

PLANNING COMMITTEE MEETING

Date: Thursday 22 February 2018
Time: 6.00 p.m.
Venue: Town Hall, High Street, Maidstone

Membership:

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

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

<u>AGENDA</u>	<u>Page No.</u>
1. Apologies for Absence	
2. Notification of Substitute Members	
3. Notification of Visiting Members	
4. Items withdrawn from the Agenda	
5. Date of Adjourned Meeting - 1 March 2018	
6. Any business the Chairman regards as urgent including the urgent update report as it relates to matters to be considered at the meeting	
7. Disclosures by Members and Officers	
8. Disclosures of lobbying	
9. To consider whether any items should be taken in private because of the possible disclosure of exempt information.	
10. Minutes of the meeting held on 1 February 2018 adjourned to 8 February 2018	1 - 12
11. Presentation of Petitions (if any)	
12. Gypsy and Traveller Sites - Need and Supply	13 - 14
13. Deferred Items	15 - 16

Issued on Wednesday 14 February 2018

Continued Over/:

Alison Broom

Alison Broom, Chief Executive

- | | | |
|-----|---|---------|
| 14. | 17/505294 - Southfield Stables, South Lane, Sutton Valence, Maidstone, Kent | 17 - 31 |
| 15. | 17/505898 - 1 Yew Tree Close, Lordswood, Chatham, Kent | 32 - 37 |
| 16. | 17/505995 - Court Lodge Farm, The Street, Teston, Maidstone, Kent | 38 - 47 |
| 17. | Appeal Decisions | 48 - 49 |
| 18. | 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.

PUBLIC SPEAKING AND ALTERNATIVE FORMATS

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

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

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MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON 1 FEBRUARY 2018 ADJOURNED TO 8 FEBRUARY 2018

Present: **Councillor English (Chairman) and Councillors Boughton, Clark, Cox, Harwood, B Mortimer, Perry, Powell, Prendergast, Spooner and Vizzard**
1 February
2018

Also **Councillors Adkinson, Field, Hastie, D Mortimer, Newton and J Sams**
Present:

374. APOLOGIES FOR ABSENCE

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

375. NOTIFICATION OF SUBSTITUTE MEMBERS

It was noted that Councillor Perry was substituting for Councillor Mrs Stockell.

376. NOTIFICATION OF VISITING MEMBERS

Councillor Adkinson indicated his wish to speak on the report of the Head of Planning and Development relating to application 17/504279 (Land adjacent to 1 Glebe Lane, Maidstone, Kent).

Councillors Field and Hastie indicated their wish to speak on the report of the Head of Planning and Development relating to application 17/502432 (Springfield Mill, Sandling Road, Maidstone, Kent).

Councillor D Mortimer indicated his wish to speak on the report of the Head of Planning and Development relating to application 17/503237 (J B Garage Doors, Straw Mill Hill, Tovil, Maidstone, Kent).

Councillor Newton indicated his wish to speak on the report of the Head of Planning and Development relating to application 16/506349 (Bearsted Football Club, Honey Lane, Otham, Kent).

Councillor J Sams indicated her wish to speak on the reports of the Head of Planning and Development relating to applications 17/503919 (The Bow Window Hair Designers, The Square, Lenham, Kent) and 17/504435 (The Mellows, Marley Road, Harrietsham, Kent).

It was noted that Councillor Brice intended to speak on the report of the Head of Planning and Development relating to application 17/505937 (Land to the South of The Gables, Marden Road, Staplehurst, Kent), but

would be late in arriving at the meeting. In the event, Councillor Brice was not present at the meeting.

377. ITEMS WITHDRAWN FROM THE AGENDA

There were none.

378. URGENT ITEMS

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

379. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures of interest at this stage. However, during consideration of the report of the Head of Planning and Development relating to application 17/504435 (The Mellows, Marley Road, Harrietsham, Kent), Councillor Powell stated that he was a Member of Harrietsham Parish Council, but he had not participated in the Parish Council's discussions regarding the proposed development, and intended to speak and vote.

380. EXEMPT ITEMS

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

381. MINUTES OF THE MEETING HELD ON 11 JANUARY 2018

RESOLVED: That the Minutes of the meeting held on 11 January 2018 be approved as a correct record and signed.

382. PRESENTATION OF PETITIONS

There were no petitions.

383. DEFERRED ITEM

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

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

384. 17/502432 - FULL PLANNING APPLICATION FOR DEMOLITION OF EXISTING BUILDINGS AND DEVELOPMENT OF 295 RESIDENTIAL UNITS (USE CLASS C3), INCLUDING 218 X 1-2 BED APARTMENTS AND 77 X 2-4 BED HOUSES, INCLUDING ASSOCIATED CAR PARKING, PUBLIC REALM AND LANDSCAPING WORKS, GRADE II LISTED RAG ROOM TO BE

PRESERVED AND RE-USED FOR COMMUNITY (D1), OFFICE (B1) OR RESIDENTIAL (C3) USE - SPRINGFIELD MILL, SANDLING ROAD, MAIDSTONE, KENT

All Members except Councillors B Mortimer, Powell and Spooner stated that they had been lobbied.

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

The Principal Planning Officer apologised to the Committee as the second page of the urgent update report had been inadvertently omitted from the pack circulated at the meeting. He explained that as set out on this page:

A minor amendment to part (j) of condition 17 (LEMP) was proposed to enhance biodiversity as follows:

- j) Enhancements including bird and bat boxes, and swift bricks ***integral to buildings***.

An additional condition was required to secure implementation/protection of the landscaping.

The last point at the 'Summary of Reasons for Recommendation' on the opening page of the report (Page 28) and paragraph 7.02 should read as follows (as per the discussion at paragraphs 6.42-6.43):

- A lower level of **affordable rental** ~~shared ownership~~ properties than targeted by policy SP20 and lower provision of public open space are not considered grounds to refuse the application.

Ms Henn-Mcrae, on behalf of the Ringlestone Community Centre Development Group and the Ringlestone Community Association, Mr Hardware, for the applicant, and Councillors Hastie and Field (Visiting Members) addressed the meeting.

RESOLVED: That subject to:

- (a) The prior completion of a legal agreement to provide for the Heads of Terms set out in the report and the additional Heads of Terms set out in the urgent update report, with the removal of Head of Terms no. 11; AND
- (b) The conditions set out in the report, as amended by the urgent update report, and the additional condition set out in the urgent update report, with the addition of a bullet point to condition 22 (Materials) to include the use of timber weatherboarding on some of the dwellings,

the Head of Planning and Development be given delegated powers to grant permission and to be able to settle or amend any necessary Heads

of Terms and conditions in line with the matters set out in the recommendation and as resolved by the Planning Committee.

Voting: 5 – For 2 – Against 2 – Abstentions

Note: Councillors Powell and Spooner entered the meeting whilst this application was being introduced by the Principal Planning Officer, and did not participate in the discussion or the voting.

385. 17/505499 - APPROVAL OF RESERVED MATTERS FOLLOWING 15/503325/HYBRID (OUTLINE APPLICATION FOR DEVELOPMENT OF UP TO 220 HOUSES TOGETHER WITH AREAS OF OPEN SPACE, A NATURE CONSERVATION AREA, LANDSCAPING, NEW ACCESS ONTO ULCOMBE ROAD AND IMPROVED ACCESS TO KINGS ROAD (ACCESS BEING SOUGHT) PLUS CHANGE OF USE OF LAND TO SCHOOL PLAYING FIELD - HYBRID APPLICATION (RESUBMISSION OF APPLICATION 14/505284/OUT)) - APPEARANCE, LANDSCAPING, LAYOUT AND SCALE BEING SOUGHT - LAND BETWEEN MILL BANK, ULCOMBE ROAD & KINGS ROAD, HEADCORN, KENT

The Chairman and Councillors Perry and Prendergast stated that they had been lobbied.

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

RESOLVED: That the reserved matters details be approved subject to the conditions set out in the report.

Voting: 9 – For 0 – Against 2 – Abstentions

386. 16/506349 - VARIATION OF CONDITION APPLICATION IN RELATION TO INSTALLATION OF 6NO. 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

Councillor Boughton stated that he had been lobbied.

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

Councillor Hipkins of Otham Parish Council, Mr Scannell, for the applicant, and Councillor Newton (Visiting Member) addressed the meeting.

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

The floodlighting hereby approved shall not be used outside the hours of 15.00 – 21.30 on Tuesdays, Wednesdays, Thursdays and Saturdays and not at all on any other day of the week. For no more than four matches each year (and only in connection with competitions registered with the Football Association or Kent County Football Association, where kick off is at 19.45 or later), the floodlighting can be used for an additional hour until 22.30 on Tuesdays, Wednesdays and Thursdays only.

Reason: In the interests of neighbouring amenity.

Voting: 8 – For 2 – Against 1 – Abstention

387. 17/505937 - DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF TWO DETACHED DWELLINGS AND REPLACEMENT STORAGE BUILDING - LAND TO THE SOUTH OF THE GABLES, MARDEN ROAD, STAPLEHURST, 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.

Dr Bradbury, an objector, Councillor Burnham of Staplehurst Parish Council, and Mr Hudson, for the applicant, addressed the meeting.

RESOLVED: That permission be refused for the reason set out in the report.

Voting: 6 – For 2 – Against 3 – Abstentions

388. 17/504279 - DEMOLITION OF EXISTING GARAGE AND CONSTRUCTION OF TWO STOREY DWELLING WITH PARKING - LAND ADJACENT TO 1 GLEBE LANE, MAIDSTONE, KENT

The Chairman and Councillors Prendergast and Spooner stated that they had been lobbied.

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

Mr Barrett, an objector, and Councillor Adkinson (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 proposal, by virtue of its proximity to site boundaries and lack of boundary landscaping would result in a visually incongruous built form harmful to the character and appearance of the surrounding area contrary to policies SP1 and DM1 of the Maidstone Borough Local Plan and the NPPF 2012.

RESOLVED: That permission be refused for the following reason:

The proposal, by virtue of its proximity to site boundaries and lack of boundary landscaping would result in a visually incongruous built form harmful to the character and appearance of the surrounding area contrary to policies SP1 and DM1 of the Maidstone Borough Local Plan and the NPPF 2012.

Voting: 6 – For 2 – Against 3 – Abstentions

389. 17/504435 - ERECTION OF A DAYROOM - THE MELLOWS, MARLEY ROAD, HARRIETSHAM, KENT

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

Mr Lord, an objector, Councillor Dean of Harrietsham Parish Council, and Councillor J Sams (Visiting Member) addressed the meeting.

RESOLVED: That permission be granted subject to the conditions set out in the report with (a) the amendment of condition 2 (Materials) and (b) additional landscaping and landscaping implementation conditions as follows:

Condition 2 (Materials) (amended)

The development hereby approved shall not commence above slab level until written details and samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and approved in writing by the Local Planning Authority and the development shall be constructed using the approved materials.

Reason: To ensure a satisfactory appearance to the development.

Additional Conditions

No development shall commence until a landscape scheme designed in accordance with the principles of the Council's landscape character guidance has been submitted to and approved in writing by the Local Planning Authority. The scheme shall show all existing trees, hedges and blocks of landscaping on, and immediately adjacent to, the site and indicate whether they are to be retained or removed, provide details of on-site replacement planting to mitigate any loss of amenity and biodiversity value together with the location of any habitat piles, and include a planting specification, a programme of implementation and a 5 year management plan. The landscape scheme shall specifically address the need to provide hedging (native species) to screen the boundaries and protect the surrounding AONB.

Reason: In the interests of landscape, visual impact and amenity of the area in the AONB and to ensure a satisfactory appearance to the development. In addition, previous landscaping requirements have not been adhered to and, in this instance, due to the prominent location in the

AONB the Council acknowledges the need for the day room however considers it essential that no development commences until such time as the landscaping scheme is implemented.

No development shall commence until all planting, seeding and turfing specified in the approved landscape details has been completed. All such landscaping shall be carried out during the first planting season (October to February). Any seeding or turfing which fails to establish or any trees or plants which, within five years from the first occupation of the day room, die or become so seriously damaged or diseased that their long term amenity value has been adversely affected shall be replaced in the next planting season with plants of the same species and size as detailed in the approved landscape scheme unless the Local Planning Authority gives written consent to any variation.

Reason: In the interests of landscape, visual impact and amenity of the area and AONB, and to ensure a satisfactory appearance to the development. In addition, previous landscaping requirements have not been adhered to and, in this instance, due to the prominent location in the AONB the Council acknowledges the need for the day room however considers it essential that no development commences until such time as the landscaping scheme is implemented.

Voting: 6 – For 5 – Against 0 – Abstentions

390. 17/503237 - OUTLINE APPLICATION (SOME MATTERS RESERVED) FOR DEMOLITION OF EXISTING BUILDINGS, AND CESSATION OF COMMERCIAL USE ON SITE; ERECTION OF RESIDENTIAL DEVELOPMENT PROVIDING 18 NO UNITS, OF WHICH 12 X 1 BED AND 6 X 2 BED. PROVISION OF 16 PARKING SPACES/2 DISABLED SPACES AND 4 VISITOR SPACES. ACCESS, LAYOUT AND SCALE BEING SOUGHT - J B GARAGE DOORS, STRAW MILL HILL, TOVIL, MAIDSTONE, KENT

Councillor Clark stated that he had been lobbied.

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

Mr McKay, for the applicant, and Councillor D Mortimer (Visiting Member) addressed the meeting.

RESOLVED: That consideration of this application be deferred to:

- Investigate the scope for improved pedestrian links from the site entrance to existing footways;
- Seek the advice of Kent Highway Services on the cumulative impact of new development in the area on the highway network;
- Enable a representative of Kent Highway Services to be in attendance when the application is discussed;

- Review the density, design and layout of the scheme having regard to the topography, setting and history of the site and seek to secure the provision of structural landscaping; and
- Discuss with the Council's Parks and Open Spaces Team whether the proposed Open Space Contribution might be spent at other sites within the immediate area subject to CIL compliance checks.

Voting: 11 – For 0 – Against 0 – Abstentions

391. LONG MEETING

Prior to 10.30 p.m., during consideration of the report of the Head of Planning and Development relating to application 17/503237 (J B Garage Doors, Straw Mill Hill, Tovil, Maidstone, Kent), the Committee:

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

The Chairman announced that, due to the limited time available, the report of the Head of Planning and Development relating to application 17/503919 (The Bow Window Hair Designers, The Square, Lenham, Kent) would be rolled over to the adjourned meeting of the Committee scheduled to be held on 8 February 2018.

392. ADJOURNMENT OF MEETING

Following consideration of the report of the Head of Planning and Development relating to application 17/503237 (J B Garage Doors, Straw Mill Hill, Tovil, Maidstone, Kent), the Committee:

RESOLVED: That the meeting be adjourned until 6.00 p.m. on 8 February 2018 when the remaining items on the agenda will be discussed.

393. DURATION OF MEETING

6.00 p.m. to 10.35 p.m.

MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON 1 FEBRUARY 2018
ADJOURNED TO 8 FEBRUARY 2018

Present: Councillor English (Chairman) and
8 February Councillors Boughton, Clark, Cox, B Mortimer,
2018 Munford, Perry, Powell, Prendergast, Round,
Spooner and Vizzard

Also Councillor J Sams
Present:

394. APOLOGIES FOR ABSENCE

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

395. NOTIFICATION OF SUBSTITUTE MEMBERS

It was noted that Councillor Perry was substituting for Councillor Mrs Stockell.

396. NOTIFICATION OF VISITING MEMBERS

Councillor J Sams indicated her wish to speak on the report of the Head of Planning and Development relating to application 17/503919 (The Bow Window Hair Designers (The Bow Window Coffee Shop and Café), The Square, Lenham, Kent.

397. ITEMS WITHDRAWN FROM THE AGENDA

There were none.

398. URGENT ITEMS

There were no urgent items.

399. DISCLOSURES BY MEMBERS AND OFFICERS

There were no disclosures by Members or Officers.

400. EXEMPT ITEMS

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

401. 17/503919 - RETROSPECTIVE CHANGE OF USE FROM A1 TO A3 USE, REPLACE TWO WASTE STORAGE SHEDS WITH NEW COTTAGE STYLE STORAGE SHED - THE BOW WINDOW HAIR DESIGNERS (THE BOW WINDOW COFFEE SHOP AND CAFE), THE SQUARE, LENHAM, KENT

All Members except Councillors Boughton, B Mortimer and Perry stated that they had been lobbied.

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

Councillor J Sams (Visiting Member) addressed the meeting.

RESOLVED:

1. That permission be granted subject to conditions to include:
 - A time restriction on the hours of operation to the effect that no activity in connection with the use permitted shall be carried out outside the hours of 08.00 to 22.00 on Mondays to Saturdays and 08.00 to 20.00 on Sundays within the building and for the garden area from 08.00 to 20.00 on any day. No food or drink shall be consumed or other activities undertaken including holding functions and the playing of amplified or acoustic music in the garden area outside these times except for individuals wishing to smoke cigarettes.
 - A limitation on the type of food that can be cooked i.e. only foodstuffs that do not require the installation of an extraction system.
2. That the Head of Planning and Development be given delegated powers to finalise the wording of these conditions and to amend, delete or add to the other recommended conditions and informatives as required in line with the Committee's decision and the listed status of the building.

Voting: 12 – For 0 – Against 0 – Abstentions

402. APPEAL DECISIONS

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

RESOLVED: That the report be noted.

403. S106 DELIVERY REPORT

The Committee considered a schedule setting out details of S106 contributions secured by the Council on behalf of infrastructure providers

and the progress of schemes funded by S106 contributions, including spend by dates.

The Development Manager explained that he wished to update the schedule as follows:

- MA/08/2323 – 115 Tonbridge Road (Fant) (spend by date February 2018) linked to MA/12/0381 - Land to rear of 125 Tonbridge Road (Fant) (spend by date November 2018) – Contributions for Public Open Space and Recreation

The funding had been allocated, drawn down, and was not at risk.

- MA/12/2314 – Next Store, Eclipse Park (East) (spend by date December 2018) – Town Centre Contribution

It had been agreed by the Planning Committee that this funding should be put towards the Public Realm Improvements Project Phase 3 to include the whole of Week Street and Gabriels Hill in order to mitigate the impact of the development on the Town Centre. The scheme was out to contract, and the funding was not at risk.

- MA/10/0594 – Astley Terrace, Hastings Road (Kent Music School) (High Street) (spend by date January 2018) – Healthcare Contribution

Only 6k of this contribution had been allocated by the due date, which meant that £16k would need to be returned.

- MA/08/2323 – 115 Tonbridge Road (Fant) (spend by date February 2018) and MA/12/0381 – Land to the rear of 125 Tonbridge Road (Fant) (spend by date November 2018) – Healthcare Contributions

This funding had been allocated and was being spent, with no risk of it having to be returned.

- A number of contributions for the provision of public open space and recreation were shown to be awaiting project status although the money had been received during May/June/July 2017. Meetings were being set up with the Parks Manager to discuss the allocation of this funding. Changes in responsibilities and reporting arrangements had resulted in the projects not being identified, but this would be resolved when the next S106 report was presented.

Members expressed concern about the failure of the West Kent CCG to draw down the Astley Terrace healthcare contribution by the spend date. Members requested that they be informed in writing by the CCG as to the reasons why the funding secured had not been spent by the due date. The Development Manager advised the Committee that the Officers had raised the issue with the CCG and were investigating whether any other outstanding monies remained unspent. This information would assist Members in their decision as to how to take their concerns forward.

RESOLVED:

1. That the information set out in the schedule be noted.
2. That a decision as to how to take forward Members' concerns about the failure of the West Kent CCG to draw down S106 funding by the due date be deferred pending the outcome of the Officers' investigations; such investigations to be reported back to Members of the Committee at the earliest available opportunity.

404. CHAIRMAN'S ANNOUNCEMENTS

The Chairman announced that arrangements had been made for a meeting of the Chairman, Vice-Chairman and Political Group Spokespersons of the Planning Committee to take place at the end of the month. If Members wished to include items on the agenda, then they should send details to their Spokespersons direct.

405. DURATION OF MEETING

6.00 p.m. to 6.52 p.m.

MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

22 FEBRUARY 2018

GYPSY AND TRAVELLER SITES – NEED AND SUPPLY

The Planning Committee, at its meeting held on 11 January 2018, agreed to ask the Strategic Planning, Sustainability and Transportation Committee to consider the issue of unmet demand for affordable Gypsy and Traveller sites in the Borough. This request arose out of consideration of an application for residential development where a financial contribution was secured towards off site affordable housing provision. The Committee was advised that it would not be possible to use this funding to address the demand for and supply of affordable Gypsy and Traveller sites, but that this should be addressed through a more rounded consideration as part of the review of the Local Plan.

The Strategic Planning, Sustainability and Transportation Committee considered the reference, at its meeting held on 6 February 2018, and agreed to incorporate the issues raised from the reference into the review of the Local Plan. The Committee further agreed to share the reference with the Communities, Housing and Environment Committee due to that Committee's responsibilities.

The Chairman of Strategic Planning, Sustainability and Transportation Committee advised that a note be included on the Planning Committee agenda.

A copy of the draft minutes of the Strategic Planning, Sustainability and Transportation Committee can be found at Appendix 1.

RECOMMENDED: That the report be noted.

Draft Minute from the meeting of Strategic Planning, Sustainability and Transportation Committee held on 6 February 2018

The Committee considered the reference from Planning Committee relating to Gypsy and Traveller Sites – Need and Supply. It was noted that the reference referred specifically to the need for affordable Gypsy and Traveller sites and that this was not apparent in the recommendation.

The Committee considered that the reference should be shared with the Communities, Housing and Environment Committee due to that Committee's responsibilities. It was suggested that the Communities, Housing and Environment Committee consider the operational housing aspects of the reference.

The Committee raised concerns about a recent European ruling which stated that Councils should be ensuring that there was a spread of Gypsy and Traveller sites across the Borough.

The Committee agreed to incorporate the issues raised by the reference into the work for the review of the Local Plan.

The Chairman advised that a note of this item be included on the Planning Committee agenda.

RESOLVED:

1. That the reference from Planning Committee be shared with the Communities, Housing and Environment Committee.
2. That the issues raised by the reference be incorporated into the review of the Local Plan.

Voting: Unanimous

MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

22 FEBRUARY 2018

REPORT OF THE HEAD OF PLANNING AND DEVELOPMENT

DEFERRED ITEMS

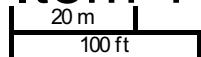
The following applications stand deferred from previous meetings of the Planning Committee. The Head of Planning and Development will report orally at the meeting on the latest situation.

APPLICATION	DATE DEFERRED
<p><u>17/503291 - ERECTION OF 6 NO. LIGHTWEIGHT COMMERCIAL/INDUSTRIAL UNITS - THE PACKHOUSE, QUEEN STREET, PADDOCK WOOD, TONBRIDGE, KENT</u></p> <p>Deferred to:</p> <ul style="list-style-type: none"> • Check whether the correct certificates were served; • Seek the views of Kent Highway Services on the implications of the potential use of HGVs to serve the site taking into account possible business growth; • Investigate the potential for traffic calming measures on the shared access; • Seek details of the proposed landscaping scheme including what it would comprise and where it would be planted; • Enable the Officers to draft suggested conditions to prevent the amalgamation of the units into one enterprise and to link the hours of illumination to the hours of opening of the premises; • Discuss with the applicant the possibility of limiting the hours of operation on Saturdays; and • Enable a representative of Kent Highway Services to be in attendance when the application is discussed. 	<p>19 December 2017 adjourned to 4 January 2018</p>
<p><u>17/503237 - OUTLINE APPLICATION (SOME MATTERS RESERVED) FOR DEMOLITION OF EXISTING BUILDINGS, AND CESSATION OF COMMERCIAL USE ON SITE; ERECTION OF RESIDENTIAL DEVELOPMENT PROVIDING 18 NO UNITS, OF WHICH 12 X 1 BED AND 6 X 2 BED. PROVISION OF 16 PARKING SPACES/2 DISABLED SPACES AND 4 VISITOR SPACES. ACCESS, LAYOUT AND SCALE BEING SOUGHT - J B GARAGE</u></p>	<p>1 February 2018 adjourned to 8 February 2018</p>

DOORS, STRAW MILL HILL, TOVIL, MAIDSTONE, KENT

Deferred to:

- Investigate the scope for improved pedestrian links from the site entrance to existing footways;
- Seek the advice of Kent Highway Services on the cumulative impact of new development in the area on the highway network;
- Enable a representative of Kent Highway Services to be in attendance when the application is discussed;
- Review the density, design and layout of the scheme having regard to the topography, setting and history of the site and seek to secure the provision of structural landscaping; and
- Discuss with the Council's Parks and Open Spaces Team whether the proposed Open Space Contribution might be spent at other sites within the immediate area subject to CIL compliance checks.



17/505294 - Southfield Stables

Scale: 1:1250

Printed on: 14/2/2018 at 11:01 AM by ElyH



REPORT SUMMARY

REFERENCE NO - 17/505294/OUT			
APPLICATION PROPOSAL - Outline application for the demolition of existing stables, horse walker, cabins/container, shed and toilet with existing caravans removed to allow for construction of access road and erection of 3 detached single storey bungalows with garaging /car barn inclusive of ecological communal garden, with access, appearance, layout and scale to be considered at this stage and landscaping reserved for future consideration			
ADDRESS - Southfield Stables South Lane Sutton Valence Maidstone Kent ME17 3AZ			
RECOMMENDATION - GRANT PLANNING PERMISSION subject to conditions			
SUMMARY OF REASONS FOR RECOMMENDATION – The current proposal overcomes the previous reasons for refusal and the reasons as to why the previous appeal was dismissed. It complies with the relevant policies of the development plan (Maidstone Borough Local Plan, 2017) and provisions set out in the National Planning Policy Framework and there are no overriding material considerations to indicate a refusal of planning permission.			
REASON FOR REFERRAL TO COMMITTEE – Sutton Valence Parish Council have requested that the application is reported to the Planning Committee if the Officer is minded to recommend approval			
WARD Sutton Valence And Langley	PARISH/TOWN COUNCIL Sutton Valence	APPLICANT Wealden Ltd AGENT Wealden Homes	
DECISION DUE DATE 15/12/17	PUBLICITY EXPIRY DATE 17/11/17	OFFICER SITE VISIT DATE 2/11/2017	
RELEVANT PLANNING HISTORY			
App No	Proposal	Decision	Date
15/510509/OUT	Erection of 5 detached dwellings with garaging parking together with construction of access road.	REFUSED DISMISSED at APPEAL	19/09/2016
Development of this site for housing would erode the openness of the area currently separating Sutton Valence to the north and The Harbour to the south leading to increased coalescence between these two areas while also resulting in significant harm to the character of the countryside, landscape quality of the Greensand Ridge Special Landscape Area and setting of the Sutton Valence Conservation Area. The proposal is therefore contrary to policies ENV28 and ENV32 of the Maidstone Borough-Wide Local Plan 2000 and policies SP17 and DM34 of the Submission Version of the Maidstone Borough Local Plan (2016) and Heritage provisions of the NPPF.			
HISTORY OF NEIGHBOURING SITES			
14/504471/FULL	Erection of 4 linked detached two storey houses with garages, served by individual driveways off South Lane	REFUSED APPEAL DISMISSED	13/02/2015
14/501986/FULL	Erection of 12 dwellings with formation of access onto South Lane, Landscaping and Parking	REFUSED APPEAL DISMISSED	16/11/2014

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The application site is comprised of a series of stables with a ménage and other ancillary equestrian facilities located between the settlements of The Harbour and Sutton Valence (designated as a Rural Service Centre in the Local Plan). The site is located between the historic part of the settlement that contains the Sutton Valence Conservation Area approximately 110 metres to the north, and 'The Harbour' a predominately post war addition to the south. The site is lower on the slope of the hill in relation to village of Sutton Valence, including the Conservation Area, but is located on higher grounds in relation to the fields and roads to the east and west and The Harbour to the south. The site lies immediately adjacent to the residential property to the west which was used in connection with the running of the stables. The site is largely open and rural in character and sits to the west of South Lane and East of Headcorn Road. It is outside the defined settlement boundary as defined by the adopted local plan.
- 1.02 The existing stable blocks are located to the north and southern section of the build part of the complex. The northern group of stables abuts an exercise paddock to the north, with the southern stable block adjoining the existing dwelling to the west. Access to the site is gained from the southern part of the site from South Lane to the east. The site is slightly elevated in relation to the fields and roads to the east and west and The Harbour to the south, however, being surrounded by native hedges helps to screen it from the surrounding streets.
- 1.03 The site's former Special Landscape designation was not carried forward to the newly adopted Maidstone Borough Local Plan. The site is also outside the designated Greensand Ridge Area of Local Landscape Value.

2.0 PROPOSAL

- 2.01 Outline planning permission is sought for the redevelopment of the southern part of the site occupied by the existing stables and other ancillary equestrian facilities for 3 detached single storey bungalows with garaging together with construction of access road. The proposal includes the creation of an ecological communal garden to the northern part of the site, with matters relating to landscaping reserved for future consideration.
- 2.02 The current application is significantly different from the previous application under reference number 15/510509/OUT which was refused and dismissed at appeal (See Appendix A). This previous scheme involved erection of five large detached dwellings with room in the roof, together with the formation of access roads. The current scheme which is of smaller scale in comparison was the subject of pre-application discussions which recommended a number of key amendments to the submitted scheme. The proposal was amended further to address concerns relating to the urban appearance of the two bungalows to the northern part of the site.
- 2.03. The application is accompanied by plans showing three traditionally designed low profile detached bungalows sited largely over the footprint of the existing buildings at the site. The bungalows would have a width of 8.5 metres and depths of approximately 10 metres. The proposed buildings would have a height just above 5.5 metres from the ground level to the highest part of the hipped roof, with eaves at 2.3 metres. The dwellings would have half hipped roof ends with traditional clay roof tiles. The element

involving the attached garaging would have a depth of 7 metres and width of 3 metres. The plans also show conservatories 4 metres in width and just above 4 metres in depth for each dwelling.

- 2.04. Although not for consideration at the stage, the submitted plans indicate a comprehensive landscaping scheme for the site to include an ecological communal garden which stretches from the edge of the rear gardens of the dwellings to the north to the northern boundary abutting Headcorn Road.

3.0 POLICY AND OTHER CONSIDERATIONS

- 3.01 The National Planning Policy Framework (NPPF): Paragraph 49, 50, 53, 55, 56, 57 and 61 of the NPPF
Development Plan: SP17, SP23, DM1, DM3, DM4, DM5, DM8, DM12, DM23 and DM30 of the adopted Maidstone Borough Local Plan

4.0 LOCAL REPRESENTATIONS

- 4.01 **Local Residents:** 3 representations received from local residents raising the following (summarised) issues:

- Harm to conservation area
- Adverse impact on Greensand Ridge
- Overshadowing
- Overlooking and loss of privacy
- Parking and Highway Safety

5.0 CONSULTATIONS

- 5.01 **KCC Highways and Transport:** No objection subject to condition on provision of sufficient on site parking and turning facilities.
- 5.02 **Sutton Valence Parish Council:** Recommends that the application is refused on grounds that the development would erode the openness of the area currently separating the two settlements. The Parish Council have requested that the application is reported to the Planning Committee if the officer is minded to recommend approval
- 5.03 **Southern Water:** No objection subject to informative requesting the applicant to submit a formal application for a new connection to the public foul sewer.
- 5.04 **Landscape Officer:** No objection to the indicative landscaping scheme on aboricultural grounds.

6.0 APPRAISAL

Main Issues

- 6.01 The main issues for consideration in this submission seeking outline permission for redevelopment of this brownfield land are:

- Principle of Development
- Visual Impact
- Residential Amenity
- Access and Parking
- Heritage
- Landscaping (not for consideration at this stage)

Principle of Development

- 6.02 The proposal is a full application in all but name with landscaping reserved for future consideration. The adopted Maidstone Local Plan (2017) identifies the site as falling in the open countryside outside the settlement boundary. The site is therefore subject to policy SP17 of the adopted Maidstone Borough Local Plan (10/2017) which states that 'development proposals in the countryside will not be permitted unless they accord with other policies in this plan and they will not result in harm to the character and appearance of the area'. In this regard, the Local Planning Authority is satisfied that it is able to demonstrate a 5 year housing land supply and as such policy SP17 of the adopted Local Plan should be afforded full weight.
- 6.03 The National Planning Policy Framework (NPPF) states (para. 49) that housing applications should be considered in the context of the presumption in favour of sustainable development. The NPPF states (para. 55) that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.
- 6.04 Previous decisions and appeals have established that the site the subject of this application is previously developed land (brownfield site) and therefore policy DM5 of the adopted Maidstone Borough Local Plan is relevant. This policy DM5 allows for the residential development on brownfield land in exceptional circumstances, where the outlined criterion is fully satisfied, and no harm is identified to the outlook or amenity of residents overlooking or abutting the site.
- 6.05 In respect of the first criterion, it is recognised that whilst the proposal site is located within an area of open countryside, it is not considered to be of high environmental value in view of the existing stable buildings and other ancillary equestrian facilities at the site. Considering that the proposed development and associated soft landscaping and ecological communal garden would lead to significant environmental improvements, at the site and retention of the gap between the two settlements, it remains to be assessed whether the scale, design and the location of the site makes it otherwise undesirable for a residential development.
- 6.06 The dwellings now proposed are low profile bungalows and as such they would not appear obtrusive or visually harmful within the context of the site and its vicinity or detract from the historical significance of the Sutton Valence Conservation Area to the north. The current proposal was the subject of pre-application discussions which recommended a number of amendments to the previously refused scheme under application reference number 15/510509/OUT.
- 6.07 The scale and low impact of the redesigned dwellings comply with the requirements set of policy out in DM12 of the adopted local plan. Moreover, the existing screening and indicative landscape scheme accompanying this submission would ensure that the development is well screened and integrated in its surroundings. As such, the

development would not appear unduly prominent or visually intrusive within its surroundings.

- 6.08 In terms of the visual quality of the landscape, the existing stable buildings, ménage and other ancillary equestrian facilities detract from the visual amenity of this rural location and its wider setting. Consequently, the proposed development and associated landscaping which includes the creation of an ecological communal garden would help secure significant environmental enhancements at the site, thereby contributing to the scenic beauty of the immediate vicinity and the wider countryside.
- 6.09 Furthermore, the proposal site is located within reasonable distance of the designated Rural Service Centre of Sutton Valence and is within walking distance of Headcorn Road which is well served by public transport. Sutton Valence as a rural service centre is second in the sustainable settlement hierarchy as set out in the adopted local plan. It has a number of facilities including a school, shop, post office, public house and doctor's surgery.
- 6.10 The residential dwellings would be located within 140 metres of the allocated housing site H1 (64) which lies immediately to the south east of the proposal site and the approved development at South Belrigham to the north. Given that the sustainability of these neighbouring sites have been accepted with the grant of planning permission, it is difficult to raise overriding planning objections to this application on these grounds. Therefore, the site is considered to be sustainably located and would support the objectives of the NPPF in this respect. The proposal complies with requirements of Policy DM5 of the development plan and provisions of the NPPF and is considered to acceptable as a consequence.

Visual Impact

- 6.11 The application has been submitted in outline form with all matters for determination at this stage except landscaping. In line with adopted local plan policies, it needs to be determined whether the site is capable of accommodating the development currently proposed without a significant adverse impact on the wider landscape. In this regard, the acceptability of the scheme would largely depend on the visual impact on its countryside setting and its location in relation to the two settlements of 'The Harbour' and Sutton Valence.
- 6.12 The layout and design of the development generally reflects the enclosed and inward looking layout of the existing complex of buildings. The proposed bungalows are of a traditional design and would continue the relatively low density approach of the existing residential development to the south of the site. Whilst the layout would be informal, the development would not appear visually harmful when viewed in the context of the site and its vicinity. Moreover, the proposed development would be slightly lower in height when compared with the approved residential development at South Beringham.
- 6.13 With the existing buildings on the site the proposed development would not increase the visual impact of the site within the wider landscape. The screening provided by existing hedging would be complemented by native tree planting and the ecological communal garden. The footprint of the proposed buildings would not be cumulatively larger when compared with the footprint of the existing buildings at the site. The proposed bungalows would have low eaves height and would not be substantially greater in height. Therefore, the development would not materially compromise the

function of the undeveloped gap between The Harbour and Sutton Valence or cause harm to the Sutton Valence Conservation Area to the north of the site.

- 6.14 In terms of the potential for views of the proposed development from publicly accessible areas, the closest publicly accessible area to the application site is South Lane and Headcorn Road. The submitted landscape assessment indicates that views of the proposed development would be limited to long range glimpses from within the High Street, which is on elevated ground in relation to the application site. The landscape appraisal suggests that the limited glimpses from the High Street would be completely obscured after 5 – 10 years. The development would not obscure views of the surrounding countryside or detract from the ability to experience the Sutton Valence Conservation Area to the north of the site.
- 6.15 Proposed surfacing materials include traditional clay roof tiles and weatherboarding which would ensure that the development assimilates well within the local area. The development is a relatively small scheme on previously developed land and would be largely contained by the existing native hedge screening. In terms of visual impact, the proposed development clearly overcomes the previous reason for refusal and the reasons why the previous appeal was dismissed. It is considered acceptable on visual impact.

Residential Amenity

- 6.16 In line with adopted Local Plan policies, the proposed development needs to be assessed on the basis it can secure an acceptable level of amenity for future occupants. The development would provide acceptable internal floor space compliant with national space standards for future occupants of the proposed 2 bedroom dwellings.
- 6.17 The proposed outdoor amenity area for all three dwellings are of generous proportions and would provide acceptable amenity space for future occupants of the dwellings.
- 6.18 The separating distances between the proposed dwellings and the existing dwelling to the west of the site would be approximately 23 metres. Considering the separating distances, orientation, positioning and angles of fenestration detailing, there would be no adverse impact on the amenities of the future occupants of the buildings or the neighbouring residential dwelling in terms of outlook, privacy, light or general disturbance. No other residential property in the vicinity of the site would be harmed by this proposal.

Parking and Highways Safety

- 6.19 The proposed new dwellings would have adequate off street parking provision in compliance with requirements set out in policy DM23 of the adopted MBLP. It is proposed to use the existing access from South Lane which is to the east of the site. This access has good sightlines in both directions and given the nominal additional traffic likely to be generated by the proposed new dwellings, the impact on highway safety and the free flow of traffic is likely to be minimal. It is noted that KCC Highways and Transport does not raise any overriding objection to this proposal.

Heritage

- 6.20 Considering that the current scheme is materially different from the previously refused applications in terms of scale, design and layout it is considered to overcome the previous reasons for refusal and the reason as to why the appeal was dismissed.
- 6.21 The landscaped and setting of the Sutton Valence Conservation Area is integral to its significance and special interest. The proposed development is of a low key design that would not be directly visible in views towards and out of the Sutton Valence Conservation Area.
- 6.22 The introduction of a new development at this location would not cause harm to the landscape or undermine its significance as a historic asset within the local area. Moreover, the development would not interrupt the rural setting of the Sutton Valence Conservation Area and ability to experience it from any location in the vicinity of the site. The Council's Conservation Officer does not raise any overriding planning objection to this proposal on heritage grounds.

Landscaping (not for consideration at this stage)

- 6.23 There are no protected trees on or immediately adjacent to this site. The tree inspection report produced by Broad Oak Tree Consultants Limited appears to be acceptable in principle. Given that most of the individual trees are low grade there are no grounds to raise an arboricultural objection.
- 6.24 There appear to be no valid reason for the proposed removal of boundary hedgerow/trees to the north of the access road, which are capable of regeneration if managed appropriately. The tree inspection report states that majority of the trees present are less than 40 years of age with many having developed out from unmanaged hedgerows. Therefore, many of the hedgerows present could be brought back into active management by topping or layering.'
- 6.25 The MBC Landscape Officer has advised that the soft landscape proposals lack detail and appear to be predominantly ornamental. As the report does not clarify which hedgerows are to be retained, it is necessary that a condition is attached to the grant of permission requiring that any hedgerow proposed to be removed is replaced with appropriate native species to mitigate their loss. It is recommended that a Landscape condition requiring implementation details, maintenance and a long term management plan for the ecological communal garden is appended to the grant of planning permission to secure future management of the garden. The arboricultural issues raised by the Landscape Officer can be satisfactorily addressed at the reserved matters stage.

Other Matters

- 6.26 The proposal represents an acceptable windfall development which for the reasons set out above, will not result in any significant material harm to the locality of the site. There would be no significant adverse impact on local services.
- 6.27 The issues raised by Sutton Valence Parish Council and the local residents have been addressed in the main body of this report.

7.0 CONCLUSION

- 7.01 The current proposal overcomes the previous reasons for refusal and the reasons as to why the previous appeal was dismissed. Notwithstanding the fact the application site lies on land identified as open countryside, it is considered that given the scale and location of the proposal on previously developed land, there would be no harm to countryside interests.
- 7.02 The proposal is considered acceptable in design terms and there is no material harm to the character, appearance or layout of the vicinity of the site generally. The proposal does not result in any material harm to the Sutton Valence Conservation Area to the north of the site. It would not be detrimental to the outlook or amenity of neighbouring occupiers or raise any significant highways safety concerns. It accords with all the relevant policies of the development plan and the NPPF and will make a valuable windfall contribution towards the provision of housing units within the Borough. It is considered acceptable and approval is recommended.

8.0 RECOMMENDATION

- 8.01 GRANT planning permission subject to the following conditions:
1. The development shall not commence until approval of the reserved matter of 'landscaping' has been obtained in writing from the Local Planning Authority. An 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.
Reason: In accordance with the provisions of Section 92 of the Town and Country Planning Act 1990.
 2. The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved;
Reason: In accordance with the provisions of Section 92 of the Town and Country Planning Act 1990.
 3. Notwithstanding the information on the approved plans, no development above damp proof course level shall take place until written details of samples of materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. The details of the material shall include sparrow boxes/bricks incorporated into the development.
Reasons: In the interest of amenity and to ensure that the proposed development is satisfactorily integrated with its immediate surroundings.
 4. Prior to any part of the development hereby approved reaching damp proof course details of a decentralised and renewable or low-carbon sources of energy and how they will be incorporated into the development shall be submitted for prior approval in writing by the Local Planning Authority. The approved details will be in place before first occupation of any part the development hereby approved and maintained as such at all times thereafter.
Reason: To secure an energy efficient and sustainable form of development to accord with the provision of the NPPF.
 5. No development shall take place above damp proof course level until there has been submitted to and approved in writing by the Local Planning Authority details of the

locations, heights, designs materials and types of all boundary treatments to be erected on site. The boundary treatments shall be completed in strict accordance with the approved details before the development hereby approved is occupied.

Reason: in the interest of the visual amenity, privacy and to ensure that the proposed development is satisfactorily integrated with its immediate surroundings.

6. 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

7. Prior to occupation of the proposed new dwelling a minimum of one accessible electric vehicle charging point per dwelling shall be installed and ready for use and in accordance with details that have previously been submitted to and approved in writing by the local planning authority that includes a programme for installation, maintenance and management with the points retained thereafter and maintained in accordance with the approved details.

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

8. Prior to the commencement of the development hereby approved details of the foul and surface water drainage and an assessment of the hydro-geological context of the development, incorporating sustainable drainage principles and an assessment of the hydro-geological context of the development and the site, shall be submitted to and agreed in writing with the Local Planning Authority. The agreed scheme shall be implemented in strict accordance with the approved plans prior to first occupation of the development hereby permitted.

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

9. No development shall commence above damp proof course level until details of hard landscape works which shall include the use of permeable material upon the access and turning areas, 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 first occupation of the building or land;

Reason: To ensure satisfactory appearance to the development and in the interest of sustainable water drainage.

10. A landscape and ecological management plan, including long term design objectives, management responsibilities, access arrangements and maintenance schedules for the ecological communal garden, 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.

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

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

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

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

13. The use or occupation of the individual dwellings hereby permitted shall not commence until all planting, seeding and turfing specified in the approved landscape details has been completed. It shall incorporate native understorey planting beneath native trees and include drifts of meadow grass and native bulbs. 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.

14. The development hereby permitted shall be carried out in accordance with the following approved plans/drawing nos recived on 23 Jan 2018.

Drawing Number PL-SV-006 Rev A - Proposed Site Access Plan

Drawing Number PL-SV-010 Rev A - Plots 1&2 Proposed Plans

Drawing Number PL-SV-004 Rev A - Proposed Soft Landscaping

Drawing Number PL-SV-014 Rev A - Plot Layout Overlay

Drawing Number PL-SV-003 Rev A - Proposed Hard Landscaping

Drawing Number PL-SV-011 Rev B - Plots 1 & 2 Proposed Elevations

Drawing Number PL-SV-002 Rev A - Proposed Site Plan

Reasons: To ensure a satisfactory appearance to the development and to prevent harm to the character and appearance of the surrounding area.

15. 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(s) A,B,C, D and E to that order shall be carried out without the permission of the Local Planning Authority;

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

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.

Appeal Decision

Site visit made on 26 January 2017

by AJ Steen BA (Hons) DipTP MRTPI

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

Decision date: 27 March 2017

Appeal Ref: APP/U2235/W/16/3161238

Southfield Stables, South Lane, Sutton Valence, Kent ME17 3AZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Wealden Ltd against the decision of Maidstone Borough Council.
 - The application Ref 15/510509/OUT, dated 21 December 2015, was refused by notice dated 19 September 2016.
 - The development proposed is demolition of existing front annexe building and side shed to Southfield Stables house with erection of new attached single storey extension along with construction of access road, demolition of stable blocks and outbuildings, and erection of 6 detached dwellings with garaging/parking inclusive of removal of existing caravans.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was submitted in outline, and the application form makes clear that approval is also sought at this stage for the access, appearance, layout and scale of the development, but not landscaping. I have taken the submitted drawings into account, other than indications of landscaping that I have taken as illustrative. The landscaping (the reserved matter) is reserved for consideration at a later stage.
3. During the course of the planning application the quantum of development was reduced from 6 to 5 additional dwellings. The Council considered the development on that basis and so have I.
4. I note that a draft Local Plan (draft LP) has been submitted for examination. During the course of the appeal, I requested an update on progress and understand that an interim report has been prepared by the Inspector appointed to undertake the examination. The Council submitted additional information that seeks to address the Inspector's comments regarding the housing land supply for the district and the appellant was given the opportunity to comment. I have taken the interim report and the additional information submitted by the Council and appellant into account. This includes extracts from the report into the main modifications proposed to the draft LP relating to what is now proposed to be Policy DM5, that I understand has been agreed by the Council.

5. Given that an element of the Inspector's concern relates to the supply of housing land that would be fundamental to the soundness of the plan, I consider that I can only give limited weight to the policies contained within the draft Local Plan. However, I will return to the issue of the supply of housing land and weight to be given to the adopted Maidstone Borough-wide Local Plan (LP) in my reasoning.
6. The Council refers to Policy ENV32 of the LP within the decision notice. However, this relates to development within the "southern anti-coalescence belt" and the appeal site is outside that area. The Council's statement confirms that this was an error. The notice should have referred to Policy ENV34 of the LP which relates to development within Special Landscape Areas. As this is consistent with the contents of the Officer Report and the appellant has commented on this in its final comments, I do not consider that anyone would be disadvantaged by consideration of Policy ENV34 of the LP in this instance.

Main Issues

7. The main issues are whether the proposed dwellings would conserve the landscape quality of the area, with particular regard to the Greensand Ridge Special Landscape Area, and the effect of the proposal on the Sutton Valence Conservation Area.

Reasons

Effect on landscape quality

8. Policy ENV28 of the LP confirms that development that harms the character and appearance of the area, in particular that which significantly extends the built up extent of any settlement, will not be granted planning permission and that any development permitted will be confined to a limited number of forms of development. The proposed development would not fall within those forms of development. As such, the proposed development would be contrary to that policy.
9. Southfield Stables currently comprises a series of stables with a ménage and other ancillary equestrian facilities, along with a dwelling, located between the settlements of The Harbour and Sutton Valence. It is located within the Greensand Ridge Special Landscape Area (SLA) as defined in the LP and is lower on the slope of the hill than the village of Sutton Valence, including the Sutton Valence Conservation Area. It is surrounded by hedges that have some effect in containing the site, but it is located in a higher position than the fields and roads to the east and west, and The Harbour to the south, which results in it being a visible and prominent location within the gap between settlements and the countryside, and when viewed from those roads.
10. The proposal would retain and extend the dwelling, redeveloping the remainder of this previously developed land with an additional five houses. Those houses would be mostly two storey, with the first floors contained in the roofspace, such that the upper floors would be visible above the surrounding hedges.
11. Whilst the proposed dwellings would reflect other development in the vicinity, including the dwellings at the neighbouring South Belringham, they would result in further residential development and associated domestic paraphernalia encroaching into this attractive area of countryside that forms a gap between The Harbour and Sutton Valence. I note that additional landscaping to be

submitted with the reserved matters may assist in screening the development. Even so, I do not consider that it would overcome this harm.

12. To conclude on the first main issue, the proposed development would cause harm to the surrounding landscape. As such, it would be contrary to Policies ENV28 and ENV34 of the LP which seek to protect and conserve the scenic quality and distinctive character of the area. In addition, it would not result in a significant environmental improvement to the site as required by Policy DM5 of the draft LP.

Effect on the conservation area

13. Sutton Valence Conservation Area comprises the historic centre of the village, with the Church and its tower at one end and the remains of the castle at the other, all located along the ridge of the steep hill above Southfield Stables. This hilltop location means that the historic development within the conservation area is prominent, visible from a long distance on what is otherwise a gently undulating rural landscape, and with views from the conservation area over that landscape. This relationship between the built form and the landscape and topography all contribute to its significance as a designated heritage asset.
14. The surrounding fields and rural development form the countryside setting to the conservation area and the site forms part of that rural landscape. The ability to appreciate the relationship of the historic settlement in its hilltop setting contributes to its significance. The appeal site is located in a relatively prominent position that would be visible both in views toward the conservation area and out of the conservation area.
15. I consider that the appeal scheme would detract from the ability to experience the conservation area because it would result in residential development, including associated domestic paraphernalia, interrupting that rural setting to the conservation area. This would be harmful to its significance as a designated heritage asset. In the terms of the Framework, the harm would be 'less than substantial'. However, that does not mean it should be regarded as minor or unimportant. The Framework states that great weight should be attached to the conservation of heritage assets. Paragraph 134 requires harm to heritage assets to be weighed against any public benefits of the scheme. I return to that balance in the conclusion to my decision.

Other matters

16. Reference is made in the appeal documents to the three strands of sustainability referred to in the Framework, being economic, social and environmental. In this case, there would be limited economic benefits during the construction of the dwellings and residents would support local services once they are occupied. The provision of an additional five dwellings would have a positive social impact in contributing in a small way to the need for homes in the area. Due to the modest scale of the scheme I attach only moderate weight to these social and economic benefits. The scheme would make use of previously developed land and there would be some limited benefits from ground remediation and small scale ecological enhancements.
17. The appellant has suggested that the Council cannot demonstrate a five year supply of deliverable housing sites as required by paragraph 49 of the Framework. The Council does not agree.

18. I note that the SLA designation is proposed to be removed in the draft LP and the appeal site would be outside the proposed Greensand Ridge Area of Local Landscape Value. However, for the reasons given above I am only able to give that limited weight and, in any event, this would not affect my conclusion that the site is within an area of high environmental value.
19. The development at South Belringham also involved redevelopment of previously developed land as well as conversion of an office building to dwelling. I have been provided with limited information regarding the original development on the site. The dwelling replacing the previously permitted industrial units, although taller, appears to be considerably smaller than the previously approved development and the amount of hard surfacing appears to have been significantly reduced. In any event, I need to consider this case on its own merits.
20. I understand that this is a poor location for racing stables and the area is constrained by surrounding residential development, such that the existing business may not be able to continue in this location. Whilst it may not be a suitable location for training racehorses, this doesn't preclude other rural uses which may be appropriate in this location.

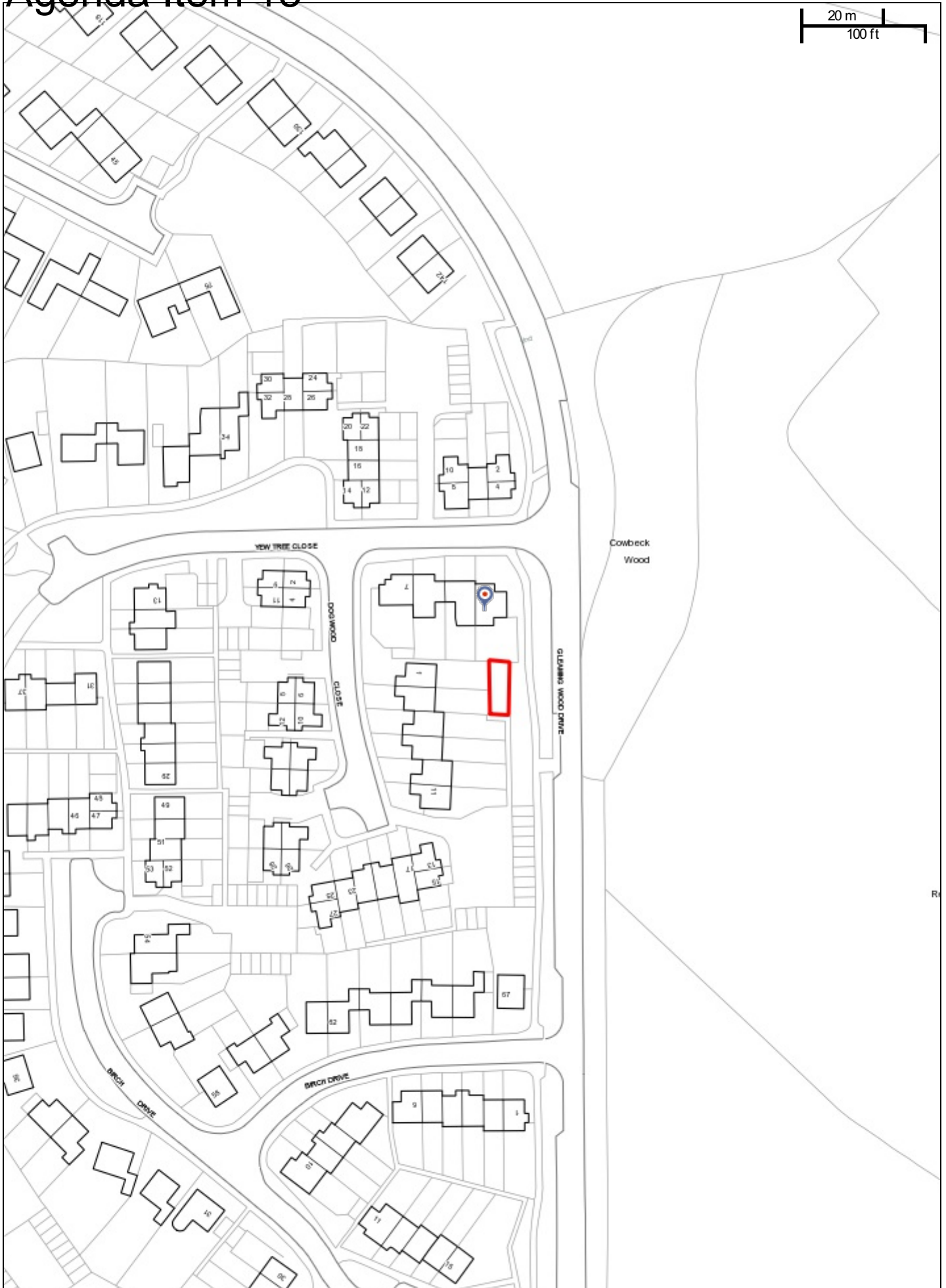
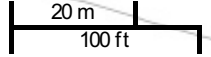
Conclusion

21. The proposals would be contrary to the development plan due to the conflict with Policies ENV28 and ENV34. It is therefore necessary to consider whether there are other material considerations which indicate that permission ought to be granted, notwithstanding this conflict.
22. The Framework requires the harm to the conservation area (through the impact on its setting) to be weighed against the public benefits of the scheme and I also take account of some minor environmental benefits. However, these benefits are not sufficient to outweigh the harm to the conservation area that I have identified. Consequently, I find that the proposals would be contrary to the Framework insofar as it relates to the historic environment. This is a factor which adds weight to my conclusion on the development plan.
23. It follows that, whether or not the appellant is correct in relation to the housing land supply position, this is not a case where the Framework indicates that permission ought to be granted. Footnote 9 makes clear that this is a case where specific policies of the Framework indicate that development ought to be restricted.
24. For the above reasons and taking into account all other matters raised, I conclude that the appeal should be dismissed.

AJ Steen

INSPECTOR

Agenda Item 15



REPORT SUMMARY

REFERENCE NO - 17/505898/FULL		
APPLICATION PROPOSAL Change of use of common land to rear of property to residential garden land.		
ADDRESS 1 Yew Tree Close Lordswood Chatham Kent ME5 8XN		
RECOMMENDATION – GRANT Subject to conditions		
SUMMARY OF REASONS FOR RECOMMENDATION: The proposed development is considered to comply with the policies of the Maidstone Borough Local Plan 2017 and the National Planning Policy Framework and there are no overriding material considerations to indicate a refusal of planning permission.		
REASON FOR REFERRAL TO COMMITTEE: The recommendation is contrary to the views expressed by Boxley Parish Council and the local councillor.		
WARD Boxley	PARISH/TOWN Boxley	COUNCIL APPLICANT Mr Robert Wilkinson AGENT N/A
DECISION DUE DATE 15/01/18	PUBLICITY EXPIRY DATE 15/12/17	OFFICER SITE VISIT DATE 27/11/17 and 08/02/18
RELEVANT PLANNING HISTORY (inc appeals and relevant history on adjoining sites):		

73/0496/MK2 – Outline application for 167 houses. Development to be in 5 phases - Approved

73/0479/MK2 – Outline application for the development of land – Approved

80/1176 - Substitution of house types, plots 376-377, 380-386, 386a-391 to 402, 420-440, as amended by the letter dated 20/8/80 and accompanying external finishes schedule (Submission of reserved matters for the previously approved outline application)

78/1795 – Details of development as amended by letter dated 12/10/79 and accompanying no's 675/77 and 675/77A and further amended by letter dated 28/06/79 and accompanying drawing number 765/87B – Application Permitted - (Submission of reserved matters for the previously approved outline application)

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The application site is located within the urban settlement boundary of Walderslade within the Parish of Boxley. The site is a rectangular piece of amenity land measuring 13.6m x 4.8 (65m²) currently owned by the Council located to the rear of 1 Yew Tree Close (the applicant), to the rear of Nos 1 and 3 Dogwood Close and to the rear side of No. 5 Dogwood Close.
- 1.02 The site currently contains grass and some low quality vegetation. Whilst neighbours refer to trees on the site, it is confirmed after a site visit that there are no trees on the application site. Maidstone Parks and Leisure have confirmed that as part of general land management one large and two small trees were previously removed, however these were adjacent to the site and removed as they were leaning considerably towards adjacent properties. To the east of the site is a collection of established trees

which are adjacent to the pedestrian footpath for Gleamingwood Drive. Further east between the footpath and the cycle path is a grass verge.

2.0 PROPOSAL

- 2.01 The application proposes a change of use to allow the application site to be enclosed and used as domestic garden land by No. 1 Yew Tree Close. The application form states that the boundary treatment would be a 1.8m close boarded fence with concrete posts. The covering letter in support of the application outlines that the applicant has agreed a sale with Maidstone Borough Council Property Department.

3.0 POLICY AND OTHER CONSIDERATIONS

The National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Development Plan: DM1

4.0 LOCAL REPRESENTATIONS

- 4.01 4 representations against on the following grounds (summarised):

- The land provides privacy for the gardens which are adjacent to the application site;
- The site is amenity land and has 4 mature chestnut trees growing on the site which support wildlife;
- Concern that the proposal could result in the loss of the mature trees which act as a buffer and provide privacy from Gleamingwood Drive;
- Loss of privacy from the proposed garden land;
- Development will set a precedent for the loss of other amenity areas; and
- Trees already appear to have been cut down.

5.0 CONSULTATIONS

- 5.01 **Landscape Officer:** *“following my site visit today the area of land shown for change of use (outlined in red on the supplied OS plan) has no trees growing on it. Therefore, there are no arboricultural grounds to refuse the application. Should you be mindful to recommend approval, I would suggest a condition seeking construction details of the boundary treatment/fencing as there are a number trees adjoining the site that could be affected.”*

- 5.02 **Boxley Parish Council:** *“The parish council wishes to see the application refused on the grounds that this would be a loss of public amenity land which would have an adverse impact on the streetscene and character of the area.*

If the Planning Officer is minded to recommend that the application is permitted then the parish council asks that the application is reported to the Planning Committee.

To ensure the remaining trees are protected Boxley Parish Council requests a condition, should the application be approved, that any erection of a fence or wall shall not commence until full details of tree protection measures have been submitted and approved by MBC.”

- 5.03 **Councillor Wendy Hinder:** Object. *“I wish to object most strongly to this application on the following grounds:*

1 This land is not waste land it is amenity land owned by MBC. This land is one of several that were put in by the developer when the estate was built to break up the hard solid edge of brick houses and garden fences. Most of these estates were built on I have been told ancient woodland some that can still be seen on the opposite side of Gleaming wood Drive. These parcels of land were put in for a purpose and they should be left as such.

2 This application would change the street scene and have a detrimental impact on the area.

3 This strip of land runs along the back of two houses and would have a visual harm for them.

4 I have grave concerns that there has been three trees cut down and the land already cleared . By whom?

5 on the opposite of Gleaming Wood drive outline planning permission has been given for 89 houses which makes protecting this piece land as part of the street scene even more important.”

- 5.04 **MBC Parks and Leisure Team:** *“Behind 1 Yew Tree Close MBC had one large and two small trees removed due to that they were leaning considerably towards the property’s. We also had the crowns lifted on the rest of the trees to five metres. We are willing to sell this piece of land as the trees will remain on MBC land and there will still be a wide green verge between the property’s and Gleaming Wood Drive.”*

6.0 APPRAISAL

- 6.01 The main issues with the consideration of this application are:

- Harm to the character of the area;
- Harm to residential amenity; and
- Loss of trees.

Visual Impact

- 6.02 The land in question is a relatively small area of land that covers an area of approximately 65m². The boundary treatment around this land to the north, west and south currently consists of facing brickwork for the boundaries of the adjacent residential rear gardens. To the east the site is bounded by mature trees which provide some screening of the rear boundaries of No. 1 and 3 Dogwood Close.
- 6.03 A number of consultees have objected to the loss of the amenity land due to it providing open green space and it creating a green buffer to Gleamingwood Drive that would be lost should permission be granted. I do not consider this to be a particularly open piece of land; as it is enclosed on 3 sides by neighbouring domestic gardens.
- 6.04 The proposal would bring the garden boundary in line with the existing rear boundary of No.5 Dogwood Close and would be set 1.2m behind the existing side boundary for No.1 Yew Tree Close and is considered to be an infill to garden land. In my opinion, this small landscaped area plays a minor role in the ‘greening’ of the built frontage, the trees would remain as would the landscape area they are located upon and it is not considered its ‘loss’ to garden land would be significant or cause any significant visual harm.
- 6.05 I also note that within the wider area there is evidence of brickwork and fencing built up to the footpath along Gleamingwood Drive and the boundary for this proposal would be set back from the footpath by approximately 4.2m.

- 6.06 In terms of boundary treatments, the applicant is proposing a 1.8m close boarded fence with concrete pillars. Bearing in mind that the existing boundary treatment is of facing brickwork which faces onto Gleamingwood Drive, it is not considered that the proposed boundary treatment would have any more of a detrimental impact upon the appearance of the area than these existing boundary treatments.

Residential Amenity

- 6.07 The site is currently surrounded on three sides by residential gardens and the wider surrounding area of Yew Tree Close and Dogwood Close is suburban in nature. Due to the sites location within the settlement boundary, the use of the land for garden land is not considered to have a significant impact on the residential amenity of the adjacent neighbours above what currently exists. Permitted development rights would also be removed by condition ensuring that no development under class E (outbuildings) is allowed within the site without the permission of the Council. By removing the public access to the land, the proposal would also increase security to the rear gardens of No.1 and No.3 Dogwood Close.
- 6.08 A number of respondents have also commented that the loss of the trees would result in loss of privacy from Gleamingwood Drive. However, as set out in the Landscape Officer's and the Parks and Leisure Team's comments, the existing trees are not located within the application site and would remain.

Other Matters

- 6.09 In terms of the loss of the trees, which I note that objections have been received on. The MBC Landscape Officer has been consulted and commented that the site area has no trees growing on it and that there are no arboricultural grounds to refuse the application, subject to a condition that seeks to ensure any boundary treatment does not damage these adjacent trees. In addition, the Council's Parks Team has been consulted and confirmed that unrelated to the current application one large and two small trees were previously removed from the land immediately adjacent to the site by them due to the trees leaning.
- 6.10 I do not consider there to be significant ecology issues here given that this is a small managed area of land.
- 6.11 Concern has been raised in regards to the precedent the proposal would create should planning permission be granted. However, each planning application must be considered on its own planning merits.

7.0 CONCLUSION

- 7.01 It is not considered that the change applied for would result in significant harm to the character of the area and it is recommended that planning permission is granted, subject to a number of conditions. These conditions would require details of landscaping, measures to protect the trees adjacent to the site. A further condition would remove the permitted development rights for outbuildings to ensure that any future development on this land would be within the control of the Council.

8.0 RECOMMENDATION – GRANT Subject to the following conditions:

CONDITIONS

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

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

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

Block Plan – Received on 20/11/2017; and
Site Local Plan – Received on 20/11/2017.

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

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

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

- (4) The development hereby approved shall not commence 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 land and maintained thereafter;

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

- (5) 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

Case Officer: Adam Reynolds

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

Agenda Item 16



20 m
100 ft

17/505995 - Court Lodge Farm

Scale: 1:1250

Printed on: 14/2/2018 at 11:05 AM by ElyH

REPORT SUMMARY

REFERENCE NO - 17/505995/FULL		
APPLICATION PROPOSAL - Erection of a detached five bedroom dwelling with associated parking.		
ADDRESS - Court Lodge Farm, The Street, Teston Maidstone Kent ME18 5AQ		
RECOMMENDATION - GRANT PLANNING PERMISSION subject to conditions		
SUMMARY OF REASONS FOR RECOMMENDATION - The proposed development is acceptable with regards to the relevant provisions of the development plan; the NPPF and all other material considerations such as are relevant. Approval is recommended subject to planning conditions.		
REASON FOR REFERRAL TO COMMITTEE – Cllr Fay Gooch have requested that the application is reported to the Planning Committee if Officers are minded to recommend approval.		
WARD Barming and Teston	PARISH/TOWN COUNCIL Teston	APPLICANT Mr Colin King AGENT Mark Carter Design
DECISION DUE DATE 11/01/18	PUBLICITY EXPIRY DATE 22/12/17	OFFICER SITE VISIT DATE
RELEVANT PLANNING HISTORY		
No relevant planning history		

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The application site is a triangular shaped plot of land taken from the existing larger side residential garden of Court Lodge Farm a detached grade II listed dwelling located within the Teston Conservation Area. The site is located within the built up part of the village of Teston and is currently laid to lawn with trees and hedgerows. The main building, Court Lodge Farm, is to the east of the site with the grade II listed St Peter and St Paul's Church to the north east. Immediately to the west of the site is a public footpath which connects the private access track serving the Court Lodge Farm complex to Church Street. Beyond this footpath is the modern detached dwelling known as Ridgewood. The southern boundary of the site abuts the private access track serving Court Lodge Farm complex.
- 1.02 Teston has no defined settlement boundary in the adopted Maidstone Borough Local Plan and therefore in planning terms is considered to be within the open countryside. The existing pattern of development within the street is mixed, comprising mainly of two-storey dwellings and converted farm buildings of a range of ages from listed buildings through to very modern dwellings. There is no defined building line or pattern of gaps within the street. The site itself is slightly elevated in relation to the access track serving the complex and there is a change in ground levels in the vicinity of the site in a general south to north direction. There are a number of trees within the site which are protected by virtue of being within the Teston Conservation Area.

2.0 PROPOSAL

- 2.01 Planning permission is sought for the erection of a detached two-storey dwelling with associated driveway and parking all on land taken from the residential garden and to the side of Court Lodge Farm. The proposed five bedroom dwelling, that would infill a gap in the streetscene between Court Lodge Farm and Ridgewood, would be of a similar scale and height to the adjacent residential dwellings. The proposed building would be set back approximately 10 metres from the access track serving the complex, retaining a separating gap of approximately 20 metres with the grade II listed building. The gap with the neighbouring building to the west of the site would be just under 10 metres.
- 2.02 The ground floor would provide a hall, living room, kitchen diner and a study. There would be five bedrooms on the first floor with a separate family bathroom and ensuite bathroom for the master bedroom. Materials proposed for the dwelling include red painted render, brickwork and plain roof tiles which reflects those used on surrounding properties.
- 2.03 Access would be gained from a new driveway to be provided to the front of the property off the existing private track serving the Court Lodge Farm complex. The submitted plans also indicate the use of permeable paving on the hardstanding area that is capable of providing parking spaces for up to 3 vehicles.
- 2.04 The proposed development would see the removal of a number of low quality trees at the rear of the site and the replacement of part of the mixed hedge along the front boundary. The established Lime tree located close to the south western boundary would be retained and protected.

3.0 POLICY AND OTHER CONSIDERATIONS

- 3.01 The National Planning Policy Framework (NPPF): Paragraph 49, 50, 53, 55, 56, 57, 61 and 128, 129, 131, 132, 134, 137 and 138.
Development Plan: SP17, SP18, SP23, DM3, DM1, DM4, DM8, DM11, DM12, DM23 and DM30 of the adopted Maidstone Borough Local Plan

4.0 LOCAL REPRESENTATIONS

- 4.01 **Local Residents:** 8 representations received from local residents raising the following (summarised) issues:
- Design not in keeping with existing dwellings
 - Harm to conservation area
 - No permission within deeds for construction traffic
 - Commercial use of existing dwelling
 - Adverse impact on highway safety
- 4.02 1 representation received from a local resident expressing support for the application for the following (summarised) reason:
- Proposal in a sustainable location
 - Enhancement to Conservation Area
 - No amenity impacts
 - No adverse impact on traffic

5.0 CONSULTATIONS

- 5.01 **Heritage and Conservation:** No objection subject to a condition on materials.
- 5.02 **KCC Archaeology:** No objection subject to a condition requiring an archaeological watching brief.
- 5.03 **Landscape officer:** No objection

6.0 APPRAISAL

Main Issues

- 6.01 The application seeks planning permission for the erection of a detached five bedroom dwelling with associated parking on land taken from the residential garden of Court Lodge Farm. Therefore, the main issues for consideration are:
- Principle of Development
 - Visual Impact and Heritage Impact
 - Residential Amenity
 - Parking/Access and Highway Safety implication
 - Landscaping

Principle of development:

- 6.02 The Local Planning Authority is satisfied that it is able to demonstrate a 5 year housing land supply and as such the policies in the adopted Local Plan should be afforded full weight. The adopted Maidstone Local Plan (2017) identifies the site as falling in the open countryside outside the settlement boundary. The site is therefore subject to policy SP17 of the adopted Maidstone Borough Local Plan (Adopted 10/2017). Policy SP17 states that 'development proposals in the countryside will not be permitted unless they accord with other policies in this plan and they will not result in harm to the character and appearance of the area.
- 6.03 Policy D11 of the adopted Local Plan seeks to restrict development on residential garden land to that which respects the existing character, pattern and layout of the built environment without detriment to visual amenity. Policy DM12 requires that new housing development should be at a density that is consistent with achieving good design and does not compromise the distinctive character of the area in which it is situated. Policy DM4 aims to safeguard buildings and areas of special architectural or historic interest.
- 6.04 NPPF guidance in (para. 132) requires Local Planning Authorities to give great weight to conserving designated heritage assets when considering the impact of proposed development on their significance. In this case, the site is located within the curtilage and setting of a number of grade II listed buildings and The Teston Conservation Area. Therefore, the Local Planning Authority needs to be satisfied that the development would either preserve or enhance the setting of these heritage assets.
- 6.05 The harm posed by the new development is 'less than substantial' (NPPF 134) and the public benefits of the proposal in the provision of a new dwelling in a sustainable location (as set out below) weigh in favour of approving the application. This view is supported by the Council's Conservation Officer who has confirmed that the application land is not critical to the curtilage of Court Lodge Farm which will retain a

sizeable garden. The proposal would make a positive contribution to local character and distinctiveness in accordance with the NPPF (paragraph 131) which again weighs in favour of the approval of the application.

- 6.06 The application site forms part of the residential garden of Court Lodge Farm and is currently used as garden land serving this property. Therefore, the proposal represents development within residential garden land located to the western flank of the grade II listed property. Development within residential garden land is permitted if there is no harm to the layout or character of the wider area or harm to the outlook or amenity of residents overlooking or abutting the site.
- 6.07 Government guidance in the National Planning Policy Framework (NPPF) states (para. 49) that housing applications should be considered in the context of the presumption in favour of sustainable development. The NPPF states (para. 55) that to promote sustainable development in rural areas, housing should be located where it will enhance or maintain the vitality of rural communities.
- 6.08 The application site is located within reasonable distance of Tonbridge Road (A26) with the nearest bus stop located within 300 metres of the site. Whilst the access has no designated pedestrian walkway, it is infrequently used by cars and as such there is no vehicle conflict. Teston has a number of facilities including shops and a public house, with the nearest doctor's surgery within 0.6 miles in Watringbury.
- 6.09 In summary and having regard to the development plan policies and government guidance set out above, the principle of this proposed development within the residential garden of Court Lodge Farm is considered acceptable. The development is in a sustainable location and as set out in more detail below the proposal would preserve the historic significance of the grade II listed building and the Teston Conservation Area.

Visual Impact and Heritage Impact

- 6.10 The new building would retain a separating distance of approximately 20 metres with the western flank of this grade II listed property, which is considered sufficient in ensuring that its significance and features of special interest are not compromised.
- 6.11 The proposed development would have a separating distance of approximately 45 metres from the grade II listed St Peter and Paul's church to the north east of the site which is sufficient to ensure that its significance and features of special interest are safeguarded. The development due to its height and location would not have any significant adverse impact on views of the grade II listed St Peter and Paul's Church (from within the access track serving the Court Lodge Farm complex), or any publicly accessible area in the vicinity of the site.
- 6.11 The application site is located within a predominantly residential street that has a variety of house types of differing scale and age with differing set-backs from the road. Therefore, the proposed location of the building set back approximately 10 metres from the front boundary would not cause any significant harm to the character of the street. Also of relevance is the fact that the development that would result from this proposal would be consistent with the semi-informal pattern of development within the vicinity of the site. It would thereby constitute a further unassuming change within the locality.
- 6.12 The proposed scheme replicates the low density approach of the existing residential development in the vicinity of the site. The plot is of a reasonably large size and given

that the proposed building is consistent with the scale of properties in the vicinity, it would not appear as a cramped form of development. Moreover, in view of that fact that the site is relatively well contained due to its location and surrounding vegetation, the development would not appear prominent or visually harmful within its surroundings.

- 6.13 Overall, the design of the new dwelling draws on elements of the properties within the vicinity, and whilst it is a relatively large property, I am satisfied given its set back from the adjacent buildings, that it would not appear visually dominant or incongruous when viewed in the context of neighbouring developments. It is considered acceptable in relation to on visual amenity as a consequence. The development would not be detrimental to or harm the setting of the neighbouring grade II listed buildings.

Residential amenity

- 6.14 Given the separation distances between the new house and existing neighbouring properties and the scale, design and siting of the building, I am satisfied that it would not result in a significant loss of privacy, light or outlook to any neighbour.
- 6.15 It is not considered that the new dwelling with its associated comings and goings and use of the existing access track would result in an unacceptable increase in noise and disturbance to existing properties.
- 6.16 The proposal retains an acceptable amenity area for the main dwelling and would also secure an acceptable residential environment for future residents. It is considered to comply with requirements of policy DM1 of the adopted Maidstone Borough Local Plan.

Parking/Access/Highway safety implications

- 6.17 The proposed dwelling would make use of the existing vehicle access track serving the Court Lodge Farm complex. It would also benefit from the 3 parking spaces, private drive and vehicle turning area. I am therefore satisfied that the proposal would have adequate parking and turning facilities within the site. The additional vehicle movements associated with this property are not considered significant enough to object on highway safety grounds.

Landscaping

- 6.18 The proposed development would see the removal of a number of low quality trees located on the rear part of the site. The Landscape Officer considers the submitted tree survey, protection and removal plans acceptable and does not raise any objections on arboricultural grounds.
- 6.19 The submitted tree protection plan indicates the retention of the matured Lime tree close to the front boundary. With this considered, I am satisfied that an appropriate landscaping scheme can be achieved within this scheme and this would be secured by condition.

Other Matters

- 6.20 Foul sewage can be disposed via the mains sewer and surface water via a sustainable drainage system which would be secured by condition. Given the scale, nature and location of the site, no further details are required in terms of land contamination, flood risk and air quality.

- 6.21 The proposal represents an acceptable small scale windfall development which for the reasons set out above will not result in any material harm to the locality of the site and therefore considered to be acceptable. There would be no significant adverse impact on local services.
- 6.22 Objections have been raised on grounds that the proposals would result in harm to the amenities of the area as the main building at the site is currently in commercial use. The Town and Country Planning Use Classes Order (1987) (as amended), allows for a change from a Class C3 (Dwelling House) to Class C4 (House in Multiple Occupation) occupied by 3-6 people. An overriding planning objection to this proposal cannot be raised on these grounds.
- 6.23 Further comments have been received objecting to the proposal on grounds that there is no permission within the deeds for the use of the access track serving the complex by construction traffic. Matters relating to private interests are not material considerations that can be considered as part of this application.
- 6.24 The current proposal includes 3 dedicated off street parking and as such it would not exacerbate parking problems in the vicinity of the site. Therefore, there is justification in planning terms to permit this development.
- 6.25 The issues raised by Councillor Fay Gooch and the local residents have been addressed in the main body of this report.

7.0 CONCLUSION

- 7.01 This proposal is acceptable in terms of design and appearance, and there are no adverse impacts on the character, appearance and visual amenity of the locality generally. The proposals would not cause undue harm to the setting of the nearby grade II listed buildings and the Teston Conservation Area. It does not raise any overriding parking or highway safety issues.
- 7.02 Having assessed this submission against the requirements of SP17, SP18, SP23, DM3, DM1, DM4, DM8, DM11, DM12, DM23 and DM30 of the adopted Maidstone Borough Local Plan (2017) and provisions of the NPPF, I am satisfied that the proposed development is acceptable with respect to local and national planning policy. In the circumstances, it is recommended 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. Notwithstanding the information on the approved plans, no development shall take place until written details of samples of materials to be used in the construction of the external surfaces of the development hereby permitted have been submitted to and approved in writing by the Local Planning Authority. The details shall include cast aluminium rain water goods, aluminium windows, kent peg roof tiles, brick and mortar

masonry sample and either cedar or patinated copper as finishing surface for the front portico. The details shall also specify window sections show that the new windows are set back into the reveals – to create the depth in the elevations that is suggested on the planning drawings. The details of the material shall also include sparrow boxes/bricks incorporated into the development. The development shall be carried out in accordance with the approved details.

Reasons: In the interest of amenity and to ensure that the proposed development is satisfactorily integrated with its immediate surroundings.

3. The development hereby approved shall not be occupied until the access and parking areas shown on drawing no: 3124-003 Rev B, have first been provided. The approved access and parking areas shall be retained at all times thereafter with no impediment to their intended use.

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

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

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

5. Prior to occupation of the proposed new dwelling a minimum of one accessible electric vehicle charging point shall be installed and ready for use and in accordance with details that have previously been submitted to and approved in writing by the local planning authority that includes a programme for installation, maintenance and management with the points retained thereafter and maintained in accordance with the approved details.

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

6. Prior to any part of the development hereby approved reaching damp proof course a scheme for the disposal surface water (which shall in the form of a SUDS scheme) shall be submitted to and approved by the local planning authority. The development shall thereafter be undertaken in accordance with the approved details.

Reason: To ensure satisfactory drainage in the interests of flood prevention.

7. Before first occupation of the development hereby approved the boundary fencing specified in on the approved plans with reference number 3124-003 Rev B. A shall have been implemented and retained at all times thereafter to the satisfaction of the Local Planning Authority.

Reason: In the interests of amenity.

8. No development shall not commence until details of soft landscaping and hard landscape works which shall include the use of permeable block paving upon the front parking area and driveway area indicated on the approved plans with reference number 3124-003 Rev B, 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 first occupation of the building or land;

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

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

10. No development shall take place until the applicant, or their agents or successors in title, have secured the implementation of a watching brief to be undertaken by an archaeologist approved by the Local Planning Authority so that the excavation is observed and items of interest and finds recorded. The watching brief shall be in accordance with a written programme and specification 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.

11. Before first occupation, the first floor window opening on the east facing elevation of the development hereby approved (as shown on drawing no. 3124-005 Rev B) 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.

12. The development hereby permitted shall be carried out in strict accordance with the following approved plans/drawings received on 16 November 2017.

Plan/Drawing 3124 - 003 Rev B Site Plans
Plan/Drawing 3124 - 005 Rev B Elevations
Proposed Tree removal Plan
Proposed Tree Protection Plan

INFORMATIVES

- (1) It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under such legislation and common law. It is therefore important for the applicant to contact KCC Highways and Transportation to progress this aspect of the works prior to commencement on site.
- (2) The applicant is advised to carry out any work to vegetation that may provide suitable bird nesting habitats outside of the bird breeding season (bird breeding season is

March to August) to avoid destroying or damaging bird nests in use or being built. If vegetation needs to be removed during the breeding season then mitigation measures should be implemented during construction in order to protect breeding birds. This includes examination by an experienced ecologist prior to starting work and if any nesting birds are found during work, development must cease until after the juveniles have fledged.

- (3) Attention is drawn to Sections 60 & 61 of the COPA 1974 and to the Associated British Standard COP BS 5228: 2009 for noise control on construction sites. Statutory requirements are laid down for control of noise during works of construction and demolition and you are advised to contact the Environmental Health Team regarding noise control requirements.
- (4) The applicant is advised to carry out clearance and burning of existing woodland or rubbish without nuisance from smoke etc. to nearby residential properties.
- (5) The applicant is advised that in order to avoid nuisance to neighbours they should seek to only use plant and machinery used for demolition and construction between 0800 hours and 1900 hours on Mondays to Fridays and between 0800 hours and 1300 hours on Saturdays and at no time on Sunday and Bank Holidays.
- (6) The applicant is advised that in order to avoid nuisance to neighbours they should seek to allow Vehicles to arrive, depart, be loaded or unloaded within the general site between the hours of 0800 hours and 1900 Mondays to Fridays and 0800 to 1300 hours on Saturdays and at no time on Sundays and Bank Holidays.

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 17

THE MAIDSTONE BOROUGH COUNCIL **PLANNING COMMITTEE – 22nd February 2018**

APPEAL DECISIONS:

- 1. 15/501244/CHANGE** New access / change of use - Removal of boundary trees creating road access and siting of a storage container.
- APPEAL:** Enforcement notice upheld and planning permission refused.
- Land North Of Knole Farmhouse
Malling Road
Teston
Kent
ME18 5BH
- (Enforcement)
-
- 2. 16/506490** Erection of 4 no. one bedroom single storey dwellings on residential garden land.
- APPEAL:** Dismissed
- 37 - 39 West Street
Harrietsham
Kent
ME17 1HX
- (Committee)
-
- 3. 17/502300** Construction of new 4 bedroom dwelling house and detached garage.
- APPEAL:** Dismissed
- Hillside House
Sutton Valence Hill
Sutton Valence
Maidstone
Kent
ME17 3AR
- (Delegated)
-
- 4. 17/502444** New dwelling on existing office car park
- APPEAL:** Allowed
- 35 Albion Place

Maidstone
Kent
ME14 5DZ

(Appeal against Non-Determination)

5. 17/502849

Outline application (Access, Appearance, Layout and Scale being sought) for demolition of existing office building and erection of a terrace of 5 houses

APPEAL: Dismissed

Blake House
Peel Street
Maidstone
Kent
ME14 2SD

(Delegated)
