**PARISH/TOWN COUNCIL** Langley	**APPLICANT** Rumwood Nurseries Rumwood Nurseries **AGENT** DHA Planning
DECISION DUE DATE 11/09/17	**PUBLICITY EXPIRY DATE** 21/7/17	**OFFICER SITE VISIT DATE** 28/7/17

RELEVANT PLANNING HISTORY (inc appeals and relevant history on adjoining sites):

App No	Proposal	Decision	Date
No history relating to the part of the application site on Avery Lane			
Site on Sutton Road			
15/509015/OUT	Outline application for residential development, together with non-residential uses (including potentially A1 (retail), A3 (sale of food and drink on the premises e.g. restaurant), A4 (public house), D1(a) (medical use), D1(b) (creche/day centre/day nursery), or B1 (office), up to 0.4 ha of land reserved for C2 (residential care), the reservation of 2.1 ha of land for primary education (use class D1), public open space in the form of natural green space, allotments, play facilities and informal open	Pending decision	N/A

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

MAIN REPORT

1.0 DESCRIPTION OF SITE

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

Land off Sutton Road

1.02 The existing agricultural building is located to the south of Sutton Road, almost opposite the junction with New Road to the north. The site benefits from its own access which is laid to hardcore and measures approximately 80m in length, with the existing agricultural building set back a similar distance from the road frontage.

1.03 The existing building is single storey with a grey corrugated wall finish and a corrugated roof. The building is approximately L-shaped and was previously extending in around 2004. There is an existing hedge fronting Sutton Road with the access into the site open and forming a Public Right of Way (KH369) which runs along the eastern boundary of the site. Existing residential development along this southern section of Sutton Road is sporadic, with the access track adjacent to Montrose being the nearest residential property.

1.04 The site is currently outside any settlement boundary, but is part of a wider allocation for development as part of the emerging local plan. This has been given a resolution to approve by the Planning Committee and is awaiting the completion of a legal agreement.

Land off Avery Lane

1.05 The proposed site of the new building is to the north-east of the existing building. It would be accessed from Avery Lane and would utilise an existing farm access which would be upgraded as required. The site is set back approximately 200m from the road frontage and is indicated as a regular square site which would be sited forward of the demarking hedge boundary to the south of the site and would be located to the east of an existing PROW (KH362) which lies to the west of an existing hedgerow along the western boundary.

1.06 The site is located to the south of existing residential properties which front Avery Lane (namely Holcott House and The Monards) which are located approximately 200m to the north. The main nursery buildings are located to the west of the site which front New Road and to the south of and south-west of the site there are existing agricultural operations of Rumwood Green Farm, which consists of polytunnels, agricultural workers caravans and agricultural storage and packing buildings.

1.07 The site is outside any settlement boundary as defined in the adopted or emerging local plans, as such is within the countryside. No specific landscape designations apply to the site.

2.0 PROPOSAL

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

Land off Sutton Road

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

Land off Avery Lane

Building

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

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

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

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

Access and parking

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

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

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

Landscaping

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

Other elements

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

3.0 POLICY AND OTHER CONSIDERATIONS

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

Landscape Character Assessment Guidelines and Maidstone Landscape Character Study

4.0 LOCAL REPRESENTATIONS

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

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

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

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

Neighbour representation

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

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

5.0 CONSULTATIONS

5.01 **Kent Highways**

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

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

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

5.02 **KCC Drainage**

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

5.03 **Environment Agency**

No comment

5.04 **KCC Public Right of Way Officer**

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

5.05 **Rural Planning Officer**

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

5.06 **Southern Water**

No objection, standing advice

5.07 **Southern Gas Networks**

No objection, standing advice

6.0 APPRAISAL

Main Issues

6.01 The key issues for consideration relate to:

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

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

Principle of Development

6.02 The site is located within the countryside beyond the defined bounds of any settlement, which means that policy SP17 of the local plan is relevant.

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

6.05 In terms of land use in this location, it is necessary to balance the needs of agriculture against the impact of the proposals.

Agricultural need

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

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

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

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

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

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

6.07 These comments support the need for the new building and weight is given to the future prospect of the applicants securing further land to compensate for the loss of the land off Sutton Road.

6.08 It is acknowledged that a new building will be required should the housing development go ahead on Sutton Road as the existing building would be demolished to facilitate the new development. However in conjunction with this the applicants would loose approximately 32hectares of their existing land holding. This would reduce the applicant's current land holding by approximately 35% and reduce the land they own by over 50%.

6.09 Retained land would be located off Avery Lane, further south along Sutton Road (Playdells), land off Leeds Road (Rectory Farm) and land in Chart Sutton off Warmlake Road.

6.10 The proposed new building would be approximately 32% larger in footprint than the existing building (excluding the mezzanine) and would be higher by approximately 1.3m. The applicants have been asked to justify the increase in size of building required and how this correlates with the loss of a large percentage of the land holding.

6.11 The information provided as justification for the building has been considered. It has been demonstrated that there is a genuine need for the building and its larger size. This justification in summary is as follows:

- Growth of the existing enterprise since the earlier packhouse extended in 2003, with an approximate doubling in trees and roses planted since that time.

- Due to crop rotation and land left fallow to recover nutrients, the retained owned and rented land has in itself the capacity to sustain the current level of production for 2/3years.

- Land at Sutton Road (allocated for housing) is likely to be available for continued rose production for 2/3 years.

- Since 2004/2005 there has been an increase in commercial customers from 200/300 to 1500.

- The applicant has shown clear intentions to rent/purchase additional land. This however would not be required initially to sustain the growth forecast

- A larger, more modern facility is required to ensure that the produce is of suitable quality, there is sufficient space for storage and ancillary space.

- Space is required for machinery, currently this has to be kept outside when the existing building is at capacity. There needs to be space provided for 8/9 tractors and trailers, 100 plant trollies, 2 tree lifting machines, cultivators, excavators, 8 Land Rovers, straw bales, packing material and other equipment.

6.12 It is therefore considered that the principle of the new building is considered acceptable and that there is an agricultural need for the new larger building.

Sustainability

Economic and Social role

6.13 Paragraph 28 of the NPPF supports economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong economy support should be given to the sustainable growth and expansion of all types of businesses and enterprises in rural areas and promotion of development and diversification of agricultural and other land-based rural businesses.

6.14 Rumwood Nursery is a horticultural nursery which produces approximately 40,000 trees, between 380,000 to 400,000 roses each year, together with approximately 50,000 hedging plants. The nursery supplies both trade and retail customers, which include borough councils, hotel/leisure groups, land owners, commercial developers, private estates, golf courses, schools/colleges, National Trust, Leeds Castle Estate, farmers and crematoriums.

6.15 Comments from the National Farmers Union (NFU) sets out in the background the horticultural industry that:

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

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

6.16 This increase in the business is mirrored in the expansion of Rumwood Nurseries which has seen production approximately double in the past 15years, as has the number of staff employed which has increase from around 20 to 40. The client/customer base is approximately 5x larger than in 2004.

6.17 It is considered that the new building is necessary and supports the existing horticultural enterprise and allows for its medium term growth, supporting the economic and social sustainable roles.

Environmental (including visual impact and landscaping)

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

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

6.19 The new building would be sited some distance from existing buildings to the south and north. It would be situated in a greenfield whereby the nearest development is agricultural workers caravans and polytunnels to the west and south-west. It would somewhat be seen in the backdrop of the existing agricultural buildings of Rumwood Green Farm to the south, albeit it is spatially separated from these buildings. Being set back from the road limits its visibility and at the time of the site visit the fields to the north were heavily planted, however due to the horticultural nature of the use of the land this is not a constant screening and there will be times where there screening is lower or the land is left fallow to allow nutrients to be regained into the ground. Views would also be possible from the PROW to the west, which although screened by a mature hedge, the height of the building would mean that the roof would be visible. The proposed access and amendments to the visibility splays would also increase the prominence of the entrance to the site.

6.20 The width of the access track has however been reduced and the applicant suggests that there is a historic surfacing of the track which has over time become overgrown. The proposal would be to scrape back the grass to reveal this historic surface and patch where necessary.

6.21 Other locations for the building have been explored, however due to the land in the applicant's ownership and the size of the building required it is not considered that any other locations are considered to cause lesser harm. For example those locations closer to Avery Road would result in new field openings in the hedgerow, a more prominent building and a location in closer proximity to neighbouring properties. There is insufficient space for the building to be accommodated on the site of the existing retail and office function fronting New Road and those locations fronting Sutton Road would be more prominent and those on other owned or rented land would be logistically separated from the main operations of the farm on New Road.

6.22 It is therefore acknowledged that there would be some degree of visual harm from the proposed new building which would be fairly large and would encroach into an undeveloped field, however the building is reasonably necessary for agricultural purposes and the lack of other suitable sites and the economic benefits of the building and its need to support the functions of the farm are such that the visual harm is outweighed by the need for the building.

Residential Amenity

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

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

Highways

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

Other Matters

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

7.0 CONCLUSION

7.01 There is a demonstrated agricultural need for the replacement building due to the loss of an existing building to facilitate future housing development and to allow for the sustained needs of the existing nursery and those future short-medium term future demands of the horticultural enterprise.

7.02 The development would result in some landscape harm due to its greenfield location and proposed access, but this visual harm is balanced against the agricultural need and the demonstration that no other suitable sites within the applicants land ownership exist.

7.03 No significant objections are raised on the grounds of highways matters, residential amenity, ecology or any other impacts that would warrant refusal of the application.

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

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

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

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

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

Reason: To clarify which plans have been approved.

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

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

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

Reason: In the interests of visual amenity.

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

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

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

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

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

adoption of land, die or become so seriously damaged or diseased that their long term amenity value has been adversely affected shall be replaced in the next planting season with plants of the same species and size as detailed in the approved landscape scheme unless the local planning authority gives written consent to any variation.

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

(8) The development hereby approved shall not commence above slab level until details for a scheme for the enhancement of biodiversity on the site shall have been submitted to and approved in writing by the Local Planning Authority. The scheme could consist of the enhancement of biodiversity through integrated methods and those into surrounding land. The development shall be implemented in accordance with the approved details and all features shall be maintained thereafter.

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

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

Reason: In the interests of amenity of adjoining residents.

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

Reason: In the interests of highway safety.

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

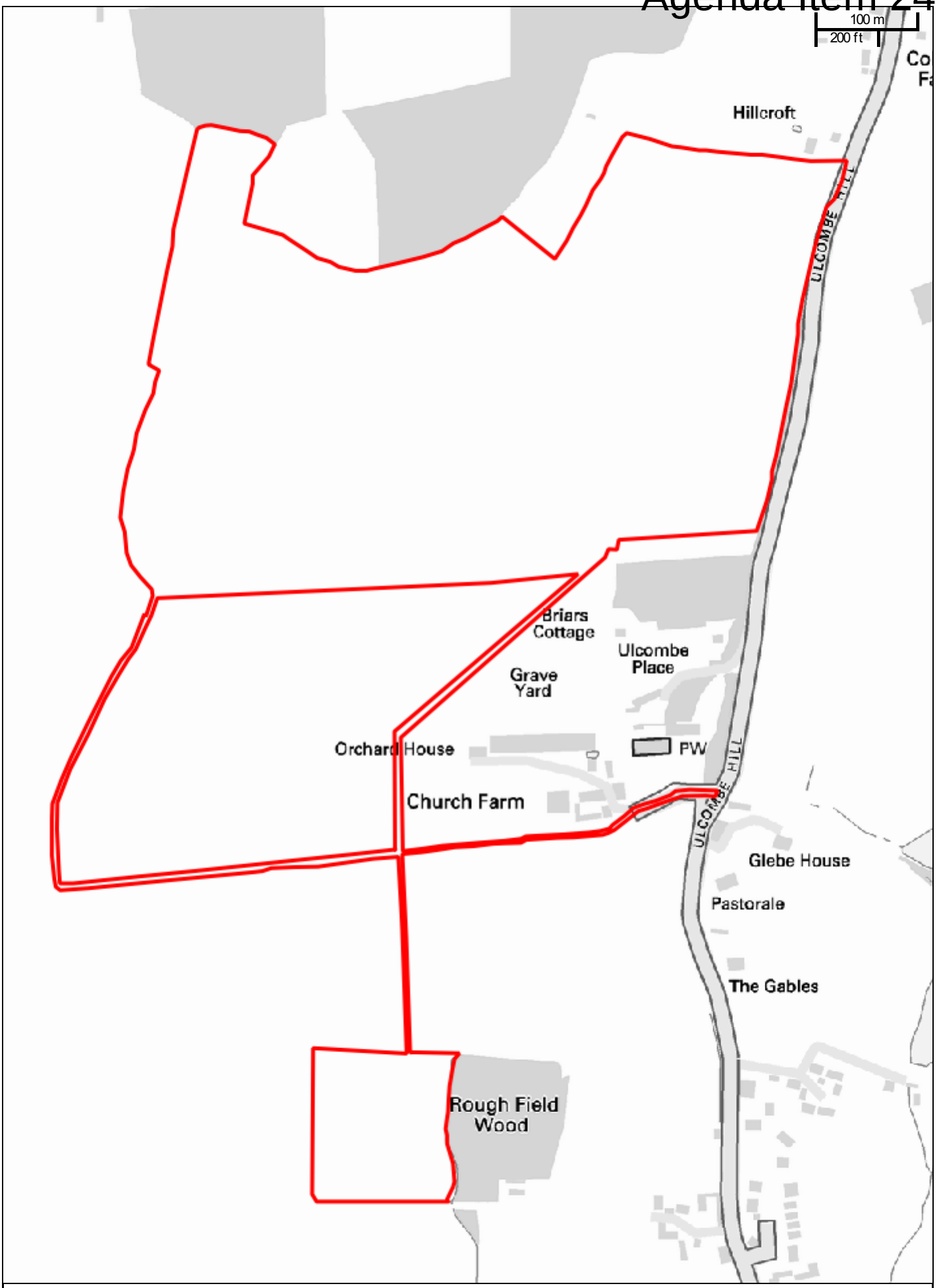
Reason: In the interests of highway safety.

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

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

Case Officer: Rachael Elliott

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



17/503284 Church Farm
Scale: 1:5000
Printed on: 1/11/2017 at 11:29 AM by JulieM

N

ASTUN TECHNOLOGY
© Astun Technology Ltd

REPORT SUMMARY

REFERENCE NO - 17/503284/FULL

APPLICATION PROPOSAL

Erection of Cravo greenhouses, general purpose agricultural storage building, water storage tanks, drainage works, construction of a reservoir and landscaping

ADDRESS Church Farm Ulcombe Hill Ulcombe Maidstone Kent ME17 1DN

RECOMMENDATION - GRANT subject to the planning conditions set out in Section 8.0 of the report

SUMMARY OF REASONS FOR RECOMMENDATION

Although the scheme will result in some landscape harm to the countryside, the economic and social benefits of supporting modernising farming practices would outweigh the harm and support the rural economy and the assessed need for the development in relation to the future agricultural practices and productivity of the land.

The development would result in less than substantial harm to the setting of local Listed Buildings, such that the extent of harm would not compromise the importance of these settings.

Landscaping, ecological, drainage and tree impacts are all considered on balance acceptable and could be mitigated by appropriate planning conditions.

REASON FOR REFERRAL TO COMMITTEE

The application has been called in by Cllr Round on the grounds of sensitivity to the environment in respect that the location is on the Greensand ridge and significantly affects the panorama of/to the LLV of the Low Weald, plus it is a massive cumulative and disproportionate effect to the whole landscape of the area

Referred to planning committee by Broomfield and Kingswood Parish Council.

WARD Headcorn	**PARISH/TOWN COUNCIL** Ulcombe	**APPLICANT** G Charlton And Sons **AGENT** DHA Planning
DECISION DUE DATE 02/10/17	**PUBLICITY EXPIRY DATE** 07/09/17	**OFFICER SITE VISIT DATE** 05/09/17

RELEVANT PLANNING HISTORY (inc. appeals and relevant history on adjoining sites):

App No	Proposal	Decision	Date
17/505238/ENVSCR	EIA Screening Opinion: Erection of Cravo greenhouses, general purpose agricultural storage building, water storage tanks, drainage works, construction of a reservoir and landscaping (refers to: 17/503284/FULL).	EIA not required	26/10/17
Church Farm (land to the south of the application site)			
13/1645	Erection of 10 ha (25 acres of polytunnels) each polytunnel being approximately 3.75 metres in height and having a width of approximately 8 metres	Permitted	18/11/13
Church Farm (land to the immediate east of the application site)			
01/1243 (Oast House)	An existing development being a mixed use comprising B1(c) light industrial and as a base	Permitted	8/11/01

	for a business of installation and servicing of irrigation and hydraulic systems for farms including associated assemblage of equipment, storage of components and a ancillary sales as described in application MA/01/1243		
01/0415	Continued use of the cold store for a mixed storage and agricultural use, continued use of dutch barn for storage (use class B8), continued use of stables for offices (use class B1a) and use of hop shed for B1(c) use	Permitted	14/6/01
Land to the immediate west (Morry Farm, Morry Lane))			
15/506987	Part retrospective application for the erection of polytunnels, drainage works and landscaping.	Permitted	21/4/16
Land to the east (Hill Farm, Lenham Road)			
14/504784	Erection of polytunnels, general purpose agricultural storage building, hard surface yard area, water storage tanks, drainage works, balancing pond below ground pumping chamber, reservoir and landscaping	Permitted	6/2/15

MAIN REPORT

1.0 DESCRIPTION OF SITE

1.01 The application site relates to approximately 38 hectares of agricultural land located to the north of Ulcombe, situated to the west of The Street and Ulcombe Hill. The land is located on the south facing slope of the Greensand Ridge, with the topography sloping steadily northwards from the southerly part of the site.

1.02 The Greensand Ridge Way centrally dissects the site, with additional public rights of way (PROW) adjacent to the northern boundary and dissecting the site east-west and north-south at various points.

1.03 To the north of the site the boundary of the site adjoins the Kingswood South Ancient Woodland and there is a significant block of woodland (Rough Field Wood) to the south-east of the site. There are existing hedges marking the lines of some filed boundaries. There is a cluster of Listed Buildings to the east of the site, namely Ulcombe Place (Grade II), Church Farmhouse (Grade II) and All Saints Church (Grade I).

1.04 The site is with the Greensand Ridge Landscape of Local Value as defined in the Local Plan (2017). The site is within the Sutton Valence Greensand Ridge landscape character area as defined in the landscape capacity study and adjoins the Ulcombe Mixed Farmlands character area to the south.

1.05 The surrounding area is generally characterised by a patchwork of enclosed arable fields and orchards which follows the topography of the Greensand Ridge. Existing man-made reservoirs, agricultural buildings and polytunnels form part of this landscape, interspersed with areas of woodland and sporadic dwellings and villages.

1.06 Access points are principally along the eastern boundary (with Ulcolmbe Hill), with three principal access points located to the north, centrally and south along this boundary.

2.0 PROPOSAL

2.01 The application seeks planning permission for the erection of cravo greenhouses, a general purpose agricultural storage building, water storage tanks, a reservoir and landscaping. The details of each element is summarised below:

2.02 *Cravo Greenhouses*

It is proposed to cover an area of approximately 12hectares of agricultural land with cravo retractable roof houses. They would be sited across three existing fields, in rows of 22, 26 and 13 joined structures. The rows would vary in length from approximately 21m to 15m. The structures would be staggered along the boundaries.

The structures would have a pitched roof, with an eaves height of approximately 3.4m and a maximum height at ridge of approximately 5.25m.

The framing is metal and the structure would have the ability to be fully enclosed on the roof, at the sides and ends or choose optimum permutations by independently operating each enclosure. The roof covering would be a clear type material. Outside the growing season all coverings (side, roof and ends) would be fully retracted.

2.03 *General purpose agricultural storage building*

This building would be sited to the north-west of the application site and would be metal clad (juniper green in colouring) built on a brick plinth. The roof would be fibre cement sheeting with a anthracite gray finish. There would be three principal openings, two electronic shutter doors and one timber. Four small pedestrian doors are proposed. Rooflights are proposed in both roofscapes, totalling 112.

The building would approximately measure 70m in length, 25m in width and have a pitched roof with an eaves height of 5m and a ridge height of 7.95m.

The building is proposed to store picking trays, barrows, tractors, mowers, sprayers, platforms, fertilisers and polythene. It would also house the irrigation control room.

2.04 *Water storage tanks*

Four water storage tanks are proposed, three larger tanks measuring a diameter of 15m by 3m and one smaller tank measuring 11m by 3m. These would be sited to the south of the proposed storage building.

2.05 *Reservoir*

This would be located to the south of the application site and would be an irregular shape with an approximate maximum width of 120m and length of approximately

135m. The sides would be graded and there would be elements of cut and fill to create to the new reservoir within the existing site levels.

2.06 *Landscaping*

Additional planting is principally proposed to enclose the southern, northern and central boundaries enclosing the proposed greenhouse, with a proposed raised bund which would incorporate conifer planting and new native trees. Further landscaping of a native hedge and trees is proposed to enclose the proposed new agricultural building.

3.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Development Plan:
Maidstone Borough Local Plan (2017): SP17, SP18, DM1, DM3, DM4, DM8, DM30 and DM36
Other documents:
Maidstone Landscape Character Assessment

4.0 LOCAL REPRESENTATIONS

Ulcombe Parish Council: Opposes this application. The comprehensive reasons for objection are set out in the full representation. A summary of the reasons for objections is as follows:

-Draw attentions to representation received from a local resident compiled by Strutt and Parker and the CPRE.

-The development would be contrary to a number of policies within the adopted and emerging local plans and the NPPF.

-10% of the residents of Ulcombe have made representation objecting to the application, together with other parish councils and amenity groups.

-Parish Council are supportive of agriculture and have not raised objection to previous applications for polytunnels in Ulcombe, however the harm is a balance.

-The application would be the tipping point for harm to the amenity of local residents.

-Harm to the countryside and visual amenity, including reflections and harm to the views from PROW's.

-Cumulative impact

-Harm to Heritage Assets, the development is more industrial than rural and will be visually intrusive.

-Harm of access and traffic issues. There has been a significant increase in farm traffic since earlier polytunnel development, the roads cannot sustain more heavy agricultural traffic.

-Impact on streams due to reservoirs, there is not enough water flowing due to more intensive farming. There is a cumulative impact of 5 reservoirs within a mile of each other.

Broomfield and Kingswood Parish Council: Express extreme concerns of this application for the residents of Kingswood.

G Charlton & Sons have other farm sites in the parish locality and there are many issues and complaints received by this parish regarding the farm vehicles accessing the existing sites, their type and size and the manner in which they are driven around our narrow lanes. To add further to the problems currently being experienced by having an additional site of such significant size as proposed in Ulcombe and the implied increase in vehicles to and fro the site through our parish, Councillors have concluded that this application would be intolerable and therefore require this application to be refused.

Adjoining neighbours were notified of the application as originally submitted. A site notice was also put up at the site. 31 objections have been received in response to the consultation which are summarised as follows:

- Increased traffic and HGVs
- Want clarification on access
- Plans don't make reference to the PROW that goes through the site
- Contrary to supporting local people and community
- No local benefits
- Pollution and rubbish
- Concerns the site will be transformed into areas in Spain
- Disruption and loss of views
- Noise and vibration
- Impact on Listed church
- Impact on quality of life
- Too many existing polytunnel developments
- Illumination/light pollution
- Negative impact on landscape

One letter of support has been received, raising in summary the following comments:

- Serious investment by Mr Charlton
- Applicant is considerate to local resident ,
- I would like to think he could offer something back to the Village to offset some of the changes.

Comments have also been received from the following amenity groups with their comments summarised:

Parochial Church Council (PCC) : Objection to the application on the grounds that the egress for this site will bring heavy farm vehicles and buses through a narrow bridle path. There has been recent deterioration of the path due to existing polytunnels. Harm to Listed Church.

Suggest conditions and S106 to repair the bridle path and maintain in a good condition at all times. Prevent use of bridleway during Sunday services and for another 24 days each year.
Weald of Kent Protection Society : Strongly object. Visual harm, highways impact, where would workers be housed, damage to listed church. Need to choose an unobtrusive location within the landscape.

National Farmers Union: Support the application.

CPRE: Objects to the application. Contrary to policy, visual harm and lack of highways information.

5.0 CONSULTATIONS

5.01 UK Power Networks : No objection

5.02 Environment Agency : No objection subject to conditions and informatives

5.03 KCC Public Right of Way Officer : No objection subject to informatives

5.04 KCC Highways : It is not considered the cumulative impacts of the development are likely to be considered severe and therefore warrant a recommendation for refusal as per paragraph 32 of National Planning Policy Framework, subject to conditions.

5.05 KCC Drainage : No objection subject to conditions

5.06 Natural England : No comments

5.07 Environmental Health Officer : No objection subject to conditions

5.08 Crime Prevention Design Advisor : No objection subject to consideration of safety and crime prevention

5.09 Southern Water : No objection

5.10 Rural Planning Advisor : Overall, therefore, I consider that the new greenhouses and general purpose building at Church Farm, and the other associated works, are necessary to the developing successful and efficient agricultural production on this holding, in accordance with saved policy ENV 43(1) of the Local Plan, and in accordance with the emerging policy DM40.

5.11 Historic England : No objection

5.12 Conservation Officer : No objection

5.13 KCC Biodiversity: No objection subject to conditions

5.14 Landscape Officer: Comments regarding the character areas, the proposed landscaping and impact on trees.

6.0 APPRAISAL

Main issues

6.01 The key issues for consideration relate to:

- **Principle of development**
- **Agricultural need**
- **Sustainability**
- **Residential amenity**
- **Highways**

- **Ecology and tree matters**
- **Drainage**
- **Impact on setting of Listed Building**

Principle of Development

6.02 Policy SP17 of the Local Plan (2017) is relevant and supports agricultural proposals which facilitate the efficient use of the borough's significant agricultural land and soil resource providing any adverse impact on the appearance of the character of the landscape can be appropriately mitigated. Policy DM36 allows for new agricultural building and structures providing criteria relating to need, residential amenity, visual impact and in relation to polytunnels consideration of surface water run-off, rotation programme and ecological maintenance and enhancement.

6.03 In terms of land use in this location, it is necessary to balance the needs of agriculture against the impact of the proposals.

Agricultural Need

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

'The proposed Cravo greenhouses perform a similar role to that of conventional polytunnels, the extensive use of which (subject to appropriate conditions) has been approved elsewhere on the applicants' farms and further afield in the Borough, and is now a common feature of fruit production across Kent and elsewhere in the UK: such tunnels effectively comprise units of production in themselves, and may be considered inherently required and appropriate for the purpose of modern UK strawberry and cane fruit production.

Protected cropping of this type has a number of advantages over conventional unprotected growing including the ability to protect the crop from the wind and rain, reduce pesticide/ fungicide use, extend the growing season, provide better yields and continuity of supply, and greater ease of managing the plants and picking the fruits. It assists UK growers to meet customer demand as opposed to what might be regarded as the less sustainable alternative of foreign imports.

The choice of Cravo greenhouses, in this case, provides a more flexible response to weather conditions, having retractable roofs which allow uncovering/covering as necessary throughout the normal growing period from about February to November. Section 7.3 of the Planning Statement further explains their use and advantages in terms of optimising growing conditions for the fruit.

The applicants' agent has also provided (in an email dated 31 July 2017) a helpful explanation of the requirement for the large general purpose building, to assist with the expanding production on this part of the farm enterprise. The building would provide storage for palleted picking trays, picking barrows, fertiliser, farm machinery and equipment, polythene, and bulk bins for apples, and would include an irrigation control room. A similar structure was permitted under 14/504784 to perform the same sort of functions for Hill Farm, Ulcombe.

Overall, therefore, I consider that the new greenhouses and general purpose building at Church Farm, and the other associated works, are necessary to the developing successful and efficient agricultural production on this holding, in accordance with

saved policy ENV 43(1) of the Local Plan, and in accordance with the emerging policy DM36.'

6.05 It is therefore considered there is a reasonable need for the development in line with Policy DM36 of the Local Plan (2017). It is considered therefore that the overarching question is whether the harm to the appearance of the countryside is so great as to outweigh the agricultural need for this development and this will be assessed in this report.

Sustainability

Economic and Social role

6.06 Paragraph 28 of the NPPF supports economic growth in rural areas in order to create jobs and prosperity by taking a positive approach to sustainable new development. To promote a strong economy support should be given to the sustainable growth and expansion of all types of businesses and enterprises in rural areas and promotion of development and diversification of agricultural and other land-based rural businesses.

6.07 The pre-amble to Policy DM36 of local plan (2017) recognises the economic benefits of polytunnels and other similar structures by increasing the growing season and the reduction in the reliance on imported produce.

6.08 The National Farmers Union (NFU) in their comments sets out that :

'In 2013 the County of Kent produced 95% of the entire top fruit crop in South East England, approximately 50% of the soft fruit crop and approximately one third of all other horticultural crops produced in the region. It is for this reason that we believe the horticultural sector in Kent holds special national significance and relevant proposals should be evaluated against this level of importance. Approximately £4.4 billion is invested in the rural economy in Southern England by land owners and occupiers on an annual basis and for every £1 spent in the rural economy, £7.40 is paid back to the wider economy through agricultural GVA, purchase of goods and services, public recreation and wider environmental services.'

6.09 It is stated by the agent that the proposal would provide continued employment and additional jobs and that the farm holding overall provides for over 800 jobs. Although the planning statement does indicate that the greenhouses would result in significant labour saving due to automation, it has been stated by the agent that the proposals would still result in approximately 300 to 320 additional jobs which would include 250 pickers, 50 packhouse jobs and an additional 15 to 20 associated jobs such as drivers, supervisors and managers.

6.10 Further additional information states that the additional workers will contribute further to the local economy through the use of local shops and services. In addition, the fruit produced as a result of the proposed new growing system will result in increased sales to one of the main UK supermarkets which means that more local produce will be sold in supermarkets in Maidstone and the surrounding area, thereby helping to maintain and create local retail jobs.

6.11 In addition to the direct jobs there will be indirect jobs created in the Borough including those created during the construction phase of the development, which is estimated will result in 100 jobs. All of which will have beneficial effect on the economy of Maidstone.

6.12 The land has been recently purchased by the applicant and therefore it would be difficult for the applicant to provide a direct comparison of the farming of the land in earlier years. The applicant is however seeking to maximise the output of the land at the outset. To achieve this there would be a significant initial financial input by the applicant.

6.13 Whilst the applicant has been unable to provide comparison information (land productivity with and without the greenhouses) submitted information does show that the greenhouses would provide 40-60% higher yields than traditional polytunnels. To produce the same output, a larger area of 40 hectares of polytunnels would be required compared to the 11/12 hectares of the proposed greenhouses. Whilst Polytunnels themselves would require separate planning permission and assessment this does provide an indication of the productivity benefits of the greenhouses. It follows that there would be a significant increase in productivity compared to traditional planting methods and compared to planting in polytunnels.

6.14 Today more than 90% of soft fruit grown in the UK is sold through supermarkets, who demand on behalf of their customers, a secure and constant supply of fruit from growers. The applicants states that the only way of achieving the demands are by protecting plants and fruit from vagaries of the weather and protection from insects/disease. This protection enables the applicant to meet the market and customer requirements for high quality and high yield fruit supply, in the absence of this the likelihood is that contracts to supply supermarkets may be lost.

6.15 The applicants are established soft and top fruit growers in Maidstone and have actively sought to increase their holding and expand their agricultural business. They currently own or lease 385 hectares of land within the Maidstone Borough, growing top, soft and stone fruit. Polytunnels are already a common features on a number of these holdings. The acquisition on the application site land and the prospective investment in more technologically advanced equipment (subject to this planning application) demonstrates the applicants commitment to the economic success of the continued agricultural business.

6.16 The agricultural market is highly competitive and in order to secure continued competiveness farmers are having to make provisions to remove ‘weaknesses’ from the growing process. The use of greenhouses will extend the growing season (to February to late November), allow weather conditions to be regulated, increase the density of planting, protect against pests and disease and regulate water supply. This will aid in facilitating improvements in the productivity of the land and represents sustainable economic development to support local agriculture.

6.17 As highlighted above, wholesale and customer demands and expectations have grown and enabling farmers to be competitive with international markets and providing almost year round ‘local’ produce to the UK market, reducing the ‘food miles’ positively supports the sustainable goals of the NPPF.

Environmental (including visual impact and landscaping)

6.18 The Greensand Ridge lies to the south of Maidstone and is defined by the scarp face of the Ridge with extensive views across the Low Weald to the south. It is characterised by frequent small blocks of coppice and deciduous woodland and extensive orchards. Policy SP17 of the local plan (2017) seeks to conserve, maintain and enhance landscapes of local value, of which the site forms part of.

6.19 The Landscape Character Assessment locates the site within the Sutton Valence Greensand Ridge landscape character area (35), with the southern boundary being the geographical dividing line between this area and the Ulcombe Mixed Farmlands character area (42). The generic guideline's for the Greensand Ridge seeks to avoid agricultural intensification and conserve the sense of enclosure and the field pattern provided by native hedgerows.

6.20 The assessment continues by identifying that :

'Modern farming practice has opened up parts of the landscape for intensive crop production, which is particularly evident around Ulcombe Hill, and much of the traditional small scale field pattern has been lost in the area.

6.21 The Maidstone Landscape Capacity Study; Sensitivity Assessment considers that the Sutton Valence Greensand Ridge landscape character area is of high overall landscape sensitivity with high visual sensitivity due to its ridgeline location and that it is, therefore, sensitive to change. The assessment report provides the following relevant advice for this area:

Development potential is limited to within and immediately adjacent to existing settlements and farmsteads in keeping with existing. However development on the visually sensitive ridge should be resisted, in particular extensive or large scale development or developments with strong or high vertical elements.

6.22 The Ulcombe Mixed Farmlands landscape character area, which is immediately south of the site seeks to soften the visual impact of large scale agricultural buildings with native planting, avoid further field segregation. It identifies few visual detractors, with those being large farm buildings and equipment and large glasshouses at Broadstone (currently undergoing re-development for housing). The Maidstone Landscape Capacity Study; Sensitivity Assessment also assesses the landscape as being sensitive to change due to its high overall landscape sensitivity. The Sensitivity Assessment report provides the following relevant advice for this area:

Development potential is limited to within and immediately adjacent to existing settlements and farmsteads in keeping with existing. Other development could be considered to support existing rural enterprises, although extensive, large scale or visually intrusive development would be inappropriate.

6.23 The application is accompanied by a Landscape and Visual Assessment which concludes that there would be no significant conflict with the range of policies which seek to protect the countryside and landscape character. This conclusion follows from the site having been assessed as having medium sensitivity to the development of the type proposed, considering that the greenhouses would not appear unduly out of place amongst existing polytunnels, the removal of roof coverings during winter and during times where covering is required, leaf cover is greater and thus the visual impact would be less. Impact on a small number of existing properties is assessed as low and there would be an overall landscape effect judged to be slight to moderate, with the degree of landscape change being low to medium.

6.24 There are significant variations in topography, both within the site itself and between the site and the surrounding area. The most northerly part of the site (where the proposed agricultural barn would be located) slopes gently from north to south. The fields where the proposed greenhouses would be sited slopes more steeply north to south with a difference in topography of approximately 20m. The site then

continues to fall north to southwards towards the field where the reservoir would be located, again with a similar fall in land levels by approximately 20m. A number of PROW dissect the site (generally in an east to west direction), with the Greensand Way dissecting the site centrally and lies to the south of the location for the greenhouses and barn and to the north of the reservoir.

6.25 There are three key elements to the proposed development, the agricultural barn, reservoir and greenhouses. The visual impact of each element is discussed as follows :

Agricultural storage barn

6.26 The proposed agricultural building would be located within the north-western section of the site, to the north of PROW KH312. Additional landscaping is proposed adjacent to the PROW and 4 water storage tanks would be sited to the south of the building. At some 7.95m to the ridge and some 70m by 25m, the building would undoubtedly be a large structure however an assessment needs to be made with regard to the visual impact of the building and justification for its size and height. The Rural Planning advisor indicates that the footprint of the building can be justified by the requirements of the farming functions which it would support. Farm buildings of this size are generally considered common features on modern farms and its need at Church Farm is considered to be justified to allow the farm to operate table top farming production as supported by the NPPF. It is therefore necessary to access the visual impact of the proposed building on the character of the open countryside.

6.27 Due to the proposed location of the building on the edge of the Ancient Woodland, partially screened to the west by an existing hedgerow and proposed new planting which would wrap around the southern and eastern elevation, there would be some level of screening of the building. Additionally, the proposed materials would be suitably muted and characteristic of a typical agricultural building. This said the new building would be located directly adjacent to two PROW's which join at a pinchpoint to the north-western corner of the proposed greenhouses. As such even with screening there would undoubtedly be public vantage points where the building would be visible. These views would be more prominent in the short range, with longer range views obscured somewhat by topography and landscaping

6.28 On balance the demonstrated need for the new building (in conjunction with the other elements of the scheme applied for) it is considered that the new building would not be unreasonably detrimental to the enjoyment of the footpaths, nor would such a building be wholly uncharacteristic of a working farm.

Reservoir

6.29 The reservoir/attenuation pond would be located in the southern section of the site, partial views of the reservoir would also be afforded from public footpath KH351 and KH351, but these views would be restricted by topography and existing hedgerow, planting and woodland. These types of proposed water bodies are however considered a common characteristic of agricultural land and, by virtue of their form, size, siting and appearance, would not result in any unreasonable visual impacts on the character, appearance and setting of the countryside, LLV and adjoining SLA. In terms of cumulation, there is an existing reservoir located to the south and east of the site. Reservoirs are characteristic of agricultural development for irrigation purposes, and the proposed and existing reservoir in combination would have a volume / surface area considered appropriate for the type of irrigation projects proposed / in use, as confirmed by the Rural Planning advisor. The potential

cumulative impact of the three reservoirs is therefore considered acceptable from a visual perspective and the development has been suitably justified for the type of farming practices it would support and, would not result in any detrimental visual impacts in the open countryside and LLV

Greenhouses

6.30 The location of the storage building on the plateau of the Greensand Ridge and the location of the greenhouses to the north of the Greensand Way provides the best position in terms of the operation/efficiency of the farm and also minimises the impact of the building and greenhouses in short /medium range views from the village and also longer range views from the Low Weald. If the building and greenhouses were to be located at a lower level to the south near the foot of the slope it would be visible from many short and medium range views from the village and would have a far greater visual impact.

6.31 Although the greenhouses have the ability to have the roof and sides fully retracted, unlike traditional polytunnels the mechanisation of the greenhouses means that there are various permutations available in terms of covering of the structures and their ability to extend the growing season means that there is likely to only be a period of around 2months when no covering is required and during these times the coverings would be concertinaed back against the metal structure. In terms of practicality and enforceability the opening and closing of the greenhouses could not be readily controlled by planning conditions and as such the application has to be considered on the basis of annual full enclosure. The greenhouses proposed would be more visually obtrusive than more traditional polytunnels as their function and design means that the planting season would be extended, they would have higher, heavier and more ridged frames and are likely to be covered for more extended periods of the year.

6.32 This is not to say that the proposed development would not have any impact. The proposed development would be visible from public vantage points, in particular short range views from PROW KH313A to the north of the site and from residential properties which border KH313 to the east of the site and the PROW itself. It is from these vantage points visual impact would be at its most significant, however PROW's dissecting fields of polytunnels is not uncommon within the countryside and neighbouring routes (including those which form part of the Greensand Way) currently pass through fields of polytunnels. The greenhouse structures proposed do differ from polytunnels (as described above), however fundamentally their characteristic and purpose as an aid in growing agricultural products remains the same and the observer using the footpaths is likely to view them in the same context as part of the modern agricultural landscape. Providing these growing aids will always have an impact, but utilising those which would provide the most agricultural benefit, means that the visual harm weighs against greater productivity.

6.33 There would also be some longer range views from footpaths KH351 and KH350 to the south of the site, but these views are sporadic, long-ranging and would be partially obscured by existing hedgerows, tracts of woodland, new planting proposed and seen in the context of existing polytunnels. Views from the Greensand Way although possible north and southwards, the observers eye is generally drawn southwards where the views are long reaching across the Low Weald. As such locating the structures and barn to the north of the Greensand Way minimises their visual intrusion and retains the uninterrupted views across the low weald and minimises those visual detractors described in the Landscape Character Appraisal. Although changing the character and appearance of the application site compared to

the traditional arable farming, in essence the development proposed relates to agricultural operations on agricultural land and although it represents a change in characteristics, some form of enclosure is representative of modern farming practices and cannot be considered as wholly uncharacteristic.

Overall

6.34 It is acknowledged that the proposed development would have an impact on the countryside, and LLV, however this impact would be mitigated by the chosen location of the more visually obtrusive elements of the scheme, which would be to the north of the site, restricting any loss of long range views from public vantage points. Additional landscaping and screening is proposed and could be secured by condition to ensure that the type and mix of planting would be acceptable in this location. There would be no change of use of the land, it would remain to be used for agricultural purposes, but would promote modern farming practices which are demanded by the wholesalers and consumers of todays market. The visual harm has to be balanced against the benefits and the aims of sustainable development to secure a long-term future for rural communities. The countryside is there to be cherished and enjoyed, however it is also a working environment which needs to remain successful and competitive. The visual harm in this case is considered to be outweighed by the agricultural and economic benefits that the scheme would give rise to.

Residential Amenity

6.35 Whilst the visual impact of the countryside is a planning consideration, it must be noted that the right to a view is not.

6.36 It is considered that the proposed development would be of a sufficient distance from the proposals so that it would not cause harm to the outlook.

6.37 The greenhouses, barn or resevoir would not result in any overshadowing to the living spaces of the properties in the nearby dwellings.

6.38 The intensified use of the land may have additional farm workers (although the proposed greenhouses would be less labout intensive than other planting methods) and as a result there may be some associated noise disturbances, but it is not considered they would be of such a scale that would warrant this application unacceptable. This is an operating farm and therefore one would expect to find farm workers and farming activities on the land.

6.39 Based on the above, it is considered that the noise and disturbance, loss of privacy from people working on the land, incidence of litter etc would not be so great as to warrant a reason for refusal.

Highways

6.40 The proposal would utilise an existing access off Ulcombe Hill. It is acknowledged that the access is within close proximity to a bend and has a considerable amount of overgrown vegetation, which reduces the visibility at the access. However, it is considered these arrangements are adequate for the scale and use of the proposals. On the basis this is an existing arrangement utilised by the applicant to transport its produce to the main distribution centre on the A274, Sutton Road in Langley. The existing access has a good personal injury collision record and a low number of lorry/ heavy goods vehicle (HGV) movements would be associated with the development.

6.41 Ulcombe Hill, Lenham Road, Headcorn Road and Tilden Road/Ulcombe Road are country roads that are restricted in width in certain places and will likely be the main routes for traffic generated as a result of the development. It is accepted that the development will generate an increase in traffic on the local road network, particularly during the summer months of June to September, however the extent of increase could not be considered severe and the majority of trip movements would be by tractor which would service the land irrespective of the decision of the application.

6.42 It is not considered the cumulative impacts of the development on highways matters are likely to be severe.

Ecology and tree matters (including impact on adjacent Ancient Woodland)

Ecology

6.43 The site is adjacent to areas of woodland (one of which has been identified as Ancient Woodland). The fields to be impacted are intensively managed arable field or orchards and as such it is considered that the proposed works are unlikely to result in the significant loss of suitable habitat for protected/notable species.

6.44 It is possible that suitable ground nesting bird habitat will be lost if planning permission is granted and although no mitigation has been proposed to replace the nesting opportunities the proposed enhancements will provide feeding opportunities for birds within the surrounding area.

6.45 The submitted information has provided details of ecological enhancements which include the retention, enhancement and creation of field margins and hedgerows and provided these enhancements are implemented it is not considered that the proposed development would cause undue harm to ecology.

Trees

6.46 There are no protected trees on, or immediately adjacent to, this site. However, there is an area of designated Ancient Semi Natural Woodland, Kings Wood South, located to the north of the proposed blocks of Cravo tunnels and immediately northeast of the proposed agricultural storage building. Additionally, there is a block of significant woodland, Rough Field Wood, immediately to the east of the proposed reservoir and there are hedges marking the lines of field boundaries.

6.47 The proposals for the reservoir has the potential to impact on the rooting environment, particularly in terms of hydrology, of trees in the adjacent Rough Field Wood and existing hedges bounding the area. An arboricultutral report has been requested to assess the impact and any necessary mitigation measures, this however has not been forthcoming. The agent states that the reservoir would be located to the west of an existing water course which separates the proposed reservoir and woodland area, the profile of the existing water course would be unaffected and the woodland is at a lower level than the proposed reservoir. The tree officer acknowledges these points, but considers that a tree report and details of any mitigation measures are still necessary but these details could be conditioned and required if planning permission were granted.

6.48 Paragraph 118 of the NPPF set out in its aim to converse and enhance biodiversity that :

'Planning permission should be refused for development resulting the loss or deterioration of irreplaceable habitats, including ancient woodland…..unless the need for, and the benefits of, the development in that location clearly outweigh the loss.'

6.49 Policy DM3 of the emerging local plan sets out that development should :

'Protect positive historic and landscape character…..areas of Ancient Woodland, trees with significant amenity value….and the existing public rights of way networks from inappropriate development and ensure that these assets do not suffer any adverse impacts as a result of development.'

'Protect and enhance the character, distinctiveness, diversity and quality of Maidstone's landscape and townscape by the careful, sensitive management and design of development.'

6.50 Natural England and the Forestry Commission standing advice in reference to the impacts of development nearby Ancient Woodlands, sets out the following pertinent effects :

-Breaking up or destroying connections between woodlands and other habitats
-Reducing the amount of semi-natural habitats next to ancient woodland
-Increasing damaging activities like flytipping and the impact of domestic pets
-Changing the landscape character of the area

Mitigation measures set out include :

-leaving an appropriate buffer zone of semi-natural habitat between the development and the ancient woodland or tree (depending on the size of the development, a minimum buffer should be at least 15metres)

6.51 The proposed greenhouses would be approximately 90m away from the edge of the ancient woodland to the north of the site. The proposed storage building would be sited approximately 50m from the edge of the ancient woodland and at least a 15m buffer between the building and the ancient woodland can be maintained and a 'physical' barrier could be provided through a planning condition to ensure that the encroachment of vehicles accessing the storage building would not encroach into the buffer.

6.52 Overall it is not considered that the proposed development would cause undue harm to trees and ancient woodland that could not be controlled or mitigated by conditions.

Drainage

6.53 Policy DM36 of the emerging local recognises that polytunnels and other similar semi-permanent structures, due tot heir impermeable nature can result in increased surface run-off and sets out that proposals should demonstrate how surface run-off will be dealt with and controlled.

6.54 The application is accompanied by a Flood Risk Assessment which identifies that the application is within Flood Zone 1 which represents areas at lowest risk of flooding, identifies the existing run off situation and future management of surface water.

6.55 The proposed strategy sets out that during periods where the tunnels are uncovered the catchment would act identically to that as existing with the site draining overland following the existing topography into various ditches and streams draining away to

the south. During periods where the tunnels would be covered, water would be collected in gutters which would discharge into downpipes which will be connected into a network of surface water sewers which would discharge into an attenuation pond (the proposed reservoir) to the south of the site. Flow rate of water from the attenuation pond into adjacent watercourses would be controlled at a rate lower than existing flow rates, a betterment to the existing situation.

6.56 The Lead Flood Authority (KCC) have commented on the application and raise no objection to the principle of the proposals subject to conditions and the use of an appropriate modelling system. It is not considered that there is reason to depart from this conclusion and the impact on surface water run off would be acceptable and would not result in an increase in run off compared to the existing green field conditions..

Impact on setting of Listed Buildings

6.57 There is a cluster of Listed Buildings to the east of the site which include the Grade I All Saints Church, Table Tomb to John Earl (Grade II), Ulcombe Place (Grade II) and Church Farmhouse (Grade II).

6.58 Paragraph 132 of the NPPF sets out when considering impact on the significance of the designated heritage asset, great weight should be given to the asset's conservation, the more important the asset the greater weight. Significance can be harmed or lost through development within its setting. Policy SP18 of the emerging local plan seeks to secure the sensitive management and design of development which would impact on heritage assets and their settings. Policy DM4 continues by stating that new development should incorporate measures to conserve and where possible enhance the setting of the heritage asset where appropriate.

6.59 There may be some limited views of the proposed development from the listed buildings and some views of the tower of All Saints Church from PROW KH313A to the north of the site would become obscured by the proposed greenhouses, however the potential harm is not considered significant on the setting of the Listed Buildings. Any harm would be considered to amount to 'less than substantial harm' in terms of the NPPF. This means that the harm should be weighed against the public benefits of the proposal.

6.60 Based on the consultation responses from Historic England and the Conservation Officer, both raising no objection and the less than substantial harm that would result it is considered that the proposal would be acceptable in terms of conservation of the setting of the Listed Buildings.

Other Matters

6.61 There are a number of PROW's that dissect the site, however it is not considered that these would be adversely affected in terms of them being available for use by pedestrians, cyclists or horse riders. An informative could be attached to ensure that the applicant is aware of their responsibilities in terms of keeping the PROW's open and available.

6.62 The need for an environmental impact assessment (EIA) has been considered under the screening opinion carried out under application 17/505238/ENVSCR. This concluded that '*Whilst this development falls within Schedule 2 of the Regulations, given the nature of the intended use; the location of the site; and the scale of the*

proposed development the proposed development would be of more than local importance, such that an EIA is not required.'

7.0 CONCLUSION

7.01 Although the scheme will result in some landscape harm to the countryside, the economic and social benefits of supporting modernising farming practices would outweigh the harm and support the rural economy and the assessed need for the development in relation to the future agricultural practices and productivity of the land.

7.02 The development would result in less than substantial harm to the setting of local Listed Buildings, such that the extent of harm would not compromise the importance of these settings.

7.03 Landscaping, ecological, drainage and tree impacts are all considered on balance acceptable and could be mitigated by appropriate planning conditions.

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

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

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

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

Cravo Retractable Roof Houses
Cravo X-Frame Images 1-4
X-Frame heights
Habitat creation, enhancement and management dated June 2017
DHA/11931/01 (Site Location Plan)
DHA/11931/03 (Proposed Site Layout Plan)
DHA/11931/04 (Proposed Site Landscaping Plan)
DHA/11931/05 (Enlarged details of proposed landscaping and siting of greenhouses)
DHA/11931/06 (Proposed site section details A-A)
DHA/11931/09 (Site location plan)
DHA/11931/10 (Proposed storage building – floor/roof plan)
DHA/11931/11 (Proposed storage building - elevations)
Reservoir Cross-section A-A and B-B
Reservoir Cross-section C-C and D-D
Reservoir plan view

Reason: To clarify which plans have been approved.

(3) No development shall take place until a tree survey and Arboricultural Method Statement (AMS) in accordance with the current edition of BS 5837 has been submitted to and approved in writing by the local planning authority. The AMS shall specifically cover all trees and hedges on, and immediately adjacent to, the reservoir site and the footprint of the ground treatment for the agricultural storage and tank

compound. It shall detail implementation of any aspect of the development that has the potential to result in the loss of, or damage to trees, including their roots, for example, changes to existing levels and hydrology, site access and service runs. It should also detail any tree works necessary to implement the approved scheme and include a tree protection plan.

Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development. The details are required prior to commencement to ensure no damage to existing trees.

(4) The development hereby approved shall not commence until details of earthworks have been submitted to and approved in writing by the local planning authority. These details shall include the proposed grading and mounding of land areas including the levels and contours to be formed, showing the relationship of proposed mounding to existing vegetation and surrounding landform;

Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development. The details are required prior to commencement to ensure a satisfactory visual impact of the development.

(5) The development hereby approved shall not commence until a landscape scheme designed in accordance with the principles of the Maidstone Landscape Character Assessment Supplement 2012 has been submitted to and approved in writing by the local planning authority. The scheme shall show all existing trees, hedges and blocks of landscaping on, and immediately adjacent to, the site and indicate whether they are to be retained or removed and include a planting specification, a programme of implementation and maintenance and a 5 year management plan. The landscape scheme shall reflect the locations of the lines of hedges shown on the Planting Proposals Plan (LVA, Figure 3) but specify the removal of existing conifer species and their replacement with appropriate native hedgerows. The hedgerow species mix shall include a proportion of evergreen shrubs (Holly or Yew) and species which retain their leaves for a large proportion of the year (Hornbeam or Beech) to maximise the screening effect without compromising existing landscape character. The landscaping shall also include a physical barrier to provide a 15m buffer to the Ancient Woodland to the north of the site.

Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development. Details are required prior to commencement as a satisfactory landscaping scheme is of importance to the visual amenity of the development.

(6) The use of the development hereby permitted shall not commence until all planting specified in the approved landscape details has been completed. All such landscaping shall be carried out during the planting season (October to February). Any trees or plants which, within five years from the first use of the land, die or become so seriously damaged or diseased that their long term amenity value has been adversely affected shall be replaced in the next planting season with plants of the same species and size 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

(7) If the Cravo greenhouses (or sections thereof) are permanently no longer required for agriculture then those Cravo greenhouse (or the sections thereof) shall be removed from the land within 4 months of the cessation of their use;

Reason: In order to avoid unnecessary retention of structures that are no longer needed and in the interests of visual amenity.

(8) Development shall not begin until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of without increase to flood risk on or off-site. The drainage scheme shall also demonstrate that silt and pollutants resulting from the site use and construction can be adequately managed to ensure there is no pollution risk to receiving waters. The details shall include measures to prevent the discharge of water onto the highway.

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. Details are required prior to commencement to ensure that the works are constructed without risk to surface water flooding.

(9) No use of the buildings/structures hereby permitted shall commence until details of the implementation, maintenance and management of the sustainable drainage scheme have been submitted to and approved in writing by the local planning authority. The scheme shall be implemented and thereafter managed and maintained in accordance with the approved details. Those details shall include:
a) a timetable for its implementation, and
b) a management and maintenance plan for the lifetime of the development which shall include the arrangements for adoption by any public body or statutory undertaker, or any other arrangements to secure the operation of the sustainable drainage system throughout its lifetime.

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

(10) Any lighting installed at the site shall be in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority

Reason: In the interests of amenity of adjoining residents and the landscape character of the area..

(11) No use of the buildings/structures hereby permitted shall commence until the ecological enhancements set out in the Wildlife habitat creation, enhancement and management plan dated June 2017 have been implemented.

Reason: To protect and enhance existing species and habitat on the site in the future.

INFORMATIVES

(1) Works to trees/hedges could result in disturbance to wild animals, plants and important wildlife sites protected by law. It is the applicant's responsibility to ensure that appropriate precautions are taken to ensure that an offence is not committed. Further advice can be sought from Natural England and/or Kent Wildlife Trust.

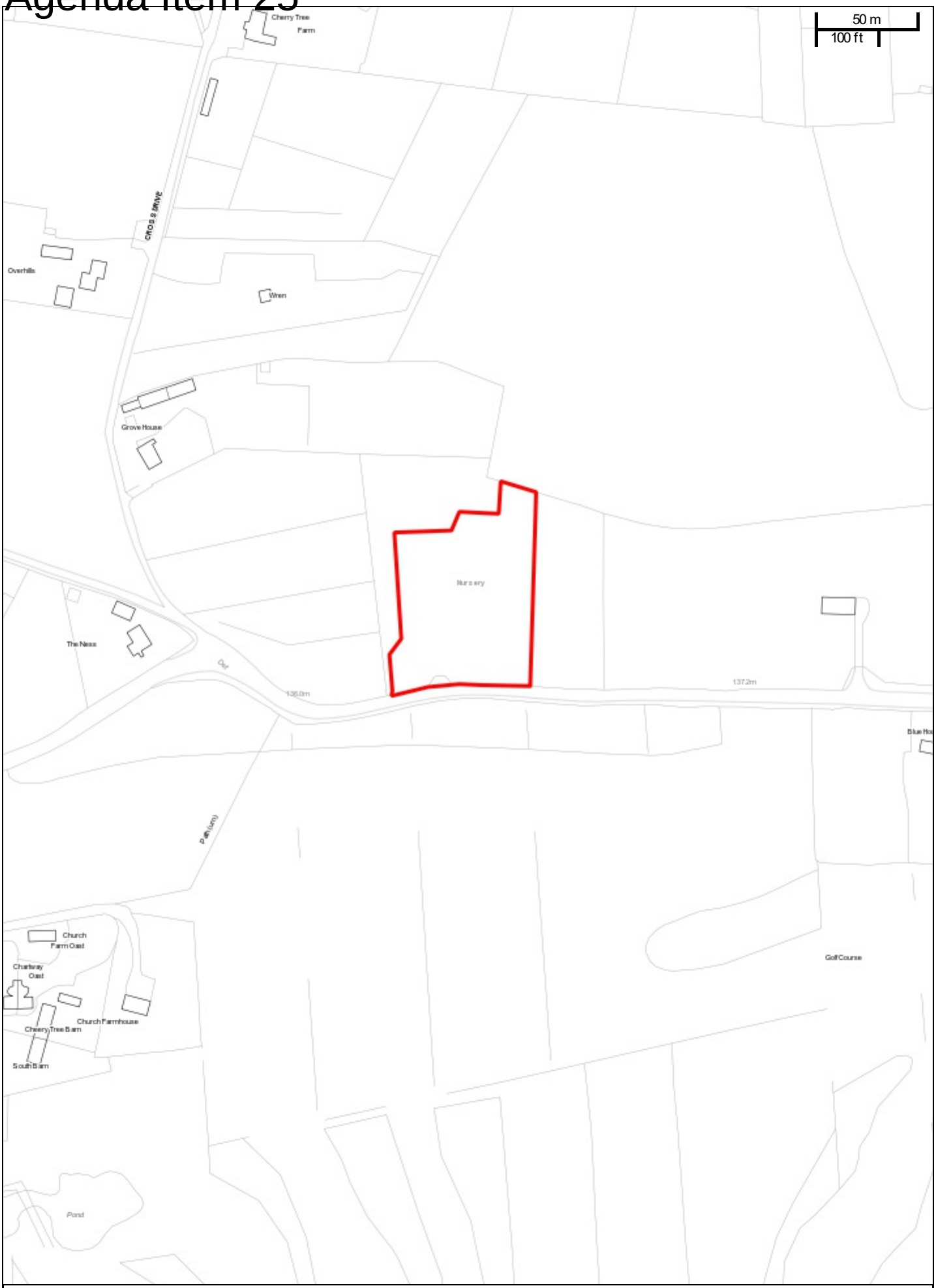
(2) The granting of planning permission confers no other permission or consent on the applicant. It is therefore important to advise the applicant that no works can be undertaken on a Public Right of Way without the express consent of the Highways Authority. In cases of doubt the applicant should be advised to contact this office before commencing any works that may affect the Public Right of Way. Should any temporary closures be required to ensure public safety then this office will deal on the basis that:

- The applicant pays for the administration costs;
- The duration of the closure is kept to a minimum
- Alternative routes will be provided for the duration of the closure.
- A minimum of six weeks notice is required to process any applications for temporary closures.

This means that the Public Right of Way must not be stopped up, diverted, obstructed (this includes any building materials or waste generated during any of the construction phases) or the surface disturbed. There must be no encroachment on the current width, at any time now or in future and no furniture or fixtures may be erected on or across Public Rights of Way without consent.

Case Officer: Rachael Elliott

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



17/503647 Orchard Farm Nursery
Scale: 1:2500
Printed on: 1/11/2017 at 10:46 AM by JulieM

N

ASTUN TECHNOLOGY
© Astun Technology Ltd

REPORT SUMMARY

REFERENCE NO - 17/503647/FULL		
APPLICATION PROPOSAL Erection of a day room/utility building.		
ADDRESS Orchard Farm Nursery, Chartway Street, Sutton Valence, Maidstone, Kent, ME17 3JB		
RECOMMENDATION Grant subject to conditions		
SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL The proposed development is considered to comply with the policies of the Maidstone Borough-Wide Local Plan 2000, the Modified new local plan, and the National Planning Policy Framework and there are no overriding material considerations to indicate a refusal of planning consent.		
REASON FOR REFERRAL TO COMMITTEE Kingswood and Broomfield Parish Council wish to see application refused.		
WARD Leeds	**PARISH/TOWN COUNCIL** Broomfield & Kingswood	**APPLICANT** Miss T Ackleton **AGENT** Graham Simpkin Planning
DECISION DUE DATE 27/10/17	**PUBLICITY EXPIRY DATE** 29/09/17	**OFFICER SITE VISIT DATE**

RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):

16/506432/FULL - Retrospective application for the change of use to residential caravan site for one gypsy family with two caravans (1no. static caravan and 1no. mobile home), with creation of hardstanding, erection of amenity building and erection of garden shed – Pending

15/501168/FULL - Change of use of land to use as a residential caravan site for one gypsy family with one mobile home, one touring caravan, utility building and hardstanding – Permitted. Permanent permission.

15/507195/FULL – Retrospective application for replacement of gypsy mobile home with one single storey detached dwelling (180sqm footprint) – Refused / Dismissed at appeal – House to be demolished.

12/1544 - Retrospective application for the change of use of land to use as a residential caravan site for 2 Gypsy families with up to 4 caravans of which no more than 2 would be static caravans, including the laying of hard surfacing and the erection of 2 amenity buildings – Permitted. Permanent permission.

12/0605 - Change of use of land to use as residential caravan site for one gypsy family with two caravans, erection of an amenity building and laying of hardstanding – Permitted. Permanent permission.

11/1489 - Variation of condition 01 of planning permission reference MA/09/1697 (retrospective application for the change of use of land to residential for stationing of

one no. mobile home) to allow the use to be carried on only by Mr & Mrs Ray Pearce and their dependent children – Permitted. Personal permission.

11/1534 - Change of use of land to use as a residential caravan site for 2 gypsy families involving the siting 4 caravans of which no more than 2 are to be static mobile homes; the erection of 2 amenity blocks; and the laying of hard standing and construction of a driveway – Approved. Permanent permission.

10/2119 - Change of use of the land to a mixed use as a horticultural nursery with a farm shop and cafe. Provision of a revised access – Permission

09/1697 - Retrospective application for the change of use of land to residential for the stationing of 1 no. mobile home – Permitted. Personal permission.

09/0463 - Erection of farm shop to serve plant nursery - Permitted

07/2532 - Retention of mobile home as an ancillary staff shelter/restroom and office in connection with the use of the plant nursery – Permitted

07/1491 - Temporary planning permission for the erection of a mobile home for a period of 3 years relating to the horticultural nursery. (resubmission of planning application MA/06/1922 for the erection of a detached house and garage – Refused

06/1922 - Erection of a new detached house and garage - Refused

MAIN REPORT

1.0 DESCRIPTION OF SITE

1.1 The application site relates to a gypsy and traveller site located on the north side of Chartway Street. The wider site contains several static caravans, tourers and utility blocks which benefit from permanent and personal consents. The majority of the pitches benefit from permanent consent as set out in the above history. There are other gypsy traveller sites adjoining the application site to the east and northwest which benefit from a mix of permanent and personal consents. There is a permanent dwelling on adjoining land to the east which was refused under planning application and appeal for 15/507195/FULL and is due to be removed in line with an enforcement notice. There is one plot where there is a current application for a further residential caravan site which has not been determined. There are further gypsy traveller sites to the east.

1.2 The site is served by an established access from Chartway Street and the access also serves five other plots. In a wider context the site is located in open countryside but not subject to any specific landscape designation

2.0 PROPOSAL

2.1 The proposal is for the erection of a new day / utility building, which is to be sited on land where a mobile has been granted permission. The permitted mobile home (not currently in situ) would be relocated just to the south of the day / utility building. The

day / utility building is not proposed to be used as additional sleeping accommodation.

2.2 The day room/utility building would measure 98sqm (external footprint). With its hipped roof, the day building would measure some 2.4m to the eaves; and its ridge height some 6m.

2.3 The proposed utility building would be located within Plot 6 of Orchard Farm Nursery but the Planning Statement advises that the building is also intended to serve Plots 3, 4, 5 and 6.

3.0 POLICY AND OTHER CONSIDERATIONS

National Planning Policy Framework
National Planning Practice Guidance
Gypsy & Traveller and Travelling Showpeople Topic Paper (2016)
Planning Policy for Traveller Sites (PPTS)
Maidstone Local Plan (2017): SP17, DM1, DM3, DM15, DM34

4.0 LOCAL REPRESENTATIONS

4.1 **Local Residents**: No comments

4.2 **Broomfield and Kingswood PC***: 'Councillors wish to see this application refused and require it to be reported to the planning committee. Councillors consider the proposal for the erection of such a significant sized and permanent development is incompatible with this rural environment. Further building works at this location will give the impression of lasting fixed development when taking into consideration existing permanent buildings already at this traveller site'.*

5.0 CONSULTATIONS

5.1 None

6.0 APPRAISAL

6.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 provides that all planning applications must be determined in accordance with the Development Plan unless other material considerations indicate otherwise.

6.2 The proposal site is subject to the normal constraints of development in the countryside under saved policies ENV28 of the adopted Local Plan; and saved policy ENV28 states;

"Planning permission will not be given for development which harms the character and appearance of the area or the amenities of surrounding occupiers."

6.3 Policy SP17 seeks to protect the landscape character of the countryside. Emerging policy DM15 accepts G&T development in the countryside subject to the detail of any proposal.

6.4 This proposal is for a new day building and would involve the repositioning of a consented mobile home for a gypsy family; and the site benefits from an unrestricted permanent planning permission. It is therefore considered unnecessary to discuss

the need and supply of G&T sites; Gypsy status; and the sustainability of the site in terms of its location.

6.5 In summary, this type of development in the countryside is considered to be acceptable subject to the details which will now be discussed. The key issue is considered to be the visual impact on the character of the countryside hereabouts.

Visual impact

6.6 Whilst guidance in the PPTS gives no specific reference to landscape impact, this is addressed in the NPPF; local plan polices SP17, DM15 and DM34.

6.7 View of the utility building and relocated mobile home, would be limited from Chartway Street given the central location within the site, set back from the road and established hedge and fence boundary along Chartway Street and further landscape (conifer) screening within the site. The proposed utility building would be built where a mobile home is consented, being set back some 40m from the road; it would be located within a cluster of mobile homes and, the proposal is not extending built development into the countryside. Given the continued setback, the repositioned mobile home is not considered to be any more visually harmful when compared to the current situation; and given that the proposed building would be further screened by the mobile home it cannot be argued that the utility building would appear visually harmful from any public vantage point.

6.8 As can be seen from the history there are mobile homes and utility buildings on the site and at adjoining neighbouring gypsy traveller sites. I am therefore satisfied that this proposal would not appear visually incongruous, when read in the wider context of the site and immediate surrounding area. I am also of the view that a building of the size / footprint proposed is justified as it would be shared by five plots.

Residential amenity

6.9 The proposed development, given its scale, design and location, will not have a detrimental impact on the residential amenity of any neighbouring property and so no objection is raised in this respect.

Highway safety implications

6.10 This proposal is for a day building only; the existing access will be unaffected; and the site will continue to have ample on-site parking/turning facilities. Therefore, no objection is raised on highway safety grounds.

Other considerations

6.11 As regard to the floor area proposed and use of the day room, such buildings are multi-functional in use comprising both family and service functions, and the proposal is consistent in scale with the already approved day buildings at other traveller sites in the borough. The proposal is therefore not considered entirely unreasonable with modern day family requirements and the numbers of pitches the building would serve. In addition, there is no adopted policy in terms of what size day buildings should be; it is clear from the plans that it is not to be used as additional sleeping accommodation; and as set out above it does not result in any significant visual harm. No objection is therefore raised in this respect.

6.12 Sewerage would be dealt with via an existing cess pit. Given the existing development on the site and the nature of the proposal, no objection is raised on arboricultural or ecological grounds.

6.13 The issues raised by Kingswood and Broomfield Parish Council have been considered in the determination of this application.

7 Conclusion

7.1 The proposal would not have a visually harmful impact upon the character and appearance of the countryside hereabouts; no objection is raised in terms of flood risk; there would be no harm to the amenity of any surrounding property; and there is no highway safety objection. I therefore consider that this proposal is acceptable with regard to the relevant provisions of the adopted and emerging Development Plans, the NPPF and all other material considerations such as are relevant and recommend conditional approval of the application on this basis.

RECOMMENDATION – Grant subject to conditions

CONDITIONS

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

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

(2) The day building hereby approved shall be constructed in the external materials specified on the application form. It shall thereafter only be used in connection with the use of the site as a gypsy and traveller site, not for any trade or business purpose and at no time shall it be used as additional sleeping accommodation;

Reason: To ensure a satisfactory appearance to the development.

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

00, 01, 02, 04, 05, PR02, PR03, PR04, PR05, PR06; received 30.08.2017

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

Case Officer: Andrew Jolly

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

17/503680 Land to the East of Hermitage Lane
Scale: 1:2500
Printed on: 1/11/2017 at 11:48 AM

© Ordnance Survey Maps - Maidstone
Borough Council Licence No. 100019636, 2017

© Maidstone Borough Council

REPORT SUMMARY

REFERENCE NO - 17/503680/REM		
APPLICATION PROPOSAL Reserved Matters (Appearance, landscaping, layout and scale) for Phase 2A of the outline approval 13/1749 comprising Community Centre with associated infrastructure.		
ADDRESS - Land to the East of Hermitage Lane Maidstone Kent		
RECOMMENDATION – Approve subject to conditions		
SUMMARY OF REASONS FOR RECOMMENDATION The reserved maters application follows the key principles established by the outline planning permission and the illustrative masterplan and accords with the adopted Maidstone Borough Local Plan (2017).		
REASON FOR REFERRAL TO COMMITTEE The application has been called to planning committee by Cllrs C.Robertson, D. Daley and D.Lewins due to the large scale nature of the proposals and the change to the character of the locality.		
WARD Allington	**PARISH/TOWN COUNCIL** **N/A**	**APPLICANT** Croudace Homes Ltd **AGENT** Croudace Homes Ltd
DECISION DUE DATE 12/10/17 – Extension of Time agreed to 10.11.17	**PUBLICITY EXPIRY DATE** 25/08/17	**OFFICER SITE VISIT DATE** Various

RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):

App No	Proposal	Decision	Date
17/502767/REM	Approval of Reserved Matters (Appearance, Landscaping, Layout and Scale being sought) Phase 2 for the erection of 119 dwellings with associated infrastructure pursuant of 13/1749 allowed on appeal APP/U2235/A/14/2226326.	Awaiting decision	
16/503641	Reserved matters of appearance, landscaping, layout and scale for Phase 1 for erection of 183 dwellings with associated infrastructure pursuant to outline approval ref 13/1749.	Approved	20.12.16
16/507319	Submission of details pursuant to conditions 10, 11, 12, 14 and 18 of outline planning permission MA/13/1749 for the access road (from Hermitage Lane) only.	Approved	30.12.16
14/503735	Outline - Access not reserved - Mixed use development comprising up to 420 residential dwellings (including Affordable homes), land safeguarded for an education facility and land	Withdrawn Resolved to be approved	04.02.16

	safeguarding for a community centre. Provision of public open space (including children's play areas) associated infrastructure and necessary demolition and earthworks. The formation of 2 no. new vehicle accesses from Hermitage Lane and Howard Drive	by planning committee 30.07.2015.	
14/503786/OUT	Outline application for up to 80 residential dwellings with access to be considered at this stage with all other matters reserved for future consideration.	Withdrawn	04.02.16
13/1749	An Outline application for a Mixed-Use development comprising up to 500 residential dwellings (including affordable homes), land safeguarded for an education facility and land safeguarded for a community centre. Provision of public open space (inc. children's play areas) associated infrastructure and necessary demolition and earthworks. The formation of 2No. new vehicular accesses from Hermitage Lane and Howard Drive. With access to be considered at this stage and all other matters reserved for future consideration.	Refused – Allowed on appeal	19.10.15
MA/12/2307	Request for a screening opinion as to whether the proposed development incorporating up to 700 dwellings, a mixed use centre, a 2 form entry primary school, access from Hermitage Lane, up to 15,000sqft employment uses, extension to Barming Railway Station car park, drainage infrastructure and open space is development requiring an Environmental Impact Assessment.	Not EIA development	24.01.13
MA/01/0080	Outline application for residential development, the creation of new vehicular accesses, provision for a local centre, community building, school site, public open space, informal parkland, greenways and landscaping, with all matters except means of access reserved for future consideration	Refused – Non determine Appeal dismissed	02.10.02

MAIN REPORT

1.0 DESCRIPTION OF SITE

1.01 The wider site is located to the east of Hermitage Lane (the B2246). The southern boundary is demarcated by a belt of designated Ancient Woodland with a smaller fallow field beyond. The Maidstone Hospital and land associated with the Old Hermitage/St Lawrence's Chapel are located further beyond.

1.02 The western boundary of the wider site follows Hermitage Lane in parts and also a paddock to the rear of properties fronting Hermitage Lane. Areas of open agricultural land including a pear orchard are located immediately north of the site.

1.03 The remaining boundaries of the wider site are adjacent to existing residential development. To the north-east are properties on Howard Drive and to the south east are the rear gardens and properties located on Rosslyn Green, Hawkwood, Watermill Close and The Weavers.

1.04 The whole site granted outline permission on appeal under 13/1749 extends to approximately 30.66 ha and comprises a strategic allocation in the adopted Maidstone Borough Local Plan (2017) (and one in the former Local Plan 2000) and is within both Maidstone Borough and Tonbridge and Malling Borough, however the site area the subject of the current phase 2A application extends to approximately 1.9 hectares, is located immediately north of the restricted byway KB47 and contains a commercial pear orchard.

1.05 Aside from orchard trees occupying the site, there are a limited number of Grade C within the site. Tree Preservation Orders cover the trees along the north eastern and south eastern boundaries of the larger site forming the strategic allocation.

1.06 A number of Public Rights of Way traverse or lie adjacent to the whole site including PROW MR489/KB47 extending between Hermitage Lane and Howard Drive, PROW KB51, extending south east from MR489/KB47 through the main block of woodland and PROW KB19, following the south eastern boundary to Howard Drive.

1.07 The site lies on the transition between the Greensand Ridge to the south and the river Medway valley to the north and is gently undulating, falling steadily to the north - north east, from a high point of 80m AOD at the south eastern corner, to a low point of approximately 60m AOD at the north western and western corners. Beyond this, the land continues to fall gradually to the north-west and north

2.0 PROPOSAL

2.01 The reserved matters application seeks approval of matters relating to layout, appearance, scale and landscaping for Phase 2A only for the construction of a Community Centre with associated infrastructure and provision of public open space including the provision of a Neighbourhood Equipped Area for Play (NEAP).

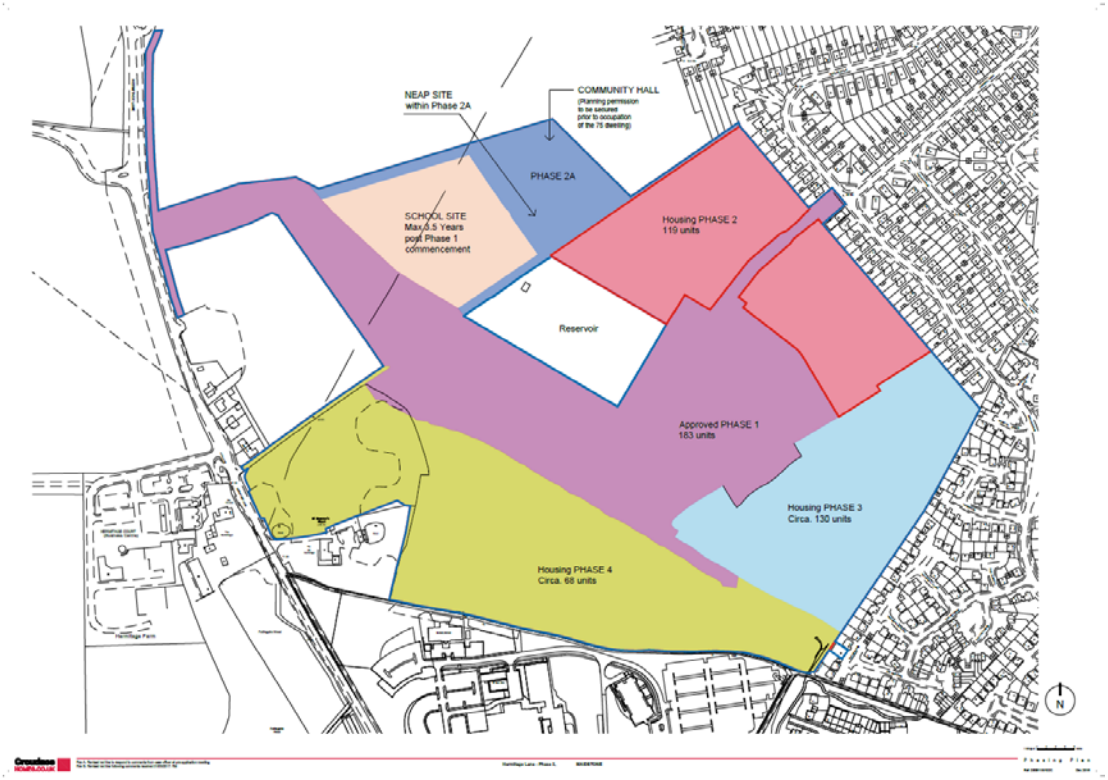
2.02 The Phasing plan below shows the subject application shaded in blue and follows the principles of the outline masterplan and the revised Design and Access Statement approved as part of condition 21 of the outline planning permission. The phase 2A application site measures 1.9 hectares of which 0.36 hectares is set aside as Community Hall land for the provision of a community hall, structural planting, and associated access and parking. The community centre measures 615 sqm with provision for a multi-purpose hall (180sqm) crèche (which includes separate toilets/small kitchen facilities), male and female toilets and separate changing facilities, a separate multi-purpose room with a kitchen which serves this room and the multi-purpose hall, a plant room and separate multi-purpose hall. This is all arranged over 1 floor with the building being designed with a steeply mono-pitched roof to provide for a vaulted double height ceiling to create headroom height to the multi-purpose hall. The DAS states that the steeply pitched roof is ideally orientated

to accommodate PV collectors (panel or tiles) with no part of the roof exceeding 11 metres in height (a requirement of condition 20 of the outline permission.

2.03 The palette of materials comprises a mixture of Kentish ragstone, yellow London stock brickwork, standing seam zinc cladding, grey aluminium grey windows and a standing seam zinc roof. Parking is provided on site with a total number of 35 spaces.

2.04 A separately demarcated outside crèche garden is provided to the west of the community hall with a NEAP play area provided further westwards. Open space land is provided to the north of the community building and this incorporates the use of swales and a large attenuation pond within the overall landscaping design.

Phase 2A phasing plan



3.0 POLICY AND OTHER CONSIDERATIONS

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Supplementary Planning Documents: Open space DPD (2006)
The Maidstone Borough Local Plan (2017): SS1, SP1, SP2, SP18, SP23, H1, H1(2), DM1, DM2, DM3, DM4, DM6, DM20, DM21, DM23, DM24,
Former policies no longer applicable - Maidstone Borough-Wide Local Plan 2000: ENV6, ENV24, ENV27, ENV31, H1 (xvii), H12, CF1, CF6, CF8, T3

4.0 LOCAL REPRESENTATIONS

4.01 **Local Residents**: 31 representations received from local residents raising the following (summarised) issues. Included within this number is a standardised tick box

questionnaire (similar to survey-monkey) where individuals tick the box that they wish to raise issues with and add their name and e-mail address.

- Excessive traffic
- Access to the community centre should not be via the byway. Traffic lights or a pedestrian crossing are required
- A walkway for pedestrians should be provided around phase 2A
- The NEAP is in the wrong location. It would be better placed in phase 2
- Inappropriate use of swales and attenuation basins in close proximity to a school, play area and crèche
- Plans for phase "a are unacceptable on health and safety grounds
- Community Centre and school cannot be located near a working orchard

4.02 Letter received from the New Allington Action Group (NAAG) raising concerns on the following information.

- Health and Safety - questions location of the NEAP in close proximity to water and in this location, should be located within main development site
- Byway/PROW KB47 – vehicle access should be prohibited from using the byway to access the community centre – this is a safety issue
- Community building should be no higher than 2 storeys
- Question the provision of changing rooms
- Provision of a circular walkway footpath around the site should be included
- Biodiversity ponds as shown are a safety hazard
- Questions comments made in the Arboricultural Method Statement
- No provision for access road to the primary school has been made

5.0 CONSULTATIONS

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

5.01 UK Power Networks: -: No objections

5.02 MBC Environmental Services - No objection but request an external lighting condition and noise report and what noise mitigation measures will be integrated into the building.

5.03 MBC Arboricultural and Landscape Officer – no objection raised

5.04 KCC PROW – No objection – refers to protection of restricted byway KB47. Verbal confirmation from PROW officer that demountable bollard to prevent unauthorised access along the restricted byway KB47 is acceptable.

5.05 KCC Highways –Requested clarification on access matters. Following the submission of amended details and clarification on certain matters, KCC are now satisfied with the responses and raise no objection to the proposals. They request that the lockable bollards to prevent vehicles driving up to the community centre via the restricted byway must be a lockable Kent carriage gap

5.06 KCC Ecology – No comments on the proposal but note the native species incorporated into the development which will benefit biodiversity.

5.07 Kent Police – recommends the applicant contact the Crime Prevention Team at Kent Police to ensure crime prevention is addressed effectively.

5.08 Natural England – Defers to principally standing advice but provides comment son opportunities to enhance biodiversity on the site in accordance with paragraph 118 of the NPPF

5.09 Highways England – In accordance with outline approval – no further comments to make.

5.10 E.A – No comments.

5.11 Southern Water – Defer to the advice of the E.A regarding protection of the public water supply.

5.12 Tonbridge & Malling Borough Council - no objections to the consultation as neighbouring authority.

6.0 APPRAISAL

Main Issues

6.01 The key issues for consideration relate to:

- Principle of development
- Layout – visual amenity
- Design
- Landscaping of the site

Background matters

6.02 Members will recall that outline planning permission 13/1749 was refused by the Council on a number of grounds, principally the impact on the Ancient Woodland, the absence of a Country Park within Tonbridge and Malling Borough Council and in the absence of a legal agreement to secure financial contributions to mitigate the impacts of the development. The appeal was recovered by the Secretary of State and was the subject of a public inquiry between 2-5 June and 9 June 2015. The Inspector submitted his report to the Secretary of State in August 2015 with the Secretary of State issuing his approval notice in October 2015 – see Appendix B.

6.03 The outline approval for the site granted planning permission for a mixed use development comprising of up to 500 dwellings, land safeguarded for an education facility and community facility, provision of open space, associated infrastructure and necessary demolition/earthworks and the formation of 2 No. new vehicular access from Hermitage Lane and Howard Drive. Matters relating to the access were approved as part of the outline permission but all other matters were reserved for future consideration.

6.04 Phase 1 approval for 183 dwellings as part of the reserved matters application was granted on 20 December 2016. Conditions imposed on the outline permission, amongst other matters require the submission of a phasing plan to identity the sequence of phases and site area coming forward. Conditions on the outline permission generally defer to the phasing plan to enable each phase and their subsequent conditions to be considered on a phase by phase basis. There are exceptions to this however, relating to the construction management plan.

6.05 A separate S106 agreement relating to infrastructure provision was accepted by the Inspector/ S of S and within this agreement requires the provision of a LEMP – Landscape Ecological Management Plan. Croudace have submitted this document and this is discussed in the phase 2 report also on the current agenda tonight.

6.06 The S106 agreement as part of the outline planning permission required the provision of the "Community Hall Land" – meaning an area of land not less than 0.36 hectares to be set aside for the construction of the community hall, which was defined as a single storey building with ancillary parking to be provided on the Community Hall Land for use for community purpose having a floor area of approximately 600 sqm. The S106 also requires the owners to construct the community hall and to transfer the facility to a management company. The S106 also requires a limit on the occupation of no more than 75 dwellings until the owners have obtained planning permission with no more than 400 dwellings occupied until the community hall has been practically completed.

Principle of Development

6.07 The principle of development has already been established by the grant of outline planning permission by the Secretary of State (SoS) under planning reference 13/1749 on 19th October 2015. This granted permission for development of the site for up to 500 dwellings with access considered at the outline stage. Matters relating to layout, scale, appearance and landscaping were reserved for future consideration. Whilst a number of supporting plans were submitted with the outline application, most of these were for illustrative purposes only and the SoS in his decision notice – see Appendix A and B, only conditioned the access roads (condition 5), the height of the buildings not to exceed 11m (condition 20) and that the quality and type of open spaces shall be as set out in the Design and Access Statement dated Oct 2013 (condition 21). The submitted reserved matters application meets the specified criteria and is therefore a valid reserved matters application.

6.08 The adopted Maidstone Borough Local Plan (2017) (which was adopted by the Council on 25th October 2017) includes the whole site as an allocation for residential led housing development under polices SP2 and H1(2) (formerly under polices H1(xvii) and H12 of the Maidstone Borough Wide Local Plan 2000) and consideration of this application needs to be assessed against the criteria set out below.

Policy H1(2) of the Maidstone Borough Local Plan (2017) is set out below:

East of Hermitage Lane, Maidstone
East of Hermitage Lane, as shown on the policies map, is allocated for development of approximately 500 dwellings at an average density of 40 dwellings per hectare. In addition to the requirements of policy H1, planning permission will be granted if the following criteria are met.
Design and layout
1. A 15 metres wide landscape buffer will be implemented between the identified area of ancient woodland and the proposed housing development, to be planted as per recommendations detailed in a landscape survey. Development will not be permitted within this area.
2. The root protection area of trees identified as in and adjacent to the area of ancient woodland will be maintained and kept free from development.
3. A buffer will be provided along the north eastern boundary of the site (rear of Howard Drive dwellings), incorporating existing protected trees,

the details of which will be agreed with the council.
4. The wooded character of the footpath (KB19) running along the south eastern boundary of the site will be maintained.
5. Development will be subject to the results and recommendations of an archaeological survey.

Access

6. Access to the site will be taken from B2246 Hermitage Lane. Subject to the agreement of junction details, this access will be made in the vicinity of the land opposite the entrance to Hermitage Quarry.
7. An automated bus gate will be provided that allows buses and emergency vehicles to access the site from Howard Drive. Pedestrian and cycle access from Howard Drive will enable permeability to the site.
8. Where ownership of component land parcels differs, access for development purposes will not be impeded to or from these component parcels.

Air quality

9. Appropriate air quality mitigation measures to be agreed with the council will be implemented as part of the development.

Open space

10. The ancient woodland on the south western boundary of the housing development will be retained as public open space.
11. The linear woodland, extending south and south east from the ancient woodland to the site boundary, will be retained as public open space.
12. The land currently used as a commercial orchard, north west of the restricted byway and extending as far as the borough boundary, will be retained for a combination of community infrastructure and public open space uses.
13. Provision of 12.95 ha of open space within the site comprising 6.62ha woodland/landscape buffers, 5.41ha amenity green space, 0.77ha of allotments (community orchard), 0.15ha of provision for children and young people and contributions towards outdoor sports facilities at Giddyhorn Lane. Development should maximise the use of the southern part of the site including Bluebell Wood and the "hospital field" for the provision of open space, making best use of existing features within the site.

Community Infrastructure

14. Land will be transferred for primary education use, the details of which will be agreed with the local education authority.
15. A multi-functional community centre will be provided. The use of the north western part of the site (land to the north of the restricted byway and south of the borough boundary) for the siting of community infrastructure is strongly encouraged.

Highways and transportation

16. A direct pedestrian/cycle path, complementary to the current character of the orchard and open fields, will be provided alongside the western access to site.
17. Contributions will be made towards pedestrian and cycle links to existing residential areas, shops, schools and health facilities, including links through to Howard Drive and Queen’s Road via Freshland Road.
18. Provision of pedestrian crossing facilities on Hermitage Lane to the north of the site.

Strategic highways and transportation

19. Interim improvement to M20 J5 roundabout including white lining scheme.
20. Traffic signalisation of M20 J5 roundabout and localised widening of slip roads and circulatory carriageway.
21. Provision of an additional lane at the Coldharbour roundabout.
22. Capacity improvements at the junction of Fountain Lane and A26.
23. Provision of a circular bus route to serve the north west Maidstone

strategic development area.
24. Provision of a new cycle lane along B2246 Hermitage Lane.
Utility infrastructure
25. A connection is provided to the local sewerage system at the nearest point of adequate capacity, in collaboration with the service provider.
Minerals safeguarding
26. The site falls within the Mineral Safeguarding Areas as shown on the policies map and therefore development proposals will be required to undertake a minerals assessment to assess the viability and practability of prior extraction of the minerals resource. The minerals assessment will comply with policy DM7 of the Kent Minerals and Waste Local Plan (2013-2030) and any supplementary planning guidance produced by the minerals Planning authority in respect of minerals safeguarding.

6.09 Point 15 above is the significant part of the policy in relation to the phase 2A proposals in that it seeks to locate a “multi-functional community centre will be provided. The use of the north western part of the site (land to the north of the restricted byway and south of the borough boundary) for the siting of community infrastructure is strongly encouraged”.

6.10 Policy SP2 of the adopted Local Plan requires amongst other matters, the provision of local shopping facilities on the H1(2) site. The outline application considered the appropriateness and likely success of sustaining shopping facilities within the overall development, however it was concluded (and evidenced) that the allocation could not sustain local shopping facilities. As such, no such facilities were included in the outline approval.

6.11 The current proposals are details pursuant to the outline permission and as such no such requirement could be imposed on the current application. So whilst the policy sets out a requirement for such facilities within the overall site, there is no mechanism available under the current reserved matters application for this to be included.

6.12 The location of the proposed community hall not only follows the principles of the illustrate outline masterplan but also adheres to the principles established by point 15 above.

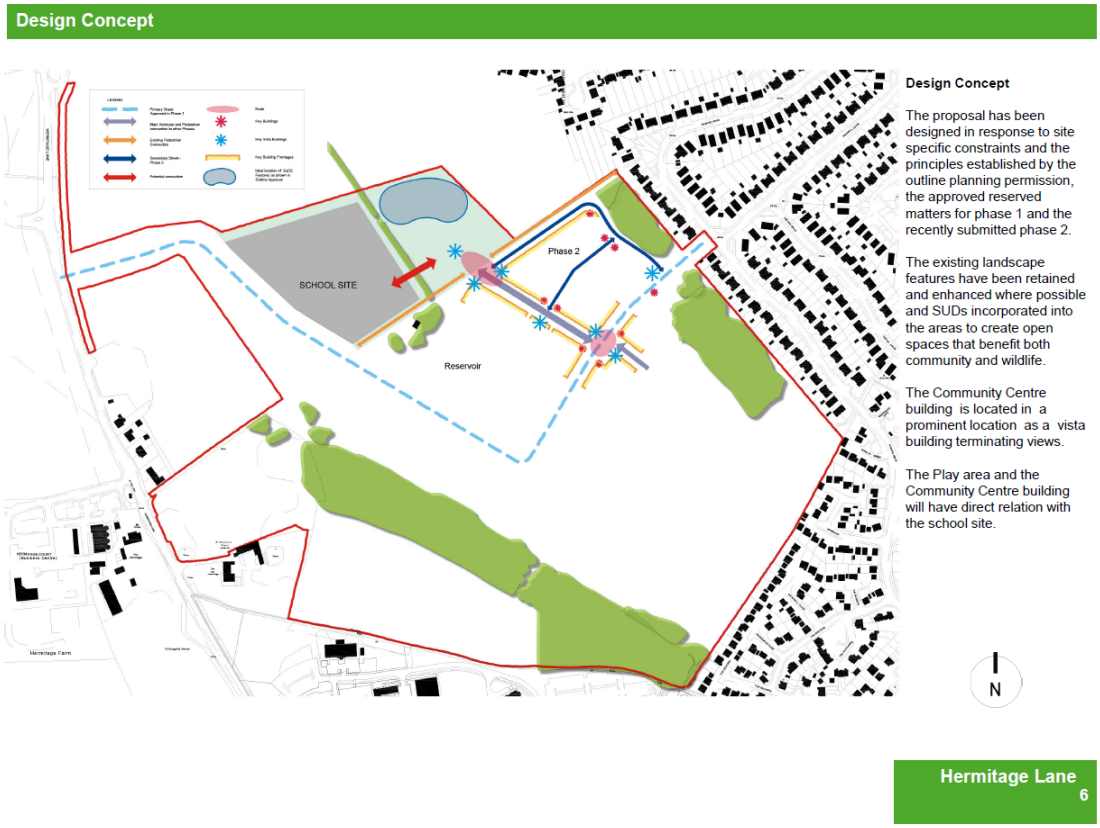
Layout

6.13 As set out above, the principle for the provision of a multi-functional community centre building was established by the grant of the outline planning permission and the S106 agreement attached to that permission. Whilst matters relating to layout were reserved for future consideration, the outline proposals were accompanied by a detailed illustrative masterplan which showed how the site could be developed out, with the location of the proposed school site and community centre shown to the north west of the byway. No objection was raised to the location of these facilities at the time of the appeal into the outline proposals on the basis of having the new school accessed directly off the new primary road. As such, the S106 agreement signed by the developers with KCC as part of the outline planning permission secures the land to the immediate west of the application site for use as a primary school (the S106 secures an area of land measuring no less than 2.05 ha)

6.14 The proposed location of the community centre therefore follows the principles established by the illustrative master plan and point 15 of the adopted policy for this site.

6.15 The positing of the community centre building, as set out in the report on application 17/502767 is located in a prominent position within the site to act as a “vista” building (see plan below showing pink circular highlighted area to NW) with terming views along the newly created street accessed a short distance away from the primary road (shown by the light blue dotted line in the plan below). The new street is framed by more dominant buildings, some of which are Kentish ragstone faced, to promote the importance of the street and to direct views to the community building. This approach seeks to firmly place the importance of the community building in place making/shaping and to allow for the easily recognisable access route to the building to be clearly defined.

Positioning of building



6.16 SUDs features have been incorporated into the overall layout of the open space area forming part of the phase 2A considerations which consist of swales and an attenuation basin. Again and similar to the phase 2 application, the attenuation basin has been has been designed as a “wet” pond with silt forbays for biodiversity enhancement, the details of which are set out in the updated drainage strategy report submitted with phase 2 to enable a more detailed assessment of how surface water is to be managed through the whole site.

6.17 To the immediate west of the community building and shown in yellow on the plan below is the proposed NEAP, which has been positioned in this location to have a direct relationship with the adjoining primary school site further westwards, the community building and the open space land forming part of this reserved matter detail for open space use.

6.18 With 35 off street parking spaces provided for, 2 of which are designated for disabled users, the provision of bollards to the entrance to the parking area (shown by the red dots on the plan below), and low level illuminated bollards to prevent access to the new square located immediately outside the community building (shown on the plan below by ◯) and measures to prevent unauthorised use of the byway from users attending the community building, proposed to be a fold down bollard (shown by a blue dot on the plan below), then KCC raise no objection to the proposals on highways safety. However, they request that the lockable bollards which are designed to prevent vehicles driving up to the community centre via the restricted byway must be a lockable Kent carriage gap. KCC PROW agree with this and this can be secured by a suitably worded condition.

6.19 Whilst concerns have been raised by local residents and NAAG to the location of the community building and the positioning of the NEAP and SUDs features, the proposals follow the principles established by the illustrative masterplan of the outline approval and point 15 of adopted policy H1(2) for the site and seek to co-locate facilities which serve their perspective end users i.e the primary school and users of the community building and public open space. The positioning of the SUDs attention basin and swales will improve the biodiversity of this public space and in the medium term could be a focal point for teaching conservation principles to the nearby school and community groups. A condition is suggested to require details of the gradient and protection measures to be installed to protect public safety.

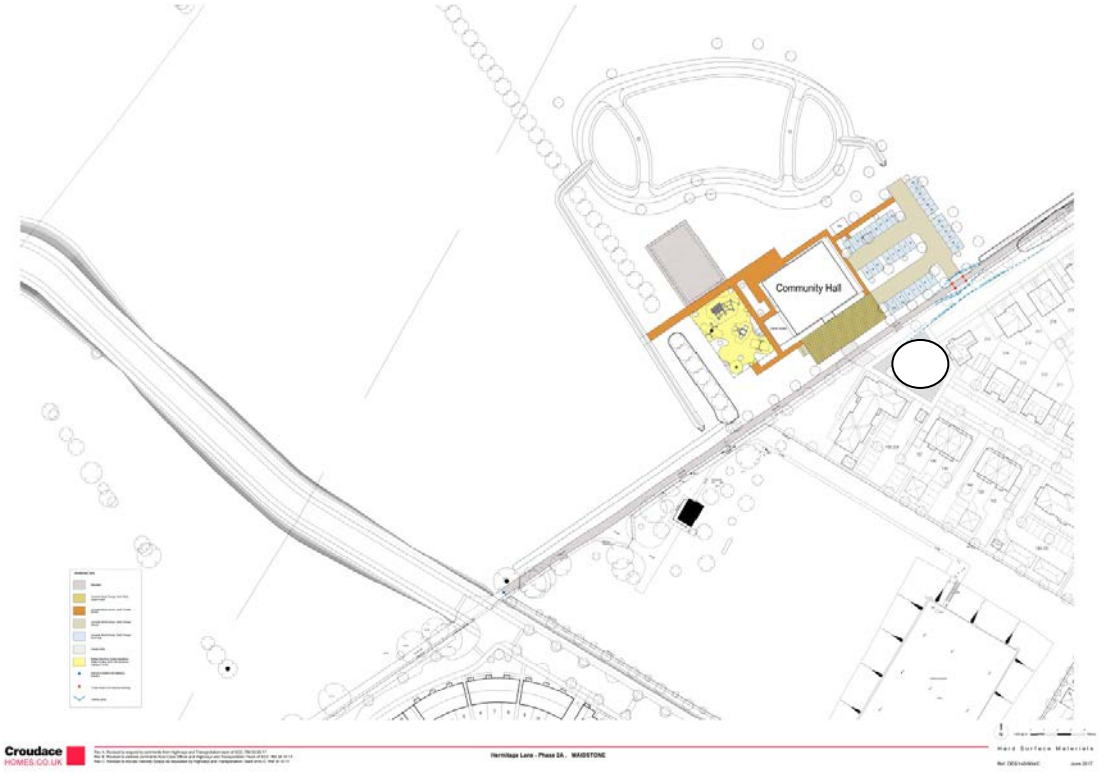
6.20 The internal layout of the building provides for a range of uses and allows for an “anchor tenant” in the form of a “crèche” with independent facilities, which is so important in community buildings to create an income stream and for an organisation to take “ownership” of part of the building. The overall provision of facilities, both in the creation of separate rooms, shared catering facilities, separate toilet and changing facilities and design of the building (with high vaulted ceiling over the multi – purpose hall) to cater for sporting and drama based activities, all at the developers expense, leads to the overall conclusion that the building has been designed to meet a variety of uses and needs of the community. The floor space fulfils the requirements of the outline S106 agreement.

6.21 Overall, I consider the applicants have worked pro-actively with the Local Planning Authority to seek to provide a community building capable of accommodating and meeting the needs of a wide variety of community uses which fulfils the requirement of the policy.

Parking

6.22 Sufficient parking is provided on site to meet adopted vehicle parking standards with provision for disabled parking. Kent Highways are now satisfied with the proposals and raise no objection to the application on highway safety matters. As set out in paragraphs 6.18 above and 6.40/41 below suitable arrangements can be put in place and secured by condition to prevent unauthorised use of the restricted byway by vehicles trying to access the community centre. KCC’s PROW team and the Highway team are satisfied with the arrangements proposed.

Phase 2A Layout



Residential amenity

6.23 The Council's Environmental Health Officer (EHO) has requested a condition be imposed to require details of a lighting scheme to be submitted to and approved by the LPA. In fact a lighting scheme has been submitted – plan no. DES/145/605 which shows the provision of lighting columns (with reflectors built into the design) to the parking area and immediately to the north of the building and 750mm illuminated bollards to the front of the building. This is a requirement of condition 18 of the outline approval. Having reviewed the details, I am satisfied that the impact to new and existing residents in the locality is acceptable. Any additional lighting over and above this would require a separate application for permission.

6.24 The EHO has also requested additional information and an input from an acoustic consultant in order for a report to be provided on the anticipated noise impact arising from the development and how this can be mitigated, e.g high spec glazing, how the building will be used, hours of operation, noise insulation etc.

6.25 The details of how the community building will operate are not known at this stage as the S106 requires the developer to build the community facility and then to transfer this over to the management company who are responsible for the management of the community building and the open space areas (including the Ancient Woodland). The detailed times of opening are also not know at this stage and as a community

building, it will need to raise its own revenue to support the upkeep and maintenance of the building and provide for any ancillary equipment. Whilst the thinking behind the request is perfectly laudable, I do not consider it appropriate at this time to require a full acoustic report to set out details of activities which may or may not be delivered or would not meet the aspirations of the elected management committee. I would therefore propose a condition be used to require details of the buildings insulation against internally generated noise to be submitted prior to development commencing above dpc level and a general opening and closing time for the facility. This will give the opportunity for the management company to be set up and become operational before the details are provided and for the insulation details to protect against noise transmission to be investigated further prior to the building being erected. With such measures in place, I consider the concerns raised by the EHO can be addressed by the conditions suggested.

6.26 With the nearest existing residential properties located approximately 170 metres away from the community building, and accepting the proximity of new properties (forming Phase 2) to the community centre who will have knowledge of the location of the community building when they buy their properties, I consider the impact on residential amenity to be acceptable and can be appropriately mitigated for by conditions.

Scale

6.27 The maximum scale of buildings was restricted by outline condition 20 – (see Appendix A) which limits building heights to 11m. The community building falls within this height restriction and with a maximum roof height of just over 10m, is of an appropriate scale befitting its end use whilst also acting as a vista building terminating views along the newly created street.

6.28 The overall scale of the building is also regulated to a degree by the detail of the S106 agreement as set out in paragraph 6.06 above. Overall, the scale is considered appropriate to the site context and surrounding built form as currently under construction and permitted by the Phase 1 reserved matters approval.

Appearance

6.29 As befitting a vista building and one which has been purposefully positioned to terminate views along the new street and promote wayfinding of the new community facility in a very accessible location by all forms of transport, the attention to detail is paramount. The new building incorporates Kentish ragstone walling to the key ground floor elevations (the front and side elevations) which are most visible and prominent from the public domain with yellow stock brickwork and standing seam zinc cladding to the higher elevations. This provides longevity and durability to the building with minimal maintenance. Similarly a standing seam zinc roof is also proposed which, due to design and orientation of the building, is capable of accommodating renewable energy devices such a solar pv..

6.30 The use of materials for the proposed community building helps to re-inforce the cohesive feeling adopted by the Phase 1 and 2 schemes and seeks to promote the overall importance of the building in the context of the re-development of the whole site. The materials proposed are high specification/quality materials which will require little annual maintenance and upkeep and are befitting a building in this location.

6.31 Overall, it is considered that the proposed appearance of the development will create a high quality development site which responds to the local context, builds upon the

consented phase 1 scheme and proposed phase 2 scheme and continues the use of high quality materials and meets the objectives of local plan polices and the NPPF - paragraphs 56, 57, 58 and 60.

Landscaping

6.32 The application is accompanied by detailed landscaping drawings for the open space area, together with Arboriculture Method Statements and the detail for a NEAP - play area. These again follow the principles already established by the phase 1 landscaping detail and that proposed for the phase 2 scheme on the same planning committee agenda. As set out above, the phase 2 application is accompanied by an updated Drainage Strategy Report which sets out how surface water disposal will be managed across the site. Phase 2A includes a “wet” pond within the area designated as open space which has been designed with swales linking to it to manage surface water, to help attenuate flows, manage water quality and to provide biodiversity overall enhancement.

6.33 As set out in paragraph 6.18 above, concerns have been raised over public health and safety due to the location of the SUDs features in close proximity to the school and community centre. Whist these concerns are noted, I note government policy set out in the NPPF which actively support strategies to mitigate flood risk and to use opportunities to reduce the causes and impacts from flooding whilst providing net gains in biodiversity where possible. I consider the propped landscape details to meet these objectives and with proper management in place and safety measures included (see suggested condition 4 below) concerns over public health and safety can be managed.

6.34 Existing structural landscaping will generally be maintained and protected in accordance with BS5837 standards, especially to boundaries of the site and the byway. The Council’s landscape and arboricultural officers raise no objection to the landscape detail or tree removal proposals in this phase, citing the loss of only orchard trees and a few other C grade trees.

6.35 The landscaping detail also makes provision for a NEAP to the west of the community building to be utilised by both new and existing residents. The plans accompanying the application together with the Play Equipment specification details seeks to provide a range of play equipment suitable for the younger children. Given the proximity of the primary school and the links being provided between the school site and the community building, together with the remainder of the site being used for public open space, I consider the provision of a NEAP in this location to be appropriate and to supplement the play provision provided by the Phase 1 approval.

Other Matters

Conditional Approval of Outline Matters (conditions 2,10,18 & 20)

6.36 The outline permission requires a number of details to be submitted as part of the reserved matters application. Condition 1 requires a phasing plan to be agreed by the LPA. The Phasing plan was agreed as part of the Phase 1 details. Condition 2 requires the submission of reserved matters and is addressed by the current application. Condition 10 requires details of tree retention and protection during the relevant phase of development. The submitted details are considered acceptable

with no objections raised by the Council's Arboricultural officer for phase 2A .The condition should be discharged for phase 2A only.
Condition 18 requires details of public lighting to be agreed by the LPA for each phase of development. The applicants have submitted a lighting detail for phase 2A. This is considered acceptable and should be discharged for phase 2A only. Condition 20 limits height of all buildings to 11m. The community building within the phase 2A is under 11m.

Surface Water Drainage

6.37 The applicants have submitted an Updated Drainage Strategy for the site which has been reviewed by KCC's Flood and Water Management Team and the E.A for Phase 2, but includes an attenuation pond within Phase 2A.. KCC as Lead Local Flood Authority raised no objection to the discharge of the reserved matters phase for phase 2 and noted the revisions to the drainage strategy and were satisfied with the proposed disposal of surface water via deep-bored soakaways and attenuation ponds. The E.A's provided updated comments for Phase 2 and confirmed that as the agreed unsaturated zone will be maintained and where an increased depth of borehole is deemed necessary, then further testing and monitoring will be required, found the details acceptable. Therefore, the same principles apply to the current phase as the drainage strategy covered the whole site and included the attenuation basin within phase 2A.

Kent Police

6.38 Kent Police have commented on the application stating that they can find no reference within the application as to how crime prevention measures have been addressed, with particular reference to accreditation to Secured by Design. The applicants have confirmed that they met with the Crime Prevention Design Advisor in August of this year to discuss crime prevention measures. It was agreed that the suggestions put forward would be considered at the technical design stage and that accreditation for Secured by Design would not be sought.

6.39 Accreditation to Secured by Design is not mandatory and it would not meet the statutory tests to require a developer to sign up to this accreditation. However, crime prevention is significant design matter, encouraged in adopted policy DM1 and therefore particularly relevant when considering a community building. I accept that it may be difficult at this stage to commit the management committee to a particular strategy for crime prevention, but it is important that this matter is considered within the detailed design stage. I therefore suggestion a condition be imposed to require details of crime prevention measures to be installed into/on the building prior to development commencing above dpc level.

KCC PROW

6.40 KCC PROW have confirmed verbally on 31.10.17 that they are satisfied with the solution put forward by the applicants to restrict access along the restricted byway by way of a lockable bollard. KCC highways have confirmed that this must be a Kent carriage gap. An informative is proposed to advise the applicant of the details of the Kent carriage gap. Condition 11 below requires the provision of this and its replacement in the event that it is removed/damaged.

6.41 KCC PROW and KCC highways therefore raise no objection to the proposals which include the pedestrian/vehicle crossing points.

7.0 CONCLUSION

7.01 The granting of outline planning permission by the SoS in October 2015 established the principle of a mixed use development across the site for up to 500 dwellings, education facility, community centre, provision of open space and two new accesses from Hermitage Lane/Howard Drive. The approval of the first phase of development for 183 dwellings in December 2016 established the key design principles for development of this site and the current phase 2 continues the established design and landscape principles. The community building further embeds those design principles.

7.02 The reserved matters application follows the overall policy requirements of the adopted Local Plan policies SS1, SP2 and H1(2) and the outline planning permission. I am satisfied that the proposals will create a high quality development with place making at its heart. A key vista building will be created which terminates views and provides a legible route in close proximity to the main primary route. Landscape and biodiversity enhancement is provided for as part of the proposals with the provision of a NEAP to meet the needs of existing and new residents. The objectives and aspirations of the illustrative masterplan are on track to be met by the phase 2A scheme. High quality materials are proposed to the facing elements of community building which will ensure a connection to the surrounding built form and local heritage.

7.03 The phase 2A layout and material detail will set a high quality standard for the remaining parts of the site and is considered an appropriate response to this sensitive site on the edge of the Maidstone urban area.

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

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

Layouts

- **4389/1:** Site Survey 1 Aworth Sheet 1
- **4389/2:** Site Survey 1 Aworth Sheet 2
- **4389/3:** Site Survey 1 Aworth Sheet 3
- **4389/4:** Site Survey 1 Aworth Sheet 4
- **4389/5:** Site Survey 1 Aworth Sheet 5
- **4694:** Site Survey 1 Aworth Tree Schedule
- **4694/1:** Site Survey 2 Aworth Sheet 1
- **4694/2:** Site Survey 2 Aworth Sheet 2
- **4389:** Site Survey 2 Aworth Tree Schedule
- **DES/118/021:** Site Photograph Key Plan
- **DES/145/600:** Site Location Plan **Rev. B**
- **DES/118/101:** Illustrative Master Plan **Rev. C**
- **DES/118/102:** Phasing Plan **Rev. B**
- **DES/145/601:** Phase 2A Site Layout
- **DES/145/602:** Phase 2A Refuse Storage and Tracking Plan
- **DES/145/603:** Phase 2A Parking Strategy Plan

- **DES/145/604:** Phase 2A Hard Surface Materials Plan **Rev. C**
- **DES/145/605:** Phase 2A Lighting Plan
- **DES/145/606:** Phase 2A Enclosure Plan

Landscape

- **DES/145/700:** Phase 2- Planting Plan 1 of 5
- **DES/145/701:** Phase 2- Planting Plan 2 of 5
- **DES/145/702:** Phase 2- Planting Plan 3 of 5
- **DES/145/703:** Phase 2- Planting Plan 4 of 5
- **DES/145/704:** Phase 2- Planting Plan 5 of 5
- **DES/145/710:** Phase 2- Arboricultural Method Statement 1 of 5
- **DES/145/711:** Phase 2- Arboricultural Method Statement 2 of 5
- **DES/145/712:** Phase 2- Arboricultural Method Statement 3 of 5
- **DES/145/713:** Phase 2- Arboricultural Method Statement 4 of 5
- **DES/145/714:** Phase 2- Arboricultural Method Statement 5 of 5

Building Floor Plan and Elevations

- **DES/145/800:** Phase 2- Community Centre
- **DES/145/801:** Phase 2- Bin Store

Documents

- **DES-145-900:** Design & Access Statement
- **DES-145-901:** Phase 2- Play Equipment Details

Reason: For the avoidance of doubt.

2. Prior to any development above damp proof course level, written details and samples of the materials to be used in the construction of the external surfaces of the building which shall consist of Kentish ragstone, yellow stock brickwork, standing seam Zinc cladding, aluminium windows and a standing seam zinc roof , and hard surfaces shall be submitted to and approved in writing by the Local Planning Authority. Such details shall include the method of laying the ragstone walling, mortar mix and pointing detail of ragstone walling. Prior to the first laying of the ragstone walling, a sample panel showing the agreed ragstone detailing shall be constructed on site and shall measure no less than 2 x 2 metres and the sample panel shall remain on site for the duration of the construction of those buildings which contain ragstone walling. Development shall be carried out in accordance with the approved details.

   Reason: To ensure a satisfactory appearance of development.

3. The landscape planting, tree protection measures and play space provision shall be carried out in accordance with the approved landscaping planting plans, the Arboricultural Method Statements and NEAP details, No occupation of the development hereby permitted shall commence until all planting, seeding, turfing and NEAP provision specified in the approved landscape details has been completed. All such landscaping shall be carried out during the planting season (October to February). Any seeding or turfing which fails to establish or any trees or plants which, within ten years from the first occupation of a property, commencement of use or adoption of land, die or become so seriously damaged or diseased that their long term amenity value has been adversely affected shall be replaced in the next planting

season with plants of the same species and size as detailed in the approved landscape scheme unless the local planning authority gives written consent to any variation.

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

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

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

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

   Reason: To protect and enhance biodiversity

5. Prior to any development above damp proof course level details of measures to prevent parking on landscaped/amenity areas shall be submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the approved materials.

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

6. The vehicle parking spaces and vehicle loading/unloading and turning facilities shown on the submitted plans shall be permanently retained for parking and turning and shall not be used for any other purpose.

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

7. Prior to any development above damp proof course level details of the positioning of any external meter cupboards shall be submitted to and approved by in writing the Local Planning Authority. No external meter cupboards shall be positioned on the front/primary elevation of the building. The development shall be carried out in accordance with the agreed details.

   Reason: No such details have been provided and to ensure a satisfactory appearance to the development.

8. No development above dpc level shall commence on site until details of a scheme for insulating the building hereby approved against internally generated noise has been submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully completed before the building is first occupied or the use commences and shall thereafter be maintained, unless otherwise agreed in writing by the Local Planning Authority.

   Reason: In the interest of preventing noise transmission from inside the building in the interests of the amenities of surrounding occupiers

9. The premises shall not open before 0700 hours or remain open after 2300 hours on Mondays to Sundays, excluding Saturdays when the premises shall not open before 0700 or remain open after 2400 hours.

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

10. No development above dpc level shall commence on site until details of a scheme for protecting the building against crime and anti social behaviour has been submitted to and approved in writing by the Local Planning Authority. The approved details shall be fully installed before the building is first occupied or the use commences and shall thereafter be maintained, unless otherwise agreed in writing by the Local Planning Authority.

    Reason: In the interest of crime prevention and in the interests of the amenities of surrounding occupiers.

11. The lighting details as shown on approved plan **DES/145/605** and bollard detail shown on approved plan **DES/145/604/C** specifically the installation of the fold down bollard to the restricted byway (shown by a light blue dot on the plan) which shall be a lockable Kent carriage gap and the timber bollarding to the vehicular entrance way (shown by the red dots on the plan) and including the laying of granite setts before and after the restricted byway (to highlight the crossing areas to vehicles and pedestrians) shall be installed before the building is first occupied or the use commences and shall thereafter be maintained, unless otherwise agreed in writing by the Local Planning Authority. If the bollards are removed or become damaged at any time, they shall be replaced on a like for like basis within a period of 1 month of the damage/removal being reported to the Local Planning Authority.

    Reason: To prevent unauthorised access to the new square directly in front of the community building, to prevent unauthorised access along the byway to the community centre and ensure adequate lighting is installed around the building in the interests of community safety.

INFORMATIVES

1. The applicant is advised the Condition 10 relating to details of tree retention and protection during Phase 2A is approved BUT for Phase 2A only. Condition 18 requiring details of public lighting for Phase 2A is approved BUT for Phase 2A only.
2. The applicant is advised that PROW KB15 shall be open and available to the public throughout construction and that measures are put in place to ensure public safety is maintained. That the right of way shall be kept in a clean and usable condition.
3. That any proposed surfacing and changes to existing PROW KB47 are agreed by the County Council's PROW and Access Service.
4. KCC's PROW team have requested that the bollard/s installed to prevent unauthorised access along the restricted byway is a lockable Kent carriage gap such as shown in the following link, https://centrewire.com/products/retractable-bollard/, with the lock comprising either a combination or a key lock, but that they are provided with the key/code to the lock. Please contact Michele Snoding on 03000414145 to provide these details. They have also advised that the applicant will need to contact the water authority to obtain consent from them.
5. KCC Highways have stated the following:
   Public Rights of Way KB47 restricted byway runs along the north western boundary of the site and should not affect the application. I would ask that the restricted byway, has an overlay of tarmac as there will be far more use once

the development is completed. I have however, enclosed a copy of the Public Rights of Way network map showing the line of this path for the information of yourself and the applicant. The County Council has a controlling interest in ensuring that the restricted byway is maintained to a standard suitable for use by pedestrians, horse riders, horse and cart cyclists. Any maintenance to the higher level required for continuous motorised vehicular access would be the responsibility of the relevant landowners.

6. The applicant is advised that with regards to condition 19 of the outline planning permission and the requirement for each phase or sub-phase of the scheme to secure at least 10% of the energy supply from renewable or low carbon energy sources, the LPA would support the provision of PV arrays on the roof of the community building.

Case Officer: James Bailey

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

Appendix A

Conditions applicable to planning applications referenced 13/1749 & TM/13/03147/OA:

1) Details of a phasing plan for the development shall be submitted to and approved in writing by the local planning authority before any development begins and the development shall be carried out in accordance with the approved details.

2) Details of the appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") for each phase or sub-phase of the development shall be submitted to and approved in writing by the local planning authority before any development begins within that phase or sub-phase and the development shall be carried out in accordance with the details as approved.

3) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.

4) Each phase or sub-phase of the development hereby permitted shall begin not later than two years from the date of approval of the last of the reserved matters to be approved for that phase or sub-phase.

5) The access to the development hereby permitted shall be carried out in accordance with the following approved plans: 1402-GA-32 revision B and 1402-GA-37 revision A.

6) No other development of any phase or sub-phase shall commence until the access to the development has been completed in accordance with approved plan 1402-GA-32 revision B.

7) Prior to the first use of the access from Howard Drive, details of the measures to prevent its use other than by buses, emergency vehicles, pedestrians and cyclists shall have been submitted to and approved in writing by the local planning authority and the approved measures shall have been installed and made operational and thereafter retained in operation.

8) No more than 250 dwellings within the development hereby permitted shall be occupied until the completion of the improvements to M20 Junction 5 shown on drawing number WSP Figure 5 (dated 1 May 2014).

9) No part of the development hereby approved shall be occupied until details of measures (known as a Green Travel Plan) to encourage the use of access to and from the site by a variety of non-car means have been submitted to and approved in writing by the local planning authority, put into operation and thereafter retained in operation.

10) No development shall commence on any phase or sub-phase until details of trees to be retained on that phase and of the measures to be taken for their protection during construction have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.

11) No development shall commence on any phase or sub-phase until details of both foul and surface water drainage for that phase or sub-phase have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details. No building shall be occupied or used until its foul and

surface water drainage has been completed in accordance with the approved details. The drainage shall thereafter be retained in an operational condition.

12) No development shall take place within the areas indicated in paragraphs 8.3.2, 8.3.3 and 8.4.2 of the submitted Heritage Statement dated October 2013 prepared by Wessex Archaeology (report reference 86910.03) until a programme of archaeological work in accordance with those paragraphs has been implemented in accordance with a written scheme of investigation and, if necessary, preservation of finds, which has been submitted to and approved in writing by the local planning authority.

13) If, during development of any phase or sub-phase, contamination not previously identified is found to be present at the site then no further development of that phase or sub-phase (or any lesser but more appropriate area agreed in writing by the local planning authority) shall be carried out until details of a remediation strategy have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.

14) No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by, the local planning authority. The approved Statement shall be adhered to throughout the construction period. The Statement shall provide for:

i) working hours on site

ii) the parking of vehicles of site operatives and visitors

iii) loading and unloading of plant and materials

iv) construction traffic management

v) storage of plant and materials used in constructing the development

vi) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate

vii) wheel washing facilities

viii) measures to control the emission of dust and dirt during construction

ix) measures to control noise and vibration during construction

x) a scheme for recycling/disposing of waste resulting from demolition and construction works

15) No building shall be occupied until provision has been made for the storage of its refuse and recycling bins in accordance with details to be submitted to and approved by the local planning authority.

16) No building shall be occupied until underground ducts have been installed to enable it to be connected to telephone and internet services, electricity services and communal television services without recourse to the erection of distribution poles or overhead lines within the development hereby permitted. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development)(England) Order 2015 or any other or subsequent Order revoking or re-enacting that Order, no distribution pole or overhead line shall be erected within the site of the development hereby permitted.

17) No dwelling shall be occupied unless its bedrooms have been fitted with windows with acoustically treated trickle vents in accordance with the recommendations of paragraphs 4.1.8 to 4.1.10 and 5.4 of the submitted Site Suitability Assessment Report: Noise by WSP UK Ltd revision 1 dated 24/09/2013.

18) No development shall commence on any phase or sub-phase until details of public lighting for that phase or sub-phase have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details. No building shall be occupied or used until public lighting to it has been completed and made operational in accordance with the approved details. The lighting shall thereafter be retained in an operational condition.

19) Before the development of each phase or sub-phase begins a scheme (including a timetable for implementation) to secure at least 10% of the energy supply of that phase or sub-phase from decentralised and renewable or low carbon energy sources shall have been submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented and retained as operational thereafter.

20) The details of scale to be submitted in accordance with condition 2 shall limit to 11m the height from ground level to ridgeline of any building proposed.

21) The details of the layout to be submitted in accordance with condition 2 shall provide for the quantity and type of open space specified in the tables headed Land Use and Green Space Type on pages 38 and 41 and in paragraph 13.15 of the submitted revised Design and Access Statement revision 06 dated 21 October 2013.

Appendix B

Secretary of State Decision Notice

TOWN AND COUNTRY PLANNING ACT 1990 - SECTION 78
APPEALS BY CROUDACE STRATEGIC LTD
LAND EAST OF HERMITAGE LANE, MAIDSTONE, KENT
APPLICATION REFS: 13/1749 & TM/13/03147/OA

1. I am directed by the Secretary of State to say that consideration has been given to the report of the Inspector, P W Clark MA MRTPI MCMI, who held a public inquiry on 5 days between 2 to 9 June 2015 into your client's appeals against the refusal of Maidstone Borough Council (MBC or 'the Council') and Tonbridge and Malling Borough Council (TMBC) to grant planning permission for a mixed-use development comprising up to 500 residential dwellings (including affordable homes, land safeguarded for an education facility and land safeguarded for a community centre, the provision of open space (including children's play areas) associated infrastructure and necessary demolition and earthworks and the formation of 2№ new vehicular accesses from Hermitage Lane and Howard Drive, in accordance with applications 13/1749 & TM/13/03147/OA, both dated 11 October 2013.

2. On 14 October 2014 the appeals were recovered for the Secretary of State's determination, in pursuance of section 79 of, and paragraph 3 of Schedule 6 of the Town and Country Planning Act 1990. The reason for recovery was that the appeals involve proposals for residential development of over 150 units or on sites of over 5 hectares, which would significantly impact on the government's objective to secure a better balance between housing demand and supply and create high quality, sustainable, mixed and inclusive communities.

Inspector's recommendation and summary of the decision
4. The Inspector recommended that the appeals be allowed and planning permission granted. For the reasons given below, the Secretary of State agrees with the Inspector's conclusions and agrees with his recommendations. A copy of the Inspector's report (IR) is enclosed. All references to paragraph numbers, unless otherwise stated, are to that report.

Policy considerations
5. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that proposals be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the development plan comprises the saved policies of the Maidstone Borough-Wide Local Plan, adopted December 2000, together with the Maidstone Local Development Plan Framework Affordable Housing and Open Space Development Plan Documents (DPDs) adopted December 2006 (IR27). Within Tonbridge and Malling, the statutory Development Plan comprises the Core Strategy adopted September 2007 and the Managing Development and the Environment Development Plan Document adopted April 2010 (IR27). The Secretary of State agrees with the Inspector that the most relevant policies to these appeals are those listed at IR29-36.

6. The Secretary of State notes that MBC is in the process of producing a new Local Plan (IR37 - 43). The latest draft is the 2014 Regulation 18 Consultation Document, which proposes to allocate the northern field for 500 dwellings, but the woodland and southern field are proposed to be designated for public open space. However, as this

plan is still at an early stage and may change, the Secretary of State gives it limited weight.

7. Other material considerations which the Secretary of State has taken into account include the National Planning Policy Framework, March 2012 (The Framework), the associated planning practice guidance issued in March 2014, and the Community Infrastructure Levy (CIL) Regulations 2010 as amended. He has also considered the other documents referred to at IR26 and IR44 – 46.

Procedural matters

8. The Secretary of State notes that there are two identical applications and two appeals because the development proposed straddles the boundary between the two local authorities, but that no buildings are envisaged within TMBC's area (IR3). He agrees with the Inspector's conclusion regarding Appeal B at IR209.

9. The Secretary of State notes that both MBC and TMBC adopted Screening Opinions to the effect that the proposed development would not require an Environmental Impact Assessment.

Main issues

Housing supply

10.MBC cannot demonstrate a five year housing land supply and therefore the relevant policies in the development plan for the supply of housing should not be considered up to date in accordance with paragraph 49 of the Framework.

11.The Secretary of State notes that both the main parties agree that 30% of dwellings should be provided as affordable housing, and therefore the proportion of affordable housing offered is not an issue in this appeal.

Ecology

12.For the reasons given at IR218-236, the Secretary of State agrees with the Inspector's conclusions that majority of the area has been correctly designated as ancient woodland (IR227) and that the site has medium to high ecological value at local level (IR237).

13.The Secretary of State agrees with the Inspector's reasoning and conclusions at IR238-252, including that there is no convincing justification for a condition insisting on the delivery of the proposal through the option 3 route to gain access to the southern field, as other options may prove to be more preferable (IR252). As this is an outline application the exact route would be decided at reserved matters stage. The Secretary of State endorses the Inspector's consideration of the option 3 route as an exemplar of how access would be resolved at reserved matters stage because this option is the appellant's currently preferred option (IR247). However, for the reasons at IR245-252, the Secretary of State considers that further investigation at the reserved matters stage might lead to another option to gain access to the southern field being identified and chosen that would be less harmful in ecological terms than option 3. Consequently he considers that option 3 may be regarded as the 'worst case' scenario for the purpose of deciding if the proposal would comply with Framework paragraph 118.

14.Option 3, if taken forward, would result in an absolute loss of about 0.03 ha of Ancient Woodland, equating to only 1.8% of the designated area (IR98 and 253). The Secretary

of State agrees with the Inspector's assessment at IR253-260 of the ecological effects of the proposal on the basis of option 3. Although the small loss of Ancient Woodland would technically infringe the requirements of adopted Local Plan policy H12 which calls for the retention, without qualification, of trees and woodland, the Secretary of State agrees with the Inspector that the ecological effects of option 3 would be acceptable, notwithstanding the minor loss. For the reasons given at IR253-260, the Secretary of State does not consider that harm to biodiversity if option 3 were taken forward would be significant. In respect of the loss of Ancient Woodland, he considers that the need for, and benefits of the development in this location clearly outweigh the loss. He therefore agrees that the tests of Framework paragraph 118, bullets 1 and 5 are clearly met in this case (IR259 and 260).

Landscape
15.For the reasons given at IR261-270 the Secretary of State agrees with the Inspector's conclusion that the effects of the proposal on the landscape character of the neighbourhood would be acceptable, notwithstanding a technical contravention of adopted Local Plan policy H12 (IR271).

Other matters
16.The Secretary of State has had regard to the New Allington Action Group's concerns referred to at IR272 – 273. However he agrees with the Inspector that there is no substantive evidence on which to disagree with Kent County Council and TMBC that the outcomes of this proposal in terms of highway safety and air quality would be acceptable.

17.The Secretary of State agrees with the Inspector's reasons and conclusions at IR275-280 regarding infrastructure, loss of agricultural land, archaeological interest, the Strategic Gap, access to the development and issues arising with development on the Hythe beds.

Conditions
18.The Secretary of State agrees with the Inspector's assessment at IR281-300 regarding planning conditions. He is satisfied that conditions proposed by the Inspector and set out at pages 76-78 of the IR meet the tests of Paragraph 206 in the Framework and comply with the Planning Practice Guidance.

Section 106 planning obligations
19.The Secretary of State agrees with the Inspector's assessment at IR301-304 on the proposed planning obligations. He agrees with the Inspector that with the exception of the provision of £426 per dwelling for the provision and maintenance of strategic open space, the remaining obligations do accord with Paragraph 204 of the Framework and the CIL Regulations 2010 as amended, and so should be taken into account in making the decision.

Overall balance and conclusion
20.The Secretary of State agrees with the Inspector's conclusions at IR305-313. As the relevant policies for the supply of housing in the development plan are out of date the decision taking process in this case should be that set out in the final bullet of paragraph 14 of the Framework.

21.The social and economic benefits of the housing would be very significant. The effect of development on landscape character would be acceptable and there would be a positive overall environmental balance.

22.The harm to biodiversity would not be significant and Framework paragraph 118 does not represent a policy which indicates that development should be restricted in this case for the reasons set out in paragraph 14.

23.Overall, the significant benefits of the proposal would not be outweighed at all, let alone significantly or demonstrably, by the limited adverse impacts. It follows that the scheme should benefit from the presumption in favour of sustainable development.

Formal decision

24.Accordingly, for the reasons given above, the Secretary of State agrees with the Inspector's recommendations and hereby allows your client's appeals and grants planning permission for a mixed-use development comprising up to 500 residential dwellings (including affordable homes, land safeguarded for an education facility and land safeguarded for a community centre, the provision of open space (including children's play areas) associated infrastructure and necessary demolition and earthworks and the formation of 2№ new vehicular accesses from Hermitage Lane and Howard Drive, in accordance with applications 13/1749 & TM/13/03147/OA, both dated 11 October 2013, subject to the conditions set out at Annex A of this letter.

25.An applicant for any consent, agreement or approval required by a condition of this permission for agreement of reserved matters has a statutory right of appeal to the Secretary of State if consent, agreement or approval is refused or granted conditionally or if the Local Planning Authority fail to give notice of their decision within the prescribed period.

26.This letter does not convey any approval or consent which may be required under any enactment, bye-law, order or regulation other than section 57 of the Town and Country Planning Act 1990.

Right to challenge the decision

27.A separate note is attached setting out the circumstances in which the validity of the Secretary of State's decision may be challenged by making an application to the High Court within six weeks from the date of this letter.

28.A copy of this letter has been sent to Maidstone Borough Council and Tonbridge and Milling Borough Council. A notification e-mail or letter has been sent to all other parties who asked to be informed of the decision.

Yours faithfully

Julian Pitt

JULIAN PITT

Authorised by Secretary of State to sign in that behalf

THE MAIDSTONE BOROUGH COUNCIL
PLANNING COMMITTEE – 9th November 2017

APPEAL DECISIONS:

1. 16/506605

Construction of Eight Open Market 1 and 3 bedroom homes, construction of Five affordable 1, 2 & 3 bedroom homes, construction of access road, parking bays and car ports, installation of new landscaping and ecology enhancements

APPEAL: Committee Decision

Land North Of
The Victoria Inn
Heath Road
East Farleigh
ME15 0LR

(Dismissed)

---

2. 17/500472

Change of use for part of field adjacent to garden from keeping of horses to garden (residential curtilage). Erection of 3 bay garage/tractor store and tennis court.

APPEAL: Dismissed

Little Scragged Oak Cottage
Scragged Oak Road
Hucking
Kent
ME17 1QU

(Delegated)

---

3. 16/506195

Outline application for residential development (access only being sought).

APPEAL: Allowed with conditions

Forge Lodge
Forge Lane
Bredhurst
Kent
ME7 3JW

(Delegated)

4.	**12/0768**	Erection of a platform and change of use of land for the siting of a residential mobile home for boat yard manager's accommodation **APPEAL:** Allowed with Conditions Twyford Boat Yard Hampstead Lane Yalding Kent ME18 6HG (Committee)