

PLANNING COMMITTEE MEETING

Date: Thursday 16 February 2023
Time: 6.00 pm
Venue: Town Hall, High Street, Maidstone

Membership:

Councillors Brindle, Cox, English, Harwood, Holmes, Kimmance, McKenna, Munford (Vice-Chairman), Perry, Spooner (Chairman), Trzebinski, D Wilkinson and Young

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

AGENDA

Page No.

1. Apologies for Absence
2. Notification of Substitute Members
3. Notification of Visiting Members
4. Items withdrawn from the Agenda
5. Any business the Chairman regards as urgent including the urgent update report as it relates to matters to be considered at the meeting
6. Disclosures by Members and Officers
7. Disclosures of lobbying
8. To consider whether any items should be taken in private because of the possible disclosure of exempt information.
9. Minutes of the meeting held on 19 January 2023 1 - 6
10. Presentation of Petitions (if any)
11. 20/501427/OUT - Land to rear of Kent Police Training School off St Saviour's Road, Maidstone, ME15 9DW 7 - 30
12. 19/503995/EIFUL - Land At Old Ham Lane, Lenham, Maidstone, Kent 31 - 93

Issued on Wednesday 8 February 2023
Over/:

Continued

Alison Broom

Alison Broom, Chief Executive

13.	22/502738/FULL - Upper Little Boy Court, Boy Court Lane, Headcorn, Kent, TN27 9LA	94 - 115
14.	22/501909/FULL - 3 Quarter Paddocks, Bletchenden, Road, Headcorn, TN27 9JB	116 - 132
15.	22/505834/FULL - Land To The West Of Rose Cottage, Charlton Lane, West Farleigh, Kent, ME15 0NT	133 - 142
16.	22/505206/FULL - 14 Charles Street, Maidstone, Kent, ME16 8ET	143 - 151
17.	22/505414/FULL - 2 Charlton Street, Maidstone, Kent, ME16 8LA	152 - 161
18.	22/503088/FULL - White Hart, Claygate, Marden, TN12 9PL	162 - 174
19.	22/503535/FULL - 101 Milton Street, Maidstone, Kent, ME16 8LD	175 - 184
20.	22/505382/FULL - Woodview, Lenham Road, Kingswood, Kent, ME17 1LU	185 - 203
21.	22/504241/FULL - Oakhurst, Stilebridge Lane, Marden, Tonbridge, Kent, TN12 9BA	204 - 212
22.	Appeals List	213 - 215

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 reports on the agenda, please refer to the public access pages on the Maidstone Borough Council website. Background documents are available for inspection; please follow this link:

<https://pa.midkent.gov.uk/online-applications/>

PUBLIC SPEAKING AND ALTERNATIVE FORMATS

In order to speak at the meeting, please call 01622 602899 or email committee@maidstone.gov.uk by 4 p.m. on Wednesday 15 February 2023. 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.

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

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MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON 19 JANUARY 2023

Present:

Committee Members:	Councillor Spooner (Chairman) and Councillors Brindle, Cooper, Cox, English, Harwood, Holmes, Kimmance, Munford, Perry, Trzebinski, D Wilkinson and Young
Visiting Members:	Councillor Mrs Gooch

182. APOLOGIES FOR ABSENCE

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

183. NOTIFICATION OF SUBSTITUTE MEMBERS

It was noted that Councillor Cooper was substituting for Councillor McKenna.

184. NOTIFICATION OF VISITING MEMBERS

Councillor Mrs Gooch indicated her wish to speak on the report of the Head of Development Management relating to 5003/2022/TPO (The Village Green, Church Street, Teston, Kent).

185. ITEMS WITHDRAWN FROM THE AGENDA

There were none.

186. URGENT ITEMS

The Chairman said that he intended to take the update report of the Head of Development Management and verbal updates as urgent items as they contained further information relating to the applications to be considered at the meeting.

187. DISCLOSURES BY MEMBERS AND OFFICERS

Councillor Munford said that, with regard to the report of the Head of Development Management relating to application 22/500119/FULL (Cliff House, Cliff Hill, Boughton Monchelsea, Maidstone, Kent), he was the Chairman of Boughton Monchelsea Parish Council. However, he had not participated in the Parish Council's discussions on the application and intended to speak and vote when it was considered.

188. DISCLOSURES OF LOBBYING

The following disclosures of lobbying were noted:

17.	22/500119/FULL – Cliff House, Cliff Hill, Boughton Monchelsea, Kent	Councillors Cox, English, Harwood, Holmes, Kimmance, Munford and D Wilkinson
19.	5003/2022/TPO – The Village Green, Church Street, Teston, Kent	Councillors Cox, English, Harwood, Holmes, Kimmance, Munford, Spooner and D Wilkinson

See Minute 193 below

189. EXEMPT ITEMS

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

190. MINUTES OF THE MEETING HELD ON 15 DECEMBER 2022

RESOLVED: That the Minutes of the meeting held on 15 December 2022 be approved as a correct record and signed.

191. PRESENTATION OF PETITIONS

There were no petitions.

192. DEFERRED ITEM

22/502738/FULL - ERECTION OF A TWO STOREY SIDE AND REAR EXTENSION WITH DETACHED GARAGE (RE-SUBMISSION OF 21/504328/FULL) - UPPER LITTLE BOY COURT, BOY COURT LANE, HEADCORN, ASHFORD, KENT

The Development Management Team Leader advised the Committee that amended plans had now been received and put out to re-consultation. It was hoped to report the application back to the next meeting of the Committee.

193. REPORT OF THE OVERVIEW AND SCRUTINY COMMITTEE - RECOMMENDED ACTIONS APPLICABLE TO THE PLANNING COMMITTEE ARISING FROM THE REVIEW INTO THE 'COUNCIL'S PERFORMANCE AGAINST THE WASTE AND RECYCLING STRATEGY 2018-2023'.

Councillor English, the Chairman of the Overview and Scrutiny Committee, introduced the report providing an outline of the Committee's review of the Council's performance against the Waste and Recycling Strategy 2018-2023 and the recommended actions arising from the review applicable to the Planning Committee. It was noted that the recommended actions related to Member training to ensure that waste collection and waste collection facilities are appropriately considered and the development of policy and application of conditions relating to waste collection facilities from commercial establishments that might generate high levels of waste.

The Committee supported the actions arising from the review insofar as they related to its remit.

RESOLVED: That the recommended actions applicable to the Planning Committee arising from the Overview and Scrutiny Committee's review of the Council's performance against the Waste and Recycling Strategy 2018-2023 be agreed.

Note: Councillor Trzebinski entered the meeting during consideration of this item (6.15 p.m.). He said that he had no disclosures of interest and that he had been lobbied on agenda items 17 and 19.

194. 5003/2022/TPO - T1 - SILVER BIRCH ON THE SOUTHERN BOUNDARY OF THE GREEN TO THE REAR OF THE PROPERTY KNOWN AS SYLVANER - THE VILLAGE GREEN, CHURCH STREET, TESTON, MAIDSTONE, KENT

The Committee considered the report of the Head of Development Management concerning provisional Tree Preservation Order (TPO) No. 5003/2022/TPO which was made to protect a Silver Birch tree on the southern boundary of the Village Green, Teston to the rear of the property known as Sylvaner. It was noted that:

- The Order was made in response to a Conservation Area notification to fell the tree and grind out the stump.
- The proposal and the amenity value of the tree had been assessed and the tree was found to merit the protection of a TPO based on its amenity contribution to the local landscape. The proposal was viewed as inappropriate arboricultural management, and it was considered expedient to make the tree the subject of a TPO.
- An objection had been received to the making of the Order from Teston Parish Council, the owner of the tree. The Officers considered that the reasons provided to support the objection were not based on arboricultural grounds and were not sufficient to outweigh the loss of a healthy mature tree.

Councillor Coulling of Teston Parish Council and Councillor Mrs Gooch (Visiting Member) addressed the meeting.

RESOLVED: That Tree Preservation Order No. 5003/2022/TPO be confirmed without modification.

Voting: 9 – For 3 – Against 1 – Abstention

195. 5004/2022/TPO - T1 - MULTI-STEMMED COMMON ASH ON THE SOUTH WEST BOUNDARY TO THE REAR OF THE PROPERTY KNOWN AS ST. CROSS, LINTON HILL, LINTON, MAIDSTONE, KENT - ST CROSS, LINTON HILL, LINTON, MAIDSTONE, KENT

The Committee considered the report of the Head of Development Management concerning provisional Tree Preservation Order (TPO) No. 5004/2022/TPO which was made to protect a multi-stemmed Ash tree on the southwest boundary to the rear of the property known as St Cross, Linton Hill, Linton Maidstone, Kent. It was noted that:

- The Order was made in response to a Conservation Area notification to remove the tree.

- The proposal and the amenity value of the tree had been assessed and the tree was found to merit the protection of a TPO based on its amenity contribution to the local landscape as well as within the wider context of the large number of Ash trees currently being lost to Ash dieback. The proposal was viewed as inappropriate arboricultural management, and it was considered expedient to make the tree the subject of a TPO.
- An objection had been received to the making of the Order from the landowner. The Officers considered that the reasons provided to support the objection were not based on arboricultural grounds and were not sufficient to outweigh the loss of a healthy mature tree.

The Democratic Services Officer read out a statement on behalf of Mr Cole, the landowner.

RESOLVED: That Tree Preservation Order No. 5004/2022/TPO be confirmed without modification.

Voting: 13 – For 0 – Against 0 - Abstentions

196. 22/500119/FULL - RETROSPECTIVE APPLICATION FOR THE CHANGE OF USE TO GARDEN LAND AND THE ERECTION OF 1NO. OUTBUILDING TO HOUSE HOME GYM WITH ASSOCIATED DECKING, PATIO AND HOT TUB AREA - CLIFF HOUSE, CLIFF HILL, BOUGHTON MONCHELSEA, MAIDSTONE, KENT

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

In introducing the application, the Development Management Team Leader advised the Committee that if Members were minded to grant permission, she wished to amend recommended condition 2 (i) (b) (Site Development Scheme – Landscaping) to require details of additional planting to reinforce any gaps.

The Democratic Services Officer read out a statement on behalf of Boughton Monchelsea Parish Council which was unable to be represented at the meeting.

Contrary to the recommendation of the Head of Development Management, the Committee agreed to refuse permission for the following summarised reasons:

1. The proposed change of use of agricultural land to residential garden would result in harm to the open countryside and the erosion of its undeveloped rural character. It would also result in the loss of best and most versatile (Grade 2) agricultural land. To permit the proposal would therefore be contrary to Policies SP17, DM1, DM30 and DM33 of the Maidstone Borough Local Plan 2017, the Central Government Planning Policy set out in the National Planning Policy Framework 2021 and Policy PWP5 of the Boughton Monchelsea Neighbourhood Plan.
2. The proposed outbuilding would be of excessive scale, particularly in terms of its length and width such that it would compete with, rather than respect, the host dwelling and its proposed position would spread the built development across the site eroding the openness of the countryside. To permit the proposal would therefore be contrary to Policies SP17, DM1, DM30

and DM32 of the Maidstone Borough Local Plan 2017, the design guidance set out in the Council's adopted Residential Extensions SPD, the Central Government Planning Policy set out in the National Planning Policy Framework 2021 and Policies RH7 and PWP5 of the Boughton Monchelsea Neighbourhood Plan.

RESOLVED: That permission be refused and that the Head of Development Management be given delegated powers to finalise the reasons for refusal, to include the key issues cited above.

Voting: 11 – For 1 – Against 0 - Abstentions

Note: Councillor Cooper left the meeting during consideration of this application (7.30 p.m.).

197. 22/501932/TPOA - NOTIFICATION OF WORKS TO TPOS (T1 LIME) - LIFT TO 1M ABOVE BREAK & THIN CROWN BY 15% AND (T2 PINE) - FELL - THE TRINITY FOYER, 20 CHURCH STREET, MAIDSTONE, KENT

The Committee considered the report of the Head of Development Management.

RESOLVED:

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

The amendment of condition 2 (Replacement Tree) to require that the replacement tree shall be a native species more suitable for the location; suitable species to include Beech (*Fagus sylvatica*) and Large or Small-Leaved Lime (*Tilia platyphyllos* or *Tilia cordata*); and

The amendment of the third informative to advise that all cordwood from the trunks of the trees should be retained on the site margins to replace what has been lost through natural decomposition.

2. That the Head of Development Management be given delegated powers to finalise the wording of the amended condition and informative.

Voting: 12 – For 0 – Against 0 – Abstentions

198. 22/505681/FULL - ALTERATIONS TO ROOF OF THE EXISTING SIDE/REAR EXTENSION - 44 HEATH ROAD, MAIDSTONE, KENT

The Committee considered the report of the Head of Development Management.

RESOLVED:

1. That permission be granted subject to the conditions set out in the report with an additional condition (Biodiversity Enhancements) to require a bat or bird box or bat tube.
2. That the Head of Development Management be given delegated powers to add, settle or amend any necessary planning conditions in line with the

matters set out in the recommendation and as resolved by the Planning Committee.

Voting: 12 – For 0 – Against 0 – Abstentions

199. 22/504023/LBC - LISTED BUILDING CONSENT FOR INSTALLATION OF A COMMUNICATION CABLE THROUGH THE SPIRE VENTS - MAIDSTONE CEMETERY CHAPEL, SUTTON ROAD, MAIDSTONE, KENT

The Committee considered the report of the Head of Development Management.

RESOLVED: That permission be granted subject to the conditions set out in the report with delegated powers given to the Head of Development Management to be able to settle or amend any necessary planning conditions in line with the matters set out in the recommendation and as resolved by the Planning Committee.

Voting: 12 – For 0 – Against 0 – Abstentions

200. APPEAL DECISIONS

The Committee considered the report of the Head of Development Management setting out details of appeal decisions received since the last meeting. It was noted that the appeal against the decision to refuse application 21/504879/FULL (2 Loddington Lane Cottages, Loddington Lane, Boughton Monchelsea, Maidstone, Kent) was allowed, not dismissed as set out in the report.

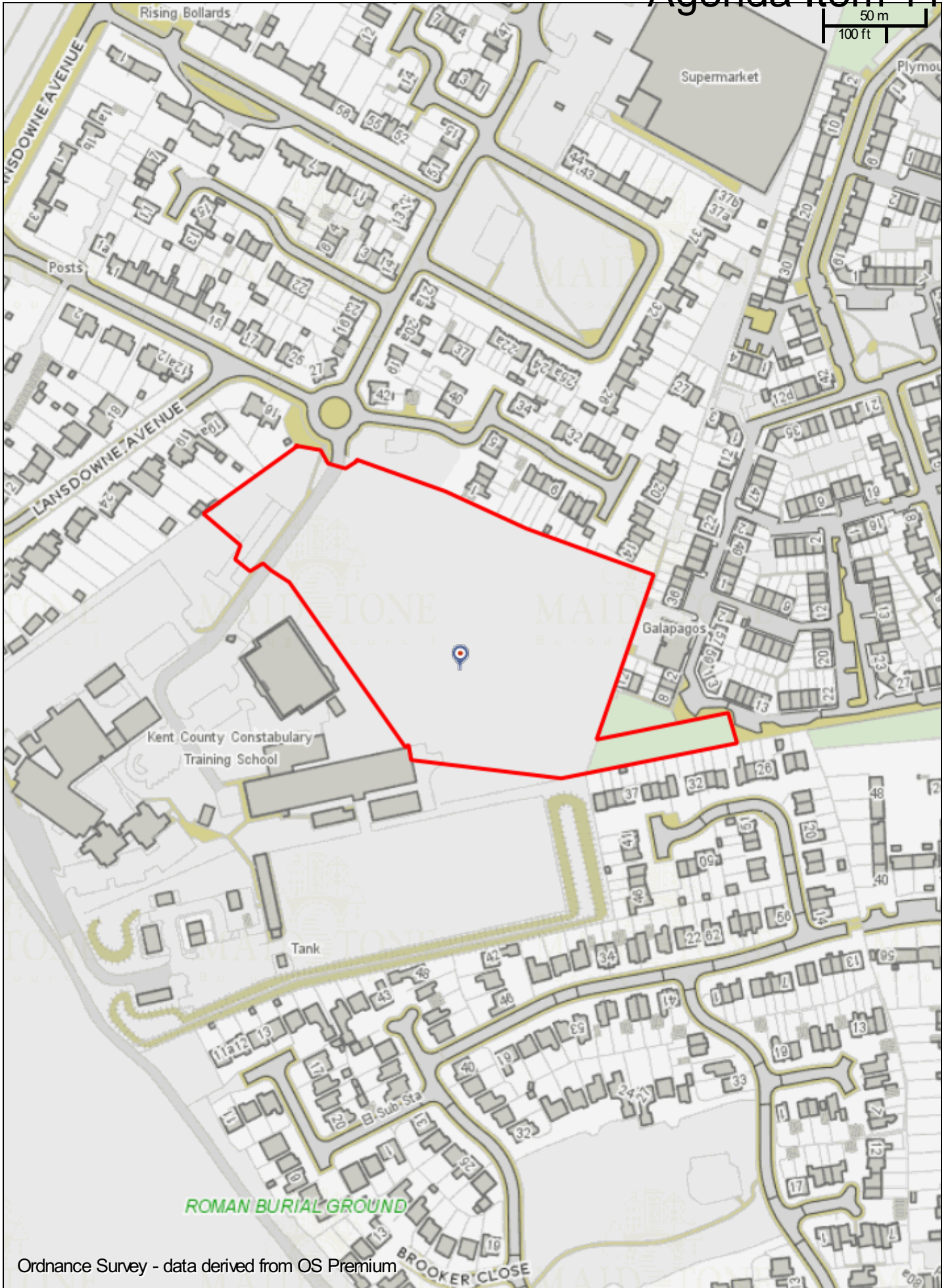
The Head of Development Management wished to emphasise the importance of materiality of previous appeal decisions and consistency in decision making.

RESOLVED: That the report be noted.

Note: Councillor Kimmance left the meeting during consideration of this item (8.20 p.m.).

201. DURATION OF MEETING

6.00 p.m. to 8.20 p.m.



Ordnance Survey - data derived from OS Premium

20/501427/OUT Land to rear of Kent Police Training School. Off St Saviours Road, Maidstone

Scale: 1:2500

Printed on: 17/5/2022 at 10:01 AM by JoannaW



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REPORT SUMMARY

REFERENCE NO: - 20/501427/OUT		
APPLICATION PROPOSAL: Outline planning application for residential development of up to 76 no. dwellings (all matters reserved except access).		
ADDRESS: Land to rear of Kent Police Training School off St Saviour's Road, Maidstone, KME15 9DW		
RECOMMENDATION: To set a specific deadline (23 March 2023) for the completion of the S106 which if not met, should result in a refusal of the application		
SUMMARY OF REASONS FOR RECOMMENDATION: Since July 2022, there has been limited progress on behalf of the applicant towards completion of the s106 legal agreement, the Heads of Terms of which was resolved at the 26 May 2022 Planning Committee. A supplementary recommendation for refusal is suggested if the s106 is not completed within a reasonable further period of time.		
REASON FOR REFERRAL TO COMMITTEE: Review of Planning Committee resolution to add a specific deadline (23 March 2023) for the completion of the S106 which if not met, should result in a refusal of the application.		
WARD: Park Wood	PARISH/TOWN COUNCIL: Boughton Monchelsea	APPLICANT: The Police And Crime Commissioner For Kent AGENT: DHA Planning
CASE OFFICER: Marion Geary	VALIDATION DATE: 21/04/20	DECISION DUE DATE: 31/03/23
ADVERTISED AS A DEPARTURE: NO		

Relevant Planning History

12/0987 : Outline application for residential development for up to 90 dwellings with associated development with all matters reserved for future consideration.
Approved 07.04.2017

MAIN REPORT

1. BACKGROUND

- 1.01 The completion of the s106 legal agreement has not progressed in a timely manner and it is considered necessary to set a specific deadline (23 March 2023) for the completion of the S106 which if not met, should result in a refusal of the application.
- 1.02 Originally, the Planning Committee of 16 December 2021 resolved to grant planning permission for this application subject to the prior completion of a legal agreement together with conditions and informatives.
- 1.03 In May 2021, the Government has introduced an affordable housing policy of First Homes. The Government allowed for a transition period so that applications undetermined when the policy changed would have a period of grace. The period of grace expired on 28 March 2022.
- 1.04 The s106 for this planning application was still outstanding at that date so the decision had not been issued within the period of grace. Therefore the application

was reported back to Planning Committee on 26 May 2022 to seek an amended resolution in which the tenure mix would be amended to include First Homes.

1.05 The previous reports and urgent updates are appended.

2. DISCUSSION

2.01 The s106 agreement was re-drafted in accordance with the 26 May 2022 Committee resolution and was sent to the applicant's solicitors on 7 June 2022. There was a short exchange with the applicants during June and July 2022 in regard of the phasing of the affordable housing with regard to market housing. Nothing further in terms of a response to the draft s106 was received since 20 July 2022, despite many requests.

2.02 Due to the long period of time in which the applicant and/or his solicitor did not engage in seeking to complete the s106, it is now therefore recommended that a reasonable final deadline date be set of 5 weeks from the Committee date (ie 23 March 2023). After this date, the application should be refused if the s106 agreement has not been completed by that date. This date will allow adequate time for the administration of the issuing of the decision notice before the currently agreed extension of time which is 31 March 2023.

2.03 In the absence of a legal agreement to secure the necessary on-site affordable housing contribution, the development would be contrary to policy SP20 of the Maidstone Local Plan which seeks to meet the net affordable housing needs of the Borough. It would also be contrary to NPPF which states that the needs of groups with specific housing requirements should be addressed and where a need for affordable housing is identified, planning policies should specify the type of affordable housing required, and expect it to be met on-site.

2.04 The absence of contributions towards Open Space at Queen Elizabeth Square play area and/or sport facilities at Pested Bars Open Space would be contrary to policy H1 (28) of the MBLP that required contributions towards improvements to Mangravet Recreation Ground, Queen Elizabeth Square play area, sports facilities at Parkwood Recreation ground or Mote Park Adventure Zone and additional on/off-site provision and/or contributions towards off-site provision/improvements as required in accordance with policy DM19, the objective of which is that high quality, publicly accessible open space can bring about opportunities for promoting social interaction and inclusion in communities and sports and recreation areas and facilities can contribute positively to the wellbeing and quality of those communities.

2.05 The absence of payment of monitoring fee for the Travel Plan will impact on the sustainability of the development, contrary to Policy DM 21 of the MBLP that requires development proposals to provide satisfactory Travel Plan. A Travel Plan need to be monitored to demonstrate it has influenced travel behaviour away from journeys by private car to more sustainable modes.

2.06 The applicant was made aware of this planning application being reported back to Planning Committee. However, rather than respond to the case officer or MKLS as is normal as part of the s106 negotiation, they indicated that they wish to address the Planning Committee direct with their comments on the terms of draft s106 agreement.

PUBLIC SECTOR EQUALITY DUTY

2.07 Due regard has been had to the Public Sector Equality Duty, as set out in Section 149 of the Equality Act 2010. It is considered that the application proposals would not undermine objectives of the Duty.

CIL

- 2.08 The proposed development is CIL liable. The Council adopted a Community Infrastructure Levy on 25 October 2017 and began charging on all CIL liable applications approved on and from 1 October 2018. The actual amount of CIL can only be confirmed once all the relevant forms have been submitted and relevant details have been assessed and approved. Any relief claimed will be assessed at the time planning permission is granted or shortly after.

3. RECOMMENDATION

The Head of Planning and Development BE DELEGATED POWERS TO GRANT planning permission subject to the prior completion of a legal agreement (including the Head of Planning and Development being able to settle or amend any necessary terms of the legal agreement in line with the matters set out in the recommendation resolved by Planning Committee) with the Heads of Terms AND the imposition of the conditions and informatives as resolved at the Planning Committee of 26 May 2022.

Or, if the legal agreement is not completed before 23 March 2023:

The Head of Planning and Development BE DELEGATED POWERS TO REFUSE planning permission for the following reason(s):

- 1) In the absence of a legal agreement to secure the necessary on-site affordable housing contribution, the development is contrary to the NPPF and to policy SP20 of the Maidstone Borough Local Plan which seek to meet the affordable housing needs of the Borough.
- 2) The absence of contributions towards off site Open Space would be contrary to policies H1 (28) and DM19 of the Maidstone Borough Local Plan 2017 which seek to ensure high quality, publicly accessible open space for communities.
- 3) The absence of payment of a monitoring fee for the Travel Plan will impact on the environmental sustainability of the development, contrary to Policy DM21 of the Maidstone Borough Local Plan 2017.

Case Officer: Marion Geary

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

REFERENCE NO - 20/501427/OUT		
APPLICATION PROPOSAL Outline planning application for residential development of up to 76 no. dwellings (all matters reserved except access).		
ADDRESS Land To Rear Of Kent Police Training School Off St Saviours Road Maidstone Kent ME15 9DW		
RECOMMENDATION Approved subject to conditions and a s106 legal agreement		
SUMMARY OF REASONS FOR RECOMMENDATION The application site is suitable for 76 dwellings at 35 dph as it is located within the urban confines of Maidstone, is allocated for residential development within the Local Plan under Policy H1 (28) and there was a recently expired outline planning permission for 90 units granted in 2017. The sports pitches being lost are not designated for sporting use in planning terms and are not secured for such a use through any agreement (planning or otherwise). The site is not available for use by the general public. This stance is consistent with the position taken when the recently expired outline planning permission was granted. There are limited views of the openness of the site from the public domain and so the visual impact is acceptable. Existing trees can be retained and impact on neighbouring TPO trees can be avoided. The site is sustainably located. There are no objections from KCC (H&T) to the proposal subject to a Travel Plan and s106 contributions to local highway improvements. On site Open Space could serve as semi natural habitat and amenity green space and financial contributions should be sought towards nearby Queen Elizabeth Square play area and Pested Bars Recreation Ground. A legal agreement can secure 30% affordable housing to accord with the SPD. Conditions can be imposed to ensure that matters such as noise mitigation, surface water drainage, ecology, biodiversity net gain, low carbon energy, lighting, air quality mitigation and archaeological interest are adequately dealt with at Reserved Matters Stage.		
REASON FOR REFERRAL TO COMMITTEE There is a significant level of local public interest.		
WARD Park Wood	PARISH/TOWN COUNCIL Boughton Monchelsea	APPLICANT The Police And Crime Commissioner For Kent AGENT DHA Planning
TARGET DECISION DATE 24/12/21		PUBLICITY EXPIRY DATE 29/11/21

Relevant Planning History

12/0987

Outline application for residential development for up to 90 dwellings with associated development with all matters reserved for future consideration.
Approved 07.04.2017

03/0826

Two storey extension to firing range and single storey extension to driver training school, as shown on dwg nos 92502.02, 03, 04 received on 24.04.03.
Approved 02.09.2003

95/0141

Regulation 3 application by KCC for new indoor firearms training range and additional car park. .

No Objection 02.03.1995

MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 The application site relates to an area of land approximately 2.2 hectares in area located at the Kent Police Training Centre which is open in nature and has private sports pitch laid out. There are existing trees on the northern and western boundaries and a smaller cluster of trees on the SE boundary.
- 1.02 The site is within the urban area of Maidstone. The site is an allocated site for 90 dwellings in the Maidstone Borough Local Plan H1(28).
- 1.03 There is a row of trees running along the north western and north eastern edges of the site and there are a few trees on the rear boundaries of neighbouring dwellings in Morris Close. There is a group of trees beyond the eastern boundary are covered by TPO 3 of 2008 Group of Trees G2 consisting of 19 Oak and 27 Pine.

2. PROPOSAL

- 2.01 The application is in outline form and for residential development up to 76 dwellings with access detailed but all other matters reserved for future consideration. The application was initially submitted showing an indicative 90 dwellings.
- 2.02 The vehicular access is the existing access road into the Kent Police Training Centre.
- 2.03 Approx 0.167ha of the site (approx. 8%) is indicated to be semi-natural and amenity green space.
- 2.04 The Transport Statement concludes that the site is sustainable and forthcoming highway improvements set to increase capacity and reduce congestion locally.
- 2.05 The agent has indicated that Kent Police are willing to enter into a Section 106 agreement to secure affordable housing (30%) and any justified financial contributions including off site highway works.

3. POLICY AND OTHER CONSIDERATIONS

Maidstone Borough Local Plan 2017: SP20; H1 (28); DM1, DM3, DM4, DM6, DM8, DM12, DM19, DM21, DM23,
Neighbourhood Plans: Boughton Monchelsea (made July 2021)
PWP 4: Provision for new housing development
RH 4: Housing allocations and phasing
RH 5B: Kent Police Training School
Kent Minerals and Waste Local Plan 2013-30 as amended by Early Partial Review (2020)
Supplementary Planning Documents: Public Art Guidance 2017; Affordable Housing
National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Maidstone Building for Life 12

4. LOCAL REPRESENTATIONS

Local Residents:

4.01 35 representations received from 24 local residents raising the following (summarised) issues

- Traffic
- Impact on highway safety
- Damage, noise and pollution by construction
- Housing in an area where residents will need to commute to work
- Buses unreliable so people will drive
- No local housing need
- Emergency access needed
- Outdated traffic reports
- Parking congestion on local roads
- Headlight nuisance
- Harm to Air Quality
- Adding to problems of inadequate parking due to "minimum" standards
- Overlooking
- Overshadowing including from proposed tree planting
- Flats and coach housing would be out of keeping
- Sewers cannot cope
- Loss of security/increased crime
- Noise, smells and activity.
- Loss of open view
- Anti-social behaviour
- Affordable housing could become unsightly and neglected.
- Tree loss
- Harm to wildlife habitat
- Density
- Local GPs, dentist and schools are oversubscribed
- Lack of play areas
- Noise bund needed for noise protection and enhance and connect the nature corridors around the Kent Police College
- Will prevent access to Training Centre by helicopters due to CAA regulations
- Loss of area for Police to get fit
- Will undermine the Training school's security
- Police should not be spending money making planning applications including ones that are not fully truthful
- Some residents were unaware of the previous planning permission.

1 letter of support to revised scheme:

- Prefer 2 storey properties moved away from our boundary, happier that the acoustic barriers will be used and the tree line will be thinned out and looked after instead of being overgrown and unkept by the police training college.

- 4.02 Issues such as Training Centre operational impact; financial motive of the Kent Police Estates in seeking planning permission; loss of open view; damage, noise and pollution by construction; that affordable housing could become unsightly and neglected are not material planning considerations and therefore cannot be taken into account in the determination of this application. The other matters raised by neighbours and other objectors are discussed in the detailed assessment below.

5. CONSULTATIONS

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

Boughton Monchelsea Parish Council:

- 5.01 Due to outline planning permission no objections but the development must have good space and density standards; renewable energy sources; EV charging points; exclusively native planting within any landscape plan; provision of swift and bee bricks, bat and bird boxes; wildlife friendly boundaries
- 5.02 Need control over routes and timings for construction traffic and measures to minimise noise and disturbance to existing residents. The vehicular gate at the corner of Pested Bars Road should be permanently closed to prevent inappropriate and unsafe use of the network of local country lanes.

KCC Highways

- 5.03 Initial Comments: No concerns on the access, or sustainability of the location. A Travel Plan and monitoring fee of £948 needed.
- 5.04 The proposals will generate 40 two-way movements (*combined arrivals and departures*) in the AM peak and 45 two-way movements in the PM peak. Over the course of a 12-hour day the proposals are anticipated to generate 391 two-way movements. Junction analysis:

A274, Sutton Road junction with St Saviours: additional local congestion would be created at this junction but limited additional delay is anticipated. However, the residual impact of this development is likely to be additional local traffic generation and some consequent increase in congestion, which the applicant cannot fully mitigate.

A274, Sutton Road junction with Queen Elizabeth Square: the junction is anticipated to continue to operate within capacity

A274, Sutton Road junction with A229, Loose Road (Wheatsheaf Junction): no excessive or unacceptable levels of delay following the implementation of KCC Highways strategic improvements and a contribution is needed in mitigation

A274, Sutton Road junction with Wallis Avenue and Willington Street: KCC Highways is continuing to explore options for the junction catering for the additional traffic from known committed developments.

- 5.05 Taking account of how conditions have worsened on this section of highway network since the original planning permission, KCC Highways require a financial contribution towards KCC Highways planned improvements along the A274, Sutton Road/A229 Loose Road corridor.
- 5.06 Conditions also requested, including on Construction Management.
- 5.07 Final Comments: Awaited and will be reported in an Urgent Update.

KCC Infrastructure

- 5.08 Noted that the development will be CIL liable but will still have an impact on County services that cannot be accommodated within existing capacity.

KCC (Waste and Minerals)

- 5.09 No objections

Kent Police

- 5.10 Subsequent details should include crime prevention measures and design.

Southern Water

- 5.11 No objections

KCC (Flood and Water Management)

- 5.12 Additional ground investigation will be required to support the use of infiltration.

KCC (Heritage)

- 5.13 The site of proposed application is situated in an area of Iron Age and particularly Romano-British activity. Needs geophysical survey followed by a phased programme of archaeological fieldwork and detailed mitigation.

MBC Parks and Open Spaces

- 5.14 Initial comments (90 units): no on-site open space indicated in the application, the location is underprovided for in terms of the open space typologies, natural, outdoor sport, allotments and play.

- 5.15 Final Comments: 76 residential dwellings and 0.167 of on-site open space requires £1,434.5 per property for off-site existing open space within a two-mile radius of the site.

MBC Environmental Protection

- 5.16 Noise mitigation will be required for future residents and suitable off-setting emission measures in the form of standard mitigation such as installation of Electric Vehicle charging points. Suggest attach a watching brief type of contaminated land condition and condition regarding any external lighting.

6. APPRAISAL

Main Issues

- 6.01 The key issues for consideration relate to:

- Principle of Development
- Visual Impact
- Highways
- Landscaping and Open Space

Principle of Development

- 6.02 The application site is located within the urban confines of Maidstone and is allocated for residential development within the Local Plan under Policy H1 (28) and Boughton Monchelsea Neighbourhood Plan and there was a recently expired outline planning permission for 90 units granted in 2017. Therefore, residential development of 76 units is acceptable in principle. This is at 35 dph so accords with Policy H1(28) which requires a medium density scheme.

Visual Impact

- 6.03 The site is open land and residential development would clearly have an impact visually on the site. However, the site is enclosed by the training school buildings and housing and so there are limited views of the openness of the site from the public domain.
- 6.04 The negotiated reduction in the number of dwellings should reduce the impact of the development on the locality compared to the previous planning permission. It is the access area which is indicated to form most of the open space of the layout and so the overall visual impact from the surrounding area is further reduced. This element of the indicated layout will need to be secured by condition so that it is reflected in any subsequent RM application.
- 6.05 The site encompasses elements of soft landscaping, particularly along the north-western and north-eastern boundaries where the majority of existing hedgerows and trees should be retained by imposition of condition. The reduction in number of dwellings will allow more space to the NE boundaries to better ensure long term retention of the trees by reducing pressure from units sited too closely to their canopies.
- 6.06 The introduction of development into this site would not in itself cause significant harm to the character of the area but the detail and the pattern and heights of the development would need careful consideration at the RM stage.

Highways

- 6.07 Policy DM21 refers to the assessment of the transport impacts of development. The site is sustainably located, ensuring any future occupiers can access services and public transport within a short distance
- 6.08 As the access road already exists, it is considered suitable for the site and proposed development. Parking can be provided in accordance with relevant standards and comply with policy DM23.
- 6.09 There are no objections to the principle of the development from KCC (H&T) subject to payment of contributions for local highway improvements to mitigate the impact.
- 6.10 The adopted policy H1(28) requires the following:
5. *Bus prioritisation measures on the A274 Sutton Road from the Willington Street junction to the Wheatsheaf junction, together with bus infrastructure improvements.*
 6. *Improvements to capacity at the junctions of Willington Street/Wallis Avenue and Sutton Road.*
 7. *Package of measures to significantly relieve traffic congestion on Sutton Road and Willington Street.*
 8. *Improvements to capacity at the A229/A274 Wheatsheaf junction.*
 9. *Improvements to frequency and/or quality of bus services along A274 Sutton Road corridor.*
- 6.11 The s106 of the expired planning permission secured £3000.00 (index linked) per dwelling towards Highway capacity improvements at Loose Road /Sutton Road and Town Centre Bridge gyratory. No public transport improvements were secured in that s106.

- 6.12 KCC now say that contributions are required towards improvements to capacity at the junctions of Willington Street/Wallis Avenue and Sutton Road and towards KCC Highways planned improvements along the A274, Sutton Road/A229 Loose Road corridor. These are off site highway improvements are necessary to make the specific development acceptable and so should be included in a s106 legal agreement. The amount needed is now £3600 per dwelling
- 6.13 The public transport requirements of the MBLP also need to be included in the s106 to ensure compliance with H1(28). The s106 would need to be drafted to ensure the prospect of a repayment of unspent funds if such measures referred to are not progressed within a reasonable period of time

Landscaping and Open Space

- 6.14 Based on the changes secured to the indicated layout and reduction in the numbers to a maximum of 76, I am satisfied that adequate tree retention can be secured at RM stage and thereby accords with policy DM3.
- 6.15 The adopted plan policy H1 (28) required contributions towards improvements to Mangravet Recreation Ground, Queen Elizabeth Square play area, sports facilities at Parkwood Recreation ground or Mote Park Adventure Zone and additional on/off-site provision and/or contributions towards off-site provision/improvements as required in accordance with policy DM19.
- 6.16 In terms of this site, it is relatively near to existing play areas so one is not necessarily needed on site. The indicative layout shows 0.167ha (0.4acre) of Open Space which could serve both a semi natural habitat and amenity green space which as detailed above, adequately assists in placemaking of the scheme.
- 6.17 As mentioned above, Policy RH 5B of the very recently adopted Neighbourhood Plan requires contributions are made to the provision and/or improvement of local play and open space facilities. It is considered that contributions should be sought towards Queen Elizabeth Square play area as that is conveniently walkable from the application site and also to Pested Bars Recreation Ground which is also close to the application site and lies in Boughton Monchelsea Parish. As the requirement for the contribution derives from the Neighbourhood Plan, the PC should be involved in developing projects on which the contribution will be spent.

Other Matters

- 6.18 Building for Life 12: the scheme is in outline so most of the criteria will be considered at Reserved Matters stage but the site scores well in terms of proximity to facilities and services and public transport and connections to the surroundings.
- 6.19 Species protection involving more up to date ecological surveys and mitigation measures and Biodiversity Net Gain can both be secured by condition to comply with policy DM3 of the MBLP and low carbon energy can also be required by condition. An ecological lighting condition is also suggested to accord with policies DM8 and DM3 and an air quality mitigation condition would secure the objectives of policy DM6.
- 6.20 Archaeological interest can be secured by condition to comply with policy DM4.
- 6.21 Residential amenity is mentioned in many of the objections and often this relates to the indicative layout plan. The application is in outline with only access submitted for approval at this stage and so residential amenity in terms of privacy, outlook and loss of natural daylight or sunlight would be looked subsequently in accordance with policy DM1 of the MBLP. I am satisfied that 76 dwellings have been demonstrated to be achievable without unacceptable impact on amenities of properties neighbouring the site.

- 6.22 The line of the noise mitigation bund/fence and its relationship with the site is now clearly indicated in the layout drawing and it is envisaged that this will take the form of a 2m high acoustic fence atop a 2m high gabion wall, both with climbing vegetation. The indicative layout shows that there is scope for an acceptable juxtaposition of the 4m high structure with the dwellings and private gardens to avoid it being overbearing or causing too much loss of light to ensure compliance with policy DM1 of the MBLP.
- 6.23 Affordable housing policy SP20 requires 30% affordable housing at this urban location which the applicant will provide to a tenure and mix that meets local needs in accordance with the SPD, and this can be secured by legal agreement.
- 6.24 The site is over 50 units/1ha and MBC's Public Art Guidance 2017 would require a spend of £3 per sq metre of gross internal floor area on the provision of public art on site.
- 6.25 Health, Education and KCC services needs are now CIL funded forms of infrastructure.
- 6.26 In terms of the PC request for the vehicular gate at the corner of Pested Bars Road should be permanently closed it is not considered that such a requirement would meet the legal test of being sufficiently related to the development being applied for. It can however be the subject of an informative.
- 6.27 The request of the PC for planning control of routes and timings for construction traffic to minimise noise and disturbance to existing residents is not considered to be justified as Environmental Protection legislation is a more appropriate and reactive control of this matter.
- 6.28 KCC also asked for a Construction Management condition. In my view, it is not appropriate here with the site being close to the strategic highway network and capable of having enough space on site to accommodate all operatives and wheel washing etc but can be the subject of an informative.

CIL

- 6.29 The proposed development is CIL liable. The Council adopted a Community Infrastructure Levy on 25 October 2017 and began charging on all CIL liable applications approved on and from 1 October 2018. The actual amount of CIL can only be confirmed once all the relevant forms have been submitted and relevant details have been assessed and approved, nevertheless, a development of this scale would be likely to generate a significant CIL receipt towards infrastructure, 25% of which would be paid to the Parish Council. Any relief claimed will be assessed at the time planning permission is granted or shortly after.

PUBLIC SECTOR EQUALITY DUTY.

- 6.30 Due regard has been had to the Public Sector Equality Duty, as set out in Section 149 of the Equality Act 2010. It is considered that the application proposals would not undermine objectives of the Duty.

7. CONCLUSION

- 7.01 The application site is suitable for 76 dwellings at 35 dph as it is located within the urban confines of Maidstone, is allocated for residential development within the Local Plan under Policy H1 (28) and there was a recently expired outline planning permission for 90 units granted in 2017.

- 7.02 The sports pitches being lost are not designated for sporting use in planning terms and are not secured for such a use through any agreement (planning or otherwise). The site is not available for use by the general public. This stance is consistent with the position taken when the recently expired outline planning permission was granted.
- 7.03 There are limited views of the openness of the site from the public domain and so the visual impact is acceptable. Existing trees can be retained and impact on neighbouring TPO trees can be avoided.
- 7.04 The site is sustainably located. There are no objections from KCC (H&T) to the proposal subject to a Travel Plan and s106 contributions to local highway improvements.
- 7.05 On site Open Space could serve as semi natural habitat and amenity green space and financial contributions should be sought towards nearby Queen Elizabeth Square play area and Pested Bars Recreation Ground.
- 7.06 A legal agreement can secure 30% affordable housing to accord with the SPD.
- 7.07 Conditions can be imposed to ensure that matters such as noise mitigation, surface water drainage, ecology, biodiversity net gain, low carbon energy, lighting, air quality mitigation and archaeological interest are adequately dealt with at Reserved Matters Stage.

8. RECOMMENDATION

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

- the prior payment of s106 monitoring fees of £4,500
- Travel Plan Monitoring Fee of £948
- Affordable Housing at 30%
- £1,434.5 per dwelling towards Open Space at Queen Elizabeth Square play area and/or sport facilities at Pested Bars Open Space, to be spent in liaison with Boughton Monchelsea PC.
- £3600 per dwelling towards:
 - Improvements to capacity at the junctions of Willington Street/Wallis Avenue and Sutton Road and to KCC Highways planned improvements along the A274, Sutton Road/A229 Loose Road corridor.
 - Package of measures to significantly relieve traffic congestion on Sutton Road and Willington Street.
 - Bus prioritisation measures on the A274 Sutton Road from the Willington Street junction to the Wheatsheaf junction, together with bus infrastructure improvements.
- Improvements to frequency and/or quality of bus services along A274 Sutton Road corridor

and the imposition of the conditions as set out below:

- 1) The development shall not commence until approval of the following reserved matters has been obtained in writing from the Local Planning Authority:

- a) Layout, b) Scale; c) Appearance; d) Landscaping.
Application for approval of the reserved matters shall be made to the Local Planning Authority before the expiration of three years from the date of this permission.
The development hereby permitted shall be begun before the expiration of two years from the date of approval of the last of the reserved matters to be approved;
Reason: No such details have been submitted and in accordance with the provisions of Section 92 of the Town and Country Planning Act 1990.
- 2) No dwelling shall be occupied unless it aligns with the delivery of the necessary sewerage infrastructure in accordance with a foul drainage phasing strategy that shall have been submitted to and approved by the Local Planning Authority.
Reason: To accord with Policy RH 5B of the Boughton Monchelsea Neighbourhood Plan.
- 3) The details submitted pursuant to condition 1 above shall provide for the following:
- i) Retention of the tree screen along the northern boundary at least 3m wide that shall lie outside private garden boundaries.
 - ii) Provision of a landscaped buffer to supplement the tree screens along the northern boundary.
 - iii) An updated arboricultural implications assessment and tree protection plan to reflect the proposed details of layout.
- i) An Arboricultural Method Statement in accordance with the current edition of BS 5837
- ii) Open Spaces of a size, function and location as those indicated on drawing DHA/14082/03 Rev C (Open Space Plan).
- Reason: To ensure a satisfactory appearance and setting to the development and adequate on-site Open Space.
- 4) All existing trees and hedges on, and immediately adjoining, the site, shall be retained, unless identified on the approved site plan (or block plan in the absence of a site plan) as being removed, except if the Local Planning Authority gives prior written consent to any variation. All trees and hedges shall be protected from damage in accordance with the current edition of BS5837. Any trees or hedges removed, damaged or pruned such that their long term amenity value has been adversely affected shall be replaced as soon as is reasonably practicable and, in any case, by not later than the end of the first available planting season, with plants of such size and species and in such positions to mitigate the loss as agreed in writing with the Local Planning Authority.
Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development
- 5) The development hereby approved shall not commence above slab level until a landscape scheme predominantly of native or near native planting and designed in accordance with the principles of the Council's Landscape Character Guidance has been submitted to and approved in writing by the local planning authority. The scheme shall show all existing trees, hedges and blocks of landscaping on, and immediately adjacent to, the site and indicate whether they are to be retained or removed, provide details of on-site replacement planting to mitigate any loss of amenity and biodiversity value together with the location of any habitat piles and include a planting specification, a programme of implementation and a 5 year management plan.

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

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

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

- 7) The details required by Condition 1 shall demonstrate that requirements for surface water drainage for all rainfall durations and intensities up to and including the climate change adjusted critical 100-year storm can be accommodated within the proposed development layout.

Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water and that they are incorporated into the proposed layouts.

- 8) Development shall not commence until a detailed sustainable surface water drainage scheme for the site has been submitted to and approved by the local planning authority. The detailed drainage scheme shall be based upon the Flood Risk and Drainage Assessment dated 17th February 2020 and shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100-year storm) can be 2 accommodated and disposed of within the curtilage of the site without increase to flood risk on or off-site. The drainage scheme shall also demonstrate (with reference to published guidance):

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

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

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

- 9) No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority. The Report shall demonstrate the suitable modelled operation of the drainage system where the system constructed is different to that approved. The Report shall contain information and evidence (including photographs) of details

and locations of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing, and the submission of an operation and maintenance manual for the sustainable drainage scheme as constructed.

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

- 10) The approved details of the access point to the site shall be completed before the commencement of the use of the relevant land or buildings hereby permitted and, any approved sight lines shall be retained free of all obstruction to visibility above 1.0 metres thereafter.

Reason: In the interests of highway safety.

- 11) The details submitted pursuant to condition 1 shall include details of cycle parking and vehicle parking/turning areas and these shall be completed as approved before the first occupation of the related buildings hereby permitted and shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order, with or without modification) or not, shall be carried out on the areas indicated or in such a position as to preclude vehicular access to them.

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

- 12) The development shall not reach damp proof course level until written details and photographs of samples of the materials to be used in the construction of the external surfaces of any buildings and hard surfaces have been submitted to and approved by the Local Planning Authority and the development shall be constructed using the approved materials.

Reason: To ensure a satisfactory appearance to the development.

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

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

- 14) Above ground construction work on the approved buildings 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 and retained thereafter.

Reason: To ensure a satisfactory appearance to the development and in the interests of residential amenity.

- 15) The details submitted pursuant to Condition 1 shall show noise mitigation to be carried out in accordance with the acoustic report carried out by Loven Acoustics (ref LA/1683/01R/ML dated November 2019) and the drawing DHA/14082/06 (Noise Bund) hereby approved including details of which plots require the mitigation measures.

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

- 16) No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of:
- (i) archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and
 - (ii) following on from the evaluation, any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority
- Reason: To ensure that features of archaeological interest are properly examined and recorded, and that due regard is had to the preservation in situ of important archaeological remains.
- 17) If, during development, contamination not previously identified is found to be present at the site then no further development (unless otherwise agreed in writing with the Local Planning Authority) shall be carried out until the developer has submitted and obtained approval from the Local Planning Authority for a remediation strategy detailing how this unsuspected contamination shall be dealt with. The remediation strategy shall be implemented as approved, verified and reported. Upon completion of the building works, this condition shall not be discharged until a verification report has been submitted to and approved in writing by the Local Planning Authority. The verification report shall include details of;
- a) Details of any sampling and remediation works conducted and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology.
 - b) Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the verification report together with the necessary documentation detailing what waste materials have been removed from the site.
 - c) If no contamination has been discovered during the build then evidence (e.g. photos or letters from site manager) to show that no contamination was discovered should be included.
- Reason: There is always the potential for unexpected contamination to be identified during development groundworks.
- 18) No external lighting shall be installed until a detailed lighting design plan for biodiversity has been submitted to and approved in writing by the Local Planning Authority. This scheme shall take note of and refer to the Institute of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Lighting, GN01, dated 2005 (and any subsequent revisions) and shall include a layout plan with beam orientation and a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles) and an ISO lux plan showing light spill. The scheme of lighting shall be installed, maintained and operated in accordance with the approved scheme unless the Local Planning Authority gives its written consent to any variation.
- Reason: In the interests of biodiversity and amenity.
- 19) There shall be no occupation until a scheme for the provision of a Travel Plan, to reduce dependency on the private car, has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include objectives and

modal-split targets, a programme of implementation and provision for monitoring, review and improvement. Thereafter, the Travel Plan shall be put into action and adhered to throughout the life of the development, or that of the Travel Plan itself, whichever is the shorter.

Reason: In the interests of sustainability.

- 20) No development shall commence until a scheme detailing and where possible quantifying what measures or offsetting schemes are to be included in the development which will reduce the transport related air pollution of the development during construction and when in occupation. The report should be submitted to and approved by the Local planning authority and the development shall be carried out in accordance with the approved details.

Reason: In the interests of air quality. This information is required prior to commencement to ensure that any impact on air quality during the construction phase is considered.

- 21) The development shall not commence above slab level until details of how decentralised and renewable or low-carbon sources of energy will be incorporated into the development hereby approved have been submitted to and approved by the local planning authority. Measures shall include EV charging points to each dwelling. The approved details shall be installed prior to first occupation and maintained thereafter. Any PV panels installed shall be flush with the roof tiles and any that become defective shall be replaced as soon as is reasonably practicable.

Reason: In the interests of sustainable and energy efficient form of development

- 22) The details submitted pursuant to Condition 1 shall be accompanied by updated ecological surveys including any required mitigation and enhancement measures to improve biodiversity and shall be implemented as approved.

Reason: To ensure a satisfactory appearance and setting to the development and in the interests of biodiversity protection and enhancement.

- 23) The development hereby approved shall not commence above slab level until details of a scheme for biodiversity net gain of at least 10% on the site have been submitted to and approved in writing by the Local Planning Authority. The scheme shall consist of the enhancement of biodiversity through integrated methods (such as swift bricks, bat tubes and bee bricks) and through the provision within the site (such as bird boxes, bat boxes, bug hotels, log piles, wildflower planting and native hedgerow corridors) and use of hedgehog friendly boundary treatments. The development shall be implemented in accordance with the approved details prior to first occupation and all features shall be retained thereafter.

Reason: To enhance the ecology and biodiversity on the site

- 24) No development shall take place until details of measures to minimise the risk of crime have been submitted to and approved in writing by the Local Planning Authority. The scheme shall accord with the principles and physical security requirements of Crime Prevention Through Environmental Design (CPTED) The approved measures shall be implemented before the development is occupied and thereafter retained.

Reason: To minimise the risk of crime in the light of the adjacent land uses.

- 25) The details submitted pursuant to Condition 1 shall include details of facilities for the storage of refuse on the site and the approved facilities shall be provided before the first occupation of the dwellings hereby approved and maintained thereafter.

Reason: No such details have been submitted and in the interest of amenity

- 26) Prior to the first occupation, a scheme and timetable for the provision of Public Art in accordance with Maidstone Borough Council's Public Art Guidance 2017 shall be submitted to and approved by the Local Planning Authority. Should a piece of artwork be commissioned, it shall be installed thereafter as approved.

Reason: To provide cultural benefits

- 27) No development above slab level shall take place until a site-wide landscape and ecological management plan (LEMP), including timetable for implementation, long term design objectives, management responsibilities and maintenance schedules for all landscaped, open space, and drainage areas, but excluding privately owned domestic gardens, has been submitted to and approved in writing by the local planning authority. Landscape and ecological management shall be carried out in accordance with the approved plan and its timetable unless the local planning authority gives written consent to any variation. The management plan must clearly set out how the habitat and enhancement features will be managed in the long term. The management plan must include the following:

- a) Details of the habitats to be managed
- b) Overview of the proposed management
- c) Timetable to implement the management
- d) Details of who will be carrying out the management
- e) Details of on-going monitoring.
- f) Details of the management regime for retained and new areas of rough/tussocky grassland

The management plan must be implemented as approved.

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

INFORMATIVES

- 1) The Parish Council requests that the vehicular gate at the corner of Pested Bars Road should be permanently closed to prevent inappropriate and unsafe use of the network of local country lanes.
- 2) All Electric Vehicle chargers provided for homeowners in residential developments must be provided to Mode 3 standard (providing up to 7kw) and SMART (enabling Wifi connection) as in the Office for Low Emission Vehicles Homecharge Scheme approved chargepoint model list.
- 3) You are encouraged to devise a Construction Management Plan before the commencement of any development on site to include the following:
 - Routing of construction and delivery vehicles to / from site
 - Timing of deliveries
 - Temporary traffic management / signage
 - Before and after construction of the development, highway condition surveys for highway access routes should be undertaken and a commitment

- provided to fund the repair of any damage caused by vehicles related to the development.
- Provision of construction vehicle loading/unloading and turning facilities prior to commencement of work on site and for the duration of construction.
 - Provision of parking facilities for site personnel and visitors prior to commencement of work on site and for the duration of construction.
 - Provision of measures to prevent the discharge of surface water onto the highway.
 - Provision of wheel washing facilities prior to commencement of work on site and for the duration of construction.
- 4) A Code of Construction Practice should be carried out in accordance with the approved Code of Construction Practice and BS5228 Noise Vibration and Control on Construction and Open Sites and the Control of dust from construction sites (BRE DTi Feb 2003). The code shall include:
An indicative programme for carrying out the works
Measures to minimise the production of dust on the site(s)
Measures to minimise the noise (including vibration) generated by the construction process to include the careful selection of plant and machinery and use of noise mitigation barrier(s)
Maximum noise levels expected 1 metre from the affected façade of any residential unit adjacent to the site(s)
Design and provision of site hoardings
Measures to manage the production of waste and to maximise the re-use of materials
Measures to minimise the potential for pollution of groundwater and surface water
The location and design of site office(s) and storage compounds
The location of temporary vehicle access points to the site(s) during the construction works
The arrangements for public consultation and liaison during the construction works
- 5) Attention is drawn to Sections 60 & 61 of the COPA 1974 and to the Associated British Standard COP BS 5228: 2009 for noise control on construction sites. Statutory requirements are laid down for control of noise during works of construction and demolition and you are advised to contact the Environmental Health Manager regarding noise control requirements.
- 6) The developer will be required to produce a Site Waste Management Plan in accordance with Clean Neighbourhoods and Environment Act 2005 Section 54. This should be available for inspection by the Local Authority at any time prior to and during the development.
- 7) There must be no direct discharge to groundwater, a controlled water. An unsaturated zone must be maintained throughout the year between the base of soakaways and the water table.

Case Officer: Marion Geary

Urgent Update: Planning Committee 16 December 2021**Item14 Pages 20 - 36****Land To Rear Of Kent Police Training School Off St Saviours Road, Maidstone****APPLICATION: 20/501427/OUT**

1. As per the main agenda report, close to the site is a Police owned gate which gives access to Pested Bars Road and is understood to be used for access to rural lanes in Boughton Monchelsea Parish hence the PC is concerned that it results in rat-running (including use to access local schools) using inappropriate narrow single track roads with sharp turns/junctions giving poor visibility

The Police have been made aware of the request of the PC and have replied that they are agreeable to a planning condition.

However, a planning condition to require the gate to be kept closed to non-police traffic would need to satisfy legal tests which include necessity and the request being relevant to the development being permitted.

In this regard KCC (H&T) have advised that they would be supportive of Kent Police offering up to close the gate but could not insist on the closure of the gate on highway safety grounds as there is no evidence that the development of 76 dwellings at the site would materially worsen the situation on the rural lanes compared to what happens currently.

It should also be borne in mind that a planning condition in itself would not necessarily secure the imminent closure of the gate as a condition only has to be complied with when and if a planning permission is implemented and would have to have a reasonable trigger of say, first occupation.

It is not recommended that the Informative 1 becomes a planning condition.

2. The Heads of Terms recommended for the s106 legal agreement includes a request from KCC (H&T) for contributions towards highway and public transport improvements as per Policy H1(28).

However, this has been reviewed from a legal point of view in the light of the development being CIL-liable which was not the case when 12/0987 was granted. It is considered that the schemes are not finalised/agreed and are also inadequately specific to the development site to qualify for s106 funding. They are more strategic and thus should be funded by CIL or other appropriate sources of infrastructure funding.

This approach would be consistent to the one at Otham where similar highway improvements were determined to be CIL matters.

The recommendation is amended as follows:

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

- the prior payment of s106 monitoring fees of £3,000
- Travel Plan Monitoring Fee of £948
- Affordable Housing at 30%
- £1,434.5 per dwelling towards Open Space at Queen Elizabeth Square play area and/or sport facilities at Pested Bars Open Space, to be spent in liaison with Boughton Monchelsea PC

and

Conditions and Informatives as per main agenda.

REFERENCE NO - 20/501427/OUT		
APPLICATION PROPOSAL Outline planning application for residential development of up to 76 no. dwellings (all matters reserved except access).		
ADDRESS Land To Rear Of Kent Police Training School Off St Saviours Road Maidstone Kent ME15 9DW		
RECOMMENDATION Pending S106		
SUMMARY OF REASONS FOR RECOMMENDATION The draft S106 to be amended to comply with current Government Policy to include the tenure of First Homes.		
REASON FOR REFERRAL TO COMMITTEE Significant changes to the previously Committee resolution regarding Affordable Housing are necessary due a change in Government policy related to requiring First Homes and expiry of the transitional arrangements.		
WARD Park Wood	PARISH/TOWN COUNCIL Boughton Monchelsea	APPLICANT The Police And Crime Commissioner For Kent AGENT DHA Planning
CASE OFFICER: Marion Geary	VALIDATION DATE: 21.04.2020	DECISION DUE DATE: 30.06.2022
ADVERTISED AS A DEPARTURE: NO		

Relevant Planning History

12/0987

Outline application for residential development for up to 90 dwellings with associated development with all matters reserved for future consideration.

Approved 07.04.2017

1. BACKGROUND

1.01 The Planning Committee of 16 December 2021 resolved to grant planning permission for the application subject to the prior completion of a legal agreement, and conditions and informatives.

1.02 For affordable housing, the resolution was simply that 30% affordable housing should be provided in accordance with the broad mix set out in affordable housing policy SP20. However, this did not include any First Homes as required by the National Planning Policy Framework (NPPF) as, at that time, there was a transition period in operation, whereby the First Homes requirements did not apply to the application. However, this transition period has expired and the s106 remains outstanding.

1.03 The previous report and urgent update are appended.

2. DISCUSSION

2.01 The Government's policy requirement for "First Homes" was included in a Written Ministerial Statement that came into force on 28 June 2021. Transitional arrangements allowed for new full or outline planning permissions determined before 28 December 2021 to be exempt and also those determined before 28 March 2022 where there has been significant pre-application engagement.

- 2.02 First Homes are the Government's preferred discounted market tenure and should account for at least 25% of all affordable housing units delivered by developers through planning obligations. The NPPG advises that once a minimum of 25% of First Homes has been accounted for, Social Rent should be delivered in the same percentage as set out in the local plan. The remainder of the affordable housing tenures should be delivered in line with the proportions set out in the local plan policy, with, initially the level of social rent being protected, with the exception that another Government requirement in paragraph 65 of the NPPF is that 10% of the total number of houses in any major development should be "affordable routes to home ownership".
- 2.03 The applicants' solicitors have not yet formally responded to the draft legal agreement and therefore no decision has been issued on or before 27 March 2022 which was the final date of the transitional period. I am of the view that there is now a requirement for the legal agreement to be redrafted to secure First Homes.
- 2.04 The planning permission would be for up to 76 units. If for example, 76 dwellings were proposed at RM stage, this would result in 23 affordable housing units of which:
- First Homes = 6 (25% of 23)
 - Intermediate Rent to Buy or Shared Ownership = 2 (to secure the overall 10% requirement of 8)
 - Social Rent= 15
- 2.05 For this permission, there is no net impact on the number of Social Rent units: under Policy SP20 and applying the 10% rule, the 30:70 requirement would have been:
- Intermediate Rent to Buy or Shared Ownership = 8
 - Social Rent= 15

PUBLIC SECTOR EQUALITY DUTY

- 2.06 Due regard has been had to the Public Sector Equality Duty, as set out in Section 149 of the Equality Act 2010. It is considered that the application proposals would not undermine objectives of the Duty.

RECOMMENDATION

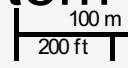
The Head of Planning and Development BE DELEGATED POWERS TO GRANT planning permission subject to the prior completion of a legal agreement to provide the following (including the Head of Planning and Development being able to settle or amend any necessary terms of the legal agreement in line with the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

- the prior payment of s106 monitoring fees of £3060
- Travel Plan Monitoring Fee of £948 ((indexed from 16.12.21)
- £1,434.5 per dwelling (indexed from 16.12.21) towards Open Space at Queen Elizabeth Square play area and/or sport facilities at Pested Bars Open Space, to be spent in liaison with Boughton Monchelsea PC
- 30% of total dwellings (capped at 30% rounded up to nearest whole) secured as affordable housing
- 25% of the affordable housing (rounded up to nearest whole) to be First Homes

- 10% of total dwellings (rounded up to nearest whole) to be provided as affordable routes to home ownership (First Homes/Intermediate Rent to Buy/Shared Ownership)
- Remainder Affordable Housing Units to be secured as Social Rented Units

AND the imposition of the conditions and informatives as resolved at the Planning Committee of 16 December 2021.

Case Officer: Marion Geary



Ordnance Survey - data derived from OS Premium

19/503995/EFUL Land At Old Ham Lane, Lenham, Maidstone, Kent

Scale: 1:5000

Printed on: 7/2/2023 at 19:14 PM by JoannaW



REPORT SUMMARY

REFERENCE NO: - 19/503995/EIFUL		
APPLICATION PROPOSAL: Erection of 136 residential dwellings together with access, parking, drainage, landscaping and associated works.		
ADDRESS: Land At Old Ham Lane Lenham		
RECOMMENDATION: Approve subject to amended S106 and amended conditions		
SUMMARY OF REASONS FOR RECOMMENDATION: The s106 will include the provision of First Homes to ensure compliance with current national and local policies on affordable housing. The s106 will comply with the Planning Committee's requirements in regard of the triggers for completion of the spine road and the permanent southern link The location of the site is outside the Stour Catchment and the foul drainage strategy involves sewers connecting to Harrietsham WWTW so there is no impact on Nutrient Neutrality at Stodmarsh. The conditions requested by KCC Highways and by the Planning Committee in December 2019 have all been incorporated into new or amended suggested conditions The ecology condition refers to updated surveys and adds a 20% Biodiversity Net Gain target. The EV charging condition is deleted as duplicated by Building Regulations The conditions have been revised as necessary to allow for a phased development.		
REASON FOR REFERRAL TO COMMITTEE: Review/Update of Planning Committee resolution from December 2019 in order to update and take account of new material planning considerations due to resolution being over 3 years old		
WARD: Harrietsham And Lenham	PARISH/TOWN COUNCIL: Lenham	APPLICANT: Countryside Properties & The Estate Of A Crouch AGENT: DHA Planning
CASE OFFICER: Marion Geary	VALIDATION DATE: 06/08/19	DECISION DUE DATE: 31/03/23
ADVERTISED AS A DEPARTURE: NO		

Relevant Planning History

19/501898/EIASCO
EIA Scoping Opinion - Proposed development of up to 360 dwellings on Land West of Old Ham Lane.
08.07.2019

MAIN REPORT

1. BACKGROUND

- 1.01 The Planning Committee of 19 December 2019 resolved to grant planning permission subject to the prior completion of a legal agreement, and conditions and informatives.
- 1.02 The previous report and minutes are appended.

1.03 In summary, the Planning Committee resolved:

- The S106 legal agreement to require the design and delivery of the spine road and an appropriate lower unit trigger relating to the delivery of the southern link;
- An additional condition to secure the incorporation of 10% renewable energy measures within the affordable housing element of the development;
- Amendments to the conditions to secure: Enhanced landscaping in the south east corner of the site; and the incorporation of bee bricks and wildlife friendly gullies and gaps under fences to facilitate the movement of wildlife;
- Extra conditions requested by KCC Highways relating to the site access, William Pitt Field, visibility splays, air quality mitigation scheme and refuse storage/collection
- KCC requested condition on the southern link trigger to be incorporated into the S106 legal agreement.

1.04 As that resolution was made some time ago, it is necessary to update Members as to how the resolution has been progressed into the draft s106 legal agreement and to take account of new material planning considerations that have arisen since December 2019 in regard of the following:

- Provision of the affordable housing tenure of First Homes
- Nutrient Neutrality in the Lenham area
- s106 in regard of the spine road and the southern link;
- KCC Highways and other conditions required by the Planning Committee
- To update suggested conditions in regard of ecology, Biodiversity Net Gain and EV charging

2. DISCUSSION AND APPRAISAL

Affordable Housing

2.01 For affordable housing, the resolution was that 40% affordable housing should be provided in accordance with the broad mix set out in affordable housing policy SP20.

2.02 In May 2021, the Government has introduced an affordable housing policy of First Homes. The Government allowed for a transition period so that applications undetermined when the policy changed would have a period of grace. The period of grace expired on 28 March 2022.

2.03 First Homes are the Government's preferred discounted market tenure and should account for at least 25% of all affordable housing units delivered by developers through planning obligations. The NPPG advises that the remainder of the affordable housing tenures should be delivered in line with the proportions set out in the local plan policy. Another Government requirement in paragraph 65 of the NPPF is that 10% of the total number of houses in any major development should be "affordable routes to home ownership".

2.04 As the final date of the transitional period has expired, I am of the view that there is now a requirement for the legal agreement for the development to be redrafted to secure First Homes.

2.05 The planning permission would be for up to 136 units, of which 40% is 55 affordable housing units which would equate to:

First Homes to be 25% of 55= 14

Remainder of 41 units of which 70% is affordable rent = 29

This would leave shared ownership= 12

- 2.06 The 10% requirement for “affordable routes to home ownership” is 14 which is met by this tenure mix.
- 2.07 The applicant has agreed to this new tenure mix being incorporated into the s106 in place of that originally resolved, to take account of the updated national policy position.

Nutrient Neutrality in the Lenham Area

- 2.08 The source of the river system of the Stour Valley river catchment is in Lenham and the R. Stour passes through Stodmarsh National Nature Reserve which is subject of environmentally harmful levels of nitrogen and phosphorus pollution. In July 2020, Natural England issued water quality advice in regard of Stodmarsh that impacted on planning applications for new homes or other forms of overnight accommodation in and around both Lenham and part of Boughton Malherbe Parishes. Additional advice was issued by Natural England in November 2020 and a comprehensive review of the advice was issued in March 2022.
- 2.09 The application site lies outside of and to the west of the Stour Catchment. It lies outside of and to the west of the area that connects to Lenham WWTW (which discharges into the River Stour). Southern Water Services has confirmed that the foul sewers from all 136 units of housing in the application site will be able to connect to Harrietsham WWTW and has further confirmed that those treatment works currently have capacity to accommodate flows from the proposed development.
- 2.10 Therefore, there will be no environmental impact from the site on the Stour Valley river catchment so the development does **not** need to demonstrate Nutrient Neutrality according to Natural England’s current Guidance from 2022. A Habitats Regulations Screening has been adopted to that effect.

Spine Road and Permanent Southern Link Road

- 2.11 The December 2019 Committee report suggested a condition that the Southern Link Road (with vehicular, pedestrian and cycle connections from the development to Old Ham Lane at the southern end adjacent to the Smokey Bridge) must be laid-out and constructed prior to the occupation of the 136th dwelling.
- 2.12 This has been revised as resolved by the Planning Committee and a summary of the covenants between the developer and KCC in the draft s106 is as follows;

(NB the “Southern Link” has been renamed in the s106 as the “Permanent Southern Link Road”):

- No commencement until a specification for the Spine Road has been submitted to and approved by the County Council
- No occupation of any Dwellings until a specification for the Permanent Southern Link Road has been submitted to and approved by the County Council
- Not to Occupy more than 115 Dwellings, unless the Spine Road and Permanent Southern Link Road have been completed up to the final wearing course and open to use by the public
- Not to Occupy more than 131 Dwellings, unless the final wearing course for the Spine Road and Permanent Southern Link Road have been completed

- The final wearing course for the Spine Road and the Permanent Southern Link Road to both be completed no later than 40 months from the Commencement of Development

2.13 These covenants are considered to accord with the Planning Committee resolution of December 2019.

KCC Highways

2.14 Suggested conditions below secure the site access, William Pitt Field, visibility splays, air quality mitigation scheme and refuse storage and collection.

Renewable energy

2.15 A suggested condition below secures the incorporation of 10% renewable energy measures within the affordable housing element of the development

Enhanced landscaping

2.16 The suggested soft landscape condition has been amended to secure enhanced landscaping in the south east corner of the site.

Ecology

2.17 The suggested ecological enhancement condition has been amended to secure the incorporation of bee bricks and wildlife friendly gullies and gaps under fences to facilitate the movement of wildlife;

2.18 The surveys which informed the application were carried out in 2018 and 2019 which is more than 3 years ago. The applicant has recently confirmed via a Verification Survey carried out in June 2022 that the findings of the original surveys remain unchanged and that any dormice presence will involve an application for a Licence from Natural England.

2.19 The existing site is arable farmland of and in the light of the emerging local plan policy for 20% Biodiversity Net Gain, this is also added to the suggested conditions.

EV Charging

2.20 This is now adequately covered by the Building Regulations and a planning condition is therefore no longer necessary and has been removed from the suggested conditions.

PUBLIC SECTOR EQUALITY DUTY

2.21 Due regard has been had to the Public Sector Equality Duty, as set out in Section 149 of the Equality Act 2010. It is considered that the application proposals would not undermine objectives of the Duty.

CIL

2.22 The proposed development is CIL liable. The Council adopted a Community Infrastructure Levy on 25 October 2017 and began charging on all CIL liable applications approved on and from 1 October 2018. The actual amount of CIL can only be confirmed once all the relevant forms have been submitted and relevant details have been assessed and approved. Any relief claimed will be assessed at the time planning permission is granted or shortly after.

3. CONCLUSION

3.01 The s106 has been agreed to be amended include the provision of the affordable housing tenure of First Homes to ensure compliance with national and local policies on affordable housing.

- 3.02 The location of the site is outside the Stour Catchment and the foul drainage strategy involves sewers connecting to Harrietsham WWTW so there is no impact from the development in terms of Nutrient Neutrality at Stodmarsh.
- 3.03 The s106 has been drafted to comply with the Planning Committee's requirements in regard of the spine road and the southern link (latter now referred to as Permanent Southern Link Road).
- 3.04 The conditions requested by KCC Highways and other conditions or amendments to conditions required by the Planning Committee have all been incorporated into new or amended suggested conditions listed below
- 3.05 The ecology condition has been amended to refer to the need for verification/updated surveys within 3 years of commencement and 20% Biodiversity Net Gain. The originally suggested EV charging condition has been deleted as now duplicated Building Regulations.
- 3.06 The conditions have been revised as necessary to allow for a phased development and other minor redrafting to add clarification where necessary.

4. RECOMMENDATION

GRANT planning permission subject to the following conditions and the prior completion of a legal agreement to secure the heads of terms set out below with delegated authority to the Head of Development Management to be able to settle or amend any necessary planning conditions in line with the matters set out in the recommendation and as resolved by the Planning Committee:

s106 to require prior payment of monitoring fees of £3060

HEADS OF TERMS

- Provision of 55 units (40%) affordable housing on-site, of which 14 First Homes; 29 affordable rent; 12 Shared Ownership.
- Provision and implementation of a landscape and ecological management plan
- Financial contribution to Lenham Primary School provision of £385,584.00
- Masterplan concept and layout to be broadly adhered to
- Highways Works under s38 or s278 to secure Northern Access; Southern Link; Spine Road; Permanent Southern Link Road
- Both Spine Road and Permanent Southern Link Road to be completed and open to public before 115th dwelling occupation
- Both Spine Road and Permanent Southern Link Road to be completed to final wearing course before 131st dwelling occupation and no later than 40 months from the Commencement of Development

CONDITIONS:

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing 19039 P100 Overall Site Layout

Drawing 19039 P110 Plans and Elevations Affordable 2 Bedroom House

Drawing 19039 P111 Plans and Elevations Affordable 2 Bedroom House

Drawing 19039 P112 Plans and Elevations Affordable 2 Bedroom House

Drawing 19039 P113 Plans and Elevations Affordable 2 Bedroom House

Drawing 19039 P114 Plans and Elevations 3 Bedroom House Types 3 Affordable

Drawing 19039 P115 Plans and Elevations 3 Bedroom House Types 3 Affordable

Drawing 19039 P116 Plans and Elevations 3 Bedroom House Types 3 Affordable

Drawing 19039 P117 Plans and Elevations 3 Bedroom House Types 3 Affordable

Drawing 19039 P118 Plans and Elevations 3 Bedroom House Types 3 Affordable

Drawing 19039 P119 Plans and Elevations 3 Bedroom House Types 3 Affordable

Drawing 19039 P120 Plans and Elevations 4 Bedroom House Types 4 Affordable

Drawing 19039 P121 Plans and Elevations 2 Bedroom House Type 2B (HT204)

Drawing 19039 P122 Plans and Elevations 2 Bedroom HT 2B + 3A (HT204+301)

Drawing 19039 P123 Plans and Elevations 2 + 3 Bedroom HT 2B + 2C (HT204)

Drawing 19039 P124 Plans and Elevations 3 Bedroom House Types 3A (HT301)

Drawing 19039 P125 Plans and Elevations 3 Bedroom House Types 3A (HT301)

Drawing 19039 P126 Plans and Elevations 3 Bedroom House Types 3A (HT301)

Drawing 19039 P127 Plans and Elevations 3 Bedroom House Types 3A (HT301)

Drawing 19039 P128 Plans and Elevations 3 Bedroom House HT 3A + 3C (HT301 + 305)

Drawing 19039 P129 Plans and Elevations 3 Bedroom HT 3A + 3C (HT301 + 305)

Drawing 19039 P130 Plans and Elevations 3 Bedroom House Types 3B (HT303)

Drawing 19039 P131 Plans and Elevations 3 Bedroom House Types 3B (HT303)

Drawing 19039 P132 Plans and Elevations 3 Bedroom House Types 3B (HT303)

Drawing 19039 P133 Plans and Elevations 3 Bedroom House Types 3B (HT303)

Drawing 19039 P134 Plans and Elevations 3 Bedroom House Types 3C (HT305)

Drawing 19039 P135 Plans and Elevations 3 Bedroom House Types 3C (HT305)

Drawing 19039 P136 Plans and Elevations 3 Bedroom House Types 3D (HT307)

Drawing 19039 P137 Plans and Elevations 3 Bedroom House Types 3D (HT307)

Drawing 19039 P138 Plans and Elevations 3 Bedroom House Type 3D (HT307)

Drawing 19039 P139 4 Bedroom House: Plans and Elevations Type 4A (HT404)

Drawing 19039 P140 Plans and Elevations 4 Bedroom House Type 4A (HT404)

Drawing 19039 P141 Plans and Elevations 4 Bedroom House Type 4A (HT404)

Drawing 19039 P142 Plans and Elevations 4 Bedroom House Type 4A (HT404)

Drawing 19039 P143 Plans and Elevations 4 Bedroom House Type 4A (HT404)

Drawing 19039 P144 Plans and Elevations 4 Bedroom House Type 4A (HT404)
Drawing 19039 P145 Plans and Elevations 4 Bedroom House Type 4B (HT406)
Drawing 19039 P146 Plans and Elevations 4 Bedroom House Types 4B (HT406)
Drawing 19039 P147 Plans and Elevations 4 Bedroom House Type 4B (HT406)
Drawing 19039 P148 Plans and Elevations 4 Bedroom House Type 4C (HT409)
Drawing 19039 P149 Plans and Elevations 4 Bedroom House Type 4C (HT409)
Drawing 19039 P150 Plans and Elevations 4 Bedroom House Type 4C (HT409)
Drawing 19039 P151 Plans and Elevations 4 Bedroom House Type 4C (HT409)
Drawing 19039 P152 Plans and Elevations 5 Bedroom House Type 5B (HT503)
Drawing 19039 P153 Plans and Elevations 5 Bedroom House Type 5B (HT503)
Drawing 19039 P154 Plans and Elevations 5 Bedroom House Type 5B (HT503)
Drawing 19039 P160 Apartment Block A – Plots 53 – 64 Proposed Floor Plans
Drawing 19039 P161 Apartment Block A – Plots 53 – 64 Proposed Elevations
Drawing 19039 P162 Apartment Block B – Plots 105 - 116 Proposed Floor Plans
Drawing 19039 P163 Apartment Block B – Plots 105 - 116 Proposed Elevations
Drawing 19039 P170 Garage (Sheet 1 of 2) Plans and Elevations
Drawing 19039 P171 Garage (Sheet 2 of 2) Plans and Elevations
Drawing 19039 P172 Car Barn Plans and Elevations

Reason: For the avoidance of doubt.

- 3) Development shall not begin until details of any phasing have been submitted to and approved by the Local Planning Authority and the development shall be implemented as approved.

Reason: No such details have been submitted.

- 4) Development of any phase shall not begin until a detailed sustainable surface water drainage scheme for that phase has been submitted to and approved in writing by the local planning authority. The detailed drainage scheme shall be based upon the Drainage Strategy Report by Stantec (February 2021 45615/2002 Rev A) and shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of without increase to flood risk on or off-site.

The drainage scheme shall also demonstrate (with reference to published guidance):

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

The drainage scheme necessary to serve that part of the development shall be implemented in accordance with the approved details prior to the first occupation of any phase.

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

- 5) Prior to the occupation of the 30th dwelling of the development hereby permitted, a Verification Report pertaining to the surface water drainage system for that phase and prepared by a suitably competent person, shall have been submitted to and approved by the Local Planning Authority. The Report shall demonstrate the suitable modelled operation of the drainage system if the system constructed is different to that approved. The Report shall contain information and evidence (including photographs) of details and locations of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing, and the submission of an operation and maintenance manual for the sustainable drainage scheme as constructed.

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

- 6) No drainage systems for the infiltration of surface water drainage into the ground are permitted other than in accordance with any details approved pursuant to Condition 4 or with the express written consent of the LPA, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to Controlled Waters. The development shall be carried out in accordance with the approval details.

Reason: To protect the underlying groundwater from the risk of pollution. Infiltrating water has the potential to cause remobilisation of contaminants present in shallow soil/made ground which could ultimately cause pollution of groundwater.

- 7) Prior to first occupation, the foul water drainage connection to the public sewer network shall be implemented in accordance with the Stantec Flood Risk Assessment and Drainage Strategy (February 2021 45615/2002 Rev A). Prior to the occupation of the 30th dwelling, a verification report shall be submitted to and approved by the Local Planning Authority. Such report shall demonstrate that the development does not rely upon any direct or indirect discharge of foul waste to the Lenham Waste Water Treatment Works or otherwise discharges foul waste water within the defined Stour Catchment. The approved foul water drainage connection shall be maintained in perpetuity.

Reason: In order to ensure no adverse impacts upon the water quality of the Stodmarsh (SAC, SPA and Ramsar) sites.

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

No dwelling shall be occupied until a closure report has been submitted to and approved in writing by the Local Planning Authority.

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

a) Details of any sampling and remediation works conducted and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology.

b) Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site.

If no contamination has been discovered during the build then evidence (e.g. photos or letters from site manager) to show that no contamination was discovered should be submitted for information.

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

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

Reason: Piling or other penetrative methods of foundation design on contaminated sites can potentially result in unacceptable risks to underlying groundwaters.

- 10) The development shall not commence until details of earthworks and proposed site levels have been submitted to and approved in writing by the local planning authority. These details shall include existing site levels, the proposed grading and mounding of land areas including the levels and contours to be formed, showing the relationship of proposed mounding to existing vegetation and surrounding landform.

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

- 11) Development of any phase shall not begin until details of the proposed finished floor, eaves and ridge levels of the building(s) and the existing site levels for that phase have been submitted to and approved in writing by the local planning authority and the development shall be completed in accordance with the approved details.

Reason: In order to secure a satisfactory form of development having regard to the countryside location of the site and the relationship with neighbouring dwellings.

- 12) Above ground construction work of any phase shall not begin until full details of the following matters in the form of large scale drawings (at least 1:20 scale) for that phase have been submitted to and approved in writing by the Local Planning Authority

a) New external joinery

b) Details of eaves and roof overhangs

c) Details of balconies, projecting bays and porch canopies

d) Details of door and window headers (which shall be in the form of segmental gauged arches) and cills

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

Reason: In the interests of the character and appearance of the rural locality.

- 13) The development hereby approved shall not commence above slab level for any phase until details and photographs of the materials to be used in the construction of the external surfaces of the relevant building(s) have been submitted to and approved by the local planning authority and the development shall be constructed using the approved materials. The materials to be used in the construction of the external roofs, elevations and boundary treatment hereby permitted shall incorporate those materials and architectural detailing on drawings below unless alternative similar materials have agreed by the Local Planning Authority prior to commencement.

MP-100 Rev E

MP-100 Rev E Materials Schedule page 1 and 2

Reason: To ensure a satisfactory appearance to the development.

- 14) No dwelling in any phase shall be occupied until details and an implementation timetable of all fencing, walling and other boundary treatments to the housing areas and open space in that phase have been submitted to and approved in writing by the local planning authority. The details shall include large scale drawings of 2/3 coursed and coped ragstone walling where hereby approved. The ragstone walling shall use a lime based mortar and be completed with flush joints. The boundary treatments to the relevant housing areas and open space shall be implemented in full in accordance with the approved details and timetable.

Reason: To ensure a satisfactory appearance to the development and in the interests of amenity of future occupiers.

- 15) No dwelling in any phase shall commence above slab level until a landscape scheme for that phase which accords with the principles of drawing 2845 LA 01 P3 has been submitted to and approved in writing by the local planning authority. The details shall include a landscape phasing plan and specifically incorporate an enhanced level of landscaping within the south eastern part of the site and include integrated wildlife friendly habitat.

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

- 16) No dwelling in any phase shall commence above slab level until details of hard landscape works for that phase have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details before the first occupation of the building(s) or land;

Reason: To ensure a satisfactory appearance to the development.

- 17) The approved landscape details relevant to an individual dwelling shall be completed by the end of the first planting season following completion of that dwelling. Any other communal shared or street landscaping shall be completed in accordance with the approved landscape phasing plan. 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.

- 18) The development shall not commence until details of tree and hedgerow 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 and hedgerows 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

- 19) No external lighting shall be installed except in accordance with details that have been submitted to and approved in writing by the local planning authority. All lights shall be suitably cowled or shall have light directed downwards to minimise light pollution, having specific regard to the potential light spillage into the open countryside and AONB. The colour temperature of the lights should minimise ecological impact. Any lighting approved shall be implemented prior to the occupation of that part of the development and associated vehicular and pedestrian routes to the site access.

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

- 20) No development shall take place (including any ground works, site or vegetation clearance) until a method statement for ecological mitigation has been submitted to and approved in writing by the local planning authority which shall take account of verification/update ecological surveys carried out within 3 years prior to commencement of development. The content of the method statement shall specially include (but not be limited to) measures with respect to dormice and breeding birds, specifically setting out the following:

- a) Purpose and objectives for the proposed works:
- b) Detailed design(s) and/or working method(s) necessary to achieve stated objectives;
- c) Extent and location of proposed works, shown on appropriate scale maps and plans;
- d) Timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;

- e) Persons responsible for implementing the works, including times during construction when specialist ecologists need to be present on site to undertake / oversee works;
- f) Use of protective fences, exclusion barriers and warning signs;
- g) Initial aftercare and long-term maintenance (where relevant);
- h) Disposal of any wastes for implementing work.

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

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

- 21) Prior to the commencement of the development, details including an implementation timetable of how the development will enhance biodiversity shall have been submitted to and approved in writing by the Local Planning Authority. This should include Biodiversity Net Gain of at least 20%. Enhancement measures shall include the installation of bee bricks, bat tubes and bird nesting boxes, wildlife friendly gullies, fencing designed to enable wildlife movement, along with provision of generous native planting and a detailed management plan. The approved details will be implemented and thereafter retained.

Reason: To enhance biodiversity.

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

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

- 23) The approved details of the parking/turning areas relevant to an individual dwelling or phase of which it forms part shall be completed before first occupation of that part and shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order, with or without modification) or not, shall be carried out on the areas indicated or in such a position as to preclude vehicular access to them.

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

- 24) No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of:

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

ii following on from the evaluation, any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority

Reason: To ensure that features of archaeological interest are properly examined and recorded and that due regard is had to the preservation in situ of important archaeological remains.

- 25) Prior to the development within any phase reaching slab level, a scheme for that phase shall be submitted to and approved by the Local Planning Authority for the storage and screening of refuse bins, and the collection of refuse bins. The approved details shall be implemented before first occupation of the relevant part of the development and retained thereafter.

Reason: In the interests of amenity and the streetscene.

- 26) The access to the site from Old Ham Lane shall be carried out in accordance with drawing number 13533-H-11 P3 and 13533-H-11 P2 hereby approved and shall be completed before the first occupation of the buildings hereby permitted. Prior to first occupation, the approved vehicular visibility splays (with no obstruction over 1m) and pedestrian visibility splays of 2m x 2 m behind the footway on both sides of the access (with no obstruction over 0.6m above footway level) shall be implemented and retained thereafter.

Reason: In the interests of highway safety.

- 27) No dwelling shall be occupied until Old Ham Lane has been widened in accordance with a delivery scheme that has been submitted to and approved in writing by the Local Planning Authority. Such scheme will include details of the phased delivery of the new access to William Pit Playing Field and the subsequent permanent closure of the existing playing fields access to motor vehicles.

Reason: In the interests of highway safety.

- 28) No dwelling shall be occupied until details of a Travel Plan to reduce dependency on the private car, has been submitted to and approved in writing by the Local Planning Authority. The Travel Plan shall include objectives and modal-split targets, a programme of implementation and provision for monitoring, review and improvement. Thereafter, the Travel Plan shall be put into action and adhered to throughout the life of the development, or that of the Travel Plan itself, whichever is the shorter.

Reason: In the interests of sustainability.

- 29) Prior to the commencement of development, the Applicant shall submit a scheme to show the incorporation of a minimum of 10% renewable energy measures within the affordable housing elements of the scheme. Such measures shall be implemented prior to the occupation of the relevant dwelling and maintained thereafter.

Reason: To ensure that the development makes a positive contribution to reducing the impact of climate change

- 30) Prior to the first occupation of any dwellings hereby approved, a scheme for any relocation and/or replacement of the onsite electricity infrastructure shall be submitted to and approved by the local planning authority.

The scheme shall include a timetable of implementation, including any decommissioning of existing equipment and any provision of replacement infrastructure.

Reason: To ensure that infrastructure serving the site and surrounding area is provided and retained.

31) No development shall take place until a Construction Environment Management Plan (CEMP) has been submitted to and approved in writing by the local planning authority. The CEMP shall include:

- mitigation measures in respect of noise, dust, vibration and disturbance during the construction phases
- Provision of construction vehicle loading/unloading and turning facilities prior to commencement of work on site and for the duration of construction;
- Details of the routing of construction traffic to the site and any traffic management measures.

Reason: In the interest of amenity and highway safety.

32) Prior to the development progressing above slab level, an air quality mitigation scheme shall be submitted to and approved by the LPA. It shall accord with Damage Cost Assessment within Chapter 5 of the Environmental Statement and shall detail:

- The Travel Plan
- Dust mitigation measures
- EV charging
- The method of space heating of the dwellings
- Pedestrian/cycle links through the scheme to enable non-vehicular access to the village centre.

Reason: To ensure a range of measures for air quality mitigation.

INFORMATIVES

- 1) The proposed development is CIL liable. The Council adopted a Community Infrastructure Levy on 25th October 2017 and began charging on all CIL liable applications approved on and from 1st October 2018. The actual amount of CIL can only be confirmed once all the relevant forms have been submitted and relevant details have been assessed and approved. Any relief claimed will be assessed at the time planning permission is granted or shortly after. Secured by Design
- 2) Applicants/agents should consult us as local Designing Out Crime Officers to address Crime Prevention through Environmental Design CPTED.
- 3) The developer must ensure the works do not encroach on or impact on the safety, operation or integrity of the Network Rail land.
- 4) It is the responsibility of the applicant to ensure that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority. Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The

Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil. Information about how to clarify the highway boundary can be found at <https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>

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

Case Officer: Marion Geary

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

REPORT SUMMARY

REFERENCE NO - 19/503995/EIFUL
APPLICATION PROPOSAL Erection of 136 residential dwellings together with access, parking, drainage, landscaping and associated works.
ADDRESS Land At Old Ham Lane Lenham Maidstone Kent
RECOMMENDATION Conditional planning permission be granted subject to delegation to the Head of Planning to secure the detailed wording of highway conditions and the terms of the s106 agreement set out below.
SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL <p>Policy SP8 of the adopted Maidstone Borough Local Plan 2017 identifies Lenham as a Rural Service Centre and a broad Location for future housing growth, to be delivered between 2021 and 2031.</p> <p>The policy states that future housing sites should be determined by either (i) a Neighbourhood Plan and master plan process, in accordance with the criteria of policy H2(3) or (ii) through a review of the Local Plan.</p> <p>Whilst limited weight can be attached to the draft Neighbourhood Plan, this proposal is consistent with the current draft and has been formulated in liaison with the Parish Council, who do not object.</p> <p>The site will deliver a modest proportion (14%) of the growth area requirement and forms part of a wider landholding being promoted by the developer through both the draft Local Plan review and the Neighbourhood Plan. This application will enable a proportionate delivery of infrastructure identified as necessary to support the wider draft Neighbourhood Plan objectives to be delivered. Early delivery of the site will therefore assist both the Council and the Parish in achieving the growth area / draft neighbourhood plan targets.</p> <p>However, Members should note that this application must be considered on its own merits and in this respect it is not dependent upon wider schemes coming forward.</p> <p>The development proposes a good quality neighbourhood set within an attractive landscape setting. The proposed housing mix and 40% affordable provision will make a significant contribution to identified needs.</p> <p>The site is considered to be a sustainable location with good access to the village centre, local amenities, local bus routes and the railway station.</p> <p>The proposals have been the subject of a lengthy pre-application process with Officers, the Parish Council and have been subject to engagement with the wider local community.</p>
REASON FOR REFERRAL TO COMMITTEE <p>The application has been called in by local councillors due to its significance in the context of the village and the emerging neighbourhood plan.</p>

WARD Harrietsham And Lenham	PARISH/TOWN COUNCIL Lenham	APPLICANT Countryside Properties & The Estate Of A Crouch AGENT DHA Planning
DECISION DUE DATE 18/01/20	PUBLICITY EXPIRY DATE 21/09/19	OFFICER SITE VISIT DATE Various throughout 2019
RELEVANT PLANNING HISTORY: The application site has no planning history. To the north east, Wealden Homes received planning permission earlier in 2019 for a scheme of 55 units, whilst to the north, adjacent to the A20, Jones Homes are on-site constructing a housing scheme allowed on appeal.		

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The Application Site lies immediately to the west of the built up area of Lenham and fronts onto Old Ham Lane, beyond which, to the east, are a row of cottages and beyond the large Lenham Storage site. To the south Old Ham Lane crosses the railway via the so-called 'Smokey Bridge'.
- 1.02 To the north east the site abuts the William Pitt Playing Field, itself a draft neighbourhood plan housing site, beyond which are the residential development sites being brought forward by Wealden and Jones Homes respectively.
- 1.03 Old Ham Lane connects to Ham Lane a short distance east of the site, which gives access into the village centre and station to the east and to the A20 to the north. Subject to local enhancements proposed by this scheme, the site has acceptable pedestrian connections to both the village centre and bus and train services.
- 1.04 To the west the land comprises open countryside. This fallow arable land, of which the Application Site forms part, comprises a wider landholding of 18.6 ha, which the draft Neighbourhood Plan promotes as a future housing site.
- 1.05 The current Application Site, however, represents only 7.5ha of the overall land holding, this being the first phase of the potential overall site. The Design and Access Statement demonstrates how this application would fit

into the wider masterplan, should this come forward. However, to be clear, Members should consider this application on its merit and not assume that any of the wider draft Neighbourhood Plan Sites will definitely come forward.

- 1.06 The Application Site comprises mainly open arable field with limited trees or hedgerows, other than site boundaries. An area of ancient woodland lies further west, but does not abut the application site. The western edge of the site is marked by a shallow dry valley which follows the gentle north to south slope of the land. This feature is used to inform the open space and drainage strategy.
- 1.07 The AONB boundary lies north of the A20. The site will be separated from the AONB boundary by approved developments that are under construction to the north / north east. The relationship with the AONB is assessed in further detail below.

2 THE PROPOSALS

- 2.01 This detailed planning application has been submitted following an extensive series of pre-application discussions with the Parish Council and Officers at both MBC and KCC, together with other local stakeholders. The scheme has also been presented to MBC Members as part of the pre-application process – but Members should note that discussion centred around the Applicant’s masterplan for circa 360 dwellings across their wider landholding, of which this Application forms just part.
- 2.02 The planning application seeks detailed planning permission for the erection of 136 dwellings, 55 (40.5%) of which will be affordable, together with extensive areas of open space, internal highway infrastructure, a new site access onto and improvements to Old Ham Lane and the junction with Ham Lane, plus a new access to the adjacent Parish Council site. The proposals reserve land within the south part of the site adjacent to Old Ham Lane that would provide for improved connections for other proposed housing sites south of the railway, should they come forward at a future stage. However, this is not necessary as part of this initial phase. The Applicant has agreed a strategy with KCC requiring the construction of this link, should it be necessary, before the completion of this first phase of development.
- 2.03 The proposed dwellings are principally two storey in height with a limited 3 storey element provided by two apartment blocks. The scheme delivers a mixture of 1 and 2 bedroom apartments plus 2, 3, 4 and 5 bedroom houses, with the following mix:

1 Bedroom apartment	8 units
2 Bedroom apartment	16 units
2 Bedroom house	23 units
3 Bedroom house	59 units
4 Bedroom house	26 units
5 Bedroom house	4 units

- 2.04 Traditional materials are proposed with a combination of brick, tiling and weatherboarding that, together with their scale and building typologies has taken reference from an assessment of the wider character of Lenham. The materials, together with the placement of buildings of interest and open space and landscaping seek to create streetscapes that possess a variety of forms and interest.
- 2.05 The dwellings form clusters set off a central landscaped spine road and are contained within extensive areas of public open space to the west south and east. Established boundary planting to the south adjacent to the railway will be retained and enhanced. Both the proposed open spaces and highway infrastructure have been designed to engage with the wider areas of development promoted within the draft Neighbourhood Plan.
- 2.06 Accounting for the extensive areas of open space the overall density of the development is very low at 18.1 dph. Dwellings types and tenures are varied across the scheme to ensure that a genuinely mixed neighbourhood is created.
- 2.07 The proposed open spaces comprise a range of formal (principally streetscape) and semi-natural areas that will serve townscape, recreational and ecological functions. Native planting will be used throughout and habitat for birds, bees and bats created within both the landscape and built fabric. It has been demonstrated that the landscaping proposed, for example, the central landscape corridor, can link into future phases of development should adjoining sites come forward at a future stage.
- 2.08 The planning application is accompanied by a series of technical and environmental reports, plus an Environmental Statement, the scope of which has followed the Council's pre-application advice.

3 RELEVANT POLICY CONSIDERATIONS

- 3.01 Relevant strategic policies within the Maidstone Borough Local Plan 2017 (MBLP) are: SS1, SP3, SP5, SP8, SP17, SP18, SP19, SP20, H2(3) (Lenham broad location for housing growth), ID1.
- 3.02 Relevant development management policies within the MBLP are: DM1, DM2, DM3, DM4, DM6, DM8, DM12, DM19, DM20, DM21, DM23, DM30.
- 3.03 The Officer assessment has also been guided by relevant advice with both the National Planning Policy Framework (NPPF) and National Planning Practice Guidance (NPPG).
- 3.04 The draft Lenham Neighbourhood Plan (LNP) is afforded limited weight in the assessment of this application as, at the time of this report being drafted it has not yet progressed to Regulation 16 stage. However, as identified within the assessment below, the location, form and scale of development is, where relevant, consistent with the current draft.

4 LOCAL REPRESENTATIONS

- 4.01 Letters were sent to neighbouring residents, plus notices were placed on site and in the local press. 10 responses have been received, principally raising objections on the following grounds (not all of which represent planning considerations):
- conflict with the MBLP
 - prematurity ahead of the Lenham Neighbourhood Plan
 - loss of open countryside
 - loss of agricultural land
 - the application should deliver the access links to the north (A20) and south (Old Ham Lane) at this stage
 - old Ham lane is inadequate to accept any growth in traffic
 - the development will create risks for pedestrians and cyclists
 - the proposals would encourage further use of the PROW that passes through the Lenham Storage site
 - no equalities assessment has been carried out
 - Lenham has inadequate infrastructure to accommodate such growth
 - too many larger houses
 - affordable housing should not be built adjacent to existing higher end housing
 - increased risk of surface water flooding
 - inadequate highways and ecological surveys
 - noise and light pollution

5 CONSULTATIONS

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

- 5.01 **Lenham Parish Council** – following discussion with the Applicant regarding their initial comments, the PC has now withdrawn their objections.
- 5.02 **Network Rail** – No objection in principle and invite further discussions with the Applicant on matters such as boundary treatment and surface water drainage.
- 5.03 **Environment Agency** – Raise no objection subject to a number of conditions.
- 5.04 **MHCLG** – Offer no comments.
- 5.05 Southern Water** – Provide advice on works adjacent to the sewer network and request that should this application receive planning approval, the following condition is attached to the consent: “Construction of the development shall not commence until details of the proposed means of foul and surface water sewerage disposal have been submitted to, and approved in writing by, the Local Planning Authority in consultation with Southern Water.”
- 5.06 **KCC Ecology** – Acknowledge that the proposed development provides opportunities to incorporate features into the design which are beneficial to wildlife, such as native species planting and the installation of bat/bird nest boxes. Following the receipt of further information KCC are satisfied that the surveys of breeding birds and dormice is acceptable.

KCC note that mitigation measures have been provided which include precautionary working measures and the provision of replacement habitat for dormouse – KCC consider that these measures are sufficient to ensure that the works will not be detrimental to the favourable conservation status.

KCC note that further mitigation measures have been provided in relation to; badgers, a sensitive lighting strategy for bats, and hedgehogs and are satisfied with the outlined precautionary mitigation measures and advise

that these measures are secured via an appropriately worded planning condition.

At the request of KCC breeding bird surveys have been undertaken with a number of priority species recorded breeding on site (skylark and song thrush). Under the current proposals, habitat supporting skylark will be lost (i.e. large areas of arable farmland) and therefore mitigation will be required. (*Officer Note – KCC’s ecologist has now agreed a condition to address this matter*)

KCC advise that sufficient information has been submitted to enable MBC fully consider the impact the proposed development will have on other species recorded within the site.

- 5.07 **KCC Heritage / Archaeology** – Acknowledge that the site does not contain any known designated heritage assets and there are none nearby except for Boldrewood Farm and Lenham Court, which are south of the railway line.

From a wider heritage perspective KCC consider that the proposed development may have an impact on the historic character and significance of Lenham, as a medieval market town. The scale of development is such that there is likely to be an impact on the number of visitors and users of Lenham village centre, which contains many designated and non-designated historic buildings. In addition, there are still clear boundaries and an area defining Lenham medieval market town with open fields surrounding the historic core.

Recommend conditions to address archaeology.

- 5.08 **KCC Lead Flood Authority** - In principle have no objection to the proposal subject to conditions.
- 5.09 **KCC PRow** – Note that the development will provide new path links within the site that would be a valuable addition to the PRow network. Also consider that the development will increase the use of nearby PRow and suggest a financial contribution to their enhancement.
- 5.10 **KCC Highways** – Confirm that the site is well placed in relation to several key local facilities including the primary and secondary schools, which fall within the ‘preferred maximum’ walking distance of 2km (commuting/schools).

Support the provision of a new 1.8m wide footway on the northern side of the section of Old Ham Lane that is to be widened. This will connect with the footways proposed on both sides of the development access road.

Note that the widened section of Old Ham Lane incorporates a proposal for a new access junction to the playing fields and consider that this would achieve a highway safety benefit in view of the substandard nature of the existing playing fields access

KCC originally raised a number of matters following their initial assessment of the application including, which have since been addressed to their satisfaction:

- Clarity on safety audit and vehicular tracking at both access points to the site and the adjacent Parish Council land
- Clarity on cumulative impacts on the Ham Lane / A20 junction and any necessary works
- Detail as to how the southern link to Old Ham lane will be delivered.
- Cumulative impact analysis in respect of key junctions on the wider A20 corridor towards Maidstone (M20 J8) and Ashford, with mitigation proposals included

(Officer Note – these have each been addressed following a meeting between the parties and a series of conditions agreed by KCC, who now do not object subject to a number of conditions.)

5.11 **Kent Police** - Note that the submission acknowledges Secured by Design (SBD) in the Design and Access Statement (DAS), but recommend a condition to enable direct dialogue with the Applicant to address a number of matters. *(Officer Note – this would be an informative rather than condition)*

5.12 **MBC Parks and Open Spaces** – Initially assessed that the scheme provided only 2.32 ha of open space against a requirement of 2.70ha and advised that a financial contribution should be sought. *(Officer Note – the applicant has subsequently clarified that 2.74 ha of open space is to be provided.)*

5.13 **AONB Unit and Natural England** – no comments received.

6 APPRAISAL

6.01 Having regard to the form of development proposed and the consultation comments received, the key issues for consideration in relation to this application are:

- Development Plan Context – Lenham Growth Area
- Principle of Development
- Affordable Housing / Housing Mix
- Character and Appearance
- Landscaping and Open Space
- Highways and Accessibility
- Landscape and Visual Impacts
- Heritage and Archaeology
- Ecology
- Drainage and Flood Risk
- Residential Amenity
- Infrastructure and Open Space
- Other Matters:
 - EIA, Ground Conditions, Air Quality

Development Plan Context – Lenham Growth Area

6.02 Policy SP8 of the MBLP identifies Lenham as a broad location for housing growth, to be delivered in accordance with policy H2(3), which includes an expectation that housing site allocations and associated infrastructure requirements will be made through the Lenham Neighbourhood Plan (LNP) or, through the Local Plan Review.

6.03 The Lenham Neighbourhood Plan (LNP) has not yet reached Regulation 16 stage and limited weight can be afforded to its detailed policies. Nevertheless, Members are advised that this application has been brought forward following detailed engagement between the Applicant and the Parish Council, who have confirmed that they no longer have any objection to the proposal.

6.04 In the context of the draft LNP, it is relevant to note that this planning application:

- is consistent with the draft LNP's spatial strategy for housing, forming part of proposed 'Strategic Housing Delivery Site No. 5' (currently proposed are 136 units out of the 360 identified for the whole of site No. 5),
- demonstrates how the current layout would integrate into the wider areas promoted in the draft LNP
- in so far as the application site is concerned, provides or safeguards the wider connections sought by the LNP between housing sites and the A20, and
- enables the new access required for the adjacent PC owned site No. 6; provided through planned local highway improvements that are part of the Applicant's own mitigation works.

6.05 In response to third party comments that the application is premature and should first be considered as part of the LNP process, Officers would make the following comments.

6.06 The Local Plan Inspector considered the quantum and timing of delivery of housing in Lenham in some detail, identifying a total of 1,000, rather than 1,500 dwellings, but significantly, bringing the commencement of delivery forward from 2026 to 2021.

"The H2(3) Lenham Broad Location should be reduced from 1500 to 1000 dwellings to be delivered between 2021 and 2031. That would be a more realistic delivery rate. The reduced total development within the Plan period would also allow more flexibility for the individual site allocations. These allocations would be determined by a Neighbourhood Plan or, by default, in a Local Plan review before April 2021. The plans would need to address any infrastructure constraints..."

6.07 It is important to recognise that successful housing delivery requires homes to be ready for occupation, which involves not simply the construction of the relevant dwellings, but also the planning and delivery of the associated infrastructure that will be necessary to support the overall delivery of growth. In considering the nearby development at Loder Close, the Committee acknowledged that meeting future housing targets requires a degree of forward planning and that the granting planning permission is only part of this process.

6.08 Recent analysis of housing land supply projections indicates that it is not unrealistic to assume 3-4 years from a resolution to grant detailed planning permission to the actual delivery (occupation). As an example, the process post-Planning Committee can involve:

- completing a s106 agreement,
- formalising the purchase of land options,
- third party landowner agreements,
- preparing construction drawings and tender packages,
- discharging pre-commencement conditions,
- appointing contractors,
- site clearance and preparation,
- securing agreement of statutory undertakers,
- carrying out off-site works,
- enabling on-site infrastructure,
- laying out highways and open spaces and finally,
- phased build out.

6.09 Thus, in order to meet the need to deliver on average 100 homes per annum from April 2021, with only a limited number of units permitted thus far and an expectation that the delivery target for the first year after 2021 is not likely to be achieved; this application will assist in ensuring that an adequate housing supply pipeline is available for the early stages the delivery period. In addition, this site is one that would be required in order to enable access infrastructure to link wider LNP housing sites to the A20 and therefore inevitably, it must be prioritised within the overall trajectory for Lenham.

6.10 It has been demonstrated above that it is necessary to afford significant weight to the need for a pragmatic and realistic trajectory for the delivery of 1,000 housing units in Lenham and that this outweighs the strict application of Policy SP8 as currently worded, which has to some extent been overtaken by time and the relative lack of progress of the LNP.

6.11 Paragraph 50 of the NPPF provides the context for assessing prematurity. It states that the refusal of planning permission on grounds of prematurity will seldom be justified before the end of the Local Planning Authority publicity period on a draft neighbourhood plan. Thus any submission from third parties that prematurity should be a reason for the refusal of this application is not in accordance with clear national policy on that issue.

- 6.12 Some weight can also be given to the fact that the LPC do not raise any objection to the scheme.
- 6.13 It is therefore considered that the application is not premature and that it accords with the relevant housing delivery requirements of the MBLP and having regard to previously published drafts, does not present a risk of prejudice to any future LNP.

Principle of Development

- 6.14 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that all planning applications must be determined in accordance with the development plan, unless material considerations indicate otherwise.
- 6.15 The National Planning Policy Framework (NPPF) provides the national policy context for the proposed development and is a material consideration of considerable weight in the determination of the application. The NPPF states that any proposed development that accords with an up-to-date local plan should be approved without delay. At the heart of the NPPF is a presumption in favour of sustainable development and for decision-taking this again means approving development that accords with the development plan.
- 6.16 In order to support the Government's objective of significantly boosting the supply of homes, the National Planning Policy Framework states that it is important that a sufficient amount and variety of land can come forward where it is needed and that land with permission is developed without unnecessary delay *'by identifying a supply of specific deliverable sites sufficient to provide five years' worth of housing that will be achievable / deliverable and in a form that is viable'*.
- 6.17 It is a core principle of Government policy that the planning system must be plan-led. The Local Plan (together with the Kent Minerals and Waste Plan) forms the Development Plan for the Borough. In the context of this planning application it is up-to-date and must be afforded significant weight.
- 6.18 The Local Plan sets out a strategic approach to the location of housing development in order to deliver the housing needs of the Borough over the plan period. It adopts a presumption in favour of sustainable development within the context of the broad objectives of the Local Plan, which are, inter alia, to provide sufficient housing to meet identified local need, to develop sustainable communities and to protect the built and natural environment.

- 6.19 Policy SS1 sets out the overall housing growth targets for the Borough, whilst policy SP5 identifies Lenham as a 'Rural Service Settlement' and 'broad location for growth' where, inter alia, sustainable housing growth will be focussed. Policy SP8(6) states that:

Lenham is also identified as a broad location for growth by the delivery of approximately 1000 dwellings post April 2021 to be delivered in accordance with policy H2(3). Masterplanning of the area will be essential to achieve a high quality design and layout, landscape and ecological mitigation, and appropriate provision of supporting physical, social and green infrastructure. Housing site allocations and associated infrastructure requirements will be made through the Lenham Neighbourhood Plan (LNP) or through the local plan review to be adopted by April 2021. Housing sites should avoid significant adverse impact on the setting of the AONB and coalescence with neighbouring Harrietsham.

- 6.20 As identified above, the Applicant has developed the scheme in close liaison with the Parish Council and their neighbourhood planning team, who raise no objection. The scheme now before Committee closely accords with the draft LNP's direction of travel in terms of the location and scale of housing growth, whilst also enabling infrastructure that the draft LNP identifies as necessary to support planned growth. However, at the same time this Planning Application must be considered on its own merit.
- 6.21 Subject to the considerations within SP8, as assessed below, the principle of development is therefore considered to be in accordance with the Local Plan delivery policies identified above and the NPPF.

Affordable Housing / Housing Mix

Affordable Housing Provision

- 6.22 Having established that the principle of housing development is acceptable, we then turn to assess whether the specific proposal meets identified needs. Policy SP20 of the MBLP sets a target rate of 40% affordable housing with an indicative target mix of 70:30 affordable rent:intermediate. The policy also requires that any affordable housing is suitably integrated into the overall development.
- 6.23 The development proposes 40.5% affordable housing (55 units) and therefore exceeds the policy requirement. The Applicant has requested a 59% rent:41% intermediate affordable tenure split (rather than 70:30),

explaining that their site carries a disproportionate level of infrastructure costs as they are enabling / funding infrastructure identified within the LNP. Having regard to the fact that the Applicant has prioritised the overall number of affordable units, and **will deliver, if required, the southern section of the link road**, a site-specific variation to the tenure mix is considered to be acceptable in this instance, however, Officers recommend a 65% rent:35% intermediate split.

- 6.24 The affordable units are integrated across the overall development, with the following updated unit size mix:

	<u>Affordable Rent</u>	<u>Intermediate</u>
1-Bed Flat	4	4
2-Bed Flat	8	8
2-Bed House	9	6
3-Bed House	13	1
4-Bed House	<u>2</u>	-
	36	19

The provision of a wide range of unit sizes, but with a higher proportion of family-sized affordable rent units is welcomed.

- 6.25 To conclude, the level of affordable housing and tenure split will make a significant contribution to the latest housing need requirements and having regard to the site specific circumstances, is considered to be acceptable and in accordance with MBLP Policies SP19 and SP20.

Housing Mix

- 6.26 Policy SP19 seeks to create sustainable communities through, not only a mix of tenures, but also a sustainable mix of unit sizes and types. Within the market housing element of the scheme the mix of units sizes is:

2-Bed House	8
3-Bed House	45
4-Bed House	24
5-Bed House	<u>4</u>
	81

The emphasis on family housing is again welcomed and considered to be appropriate for this location. In addition, the weighting towards smaller sized (and thus by their nature more accessible/affordable) family housing units is again welcomed.

- 6.27 Overall it is considered that the mix of housing proposed across all tenures will make a significant contribution to meeting housing needs and creating

a sustainable community and, subject to a minor tweak in the affordable tenure guidance, is in accordance with Policy SP19.

Character and Appearance

- 6.28 This is a detailed application and therefore matters of layout and appearance are before the Council for approval.
- 6.29 The overall masterplan has developed through an extensive series of pre-application discussions, during which the context for the scheme was informed by an assessment of the sites topography and landscape setting. In addition a detailed character assessment of the existing village character areas was undertaken in order to establish a range of appropriate building styles and materials palette. Officers consider that the scheme successfully applies these contextual references to the overall masterplan, whilst building typologies create a development that compliments its location.
- 6.30 The scale and form of the development, including building heights and areas of landscaping has been informed not only by the existing village, but also its relationship to the wider landscape. The sensitivity of the relationship with the AONB and surrounding landscape has driven a principally two storey height limit, with three story elements limited to two flatted blocks within the central area and lower densities around the site perimeter.
- 6.31 The landscaped spine road defines the main vistas through phase 1, and provides a dedicated ped/cycle route. On the western boundary, the spine route links into the southern element of what may become a linear park, providing vistas on pedestrian routes through to the Downs.
- 6.32 Along the central spine, marker buildings and open spaces accentuate focal points and entrances to a series of character areas, themselves defined by perimeter blocks, where buildings principally face onto and animate streets. Off the central spine road, streets are designed so as to reduce the dominance of vehicle movements.
- 6.33 A wide range of dwelling styles are proposed, with the Applicant's house types being adapted to incorporate local styles, materials and detailing. The materials palette is principally brick, with elements punctuated by hanging tile, weatherboarding and the use of ragstone on key public frontages. Roofing materials are principally plain tiles and grey slate appearance.

- 6.34 The variety of house styles and materials serves to create interest within the street scenes and will ensure that the character of the development is in keeping with the village / countryside transition. This is emphasised by the low overall density of development and extensive boundary open space / landscape.
- 6.35 The scheme has also been formulated having regard to Maidstone Building for Life 12, with specific responses including:
- enhanced connectivity between the site and the surrounding area, with an emphasis upon pedestrian and cycle opportunities and links to public transport and local services
 - ensuring that the site masterplan is driven by local context and engages with local features, landscape and topography
 - the use of vernacular materials and locally driven architectural detailing
 - the integration of landscaping into the overall design, with integrated 'green corridors' which also function as ecological corridors which promote bio-diversity as an integral element of the scheme design
 - the application of sustainable design principles
- 6.36 The site layout, whilst recognising the site's potential as part of the draft LNP masterplan, has also been designed to be acceptable in its own merit.
- 6.37 In conclusion, it is considered that the development represents a high quality, contextually driven response which accords with the aspirations of the NPPF, MBLP policies DM1, DM2, DM3, in so far as it is relevant to the Lenham Growth Area DM30 and Maidstone BfL 12.

Landscaping and Open Space

- 6.38 The principle of the development is based upon a landscape-led masterplan that will evolve through the future phases of development to create a comprehensive series of open spaces.
- 6.39 Within Phase 1 the Landscape Strategy will deliver an open landscaped gateway to the site off Old Ham Lane, the southern elements of a planned central blue/green corridor and a landscaped spine road.
- 6.40 With the exception of limited areas where the accesses will be created, existing hedgerow and trees will be retained and reinforced with new planting. Native species will dominate, with a limited element of

ornamental planting to provide seasonal interest. New wildflower meadows will provide new habitat as well as visual interest.

- 6.41 The overall level of 'green' open space accords with the highest levels required by policy and the respective areas are large and provide useable amenity without prejudice to their potential ecological functions.
- 6.42 Hard landscaping will incorporate a variety of surface finishes to denote different elements of the road hierarchy and parking areas, with junctions and crossings highlighted with contrasting materials such as block paving. Footpaths within the landscape areas will include more natural surfacing such as self binding gravel.
- 6.43 Play areas are integrated within the main landscape areas, with a range of both formal and informal areas. Trim trail elements will be included that are capable of linking into future phases.
- 6.44 A landscape management strategy will be secured by condition to ensure that an acceptable long term regime is put in place to the satisfaction of the Council. This will also address how the transition between this site and future developments will be managed.
- 6.45 The proposals are therefore considered to accord with the relevant requirements of MBLP Policies DM1, DM3 and DM19.

Highways and Accessibility

- 6.46 KCC Highways acknowledge that the site represents a sustainable location, with local services, schools and public transport services within an acceptable walking distance.

Pedestrian and Cycle Users

- 6.47 KCC support the proposal to **enhance footway provision in the vicinity of the site**, which will address the current absence of footways on Old Ham Lane and will connect the site into Ham Lane with a continuous roadside pedestrian route.
- 6.48 Some concerns have been raised regarding the potential of the site to encourage greater usage of the PROW to the south of the site, which runs through the heart of the Lenham Storage Site; which the operators of consider would cause additional safety concerns as pedestrians are vulnerable to commercial vehicle movements. This existing PROW is poorly marked and Officers agree that it presents an unattractive option

for walkers. The application site will generate a significant number of new pedestrian movements towards the village centre and station, however, in contrast to the poor quality of the existing PROW, the development will deliver high quality pedestrian routes that will not only be attractive to residents of the scheme, but also other walkers and cyclists passing east-west along the southern part of the site.

- 6.49 As such, it is considered that the development offers an attractive alternative to the southern PROW and will not exacerbate safety concerns. Nevertheless, whilst it is not considered that the application needs to deliver specific mitigation for the existing PROW, **the Applicant has confirmed that they are willing to liaise with Lenham Storage, the parish and KCC to examine options to divert the PROW out of the storage yard and into the application site.**

Public Transport

- 6.50 As identified above, the site is within reasonable walking distance of bus stops and the railway station.
- 6.51 It is an aspiration of the Parish Council, supported by KCC to offer a further potential bus route through the new housing sites promoted within the draft LNP. In response the Applicant has designed the central spine road to a width that will provide for safe bus traffic. This has also been designed to extend northwards through future phases of development towards the A20. However, as this element would be over-engineered should the bus route not be required in the future, the potential would exist to modify this route if necessary to provide additional landscaping and visitor parking.
- 6.52 In addition, at the request of KCC **the Applicant has safeguarded an area of land to the South of the site in order to accommodate the potential future extension of the spine road to Smokey Bridge (and beyond to other proposed housing sites). A planning condition will secure the delivery of this southern link when required.**

Car and Cycle Parking

- 6.53 Resident car and cycle parking, together with visitor parking spaces are provided in accordance with standards.

Junction and Capacity Assessment

- 6.54 KCC Highways have agreed the development's trip generation figures and the assessment of impacts on local junctions. The development will be

accessed via a new junction to Old Ham Lane and a re-prioritisation of traffic into the site. Ultimately the intention is that the majority of Old Ham Lane will become a no through route, with the future stopping up benefitting residents of the houses fronting it, as well as pedestrian and cyclists. This would be carried out as part of the southern link scheme identified above.

- 6.55 The short section of Old Ham Lane between the new site entrance and Ham Lane will be widened to enable improved and safer traffic flow. As part of this widening process, the Applicant has agreed to provide a **new access to the William Pitt Site to enable its future development.** This benefit is not necessary in order to make the development acceptable, but is reasonable having regard to the road widening across the existing playing field access.
- 6.56 KCC Highways have confirmed that the proposed site access is adequately designed to accommodate future traffic flows and that the existing junction of Ham Lane and the A20 has adequate capacity, without requiring improvements, to accommodate a growth in traffic levels in excess of those proposed within this application.
- 6.57 At the request of KCC, the Applicant has also modelled the potential cumulative impacts of the scheme upon the wider highway network, together with the wider planned growth in the area. This assessment does not identify any requirements for improvements as part of this application and should any wider capacity improvements be required in the future, these would be funded through CIL payments.
- 6.58 Road safety audits have been undertaken in association with the various works, to the satisfaction of KCC. Subject to the imposition of a range of conditions to ensure delivery of the improvement works, KCC support the application.
- 6.59 To conclude, in terms of accessibility, highways and transport matters, the proposals accord with MBLP Policies SS1, SP23 and DM21.

Landscape and Visual Impacts

- 6.60 The Planning Application has been the subject of EIA and as a consequence the potential landscape and visual impacts (LVIA) have thus been the subject of a detailed, methodological assessment which the Council's lead landscape officer advises is acceptable.

Relevant Landscape Designations / Policies

- 6.61 The Kent Downs Area of Outstanding Natural Beauty (AONB) lies immediately to the north of Lenham, the statutory designation of which seeks to protect, for example, landscape of national significance. The Countryside and Rights of Way Act 2000 requires that in determining planning applications local authorities must take into consideration the effects of development both within the AONB and within its setting, in order to ensure its distinctive landscape, as identified within the Management Plan is conserved and enhanced. Whilst the site lies outside the AONB, due to its proximity, consideration must be given as to whether the proposed development would impact upon the setting to the AONB.
- 6.62 The NPPF highlights the need to conserve and enhance the natural environment, particularly at paragraphs 170 to 172. At a Borough level Policies SS1, SP17 and DM3, inter alia, seek to balance growth with the need to protect the character of the AONB and wider countryside.
- 6.63 At a County level the 'North Downs Special Landscape Area' seeks to identify and afford protection to the scenic qualities and distinctive character of the rural landscape, whilst at a local level the site is not subject to any specific landscape designation.
- 6.64 The Maidstone Landscape Capacity Study (2015) includes a sensitivity assessment in relation to housing development in the landscape character area as well as a specific assessment of the site (H03-202, Old Ham Lane), advising of key sensitivities and opportunities to mitigate the impact of any development. This latter assessment identifies that the area is sensitive to change arising from residential development.

Assessment

- 6.65 Having regard to its current rural setting and relationship to the AONB to the north, the potential impact of the development upon the landscape has been assessed in accordance with guidance published by the Landscape Institute, which advises councils to "*consider the effects of development on the landscape as a resource in its own right and the effects on views and visual amenity*".
- 6.66 The EIA supporting the application identifies the key landscape characteristics as including:
- the Kent Downs AONB to the north
 - the site's topography sloping upwards towards the foothills and lower slopes of the North Downs – Lenham Scarp

- open views from the Lenham Scarp across the landscape to the south, including both the existing built up areas of Lenham and surrounding arable fields, many of which possess a strong sense of exposure
- the clear definition of the railway line, supplemented by mature tree planting on the railway embankment.

6.67 The assessment of LVIA impacts considers a number of factors, including, for example:

Users of the A20

- a primary commuter corridor, with significant traffic flows, but relatively low pedestrian traffic
- principal views are considered to be to the north towards the North Downs
- views towards the site are relatively 'poor', with only occasional views of partial sections of the site visible due to existing hedgerows and vegetation
- the value of any view towards the site, or across the site from the A20 is 'low' as there are no views of real merit
- as construction has also commenced on the Jones Home development, adjacent to the A20, the sensitivity is 'low'

Residents and Users of Old Ham Lane / Ham Lane

- a secondary route, with users including a mix of drivers and pedestrians, a limited number of residential properties have views towards the site
- otherwise views towards the site are restricted by established hedgerow and residential development
- two storey properties adjacent to the southern boundary will have uninterrupted views into the site
- however, the value of the view is identified as 'low' as the agricultural field has no features of merit and residential construction is underway in the foreground of the AONB; therefore, the sensitivity is 'moderate'

6.68 The EIA concludes that whilst the Application Site lies within a wider sensitive location in terms of natural landscape, it forms a relatively insignificant part of the wider Kent Downs landscape. This is informed by the physical and visual separation of the Application Site from the Downsland (AONB / SLA) landscape and the adjacency of the site to the existing settlement boundary of Lenham.

- 6.69 In considering potential impacts upon the AONB, whilst the scheme will expand the physical extent of the built up area of Lenham, with associated visual impacts from new buildings and, for example, street lighting, it is relevant to note that the Jones Homes development, now under construction, will intervene in views towards / from the site and the AONB. In addition the site lies adjacent to the existing built up area to the east and south and when viewed from the AONB will be set against established development to the south, including a large industrial estate.
- 6.70 In order to further mitigate potential impacts, the proposal will retain and enhance existing boundary landscaping, manage building heights, form and materials to reflect local character and incorporate significant elements of landscaping and open space within the overall masterplan to assist in managing the impact of the development upon the visual amenity of the AONB and wider open countryside.
- 6.71 Whilst the net impact of the development upon the character of the countryside and the AONB will reduce over time as, for example, proposed new landscaping matures, long-term views of the site will still be achieved from the AONB / North Downs Way, including rooftops and lighting. However, from the AONB / North Downs Way these will be restricted by a combination of existing and enhanced boundary vegetation, adjacent developments and the intervening A20. In addition the site will appear as a relatively minor extension of the existing built up area with elements of existing buildings in both the foreground and background.
- 6.72 Having regard to the impact of the development on the Harrietsham and Lenham Vale Landscape Character Area, this is sensitive to change, with potential impacts including the loss of open countryside and the extension of the urban edge, including potential cumulative impacts with other developments. The scheme mitigates impacts by, for example, providing a low overall density of development with significant boundary landscaping and open areas to manage the transition between built development and countryside.
- 6.73 As a site proposed within the draft LNP, the PC has considered various options for growth in Lenham and potential impacts upon the countryside and considers this site appropriate. As before, the site will visually appear partly contained by existing and emerging development, which will serve to reduce the net visual impact.
- 6.74 The application proposes a number of further mitigation measures during both the construction and operational (occupation) stages that will be secured through conditions, for example, management of the construction site, design control and new planting.

- 6.75 Having regard to the existing / emerging setting, it is not considered that the proposal will cause any significant harm to the visual relationship between Lenham and the AONB and will not harm the character, quality or function of the AONB, or the wider countryside. As such, the proposals accord with the relevant guidance set out within the NPPF and Policies SP17 DM1, DM3 and DM30 of the MBLP.

Heritage and Archaeology

- 6.76 In considering development proposals, section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard must be had to the desirability of preserving the setting of listed buildings, whilst Section 72 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas.
- 6.77 The National Planning Policy Framework states that when considering the impact of new development on the significance of any designated heritage asset, great weight should be given to its conservation; advising that significance can be harmed or lost through development within its setting. The NPPF sets out tests which apply when considering a proposed development that may result in harm to a designated heritage asset. MBLP Policy DM4 reiterates the above considerations.

Built Heritage

- 6.78 No designated or non-designated built heritage assets are located within the Application Site or its immediate periphery. Three Grade II Listed Buildings lie to the south, separated by the railway and intervening hedgerows and treeline boundaries. These include Bolderwood Farmhouse and associated buildings, which lie between 200 – 250metres SW of the site, the principal significance of which is derived from their immediate setting. Whilst the agricultural land of which the site forms part represents part of the extended semi-rural setting of these buildings, due to the physical separation and intervening infrastructure and landscape, it is considered that the Application Site forms a largely unappreciable element of the wider agricultural setting of these buildings, does not contribute to their significance and has no legible historical or functional relationship with them. Officers conclude that the impact on these assets is neutral.
- 6.79 Grade II* Lenham Court lies circa 120m to the south. The building has origins dating to the 15th Century, with later 16th, early 18th and early

20th Century elements. It is considered that Lenham Court principally derives its significance from the architectural and historic interest of its surviving fabric rather than any relationship with its extended semi-rural setting.

- 6.80 Despite its more significant listing grade, Lenham Court is visually and physically separated from the Application Site by substantial hedgerows and wooded areas, including those which characterise and enclose its grounds. Officers concur with the submitted heritage assessment, which finds that the Application Site has no legible historical or functional association with Lenham Court and is not considered to make any contribution to its architectural or historic interest.
- 6.81 Again the heritage assessment concludes that whilst the development of the Application Site represents an alteration of the extended, "*unappreciable*" agricultural or semi-rural setting of Lenham Court, this alteration is considered to represent a neutral impact on the significance of the building.
- 6.82 The Lenham Conservation Area lies circa 750m to the east of the Application Site and separated from it by extensive intervening development which generally dates to the 20th Century. The Heritage Assessment concludes that the site is not identified as an appreciable element of how the Conservation Area is experienced, nor does it have a legible historical or functional association with the Conservation Area (see also 6.84 below). It is considered that the Site makes no contribution to the significance of Lenham Conservation Area, which is derived from the architectural and historic interest of its component built heritage assets. As such, the development will serve to preserve its character or appearance in accordance with the requirements of the Act, the NPPF and MBLP Policy DM4.

Archaeology

- 6.83 The NPPF requires that where development has the potential to affect heritage assets with an archaeological interest, LPAs should require developers to submit an appropriate desk-based assessment, and where necessary, a field evaluation. Policy MB4 of the MBLP also states that planning applications on sites where there is the potential for archaeological must be subject to an appropriate desk based assessment (DBA) of the asset.
- 6.84 The Planning Application is accompanied by a DBA (which accords with the '*Standard Guidance for Historic Environment Desk-Based Assessments*'); the principle findings of which are:

- there are no designated archaeological heritage assets, no designated World Heritage Sites, Scheduled Monuments, or Historic Battlefield sites within the vicinity of the study site
- the site has remained open land throughout its documented history
- the potential for pre-historic and Saxon remains is low and no evidence or iron age or Roman interest
- Lenham is first recorded in medieval times
- mapping from the 1800's shows the site positioned well away from the hamlet
- woodland across the site was cleared in the 1800's
- by the 1990's the site had been consolidated into part of a larger single field
- archaeological impacts will principally derive from any agricultural or horticultural use of the study site, which will have had a widespread, moderate truncating impact

The assessment concludes that the archaeological potential of the site is low, that agricultural activity will have reduced the likelihood of any significant finds, which are likely to be isolated to stray finds.

6.85 KCC's archaeologist recommends a condition to secure further field evaluation prior to the site being developed.

Ecology

6.86 The Habitats Regulations require the local planning authority to have regard to the requirements of the Habitats Directive when considering whether or not to grant planning permission. This includes having regard to whether the development proposal is likely to negatively affect any European Protected Species.

6.87 Section 40 of the Natural Environment and Rural Communities (NERC) Act 2006 places duties on public bodies to have regard to the conservation of biodiversity in the exercise of their normal functions. Of the potential habitats within the site, the hedgerows are considered to qualify as 'Priority Habitats' and therefore constitute potentially important ecological features.

6.88 The NPPF requires the planning system to contribute to and enhance the natural environment by minimising impacts on biodiversity and delivering net gains in biodiversity where possible. The NPPF states that where

significant harm resulting from a development cannot be avoided, for example, through locating on an alternative site with less harmful impacts, such impacts should be adequately mitigated, or, as a last resort, compensated for.

- 6.89 Due to its history of cultivated arable use, the main body of the site contains limited existing hedgerow or trees, other than its boundaries. The site is not subject to any statutory or non-statutory ecological designations, with the nearest statutory designation being the Lenham Quarry SSSI 2.4km to the east. Local Wildlife sites are located to the north, in excess of 180m. The closest international designation is the North Downs Woodlands SAC, which is located approximately 10.6km from the site.
- 6.90 The application is accompanied by an ecological assessment which includes desktop, habitat and faunal surveys. The surveys concluded that the hedgerows, whilst a priority habitat, are of local significance only due to their managed nature, but are nevertheless potential habitat for bats and nesting birds. No evidence was found of dormouse.
- 6.91 The proposals are therefore accompanied by a number of both construction and longer-term mitigation / management measures targeted at, for example, creating enhanced habitat for bats, badgers, dormice and invertebrates, including:
- ongoing monitoring and removal of risks during construction phases
 - protection of existing hedgerow during construction and subsequent enhancement, including future protection from light spillage
 - creation of new habitat including native species
 - new wildflower meadow, including nectar sources for bees
 - bee bricks across the development to accommodate for reducing numbers of non-swarming bees
 - new wetland habitat
 - bat sensitive lighting strategy
 - new bat roosts and bird nesting boxes
 - off-site skylark habitat
- 6.92 As indicated within Section 5 above, KCC Ecology are satisfied that adequate survey work has been undertaken to assess the potential impact upon protected and other species. Further surveys of nesting birds were undertaken at KCC's request and as a result of further dialogue between KCC and the Applicant, agreement has been reached in terms of a series

of conditions to ensure that impacts are mitigated, that alternative habitat created and where possible biodiversity enhancements secured.

- 6.93 In relation to the North Downs Woodlands SAC, where potential impacts would relate to air quality and dust, having regard to the separation of the sites and intervening road infrastructure and development, there is no evidence that there would be either a direct or in-combination impact. As such no wider mitigation is required.
- 6.94 As such, Officers are satisfied that the Council is able to meet its statutory duties and that the application accords with the relevant provisions of the NPPF and Policy DM3 of the MBLP by delivering significant net enhancement of biodiversity opportunities on the site.

Drainage and Flood Risk

- 6.95 Both flood risk assessment and surface water management are guided by a number of regimes set by, for example, Defra, the EA and guided by policy at national, county and local levels.
- 6.96 The Application Site lies within Flood Zone 1 - the lowest level of risk of fluvial flooding. Flood risk from groundwater and reservoirs is also low. An existing surface water flow path has been observed through the dry valley within the site and requires management as part of the proposed surface water management system. The dry valley has been incorporated into the proposed masterplanning as open space and highways.
- 6.97 In responding to the Planning Application KCC requested that the Applicant provide an additional analysis with an increased climate change risk of 40%. This has been undertaken and the flood risk assessment concludes that the site is appropriate for residential use, subject to the implementation of an acceptable surface water management strategy.
- 6.98 There are no public surface water sewers accessible to the site. The proposed SuDS strategy accords with KCC's Drainage Policy Statement and seeks to mimic the existing drainage regime by conveying surface water a planted detention basin to the southern boundary of the site, where surface water would outfall, at pre-development runoff rates, into a new shallow scrape. Water within the scrape would subsequently drain from the site via a weir into the ditch and by slow infiltration through the base of the scrape. Any overland flow through the dry valley will be kept separate from the

6.99 This approach has been discussed and agreed with both the LLFA and Network Rail.

6.100 In terms of foul water drainage, an existing pump station is located close to the south-western corner of the site. It is proposed that foul flows from the proposed development would connect into this pumping station. Due to the level difference between this pumping station and the lower parts of the proposed development site, it is anticipated that the proposed development will require its own pumping station to convey foul drain to the existing pumping station on Old Ham Lane. Such matters will be agreed between the Applicant and the relevant water authority.

6.101 The proposals are therefore considered to accord with relevant guidance on SuDS, the NPPF and MBLP policies H2/H2(3) DM3.

Residential Amenity

6.102 Policy DM1 of the MBLP requires respect for the amenities of occupiers of neighbouring properties and uses, together with adequate residential amenities for future occupiers of the development.

6.103 There are a limited number of neighbouring residential properties, principally a small group to the south on Old Ham Lane, although a number of other properties front, or gain access from Ham Lane to the north east, through which this initial phase will gain access to the A20.

6.104 A significant open space buffer will be provided within the site's southern area to provide an adequate separation to housing on Old Ham Lane, including retention and reinforcement of existing hedging and planting, such that there will be no unacceptable level of overlooking or overbearing impact. It is possible that residents of Old Ham Lane may experience an additional level of passing traffic, but this is not predicted to be sufficient to alter the character of Old Ham Lane or their amenity. Further, when the southern link between the site and Old Ham Lane is delivered (see above), through traffic past these properties will be stopped and thus their overall amenity will be substantially improved.

6.105 With regard to properties on or adjacent to Ham Lane, the development has no common boundary, so will not cause any impacts in terms of direct amenity. Whilst there will be an increase in traffic, again this is not considered to be such that it would result in adverse noise or air quality conditions.

6.106 Finally, the adjacent William Pit playing field is identified as a potential future housing site within the draft LNP. The layout of the proposed development has taken this into account and provides sufficient separation that the future development of the adjacent site will not be prejudiced.

6.107 Having regard to the low density of development and significant open amenity spaces proposed, it is considered that the development will offer a high quality of amenity for future occupiers of the development.

Infrastructure and Open Space

Infrastructure

6.108 The planning application will be subject to CIL, which will cover the majority of the scheme's net contributions to local infrastructure. Subject to the progress of the neighbourhood plan, a proportion will be made available to the Parish Council.

6.109 One exception to the above is the recent amendment to the Council's R123 list, which states that the development will be required to contribute through s106 to the expansion of Lenham Primary School, which the Applicant has accepted. The level of contribution is to be agreed with KCC, who have initially suggested £3,324 per 'applicable' house (x112) and £831.00 per 'applicable' flat (x16).

6.110 KCC have also requested social care provision of 2 Wheelchair Adaptable Homes (Bldg Reg Part M4 (2)) as part of the on site affordable homes delivery.

6.111 Affordable housing delivery will be secured through the s106 agreement.

6.112 The proposals will contribute infrastructure necessary to support the aspirations of the draft LNP through (to be secured via a s278 agreement):

- the ability to deliver the southern access to Old Ham Lane and thus to the sites to the south of the railway,
- the improvement to the eastern section of Old Ham Lane and its junction with Ham Lane
- improvements to the access to LPC owned land and the ability for a future connection to be made via land to the north, to the A20.

The measures proposed are considered to be proportionate to the scale and impact of the development and in accordance with the CIL Regulations.

Open Space

6.113 The development will secure some 2.74 ha of open space on site in accordance with Policy DM19 of the MBLP. This will comprise

- amenity Green Space 0.25ha
- provision for children & young people 0.09ha
- natural/semi-natural areas of open space 2.4ha

6.114 This space will be accessible to the wider public, as well as future occupiers of the scheme and will therefore make a significant contribution to the recreational amenity of Lenham. **A Landscape Management Strategy will be secured via a s106 agreement** in order to secure the appropriate long-term maintenance of this significant amenity and ecological asset.

Other Considerations

Environmental Impact Assessment

6.115 EIA is a process for ensuring that the likely significant environmental effects resulting from a new development are fully understood and taken into account before development is allowed to proceed.

6.116 The Town and Country Planning (Environmental Impact Assessment) Regulations 2017 set out which types of development may require an Environmental Impact Assessment ("EIA"). Development types listed in Schedule 2 could potentially require EIA where the site is in a "sensitive area" or exceeds relevant criteria or thresholds and has the potential to result in likely significant environmental effects.

6.117 The Proposed Development is of a type listed in Schedule 2 (10(b)) and given the scale and location of the development could potentially give rise to likely significant environmental effects.

6.118 The Planning Application is accompanied by an Environmental Statement (ES), volunteered by the Applicant, the scope of which was agreed by the LPA and statutory consultees. The findings of the EIA have been considered and are incorporated into the above assessment of the

application and where necessary, recommended mitigation will be secured by conditions.

6.119 It is not considered that the development would lead to significant adverse environmental effects or other impacts that have not, or cannot be mitigated through detailed design or conditions.

Ground Conditions

6.120 Historical surveys suggest that site has been largely unchanged since the first records in 1866 as open field agriculture. Whilst there are commercial uses to the south, the DBA concludes that the risk of migration of any contaminants to the site itself appears unlikely. Equally the potential for significant airborne pollutants within the soil from the nearby Marley works is not considered to be an issue.

6.121 No evidence of unacceptable groundwater or standing water conditions has been identified.

6.122 Having regard to the above, and the potential for historic use of pesticides, whilst traditional shallow strip foundations would normally be employed for a development of this type, a precautionary condition regarding piling is advised to ensure no risk to groundwater sources.

Air Quality

6.123 There are a range of strategies at national and local levels which establish the approach to assessing the impact of development on air quality. Legislation at European and national levels aims to protect human health and the environment by avoiding, reducing or preventing harmful concentrations of air pollution.

6.124 The NPPF states that the planning system should contribute to protecting and enhancing the natural and local environment and whilst making an effective use of land and minimising pollution, by preventing new/existing development from contributing to or being put at unacceptable risk from, or being adversely affected by, inter alia, unacceptable levels of air pollution. It also requires the effects of air pollution and the potential sensitivity of the area to its effects, to be taken into account in planning decisions.

6.125 Development of this type has the potential to adversely affect air quality during both the construction phase and operational phase. The ES identifies that during the construction phase, the main potential effects

relate to dust and fine particulate matter (PM10) and for road traffic nitrogen dioxide (NO2) and fine particulate matter (PM10 and PM2.5).

6.126 The following activities have been identified as having the potential to cause emissions of dust during the construction phase:

- site preparation including delivery of construction material, erection of fences and barriers
- earthworks including digging foundations and landscaping
- materials handling such as storage of material in stockpiles and spillage
- construction and fabrication of units and
- collection and disposal of waste materials off-site

6.127 The Applicant has assessed the potential magnitude of dust emission for the construction phases with potential receptors including residential properties and Dickley Wood, a designated area of ancient woodland, which is located approximately 90m at its closest point. The ES concludes that with appropriate mitigation measures to be captured within a Construction Environmental Management Plan (CEMP), potential impacts on ecological receptors are low and that overall impacts can be managed to acceptable levels.

6.128 Operational impacts are focussed upon the impacts of road traffic generated by the development on NO2, PM10 and PM2.5 concentrations. The ES identifies negligible impacts on air quality with no requirement for additional traffic mitigation measures. Nonetheless, an emissions mitigation assessment (EMA) has been undertaken to quantify the cost of mitigation required in accordance with the Kent and Medway Air Quality Planning Guidance

6.129 The EMA calculates the 'central present value' of the emissions mitigation required as £15,891 for NOx and £12,613 for PM2.5. Therefore, the total cost of mitigation required equates to £28,504, over a five-year period. The Applicant proposes that this cost can be offset by provision of mitigation measures incorporated into the design of the Proposed Development, such as:

- one electric vehicle charging point per dwelling with dedicated parking
- one charging point per ten spaces for (unallocated parking)
- all gas-fired boilers to meet a minimum standard of <40mgNOx/kWh

In addition, Officers consider that the following mitigation measures will contribute to offsetting the EMA:

- travel plan measures, including mechanisms for discouraging high emission vehicle use and encouraging the uptake of low emission fuels and technologies
- improved pedestrian and cycle connections to the village centre
- using new green infrastructure / trees to absorb pollutants

Whilst the specific net benefits associated with such soft measures cannot be calculated in detail at this stage, having regard to the low levels of impact predicted and the travel plan target of a 10% reduction in private trips by car, it is considered that there are no air quality constraints that would justify refusing the application and that it is therefore in accordance with legislation and relevant national and local policies, including MBLP DM6. A planning condition is proposed in order to ensure that the mitigation measures identified are implemented to a level that acceptably offsets the EMA.

7.0 CONCLUSION

- 7.01 The planning application has been the subject of a lengthy pre-application process and formal consideration, during which it has addressed and taken on-board the views of consultees and stakeholders, including the Parish Council.
- 7.02 The Planning Application has been considered on its merit against the Development Plan and other relevant considerations, including the submitted environmental statement.
- 7.03 It is considered that the development will not adversely impact upon the setting or function of the AONB and having regard to the growth requirements of the development plan, provides an appropriate response to its setting within countryside on the edge of Lenham.
- 7.04 This is achieved through a combination of; low density development, a sensitive masterplan layout that incorporates substantial areas of open space and landscaping, including views towards the AONB, management of the scale of buildings and the use of contextual materials and designs.
- 7.05 Consideration of the scheme's potential impacts upon heritage assets concludes that no adverse impacts will occur.

- 7.06 The accompanying environmental statement concludes that no significant environmental impacts will arise and proposes mitigation measures, to be secured by condition to mitigate both construction and operational phase impacts.
- 7.07 Whilst limited weight can be afforded at this stage to the draft Lenham Neighbourhood Plan, the application demonstrates that it would not prejudice the future delivery of the LNP and that the scheme provides the scope for the delivery of necessary infrastructure to support the draft LNP's wider masterplan aspirations. Whilst this has resulted in the over-engineering of some elements of this scheme, such as highway widths to accommodate buses, it is appropriate to safeguard future capacity at this stage and should there be no future requirement to connect to wider sites, the scheme is capable of adaptation.
- 7.08 It is considered that proposed development represents a high quality response to the site's context and opportunities and will provide a high quality environment for both residents and the wider public, with new public open spaces and biodiversity enhancements. In doing so the scheme responds positively to the development plan and has demonstrated that it would not prejudice either the draft LNP or MBLP review processes.

8.0 RECOMMENDATION

8.01 Officer recommend the GRANT Conditional Permission subject to delegation to the Head of Planning to secure the following s106 heads of terms:

- Provision of 40.5% affordable housing on-site, with a 65:35 rent:intermediate split
- Provision and implementation of a landscape and ecological management plan
- Financial contribution to local primary school provision

Conditions

Proposed conditions are set out below. Members should note that a late KCC Highways request details a numbers of further suggested conditions. Officers will seek to agree these with KCC and present them as an urgent update ahead of the meeting. Alternatively, Members may delegate authority to the Head of Planning to prepare.

1) Time Limits

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) Approved Plans

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

- Drawing 19039 S100 Site Location Plan
- Drawing 19039 P100 Overall Site Layout
- Drawing 19039 C101A Coloured Site Layout
- Drawing 19039 P110 Plans and Elevations Affordable 2 Bedroom House Brick
- Drawing 19039 P111 Plans and Elevations Affordable 2 Bedroom House Boarding
- Drawing 19039 P112 Plans and Elevations Affordable 2 Bedroom House Tile Hanging
- Drawing 19039 P113 Plans and Elevations Affordable 2 Bedroom House Tile Hanging
- Drawing 19039 P114 Plans and Elevations 3 Bedroom House Types 3 Affordable Brick
- Drawing 19039 P115 Plans and Elevations 3 Bedroom House Types 3 Affordable Brick
- Drawing 19039 P116 Plans and Elevations 3 Bedroom House Types 3 Affordable Boarding
- Drawing 19039 P117 Plans and Elevations 3 Bedroom House Types 3 Affordable Boarding
- Drawing 19039 P118 Plans and Elevations 3 Bedroom House Types 3 Affordable Boarding
- Drawing 19039 P119 Plans and Elevations 3 Bedroom House Types 3 Affordable Tile Hanging
- Drawing 19039 P120 Plans and Elevations 4 Bedroom House Types 4 Affordable Boarding
- Drawing 19039 P121 Plans and Elevations 2 Bedroom House Type 2B (HT204) Brick
- Drawing 19039 P122 Plans and Elevations 2 Bedroom HT 2B + 3A (HT204+301) Brick
- Drawing 19039 P123 Plans and Elevations 2 + 3 Bedroom HT 2B + 2C (HT204) Tile Hanging

- Drawing 19039 P124 Plans and Elevations 3 Bedroom House Types 3A (HT301) Brick
- Drawing 19039 P125 Plans and Elevations 3 Bedroom House Types 3A (HT301) Brick
- Drawing 19039 P126 Plans and Elevations 3 Bedroom House Types 3A (HT301) Brick
- Drawing 19039 P127 Plans and Elevations 3 Bedroom House Types 3A (HT301) Brick
- Drawing 19039 P128 Plans and Elevations 3 Bedroom House HT 3A + 3C (HT301 + 305) Brick
- Drawing 19039 P129 Plans and Elevations 3 Bedroom HT 3A + 3C (HT301 + 305) Brick and Boarding
- Drawing 19039 P130 Plans and Elevations 3 Bedroom House Types 3B (HT303) Brick
- Drawing 19039 P131 Plans and Elevations 3 Bedroom House Types 3B (HT303) Boarding
- Drawing 19039 P132 Plans and Elevations 3 Bedroom House Types 3B (HT303) Tile Hanging
- Drawing 19039 P133 Plans and Elevations 3 Bedroom House Types 3B (HT303) Brick
- Drawing 19039 P134 Plans and Elevations 3 Bedroom House Types 3C (HT305) Brick
- Drawing 19039 P135 Plans and Elevations 3 Bedroom House Types 3C (HT305) Tile Hanging
- Drawing 19039 P136 Plans and Elevations 3 Bedroom House Types 3D (HT307) Boarding
- Drawing 19039 P137 Plans and Elevations 3 Bedroom House Types 3D (HT307) Tile Hanging
- Drawing 19039 P138 Plans and Elevations 3 Bedroom House Type 3D (HT307) Tile Hanging
- Drawing 19039 P139 4 Bedroom House: Plans and Elevations Type 4A (HT404) Brick
- Drawing 19039 P140 Plans and Elevations 4 Bedroom House Type 4A (HT404) Brick
- Drawing 19039 P141 Plans and Elevations 4 Bedroom House Type 4A (HT404) Brick
- Drawing 19039 P142 Plans and Elevations 4 Bedroom House Type 4A (HT404) Boarding
- Drawing 19039 P143 Plans and Elevations 4 Bedroom House Type 4A (HT404) Tile Hanging
- Drawing 19039 P144 Plans and Elevations 4 Bedroom House Type 4A (HT404) Tile Hanging
- Drawing 19039 P145 Plans and Elevations 4 Bedroom House Type 4B (HT406) Brick

- Drawing 19039 P146 Plans and Elevations 4 Bedroom House Types 4B (HT406) Brick
- Drawing 19039 P147 Plans and Elevations 4 Bedroom House Type 4B (HT406) Ragstone
- Drawing 19039 P148 Plans and Elevations 4 Bedroom House Type 4C (HT409) Brick
- Drawing 19039 P149 Plans and Elevations 4 Bedroom House Type 4C (HT409) Brick
- Drawing 19039 P150 Plans and Elevations 4 Bedroom House Type 4C (HT409) Tile Hanging
- Drawing 19039 P151 Plans and Elevations 4 Bedroom House Type 4C (HT409) Ragstone
- Drawing 19039 P152 Plans and Elevations 5 Bedroom House Type 5B (HT503) Brick
- Drawing 19039 P153 Plans and Elevations 5 Bedroom House Type 5B (HT503)
- Drawing 19039 P154 Plans and Elevations 5 Bedroom House Type 5B (HT503) Ragstone
- Drawing 19039 P160 Apartment Block A – Plots 53 – 64 Proposed Floor Plans
- Drawing 19039 P161 Apartment Block A – Plots 53 – 64 Proposed Elevations
- Drawing 19039 P162 Apartment Block B – Plots 105 - 116 Proposed Floor Plans
- Drawing 19039 P163 Apartment Block B – Plots 105 - 116 Proposed Elevations
- Drawing 19039 P170 Garage (Sheet 1 of 2) Plans and Elevations
- Drawing 19039 P171 Garage (Sheet 2 of 2) Plans and Elevations
- Drawing 19039 P172 Car Barn Plans and Elevations

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

3) Surface Water Drainage

Development shall not begin in any phase until a detailed sustainable surface water drainage scheme for the site has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall be based upon the Drainage Strategy Report (Stirling Maynard Construction Consultants, April 2019) and shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of without increase to flood risk on or off-site.

The drainage scheme shall also demonstrate (with reference to published guidance):

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

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

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

4) Surface Water Verification

No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved by the Local Planning Authority. The Report shall demonstrate the suitable modelled operation of the drainage system where the system constructed is different to that approved. The Report shall contain information and evidence (including photographs) of details and locations of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and, the submission of an operation and maintenance manual for the sustainable drainage scheme as constructed.

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

5) EA Drainage

Whilst the principles and installation of sustainable drainage schemes are to be encouraged, no drainage systems for the infiltration of surface water drainage into the ground are permitted other than with the express written consent of the LPA, which may be given for those parts of the site where it has been demonstrated that there is no resultant unacceptable risk to Controlled Waters. The development shall be carried out in accordance with the approval details.

Reason: To protect the underlying groundwater from the risk of pollution. Infiltrating water has the potential to cause remobilisation of contaminants

present in shallow soil/made ground which could ultimately cause pollution of groundwater.

6) Groundworks

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

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

- a) Details of any sampling and remediation works conducted and quality assurance certificates to show that the works have been carried out in full in accordance with the approved methodology.
- b) Details of any post-remedial sampling and analysis to show the site has reached the required clean-up criteria shall be included in the closure report together with the necessary documentation detailing what waste materials have been removed from the site.

If no contamination has been discovered during the build then evidence (e.g. photos or letters from site manager) to show that no contamination was discovered should be submitted for information.

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

7) Piling

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

Reason: The developer should be aware of the potential risks associated with the use of piling where contamination is an issue. Piling or other penetrative methods of foundation design on contaminated sites can potentially result in unacceptable risks to underlying groundwaters. We recommend that where soil contamination is present, a risk assessment is carried out in accordance with our guidance 'Piling into Contaminated Sites'. We will not permit piling activities on parts of a site where an unacceptable risk is posed to Controlled Waters

8) Earthworks

The development hereby approved shall not commence until details of earthworks have been submitted to and approved in writing by the local

planning authority. These details shall include the proposed grading and mounding of land areas including the levels and contours to be formed, showing the relationship of proposed mounding to existing vegetation and surrounding landform;

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

9) Levels

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

Reason: In order to secure a satisfactory form of development having regard to the countryside location of the site and the relationship with neighbouring dwellings.

10) Design Details

Above ground construction work on the approved buildings shall not commence until full details of the following matters in the form of large scale drawings (at least 1:20 scale) have been submitted to and approved in writing by the Local Planning Authority

- a) New external joinery
- b) Details of eaves and roof overhangs
- c) Details of balconies, projecting bays and porch canopies
- d) Details of door and window headers (which shall be in the form of segmental gauged arches) and cills

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

Reason: In the interests of the character and appearance of the rural locality.

11) Materials

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

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

12) Samples

The development hereby approved shall not commence above slab level until, until samples of the materials to be used in the construction of the external surfaces of the building(s) hereby permitted have been submitted to and

approved in writing by the local planning authority and the development shall be constructed using the approved materials;

Reason: To ensure a satisfactory appearance to the development.

13) Boundary Treatment

The development shall not be occupied until details of all fencing, walling and other boundary treatments have been submitted to and approved in writing by the local planning authority. The details shall include large scale drawings of 2/3 coursed and coped ragstone walling where hereby approved. The ragstone walling shall use a lime based mortar and be completed with flush joints. The housing areas and open space shall be implemented in full in accordance with the approved details before the first occupation of any of phase of the dwellings hereby approved, or in accordance with a programme to be agreed in advance in writing by the local planning authority.

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

14) Soft landscaping

The development hereby approved shall not commence above slab level until a landscape scheme which follows the principles of drawing 2845 LA 01 P2 has been submitted to and approved 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

15) Hard landscaping

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

Reason: To ensure a satisfactory appearance to the development.

16) Landscape Implementation

The approved landscape details relevant to an individual dwelling or phase of which it forms part shall be completed by the end of the first planting season following completion of that dwelling. Any other communal shared or street landscaping shall be completed by the end of the first planting and seeding season following completion of relevant phase in accordance with a landscape phasing plan to be approved pursuant to this condition. 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.

17) Tree protection

The development hereby approved shall not commence until details of tree and hedgerow 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 and hedgerows 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

18) Lighting

No external lighting shall be installed on the site except in accordance details to be approved in writing by the local planning authority. All lights shall be suitably cowled or shall have light directed downwards to minimise light pollution, having specific regard to the potential light spillage into the open countryside and AONB. Any lighting approved shall be implemented prior to the occupation of that part of the development and associated vehicular and pedestrian routes to the site access.

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

19) Ecological Mitigation

No development shall take place (including any ground works, site or vegetation clearance) until a method statement for ecological mitigation has been submitted to and approved in writing by the local planning authority. The content of the method statement shall specially include (but not be limited to) measures with respect to Dormice and breeding birds, specifically setting out the following:

- a) Purpose and objectives for the proposed works:
- b) Detailed design(s) and/or working method(s) necessary to achieve stated objectives;
- c) Extent and location of proposed works, shown on appropriate scale maps and plans;

- d) Timetable for implementation, demonstrating that works are aligned with the proposed phasing of construction;
- e) Persons responsible for implementing the works, including times during construction when specialist ecologists need to be present on site to undertake / oversee works;
- f) Use of protective fences, exclusion barriers and warning signs;
- g) Initial aftercare and long-term maintenance (where relevant);
- h) Disposal of any wastes for implementing work.

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

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

20) Biodiversity Enhancement

Prior to the commencement of the development hereby approved, details of how the development will enhance biodiversity will be submitted to and approved in writing by the Local Planning Authority. These shall include the installation of bat and bird nesting boxes along with provision of generous native planting and a detailed management plan. The approved details will be implemented and thereafter retained.

Reason: To enhance biodiversity

21) LEMP

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

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

22) EV Charging

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

Reason: In the interests of pollution control.

23) Parking

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

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

24) Archaeology

No development shall take place until the applicant, or their agents or successors in title, has secured the implementation of:

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

ii following on from the evaluation, any safeguarding measures to ensure preservation in situ of important archaeological remains and/or further archaeological investigation and recording in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority

Reason: To ensure that features of archaeological interest are properly examined and recorded and that due regard is had to the preservation in situ of important archaeological remains.

25) Refuse Storage/Collection

Prior to the development hereby approved reaching slab level a scheme for (a) the storage and screening of refuse bins, and (b) the collection of refuse bins shall be submitted to and approved by the Local Planning Authority. The approved details shall be in place before first occupation of the development hereby approved, and maintained thereafter.

Reason: In the interests of amenity and the streetscene.

26) Highways

The Highway Authority has requested that conditions be imposed to address the following matters (Members are requested to delegate authority to Officers to draft the detailed wording together with KCC Highways):

Site Access

The access to the site from Old Ham Lane shall be carried out in accordance with drawing number 1533-H-11 P3 hereby approved and shall be

completed before the first occupation of the buildings hereby permitted.
Reason: In the interests of highway safety.

Southern Link

A southern link road delivery scheme shall be submitted to and approved by the local planning authority prior to any development above slab level. Such a scheme shall comprise vehicular, pedestrian and cycle connections from the development to Old Ham Lane at the southern end adjacent to the Smokey Bridge and must be laid-out and constructed prior to the occupation of the 136th dwelling in accordance with the approved details, unless otherwise agreed in writing by the local planning authority. Reason: to ensure that the development does not prejudice the comprehensive development of the area.

William Pit Field

No development to be occupied until the works to widen Old Ham Lane are implemented in accordance with a delivery scheme to be agreed in writing by the LPA – such scheme to include measures for the phased delivery of the access to William Pit Playing Field and the subsequent permanent closure of the existing playing fields access to motor vehicles when the proposed new playing fields access is brought into use.

Visibility Splays

Provision and maintenance of the visibility splays shown on the submitted plans with no obstructions over 0.9 metres above carriageway level within the splays, prior to the use of the site commencing; and

Provision and maintenance of 2 metres x 2 metres pedestrian visibility splays behind the footway on both sides of the access with no obstructions over 0.6m above footway level, prior to the use of the site commencing.

Air Quality Mitigation Scheme

- Provision approval and implementation of a site-wide Travel Plan.
- Provision approval and implementation of a CEMP to address dust mitigation measures
- EV Charging
- Other measures necessary to provide an adequate mitigation of EMS

Refuse Storage & Collection

MAIDSTONE BOROUGH COUNCILPLANNING COMMITTEEMINUTES OF THE MEETING HELD ON 19 DECEMBER 2019

Present: Councillor English (Chairman) and
Councillors Adkinson, Brindle, Eves, Harwood,
Kimmance, Munford, Parfitt-Reid, Perry, Spooner,
Vizzard and Young

Also Councillor J Sams

Present:

175. 19/503995/EIFUL - ERECTION OF 136 RESIDENTIAL DWELLINGS TOGETHER WITH ACCESS, PARKING, DRAINAGE, LANDSCAPING AND ASSOCIATED WORKS - LAND AT OLD HAM LANE, LENHAM, MAIDSTONE, KENT

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All Members except Councillors Harwood and Young stated that they had been lobbied.

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

In presenting the application, the Major Projects Manager provided a verbal update and advised the Committee that he believed that Members had received an email earlier that day on behalf of a landowner to the south of the railway line at Lenham expressing concerns about the delivery strategy for future highway links.

The Major Projects Manager explained that the applicant had agreed to reserve an area of land in the southern part of the site to provide the future access link and had also agreed a strategy for its delivery prior to the completion of the final unit on the site. It was explained that the link was not required in order to make the development acceptable in highway terms and it would be onerous and unnecessary to demand the early delivery of the southern link, but that it would be provided when it was necessary. Delegated powers were sought to finalise a number of highway conditions, the principal reason being that the comments of KCC Highways had been received on the day that the agenda was published. Subject to the imposition of conditions, KCC Highways was now content that the scheme meets all of its requirements.

The Head of Planning and Development sought delegated powers to negotiate a further S106 Head of Terms to firm up the spine road strategy such that it links up to further developments to the north and the south and is not built out in isolation.

The Head of Planning and Development sought delegated powers to negotiate a further S106 Head of Terms to firm up the spine road strategy such that it links up to further developments to the north and the south and is not built out in isolation.

Mr Barker, an objector, Mr Bewsey, for the applicant, Councillor Greenwood of Lenham Parish Council and Councillor J Sams (Visiting Member) addressed the meeting.

RESOLVED: That subject to:

- (a) The prior completion of a S106 legal agreement in such terms as the Head of Legal Partnership may advise to provide for the Heads of Terms set out in the report and an additional Head of Terms relating to the design and delivery of the spine road with specific instructions to the Head of Planning and Development to negotiate an appropriate lower unit trigger relating to the delivery of the southern link;
- (b) Conditions 1 – 25 set out in the report with:
 - An additional condition to secure the incorporation of 10% renewable energy measures within the affordable housing element of the development; and
 - Amendments to the appropriate conditions to secure:

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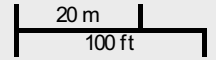
Enhanced landscaping in the south east corner of the site; and
The incorporation of bee bricks and wildlife friendly gullies and gaps under fences to facilitate the movement of wildlife; AND

- (c) The conditions requested by KCC Highways relating to the site access, William Pitt Field, visibility splays, air quality mitigation scheme and refuse storage and collection with the southern link trigger being incorporated into the S106 legal agreement,

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

Voting: 10 – For 0 – Against 2 – Abstentions

Agenda Item 13



Ordnance Survey - data derived from OS Premium



22/502738/FULL Upper Little Boy Court, Boy Court Lane, Headcorn, Kent, TN27 9LA

Scale: 1:1250

Printed on: 7/12/2022 at 8:49 AM by JoannaW



REPORT SUMMARY

REFERENCE NO: - 22/502738/FULL		
APPLICATION PROPOSAL: Erection of a two storey side and rear extension with detached garage (Resubmission-21/504328/FULL).		
ADDRESS: Upper Little Boy Court Boy Court Lane Headcorn Ashford Kent TN27 9LA		
RECOMMENDATION: GRANT subject to the planning conditions set out in Section 8.0 of the report.		
SUMMARY OF REASONS FOR RECOMMENDATION: For the reasons set out below it is considered that the proposed development would be acceptable and would not cause significant visual harm or harm to neighbouring amenity, nor be unacceptable in terms of any other material planning considerations such that the proposed development is considered to be in accordance with current Development Plan Policy and planning guidance.		
REASON FOR REFERRAL TO COMMITTEE: The application was called in by Ulcombe Parish Council by reason of the recommendation being contrary to their comments (see report below and original report in appendix A for reasons). The application was deferred at Planning Committee on 15 th December 2022. The reason for deferral was to enable Officers to seek to negotiate a solution to concerns raised regarding overlooking of Upper Boy Court Oast from the proposed windows in the first-floor north-east elevation facing that property.		
WARD: Headcorn	PARISH/TOWN COUNCIL: Ulcombe	APPLICANT: Ms Felicity Nichols AGENT: Kent Design Studio Ltd
CASE OFFICER: Angela Welsford	VALIDATION DATE: 09/06/22	DECISION DUE DATE: 28/02/23
ADVERTISED AS A DEPARTURE: NO		

MAIN REPORT

1. REASON FOR DEFERRAL

- 1.01 The application seeks permission for the erection of a two-storey side and rear extension to the dwelling and erection of a detached garage. The application was deferred at Planning Committee on 15th December 2022; the reason for deferral being to enable Officers to seek to negotiate a solution to concerns raised regarding overlooking of Upper Boy Court Oast from the proposed windows in the first-floor north-east elevation facing that property.
- 1.02 All the details of the proposal are contained in the original Committee Report of 15th December 2022, which is attached as appendix A to this report. The main assessment for the proposal remains as set out in the original Committee Report. The remainder of this report sets out and assesses the amendments made by the applicant to address the reason for deferral.

2. AMENDMENTS TO PROPOSAL (to address reason for deferral)

- 2.01 The following amendments have been made to the proposals:

- complete omission of the smaller proposed window to Bedroom 3;
- addition of obscure-glazing to the proposed bathroom window, to achieve Pilkington Level 4 privacy standard;
- addition of native planting along the north-eastern boundary with Upper Boy Court Oast. A total of 7 new trees are proposed along this boundary – one Hawthorn, two Common Lime and one Crab Apple in the area forward of the proposed garage, and three Holly in the area between the existing mature tree on this side boundary and the front boundary (directly between the eastern corner of the proposed side extension and the western corner of Upper Boy Court Oast). Details given on the amended proposed block plan and in the covering email indicate that all new tree planting would be between Advanced Heavy Standard and Semi-Mature in size (minimum height on planting between 4m and 5m).

3. POLICY AND OTHER CONSIDERATIONS

Maidstone Borough Local Plan (2011-2031): Policies SP17, DM1, DM3, DM23, DM30, DM32

Emerging Policies: Maidstone Borough Council – Local Plan Review Regulation 22 Submission. The Regulation 22 Submission comprises the draft plan for submission (Regulation 19) dated October 2021, the representations and the proposed main modifications. It is a material consideration and some weight must be attached to the document because of the stage it has reached. This weight is limited, as it has yet to be the subject of an examination in public.

Relevant Policies:

Policy LPRSP9 – Development in the countryside

Policy LPRSP15 – Principles of Good Design

Policy LPRQ&D4 – Design principle in the countryside

LPRHou11 – Rebuilding, Extending and Subdivision of Dwellings in the countryside

Policy LPRTRA4 - Parking Matters

The National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Supplementary Planning Documents: Residential Extensions SPD (adopted May 2009)

4. REPRESENTATIONS

Further representations of both support and objection have been received in response to the consultation on the amendments submitted to address the reason for deferral. (All representations received hitherto are summarized in the original Committee Report – see appendix).

8 representations have been received in total in response to consultation on the amended details. 5 are objections, from 2 different properties and 3 are in support, from 3 different properties.

All points of objection and support listed in the original Committee Report have been raised again. In addition, the following (summarized) material planning considerations and points relating to the amendments to the scheme have also been raised:

Objections

- Proposals are contrary to planning policy and guidance;
- Proposed tree planting cannot replace the volume, number and scale of trees removed, will take years to mature and will provide limited screening;
- Obscure-glazing to one window is welcomed, but is only to be expected because it would serve a bathroom;
- Removal of the small window will have little impact in terms of the loss of privacy;
- Complete removal of the proposed windows and/or replacement with roof lights would overcome the loss of privacy;
- Upper Boy Court Oast residents have not been involved in negotiations to amend the proposal;
- Amended proposals do not address the concerns raised at the December Planning Committee;
- Overlooking of Upper Boy Court Oast's garden, wildflower meadow, chicken run, designated seating area and patio and into the kitchen/diner.

Support

- Proposals comply with planning policy and guidance, and are the result of pre-application engagement and advice;
- Number of proposed trees to be planted exceeds the number of diseased trees taken down;
- Proposed first floor side-facing windows would afford similar views to the existing;
- Proposed windows do not face Upper Boy Court Oast; they would face a field, the roof of the neighbour's outbuilding and a large vehicle, and the drive;
- Vernacular design and traditional materials;
- Subservient;
- Development in part replaces a pre-existing structure;
- No harm to the countryside.

Many other points which are not material planning considerations have also been raised in representations, but those cannot be taken into consideration in the determination of the application.

5. CONSULTATIONS

(Please note that summaries of consultation responses to the amended plans submitted following deferral are set out below with the response discussed in more detail in the main report where considered necessary. All previous responses are set out in the original Committee Report in the appendix.)

Ulcombe Parish Council

5.01 Recommends refusal and wishes application to be referred to Planning Committee if approval is recommended. Objects on the following (summarised) grounds:

- The neighbours were not involved in the negotiations, so they were one-sided;

- Removal of one window and obscure-glazing to the bathroom window are welcomed;
- The two proposed bedroom windows will still overlook the neighbours' house and garden;
- Proposed tree screening is inappropriate as it will take many years to reach 20 feet high; pre-existing trees should have been kept instead;
- Over-fenestration is a reason for refusal.

6. APPRAISAL

In view of the reason for deferral and the nature/purpose of the amendments made, the key issue under consideration in this report is overlooking/loss of privacy. The main assessment for the proposal, in relation to other matters, remains as set out in the original Committee Report (see appendix).

Overlooking / Loss of Privacy

- 6.01 In terms of planning policy background, criterion iv of Local Plan Policy DM1 requires new development to respect the amenities of occupiers of neighbouring properties and states that it should not result in, *inter alia*, an unacceptable loss of privacy for the occupiers of nearby properties. The Council's adopted Residential Extensions SPD sets out the following relevant design guidance in relation to privacy:

In order to safeguard the privacy of neighbours, the introduction of windows in extensions which would overlook windows of habitable rooms in any adjoining property at a close distance and would result in an unreasonable loss of privacy will not be permitted. For similar reasons, a window overlooking the private area immediately adjacent to the rear of an adjoining dwelling may also be inappropriate. If a window which overlooks a habitable room or amenity space is included, it should protect against overlooking and maintain privacy by, for example, containing obscure glazing or being non-opening. The Borough Council will normally calculate the private amenity area as a depth of 5 metres from the back of the property which, if it has been extended, will be measured from the back edge of the extension. (Paragraph 5.52, Chapter 5 - "Extensions within the Countryside").

- 6.02 The application was deferred at Planning Committee on 15th December 2022 to enable Officers to seek to negotiate a solution to concerns raised regarding overlooking of Upper Boy Court Oast from the proposed windows in the first-floor north-east elevation, facing that property. It is acknowledged that those windows would face onto and overlook land forming part of the large plot belonging to the Upper Boy Court Oast property, however, it is not considered that the impact would be so significantly detrimental as to justify a refusal of planning permission that could be sustained at appeal. Material considerations in reaching that conclusion are:

- There would be no direct inter-looking, window to window – the flank windows at Upper Boy Court Oast face at an angle of almost 90° to the direction the proposed windows would face.
- The angled distance between the proposed window closest to Upper Boy Court Oast and the nearest corner of that building itself (not its windows) would be approximately 24m, which exceeds the 21m separation distance normally applied in a planning assessment of impact on privacy. (The

distance from the other proposed windows would be greater; more than 30m from the rearmost.)

- Although Upper Boy Court Oast stands on a large plot and reference is made to overlooking of a designated seating area, the guidance on assessment of impact on privacy set out in the Council's own adopted Residential Extensions SPD clearly states that "*The Borough Council will normally calculate the private amenity area as a depth of 5 metres from the back of the property*" (paragraph 5.52) and that area, as indicated on the proposed block plan, lies more than 21m from the proposed windows. Furthermore, notwithstanding the degree of separation, the angle of view from the windows would be oblique and much of that protected area would consequently be shielded by its own dwelling in relation to them.
- 6.03 Notwithstanding the above, the applicant has nevertheless agreed to make further amendments to the scheme in response to Members' deferral of the application. One of the four proposed windows has been removed altogether and another, serving the bathroom, would be obscure-glazed to a high privacy standard. This obscure-glazing is the applicant's choice, therefore, a condition has been imposed to require it to be obscure glazed as shown on the amended plans. However, it is considered that without the applicant's agreement, this specific condition would not meet the tests of necessity or reasonableness, as laid down in the NPPF and NPPG, because the separation distance from habitable room windows and the 5m deep protected area at the rear of Upper Boy Court Oast exceeds 21m.
- 6.04 Similarly, it is considered that a condition requiring the other two proposed clear-glazed first floor flank windows to be obscure-glazed would not meet the tests of necessity or reasonableness either, because again, in both cases, the separation distance from habitable room windows and the 5m deep protected area at the rear of Upper Boy Court Oast exceeds 21m. It is noted that these two windows would serve bedrooms, which would not reasonably be expected to experience heavy use during daylight hours in any case. The applicant has not offered these 2 secondary windows to be obscure glazed, which again is the applicant's choice as to what scheme is applied for.
- 6.05 In addition to removing one window and proposing obscure-glazing to another, the applicant also now proposes to plant seven native trees along the boundary with Upper Boy Court Oast. These would provide additional natural screening to that already arising from the existing mature tree on the boundary. The submitted details show that these would all be between Advanced Heavy Standard and Semi-Mature in size, which means that they would stand a minimum height of between 4m and 5m on planting. In particular, three Holly trees (providing evergreen foliage) are proposed in the area between that existing mature tree and the front boundary line, which means that they would be positioned directly between the eastern corner of the proposed side extension and the western corner of Upper Boy Court Oast. One Hawthorn, two Common Lime and one Crab Apple are also proposed along the section of common boundary forward of the proposed garage.
- 6.06 It is considered that the planting of all these trees can reasonably be secured by condition, for although the argument set out above regarding privacy separation distances obviously still applies, the justification for such a condition would be the visual benefit in terms of softening the development into its rural surroundings and also the ecological benefit in terms of habitat creation and biodiversity enhancement; the screening effect, enhancing privacy, would be a beneficial by-product of those primary effects recognized in the reason for the condition.
- 6.07 In summary, it is considered that the proposed development would not give rise to so significantly detrimental a loss of privacy for the occupants of Upper Boy Court Oast as to justify a refusal of planning permission that could be sustained at appeal, and that, notwithstanding that, the amendments made to the application following

deferral at the December 2022 Planning Committee, go above and beyond what can be reasonably expected or required in relation to that matter.

Other Matters

- 6.08 All points of objection and support raised in representations previously were considered in the assessment set out in the original Committee Report, which still stands, so those have not been covered again here, even though they were raised again in the most recent round of consultation.
- 6.09 Turning to those material planning considerations not previously listed in the Consultations and Representations sections of the original Committee Report and not already considered above:
- Ulcombe Parish Council correctly points out that over-fenestration can be a reason for refusal, however, it is not considered that this proposal is over-fenestrated. The arrangement of windows on the proposed north-east elevation is considered to present a well-balanced façade, with an appropriate level of glazing to create an interesting and active elevation. The proportion of glazing to solid wall is considered acceptable, plus the windows are aligned sympathetically, both with each other and with the roof form. It is considered that a completely solid expanse of wall at first floor level, devoid of windows, would look bland. Equally, in view of the roof form, which has been specifically employed in order to subordinate the extension and minimise bulk at roof level, it is considered that it would be difficult to incorporate roof lights without them appearing cramped.
 - The matters of vernacular design, use of traditional materials, subservience, replacement of the single-storey element to be removed, and impact on the countryside have all been considered in the assessment set out in the original Committee Report.
 - For the reasons set out above and in the previous Committee Report, it is considered that the proposals do comply with Development Plan policy and planning guidance, and with the aims of the design guidance in the Council's adopted Residential Extensions SPD.

PUBLIC SECTOR EQUALITY DUTY

- 6.10 Due regard has been had to the Public Sector Equality Duty, as set out in Section 149 of the Equality Act 2010. It is considered that the application proposals would not undermine objectives of the Duty.

7. CONCLUSION

- 7.01 For the reasons set out above and in the original Committee Report (see appendix), it is considered that the proposed development would be acceptable and would not cause significant visual harm or harm to neighbouring amenity, nor be unacceptable in terms of any other material planning considerations such that the proposed development is considered to be in accordance with current Development Plan Policy and planning guidance. Subject to appropriate conditions, therefore, approval is recommended

8. RECOMMENDATION

GRANT planning permission subject to the following conditions

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

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 and documents:

The Preliminary Ecological Appraisal dated 03/05/2022, referenced 2022/01/22 and received on 09/06/2022, drawing number 3906 13 Rev C and the email from Jack Coleman of Kent Design Studio timed at 13:54 on 14/09/2022, both received on 14/09/2022, and drawing numbers 3906 01 Rev D, 3906 10 Rev E, 3906 11 Rev G, 3906 12 Rev J and the email from Jack Coleman of Kent Design Studio timed at 09:49 on 16/01/2023, all received on 16/01/2023;

Reason: To clarify which plans and documents have been approved

- 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall be as described on the application form;

Reason: To ensure a satisfactory appearance to the development.

- 4) Should any bats or evidence of bats be discovered during development, all work must cease with immediate effect until a suitably qualified ecologist has attended the site and been consulted, and all of their resultant recommendations have been carried out;

Reason: To prevent harm or injury to bats, which are a European Protected Species.

- 5) The development shall be carried out in strict accordance with the great crested newt mitigation during development measures set out on pages 20-21 of the Preliminary Ecological Appraisal dated 03/05/2022 and referenced 2022/01/22;

Reason: To prevent harm or injury to great crested newts, which are a European Protected Species.

- 6) The proposed ecological enhancements detailed on drawing number 3906 12 Rev J received on 16/01/2023, namely 5 timber bat boxes on the extended dwelling and 1 bat box, 2 bird boxes and 1 owl box on trees, shall be provided in accordance with the details on that drawing before the extension hereby permitted is first occupied. The proposed log pile behind the garage hereby permitted shall be provided before the first use of that garage. All ecological enhancements shall be maintained thereafter in perpetuity;

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

- 7) The proposed air source heat pump and one water butt attached to the dwelling shall be provided in accordance with the details on drawing number 3906 12 Rev J received on 16/01/2023 before the extension hereby permitted is first occupied, and the two water butts attached to the garage hereby permitted shall be provided

before the first use of that garage. These measures shall be maintained thereafter in perpetuity;

Reason: To ensure an energy efficient form of development and minimise surface water run-off.

- 8) The proposed tree planting shown on drawing number 3906 12 Rev J received on 16/01/2023, namely three *Ilex aquifolium* (Holly), two *Tilia x europaea vulgaris* (Common Lime), one *Crataegus monogyna* (Hawthorn), and one *Malus sylvestris* (Crab Apple), shall be planted during the planting season (October to February) during which the extension hereby permitted is first occupied, if it is first occupied between October and February (inclusive), or the first planting season following first occupation of the extension, if it is first occupied between March and September (inclusive). The planted trees shall all be either Nursery Advanced Heavy Standard (16-18cm girth, 4-4.5m height), or Semi-Mature in size (18-20+cm girth, 4-5m height), conforming to the specifications of the current edition of BS 3936, planted in accordance with the current edition of BS 4428 and maintained until securely rooted and able to thrive with minimal intervention;

Reason: To ensure a satisfactory appearance to the development and enhance the ecological and biodiversity value of the site in the future.

- 9) Any tree planted in accordance with the conditions attached to this permission, or in replacement for such a tree, which within a period of ten years from the date of planting is removed, uprooted, destroyed, dies, or becomes, in the opinion of the Local Planning Authority, seriously damaged or defective, shall, in the same location, be replaced during the next planting season (October to February) by another tree of the same species and size as that originally planted, except where the Local Planning Authority requires any variation or where an alternative proposal has been submitted to and approved in writing by the Local Planning Authority prior to that planting season;

Reason: To ensure a satisfactory appearance to the development and to safeguard and enhance the ecological and biodiversity value of the site in the future.

- 10) Before the development hereby permitted is first occupied, the proposed first floor bathroom window on the north east side elevation shall be obscure glazed to the equivalent of Pilkington Level 4 and shall subsequently be maintained as such;

Reason: To prevent overlooking of adjoining properties and to safeguard the privacy of existing and prospective occupiers.

INFORMATIVES

- 1) All bat species and their roosts are legally protected. It is the applicant's responsibility to ensure that appropriate precautions are taken to ensure that an offence is not committed. Further advice can be sought from Natural England.
- 2) Due regard has been had to the Public Sector Equality Duty, as set out in Section 149 of the Equality Act 2010. It is considered that the application proposals would not undermine objectives of the Duty.
- 3) It is the responsibility of the developer to ensure, before the development hereby approved is commenced, that approval under the Building Regulations (where required) and any other necessary approvals have been obtained, and that the

details shown on the plans hereby approved agree in every aspect with those approved under such legislation.

4) Your attention is drawn to the following working practices which should be met in carrying out the development:

- Your attention is drawn to Sections 60 & 61 of the COPA 1974 and to the Associated British Standard COP BS 5228: 2009 for noise control on construction sites. Statutory requirements are laid down for control of noise during works of construction and demolition: if necessary you should contact the Council's environmental health department regarding noise control requirements.
- Clearance and burning of existing woodland or rubbish must be carried out without nuisance from smoke etc. to nearby residential properties. Advice on minimising any potential nuisance is available from the Council's environmental health department.
- Plant and machinery used for demolition and construction should only be operated within the application site between 0800 hours and 1900 hours on Mondays to Fridays and between 0800 hours and 1300 hours on Saturdays and at no time on Sunday and Bank Holidays.
- Vehicles in connection with the construction of the development should only arrive, depart, be loaded or unloaded within the general site between the hours of 0800 hours and 1900 Mondays to Fridays and 0800 to 1300 hours on Saturdays and at no time on Sundays and Bank Holidays.
- The importance of notifying local residents in advance of any unavoidably noisy operations, particularly when these are to take place outside the normal working hours is advisable. Where possible, the developer shall provide residents with a name of a person and maintain dedicated telephone number to deal with any noise complaints or queries about the work.
- Adequate and suitable provision in the form of water sprays should be used to reduce dust from the site.
- It is recommended that the developer produces a Site Waste Management Plan in order to reduce the volumes of waste produced, increase recycling potential and divert materials from landfill. This best practice has been demonstrated to both increase the sustainability of a project and maximise profits by reducing the cost of waste disposal.
- Adequate and suitable measures should be carried out for the minimisation of asbestos fibres during demolition, so as to prevent airborne fibres from affecting workers carrying out the work, and nearby properties. Only contractors licensed by the Health and Safety Executive should be employed.
- If relevant, the applicant must consult the Environmental Health Manager regarding an Environmental Permit under the Environmental Protection Act 1990

Case Officer: Angela Welsford

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

REPORT SUMMARY

REFERENCE NO: - 22/502738/FULL		
APPLICATION PROPOSAL: Erection of a two storey side and rear extension with detached garage (Resubmission-21/504328/FULL).		
ADDRESS: Upper Little Boy Court Boy Court Lane Headcorn Ashford Kent TN27 9LA		
RECOMMENDATION: GRANT subject to the planning conditions set out in Section 8.0 of the report		
SUMMARY OF REASONS FOR RECOMMENDATION: For the reasons set out below it is considered that the proposed development would be acceptable and would not cause significant visual harm or harm to neighbouring amenity, nor be unacceptable in terms of any other material planning considerations such that the proposed development is considered to be in accordance with current Development Plan Policy and planning guidance.		
REASON FOR REFERRAL TO COMMITTEE: The application has been called in by Ulcombe Parish Council by reason of the recommendation being contrary to their comments (see report below for reasons).		
WARD: Headcorn	PARISH/TOWN COUNCIL: Ulcombe	APPLICANT: Ms Felicity Nichols AGENT: Kent Design Studio Ltd
CASE OFFICER: Angela Welsford	VALIDATION DATE: 09/06/22	DECISION DUE DATE: 23/12/22
ADVERTISED AS A DEPARTURE: NO		

Relevant Planning History

21/500772/FULL

Erection of a detached garage with holiday let accommodation above.
Withdrawn 27.04.2021

21/500773/FULL

Erection of a replacement five bedroom detached dwelling.
Withdrawn 05.05.2021

21/504328/FULL

Erection of a two-storey side and rear extension and a new double garage with garden equipment area.
Withdrawn 24.09.2021

MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 The application site is located in the open countryside, designated as part of The Low Weald Landscape of Local Value. Public footpath KH328 runs through fields to the north/north-east of the property and KH333 opposite the site.
- 1.02 Upper Little Boy Court is an unlisted, vernacular, two-storey dwelling with elevations of brick on the ground floor and white weatherboard to the first, beneath a fully-hipped, slate roof. To the rear is a brick, single-storey element which, in

planning terms, forms part of the "original" building. This was once two-storey also, but as the upper floor has been completely removed prior to submission of this application, that can no longer be taken into account as part of the original building.

- 1.03 The plot is large with a number of trees along the south-western boundary and a natural pond in the southern corner, close to Boy Court Lane. Residential premises adjoin the south-west and north-east boundaries and there is open countryside to the rear (north-west).

2. PROPOSAL

- 2.01 Planning permission is sought for the erection of a two-storey side and rear extension to the dwelling and erection of a detached garage.
- 2.02 The extension would have an L-shaped footprint, wrapping around the north-east side and the rear elevations of the two-storey host dwelling, but would be stepped back approximately 1m from the ends of each of those elevations. It would protrude approximately 3.4m from the existing side wall and 4.9m from the existing two-storey rear wall. The existing single-storey element at the rear of the house (which protrudes further - approximately 6.4m from the two-storey rear wall) would be demolished to make way for the extension.
- 2.03 The extension would be constructed from matching materials – brick to the ground floor, white weatherboarding to the first floor, a slate roof and timber joinery. Its roof would be formed of three fully-hipped sections with valleys between, each with a ridge height of approximately 6.2m, which is approximately 0.8m lower than the ridge height of the host dwelling.
- 2.04 The garage would provide two open-fronted parking bays and a log store beneath the cat-slide on the north-east side. It would be positioned in the northern corner of the site and would have oak boarded elevations beneath a fully-hipped, slate roof. The eaves height would be approximately 2.3m and the ridge height 4.2m.
- 2.05 The scheme has been amended since the original submission to reduce the mass/bulk of the proposed extensions and the garage.

3. POLICY AND OTHER CONSIDERATIONS

Maidstone Borough Local Plan (2011-2031): Policies SP17, DM1, DM3, DM23, DM30, DM32

Emerging Policies: Maidstone Borough Council – Local Plan Review Regulation 22 Submission. The Regulation 22 Submission comprises the draft plan for submission (Regulation 19) dated October 2021, the representations and the proposed main modifications. It is a material consideration and some weight must be attached to the document because of the stage it has reached. This weight is limited, as it has yet to be the subject of an examination in public.

Relevant Policies:

Policy LPRSP9 – Development in the countryside

Policy LPRSP15 – Principles of Good Design

Policy LPRQ&D4 – Design principle in the countryside

LPRHou11 – Rebuilding, Extending and Subdivision of Dwellings in the countryside

Policy LPRTRA4 - Parking Matters

The National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Supplementary Planning Documents: Residential Extensions SPD (adopted May 2009)

4. LOCAL REPRESENTATIONS

Local Residents: 13 representations received in total across the various consultations/re-consultations, these are from 4 properties of local residents. 11 are objections to the application and 2 are in support of it. The following (summarised) issues are raised:

Objections

- Excessive scale/not subservient;
- Loss of privacy;
- Overbearing impact;
- Overshadowing;
- Out of character;
- Flooding from water run-off;
- Impact on ecology/wildlife;
- Trees have been felled (prior to the application).

Support

- Visual improvement;
- In keeping;
- Lane has not flooded since the site was tidied.

5. CONSULTATIONS

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

Ulcombe Parish Council

5.01 *Response to original proposal:*

Recommends refusal and wishes application to be referred to Planning Committee if approval is recommended. Objects on the following (summarised) grounds:

- Fundamental issues are the mass of both the house extension and the garage, their scale and the loss of amenity and privacy for the immediate neighbours and for the rural countryside, in a Landscape of Local Value;
- Conflict with Local Plan Policies DM1 (scale and mass, amenity of neighbours, topography), DM30 (character of the landscape), DM32 (visually unacceptable in the countryside, garage not subservient and of a scale capable of being a separate dwelling) and SP17 (Landscape of Local Value should be protected);
- Garage conflicts with advice in the SPD that it should not need to be more than single-storey;
- Most of the significant mature trees on site have already been felled.

5.02 *Response to amendment to garage design/scale:*

Recommends refusal and wishes application to be referred to Planning Committee if approval is recommended. Objects on the following (summarised) grounds:

- Objections to house extension (as above) still stand;
- In addition, overlooking/loss of privacy to Upper Boy Court Oast, contrary to DM30 and DM32.

5.03 *Response to amendment to house extension design/scale:*

The Parish Council objects to the amended application and requests referral to Planning Committee if approval is recommended. Objects on the following (summarised) grounds:

- Main issues are still loss of amenity/privacy and impact on the countryside/lack of respect for the LLV topography (as above);
- Do not appear to be any significant design changes apart from the roof line on the N.E. elevation, and the position of the garage which seems to have moved closer to the boundary with Upper Boy Court Oast;
- Parish Council supports objections of neighbours.

6. APPRAISAL

The key issues are:

- Visual impact to the host building and the countryside;
- Impact on residential amenities of neighbours;
- Impact on ecology/protected species.

Policy Context/Principle of Development

- 6.01 Policy DM1 (Principles of good design) outlines the importance of high-quality design for any proposal. Amongst other things, well-designed proposals respond positively to their context in visual terms by respecting landscape character and the character and form of the host building, as well as preserving the amenities of neighbouring occupiers.
- 6.02 The countryside is a valuable and finite resource which should be protected for its own sake and for the benefit of future generations. Consequently, development there should be limited and Local Plan Policy SP17 requires 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 Extensions to existing rural dwellings are one of the exception types of development which, in principle, are permissible in the countryside. Consequently, Policy DM30 requires, *inter-alia*, that such extensions are of a scale which relates sympathetically to the existing building and the rural area and that they have no significant adverse impact upon the form, appearance or setting of the host building, whilst Policy DM32 echoes similar sentiments, requiring that extensions to rural dwellings are well-designed and sympathetically related to the existing dwelling without overwhelming or destroying the original form of the dwelling; and that householder development is individually and cumulatively visually acceptable in the countryside.
- 6.04 Further design guidance is provided in the Council's adopted Residential Extensions SPD. This states on page 47 that *"an extension should be modest in size,*

subservient to the original dwelling and should not overwhelm or destroy its original form” and that “an extension should cause no adverse impact on the character or openness of the countryside”. Since the term “modest” is open to interpretation, the SPD explains that judgement in that respect will be made on the basis of the impact of the extension on the character of the countryside, its impact on the form and appearance of the original building, and the scale of the extension. In relation to scale, paragraph 5.18 states, “in considering an extension to a residential dwelling in the countryside, the Local Planning Authority would normally judge an application as modest or limited in size if, in itself and cumulatively with previous extensions, it would result in an increase of no more than 50% in the volume of the dwelling”. Examples of well-designed extensions to rural dwellings given in the SPD show them to be subservient to the host property in terms of scale and positioning, stepped back from its building lines, and including design elements from the original building.

- 6.05 In relation to garages and outbuilding at rural properties, Policy DM30 states that any new buildings should, where practicable, be located adjacent to existing buildings or be unobtrusively sited, whilst DM32 requires new outbuildings to be subservient in scale, location and design to the host dwelling and cumulatively with the existing dwelling to remain visually acceptable in the countryside. Relevant design guidance in the adopted SPD includes:

Garages and other outbuildings should not impact detrimentally on the space surrounding buildings. They must be smaller in scale and clearly ancillary to the property. (Paragraph 5.28)

Their scale should not exceed what might reasonably be expected for the function of the building. Garages and outbuildings for domestic purposes do not normally need to exceed a single storey in height or have excessive volume. (Paragraph 5.29)

There should be no adverse impact on the character or openness of the countryside. (Paragraph 5.30)

The impact of a garage or other outbuilding would be greater if located in a prominent location where it would be highly visible (Paragraph 5.30)

Garages and outbuildings should not compete with the main house and consequently should be sympathetically positioned away from the front of the house and should be simpler buildings. (Paragraph 5.32)

- 6.06 Turning to residential amenity, criterion iv of Local Plan Policy DM1 requires new development to respect the amenities of occupiers of neighbouring properties and states that it should not result in, *inter alia*, unacceptable overlooking or visual intrusion, or an unacceptable loss of privacy or light for the occupiers of nearby properties. The adopted SPD describes a method for carrying out a loss of light test and offers the following relevant design guidance in relation to privacy:

In order to safeguard the privacy of neighbours, the introduction of windows in extensions which would overlook windows of habitable rooms in any adjoining property at a close distance and would result in an unreasonable loss of privacy will not be permitted. For similar reasons, a window overlooking the private area immediately adjacent to the rear of an adjoining dwelling may also be inappropriate. If a window which overlooks a habitable room or amenity space is included, it should protect against overlooking and maintain privacy by, for example, containing obscure glazing or being non-opening. The Borough Council will normally calculate the private amenity area as a depth of 5 metres from the back of the property which, if it has been extended, will be measured from the back edge of the extension. (Paragraph 5.52)

- 6.07 Consequently, there is general Development Plan policy support for extensions to existing rural dwellings and the construction of outbuildings within their curtilages, subject to proposals being of appropriate scale and design and having an acceptable impact on the surroundings and neighbours etc. It is therefore concluded that the proposed development is acceptable in principle. The finer detail of the proposals will now be considered.

Visual Impact

Extension

- 6.08 The existing house is a modest, vernacular building of attractive period character, typical of its time. A traditional way of extending dwellings of this period was to create a "double-pile" house – to essentially replicate the original building behind, but including a separate roof – and, in line with pre-application advice, that technique has been employed in the design of the rear part of the proposed extension, in conjunction with design guidance in the Council's adopted Residential Extensions SPD. Consequently, the south-west side wall of the extension would be stepped in from the side building line of the host dwelling by 1m. This would subordinate the extension in views from the south, creating a visual break between it and the older part of the house. The depth of the extension has been reduced to just over half the depth of the host building, to ensure that its proportions are visually modest. This would also result in a significantly lower roof ridge height than the host building, increasing its subservience. The "double-pile" design ethos would also result in the minimum increase in bulk at roof level whilst still allowing provision of a sympathetic pitched roof of matching materials, since the overall roof would be formed of two separate pitched sections with a central valley.
- 6.09 The side element of the proposed extension has also been designed in accordance with the guidance in the adopted SPD. Its width (3.4m) would be significantly less than half the width of the 8.5m wide host building, resulting in a visually modest addition of appropriate proportions. The 1m set-back from the front building line of the host dwelling and the significantly lowered ridge line would again create a visual break and ensure that the extension would appear clearly subordinate, respecting and preserving the attractive form and character of the original building.
- 6.10 Concern has been raised regarding the scale and mass of the extension. However, for the reasons explained in paragraphs 6.08 and 6.09, it is considered that the extension would appear visually modest in relation to the host building such that it would not overwhelm or destroy the original form of the house and would respect its character and proportions. In terms of additional volume created, after making allowance for the single-storey element to be removed (which constitutes part of the original building, in line with the definition given in paragraph 5.8 of the Residential Extensions SPD), the extension would result in an increase of approximately 65%. This does exceed the 50% guideline referred to in the SPD, but that same document makes it clear that judgement as to the acceptability of a rural extension will be made on the basis of the impact of the extension on the form and appearance of the original building and its impact on the character of the countryside, as well as its scale purely in terms of volume/dimensions.
- 6.11 Turning, therefore, to the impact on the countryside, as explained in paragraphs 6.08 and 6.09, when seen in public views from Boy Court Lane and the footpath opposite, the extension would appear as a modestly proportioned, subservient addition constructed from sympathetic matching materials, which would respect and preserve the character and form of the host building. It would not project excessively from either the existing side or rear building lines, so would not have any significantly detrimental impact on the openness of the rural surroundings. It would be visible in medium-long range views from the public footpath to the

north/north-east, but again, due to its design and materials, would not appear over-scaled, obtrusive or visually harmful.

- 6.12 Overall it is considered that this would be a well-designed and visually modestly proportioned, subservient addition that would respect and preserve the character and form of the host building and would not result in any harm to the character, appearance or openness of the countryside in the Low Weald Landscape of Local Value.

Garage

- 6.13 The scale and design of the proposed garage have been amended from the original submission to be more modestly-scaled and rural in character. The open-fronted design, fully-hipped roof with a cat-slide at one end, and the proposed materials would all be in keeping with the rural surroundings. Moreover, its significantly set-back position (approximately 46m from Boy Court Lane) in the rear north corner of the site would minimise its visual impact and accentuate its subordination to the dwelling. In public views from the footpaths, it would likewise appear as a subservient ancillary outbuilding of appropriate rural character.
- 6.14 It is considered that the proposed garage accords with the design guidance set out in the adopted SPD and that it would not cause harm to the character, appearance or openness of the countryside in the Low Weald Landscape of Local Value.

Residential Amenity

- 6.15 Concern has been raised in representations and by the Parish Council regarding overlooking of / loss of privacy to Upper Boy Court Oast from the proposed windows in the first floor side elevation facing that property. It is acknowledged that those windows would face onto and overlook land forming part of the large plot of the Upper Boy Court Oast property, however, it is not considered that the impact would be so significantly detrimental as to justify a refusal of planning permission that could be sustained at appeal. Material considerations in reaching that conclusion are:
- There would be no direct inter-looking, window to window – the flank windows at Upper Boy Court Oast face at an angle of almost 90° to the direction the proposed windows would face.
 - The angled distance between the proposed window closest to Upper Boy Court Oast and the nearest corner of that building itself (not its windows) would be approximately 24m, which exceeds the 21m separation distance normally applied in a planning assessment of impact on privacy. (The distance from the other proposed windows would be greater; more than 30m from the rearmost.)
 - Although Upper Boy Court Oast stands on a large plot and reference is made to overlooking of a designated seating area, the guidance on assessment of impact on privacy set out in the adopted Residential Extensions SPD clearly states that “*The Borough Council will normally calculate the private amenity area as a depth of 5 metres from the back of the property*” (paragraph 5.52) and that area, as indicated on the latest revision of the proposed block plan, lies more than 21m from the proposed windows. Furthermore, notwithstanding the degree of separation, the angle of view from the windows would be oblique and much of that protected area would consequently be shielded by its own dwelling in relation to them.
 - An objector has stated that the considerations set out in the preceding bullet point are more applicable to assessment of privacy impacts in urban locations, however Development Plan policy makes no distinction in terms

of how the impact should be assessed and the guidance quoted above is taken from Chapter 5 of the adopted SPD, which is titled "Extensions within the Countryside". It is therefore considered to be equally relevant.

- 6.16 In view of the degree of separation from neighbouring dwellings of both the proposed extension and the proposed garage, it is not considered that the proposal would result in a significantly detrimental impact on the levels of daylight and sunlight enjoyed by neighbours, nor would it be significantly overbearing in terms of outlook.

Impact on Ecology/Protected Species

- 6.17 Policy DM1 of the Local Plan sets out, at point viii, that proposals should '*protect and enhance any on-site biodiversity and geodiversity features where appropriate, or provide mitigation.*'
- 6.18 The application is accompanied by a Preliminary Ecological Appraisal (PEA). This states that no bats nor signs of bats were found during the internal inspection of the house and that the building is judged as offering low suitability for roosting bats. The single-storey rear element "*offered negligible suitability for roosting bats*" and "*None of the trees present on site offered suitability for roosting bats*", although it was noted that "*the surrounding area is likely to be used by foraging and commuting bats*". In the recommendations section of the report, however, it is then stated that should bats be roosting on the site, animals could be injured and habitat lost during development, so a night time bat survey is recommended. Clearly it would be unacceptable for these protected species to be injured or their habitat lost. However, in this particular instance, given the findings in the same report that the building and its site offer little to no suitability for roosting bats, together with the facts that (i) the building is already in residential use as a family dwelling, (ii) renovation works not requiring planning permission were underway at the time of the survey and have since been completed, including installation of vaulted ceilings leaving, as acknowledged in the survey, very shallow roof spaces, and (iii) there would only be a small degree of interconnection between the extension roof and the existing roof because of its design, it is considered that it would be unduly onerous to require a further bat survey, and that the matter can be adequately dealt with by way of a condition requiring all work to cease and ecological advice to be sought in the unlikely event that any bats or evidence of bats are discovered during the development. This is considered to be a proportionate response given the nature and scale of the development, the scope of the works and the findings of the PEA.
- 6.19 No other protected species are likely to be adversely impacted. The amount of new-build footprint is below the recommended threshold for potential impact on great crested newts, and the recommended mitigation measures to be implemented during the development phase can be secured by condition.
- 6.20 The report also recommends inclusion of some biodiversity enhancement measures, which is in line with Policy DM1 and advice in both The NPPF and the adopted Residential Extensions SPD. It is understood that some of the measures indicated on the submitted proposed block plan have already been implemented (the wildflower and other planting and the froglio). Additional enhancements now proposed are 5 timber bat boxes on the extended dwelling, 1 bat box, 2 bird boxes and 1 owl box on trees, and a log pile behind the proposed garage. These measures are to be welcomed and can be secured by planning condition.

Other Matters

- 6.21 Parking/Highway Safety: The development would not significantly impact parking provision or highway safety. Although additional bedrooms would be created, there is ample space for the parking of vehicles within the site. The proposed garage

would provide an appropriate degree of covered parking. Access to the property would remain unchanged.

- 6.22 Renewables: The NPPF, Local Plan and Residential Extensions SPD all seek to promote the use of renewables and energy efficient buildings. The proposal includes installation of an air source heat pump, which would be discretely sited beside the proposed extension, as well as a number of water butts for rainwater harvesting from the roofs of both the garage and the extended dwelling. These measures are welcomed and considered to be proportionate to the scale of the development. They can be secured by condition.
- 6.23 Flooding/Water Run-off: The site does not lie within an identified flood risk area. Concern has been raised regarding increased run-off from the development roofs and hard-standing, however, water butts are to be provided to harvest rainwater from the building roofs and the driveway (which already exists) has a permeable surface. Provision of the water butts can be secured by condition.
- 6.24 Removal of Trees: This is stated to have occurred before submission of the application and, whilst regrettable, is not a material consideration that can be taken into account in its determination.

PUBLIC SECTOR EQUALITY DUTY

- 6.25 Due regard has been had to the Public Sector Equality Duty, as set out in Section 149 of the Equality Act 2010. It is considered that the application proposals would not undermine objectives of the Duty.

7. CONCLUSION

- 7.01 For the reasons set out above it is considered that the proposed development would be acceptable and would not cause significant visual harm or harm to neighbouring amenity, nor be unacceptable in terms of any other material planning considerations such that the proposed development is considered to be in accordance with current Development Plan Policy and planning guidance. Subject to appropriate conditions, therefore, approval is recommended.

8. RECOMMENDATION

GRANT planning permission subject to the following conditions

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

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 and documents:

The Preliminary Ecological Appraisal dated 03/05/2022, referenced 2022/01/22 and received on 09/06/2022, drawing numbers 3906 01 Rev C, 3906 10 Rev D,

3906 11 Rev F, 3906 12 Rev I and 3906 13 Rev C and the email from Jack Coleman of Kent Design Studio timed at 13:54 on 14/09/2022, all received on 14/09/2022;

Reason: To clarify which plans and documents have been approved

- 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall be as described on the application form;

Reason: To ensure a satisfactory appearance to the development.

- 4) Should any bats or evidence of bats be discovered during development, all work must cease with immediate effect until a suitably qualified ecologist has attended the site and been consulted, and all of their resultant recommendations have been carried out;

Reason: To prevent harm or injury to bats, which are a European Protected Species.

- 5) The development shall be carried out in strict accordance with the great crested newt mitigation during development measures set out on pages 20-21 of the Preliminary Ecological Appraisal dated 03/05/2022 and referenced 2022/01/22;

Reason: To prevent harm or injury to great crested newts, which are a European Protected Species.

- 6) The proposed ecological enhancements detailed on drawing number 3906 12 Rev I received on 14/09/2022, namely 5 timber bat boxes on the extended dwelling and 1 bat box, 2 bird boxes and 1 owl box on trees, shall be provided in accordance with the details on that drawing before the extension hereby permitted is first occupied. The proposed log pile behind the garage hereby permitted shall be provided before the first use of that garage. All ecological enhancements shall be maintained thereafter in perpetuity;

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

- 7) The proposed air source heat pump and one water butt attached to the dwelling shall be provided in accordance with the details on drawing number 3906 12 Rev I received on 14/09/2022 before the extension hereby permitted is first occupied, and the two water butts attached to the garage hereby permitted shall be provided before the first use of that garage. These measures shall be maintained thereafter in perpetuity;

Reason: To ensure an energy efficient form of development and minimise surface water run-off.

INFORMATIVES

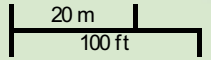
- 1) All bat species and their roosts are legally protected. It is the applicant's responsibility to ensure that appropriate precautions are taken to ensure that an offence is not committed. Further advice can be sought from Natural England.
- 2) It is the responsibility of the developer to ensure, before the development hereby approved is commenced, that approval under the Building Regulations (where required) and any other necessary approvals have been obtained, and that the details shown on the plans hereby approved agree in every aspect with those approved under such legislation.
- 3) Your attention is drawn to the following working practices which should be met in carrying out the development:

- Your attention is drawn to Sections 60 & 61 of the COPA 1974 and to the Associated British Standard COP BS 5228: 2009 for noise control on construction sites. Statutory requirements are laid down for control of noise during works of construction and demolition: if necessary you should contact the Council's environmental health department regarding noise control requirements.
- Clearance and burning of existing woodland or rubbish must be carried without nuisance from smoke etc. to nearby residential properties. Advice on minimising any potential nuisance is available from the Council's environmental health department.
- Plant and machinery used for demolition and construction should only be operated within the application site between 0800 hours and 1900 hours on Mondays to Fridays and between 0800 hours and 1300 hours on Saturdays and at no time on Sunday and Bank Holidays.
- Vehicles in connection with the construction of the development should only arrive, depart, be loaded or unloaded within the general site between the hours of 0800 hours and 1900 Mondays to Fridays and 0800 to 1300 hours on Saturdays and at no time on Sundays and Bank Holidays.
- The importance of notifying local residents in advance of any unavoidably noisy operations, particularly when these are to take place outside the normal working hours is advisable. Where possible, the developer shall provide residents with a name of a person and maintain dedicated telephone number to deal with any noise complaints or queries about the work.
- Adequate and suitable provision in the form of water sprays should be used to reduce dust from the site.
- It is recommended that the developer produces a Site Waste Management Plan in order to reduce the volumes of waste produced, increase recycling potential and divert materials from landfill. This best practice has been demonstrated to both increase the sustainability of a project and maximise profits by reducing the cost of waste disposal.
- Adequate and suitable measures should be carried out for the minimisation of asbestos fibres during demolition, so as to prevent airborne fibres from affecting workers carrying out the work, and nearby properties. Only contractors licensed by the Health and Safety Executive should be employed.
- If relevant, the applicant must consult the Environmental Health Manager regarding an Environmental Permit under the Environmental Protection Act 1990

Case Officer: Angela Welsford

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 14



Ordnance Survey - data derived from OS Premium



22/501909/FULL - 3 Quarter Paddocks, Bletchenden Road, Headcorn, Ashford, Kent, TN27 9JB

Scale: 1:1250

Printed on: 7/10/2022 at 8:44 AM by JoannaW



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REPORT SUMMARY

REFERENCE NO: - 22/501909/FULL		
APPLICATION PROPOSAL: Retrospective application for stationing of 2 no. static caravans on an existing gypsy site.		
ADDRESS: 3 Quarter Paddocks, Bletchenden Road, Headcorn, Ashford, TN27 9JB		
RECOMMENDATION: GRANT PLANNING PERMISSION subject to planning conditions		
SUMMARY OF REASONS FOR RECOMMENDATION FOR APPROVAL: The proposal has been assessed in relation to harm to the character and appearance of the countryside and flood risk and found to be acceptable. The development is acceptable with regard to the relevant provisions of the Development Plan, the NPPF and all other material considerations such as are relevant. A recommendation of permanent approval is therefore made on this basis, subject to the suggested conditions.		
REASON FOR REFERRAL TO COMMITTEE: Call in from Headcorn Parish Council for the reasons set out below in Section 4 of this report.		
WARD: Headcorn	PARISH: Headcorn	APPLICANT Mr George Arber AGENT: Target Carbon Management
CASE OFFICER: Tony Ryan	VALIDATION DATE: 27/05/2022	DECISION DUE DATE: 24/02/2023
ADVERTISED AS A DEPARTURE: No		

Relevant planning history

- 03/2366: Change of use of land to residential incorporating the stationing of three mobile homes and two touring caravans for an extended gypsy family. Permission refused on the 16 February 2004 for the following reasons:
 1. *"No evidence has been submitted to demonstrate that the site is intended to be occupied by gypsy families as defined by Section 24(8) of the Caravan Sites and Control of Development Act 1960 as amended. This would fail to meet the requirements of policy H36(I) of the Maidstone Borough-Wide Local Plan 2000.*
 2. *The site is partly but not adequately screened by natural features and hence would be contrary to policy H36(2) of the Maidstone Borough-Wide Local Plan 2000.*
 3. *Since the site does not meet the requirements of policy H36 of the Maidstone Borough-Wide Local Plan 2000 it does not fall to be considered as a justified exception to policies of countryside restraint within a Special Landscape Area and is therefore contrary to the provisions of policies ENV28 and ENV34 of the Maidstone Borough-Wide Local Plan 2000.*

4. *The site is located within the defined 1 in 100 year flood plain with a high risk of actual flooding and consequent risk to human life and is therefore considered to be totally unsuitable for residential occupation. Development on this site would therefore be contrary to policy ENV50 of the Maidstone Borough-Wide Local Plan 2000.*

- Decision to refuse planning permission under application 03/2366 was overturned following an appeal. Planning permission was given by an appeal inspector as set out on the decision notice dated 3 August 2009.

On reason for refusal 1: Gypsy status

At paragraph 10 the appeal inspector sets out that this reason related to the "...alleged lack of evidence that the site would be occupied by gypsies – as then defined. However. The Council now accepts the gypsy status of the appellant and did not contest this reason for refusal in relation to any of the current occupiers of the site".

On reason for refusal 2: Landscape impact – screening

On reason for refusal 3: Landscape impact - Special Landscape Area

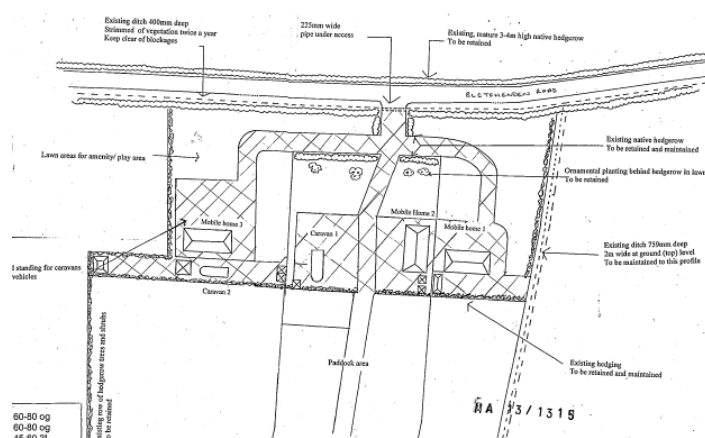
The appeal inspector sets out that whilst the proposal would result in landscape harm this harm is outweighed by the need for the caravans and the needs of the children on the site.

On reason for refusal 4: Flooding

At paragraph 9 the appeal inspector sets out "...after the Council's decision and just before the first inquiry, the Environment Agency indicated that their objection had been addressed by evidence on flood risk. This objection was withdrawn subject to the imposition of a condition. This reason for refusal is no longer contested".

- 13/1315: Continued occupation of the site as a gypsy caravan site (allowed appeal under ref:03/2366l) but with variation of the following conditions to allow:
 - Condition 2: To enable unrestricted occupation by any gypsy/traveller family (currently restricted to applicant and dependents);
 - Condition 3: To enable permanent occupation by gypsy and traveller family (currently restricted to 4 years expiring on the 31st July 2013) and;
 - Condition 4: Increase in number of caravans on site (currently permitted 3 static and 2 tourers) to 4 static and 4 tourers. Permission granted 20 March 2014

Proposed site layout application 13/1315:



- 15/509482/full Extension to existing site to form additional plot, comprising of the siting of 1 static mobile home and 1 touring caravan. Re-positioning of 1 static

mobile home and erection of storage/dayroom to plot 1 (Part-retrospective).
Approved 21 September 2016

16/508545/FULL (4 Quarter Paddocks) Moving mobile home and erection of new
day room building. Approved 28.04.2017

1.0 DESCRIPTION OF SITE

- 1.01 The site is located on the south side of Bletchenden Road and a straight line distance of 0.7 miles to the south of Headcorn Railway Station. The application site is the third of the four plots providing gypsy and traveller accommodation at Quarter Paddocks with plot 4 located to the west and plot 2 to the east.
- 1.02 For the purposes of the adopted Local Plan the application site is outside any designated settlement and in the countryside. The site is in the Low Weald Landscape of Local Value (land was in a Special Landscape Area at the time of the earlier decisions). The site is in flood risk zone 3.

Aerial photograph



2.0 PROPOSAL

- 2.01 The application is for retrospective permission for the stationing of 2 no. static caravans on an existing gypsy site.
- 2.02 The two additional caravans are currently on the site. The existing caravan to the north and the other two caravans were originally positioned in a line along the western site boundary. As part of the current application, the southern most caravan is turned 90 degrees to face the front of the site.
- 2.03 The applicant lives in the northern most caravan and the two additional caravans are occupied by the applicant's two daughters. The first caravans is occupied by a

single mum with a young child and the second caravan by a daughter who due to health reasons requires assistance from her parents (the applicant).

3.0 POLICY AND OTHER CONSIDERATIONS

- Maidstone Borough Local Plan (2017): policies SS1, SP17, DM1, DM3, DM8, DM15, DM23, DM30.
- Landscape Character Assessment (2013) and Supplement (2012)
- Landscape Capacity Study: Sensitivity Assessment (2015)
- The National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)

Supplementary Planning Guidance:

- Planning Policy for Traveller Sites (2015)
- Gypsy and Traveller and Travelling Showpeople Topic Paper (2016)
- Gypsy and Traveller and Travelling Showpeople Accommodation Assessment (GTAA) (2012)
- Maidstone Landscape Character Assessment (amended 2013)
- Maidstone Borough Council – Local Plan Review, draft plan for submission (Regulation 22) dated October 2021. - The Regulation 22 draft is a material consideration however weight is currently limited, as it is the subject of an examination in public that commenced on the 6 September 2022 (Stage 1 hearings concluded). The relevant policies in the draft plan are as follows:

LPRSP10: Housing

LPRSP10(A): Housing mix

LPRSP12: Sustainable transport

LPRSP14: The environment

LPRSS1: Maidstone borough spatial strategy

LPRSP9: Development in the countryside

LPRSP14A: Natural environment

LPRSP14(C): Climate change

LPRSP15: Principles of good design

LPRHOU 8: Gypsy and traveller accommodation

LPRTRA2: Assessing the transport impacts of development

PRTRA4: Parking

LPRQ&D 1 Sustainable design

LPRQ&D 2: External lighting

LPRQ&D 6: Technical standards

Supplementary Planning Guidance:

Planning Policy for Traveller Sites' (PPTS)

Maidstone Landscape Character Assessment (amended 2013)

4.0 LOCAL REPRESENTATIONS

4.01 No response to neighbour consultation.

Headcorn Parish Council

4.02 Objection and recommend refusal on the following grounds:

- Absence of evidential proof for Traveller status.
- Poor social cohesion with the settled community.
- Disproportionate numbers of Traveller sites in the Headcorn area, which exceeds the UK average.

- The sites are not sustainable with reliance on the private motor vehicle.
- Will cause harm to the local landscape Low Weald Landscape of Local Value.
- Will neither maintain nor enhance the local distinctiveness of the countryside.
- Contrary to policies SS1, SP17 and DM1 of the Maidstone Local Plan (2017) and the National Planning Policy Framework (2019).

5. CONSULTATIONS

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

KCC Highways

5.01 No objections

Environmental Health

5.02 No objection subject to conditions.

Headcorn Aerodrome

5.03 No objection. Concern raised about the proximity of the site to the aerodrome and the potential noise disturbance that the existing activities at the aerodrome may cause.

KCC Local Lead Flood Authority

5.04 No objection as this is not 'major' development

Environment Agency

5.05 Objection on the following grounds

- Caravans, mobile homes and park homes intended for permanent residential use are classed as "Highly vulnerable" and should not be permitted in Flood Zone 3a.
- Proposed finished floor levels suggested within the Flood Risk Management Plan dated 21 July 2022 from Target Carbon Management remain unacceptable due to the flood risk in the area.
- There is a distance of over 100 metres from the caravan site along the access road where the flood depth will be 150mm. After around 100 metres, the road level rises, and it is only then that dry access can be gained (heading east towards the A274).

6. APPRAISAL

6.01 The key issues are:

- Need for gypsy and traveller pitches
- Supply of gypsy sites
- Gypsy status
- Landscape and visual impact
- Cumulative Impact
- Residential amenity
- Highways
- Ecology
- Domination and pressure on local infrastructure
- Sustainability
- Flood risk

Need for gypsy and traveller pitches

6.02 The Maidstone Borough Local Plan was adopted in October 2017 and includes policies relating to site provision for Gypsies and Travellers. Local Authorities also

have responsibility for setting their own target for the number of pitches to be provided in their areas in their Local Plans.

- 6.03 The GTAA is the only complete assessment of need that is currently available forming part of the evidence base to the Local Plan (Total need Oct 2011 to March 2031 of 187 pitches). The GTAA when it was carried out provided a reasonable and sound assessment of future pitch needs. However, this is now over 11 years old and because of its age, little weight can be attached to this document.
- 6.04 The Local Plan Review examination in public commenced on the 6 September 2022 (currently between Stage 1 and Stage 2 hearings). Whilst this document is a material planning consideration, at this time it is not apportioned much weight. Furthermore, the Council has chosen to separate the matter of gypsy and traveller policy from the LPR and is pursuing a separate DPD on this matter. This DPD is yet to go out to first stage consultation.
- 6.05 A call for sites exercise ran from 1 February 2022 to 31 March 2022 as part of the process. The Gypsy, Traveller and Travelling Showpeople DPD is at its early stages and is not due to be completed until 2024.
- 6.06 In contrast to the full assessment in the 2012 GTAA, (and whilst it is highlighted that nothing has to date been published), the work completed so far on an up to date assessment has indicated a significant emerging need for Gypsy and Traveller accommodation in the borough.

Supply of Gypsy Sites

- 6.07 Accommodation for Gypsies and Travellers is a specific type of housing that Councils have a duty to provide under the Housing Act (2004).
- 6.08 The following table sets out the overall number of pitches which have been granted consent from 1 October 2011, the base date of the assessment, up to 30 April 2022.

Since 1 October 2011, the base date of the GTAA, the following permissions for pitches have been granted (as of 30 April 2022):

Type of consents	No. pitches
Permanent consent	253
Permanent consent and personal condition	26
Consent with temporary condition	0
Consent with temporary and personal conditions	7

- 6.09 A total of 279 pitches have been granted permanent consent since October 2011. These 279 pitches exceed the Local Plan's 187 pitch target. The Council's current position (based only on the data in the 11 year old GTAA) is that it can demonstrate a 6.2 year supply of Gypsy and Traveller sites at the base date of 1 April 2021.

Gypsy status and personal circumstances

- 6.10 A judgement dated 31 October 2022, from the Court of Appeal in Smith v. SoS for Levelling Up, Housing and Communities (CA-2021-00171, 31st October 2022) concerned a planning inspector's reliance on the definition of Gypsies and Travellers in Planning Policy for Traveller Sites. This guidance was introduced by the government in August 2015.
- 6.11 The previous definition before August 2015. had been: "Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of

their own or their family's or dependants' education or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling show people or circus people travelling together as such". The new definition post 2015 deleted "or permanently".

- 6.12 The SoS accepted that this indirectly discriminated against elderly and disabled Gypsies and Travellers but argued that the discrimination was justified. The appeal court judgement sets out 66... *"the nature of the discrimination before the judge was the negative impact on those Gypsies and Travellers who had permanently ceased to travel due to old age or illness, but who lived or wanted to live in a caravan. This discrimination was inextricably linked to their ethnic identity".* 139 "... the effect of the relevant exclusion was – as the Secretary of State has conceded – discriminatory, and that, on the evidence before the court in these proceedings, there was no proper justification for that discrimination..."
- 6.13 The agent acting on behalf of the applicant has submitted a statement detailing the applicant's personal circumstances. The applicant is seeking permission for two additional mobile homes on a site he owns for his daughters and grandchildren. The two additional mobile homes are necessary to allow the applicant, his wife and children can support and provide care to their grandchildren and one disabled grandchild.
- 6.14 There is one existing mobile home occupied by the applicant, located to the north of the site and the additional two caravans are located to the south. The two additional caravans are surrounded by other static caravans. There is sufficient information submitted with the application to show that the occupants of the caravans will be of gypsy and traveller heritage. In order to ensure that occupation of the caravans is retained for gypsy and travellers a planning condition is recommended.

Landscape and visual impact

- 6.15 The adopted Maidstone Local Plan (2017) identifies the site as falling in the countryside outside any designated settlement boundary. Local Plan Policy SP17 states that development proposals in the countryside will not be permitted unless:
- a) they will not result in harm to the character and appearance of the area and
 - b) they accord with other LP policies.
- 6.16 With any development there is a degree of harm to the character and appearance of the countryside and as a result the application is contrary to policy SP17 (a). Whilst there will be a degree of visual harm, and in terms of SP17 (a), as an exception to the normal constraint of development, adopted Local Plan policy DM15 permits development in the countryside in certain circumstances. This includes allowing gypsy and traveller development that does not result in significant harm to the landscape and rural character of the area.
- 6.17 The site is in the Low Weald Landscape of Local Value (at the time of the original permission site was in a Special Landscape Area) and within the Waterman Quarter Low Weald Landscape Character Area (Area 47) within the Council's Landscape Character Assessment. Main characteristics are Low lying gently undulating clay landscape of the Low Weald with many ponds and watercourses; Small to medium sized fields but predominantly pasture, with some arable cultivation and occasional orchards; thick native hedgerows create an intimate atmosphere and the landscape guidelines for this area are to 'Conserve' and 'Reinforce'.
- 6.18 The majority of the application site at 3 Quarter Paddocks is an existing lawful gypsy site. The other Quarter Paddocks sites located to the east and west also provide existing lawful gypsy accommodation. The current application considers the modest

extension of the existing lawful gypsy site, and the new mobile homes would be sited on land that is already domestic in character.

- 6.19 The development does not encroach further south back from Bletchenden Road than neighbouring development. In the decision letter dated 3 August 2009 allowing the appeal the inspector also notes the plant nursery located to the east that included a mobile home that was approved in 2008.

Appearance of one of the static caravans



- 6.20 The new mobile homes and modest area of hardstanding are well contained within the site and very much read in the context of the existing development at Quarter Paddocks. The caravans are not visually dominant from Clapper Lane. Furthermore, the mobile home is of a typical style and appearance; it appears to fall within the definition of a caravan (Section 29 of the Caravan Sites and Control of Development Act 1960).
- 6.21 There is other sporadic development in the area and with the enclosure from existing neighbouring gypsy and traveller development the caravans do not appear visually dominant on the landscape. Public views of the proposal would largely be limited to those immediately through the site's access and glimpses through the roadside planting. On this basis, it is considered that the proposal would only be visible from short range vantage points, and there is also the opportunity to plant additional (native) planting, to help supplement existing landscaping in and around the site. To further safeguard the amenity of the surrounding landscape, external lighting can be restricted by way of an appropriate condition.
- 6.22 With everything taken into account, including the retention of existing landscaping and the potential for further planting, it is considered that the proposal would cause harm to the character and appearance of the countryside hereabouts, but that in landscape terms (as outlined above) it would be in accordance with Local Plan policy DM15 as this harm to the landscape and rural character of the area is not considered to be significant.

Cumulative impact

- 6.23 Policy DM15 advises that the cumulative effect on the landscape arising as a result of the development in combination with existing lawful caravans needs to be assessed and to ensure no significant harm arises to the landscape and rural character of the area.
- 6.24 The information in the preceding parts of this report, including the planning history section, have set out the planning history of adjacent sites. In terms of cumulative impact, the landscape impact of the proposal has been assessed above and it is concluded that the landscape harm that occurs as a result of the development is not grounds for refusal of permission.
- 6.25 Were the surrounding sites removed and returned to agricultural fields, the application site would also remain low key. Additional landscaping will be sought through a planning condition. The current submitted proposal which benefit from existing landscaping would also be a 'low key' development and will not result in significant cumulative landscape harm that is sufficient to warrant a refusal on cumulative harm.

Residential amenity – neighbours

- 6.26 Policy DM1 states that proposals will be permitted where they “respect the amenities of occupiers of neighbouring properties...by ensuring that development is not exposed to, excessive noise, activity, overlooking or visual intrusion, and that the built form would not result in an unacceptable loss of privacy or light enjoyed by the occupiers of nearby properties”.
- 6.27 In terms of the impact upon the amenity of other Gypsy and Traveller accommodation, it has been found that the caravans being considered are either separated by a sufficient distance or screened by boundary treatment. In terms of the impact upon the settled community, there are no permanent dwellings in the immediate vicinity of the application site, no harmful impact would occur to the settled community.

Highways

- 6.28 Policy DM1 states that applications must ensure that development does not result in, amongst other things excessive activity or vehicle movements. Policy DM15 states that there must be safe site access from the highway. DM30 also continues this theme stating that proposals must not result in unacceptable traffic levels on nearby roads or unsympathetic changes to the character of rural lanes.
- 6.29 With the small-scale nature of the submitted application, the vehicle movements from the application site are easily accommodated on the local road network. The current application does not raise any highway safety issues in relation to the use of the existing access on to Bletchenden Road including in terms of driver sightlines. A refusal would not be warranted in relation to the individual impact from the additional caravans or in terms of the cumulative impact from other local development.

Ecology

- 6.30 The National Planning Policy Framework encourages net gains for biodiversity to be sought through decisions. Biodiversity net gain delivers measurable improvements for biodiversity by creating or enhancing habitats in association with development.

- 6.31 On this basis a planning condition is recommended requiring the applicant to submit details of biodiversity enhancement to achieve a net biodiversity gain on the application site. This could be in the form of retro fitted bird boxes bat boxes, and where relevant bee bricks.

Domination and pressure on local infrastructure

- 6.32 The Planning Policy for Traveller Sites, paragraph 25 states "Local Planning authorities should ensure that sites in rural areas respect the scale of, and do not dominate, the nearest settled community, and avoid placing undue pressure on local infrastructure".
- 6.33 The modest nature of the current application will ensure that it not dominate the nearest settled community or place undue pressure on local infrastructure. I cannot see any grounds to conclude that the current proposals would place undue pressure on local infrastructure.

Sustainability

- 6.34 The supporting text to policy DM15 states in relation to gypsy and traveller accommodation "It is preferable for sites to be located close to existing settlements where there are community facilities such as schools and health services. Frequently, because of land availability, more rural sites are proposed. Where such sites are proposed, the impact of development on the landscape and rural character is an important factor in respect of the wider objective of protecting the intrinsic character of the countryside".
- 6.35 The site is approximately 0.7 miles to the south of Headcorn Railway Station in a direct line. where there is access to a comprehensive range of services, amenities and facilities.
- 6.36 To access services within Headcorn it is accepted that occupants of the site will be reliant on private vehicles. This arrangement is the same as the existing sites in the vicinity and at other gypsy and traveller sites throughout the borough.

Flood risk

- 6.37 As set out in the planning history section of this report, the potential risk from flooding was one of a number of reasons for the Council's refusal of planning application 03/2366.
- 6.38 On the Inspectors appeal decision letter dated 3 August 2009 the appeal inspector sets out "*...after the Council's decision and just before the first inquiry, the Environment Agency indicated that their objection had been addressed by evidence on flood risk. This objection was withdrawn subject to the imposition of a condition. This reason for refusal is no longer contested*".
- 6.39 Notwithstanding this earlier position reported by the government appointed appeal inspector, the Environment Agency have raised objections to the current planning application. Where flood risk is a consideration NPPG sets out a four point process of assessment as 'Avoid', 'Control', 'Mitigate' and 'Manage residual risk'. The three grounds of objection from Environment Agency (a, b and c) are considered in turn below with reference to these four points of 'Avoid', 'Control', 'Mitigate' and 'Manage residual risk'.

a) Caravans, mobile homes and park homes intended for permanent residential use are classed as "Highly vulnerable" and should not be permitted in Flood Zone 3a.

- 6.40 *Avoid* - The NPPG advises "In decision-making, where necessary, planning authorities also apply the sequential test and, if needed, the exception test, to ensure that flood risk is minimised and appropriately addressed". The guidance sets out a pragmatic approach to accommodate extensions to existing uses where it may be impractical to move to an alternative location.
- 6.41 The recent work on the need for gypsy and traveller accommodation has indicated that there is a likely to be a strong need for this type of accommodation in the borough. This need is a material planning consideration and appeal inspectors on sites outside the borough have judged that this need can outweigh issues such as flooding.
- 6.42 Planning permission for gypsy and traveller accommodation was approved under the allowed appeal (application 03/2366) and the gypsy and traveller accommodation on the application site and neighbouring sites is now established. The current application involves additional accommodation for the family of the existing occupants as an extension to the current site.
- 6.43 Whilst there is existing occupation of the application site and indications of significant need for this type of accommodation the applicant has conducted a sequential test and exception test. The applicant concludes the following:

Sustainability Benefits

- The allocation of two static caravans provide accommodation to disabled family members, near and close to an existing caravan habited by the family seniors.

Flood Alleviation Measures

- The proposed two caravans are sited on higher ground to the existing caravan, which are all raised 1m above the ground.
- The siting of two static caravans will not affect flooding or have any detrimental effect to neighbouring areas, as water will just run under neath the unit.
- There are many flood risk measures implemented around the local vicinity, outside of Quarter Paddocks itself. These have been implemented by others and act as a wider complementary comprehensive flood scheme, reduce flood risk for existing residents of Bletchenden Road by providing more in-channel storage and conveyance of flood flows.
- The area around the mobile homes is to be kept as free as possible from natural vegetation and other debris, so that the flow of any flood water will not be impeded.

Residual Risks

- Any local flooding has probably been due to drainage problems rather than flooding from rivers and as such should be easily alleviated.
- any flooding on the site would be slow to rise and should be slow flowing, which would allow an easy escape route to higher ground as outlined by the accurate GPS survey posing no immediate threat to life.

Flood Warning Strategy

- Low risk - Whenever site residents are notified of a Flood Risk, they are to monitor flood risk alerts provided by the Environment Agency, and all EA advice is to be strictly followed.
- Alternatively, site residents will monitor radio broadcasts and adhere with local government announcements.

- High risk – Implement Flood evacuation plan. All touring caravans, trailers and vehicles are to be removed from site and relocated to higher ground at first signs of potential risk.
- 6.44 *Control* - There are no opportunities to improve flood defences as part of the current application.
- b) Proposed finished floor levels suggested within the Flood Risk Management Plan dated 21 July 2022 from Target Carbon Management remain unacceptable due to the flood risk in the area.
- 6.45 *Mitigate* - The NPPG advises to *"Use flood resistance and resilience measures to address any residual risks remaining after the use of the avoidance and control measures..."*.
- 6.46 The applicant's FRA advises that Environment Agency flood risk maps are *"...intended to be indicative and the purpose of a flood risk assessment is to then to confirm or disprove the validity of that information ...it cannot be disputed that the overall AOD for the site places it well outside the accepted flood risk area"*. The FRA goes on to advise that
- "The Agency has no records of the property itself being subject to flooding...with reference to the 2000 floods it seems clear from local evidence that any surface water arrived as result of local drainage problems rather than true flooding. It is understood that these local drainage problems have now ben resolved"*.
- 6.47 The topographical survey of the site carried out prior to the allowed appeal found that the area in the vicinity of the mobile homes was at least 20.13 AOD. The flood risk assessment states *"It should be noted that at the current time we have not received any definitive flood level predictions of the site from the EA but it should be noted that the height of the mobile homes should have at least 0.5m AOD added to the survey figures"*. A condition is recommended attached to the current application to ensure that this caravan height is achieved.
- 6.48 In the consultation response dated 27 June 2022, the Environment Agency advise that the *"...fascia around the bottom of the mobile homes should be free from natural vegetation and other debris so that the flow of any flood water is not impeded"*. The applicant has agreed to meet this request and a planning condition is also recommended to ensure that this takes place.
- c) There is a distance of over 100 metres from the caravan site along the access road where the flood depth will be 150mm. After around 100 metres, the road level rises, and it is only then that dry access can be gained (heading east towards the A274).
- 6.49 The management of residual risk relates to what remains after avoidance, control and mitigation have been utilised. This management relates to safe access and escape routes and adequate flood warnings.
- 6.50 The submitted flood risk assessment highlights in addition to the levels on the application site itself *"... The other important feature is that the escape route from the site climbs very rapidly from the site levels and thus provides a dry escape route in the unlikely event of floodwater entering the site..."*.
- 6.51 As part of the submitted flood risk assessment the applicant has provided a Flood Evacuation Plan. This plan includes a requirement for both existing and future residents to sign up to for the Environment Agency flood warning service. A planning condition is recommended to ensure that the residents sign up to this

service and that the Flood Evacuation Plan is implemented and retained. It is concluded that the current application is acceptable in relation to flooding and flood risk.

PUBLIC SECTOR EQUALITY DUTY

- 6.52 Article 8 of the European Convention on Human Rights, as incorporated into UK law by the Human Rights Act 1998, protects the right of an individual to, amongst other things, a private and family life and home.
- 6.53 Race is one of the protected characteristics under the Equality Act and ethnic origin is one of the things relating to race. Romany Gypsies and Irish Travellers are protected against race discrimination because they are ethnic groups under the Equality Act. This application has been considered with regard to the protected characteristics of the applicant and the gypsies and travellers who occupy the caravans. I am satisfied that the requirements of the PSED have been met and it is considered that the application proposals would not undermine objectives of the Duty.
- 6.54 Due regard has been had to the Public Sector Equality Duty (PSED) contained in the Equality Act 2010. The ethnic origins of the applicant and his family and their traditional way of life are to be accorded weight under the PSED.

7.0 CONCLUSION

- 7.01 In predicting the need for Gypsy and Traveller accommodation in the borough the GTAA target of 187 additional pitches, whilst the conclusion of the latest full needs assessment, needs to be weighed against the age of this assessment which is 11 years old. Whilst limited work has been completed on a more up to date needs assessment (estimated completion in 2024) the work that has been completed has shown a significant increased need.
- 7.02 Local Plan policy DM15 allows for gypsy and traveller accommodation in the countryside provided certain criteria are met; and policies SP17 and DM30 allow for development provided it does not result in harm to the character and appearance of the area. The Council's Regulation 22 Local Plan, although not apportioned much weight at this time, states that there is a potentially significant emerging need for gypsy and traveller accommodation.
- 7.03 The proposal has been assessed in relation to harm to the character and appearance of the countryside and flood risk and found to be acceptable. The development is acceptable with regard to the relevant provisions of the Development Plan, the NPPF and all other material considerations such as are relevant.
- 7.04 Although the site is shown as located in flood zone 3 on Environment Agency mapping, the site specific data provided by the applicant suggests that the site is not in an area at risk from flooding.
- 7.05 In assessing the worst case scenario that the site is located in flood zone 3, and whilst the proposal as an extension to an existing use the applicant has conducted a sequential test and an exception test. The proposal provides wider sustainability benefits in terms of provision of accommodation for gypsy's and travellers. In relation to the exception test, a flood evacuation plan and securing the caravans at a height that won't impede floodwater are dealt with by planning condition.
- 7.06 A recommendation of permanent approval is therefore made on this basis, subject to the suggested conditions.

8.0 RECOMMENDATION

GRANT planning permission subject to the following conditions

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

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: 2155 P_102 Rev B, Proposed Plans and Elevations, 2155 P_102 Rev A Proposed Site Plan, Design and Access Statement, Flood Risk Assessment (dated 23 May 2022), 2155 P_100 Rev B Site Location Plan, Flood Risk Management Plan (dated 21st July 2022). Reason: For the avoidance of doubt and in the interests of proper planning.
- 2) The site shall not be used as a caravan site by any persons other than Gypsies or Travellers, as defined in Annex 1 of the Planning Policy for Traveller Sites 2015 (or any subsequent definition that supersedes that document). Reason: The site is in an area where the stationing of caravans/mobile homes is not normally permitted.
- 3) No more than 3 static caravans, as defined by the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 and 3 tourers, shall be stationed on the land at any one time. The static homes shall be positioned on the site as set out on the submitted drawing 2155 P_102B and the touring caravans shall only be used for the purposes ancillary to the residential use of the static caravans hereby approved. Reason: To safeguard the character and appearance of the countryside.
- 4) If the lawful use of the site ceases, all caravans, structures, equipment and materials brought onto the land for the purposes hereby permitted including hardstandings and buildings shall be removed within two months from the date of the use ceasing. Reason: To safeguard the character and appearance of the countryside.
- 5) No vehicles over 3.5 tonnes shall be stationed, stored or parked on the site at any time. Reason: To safeguard the character and appearance of the countryside.
- 6) No commercial activities shall take place on the land, including the storage of materials. Reason: To prevent inappropriate development; to safeguard the character and appearance of the countryside; and in the interests of residential amenity.
- 7) Prior to the first occupation of the dwelling hereby approved, a minimum of one operational electric vehicle charging point for low-emission plug-in vehicles shall be installed and ready for the use of the new occupant with the electric vehicle charging point thereafter retained and maintained operational as such for that purpose. Reason: To promote sustainable travel choices and the reduction of CO2 emissions through use of low emissions vehicles.
- 8) Notwithstanding the provisions of Schedule 2 Part 4 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 temporary buildings or structures shall be stationed on the land other than those expressly authorised by this permission (as shown on the approved plans). Reason: To prevent inappropriate development and safeguard the amenity, character and appearance of the countryside; and in the interests of residential amenity.
- 9) The use hereby permitted shall cease and all caravans, structures, equipment, and materials brought onto the land for the purposes of such use shall be removed and the land restored to its condition before the development took place within 6 weeks

of the date of failure to meet any one of the requirements set out in (i) to (iv) below:

- i) Within 6 weeks of the date of this decision a Site Development Scheme, hereafter referred to as the 'Scheme', shall have been submitted for the written approval of the Local Planning Authority. The Scheme shall include details of:
 - a) means of enclosure,
 - b) extent of existing hardstanding and parking.
 - c) the means of foul and surface water drainage at the site.
 - d) existing external lighting on the boundary of and within the site.
 - e) details of existing landscaping and details of soft landscape enhancements
 - f) confirmation that all existing caravans on the site are 0.5 metres above the AOD survey figures.
 - g) details of the measures to enhance biodiversity at the site; and,
 - h) a timetable for implementation of the scheme including a) to g) with all details implemented in accordance with the agreed timetable and all details retained for the lifetime of the development.
- ii) Within 11 months of the date of this decision the Scheme shall have been approved by the Local Planning Authority or, if the Local Planning Authority refuse to approve the Scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
- iii) If an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted Scheme shall have been approved by the Secretary of State.
- iv) The approved Scheme shall have been carried out and completed in accordance with the approved timetable and thereafter maintained and retained as approved.

Reason: To ensure the visual amenity, character and appearance of the open countryside location which forms part of the designated Low Weald Landscape of Local Value is safeguarded.

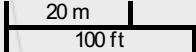
- 10) The landscaping required by condition 9 (i) (e) shall be designed in accordance with the principles of the Council's landscape character guidance (Maidstone Landscape Character Assessment Supplement 2012). The landscaping details shall
 - show all existing trees, hedges and blocks of landscaping on, and immediately adjacent to, the site and indicate whether they are to be retained or removed,
 - include a planting specification, implementation details and a [5] year landscape management plan (Only non-plastic guards shall be used for the new trees and hedgerows, and no Sycamore trees shall be planted).

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

- 11) All planting, seeding and turfing specified in the approved landscape details shall be completed by the end of the first planting season (October to February) following its approval. Any seeding or turfing which fails to establish or any existing or proposed trees or plants which, within five years from planting die or become so seriously damaged or diseased that their long term amenity value has been adversely affected shall be replaced in the next planting season with plants of the same species and size as detailed in the approved landscape scheme. Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development.
- 12) No additional external lighting shall be installed unless full details of any such lighting have first been submitted to, and approved in writing by, the local planning

authority. The approved details shall be in accordance with the Institute of Lighting Obtrusive Light Limitations for Exterior Lighting Installations for Environmental Zone E1. The development shall thereafter be carried out in accordance with the approved details and retained as such thereafter Reason: In order to protect dark skies and prevent undue light pollution, in accordance with the maintenance of the character and quality of the countryside.

- 13) The enhancement of biodiversity on the site, required by condition 9 shall include the installation of a minimum of one bat tube on the approved mobile home; the provision of gaps in the approved fencing to allow the free movements of wildlife; and the installation of ready-made bird and bat boxes on the site. The development shall be implemented in accordance with the approved details prior to the first occupation of the mobile home hereby approved and all these features shall be maintained as such thereafter. Reason: To enhance ecology and biodiversity on the site in line with the requirement to achieve a net biodiversity gain from all development.
- 14) The approved Flood Risk Management Plan shall be fully implemented within 4 weeks of this approval with all households on the site signed up to the Environment Agency Flood warning service. Reason: In the interests of amenity.
- 15) The new caravans shall be at a height 0.5 metres above the AOD survey figures prior to first occupation and existing caravans shall be at a height 0.5 metres above the AOD survey figures within one month of the date of this permission. All caravans shall be maintained permanently at his height. Reason: In the interests of amenity.
- 16) All hardstanding areas shall be of permeable construction as indicated on drawing P_102B. Reason: In the interests of amenity.
- 17) The Flood Risk Management Plan (dated 21 July 2022) shall be implemented in full prior to the first occupation of the additional caravans (including all site residents registering with the environmental agency flood warning service) and shall be maintained for the lifetime of the development. Reason: In the interests of amenity.



Ordnance Survey - data derived from OS Premium

22/505834/FULL - Land To The West Of Rose Cottage, Charlton Lane, West Farleigh, Kent, ME15 0NT

Scale: 1:1250

Printed on: 7/2/2023 at 18:17 PM by JoannaW

REPORT SUMMARY

REFERENCE NO: 22/505834/FULL		
APPLICATION PROPOSAL: Demolition of existing stables and shed and erection of detached dwelling with associated parking (resubmission of 22/503191/FULL).		
ADDRESS: Land to west of Rose Cottage, Charlton Lane, West Farleigh, ME15 0NT		
RECOMMENDATION: REFUSE		
SUMMARY OF REASONS FOR RECOMMENDATION: The development is not acceptable with regard to the relevant provisions of the Development Plan, the NPPF and all other material considerations such as are relevant.		
REASON FOR REFERRAL TO COMMITTEE: Councillor Parfitt-Reid has requested application is considered by Planning Committee if officers are minded to refuse application. This request is made for the reasons outlined in the consultation section below.		
WARD: Coxheath/Hunton	PARISH: West Farleigh	APPLICANT: Ms S. Cushing AGENT: SJM Planning Limited
OFFICER: Kate Altieri	VALID DATE: 13/12/22	DECISION DATE: 20/02/23
ADVERTISED AS A DEPARTURE: YES		

RELEVANT PLANNING HISTORY

Application site

22/503191 - Demolition of stables/shed and erection of dwelling – Refused (in summary):

- *Proposal, by virtue of its scale, design, layout and introduction of domestic paraphernalia, would consolidate sporadic urbanising development in area, causing harm to character and appearance of countryside hereabouts, failing to result in significant environmental improvement. There are no overriding planning reasons to allow proposal, that is of high overall landscape sensitivity and sensitive to change, and it would be contrary to LP policies SS1, SP17, DM1, DM5 & DM30; LCA; and NPPF.*
- *Application failed to demonstrate that proposal would not adversely harm longevity and amenity value of trees located on eastern boundary of site. Potential loss of these trees (either immediately or through long term decline in health as a result of proposal and associated works) would have adverse impact on character and appearance of area hereabouts; and by virtue of proposal's scale. Proposal would be contrary to LP policies SP17, DM1, DM3, DM5 and DM30; BS5837:2012'; and NPPF.*
- *Dwelling would be far removed from basic services/facilities, resulting in future occupants being reliant on private motor vehicle to travel for access to day to day needs. This reliance on private motor vehicle would be contrary to aims of sustainable development as set out in LP polices SS1, DM1 and DM5; and NPPF.*

22/500150 - Pre-app: 2 houses – Officers unlikely to support development

MA/93/0299 – Horse shelter/store and change of use of land for keeping horses – Approved

Holly Barn View (adjacent site to north-west of application site)

18/500301 - Prior notification for change of B8 use building to dwelling (Class P) – Granted

Land to south of Good Intent Pub

21/506706 - Erection of 2 bungalows (revision of 20/504300) - Approved

20/504300 - 2 bungalows with parking and provision of public amenity land - Approved

1.0 DESCRIPTION OF SITE

- 1.01 The application site relates to an irregular shaped parcel of land that is accessed by a narrow track on the western side of Charlton Lane that is some 270m to the north of the junction with Kettle Lane and Ewell Lane. The access is a dead-end and serves a number of other residential properties; to the east of the site are garages and a parking area; and the closest property to the north-east of the site (Holly Barn View), was converted to a dwelling under the prior notification process (18/500301). To the north of the site there are also Grade II listed properties, known as 1 and 2 The Hollow, Charlton Lane; and a public footpath (KM29) wraps around the northern and western boundaries of the application site, before heading off in a general westward direction.

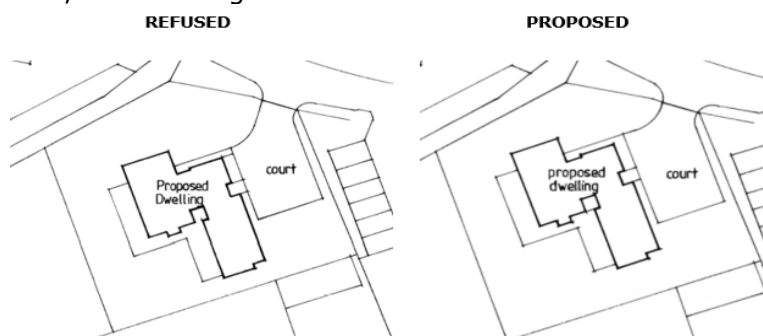
1.02 For the purposes of the Local Plan the proposal site is within the designated countryside. The site is also within Flood Zone 1 and a KCC Minerals Safeguarding Area.

2.0 PROPOSAL

2.01 The proposal is described as: *Demolition of existing stables and shed and erection of detached dwelling with associated parking (resubmission of 22/503191/FULL).*

2.02 The proposed dwelling is shown to be single storey; external finishing would be of timber cladding and painted render for the elevations; the roof would be of zinc; and the proposal would make use of the existing site access. The building has a varied roof scape, with flat roof elements of differing heights, and a mono-pitched roof for the western-most element of the building. At its tallest point, the dwelling would stand some 4.4m in height; and the land is shown to be split into garden land and then meadow.

2.03 The proposed dwelling is of the same scale and design as that refused under 22/503191. This said, the dwelling has been moved further towards the northern corner of the site (see below):



2.04 This current submission now includes two cross-sections of the proposal within the landscape.

3.0 POLICY AND OTHER CONSIDERATIONS

- Local Plan (2017): SS1, SP17, SP18, SP19, DM1, DM2, DM3, DM4, DM5, DM6, DM8, DM12, DM23, DM30
- National Planning Policy Framework (2021) & National Planning Practice Guidance
- Landscape Character Assessment (2012 amended July 2013)
- Maidstone Landscape Capacity Study: Sensitivity Assessment (Jan 2015)
- Kent Minerals & Waste Local Plan (2013-30) as amended (2020)
- Advice in BS5837:2012 'Trees in relation to construction - Recommendations'
- Regulation 22 Local Plan

Local Plan

3.01 The application site is within the designated countryside. Local Plan policy SP17 states that new development will not be permitted unless it accords with other policies in this Plan and it will not result in harm to the character and appearance of the area. Furthermore, other policies in the Local Plan seek for new development in the countryside to: Respect the amenity of local residents; to be acceptable in highway safety, heritage and arboricultural terms; to protect and enhance any on-site biodiversity features where appropriate, or provides sufficient mitigation measures; and to be acceptable in flood risk terms.

3.02 In relation to the application site, permission was granted for buildings and a change of use of the land in relation to the keeping of horses (MA/93/0299); and the existing buildings on the site (and a small apron of hardstanding), would make part of the site previously developed land. With this considered, policy DM5 (Development on brownfield land) is relevant. This said, please note the NPPF definition of PDL that states (inter alia):

Land which is or was occupied by a permanent structure, including curtilage of developed land (although it should not be assumed whole of curtilage should be developed) and any associated fixed surface infrastructure.

Maidstone Landscape Character Assessment

- 3.03 The Maidstone Landscape Character Assessment identifies the application site as falling within the Farleigh Greensand Fruit Belt (Farleigh Green Greensand Dip Slope) Landscape Character Area (area 27-3). The landscape guidelines for this area are to 'CONSERVE'. Within the Council's Landscape Capacity Study: Sensitivity Assessment (Jan 2015), the overall landscape sensitivity of the Farleigh Greensand Fruit Belt Landscape Character Area is 'HIGH', indicating that the area is 'sensitive to change'.

NPPF

- 3.04 The NPPF is clear that good design is a key aspect of sustainable development; and permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. The NPPF is also clear that good design is a key aspect of sustainable development; and that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. Paragraph 174 of the NPPF also states that planning decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside; and section 16 of the NPPF relates to heritage impacts.

Regulation 22 Local Plan

- 3.05 This is a material consideration, but limited weight is attached to the document because of the stage it has reached, having not yet been the subject of full public examination. This said, here is a list of some of the emerging policies that are relevant to this proposal: LPRS9 (Development in countryside); LPRSP10 (Housing); LPRSP12 (Sustainable transport); LPRSP14 (Environment); LPRSP14(A) (Natural environment); LPRSP14(B) (Historic environment); LPRSP15 (Design); LPRSS1 (Spatial strategy); LPRHOU1 (Brownfield Land); LPRHOU9 (Custom/self-build housing); LPRTRA2 (Assessing transport impacts); LPRTRA4 (Parking); LPRENV1 (Historic environment); LPRQ&D1 (Sustainable design); LPRQ&D2 (External lighting); LPRQ&D4 (Design principles in countryside); LPRQ&D6 (Technical standards); LPRQ&D7 (Private amenity space standards).

5yr housing supply

- 3.06 Despite the agent's submitted 5yr housing land supply stance, the Council's position is that it can demonstrate a supply of specific deliverable sites sufficient to provide 5.14 years of housing (April 2022). As such, the NPPF's tilted balance is not triggered.

4.0 LOCAL REPRESENTATIONS

- 4.01 **Local Residents:** 3 representations have been received raising following concerns over: Highway safety; impact to access and road surface during construction process; and surface water drainage. 2 representations have been received in support of application.

5.0 CONSULTATIONS

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

- 5.01 **Councillor Parfitt-Reid:** Wishes for application to be reported to Planning Committee if officers are minded to recommend refusal for the following (summarised) reasons:

Site is in sustainable location and there is no visible harm or any other harm. It is a self-build dwelling on a brown field site. The development of field opposite Good Intent Pub was allowed despite not being brownfield but was considered sustainable.

- 5.02 **Councillor Webb:** Wishes to see application approved for the following (summarised) reasons:

- Proposal is legitimate "self-build" dwelling and redevelopment of brownfield land.
- Sustainability credentials superior to Good Intent development and it does not contradict planning policy.
- Application is in accordance with NPPF para 134: be (b) "outstanding or innovative designs which promote high levels of sustainability, or help raise standard of design more generally in an area, so long as they fit in with overall form and layout of their surroundings"

- 5.03 **West Farleigh Parish Council:** Raise no objection to application but have raised following concerns (as summarised below):

Councillors do have concerns regarding access to site during construction phase - unmade track to land is very narrow and there is a likelihood that access will be obstructed by works and delivery vehicles. Parish therefore request a condition requiring submission of a Construction Management Plan (detailing timings/scheduling of deliveries, areas of storage etc) to ensure shared track would not be blocked by any delivery or contractor vehicles for duration of works. This would limit inconvenience to neighbours.

- 5.04 **MBC Landscape Officer:** Raise no arboricultural objection (see main report).
- 5.05 **Environmental Protection Team:** Raise no objection to proposal.
- 5.06 **KCC Biodiversity Officer:** Have reviewed ecological information and have advised sufficient ecological information has been provided to determine the application (see main report).
- 5.07 **KCC Public Rights of Way Officer:** Raises no objection to proposal.
- 5.08 **KCC Archaeology Officer:** No representations have been received and so it is assumed that they have no comments to make on the application and also require no further information.
- 5.09 **KCC Minerals Safeguarding:** Had no minerals or waste safeguarding objections or further comments to make under 22/503191 and this is still considered relevant for this application.

6.0 APPRAISAL

- 6.01 The key issues are:

- Location;
- Impact upon character and appearance of countryside;
- Other arboricultural implications;
- Residential amenity;
- Highway safety matters
- Biodiversity impacts; and
- Other planning considerations.

- 6.02 The details of the submission will now be considered.

Location

- 6.03 Local Plan policy SS1 identifies the focus for new residential development in the settlement hierarchy as firstly the urban area, then rural service centres, and lastly the larger villages. The proposal site is in the countryside for the purposes of the Local Plan. In general terms, proposal sites beyond development boundaries are less sustainable, as access to basic amenities/services, public transport links, and employment/shopping opportunities etc. tends to be poor, resulting in heavy reliance on the use of the private car for their day to day living. This is consistent with government guidance in the NPPF that requires new housing to be considered in the context of the presumption in favour of sustainable development; and the NPPF further states 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 Maidstone Council is satisfied that it is able to demonstrate a 5.14 year housing land supply and so countryside protection policies in the Local Plan are afforded full weight; and specific to this submission, West Farleigh is thought to have poor access to basic amenities/services etc, and the site is removed from any settlement (as defined by the Local Plan). For example, the centre of the larger village of Coxheath is approximately 2 miles away to the south-east of the site, and Yalding village centre is some 3 miles to the south-west of the site; the nearest Rural Service Centre is Marden, is more than 6 miles away; and Maidstone town centre is some 5 miles from the site. With this, access to most basic services/amenities would, for the most part, be along unlit and narrow roads with no pavements. Given the condition of the roads and the distances required to travel, it is considered that the local road network would be an unattractive route for walking, particularly for families, the elderly and those with mobility issues, and in the winter and

at night. As such, future occupants of any new dwelling here would be deterred from regularly walking and cycling to surrounding villages; and instead there would be a heavy reliance on the use of the private car for their day to day living, contrary to Local Plan policies SS1, DM1 and DM5. Whilst there are bus services along Charlton Lane (between Maidstone and Goudhurst: Nu-venture services 23 and 23A), these services are not considered to be particularly frequent; and it is argued that the proposed development would incur more vehicle movements when compared to the existing site use.

- 6.05 In short, it is considered that as the proposal is only for one dwelling, it is unlikely to materially enhance the vitality of the local rural community; the proposal would make an insignificant contribution to housing stock in the borough; the proposal would be contrary to the Council's Borough Spatial Strategy as set out in policy SS1 of the Local Plan; and contrary to policy DM5, the site cannot reasonably be made, accessible by sustainable modes to Maidstone urban area, a rural service centre or larger village.
- 6.06 Reference has been made to the approval of two dwellings on land to the south of the Good Intent Pub in West Farleigh. The first permission was approved in December 2020; both permissions were incorrectly never advertised as a departure from the Local Plan; and these applications were balanced decisions considered on their own merits at the time. These permissions do not alter the above assessment.

Impact upon character and appearance of countryside

- 6.07 The application site is currently in use for the keeping of horses and is largely undeveloped, except for a couple of modestly sized timber buildings and a small apron of hardstanding located in the eastern part of the site. The rest of the land is open except for timber post and rail fencing.
- 6.08 The proposal would introduce not just a new dwelling on the site, but the inevitable associated paraphernalia (for example outbuildings; hardstanding; lighting; hard boundary treatments; parked cars; and garden furniture) that would come with this. This spread of urbanising development across the site would harmfully erode the largely undeveloped character of the site, to the detriment of the surrounding countryside. Indeed, despite the creation of a meadow area and the new dwelling being single storey, the building and its garden area would cover more land than the existing development on the site; and the new dwelling would have a footprint of some 137m², when the existing buildings on the site have a footprint of some 62m². As can be seen, the new dwelling would have more than double the footprint of the existing buildings, highlighting the significant increase in built form on the site. Furthermore, the new dwelling would have a more complicated and domestic building form, with varying roof heights and the differing styles/sizes of the fenestration detail, when compared to the simple and traditionally designed buildings on the site that only stand some 3.2m and 2m in height respectively. The new dwelling would also be largely taller than the existing buildings on the site, and it would sit closer to the access road and public right of way than the existing stable buildings and the dwelling refused under 22/503191, appearing more prominent in the landscape.
- 6.09 Even with the submission now showing the retention of the Lime tree within the site, this consolidation of urbanising development and the identified landscape harm the proposal would cause would be exacerbated given the public views of the development and how the site noticeably rises up from the adjacent vehicle access road. Notwithstanding this, whether or not the development would be visually dominant from any public vantage point, Local Plan policy seeks new development to protect the rural character of the borough and the NPPF is clear that planning decisions should contribute to and enhance the natural and local environment by (inter alia), recognising the intrinsic character and beauty of the countryside. It is considered that this protection is principally independent of what public views there are of any development, and associated more to the protection of the nature of the land in itself. Furthermore, there is also no overriding policy reason to support the proposal in this instance; and whilst, for example, the quality of the external materials, boundary treatments and landscaping (including the meadow area) could be secured by way of appropriate conditions, it is considered that this would not be sufficient to overcome the identified harm as set out above.

- 6.10 On this basis, it is considered that the proposal would continue to not result in a significant environmental improvement; and it would cause harm to the character and appearance of the countryside hereabouts, contrary to Local Plan policies SP17, DM1, DM5 and DM30. There are also considered to be no overriding benefits that would outweigh this harm.

Other arboricultural implications

- 6.11 Unlike 22/503191, an Arboricultural Planning Report and Tree Protection Plan has now been submitted; and as previously explained, the proposed dwelling would be moved further towards the northern corner of the site (away from the Lime tree), and all relevant trees are shown to be retained. The Council's Landscape Officer has reviewed this submission and has commented as follows (in summary):

From an arb perspective, main arboricultural features on site are a line of 3 Sycamore trees (Grade C) growing over eastern boundary and a single Lime tree (Grade A) located to south of existing stables. These trees have been detailed in submitted arb report, which appears to give accurate account of their position, condition and impact on development within parameters of BS5837:2012. Overall protection and working methodology around trees is in accordance with BS5837:2012, although whilst new building is shown outside root protection area (RPA) of Lime tree, I still have some reservations over its close proximity to new dwelling and potential for post development pressure for future pruning or felling due to shade (given its southerly aspect to development) and future growth potential over property roof. In this case being a single tree, it is unlikely to be sufficient grounds alone to refuse application, so assuming there are no other material grounds of refusal, if you are minded to approve application I would suggest following condition:

In this condition "retained tree" means an existing tree, which is to be retained in accordance with the approved plans and particulars. Paragraphs i) and ii) below shall have effect until the expiration of 5 years from the date of completion of the development for its permitted use.

- i) No retained tree shall be damaged, cut down, uprooted or destroyed, nor shall any retained tree be pruned other than in accordance with the Arboricultural Planning Report (2022/037/APR) dated 29th November 2022, without the written approval of the Local Planning Authority. Any pruning approved shall be carried out in accordance with British Standard 3998:2010 Tree Work - Recommendations or any revisions thereof.*
- ii) If any retained tree dies, or is removed, uprooted or destroyed, another tree shall be planted at the same place and that tree shall be of such size and species and shall be planted at such time as may be specified in writing by the Local Planning Authority.*
- iii) The installation of tree protection barriers, the methods of working shall be undertaken in accordance with the Arboricultural Planning Report (2022/037/APR) dated 29th November 2022*

Reason: Pursuant to section 197 of the Town and Country Planning Act 1990 and to protect and enhance the appearance and character of the site and locality.

- 6.12 With the specialist arboricultural advice considered, it is accepted that the proposed development could be implemented without adversely harming the longevity and amenity value of the referred to trees. On this basis, it is considered that the proposal has overcome the previous arboricultural reason for 22/503191. TO be clear, no arboricultural objections are now raised to the proposal subject to the recommended condition above and a condition to ensure tree protection details.

Residential amenity

- 6.13 The proposal would be a significant enough distance away from any existing residential property, so as to not cause unacceptable harm to local residents living conditions when trying to enjoy their own property, in terms of privacy, outlook, light, and not being overbearing. Future occupants of the proposed dwelling would also benefit from acceptable living conditions, both internally and externally. On this basis, the proposal would be in accordance with the relevant policies of the Local Plan that seek new development to respect the amenity of existing and future residents.

Highway safety matters

- 6.14 Paragraph 111 of the revised NPPF states: *Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.*
- 6.15 The proposal would make use of the existing site access onto a relatively quiet no-through road, and its use by one dwelling is not considered objectionable in highway safety terms, when compared to the current situation. Furthermore, no objection is raised in terms of parking provision; and cars could turn and leave the site in a forward gear. With everything considered, the development would not have a severe impact on the road network and it would not have an unacceptable impact in highway safety terms.

Biodiversity impacts

- 6.16 Paragraph 99 of the ODPM 06/2005 states: *It is essential that the presence or otherwise of protected species and the extent that they may be affected by the proposed development, is established before the planning permission is granted, otherwise all relevant material considerations may not have been addressed in making the decision.*
- 6.17 A Preliminary Ecological Appraisal (PEA) has been submitted and reviewed as part of this application. The KCC Biodiversity Officer has reviewed the application and has advised that sufficient ecological information has been provided to determine the application. In summary, they have commented as follows:

The PEA has detailed the following:

- *Vegetation & compost heap to rear of site has some limited potential to be used by reptiles/hedgehogs*
- *Vegetation and buildings have potential to be used by breeding birds*
- *Site has potential to be used by foraging bats*
- *Buildings have negligible potential to be used by roosting bats*
- *Site may be utilised by badgers*

Submission shows a meadow area will be created to rear of site and so we are satisfied that vegetation to support reptiles/hedgehogs can be retained or if to be cleared there is space for appropriate mitigation to be implemented. If permission is granted we recommend that details of precautionary mitigation detailed in PEA and details of reptile mitigation must be included in construction management plan. We acknowledge no precautionary mitigation has been provided for reptiles however it's our opinion that it is needed. We recommend precautionary mitigation includes phased clearance of vegetation by hand during active reptile season will be sufficient to minimize/avoid impacts on reptiles.

Ecological Enhancements

Under section 40 of NERC Act (2006) and NPPF para 174, biodiversity should be maintained and enhanced through planning system. If wildflower mix is used and managed appropriately it's our opinion that creation of meadow will be beneficial to biodiversity. However more can be done to benefit biodiversity through inclusion of ecological enhancement features (e.g. integrated bird/bat boxes, log piles & insect boxes).

Lighting

To mitigate against potential adverse effects on biodiversity and in accordance with NPPF, we advise lighting condition requires lighting design to following recommendations within Bat Conservation Trust's 'Guidance Note 8 Bats and Artificial Lighting.

- 6.18 On the basis of this specialist advice, it is accepted that the submission has demonstrated that protected species would not be adversely impacted upon as a result of the proposed development, subject to the conditions recommended. Furthermore, one of the principles of the NPPF (para 180) is that: *Opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.* With this considered, if the application were to be approved, suitable conditions could be imposed requesting details of biodiversity enhancements on the site (demonstrating biodiversity net gain and as guided by the submitted PEA), including the creation of the meadow, enhanced native landscaping and through integrated methods into the design and fabric of the building. On this basis, the proposal would be in accordance with Local Plan policies DM1 and DM3 in ecological terms and no objections are raised in this respect.

Other planning considerations

- 6.19 No objection is raised to the proposal in terms of land contamination, air quality and noise; and as recommended by the Environmental Protection Team, if the application were to be approved a suitable land contamination condition would be added given the use of the site. If the application were to be approved and in accordance with Local Plan policy (in the interests of sustainability and air quality), a suitable condition would be imposed for the use of renewable technologies on the site. No further details are required in terms of refuse storage/collection.
- 6.20 The site is in Flood Zone 1 and surface water drainage would be via soakaway. This is not considered to be objectionable and no further details are required in terms of flood risk/surface water drainage. Foul sewage associated to the proposal will be disposed via the mains sewer, and again this is not objectionable.
- 6.21 Given the site's separation distance from any listed building, and the fact that there is existing development in between the application site and any listed property, it is accepted that the proposal would cause no harm to the setting or the significance of any heritage asset.
- 6.22 The KCC Minerals Safeguarding Team raises no objection on mineral or waste safeguarding concerns; and the KCC Public Rights of Way Officer has also raised no objection.
- 6.23 It is accepted that there is an undersupply of self-build/custom housing sites within the borough and it is noted that there is strong Government support for such housing. This is a material consideration in the assessment of any planning application. However, even though the Council has an undersupply of available sites for self-build housing, this does not change the statutory status of the Development Plan as the starting point for decision making (as established in the Gladman Court of Appeal decision versus Secretary of State, Corby Borough Council and Uttlesford District Council – case ref: C1/2020/0542/QBACF); and each application needs to be considered on its own merits at the time. In this instance, it is considered that the proposal would be contrary to Local Plan policies, and the benefits associated to the modest provision of one self-build dwelling would not outweigh the harm identified.
- 6.24 All representations received in relation to this application have been considered in this assessment. Please note that any potential disruption caused at construction phase of a development is not a material planning consideration. Due regard has been also had to the Public Sector Equality Duty, as set out in Section 149 of the Equality Act 2010 and it is considered that the application would not undermine the objectives of this Duty.
- 6.25 The development is CIL liable. The Council adopted a Community Infrastructure Levy in October 2017 and began charging on all CIL liable applications approved on and from 1st October 2018. The actual amount of CIL can only be confirmed once all the relevant forms have been submitted and relevant details have been assessed and approved. Any relief claimed will be assessed at the time if planning permission is granted or shortly after. The submission is not EIA development.

7.0 CONCLUSION

- 7.01 This report sets out how the proposal would represent unsustainable development in terms of its location; how it would not accord with Local Plan policy DM5; and how it would cause harm to the character and appearance of the area. Consequently, the proposal would be in conflict with Local Plan policy and any potential planning benefits associated to the provision of one house are not considered to outweigh this identified harm. The use of conditions would not overcome this harm. On this basis, the proposal is considered to be unacceptable and a recommendation of refusal is therefore made on this basis.

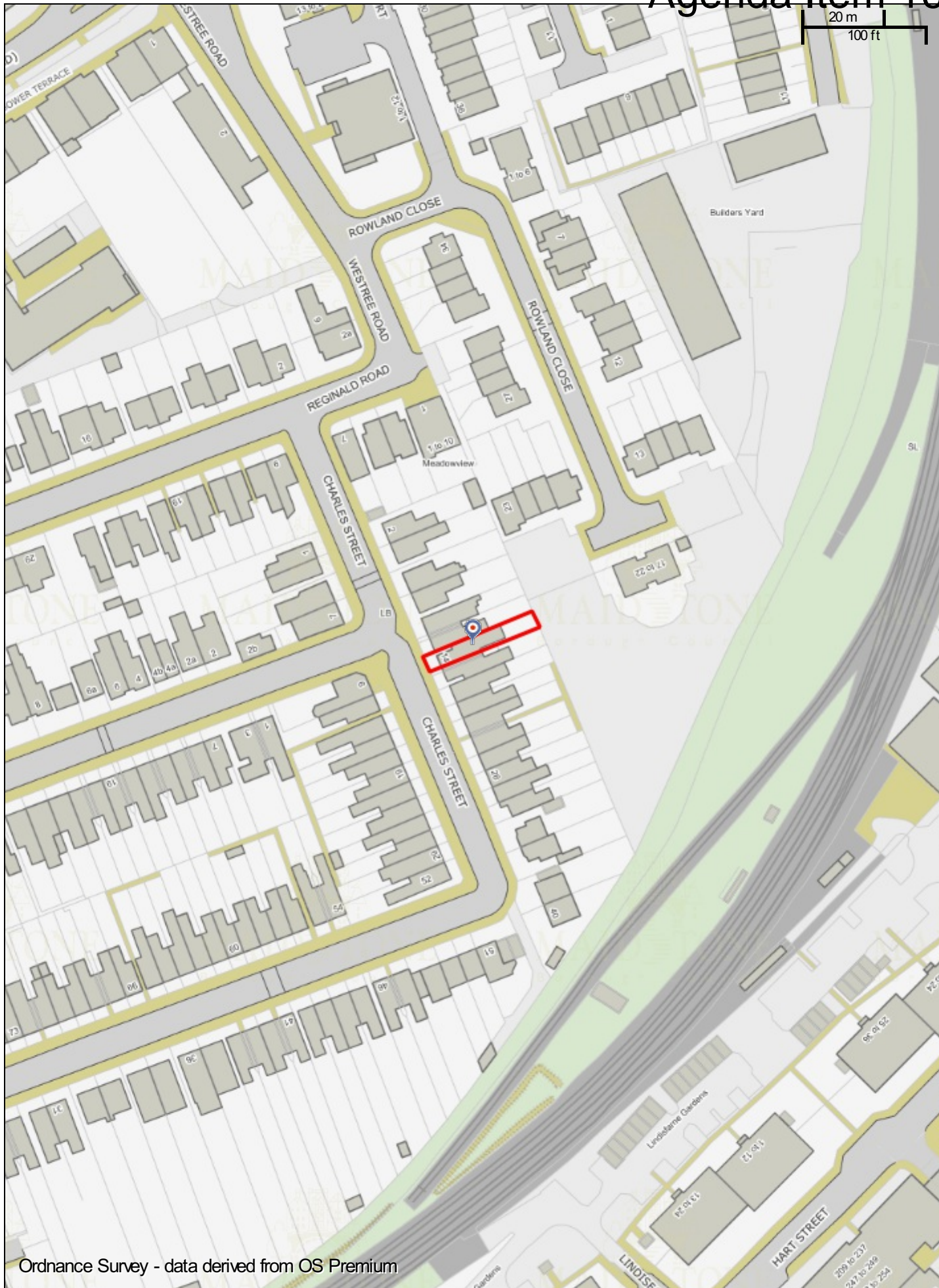
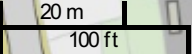
8.0 RECOMMENDATION

8.01 **REFUSE** planning permission for the following reasons:

1. The proposal, that would be located on raised and publicly prominent land, would significantly increase the level of built form on the site and this together with the introduction of a more complicated and domestic designed building, along with its associated domestic paraphernalia, would erode the largely undeveloped nature of the site, causing harm to the character and appearance of the countryside hereabouts and failing to result in a significant environmental improvement. There are no overriding planning reasons to allow the proposal in this location, that is of a high overall landscape sensitivity and sensitive to change, and the proposed development would be contrary to policies SS1, SP17, DM1, DM5 and DM30 of Maidstone Local Plan (2017); the Landscape Character Assessment (2012 amended July 2013) and the Maidstone Landscape Capacity Study: Sensitivity Assessment (Jan 2015); and the National Planning Policy Framework (2021).
2. The proposed dwelling would be far removed from basic services and facilities and this would result in future occupants of the site being reliant on the private motor vehicle to travel for access to day to day needs. This reliance on the private motor vehicle would be contrary to the aims of sustainable development as set out in policies SS1, DM1 and DM5 of the Maidstone Local Plan (2017) and the aims of the National Planning Policy Framework (2021).

Informative(s)

1. You are advised that as of 1st October 2018, the Maidstone Community Infrastructure Levy (CIL) Charging Schedule came into effect. Whilst the above application has been refused by the Local Planning Authority you are advised that CIL applies to all planning permissions granted on or after this date. Thus any successful appeal against this decision may therefore be subject to CIL (depending on the location and type of development proposed). Full details are available on the Council's website Community Infrastructure Levy - Maidstone Borough Council.



Ordnance Survey - data derived from OS Premium

22/505206/FULL 14 Charles Street, Maidstone, Kent, ME16 8ET

Scale: 1:1250
N

Printed on: 7/2/2023 at 18:35 PM by JoannaW

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REPORT SUMMARY

REFERENCE NO: - 22/505206/FULL		
APPLICATION PROPOSAL: Change of use from Class C4 6-bedroom HMO to Sui-Generis 8-bedroom HMO to include erection of a single storey rear extension and loft conversion with a rear dormer and 1no. front rooflight (Resubmission of 22/503713/FULL).		
ADDRESS: 14 Charles Street Maidstone Kent ME16 8ET		
RECOMMENDATION: GRANT PERMISSION Subject to planning conditions		
SUMMARY OF REASONS FOR RECOMMENDATION: The proposal is acceptable in relation to design, appearance, residential amenity, neighbour impact and impact on parking and would accord with Policies DM1 and DM9 of the Local Plan (2017), the guidance contained within the Residential Extensions SPD (2009) and the NPPF The application is a re-submission of a previous scheme which comprised a front roof extension, a rear roof extension and a single storey rear extension as part of a larger HMO property. The previous application was refused solely on the visual impact of the front roof extension. The front extension has been removed from this resubmitted proposal.		
REASON FOR REFERRAL TO COMMITTEE: Call in from Cllr Harper for the following reasons: <ul style="list-style-type: none"> • Existing HMO is out of character with this residential street • Enlargement to an 8 bed HMO is unsustainable. • No provision for existing or the proposed increased on street parking demand • no cycle parking facilities • no proposals for waste collection or disposal areas, • no increase in amenity areas for additional occupants • gross over development in an already high density neighbourhood suffering due to over development. 		
WARD: Fant	PARISH/TOWN COUNCIL: N/A	APPLICANT: Mr Kemsley AGENT: Kent Design Studio Ltd
CASE OFFICER: Jake Farmer	VALIDATION DATE: 31/10/22	DECISION DUE DATE: 27/01/23
ADVERTISED AS A DEPARTURE: No		

Relevant Planning History

- 19/506230/PNEXT Prior notification for proposed single storey rear extension which:
A) Extends by 4 metres beyond the rear wall of the original dwelling. B) Has a maximum height of 2.85 metres from the natural ground level. C) Has a height of 2.85 metres at the eaves from the natural ground level. Prior Approval Not Required 17.01.2020.
- 22/503713/FULL Change of use from Class C4 6 Bedroom HMO to Sui-Generis 9 bedroom HMO to include erection of a single storey rear extension and loft conversion with a rear and front dormer. Refused 03.10.2022 for the following reason:

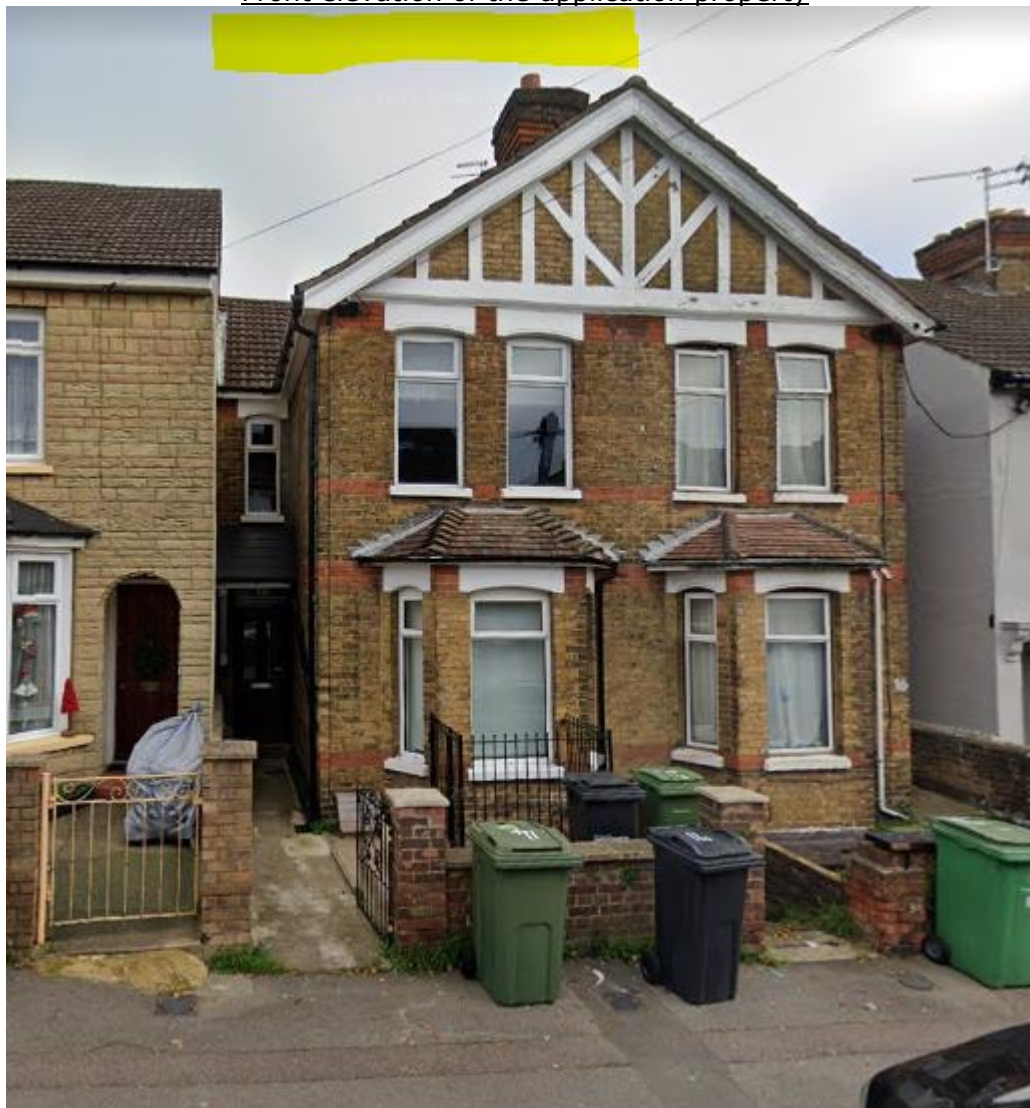
"The proposed front roof extensions by reason of their bulk, massing and location on the front elevation would appear as prominent and visually awkward features at roof level resulting in a detrimental impact on the symmetry of the pair of properties at No 14 and 16 Charles Street. The front roof extensions visible in short and medium distance views would appear alien and out of character in the street scene along Charles Street where front roof extensions are not a feature. The proposals thus fail to accord with Policies DM1 and DM9 of the Maidstone Local Plan (2017) and Chapter 12 of the NPPF" (Officer comment: The earlier decision to refuse planning permission is material to a decision on the current application and this earlier decision did not raise any issue in relation to the additional HMO accommodation).

MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 The application site is located in Charles Street that is situated centrally within Maidstone in close proximity to the town centre. The site is in residential area comprising terraced dwellings with some properties converted into HMOs.

Front elevation of the application property



- 1.02 The character and appearance of Charles Street is Edwardian terraced properties that commonly feature front bay windows on the ground floor with sash windows at first floor. The majority of properties along Charles Street are brickwork, with

some being finished with render. Some properties also feature brick soldier courses as well as sailor courses.

- 1.03 The Edwardian application property is has a front bay windows at ground floor level and sash windows at first floor level. The existing property is brickwork with soldier courses and mock Tudor detailing in the front facing gable under a concrete tiled roof.
- 1.04 The application property is currently in use as a House in Multiple Occupation (HMO). The current use is within Planning Use Class C4 of the Town and Country Planning (Use Classes) Order 1987 (as amended).
- 1.05 Class C4 uses are small houses which are used by between 3 and 6 unrelated residents as an HMO where residents share basic amenities such as kitchen or bathroom and use the property as their only (or main) residence. There is no requirement for planning permission to change a family dwelling into an HMO in Planning Use Class C4

2. PROPOSAL

- 2.01 Change of use from a 6 bedroom HMO (Use Class C4) to a Sui-Generis (Class of its own) 8bedroom HMO. The proposal includes a single storey rear extension and loft conversion and extensions to the rear and side roof slopes and a front rooflight.

The previously submitted application (22/503713/FULL) was refused on the grounds that the front dormer would adversely impact the character and appearance of the street scene. m. The changes from the previously refused scheme include a reduction from three extra rooms to two extra rooms and the removal of the front roof extension.

3. POLICY AND OTHER CONSIDERATIONS

Maidstone Borough Local Plan (2017): Policies SS1, SP1, SP19, DM1, DM9, DM23
Emerging Policies: LPRSP2, LPRSP10, LPRSP10 (A), LPRSP15
The National Planning Policy Framework (NPPF):
National Planning Practice Guidance (NPPG):
Residential Extensions SPD (2009)

4. LOCAL REPRESENTATIONS

Local Residents:

10 representations were received from local residents objecting to the application for the following reasons (summarised)

- Parking
- Waste and refuse storage
- Privacy
- HMO density
- Resident health
- Safety and wellbeing

Cllr Harper

- Existing HMO is out of character with this residential street
- Enlargement to an 8 bed HMO is unsustainable.
- No provision for existing or the proposed increased on street parking demand
- no cycle parking facilities
- no proposals for waste collection or disposal areas,
- no increase in amenity areas for additional occupants
- gross over development in an already high density neighbourhood suffering as a result of over development.

5. CONSULTATIONS

MBC Housing and Health

No objection. The change in the number of units will require a new licence, and a new fire risk assessment .

6. APPRAISAL

6.01 The key issues are:

- Principle of development
- Design and appearance
- Residential amenity
- Parking and servicing

Principle of Development

6.02 The supporting text to policy DM9 of the Maidstone Local Plan (2017) states "*houses in multiple occupation (HMOs) aid the provision of accommodation for smaller households and contribute towards a mix and choice of homes, (this is advocated by the NPPF*".

6.03 Further, policy DM9 states that residential extensions should have a suitable scale, height, form and appearance as well as suitable relationship to the street scene. Policy DM9 is supported by the Residential Extensions SPD (2009) which reinforces the principles of good design when it comes to residential extensions and conversions.

6.04 There is general policy support for the provision of a range of different types of accommodation in the borough to provide for different sections of the community and no policy that restricts the concentration of housing types in any one area. In policy terms, the principle of the proposed change of use from 6- bedroom HMO (Class C4) to 8-bedroom HMO (Sui Generis) is acceptable and in accordance with the development plan and NPPF.

6.05 Notwithstanding the policy background, concerns have been expressed about the concentration of HMOs in the area surrounding the application site. In addition to the application property, the Maidstone Public Register of Licensed Houses in Multiple Occupation, shows the following HMO's in Charles Street

- a 6-bedroom HMO at No. 1 Charles Street
- a 5-bedroom HMO at No. 7 Charles Street
- a 6-bedroom HMO at No. 15 Charles Street
- a 5-bedroom HMO at No. 16 Charles Street.

6.06 In terms of the Charles Street, 4 of the 40 properties along Charles Street are in lawful use as HMOs representing 10% In addition to the HMOs along Charles Street there are three further properties in lawful use as HMOs along the adjacent Douglas Road, 3 in Florence Road and 2 in Reginald Road. This number of HMO's is not considered to represent an over concentration in this area. (The impact of HMOs with up to 6 residents is not deemed great enough by national legislation to require the benefit of planning permission).

Design and Appearance

6.07 Policy DM9 of the Maidstone Local Plan (2017) states that "*...the scale, height, form, appearance would fit unobtrusively with the existing building and the character of the street scene*".

- 6.08 In order to facilitate the two extra HMO bedrooms, the current proposal includes a single storey rear extension, loft conversion with rear roof extensions (front extension removed following earlier refusal on the grounds of visual impact).
- 6.09 After removal of the existing 'lean to' extension (1 metre deep, eaves circa 2.3 metres high rising to circa 3 metres high), the ground floor level rear flat roof extension would extend 4 metres from the main rear elevation and would be 3.1 metres high. The proposed rear extension was found to acceptable in terms of its design, appearance and scale.

Rear elevation of the application property



- 6.10 The proposed design of the rear roof extension would not extend above the roof ridge height of the property ensuring that it would be a subordinate addition to the main building. The proposed rear roof extension was found to acceptable in terms of its design, appearance and scale.
- 6.11 The proposed rooflight to the front roof slope serving the proposed bedroom 7 will have a negligible impact on the character and appearance of Charles Street and the existing building itself.
- 6.12 The roof and ground floor extensions are identical to those submitted and considered acceptable under application 22/503713/FULL. The ground floor extension was in addition, also considered under application 19/506230/PNEXT and found to be acceptable.
- 6.13 Overall, the extensions are of an acceptable scale, form and design that ensure they do not appear out of character with the application property or the vicinity of the property. The location of the extensions at the rear will restrict public views from the street.
- 6.14 As such, the proposals are visually acceptable and in accordance with Policies DM1 and DM9 of the Maidstone Local Plan (2017).

Residential Amenity

- 6.15 Policy DM1 of the Local Plan (2017) states that developments should "Respect the amenities of occupiers of neighbouring properties...and provide adequate

residential amenities for future occupiers ... by ensuring that development does not result in, or is exposed to, excessive noise, vibration, odour, air pollution, activity or vehicular movements, overlooking or visual intrusion, and that the built form would not result in an unacceptable loss of privacy or light enjoyed by the occupiers of nearby properties”.

- 6.16 Similarly, policy DM9 of the development plan states that extensions and conversions should consider “...privacy, daylight, sunlight and maintenance of a pleasant outlook...”.
- 6.17 After removal of the existing ‘lean to’ extension (a metre deep, eaves circa 2.3 metres high rising to circa 3 metres high), the ground floor level rear flat roof extension would extend 4 metres from the main rear elevation and would be 3.1 metres high.
- 6.18 Whilst the ground floor rear extension would be constructed up against the boundary shared with No. 12 Charles Street, this is a common arrangement in the terrace. With the proposed extension being single storey, there will be minimal impact upon the adjoining neighbours in terms of their outlook, daylight and sunlight and amenity.
- 6.19 The proposed ground floor rear extension is of a height that would not restrict the daylight/sunlight enjoyed by the windows serving habitable rooms of the properties on either side of the application site. The proposed roof extension is found to be acceptable in relation to the impact on daylight and sunlight enjoyed by the adjacent neighbours. As highlighted earlier in this report the ground floor and roof extensions were also found to be acceptable as part of earlier planning applications.
- 6.20 The proposed ground floor extension will provide an additional communal dining room area for residents. Other than the new loft access stair there is no change to the first floor layout of the building. The new accommodation at loft level provides two new ensuite bedrooms, a landing and a storage area.
- 6.21 The internal standard of the accommodation in terms of natural light, privacy and floorspace has been found to be acceptable. The internal layout has also been assessed by the Council’s Housing Team who have found the proposal acceptable. The accommodation will require a HMO licence.
- 6.22 As such, with regards to the impact upon residential amenity, the application is acceptable and accords with policies DM1 and DM9 in this respect.

Parking and servicing

- 6.23 Policy SP1 of the Local Plan (2017) sets out “As the largest and most sustainable location, Maidstone urban area... will be the focus for new development”. Policy DM23 states that car parking standards for residential development will take into account “the type, size and mix of dwellings ...; and secure an efficient and attractive layout of development ...”.
- 6.24 The application site is located approximately 15 minute walk from Maidstone High Street which provides a large number of services, facilities and retail. The site is also located within proximity to other local services such as a convenience store located approximately 5 minutes’ walk away. The application site is within a controlled parking zone which allows for permit holders and a maximum stay of 2 hours for non-permit holders
- 6.25 Further, the site is well-served by local public transport networks with bus stops located within a short walk from the site, providing services into the town centre

and the surrounding areas. As such, the application site is in a sustainable location for new residential accommodation, where occupants do not require a private motor vehicle for their daily needs.

- 6.26 There is no direct access to the rear garden of the property from the street, and it does not appear feasible to provide cycle parking either in the front garden or that relies on access through the house. There does appear capacity to provide bin storage or screening in the front garden and a condition is recommended to seek details and to secure the approved details.
- 6.27 The current application is assessing the impact of two additional bedrooms, (currently 6 with 8 proposed) and it is highlighted that in general terms census data indicates that car ownership associated with HMOs is lower than family accommodation.
- 6.28 Whilst parking availability along Charles Street and the surrounding roads is limited, particularly at peak times, the proposed development would not result in a severe impact upon the local highways network such that it would be in conflict with the relevant test in the National Planning Policy Framework (2021)(paragraph 111).

Other Matters

- 6.29 The proposal is found to be acceptable in relation to flood risk.

PUBLIC SECTOR EQUALITY DUTY

- 6.30 Due regard has been had to the Public Sector Equality Duty, as set out in Section 149 of the Equality Act 2010. It is considered that the application proposals would not undermine objectives of the Duty.

7. CONCLUSION

- 7.01 The proposal is acceptable in relation to design, appearance, residential amenity, neighbour impact and impact on parking and would accord with Policies DM1 and DM9 of the Local Plan (2017), the guidance contained within the Residential Extensions SPD (2009) and the NPPF.

8. RECOMMENDATION

GRANT planning permission subject to the following conditions

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

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

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

- Drawing No. 3839 – 001 (Site Location and Existing Block Plans)
- Drawing No. 3839 – 002 (Existing Floor and Roof Plans)
- Drawing No. 3839 – 003 (Existing Elevations)
- Drawing No. 3839 – 005 – A (Proposed Block Plan)
- Drawing No. 3839 – 006 – B (Proposed Floor Plans)
- Drawing No. 3839 – 007 – A (Proposed Elevations)

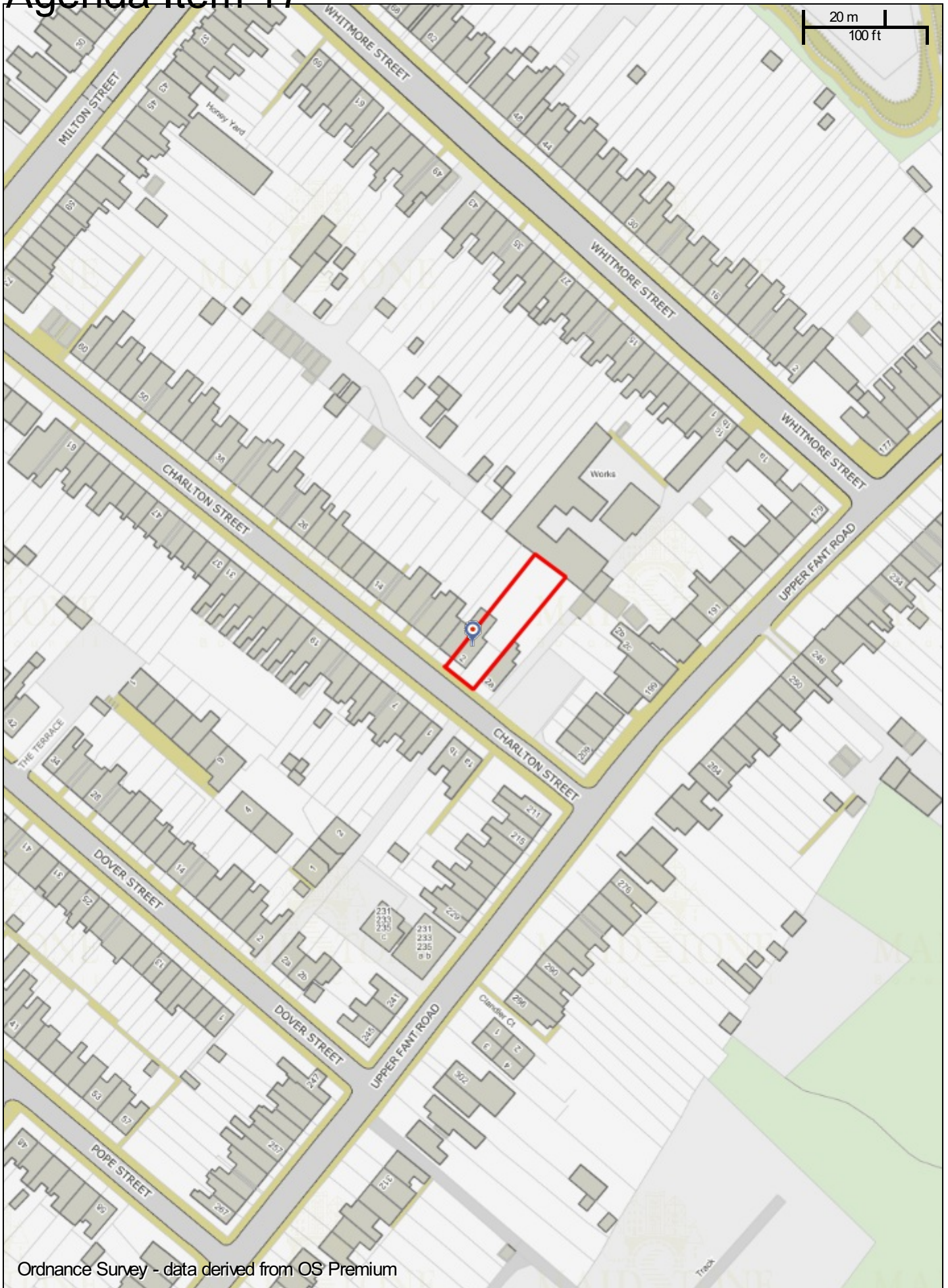
Reason: To ensure that the development is undertaken in accordance with the approved drawings and documents

- 2) The external facing materials of the extensions hereby permitted shall match those used on the existing building.
Reason: To ensure a satisfactory appearance to the development.
- 3) The development hereby approved shall have no more than 8 separate households occupying the building at any one time.
Reason: To protect the amenity of future occupants.
- 4) Prior to the first occupation of the new accommodation hereby approved, facilities for the storage and screening of refuse bins, shall be in place that are in accordance with details that have previously been submitted to and approved by the Local Planning Authority. These details will be maintained as such thereafter. Reason: In the interests of amenity.
- 5) The use of the extension shall be as set out in the application and no development or the formation of any door providing access to the roof of the extension shall be carried out, nor shall the roof area of the extension be used as a balcony, roof garden or similar amenity area.
Reason: In the interests of amenity.

Informatives

- 1) The applicant is advised that as of 1st October 2018, the Maidstone Community Infrastructure Levy (CIL) Charging Schedule came into effect. Whilst the above application has been refused by the Local Planning Authority you are advised that CIL applies to all planning permissions granted on or after this date. Thus, any successful appeal against this decision may therefore be subject to CIL (depending on the location and type of development proposed). Full details are available on the Council's website Community Infrastructure Levy - Maidstone Borough Council.
- 2) The applicant is advised that the accommodation will require an HMO licence from the Council's Housing and Health Team.

Agenda Item 17



Ordnance Survey - data derived from OS Premium

22/505414/FULL 2 Charlton Street, Maidstone, Kent, ME16 8LA

Scale: 1:1250
N

Printed on: 7/2/2023 at 18:38 PM by JoannaW

REPORT SUMMARY

REFERENCE NO: - 22/505414/FULL		
APPLICATION PROPOSAL: Erection of an attached two-bedroom dwelling.		
ADDRESS: 2 Charlton Street Maidstone Kent ME16 8LA		
RECOMMENDATION: GRANT PLANNING PERMISSION Subject to conditions		
SUMMARY OF REASONS FOR RECOMMENDATION:		
<ul style="list-style-type: none"> • The proposals would provide accommodation that meets the Nationally Described Space Standards and provide sufficient amenity space. • The proposed dwelling comprises similar massing and elevational treatments to other properties within the terrace. • The proposed dwelling will not have an adverse impact upon the amenity of neighbouring properties or harm the character and appearance of the street scene. • The proposed development will not result in any adverse impact upon the highways and parking within the street to a severity that would warrant a refusal. 		
REASON FOR REFERRAL TO COMMITTEE:		
Call in by Cllr Harper for the following reasons:		
<ul style="list-style-type: none"> • Overdevelopment • Loss of off-street parking • Unsustainable • Impact on local environment • Local concerns of residents. 		
WARD: Fant	PARISH/TOWN COUNCIL: N/A	APPLICANT: Mr Terry Brown AGENT: Peter Court Associates
CASE OFFICER: Jake Farmer	VALIDATION DATE: 17/11/22	DECISION DUE DATE: 24/02/23
ADVERTISED AS A DEPARTURE: No		

Relevant planning history

- 02/1039 Outline application for a dwelling with means of access and siting for consideration Refused 12.08.2002 for the following reason:

"The proposal does not make adequate provision for the parking of vehicles within the curtilage of the site, in accordance with the standards adopted by the local planning authority and is therefore likely to give rise to conditions which are prejudicial to the free flow of traffic on the adjoining highway which already suffers from an evident parking problem, contrary to policy T13 of the Maidstone Borough Wide Local Plan (2000)".

- 02/1519 An outline application for a new dwelling with means of access and siting for consideration Refused 09.10.2002 for the following reason:
"The proposal would remove any opportunity for the provision of off street parking for the occupiers (or future occupiers) of the existing dwelling at 2 Charlton Street, would not provide sufficient parking provision for the proposed dwelling and would effectively result in the loss of an existing on-street parking space and is therefore likely to give rise to conditions which are prejudicial to the free flow of traffic on the adjoining highway".

An appeal for the development was also dismissed by the Planning Inspectorate on 11th April 2003 under appeal ref: APP/U2235/A/02/1103456.

(Officer comment: The current planning policy background consists of the adopted Local Plan (2017) and the NPPF (2021) with the above decisions and appeal made 14 years and 18 years before the adoption of the LP and the NPPF. In this respect due to the age of these decisions no weight should be placed on these decisions).

MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 The application site is in the Maidstone urban area. The site is in Charles Street which runs perpendicular to and joins Upper Fant Road (south east) and Milton Street (north west). The area generally comprises of terraced dwellings many with feature bay windows at ground floor level.
- 1.02 There is a general fall in ground level down towards the south-eastern end of Charles Street where it meets Upper Fant Road. As a result of this level change, there is a consistent stepping down of the ridge heights of dwellings in Charles Street.
- 1.03 Properties along Charlton Street typically have short 'front gardens or patio areas' with all parking provision on the street. Whilst the surrounding area is of mixed character a large number of properties are traditional brickwork and painted render under concrete tiled roofs.
- 1.04 According to information provided by the Environment Agency, the application site is of low risk of surface water flooding and of very low risk to fluvial flooding.
- 1.05 The application site consists of the end of terrace property at 2 Charlton Street and land to the side and rear of the existing building. When compared to other nearby properties 2 Charlton Street is on a double width plot.
- 1.06 A detached building at 2a Charlton Street contrasts with other properties as it is detached, of narrower width with the entrance to the side and finished in stone.

2. PROPOSAL

- 2.01 The application proposes a semi-detached 2-bedroom dwelling that will form an end of terrace property. The application proposes the removal of an existing shed and a single tree (denoted as T1 on the submitted plans).
- 2.02 The proposed new dwelling will be two storeys in height, with the roof ridge and eaves lines stepped down from the existing dwelling at No. 2 Charlton Street. The proposed dwelling would be constructed using traditional brickwork and feature a ground floor bay window

- 2.03 The proposal includes the subdivision of the existing garden land at No. 2 to provide private amenity space for occupants of the proposed house and the retained house.

3. POLICY AND OTHER CONSIDERATIONS

SS1 – Maidstone borough spatial strategy
SP1 – Maidstone urban area
SP19 – Housing mix
DM1 – Principles of good design
DM9 – Residential extensions, conversion within the built-up area.
DM12 – Density of housing development
DM23 – Parking standards (Appendix B)

Maidstone Borough Council – Local Plan Review, draft plan for submission (Regulation 22) dated October 2021. –

The Regulation 22 draft is a material consideration however weight is currently limited, as it is the subject of an examination in public that commenced on the 6 September 2022 (Stage 1 hearings concluded). The relevant policies in the draft plan are as follows:

SS1 – Maidstone borough spatial strategy
SP2 – Maidstone urban area
SP10(a) – Housing mix
SP15 – Principles of good design
HOU2 – Residential extensions, conversions...in the built-up area
HOU5 – Density of residential development
TRA4 – Parking standards (Appendix B)
Q&D6 – Technical Standards
Q&D7 – Private open space standards

4. LOCAL REPRESENTATIONS

Local Residents:

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

- Increased parking stress
- Overly cramped form of development
- Congestion/disruption during construction phase
- Concerns over the proposed ground floor layout

5. CONSULTATIONS

Mid-Kent Environmental Health

- 5.01 No objections subject to a condition on external lighting and informatives on building regulations and construction code of practice.

6. APPRAISAL

- 6.01 The key issues are:
- Principle of development
 - Visual impact
 - Residential amenity
 - Highways and parking

Principle of development

- 6.02 The application site is in the Maidstone urban area. Government guidance in the National Planning Policy Framework (NPPF) and policies SS1, SP1 and DM9 of the

adopted Maidstone Borough Local Plan are generally supportive of new housing in sustainable urban locations as an alternative to residential development in more remote countryside locations.

- 6.03 As such, the principle of a new dwelling within the defined urban area is acceptable and the proposed development is assessed in the following sections against other relevant policies of the Local Plan (2017).

Visual impact

- 6.04 Government guidance in the NPPF (para. 124) states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.
- 6.05 Local plan policy DM1 states that developments must “respond positively to and where possible enhance, the local, natural or historic character of the area Particular regard will be paid to scale, height, materials, detailing, mass, bulk, articulation and site coverage”. Similar requirements are set out in policy DM11.
- 6.06 The proposal involves adding an end of terrace two-storey, two- bedroom dwelling to an existing two storey end of terrace dwelling. The proposed design of the dwelling will be of similar architectural character to the majority of dwellings located along Charlton Road.
- 6.07 The proposed building’s massing and two storey form match the adjacent dwelling to the north west (No 2 Charlton Street). The proposal would be in keeping with the scale of dwellings in the application terrace on this side of Charlton Street.
- 6.08 The proposed design would incorporate architectural features such as ground floor bay windows as well as soldier brick courses above doors and windows to reflect features found in Charlton Street. The proposed finishing materials also reflect those found within Charlton Street with use of traditional brickwork under a concrete tiled roof.
- 6.09 The proposed property is attached to the existing terrace and as a result does not seek to reflect the nearest neighbour to the south east (No 2A) as this dwelling is both detached and distinct in style and architectural form.
- 6.10 As mentioned in the site description, the road slopes down towards the south east end of Charlton Street resulting in a clear ‘stepping down’ of the ridge and eaves heights of the properties. The proposed development would continue this character by stepping down the roof ridge and eaves heights from the existing property.
- 6.11 The total width of the new plot is approximately 4.5m with the proposed end of terrace dwelling approximately 4m wide with a 0.5m gap to the dwelling at No. 2A Charlton Street.
- 6.12 The site width is comparable to other properties in the terrace and is easily able to accommodate a dwelling that matches the scale of neighbouring properties (no 2 Charlton Street circa 3.8 metres wide, no 4 circa 4.4 metres wide, and no 6 circa 4.1 metres wide) and fits well in the site and the street scene. In this context the proposed development does not appear out of place or cramped.
- 6.13 In light of the above, and the planning balance, the proposed development would accord with policies DM1, DM9 and DM11 with respect to its impact on the character and appearance of the area and the street scene.

Residential amenity

- 6.14 Policy DM1 of the Local Plan (2017) states that developments should "*Respect the amenities of occupiers of neighbouring properties and uses and provide adequate residential amenities for future occupiers of the development by ensuring that development does not result in, or is exposed to, excessive noise, vibration, odour, air pollution, activity or vehicular movements, overlooking or visual intrusion, and that the built form would not result in an unacceptable loss of privacy or light enjoyed by the occupiers of nearby properties*".
- 6.15 The proposed south-east flank wall would be approximately 0.5 metres from the flank wall of 2A Charlton Road. However, the proposed development does not propose any fenestration on the south-eastern elevation and there are no windows on the flank elevation of No. 2A. Further the existing property at 2A is beyond the rear elevation of the proposed dwelling.
- 6.16 The commercial property to the rear a sufficient distance away from the rear elevation as to not comprise any adverse overlooking or amenity impacts upon the prospective occupants of the proposed dwelling or the current or future occupants of other adjacent residential properties.
- 6.17 In terms of the new party wall and environmental health comments, the control of structure borne noise is dealt with outside the planning system through the Building Acts. If planning permission is granted the applicant would need to make a separate Building Regulations application.
- 6.18 In terms of the standard of accommodation. The Nationally Described Space Standards require double bedrooms to comprise a minimum of 11.5 sq. metres and single bedrooms to comprise 7.5 sq. metres. In addition, the Maidstone Local Plan Review within policy LPRQ&D 6: Technical Standards requires two-bedroom dwellings over two storeys to comprise a minimum of 70m² of Gross Internal Floor Area (GIA). The dwelling comprises approximately 71m² in GIA.
- 6.19 The proposals would result in the creation of two bedrooms at first floor level, with the proposed bedrooms measuring 13 sq. metres and 9 sq. metres respectively. In this regard the proposals would provide an acceptable standard of accommodation. Other habitable rooms including the living and kitchen spaces are considered to comprise sufficient floorspace and well served by windows.
- 6.20 The proposed development would also allow for the provision of a rear garden area of approximately 60 sq. metres which is considered to be sufficient private amenity space for a two-bedroom dwelling. This area of garden space is comparable to neighbouring properties.
- 6.21 In summary, the proposals are considered to be acceptable in residential amenity terms and would accord with Policy DM1 of the Maidstone Local Plan (2017).

Highways and parking

- 6.22 Paragraph 111 of the NPPF states that "*Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.*"
- 6.23 Policy DM1 also seeks to ensure that proposed development does not cause any adverse impact upon the highways or parking provision within the area. Paragraph 6.97 states that "*New developments have the potential to generate a considerable number of vehicular and pedestrian trips which in turn can have both direct and cumulative impacts on the transport network.*"

- 6.24 The additional vehicle trips associated with a single new dwelling can be accommodated on the local highway network without harm to highway safety.
- 6.25 All eight of the objections raised against the application cite current car parking issues along Charlton Street and the surrounding roads. This existing parking stress was confirmed during the case officer site visit.
- 6.26 Whilst the proposal would result in the loss of one existing off-street parking space, (for the existing dwelling), as the vehicle access would not be required, the reinstatement of the full height kerb across the frontage would provide an additional on street space to compensate for this loss.
- 6.27 A 2-bedroom dwelling would generally require one off street parking space and the proposed development does not provide any off-street parking.
- 6.28 It is accepted that the absence of an off street parking space for the new dwelling is not ideal in terms of local on street parking demand. Notwithstanding this, the resulting on street parking demand generated by the proposed dwelling does not meet the relevant test for refusal set out in the NPPF of a 'severe' highway impact.
- 6.29 An off street parking space would require the proposed dwelling to be pushed back from the pavement which would represent poor urban design. The location of the building in this situation would have a poor relationship with neighbouring properties, a poor building setting consisting of a parked car and potential amenity neighbour issues at the rear of the building.
- 6.30 In addition, with the need to retain the existing dropped kerb to access any off street space that is provided, there would also be no on-street parking gain. After the assessment of these issues, it is found that the proposal located in a sustainable location is acceptable in relation to parking and highways impact.

Other matters

- 6.31 An arboricultural impact assessment has been submitted in support of the application which provides a rationale for the removal of a single category C tree (referred to as T1). The removal of this tree, is found to be acceptable.
- 6.32 The application site is located in Flood Zone 1 and, according to the information provided by the Environment Agency, the application site is subject to low risk of surface water flooding and subject to very low risk of fluvial flooding.

PUBLIC SECTOR EQUALITY DUTY

- 6.33 Due regard has been had to the Public Sector Equality Duty, as set out in Section 149 of the Equality Act 2010. It is considered that the application proposals would not undermine objectives of the Duty.

CIL

- 6.34 The proposed development is CIL liable. The Council adopted a Community Infrastructure Levy on 25 October 2017 and began charging on all CIL liable applications approved on and from 1 October 2018. The actual amount of CIL can only be confirmed once all the relevant forms have been submitted and relevant details have been assessed and approved. Any relief claimed will be assessed at the time planning permission is granted or shortly after.

7. CONCLUSION

- 7.01 Overall, for the reasons outlined in this report, the proposed development would accord with the policies of the Local Plan (2017) and, as such the recommendation is to grant planning permission subject to conditions.

8. RECOMMENDATION

GRANT PLANNING PERMISSION Subject to conditions

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

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of the 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 and documents:
 - Drawing No. 2225-PL01 (Existing Plans & Elevations)
 - Drawing No. 2225-PL02 (Proposed Plans and Section)
 - Drawing No. 2225-PL03 (Proposed Elevations)
 - Drawing No. 2225-PL04 (Site Plans)
 - GRS/TS/TCP/AIP/AIA/TPP/90/22 (Arboricultural Report)
 - Design & Access Statement (Dated May 2022)Reason: To ensure that the development is undertaken in accordance with the approved drawings and documents
- 3) The development hereby approved shall not commence above slab level until details (manufacturer name, product name, and photographs) of the external facing materials to be used for 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 and maintained as such thereafter.
Reason: To ensure a satisfactory appearance to the development.
- 4) No development including site clearance shall take place until tree protection is in place for all trees both within the red line application site boundary, and within falling distance of the red line application site boundary. The tree protection shall be in accordance with BS 5837 and maintained until all equipment, machinery and any surplus materials have been removed from the site. 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.
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 shall not commence above slab level until details of how decentralised and renewable or low-carbon sources of energy will be incorporated into the development hereby approved to provide at least 10% of total annual energy requirements of the development, have been submitted to and approved in

writing by the local planning authority. The approved details shall be installed prior to first occupation and maintained thereafter.

Reason: To ensure an energy efficient form of development.

- 6) Prior to first occupation of the approved dwelling the biodiversity enhancement shown on 2225-PL4 site plan Planning drawings (May 2022) shall be in place in accordance with the drawing with the measures maintained thereafter.

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

- 7) Prior to first occupation of the dwelling hereby approved the existing vehicular crossover (dropped kerb) in Charlton Street shall be removed with full height pavement reinstated in this location.

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

- 8) Prior to the first occupation of the dwelling hereby approved, facilities for (a) the storage and screening of refuse bins, and (b) the collection of refuse bins, and (c) secure bicycle storage shall be in place that are in accordance with details that have previously been submitted to and approved by the Local Planning Authority. These details will be maintained as such thereafter.

Reason: In the interests of amenity, to promote sustainable travel choices and the reduction of CO2 emissions.

- 9) Prior to the first occupation of the dwelling hereby approved, landscaping shall be in place that shall be in full accordance with a landscape scheme that has previously been submitted to and approved in writing by the Local Planning Authority. The landscape scheme shall be designed in accordance with the principles of the Council's landscape character guidance and include details of a planting schedule (including location, planting species, quantities and size) of the front garden and front boundary treatment.

Reason: In the interests of amenity

- 10) Any planting in the approved landscape scheme which fails to establish or any trees or plants which, within five years from the first occupation, die or become so seriously damaged or diseased that their long term amenity value has been adversely affected shall be replaced in the next planting season with plants of the same species and size as detailed in the approved landscape scheme.

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

- 11) Any external lighting installed on the site (whether permanent or temporary) shall be in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority. The submitted details shall be in accordance with the Institute of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Lighting, GN01, dated 2011 (and any subsequent revisions) and follow the recommendations within Bat Conservation Trust's 'Guidance Note 8 Bats and Artificial Lighting', and shall include a layout plan with beam orientation and a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles) and an ISO lux plan showing light spill. The development shall thereafter be carried out in accordance with the subsequently approved details and maintained as such thereafter.

Reason: In the interests of residential amenity

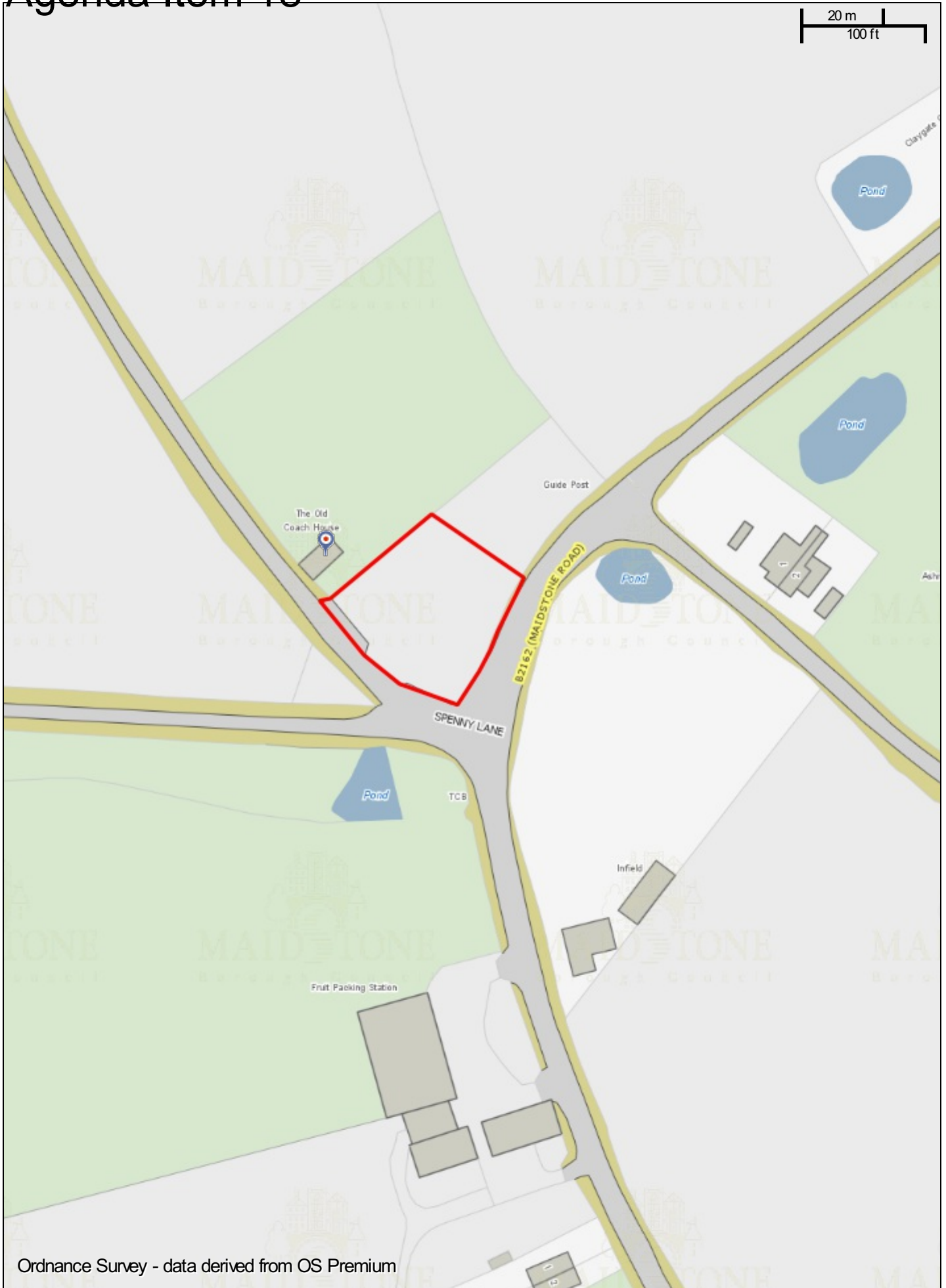
Informatives:

- (1) You are advised that as of 1st October 2018, the Maidstone Community Infrastructure Levy (CIL) Charging Schedule came into effect. Whilst the above application has been refused by the Local Planning Authority you are advised that CIL applies to all planning permissions granted on or after this date. Thus, any successful appeal against this decision may therefore be subject to CIL (depending on the location and type of development proposed). Full details are available on the Council's website Community Infrastructure Levy - Maidstone Borough Council.


- (2) The advice provided in the Mid Kent Environmental Code of Development Practice is highlighted to the applicant. Broad compliance with this document is expected. This document can be found at:
<https://tunbridgewells.gov.uk/environmental-code-of-development-practice>

Agenda Item 18

20 m
100 ft



Ordnance Survey - data derived from OS Premium

 **22/503088/FULL White Hart, Claygate, Marden, TN12 9PL**
Scale: 1:1250
Printed on: 7/10/2022 at 8:57 AM by JoannaW

REPORT SUMMARY

REFERENCE NO: - 22/503088/FULL		
APPLICATION PROPOSAL: Erection of 2 pairs of semi-detached dwellings with parking and turning area, associated hard/soft landscaping and landscape/biodiversity improvements. (Revision to 21/504492/FULL).		
ADDRESS: White Hart, Claygate, Marden TN12 9PL		
RECOMMENDATION: GRANT PLANNING PERMISSION subject to planning conditions		
SUMMARY OF REASONS FOR RECOMMENDATION: The proposed development is considered to be of an acceptable design and size, and would be located in an appropriate location. The standard of accommodation is acceptable, and the amenity of neighbouring properties would not be unduly impacted.		
REASON FOR REFERRAL TO COMMITTEE: Call in from Parish Council if officers are minded to approved for the reasons set out in section 5 of this report. A second call in request was also received from Cllr Russell.		
WARD: Marden And Yalding	PARISH/TOWN COUNCIL: Collier Street	APPLICANT: L&G Holdings Limited AGENT: SJM Planning Limited
CASE OFFICER: William Fletcher	VALIDATION DATE: 22/06/22	DECISION DUE DATE: 30/09/22
ADVERTISED AS A DEPARTURE: No		

Relevant Planning History

- 20/503935/FULL Demolition of the existing former public house and erection of 4no. dwellinghouses, including associated landscaping and biodiversity enhancements. Approved 18.02.2021
- 21/504492/FULL Erection of 4no. dwellinghouses (2no. pairs of semi-detached dwellings), with creation of new access, associated parking and turning area, hard/soft landscaping and landscape/biodiversity improvements (revised scheme: 20/503935/FULL). Approved 11.11.2021

MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 The application site is located on the corner of the B2162 road and Spenny Lane, close to the junction with Sheephurst Lane. The site is within the parish of Collier Street. There are several residential properties sporadically placed in the area.
- 1.02 The site falls within Flood Risk Zone 1. This is a recent change to the Environment Agency mapping as the site did previously sit within Zone 2.
- 1.03 The site was formerly the location of the White Hart public house. In policy terms the application site is in the countryside, outside of all settlement boundaries and as such the application is subject to policy SP17.
- 1.04 There is also a modestly sized agricultural building to the north-west of the site, known as The Old Coach House. This now has both consent for conversion into a dwelling via both a prior notification procedure and now a full planning application.

To the north-east is land also in the applicant’s ownership, with open fields beyond. Agricultural land is located to the east, south and west of the site.

- 1.05 The pub, now demolished, was in proximity to the edge of the highway, with a paved forecourt at the front of the site. The pub car park was accessed from Spenny Lane and there were outbuildings located to the rear that have also now been demolished. Prior to its demolition, the pub building was in poor state of repair having been vacant for five years with windows boarded up. Other than a mobile home, that does not benefit from permission, the site is now empty.

Image 1: White Hart pub April 2021



Image 2: Application Site August 2021



2. PROPOSAL

- 2.01 The current application seeks to revise application 21/504492/FULL (approved on 11.11.2021). This permission was for two sets of semi-detached, two storey dwellings with pitched, hipped roofs and gable ends on the flank walls, faced in brick and tile. The changes include those set out on the next page in Image 3.
- 2.02 The vehicular access would be located between the two semi detached pairs of properties. The access would extend approximately 29 metres through to the rear car parking area. The rear car parking area providing two car parking spaces for each of the four dwellings.
- 2.03 The properties would be stepped back from the road frontage to provide small front gardens and pathways to the front doors (as with the previous development proposal) with boundary hedges providing a degree of separation from the road frontage. The properties have rear amenity areas of varied sizes.

- 2.04 As part of the changes, the depth of the first floor would be increased by 80cm and the rear 'projection' of each unit reduced to a maximum of 4.2m from a maximum of 7.5m as depicted below.

Image 3: Previously approved rear and side elevations 21/504492/FULL top, current proposed revised plans 22/503088/FULL bottom.



- 2.05 The current application differs in floor area from the previous application, and this is shown in the table below:

Table: Floor area and dimension comparison

	G/F area	F/F area	Loft area	Width	Depth (Max)	Eaves	Ridge
Former Pub	254m ²	173m ²	n/a	19.8m	16.2m	5m	7.2m
21/504492/FULL	170m ²	90m ²	n/a	15.6m	15.4m	5m	8m
Current	160m ²	105m ²	60m ²	15.6m	13m	5m	8.2m

3. POLICY AND OTHER CONSIDERATIONS

Maidstone Borough Local Plan (2017):

- SS1 Spatial strategy
- SP17 Countryside
- DM1 Principles of good design
- DM5 Development on brownfield land
- DM12 Density of housing development
- DM23 Parking standards
- DM30 Design principles in the countryside

Maidstone Borough Council – Local Plan Review, draft plan for submission (Regulation 22) dated October 2021.

- The Regulation 22 draft is a material consideration however weight is currently limited, as it is the subject of an examination in public that commenced on the 6 September 2022 (Stage 1 hearings concluded). The relevant policies in the draft plan are as follows

- LPRSS1 - Maidstone Borough Spatial Strategy
- SPRSP9 – Development in the Countryside
- LPRSP10 - Housing
- LPRSP10(A) - Housing
- LPRSP15 – Principles of Good Design

LPRHOU1 – Development on Brownfield Land
LPRHOU5 – Density of Residential Development
LPRTRA4 – Parking
LPRQ&D4 – Design Principles in the Countryside

4. LOCAL REPRESENTATIONS

4.01 Local Residents

2 representations received from local residents objecting to the proposal on the following (summarised) grounds:

- Unsustainable location
- Loss of privacy
- Highway safety issues
- Capacity of physical infrastructure in terms of drainage in the area.

Collier Street Parish Council

4.02 Objection on the grounds that proposal would have a harmful impact upon highway safety and request committee determination.

Cllr Russell

4.03 There have been numerous applications on this site and lots of public interest and I think it deserves reporting on in public and all of the information being fully and openly examined. Call in to committee

5. CONSULTATIONS

KCC Highways

5.01 No objection, highlighting standing advice in relation to issues raised by the Parish Council.

Environmental Health

5.02 No objections subject to conditions.

6. APPRAISAL

6.01 The key issues are:

- Background
- Location of Site
- Visual impact/landscaping
- Design, layout and standard of accommodation
- Neighbour amenity
- Biodiversity
- Highways issues

Background

6.02 Permission was originally granted on 13/02/2021 for the demolition of the existing former public house and the erection of 4 dwelling houses. This included a terrace and one detached dwelling.

6.03 Permission was then granted to erect 2 semi-detached pairs (21/504492/FULL) on 11/11/2021. The extent of the 'application site' has also been reduced between these planning applications.

6.04 The current application seeks the same layout and extent of development as the previously permitted application (21/504492/FULL) but would remove the rear projections and include habitable space in the roof of the dwellings.

Location of site

6.05 The application site is in the countryside and the starting point for assessment of all applications in the countryside is Local Plan Policy SP17. Policy SP17 states that development proposals in the countryside will not be permitted unless:

- a) they will not result in harm to the character and appearance of the area and
- b) they accord with other Local Plan policies

6.06 In relation to SP17 a) and considering the impact of development on the character and appearance of the countryside the relevant adopted local plan policies are DM1 and DM30 and these policies are considered below.

Character and appearance

- 6.07 Both policies DM1 and DM30 require development to enhance and make a positive contribution to the character and appearance of the surrounding area.
- 6.08 The application site is located within the Laddingford Low Weald landscape character which is in moderate condition with moderate sensitivity and guidelines to conserve and improve.
- 6.09 The current application is broadly the same as the previously permitted 21/504492/FULL and comprises two pairs of semi-detached properties, two storeys in height, facing southwards onto Spenny Lane. The access would still be located via Spenny Lane, with parking and landscaping placed centrally within the site.
- 6.10 The main rear section of the building has been reduced to a maximum of 4.2m from a maximum of 7.5m and the depth of the first floor enlarged by 80cm. This alterations do not result in any greater harm than the previously permitted proposal.
- 6.11 There would be some views from Maidstone Road of the proposed development, but these views would be partially obscured by existing landscaping on the eastern boundary. In addition, a landscaping condition will be added to strengthen the boundary treatment in accordance with the guidance for this locality as set out in the Maidstone Landscape Character Assessment.
- 6.12 The uniformity of the four properties set back slightly from Spenny Lane with front garden areas and bounded by hedges, provides an improved layout which allows coherent rear amenity spaces and a single shared parking area which can be more easily screened. The scheme layout would sit comfortably within the locality.
- 6.13 Although it would be clearly visible from public vantage points around the site, the size, bulk and height of the proposed dwellings are not out of character with the other rural dwellings in the locality.

Spatial strategy and brownfield land

- 6.14 Policy SS1 provides the spatial strategy for the borough, with the Maidstone urban area the primary focus for new housing. In the hierarchy, designated rural service centres and larger villages are the secondary focus for new development. The application site is located in the countryside and outside the urban area, a rural service centre and a larger village as defined by the adopted Local Plan.
- 6.15 As an exception to the normal countryside development constraint set out in policies SS1 and SP17 Local Plan, policy DM5 allows the development of brownfield land in the countryside subject to several criteria that are considered below:
- Site is not of high environmental value
- 6.16 Whilst in the countryside, the application site has no special landscape designation and following the demolition of the former public house, the existing cleared site is not of high environmental value.
- Density of housing reflects character and appearance of individual localities
- 6.17 The density of the housing is acceptable when assessed against the character of the area and the former public house on this site.

- Will result in significant environmental improvement

6.18 The proposal will result in environmental improvement. The current application is submitted in place of the original public house that has been demolished. Whilst the principle of losing the public house is not relevant here, the former use would have resulted in a greater environmental impact than the current proposal.

6.19 The current proposal will bring the site back into beneficial use with four family homes of an adequate standard with front gardens and rear amenity areas in place of the pub car park.

6.20 The bulk and massing of the 2 semi detached pairs is comparable to that of the demolished pub with the gap between the buildings now providing a visual break.

- Site is, or can reasonably be made, accessible by sustainable modes to urban area, a rural service centre or larger village.

6.21 The supporting text to DM5 (paragraph 6.37) advises that the assessment of DM5 should consider the traffic associated with the previous use and the vehicle trips associated with the proposed use.

6.22 The former use of the application site was a public house and this use is likely to have generated significantly greater vehicle trips when compared to the proposed four dwellings.

Design, layout and standard of accommodation

6.23 The proposed dwellings would be of a similar design to properties in the locality. Although the timber cladding has been replaced with brick, brick is not out of character with local development. A planning condition is recommended to ensure a high standard of materials would be used in the construction of the properties.

6.24 The layout of the houses, set in two sets of semi-detached dwellings represents an improvement to one of the previous layouts, which contained a dwelling set apart from the others to the rear of the site. The current proposal provides each dwelling with a road frontage but also with defensible space.

Residential amenity

6.25 Policy DM1 encourages new development to respect the amenities of neighbouring properties and provide adequate residential amenities for future occupiers by ensuring that development does not result in, or is exposed to, excessive noise, vibration, odour, air pollution, activity or vehicular movements, overlooking or visual intrusion. The proposals should not result in an unacceptable loss of privacy or light enjoyed by the occupiers of nearby properties.

Neighbours

6.26 The nearest property to the application site is The Old Coach House which comprises an extant permission 22/501795/FULL (approved 06.07.2022). This permission is for the erection of a single dwelling sited approximately 15 metres from the western boundary of the application site. This permission has not been implemented at the time of writing but remains extant.

6.27 The proposed dwelling and 'The Old Coach House' have no windows on their flank walls which would 'interact' with each other. It is recommended that the boundary treatment is strengthened as part of the landscaping condition.

6.28 It is concluded that any impact on The Old Coach House in terms of over-bearance, over-shadowing and overlooking would be minimised. All other neighbours would be a sufficient distance away from the site for any impact relating to amenity to be minimised.

Image 4: Currently proposed layout



Future occupiers

- 6.29 The standard of accommodation is acceptable. Each dwelling contains a hallway, separate living room, an open plan family room/dining area/kitchen, and separate utility and shower. The first floor would contain three bedrooms, an ensuite and a family bathroom. The properties would be of an acceptable size that would comply with the national space standards.
- 6.30 The amenity area would be situated to the rear of the properties,. The rear garden areas are in accordance with Local Plan Review Policy Q&D 7: Private Amenity Space Standards inc being 10 metres in depth.
- 6.31 Proposed off street car parking would be accessed via Spenny Road between the two pairs of semi-detached properties. The dwellings would all be sited uniformly so any impact on future occupiers in terms of over-shadowing or over-bearance would be minimised

Noise and disturbance

- 6.32 The parking area would have capacity for eight cars, two from each property. The nearest car parking spaces would be approximately 18 metres from the rear elevation of the new dwellings.
- 6.33 The access and car park would be surrounded by native planting and hedges which would restrict any nuisance from car headlights. A lighting condition would be added to the application to ensure that any future lighting details are submitted to the LPA for approval.

Biodiversity

- 6.34 Policy DM3 encourages ecological appraisal to assess the potential biodiversity present and any necessary mitigation along with arboricultural and visual impact assessments.
- 6.35 KCC Ecology have been consulted on previous applications for this site. They stressed the importance of conditions relating to mitigation regarding reptiles, bats and lighting but did not raise objections.

- 6.36 The existing site is largely covered with hardstanding, and this will be replaced in part with grassed areas to provide external amenity space, and hedges bounding the properties. These additions will provide improvements and a condition will be added to provide further enhancements such as bird boxes. An informative relating to the protection of breeding bird habitats will also be added.
- 6.37 Whilst it has been some time since the previous permission and 'derelict' sites can be occupied by wildlife, it is highlighted that there is an extant permission on site for a very similar development which could be implemented immediately. It is concluded that the current proposal would cause any more harm than what can be lawfully constructed on the site.

Highways

- 6.38 Local Plan policy DM1 sets out that new development should "...safely accommodate the vehicular and pedestrian movement generated by the proposal on the local highway network and through the site access". The site access is in the same location as has been previously approved under 21/504492/FULL, any impact in this regard has already been considered and found acceptable.
- 6.39 Policy DM23 sets out that three bedroomed houses in a rural location require two independently accessible spaces. There are two parking spaces provided for each property, and this is sufficient for the development. Cycle spaces could be provided within sheds in the rear garden areas of the properties, and this information will be required by condition.
- 6.40 Representations have been received which include photos of traffic accidents that have taken place in the local area. Whether or not individual road users obey highway law and the highway code is not a material planning consideration as this is covered under legislation outside of the planning system.
- 6.41 The concerns that have been expressed by the Parish Council have been put to KCC Highways and KCC Highways have maintained that they do not wish to raise an objection to the application. It is also highlighted that in terms of the level of potential impact KCC Highways do not comment on application of this relatively small size (4 dwellings onto a non-classified road).
- 6.42 It is found that the development will not cause any additional traffic issues beyond the previous approved applications, the current application does not seek to make alterations to the parking arrangements. The potential traffic generation from the now demolished public house would have also been far greater than the proposed use.
- 6.43 In seeking to address a point raised by the parish, the applicant has pointed out that extant permissions on this site do not require the provision of a bus stops with existing stops further up the road. The applicant has confirmed that they do not intend or wish to facilitate the provision of a bus stop on this site. It is highlighted by officers that there is no planning policy or legal requirement for the applicant to provide a bus stop.

Flood Risk

- 6.44 Neighbour comments raise the issue of flooding in the area. The application site is located within Flood Zone 1 following a redrawing of flood zone boundaries. The environment agency have raised no issues with the redevelopment of this site.
- 6.45 Whilst confirmed as in Flood Zone 1, a Flood Zone 2 location would not prohibit residential development. There is no discernible increase in built development that impedes floor water and the creation of garden areas is likely to increase flood water storage capacity and reduce surface water run off.

PUBLIC SECTOR EQUALITY DUTY

- 6.46 Due regard has been had to the Public Sector Equality Duty, as set out in Section 149 of the Equality Act 2010. It is considered that the application proposals would not undermine objectives of the Duty.

CIL

- 6.47 The proposed development is CIL liable. The Council adopted a Community Infrastructure Levy on 25 October 2017 and began charging on all CIL liable applications approved on and from 1 October 2018. The actual amount of CIL can only be confirmed once all the relevant forms have been submitted and relevant details have been assessed and approved. Any relief claimed will be assessed at the time planning permission is granted or shortly after.

7. CONCLUSION

- 7.01 Policy SP17 sets out that development proposals in the countryside will not be permitted unless it will not result in harm to the character and appearance of the area and accords with other policies in the local plan.
- 7.02 Whilst most development in the countryside will result in some harm to character and appearance, the proposed buildings are on the site of a demolished pub and there have been previous permissions for new build residential development on the site. The design of the proposed dwellings are appropriate for this location.
- 7.03 The application site is brownfield land. As an exception to the normal constraint in policy SP17, and subject to several criteria local plan policy DM5 permits residential development in the countryside. The application is found to be in broad compliance with policy DM5 and considering the planning history of the site the application site is a suitable location for new dwellings.
- 7.04 The proposal is in accordance with policy DM1 and DM23 in relation to parking and highways access. With suitable conditions the proposal will be acceptable in relation to biodiversity and ecology.

8. RECOMMENDATION

GRANT planning permission subject to the following conditions

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
Application for planning permission
2018-065v6R2 Location, Block and Landscape Plan
2021-1110-002 Rev P5 Proposed Elevations and Plans Plots 1 to 4
Flood Risk Statement
Planning Statement
Reason: To clarify which plans have been approved.
- 3) The development hereby approved shall not commence above slab level until details (manufacturer name, product name, and photographs) of the external facing materials to be used for the buildings hereby permitted have been submitted to and approved in writing by the local planning authority and the development shall be constructed using the approved materials and maintained as such thereafter.
Reason: To ensure a satisfactory appearance to the development.

- 4) The development hereby approved shall not commence above slab level until details for a scheme for the enhancement of biodiversity on the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall consist of the enhancement of biodiversity through methods into the building structure by means such as swift bricks, bat tube or bricks to provide wildlife niches and additionally through provision within the site curtilage of measures such as bird boxes, bat boxes, bug hotels, log piles, wildflower planting and hedgerow corridors. The development shall be implemented in accordance with the approved details prior to first occupation of the relevant approved building and all features shall be maintained thereafter.
Reason: To protect and enhance the ecology and biodiversity on the site in the future.
- 5) The development hereby approved shall not commence above slab level until details of how decentralised and renewable or low-carbon sources of energy will be incorporated into the development hereby approved to provide at least 10% of total annual energy requirements of the development, have been submitted to and approved in writing by the local planning authority. The approved details shall be installed prior to first occupation and maintained thereafter.
Reason: To ensure an energy efficient form of development. Details are required prior to commencements as these methods may impact or influence the overall appearance of development.
- 6) Prior to the occupation of the dwellings hereby approved, hard and soft landscaping shall be in place on the site that is in accordance with a landscape scheme that has previously been submitted to and approved in writing by the local planning authority. The landscape scheme shall be designed in accordance with the principles of the Council's landscape character guidance (Maidstone Landscape Character Assessment Supplement 2012). The scheme shall
a) 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,
(b) include a planting specification, implementation details and a [5] year landscape management plan (Only non-plastic guards shall be used for the new trees and hedgerows, and no Sycamore trees shall be planted).
c) provide details of boundary treatment, including trees and hedging, around the perimeter of the site to mitigate for the development and strengthen the southern and eastern boundaries to enhance the locality.
Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development.
- 7) The approved landscaping associated with the individual dwellings shall be in place at the end of the first planting and seeding season (October to February) following completion of the relevant individual dwelling. Any other communal, shared or street landscaping shall be in place at the end of the first planting and seeding season following completion of the final unit. Any seeding or turfing which fails to establish or any trees or plants which, within five years from the first occupation of a property, die or become so seriously damaged or diseased that their long term amenity value has been adversely affected shall be replaced in the next planting season with plants of the same species and size as detailed in the approved landscape scheme.
Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development
- 8) Prior to the occupation of the dwellings hereby approved, a sustainable surface water drainage scheme shall be fully implemented in accordance with details that have previously been submitted to and approved in writing by the local planning authority. The submitted details shall:
i) provide information about the design storm period and intensity, the method employed to delay and control the surface water discharged from the site, including any requirement for the provision of a balancing pond and the measures taken to prevent pollution of the receiving groundwater and/or surface waters.
ii) include a timetable for its implementation in relation to the development; and,

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

iv) provide permeable hardstanding space for the manoeuvring/parking of vehicles. The sustainable surface water drainage scheme shall be managed in accordance with the approved management and maintenance plan for the lifetime of the development.

Reason: In the interests of pollution and flood prevention pursuant to the National Planning Policy Framework (July 2021).

- 9) Prior to the occupation of the dwellings hereby approved, the site access as shown on the proposed block plan referenced 2018-065v6R2 Location, Block and Landscape Plan, and the sight lines shall be in place with the access maintained and the sightlines retained free of all obstruction to visibility above 1.0 metres thereafter.

Reason: In the interests of road safety.

- 10) Prior to the first occupation of the dwelling hereby approved, facilities for (a) the storage and screening of refuse bins, and (b) the collection of refuse bins, and (c) secure bicycle storage shall be in place that are in accordance with details that have previously been submitted to and approved by the Local Planning Authority. These details will be maintained as such thereafter. Reason: In the interests of amenity, to promote sustainable travel choices and the reduction of CO2 emissions.

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

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

- 12) Any external lighting installed on the site (whether permanent or temporary) shall be in accordance with Artificial Lighting Guidance supplied by the Bat Conservation Trust, and these details shall be submitted to and approved in writing by the Local Planning Authority. The details shall include, inter alia, measures to shield and direct light from the light sources so as to prevent light pollution and illuminance contour plots covering sensitive neighbouring receptors and the sensitive landscape location. The development shall thereafter be carried out in accordance with the subsequently approved details and maintained as such thereafter.

Reason: In the interests of biodiversity and visual amenity.

- 13) No oil tanks shall be installed on the site, whether or not permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification).

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

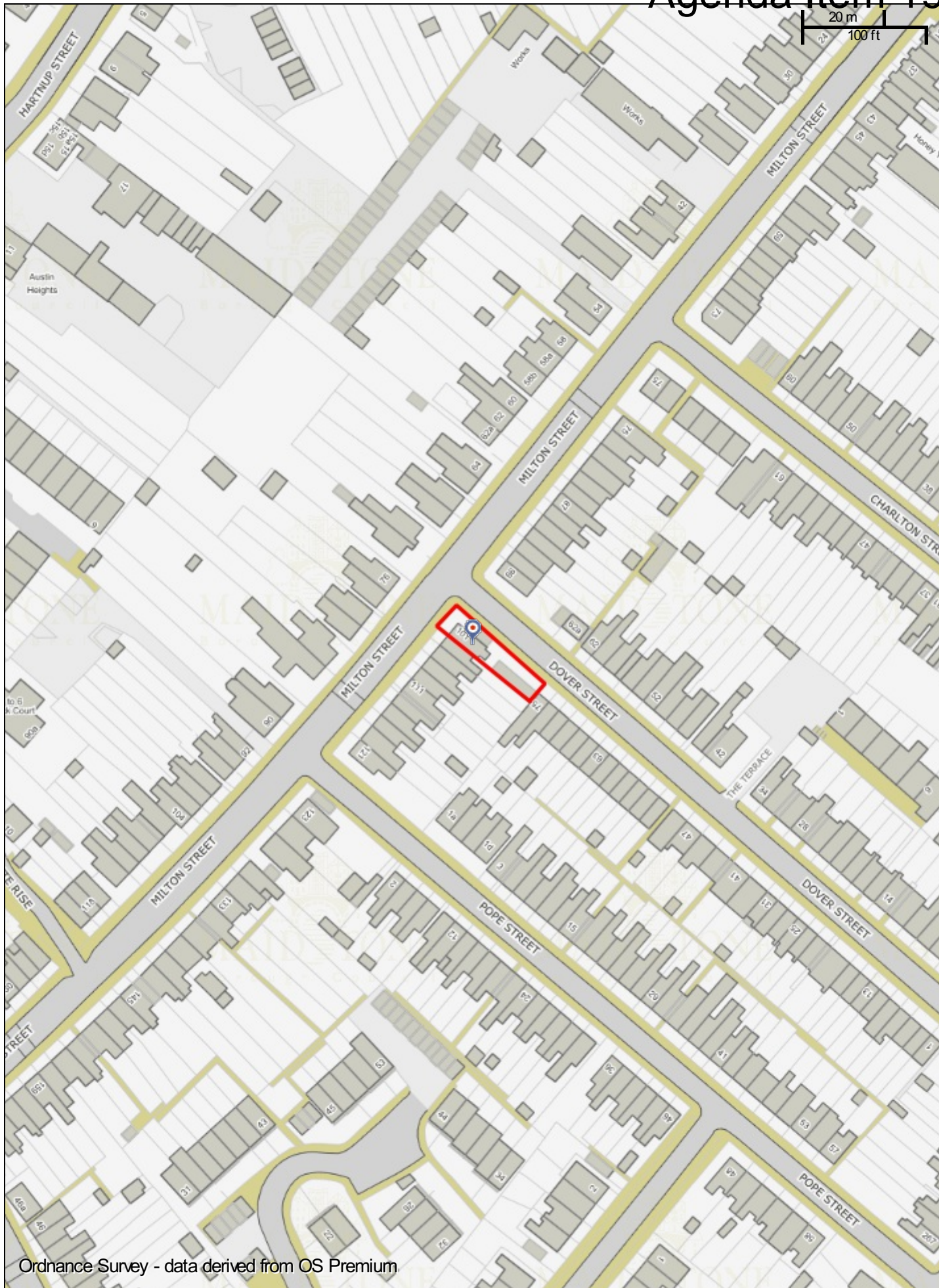
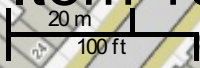
- 14) The development hereby approved shall not commence until details of on-site facilities for the loading, unloading and turning of construction vehicles have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be provided as approved prior to the commencement of groundworks and shall be retained for the duration of the build works on site.

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

Informative

- 1) The proposed development is CIL liable. The Council adopted a Community Infrastructure Levy on 25th October 2017 and began charging on all CIL liable applications approved on and from 1st October 2018. The actual amount of CIL can

only be confirmed once all the relevant forms have been submitted and relevant details have been assessed and approved. Any relief claimed will be assessed at the time planning permission is granted or shortly after.



Ordnance Survey - data derived from OS Premium

22/503535/FULL 101 Milton Street, Maidstone, Kent, ME16 8LD
Scale: 1:1250
Printed on: 7/2/2023 at 18:47 PM by JoannaW

REPORT SUMMARY

REFERENCE NO: - 22/503535/FULL		
APPLICATION PROPOSAL: Conversion of existing four storey dwelling into 3no. self-contained flats, incorporating a single storey ground floor pitched roof side extension and single storey lower ground floor flat roof rear extension, and new pedestrian access within boundary wall.		
ADDRESS: 101 Milton Street Maidstone Kent ME16 8LD		
RECOMMENDATION: GRANT PLANNING PERMISSION subject to conditions		
SUMMARY OF REASONS FOR RECOMMENDATION: The development is acceptable regarding the relevant provisions of the Development Plan, the NPPF and all other material considerations such as are relevant.		
REASON FOR REFERRAL TO COMMITTEE: The reasons for referral to committee from Cllr Paul Harper are detailed below within section 4 (Local Representations)		
WARD: Fant	PARISH/TOWN COUNCIL: N/A	APPLICANT: Mr P Olayinka AGENT: Cadscapes Ltd
CASE OFFICER: William Fletcher	VALIDATION DATE: 26/07/22	DECISION DUE DATE: 27/01/23
ADVERTISED AS A DEPARTURE: No		

Relevant planning history

12/0164 - Change of use of redundant barber's shop to residential use as part of attached property at 101 Milton Street – approved 06.07.2012

MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 The application site is in a residential area in the Maidstone urban area to the west of the town centre and north of the river Medway. The surrounding character is predominantly 2 storey properties in terraces with small front gardens There are several properties in the locality already converted to self-contained flats. This matter is discussed in greater detail below in section 6.
- 1.02 The application site is located at the junction of Milton Street and Dover Street. The plot is marginally wider than the surrounding plots but otherwise reflects the shape of surrounding properties.
- 1.03 With a fall in ground level towards the rear of the site, the existing building is three storeys to the front elevation in Milton Street and four storeys to the rear elevation (basement, ground, first and second floors). The existing dwelling includes former commercial floorspace at ground floor level converted to residential use to the Milton Street frontage.
- 1.04 A two-storey building (which the supporting statement describes as being vacant) is located to the rear of the application site. This building is attached to 75 Dover

Street and accessed via Dover Street. There is no change to this building as part of the current application.

- 1.05 There is currently a dropped kerb in Dover Street providing vehicular access to the land at the rear of the application site. Dover Street is a one way street with traffic movements only permitted towards Milton Street (north west direction). Milton Street is also one way with traffic only permitted in a southwest direction towards Hackney Road.

2. PROPOSAL

- 2.01 The application seeks the conversion of the existing four storey, four-bedroom dwelling into three self-contained flats. The proposal includes a single storey ground floor pitched roof side extension and single storey lower ground floor flat roof rear extension. A new pedestrian access is proposed within boundary wall.

- 2.02 The proposed accommodation is as follow:

- Lower ground(basement): (Flat 1) two bedroom flat of 74m² accessed from the rear of the building and including a single storey rear extension.
- Ground: (Flat 2) one bedroom flat of 37m² accessed from the front corner of the building and including a small single storey side extension.
- First: (Flat 3) lower floor of a split level flat (kitchen and living room) accessed by existing rear external staircase, rear door at ground floor level in and internal staircase. Flat is total of 74m².
- Second: (Flat 3) upper floor of a split level flat (2 bedrooms and a bathroom)

- 2.03 Original application also sought the conversion of the existing outbuilding into a single dwelling This separate conversion has now been removed from the application and the building will remain as an outbuilding.

3. POLICY AND OTHER CONSIDERATIONS

Maidstone Borough Local Plan (2011-2031):

SS1 – Maidstone borough spatial strategy

SP1 – Maidstone urban area

SP19 – Housing mix

DM1 – Principles of good design

DM9 – Residential extensions, conversion within the built-up area.

DM12 – Density of housing development

DM23 – Parking standards (Appendix B)

Maidstone Borough Council – Local Plan Review, draft plan for submission (Regulation 22) dated October 2021. –

The Regulation 22 draft is a material consideration however weight is currently limited, as it is the subject of an examination in public that commenced on the 6 September 2022 (Stage 1 hearings concluded). The relevant policies in the draft plan are as follows:

SS1 – Maidstone borough spatial strategy

SP2 – Maidstone urban area

SP10(a) – Housing mix

SP15 – Principles of good design

HOU2 – Residential extensions, conversions...in the built-up area

HOU5 – Density of residential development

TRA4 – Parking standards (Appendix B)

Q&D6 – Technical Standards

Q&D7 – Private open space standards

4. LOCAL REPRESENTATIONS

Local Residents:

26 representations have been received from local residents, 25 in objection and 1 in support.

The representations in objection to the development raise the following summarised issues.

- Lack of parking provision in the area.
- Impact upon trees.
- Principle of converting the building.
- Access to emergency services.
- Aural amenity of the area.
- Deficiencies in social facilities.

(Officer comment: Whilst deficiencies in social facilities i.e. spaces in schools and GP provision are a material planning consideration, each planning application must be assessed on its own merits. Two additional dwellings here would not create so 'additional' demand (one of the new dwellings is a 'studio' flat and whilst there are more households, existing and proposed accommodation provides the same number of bedspaces [8]) that local services would be overwhelmed).

The representation in support of the development raises the following:

- traffic impacts are manageable.
- development would improve the appearance of the building.
- 'Local' need for HMOs.

Cllr Paul Harper

Application has raised considerable local concerns from Fant residents and is yet again a conversion of a dwelling into multiple flats.

It is unsustainable in its current location which is a very congested street. It does not provide sufficient off street parking, amenity space and is classic overdevelopment.

5. CONSULTATIONS

KCC Highways

This consultee responded to the consultation request with their standing advice. No objections issued.

6. APPRAISAL

6.01 The key issues are:

- Cumulative assessment
- Visual impact
- Standard of accommodation
- Neighbouring amenity
- Highways
- Ecology, biodiversity and trees

Cumulative assessment

6.02 The application site and surrounding roads are within Maidstone urban area and a short distance from the town centre. Adopted policy states that the urban area will be the focus for new development subject to other planning consideration such as

neighbour impact etc. In policy terms, the 'principle' of subdividing single dwellings in this location is accepted.

- 6.03 Representations received raise concerns regarding the number of dwellings that have been subdivided in the area. An assessment of the number of subdivisions in Milton Street, Dover Street, Charlton Street and Pope Street (the closest neighbouring streets) is provided below.
- 6.04 In terms of planning applications for single dwellings converted into self-contained flats. A search of internal Council systems indicates:
- 7 permissions along Milton Street which sought to convert single dwellings into flats and 2 seeking to convert single dwellings into HMOs.
 - 6 permissions for conversions to flats along Dover Street, no permissions for HMOs.
 - 6 permissions for conversions along Charlton Street, 1 permission for a HMO.
 - No applications for conversions or HMOs along Pope Street.
- 6.05 As the resulting impact is not great enough to require planning permission the conversion of a single family dwelling to a house of multiple occupancy with up to 6 occupants does not require planning permission.
- 6.06 The Council's Housing and Community Services team have advised that in Fant Ward overall there are approximately 30 HMOs and approximately 40 buildings converted into flats. When considering that there are at least 4000 'dwellings' in total in Fant Ward it is concluded that there is currently no local over concentration and the current additional conversion will not result in a concentration of non-single family homes in this location.

Visual impact

- 6.07 Policy DM1 states that development must respond positively to, and where possible enhance local, character. Regard will be paid to scale, height, materials, detailing, mass, bulk, articulation, and site coverage- incorporating a high quality, modern design approach and making use of vernacular materials where appropriate.
- 6.08 Policy DM9 continues, stating that development will be permitted if "the scale, height, form, appearance and siting of the proposal would fit unobtrusively with the existing building where retained and character of the street scene and/or its context".
- 6.09 The proposed extensions are to the rear and side of the building. The rear extension is at 'lower ground floor' level and projects 3m from the existing rear elevation. The side extension projects 1.8m from the side elevation of the dwelling and has a total height of 4.3m (situated on top of the lower ground floor/basement) and an eaves height of 2.7m with its pitched roof form and a breadth of 4.2m.
- 6.10 The proposed side and rear extensions would not have a harmful impact on the character and appearance of the application property or the surrounding area. Due to the topography of the area the flat roof rear extension at basement level is situated below the boundary wall of the dwelling and as such the extension would not be overly visible from the street.
- 6.11 The roof and overall form of the side extension is in keeping with the host building and would appear as a sympathetic addition.
- 6.12 The application form indicates that the extensions would be finished in materials that match the host dwelling. The application form indicates that proposed windows

would be uPVC. It is not clear if existing windows would be replaced. Conditions will be imposed requiring the applicant to submit materials details for approval.

Existing Front Elevation



Proposed Front Elevation



Standard of accommodation

6.13 Policy DM1 details the need to provide an appropriate level of amenity for future occupants. The internal space of the flats are as follows:

- Flat 1 - Ground Floor 37sqm /1-bedroom/ 1 person
- Flat 2 - Basement 70sqm 2-bedroom/3 person
- Flat 3 - First & Second Floor 74sqm 2-bedroom/3 person

6.14 The accommodation is in accordance with national space standards (and LPR policy Q&D6) which require the internal space of 1 bedroom (1 person) dwellings to be at least 37m² and 3 person dwellings to be at least 70m² in size. Dwellings, including the basement would have sufficient natural light.

Whilst little weight is given to LPR policies at this stage, in terms of private amenity space LPR Policy Q&D7 states "All new dwellings created through subdivision, conversion or new build should have private amenity space"..."For flats, have a space (balcony or terrace) large enough for two persons to use".

6.15 A planning condition is recommended seeking a plan of the open area at the rear of the main building to show the provision of external amenity space for future occupants. A further condition is recommended seeking details of the enclosure of areas to the front and side of the building to ensure that the amenity of future occupiers are protected. It is also highlighted that in terms of the general standard of accommodation, the two larger flats are 9m² in excess of the space standard.

Neighbouring amenity

6.16 Policy DM1 of the Local Plan detail the need for development to respect the amenity of neighbouring occupiers. The extensions to the building would not cause any loss of light to neighbouring properties. By its nature the 'lower ground floor' extension would not overshadow the adjoining neighbouring property to its south due to the difference in building heights as well as the boundary wall to the south. The closest neighbouring property to the side extension is 15m to the north.

6.17 Loss of privacy has been raised in neighbouring representations specifically in terms of visitors to the building. The access to the proposed ground floor accommodation uses the former access to the ground floor commercial use (shop front is still in place). In addition to the parking and (likely early morning) deliveries associated

with the former commercial use (a barbers and believed to include a bakery), the former use would have attracted many visitors to the application site and likely greater disturbance than a residential use.

- 6.18 The access to the single dwelling at first and second floor levels is by way of an existing external staircase from basement to an entrance at ground floor level (with an internal staircase to first floor level). The historic and existing use of the floorspace at first and second floor levels is residential which would have involved visitors to the building. The current proposal also provides residential use and there are no grounds found to refuse permission in terms of activity levels associated with the converted building.
- 6.19 Potential noise issues from the property are also raised in consultation responses. There is nothing to indicate that the potential for anti-social behaviour is any higher from smaller residential units and in any event noise nuisance is dealt with outside the planning system by environmental legislation. The comments on the former use of the ground floor made above and the likely associated disturbance are also highlighted.

Highways and servicing

- 6.20 Policy DM1 states that applications must ensure that development does not result in, amongst other things excessive activity or vehicle movements. Paragraph 6.99 of the supporting text to policy DM23 states that "The council adopts a flexible approach to minimum and maximum parking standards to reflect local circumstances and the availability of alternative modes of transport to the private car".
- 6.21 The adopted Local Plan considers Maidstone urban area the most 'sustainable' location for new housing development in the borough. With easy access available on foot to facilities (such as education, employment, leisure uses) and public transport, residents do not necessarily need to own a private vehicle to carry out normal day to day activities in the urban area.
- 6.22 The additional vehicle trips associated with the proposal can be adequately accommodated on the local road network without harm to highway safety.
- 6.23 The application includes drawings of a refuse store with the location of this store indicated on drawing 004A. A planning condition is recommended requiring the provision of this refuse store prior to first occupation of the accommodation. A drawing has been submitted of a cycle storage building. A planning condition is recommended seeking details of the precise location of this storage on the site and again provision of this store prior to first occupation of the accommodation.
- 6.24 Car parking demand is assessed in relation to the anticipated increase from 'existing' accommodation at maximum lawful occupancy when compared to the 'proposed' outcome from a planning application.
- 6.25 The existing building provides a 4 bedroom property which could reasonably generate existing demand for 4 car parking spaces (2 adults and 2 'adult' children), however for the purposes of this assessment adopted car parking standards have been used.
- 6.26 In this 'suburban' location (in 'town centre' and 'edge of centre' locations standards are maximum not minimum), adopted Local Plan parking standards would require a new build 4 bedroom house to have a minimum of 2 off street car parking spaces (2 off street spaces for 4+ bedroom houses).

- 6.27 The current proposal provides 2, two bedroom flats and a one bedroom flat. Adopted Local Plan parking standards would require a similar new build development to have one off street space for each of the one and two bedroom flats. The parking demand for the proposed accommodation would as a result be 3 off street spaces, an increase in one space from existing accommodation (with former ground floor barber discounted).

View of the rear of the site from Dover Street.



- 6.28 Paragraph 111 of the NPPF states "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe." (Officer emphasis). Census data indicates that of 4788 local households 909 do not own a vehicle, 1938 households own a single vehicle, 989 two vehicles, 188 three vehicles and 69 four vehicles.
- 6.29 The existing local on street parking stress highlighted in neighbour letters and witnessed during the officer site visit is acknowledged. Notwithstanding this existing parking stress, the additional single car parking space will not result in a severe impact. No grounds are present that would reasonably justify refusal of planning permission on parking or highways impact grounds.

Ecology, biodiversity and trees

- 6.30 Local Plan policy DM3 highlights the need where relevant to appraise the value of the borough's natural environment to take full account of the biodiversity present. The application site consists of an existing property, with the open areas of the site predominantly covered in hardstanding. In this context the likelihood of protected species being present on the site is low. A planning condition is recommended seeking biodiversity enhancements on the site.
- 6.31 Representations raise the recent loss of trees on the application site. It is evident that a Leylandii (or similar) tree to the rear of the site that appears to have been

in poor health/dying has been removed. No trees on the application site were covered by a Tree Preservation Order and the site is not in a conservation area. IN this context the trees could be lawfully removed from the site.

PUBLIC SECTOR EQUALITY DUTY

- 6.32 Due regard has been had to the Public Sector Equality Duty, as set out in Section 149 of the Equality Act 2010. It is considered that the application proposals would not undermine objectives of the Duty.

CIL

- 6.33 The proposed development is CIL liable. The Council adopted a Community Infrastructure Levy on 25 October 2017 and began charging on all CIL liable applications approved on and from 1 October 2018. The actual amount of CIL can only be confirmed once all the relevant forms have been submitted and relevant details have been assessed and approved. Any relief claimed will be assessed at the time planning permission is granted or shortly after.

7. CONCLUSION

- 7.01 The application site is within the urban area (the most sustainable location for new residential development), a short distance from the Maidstone Town Centre boundary and is a suitable location for a new dwelling.
- 7.02 The extensions proposed would not have a harmful impact upon the character and appearance of the host dwelling or the wider area. The dwelling provides an appropriate level of residential amenity for future occupants.
- 7.03 The proposal would not result in a loss of privacy or amenity to neighbouring occupants nor do the external works to the building cause any loss of light or privacy.
- 7.04 In terms of parking provision, when considering the number of vehicles that could be associated with the existing dwelling the impact from the proposal would not be 'severe'. The proposal as a result does not meet the relevant NPPF threshold that would justify refusal on highway safety or cumulative impact grounds.

8. RECOMMENDATION

GRANT planning permission subject to the following conditions:

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2) The development shall be carried out in accordance with the following approved plans and documents:
Application for planning permission
PA_22_060_001 - Existing Plans and Elevations
PA_22_060_002 - Proposed Plans and Elevations
PA_22_060_004 Rev A - Site Location, Existing and Proposed Block Plans and Layout Plan
PA/22/060/005 - Refuse and Cycle Store Elevations
Design and Access Statement Revised

Reason: To clarify the approved plans and to ensure the development is carried out to an acceptable visual standard.

- 3) Prior to the extensions hereby approved commencing above slab level, written details and samples of facing materials and all fenestration shall have been submitted to and approved in writing by the local planning authority. The development shall be constructed using the approved materials and retained thereafter.

Reason: To ensure a satisfactory appearance to the development.

- 4) Prior to the extensions hereby approved commencing above slab level, a scheme for the enhancement of biodiversity on the site shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall consist of the enhancement of biodiversity through integrated methods into the design and appearance of the extensions by means such as swift bricks, bat tube or bricks. The development shall be implemented in accordance with the approved details prior to first occupation of the approved accommodation and all features shall be maintained thereafter.

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

- 5) The development hereby approved shall not be occupied until the refuse storage indicated in drawing PA_22_060_004 Rev A has been provided and shall be maintained thereafter.

Reason: In the interests of amenity and the streetscene.

- 6) The development hereby approved shall not be occupied until details of the location of covered cycle storage have been approved in writing by the Local Planning Authority. The approved details shall be installed prior to first occupation of the relevant dwelling and maintained thereafter.

Reason: In the interests of amenity and the streetscene.

- 7) The development hereby approved shall not be occupied until details of how decentralised and renewable or low-carbon sources of energy will be incorporated into each dwelling to provide at least 10% of their total annual energy requirements, have been approved in writing by the local planning authority. The approved details shall be installed prior to first occupation of the relevant dwelling and maintained thereafter.

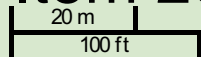
Reason: To ensure an energy efficient form of development.

- 8) Prior to the extensions hereby approved commencing above slab level a plan of the open areas of the site forward of the building to the Milton Street and Dover Street frontages shall be submitted to and approved in writing by the local planning authority. Whilst protecting the existing lightwells the plan show the landscaping and enclose of these areas.

Reason: In the interests of amenity and the streetscene.

Informative

- 1) The applicant is advised that the proposed development is CIL liable. The Council adopted a Community Infrastructure Levy on 25th October 2017 and began charging on all CIL liable applications approved on and from 1st October 2018. The actual amount of CIL can only be confirmed once all the relevant forms have been submitted and relevant details have been assessed and approved. Any relief claimed will be assessed at the time planning permission is granted or shortly after.



Ordnance Survey - data derived from OS Premium



22/505382/FULL Woodview, Lenham Road, Kingswood, Kent, ME17 1LU

Scale: 1:1250

Printed on: 7/2/2023 at 18:51 PM by JoannaW



REPORT SUMMARY

REFERENCE NO: - 22/505382/FULL		
APPLICATION PROPOSAL: Demolition of an existing bungalow and erection of 2no. detached four-bedroom dwellings with associated landscaping.		
ADDRESS: Woodview, Lenham Road, Kingswood, Kent ME17 1LU		
RECOMMENDATION: REFUSE PLANNING PERMISSION		
SUMMARY OF REASONS FOR RECOMMENDATION:		
<ul style="list-style-type: none"> • The proposal involving the demolition of a modest bungalow and construction of two detached two storey houses of a suburban character along with the creation of two vehicle access points and associated domestic paraphernalia would erode the largely undeveloped nature of the site. • The substantial increase in the bulk and massing of development on the site that would be harmful to and fail to maintain or enhance local character and appearance of this rural location. • The development would be contrary to policies SS1, SP17, DM1 and DM30 of Maidstone Local Plan (2017); the Landscape Character Assessment (2012 amended July 2013) and the Maidstone Landscape Capacity Study: Sensitivity Assessment (Jan 2015); and the National Planning Policy Framework (2021). • The proposed two dwellings would be far removed from basic services and facilities, and this would result in future occupants of the site being reliant on the private motor vehicle to travel for access to day to day needs. • This reliance on the private motor vehicle would be contrary to the aims of sustainable development as set out in policies SS1, DM1 and DM5 of the Maidstone Local Plan (2017) and the aims of the National Planning Policy Framework (2021). 		
REASON FOR REFERRAL TO COMMITTEE:		
Call in from Ulcombe Parish Council. The Parish wishes to see the application approved with the view that the two houses would be a positive addition to the street scene.		
WARD: Headcorn	PARISH/TOWN COUNCIL: Ulcombe	APPLICANT: Mr James Mills AGENT: EP Architects Ltd
CASE OFFICER: William Fletcher	VALIDATION DATE: 16/11/22	DECISION DUE DATE: 24/02/23
ADVERTISED AS A DEPARTURE: No		

Relevant planning history

- 19/503989/FULL Demolition of the existing bungalow and erection of 2no. detached dwellings together with associated parking, amenity areas and landscaping. Refused 05.03.2020 for the following reasons:
 1. *It has already been concluded at appeal that Kingswood is unsustainably located with limited services. As such travel movements to and from Kingswood would be likely to be by unsustainable transport modes. The proposed development while only being a short distance to the east of the more developed part of Kingswood would therefore of necessity involve continued reliance on unsustainable transport modes resulting in the further consolidation and reinforcement of unsustainable*

development patterns in the locality contrary to the provisions of the NPPF and policy SS1 of the Maidstone Borough Local Plan Adopted October 2017 which seeks to direct housing development to sustainable locations.

2. *The mass and volume of (a) the additional and (b) the replacement dwelling (which would be considerably greater than the original dwelling) are out scale and character with adjoining development while resulting in a substantial increase in built mass. In addition the proposed houses (including the detached garage) represents a disparate mix of materials and styles not reflecting the character and rural setting of the area. As such the proposal represents poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions while failing to maintain or enhance local distinctiveness along with an increase in built mass harmful to the rural character and setting of the locality. The proposal is therefore contrary to the provisions of the NPPF and policies SP17, DM1, DM30 and DM32 of the Maidstone Borough Local Plan Adopted October 2017.*
- An appeal against the refusal of application 19/503989/FULL (erection of 2no. detached dwellings) was dismissed on the 30.03.2021. The main points made by the Inspector are outlined in the main part of this report.
 - 22/500705/FULL Demolition of existing bungalow and erection of 6no. wooden lodges with associated fencing, hardstanding, roads and footpaths for gypsy/traveller occupation. Refused 04.05.2022
- (1) *The proposal involving the replacement of a single bungalow with 6 mobile homes with the associated new access, and large new hardstanding areas providing parking and circulation space would intensify the use of this currently open and spacious site, resulting in a cramped over-development and urbanising layout at odds with, and detrimental to the existing pattern of development in the locality contrary to policies SP17, DM15 and DM30 of the Maidstone Borough Local Plan (2017), guidance in the Maidstone Landscape Capacity Study: Sensitivity Assessment (2015) and policies within the NPPF.*
 - (2) *The proposal involving the replacement of a single bungalow with 6 mobile homes with the associated new access, fencing and large new hardstanding areas providing car parking, circulation space and associated development would result in significant visual harm that would have a detrimental impact on the character and appearance of this site and the intrinsic character and appearance of the countryside contrary to policies SP17, DM15 and DM30 of the Maidstone Borough Local Plan (2017) guidance in the Maidstone Landscape Capacity Study: Sensitivity Assessment (2015) and policies within the NPPF.*
 - (3) *The level of activity associated with the proposed development accommodating a total of 6 residential units will result in significant detriment impact on adjacent residential amenity by way of increased noise, disturbance and vehicular movements. The proposed development at this scale is incompatible within this rural residential location contrary to policy DM1 and SP17 of the Maidstone Borough Local Plan (2017) and policies within the NPPF.*
 - (4) *In the absence on the submitted layout of land allowed for touring caravans and dayrooms for each of the 6 pitches, the proposal fails to provide an adequate standard of accommodation for gypsy and travellers, with the future provision of these necessary facilities further exacerbating the harm that has previously been identified contrary to policies SP17, DM15 and DM30 of the Maidstone Borough Local Plan (2017), guidance in the Maidstone Landscape Capacity Study: Sensitivity Assessment (2015) and policies within the NPPF.*

- An appeal against the refusal of application 22/500705/FULL (6 gypsy/traveller plots) is currently in progress.
- 22/505417/FULL Demolition of an existing bungalow and erection of 4no. static mobile homes with related fencing, hardstanding, roads and footpaths for rental to the traveller community. Refused 11.01.2023 for the following reasons:
 - (1) *The proposal involving the replacement of a single bungalow with 4 mobile homes with the associated new access, and large new hardstanding areas providing parking and circulation space would intensify the use of this currently open and spacious site, resulting in a cramped over-development and urbanising layout at odds with and detrimental to the existing pattern of development in the locality contrary to policies SP17, DM15 and DM30 of the Maidstone Borough Local Plan (2017), guidance in the Maidstone Landscape Capacity Study: Sensitivity Assessment (2015) and policies within the NPPF.*
 - (2) *The proposal involving the replacement of a single bungalow with 4 mobile homes with the associated new access, fencing and large new hardstanding areas providing car parking, circulation space and associated development would result in significant visual harm that would have a detrimental impact on the character and appearance of this site and the intrinsic character and appearance of the countryside contrary to policies SP17, DM15 and DM30 of the Maidstone Borough Local Plan (2017), guidance in the Maidstone Landscape Capacity Study: Sensitivity Assessment (2015) and policies within the NPPF.*
 - (3) *The level of activity associated with the proposed development accommodating a total of 4 residential units will result in significant detriment impact on adjacent residential amenity by way of increased noise, disturbance and vehicular movements. The proposed development at this scale is incompatible within this rural residential location contrary to policy DM1 and SP17 of the Maidstone Borough Local Plan (2017) and policies within the NPPF.*
 - (4) *In the absence on the submitted layout of land allowed for dayrooms for each of the 4 pitches, the proposal fails to provide an adequate standard of accommodation for gypsy and travellers, with the future provision of these necessary facilities further exacerbating the harm that has previously been identified contrary to policies SP17, DM15 and DM30 of the Maidstone Borough Local Plan (2017), guidance in the Maidstone Landscape Capacity Study: Sensitivity Assessment (2015) and policies within the NPPF.*

MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 The application site is in the countryside as defined by the adopted Local Plan. The site is to the east of the village of Kingswood, which is circa 10km south-east of the town centre of Maidstone. Whilst there is nearby residential development on the south side of Lenham Road the surrounding area is rural in character. Immediately opposite the application site is a large area of designated Ancient Woodland.
- 1.02 The site is currently occupied by a modest detached bungalow which is set back from the road, in addition to an outbuilding and garden areas. The bungalow has a maximum roof height of 4.6m and a footprint of approximately 90m².

2. PROPOSAL

- 2.01 The proposal is for the demolition of the existing bungalow and construction of two 4 bedroom houses of the same design. The houses have a maximum height of 7.7m with approximately 300m² of internal floor space with an 'L' shaped footprint.

**Computer generated image of proposal refused permission
(19/503989/FULL - appeal dismissed)**



Computer generated image of the current proposal



- 2.02 The houses have a mix of gabled and catslide roof forms with slate effect roof tiles, external walls would be finished with a 'light facing brick' at ground floor level and grey vertical cladding at first floor. Windows and doors would be grey aluminium.

3. POLICY AND OTHER CONSIDERATIONS

Maidstone Borough Local Plan (2011-2031):

SS1 Spatial strategy,
SP17 Countryside,
DM1 Principles of good design,
DM3 Natural Environment,
DM23 Parking standards,
DM30 Design principles in the countryside.

Maidstone Borough Council – Local Plan Review, draft plan for submission (Regulation 22) dated October 2021.

The Regulation 22 draft is a material consideration however weight is currently limited, as it is the subject of an examination in public that commenced on the 6 September 2022 (Stage 1 hearings concluded). The relevant policies in the draft plan are as follows:

SS1 Maidstone Borough Spatial Strategy
SP9 Development in the Countryside
SP10 Housing
SP15 Design
TRA4 Parking standards (Appendix B)
Q&D4 Design Principles in the Countryside
Q&D6 Technical Standards
Q&D7 Private Amenity Space Standards

Kent Waste and Minerals Plan (amended 2020):

The National Planning Policy Framework (NPPF):

National Planning Practice Guidance (NPPG):

Supplementary Planning Documents:

Landscape Character Assessment 2013: Kingswood Plateau Landscape Character Area in good condition with moderate sensitivity and guidelines to conserve and reinforce.

4. LOCAL REPRESENTATIONS

Ulcombe Parish Council

4.01 Supports the application and wishes to see it approved for the following reasons:

- The two houses will be a positive addition to the community and are an excellent 'fit' with the local street scene.

4.02 If the planning officer is minded to refuse the Parish Council requests that the application is called in to the Planning Committee.

Broomfield and Kingswood Parish Council

4.03 Objects for the following reasons:

- would have a harmful impact upon the pattern of development in the area
- Capacity of local infrastructure
- would have a harmful impact upon the local highway network

Local Residents

4.04 3 representations received with one objecting for the following reasons :

- The development would be cramped within the plot
- The development would have a harmful impact upon the highway network

The two representations in support were on the grounds that

- The revised design is acceptable

5. CONSULTATIONS

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

KCC Highways

- 5.01 Holding objection due to lack of the following information:
- Evidence that proposal and the required visibility splays can be achieved within land in control of the applicant and/or the highway authority.
 - Clarification of arrangements for refuge vehicles

KCC Ecology

- 5.02 Objection due to the need for additional information prior to determination of the planning application.
- 5.03 April 2022 satellite photos indicate that the site has been unmanaged since the November 2021 ecological survey and there is a risk that the ecological report is no longer valid.
- 5.04 Current photos are required, prior to determination to enable us to consider if an updated ecological survey is required and/or if any amendments are required to our previous comments.

Natural England

- 5.05 No objection.

Environmental Health

- 5.06 No objections subject to conditions.

KCC Minerals and Waste

- 5.07 No objections or comments issued.

6. APPRAISAL

Location in the countryside

- 6.01 The key issues are:
- Location in the countryside
 - Impact on character and appearance
 - Spatial strategy
 - Highways, access, and servicing
 - Biodiversity and ecology
 - Neighbour amenity
 - Standard of accommodation

Location in the countryside

- 6.02 The application site is in the countryside and the starting point for assessment of all applications in the countryside is Local Plan Policy SP17. Policy SP17 states that development proposals in the countryside will not be permitted unless:
- a) they will not result in harm to the character and appearance of the area and
 - b) they accord with other Local Plan policies
- 6.03 With all garden land excluded from the definition of brownfield land (LP para 6.28) and the proposal involving an additional dwelling, LP policies DM5 and DM32 are not relevant and offer no policy support to this planning application.
- 6.04 In relation to SP17 a) and considering the impact of development on the character and appearance of the countryside the relevant adopted local plan policies are DM1

and DM30. The impact of the development on local character and appearance is considered against policies DM1 and DM30 in the following section.

Impact on character and appearance

- 6.05 The supporting text to policy SP17 advises "The countryside has an intrinsic character and beauty that should be conserved and protected for its own sake".
- 6.06 In relation to the existing landscape character of the application site, the site is within the Kingswood Plateau landscape character area in the Maidstone Landscape Character Assessment (2013). The site is found to be in good condition with moderate sensitivity and guidelines to conserve and reinforce.
- 6.07 The recommendations for the application site land include:
- Consider the generic guidelines for Greensand Orchards and Mixed Farmlands
 - Conserve the ancient woodland and resist significant erosion for development, arable land and equestrian grazing
 - Conserve and reinforce the ecological integrity through promoting vegetation corridors within cleared areas
 - Conserve and reinforce the range of ecological habitats provided, through continued rotational coppice
 - Conserve and, if opportunities arise, extend the pond complex west of Platts Heath
 - Reinforce the sense of place through encouraging use of local styles and materials
- 6.08 Policy Local Plan policy DM1 encourages applications which respond to its location, sensitively incorporating natural features such as trees, and hedges worthy of retention. Particular attention should be paid in rural and semi-rural areas where the retention and addition of native vegetation appropriate to the local landscape character around the boundaries should be used as positive tool to help assimilate development in a manner which reflects and respects the local and natural character of the area.
- 6.09 The next page of this report shows firstly a photograph of the application site from the estate agent in 2018 prior to the sale of the land and the submission of the first application (19/503989/FULL) and secondly a photograph of the current site cleared of vegetation.
- 6.10 The submitted proposal with token replacement landscaping, wide expanse of timber boundary fencing, and a domesticated suburban frontage does not either reflect or respect the local and natural character of the area. Whilst it is accepted that there was no statutory protection in place of the trees and landscaping (site not in a conservation area and no TPO's), the site clearance is not in accordance with policy DM1.
- 6.11 Policy DM30 sets out that development (including the type, siting, materials and design, mass and scale of buildings, and activity should maintain, or where possible enhance, local distinctiveness, and any impacts on the appearance and character of the landscape should be appropriately mitigated.
- 6.12 The similarities between the proposal that was the subject of the dismissed appeal, and the current scheme can be seen in the images earlier in this report (after paragraph 2.01). The current application still seeks the replacement of the existing bungalow with two houses which are individually considerably greater in bulk and scale.

- 6.13 Whilst the current proposal is described by the applicant as “designed to reference Kentish buildings”, the ragstone included as part of the proposed building dismissed at appeal has been replaced with grey facing brick and cladding.
- 6.14 The proposal dismissed at appeal providing a single vehicle entrance from Lenham Road. With this single entrance, the open boundary treatment and landscaping across the site frontage the negative harm of the development was reduced.
- 6.15 The current proposal now provides two vehicle entrances, a solid front boundary and substantially less landscaping. As a result of these changes the negative visual impact of the development in this countryside location is significantly increased (see comparison drawings after paragraph 6.32).
- 6.16 The previous step in the footprint of the two buildings was designed to reflect the layout of neighbouring buildings and to reduce the bulk, scale and massing of the buildings, this step has also now been removed as part of the resubmitted proposal. This is a negative change that increases the bulk and negative visual impact of the two proposed large houses.

Application site viewed from Lenham Road
(October 2018 prior to sale of the site)



Application site viewed from Lenham Road current view
(trees and vegetation removed)



- 6.17 Other dwellings in this area are chalet or single storey bungalows. The proposal due to its excessive scale is out of keeping with the existing dwelling and neighbouring properties.
- 6.18 The Inspector in dismissing the recent appeal concluded “*The proposal would not integrate effectively with its surroundings which are essentially rural, with some interspersed limited low density built development. Indeed, the proposal would*

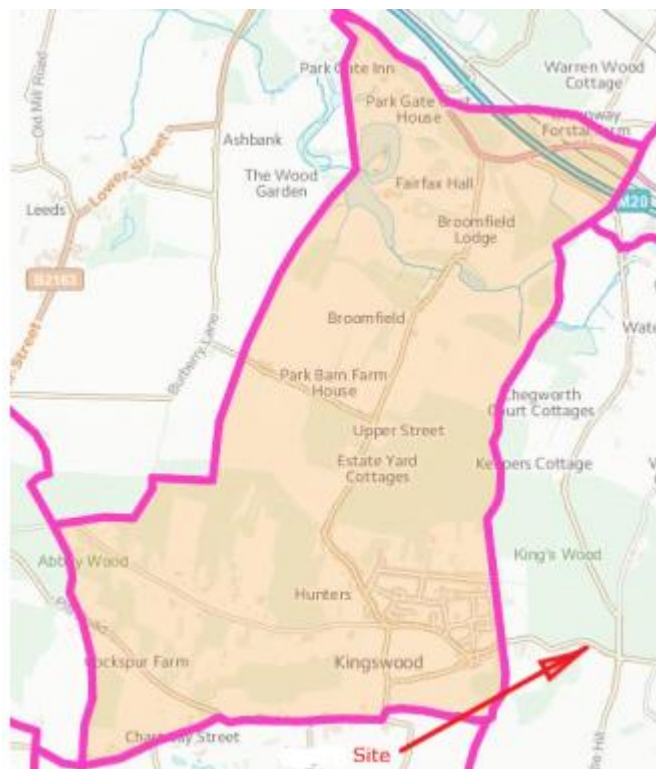
appear as a conspicuous urbanising feature that would fail to add to the quality of the area” (paragraph 14).

- 6.19 The Inspector found “...the proposal would be harmful to the character and appearance of the area. This would be contrary to MLP policies DM1, DM30 and SP17 which establish principles of good design including, amongst other things, that development in the countryside should maintain and enhance local distinctiveness and not harm the character and appearance of the area. It would also conflict with chapter 12 of the Framework, which similarly sets out principles for development to achieve well designed places” (paragraph 15).
- 6.20 The application site as it exists is of open character. The two proposed houses would occupy the majority of the site width and would completely remove this existing open character and appearance. Without prejudice to the assessment of a future planning application an appropriately designed single replacement dwelling may correspond better to the character and appearance of the area, and would be more likely to retain existing views.
- 6.21 The current application for the demolition of the existing single modest farm workers bungalow and the construction of two large executive detached dwellings will result in harm to the character and appearance of this rural location contrary to SP17 (a) as listed above and policies DM1 and DM30.

Spatial strategy

- 6.22 Policy SS1 provides the spatial strategy for the borough, with the Maidstone urban area the primary focus for new housing. In the hierarchy, designated rural service centres and larger villages are the secondary focus for new development.

Site relationship to Broomfield and Kingswood Parish.



- 6.23 The application site is in the countryside as defined by the adopted Local Plan. The existing bungalow is located outside Kingswood Village (not a LP designated rural service centre or larger village) and also circa 450 metres (direct line) outside and

to the east of the Broomfield and Kingswood Parish boundary. The site is circa 1223 metres (direct line – Chapman Place) to the north of Ulcombe village

- 6.24 With reference to policy SS1, Kingswood Village is not a designated rural service centre or a larger village. The appeal Inspector noted *"...the site is some distance from the village of Kingswood, which itself contains only a limited range of local services, including a primary school and a convenience store"* (Paragraph 7).
- 6.25 The Inspector goes on to advise *"...the route along Lenham Road to the village, and to bus stops, has no footways or street lighting and is subject to the national speed limit, such that it would not be a suitable or attractive route for pedestrians, particularly after dark or in poor weather, and for those with limited mobility"* (Paragraph 8).

Route towards Kingswood Village from the application site



- 6.26 The Inspector upheld the Council's reasons for refusal concluding *"...the appeal site is an unsuitable location for a residential development due to the lack of access to local facilities and services and the reliance it would place on the use of private vehicles. It would therefore conflict with the Council's strategy as set out in policy SS1 of the MLP, which seeks to direct new housing development to the most sustainable and accessible locations in the borough"* (paragraph 12).
- 6.27 The current application is contrary to the provisions of the NPPF and policy SS1 of the Maidstone Borough Local Plan Adopted October 2017 which seeks to direct housing development to sustainable locations in the borough.
- 6.28 The proposed two dwellings would be far removed from basic services and facilities, and this would result in future occupants of the site being reliant on the private motor vehicle to travel for access to day to day needs. This reliance on the private motor vehicle would be contrary to the aims of sustainable development as set out in policies SS1, DM1 and DM5 of the Maidstone Local Plan (2017) and the aims of the National Planning Policy Framework (2021).

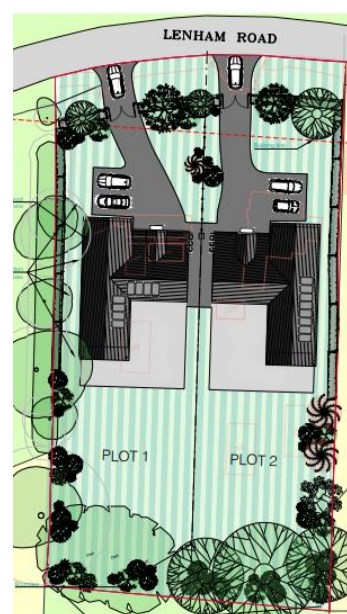
Highways, access, and servicing

- 6.29 Local Plan policy DM1 sets out that new development should "...safely accommodate the vehicular and pedestrian movement generated by the proposal on the local highway network and through the site access".
- 6.30 With the introduction of a second vehicle entrance on to Lenham Road as part of this resubmitted application KCC Highways have submitted a 'holding objection'. The objection relates to the lack of information on driver visibility at access and egress and on arrangements for service access for refuse vehicles.
- 6.31 The applicant has submitted additional documents to address these issues and a response is currently awaited to these documents from KCC Highways.
- 6.32 If the proposal was otherwise found acceptable, with suitable planning conditions there were no issues found in relation to car parking, cycle parking and refuse storage.

Proposal dismissed at appeal 19/503989/FULL



Current proposal



Biodiversity and ecology

- 6.33 Local Plan policy DM3 highlights the need to appraise the value of the boroughs natural environment through the provision of an ecological evaluation to take full account of the biodiversity present, including the potential for the retention and provision of native plant species.
- 6.34 The NPPF advises that "...opportunities to incorporate biodiversity in and around developments should be encouraged", and the proposal should incorporate ecological enhancements into the scheme for provide a biodiversity 'net-gain'.
- 6.35 The applicant has submitted a Preliminary Ecological Appraisal of the site. The appraisal was carried out in November 2018 following the clearance of most of the vegetation and trees from the site (before and after images provided after 6.16).
- 6.36 Whilst no protected species were identified by the appraisal and despite the earlier site clearance, due to the time that has now passed since the appraisal (appraisals are typically valid for 1-2 years), KCC Ecology have objected to the planning

application due to lack of credible evidence on protected species. In the event of a resolution to approve, a final decision would need to be deferred until this issue is resolved with potentially more surveys required.

- 6.37 The submitted tree survey notes "The survey has identified that there are no 'A' grade tree on site. However, tree T4 is a prominent Mature Oak located on the rear boundary in an area of existing hard standing". The survey states that no trees would need to be removed to facilitate the development.

Neighbour amenity

- 6.38 Policy DM1 states that development proposals must "Respect the amenities of occupiers of neighbouring properties...by ensuring that development does not result in...,excessive noise, vibration, odour, air pollution, activity or vehicular movements, overlooking or visual intrusion, and that the built form would not result in an unacceptable loss of privacy or light ...".
- 6.39 With the relationship of the new houses to existing neighbouring houses, building orientation and separation distances the proposed houses are found to be acceptable in relation to neighbour amenity. The earlier application was not refused on the grounds of neighbouring amenity.

Standard of accommodation

- 6.40 Policy DM1 states development proposals must "...provide adequate residential amenities for future occupiers of the development by ensuring that development... is (not) exposed to, excessive noise, vibration, odour, air pollution, activity or vehicular movements, overlooking or visual intrusion..."
- 6.41 Each of the two large houses would have a floor space of approximately 300m² with rooms well-lit, adequate privacy and a significant amount of amenity space. The dwellings would provide an adequate standard of accommodation for future occupants. The earlier application was not refused on the grounds of the standard of the accommodation.

Other matters

- 6.42 The Regulation 22 draft of the Local Plan review is a material consideration however weight is currently limited, as it is the subject of an examination in public that commenced on the 6 September 2022 (Stage 1 hearings now concluded).
- 6.43 As part of the Local Plan review a 'smaller village' designation is set to be introduced, and this designation would include the villages of Ulcombe and Kingswood. Policy SP8 'Smaller Villages' states that "*...in the last 10 years of the plan period...*" (2028 to 2038 based on Inspector's stage 1 letter January 2023) "Smaller villages offer a limited opportunity for new development..." subject to a number of caveats.
- 6.44 The current proposal is assessed against policy SP8 as follows:
- Application site is outside both the village of Kingswood and the parish of Broomfield and Kingswood and so the site would not be included in any future neighbourhood plan.
 - Whilst in the Parish of Ulcombe the site is circa 1223 metres (direct line – Chapman Place) outside the village of Ulcombe and is not in a neighbourhood plan area.
 - Supporting text states "*Development on remote sites, or sites which do not appropriately reflect the existing envelope of smaller villages, is unlikely to be acceptable due to impact on the setting of the settlement within its countryside setting...*"(paragraph 6.123).

- 6.45 The submitted planning statement highlights an appeal decision letter on an unrelated site dated July 2022, where the Inspector refers to evidence produced by the appellant on the Council's 5 year housing land supply.
- 6.46 With this appeal considered by written representations with no examination of the evidence at a public inquiry, the appeal Inspector was unable to make a judgement on the evidence that was "...based on a number of assumptions...".
- 6.47 The Council's housing land supply is set out on the Council's website and is 5.14 years. The evidence behind the calculation of this figure has been accepted in the Inspector's Post Stage 1 hearings letter to the Council dated January 2023.

PUBLIC SECTOR EQUALITY DUTY

- 6.48 Due regard has been had to the Public Sector Equality Duty, as set out in Section 149 of the Equality Act 2010. It is considered that the application proposals would not undermine objectives of the Duty.

7. CONCLUSION

- 7.01 The application seeks 2 new build dwellings in a residential garden and in policy terms this does not benefit from policies relating to replacement dwellings. Policy DM5 (Brownfield) specifically excludes residential gardens in the countryside from the brownfield designation. There is no exception policy allowing residential development in this location and as such the development would cause harm to the character and appearance of the countryside.
- 7.02 The proposed two dwellings would be far removed from basic services and facilities, and this would result in future occupants of the site being reliant on the private motor vehicle to travel for access to day to day needs. This reliance on the private motor vehicle would be contrary to the aims of sustainable development as set out in policies SS1, DM1 and DM5 of the Maidstone Local Plan (2017) and the aims of the National Planning Policy Framework (2021).

The mass and volume of the additional dwellings (which would be considerably greater than the original dwelling) are out scale and character with adjoining development while resulting in a substantial increase in built mass. As such the proposal represents poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions while failing to maintain or enhance local distinctiveness along with an increase in built mass harmful to the rural character and setting of the locality.

8. RECOMMENDATION

REFUSE planning permission for the following reasons:

- 1) The proposal involving the demolition of a modest bungalow and construction of two detached two storey houses of a suburban character along with the creation of two vehicle access points and associated domestic paraphernalia would erode the largely undeveloped nature of the site with a substantial increase in the bulk and massing of development on the site that would be harmful to and fail to maintain or enhance local character and appearance of this rural location. The development would be contrary to policies SS1, SP17, DM1 and DM30 of Maidstone Local Plan (2017); the Landscape Character Assessment (2012 amended July 2013) and the Maidstone Landscape Capacity Study: Sensitivity Assessment (Jan 2015); and the National Planning Policy Framework (2021).

- 2) The proposed two dwellings would be far removed from basic services and facilities, and this would result in future occupants of the site being reliant on the private motor vehicle to travel for access to day to day needs. This reliance on the private motor vehicle would be contrary to the aims of sustainable development as set out in policy SS1 of the Maidstone Local Plan (2017) and the aims of the National Planning Policy Framework (2021).

Informative

- (1) The applicant is advised that as of 1st October 2018, the Maidstone Community Infrastructure Levy (CIL) Charging Schedule came into effect. Whilst the above application has been refused by the Local Planning Authority you are advised that CIL applies to all planning permissions granted on or after this date. Thus any successful appeal against this decision may therefore be subject to CIL (depending on the location and type of development proposed). Full details are available on the Council's website Community Infrastructure Levy - Maidstone Borough Council

Appeal Decision

Site visit made on 25 February 2021

by P J Staddon BSc, Dip, MBA (Distinction), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 March 2021.

Appeal Ref: APP/U2235/W/20/3271603

Woodview, Lenham Road, Kingswood, MAIDSTONE, ME17 1LU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Mills against the decision of Maidstone Borough Council.
- The application Ref 19/503989/FULL, dated 30 July 2019, was refused by notice dated 5 March 2020.
- The development proposed is described as 'Full planning application for the demolition of the existing bungalow at Woodview, Lenham Road, Kingswood and its replacement with a new dwelling, together with an additional dwelling and associated parking, amenity areas and landscaping.'

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - Whether the proposal is in a suitable location for new dwellings relative to the planning strategy for the area.
 - The effect of the proposal on the character and appearance of the countryside.

Reasons

Location

3. The appeal site is located in the countryside to the east of the village of Kingswood, which is about 10km south-east of the town centre of Maidstone. It comprises a bungalow, known as Woodview, and its garden areas. The dwelling is set back from Lenham Road and sited towards the eastern side of its spacious rectangular shaped plot, such that there are large garden areas to the rear (south-west) and side (north-west) of the dwelling.
4. To the south-east of the site there is a short ribbon of development comprising about half a dozen properties, set in an informal row behind front gardens and facing Lenham Road. The immediately neighbouring property is The Oaks, a traditional style 2 storey house, set within a large plot. Beyond that property are bungalows of differing designs and a vehicle service station located adjacent to the junction with Ulcombe Hill. To the west of the site is a detached

- property, *Mariae Silva*, set well back within a large plot containing trees and tall hedges, such that it is screened from views from the road.
5. The Maidstone Borough Local Plan (MLP) was adopted in October 2017. Policy SS1 sets out a spatial strategy for the borough which establishes that the primary focus for new housing will be an expanded Maidstone urban area. It also states that some housing will be directed to rural service centres and larger villages, but Kingswood is not one of these. Policy SP17 defines 'the countryside' as all those parts of the plan outside the settlement boundaries of these locations and sets limitations and criteria for development in these rural areas. This strategy seeks to ensure that development is directed to towns and villages where services and facilities, together with a range of transport choices, are available.
 6. The appellant and Maidstone Borough Council (the Council) do not dispute that the appeal site lies in the countryside for planning policy purposes, but do contest whether the location is acceptable and sustainable for the proposed new houses.
 7. The proximity to other residential properties means that the proposal would not amount to 'isolated homes in the countryside' with regard to paragraph 79 of the National Planning Policy Framework (the Framework). However, the site is some distance from the village of Kingswood, which itself contains only a limited range of local services, including a primary school and a convenience store.
 8. The appellant claims that the site is 'approximately 450 metres from the centre of Kingswood'¹. That distance appears to be more akin to the edge of the village than its centre, or its main services, such as the shop which is further away, being located in the north of the village. I have also noted the appellant's submissions comparing distances between the site and key services compared to another housing proposal which was dismissed on appeal² in November 2019. However, the distances cited are still not insignificant for day to day needs. Moreover, the route along Lenham Road to the village, and to bus stops, has no footways or street lighting and is subject to the national speed limit, such that it would not be a suitable or attractive route for pedestrians, particularly after dark or in poor weather, and for those with limited mobility.
 9. Taking all of the above factors into account, it is reasonable to consider that the future occupants would not only be some distance from day-to-day services, but they would also be likely to rely on a private vehicle to travel. Although vehicular trips associated with the proposal would not be significant in number, the appeal site is not a location where there are realistic and convenient travel choices and it is therefore not where new dwellings could be considered acceptable in terms of the MLP strategy.
 10. I do acknowledge that private vehicles are likely to be utilised by nearby residents in this area to access services, facilities and employment. However, that is not a justification for permitting a scheme that would fail to comply with the Council's strategy for new housing growth.

¹ Appellant's letter dated 8 January 2021 and also Statement of Case paragraph 5.2.5

² APP/U2235/W/19/3234669

11. It is also a relevant consideration that the Council is currently able to demonstrate a 5 year housing land supply, which is not disputed by the appellant, and that the Housing Delivery Test results for Maidstone, including the recently issued 2020 figures, confirm that the borough is comfortably achieving planned housing delivery. The evidence indicates that the Council's strategy is working and that there are no material considerations that would justify departing from it by allowing new housing proposals in less sustainable locations in the countryside.
12. On this main issue, I conclude that the appeal site is an unsuitable location for a residential development due to the lack of access to local facilities and services and the reliance it would place on the use of private vehicles. It would therefore conflict with the Council's strategy as set out in policy SS1 of the MLP, which seeks to direct new housing development to the most sustainable and accessible locations in the borough.

Character and appearance

13. The appeal proposal would involve the demolition of the existing Woodview bungalow and its replacement with 2 detached houses. The proposed siting of the 2 dwellings would reflect the informal line of dwellings along this part of Lenham Lane. However, the dwellings would be relatively large and sited on much narrower plots than their neighbours, The Oaks and Mariae Silva.
14. The design of the dwellings, incorporating prominent full height gable features, extensive glazing, a mixture of facing materials and flat roofed garaging (at the front of each house), would not be characteristic of the local context. The proposal would not integrate effectively with its surroundings which are essentially rural, with some interspersed limited low density built development. Indeed, the proposal would appear as a conspicuous urbanising feature that would fail to add to the quality of the area.
15. I therefore conclude that the proposal would be harmful to the character and appearance of the area. This would be contrary to MLP policies DM1, DM30 and SP17 which establish principles of good design including, amongst other things, that development in the countryside should maintain and enhance local distinctiveness and not harm the character and appearance of the area. It would also conflict with chapter 12 of the Framework, which similarly sets out principles for development to achieve well designed places.

Other matters

16. I have noted the appellant's claim that the Council's case officer indicated a positive recommendation at some point. However, I must make my assessment and decision on the basis of the facts and relevant policies before me. I have also noted the submissions from Ulcombe Parish Council alleging inconsistencies in the Council's decision making compared to other proposals. However, there is limited information before me on these matters, although it does appear that these other cases are not directly comparable. In any event, I must assess the appeal proposal on its individual planning merits.
17. The appellant has made reference to a policy concerning replacement dwellings and his documentation refers to the proposed house on plot 1 as the 'replacement dwelling'. The Council's second reason for refusal also refers to the 'replacement dwelling' and to MLP policy DM32, which allows for

replacement dwelling proposals on a one for one basis, subject to compliance with a set of criteria. However, the appeal proposal clearly relates to the redevelopment of the site for 2 detached houses and MLP policy DM32 is not therefore directly relevant.

18. I have noted the concerns from a neighbour with regard to potential overlooking effects from first floor balconies of the proposed houses. Given my findings on the main issues, I do not consider it necessary to explore this matter further.

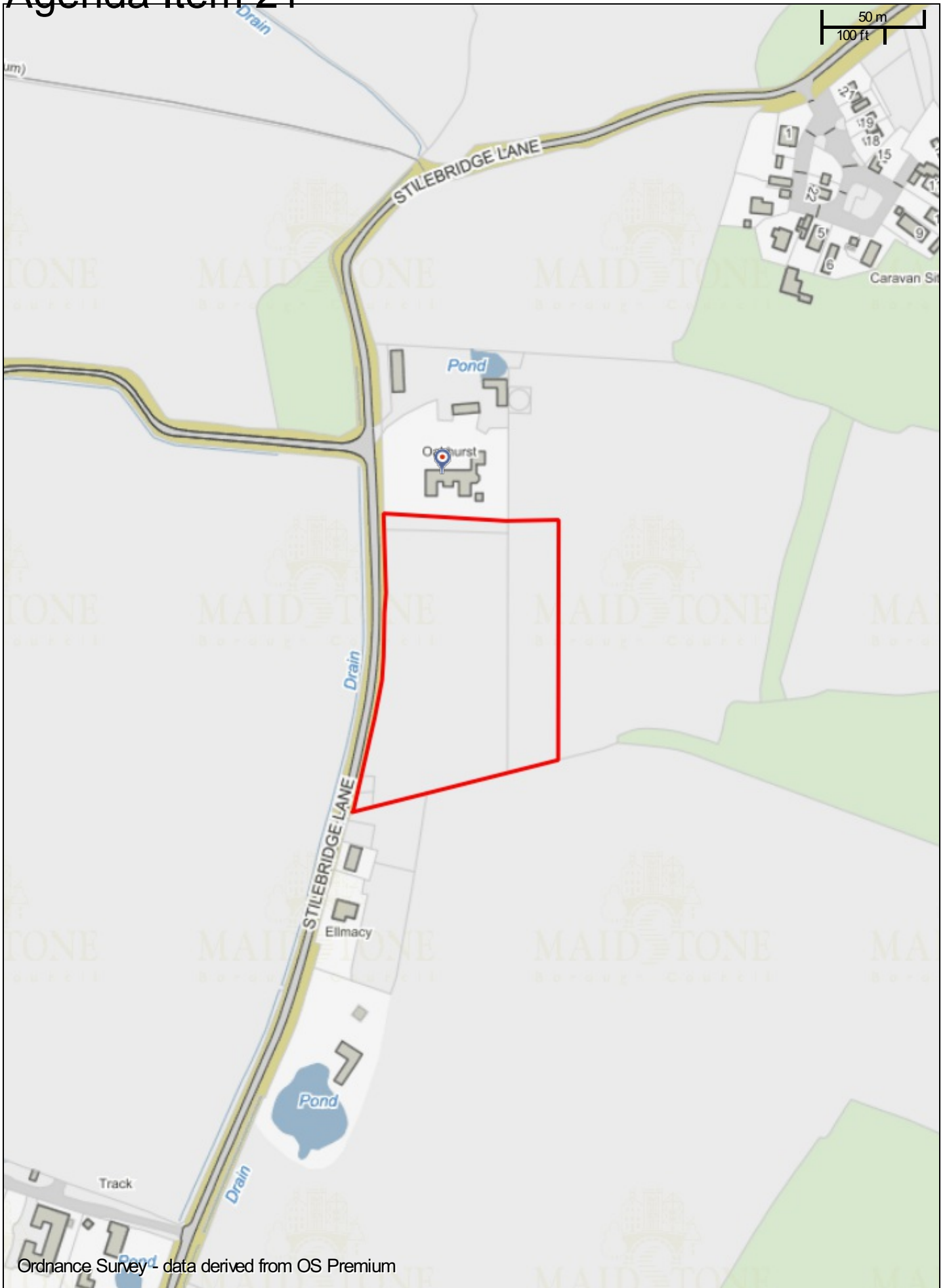
Conclusions

19. For the reasons stated above, the appeal is dismissed.

P. Staddon

INSPECTOR

Agenda Item 21



Ordnance Survey - data derived from OS Premium

REPORT SUMMARY

REFERENCE NO: - 22/504241/FULL		
APPLICATION PROPOSAL: Section 73 application for variation of condition 3 (change from timber cladding to composite wood), condition 21 (ecological enhancements moved from caravans to the wider site) pursuant to 19/500271/FULL for the change of use of land for the stationing of 18 holiday caravans with associated works including laying of hard standing and bin store.		
ADDRESS: Oakhurst Stilebridge Lane Marden Tonbridge Kent TN12 9BA		
RECOMMENDATION: GRANT PERMISSION subject to conditions		
SUMMARY OF REASONS FOR RECOMMENDATION: The proposed alternative cladding material sought through variation of Condition 3 has an acceptable visual appearance that would not be out of keeping in its surroundings. Thus, the variation of condition 3 can be accepted. The Biodiversity Enhancement Plan has been reviewed by KCC Ecology and is acceptable such that a change to the wording of condition 21 can be accepted.		
REASON FOR REFERRAL TO COMMITTEE: Call in from Cllr David Burton on the grounds that: 'The original permission granted by committee was a narrow decision and the conditions which the application seeks to revise were instrumental to making the application acceptable.'		
WARD: Marden & Yalding	PARISH/TOWN COUNCIL: Marden	APPLICANT: Mr P Body AGENT: Graham Simpkin Planning Ltd
CASE OFFICER: Jake Farmer	VALIDATION DATE: 31/10/22	DECISION DUE DATE: 01/12/2022
ADVERTISED AS A DEPARTURE: No		

Relevant Planning History

19/500271/FULL - Change of use of land for the stationing of 18 holiday caravans with associated works including laying of hardstanding and bin store. – Approved subject to planning conditions.

22/502668/NMAMD - Non-material amendment to planning permission 19/500271/FULL: To move 6(no) mobile homes 5m southwards from originally approved location and for realignment of access road and roundabout, as shown on drawing reference: Proposed Block Plan 05 Rev I. – Approved

MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 The application site is located to the north of Underling Green, on the eastern-most side of Stilebridge Lane. The site is to the south of the property known as Oakhurst.
- 1.02 The site benefits from planning permission allowing the stationing of 18 holiday caravans and associated works.

2. PROPOSAL

- 2.01 Section 73 application for variation of
- condition 3 (change from timber cladding to composite wood),
 - condition 21 (ecological enhancements moved from caravans to the wider site) pursuant to 19/500271/FULL.
- 2.02 Application 19/500271/FULL was for the change of use of land for the stationing of 18 holiday caravans with associated works including laying of hard standing and bin store.
- 2.03 In addition to conditions 3 and 21 the application as originally also sought to vary condition 24 of 19/500271/FULL. This related to how decentralised and renewable or low-carbon sources of energy would be incorporated into the development. This change has been removed from this application and the applicant has stated an intention to appeal against this condition.

3. POLICY AND OTHER CONSIDERATIONS

- Local Plan (2017): SS1, SP17, SP21, DM1, DM30, DM37, DM38
- Marden Neighbourhood Plan (2017-2031)
- Landscape Character Assessment (2012 amended July 2013)
- Maidstone Landscape Capacity Study: Sensitivity Assessment (Jan 2015)
- National Planning Policy Framework & National Planning Practice Guidance
- MHCLG National Design Guide

Maidstone Borough Council – Local Plan Review, draft plan for submission (Regulation 22) dated October 2021.

The Regulation 22 draft is a material consideration however weight is currently limited, as it is the subject of an examination in public that commenced on the 6 September 2022 (Stage 1 hearings concluded). The relevant policies in the draft plan are as follows

LPRSS1 - Maidstone Borough Spatial Strategy
SPRSP9 – Development in the Countryside
LPRSP15 – Principles of Good Design
LPRQ&D4 – Design Principles in the Countryside

4. LOCAL REPRESENTATIONS

Marden Parish Council Comments: Councillors raised no objection to conditions 3 and 21.

Local Residents: 4 representations were received from local residents raising the following (summarised) issues.

- Concerns with the new material proposed under condition 3.
- Concerns over the applicant's intention to provide efficiency measures rather than providing renewable energy technologies as part of the proposed development.

5. CONSULTATIONS

- **Environmental Health**
No objection.
- **KCC Ecology**
No objection, accept reasoning for condition 21.

- **KCC Highways**
No objections
- **Natural England**
No objection.
- **Environment Agency**
No objection to the proposed variation to condition 21.
- **Kent Police**
No objections, comments made on application 19/500271/FULL remain valid.
- **Southern Water**
No objections to the variation of condition. The comments in response dated on 18/02/2019 remain unchanged and valid.
- **KCC Drainage**
No further comment

6. APPRAISAL

6.01 The variation of conditions 3 and 21 are assessed in turn below.

Condition 3 (Materials)

- 6.02 Condition 3 states: *The development hereby approved shall only be occupied by caravans of a scale and design that accord with drawing ref: 06 Rev A and shall comprise a mixture of either black, white and natural timber clad caravans only. Each caravan shall be clad in timber and shall comprise of either black, white or natural timber only. Prior to any caravan being brought onto the application site, the external materials of each caravan, shall be submitted to and approved in writing by the local planning authority. The development hereby approved shall be carried out in accordance with the approved details, and shall be in place before being brought onto the site, and maintained as such for the duration of each caravan's time on the site. Reason: To safeguard the character and appearance of the countryside and to reflect the material palette for such a countryside location.*
- 6.03 The application proposals seek to amend the condition to allow composite wood to be used as a finishing material for the approved caravans instead of the approved timber cladding. The applicants have submitted a brochure for the proposed material provided by Can Excel.
- 6.04 The composite timber cladding offers a similar aesthetic to the natural timber cladding and has been shown to be an acceptable alternative to natural timber. An appeal against a condition requiring natural cladding was allowed at a separate site in Headcorn. The Inspector concluded "*...that the material is very similar in appearance to natural wood...*" and "*...the material can be supplied to the required colour, is rot proof and non-combustible*". (Ref: APP/U2235/W/18/3197910 Land West of Mill Bank, Maidstone Road, Headcorn, Kent TN27 9RJ)
- 6.05 With little material difference in the appearance of the composite timber cladding and the natural timber cladding, the composite timber cladding is acceptable in design terms. The caravans using this material would sit well in the site and maintain rural character, as such the variation of condition is acceptable.
- 6.06 Condition 3 is amended as follows: *The caravans hereby approved shall be clad in either black, white and composite timber cladding before being brought onto the*

site and shall be maintained as such for the duration of each caravan's time on the site. Reason: To safeguard the character and appearance of the countryside and to reflect the material palette for such a countryside location.

Condition 21 (Biodiversity):

- 6.07 Condition 21 states: *Prior to the first occupation of the caravans hereby approved, details of the following shall be submitted to and approved in writing by the local planning authority: (a) owl boxes to be installed within the site (to include manufacturer, location, number and height from ground level); and (b) integral niches for wildlife within the fabric of the caravans, such as bat tubes. The development shall thereafter be carried out in accordance with the subsequently approved details, and the approved ecological enhancements shall be installed prior to the first use (occupation) of any caravans hereby approved and maintained as such thereafter. Reason: To protect and enhance biodiversity.*
- 6.08 The applicants seek to vary the condition through proposing alternative ecological enhancements as detailed within the submitted letter by Native Ecology. Primarily the application seeks a variation of condition 21 to allow for bat and owl boxes to be placed in trees instead of attached to the caravans as well as planting of native hedgerows and shrubs.
- 6.09 The caravans by statutory definition are non-permanent structures and can be removed from the site for maintenance or upgrading. The trees around the site offer greater longevity and as such, bat and bird boxes will be secured for a longer period of time. In this context the amended condition is acceptable KCC Ecology have considered the proposed variations to the condition and found them acceptable.
- 6.10 It is recommended that the condition 21 is amended as follows "Prior to the first occupation of the caravans hereby approved biodiversity enhancement measures will be implemented in accordance with letter ref: 0984_L01_REV A and the Biodiversity Enhancement Plan (Drawing Reference: 0984_DR01). Reason: To protect and enhance biodiversity".

7. CONCLUSION

- 7.01 For the reasons set out in this report, the proposed variation to conditions 3 and 21 are acceptable As such a recommendation of approval has been put forward.
- 7.02 All other relevant conditions associated with the original 19/500271 are re-attached to this decision except in the instance where any conditions have already been discharged, and this is clearly indicated within the list of conditions below.

8. RECOMMENDATION

Application Permitted subject to the following conditions.

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

- 1) The development hereby permitted shall be begun before the 11 June 2024. Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2) No more than 18 caravans, as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, shall be stationed on the site at any time. Reason: To safeguard the character and appearance of the countryside and in the interests of highway safety.

- 3) *The caravans hereby approved shall be clad in either black, white and composite timber cladding before being brought onto the site and shall be maintained as such for the duration of each caravan's time on the site. Reason: To safeguard the character and appearance of the countryside and to reflect the material palette for such a countryside location.*
- 4) All caravans permitted at the site shall be occupied for bona fide holiday purposes only and no such accommodation shall be occupied as a person's sole or main place of residence. The operators of the caravan park shall maintain an up-to-date register of the names, main home addresses and the duration of stay of all the owners/occupiers of each individually occupied caravan on the site, and this information shall be made available at all reasonable times upon request to the local planning authority. Relevant contact details (name, position, telephone number, email address and postal address) of the operators of the caravan park, who will keep the register and make it available for inspection, shall also be submitted to the local planning authority (planningenforcement@maidstone.gov.uk) prior to the first occupation of any of the approved caravans with the relevant contact details subsequently kept up to date at all times. At the end of each calendar year the operators of the site shall submit the up-to-date register of occupants to the Local Planning Authority (planningenforcement@maidstone.gov.uk) for review. Reason: In order to ensure proper control of the use of the holiday units and to prevent the establishment of permanent residency.
- 5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Amendment) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), and except for what is shown on the approved plans, no fencing, walling and other boundary treatments shall be erected within or around the site. Reason: To safeguard the character and appearance of the countryside.
- 6) If the use hereby approved ceases, all caravans, buildings, structures, hardstanding, and equipment brought on to the land, and all works undertaken to it in connection with the use, shall be removed within 2 months of cessation of the use, and the land shall be restored to its condition before the development took place. Reason: To safeguard the character and appearance of the countryside.
- 7) The finished floor level of the caravans shall be no less than 150mm above surrounding ground levels. Reason: In order to reduce the risk to occupants from flooding.
- 8) The development hereby approved shall be carried out in accordance with the submitted hard and soft landscaping scheme, as shown on drawing ref: 05 Rev H; and only non-plastic guards shall be used for the new trees and hedgerows, and no Sycamore trees shall be planted. Reason: To safeguard the character and appearance of the countryside and to safeguard the protection of existing trees and ancient woodland.
- 9) All planting, seeding or turfing and hardstanding comprised in the approved details of landscaping shall be carried out in the first planting and seeding season following the occupation of any caravan. Any seeding or turfing which fails to establish or any trees or plants which, within ten years from the first occupation of the site, 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 (and not Sycamore) as detailed in the approved landscape scheme. Reason: To safeguard the character and appearance of the countryside and to safeguard the protection of existing trees and ancient woodland.

- 10) Prior to the first occupation of any static caravan, all of the fencing (as shown on drawing reference: 05 Rev H) shall be erected and retained as such for the duration of the development hereby approved. Reason: To protect existing trees, new planting, and ancient woodland; and in the interests of biodiversity.
- 11) Tree protection shall be undertaken in accordance with 22/500493/SUB. All trees to be retained must be protected by barriers and/or ground protection. No caravans, equipment, plant, machinery or materials shall be brought onto the site prior to the erection of approved barriers and/or ground protection except to carry out pre commencement operations approved in writing by the local planning authority. Nothing shall be stored or placed, nor fires lit, within any of the protected areas or within the 15m buffer zone from the ancient woodland (as shown on drawing ref: 05 Rev D); and no alterations shall be made to the siting of the barriers and/or ground protection, nor ground levels changed, nor excavations made within these areas. These measures shall be maintained until all equipment, machinery and surplus materials have been removed from the site. Reason: To ensure the protection of existing trees and hedges and to avoid compaction of ground within the 15m buffer zone.
- 12) A sustainable surface water drainage scheme for the site shall be installed in accordance with 22/500608/SUB. Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding. These details and accompanying calculations are required prior to the commencement of the development as they form an intrinsic part of the proposal, the approval of which cannot be disaggregated from the carrying out of the rest of the development.
- 13) Prior to the first occupation of any caravan on the site, details of a Verification Report pertaining to the surface water drainage system, carried out by a suitably qualified professional, shall be submitted to and approved by the local planning authority. This report shall demonstrate the suitable modelled operation of the drainage system such that flood risk is appropriately managed, as approved by the Lead Local Flood Authority. The Report shall contain information and evidence (including photographs) of earthworks; details and locations of inlets, outlets and control structures; extent of planting; details of materials utilised in construction including subsoil, topsoil, aggregate and membrane liners; full as built drawings; topographical survey of 'as constructed' features; and an operation and maintenance manual for the sustainable drainage scheme as constructed. Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems, and to ensure that the development as constructed is compliant with and subsequently maintained pursuant to the requirements of the National Planning Policy Framework.
- 14) Prior to the first occupation of any caravan on the site, details of the proposed method of foul sewage treatment, along with details regarding the provision of potable water and waste disposal, shall be submitted to and approved in writing by the local planning authority. These details shall include the size of individual cess pits and/or septic tanks and/or other treatment systems, and shall also specify exact locations on site plus any pertinent information as to where each system will discharge to. Reason: To safeguard against ground/water course pollution, and to protect the interest features of the River Beult Site of Special Scientific Interest and the adjacent Ancient Woodland.
- 15) Prior to the first occupation of the caravans hereby approved, details of the external lighting scheme (temporary and/or permanent), shall be submitted to and approved in writing by the local planning authority. These details shall include:

- a) Measures to shield and direct light from light sources so as to prevent light pollution;
- b) Identification of those areas/features on site that are particularly sensitive for bats and that are likely to cause disturbance to routes used to forage and commute;
- c) Show where external lighting will be installed (in accordance with drawing ref: 05 Rev H)
- d) so that it can be clearly demonstrated that areas to be lit will not disturb bat activity.

The development shall thereafter be carried out in accordance with the subsequently approved details and maintained as such thereafter. Reason: To safeguard the character and appearance of the countryside and to mitigate against potential adverse effects on bats.

- 16) The details of precautionary measures for reptiles and great crested newts (GCN), including habitat manipulation and creating/improving reptile and GCN habitat, shall be undertaken in accordance with 22/500611/SUB. The approved details will be implemented prior to the occupation of the caravans and thereafter retained as such thereafter. Reason: To safeguard protected species.
- 17) The site shall be managed in accordance with the Site Management Plan as per 22/500614/SUB. Reason: In the interests of highway safety.
- 18) The vehicle parking spaces and turning facilities as shown shall be permanently retained for parking and turning and shall not be used for any other purpose. Reason: In the interest of highways safety and parking provision.
- 19) Any gates at the vehicular access to the site must be set back a minimum of 5 metres from the highway boundary. Reason: In the interests of highway safety
- 20) Prior to the first occupation of the caravans hereby approved, the first 5 metres of the vehicle access from the edge of the highway shall be of a bound surface and shall be maintained as such thereafter. Reason: In the interests of highway safety
- 21) Prior to the first occupation of the caravans hereby approved biodiversity enhancement measures will be implemented in accordance with letter ref: 0984_L01_REV A and the Biodiversity Enhancement Plan (Drawing Reference: 0984_DR01). Reason: To protect and enhance biodiversity.
- 22) The application site shall not be open to touring caravans and motorhomes at any time. Reason: In the interests of highway safety, future occupiers of the property other than blue badge holders shall not be permitted to apply for parking permits.
- 23) Prior to the first occupation of the development hereby approved, there shall be a minimum of six operational electric vehicle charging points on the site for low-emission plug in vehicles that shall be maintained as such thereafter. There shall also be a minimum of 2 electric vehicle charging points enabled for future use on the site for low-emission plug-in vehicles. Reason: To promote reduction of CO2 emissions through use of low emissions vehicles.
- 24) Prior to the first occupation of the caravans hereby approved, details of how decentralised and renewable or low-carbon sources of energy (e.g., ground mounted photovoltaic panels) will be incorporated into the development shall be submitted to and approved in writing by the local planning authority. The approved details shall be installed and operational prior to first occupation of the caravans hereby approved and maintained as such thereafter. Reason: To ensure an energy efficient form of development.

- 25) The development hereby permitted shall be carried out in accordance with the following approved documents/plans references: 06 Rev A received 09/04/21; 05 Rev H received 27/01/21; 0397/21/B/1A received 01/03/21; 04 Rev A received 12.10.20; 2763 01 A received 14/10/19; and Ambiental Surface Water Drainage Strategy received 24/10/19. Reason: For then avoidance of doubt.

Informative

- 1) You are advised that as of 1st October 2018, the Maidstone Community Infrastructure Levy (CIL) Charging Schedule came into effect. Whilst the above application has been refused by the Local Planning Authority you are advised that CIL applies to all planning permissions granted on or after this date. Thus, any successful appeal against this decision may therefore be subject to CIL (depending on the location and type of development proposed). Full details are available on the Council's website Community Infrastructure Levy - Maidstone Borough Council.

THE MAIDSTONE BOROUGH COUNCIL **PLANNING COMMITTEE – 16TH FEBRUARY 2023**

APPEAL DECISIONS:

- 1. 21/504975/OUT** Outline application for the erection of up to 4no. detached dwellings and creation of new vehicular and pedestrian access. (Access and Layout being sought).

APPEAL: ALLOWED

Land Adjacent To West View
Maidstone Road
Staplehurst
Tonbridge
Kent
TN12 0RE

(Delegated)

- 2. 22/504647/LAWPRO** Lawful Development Certificate for proposed use of existing dwellinghouse as a dwellinghouse.

APPEAL: DISMISSED

Mobile Home
Warren Lands
Lenham Heath Road
Sandway
Maidstone
Kent
ME17 2NB

(Delegated)

- 3. 21/504491/FULL** Erection of cattle shed/storage barn.

APPEAL: DISMISSED

The Bungalow
Green Lane
Yalding
TN12 9RB

(Delegated)

4. 21/505961/FULL

Conversion of 3(no) agricultural buildings to create dwelling and garage. Erection of first floor side extension and link extension to dwelling.

APPEAL: DISMISSED

Pollyfields Farm
Scragged Oak Road
Detling
Maidstone
Kent
ME14 3HL

(Delegated)

5. 21/506258/FULL

Conversion of existing detached garage into Granny Annexe ancillary to the main dwelling

APPEAL: ALLOWED

6 Beckworth Place
St Andrew's Road
Maidstone
ME16 9LS

(Committee)

6. 21/506844/FULL

Erection of 2no. three bed detached dwellings with dedicated off-street parking and associated hard and soft landscaping, utilising existing highways access and including alterations to drop kerb and new access driveway

APPEAL: DISMISSED

21 Station Road
Headcorn
Ashford
Kent
TN27 9SB

(Delegated)
