

PLANNING COMMITTEE MEETING

Date: Thursday 22 September 2022
Time: 6.00 p.m.
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 Items withdrawn from the Agenda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. Date of Adjourned Meeting - 29 September 2022
6. Any business the Chairman regards as urgent including the urgent update report as it relates to matters to be considered at the meeting
7. Disclosures by Members and Officers
8. Disclosures of lobbying
9. To consider whether any items should be taken in private because of the possible disclosure of exempt information.
10. Minutes of the meeting held on 25 August 2022 1 - 6
11. Presentation of Petitions (if any)
12. 22/502627/FULL - Boughton Service Station, Heath Road, Boughton Monchelsea, Kent 7 - 17
13. 22/501055/FULL - Orchard View Garage, Benover Road, Yalding, Maidstone, Kent 18 - 29

Issued on Tuesday 13 September 2022

Continued Over/:

Alison Broom

Alison Broom, Chief Executive

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15.	22/501684/FULL - 3 The Parade, Staplehurst, Tonbridge, Kent	64 - 72
16.	22/502266/FULL - 21 Station Road, Headcorn, Kent	73 - 88
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19.	22/502032/FULL - 2 Reader Drive, Marden, Kent	126 - 133
20.	22/501994/TPOA - Land Rear Of 8 Gault Close, Bearsted, Maidstone, Kent	134 - 137
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25.	22/500544/TPOA - The Trinity Foyer, 20 Church Street, Maidstone, Kent	158 - 161
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27.	22/502567/TPOA - Open Space At St Francis Close, Penenden Heath, Kent	169 - 173
28.	Appeal Decisions	174 - 175

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 21 September 2022. 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

To find out more about the work of the Committee, please visit www.maidstone.gov.uk

MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON 25 AUGUST 2022

Present:

Committee Members:	Councillor Spooner (Chairman) and Councillors Brindle, Cox, English, Harwood, Holmes, Kimmance, McKenna, Munford, Perry, Trzebinski, D Wilkinson and Young
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66. APOLOGIES FOR ABSENCE

There were no apologies for absence.

67. NOTIFICATION OF SUBSTITUTE MEMBERS

There were no Substitute Members.

68. NOTIFICATION OF VISITING MEMBERS

There were no Visiting Members.

69. ITEMS WITHDRAWN FROM THE AGENDA

The Major Projects Manager sought the Committee's agreement to the withdrawal of the following applications from the agenda due to incomplete consultation or notification:

Item 13 – 22/502032/FULL – 2 Reader Drive, Marden, Kent

Item 15 – 22/501055/FULL – Orchard View Garage, Benover Road, Yalding, Maidstone, Kent

Item 19 – 21/503150/FULL – The Old Forge, Chartway Street, East Sutton, Maidstone, Kent

Item 20 – 22/501684/FULL – 3 The Parade, Staplehurst, Tonbridge, Kent

RESOLVED: That agreement be given to the withdrawal of applications 22/502032/FULL, 22/501055/FULL, 21/503150/FULL and 22/501684/FULL from the agenda.

70. URGENT ITEMS

The Chairman said that there were no urgent items other than the earlier recommendation that four applications be withdrawn from the agenda due to incomplete consultation or notification.

71. DISCLOSURES BY MEMBERS AND OFFICERS

Councillor English wished to make clear that although he had requested that application 22/502019/FULL (17 Albion Place, Maidstone, Kent) be reported to the Committee if Officers were minded to recommend refusal, he had not made representations on the proposed development.

72. DISCLOSURES OF LOBBYING

The following disclosures of lobbying were noted:

12.	22/502019/FULL – 17 Albion Place, Maidstone, Kent	Councillors English, Holmes, Kimmance, McKenna, Munford, Trzebinski and Young
13.	22/502032/FULL - 2 Reader Drive, Marden, Kent (withdrawn from the agenda)	No lobbying
14.	22/502259/FULL – 44 Queens Road, Maidstone, Kent	No lobbying
15.	22/501055/FULL – Orchard View Garage, Benover Road, Yalding, Maidstone, Kent (withdrawn from the agenda)	No lobbying
16.	22/500193/FULL – 1 Greengates, Lenham Road, Headcorn, Ashford, Kent	Councillors Brindle and Perry
17.	21/506265/FULL – Greengates, 2 Lenham Road, Headcorn, Ashford, Kent	Councillors Brindle and Perry
18.	20/506149/FULL – Scammell Lodge, Friningham, Detling, Kent	No lobbying
19.	21/503150/FULL – The Old Forge, Chartway Street, East Sutton, Maidstone, Kent (withdrawn from the agenda)	Councillors Cox and Harwood
20.	22/501684/FULL – 3 The Parade, Staplehurst, Tonbridge, Kent (withdrawn from the agenda)	No lobbying
21.	22/500532/FULL – Southfield Stables, South Lane, Sutton Valence, Kent	No lobbying
22.	21/506664/FULL – Rosehill, Vanity Lane, Linton, Maidstone, Kent	No lobbying
23.	22/500945/FULL – Land Opposite Little Budds Farm, Gravelly Ways, Laddingford, Kent	No lobbying

73. EXEMPT ITEMS

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

74. MINUTES OF THE MEETING HELD ON 21 JULY 2022

RESOLVED: That the Minutes of the meeting held on 21 July 2022 be approved as a correct record and signed.

75. PRESENTATION OF PETITIONS

There were no petitions.

76. 22/502019/FULL - CHANGE OF USE FROM OFFICES TO FORM 7(NO) RESIDENTIAL UNITS, INCLUDING DEMOLITION OF TEMPORARY CYCLE COVER AND ERECTION OF SINGLE STOREY SIDE EXTENSION - 17 ALBION PLACE, MAIDSTONE, KENT

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

In introducing the application, the Senior Planning Officer wished to clarify that the reason for referral to Committee section of the report was incorrect. Councillor English had requested that the application be referred to Committee if Officers were minded to recommend refusal, not approval as stated.

Mr Hawkins addressed the meeting in person on behalf of the applicant.

RESOLVED: That permission be refused for the reasons and informatives set out in the report.

Voting: 7 – For 6 – Against 0 – Abstentions

77. 22/500193/FULL - RETROSPECTIVE APPLICATION FOR MATERIAL CHANGE OF USE OF LAND TO A MIXED USE OF LAND FOR STATIONING OF CARAVANS FOR RESIDENTIAL PURPOSES AND THE KEEPING OF HORSES - 1 GREENGATES, LENHAM ROAD, HEADCORN, ASHFORD, KENT

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

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

Voting: 11 – For 2 – Against 0 – Abstentions

78. 21/506265/FULL - RETROSPECTIVE APPLICATION FOR A MATERIAL CHANGE OF USE OF LAND FOR STATIONING OF CARAVANS FOR RESIDENTIAL OCCUPATION AND KEEPING OF HORSES WITH ASSOCIATED OPERATIONAL DEVELOPMENT INCLUDING HARD STANDING, PACKAGE TREATMENT PLANT, GAS TANK, SHED, DOG RUN AND STABLES - GREENGATES, 2 LENHAM ROAD, HEADCORN, ASHFORD, KENT

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

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

Voting: 11 – For 2 – Against 0 – Abstentions

79. 22/500532/FULL - DEMOLITION OF EXISTING DWELLING AND ERECTION OF 1 NO. DETACHED DWELLING WITH ASSOCIATED GARAGE, DRIVEWAY AND LANDSCAPING - SOUTHFIELD STABLES, SOUTH LANE, SUTTON VALENCE, KENT

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

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

Voting: 13 – For 0 – Against 0 – Abstentions

80. 21/506664/FULL - DEMOLITION AND REBUILDING OF THE EXISTING BARN TO PROVIDE A 3 BEDROOM DWELLING INCLUDING REAR PAVILIONS LINKED BY GLASS LINK. RE-ROUTING AND ALTERATION OF EXISTING ROAD ACCESS TO ALLOW SEPARATE ACCESS TO HOUSE AND BARN AND ASSOCIATED LANDSCAPING - ROSEHILL, VANITY LANE, LINTON, MAIDSTONE, KENT

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

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

Voting: 13 – For 0 – Against 0 – Abstentions

81. 22/500945/FULL - RETROSPECTIVE APPLICATION FOR ERECTION OF 1 NO. STABLE BLOCK COMPRISING 2 NO. LOOSE BOXES AND 1 NO. HAY STORE AND CHANGE OF USE OF FIELD TO Paddock FOR EQUINE PURPOSES - LAND OPPOSITE LITTLE BUDDS FARM, GRAVELLY WAYS, LADDINGFORD, KENT

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

The Chairman advised Members that Yalding Parish Council had withdrawn its request that the application be determined by the Committee.

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

Voting: 13 – For 0 – Against 0 – Abstentions

82. 20/506149/FULL - DEMOLITION OF EXISTING COMMERCIAL BUILDINGS AND ERECTION OF 3 NO. REPLACEMENT BUILDINGS FOR USE WITHIN CLASSES B2 (GENERAL INDUSTRY), B8 (STORAGE AND DISTRIBUTION) AND E(G)(II) LIGHT INDUSTRY, INCLUDING ANCILLARY PARKING FACILITIES; IMPROVEMENTS TO ACCESS ROAD, IMPROVEMENT TO THE JUNCTION WITH THE A249, BOUNDARY FENCING AND LANDSCAPING - SCAMMELL LODGE, FRININGHAM, DETLING, KENT

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

RESOLVED:

1. That permission be granted subject to the conditions and informatives set out in the report with an additional condition specifying that the buildings hereby approved shall achieve a BREEAM rating of 'Very Good'.
2. That the Head of Planning and Development be given delegated powers to finalise the wording of the additional condition and to amend any other conditions as a consequence.

Voting: 12 – For 0 – Against 1 – Abstention

83. 22/502259/FULL - ERECTION OF A TWO STOREY SIDE AND PART REAR WRAP AROUND EXTENSION AND A PART SINGLE STOREY REAR EXTENSION. ERECTION OF AN OUTBUILDING TO CREATE A HOME OFFICE - 44 QUEENS ROAD, MAIDSTONE, KENT

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

In introducing the application, the Major Projects Manager advised the Committee that he wished to amend the second sentence of recommended condition 4 (Enhancement of Biodiversity) to read:

The scheme shall consist of the enhancement of biodiversity through ~~at least one~~ integrated methods into the design and appearance of the extension/outbuilding by means such as swift bricks, bat tubes or bee bricks, and through the provision within the site curtilage such as bird boxes, bat boxes, bug hotels, log piles, wildflower planting and hedgehog corridors.

RESOLVED:

1. That permission be granted subject to the conditions set out in the report, as amended by the Major Projects Manager when introducing the application, with the amendment of condition 5 (Optimum Energy and Water Efficiency) to require the incorporation of renewable energy generation measures and investigation of the potential for an electric vehicle charging point.
2. That the Head of Planning and Development be given delegated powers to finalise the wording of the amended conditions.

Voting: 11 – For 0 – Against 2 – Abstentions

84. 22/502032/FULL - ERECTION OF SINGLE STOREY SIDE AND REAR EXTENSION. ERECTION OF SINGLE STOREY REAR EXTENSION TO GARAGE TO CREATE UTILITY STORE. CONVERSION OF LOFT INTO HABITABLE SPACE WITH INSERTION OF REAR DORMER AND FRONT ROOFLIGHTS AND INTERNAL ALTERATIONS. RELOCATION OF EXISTING SOLAR PANELS TO FLAT ROOF OF REAR DORMER (RE-SUBMISSION OF 22/500698/FULL) - 2 READER DRIVE, MARDEN, KENT

See Minute 69 above

85. 22/501055/FULL - (RETROSPECTIVE) DEMOLITION OF EXISTING WORKSHOP. ERECTION OF SINGLE STOREY SIDE EXTENSION FOR USES FALLING WITHIN CLASS E: (A) DISPLAY OR RETAIL SALE OF GOODS, OTHER THAN HOT FOOD, PRINCIPALLY TO VISITING MEMBERS OF THE PUBLIC, OR (B) SALE OF FOOD AND DRINK PRINCIPALLY TO VISITING MEMBERS OF THE PUBLIC WHERE CONSUMPTION OF HOT FOOD AND DRINK IS MOSTLY UNDERTAKEN ON THE PREMISES, OR (C) PROVISION OF THE FOLLOWING KINDS OF SERVICES PRINCIPALLY TO VISITING MEMBERS OF THE PUBLIC - (I) FINANCIAL SERVICES, (II) PROFESSIONAL SERVICES (OTHER THAN HEALTH OR MEDICAL SERVICES), (III) ANY OTHER SERVICES WHICH IT IS APPROPRIATE TO PROVIDE IN A COMMERCIAL, BUSINESS OR SERVICE LOCALITY, OR G (I) AN OFFICE TO CARRY OUT ANY OPERATIONAL OR ADMINISTRATIVE FUNCTIONS - ORCHARD VIEW GARAGE, BENOVER ROAD, YALDING, MAIDSTONE, KENT

See Minute 69 above

86. 21/503150/FULL - DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF 3 NO. HOUSES WITH ASSOCIATED AMENITY SPACE, LANDSCAPING AND ACCESS - THE OLD FORGE, CHARTWAY STREET, EAST SUTTON, MAIDSTONE, KENT

See Minute 69 above

87. 22/501684/FULL - CHANGE OF USE FROM SHOP (CLASS E) TO A HOT FOOD TAKEAWAY (SUI GENERIS) AND INSTALLATION OF A FLUE - 3 THE PARADE, STAPLEHURST, TONBRIDGE, KENT

See Minute 69 above

88. APPEAL DECISIONS

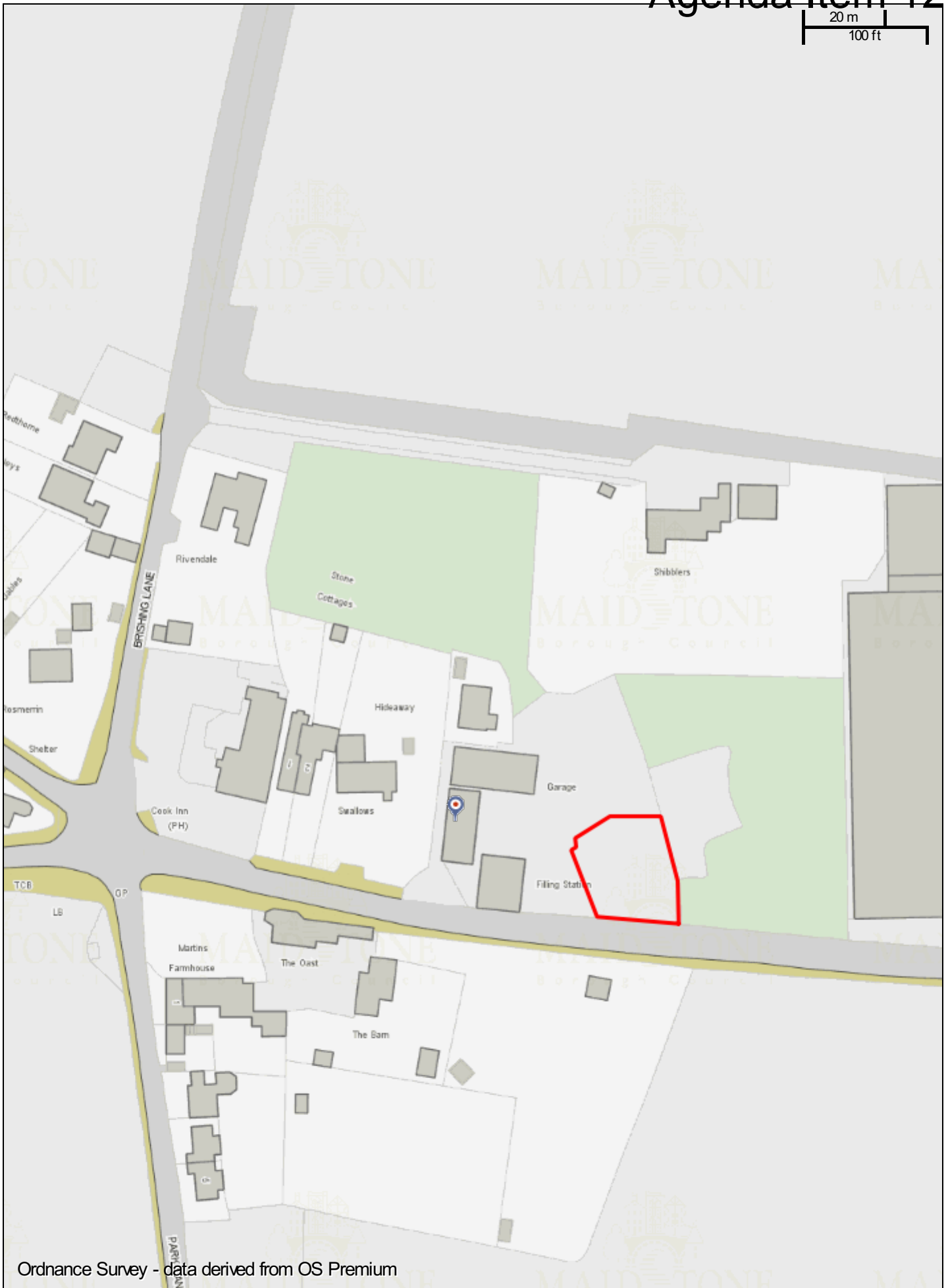
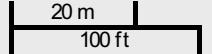
The Committee considered the report of the Head of Planning and Development setting out details of appeal decisions received since the last meeting. The Major Projects Manager advised the Committee that complaint letters had been sent to the Planning Inspectorate's Quality Assurance Unit on matters raised at previous meetings. The responses would be reported back to the Committee in due course.

RESOLVED: That the report be noted.

Note: Councillor English was not present for this item.

89. DURATION OF MEETING

6.00 p.m. to 7.25 p.m.



Ordnance Survey - data derived from OS Premium



22/502627/FULL Boughton Service Station, Heath Road, Boughton Monchelsea, Kent, ME17 4JD

Scale: 1:1250

Printed on: 12/9/2022 at 13:56 PM by JoannaW



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REPORT SUMMARY

REFERENCE NO: - 22/502627/FULL		
APPLICATION PROPOSAL: Retention of existing hand car wash facility and office/customer waiting room, and proposed alterations including installation of acoustic enclosure and provision of a new customer parking area (part retrospective).		
ADDRESS: Boughton Service Station, Heath Road, Boughton Monchelsea, Kent, ME17 4JD		
RECOMMENDATION: GRANT PLANNING PERMISSION subject to planning conditions		
SUMMARY OF REASONS FOR RECOMMENDATION FOR APPROVAL: The site comprises a fuel service station, motor vehicle MOT and service station and a shop unit, with an area previously set aside for a hand car washing and valeting business, which has since ceased. A change of use was granted for a car washing and valeting under the canopy of the vacated fuel service station. This permission was never implemented. The site is adjacent the Cock Street Conservation area but the proposal is considered to cause less than substantial harm (at the low end of the scale) to the setting of the designated heritage assets. The proposed acoustic measures would reduce the noise levels of the jet wash and vacuums. This equipment is mostly located to the northeast part of the site adjacent to the neighbouring industrial units. The traffic and short-term parking generated by the use will not have a severe impact on the highway network. The introduction of a car wash business would be acceptable and would not cause significant visual harm nor harm to amenity. It complies with the relevant policies of the Maidstone Borough Local Plan (2017) the Boughton Monchelsea Neighbourhood Plan and provisions set out in the National Planning Policy Framework, and there are no overriding material considerations to indicate a refusal of planning permission.		
REASON FOR REFERRAL TO COMMITTEE: Call in from Boughton Monchelsea Parish Council for the reasons set out at paragraph 4.02 below.		
WARD: Boughton Monchelsea and Chart Sutton	PARISH: Boughton Monchelsea	APPLICANT/AGENT: Mr S Robinson
CASE OFFICER: Sue King	VALIDATION DATE: 01/06/2022	DECISION DUE DATE: 27/09/2022
ADVERTISED AS A DEPARTURE: No		

Relevant planning history

18/501945/FULL - Change of use of redundant petrol station forecourt to car wash and valet services. Refused 20.06.2018

18/505205/FULL - Change of use of redundant petrol station forecourt to car wash and valet services (resubmission of 18/501945/FULL). Permitted.

22/500478/FULL - Retention of existing hand car wash facility and office/customer waiting room, and proposed alterations including the creation of a second wash bay and installation of acoustic screening. (Part retrospective) – Refused 11.04.2022 on the following grounds:

(1) The application fails to demonstrate that the intensification of the use and the proposed works would not have a harmful impact upon the amenity of neighbouring occupiers in terms of noise, nuisance, activity and visual impact contrary to policies DM1, and DM37 of the Maidstone Borough Local Plan, or policy LRE 2 of the Boughton Monchelsea Local Plan (2021)

(2) The application fails to demonstrate that the proposal and the wastewater that it produces would not have harmful impacts upon ground and surface waters as per policy DM3 of the Maidstone Borough Local Plan (2017) or paragraphs 183 to 185 of the NPPF (2021).

1.0 DESCRIPTION OF SITE

- 1.01 This site comprises of approx. 603m² and is within a larger area of land ownership comprising of a shop building, a workshop and a MOT station also used for servicing and repairs and car sales, petrol station with canopy and forecourt which has recently commenced petrol sales.
- 1.02 The site is accessed on a main road, Heath Road approximately 100m from the crossroad junction with Brishing Lane/Park Lane.
- 1.03 To the east of the site is 'The Swallows' a Grade II listed building, within the adjoining the Cock Street Conservation Area.
- 1.04 The historic grouping then alters as you travel east along Heath Road, with development formed of single storey buildings with a more industrial appearance, with the existing large petrol garage forecourt with pumps and canopy forming part of the application site.
- 1.05 There is an office/waiting room (temporary structure) and water storage tanks for use by the hand car wash, which currently sit behind the boundary hedge. To the north of the car wash area is a car sales showroom, with a portacabin office and an MOT/service building.

2.0 PROPOSAL

- 2.01 The proposal seeks (part retrospective) planning permission for the change of use of part of the site to a hand car wash facility. Since the application was submitted the operation of the car wash facility has temporarily ceased dependant on the outcome of this application.
- 2.02 Retention of an office/customer waiting room.
- 2.03 The installation of an acoustic enclosure and provision of a new customer parking area.

3.0 POLICY AND OTHER CONSIDERATIONS

Maidstone Borough Local Plan (2017) (MBLP) policies SS1, SP18, DM1, DM4, DM23, DM30, DM37.

Boughton Monchelsea Neighbourhood Plan (BMNP): LRE 2

Cock Street Conservation Area Appraisal/Management Plan

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 limited, as it will be the subject of a future examination in public.

4.0 LOCAL REPRESENTATIONS

4.01 Neighbour consultations were sent to 22 addresses, five responses have been received, one petition with 311 signatures in support, two further in support and two objecting to the application for the following reasons:

- Noise and disturbance
- Highway safety and traffic increase
- Visual Impact
- Conservation area Impact
- Drainage/environmental matters

5.0 CONSULTATIONS

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

Boughton Monchelsea Parish Council

5.01 This application is called in for a committee decision for the following reasons:

- The development is visually intrusive with an intensified business use of the site in the context of the adjacent conservation area and listed buildings.
- The extent of visual impact of signage.
- The negative impact on the conservation area.
- Highway safety
- Light pollution

Mid Kent Environmental Protection Team

5.02 No objection raised subject to conditions relating to the installation of noise mitigating measures prior to operation

MBC Conservation Team

5.03 Retrospective works - Retention of existing hand car wash facility and office/customer waiting room. The existing structure which forms the office/ waiting area is a temporary structure that is set behind the established boundary hedge. A low-level sign forms the edge of the concrete slab that allows wastewater to be collected. These are considered to be low key, and reversible and cause no harm to the setting of the listed buildings or conservation area.

5.04 Consideration has been undertaken whether a more permanent structure for the office/ waiting area should be constructed in a style to respond to the existing brick structures or the farm buildings. However, on balance, the existing office/ waiting area is a temporary structure and is in a position that is visually screened. The structure can be easily removed and does not create an additional permanent structure on the site.

5.05 Proposed works - Installation of acoustic enclosure and provision of a new customer parking area. The proposed Acoustic shelter is a simple structure with glass sides and PVC strips allowing the cars to enter/ exit. The roof is formed of a curved

mono-pitch system, at approximately 4.38m high. The proposed position places the shelter adjacent to the filling pipes and underground tanks for the petrol station, above the existing concrete slab.

- 5.06 The proposed position of the structure will be partly screened when leaving the conservation area by the existing petrol station signage, pumps, etc. However, when approaching the conservation area, the new shelter will be seen. The proposed structure is considered to be lightweight, both in terms of construction and material choice, and it retains a commercial appearance that forms the wider site, but it does introduce more built form on a former open site.

Environment Agency

- 5.07 No objections subject to conditions relating to the treatment of future contamination if found during development or implementation of further drainage.

KCC Highway Authority

- 5.08 Raise no objection as it will not create a severe or significant impact on the highway subject to conditions relating to provision and retention of parking facilities within the site and provision to prevent discharge of surface water onto the highway.

KCC Minerals

- 5.09 No comments.

6.0 APPRAISAL

- 6.01 The key issues are:

- Impact on the nearby Cock Street Conservation Area
- Noise Impact on neighbouring amenity
- Highway safety and traffic increase
- Environmental impacts regarding drainage of effluents.

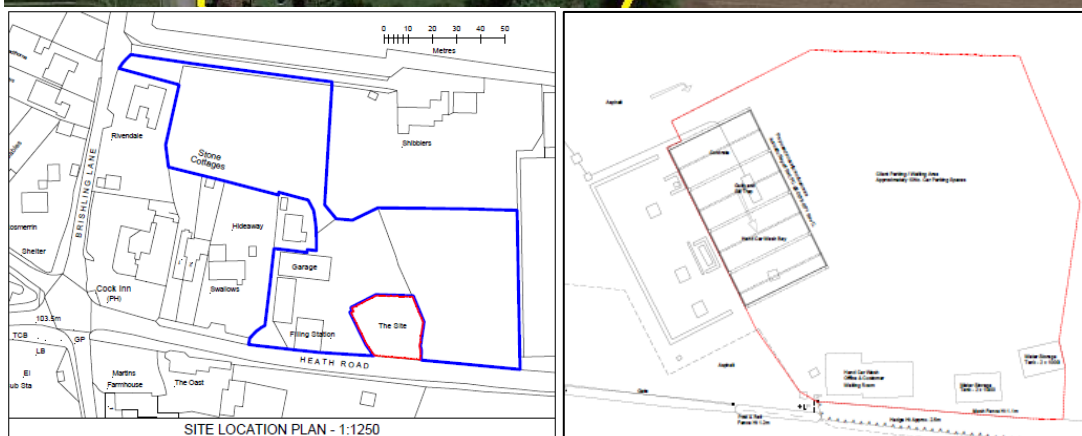
Impact on Cock Street Conservation Area

- 6.02 Policy SP18 of the Local Plan concerns the historic environment and requires that, inter-alia, the characteristics of heritage assets are protected, and design is sensitive to heritage assets and their settings.
- 6.03 Policy DM4 of the Local Plan also relates to development affecting designated heritage assets and requires applicants to ensure that new development affecting heritage assets conserve, and where possible enhance, the significance of the heritage asset.
- 6.04 When considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. When considering any planning application that affects a conservation area a local planning authority must pay special attention to the desirability of preserving or enhancing the character or appearance of that area
- 6.05 The previous car wash approval sought to utilise the existing fuel station forecourt as the car wash area, this area has now been brought back into use as a petrol station, and the car wash use has moved 16m to the east further from the conservation area and nearest residential property. The area was previously used to store vehicles, as such the visual impact would not increase.

6.06 The extent of the conservation area and the layout of the application site can be seen below.



6.07



6.08 The Cock Street management plan makes reference to the application site as a negative feature. It considers that the area surrounding the application site is rural in nature and a neighbouring car wash use and the application site is more associated with an urban area. The deterioration of the rural nature of the area is an issue that is specifically mentioned within the conservation area appraisal.

6.09 The office building itself is a single storey timber clad building and will sit behind the retained boundary hedging.

6.10 The previous application assessed that the petrol station forecourt, nearer to the conservation area, where the car wash was originally proposed, is shielded from the conservation area by the mature Leylandii trees bordering the neighbouring application site, the canopy is only significantly visible when entering the conservation area. Views of the canopy are limited from within the conservation area itself.



View leaving the conservation area heading east.



View approaching the conservation area heading west.

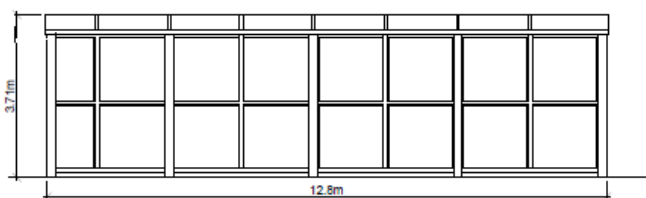
- 6.11 The proposed car wash use is now located further away from the conservation area and any listed buildings, and a similar assessment can be made as was made when the car wash was previously proposed to be located under the petrol station canopy, indeed the view of the car wash and the office building is viewed when leaving the conservation area. It is the petrol station that is visible when entering the conservation area, not the car wash bays. A consideration is (as previous) that the petrol station did not require permission to be brought back into use. The petrol station canopy is not part of this application.
- 6.12 Given that the development is outside of the conservation area, it is considered with the boundary screening from the Swallows, some 18m of boundary hedgerow at the eastern end at the front of the site, the relatively small structures and the lightweight acoustic enclosure, the proposal would not significantly harm the nearby Heritage assets or the setting of the conservation area.
- 6.13 The glass and 'Eurobond' structure would be lightweight in construction and visual appearance, measuring 6.6m x 12.8m x 3.7m high. Set back some 7m back into the site.
- 6.14 The office and customer waiting room at 2.7m in height sits adjacent to the front boundary behind front boundary hedging which is approx. 2.5m in height, and therefore acceptable in visual impact.
- 6.15 Signage cannot be considered as a reason for refusal because the application is not seeking this. Any new signage would need advertisement consent

Noise Impact on Neighbouring Amenity

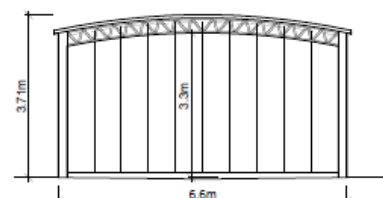
- 6.16 The closest neighbouring property to the car wash area is 'The Barn' located 50m to the south of the car wash area, it is separated from the application site by substantial hedging as well as Heath Road itself. Another property 'The Oast' is located immediately to the northwest of 'The Barn' and located approximately 50m from the car wash area. 'Swallows' is located 45m to the northwest of the car wash area and separated from the area by the garage/office building, the station forecourt and a row of mature Leylandii trees along the boundary of the neighbouring property and the petrol station.
- 6.17 It is agreed that an element of noise will be introduced as pressure washers create noise due to the mechanical equipment and water striking the vehicles being cleaned. The previously refused application did not demonstrate how the

intensification of the proposed new use could mitigate neighbouring occupiers in terms of noise, nuisance and activity.

- 6.18 The enclosure will be constructed of 4mm Pilkinton glass panels which offers a sound reduction of Rw 29dB, a 75mm Eurobond roof panel system which offers a sound reduction of Rw 30dB and 3mm thick overlapping PVC strip curtains to achieve an approximate sound reduction of Rw 15dB.



East and West elevations



North and South elevations

- 6.19 As considered previously, in terms of residential amenity, the proposed use would be somewhat separated from surrounding dwellings by a reasonable distance. The amenity assessment from the previously approved application (18/505205/FULL) is included below in its entirety to provide some background as to why the car wash at the front of the site was permitted.

"Whilst it is accepted that there may be some noise and disturbance arising from the use, the existing context and also the fallback position must be considered. Firstly, the existing context is that the site is within an already commercial area including use for servicing, repairs and MOTs, which are generally uses which generate high amounts of noise. Also, the road outside the site is a class B road, carrying a significant volume of traffic and with a speed limit of 40 mph. Therefore, existing background noise is already likely to be significant in the vicinity."

- 6.20 Whilst it has been pointed out that the speed limit is 30mph at this point, it is very close to the change in speed limit, thereby does create the same, if not similar ambient noise and would in some way mitigate the concerns regarding the ingress and egress of the site.
- 6.21 The proposed hours of use are 8 AM to 6 PM on Mondays to Saturdays and 9 AM to 5 PM on Sundays and bank holidays. Outside of these hours it is considered that background noise is likely to be significantly reduced.
- 6.22 The applicant has this time submitted an acoustic assessment which concludes that without mitigation the noise impact of the car wash operation is +11dB over background at the relevant receptors.
- 6.23 The report then recommends that mitigation is installed in the form of an acoustic enclosure and provides a specification for its installation. With the enclosure modelled sound levels at relevant receptors are in excess of 10dB below background and should not be perceptible. As such, no objection is raised from Environmental services.
- 6.24 Therefore, it is considered that this issue of noise could be dealt with by a condition restricting the use to the proposed hours. With regard to spraying and any odours from valeting products, given the separation from neighbouring properties, this issue is not considered to result in significant harm to the quality of residential amenity.
- 6.25 Paragraph 185 of the National Policy Framework states that new development should be appropriate for its location, taking into account the likely effects on health

and living conditions and advises that schemes should avoid noise giving rise to significant adverse impacts on health and the quality of life. This policy reflects the objectives of Policy DM1 of the Maidstone Borough Local Plan (2017) and Policy LRE1 of the BMNDP (2021).

Highway Safety and Traffic Increase

- 6.26 The car wash operation is likely to result in an increase in vehicles entering and leaving the site, however, in light of the comments received from KCC Highways it is not considered that the development would have a detrimental impact upon highway safety, increased traffic or parking in the area or the wider highway network. No objections were received from KCC Highways.
- 6.27 It is recommended that conditions are imposed to improve the 5m bound surface fronting the site, retention and maintenance of existing parking provision and provision of measures to prevent the discharge of surface water onto the highway.

Drainage/Environmental Matters

- 6.28 The 'Phase 1 Environmental Assessment Report' (Subadra, ref IN22743 CL 001, May 2022) refers to all surface water drainage from the current and proposed vehicle washing facilities draining to the local mains sewer network via various pollution control measures (interceptors, etc)
- 6.29 Southern Water have under the Water Industry Act 1991 issued a Consent to the discharge of trade effluent.
- 6.30 No objection has been raised, subject to recommended conditions and informatives on any permission granted.

Boughton Monchelsea Neighbourhood Development Plan 2021(BMNDP)

- 6.31 Policy LRE1 – Rural economy seeks to encourage development of existing and new industries that would not have a significant adverse impact on existing, biodiversity and existing green infrastructure, and would not cause harm to the tranquil countryside setting.
- 6.32 This impact is already covered above.
- 6.33 The proposal would accord with the four-point criteria set out in paragraph 1 of Policy DM37:
- i. The new buildings are small scale, and the main enclosure constructed of lightweight materials;
 - ii. the increase floorspace would not lead result in unacceptable traffic levels on nearby roads or use of an existing substandard access;
 - iii. the new development would not result in unacceptable loss of amenity in the area or impact on nearby properties, and
 - iv. there would be no open storage of materials.

Representations

- 6.34 A petition in support with 311 names and addresses was submitted in support of the development. This has been signed by a wide range of users locally, from within the borough of Maidstone and further afield as far as Sevenoaks. Although, little weight can be afforded to this petition on the face of it, it would appear that the carwash brought support and benefit to the area and local businesses.

- 6.35 Two representations of support were received with support for the cash wash and its benefits.
- 6.36 It is considered that the material planning matters concerning noise, traffic, drainage, visual amenity and impact on the conservation area raised in the objections received, have been dealt with, and fully justified within this report.

7. CONCLUSION

- 7.01 Although the site sits adjacent the Cock Street Conservation area, the proposed scheme is outside of the conservation area and is considered to cause less than substantial harm (at the low end of the scale) to the setting of the designated heritage assets.
- 7.02 The proposed acoustic measures, including the washing enclosure would serve to reduce noise levels of the jet wash and vacuums.
- 7.03 The drainage and environmental issues have been addressed and are now considered acceptable.
- 7.04 For the reasons set out above it is considered that the proposed introduction of a car wash and associated buildings and structures would not cause significant visual harm, harm to neighbouring amenity, the Cock Street Conservation Area, nor would it be unacceptable in terms of any other material planning considerations.
- 7.05 The proposal complies with the relevant policies of the development plan (Maidstone Borough Local Plan, 2017), The Boughton Monchelsea Neighbourhood Plan and provisions set out in the National Planning Policy Framework and there are no overriding material considerations to indicate a refusal of planning permission.

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 approved shall be carried out in accordance with the following approved plans and documents:
 - 2630-2 Rev A Existing Site Plan
 - 2630-03 Rev A Proposed Site Plan
 - 2630-01 Rev B Site Location Plan and Pre-Existing Site
 - 2630/4 Rev D Proposed kiosk And Enclosure Inc Drainage
 - SUBADRA – Phase one environmental assessment report (May 2022)Impact Assessment prepared by Pace Consult ref. PC-22-0019-RP1 Rev C
Reason: in the interests of proper planning.
- 3) The Car wash shall not be open to the public other than between the hours of 08:00 to 18:00 Monday to Saturdays; and 09:00 to 17:00 on Sundays and public Hlic holidays.

Reason: To safeguard the amenities of the occupiers of neighbouring properties and the locality generally

- 4) Prior to the first operation of the car wash. The mitigation specified in Pace Consulting acoustic report reference PC-22-0019-RP1 Rev C shall be installed in full. This shall then be retained and maintained to the satisfaction of the local planning authority.

Reason: In the interests of residential amenity.

- 5) Prior to the operation of the development, a management plan covering the entirety of the operation shall be submitted for approval to the local planning authority. The plan shall include but not be limited to examples such as hours of operation and delivery, control of noise from plant and machinery, noise from internal and external activities. The plan should include procedures for response to complaints from residents or the local authority. It should include a review mechanism in response to justified complaints. Once approved the plan shall be implemented to the satisfaction of the local planning authority.

Reason: In the interests of residential amenity.

- 6) Prior to first occupation bound surface for the first 5 metres of the access from the edge of the highway should installed.

Reason in the interests of Highway safety.

- 7) Provision and permanent retention of the vehicle parking spaces and/or garages shown on the submitted plans prior to the use of the site commencing.

Reason: In the interests of amenity.

- 8) 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 (LPA)) shall be carried out until a remediation strategy detailing how this contamination will be dealt with has been submitted to and approved in writing by the LPA. The remediation strategy shall be implemented as approved.

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution from previously unidentified contamination sources at the development site in line with paragraph 174 of the National Planning Policy Framework (NPPF).

INFORMATIVES

1. Advertisements: The applicant is advised that any new signage may require the benefit of separate advertisement consent, see advice on the following website: <https://www.gov.uk/government/publications/outdoor-advertisements-and-signs-a-guide-for-advertisers>
2. Construction: The applicant is advised of the Mid Kent Environmental Code of Development Practice produced by the Mid Kent Environmental Protection Team (shared service between Maidstone Tunbridge Wells and Swale). This guidance is available on the Tunbridge Wells website at the following link: <https://tunbridgewells.gov.uk/environment/environmental-code-of-development-practice>

Agenda Item 13



Ordnance Survey - data derived from OS Premium

22/501055/FULL Orchard View Garage, Benover Road, Yalding, Maidstone, Kent, ME18 6EN

Scale: 1:1250
N

Printed on: 11/7/2022 at 10:09 AM by JoannaW



REPORT SUMMARY

REFERENCE NO: - 22/501055/FULL		
APPLICATION PROPOSAL: (Part retrospective) Demolition of existing workshop. Erection of single storey side extension for uses falling within uses falling within Class E: (a) display or retail sale of goods, other than hot food, principally to visiting members of the public, or (b) sale of food and drink principally to visiting members of the public where consumption of hot food and drink is mostly undertaken on the premises, or (c) provision of the following kinds of services principally to visiting members of the public - (i) financial services, (ii) professional services (other than health or medical services), (iii) any other services which it is appropriate to provide in a commercial, business or service locality, or g (i) an office to carry out any operational or administrative functions.		
ADDRESS: Orchard View Garage, Benover Road, Yalding, Maidstone, Kent, ME18 6EN		
RECOMMENDATION: GRANT PERMISSION subject to conditions.		
SUMMARY OF REASONS FOR RECOMMENDATION: It is assessed that the development is in accordance with local and national planning policies and would not have a harmful impact upon the character and appearance of the area including the conservation area or the amenity of the area and neighbouring properties nor would it impact upon the highway network or parking in the area.		
REASON FOR REFERRAL TO COMMITTEE: The application has been called in by Yalding Parish Council should the case officer be minded to recommend the application be approved. This is on the basis that the development would have a harmful impact upon the highway network and parking in the area.		
WARD: Marden and Yalding	PARISH Yalding	COUNCIL: APPLICANT/AGENT: Nyalla Mussarat / Steve Clarke
CASE OFFICER: William Fletcher	VALIDATION DATE: 09/03/2022	DECISION DUE DATE: 02/09/2022
ADVERTISED AS A DEPARTURE: NO		

Relevant Planning History

21/501736/FULL - Demolition of existing garage and erection of a one bedroom dwelling. (Part retrospective. Resubmission of 20/503628/FULL).

Refused 08/07/2021 on the following grounds: The application has failed to demonstrate that the development would provide an adequate standard of residential accommodation in relation to the risk from flooding both in terms of internal floor levels and in the event of the need for evacuation off-site and the associated risk to future occupants and the emergency services. The development is not in accordance with policy DM1 of the Maidstone Borough Local Plan, and NPPF and NPPG guidance.

20/503628/FULL - Change of use of part existing office together with side and rear extension to create a one bedroom flat. (Part retrospective).

Refused 28/10/2020 on the following grounds: The development by way of its flat roof form, box like appearance, proposed window design and the external finishes would result in an incongruous addition to the building, that is out of keeping with the character and appearance of the surrounding area and would have a detrimental impact upon the Yalding Conservation Area contrary to policies SP18, DM1 and DM4 of the Maidstone Borough Local Plan (October 2017).

The application has failed to demonstrate how the development would be resilient to the impacts of flooding, and would present a risk to future occupants. The development is not in accordance with policy DM1 or paragraph 155 of the NPPF (2019)

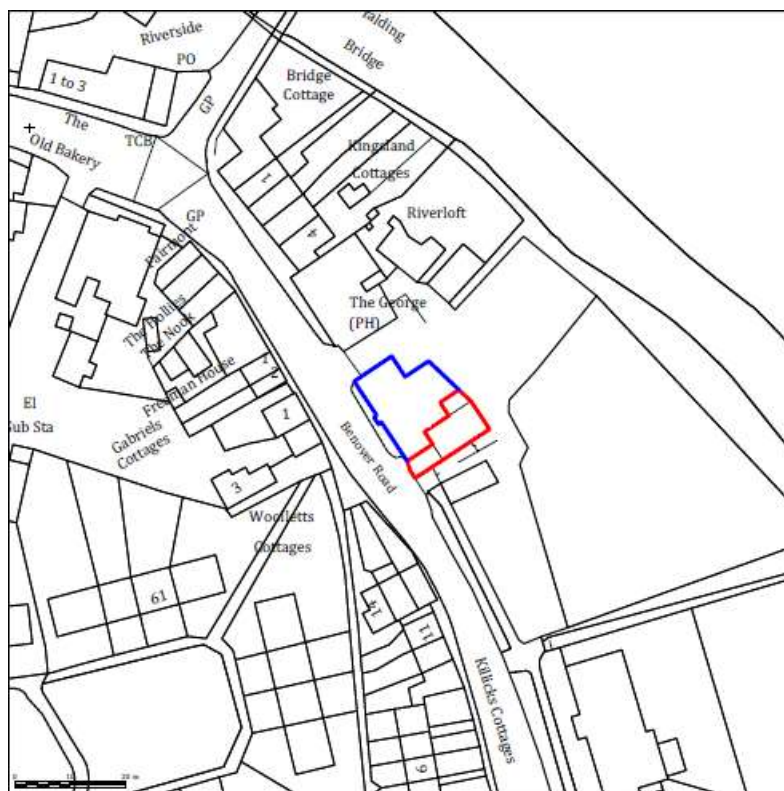
02/0433 - Change of use from shop (Class A1) to a mixed use as a shop (Class A1) and a cafe (Class A3), as shown on drawing no. 297-4 and location plan received on 11.02.02.

Approved.

1.0 DESCRIPTION OF SITE

- 1.01 The application site is situated on the eastern side Benover Road, Yalding. The application site is located within the Yalding Conservation Area and within the Local Plan designated Benover Road Local Centre, the application site is within flood zones 2 and 3.

Image 1: Block Plan



- 1.02 The application site forms part of the larger building that is occupied by Costcutter /Orchard Viewstore with the application site to the southern end of the building. In the block plan above the Costcutter/Orchard View store is in the building annotated in blue and former garage was in the location highlighted in red.

- 1.03 The applicant has stated *"The application site comprises the premises of the former Orchard Garage. These previously comprised a single storey workshop and an attached office on the north west corner. The garage workshop consisted of a steel corrugated low slung pitched roof. The North West and North East elevations consisted of face brick walls windows and a metal door which were all in poor condition. The entrance to the garage workshop had a roll up garage door and a part rendered wall with translucent plastic corrugated sheeting above the garage door. The same sheeting was also at the rear of the garage workshop. It had ceased being used as a workshop, and added little value to the shop or village. Furthermore, the building was not structurally sound. The workshop building has been demolished and subsequently partially rebuilt"*.

Original application building (annotation added)



2.0 PROPOSAL

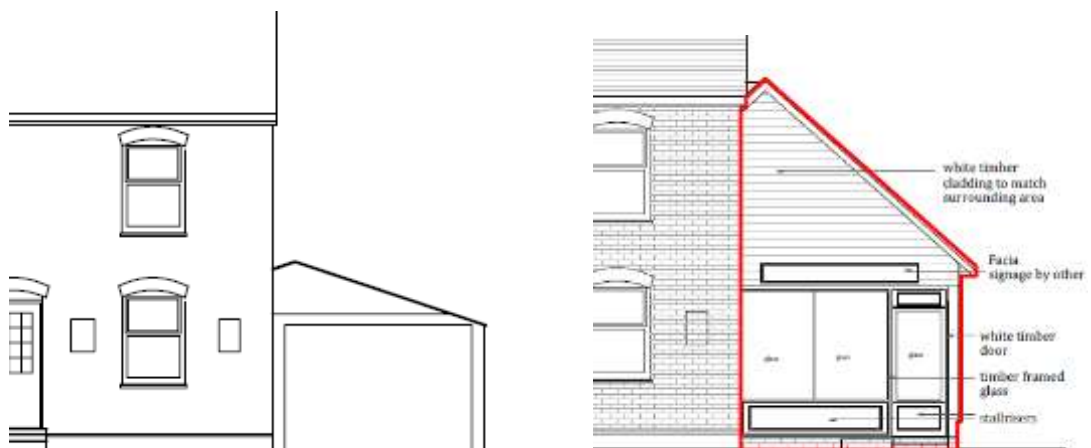
- 2.01 The application is retrospective (works have commenced, see the below photo) and seeks the demolition of the existing workshop and in its place erect a single storey side extension with office accommodation in the roof space all to be used within Class E uses, specifically:
- (a) display or retail sale of goods, other than hot food, principally to visiting members of the public, or
 - (b) sale of food and drink principally to visiting members of the public where consumption of hot food and drink is mostly undertaken on the premises, or
 - (c) provision of the following kinds of services principally to visiting members of the public - (i) financial services, (ii) professional services (other than health

- or medical services), (iii) any other services which it is appropriate to provide in a commercial, business or service locality, or
- (g) (i) an office to carry out any operational or administrative functions.

Application site 15/08/2022 (application building highlighted in red)



Image 2: Existing elevation top, proposed elevation bottom.



3.0 POLICY AND OTHER CONSIDERATIONS

Maidstone Borough Local Plan (2011-2031):

SS1 – Maidstone borough spatial strategy
SP11 – Larger villages
SP16 – Yalding larger village
SP18 – Historic environment
DM1 – Principles of good design
DM4 – Development affecting designated and non-designated heritage assets
DM17 – District centres, local centres and local shops and facilities
DM23 – Parking standards

The National Planning Policy Framework (NPPF):

Section 9 – Promoting sustainable transport
Section 12 – Achieving well-designed places
Section 16 – Conserving and enhancing the historic environment

Maidstone Borough Council – Local Plan Review, draft plan for submission (Regulation 22) dated October 2021.

- The Regulation 22 draft 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.

4.0 LOCAL REPRESENTATIONS

- 4.01 As well as the posted site notice, ten neighbouring properties were consulted by direct mail regarding the proposed development. The consultation expired on 05/04/2022, one representation was received in objection to the development.
- 4.02 The representation in objection is on the basis that the development would have a harmful impact upon the highway network, and that the development would result in a loss of privacy.

5.0 CONSULTATIONS

Yalding Parish Council

- 5.01 Objection on the basis of lack of parking and highway safety.
- 5.02 Should the Planning Officer be of a mind to approve the application Councillors ask that it be called in to the MBC Planning Committee.

KCC Highways

- 5.03 No objection for the following reasons: This consultee initially replied with their standing advice, no objections received. Following this it was requested that additional comments be provided which are as follows (summarised):
- 5.04 Should the proposals be granted permission then the floor space will increase by 9 square meters, leading to an overall floor space of 77 square meters. KCC Highways have undertaken their own objective assessment of the proposals. No collisions have occurred during the last 5 year period [CrashMap - UK Road Safety Map](#). The access arrangements are therefore acceptable to KCC Highways.
- 5.05 Given the extremely modest nature of the proposals it is not considered that the impact of any additional traffic generation created by the development could be

reasonably described as 'severe' in capacity or safety terms. Whilst the applicant is only seeking to provide 1 parking space on site, the maximum nature of the standard (Supplementary Guidance Planning Note (SPG4)) means that compliance has been achieved.

- 5.06 Suitable opportunities are present to park within the street KCC Highways raise no objection to the proposals.

MBC Conservation

- 5.07 No objection subject to conditions on joinery details for the shop front and the windows.

6.0 APPRAISAL

- 6.01 The key issues are:

- Loss of existing use and acceptability of the proposed use
- Character and Appearance
- Residential amenity
- Transport, highways, access and parking
- Flood risk

Loss of existing use and acceptability of the proposed use

- 6.02 The application site is located within a local centre (High Street/Benover Road, Yalding) The supporting text to policy DM17 (paragraphs 6.78 – 6.82 of the Local Plan) details how local convenience shops and other facilities play an important role in sustainable development, by meeting the day-to-day needs of local communities.
- 6.03 The application site comprises the premises of the former Orchard Garage. This previously comprised a single-storey workshop and an attached office on the northwest corner.
- 6.04 The applicant advises that the application building was in use as a workshop for the repair of vehicles/machinery when they purchased Costcutter/Orchard View Stores in 2004. That workshop use ceased at that time and the application floorspace was then used to accept Costcutter/ Orchard View Store shop deliveries.
- 6.05 Since the adoption of the Local Plan in 2017, major changes have taken place to the operation of the planning use classes system (Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020) and these changes have introduced substantially more flexibility in the use of buildings and the need for planning permission.
- 6.06 These changes include the deletion of the former 'A' use class so there is no longer a 'retail' use class. The changes mean that a use can change between shops, restaurants, cafés, clinics, crèches, banks, offices, light industrial, indoor sports within the new Use Class E without a need for planning permission. The existing Costcutter/Orchard view store and the new floorspace are both within Use Class E, however the applicant has sought to restrict the range of uses in the application floorspace. These uses are retail, sale of food and drink, financial and professional services, and office or business uses. Whilst the current application does not relate purely to a retail use, the proposed uses will add to the vitality and viability of the area by attracting customers and activity to this location.

Character and Appearance

- 6.07 Policy SP18 of the Local Plan relates to the historic environment and requires that, inter-alia, the characteristics of heritage assets are protected and design is sensitive to heritage assets and their settings. Policy DM4 of the Local Plan also relates to development affecting designated heritage assets, and requires applicants to ensure that new development affecting heritage assets conserve, and where possible enhance, the significance of the heritage asset.
- 6.08 Policy DM1 states that development 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 – incorporating a high quality, modern design approach and making use of vernacular materials where appropriate.
- 6.09 The National Planning Policy Framework states: In determining applications, local planning authorities should take account of: a) desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation; b) positive contribution that conservation of heritage assets can make to sustainable communities including their economic vitality; and c) desirability of new development making positive contribution to local character and distinctiveness.
- 6.10 The planning (Listed Buildings and Conservations Areas) Act 1990 provides specific protection for buildings and areas of special architectural or historic interest. The Act places a duty on local planning authorities in making its decisions to pay special attention to the desirability or preserving or enhancing the character or appearance of conservations areas.
- 6.11 As depicted in the above site description section the host building is a two storey brick built terrace row with a gable roof.
- 6.12 The application site is located within the Yalding conservation area. The “Lees” Character Area which includes the application site is described as following in the Yalding Conservation Area Appraisal. “South of the river Beult Lees Road/Benover Road performs very much the same function as the High Street to the north. It is really the only street in the conservation area and all life is here. Again, similar to the High Street, Lees Road has a wide variety of building styles although they are generally from the Georgian/Victorian periods or later. The scale of buildings in this part of the conservation area is much more uniform. Many of the properties have steps up to the ground floor which is a sure signal that this part of the town is subject to flooding.”
- 6.13 The proposed single storey extension would be similar in appearance with its gable roof form albeit with white timber cladding on the side elevation. As depicted below.

Proposed Southeast Elevation



- 6.14 A gable dormer would also be added to the northwest elevation. This is a minor addition to the roof form that is appropriate in its design. It is not visible from the street scene and as such its impact is very limited.
- 6.15 The main visual difference with this application is that the entrance to the building would be more 'retail' in character. Following the submission of revised drawings, after conservation officer feedback, the development will not cause any harmful visual impact. Conditions will be imposed to ensure that suitable glazing and materials are used for the entrance.
- 6.16 There are listed buildings to the approximately 20m to the south (Wooletts Cottages) and 10m opposite the application site to the west (Gabriel's Cottages). When making a decision that affects a listed building or its setting, a local planning authority must have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
- 6.17 With the separation distance between the application site and the listed buildings and the intervening buildings the development will not have a harmful impact upon these Grade II listed properties. There is no objection raised by the conservation officer.

Residential Amenity

- 6.18 Local Plan policy DM1 advises that proposals which would create high quality design and meet a number of stated criteria will be permitted. These criteria include respecting the amenities of occupiers of neighbouring properties and uses by ensuring that development does not result in excessive noise, vibration, odour, air pollution, or activity or vehicular movements. There is a requirement to incorporate measures for the adequate storage of waste.
- 6.19 Neighbouring properties to the south are 20m away due to this distance and it is not considered that a detrimental loss of privacy or any overshadowing of properties would occur as a result of the development.
- 6.20 In terms of the dormers impact, the existing building has fenestration on the northeast elevation which sits within close proximity (10m) to the dormer. Window to window views are only possible at extreme angles and as such the development would not cause a harmful amenity impact to occupants of the existing property.

- 6.21 Whilst concerns have been raised regarding loss of neighbouring amenity, some consideration needs to be given to the fact that the existing garage has a lawful use and could be brought back into use which would be much more harmful in terms of aural amenity.
- 6.22 It is not assessed that the proposed use would have a harmful impact upon the amenity of neighbouring properties.

Transport, highways, parking and access

- 6.23 Policy DM1 states that applications must ensure that development does not result in, amongst other things excessive activity or vehicle movements.
- 6.24 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"
- 6.25 The submitted heritage statement indicates that there is a space for one vehicle to park on site to front of the building.
- 6.26 It is not assessed that the traffic generation from what is a modest retail use could be described as severe.
- 6.27 KCC Highways, the Council's expert advisors on highways matters have not objected to the application following an assessment nor have they objected to similar proposals elsewhere in the borough, for example 20/501667/FULL in Maidstone town.
- 6.28 Paragraph 110 of the NPPF refers to the impacts of a proposal – the additional traffic movements, and at peak times, traffic volumes and congestion around Yalding is higher but the relative impact of the proposal against this is proportionally small and could not be described as severe.
- 6.29 Assuming the original garage operated as a commercial premises this would have generated on street parking demand. There are opportunities to park on street within Yalding and as such it is not assessed that the proposal results in such a significant level of harm to the highway network that a refusal on the basis of highways impact would be warranted.

Flood Risk

- 6.30 The application site is located within Flood Zones 2 and 3, despite this a retail use in Flood Zones is acceptable and a refusal on the grounds of flood risk would not be appropriate in this instance.

PUBLIC SECTOR EQUALITY DUTY

- 6.31 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.

7.0 CONCLUSION

- 7.01 The development is appropriate in this location and would not have a harmful impact upon the host building or the wider conservation area. The development would not harmfully impact upon the amenity of neighbouring properties the wider highway network, or parking in the area.

8.0 RECOMMENDATION –

GRANT PLANNING PERMISSION subject to the following conditions

- 1) The development hereby approved shall be carried out in accordance with the following approved plans and documents:

Application for planning permission

Flood Risk Assessment

P 01 20025 Rev A Existing Floor and Elevations Plan

P 02 21011 Rev F Proposed Floor And Elevations Plans

P 03 21011 Rev C Site And Block Location Plans

P 05 21011 Rev A Street Scene

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

- 2) Within three months of the decision hereby issued the following details shall be submitted to and approved by the local planning authority
- Details and samples of the materials to be used in the construction of the external surfaces of the building(s) hereby permitted.
 - Large scale drawings (at a scale of 1:20 or 1:50) of joinery details for the proposed shop front and the windows.

The development hereby approved shall thereafter be undertaken in accordance with the subsequently approved details.

Reason: To ensure a satisfactory appearance to the development and to ensure the quality of the development is maintained and to prevent harm to wider conservation area

- 3) The use of the premises shall be restricted to Class E:
- display or retail sale of goods, other than hot food, principally to visiting members of the public, or
 - sale of food and drink principally to visiting members of the public where consumption of hot food and drink is mostly undertaken on the premises, or
 - provision of the following kinds of services principally to visiting members of the public - (i) financial services, (ii) professional services (other than health or medical services), (iii) any other services which it is appropriate to provide in a commercial, business or service locality, or
 - (i) an office to carry out any operational or administrative functions.

Reason: In the interest of safeguarding the amenity of the area and so the Local Planning Authority can assess the impacts of other uses at the premises.

- 4) The operating hours of the premises shall be restricted to the hours of 07:00 to 19:00 hours Mondays to Saturdays and 09:00 to 17:00 hours on Sundays and Bank Holidays.

Reason: In the interests of safeguarding neighbouring amenity.

- 5) The use of the premises shall not commence until details of any plant (including ventilation, refrigeration and air conditioning) or ducting system to be used in pursuance of this permission 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 prior to the first use of the building. The scheme shall include an acoustic assessment which demonstrates that the noise generated at

the boundary of any noise sensitive property shall not exceed Noise Rating Curve NR35 as defined by BS8233: 2014 Guidance on sound insulation and noise reduction for buildings and the Chartered Institute of Building Engineers (CIBSE) Environmental Design Guide 2006. The equipment shall be maintained in a condition so that it does not exceed NR35 as described above, whenever it's operating. After installation of the approved plant, no new plant or ducting system shall be used

Reason: In the interests of visual and aural amenity.

- 6) The use of the premises shall not commence until details for a scheme for the enhancement of biodiversity on the site shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall consist of the enhancement of biodiversity through integrated methods into the design and appearance of the extension by means such as swift bricks, bat tube or bricks. The development shall be implemented in accordance with the approved details and all features shall be maintained thereafter.

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

- 7) The use of the premises shall not commence until 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 the use of the premises commences, and maintained thereafter.

Reason: In the interests of amenity and the streetscene.

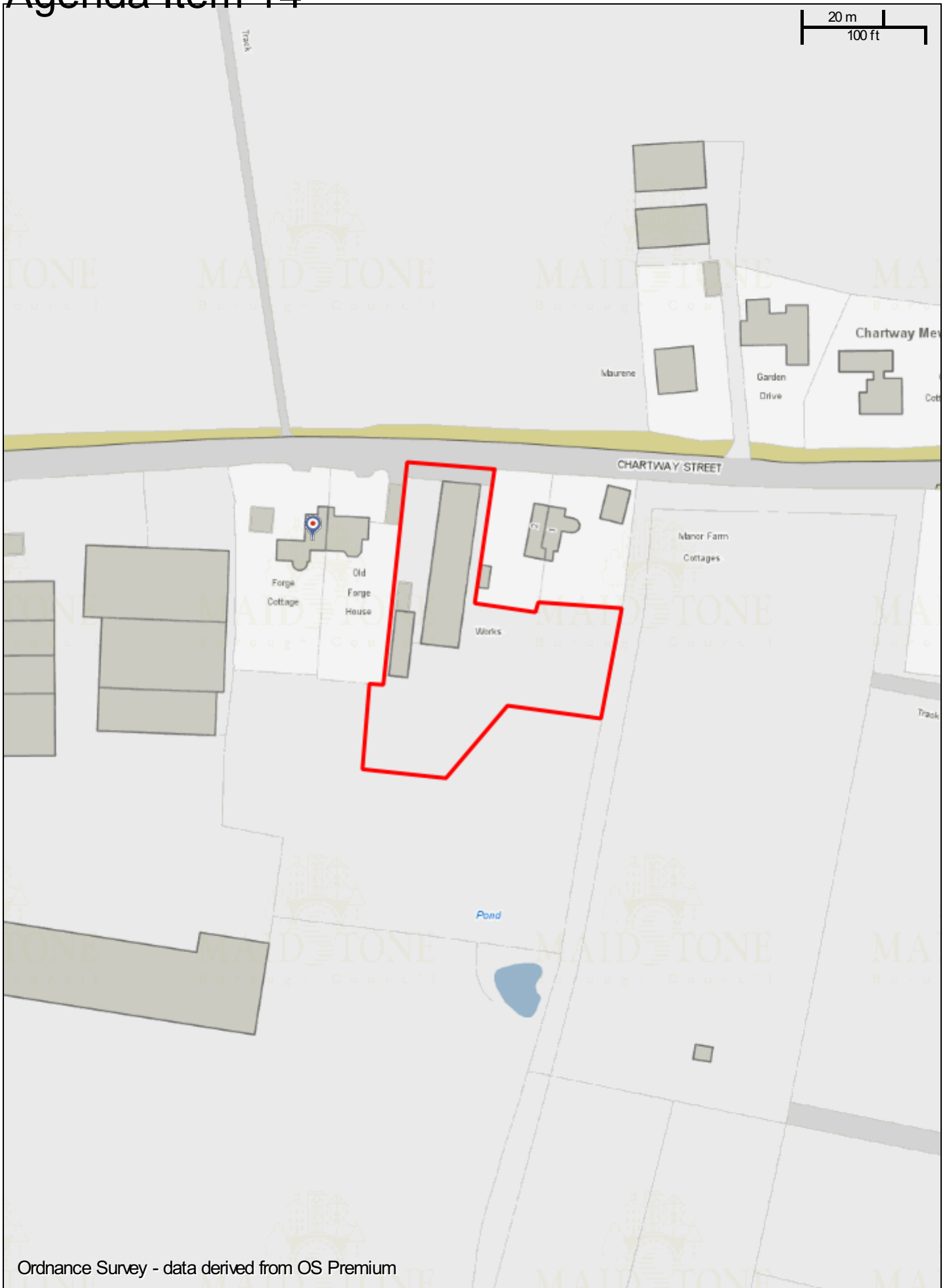
- 8) The use of the premises shall not commence until a scheme for the parking and storage bicycles has been submitted to and approved in writing by the Local Planning Authority. The cycle parking facilities shall be retained and maintained in accordance with the approved details thereafter,

Reason: In order to encourage the use of sustainable modes of transport and access

- 9) The use of the premises shall not commence until a minimum of one electric vehicle charging point has been installed, and shall thereafter be retained for that purpose.

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

Agenda Item 14



Ordnance Survey - data derived from OS Premium

REPORT SUMMARY

REFERENCE NO: - 21/503150/FULL		
APPLICATION PROPOSAL: Demolition of existing buildings and erection of 3no. houses with associated amenity space, landscaping and access.		
ADDRESS: The Old Forge, Chartway Street East Sutton Maidstone Kent ME17 3DW		
RECOMMENDATION: Members deferred the decision at the meeting dated 24/3/22 to allow the applicant to address a number of matters. Further information has now been received his report outlines the additional information received for members to consider. Members are asked to make a decision as to whether the application should be REFUSED as set out in the earlier report (Attached at Appendix A) and repeated below in Section 3.0 or The additional information provided addresses concerns and the application should be APPROVED subject to the conditions set out in Section 3.0		
SUMMARY OF REASONS FOR RECOMMENDATION: Members were minded previously to defer the determination of the application to allow the applicants to provide additional information. This has now been provided and should members agree that these additional measures (principally additional landscaping, ecological enhancements, intention to integrate energy efficient technologies, preliminary details of materials and boundary treatment) overcome the case officers previous conclusion then Members could take the decision to approve the application.		
REASON FOR REFERRAL TO COMMITTEE: East Sutton and Broomfield and Kingswood Parish Council have recommended the application for refusal and although the recommendation is not contrary to their recommendation both Parish Councils have requested the application be considered at Planning Committee irrespective of the recommendation. Members resolved to defer the decision at the meeting dated 24/3/22 to allow the applicant the opportunity to secure negotiations to address a number of matters (Copy of minutes attached at Appendix B)		
WARD: Headcorn	PARISH/TOWN COUNCIL: East Sutton	APPLICANT: Kent Forklifts Ltd AGENT: DHA Planning
CASE OFFICER: Rachael Elliott	VALIDATION DATE: 30/06/21	DECISION DUE DATE: 01/04/22
ADVERTISED AS A DEPARTURE: YES		

Relevant Planning History

See Appendix A – Copy of Committee report from 24/03/21 meeting

MAIN REPORT

1. BACKGROUND

- 1.01 This report should be read in conjunction with the copy of the Committee Report attached at Appendix A and the Committee Minutes attached at Appendix B. Members resolved at the 24/3/22 meeting to defer the determination of the application for the following reason :

That consideration of this application be deferred for further negotiations to secure:

- *A fully worked up ecological and sustainable landscaping scheme to include investigation of how the southern parcel of land in the ownership of the applicant can be safeguarded as an ecological area such as a wood pasture, base-line ecological survey work, and details of the boundary treatments in respect of the property at the site frontage with a 10-year replacement period;*
- *Good quality vernacular materials and detailing;*
- *Energy efficient measures such as heat source pumps; and*
- *A wet SUDS solution for ecological gain.*

- 1.02 In response to this the agent has provided the following.

- 1.03 Written confirmation that :

- We are happy to agree to the provision of ground source heat pumps for the properties;
- We are happy to agree to the inclusion of ragstone in any boundary walls to the front of the site;
- Any cladding of the properties should be in timber rather than man-made cladding;
- Bricks will be stock, and dark in colour;
- The SuDs feature is included on the plan.

- 1.04 Revised site layout plan which indicates the provision of landscaping, SUDS and ecological enhancements to the land to the south of the site (A copy of this plan is attached at Appendix C)

- 1.05 Members are now asked to make a decision whether the additional information would see members minded to approve subject to conditions or refuse the application.

2. CONSULTATION

- 2.01 Re-consultation has been carried out on the additional landscape information, representation is to be received by 20th September 2022. Members will be updated by either the written or verbal urgent updates should any further representation be received.

3. CONCLUSION

- 3.01 The conclusion on the earlier report read :

- 3.02 *The principle of this development proposal is unacceptable due to its unsustainable location and in relation to the council record of housing delivery and the 5 year land supply there is no requirement for new housing in unsustainable locations and there has not been demonstrated that there would be any overriding environmental improvement to warrant the redevelopment of the site and further encroachment into open fields.*

- 3.03 *The new dwellings would introduce inappropriate development into the area with a substantial increase in residential built forms on the open field behind the commercial building. The development would be visible from the wider vantage point created at the junction with Chartway Street due to the removal of the commercial property and would also be visible on public right of way KH531.*

- 3.04 *The application fails to demonstrate that there would not be an impact on protected species whereby the submitted ecological information is historic and does not provide an assessment based on the current characteristics of the site. For these reasons, the application should be refused.*
- 3.05 Members were minded previously to defer the determination of the application to allow the applicants to provide additional information. This has now been provided and should members agree that these additional measures (principally additional landscaping, ecological enhancements, intention to integrate energy efficient technologies, preliminary details of materials and boundary treatment) overcome the case officers previous conclusion then Members could take the decision to approve the application.

4. RECOMMENDATION

The application should be REFUSED for the following reasons :

- (1) The proposal would result in the creation of an unsustainable form of housing development in the countryside with future occupiers reliant on private vehicle use to gain access to basic services and, as such, would be contrary to policies SS1 (Spatial strategy), SP17 (Countryside) and DM5 (Development on brownfield land) of the Maidstone Borough local Plan 2017 and the NPPF
- (2) The proposed development by reason of the size, design and siting of houses and substantial encroachment into adjoining open countryside will result in an unacceptable consolidation of existing sporadic development in the locality with the development appearing as incongruous and detrimental to the rural character and landscape quality of the area contrary to policies SP17 (Countryside), DM1 (Principles of good design), and DM30 (Design principles in the countryside) of the Maidstone Borough Local Plan 2017 and the NPPF.
- (3) The application fails to demonstrate that there would not be an impact on protected species whereby the submitted ecological information is historic and does not provide an assessment based on the current characteristics of the site contrary to Policy DM1 (Principles of good design of the Maidstone Borough Local Plan 2017 and the NPPF.

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 www.maidstone.gov.uk/CIL

Or

The application should be APPROVED 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 and gain agreement from the applicant for pre-commencement 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 No. DHA/11086/50 (Site Location Plan)
Drawing No. DHA/11086_56C (Proposed Site Layout and Landscaping Plan)
Drawing No. DHA/11086/57 (Plot 1 – Proposed Floor Plans and Elevations)
Drawing No. DHA/11086/59 (Plot 2 – Proposed Floor Plans)
Drawing No. DHA/11086/60 (Plot 2 – Proposed Elevations)
Drawing No. DHA/11086/67 (Plot 1 – Proposed Barn Elevations and Roof Plan)
Drawing No. DHA/11086/68 (Plot 3 – Proposed Floor Plans)
Drawing No. DHA/11086/69 (Plot 3 – Proposed Elevations – Sheet 1)
Drawing No. DHA/11086/70 (Plot 3 – Proposed Elevations – Sheet 2)

Reason: To clarify which plans have been approved.

- (2) Prior to the development reaching damp proof course level details of all external materials (including wearing surfaces for the roads, turning and parking areas, showing that the first 5metres of the access from the edge of the highway shall be a bound surface), shall have been submitted in writing for the approval of the Local Planning Authority. The development shall only be carried out in accordance with the approved details. These details shall include that any weatherboarding be timber and a dark stock brick be used in any brickwork.

Reason: In the interests of visual amenity.

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

Reason: To ensure that features of archaeological interest are properly examined and recorded, the details are required prior to commencement of development so that there is no disturbance of any archaeological remains.

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

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

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

Reason : In the interest of public health from the impact of past contamination.

- (5) A Closure Report shall be submitted upon ³⁴completion of the works. The closure report shall include full verification details as set out in point (3) of condition 4. This

should include details of any post remediation sampling and analysis, together with documentation certifying quantities and source/destination of any material brought onto or taken from the site. Any material brought onto the site shall be certified clean;

Reason : To ensure any contamination is satisfactorily dealt with, the details are required prior to commencement to ensure no risk

- (6) Details on the proposed method of foul sewage treatment, along with details regarding the provision of potable water and waste disposal must be submitted to and approved by the LPA prior to occupation of the site.

These details should include the size of individual cess pits and/or septic tanks and/or other treatment systems. Information provided should also specify exact locations on site plus any pertinent information as to where each system will discharge to, (since for example further treatment of the discharge will be required if a septic tank discharges to a ditch or watercourse as opposed to sub-soil irrigation).

If a method other than a cesspit is to be used the applicant should also contact the Environment Agency to establish whether a discharge consent is required and provide evidence of obtaining the relevant discharge consent to the local planning authority.

Reason: To prevent pollution of the water environment and to ensure satisfactory drainage in the interests of flood prevention, details are required prior to commencement to ensure that appropriate methods are utilised which could not take place should the slab be laid.

- (7) The development hereby permitted shall not commence until a scheme for the disposal of (a) surface water (which shall in the form of a SUDS scheme) and (b) waste water have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and retained permanently thereafter.

Reason: To prevent pollution of the water environment and to ensure satisfactory drainage in the interests of flood prevention and in the interest of ecological enhancement, details are required prior to commencement to ensure that appropriate methods are utilised which could not take place should the slab be laid.

- (8) Prior to the development reaching damp proof course 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 approved scheme shall take account of any protected species that have been identified on the site, and in addition shall have regard to the enhancement of biodiversity generally. Methods shall be integral to the new dwellings, within their curtilages and within the area of land outline in blue on the submitted site location plan. It shall be implemented in accordance with the approved proposals within it and shall be carried out in perpetuity.

Reason: To protect and enhance existing species and habitat on the site in the future and to ensure that the enhancement methods can be successfully implemented prior, during or post development.

- (9) No external lighting shall be installed until details have been submitted to, and approved in writing by the Local Planning Authority prior to occupation. This submission shall include a layout plan with beam orientation and a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles). The approved scheme shall be installed, maintained and operated in accordance with the approved details unless the Local Planning Authority gives its written consent to the variation. The scheme shall be in

accordance with the requirements outlined in the Bat Conservation Trust and Institution of Lighting Engineers documents Bats and Lighting in the UK.

Reason: To protect the appearance of the area. the environment and wildlife from light pollution.

- (10) The approved area for parking, access and turning shall be provided, surfaced and drained in accordance with the approved details before the buildings are occupied and shall be retained for the use of the occupiers of, and visitors to, the premises. Thereafter, no permanent development, whether or not permitted by Town and Country Planning (General Permitted Development) Order 2015, shall be carried out on the land so shown (other than the erection of a private garage or garages) or in such a position as to preclude vehicular access to this reserved parking area.

Reason: Development without provision of adequate accommodation for the parking or garaging of vehicles is likely to lead to parking inconvenient to other road users and detrimental to amenity.

- (11) Notwithstanding the provisions of the Town and Country Planning General Permitted Development (Amendment) (England) Order 2015 (or any order revoking and re-enacting that order with or without modification), no development within Schedule 2, Part 1 Classes A, AA, B, C, D, and E shall be carried out.

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

- (12) The development hereby approved shall not commence above slab level until a landscape scheme designed in accordance with the principles of the Council's Landscape Guidelines (Maidstone Landscape Character Assessment Supplement 2012) has been submitted to and approved in writing by the local planning authority. The scheme shall use predominantly native or near-native species as appropriate and 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. It shall also provide details of replacement planting to mitigate any loss of amenity and biodiversity value, the location of any habitat piles of cut and rotting wood and include a plant specification, implementation details, a maintenance schedule and a 10 year management plan. The landscape scheme should be in broad accordance with those details shown on Drawing No. DHA/11086_56C (Proposed Site Layout and Landscaping Plan)

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

- (13) All planting, seeding and turfing specified in the approved landscape details shall be carried out either before or in the first planting season (October to February) following the occupation of the buildings or the completion of the development to which phase they relate, whichever is the sooner; and any seeding or turfing which fails to establish or any trees or plants which, within ten years from the first occupation of a property, commencement of use or adoption of land, die or become so seriously damaged or diseased that their long term amenity value has been adversely affected shall be replaced in the next planting season with plants of the same species and size as detailed in the approved landscape scheme unless the local planning authority gives written consent to any variation.

Reason: To ensure an appropriate appearance and setting to the development.

- (14) No development beyond slab level shall take place until details of all fencing, walling and other boundary treatments have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details before the first occupation of the building(s) or land and maintained thereafter. The boundary treatments shall include the use of railings with ragstone piers along the frontage.

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

- (15) Prior to the occupation of each dwelling a EV charging points providing at least 7kW charging speed shall be installed, available for use and maintained as such for that dwelling.

Reason: To reduce impacts upon air quality.

- (16) 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.

- (17) Prior to first occupation details of cycle parking for each unit shall be submitted to and approved by the Local Planning Authority and the approved detail implementation prior to first occupation of each unit and maintain as such.

Reason : In the interests of promoting sustainable transport.

Informatives

- (1) It is important to note that planning permission does not convey any approval to carry out works on or affecting the public highway.

Any changes to or affecting the public highway in Kent require the formal agreement of the Highway Authority, Kent County Council (KCC), and it should not be assumed that this will be a given because planning permission has been granted. For this reason, anyone considering works which may affect the public highway, including any highway-owned street furniture, is advised to engage with KCC Highways and Transportation at an early stage in the design process.

Works on private land may also affect the public highway. These include works to cellars, to retaining walls which support the highway or land above the highway, and to balconies, signs or other structures which project over the highway. Such works also require the approval of the Highway Authority.

Kent County Council has now introduced a formal technical approval process for new or altered highway assets, with the aim of improving future maintainability. This process applies to all development works affecting the public highway other than applications for vehicle crossings, which are covered by a separate approval process.

Should the development be approved by the Planning Authority, it is the responsibility of the applicant to ensure, before the development is commenced, that all necessary highway approvals and consents have been obtained and that the limits of the highway boundary have been clearly established, since failure to do so may result in enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under the relevant 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. Guidance for applicants, including information about how to clarify the highway boundary and links to application forms for vehicular crossings and other highway matters, may be found on Kent County Council's website:

<https://www.kent.gov.uk/roads-and-travel> Alternatively, KCC Highways and Transportation may be contacted by telephone: 03000 418181.

- (2) 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.

Case Officer: Rachael Elliott

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

REPORT SUMMARY

REFERENCE NO - 21/503150/FULL		
APPLICATION PROPOSAL Demolition of existing buildings and erection of 3no. houses with associated amenity space, landscaping and access.		
ADDRESS The Old Forge Chartway Street East Sutton Maidstone Kent ME17 3DW		
RECOMMENDATION : REFUSE for the reasons set out in Section 8.0		
SUMMARY OF REASONS FOR REFUSAL The principle of this development proposal is unacceptable due to its unsustainable location and in relation to the council record of housing delivery and the 5 year land supply there is no requirement for new housing in unsustainable locations and there has not been demonstrated that there would be any overriding environmental improvement to warrant the redevelopment of the site and further encroachment into open fields. The new dwellings would introduce inappropriate development into the area with a substantial increase in residential built forms on the open field behind the commercial building. The development would be visible from the wider vantage point created at the junction with Chartway Street due to the removal of the commercial property and would also be visible on public right of way KH531. The application fails to demonstrate that there would not be an impact on protected species whereby the submitted ecological information is historic and does not provide an assessment based on the current characteristics of the site. For these reasons, the application should be refused.		
REASON FOR REFERRAL TO COMMITTEE East Sutton and Broomfield and Kingswood Parish Council have recommended the application for refusal and although the recommendation is not contrary to their recommendation both Parish Councils have requested the application be considered at Planning Committee irrespective of the recommendation.		
WARD Headcorn	PARISH/TOWN COUNCIL East Sutton	APPLICANT Kent Forklifts Ltd AGENT DHA Planning
DECISION DUE DATE 25/08/21 (EOT agreed until 1/4/22)	PUBLICITY EXPIRY DATE 01/11/21	OFFICER SITE VISIT DATE 7/7/21
RELEVANT PLANNING HISTORY (including appeals and relevant history on adjoining sites):		
16/500037/FULL : Demolition of existing buildings and erection of 6 No dwellinghouses, amenity space, landscaping and access. Refused 16.06.2016 for the following reasons: 1. Unsustainable form of housing development in the countryside 2. The size, design, siting and suburban and inward-looking layout, would materially depart from the more spacious and widely separated character of nearby development, out of character with this rural location as a consequence. In addition it is an unacceptable consolidation of existing sporadic development in the locality and an encroachment into adjoining open countryside.		
18/500265/FULL : Demolition of existing buildings and erection of 7no. dwellings with		

associated amenity space, landscaping and access.

Refused 31.05.2018 for the following reasons:

1. Unsustainable form of housing development in the countryside.
2. The size, design, siting and suburban and inward-looking layout, would materially depart from the more spacious and widely separated character of nearby development, out of character with this rural location as a consequence. In addition it is an unacceptable consolidation of existing sporadic development in the locality and an encroachment into adjoining open countryside
3. The close proximity of plot 5 with plot 4 would result in an awkward and overbearing relationship detrimental to the amenities of future occupiers
4. The application has failed to demonstrate (including the absence of adequate detail with regard to visibility splays) that the development will not result in harm to highway safety and that the proposal will provide an adequate standard of access
5. The application has failed to demonstrate (including the absence of adequate detail with regard to acoustic mitigation that the development will provide an adequate standard of residential accommodation.

18/504803/FULL : Demolition of existing buildings and erection of 7no. dwellings with associated amenity space, landscaping and access.

Refused 8/4/2019 for the following reasons :

1. Unsustainable form of housing development in the countryside
2. The size, design, siting and suburban and inward-looking layout, would materially depart from the more spacious and widely separated character of nearby development, out of character with this rural location as a consequence. In addition it is an unacceptable consolidation of existing sporadic development in the locality and an encroachment into adjoining open countryside
3. The close proximity of plot 5 with plot 4 would result in an awkward and overbearing relationship detrimental to the amenities of future occupiers
4. The application has failed to demonstrate (including the absence of adequate detail with regard to visibility splays) that the development will not result in harm to highway safety and that the proposal will provide an adequate standard of access

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The site is in the countryside, outside the urban area of Maidstone, outside the local plan designated Rural Service Centres and the Larger Villages. The site is not subject to any specific landscape designation.
- 1.02 The application site can be divided into 2 clearly distinct areas. The front part of the site comprises a workshop building that extends just over 40 metres back from the road frontage. This building is currently occupied by a food distribution company which I believe employs 2 people. Previously the commercial units on the site have been occupied by a horticultural bulb sales company. The site is accessed off Chartway Street to the west of this building where associated parking and turning areas are also located.

- 1.03 The second much larger area to the south and rear of the site comprises an open field (agricultural land classification of Grade 2) that is enclosed on its east and southern boundaries by hedgerows. This land is currently vacant.
- 1.04 The application site is located on the south side of Chartway Street just over 220 metres from the junction with Charlton Lane to the west, and over 150 metres from the junction with Morry Lane to the east. To the west of the application site is Old Forge House. The substantial buildings and open storage area that form part of the agricultural distribution operations at Street Farm abut and wrap around the western site boundary. To the east of the site are a pair of detached cottages known as 1 and 2 Manor Farm Cottages.

2.0 PROPOSAL

- 2.01 The proposal is for the demolition of existing buildings and erection of 3no. houses with associated amenity space, landscaping and access.
- 2.02 The existing buildings are single storey and are principally situated in the northern part of the site along the eastern and western boundaries. Those to the west of the site are more 'ramshackled' and informal in appearance, with the larger building along the eastern boundary having a pitched roof and a brick built and corrugated roof finish. These buildings would be demolished in favour of the proposed development.
- 2.03 The proposal would result in the development of a T-shaped part of the wider application site, which would result in the provision of 3 detached dwellings and associated curtilages, a detached car barn/store, vehicular access, turning and parking area.
- 2.04 Plot 1 would front Chartway Street and infill between existing linear development along this part of Chartway Street. It would be 2-storeys and have a width of approximately 9m, maximum depth of 9.8m, with an eaves height of 5.2m and a ridge height of 9.2m
- Plot 1 would have an associated car barn which would be detached from the dwelling and its curtilage. This would have a maximum width of 9m, a depth of 7.5m, with a steeply pitched roof with varying pitches, with an overall height of approximately 6.2m.
- 2.05 Plot 2 would be situated to the south/rear of 1 & 2 Manor Farm Cottages. It would be orientated east to west, with an approximate width of 13m, depth of 12.5m. It would have varying roof forms with an eaves height of 5.2m and a ridge height of 10.9m. It would be 4 bedroomed with an integral garage.
- 2.06 Plot 3 would be situated along the western boundary with Old Forge House, this would be orientated principally north to south, with other secondary openings east to west. The dwelling would be L-shaped with a maximum width of approximately 13.7m, depth of 20.5m. Roof pitches would be varied with some cat-slides and first floor accommodation served by dormers. The maximum eaves height would be 5m and a maximum ridge height of 10m.
- 2.07 The plan below indicates the proposed layout :

3.0 POLICY AND OTHER CONSIDERATIONS

National Planning Policy Framework (NPPF)
National Planning Practice Guidance (NPPG)
Maidstone Borough Local Plan 2017: SS1, SP17, SP21, DM1, DM2, DM4, DM5, DM12, DM23 and DM30
Supplementary Planning Documents: Maidstone Landscape Character Guidance 2012

4.0 LOCAL REPRESENTATIONS

9 letters of representation were received from 5 households following the initial consultation and 2 further letters on representation were received from a single household following the submission of additional information (a target re-consultation was carried out solely to the Ecology and Highways Officer on the additional information submitted)

In summary the following matters were raised :

- Site has been seeking consent for residential redevelopment since the 1980s
- Start of future development on the site, precedent for further units
- Highways implications
- Loss of property value
- Unsustainable location (reliance on private car)
- Out of character proposed materials (use of white weatherboarding)
- Lack of services and infrastructure
- Current use contributes to the local economy
- Loss of outlook
- Out of date ecological information/impact on ecology
- Overlooking/loss of privacy
- Works proposed on land outside ownership of applicant (works to wall)
- Transport assessment not reflective of current use
- No suitable fence to be provided along the western boundary.

5.0 CONSULTATIONS

5.01 Broomfield and Kingswood Parish Council : After consideration Councillors have not changed their decision and still object to this application as per previous applications.

Comments on 18/504803/FULL

Councillors wish to see this application **REFUSED** and require the application to go before the planning committee.

The previous application 18/500265/FULL was refused by Councillors for the following reasons: The development is outside settlement boundaries and encroaches into adjoining open countryside, there is a potential harm to the character and appearance of the area most especially due to its proximity to the Greensand Ridge. Contrary to Policy SP17, Local Plan 2017.

The proposal must be considered unsustainable as it would rely solely on car use for access to services.

The development proposal is close to a particularly hazardous blind bend in Chartway Street where vehicles and oversized agricultural vehicles particularly, emerge from the bend in the middle of the road at the point of site access. This part of the road has a national speed limit of 60mph.

Councillors felt that this is a resubmission of the previous application with no changes and the above reasons for refusing the application are therefore still valid. In addition whilst the Forge Works itself is on brown field land, the land behind the Forge Works is agricultural land. Chartway Street is also a street of linear development which this development would not be.

5.02 East Sutton Parish Council

1. The site is unsustainable for housing on account of lack of safe public footpaths from the site to the villages of Kingswood and Sutton Valence. The frequency of the bus service along Chartway St would mean future residents being totally reliant on cars.
2. The parish considers that the site proposes housing on agricultural land which is undesirable.
3. The site occupies a prominent position on the greensand ridge which would be detrimental to the amenity value of this local feature.
4. The site would see the loss of employment in the parish. The site is currently in use as a distribution depot for imported foods.
5. The visibility splay is not achievable. The wall to the west which is shown to be lowered is not in the ownership of the site .
6. The details of the layout do not provide for boundary maintenance with existing properties.

In summary, East Sutton Parish council wish to see the application refused. The Parish council is prepared to go to committee to support this view.

5.03 KCC Archaeological Officer : The site of the proposed development lies adjacent to a “smithy” identifiable on the 1st Ed OS map. Remains associated with post medieval activity may survive on the site and I recommend a condition should the application be approved.

5.04 Environment Agency : The industrial/commercial use of these buildings/land pose a high risk of contamination which could impact on the proposed development or cause it to impact on the environment. Controlled waters are sensitive in this location because the proposed development site is located upon Principal aquifer. An assessment into the past uses of buildings/land and any potential risks arising from the buildings/grounds for the proposed end use and wider environment should be carried out prior to the development works proposed. In particular investigations should take account of any oil/fuel storage tanks, septic tanks, drainage systems, and materials storage. Any identified risks should be fully evaluated, if necessary by intrusive investigations, and appropriately addressed prior to the commencement of the development.

Further detailed information will however be required before built development is undertaken.

Details could be conditioned should the application be approved.

5.05 KCC Biodiversity Officer :

The same ecological survey was submitted for this application and planning applications 16/500037 and 18/500265/FULL. As the survey is now 6 years old we have concerns that the survey data is no longer valid.

Current photos of the site have been provided and they highlight that there are areas of the site which have been left unmanaged (the grassland is no longer mown short and there are areas of scrub next to the buildings) and therefore the potential for protected/notable species can not be ruled out.

As such, a preliminary ecological appraisal (PEA) must be undertaken by a suitably qualified ecologist, in accordance with good practice guidelines - the PEA will assess the habitats and features within and around the site and identify if there is a need for further ecological surveys to assess ecological value and/or confirm protected species presence/likely absence.

To ensure that the planning determination is adequately informed in respect of all potential ecological impacts, we advise that the PEA report, OR, if further surveys are required, an Ecological Impact Assessment (EclA) report, detailing all surveys and outcomes, must be sought as part of the planning application. This is in accordance with paragraph 99 of ODPM 06/2005 which 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”*. An EclA is a process of identifying, quantifying and evaluating the potential effects of development on habitats, species and ecosystems, so providing all ecological survey information alongside any necessary avoidance, mitigation and compensation proposals within one document.

One of the principles of the National Planning Policy Framework is that *“opportunities to improve biodiversity in and around developments should be integrated as part of their design”*. The site plan has confirmed that native species fencing will be planted within the site but in addition to that we recommend that ecological enhancement features (over and above any mitigation required) are incorporated into the site and hedgehog highways are incorporated into any close board fencing.

5.06 KCC Highways (following re-consultations after additional information was submitted):

As requested in this authority’s initial consultation response the applicant has completed a net impact assessment, to determine the anticipated change in traffic movements because of the development.

To forecast the amount of traffic that could be generated by the sites extant (*lawful*) and proposed use, the applicant has used trip generation forecasts from a previous planning application associated with the site Maidstone Borough Council (*MBC*) reference: 16/500037/FULL. This is acceptable given how these forecasts were

considered a suitable basis for assessment by Kent County Council (KCC) Highways in the previous application.

Importantly, the results of this assessment confirm that the proposed development will generate less traffic than the site's extant use. Consequently, it is not considered that the impact of development could be considered as 'severe,' in capacity or safety terms, given the anticipated net reduction in traffic movements.

Confirmation that the eastern footway will be provided with a flush kerb, thereby allowing a consistent carriageway width of 4.8 meters, inclusive of overunable areas, has been provided.

This arrangement is considered acceptable in this instance given the non-strategic and relatively lightly trafficked nature of the C83, Chartway Street.

Detailed personal injury collision analysis for the most recently available 3-year period has also been undertaken by the applicant. This analysis confirms that during the period in question 2 collisions have been recorded, one of these was serious in severity. Both these collisions occurred east of the existing site access. However, neither of the collisions are associated with the existing access; it is therefore not considered that the development will exacerbate any existing highway safety issues.

Finally, amendments have also been made to the site layout to achieve full compliance with IGN3 thereby addressing this authority's previous comments.

No objection raised subject to a number of conditions.

6.0 APPRAISAL

- 6.01 The key issues for consideration relate to:
- Principle and sustainability
 - Impact on the character of the surrounding countryside
 - Design and layout of the proposed properties.
 - Impact on outlook and amenity of properties overlooking and abutting the site
 - Trees and landscape
 - Ecology
 - Archaeology
 - Highways and parking considerations.

Principle and sustainability

- 6.02 Adopted Local Plan policy SS1 relates to the provision of the Borough's housing supply. It demonstrates that local housing targets can be met by using land within the existing settlements and on sites with the least constraints on the edge of settlements. It describes the most sustainable locations for the provision for new housing in a sustainability hierarchy with the urban area of Maidstone at the top of this hierarchy followed by the Rural Service Centres as the secondary focus. Larger villages are the third and final location as they may provide a limited supply of housing providing it is proportional to the scale and role of the villages. This application, does not meet these siting preferences and as such, the proposal represents unsustainable development in the countryside.
- 6.03 The council can demonstrate a future five year housing land supply in sustainable locations in order to meet the housing land supply.

- 6.04 The applicant argues that the application site is located within close proximity to Kingswood, which has a number of amenities for the future occupiers. It is highlighted by officers that the village is some 700 metres from the application site. Given this distance and the unsatisfactory access by way of narrow, unlit country roads without pavements it is highly unlikely residents of the proposed development would walk or cycle to Kingswood. In addition, it should be noted that Kingswood village does not have the level of facilities to be included in the sustainability hierarchy set out as part of adopted policy SS1.
- 6.05 The application site is not accessible to the designated rural service centres or larger villages due to inadequate facilities for pedestrians and inadequate public transport. In conclusion, future residents would be reliant on the private car for 'day to day' basic needs. Policy SS1 sets out that development should be located in sustainable locations, and this proposal does not comply with this requirement.
- 6.06 Policy DM5 relates to development on brownfield land. The policy states that where a site is not of high environmental value and where residential density is acceptable redevelopment of brownfield sites will be permitted in certain circumstances. These circumstances include where the proposal would result in significant environmental improvement and the site is, or can reasonably be made, accessible by sustainable modes to Maidstone urban area, a rural service centre or larger village.' To assist in the interpretation of policy DM5, the supporting text in the Local Plan (paragraph 6.37) sets out six 'key' considerations to be used in assessing the redevelopment of brownfield sites in the countryside. These considerations are as follows:
- The level of harm to the character and appearance of an area.
 - The impact of proposals on the landscape and environment.
 - Any positive impacts on residential amenity.
 - What sustainable travel modes are available or could reasonably be provided.
 - What traffic the present or past use has generated; and
 - The number of car movements that would be generated by the new use, and what distances, if there are no more sustainable alternatives.
- 6.07 The site is located 2 km from Sutton Valence (a larger village), 4 km from Harrietsham (a Rural service Centre) and 5km from Headcorn (a Rural Service centre). As set out above the application site is not in a sustainable location and with the distances involved the site cannot be made accessible to Maidstone urban area, a rural service centre or larger village. With no significant environmental improvement and the location of the site the proposal is contrary to adopted policy DM5.
- 6.08 In conclusion, the development proposal would be in an unsustainable location and would be contrary to policies SS1, and DM5 of the Maidstone Local Plan and the provisions of the NPPF.

Loss of commercial floorspace

- 6.09 Local Plan policy SP21 states that the council will prioritise the commercial re-use of existing rural buildings in the countryside over conversion to residential use in accordance with policy DM31. Whilst the proposed development would result in the demolition of a building providing 496 square metres of B8 (storage and distribution) commercial floorspace, policy SP21 considers the 'conversion' of commercial buildings and as a result this policy is not considered relevant

Impact on the character of the countryside

- 6.10 Policy SP17 defines the countryside as ‘...all those parts of the plan area outside the settlement boundaries of the Maidstone urban area, rural service centres and larger villages defined on the policy map.’ Development proposals in the countryside will not be permitted if they result in harm to the character and appearance of the area. Policy DM30 states that in the countryside proposals will be permitted which would create high quality design, and where the type, siting, materials and design, mass and scale of development and the level of activity would maintain, or where possible, enhance local distinctiveness including landscape features.
- 6.11 The loss of the existing building, although not problematic in itself would open up views from Chartway street resulting in the site becoming more visible and increasing the impact of the proposed development on the character of the surrounding area. The development would be visible through the site and longer views may be gained further along the road at the junction with Morry Lane. The site would also be viewed from long vantage points on public right of way KH531.
- 6.12 As the rear of the site is currently undeveloped land in the countryside, the introduction of new dwellings in this location is inappropriate development. The siting of this development proposal, in conjunction with the number, height, bulk and massing of the two storey dwellings mainly to the rear of the site, and with large carports further adding to the building mass, would result in an urbanising effect that would be detrimental to the openness and rural character of the area. The proposed development is out of character with the locality and would have an adverse impact on the countryside contrary to policies SP17 and DM30.
- 6.13 Although it is noted that the quantum of dwellings proposed has been reduced since the earlier refusal and as highlighted above the encroachment into greenfield land would be less, this encroachment would be a sporadic form of urbanisation into a linear form of residential development along the immediate part of the Chartway Street. The two dwellings proposed to the rear of the site would be large, detached dwellings and the need for a large turning area, driveway and car ports all further adds to the urbanisation of what is currently an undeveloped field to the rear of the low-level modest commercial building.

Design and layout of the proposed properties

- 6.14 The proposed development would comprise 3 large detached dwellings. The designs would provide a good general layout and good access into and through the site. The properties will be provided with an adequate area of private rear garden.
- 6.15 The layout shows an informal inward looking cul de sac which is considered to meet the Councils normal block spacing, privacy and amenity space standards. While the layout is acceptable in its own right, the resultant suburban appearance and layout differs substantially from the sporadic character of nearby development and the linear form of dwellings along this part of Chartway Street. The development would appear incongruous and out of character in this rural location as a consequence.

Standard of proposed accommodation

- 6.16 Policy DM1 supports development which provides adequate residential amenities for future occupiers of the development including in relation to excessive noise, activity or vehicular movements, overlooking or visual intrusion.
- 6.17 The most recent refusal including a reason for refusal which read :

The application fails to demonstrate that the development would provide an adequate standard of residential accommodation for future occupiers in relation to outlook, privacy and including potential noise nuisance from nearby commercial uses and associated traffic contrary to policy DM1 (Principles of good design) of the Maidstone Borough Local Plan 2017 and the NPPF.

- 6.18 The site is close to a busy road and adjacent to what appears to be a working farm operating HGV deliveries in the yard relating to the distribution of goods. Environmental Services have previously commented that despite these potential sources of nuisance no assessment of noise from the yard or the road has been submitted with the application. This current application contains no further information in this respect and has not sought to overcome this earlier reason for refusal. The absence of this noise assessment still remains a cause for concern as the application has failed to demonstrate that the proposed residential accommodation will provide an adequate standard of accommodation for future occupiers.
- 6.19 However the number of units has been reduced and the units would not extend as rearwards into the site as previously and it is considered that there would be mitigation measures that could overcome the harm and although it would be beneficial to have the information in advance, on balance should the application be acceptable in all other respects there are likely to be methods in construction (such as triple glazed windows or mechanical extraction) which would overcome the noise of the neighbouring working farm. These could be dealt with by condition requesting a noise report and mitigation measures.
- 6.20 The relationship of the dwellings to each other now overcomes previous concerns regarding the future amenity of the dwellings. This is due to the reduction in numbers and the proposed layout.
- 6.21 The application is accompanied by the same Environmental reports previously provided. Environmental Services have previously commented that due to the previous commercial use of the site there is potential for land contamination to have occurred. In the event that the application is acceptable in all other aspects, a contamination condition should be added.

Impact on neighbours outlook and amenity

- 6.22 Policy DM1 supports development which respects the amenities of occupiers of neighbouring properties by ensuring that development does not result in overlooking or visual intrusion.
- 6.22.1 Nos 1 and 2 Manor Farm Cottages are located to the northeast of the application site. Plot 2 would be to the south of those properties and Plot 1 to the east. There is considered to be sufficient separation between the properties such that no significant harm would result to neighbouring residential amenity by reason of being overbearing, causing loss of light or outlook, being overshadowing or causing a loss of privacy and overlooking.
- 6.24 The Old Forge House is to the west of the application site and it is Plot 3 that would likely to give rise to the greater impact. However although there are proposed openings facing towards the rear garden of The Old Forge House, these all serve

bathrooms/en-suites or are secondary windows and therefore all windows in the facing elevation could be obscure glazed should the application be considered acceptable in all other respects. There is a degree of separation from the neighbouring boundary and it is not considered this or the other proposed dwellings would give significant rise to harm to neighbouring amenity.

Trees and landscape

- 6.25 The proposed layout is considered acceptable from an arboricultural perspective. An informative should be added to any recommendation for approval that a High Hedge remedial order is in place on the northern boundary of the site.
- 6.26 The indicative landscape shown on the site layout plan is considered reasonable in terms of its use of native species, and the introduction of orchard planting is welcomed. In the event that approval is given more detailed landscape plans together with suitable long-term management proposals should be submitted by way of conditions.

Biodiversity

- 6.27 The same ecological survey was submitted for this application and planning applications 16/500037 and 18/500265/FULL. As the survey is now 6 years old we have concerns that the survey data is no longer valid.
- 6.28 Current photos of the site have been provided and they highlight that there are areas of the site which have been left unmanaged (the grassland is no longer mown short and there are areas of scrub next to the buildings) and therefore the potential for protected/notable species can not be ruled out.
- 6.29 As such, a preliminary ecological appraisal (PEA) must be undertaken by a suitably qualified ecologist, in accordance with good practice guidelines - the PEA will assess the habitats and features within and around the site and identify if there is a need for further ecological surveys to assess ecological value and/or confirm protected species presence/likely absence.
- 6.30 In the absence of this up-to-date information the application cannot be adequately assessed in terms of the impact on protected species.

Archaeology

- 6.31 The site is located within an area of archaeological potential and is adjacent to a smithy which was present in both the 19th and 20th centuries. Should the application be approved a watching brief condition should be attached.

Highways

- 6.32 The most recent refusal included the following ground :

The application has failed to demonstrate (including the absence of adequate information on visibility splays and traffic generation) that the development will not result in harm to highway safety and that the proposal will provide an adequate standard of access contrary policy DM1 of the Maidstone Borough Local Plan 2017 and the NPPF.

- 6.33 The agent was given the opportunity to provide further information in this respect during the course of the application following Kent Highways raising the same issues. This information was provided and Kent Highways are satisfied that no harm would result subject to conditions.

Other Matters

- 6.34 The agent has given two examples of what he considers to be two similar sites, both of which were allowed on appeal.
- 6.35 Wind Chimes, Chartway Street referenced 15/507493/OUT (outline planning for 9 houses) was allowed on appeal on 9th December 2016, as a five year land supply could not be demonstrated at the time of the appeal hearing. The Inspector also found that the site was reasonably accessible to Sutton Valence on foot and with bus services to Maidstone.
- 6.36 The Oaks, Maidstone Road, referenced 14/0830 (for the construction of 10 houses) was allowed on appeal on 13th April 2015, as the Inspector found that the site was reasonably accessible to Sutton Valence on foot and with bus services to Maidstone.
- 6.37 Both of the sites in question are within close proximity to a pavement, as well as being closer to Maidstone Urban Area. In addition, the Council can now demonstrate a five year land supply. Finally, the adopted Maidstone Local Plan and revised NPPF both encourage sustainable development with an emphasis on good design that responds positively to its local, natural setting and, where possible, enhances the character of the area. For these reasons, the two examples that have been given are not considered relevant to this current application.
- 6.38 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.

7.0 Conclusion

- 7.01 The principle of this development proposal is unacceptable due to its unsustainable location and in relation to the council record of housing delivery and the 5 year land supply there is no requirement for new housing in unsustainable locations and there has not been demonstrated that there would be any overriding environmental improvement to warrant the redevelopment of the site and further encroachment into open fields.
- 7.02 The new dwellings would introduce inappropriate development into the area with a substantial increase in residential built forms on the open field behind the commercial building. The development would be visible from the wider vantage point created at the junction with Chartway Street due to the removal of the commercial property and would also be visible on public right of way KH531.
- 7.03 The application fails to demonstrate that there would not be an impact on protected species whereby the submitted ecological information is historic and does not provide an assessment based on the current characteristics of the site. For these reasons, the application should be refused.

8.0 RECOMMENDATION –REFUSE for the following reasons:

- (1) The proposal would result in the creation of an unsustainable form of housing development in the countryside with future occupiers reliant on private vehicle use to gain access to basic services and, as such, would be contrary to policies SS1 (Spatial strategy), SP17 (Countryside) and DM5 (Development on brownfield land) of the Maidstone Borough Local Plan 2017 and the NPPF.
- (2) The proposed development by reason of the size, design and siting of houses and substantial encroachment into adjoining open countryside will result in an unacceptable consolidation of existing sporadic development in the locality with the development appearing as incongruous and detrimental to the rural character and landscape quality of the area contrary to policies SP17 (Countryside), DM1 (Principles of good design), and DM30 (Design principles in the countryside) of the Maidstone Borough Local Plan 2017 and the NPPF.
- (3) The application fails to demonstrate that there would not be an impact on protected species whereby the submitted ecological information is historic and does not provide an assessment based on the current characteristics of the site contrary to Policy DM1 (Principles of good design of the Maidstone Borough Local Plan 2017 and the NPPF.

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 www.maidstone.gov.uk/CIL

Case Officer: Rachael Elliott

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

MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON 24 MARCH 2022

Present: Councillor Spooner (Chairman) and
Councillors Brindle, Cox, English, Harwood, Holmes,
Munford, Perry, Round, Russell and Young

Also Present: Councillors Garten, Mrs Gooch, Hinder, Newton and
S Webb

241. APOLOGIES FOR ABSENCE

It was noted that apologies for absence had been received from Councillors Eves, Kimmance, M Rose and Trzebinski.

Councillor Perry said that he would need to leave the meeting after consideration of the second application to be considered - 21/503150/FULL (The Old Forge, Chartway Street, East Sutton, Maidstone, Kent).

242. NOTIFICATION OF SUBSTITUTE MEMBERS

The following Substitute Members were noted:

Councillor Round for Councillor Eves
Councillor Russell for Councillor Trzebinski

243. NOTIFICATION OF VISITING MEMBERS

Councillor Garten had given notice of his wish to speak on the report of the Head of Planning and Development relating to application 21/503063/FULL (The Dreys, Squirrel Woods, Rumstead Lane, Stockbury, Kent), and attended the meeting remotely.

Councillor Mrs Gooch had given notice of her wish to speak on the report of the Head of Planning and Development relating to application 21/505249/REM (Land South West of Hermitage Lane/Oakapple Lane, Barming, Maidstone, Kent), and attended the meeting in person.

Councillor Hinder had given notice of his wish to speak on the report of the Head of Planning and Development relating to application 21/506626/FULL (Stables at Stud Farm, Dunn Street Road, Bredhurst, Kent), and attended the meeting in person.

Councillor Newton had given notice of his wish to speak on the report of the Head of Planning and Development relating to application

21/503585/FULL (Land West of Church Road, Otham, Kent), and attended the meeting in person.

Councillor S Webb had given notice of his wish to speak on the report of the Head of Planning and Development relating to application 21/506545/FULL (Wilson's Yard, George Street, Hunton, Kent), and attended the meeting in person.

244. ITEMS WITHDRAWN FROM THE AGENDA

There were none.

245. URGENT ITEMS

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

246. DISCLOSURES BY MEMBERS AND OFFICERS

Councillor Brindle said that, with regard to the report of the Head of Planning and Development relating to application 21/506626/FULL (Stables at Stud Farm, Dunn Street Road, Bredhurst, Kent), the application site was situated in Bredhurst which was in her Ward. However, she had not been present at any meetings when the application was discussed, and she intended to speak and vote when it was considered.

Councillor Round disclosed an Other Significant Interest in the report of the Head of Planning and Development relating to application 21/503150/FULL (The Old Forge, Chartway Street, East Sutton, Kent). He said that the applicant was known to him personally as a friend and he would leave the meeting when the application was discussed.

247. DISCLOSURES OF LOBBYING

The following disclosures of lobbying were noted:

13.	21/505036/FULL – Little Hawkenbury Barn, Hawkenbury Road, Hawkenbury, Tonbridge, Kent	Councillor Round
14.	21/506545/FULL – Wilson's Yard, George Street, Hunton, Kent	Councillors Brindle, Holmes, Spooner, Round and Young
15.	21/503063/FULL – The Dreys, Squirrel Woods, Rumstead Lane, Stockbury, Kent	Councillor Harwood

16.	21/506626/FULL - Stables at Stud Farm, Dunn Street Road, Bredhurst, Kent	Councillors Brindle, Cox, English, Harwood, Holmes, Munford, Perry, Round, Spooner and Young
17.	21/505341/SUB - Land off Farleigh Hill, Tovil, Kent	Councillor Round
18.	22/500414/FULL - South View Lodge, Pilgrims Way, Detling, Maidstone, Kent	Councillor Round
19.	21/503585/FULL - Land West of Church Road, Otham, Kent	Councillors Brindle, Cox, English, Harwood, Holmes, Munford, Perry, Round, Russell, Spooner and Young
20.	21/505249/REM - Land South West of Hermitage Lane/Oakapple Lane, Barming, Maidstone, Kent	Councillors Harwood, Holmes, Round, Russell, Spooner and Young
21.	21/503150/FULL - The Old Forge, Chartway Street, East Sutton, Maidstone, Kent	Councillors Brindle, Cox, English, Harwood, Holmes, Munford, Perry, Round, Spooner and Young
22.	21/506183/FULL - Pinelodge Cottage, Somerfield Road, Maidstone, Kent	No lobbying

248. EXEMPT ITEMS

RESOLVED: That the public be excluded from the meeting if Members wish to discuss the information contained in the exempt Appendix to the report of the Head of Planning and Development relating to application 21/503585/FULL (Land West of Church Road, Otham, Kent) because of the likely disclosure of exempt information pursuant to paragraph 5 of Part I of Schedule 12A to the Local Government Act 1972, having applied the Public Interest Test.

249. MINUTES OF THE MEETING HELD ON 17 FEBRUARY 2022 ADJOURNED TO 24 FEBRUARY 2022

RESOLVED: That the Minutes of the meeting held on 17 February 2022 adjourned to 24 February 2022 be approved as a correct record and signed.

250. PRESENTATION OF PETITIONS

There were no petitions.

251. DEFERRED ITEMS

20/505611/SUB - SUBMISSION OF DETAILS TO DISCHARGE CONDITION 18 - FOUL AND SURFACE WATER SEWERAGE DISPOSAL SUBJECT TO

14/502010/OUT - DICKENS GATE, MARDEN ROAD, STAPLEHURST, TONBRIDGE, KENT

The Principal Planning Officer advised the Committee that the additional information and the views of the external consultant had been received. A report would be submitted to the Committee at the earliest opportunity.

21/505452/LBC - LISTED BUILDING CONSENT FOR WORKS TO RE-POSITION/RE-BUILD A SECTION OF RAGSTONE WALL (TO FACILITATE THE A20 ASHFORD ROAD AND WILLINGTON STREET JUNCTION CAPACITY IMPROVEMENT SCHEME) - MOTE PARK, A20 ASHFORD ROAD JUNCTION WITH WILLINGTON STREET, MAIDSTONE, KENT

The Principal Planning Officer advised the Committee that the additional information had been submitted. The Officers needed to consider this before reporting back to the Committee.

252. 21/503585/FULL - SECTION 73 - APPLICATION FOR VARIATION OF CONDITION 30 (TO VARY THE TRIGGER POINT FOR THE DELIVERY OF THE WILLINGTON STREET/DERINGWOOD DRIVE IMPROVEMENTS, TO PRIOR TO OCCUPATION OF 100 UNITS, RATHER THAN PRIOR TO COMMENCEMENT ABOVE FLOOR SLAB LEVEL) PURSUANT TO APPLICATION 19/506182/FULL (RESIDENTIAL DEVELOPMENT FOR 421 DWELLINGS WITH ASSOCIATED ACCESS, INFRASTRUCTURE, DRAINAGE, OPEN SPACE AND LANDSCAPING) (ALLOWED ON APPEAL) - LAND WEST OF CHURCH ROAD, OTHAM, KENT

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

In introducing the report, the Principal Planning Officer advised the Committee that he had received an email that afternoon from the applicant advising that they would be prepared to accept a condition for a 'Construction Safety Management Strategy Plan'. It was the Officers' advice that since the applicant had submitted an appeal to the Planning Inspector on the grounds of non-determination of the application, they should advance that through the appeal process as part of their proposals for suggested conditions.

Councillor Hickmott of Otham Parish Council had given notice of his wish to address the Committee but was unable to attend the meeting due to illness.

Councillor Newton addressed the meeting in person on behalf of Downswood Parish Council and in his capacity as Ward Member.

RESOLVED: That the Planning Inspectorate be advised that the Committee would have granted permission as per the original recommendation contained in the report to the meeting of the Committee held on 17 February 2022 but with an amendment to condition 30 (Off-Site Highway Works) to remove reference to 31 December 2023 for the reasons set out in the report to this meeting.

Voting: 5 – For 0 – Against 6 – Abstentions

253. 21/503150/FULL - DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF 3 NO. HOUSES WITH ASSOCIATED AMENITY SPACE, LANDSCAPING AND ACCESS - THE OLD FORGE, CHARTWAY STREET, EAST SUTTON, MAIDSTONE, KENT

Having disclosed an Other Significant Interest, Councillor Round left the meeting whilst this application was considered.

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

Mr Hawkins addressed the meeting in person on behalf of the applicant.

RESOLVED: That consideration of this application be deferred for further negotiations to secure:

- A fully worked up ecological and sustainable landscaping scheme to include investigation of how the southern parcel of land in the ownership of the applicant can be safeguarded as an ecological area such as a wood pasture, base-line ecological survey work, and details of the boundary treatments in respect of the property at the site frontage with a 10-year replacement period;
- Good quality vernacular materials and detailing;
- Energy efficient measures such as heat source pumps; and
- A wet SUDS solution for ecological gain.

Voting: 10 – For 0 – Against 0 – Abstentions

Note: Councillor Perry left the meeting after consideration of this application (7.15 p.m.).

254. 21/505249/REM - SECTION 73 - APPLICATION FOR AMENDMENT TO APPROVED PLANS CONDITION 1 (AMENDMENT TO LAYOUT TO FACILITATE A SECONDARY ACCESS) AND VARIATION OF CONDITION 8 (TO AMEND THE EMERGENCY ACCESS ARRANGEMENTS) PURSUANT TO 18/506068/REM (APPROVAL OF RESERVED MATTERS FOR ACCESS, APPEARANCE, LANDSCAPING, LAYOUT AND SCALE PURSUANT TO OUTLINE APPLICATION 13/2079 FOR THE ERECTION OF 80 DWELLINGS INCLUDING AFFORDABLE HOUSING, ASSOCIATED LANDSCAPING, INFRASTRUCTURE AND EARTHWORKS) - LAND SOUTH WEST OF HERMITAGE LANE/OAKAPPLE LANE, BARMING, MAIDSTONE, KENT

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

In introducing the application, the Principal Planning Officer advised the Committee that, since the publication of the agenda, five further representations had been received but they did not raise any issues that were not already addressed in the report.

Councillor Mrs Gooch (Visiting Member in person) read out a statement on behalf of Mrs Jones of the Give Peas a Chance Group which objected to the application.

Councillor Passmore of Barming Parish Council addressed the meeting in person.

Ms Cottingham, agent for the applicant, addressed the meeting remotely.

Councillor Mrs Gooch (Visiting Member) addressed the meeting in person in her capacity as Ward Member.

RESOLVED:

1. That permission be granted subject to the conditions set out in the report as amended by the urgent update report with an informative requesting that the applicant works with the Highway Authority to bring forward a design for the stretch of carriageway (near to Broomshaw Road) which reduces speed by passive measures such as build-outs or narrowing and which is informed by Home-zone principles. The reason being for the amenity and safety of the residents who live in the properties which immediately abut the highway, which being family homes are likely to have children in them.
2. That the Head of Planning and Development be given delegated powers to finalise the wording of the informative.

Voting: 5 – For 3 – Against 2 – Abstentions

255. 21/506626/FULL - CONVERSION OF AN EXISTING STABLE AT STUD FARM TO PROVIDE A NEW TWO BEDROOM DWELLING WITH ASSOCIATED PARKING, LANDSCAPING, PRIVATE AMENITY SPACE AND EXTERNAL STORE (RESUBMISSION TO 21/503146/FULL) - STABLES AT STUD FARM, DUNN STREET ROAD, BREDHURST, KENT

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

Mr Hill, the Clerk to Bredhurst Parish Council, addressed the meeting in person.

Ms Hood, the applicant, addressed the meeting in person.

Councillor Hinder (Visiting Member) addressed the meeting in person.

The Head of Planning and Development emphasised that the fundamental principle in relation to the assessment of this application was that there should be no harm to the character and appearance of the countryside, and the value placed was very high as the application site was in the AONB. The proposal would cause clear harm to the character of the countryside because a house had a very different character to a stable

block. It would not be invisible in the countryside. Planning decisions should be made in accordance with the Development Plan having regard to the material planning considerations.

During the discussion, it was pointed out that the reference to Boxley Parish Council in section 5 of the report relating to consultations should be amended to refer to Bredhurst Parish Council.

Contrary to the recommendation of the Head of Planning and Development, the Committee agreed that subject to the application being advertised as a departure from the Development Plan if necessary and no objections being received by the expiry of the public consultation period, the Head of Planning and Development be given delegated powers to grant permission and to settle appropriate conditions to include those mentioned by Members during the discussion. In making this decision, Members did not consider that the proposal would have a harmful impact on the countryside or the AONB subject to the imposition of conditions to ensure that it is acceptable and in accordance with policy.

RESOLVED: That subject to the application being advertised as a Departure from the Development Plan if necessary and no objections being received by the expiry of the public consultation period, the Head of Planning and Development be given delegated powers to grant permission and to settle appropriate conditions to include those mentioned by Members in the discussion relating to:

Materials; the turning head/car parking area; landscaping in general but boundary treatments in particular with a 10-year replacement period; renewables; biodiversity enhancements (bat tubes etc.); and lighting appropriate to the AONB.

Voting: 8 – for 1 – Against 1 – Abstention

256. 21/506545/FULL - SIX DWELLINGS WITH ASSOCIATED ALLOTMENTS, LANDSCAPING, PARKING, COMMUNAL LANDSCAPED AREAS, AND OTHER ASSOCIATED WORKS (PART RETROSPECTIVE) - WILSONS YARD, GEORGE STREET, HUNTON, KENT

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

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

Voting: 10 – For 0 – Against 0 – Abstentions

257. 21/503063/FULL - RETROSPECTIVE APPLICATION FOR CHANGE OF USE OF LAND AND FIELD SHELTER TO PROVIDE EVENTS VENUE, INCLUDING ERECTION OF COVERED SEATING AREAS TO REAR AND SIDES OF FIELD SHELTER, ERECTION OF WOODCUTTERS CABIN TO BE USED IN CONJUNCTION WITH EVENTS VENUE, AND USE OF MOBILE FACILITIES INCLUDING 2 NO. STORE ROOMS, 2 NO. MARQUEES, 3 NO. TOILET

BLOCKS, 1 NO. DISABLED WC, 2 NO. SHEPHERDS HUTS, 4 NO. SHIPPING CONTAINERS, WITH ASSOCIATED CAR PARKING AND WOODLAND WALKWAY - THE DREYS, SQUIRREL WOODS, RUMSTEAD LANE, STOCKBURY, KENT

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

Councillor Garten (Visiting Member) addressed the meeting remotely.

The Democratic Services Officer read out a statement on behalf of Ms Watts, agent for the applicant, who was unable to address the meeting remotely due to connectivity issues.

RESOLVED:

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

The amendment of condition 6 ii) e) (Woodland Management Plan) to read:

a list of locally appropriate native species, *including pedunculate oak, small-leaved lime and beech*, that will be used in the planting;

The amendment of condition 6 iii) b) (Grassland Management Plan) to read:

grassland plan informed by a detailed ~~botanical~~ survey of *flora and fauna*; and

The amendment of condition 7 (External Lighting) to ensure proper lighting standards in the AONB, including the use of red spectrum lighting to minimise the impact of the development on biodiversity.

2. That the Head of Planning and Development be given delegated powers to finalise the wording of the amended conditions and to amend any other conditions as a consequence.

Voting: 10 – For 0 – Against 0 – Abstentions

Note: Councillor Harwood left the meeting after consideration of this application (9.30 p.m.).

258. 22/500414/FULL - DEMOLITION OF EXISTING CONSERVATORY AND ERECTION OF A TWO-STOREY REAR EXTENSION AND REPLACEMENT FRONT PORCH - SOUTH VIEW LODGE, PILGRIMS WAY, DETLING, MAIDSTONE, KENT

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

Mrs Zammit, an objector, addressed the meeting remotely.

The Democratic Services Officer read out a statement on behalf of Councillor Bowie of Detling Parish Council who was unable to address the meeting remotely due to connectivity issues.

RESOLVED:

1. That permission be granted subject to the conditions set out in the report with the amendment of condition 3 (Materials) to require materials to match the existing property and no use of render.
2. That the Head of Planning and Development be given delegated powers to finalise the wording of the amended condition and to amend any other conditions as a consequence.

Voting: 9 – For 0 – Against 0 – Abstentions

259. 21/505036/FULL - PROPOSED CHANGE OF USE OF LAND FROM AGRICULTURAL TO RESIDENTIAL AND ERECTION OF DETACHED GARAGE WITH ANCILLARY ACCOMMODATION ABOVE - LITTLE HAWKENBURY BARN, HAWKENBURY ROAD, HAWKENBURY, TONBRIDGE, KENT

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

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

Voting: 9 – For 0 – Against 0 – Abstentions

260. 21/505341/SUB - SUBMISSION OF DETAILS TO DISCHARGE CONDITION 14 (VEHICULAR ACCESS STRATEGY) OF PLANNING PERMISSION 20/502266/FULL - LAND OFF FARLEIGH HILL, TOVIL, KENT

Councillor English said that he was a Member of Tovil Parish Council, but he had not taken part in the Parish Council's discussions regarding this application and intended to speak and vote when it was considered.

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

RESOLVED: That the details be approved with the informatives set out in the report.

Voting: 9 – For 0 – Against 0 – Abstentions

261. 21/506183/FULL - RETROSPECTIVE APPLICATION FOR THE ERECTION OF A SIDE LINK EXTENSION TO GARAGE, CONVERSION OF GARAGE TO GYMNASIUM AND ERECTION OF A SUMMER HOUSE - PINELODGE COTTAGE, SOMERFIELD ROAD, MAIDSTONE, KENT

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

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

Voting: 9 – For 0 – Against 0 – Abstentions

262. APPEAL DECISIONS

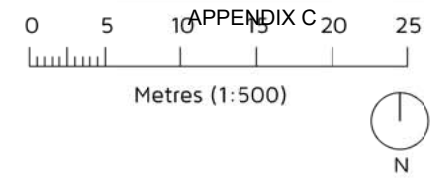
The Committee considered the report of the Head of Planning and Development setting out details of appeal decisions received since the last meeting. The Major Projects Manager advised the Committee that two of the decisions were relevant in so far as they were both delegated refusals, both dismissed at appeal and the Inspector in each case supported the Council's view that the proposals represented poor quality over-development and adversely affected the character and appearance of the area. Further, the Inspector in each case did not afford any weight to the contribution of a single dwelling to the Council's housing supply. They did not consider that the benefit of a single unit outweighed the harm to the character of the area.

RESOLVED: That the report be noted.

263. DURATION OF MEETING

6.00 p.m. to 9.55 p.m.

CHARTWAY STREET



PROPOSED SITE LAYOUT PLAN
1:500@ A3

Proposed native tree copse to perimeter of development to reinforce existing boundary hedging. Trees proposed selected standards (1.8m-2.1m clear stem from ground level) in the following mix..
 30% Field Maple 'Acer Campestre'
 30% Beech 'Fagus Sylvatica'
 20% Hazel 'Corylus Avellana'
 20% Hawthorn 'Crataegus Monogyna'
 staked to ground, grouped together wherever possible in two or more similar species

Wildflower grass meadow mix—
 Kent Milkwort, Man Orchid, Fragrant Orchid, Chalk Milkwort, Horseshoe Vetch, augmented with wildflower plant plugs and with a sympathetic mowing regime to be adopted to create areas of long grass (particularly beneath tree groups and below canopies) for habitat creation and to encourage biodiversity

Form new Tarmac bell mouth access point, 4.8 metres wide with 6.0m radii and a 1.8m footway with a flush kerb (to be overrunable) provided to the Eastern splay. Form a double row of block edging to contain hardstanding and blockley paved footway. Throughout development 0.5m service strip to be provided to the Western side and 1.8m service strip to the East side.

Domestic hedge planting to access splays comprising of Field Maple, Beech, Hazel and Hawthorn grouped in a random pattern of two or more similar species, nursery stock, barerooted

Main access spur 3.1m min width formed in porous block paving or similar providing a natural stone surface texture in a random pattern format. Paving contained with a double row of block edging finished flush with grass service strip. Triple row of granite sets to divide access and

Gated field access for maintenance of open meadow or paddock/grazing area

Domestic hedge planting to gardens of Field Maple, Beech, Hazel and Hawthorn grouped in a random pattern of two or more similar species, nursery stock, barerooted

Ephemeral wetland depression/pond to form a shallow ground depression potentially seasonally wet within a sand substrate with herbaceous peripheral vegetation. This will be naturally colonised from local sources to establish an ecological habitat for distinctive plants and animals.

Proposed groups of shrubs/trees to form a thicket and to include Hawthorn 'Crataegus Monogyna', Hazel 'Corylus Avellana', and Crab Apple 'Malus Sylvestris' all 10-12g with understorey planting of typically Dogwood, Guelder Rose, and Wayfaring Tree.

Proposed specimen trees 14-16g Standards to include the following—
 Small leaved Lime 'Tilia Cordata', Field Maple 'Acer Campestre', Hornbeam 'Carpinus Betulus' and Beech 'Fagus Sylvatica' to be grouped where possible with two or more adjacent similar species. All to be suitably protected with timber crate guards.

C	Biodiversity additions added @ LPA request	19.04.2022
B	Highway issues addressed as raised by KCC	03/08/2021
A	Plot 3 revised-adjusted layout	17.11.2020
Rev:	Reason:	Date:

Client:
KENT FORKLIFTS LTD

Project:
THE OLD FORGE, CHARTWAY STREET, EAST SUTTON, MAIDSTONE, KENT

Title:
PROPOSED SITE LAYOUT AND LANDSCAPING PLAN

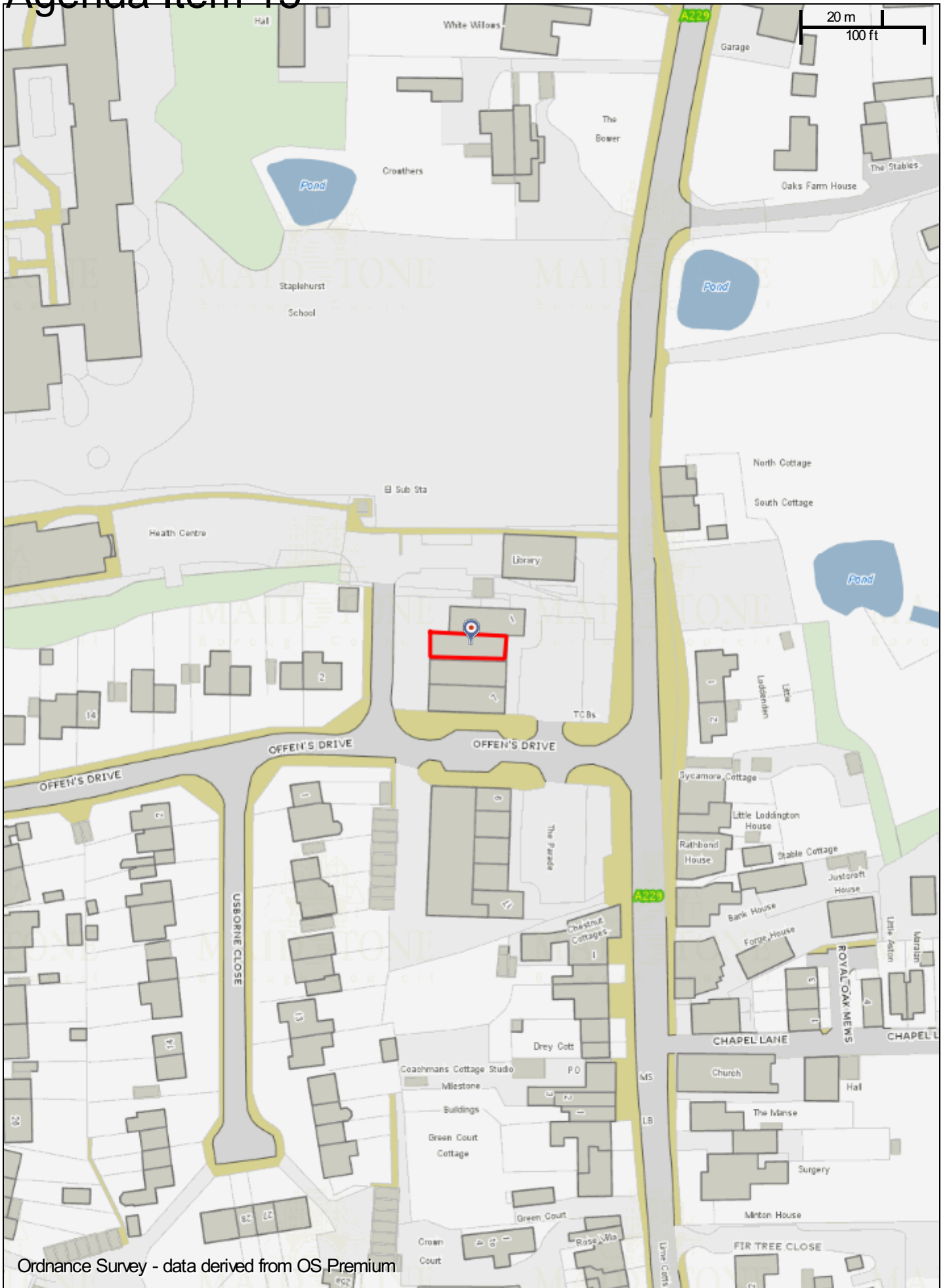
Drawing No: **DHA/11086/56** Rev: **C** Scale: **1:500** Date: **DEC 2019**



Eclipse House, Eclipse Park, Sittingbourne Road
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 CAD Reference: DHA_11086_56_Proposed Site Layout/Landscaping_A3_PFS

Agenda Item 15



Ordnance Survey - data derived from OS Premium

REPORT SUMMARY

REFERENCE NO: - 22/501684/FULL		
APPLICATION PROPOSAL: Change of Use from a Shop (Class E) to a hot food takeaway (Sui Generis) and installation of a flue.		
ADDRESS: 3 The Parade Staplehurst Tonbridge Kent TN12 0LA		
RECOMMENDATION: GRANT PLANNING PERMISSION subject to planning conditions		
SUMMARY OF REASONS FOR RECOMMENDATION FOR APPROVAL: The application property is currently vacant and there is no objection to the loss of the existing use. The unit could be used as a café or restaurant without the need for planning permission and would be unrestricted in terms of planning conditions. The need for permission provides an opportunity to reduce the potential impact of the use with planning conditions. The building is in a sustainable district centre location that benefits for nearby residents with a number of facilities in easy walking distance, also linked to the location and proximity to the high street there is a certain level of noise and activity. In the vicinity of the site there are also existing uses with similar opening hours. The proposed ventilation equipment is mostly located internally thereby reducing visual and amenity impact. There are no issues raised in relation to the design and the ventilation equipment with a planning condition relating to future maintenance. The parade of shops where the site has a dedicated parking court to the front with parking to the rear for residents. The traffic and short term parking generated by the use will not a severe impact on the highway network.		
REASON FOR REFERRAL TO COMMITTEE: Call in from Cllr Perry for the reasons set out at paragraph 5.01 below.		
WARD: Staplehurst	PARISH: Staplehurst	APPLICANT/AGENT: 5AB Group Ltd Cadscapes Ltd
CASE OFFICER: Douglas Wright	VALIDATION DATE: 11/04/2022	DECISION DUE DATE: 01/09/2022
ADVERTISED AS A DEPARTURE: No		

Relevant planning history

- 2017 – 2019 approved applications relating to signage and installation of a new ATM (17/504344/FULL, 17/504345/ADV, 19/502610/FULL and 19/502611/ADV)
- 1990 -1993 approved applications for new signage and shopfront (90/0363, 90/0362 and 93/1293)

1.0 DESCRIPTION OF SITE

- 1.01 The application site premises are in a three-storey building with a single storey flat roof element to the rear.
- 1.02 The ground floor has commercial uses (Subway, Greggs and Corals Bookmakers) and residential accommodation at first and second floor levels. The application unit is currently vacant and was previously used as a wine shop.
- 1.03 The application building accessed from the north side of Offens Drive is set back from the High Street behind a public parking court (circa 16 spaces). Staplehurst Library is located to the north. Further car parking is available to the side of the building in Offens Drive and to the rear of the building off the access to the health centre.
- 1.04 The building and car parking arrangements to the north of Offens Drive are mirrored to the south of Offens Drive with ground floor commercial uses including Spar, Mc Colls, Jumeira Indian restaurant and Chequers Fish Bar with residential accommodation at first and second floor levels.
- 1.05 In the adopted Local Plan, the site is located in the designated Rural Service Centre of Staplehurst and in the designated District Shopping Centre boundary. With reference to the neighbourhood plan the site is located in the 'Village Heart'.

Front elevation of the existing unit



2.0 PROPOSAL

- 2.01 The application seeks permission for the change of use of the existing retail unit (vacant wine shop) to form a pizza takeaway (sui generis).

- 2.02 The application also includes the installation of an extraction flue which discharges to the rear elevation. The vent to the ventilation equipment is the only external change to the building.

3.0 POLICY AND OTHER CONSIDERATIONS

- Maidstone Borough Local Plan policies SS1, SP5, SP10, SP21, DM1, DM17, DM18, DM23
- Staplehurst Neighbourhood Plan: VH1
- The National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)
- 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 limited, as it will be the subject of a future examination in public.

4.0 LOCAL REPRESENTATIONS

- 4.01 Eight responses have been received objecting to the application for the following reasons:
- Noise and disturbance
 - Competition with existing food uses
 - Loss of a shop
 - Parking and traffic

Staplehurst Parish Council

- 4.02 Support "*Councillors recommend approval to the MBC Planning Officer*".

Cllr Perry

- 4.03 The application is called in for a committee decision on the following grounds:
- The parade where the application site is located is relatively small and already has a Greggs, a Subway, an Indian Restaurant and a Fish and Chip shop.
 - I am also concerned at the increase in demand on parking spaces.

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)

Mid Kent Environmental Health

- 5.01 No objections subject to conditions relating to noise levels, maintenance of ventilation equipment and refuse storage.

6.0 APPRAISAL

- 6.01 The key issues are:
- Loss of the existing use
 - Amenity
 - Parking and traffic

Loss of the existing use

- 6.02 The application site is located in a Rural Service Centre. Outside the Maidstone Urban Area the Rural Service Centres are the second most sustainable settlement

in the hierarchy to accommodate growth. The site is located in a District Shopping Centre where policy DM17 seeks to maintain and enhance the existing retail function. The site is not located in a primary or secondary shopping frontage.

- 6.03 Policy VH1 of the Staplehurst Neighbourhood Plan seeks to support the retention and enhancement of existing retail and ancillary facilities in the village heart.
- 6.04 Since the adoption of the Local Plan in 2017, major changes have taken place to the operation of the planning use classes system (Town and Country Planning (Use Classes) (Amendment) (England) Regulations 2020) and these changes have introduced substantially more flexibility in the use of buildings and the need for planning permission.
- 6.05 These changes include the deletion of the former 'A' use class, so there is no longer a 'retail' use class. The changes mean that a use can change between shops, restaurants, cafés, clinics, crèches, banks, offices, light industrial, indoor sports within the new Use Class E without a need for planning permission.
- 6.06 Whilst a hot food take away does need planning permission (permission is required to change from, or, to any sui generis use – a 'class of its own') the application premises can be used for a variety of non-retail uses without planning permission, including other food uses such as a café or restaurant. These permitted uses could potentially have a greater impact than the current proposal, especially as (unlike the current application) there would be no opportunity to mitigate impact through the use of planning conditions.
- 6.07 The application premises is not located in either a primary or secondary shopping frontage where the Local Plan (as drafted- DM27 and DM28) seeks to restrict non-planning use class A1 retail uses. In the event that the site was in a primary or secondary frontage, the changes to the use class system have removed the need to change from a retail use to a restaurant or café.
- 6.08 The application site is located in the District Centre that provides a wide range of different retail and other uses within easy walking distance. The proposed use is as a pizza takeaway and this use will provide greater variety in the food offering in Staplehurst.
- 6.09 On the basis of the permitted changes to other uses and the other uses within the District Centre, it is concluded that there are no grounds to refuse planning permission in terms of the loss of the most recent use of the vacant premises as a retail wine shop.

Amenity

- 6.10 Local Plan policy DM1 advises that proposals which would create high quality design and meet a number of stated criteria will be permitted. These criteria include respecting the amenities of occupiers of neighbouring properties and uses by ensuring that development does not result in excessive noise, vibration, odour, air pollution, or activity or vehicular movements. There is a requirement to incorporate measures for the adequate storage of waste.
- 6.11 The proposal would consist of a new takeaway business, which would seek opening times of would be 1600hrs to 2200hrs Mondays to Fridays and 1200hrs to 2200hrs on Saturdays and 1200hrs to 2100hrs on Sundays.

- 6.12 In comparison, Jumeira Indian Restaurant and Takeaway opens later on every day of the week (1700hrs to 2230hrs Sundays to Thursdays, whilst Fridays and Saturdays are open till 2300hrs). The Spar is also open till 2200hrs every day. Chequers Fish Bar has similar opening hours, open to 2200hrs every day, other than Sunday when it is closed.
- 6.13 The application site is located adjacent to Staplehurst High Street (A229) and this location will have existing background noise levels generated by traffic and general activity in the street. Visitors to existing nearby early night time uses will also generate more localised noise with car doors closing and general activity.
- 6.14 Whilst it is accepted that the proposed use would be likely to increase existing activity, the increase in activity is not sufficient to refuse planning permission given the site context. The environmental health officer has raised no issues with the proposed hours that the takeaway will operate. A planning condition is recommended to restrict operation to the stated hours.
- 6.15 The majority of food related uses require some form of building ventilation, and this ventilation is designed in relation to the type of cooking that is proposed and the physical constraints of the building. In this case, the majority of the ventilation ducting is located within the building running along the length of the single storey rear part of the building with the external vent on the rear elevation. The ventilation equipment has been assessed by the environmental health officer and no issues have been raised in terms of noise and odours. In line with the environmental health officer advice a condition is recommended in relation the future maintenance of the equipment.
- 6.16 In summary the visual impact of the ventilation equipment is minimal (see rear elevation drawing below), the specification and design of the ventilation equipment are acceptable, and the hours of operation are restricted by condition. The proposal is found to be acceptable in relation to the potential impact on amenity.

Elevation drawings (only external building change highlighted)



Parking and traffic

- 6.17 Staplehurst is recognised as being in the second tier of accessible and sustainable locations (Rural Service Centre) in the borough only behind the Maidstone Urban Area in the hierarchy. The application site within the Rural Service Centre is an existing purpose-built commercial unit with an adjacent designated car parking court. Car parking for the residential uses above the application property are provided at the rear of the building. Other commercial, retail, health and leisure uses are found nearby.
- 6.18 It is accepted that the proposed use will generate traffic, however the level of traffic will not be significantly different than other uses that would be permitted in the premises without a need for planning permission. The site has a parking court directly adjacent to the unit and given the nature of the location there is also likely to be customers arriving on foot and also linked vehicle trips with other nearby commercial uses and residential accommodation.
- 6.19 NPPF paragraph 111 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*". It is found that there would not be any severe impact on the highway or local parking demand as a result of this proposal.

Other matters

- 6.20 Consultation response have referred to the potential impact on other local businesses. Competition is not an issue that is considered in the planning system.

7. CONCLUSION

- 7.01 The application property is currently vacant and there is no objection to the loss of the existing use. The unit could be used as a café or restaurant without the need for planning permission and would therefore be unrestricted in terms of planning conditions. The need for permission provides an opportunity to reduce the potential impact of the use with planning conditions.
- 7.02 The application property is in a purpose-built block with commercial uses at ground floor with residential accommodation above. The building is in a sustainable district centre location that benefits for nearby residents with a number of facilities in easy walking distance, also linked to the location and proximity to the high street there is a certain level of noise and activity. In the vicinity of the site there are also existing uses with similar opening hours.
- 7.03 The proposed ventilation equipment is mostly located internally thereby reducing visual and amenity impact. There are no issues raised in relation to the design and the ventilation equipment with a planning condition relating to future maintenance.
- 7.04 The parade of shops where the site has a dedicated parking court to the front with parking to the rear for residents. The traffic and short term parking generated by the use will not a severe impact on the highway network.
- 7.05 The proposal is in accordance with adopted policy and the recommendation is to grant planning permission subject to conditions.

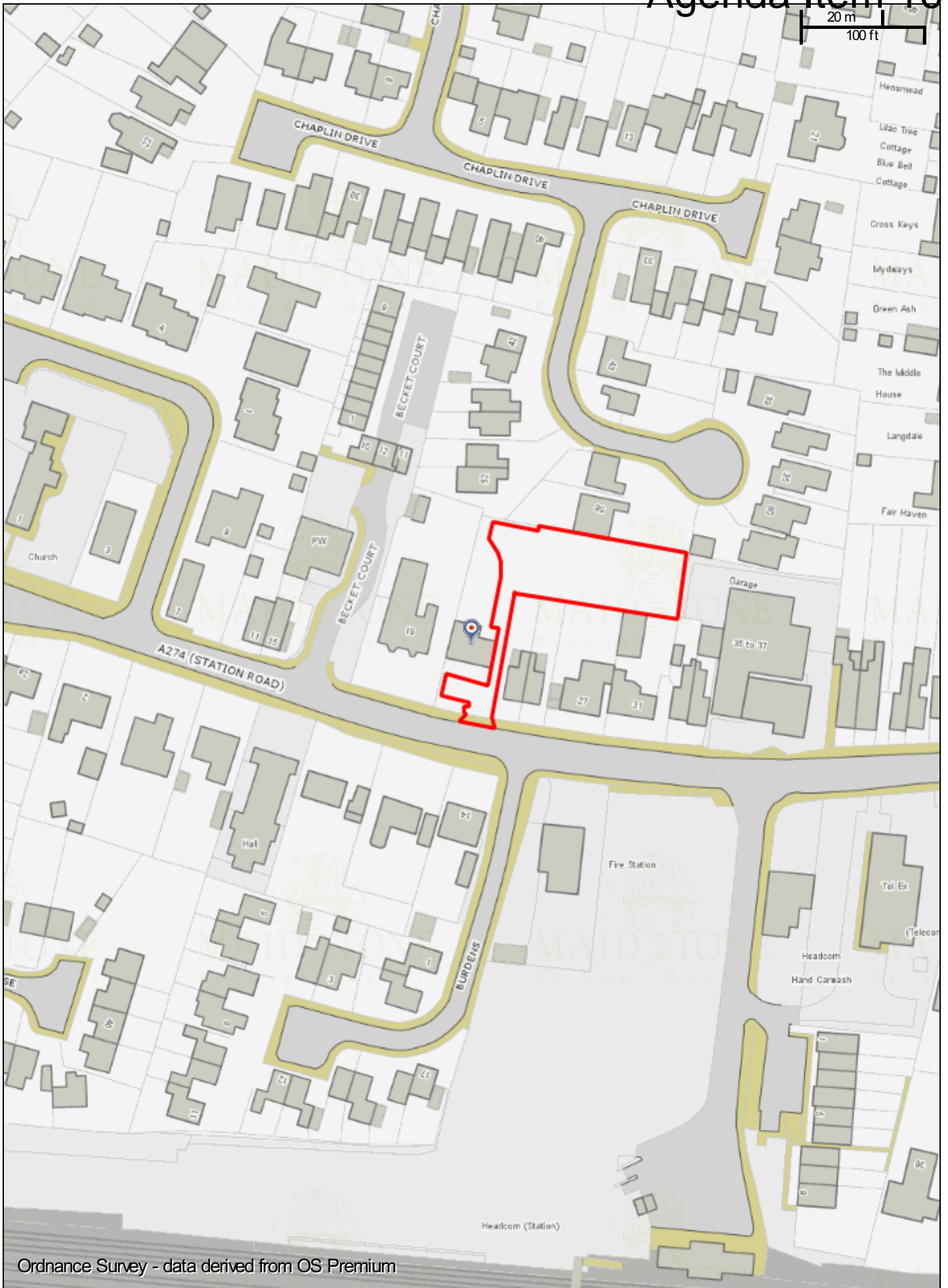
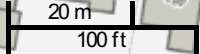
8. RECOMMENDATION

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 approved shall be carried out in accordance with the following approved plans and documents:
 - PA_22_029_001 - Existing and Proposed Plan and Elevations
 - PA_22_029_002 Rev A - Site Location and Block Plan
 - Planning Statement
 - UB 042 500EV sileo Multibox
 - Sitesafe Discarb Units
 - Type 2 Premium Baffle Filter
 - Vline Panel FilterReason: in the interests of proper planning.
- 3) No activity in connection with the use hereby permitted shall be carried out outside 1600hrs to 2200hrs Mondays to Fridays and 1200hrs to 2200hrs on Saturdays and 1200hrs to 2100hrs on Sundays.
Reason: To safeguard the enjoyment of their properties by adjoining residential occupiers.
- 4) The proposed extraction system and plant shall be installed in accordance with the supporting information provided with the application prior to first use of the premises hereby permitted and shall thereafter be maintained in accordance with the manufacturer and operating instructions.
Reason: In the interests of residential amenity.
- 5) The rating level of noise emitted from the proposed plant and equipment to be installed on the site (determined using the guidance of BS 4142 : 2014 Rating for industrial noise affecting mixed residential and Industrial areas) shall be 5dB below the existing measured background noise level LA90, T. In exceptional circumstances, such as areas with a very low background or where assessment penalties total above 5 the applicant's consultants should contact the Environmental Protection Team to agree a site-specific target level.
Reason: In the interests of amenity.
- 6) Prior to the commencement of the approved use a scheme and maintenance schedule for the extraction and treatment of fumes and odours generated from cooking or any other activity undertaken on the premises, shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall be designed in accordance with the DEFRA publication Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems January 2005. The approved equipment, plant or process shall be installed or in place prior to the first operation of the premises and shall thereafter be operated and retained in compliance with the approved scheme.
Reason: In the interests of amenity.
- 7) Prior to the commencement of the approved use facilities for (a) the storage and screening of refuse bins, and (b) the collection 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.

INFORMATIVES

1. Advertisements: The applicant is advised that any new signage may require the benefit of separate advertisement consent, see advice on the following website: <https://www.gov.uk/government/publications/outdoor-advertisements-and-signs-a-guide-for-advertisers>
2. External changes: The applicant is advised that external changes to the unit such as a new shopfront are likely to require the benefit of a separate planning permission.
3. Radon: The applicant is advised that the site is in a radon affected area with a 3-5% probability of elevated radon concentrations. If the probability of exceeding the action level is 3% or more in England and Wales, basic preventative measures are required in new houses, extensions, conversions and refurbishments - British Research Establishment code BR211 (2015) and The Building Regulations 2010 England (amendments 2013). If the probability rises to 10% or more, provision for further preventative measures are required in new houses. Test(s) for the presence of radon gas are recommended to be carried out. Further information can be obtained from Public Health England.
4. Asbestos: The applicant is advised that adequate and suitable measures should be carried out for the minimisation of asbestos fibres during any works, so as to prevent airborne fibres from affecting workers carrying out the work, and nearby properties. Only contractors licensed by the Health and Safety Executive should be employed. Any redundant materials removed from the site should be transported by a registered waste carrier and disposed of at an appropriate legal tipping site.
5. Construction: The applicant is advised of the Mid Kent Environmental Code of Development Practice produced by the Mid Kent Environmental Protection Team (shared service between Maidstone Tunbridge Wells and Swale). This guidance is available on the Tunbridge Wells website at the following link: <https://tunbridgewells.gov.uk/environment/environmental-code-of-development-practice>



Ordnance Survey - data derived from OS Premium

22/502266/FULL 21 Station Road, Headcorn, Kent, TN27 9SB
Scale: 1:1250
Printed on: 12/9/2022 at 14:10 PM by JoannaW

REPORT SUMMARY

REFERENCE NO: - 22/502266/FULL		
APPLICATION PROPOSAL: Erection of 1no. three-bed detached dwelling 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 (resubmission of 21/506844/FULL).		
ADDRESS: 21 Station Road, Headcorn, Kent, TN27 9SB		
RECOMMENDATION: GRANT PLANNING PERMISSION subject to planning conditions		
SUMMARY OF REASONS FOR RECOMMENDATION FOR APPROVAL:		
<ul style="list-style-type: none"> • It is concluded that the submitted proposal with the reduced number of units is acceptable in relation to matters of design, appearance and character. The imposition of planning conditions will resolve issues relating to landscaping and biodiversity. • The potential impact on the amenity of adjacent neighbours including in relation to noise, privacy, and overlooking have been considered and with suitable planning conditions the proposal for a single house is acceptable. The arrangements for access, parking and servicing were found to be acceptable. • As such, it is considered that the development is in accordance with local and national planning policies and is recommended for approval subject to planning 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 Mrs A Porter AGENT: Judge Architects Ltd
CASE OFFICER: Tony Ryan	VALIDATION DATE: 05/05/2022	DECISION DUE DATE: 30/09/2022
ADVERTISED AS A DEPARTURE: No		

Relevant planning history

- 21/506844/FULL Erection of 2no. three bedroom 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. Refused 08.03.2022 (delegated) for the following reasons:
 1. *The proposed dwellings, due to their design, site coverage and siting would have a harmful impact on the character and appearance of this site and the local area with the development failing to respect the existing pattern of development and resulting in a poorly integrated and over-developed scheme contrary to DM1, DM9, and DM12 of the Maidstone Local Plan and guidance in the NPPF (2021).*

2. *The application has failed to demonstrate that the proposal would not have an immediate detrimental impact on the health of trees covered by a Tree Preservation Order in terms of incursion of the proposed building footprint, hardstanding areas and cycle store into root protection areas and in relation to the proximity of the trees to proposed habitable windows there is a failure to demonstrate that the proposal would not result in significant pressure for removal or works from future occupiers to trees shown as retained on and around the site with the resulting negative impact on local character. Contrary to policy DM1 of the adopted Maidstone Local Plan 2017 and the NPPF (2021).*

- Appeal currently in progress against the refusal of permission under application 21/506844/FULL (NB: no. of houses reduced from two to one in current planning application)
- Applications to carry out works to trees covered by Tree Preservation Order (TA/0068/12 refused 03.09.2012); (TA/0041/13 Refused 11.10.2013), (TA/0060/14 Approved 20.08.2014) and (TA/0114/11 – pending)

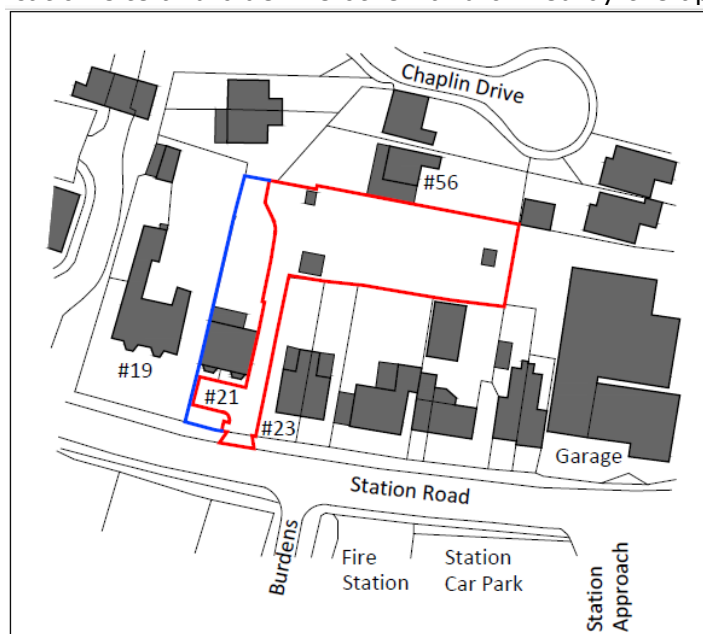
1.0 DESCRIPTION OF SITE

1.01 The application site at 21 Station Road is located within the local plan designated rural service centre of Headcorn. On the opposite side of Station Road is Headcorn Fire Station and set behind a substantial car park, Headcorn Railway Station.

1.02 The site is not located in a conservation area and there are no listed buildings nearby. The site is in Flood Zone 1 (low risk of flooding). The site and surrounding gardens contain a number of trees that are covered by tree preservation orders

Site location plan

(red line application site and blue line other land owned by the applicant)



1.03 The application site is currently garden land attached to 21 Station Road. 21 Station Road is a detached two storey dwelling on the north side of Station Road with an existing access and off-street parking area.

1.04 The large land area and 'dog leg' shape of the residential plot of land at 21 Station Road is unique in the local area, extending behind the properties at 23, 25 and 27 Station Road. Properties in the Chaplin Drive are located to the north of the site, in

the east is a motor vehicle repair garage that is within the Texaco petrol filling station that fronts Station Road. The rear garden of 19 Station Road is to the west and beyond this garden is the back land development of Beckett Close that extends some distance to the north of Station Road.

- 1.05 The general layout of buildings in the local area consists of backland development with a number of cul de sacs including Chaplin Drive, Beckett Close, Woodcocks and on the opposite side of the Road Burdens and Knowles Gardens.

2.0 PROPOSAL

- 2.01 The proposals involve the retention of the existing detached dwelling with the extension of the existing side vehicle access to the rear of the site. The new access will be to a part single part double storey detached three bedroom dwelling constructed at the rear of the site. The proposal also includes dedicated off-street parking and associated hard and soft landscaping.

3.0 POLICY AND OTHER CONSIDERATIONS

- Maidstone Borough Local Plan policies SS1, SP5, SP7, SP21, DM1, DM3, DM9, DM11, DM23
- The National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)
- 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. The relevant policies are as follows: _

LPRSP10:	Housing
LPRSP10(A):	Housing mix
LPRSP10(B):	Affordable housing
LPRSP12:	Sustainable transport
LPRSP14:	The environment
LPRSP14(A):	Natural environment
LPRSP14(C):	Climate change
LPRSP15:	Design
LPRSS1:	Maidstone borough spatial strategy
LPRSP6:	Rural service centre
LPRSP6(C):	Headcorn
LPRSP14A:	Natural environment
LPRSP14(C):	Climate change
LPRSP15:	Principles of good design
LPRHOU 2:	Residential extensions, conversions, annexes and redevelopment in the built up area
LPRHOU 4:	Residential garden land
LPRHOU 5:	Density of residential development
LPRTRA2:	Assessing the transport impacts of development
PRTRA4:	Parking
LPRQ&D 1:	Sustainable design
LPRQ&D 2:	External lighting
LPRQ&D 6:	Technical standards
LPRQ&D 7:	Private amenity space standards

4.0 LOCAL REPRESENTATIONS

4.01 Six responses have been received objecting to the application for the following reasons:

- Nuisance during the construction phase for neighbours
- Negative impact on operation of nearby garage
- Flooding with current lack of surface water run off and soak away
- Development would make neighbours feel hemmed in
- Loss of amenity from vehicles, parking and general activity
- Increase in local on street parking demand
- Building out of keeping with properties in Station Road and Chaplin Drive.
- Potential damage to trees
- Would like to see the land kept as garden and question the accuracy of the ecology assessment especially in terms of slow worms.
- No need for new housing
- Site access between 21 and 23 is insufficient width (2.8 metres) and will not allow service or emergency vehicle access.
- The vehicle access would harm privacy being close to existing windows and gardens.
- The proposal is overdevelopment

Headcorn Parish Council

4.02 Objection and recommend refusal on the following grounds:

- Revisions do not address issues with the earlier application.
- Neighbour amenities in terms of increased flooding and overlooking
- Noise issues for future residents due to proximity to a busy garage
- Concerns about adequacy of the site access
- Site notice does not appear to have been displayed.
- "The committee does however comment the design of the building with its Sedum roof etc"

5.0 CONSULTATIONS

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

KCC Highways (comment on application for 2 dwellings)

5.01 No objections subject to conditions for a construction management plan, provision and retention of vehicle parking.

KCC Ecology

5.02 No objection subject to a planning condition requiring an ecological appraisal and a mitigation plan.

6.0 APPRAISAL

6.01 The key issues are:

- Site location
- Loss of the existing garden land
- Design, appearance and character
- Trees and landscaping and biodiversity
- Amenity - neighbours
- Amenity – future occupiers
- Access, parking, and traffic

Site location

- 6.02 The application site is located in the Rural Service Centre of Headcorn. Outside the Maidstone Urban Area, the Rural Service Centres are the second most sustainable settlement in the hierarchy to accommodate growth.
- 6.03 The application site is located in a sustainable location (short walk from Headcorn Railway Station) where future occupiers can meet their daily needs without the use of a private motor vehicle. Local Plan policy SS1 encourages development to be located within sustainable locations in the borough.

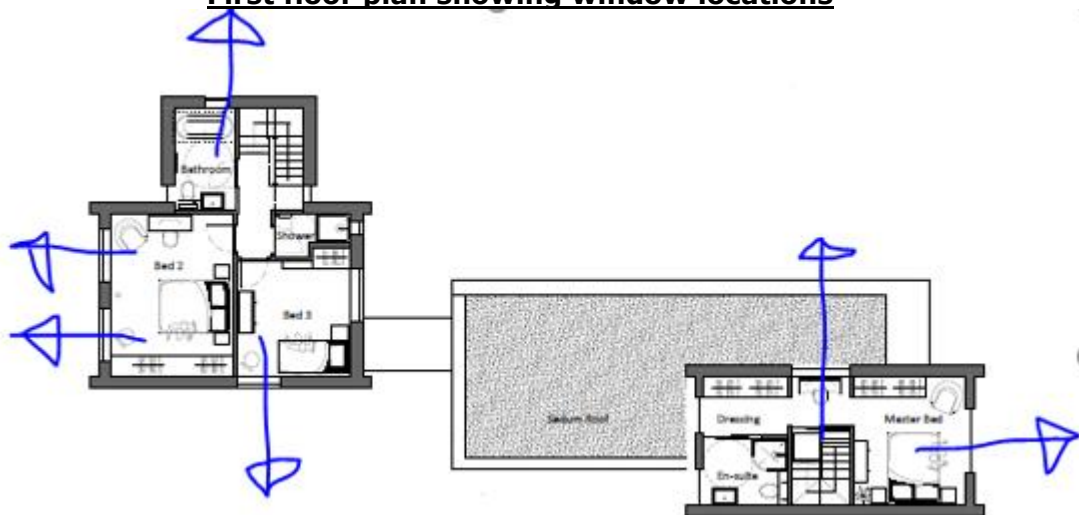
Rear of properties fronting Station Road



Loss of the existing garden land

- 6.04 The application site is currently residential garden land, Policy DM 11 of the adopted Local Plan states the development of residential garden land will be permitted where certain criteria are met. These criteria are considered below:

First floor plan showing window locations



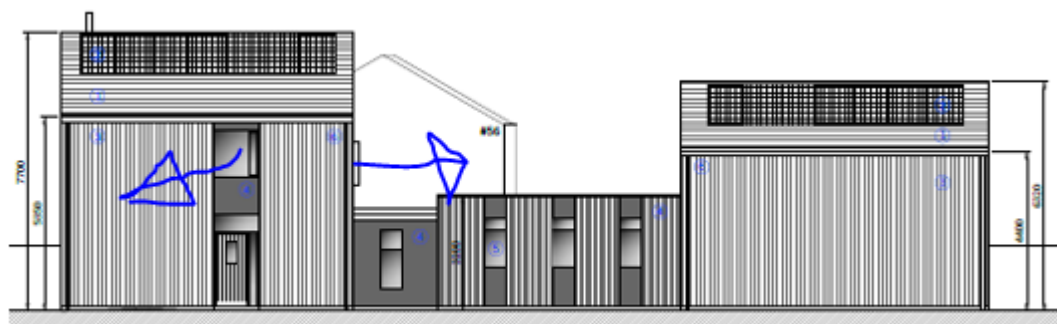
The higher density would not result in significant harm to the character and appearance of the area

- 6.05 There is currently great variety in residential plot sizes in the area of the application site. Although involving the subdivision of a garden, as this garden is so big, the plot size of the application site is larger than some others nearby. The subdivision of the garden would therefore not result in any harm to the character and appearance of the area.

There is no significant loss of privacy, light or outlook

- 6.06 With screening from boundary fences and landscaping, the proposed windows at ground floor level are considered acceptable. There is one window in the proposed building at first floor level to the south elevation.
- 6.07 The properties at 23 -31 Station Road located to the south have circa 13-metre-long rear gardens and the proposed window is a further circa 3 metres from the boundary. The window in question is to bedroom 3 which also has a second east facing window. As the separation distance is less than the standard 21 metres and in order to avoid overlooking and loss of privacy a planning condition is recommended to ensure that the south facing window of bedroom three is obscured glazed and fixed shut below 1.7 metres from finished internal floor level.
- 6.08 To the north of the application site, the property at 56 Chaplin Drive has a single first floor window to the side elevation overlooking the application site. This window appears to have been installed under permission 86/0884 which was related to extensions to the building and the window appears to be the only window to a bedroom.
- 6.09 In the north elevation of the proposed dwelling there are two windows at first floor level to the north elevation. These windows are to a bathroom and the master bedroom. The bathroom window would be 6.5 metres from the side wall of 56 Chaplin Drive, and whilst typically obscured anyway, a planning condition is recommended to ensure that this takes place. The master bedroom does not directly face any nearby window and is set back 10.6 metres from the side boundary with 56 Chaplin Drive. With this context and separation distance it is not considered that the master bedroom window will result in loss of privacy or overlooking.

South elevation (with first floor views highlighted)



- 6.10 As shown on the floor plan, there are also first floor windows facing east and west, these windows face towards the parking court of the Texaco Petrol Filling (east) and to the retained garden of 21 Station Road. With a separation distance of 12.7 metres from the retained garden boundary it is not considered that the west facing windows will result in overlooking or loss of privacy.
- Highway access of an appropriate standard can be provided
- 6.11 There is an existing vehicular access from Station Road to the front garden of 21 Station Road. The proposed use of this access with the proposed alterations is considered acceptable for the proposed one additional dwelling.
- 6.12 The access was previously assessed by the highways authority who found the access suitable to accommodate the two houses that were proposed as part of the earlier planning application.

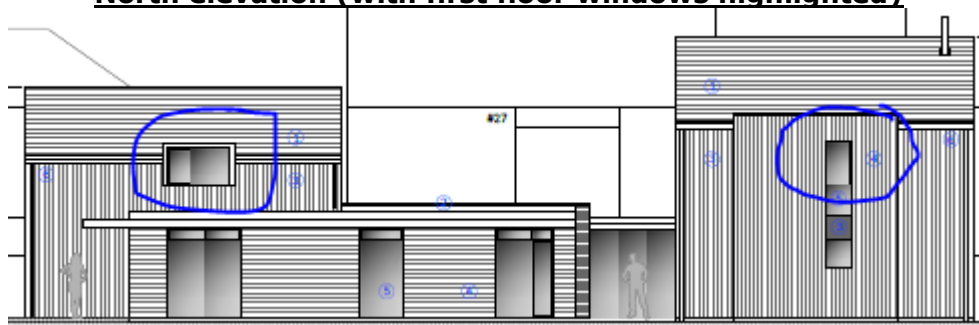
Property at 56 Chaplin Drive (with first floor windows highlighted)



There would be no significant increase in noise or disturbance from traffic gaining access to the development.

- 6.13 The potential noise and disturbance from back land development has been considered by appeal inspectors in relation to other proposals. It has been determined the noise and disturbance generated by an additional 'single' household would not increase vehicle noise and activity to a level that would harm the living environment of adjoining occupiers and the recreational enjoyment of their gardens. (APP/U2235/W/20/3262474 Rear of Redic House, Warmlake Road Sutton Valence, ME17 3LP). As an additional safeguard the submitted plans in this case are annotated with the provision of a 1.8-metre-high acoustic fence along the side boundary with 23 Station Road.

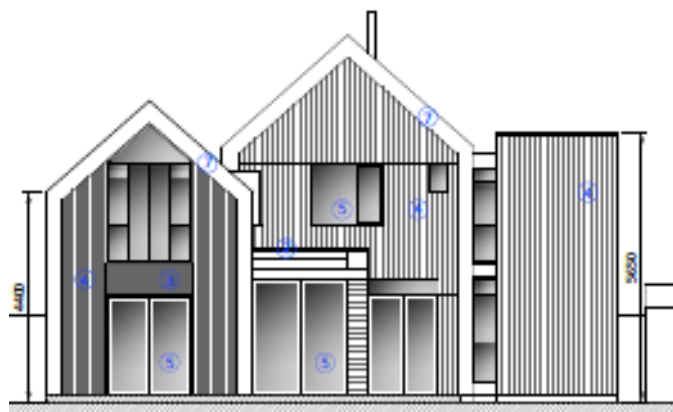
North elevation (with first floor windows highlighted)



Design, appearance and character

- 6.14 Policy DM1 sets out that development proposals should respond positively to, and where possible enhance, the local, natural and historic character of the area. Particular 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.
- 6.15 The proposed materials are listed as natural slate roof tiles, sedum roof over kitchen/dining, Cedar cladding - dark grey stain, Cedar cladding - natural / light grey, double-glazed windows - RAL 7016, PPC Aluminium rainwater goods - RAL 7016, and PPC Aluminium gable trim - RAL 7016.

Proposed east elevation



6.16 The application site is in a backland location and as a result and unlike an infill scheme there is greater flexibility in the design and appearance of new buildings. It is also highlighted that the site is not in a conservation area and that there is some variety in the design and appearance of local buildings. The design and appearance of the dwelling whilst distinctly contemporary with the roof form and some of the materials the design also has more traditional references.

Trees and landscaping and biodiversity

6.17 Policy DM1 sets out that proposed development should respond to the location of the site and sensitively incorporate natural features such as such as trees, hedges worthy of retention within the site.

6.18 The NPPF (para 174) states that planning decisions should contribute to and enhance the natural and local environment providing net gains for biodiversity, and (para 180) opportunities to improve biodiversity in and around developments should be integrated as part of their design.

6.19 The application site is currently open rear garden open to 21 Station Road with ancillary buildings such as a greenhouse and sheds. In addition, the applicant has carried out a protected species assessment of the site and a tree survey. This use of the site as garden space reduces the potential for protected species to be present with further evidence available through the protected species assessment. In this context it is unlikely that the site will support habitat for protected species. Planning conditions are recommended seeking biodiversity enhancements and landscaping as part of the development.

Residential amenity – neighbours

6.20 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”.

6.21 As it is short term and unavoidable with construction work, the impact of construction work on residential amenity is not grounds on which to refuse planning permission. A planning condition is recommended that seeks to reduce the extent of the nuisance through the submission of a construction management plan. As set out earlier in this report the proposal has been found to be acceptable in terms of the potential impact on privacy, overlooking, outlook and in general terms in relation to noise and disturbance.

Residential amenity – future occupiers

- 6.22 Policy DM1 advises that proposals will be permitted where they "...provide adequate residential amenities for future occupiers of the development by ensuring that development does not result in, or is exposed to, excessive noise..., overlooking or visual intrusion...".
- 6.23 The standard of the proposed accommodation is acceptable with adequate natural light, sufficient internal space, privacy and external amenity space.

Access, parking, and traffic

- 6.24 Adopted policies seek to ensure that new development does not harm highway safety and that there is adequate site access, servicing arrangements, off street car parking, cycle parking and electric vehicle charging. Local Plan policy DM1 sets out that new development should provide adequate vehicular and cycle parking to meet adopted council standards, and policy DM23 encourages good access routes through the site with electric charging points incorporated into the development proposals.
- 6.25 Headcorn is recognised as being in the second tier of accessible and sustainable locations (Rural Service Centre) in the borough only behind the Maidstone Urban Area in the hierarchy. On the opposite side of Station Road to the site is Headcorn Railway Station and the site benefits from nearby bus stops and the services and facilities in Headcorn that are in easy walking distance.
- 6.26 As set out earlier in this statement the amended vehicle access arrangements to the site from Station Road have been assessed and are considered acceptable. In terms of access arrangements within the site, the submitted application is supported by an access plan. This plan confirms that the access width (3.75 metres) is suitable for a fire appliance and a Maidstone refuse truck which is 2.5 metres wide. This access is also in line with Building Regulations Approved Document B Section 11: Vehicle Access.
- 6.27 Off street parking standards for residential uses are provided in Appendix B of the adopted Local Plan. These standards require 2 car parking spaces for 3 bedroom dwellings and 0.2 for visitors. The submitted drawings show two marked car parking spaces, with further space available for a third visitor vehicle to park when required. No objections were received from KCC Highways in relation to parking or access arrangements.
- 6.28 Planning conditions are recommended in relation to electric vehicle charging points, bin storage and collection and the provision and retention of the access arrangements and parking.
- 6.29 NPPF paragraph 111 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*". It is found that there would not be any severe impact on the highway or local parking demand as a result of this proposal.

Other matters

- 6.30 In terms of the other consultation responses the follow comments are made.
- 6.31 The operator of the garage that is immediately to the east of the site has expressed concern that the greater residential occupation will potentially lead to more noise complaints about the garage. The application site is located in a rural service centre that is in the second tier of sustainable locations in the borough and opposite Headcorn Railway Station. In this context and in seeking the efficient use of land

the presence of the motor vehicle repair garage would not be grounds to refuse planning permission.

- 6.32 The application site is not in an area at risk from flooding. A planning condition is recommended seeking details of a sustainable urban drainage system.
- 6.33 In relation to consultation individual letters were sent to adjacent occupiers. As the original case officer has now left the Council it is unclear whether a site notice was originally displayed but following the comments from the parish council it can be confirmed that a site notice has been displayed.
- 6.34 The previously refused proposal consisted of 2 new dwellings in a tandem layout. It was found that this layout resulted in a cramped appearance that was harmful to the character of the area. In addition, it was found that the buildings and associated development and the close relationship the two dwellings to trees would have harmful impact. After consideration of the revised proposal, it was concluded that a single dwelling was more appropriate and that the previous grounds for refusal had been overcome.

Public Sector Equality Duty

- 6.35 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.

7.0 CONCLUSION

- 7.01 It is concluded that the submitted proposal with the reduced number of units is acceptable in relation to matters of design, appearance and character. The imposition of planning conditions will resolve issues relating to landscaping and biodiversity.
- 7.02 The potential impact on the amenity of adjacent neighbours including in relation to noise, privacy, and overlooking have been considered and with suitable planning conditions the proposal for a single house is acceptable. The arrangements for access, parking and servicing were found to be acceptable.
- 7.03 As such, it is considered that the development is in accordance with local and national planning policies and is recommended for approval subject to planning 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) Commencement: 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) Plans: The development hereby approved shall be carried out in accordance with the following approved plans and documents:
 - 21-11-51-P1-Location and Block Plans
 - 21-11-52 P1-Existing Site Plan Inc Tree Survey Plan
 - 21-11-53-P1-Proposed Site Plan
 - 21-11-54-P1-Proposed Site Access Plan

- 21-11-55-P1-Proposed Ground Floor Plan
- 21-11-56-P1-Proposed First Floor, Roof, And Shed Plans
- 21-11-57-P1-Proposed Elevations 1
- 21-11-58-P1-Proposed Elevations 2
- 21-11-D03 – Tree Survey
- Protected Species Survey Assessment
- Planning Statement

Reason: For the avoidance of doubt and in the interests of proper planning.

- 3) Construction Management Plan: The development hereby approved shall not commence until a Construction Management Plan for the development has been submitted to and approved in writing by the local planning authority. The Construction Management Plan shall include the following details-
- (a) Routing of construction and delivery vehicles to / from site
 - (b) Parking and turning areas for construction and delivery vehicles and site Personnel
 - (c) Timing of deliveries
 - (d) Provision of wheel washing facilities
 - (e) Temporary traffic management / signage
 - (f) Measures to control dust.
 - (g) Measures to prevent the discharge of surface water onto the highway.
- The construction works shall proceed only in accordance with the approved Construction Management Plan. Reason: In the interests of residential amenity and highway safety.
- 4) Slab levels: The development hereby approved shall not commence until details of the following have been submitted to and approved in writing by the local planning authority
- a) the existing site levels and
 - b) the proposed slab levels of the building
- the development shall be completed strictly in accordance with the approved levels. Reason: In order to secure a satisfactory form of development having regard to the topography of the site.
- 5) Facing materials: The external facing materials used in the construction of the approved dwelling shall be those listed on drawing 21-11-57 P1. Reason: To ensure a satisfactory appearance to the development. (NB: This condition requires action but not any formal discharge)
- 6) Preliminary Ecological Appraisal The development hereby approved shall not commence until an ecological mitigation strategy has been submitted to and approved in writing by the Local Planning Authority. The ecological mitigation strategy shall contain the following:
- Preliminary Ecological Appraisal
 - Following the appraisal any recommended specific species surveys
 - Overview of the mitigation required.
 - Detailed methodology to implement the mitigation.
 - Timings of the works.
 - Maps showing the mitigation areas (if required)
 - Simple management plan to maintain those areas.
- The plan must be implemented as approved with the relevant mitigation in place prior to first occupation of the approved dwelling and retained thereafter. Reason: In the interests of the ecology. (NB: This condition requires action and formal discharge).
- 7) Biodiversity: The development hereby approved shall not commence above slab level until details of 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 integrated methods into the structure, design and appearance of the new dwelling by means such as swift bricks, bat tubes or bee bricks, and through provision within the site curtilage such as bird boxes, bat boxes, bug hotels, log piles, wildflower planting and hedgehog corridors. The development shall be implemented in accordance with the approved details prior to first occupation of the development hereby approved and all features shall be maintained thereafter. Reason: To enhance the ecology and biodiversity on the site. (NB: This condition requires action and formal discharge).

- 8) Renewables: 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 development shall be implemented in accordance with the approved details prior to first occupation of the development hereby approved and all features shall be maintained thereafter. Reason: To ensure an energy efficient form of development. (NB: This condition requires formal discharge)
- 9) Landscaping details: The development hereby approved shall not commence above slab level until a soft landscaping scheme (designed using the principle's established in the Council's adopted Landscape Character Assessment 2012) has been submitted to and approved in writing by the local planning authority. The soft landscaping scheme shall include the following:
 - a) Indications of all existing trees and hedgerows on the land, and confirmation of those to be retained,
 - b) A planting schedule using indigenous species (including location, planting species, spacing, maturity and size). Only non-plastic guards shall be used for the new trees and hedgerows.
 - c) A programme for the approved scheme's implementation and long term management, including long term design objectives, management responsibilities and a maintenance schedule for the landscaped areas.Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development (NB: This condition requires formal discharge)
- 10) Landscaping implementation: All planting, seeding and turfing specified in the approved landscape scheme shall be completed by the end of the first planting season (October to February) following first occupation of the dwelling hereby approved. The approved long term management details shall be carried out with the approved details and 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 (NB: This condition requires action but not formal discharge)
- 11) Surface water drainage: The development hereby approved shall not commence above slab level until a sustainable surface water drainage scheme has been submitted to and approved in writing by the local planning authority. The submitted details shall:

- a) 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.
- b) Include a timetable for implementation surface water drainage scheme in relation to the development; and,
- c) 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.

The sustainable surface water drainage scheme shall be implemented in accordance with the approved timetable and all features shall be maintained thereafter.

Reason: In the interests of pollution and flood prevention.

- 12) Boundary treatment: The development shall not commence above slab level until, details of all fencing, walling and other boundary treatments have been submitted to and approved in writing by the Local Planning Authority (to include gaps at ground level in the boundaries to allow the passage of wildlife) and the development shall be carried out in accordance with the approved details before the first occupation of the buildings and maintained as such thereafter. Reason: To ensure a satisfactory appearance to the development and to safeguard the enjoyment of their properties by existing and prospective occupiers and for the passage of wildlife.
- 13) EV charging: 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. (NB: This condition requires action but not formal discharge).
- 14) Bin and cycle storage: Prior to the first occupation of the dwelling hereby approved, facilities for
 - (a) the storage and screening of refuse bins,
 - (b) the collection of refuse bins, and
 - (c) secure bicycle storageshall 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: To ensure a satisfactory appearance to the development
- 15) Obscure glazing Prior to the first occupation of the dwelling hereby approved the south facing window of bedroom three shall be fitted with obscured glazed (Pilkington level 3 or higher (or equivalent)) and fixed shut below 1.7 metres from finished internal floor level. Reason: In the interests of residential amenity.
- 16) Parking, turning and access implementation: Prior to the first occupation of the dwelling hereby approved the parking, turning and access_details on the approved plans shall be completed and shall thereafter be retained. 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 their operation. Reason: Development without adequate parking, turning and access provision is likely to lead to parking inconvenient to other road users and in the interests of road safety.
- 17) External lighting: 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. These 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. The development shall thereafter be carried out in accordance with the subsequently approved details and maintained as such thereafter (NB: temporary lighting required during the construction phase used between 0800hrs and 1800hrs are excluded from this condition). Reason: In the interests of amenity.

- 18) Removal of permitted development: Notwithstanding the provisions of the Town and Country Planning General Permitted Development (Amendment) (England) Order 2015 (or any order revoking and re-enacting that order with or without modification), no development within Schedule 2, Part 1, Classes A, B, C, D, E and F; and Schedule 2, Part 2, Class A, to that Order shall be carried out. Reason: To ensure a satisfactory appearance to the development.
- 19) Bound surface to access: The private vehicle access to the site shall be provided with a bound surface for at least the first 5 metres measured from the boundary with the public highway. Reason: In the interests of highway safety.

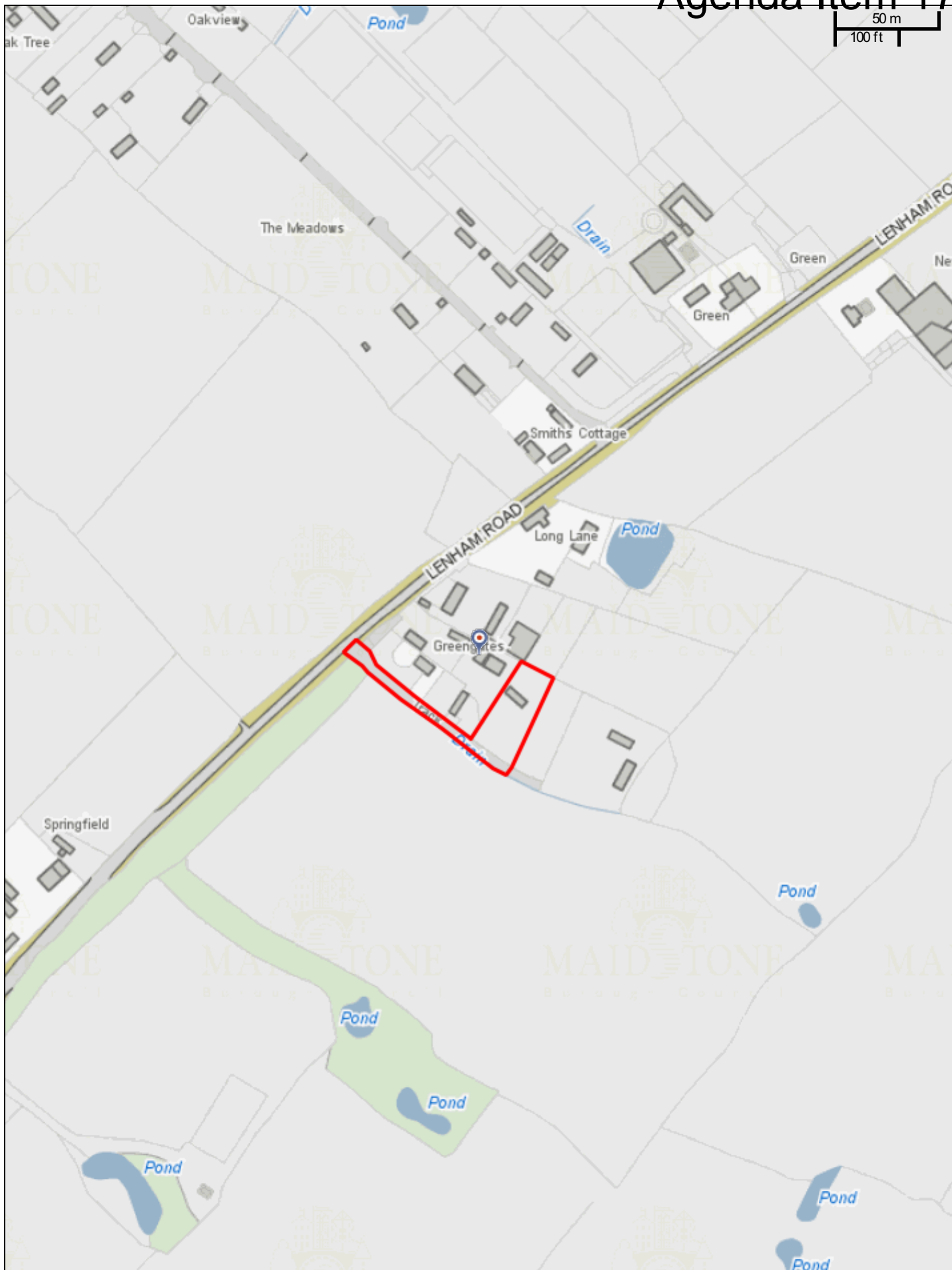
INFORMATIVES

- (1) CIL: Them 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.
- (2) Construction: The applicant is advised of the Mid Kent Environmental Code of Development Practice produced by the Mid Kent Environmental Protection Team (shared service between Maidstone Tunbridge Wells and Swale). This guidance is available on the Tunbridge Wells website at the following link: <https://tunbridgewells.gov.uk/environment/environmental-code-of-development-practice>
- (3) Highways: The applicant is advised that planning permission does not convey any approval to carry out works on or affecting the public highway. Any changes to or affecting the public highway in Kent require the formal agreement of the Highway Authority, Kent County Council (KCC), and it should not be assumed that this will be a given because planning permission has been granted. For this reason, anyone considering works which may affect the public highway, including any highway-owned street furniture, is advised to engage with KCC Highways and Transportation at an early stage in the design process.
- (4) Highways: The applicant is advised that 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 public highway. Some of this highway land is owned by Kent County Council whilst some is owned by third party owners. Irrespective of the ownership, this land may have highway rights over the topsoil. Works on private land may also affect the public highway. These include works to cellars, to retaining walls which support the highway or land above the highway, and to balconies, signs or other structures which project over the highway. Such works also require the approval of the Highway Authority.
- (5) Highways: The applicant is advised that Kent County Council has now introduced a formal technical approval process for new or altered highway assets, with the aim of improving future maintainability. This process applies to all development works

affecting the public highway other than applications for vehicle crossings, which are covered by a separate approval process.

- (6) Highways: The applicant is advised that it is the responsibility of the applicant to ensure, before the development is commenced, that all necessary highway approvals and consents have been obtained and that the limits of the highway boundary have been clearly established, since failure to do so may result in enforcement action being taken by the Highway Authority. The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under the relevant 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.

- (7) Highways: The applicant is advised that guidance for applicants, including information about how to clarify the highway boundary and links to application forms for vehicular crossings and other highway matters, may be found on Kent County Council's website: <https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/highways-permissionsand-technical-guidance>. Alternatively, KCC Highways and Transportation may be contacted by telephone: 03000 418181



Ordnance Survey - data derived from OS Premium

REPORT SUMMARY

REFERENCE NO: - 22/502321/FULL		
APPLICATION PROPOSAL: Change of use of land for the stationing of 1no. mobile home and 2no. touring caravans for residential use and for the keeping of horses, with associated operational development including hard standing, package treatment plant, fencing and utility building (part retrospective).		
ADDRESS: Land Adjoining Greengates, Lenham Road, Headcorn, Ashford, Kent, TN27 9LG		
RECOMMENDATION: GRANT PLANNING PERMISSION subject to planning conditions		
SUMMARY OF REASONS FOR RECOMMENDATION: The proposal is acceptable in relation to the potential impact on Lenham Road, (as well as the access road) in relation to visual harm. The development would not harmfully impact upon the amenity of neighbouring residential amenity, nor would it harmfully impact upon highway safety.		
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.		
WARD: Headcorn	PARISH/TOWN COUNCIL: Headcorn	APPLICANT/AGENT: Mr & Mrs Kevin Harrington / Mrs Alison Heine
CASE OFFICER: William Fletcher	VALIDATION DATE: 26/05/2022	DECISION DUE DATE: 30/09/2022
ADVERTISED AS A DEPARTURE: NO		

Relevant Planning History

Long Lane:

15/502956/FULL - Continued use of land for private gypsy family with 2 caravans and 1 utility block. Permission refused 20/11/2017.

Greengates:

01/1320 - Change of use of land to residential and stationing of 1 no. mobile home, as shown on drawings received on 14.08.01. Refused. Appeal Allowed 17/09/2001

05/0518 - Retrospective application for the change of use of land from agriculture to the stationing of 1 no mobile home and 1 no touring caravan as shown on unnumbered plans received on 30/12/04 and 10/02/05. Refused. 05/05/2005

10/2177 - Application for planning permission for the change of use of land for the stationing of 4no static caravans for residential occupation by extended Gypsy family and associated development (stationing of 3no touring caravans, extended hardstanding and cess pool) as shown on site location plan and A4 site layout plan received on 30th December 2010. Three year temporary, named, permission granted. Temporary permission. 04/04/2013

14/504021/FULL - Application to vary condition 1 of MA/10/2177 (Application for planning permission for the change of use of land for the stationing of 4no static caravans for residential occupation by extended Gypsy family and associated development, stationing of 3no touring caravans, extended hardstanding and cess pool) to allow any gypsy family to live on site. Refused on the grounds of Planning permission 10/2177 expiring on 4 April 2016. Refused 01/07/2016

17/501852/FULL - Siting of four mobile homes and three touring caravans. (Retrospective). Refused on the grounds that the development would be visually harmful to the character and appearance of the countryside and any supplementary landscaping would not mitigate this harm. This would be contrary to policies ENV28 of the Maidstone Borough-Wide Local Plan 2000 and the NPPF, and draft policies SP17 and DM15 of the draft Maidstone Borough Local Plan (2011-2031). Refused, Appeal Withdrawn. 17/08/2017.

21/506265/FULL - Retrospective application for a material change of use of land for stationing of caravans for residential occupation and keeping of horses with associated operational development including hard standing, package treatment plant, gas tank, shed, dog run and stables. Permission granted 25/08/2022

1 Greengates

22/500193/FULL - Retrospective application for material change of use of land to a mixed use of land for stationing of caravans for residential purposes and the keeping of horses. Permission granted 25/08/2022

Oak Tree Farm (see layout plan at paragraph 1.07 for site location)

18/503291/FULL - Change of use of land to use as a residential gypsy caravan site for two gypsy families including the stationing of 2 no. mobile homes and 1 no. touring caravan. Permission refused 05/10/2018. Appeal allowed 22/04/2022.

19/501788/FULL - Retrospective change of use of land to use as a residential caravan site for two gypsy families including the stationing of 2no. mobile homes and 1no. touring caravan (resubmission of 18/503291/FULL). Permission refused 11/06/2019. Appeal allowed 22/04/2022.

1.0 DESCRIPTION OF SITE

- 1.01 The application site is located to the south east of Lenham Road, Headcorn. The application site is within open countryside and adjoins a number of other Gypsy and Traveller sites which are at the time of writing awaiting appeal decisions / are unauthorised. In policy terms the application site is within the countryside but otherwise there are no other policy designations.
- 1.02 There is an established, dense native species hedgerow approximately 4 metres in height along Lenham Road and the application site is bounded by a 2m close boarded fence. Due to its siting "behind" the 'Greengates' and '1 Long Lane', site views from Lenham Road are very minimal. The close boarded fence only allows for views of the tops of the application site and Traveller sites to the northeast of the application site (Oak Tree Farm). Views are only possible when travelling along Long Lane.
- 1.03 The application site in this instance is immediately to the southeast of the 'wider' Greengates site, which is depicted in the below image. This site has since been subdivided. The site in this instance is known as 'Land Adjoining Greengates' and is situated to the south east of 'Greengates', '1 Greengates' and '1 Long Lane' which also have ongoing applications seeking Gypsy and Traveller development.

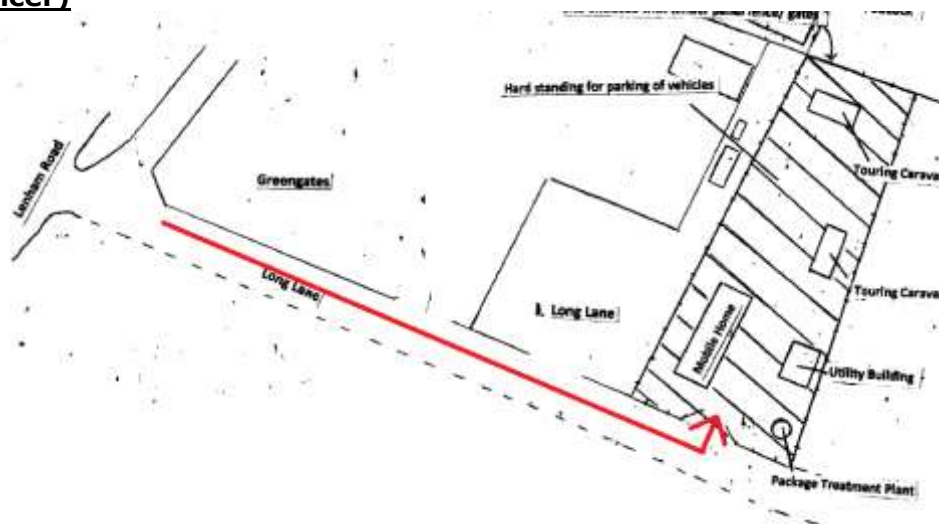
Image 1: Site Location Plan 17/501852/FULL (current application site in blue)



SITE LOCATION PLAN (17/501852/FULL)

- 1.04 The application site is accessed at the start of Long Lane, as depicted below which provides access to other sites to the southeast of the application site (Land Adjacent Greengates, 1 Long Lane and Long Lane).

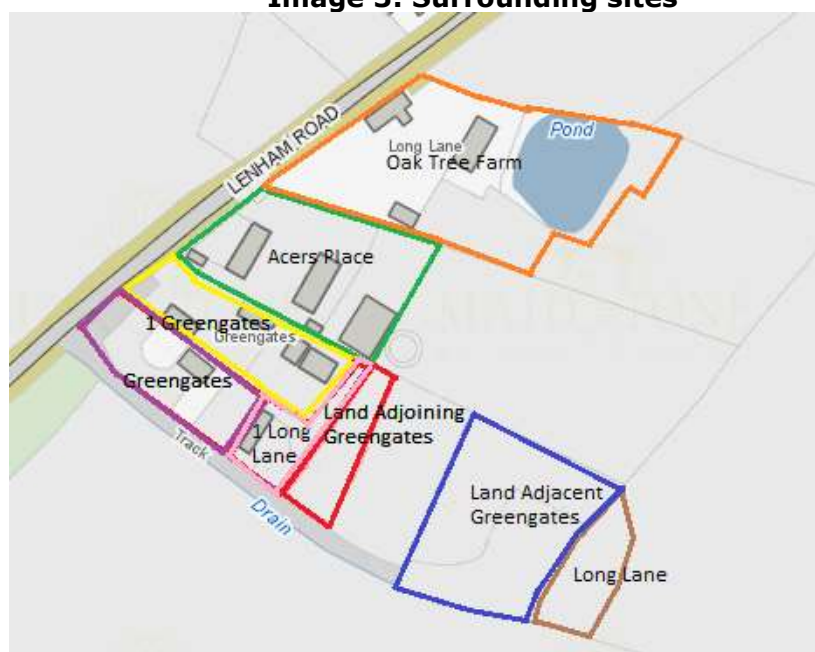
Image 2: Proposed Site Layout Plan (red access arrow added by case officer)



- 1.05 The application site is accessed via a five-bar timber gate located at the southern end of the plot. The mobile home occupied by the applicant is located at the southwestern portion of the site, with a utility building, and tourers parker to the east and northern end of the site as depicted above. The image above (with annotations added by the case officer) demonstrates the access arrangements.

- 1.06 Existing gypsy and traveller development is evident in the area. As well as the sites immediately surrounding the application site, there are the sites associated with Ash Gardens and Smiths Cottages approximately 170m northeast of the application site. Approximately 10m to the northwest of the Ash Gardens sites is a Gypsy and Traveller site (The Meadows) where there is ongoing appeal (public inquiry).
- 1.07 In terms of the surrounding development Image 3 below shows nearby gypsy and traveller development.
- **Red site:** This is the current application site
 - **Purple Site:** 'Greengates' to the west of the application site was granted permanent permission at committee on 25/08/2022.
 - **Yellow site:** Also to the west of the application site '1 Greengates' was granted permanent permission at committee on 25/08/2022.
 - **Green site:** Immediately to the north of the 1 Greengates is 'Acers Place'. Following the latest applications (19/502590/FULL and 20/504079/FULL) which were 'declined to be determined', the site has been cleared of development. The site has been submitted as a Gypsy and Traveller site in the local plan 'call for sites'.
 - **Orange site:** To the north of 'Acers Place' is Oak Tree Farm where two applications were refused in 2018 and 2019. These appeals were allowed and permanent permission granted in April 2022 detailed in the planning history section.
 - **Pink Site:** The site to the immediately to the west of the application site is '1 Long Lane', unlawful, retrospective application (21/506257/FULL) awaiting determination.
 - **Blue site:** 50m to the east of the application site is 'The Land Adjacent Greengates'. This site has been subject to a number of applications with the most recent (21/500188/FULL) permitted on a temporary three-year basis expiring on 01/04/2024.
 - **Brown site:** Immediately to the east of 'The Land Adjoining Greengates' is 'Long Lane'. Whilst the site needs to be fully cleared, it is no longer used for the stationing of caravans following refusal 15/502956/FULL.

Image 3: Surrounding sites



- 1.08 The development upon the application site itself (highlighted in red) is retrospective, following the subdivision of the wider site which itself contained Gypsy and Traveller development albeit on a temporary basis.

2.0 PROPOSAL

- 2.01 The current application seeks retrospective permission to change the use of the land for the stationing of one mobile home and two touring caravans for residential use and for the keeping of horses, with associated operational development including hard standing, package treatment plant, fencing and utility building.
- 2.02 The current application is located immediately east of the land that was included within the application site boundary for planning permission under reference 17/501852/FULL. The site permitted under 17/501852/FULL included both Greengates, 1 Greengates and 1 Long Lane. Since then, the larger site has been split up and sold separately. The current application site is at the south-eastern end of the larger site.
- 2.03 As such, should all current planning applications be successful there would be
- 1 mobile home and 1 tourer as well as the associated development upon 'Greengates'.
 - 2 mobiles and 2 tourers at '1 Greengates',
 - 2 mobiles and 1 tourer at Oak Tree Farm,
 - 1 mobile and 1 tourer '1 Long Lane' and
 - 2 mobile homes, 2 touring caravans, and associated with the 'Land Adjacent Greengates' and
 - 1 mobile and 2 tourers associated with 'Land Adjoining Greengates'.

3.0 POLICY AND OTHER CONSIDERATIONS

Maidstone Borough Local Plan 2017:

SP17 – Countryside

DM1 – Principles of good design

DM3 – Natural environment

DM15 – Gypsy, Traveller and Travelling Showpeople accommodation

DM30 – Design principles in the countryside

The National Planning Policy Framework (NPPF):

Section 12 – Achieving well-designed places

Supplementary Planning Guidance:

Planning Policy for Traveller Sites' (PPTS)

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, 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.

4.0 LOCAL REPRESENTATIONS

- 4.01 As well as the posted site notice, four neighbouring properties were consulted by direct mail regarding the proposed development. The consultation expired on 27/06/2022.

5.0 CONSULTATIONS

Headcorn Parish Council (Summarised)

- 5.01 The LPA must press the government for a change in legislation that will enable these applications to be fairly assessed in parity with the settled community.

It was agreed that we should refuse these applications on the grounds of:

- The 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 and at odds with the LPA Local Plan
- Harm to the local landscape

- 5.02 The following refusal of a recent application in Grigg Lane was discussed and given this sites distance from the village the same refusal conditions should apply (summarised):-

- That the development is located in an unsustainable location.
- The development would have a harmful impact upon the character and appearance of the countryside and the Low Weald Landscape of Local Value.

6.0 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
- Amenity Impact
- Highways
- Ecology
- Domination and Pressure on Local Infrastructure
- Sustainability

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 Maidstone Borough Council, in partnership with Sevenoaks District Council commissioned Salford University Housing Unit to carry out a Gypsy and Traveller and Travelling Show People Accommodation Assessment (GTAA) dated January 2012. The GTAA conclusions on the need for pitches over the remaining Local Plan period are shown in the table below.

Need for Gypsy and Traveller Pitches Oct 2011 to March 2031

Period	No of pitches
Oct 2011 – March 2016	105
April 2016 – March 2021	25
April 2021 – March 2026	27

April 2026 – March 2031	30
Total Oct 2011 to March 2031	187

- 6.04 The GTAA is the only complete assessment of need that is currently available forming part of the evidence base to the Local Plan. The GTAA when it was carried out provided a reasonable and sound assessment of future pitch needs. Notwithstanding this, each decision must be taken on evidence available at the time and the GTAA is 11 years ago.
- 6.05 The Council’s Regulation 19 Local Plan was submitted to the Planning Inspectorate on 31st March 2022 and whilst this document is a material planning consideration, at this time it is not apportioned much weight.
- 6.06 The Council’s Regulation 19 Local Plan seeks to meet the future identified need for Gypsy and Traveller accommodation; and a separate Gypsy, Traveller and Travelling Showpeople DPD will be produced to manage the emerging need for the period until 2037. A call for sites exercise ran from 1st February to 31st March 2022. The DPD is at its early stages and is not due to be completed until 2024, however the work that has been completed has indicated a significant emerging need for Gypsy and Traveller accommodation in the borough and significantly greater than the 187 pitches indicated above.

Supply of Gypsy Sites

- 6.07 Accommodation for Gypsies and Travellers is a specific type of housing that Councils have a duty to provide for under the Housing Act (2004). Adopted Local Plan policy DM15 accepts that subject to a number of criteria being met, this type of accommodation can be provided in the countryside.
- 6.08 The following table sets out the overall number of pitches which have been granted consent from 1st October 2011, the base date of the assessment, up to 30 April 2022.

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

Type of consents	No. pitches
Permanent consent	253
Permanent consent + personal condition	26
Consent with temporary condition	0
Consent with temporary + 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 is that it can demonstrate a 6.2 year supply of Gypsy and Traveller sites at the base date of 1st April 2021.
- 6.10 Government guidance on Gypsy and Traveller development is contained in ‘Planning Policy for Traveller Sites’ (PPTS). The PPTS at paragraph 11 advises “...Where there is no identified need, criteria-based policies should be included to provide a basis for decisions in case applications nevertheless come forward. Criteria based policies should be fair and should facilitate the traditional and nomadic life of travellers while respecting the interests of the settled community”.

- 6.11 The PPTS directs that the lack of a 5 year supply of Gypsy and Traveller pitches should be given weight in the consideration of granting consent on a temporary basis. As the Council considers itself to be in a position to demonstrate a 5 year supply of pitches, the PPTS direction to positively consider the granting of temporary consent does not apply.

Gypsy Status

- 6.12 The planning definition of 'gypsies & travellers' as set out in the PPTS has been amended to exclude those who have ceased to travel permanently. The revised definition (Annex 1 of the PPTS) is as follows: "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' educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling show people or circus people travelling together as such".
- 6.13 The definition still includes those who are of a nomadic habit of life who have ceased to travel temporarily because of their own, or their dependants', health or education needs or old age. To determine whether an applicant falls within the definition in terms of ceasing travel temporarily, the PPTS advises that regard should be had to; a) whether they had previously led a nomadic habit of life; b) the reasons for ceasing their nomadic habit of life; and c) whether there is an intention of living a nomadic habit of life in the future and if so, how soon and in what circumstances.
- 6.14 The agent acting on behalf of the applicant has submitted a statement detailing the applicant's personal circumstances.
- 6.15 The site would be occupied by the applicants together with Mrs Harrington's elderly father.
- 6.16 The statement states that Mr Harrington is a horse dealer who works with his son buying and selling hay and straw, building stables and sand schools and dealing in horses. They attend horse fairs and travel with their caravans to find work. Mr Harrington used to organise the Kent Horse Fair at Iwade and his father used to help run the horse fair at Horsmonden.
- 6.17 The family previously sought consent to live on Acers Place but that appeal was dismissed on 2 August 2018 for, as written in the statement "reasons that have not been supported in decisions since made by the Council and other Inspectors".
- 6.18 The applicant's family are attempting to secure permissions at the other sites detailed above and as such it is accepted that the family have strong connections to the Kent area.
- 6.19 Mrs Harrington's father suffers from age related health issues and is dependent on his daughter who provides care.

Landscape and Visual Impact

- 6.20 Local Plan Policy SP17 states that development proposals in the countryside will not be permitted unless:
- a) they accord with other LP policies and
 - b) they will not result in harm to the character and appearance of the area.
- 6.21 The application site is located in the countryside and will result in harm to the character and appearance of the area. The other relevant LP policies are DM15 and DM30 and compliance with these policies weighs in favour of the submitted application.

- 6.22 Policies DM1 and DM30 set out how development must respond positively to, and where possible enhance the character of the area and that any detrimental effects to the landscape must be appropriately mitigated.
- 6.23 Policy DM15 states that Gypsy and Traveller development must not result in significant harm to the landscape and rural character of the area. Impact will be assessed with particular regard to the following three areas and these three areas are considered in turn below :
- (a) Local landscape character.
 - (b) Cumulative effect – the landscape impact arising as a result of the development in combination with existing lawful caravans; and
 - (c) Existing landscape features – development should be well screened by existing landscape features and there must be a reasonable prospect of landscape features being retained long term.

Local Landscape Character

- 6.24 The application site is located in countryside identified as a Landscape of Local Value, The Headcorn Pasturelands within the Low Weald. The Low Weald Landscape of Local Value (LLV), for the purposes of the Local Plan, is a landscape that is highly sensitive to significant change. The Low Weald has distinctive landscape features including field patterns (many of medieval character), hedgerows, stands of trees, ponds and streams, and buildings of character. The landscape has a gently undulating form with only scattered housing, farmsteads or hamlets and a few narrow lanes like Lenham Road. The landscape is generally attractive with an agricultural and rural quality. The site also falls within the Headcorn Pasturelands Landscape Character Area as a low lying landscape which forms part of the wider Low Weald and shares many of the same characteristic.
- 6.25 The 2017 application (17/501852/FULL) which related to the “wider” Greengates site, assessed that the development, including the mobiles, hard surfacing, and fencing, particularly at plot 1 and 2, would be visible from Lenham Road when approaching the site from the south. The visibility of the site would however be reduced by the presence of the tree belt on adjoining land as this would result in views being broken.
- 6.26 Whilst there are views into the site from the entrance, there are no public rights of way in the immediate vicinity and no significant public views into the site. When considering the site is situated to the rear of the two new ‘Greengates’ sites and situated some 70m to the southeast of Lenham Road The only views onto the site are from Long Lane and are ‘glimpses’ of the tops of the mobiles.
- 6.27 The site is bordered by a 2m high close boarded fence except for the access which is a 5 bar timber gate. The site itself is visible but screened by the neighbouring sites to the north west, views into the site are not possible unless travelling along Long Lane.
- 6.28 Local Plan policy DM15 states that in assessing impact on the landscape weight will be attached to screening by existing landscape features. The application site is screened from Lenham Road by a mature hedgerow and the two ‘Greengates’ sites and ‘1 Long Lane’. Even in winter the mobiles would be screened due to the density of the planting and existing sites, any views would be glimpses filtered by existing vegetation. Hardstanding on the site would only be visible when travelling along Long Lane. The timber access gate is not urban in appearance, and is of a design typically found on Gypsy and Traveller sites. Local Plan policy DM15 states that:

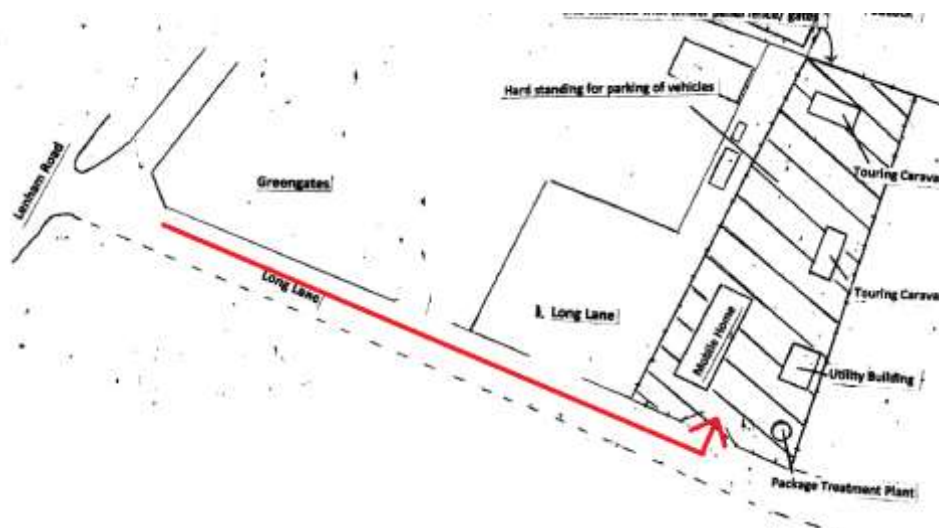
Additional planting should be used to supplement existing landscaping but should not be the sole means of mitigating the impact of the development.

- 6.29 Plans do not indicate any proposed landscaping. It is suggested that landscaping conditions could be imposed to secure new planting along the southern boundary of the site to soften the impact of the development along Long Lane.
- 6.30 The above assessment has been made in the context of Gypsy and Traveller accommodation that currently exists on neighbouring sites. To attach the appropriate weight in the assessment of the current application, it is highlighted that in addition to the current application two nearby sites have recently been granted permanent permission on 25/08/2022 (Greengates 21/506265/FULL and 1 Greengates 22/500193/FULL) and another site along Long Lane (1 Long Lane 21/506257/FULL) has a current retrospective application.
- 6.31 Acers Place' has been cleared of development but submitted as a Gypsy and Traveller site in the local plan 'call for sites'. The Land Adjacent Greengates'. Has temporary permission on a three-year basis expiring on 01/04/2024. (21/500188/FULL. Long Lane' no longer used for the stationing of caravans following refusal 15/502956/FULL.
- 6.32 Earlier Council Decisions to refuse planning permission at Oak Tree Farm (60m to the north of the application site) have recently been overturned with two appeals allowed in April 2022 and permanent permission granted for gypsy and traveller accommodation on these sites.
- 6.33 Paragraph 12 of the appeal decision notes "Lenham Road runs through this landscape north-eastwards from Headcorn. The countryside either side of the road exhibits many of the above qualities but also contains several gypsy and traveller sites that have a contrasting character and appearance. These sites vary in size and orientation, but typically involve large amounts of hardstanding and fencing, with a number of mobile homes and touring caravans visible from the road"
- 6.34 Paragraph 14 states "The site already has a good level of screening from the road thanks to the mature hedgerow. Even in winter, the mobile home next to the hedge is difficult to see due to the density of planting. The mobile home in front of the pond is more obvious from the site entrance and can also be seen in views from the road to the north-east. However, such views are glimpses and filtered by existing vegetation. The hardstanding is only visible when the gate is open, and the gate itself has stark urban appearance."

Oak Tree Farm



Land Adjoining Greengates



- 6.35 The access to 'Land Adjoining Greengates' is less exposed than 'Oak Tree Farm' on the distance from the roadside and this site has less of an impact upon Lenham Road. The site is screened from Lenham Road by the close-boarded fence around the site as well as the vegetation along Lenham Road and the neighbouring Gypsy and traveller sites closer to Lenham Road which means that the site has little visual effect for the most part, only the tops of the mobile homes are visible from Lenham Road when standing immediately at the northern end of Long Lane (the access road).
- 6.36 The mobile home itself is a single storey building with, a shallow gable ended roof. It is 3.6m in width, 12.2m in length and 2.5m high with a timber clad exterior with clay coloured roof tiles. In the specific context of other surrounding Gypsy sites, the appearance of the mobile is unlikely to appear incongruous in terms of scale and design. It is not assessed that the additional buildings i.e. the utility building would have a harmful impact when viewed in the context of the application site. These types of buildings are often found on Gypsy and Traveller sites, they do not have a harmful visual impact.

Cumulative Impact

- 6.37 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.
- 6.38 The information in the preceding parts of this report, including the planning history section, have set out the planning history of adjacent sites.
- 6.39 In terms of cumulative impact, paragraph 17 of the appeal relating to Oak Tree Farm states "Both appeal schemes would be in keeping with the wider landscape character in terms of the existing and proposed boundary planting and would also reflect the scattered form of development in the surrounding area. Thus, the cumulative effect of the development in either appeal would not be harmful."
- 6.40 The inspector also states in the same paragraph "If the various unauthorised sites were removed and returned to agricultural fields, the site with appropriate

boundary planting would remain low key. I have no reason to doubt that the planting could be maintained, improved, and retained in the long-term.”.

- 6.41 With regards to paragraph 17, the Inspector would have to consider either outcome in terms of the other unauthorised adjacent sites (removal or retention), it appears that the overriding consideration was that the nature of the site with caravans meant that the sites were low key and had the benefit of landscape screening. The possibility of the other sites becoming lawful was also a factor but not the overriding one.
- 6.42 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. Were the surrounding sites removed and returned to agricultural fields, the application site would also remain low key when viewed from Lenham Road. Additional landscaping will be sought through planning condition. The current submitted proposal for one mobile, two tourers and utility buildings 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.

Amenity

- 6.43 Policy DM1 states that applications must respect the amenity of neighbouring properties and that development must not result in overlooking, visual intrusion, loss of privacy or light enjoyed by nearby properties.
- 6.44 In terms of the impact upon the amenity of other Gypsy and Traveller accommodation, the closest caravans are located immediately northwest of the application site belonging to 1 Long Lane. As site photos show, views into the plots are restricted by the boundary fencing, and when considering the distances between the mobiles on their single storey nature it is not assessed any loss of light or privacy would occur.
- 6.45 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

- 6.46 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.
- 6.47 With the small-scale nature of the submitted proposal, the vehicle movements from the application site are easily accommodated on the local road network. The current proposal does not raise any highway safety issues in relation to the use of the existing access on to Lenham Road including in terms of diver sightlines. A refusal would not be warranted in relation to the individual impact from the additional caravan currently proposed or in terms of the cumulative impact from other local development.

Ecology

- 6.48 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.

- 6.49 Policy DM3 states that development proposals will be expected to appraise the value of the boroughs natural environment and take full account of biodiversity present including the retention and provision of native plant species.
- 6.50 The current application is retrospective and as such this would include the hard surfaces the development is located on.
- 6.51 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

- 6.52 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".
- 6.53 It is not considered that the addition of one mobile and two touring caravans and utility buildings will 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

- 6.54 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".
- 6.55 The site is approximately 1.6 miles northeast of Headcorn where there is access to a comprehensive range of services, amenities and facilities.
- 6.56 To access services within Headcorn it is accepted that occupants of the site will be reliant on private vehicles, which is the same arrangement as the existing sites in the vicinity and at other Gypsy and Traveller sites throughout the borough.

PUBLIC SECTOR EQUALITY DUTY

- 6.57 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.
- 6.58 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.
- 6.59 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 The agent acting on behalf of the applicant has submitted information relating to the applicants Gypsy and Traveller status and this is accepted.
- 7.03 The above report has set out the planning history on the application site and the history relating to neighbouring sites where gypsy and traveller accommodation is currently located and has highlighted temporary permissions.
- 7.04 In reaching a conclusion on the current proposal the decision maker has to take account of the possibility of neighbouring caravans being removed from the site. This was confirmed in the Blossom High Court decision which found that the potential change to the character of an area needs to be assessed "if the Council took action or if the temporary permission expired".
- 7.05 Whilst unlikely to take place, if all neighbouring caravans without permanent planning permission were to be removed, the application site would still be broadly screened from Lenham Road by existing landscaping as well as the permanent sites at immediately adjacent Lenham Road.
- 7.06 As is detailed in the planning history section, previous appeals at sites in the area (as well as others not referred to in this report) indicate that the needs of the applicant's children and the benefits of raising them in a stable environment should be given significant weight in the decision making process This requirement and as outlined in this report the lack of any significant harmful visual impact leads to the conclusion that planning permission should be approved.
- 7.07 The development is not assessed as having an impact upon the amenity of neighbouring Gypsy and Traveller, nor would it result in so many additional vehicle movements that a harmful impact upon the countryside would occur.
- 7.08 Conditions are recommended to ensure the development results in a gain for biodiversity.
- 7.09 The addition of one mobile and touring caravan with utility buildings will 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.
- 7.10 To access services within Headcorn it is accepted that occupants of the site will be reliant on private vehicles, which is the same arrangement as the existing sites in the vicinity and at other Gypsy and Traveller sites throughout the borough.

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.

CONDITIONS:

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans and information:

Application for Planning Permission
Mobile Home Photo
Planning Statement
Location Plan
Panel Fence and Gate Plan
Proposed Site Plan
Proposed Utility Blocks and Elevations
Mobile Home Photos and Dimensions

Reason: To clarify which plans have been approved.

- 2) The mobile home and tourer hereby approved shall not be occupied by any persons other than gypsies and travellers as defined in Planning Policy for Traveller Sites, August 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, and an exception has been made to provide accommodation solely for gypsies/travellers who satisfy the requirements for Gypsy and Traveller Caravan Sites.

- 3) No more than one mobile home and two tourers as defined by the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, shall be stationed on the site at any one time, , and no further caravans shall be placed at any time anywhere within the site. The mobile home and tourer shall be stationed on the site only in the positions shown on the plan (Proposed Site Plan received 22 November 2021) hereby approved;

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

- 4) No commercial activities shall take place on the land at any time, including the storage of materials and/or livery use. No vehicles over 3.5 tonnes shall be stationed, stored or parked on the site and not more than four vehicles shall be stationed, stored or parked on the site at any one time;

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

- 5) 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) the external appearance of the mobile home and utility building;
 - b) means of enclosure,
 - c) extent of hardstanding and parking;

- d) the means of foul and surface water drainage at the site;
 - e) existing external lighting on the boundary of and within the site;
 - f) details of the proposed grass area and hedgerow;
 - g) details of the measures to enhance biodiversity at the site; and,
 - h) the said Scheme shall include a timetable for its implementation.
- 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.

- 6) Within 6 weeks of the date of this decision a landscape scheme designed in accordance with the principles of the Council's Landscape Guidelines (Maidstone Landscape Character Assessment Supplement 2012) shall be submitted to and approved in writing by the local planning authority. The scheme shall use predominantly native or near-native species as appropriate and 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. It shall also provide details of replacement planting to mitigate any loss of amenity and biodiversity value, the location of any habitat piles of cut and rotting wood and include a plant specification, implementation details, a maintenance schedule and a [5] year management plan. [The landscape scheme shall specifically address the need to provide planting along the southern boundary of the application site.]

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

- 7) 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.

- 8) 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.

- 9) Notwithstanding the provisions of Schedule 2, Part 4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and/or re-enacting that Order with or without modification), no temporary buildings or structures shall be stationed on the land without the prior permission of the Local Planning Authority other than as expressly permitted by this decision

Reason: To safeguard the visual amenity, character and appearance of the open countryside location.

- 10) No bonfires or incineration of rubbish or organic material or vegetation shall take place on the site;

Reason: In order to safeguard residential and local amenity generally.

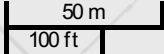
- 11) The rating level of noise emitted from the proposed plant and equipment to be installed on the site (determined using the guidance of BS 4142 : 2014 Rating for industrial noise affecting mixed residential and Industrial areas) shall be low as can be possible. In general this is expected to be 5dB below the existing measured background noise level LA90, T. In exceptional circumstances, such as areas with a very low background or where assessment penalties total above 5 the applicants consultant should contact the Environmental Protection Team to agree a site specific target level.

Reason: In order to safeguard residential and local aural amenity generally.

INFORMATIVES:

it is the responsibility of the applicant to ensure, before the development is commenced, that all necessary highway approvals and consents have been obtained and that the limits of the highway boundary have been clearly established, since failure to do so may result in enforcement action being taken by the Highway Authority.

The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under the relevant 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.



Ordnance Survey - data derived from OS Premium

21/506257/FULL 1 Long Lane, Lenham Road, Headcorn, Kent, TN27 9LG

Scale: 1:2500

Printed on: 11/7/2022 at 9:39 AM by JoannaW



REPORT SUMMARY

REFERENCE NO: - 21/506257/FULL		
APPLICATION PROPOSAL: Material change of use of land for the stationing of caravans for residential occupation with associated operational development including hard standing, package treatment plant, utility shed, shed and dog run (Retrospective)		
ADDRESS: 1 Long Lane, Lenham Road, Headcorn, Kent, TN27 9LG		
RECOMMENDATION: GRANT PLANNING PERMISSION subject to planning conditions		
SUMMARY OF REASONS FOR RECOMMENDATION: The proposal is acceptable in relation to the potential impact on Lenham Road in relation to visual harm and character, nor residential amenity, nor highway safety.		
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.		
WARD: Headcorn	PARISH/TOWN COUNCIL: Headcorn	APPLICANT/AGENT: Mr. John Adams / Mrs Alison Heine
CASE OFFICER: William Fletcher	VALIDATION DATE: 08/12/2021	DECISION DUE DATE: 30/09/2022
ADVERTISED AS A DEPARTURE: NO		

Relevant Planning History

Long Lane:

15/502956/FULL - Continued use of land for private gypsy family with 2 caravans and 1 utility block. Permission refused 20/11/2017.

Greengates:

01/1320 - Change of use of land to residential and stationing of 1 no. mobile home, as shown on drawings received on 14.08.01. Refused. Appeal Allowed 17/09/2001

05/0518 - Retrospective application for the change of use of land from agriculture to the stationing of 1 no mobile home and 1 no touring caravan as shown on unnumbered plans received on 30/12/04 and 10/02/05. Refused. 05/05/2005

10/2177 - Application for planning permission for the change of use of land for the stationing of 4no static caravans for residential occupation by extended Gypsy family and associated development (stationing of 3no touring caravans, extended hardstanding and cess pool) as shown on site location plan and A4 site layout plan received on 30th December 2010. Three year temporary, named, permission granted. Temporary permission. 04/04/2013

14/504021/FULL - Application to vary condition 1 of MA/10/2177 (Application for planning permission for the change of use of land for the stationing of 4no static caravans for residential occupation by extended Gypsy family and associated development, stationing of 3no touring caravans, extended hardstanding and cess pool) to allow any gypsy family to live on site. Refused on the grounds of Planning permission 10/2177 expiring on 4 April 2016. Refused 01/07/2016

17/501852/FULL - Siting of four mobile homes and three touring caravans. (Retrospective). Refused on the grounds that the development would be visually harmful to the character and appearance of the countryside and any supplementary landscaping would not mitigate this harm. This would be contrary to policies ENV28 of the Maidstone Borough-Wide Local Plan 2000 and the NPPF, and draft policies SP17 and DM15 of the

draft Maidstone Borough Local Plan (2011-2031). Refused, Appeal Withdrawn. 17/08/2017.

21/506265/FULL - Retrospective application for a material change of use of land for stationing of caravans for residential occupation and keeping of horses with associated operational development including hard standing, package treatment plant, gas tank, shed, dog run and stables. Permission granted 25/08/2022

1 Greengates

22/500193/FULL - Retrospective application for material change of use of land to a mixed use of land for stationing of caravans for residential purposes and the keeping of horses. Permission granted 25/08/2022

Oak Tree Farm (see layout plan at paragraph 1.07 for site location)

18/503291/FULL - Change of use of land to use as a residential gypsy caravan site for two gypsy families including the stationing of 2 no. mobile homes and 1 no. touring caravan. Permission refused 05/10/2018. Appeal allowed 22/04/2022,

19/501788/FULL - Retrospective change of use of land to use as a residential caravan site for two gypsy families including the stationing of 2no. mobile homes and 1no. touring caravan (resubmission of 18/503291/FULL). Permission refused 11/06/2019. Appeal allowed 22/04/2022,

1.0 DESCRIPTION OF SITE

- 1.01 The application site is located to the south east of Lenham Road, Headcorn. The application site is within open countryside and adjoins a number of other Gypsy and Traveller sites which are at the time of writing awaiting appeal decisions / are unauthorised.
- 1.02 There is an established, dense native species hedgerow approximately 4 metres in height along Lenham Road and the application site is bounded by a 2m close boarded fence. Due to its siting behind the 'Greengates' site views from Lenham Road are very minimal. The close boarded fence only allows for views of the tops of the application site and Traveller sites to the northeast of the application site (Oak Tree Farm).
- 1.03 The application site in this instance was the 'wider' Greengates site, as indicated in the below image. This site has since been subdivided. The site in this instance is known as '1 Long Lane' and is situated to the south east of 'Greengates' and '1 Greengates' which also have ongoing applications seeking Gypsy and Traveller development.

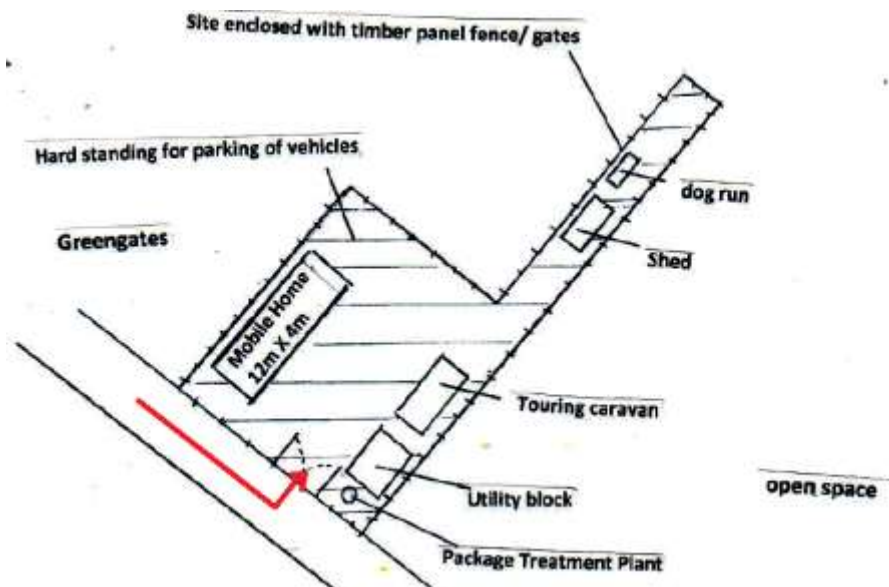
Image 1: Site Location Plan 17/501852/FULL (current application site in blue)



SITE LOCATION PLAN (17/501852/FULL)

1.04 The application site is accessed at the start of Long Lane, as depicted below which provides access to other sites to the southeast of the application site (Land Adjacent Greengates, 1 Long Lane and Long Lane).

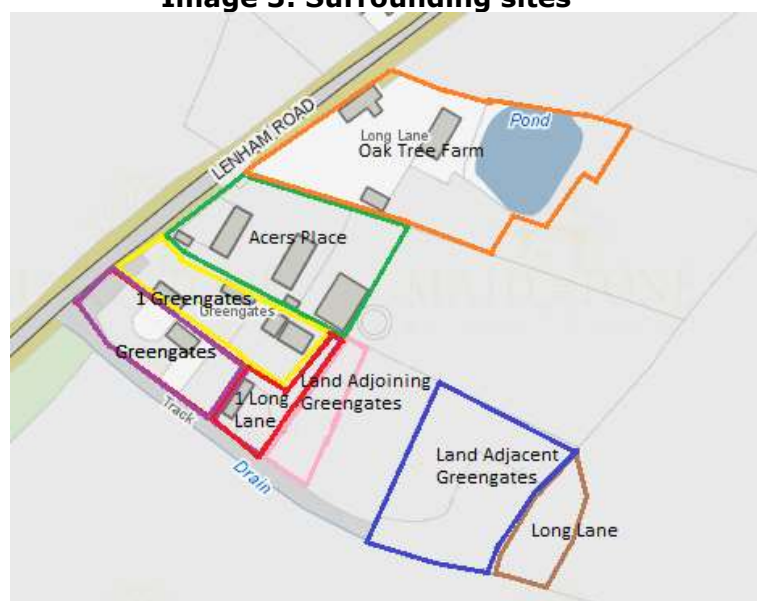
Image 2: Proposed Site Layout Plan (red access arrow added by case officer)



1.05 The application site is accessed via a close boarded gate located at the southern end of the plot. The mobile home occupied by the applicant is located at the western portion of the site, with a utility building situated south of the mobile and a dog run/kennel and shed located to the north east of the mobile unit. A tourer is parked to the east of the mobile home. The image above (with annotations added by the case officer) shows the access arrangements.

- 1.06 Existing gypsy and traveller development is evident in the area. As well as the sites immediately surrounding the application site, there are the sites associated with Ash Gardens and Smiths Cottages approximately 160m northeast of the application site. Approximately 10m to the northwest of the Ash Gardens sites is a Gypsy and Traveller site (The Meadows) where there is ongoing appeal (public inquiry).
- 1.07 In terms of the surrounding development Image 3 below shows nearby gypsy and traveller development.
- **Red site:** This is the current application site
 - **Purple Site:** 'Greengates' immediately to the west of the application site was granted permanent permission at committee on 25/08/2022.
 - **Yellow site:** The site to the north of the application site '1 Greengates' was granted permanent permission at committee on 25/08/2022.
 - **Green site:** Immediately to the north of the 1 Greengates is 'Acers Place'. Following the latest applications (19/502590/FULL and 20/504079/FULL) which were 'declined to be determined', the site has been cleared of development. The site has been submitted as a Gypsy and Traveller site in the local plan 'call for sites'.
 - **Orange site:** To the north of 'Acers Place' is Oak Tree Farm where two applications were refused in 2018 and 2019. These appeals were allowed and permanent permission granted in April 2022 detailed in the planning history section.
 - **Pink Site:** The site to the east is of the application site is 'Land Adjoining Greengates', unlawful, retrospective application (22/502321/FULL) awaiting determination.
 - **Blue site:** 50m to the east of the application site is 'The Land Adjacent Greengates'. This site has been subject to a number of applications with the most recent (21/500188/FULL) permitted on a temporary three-year basis expiring on 01/04/2024.
 - **Brown site:** Immediately to the east of 'The Land Adjoining Greengates' is 'Long Lane'. Whilst the site needs to be fully cleared, it is no longer used for the stationing of caravans following refusal 15/502956/FULL.

Image 3: Surrounding sites



- 1.08 The development upon the application site itself (highlighted in red) is retrospective, following the subdivision of the wider site which itself contained

Gypsy and Traveller development albeit on a temporary basis.

2.0 PROPOSAL

- 2.01 The current application seeks retrospective planning permission for a material change of use of land for the stationing of a mobile home for residential occupation with associated operational development including hard standing, package treatment plant, utility shed, shed and dog run.
- 2.02 The current application site forms part of the land that was included within the application site boundary for planning permission under reference 17/501852/FULL. The site permitted under 17/501852/FULL included both Greengates, 1 Greengates and 1 Long Lane. Since then, the larger site has been split up and sold separately. The current application site is at the south-eastern end of the larger site.
- 2.03 As such, should all current planning applications be successful there would be
- 1 mobile home and 1 tourer as well as the associated development upon 'Greengates'.
 - 2 mobiles and 2 tourers at '1 Greengates',
 - 2 mobiles and 1 tourer at Oak Tree Farm,
 - 1 mobile and 1 tourer '1 Long Lane' and
 - 2 mobile homes, 2 touring caravans, and associated with the 'Land Adjacent Greengates' and
 - 1 mobile and 2 tourers associated with 'Land Adjoining Greengates'.

3.0 POLICY AND OTHER CONSIDERATIONS

Maidstone Borough Local Plan 2017:

SP17 – Countryside

DM1 – Principles of good design

DM3 – Natural environment

DM15 – Gypsy, Traveller and Travelling Showpeople accommodation

DM30 – Design principles in the countryside

The National Planning Policy Framework (NPPF):

Section 12 – Achieving well-designed places

Supplementary Planning Guidance:

Planning Policy for Traveller Sites' (PPTS)

Maidstone Landscape Character Assessment (amended 2013)

Maidstone Borough Council – Local Plan Review, draft plan for submission (Regulation 19) dated October 2021.

The Regulation 19 draft 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.

4.0 LOCAL REPRESENTATIONS

- 4.01 As well as the posted site notice, nine neighbouring properties were consulted by direct mail regarding the proposed development. The consultation expired on 05/01/2022, one representation was received from Headcorn Aerodrome which will be detailed below.

5.0 CONSULTATIONS

Headcorn Parish Council (summarised)

5.01 Development in the Open Countryside and paragraph 25 of the PPTS which states that Local Authorities should strictly limit Traveller site development in open countryside. Poor social cohesion with the villages settled community leading to social tensions on both sides.

These applications are also contrary to the following local plan policies: -

- SS1 Maidstone Borough Spatial Strategy.
- SP17 Countryside.
- DM1 Principals of Good Design.
- DM15 Gypsy, Traveller and Traveling show people accommodation.
- DM30 Design Principals in the Countryside.

5.02 The Committee wish to see this application refused and referral to planning committee is required.

Environmental Health

5.03 No objections subject to conditions.

Headcorn Aerodrome

5.04 No objections were raised by this representee but did raise the fact that future occupants of the site would be proximity to the Aerodrome and may be subject to noise from activities at the site.

6.0 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
- Amenity Impact
- Highways
- Ecology
- Domination and Pressure on Local Infrastructure
- Sustainability

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.

6.03 Maidstone Borough Council published a Gypsy and Traveller and Travelling Show People Accommodation Assessment (GTAA) in January 2012. The GTAA conclusions on the need for pitches are shown in the table below.

Need for Gypsy and Traveller Pitches Oct 2011 to March 2031

Period	No of pitches
Oct 2011 – March 2016	105
April 2016 – March 2021	25

April 2021 – March 2026	27
April 2026 – March 2031	30
Total Oct 2011 to March 2031	187

- 6.04 The GTAA is the only comprehensive assessment of need. The GTAA when it was carried out provided a reasonable and sound assessment of future pitch needs. Notwithstanding this, the GTAA is now over 11 years old.
- 6.05 The Council’s Regulation 19 Local Plan was submitted to the Planning Inspectorate on 31st March 2022 and whilst this document is a material planning consideration, at this time it is of limited weight.
- 6.06 The Council’s Regulation 19 Local Plan seeks to meet the future identified need for Gypsy and Traveller accommodation; and a separate Gypsy, Traveller and Travelling Showpeople DPD will be produced to manage the emerging need for the period until 2037. A call for sites exercise ran from 1st February to 31st March 2022. The DPD is at its early stages and is not due to be completed until 2024, however the work that has been completed has indicated a significant emerging need for Gypsy and Traveller accommodation in the borough and significantly greater than the 187 pitches indicated above.

Supply of Gypsy Sites

- 6.07 Accommodation for Gypsies and Travellers is a specific type of housing that Councils have a duty to provide for under the Housing Act (2004). Adopted Local Plan policy DM15 accepts that subject to a number of criteria being met, this type of accommodation can be provided in the countryside.
- 6.08 The following table sets out the overall number of pitches which have been granted consent from 1st October 2011, the base date of the assessment, up to 30 April 2022.

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

Type of consents	No. pitches
Permanent consent	253
Permanent consent + personal condition	26
Consent with temporary condition	0
Consent with temporary + 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 is that it can demonstrate a 6.2 year supply of Gypsy and Traveller sites at the base date of 1st April 2021.
- 6.10 Government guidance on Gypsy and Traveller development is contained in ‘Planning Policy for Traveller Sites’ (PPTS). The PPTS at paragraph 11 advises “...Where there is no identified need, criteria-based policies should be included to provide a basis for decisions in case applications nevertheless come forward. Criteria based policies should be fair and should facilitate the traditional and nomadic life of travellers while respecting the interests of the settled community”.

- 6.11 The PPTS directs that the lack of a 5 year supply of Gypsy and Traveller pitches should be given weight in the consideration of granting consent on a temporary basis. As the Council considers itself to be in a position to demonstrate a 5 year supply of pitches, the PPTS direction to positively consider the granting of temporary consent does not apply.

Gypsy Status

- 6.12 The planning definition of 'gypsies & travellers' as set out in the PPTS has been amended to exclude those who have ceased to travel permanently. The revised definition (Annex 1 of the PPTS) is as follows: "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' educational or health needs or old age have ceased to travel temporarily, but excluding members of an organised group of travelling show people or circus people travelling together as such".
- 6.13 The definition still includes those who are of a nomadic habit of life who have ceased to travel temporarily because of their own, or their dependants', health or education needs or old age. To determine whether an applicant falls within the definition in terms of ceasing travel temporarily, the PPTS advises that regard should be had to; a) whether they had previously led a nomadic habit of life; b) the reasons for ceasing their nomadic habit of life; and c) whether there is an intention of living a nomadic habit of life in the future and if so, how soon and in what circumstances.
- 6.14 The agent acting on behalf of the applicant has submitted a statement detailing the applicant's personal circumstances.
- 6.15 The site would be occupied by the applicant and his partner together with their school aged child.
- 6.16 The statement suggests that the applicant had a settled base for some time elsewhere in the Kent where they had resided for 30 years. Following some disruption to their amenity there they have moved to the application site after attempting to secure accommodation on a Council operated Gypsy and Traveller site.
- 6.17 The applicant has been employed in various occupations over his life including seasonal agricultural work and the family have strong connections to the Kent area. Mrs Adams is from the Draper family based in Maidstone. Her Uncle once owned the Gypsy museum in Cranbrook at Whitewall Lane. Mr Adams grandparents used to own the Shenley corner caravan site in Headcorn and are related to the Lees family and his granddad used to own a boxing booth which they bring to fairs.
- 6.18 The applicant keeps two horses on land at Staplehurst and attends the main horse fairs including Appleby (recently held mid-2021), Stow, Kenilworth, Blandford and New Forest drives. Mr Adams sells carts and harnesses and has a small business with his brother.
- 6.19 The submitted statement does not indicate where the child attends school but inspectors do "very significant weight" (3199316) to the needs of children when determining an application in these circumstances and it is accepted that a settled base is advantageous to children's schooling and health.
- 6.20 The statement does indicate that the applicant and his partner have health issues and these would be better managed if the applicant had a settled base.

Landscape and Visual Impact

- 6.21 Local Plan Policy SP17 states that development proposals in the countryside will not be permitted unless:
- a) they accord with other LP policies and
 - b) they will not result in harm to the character and appearance of the area.
- 6.22 The application site is located in the countryside and will result in harm to the character and appearance of the area. The other relevant LP policies are DM15 and DM30 and compliance with these policies weighs in favour of the submitted application.
- 6.23 Policies DM1 and DM30 set out how development must respond positively to, and where possible enhance the character of the area and that any detrimental effects to the landscape must be appropriately mitigated.
- 6.24 Policy DM15 states that Gypsy and Traveller development must not result in significant harm to the landscape and rural character of the area. Impact will be assessed with particular regard to the following three areas and these three areas are considered in turn below :
- (a) Local landscape character.
 - (b) Cumulative effect – the landscape impact arising as a result of the development in combination with existing lawful caravans; and
 - (c) Existing landscape features – development should be well screened by existing landscape features and there must be a reasonable prospect of landscape features being retained long term.

Local Landscape Character

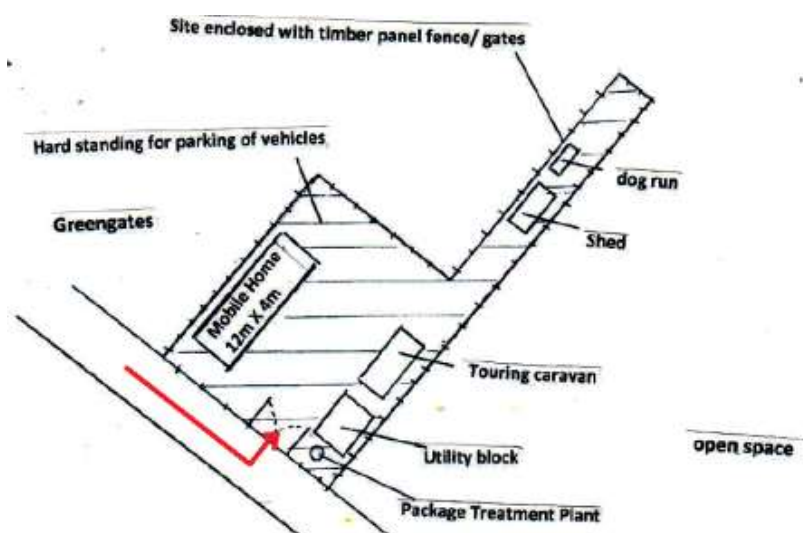
- 6.25 The application site is located in countryside identified as a Landscape of Local Value, The Headcorn Pasturelands within the Low Weald. The Low Weald Landscape of Local Value (LLV), for the purposes of the Local Plan, is a landscape that is highly sensitive to significant change. The Low Weald has distinctive landscape features including field patterns (many of medieval character), hedgerows, stands of trees, ponds and streams, and buildings of character. The landscape has a gently undulating form with only scattered housing, farmsteads or hamlets and a few narrow lanes like Lenham Road. The landscape is generally attractive with an agricultural and rural quality. The site also falls within the Headcorn Pasturelands Landscape Character Area as a low lying landscape which forms part of the wider Low Weald and shares many of the same characteristic.
- 6.26 The 2017 application (17/501852/FULL) which related to the “wider” Greengates site, assessed that the development, including the mobiles, hard surfacing, and fencing, particularly at plot 1 and 2, would be visible from Lenham Road when approaching the site from the south. The visibility of the site would however be reduced by the presence of the tree belt on adjoining land as this would result in views being broken.
- 6.27 Whilst there are views into the site from the entrance, there are no public rights of way in the immediate vicinity and no significant public views into the site. When considering the site is situated to the rear of the two new ‘Greengates’ sites and situated some 60m to the southeast of Lenham Road The only views onto the site are from Long Lane and are ‘glimpses’ of the tops of the mobiles.
- 6.28 The site is bordered by a 2m high close boarded fence except for the access which is a 5 bar timber gate. The site itself is visible but screened by the neighbouring sites to the north west, views into the site are not possible unless travelling along Long Lane.

- 6.29 Local Plan policy DM15 states that in assessing impact on the landscape weight will be attached to screening by existing landscape features. The application site is screened from Lenham Road by a mature hedgerow and the two 'Greengates' sites. Even in winter the mobiles would be screened due to the density of the planting, any views would be glimpses filtered by existing vegetation. Hardstanding on the site would only be visible when travelling along Long Lane. The timber access gate is not urban in appearance, and is of a design typically found on Gypsy and Traveller sites. Local Plan policy DM15 states that: *Additional planting should be used to supplement existing landscaping but should not be the sole means of mitigating the impact of the development.*
- 6.30 Plans do not indicate any proposed landscaping. It is suggested that landscaping conditions could be imposed to secure new planting along the southern boundary of the site to soften the impact of the development along Long Lane.
- 6.31 The above assessment has been made in the context of Gypsy and Traveller accommodation that currently exists on neighbouring sites. To attach the appropriate weight in the assessment of the current application, it is highlighted that in addition to the current application two nearby sites have recently been granted permanent permission on 25/08/2022 (Greengates 21/506265/FULL and 1 Greengates 22/500193/FULL) and another site along Long Lane (Land Adjoining Greengates 22/502321/FULL) has a current retrospective application.
- 6.32 'Acers Place' has been cleared of development but submitted as a Gypsy and Traveller site in the local plan 'call for sites'. The Land Adjacent Greengates'. Has temporary permission on a three-year basis expiring on 01/04/2024. (21/500188/FULL. Long Lane' no longer used for the stationing of caravans following refusal 15/502956/FULL.
- 6.33 Earlier Council Decisions to refuse planning permission at Oak Tree Farm (60m to the north of the application site) have recently been overturned with two appeals allowed in April 2022 and permanent permission granted for gypsy and traveller accommodation on these sites.
- 6.34 Paragraph 12 of the appeal decision notes "Lenham Road runs through this landscape north-eastwards from Headcorn. The countryside either side of the road exhibits many of the above qualities but also contains several gypsy and traveller sites that have a contrasting character and appearance. These sites vary in size and orientation, but typically involve large amounts of hardstanding and fencing, with a number of mobile homes and touring caravans visible from the road"
- 6.35 Paragraph 14 states "The site already has a good level of screening from the road thanks to the mature hedgerow. Even in winter, the mobile home next to the hedge is difficult to see due to the density of planting. The mobile home in front of the pond is more obvious from the site entrance and can also be seen in views from the road to the north-east. However, such views are glimpses and filtered by existing vegetation. The hardstanding is only visible when the gate is open, and the gate itself has stark urban appearance."

Oak Tree Farm



1 Long Lane



- 6.36 The access to '1 Long Lane' is less 'exposed' than Oak Tree Farms on account of the distance from the roadside and this site has less of an impact upon Lenham Road. The site is screened from Lenham Road by the close-boarded fence around the site as well as the vegetation along Lenham Road and the neighbouring Gypsy and traveller sites closer to Lenham Road which means that the site has little visual effect for the most part, only the tops of the mobile homes are visible from Lenham Road when standing immediately at the northern end of Long Lane (the access road).
- 6.37 The mobile home itself is a single storey building with, a shallow gable ended roof. It is 12.5m in length and 3.6m in height (including stands), rendered exterior with a clay-coloured roof tiles similar to other mobiles found in the area. In the specific context of other surrounding Gypsy sites, the appearance of the mobile is unlikely to appear incongruous in terms of scale and design. It is not assessed that the additional buildings i.e. the utility building, shed and dog run would have a harmful impact when viewed in the context of the application site. These types of buildings are often found on Gypsy and Traveller sites, they do not have a harmful visual

Cumulative Impact

- 6.38 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.
- 6.39 The information in the preceding parts of this report, including the planning history section, have set out the planning history of adjacent sites.
- 6.40 In terms of cumulative impact, paragraph 17 of the appeal relating to Oak Tree Farm states "Both appeal schemes would be in keeping with the wider landscape character in terms of the existing and proposed boundary planting and would also reflect the scattered form of development in the surrounding area. Thus, the cumulative effect of the development in either appeal would not be harmful."
- 6.41 The inspector also states in the same paragraph "If the various unauthorised sites were removed and returned to agricultural fields, the site with appropriate boundary planting would remain low key. I have no reason to doubt that the planting could be maintained, improved, and retained in the long-term."
- 6.42 With regards to paragraph 17, the Inspector would have to consider either outcome in terms of the other unauthorised adjacent sites (removal or retention), it appears that the overriding consideration was that the nature of the site with caravans meant that the sites were low key and had the benefit of landscape screening. The possibility of the other sites becoming lawful was also a factor but not the overriding one.
- 6.43 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. Were the surrounding sites removed and returned to agricultural fields, the application site would also remain low key when viewed from Lenham Road. Additional landscaping will be sought through planning condition. The current submitted proposal for one mobile, a tourer and utility buildings 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.

Amenity

- 6.44 Policy DM1 states that applications must respect the amenity of neighbouring properties and that development must not result in overlooking, visual intrusion, loss of privacy or light enjoyed by nearby properties.
- 6.45 In terms of the impact upon the amenity of other Gypsy and Traveller accommodation, the closest caravans are located immediately northwest of the application site belonging to the Greengates sites. As site photos show, views into the plots are restricted by the boundary fencing, and when considering the distance of 18m between mobiles no overshadowing impact or loss of privacy would occur.
- 6.46 Whilst they are closer, a similar assessment is made regarding the adjoining plots to the north and south east. The plot is subdivided by a close boarded fence, the mobile, tourer and utility buildings do not cause any overshadowing or loss of privacy.
- 6.47 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

- 6.48 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.
- 6.49 With the small-scale nature of the submitted proposal, the vehicle movements from the application site are easily accommodated on the local road network. The current proposal does not raise any highway safety issues in relation to the use of the existing access on to Lenham Road including in terms of diver sightlines. A refusal would not be warranted in relation to the individual impact from the additional caravan currently proposed or in terms of the cumulative impact from other local development.

Ecology

- 6.50 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.
- 6.51 Policy DM3 states that development proposals will be expected to appraise the value of the boroughs natural environment and take full account of biodiversity present including the retention and provision of native plant species.
- 6.52 The current application is retrospective and as such this would include the hard surfaces the development is located on.
- 6.53 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

- 6.54 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".
- 6.55 The addition of one mobile and one touring caravan and utility buildings will 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

- 6.56 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".
- 6.57 The site is approximately 1.6 miles northeast of Headcorn where there is access to a comprehensive range of services, amenities and facilities.

- 6.58 To access services within Headcorn it is accepted that occupants of the site will be reliant on private vehicles, which is the same arrangement as the existing sites in the vicinity and at other Gypsy and Traveller sites throughout the borough.

PUBLIC SECTOR EQUALITY DUTY

- 6.59 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.
- 6.60 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.
- 6.61 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 The agent acting on behalf of the applicant has submitted information relating to the applicants Gypsy and Traveller status and this is accepted.
- 7.03 The above report has set out the planning history on the application site and the history relating to neighbouring sites where gypsy and traveller accommodation is currently located and has highlighted temporary permissions.
- 7.04 In reaching a conclusion on the current proposal the decision maker has to take account of the possibility of neighbouring caravans being removed from the site. This was confirmed in the Blossom High Court decision which found that the potential change to the character of an area needs to be assessed "if the Council took action or if the temporary permission expired".
- 7.05 Whilst unlikely to take place, if all neighbouring caravans without permanent planning permission were to be removed, the application site would still be broadly screened from Lenham Road by existing landscaping as well as the permanent sites at immediately adjacent Lenham Road.
- 7.06 As is detailed in the planning history section, previous appeals at sites in the area (as well as others not referred to in this report) indicate that the needs of the applicant's children and the benefits of raising them in a stable environment should be given significant weight in the decision making process. This requirement and as outlined in this report the lack of any significant harmful visual impact leads to the conclusion that planning permission should be approved.

- 7.07 The development is not assessed as having an impact upon the amenity of neighbouring Gypsy and Traveller, nor would it result in so many additional vehicle movements that a harmful impact upon the countryside would occur.
- 7.08 Conditions are recommended to ensure the development results in a gain for biodiversity.
- 7.09 The addition of one mobile and touring caravan with utility buildings will 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.
- 7.10 To access services within Headcorn it is accepted that occupants of the site will be reliant on private vehicles, which is the same arrangement as the existing sites in the vicinity and at other Gypsy and Traveller sites throughout the borough.

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.

CONDITIONS:

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans and information:

Application for Planning Permission
Proposed Site Layout Plan
Proposed Utility Building Elevations
Shed and Dog Runs Plans and Elevations
Photographs
Planning Statement
Existing Site Layout Plan
Fence and Gate Elevations
Site Location Plan
Static Caravan Elevations

Reason: To clarify which plans have been approved.

- 2) The mobile home and tourer hereby approved shall not be occupied by any persons other than gypsies and travellers as defined in Planning Policy for Traveller Sites, August 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, and an exception has been made to provide accommodation solely for gypsies/travellers who satisfy the requirements for Gypsy and Traveller Caravan Sites.

- 3) No more than one mobile home and one tourer as defined by the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, shall be stationed on the site at any one time, , and no further caravans shall be placed at any time anywhere within the site. The mobile home and tourer shall be stationed on the site only in the positions shown on the plan (Proposed Site Plan received 22 November 2021) hereby approved;

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

- 4) No commercial activities shall take place on the land at any time, including the storage of materials and/or livery use. No vehicles over 3.5 tonnes shall be stationed, stored or parked on the site and not more than four vehicles shall be stationed, stored or parked on the site at any one time;

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

- 5) 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) the external appearance of the mobile home and utility building;
 - b) means of enclosure,
 - c) extent of hardstanding and parking;
 - d) the means of foul and surface water drainage at the site;
 - e) existing external lighting on the boundary of and within the site;
 - f) details of the proposed grass area and hedgerow;
 - g) details of the measures to enhance biodiversity at the site; and,
 - h) the said Scheme shall include a timetable for its implementation.
- 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.

- 6) Within 6 weeks of the date of this decision a landscape scheme designed in accordance with the principles of the Council's Landscape Guidelines (Maidstone Landscape Character Assessment Supplement 2012) shall be submitted to and approved in writing by the local planning authority. The scheme shall use predominantly native or near-native species as appropriate and 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. It shall also provide details of replacement planting to mitigate any loss of amenity and biodiversity value, the location of any habitat piles of cut and rotting wood and include a plant

specification, implementation details, a maintenance schedule and a [5] year management plan. [The landscape scheme shall specifically address the need to provide planting along the southern boundary of the application site.]

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

- 7) 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.

- 8) 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.

- 9) Notwithstanding the provisions of Schedule 2, Part 4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and/or re-enacting that Order with or without modification), no temporary buildings or structures shall be stationed on the land without the prior permission of the Local Planning Authority other than as expressly permitted by this decision

Reason: To safeguard the visual amenity, character and appearance of the open countryside location.

- 10) No bonfires or incineration of rubbish or organic material or vegetation shall take place on the site;

Reason: In order to safeguard residential and local amenity generally.

- 11) The rating level of noise emitted from the proposed plant and equipment to be installed on the site (determined using the guidance of BS 4142 : 2014 Rating for industrial noise affecting mixed residential and Industrial areas) shall be low as can be possible. In general this is expected to be 5dB below the existing measured background noise level LA90, T. In exceptional circumstances, such as areas with a very low background or where assessment penalties total above 5 the applicants consultant should contact the Environmental Protection Team to agree a site specific target level.

Reason: In order to safeguard residential and local aural amenity generally.

INFORMATIVES:

it is the responsibility of the applicant to ensure, before the development is commenced, that all necessary highway approvals and consents have been obtained and that the limits of the highway boundary have been clearly established, since failure to do so may result in enforcement action being taken by the Highway Authority.

The applicant must also ensure that the details shown on the approved plans agree in every aspect with those approved under the relevant 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.

Agenda Item 19



Ordnance Survey - data derived from OS Premium

22/502032/FULL 2 Reader Drive, Marden, Kent, TN12 9FD
Scale: 1:1250
Printed on: 11/8/2022 at 12:06 PM by JoannaW

REPORT SUMMARY

REFERENCE NO: - 22/502032/FULL		
APPLICATION PROPOSAL: Erection of single storey side and rear extension. Erection of single storey rear extension to garage to create utility store. Conversion of loft into habitable space with insertion of rear dormer and front rooflights and internal alterations. Relocation of existing solar panels to flat roof of rear dormer (resubmission of 22/500698/FULL).		
ADDRESS: 2 Reader Drive Marden Kent TN12 9FD		
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 extensions and alteration to the property would be acceptable and would not cause significant visual harm, harm to neighbouring amenity nor be unacceptable in terms of any other material planning considerations such as the proposed development is considered to be in accordance with current policy and guidance.		
REASON FOR REFERRAL TO COMMITTEE: The application has been called in by Marden Parish Council by reason of the recommendation being contrary to their comments (see report below for reasons).		
WARD: Marden And Yalding	PARISH/TOWN COUNCIL: Marden	APPLICANT: Mr Luis Goncalves AGENT: Blackburn Architects Limited
CASE OFFICER: Rachael Elliott	VALIDATION DATE: 22/04/22	DECISION DUE DATE: 30/09/22 (EOT)
ADVERTISED AS A DEPARTURE: NO		

Relevant Planning History

22/500698/FULL

Erection of single storey side and rear extension. Erection of single storey rear extension to garage to create utility store. Conversion of loft into habitable space with insertion of rear dormer and front rooflights and internal alterations. Relocation of existing solar panels to flat roof of rear dormer.

Withdrawn 19.04.2022

13/0115/FULL

Demolition of existing industrial buildings and breaking up of associated hardstanding and redevelopment of site to accommodate 110 dwellings together with associated play trail, amenity space, allotments, new access, parking and landscaping as shown on schedule of submitted plans and documents received 06/08/2013.

Permitted 01.10.2013

MAIN REPORT

1. DESCRIPTION OF SITE

1.01 The application site relates to a two-storey detached dwelling being part of a contemporary housing estate in Marden.

2. PROPOSAL

2.01 The proposal is as set out above and summarised as below :

2.02 **Single storey side and rear extension**

This would be approximately 3m in depth, 9.7m in width (projecting approx.1.3m beyond the side wall of the existing dwelling). It would essentially infill the existing gap between the dwelling and the garage. It would have a part dual pitched/part mono-pitched roof with an eaves height of 2.4m and a maximum height of 3.7m.

2.03 Rear extension to existing garage

This would adjoin the rear of the existing garage and infill the gap between the rear wall of the garage and the rear boundary with a depth of approximately 4.8m, width of 2.8m. It would have a dual pitched roof with an eave height of 1.9m and a ridge height of 3.4m.

2.04 Rear dormer and front rooflights, to facilitate loft conversion

The rear dormer would have a flat roof and extend approximately a width of 8m across the rear roofslope, have a height of 2.9m (set down slightly from the ridge and set above from the eaves) and would have a maximum projection of 3.4m.

Two rooflights are proposed within the front facing roofslope.

2.05 Relocation of solar panels

There are existing solar panels on the rear facing roofslope, these would be relocated to be sited on the roof of the proposed new flat roofed dormer.

3. POLICY AND OTHER CONSIDERATIONS (where directly relevant)

Maidstone Borough Local Plan (2011-2031): Policies DM1, DM9 and DM23

Neighbourhood Plan: Marden Neighbourhood Plan

Supplementary Planning Documents: Residential Extensions SPD

Emerging Policy : Maidstone Borough Council has also submitted its Regulation 22 Submission relating to the Local Plan Review. The Regulation 22 submission comprises the draft plan for submission (Regulation 19) dated October 2019, the representation 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. The weight is limited, as it has yet to be subject to examination in public. Policy LPRSP15 – Principles of Good Design, LPRHou 2 – Residential extensions, conversions, annexes and redevelopment in the built-up areas, Policy LPRTRA4 - Parking Matters

4. LOCAL REPRESENTATIONS : None received

5. CONSULTATIONS

Marden Parish Council

5.01 "Cllrs noted the minimal changes to the scheme. However, their previous comments still stand and recommend refusal.

The Clerk was asked to reiterate previous comments on application 22/500698 (see below) and Cllrs wish this to go to MBC Planning Committee if MBC are minded to approval.

Response on application 22/500698/FULL:

As this was a detailed application Cllrs broke it down into sections to discuss:

Erection of single storey side and rear extension

Cllrs had no issue, in principle, with a single storey rear extension on its own. However, the connection from the side of the property to the garage is poorly detailed at roof level and creates an unwelcomed terracing effect to the street scene in the context with other properties on the development. Cllrs also had concerns about the lack of direct access to the rear garden.

Erection of single storey rear extension to garage to create utility store
The rear extension of the utility store to the garage would have a detrimental effect on the already modest amenity/ garden space and would minimise the plot.

Conversion of loft into habitable space with insertion of rear dormer and front rooflights and internal alterations. The introduction of a large flat roofed dormer is in no way in keeping with any of the other properties and design on this development and therefore would be overbearing when viewed from various other nearby locations. Cllrs noted that given that there are other properties in close proximity to the rear the rear windows of the second floor would create significant overlooking issues to neighbours.

The houses on this estate were developed not to have solar panels on the front elevation of the properties and similarly the insertion of rooflights would be detrimental to the street scene in context with the surrounding properties.

Relocation of existing solar panels to flat roof of rear dormer. The proposed relocation of the solar panels from the existing roof to the new flat roof would render them considerably less effective and efficient.

General comments Furthermore, in regard to the front elevation of this proposal the property faces the open countryside and will be visible from PROWs KM244 and KM245.

Cllrs recommended refusal due to the above comments and contrary to Marden Neighbourhood Plan Policies BE1 and BE2 and Maidstone Borough Council Local Plan Policies including DM1, DM2 and DM9.

Cllrs would want to see this go to Committee if MBC are minded to recommend approval.”

6. APPRAISAL

6.01 The key issues for consideration relate to:

- Site Background/Principle of development/Policy context
- Visual amenity
- Residential amenity
- Parking/Highway safety
- Other matters

Site Background/Principle of development/Policy context

6.02 Policy DM1 (Principle of good design) outlines the importance of high-quality design for any proposal.

6.03 Policy DM9 (Residential extensions, conversions and redevelopment within the built up area) sets out the criteria for determining applications which involve extensions within built up areas. The policy reiterates the requirements highlighted in paragraph 118(e) of the NPPF above. Such proposals are permitted if;

i. "The scale, height, form, appearance and siting of the proposal would fit unobtrusively with the existing building where retained and the character of the street scene and/or its context;

ii. The traditional boundary treatment of an area would be retained and, where feasible, reinforced;

iii. The privacy, daylight, sunlight and maintenance of a pleasant outlook of adjoining residents would be safeguarded; and

iv. Sufficient parking would be provided within the curtilage of the dwelling without diminishing the character of the street scene."

6.04 The residential extension expands of these policies and provides further guidance which includes (points summarised) :

- Acceptable depth and height of a rear extension will be determined by the ground levels, distance from the boundaries and also the size of the neighbouring garden/amenity space.

- On detached houses situated close to a neighbouring property, extensions should generally extend no more than 4 metres from the rear elevation.

- Acceptable height of a side extension will be determined by the ground levels and distance from the boundaries. A side extension should be subordinate to the original building.

-Where acceptable, dormer windows should be proportionate in scale to the roof plane and where there is a logical or symmetrical layout of doors and windows, should follow the vertical lines of these openings. They should never project above the original ridgeline and should be set back a minimum of 20 centimetres from the eaves to maintain the visual appearance of the roof line.

-The scale, proportion and height of an extension should not dominate the original building or the locality, should be subservient to the original house and should fit unobtrusively with the building and its setting.

-The form of an extension should be well proportioned and present a satisfactory composition with the house.

-Garages and other outbuildings should be subservient in scale and position to the original dwelling and not impact detrimentally on the space surrounding buildings or the street scene by virtues of their scale, form or location.

6.06 Policy BE1 of the Marden Neighbourhood Plan seeks to promote local character and *Development must be both visually and functionally sympathetic to the existing styles and materials.*

6.07 The application site is situated in a sustainable location within the Marden Larger Settlement Boundary, as such, the principle of development in this location is considered acceptable subject to the material planning considerations discussed below. Planning permission is principally required as permitted development rights were removed on the original consent for the dwelling. This was to give a greater degree of control but not to prohibit development. If it was to be the latter then this should have been set out in a design code and incorporated into a s106 legal agreement.

Impact on Visual amenity

6.08 The proposal seeks to extend the existing dwelling, such proposals or those similar would generally not require planning permission, however permitted development rights have been removed for the dwelling and as such there is an additional level of

control regarding the proposals. This does not however means that all proposals to extend the dwelling would be unacceptable.

- 6.09 The main focus of the appraisal should be the reason for permitted development rights being removed, which ultimately is *To safeguard the character, appearance and functioning of the surrounding area*. The proposals by their very nature are by no means uncommon in terms of their design, appearance and scale. Instances of similar single storey rear extensions, flat roofed dormers and outbuildings are common place across the Borough and can also be observed within Marden itself.
- 6.10 Cumulatively, including other changes (namely the rooflights and relocated solar panels), it is not considered that the proposals would result in visual harm to the street scene or the host dwelling such that the application should be refused. When viewed from the street the dwelling would not appear as significantly different as existing, and although some views maybe possible the extensions would not dominate the dwelling or appear as significant overdevelopment of the site.
- 6.11 Overall it is considered that the proposed extensions and alterations would be visually acceptable and in accordance with current policy and guidance.

Residential Amenity

- 6.12 The nearest neighbouring properties are Number 3 Reader Drive to the north, Number 1 Reader Drive to the south and 2 Russell Road (to the east), all other neighbouring properties are considered a significant distance away to be unaffected by the proposed development.
- 6.13 The single storey rear extension would be modest in scale, it would be adjoin the garage of the application site to the north, and the garage of the neighbouring property to the south and a significant distance from the property to the east such that it is not considered harm would result by reason of loss of light, outlook, or the extension being overbearing or overshadowing or causing loss of privacy or overlooking.
- 6.14 The extension to the existing garage would be akin to a shed in terms of its scale and it is not considered that it would be overly overbearing or overshadowing in proportion or scale such that it would harm neighbouring amenity.
- 6.15 The rear dormer would introduce additional rear facing windows at second floor level, however there are existing windows in the rear facing elevation and it is generally accepted that within the built up area there will be some element of mutual overlooking and the dormers relationship to neighbouring properties would not be uncommon and generally accepted to not cause significant harm.
- 6.16 All other elements of the proposal are considered acceptable such that overall no significant harm would result to neighbouring amenity.

Highways

- 6.17 The proposal would increase the number of bedrooms from 3 to 5, Appendix B of the Local Plan sets out that in suburban locations 5 bedrooms will provide 2 parking spaces. The proposal would involve the retention of an existing garage and would retain the driveway which can accommodate two cars. As such it is not considered any harm would result to parking arrangements or highway safety.

Other Matters

- 6.18 In itself the proposal would not result in the need for further ecological surveys, there is not considered to be any protected species which would be at risk, however Policy DM1, the residential extensions SPD and the NPPF all promote ecological enhancement and due to the nature and extent of the proposals it is considered that biodiversity enhancements would need to be provided, both integral to the extensions and within the curtilage. These details could be conditioned.

- 6.19 The NPPF, Local Plan and residential extensions SPD all seek to promote the use of renewables and energy/water efficient buildings. The proposals would relocate the existing solar panels and it is considered that this would fulfil the requirement for the promotion of energy efficiency. The relocation of the solar panels could be conditional to the consent.

PUBLIC SECTOR EQUALITY DUTY

- 6.20 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 extensions and alteration to the property would be acceptable and would not cause significant visual harm, harm to neighbouring amenity nor be unacceptable in terms of any other material planning considerations such as the proposed development is considered to be in accordance with current policy and guidance.

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 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 No. 3 Rev B (Proposed Block and Floor Plans)
Drawing No. 4 Rev B (Proposed Elevations)
Drawing No. 5 (Proposed Outbuilding Plan and Elevations)

Reason: To clarify which plans have been approved.

- (3) The materials to be used in the development hereby approved shall be as indicated on the approved plans and application form.

Reason: To ensure a satisfactory appearance to the development

- (4) No part of the development hereby approved shall commence above slab level until details of a scheme for the enhancement of biodiversity 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 into the design and appearance of the extension/outbuilding by means such as swift bricks, bat tubes or bee bricks, and through the provision within the site curtilage such as bird boxes, bat boxes, bug hotels, log piles, wildflower planting and hedgehog corridors. The development shall be implemented in accordance with the approved details prior to first use of any part of the development hereby approved and all features shall be maintained thereafter.

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

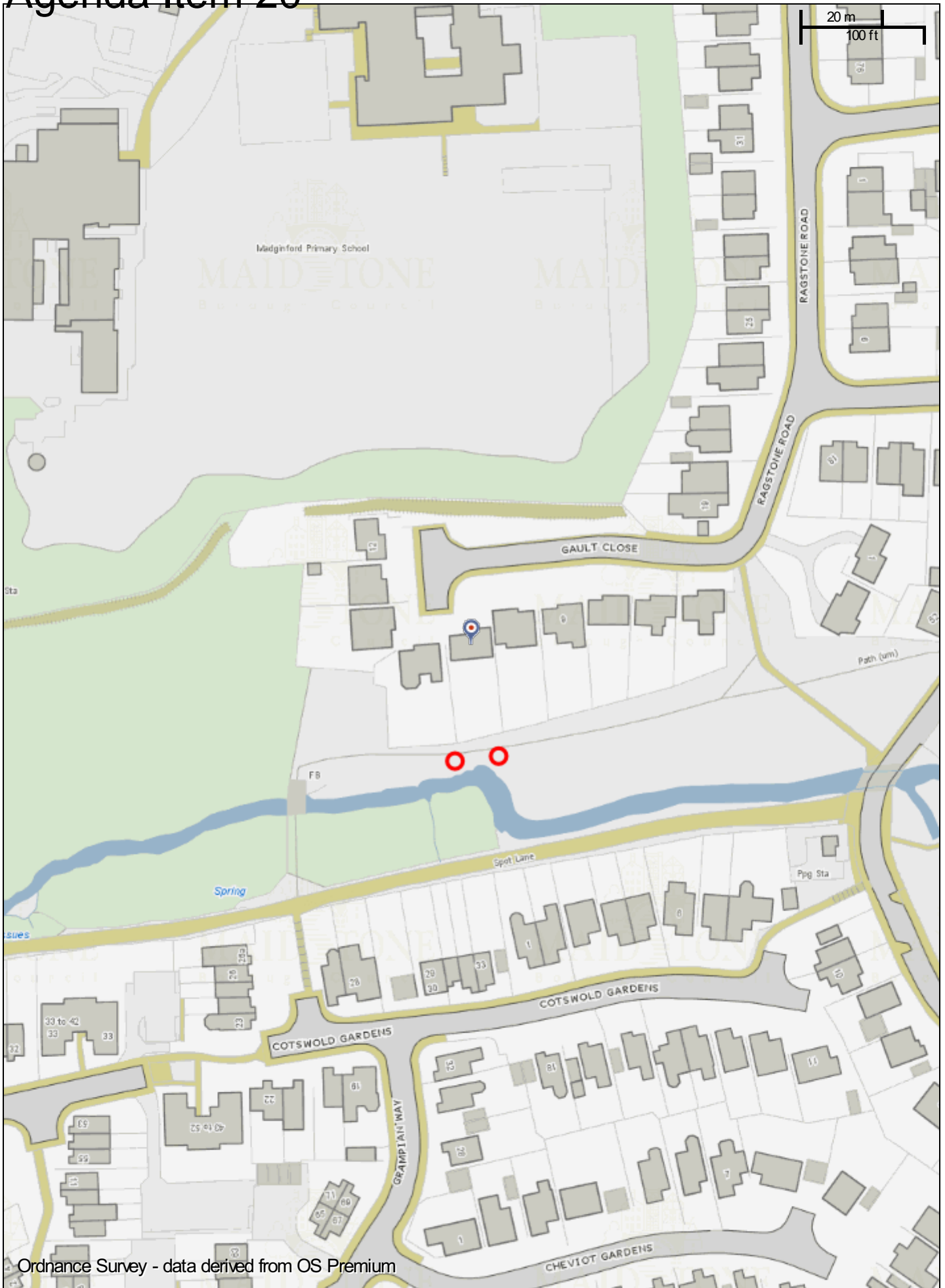
- (5) Prior to first use of the loft conversion hereby approved the relocated solar panels shall be inserted and functional within the flat roof of the dormer as shown on drawing no. 2202_23 Rev A (Proposed Roof Plan) and maintained thereafter;

Reason: To ensure an energy efficient form of development.

Case Officer: Rachael Elliott

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

Agenda Item 20



Ordnance Survey - data derived from OS Premium

22/501994/TPOA Land rear of 8 Gault Close, Bearsted, Maidstone, Kent, ME15 8PG

Scale: 1:1250

Printed on: 12/9/2022 at 15:23 PM by JoannaW

REPORT SUMMARY

REFERENCE NO - 22/501994/TPOA		
APPLICATION PROPOSAL: TPO application to crown thin two mature multi-stemmed Alders by 15% and reduce crowns from property boundary.		
ADDRESS: Land Rear Of 8 Gault Close Bearsted Maidstone Kent ME15 8PG		
RECOMMENDATION: Permit subject to conditions		
SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL: The proposed works are considered appropriate arboricultural management.		
REASON FOR REFERRAL TO COMMITTEE: The trees are growing on Maidstone Borough Council -owned land and the application is made on behalf of the Council's Parks team.		
WARD Bearsted	PARISH/TOWN COUNCIL Bearsted	APPLICANT Andy Jesson AGENT Qualitree Services
DECISION DUE DATE 15/06/22	PUBLICITY EXPIRY DATE 18/05/22	OFFICER SITE VISIT DATE 20/07/22

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 1.01 The tree(s) subject to this application are located on the edge of the river Len adjacent to the rear garden of 8 Gault Close

2.0 PROPOSAL

- 2.01 Works proposed are as detailed:

- 2.02 G1 – 2 no. multi-stemmed Alder Trees:

- Reduce the Northern aspect of canopies back from adjacent properties.
- Crown thin by 15%

3.0 PLANNING CONSTRAINTS

- 3.01 Tree Preservation Order No. 9 of 1975, W1

4.0 POLICY AND OTHER CONSIDERATIONS

- 4.01 Government Policy:
National Planning Policy Framework (2021)

Ministry of Housing, Communities & Local Government, Planning Practice Guidance, Tree Preservation Orders and trees in conservation areas, March 2014

4.02 Local Policy:

Maidstone Borough Local Plan October 2017 - Policy DM 3

Local Plan Review, Draft Plan for Submission (Regulation 19) October 2021

Maidstone Landscape Character Assessment (March 2012 amended 19 July 2013) and Supplement (2012- Saved Sections of the Landscape Character Assessment and Landscape Guidelines 2000)

4.03 Compensation:

A refusal of consent to carry out works to trees subject to a Tree Preservation Order can potentially result in a claim for compensation for loss or damage arising within 12 months of the date of refusal. The applicant is Maidstone Borough Council, so it is unlikely that such a compensation claim would arise as a result of a refusal of this application, but the Council could be liable to claims for damage or injury as a result of tree failure if identified hazards are not addressed. Not applicable if approved.

5.0 LOCAL REPRESENTATIONS

5.01 A site notice was displayed on 20th July 2022 and expired on 10th August 2022.

5.02 No representations received at the time of writing this report.

6.0 CONSULTATIONS

6.01 Bearsted Parish council recommends the approval of the application.

7.0 BACKGROUND PAPERS AND PLANS

7.01 Application form, plan and proposal clarification submitted.

8.0 APPRAISAL

8.01 G1 – 2 no. multi-stemmed Alder Trees on application form (W1 in TPO).

Contribution to public visual amenity:

Limited – visible only with difficulty or only small part of crown visible

Condition:

Good – no significant defects noted

Useful life expectancy:

Very Long - with an estimated remaining life expectancy of at least 40 Years

Comments: The proposal is to reduce the longer lateral limbs on the North side of both canopies back from the adjacent properties. The proposal also indicates the crown thinning of both trees by approximately 15%. The reason for the proposal is to mitigate the encroachment onto the properties boundaries and to help provide more light to access the gardens. The works are in line with good arboricultural practice therefore it is recommended that the application is permitted.

9.0 CONCLUSION

9.01 The proposed works are considered reasonable and appropriate arboricultural management and are therefore acceptable.

10.0 RECOMMENDATION – GRANT Subject to the following conditions:

CONDITIONS to include

(1) All works hereby permitted shall be carried out in accordance with the provisions of the current edition of BS 3998 by a competent person;

Reason: To ensure the work complies with good arboricultural practice to safeguard the longevity, amenity and nature conservation value of the tree/s and its/their contribution to the character and appearance of the local area

INFORMATIVES

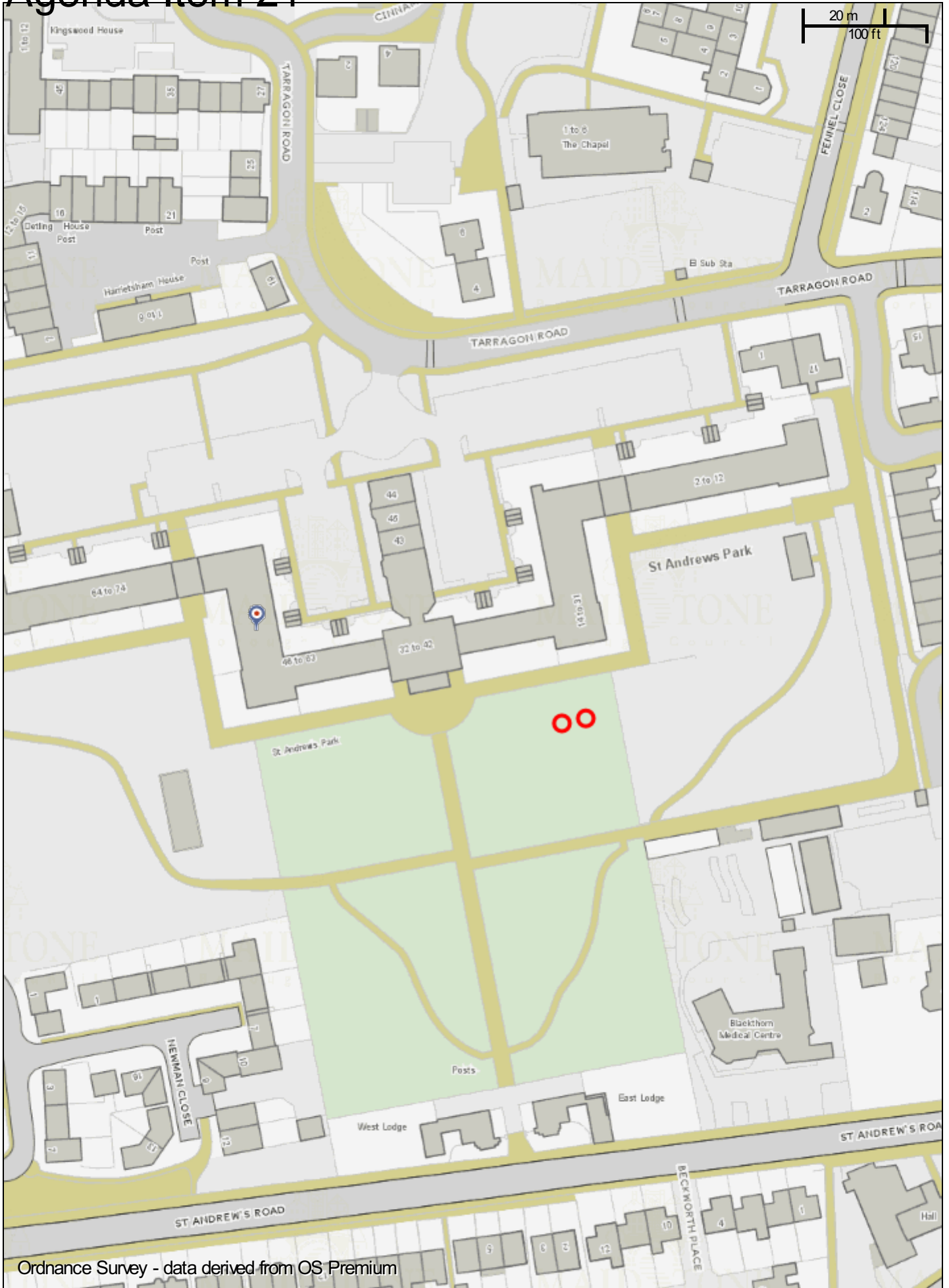
(1) Works to trees could result in disturbance to wild animals, plants and important wildlife sites protected by law. Therefore, the works hereby permitted should be carried out in a manner and at such times to avoid disturbance. Further advice can be sought from Natural England and/or Kent Wildlife Trust.

(2) The material generated from the tree work hereby permitted should be disposed of, or processed as necessary, to leave the site in a safe and tidy condition following each phase/ completion of the work.

Case Officer: Phil Gower

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.
The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.

Agenda Item 21



Ordnance Survey - data derived from OS Premium



22/501366/TPOA St Andrews Park, Tarragon Road, Maidstone, Kent, ME16 0DW

Scale: 1:1250

Printed on: 13/9/2022 at 9:03 AM by JoannaW



REPORT SUMMARY

REFERENCE NO - 22/501366/TPOA		
APPLICATION PROPOSAL: TPO notification for works to T1 Mature Prunus - Lift complete crown, clean out crown, reduce crown from property, thin by 15% & remove decayed limb.		
ADDRESS: St Andrew's Park Tarragon Road Maidstone Kent ME16 0WD		
RECOMMENDATION: Permit subject to conditions		
SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL: The proposed works are considered appropriate arboricultural management.		
REASON FOR REFERRAL TO COMMITTEE: The trees are growing on Maidstone Borough Council -owned land and the application is made on behalf of the Council's Parks team.		
WARD Heath	PARISH/TOWN COUNCIL Unparished	APPLICANT Maidstone Borough Council AGENT Qualitree Services
DECISION DUE DATE 10/05/22	PUBLICITY EXPIRY DATE 10/08/22	OFFICER SITE VISIT DATE 20/07/22

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The tree subject to this application is located in the shared rear open space on the East side of St Andrews Park housing area.

2.0 PROPOSAL

- 2.01 The works proposed are as detailed:

- 2.02 T1 – Prunus:

- Crown lift canopy to provide adequate space under the tree for maintenance and head room.
- Selective target pruning to give a minimum of 1 metre clearance from the adjacent building.
- Crown thin canopy by approximately 15%.
- Remove 1 no. limb with evidence of decay.

3.0 PLANNING CONSTRAINTS

- 3.01 Tree Preservation Order No.1 of 1994.

4.0 POLICY AND OTHER CONSIDERATIONS

4.01 Government Policy:
National Planning Policy Framework (2021)

Ministry of Housing, Communities & Local Government, Planning Practice Guidance, Tree Preservation Orders and trees in conservation areas, March 2014

4.02 Local Policy:
Maidstone Borough Local Plan October 2017 - Policy DM 3

Local Plan Review, Draft Plan for Submission (Regulation 19) October 2021

Maidstone Landscape Character Assessment (March 2012 amended 19 July 2013) and Supplement (2012- Saved Sections of the Landscape Character Assessment and Landscape Guidelines 2000)

4.03 Compensation:

A refusal of consent to carry out works to trees subject to a Tree Preservation Order can potentially result in a claim for compensation for loss or damage arising within 12 months of the date of refusal. The applicant is Maidstone Borough Council, so it is unlikely that such a compensation claim would arise as a result of a refusal of this application, but the Council could be liable to claims for damage or injury as a result of tree failure if identified hazards are not addressed. Not applicable if approved.

5.0 LOCAL REPRESENTATIONS

5.01 A site notice was displayed on the 20th July 2022 and expired on the 10th August 2022.

5.02 No representations received at the time of writing this report.

6.0 CONSULTATIONS

6.01 No consultation responses received at the time of writing this report.

7.0 BACKGROUND PAPERS AND PLANS

7.01 Application form, plan and proposal clarification submitted.

8.0 APPRAISAL

8.01 T1 on application form (T57 in TPO).

Contribution to public visual amenity:

Limited – visible only with difficulty or only small part of crown visible

Condition:

Fair – showing minor signs of deterioration and/or defects

Useful life expectancy:

Long - with an estimated remaining life expectancy of at least 20 Years

Comments: The proposal for T1 – Prunus is to raise the canopy to provide adequate head room under the tree as well as selective target pruning to provide a minimum of 1 metre clearance from the adjacent building. Further work to thin the canopy by approximately 15% is also proposed along with the removal of 1 No. limb showing

signs of decay. These works are consistent with good arboricultural practice and are considered necessary and appropriate measures on the grounds of health and safety. Therefore it is recommended that the application is permitted.

9.0 CONCLUSION

9.01 The proposed works are considered necessary and appropriate arboricultural management and are therefore acceptable.

10.0 RECOMMENDATION – GRANT Subject to the following conditions:

CONDITIONS to include

(1) All works hereby permitted shall be carried out in accordance with the provisions of the current edition of BS 3998 by a competent person;

Reason: To ensure the work complies with good arboricultural practice to safeguard the longevity, amenity and nature conservation value of the tree/s and its/their contribution to the character and appearance of the local area

INFORMATIVES

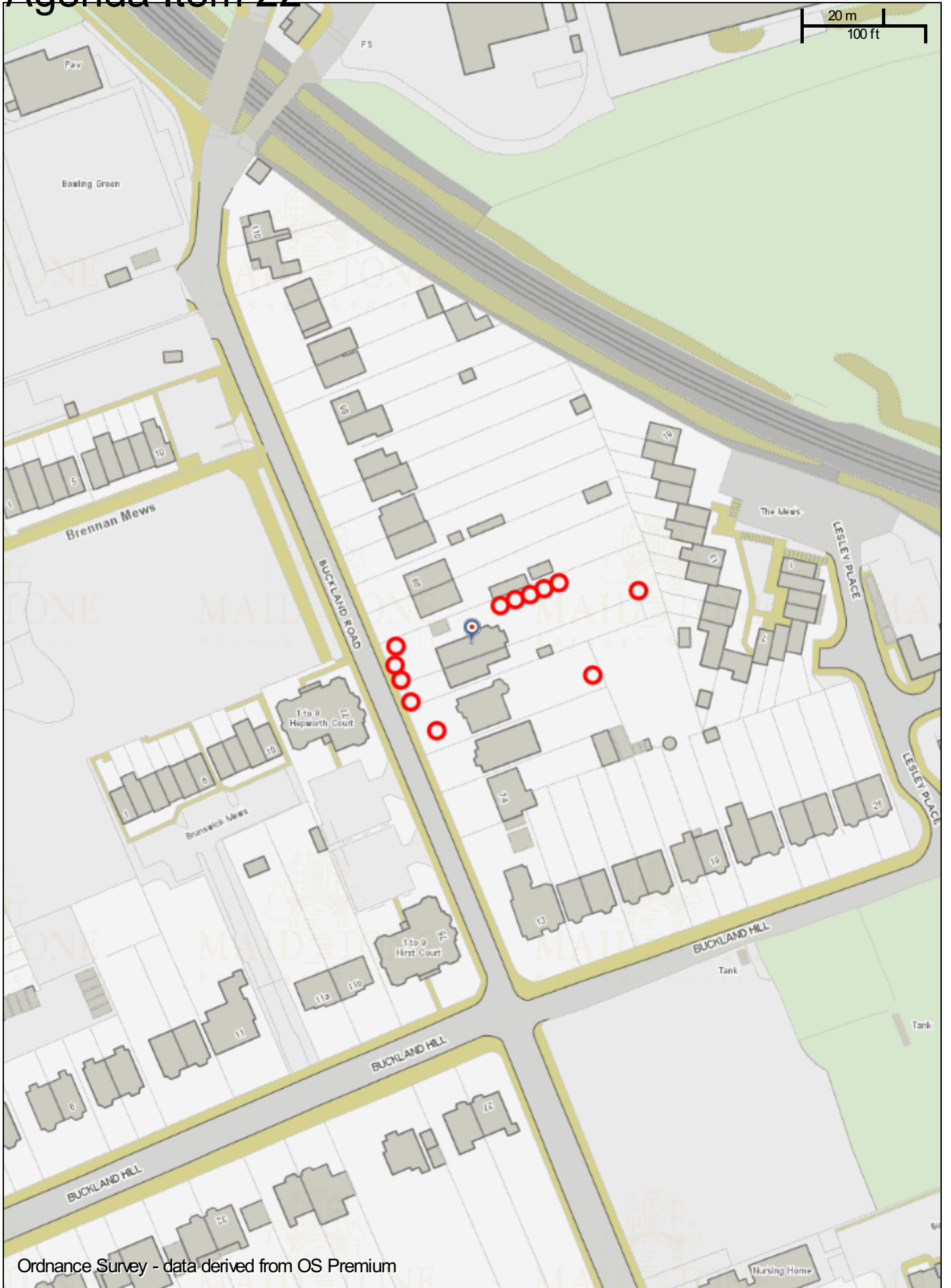
(1) Works to trees could result in disturbance to wild animals, plants and important wildlife sites protected by law. Therefore, the works hereby permitted should be carried out in a manner and at such times to avoid disturbance. Further advice can be sought from Natural England and/or Kent Wildlife Trust.

(2) The material generated from the tree work hereby permitted should be disposed of, or processed as necessary, to leave the site in a safe and tidy condition following each phase/ completion of the work.

Case Officer: Phil Gower

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.
The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.

Agenda Item 22



Ordnance Survey - data derived from OS Premium

22/503610/TPOA 82 Buckland Road, Maidstone, Kent, ME16 0SD
Scale: 1:1250
Printed on: 12/9/2022 at 15:57 PM by JoannaW

REPORT SUMMARY

REFERENCE NO - 22/503610/TPOA		
APPLICATION PROPOSAL TPO application to trim small branches/foliage at bottom of one Thuja to 2m to allow head room; Trim small branches/foliage at bottom of one Thuja to 2m to allow head room, trim south side of tree to 1m away from house, trim small branches/foliage at bottom of tree to allow 30 cm clearance above shed roof.		
ADDRESS: 82 Buckland Road Maidstone Kent ME16 0SD		
RECOMMENDATION Permit subject to conditions/Reasons		
SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL The proposed works are considered appropriate arboricultural management.		
REASON FOR REFERRAL TO COMMITTEE The application has been made by an elected member representing Bridge Ward, where the trees are also located.		
WARD Bridge	PARISH/TOWN COUNCIL	APPLICANT Stuart Jeffery AGENT
DECISION DUE DATE 19/09/22	PUBLICITY EXPIRY DATE 19/08/22	OFFICER SITE VISIT DATE 12/08/22

MAIN REPORT

1.0 DESCRIPTION OF SITE

1.01 The trees subject to this application are located along the North boundary of the residential property. T5 is located within the front of the property while T6 is further along the boundary and in the rear garden.

2.0 PROPOSAL

2.01 Works are proposed to two trees, and are detailed as:

2.02 T5 – Thuja

- Trim small branches / foliage at bottom of tree to 2 metres to allow head room.

2.03 T6 – Thuja

- Trim small branches / foliage at bottom of tree to 2 metres to allow head room.
- Trim South side of tree to 1 metre away from house.
- Trim small branches / foliage at bottom of tree to 30cm above shed roof.
-

3.0 PLANNING CONSTRAINTS

- 3.01 Tree Preservation Order No. 29 of 1973: T5 – Thuja, T6 – Thuja.

4.0 POLICY AND OTHER CONSIDERATIONS

- 4.01 Government Policy:
National Planning Policy Framework (2021)

Ministry of Housing, Communities & Local Government, Planning Practice Guidance, Tree Preservation Orders and trees in conservation areas, March 2014

- 4.02 Local Policy:
Maidstone Borough Local Plan October 2017 - Policy DM 3

Local Plan Review, Draft Plan for Submission (Regulation 19) October 2021

Maidstone Landscape Character Assessment (March 2012 amended 19 July 2013) and Supplement (2012- Saved Sections of the Landscape Character Assessment and Landscape Guidelines 2000)

- 4.03 Compensation:
A refusal of consent to carry out works to trees subject to a Tree Preservation Order can potentially result in a claim for compensation for loss or damage arising within 12 months of the date of refusal. The application has not indicated that any loss or damage is anticipated if the application is refused. However, the evidence collected during the site visit does show T6 making physical contact with the property and so the possibility of damage is foreseeable but low. I consider that the likelihood of a compensation claim arising is very low but possible. Not applicable if approved.

5.0 LOCAL REPRESENTATIONS

- 5.01 No representations have been received at the time of writing this report.

6.0 CONSULTATIONS

- 6.01 No consultation responses have been received at the time of writing this report.

7.0 BACKGROUND PAPERS AND PLANS

- 7.01 Application form, plan and proposal clarification submitted.

8.0 APPRAISAL

- 6.01 T5 on application form (T5 in TPO).

Contribution to public visual amenity:
Good – clearly visible to the public

Condition:
Good – no significant defects noted

Useful life expectancy:

Very Long - with an estimated remaining life expectancy of at least 40 Years

Comments: The proposal is to crown raise the Thuja to provide a clearance of 2 metres from ground level. The tree is located at the front of the property and largely overhangs the driveway. The crown lift is to give adequate head room when walking/parking under the tree. The proposal is in line with good arboricultural practice and considered appropriate management.

6.02 T6 on application form (T 6 in TPO).

Contribution to public visual amenity:

Limited – visible only with difficulty or only small part of crown visible

Condition:

Good – no significant defects noted

Useful life expectancy:

Very Long - with an estimated remaining life expectancy of at least 40 Years

Comments: Similar to T5 the proposal is to crown raise a Thuja to provide a clearance of 2 metres from ground level to give adequate head room when walking under the tree. This tree is located along the side boundary of the property and is in close proximity to the house and so the proposal includes the selective target pruning to the South side of the tree to provide a minimum clearance of 1 metre from the house. The application also includes further selective target pruning around the bottom of the canopy to give a 30cm clearance from the shed. The proposal is in line with good arboricultural practice and considered appropriate management

9.0 CONCLUSION

- 9.01 The proposed works are considered necessary and appropriate arboricultural management and are therefore acceptable on the grounds of safety and duty of care.

10.0 RECOMMENDATION – GRANT Subject to the following conditions:

CONDITIONS/REASONS

(1) All works hereby permitted shall be carried out in accordance with the provisions of the current edition of BS 3998 by a competent person;

Reason: To ensure the work complies with good arboricultural practice to safeguard the longevity, amenity and nature conservation value of the tree/s and its/their contribution to the character and appearance of the local area

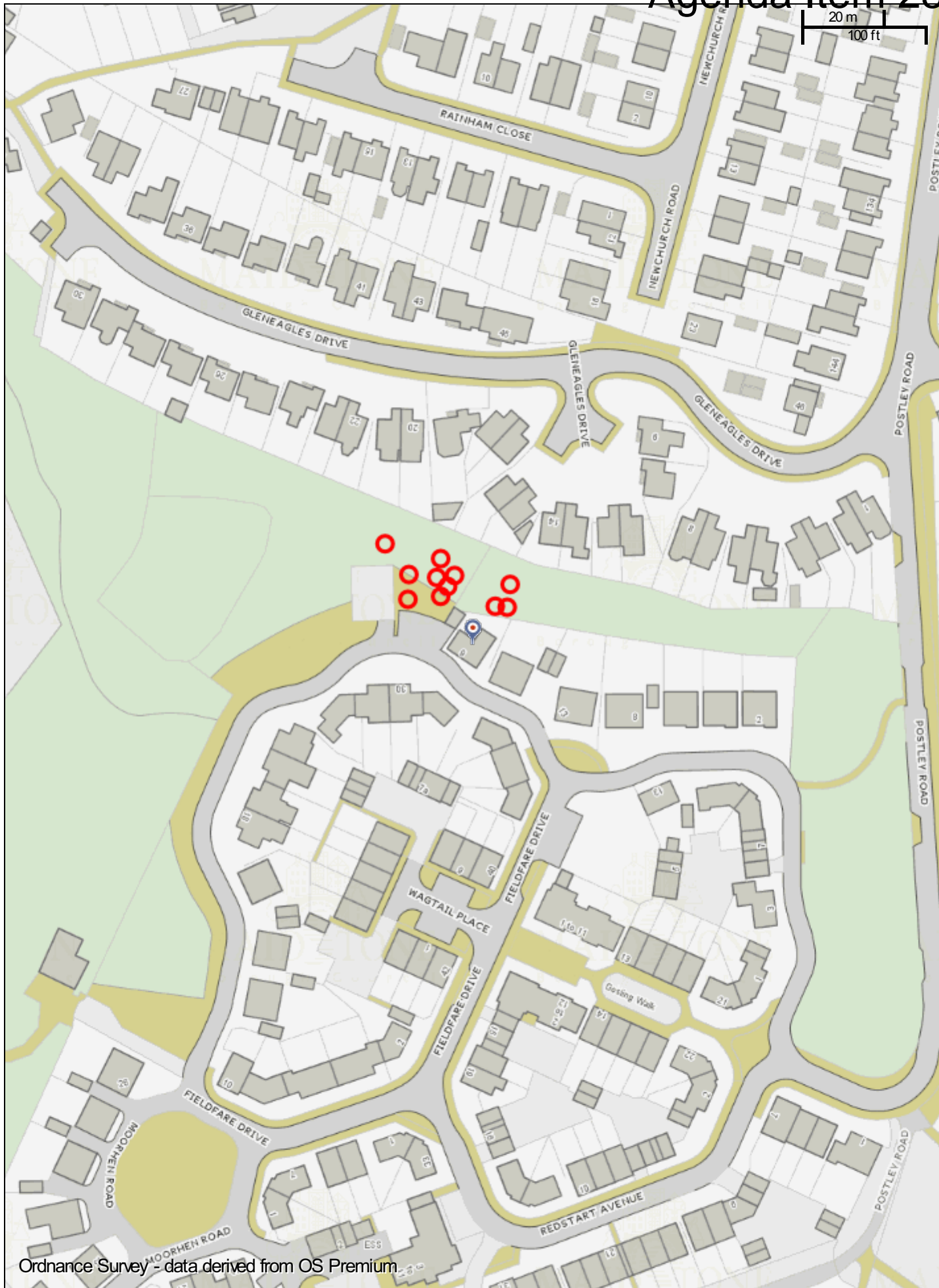
INFORMATIVES

(1) Works to trees could result in disturbance to wild animals, plants and important wildlife sites protected by law. Therefore, the works hereby permitted should be carried out in a manner and at such times to avoid disturbance. Further advice can be sought from Natural England and/or Kent Wildlife Trust.

(2) The material generated from the tree work hereby permitted should be disposed of, or processed as necessary, to leave the site in a safe and tidy condition following each phase/ completion of the work.

Case Officer: Phil Gower

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.
The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.



Ordnance Survey - data derived from OS Premium

22/502102/TPOA Land adjacent 9 Fieldfare Drive, Maidstone, Kent, ME15 6XL

Scale: 1:1250
N

Printed on: 12/9/2022 at 15:44 PM by JoannaW



REPORT SUMMARY

REFERENCE NO - 22/502102/TPOA		
APPLICATION PROPOSAL: Tree Preservation Order application: T1 Sycamore, Install Cobra system and thin by 30%, T2 Sycamore, install Cobra system and thin by 15%, T3 Twin-stemmed Sycamore, Thin by 15%, T4 Sycamore, Thin by 15%, T5 Sycamore, Thin by 15%, T6 Sycamore, Thin by 15% T7 Sycamore, Thin by 15% and install cobra system, T8 Sycamore, Thin by 15%, T9 Sycamore, Prune overhang (from 4m to 2m) T10 Sycamore, Thin by 15%, T11 Hawthorn, Reduce overhang (3m to 1.5m), Works are to reduce trees from private property boundary and secure weak forks in the trees.		
ADDRESS: Land Adjacent 9 Fieldfare Drive Maidstone Kent ME15 6XL		
RECOMMENDATION Permit subject to condition(s)		
SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL The proposed works are considered appropriate arboricultural management.		
REASON FOR REFERRAL TO COMMITTEE The trees are growing on Maidstone Borough Council -owned land and the application is made on behalf of the Council's Parks team.		
WARD South	PARISH/TOWN COUNCIL Tovil	APPLICANT Maidstone Borough Council AGENT Qualitree Services
DECISION DUE DATE 14/07/22	PUBLICITY EXPIRY DATE 13/06/22	OFFICER SITE VISIT DATE 18/07/22

MAIN REPORT

1.0 DESCRIPTION OF SITE

1.01 The tree(s) subject to this application are located on MBC land rear of No.9 Fieldfare Drive.

2.0 PROPOSAL

- 2.01 The proposed works are described as:
- 2.02 T1 – Sycamore – 30% thin / instal cobra bracing.
- 2.03 T2 – Sycamore – 15% thin / install cobra bracing.
- 2.04 T3 – Sycamore – 15% thin.
- 2.05 T4 – Sycamore – 15% thin.
- 2.06 T5 – Sycamore – 15% thin.

- 2.07 T6 – Sycamore – 15% thin.
- 2.08 T7 – Sycamore – 15% thin / install cobra bracing.
- 2.09 T8 – Sycamore – 15% thin.
- 2.10 T9 – Sycamore – Reduce over hanging canopy by 2 meters.
- 2.11 T10 – Sycamore – 15% thin.
- 2.12 T11 – Hawthorn – Reduce over hanging canopy by 1.5 meters.

3.0 PLANNING CONSTRAINTS

- 3.01 Tree Preservation Order No.23 of 1975, A1

4.0 POLICY AND OTHER CONSIDERATIONS

- 4.01 Government Policy:
National Planning Policy Framework (2021)

Ministry of Housing, Communities & Local Government, Planning Practice Guidance, Tree Preservation Orders and trees in conservation areas, March 2014

- 4.02 Local Policy:
Maidstone Borough Local Plan October 2017 - Policy DM 3

Local Plan Review, Draft Plan for Submission (Regulation 19) October 2021

Maidstone Landscape Character Assessment (March 2012 amended 19 July 2013) and Supplement (2012- Saved Sections of the Landscape Character Assessment and Landscape Guidelines 2000)

- 4.03 Compensation:
A refusal of consent to carry out works to trees subject to a Tree Preservation Order can potentially result in a claim for compensation for loss or damage arising within 12 months of the date of refusal. The applicant is Maidstone Borough Council, so it is unlikely that such a compensation claim would arise as a result of a refusal of this application, but the Council could be liable to claims for damage or injury as a result of tree failure if identified hazards are not addressed. Not applicable if approved.

5.0 LOCAL REPRESENTATIONS

- 5.01 A site notice was displayed on the 20th of July 2022 and expired on 10th of August 2022.
- 5.02 A neighbour (who lives on the other side of the trees in question) has made comments in support of the application, and has expressed a desire for a further review of the trees to be carried out with a more regular maintenance / management plan to be put in place.

6.0 CONSULTATIONS

6.01 No consultation responses received at the time of writing this report.

7.0 BACKGROUND PAPERS AND PLANS

7.01 Application form, plan and proposal clarification submitted.

8.0 APPRAISAL

8.01 T1-T11 on application form (A1 in TPO).

Contribution to public visual amenity:
Good – clearly visible to the public

Condition:
Good – no significant defects noted

Useful life expectancy:
Long - with an estimated remaining life expectancy of at least 20 Years

Comments: The proposal refers to 10 no. Sycamore trees (T1-T10) and 1 no. Hawthorn tree (T11). The majority of the proposal is for the thinning of canopies by approximately 15% (T2, T3, T4, T5, T6, T7, T8 & T10). It is proposed to thin the canopy of T1 by approximately 30%. T9 & T11 are also proposed to be selectively pruned to reduce the overhang of the canopies back of the residents garden (T9 by approximately 2 metres and T11 by approximately 1.5 metres). The last aspect of the proposal is the installation of cobra bracing system to T1, T2 & T7. These works however are exempt from requiring permission. The works are considered to be in line with good arboricultural practices and so it is recommended that the application is permitted.

9.0 CONCLUSION

9.01 The proposed works are considered necessary and appropriate arboricultural management and are therefore acceptable.

10.0 RECOMMENDATION – GRANT Subject to the following conditions:

CONDITIONS to include

(1) All works hereby permitted shall be carried out in accordance with the provisions of the current edition of BS 3998 by a competent person;

Reason: To ensure the work complies with good arboricultural practice to safeguard the longevity, amenity and nature conservation value of the tree/s and its/their contribution to the character and appearance of the local area

INFORMATIVES

(1) Works to trees could result in disturbance to wild animals, plants and important wildlife sites protected by law. Therefore, the works hereby permitted should be

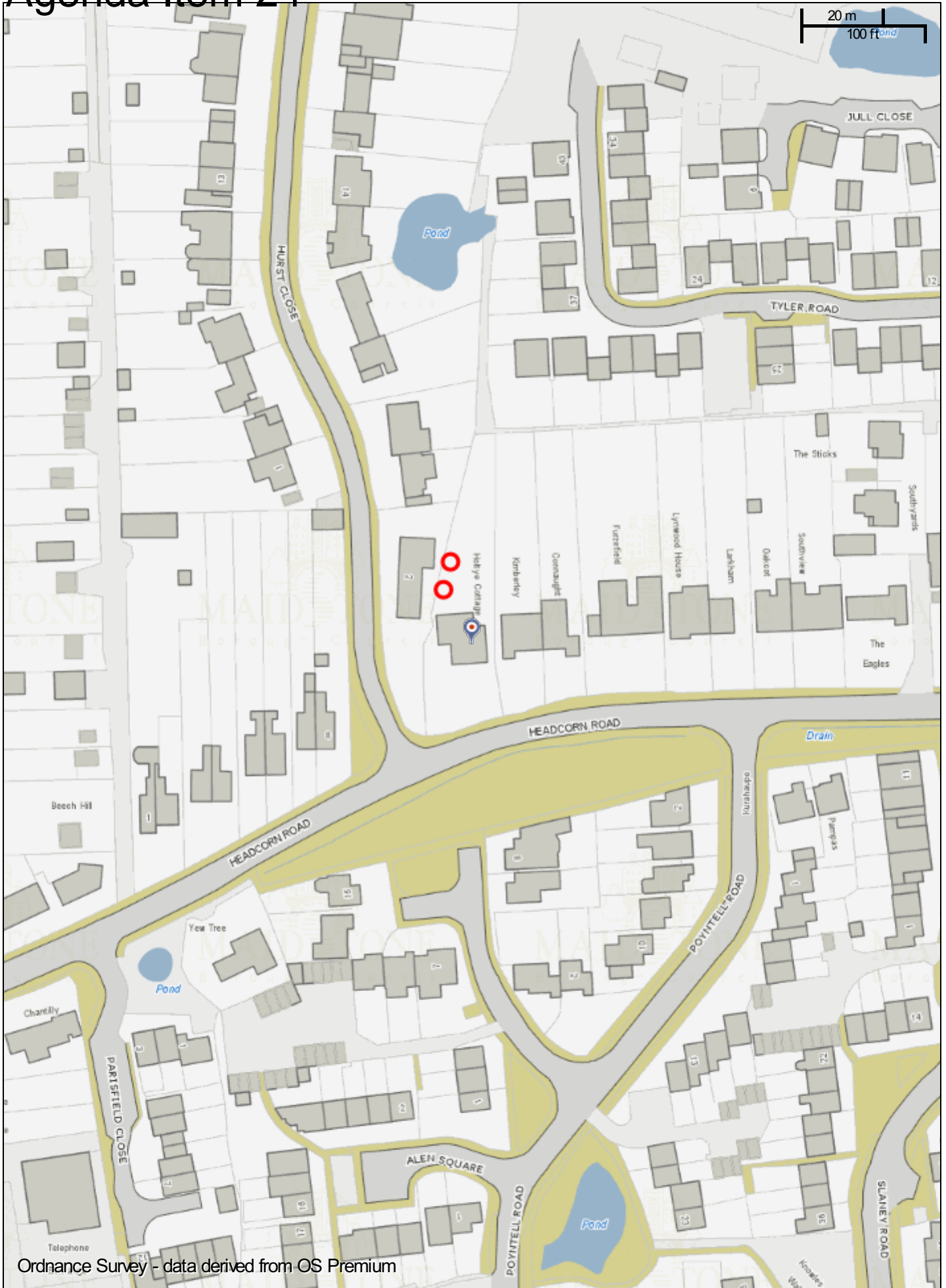
carried out in a manner and at such times to avoid disturbance. Further advice can be sought from Natural England and/or Kent Wildlife Trust.

(2) The material generated from the tree work hereby permitted should be disposed of, or processed as necessary, to leave the site in a safe and tidy condition following each phase/ completion of the work.

Case Officer: Phil Gower

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.
The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.

Agenda Item 24



Ordnance Survey - data derived from OS Premium

22/502529/TPOA Holtye Cottage, Headcorn Road, Staplehurst, Kent, TN12 0BU

Scale: 1:1250

Printed on: 12/9/2022 at 15:48 PM by JoannaW

REPORT SUMMARY

REFERENCE NO - 22/502529/TPOA		
APPLICATION PROPOSAL TPO application to reduce one Oak to 9.0m in height and reduce lateral branch system by 1.0m to 1.5m balancing the crown. Remove re-growth triennially; Remove one Oak (fell) to near ground level. Owner to physically remove any regrowth (no chemical treatment due to translocation risk).		
ADDRESS: Holtye Cottage Headcorn Road Staplehurst Kent TN12 0BU		
RECOMMENDATION Permit subject to conditions/reasons		
SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL The proposed works are considered necessary arboricultural operations for the mitigation of subsidence.		
REASON FOR REFERRAL TO COMMITTEE Cllr John Perry has requested the application be taken to committee due to the sensitivity and complexity of the proposal and its reasons		
WARD Staplehurst	PARISH/TOWN COUNCIL Staplehurst	APPLICANT Crawford And Company AGENT MWA Arboriculture Ltd
DECISION DUE DATE 13/07/22	PUBLICITY EXPIRY DATE 14/06/22	OFFICER SITE VISIT DATE 06/07/22

MAIN REPORT

1.0 DESCRIPTION OF SITE

1.01 The trees subject to this application are located in the adjacent rear garden directly behind the applicant's property.

2.0 PROPOSAL

2.01 The works proposed are detailed as:

2.02 T2 – Oak:

- Reduce to 9 metres in height and reduce lateral branch system by 1 to 1.5 metres, balancing the crown.
- Remove re-growth triennially.

2.02 T3 – Oak:

- Remove (fell) to near ground level. Owner to physically remove any regrowth (no chemical treatment due to translocation risk).

3.0 PLANNING CONSTRAINTS

- 3.01 Tree Preservation Order No. 14 of 1997: T2 – Oak, T3 – Oak

4.0 POLICY AND OTHER CONSIDERATIONS

- 4.01 Government Policy:
National Planning Policy Framework (2021)

Ministry of Housing, Communities & Local Government, Planning Practice Guidance, Tree Preservation Orders and trees in conservation areas, March 2014

- 4.02 Local Policy:
Maidstone Borough Local Plan October 2017 - Policy DM 3

Local Plan Review, Draft Plan for Submission (Regulation 19) October 2021

Maidstone Landscape Character Assessment (March 2012 amended 19 July 2013) and Supplement (2012- Saved Sections of the Landscape Character Assessment and Landscape Guidelines 2000)

- 4.03 Compensation:
A refusal of consent to carry out works to trees subject to a Tree Preservation Order can potentially result in a claim for compensation for loss or damage arising within 12 months of the date of refusal. The application does indicate that loss or damage may arise if the application is refused. Therefore the likelihood of a compensation claim arising needs to be considered if the application is refused. Not applicable if approved.

5.0 LOCAL REPRESENTATIONS

- 5.01 The owner of the trees strongly objects to the proposal made by the applicant and wishes to express that they have never experienced subsidence issues despite being just as close to the tree as the applicant.
- 5.02 The daughter of the tree owner also objects to the applicant's proposal, but also adds that she feels that the applicant's building alterations (extension) could be the cause of the movement.

6.0 CONSULTATIONS

- 6.01 Staplehurst Parish Council expresses concern over the loss of a healthy mature Oak.

7.0 BACKGROUND PAPERS AND PLANS

- 7.01 Arboricultural report

7.02 Level monitoring survey

7.03 Site investigation report

7.04 Technical report

8.0 APPRAISAL

8.01 T3 on application form (T2 in TPO).

Contribution to public visual amenity:
Good – clearly visible to the public

Condition:
Good – no significant defects noted

Useful life expectancy:
Very Long - with an estimated remaining life expectancy of at least 40 Years

Comments: The proposal is to remove the Oak tree to mitigate the alleged ongoing subsidence at the applicant's property which is located adjacent to the tree. It is important to highlight that the applicant is not the tree owner. The applicant has provided various evidence to support the application, the most significant of which is the level monitoring. This clearly shows a steady change in ground level at the centre, to the rear of their property. It is also worth noting at this point that the ground level is increasing rather than dropping. This is not considered to be typical with subsidence.

Evidence from the trial pits and bore holes has also identified roots present at and below the depth of the foundations, which do match that of the species of tree located on site. However, it has not been established at this time exactly which of the two Oaks these roots belong to.

It is unfortunate that the evidence submitted does show that the tree is the 'most probable cause' for the subsidence and would be a difficult case to defend against. Therefore, it is considered that, due to the risk of compensation, the application is permitted.

8.02 T2 on application form (T3 in TPO).

Contribution to public visual amenity:
Good – clearly visible to the public

Condition:
Good – no significant defects noted

Useful life expectancy:
Very Long - with an estimated remaining life expectancy of at least 40 Years

Comments: The proposal to T2 is not as extreme, with only a crown reduction of approximately 1 to 1.5 metres in branch length, leaving the overall height at approximately 9 metres. A proposal for continued management of this is also made. The evidence to support the application is the same as T3. It is likely that the decision to reduce, rather than fell, this tree is based on the overall size of the tree being smaller than T3, making it likely that the larger tree will be contributing more. As also pointed out above, the roots that have been identified match both trees and it has not been established exactly which of the two trees the roots belong. However, with the overall evidence provided it is considered that the application should be permitted.

9.0 CONCLUSION

9.01 The proposed works are considered necessary arboricultural practice to help mitigate subsidence and are therefore considered acceptable on arboricultural grounds.

10.0 RECOMMENDATION – GRANT Subject to the following conditions:

CONDITIONS/REASONS

(1) All works hereby permitted shall be carried out in accordance with the provisions of the current edition of BS 3998 by a competent person;

Reason: To ensure the work complies with good arboricultural practice to safeguard the longevity, amenity and nature conservation value of the tree/s and its/their contribution to the character and appearance of the local area

(2) The re-growth resulting from the permitted reduction works on T2 - Oak, shall be carried out no more frequently than once every 3 years, until the tree no longer exists.

Reason: To allow multiple operations and to remove the two-year time limit on consents, in accordance with section 17(2)(d) of The Town and Country Planning (Tree Preservation)(England) Regulations 2012.

INFORMATIVES

(1) The Council's decision does not override the need to obtain the tree owner's consent for works beyond your boundary.

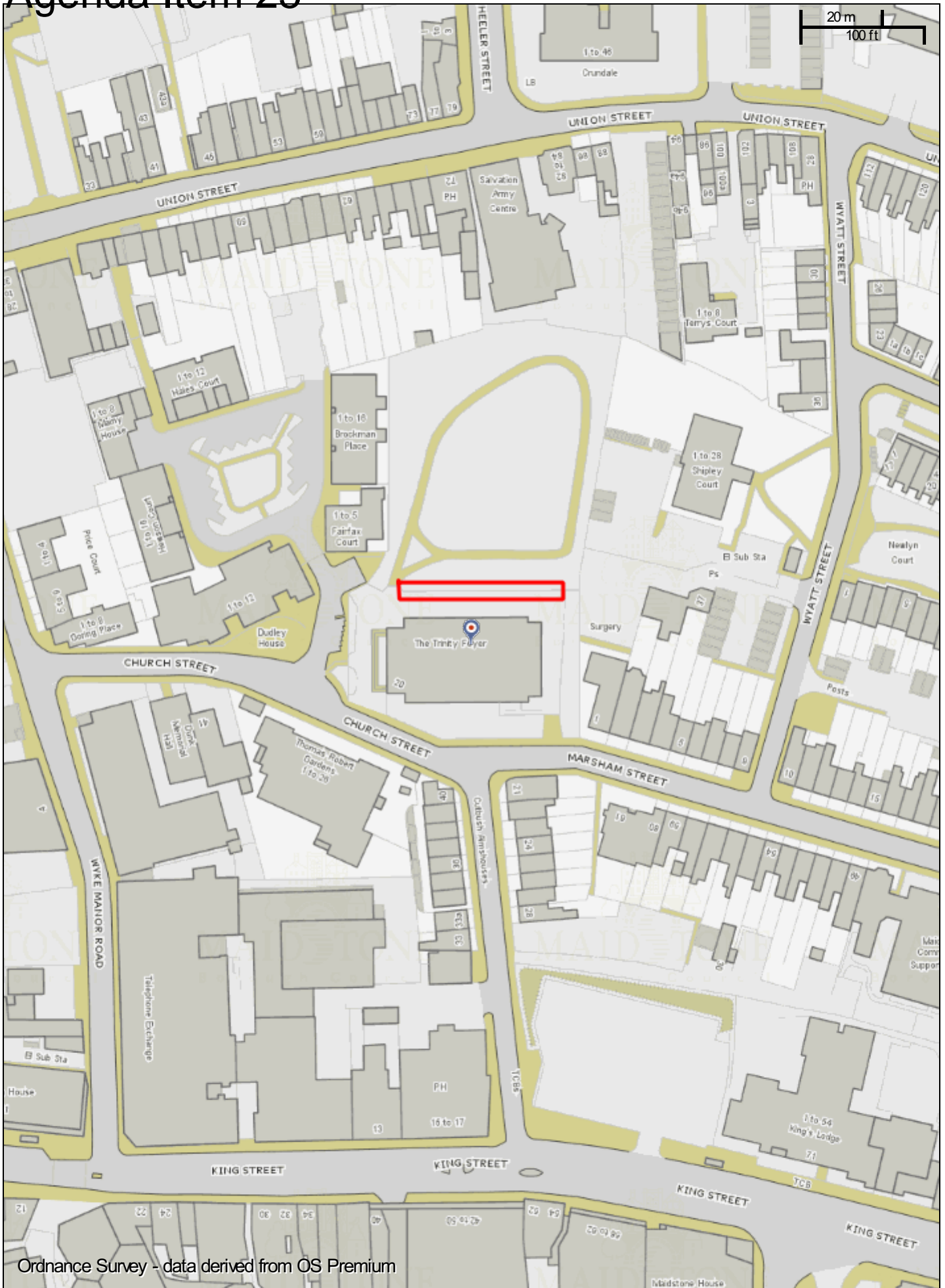
(2) Works to trees could result in disturbance to wild animals, plants and important wildlife sites protected by law. Therefore, the works hereby permitted should be carried out in a manner and at such times to avoid disturbance. Further advice can be sought from Natural England and/or Kent Wildlife Trust.

- (3) The material generated from the tree work hereby permitted should be disposed of, or processed as necessary, to leave the site in a safe and tidy condition following each phase/ completion of the work.

Case Officer: Phil Gower

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.
The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.

Agenda Item 25



Ordnance Survey - data derived from OS Premium

22/500544/TPOA The Trinity Foyer, 20 Church Street, Maidstone, Kent, ME14 1LY

Scale: 1:1250

Printed on: 12/9/2022 at 15:50 PM by JoannaW

REPORT SUMMARY

REFERENCE NO - 22/500544/TPOA		
APPLICATION PROPOSAL: TPO Application for group of 8 x (G1) Tilia - Remove epicormic growth, thinning crowns.		
ADDRESS: The Trinity Foyer 20 Church Street Maidstone Kent ME14 1LY		
RECOMMENDATION Permit subject to condition(s)		
SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL The proposed works are considered appropriate arboricultural management.		
REASON FOR REFERRAL TO COMMITTEE The trees are growing on Maidstone Borough Council -owned land and the application is made on behalf of the Council's Parks team.		
WARD High Street	PARISH/TOWN COUNCIL Unparished	APPLICANT Maidstone Borough Council AGENT Qualitree Services
DECISION DUE DATE 09/05/22	PUBLICITY EXPIRY DATE 06/04/22	OFFICER SITE VISIT DATE 20/07/22

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The trees subject to this application are located within the open green space of Trinity Park along the South (rear) boundary and run adjacent to Holy Trinity Church.

2.0 PROPOSAL

- 2.01 The proposed works are described as:
- 2.02 G1 – 8 no. Limes:
Remove basal and epicormic growth from trunks and thin canopy by 20%.

3.0 PLANNING CONSTRAINTS

- 3.01 Tree Preservation Order No.32 of 1973.

4.0 POLICY AND OTHER CONSIDERATIONS

- 4.01 Government Policy:
National Planning Policy Framework (2021)

Ministry of Housing, Communities & Local Government, Planning Practice Guidance, Tree Preservation Orders and trees in conservation areas, March 2014

- 4.02 Local Policy:
Maidstone Borough Local Plan October 2017 - Policy DM 3

Local Plan Review, Draft Plan for Submission (Regulation 19) October 2021

Maidstone Landscape Character Assessment (March 2012 amended 19 July 2013) and Supplement (2012- Saved Sections of the Landscape Character Assessment and Landscape Guidelines 2000)

- 4.03 Compensation:
A refusal of consent to carry out works to trees subject to a Tree Preservation Order can potentially result in a claim for compensation for loss or damage arising within 12 months of the date of refusal. The applicant is Maidstone Borough Council, so it is unlikely that such a compensation claim would arise as a result of a refusal of this application, but the Council could be liable to claims for damage or injury as a result of tree failure if identified hazards are not addressed. Not applicable if approved.

5.0 LOCAL REPRESENTATIONS

- 5.01 A site notice was displayed on the 20th of July 2022 and expired on 10th of August 2022.
- 5.02 No representations received at the time of writing this report.

6.0 CONSULTATIONS

- 6.01 No consultation responses received at the time of writing this report.

7.0 BACKGROUND PAPERS AND PLANS

- 7.01 Application form, plan and proposal clarification submitted.

8.0 APPRAISAL

- 8.01 G1 on application form (G6 in TPO).

Contribution to public visual amenity:
Reasonable – limited views only/partially blocked by other features

Condition:
Good – no significant defects noted

Useful life expectancy:
Very Long - with an estimated remaining life expectancy of at least 40 Years

Comments: The proposal is to remove all the epicormic growth to the main crown break and to crown thin the canopies by approximately 20%. The application refers to 8 no. trees, however only the first 6 from the Southwest entrance to the park are protected under the TPO with the two remaining trees only being protected by virtue of the Conservation Area. The works proposed are in line with good arboricultural practice and so are consistent with good tree management. Therefore it is recommended that the application is permitted.

9.0 CONCLUSION

- 9.01 The proposed works are considered necessary and appropriate arboricultural management and are therefore acceptable.

10.0 RECOMMENDATION – GRANT Subject to the following conditions:

CONDITIONS to include

(1) All works hereby permitted shall be carried out in accordance with the provisions of the current edition of BS 3998 by a competent person;

Reason: To ensure the work complies with good arboricultural practice to safeguard the longevity, amenity and nature conservation value of the tree/s and its/their contribution to the character and appearance of the local area

INFORMATIVES

(1) Works to trees could result in disturbance to wild animals, plants and important wildlife sites protected by law. Therefore, the works hereby permitted should be carried out in a manner and at such times to avoid disturbance. Further advice can be sought from Natural England and/or Kent Wildlife Trust.

(2) The material generated from the tree work hereby permitted should be disposed of, or processed as necessary, to leave the site in a safe and tidy condition following each phase/ completion of the work.

Case Officer: Phil Gower

- NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.
The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.

Agenda Item 26



Ordnance Survey - data derived from OS Premium

22/501310/TPOA Ashurst Road Open Space, Ashurst Road, Maidstone, Kent, ME14 5PZ

Scale: 1:1250
N

Printed on: 12/9/2022 at 16:03 PM by JoannaW

REPORT SUMMARY

REFERENCE NO - 22/501310/TPOA		
APPLICATION PROPOSAL: TPO application to carry out tree works as per Tree Location Plan (and List of Works received 12/04/22).		
ADDRESS: Ashurst Road Open Space Ashurst Road Maidstone Kent ME14 5PZ		
RECOMMENDATION Permit subject to condition(s)		
SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL The proposed works are considered appropriate arboricultural management.		
REASON FOR REFERRAL TO COMMITTEE The trees are growing on Maidstone Borough Council -owned land and the application is made on behalf of the Council's Parks team.		
WARD East	PARISH/TOWN COUNCIL Unparished	APPLICANT Maidstone Borough Council AGENT Qualitree Services
DECISION DUE DATE 09/05/22	PUBLICITY EXPIRY DATE 05/05/22	OFFICER SITE VISIT DATE 03/08/22

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 1.01 The tree(s) subject to this application are located along the North boundary of Ashurst Road Open Space rear of 13, 15, 17, 19, 21, 23 & 25 Blendon Road

2.0 PROPOSAL

- 2.01 The proposed works are described as:
- 2.02 T2 – Sycamore – Reduce overhang by 2.5m (5.5m to 3m) and lift to 5m from ground level.
- 2.03 T4 – Sycamore – Remove basal growth, reduce overhang by 3m (7.5m to 4.5m) and lift to 5m from ground level.
- 2.04 T6 – Sycamore – Reduce overhang by 3m (6m to 3m) and lift to 5m from ground level.
- 2.05 T7 – Sycamore – Remove
- 2.06 T8 – Sycamore – Monolith to 6m from ground level.
- 2.07 T9 – Sycamore – Lift to 6 meters from ground level.

2.08 T11 – Oak – Lift to 5m from ground level and reduce overhang by 3.5m (8.5m to 5m)

2.09 T12 – Hawthorn – Remove lower limb and formative prune.

2.10 G1 - Coppice

3.0 PLANNING CONSTRAINTS

3.01 Tree Preservation Order No.3 of 1971: A1

4.0 POLICY AND OTHER CONSIDERATIONS

4.01 Government Policy:
National Planning Policy Framework (2021)

Ministry of Housing, Communities & Local Government, Planning Practice Guidance, Tree Preservation Orders and trees in conservation areas, March 2014

4.02 Local Policy:
Maidstone Borough Local Plan October 2017 - Policy DM 3

Local Plan Review, Draft Plan for Submission (Regulation 19) October 2021

Maidstone Landscape Character Assessment (March 2012 amended 19 July 2013) and Supplement (2012- Saved Sections of the Landscape Character Assessment and Landscape Guidelines 2000)

4.03 Compensation:
A refusal of consent to carry out works to trees subject to a Tree Preservation Order can potentially result in a claim for compensation for loss or damage arising within 12 months of the date of refusal. The applicant is Maidstone Borough Council, so it is unlikely that such a compensation claim would arise as a result of a refusal of this application, but the Council could be liable to claims for damage or injury as a result of tree failure if identified hazards are not addressed. Not applicable if approved.

5.0 LOCAL REPRESENTATIONS

5.01 A site notice was displayed on the 20th of July 2022 and expired on 10th of August 2022.

5.02 No representations received at the time of writing this report.

6.0 CONSULTATIONS

6.01 No consultation responses received at the time of writing this report.

7.0 BACKGROUND PAPERS AND PLANS

7.01 Application form, plan and proposal clarification submitted.

8.0 APPRAISAL

8.01 T2 on application form (A1 in TPO).

Contribution to public visual amenity:
Limited – visible only with difficulty or only small part of crown visible

Condition:
Good – no significant defects noted

Useful life expectancy:
Long - with an estimated remaining life expectancy of at least 20 Years

Comments: Proposal to reduce overhang of the canopy to the North by approximately 2.5 metres and lift the crown to 5 metres from ground level.

8.02 T4 on application form (A1 in TPO).

Contribution to public visual amenity:
Limited – visible only with difficulty or only small part of crown visible

Condition:
Good – no significant defects noted

Useful life expectancy:
Long - with an estimated remaining life expectancy of at least 20 Years

Comments: Proposal to reduce overhang of the canopy to the North by approximately 3 metres. Remove basal growth and crown lift to the height of 5 metres from ground level.

8.03 T6 on application form (A1 in TPO).

Contribution to public visual amenity:
Limited – visible only with difficulty or only small part of crown visible

Condition:
Good – no significant defects noted

Useful life expectancy:
Long - with an estimated remaining life expectancy of at least 20 Years

Comments: Proposal to reduce overhang of the canopy to the North by approximately 3 metres. Crown lift to the height of 5 metres from ground level.

8.04 T7 on application form (A1 in TPO).

Contribution to public visual amenity:
Poor – not visible to the public

Condition:
Good – no significant defects noted

Useful life expectancy:
Medium - estimated remaining life expectancy of at least 10 years

Comments: Proposal to remove the tree to ground level. The tree is a small/young self-seeded tree located on the fence line of the adjacent property.

8.05 T8 on application form (A1 in TPO).

Contribution to public visual amenity:
Reasonable – limited views only/partially blocked by other features

Condition:
Poor – obvious decline/ health and/or structural integrity significantly impaired

Useful life expectancy:
Medium - estimated remaining life expectancy of at least 10 years

Comments: Proposal to remove the main crown and retain the remaining stem as an 'artificial stag' or monolith at approximately 6 metres from ground level due to a major cavity showing decay at 7 metres.

8.06 T9 on application form (A1 in TPO).

Contribution to public visual amenity:
Poor – not visible to the public
Limited – visible only with difficulty or only small part of crown visible

Condition:
Good – no significant defects noted

Useful life expectancy:
Long - with an estimated remaining life expectancy of at least 20 Years

Comments: Proposal to lift crown to 6 metres from ground level.

8.07 T11 on application form (A1 in TPO).

Contribution to public visual amenity:
Limited – visible only with difficulty or only small part of crown visible

Condition:
Good – no significant defects noted

Useful life expectancy:
Very Long - with an estimated remaining life expectancy of at least 40 Years

Comments: Proposal to lift crown to 5 metres from ground level and reduce the overhang on the Northern side of canopy back by approximately 3.5 metres.

8.08 T12 on application form (A1 in TPO).

Contribution to public visual amenity:
Poor – not visible to the public

Condition:

Fair – showing minor signs of deterioration and/or defects

Useful life expectancy:

Medium - estimated remaining life expectancy of at least 10 years

Comments: Proposal to remove the low overhanging limb to the north and formative prune the remaining crown.

8.09 G1 on application form (A1 in TPO).

Contribution to public visual amenity:

Reasonable – limited views only/partially blocked by other features

Condition:

Good – no significant defects noted

Useful life expectancy:

Medium - estimated remaining life expectancy of at least 10 years

Comments: Proposal to coppice patch of young self-seeded sycamore trees, The removal of the group will have a significant visual effect on the immediate area in the short term, however I feel this would be a good opportunity to allow the natural regeneration and development of native species saplings already present to establish.

9.0 CONCLUSION

- 9.01 The proposed works above are in line with good arboricultural practice and consistent with a sustainable approach to tree management. The works are considered necessary/appropriate and are therefore arboriculturally acceptable.

10.0 RECOMMENDATION – GRANT Subject to the following conditions:

CONDITIONS to include

(1) Any coppiced tree, which dies within two years from the date of the coppicing work, shall, in the same location, be replaced during the next planting season (October to February) by another tree of the same species. The tree shall be of not less than Nursery light STD size (6-8cm girth, 2.5-2.75m height), conforming to the specification of the current edition of BS 3936, except where an alternative proposal has been submitted to and approved in writing by the local planning authority prior to that planting season, and shall be maintained thereafter;

Reason: To safeguard the successful regeneration and longevity of the coppice and its contribution to amenity and nature conservation

(2) Any tree planted in accordance with the conditions attached to this permission, or in replacement for such a tree, which within a period of five years from the date of the 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 an alternative proposal has been submitted to and approved in writing by the local planning authority prior to that planting season;

Reason: To safeguard the amenity and nature conservation value of the tree/s that has/have been removed and to maintain and enhance the character and appearance of the local area

(3) All works hereby permitted shall be carried out in accordance with the provisions of the current edition of BS 3998 by a competent person;

Reason: To ensure the work complies with good arboricultural practice to safeguard the longevity, amenity and nature conservation value of the tree/s and its/their contribution to the character and appearance of the local area

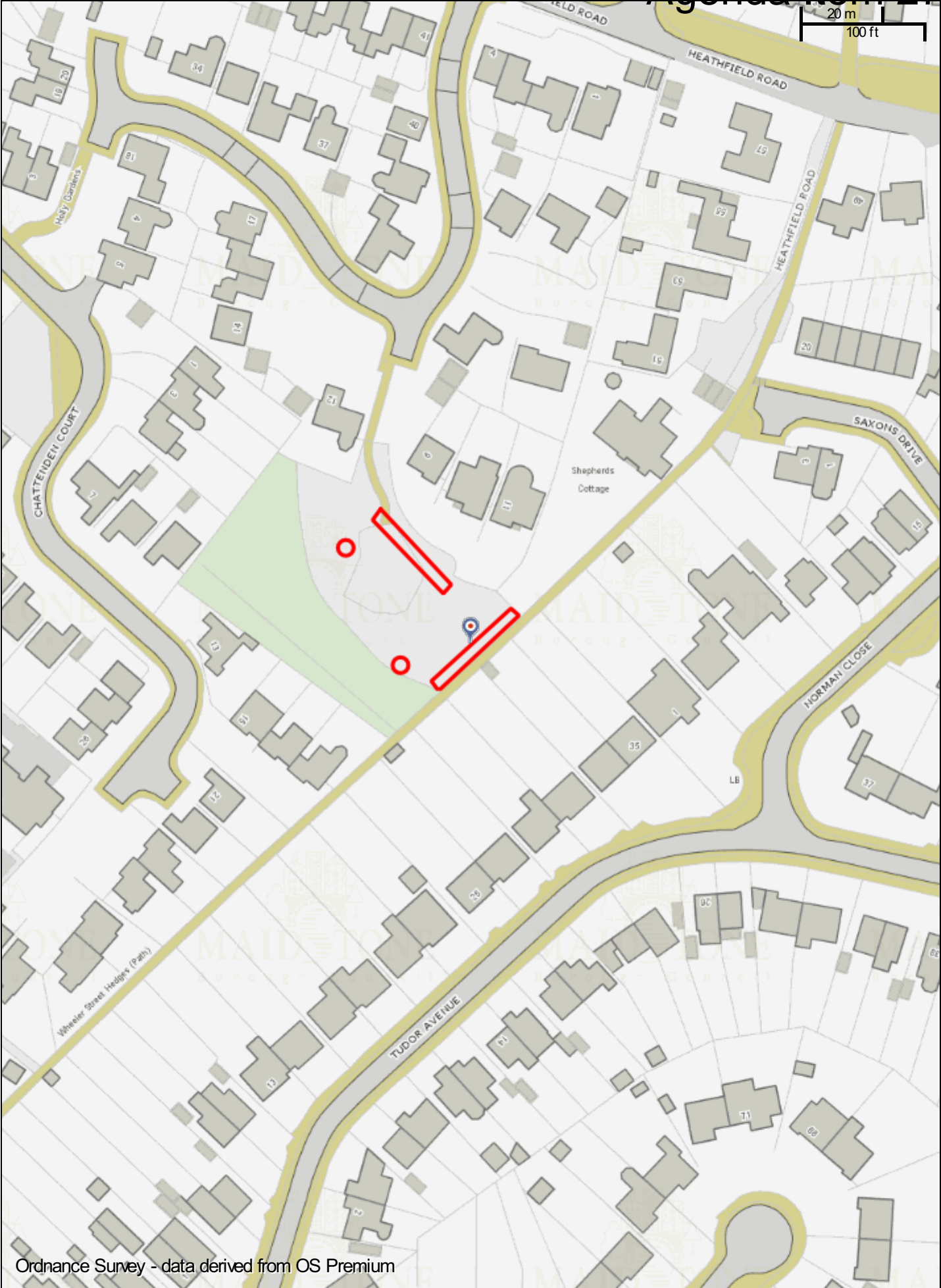
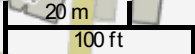
INFORMATIVES

(1) Works to trees could result in disturbance to wild animals, plants and important wildlife sites protected by law. Therefore, the works hereby permitted should be carried out in a manner and at such times to avoid disturbance. Further advice can be sought from Natural England and/or Kent Wildlife Trust.

(2) All cut timber/wood between 30cm and 100cm in diameter, together with any senescent and rotting wood, should be retained and stacked safely on site for the colonisation of saproxylic organisms, except where an alternative proposal has been submitted to and approved in writing by the local planning authority.

Case Officer: Phil Gower

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.
The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.



Ordnance Survey - data derived from OS Premium

22/502567/TPOA Open Space at St Francis Close, Penenden Heath, Kent, ME14 2TQ

Scale: 1:1250

Printed on: 12/9/2022 at 15:31 PM by JoannaW



REPORT SUMMARY

REFERENCE NO - 22/502567/TPOA		
APPLICATION PROPOSAL: TPO application to: T1 Sycamore, Fell to 2ft above ground (multiple fractures) for safety; G1 Sycamores, Lift to 5m above ground level (park side) to allow space; T2 Sycamore, Lift to 3.5m above ground & thin by 15% plus deadwood, to allow space and for maintenance purposes; G2 Cherries, Lift to 3m above ground & thin by 15% to allow space and for maintenance purposes.		
ADDRESS: Open Space at St Francis Close Penenden Heath Kent ME14 2TQ		
RECOMMENDATION: Permit subject to conditions		
SUMMARY OF REASONS FOR RECOMMENDATION/REASONS FOR REFUSAL: The proposed works are considered appropriate arboricultural management.		
REASON FOR REFERRAL TO COMMITTEE: The trees are growing on Maidstone Borough Council -owned land and the application is made on behalf of the Council's Parks team.		
WARD North	PARISH/TOWN COUNCIL	APPLICANT Maidstone Borough Council AGENT Qualitree Services
DECISION DUE DATE 11/08/22	PUBLICITY EXPIRY DATE 13/07/22	OFFICER SITE VISIT DATE 12/07/22

MAIN REPORT

1.0 DESCRIPTION OF SITE

1.01 The tree(s) subject to this application are located in the open green space of St Francis Close play area.

2.0 PROPOSAL

2.01 Works are proposed are detailed as:

T1 – Sycamore:

- Remove tree, retaining stump at 2ft.

T2 – Sycamore:

- Lift to 3.5 metres
- Thin by 15%

G1 – Sycamore:

- Lift to 5 metres

G2- Cherries

- Lift to 3m above ground and thin by 15%

3.0 PLANNING CONSTRAINTS

- 3.01 Tree Preservation Order No.2 of 2000.

4.0 POLICY AND OTHER CONSIDERATIONS

- 4.01 Government Policy:
National Planning Policy Framework (2021)

Ministry of Housing, Communities & Local Government, Planning Practice Guidance, Tree Preservation Orders and trees in conservation areas, March 2014

- 4.02 Local Policy:
Maidstone Borough Local Plan October 2017 - Policy DM 3

Local Plan Review, Draft Plan for Submission (Regulation 19) October 2021

Maidstone Landscape Character Assessment (March 2012 amended 19 July 2013) and Supplement (2012- Saved Sections of the Landscape Character Assessment and Landscape Guidelines 2000)

- 4.03 Compensation:
A refusal of consent to carry out works to trees subject to a Tree Preservation Order can potentially result in a claim for compensation for loss or damage arising within 12 months of the date of refusal. The applicant is Maidstone Borough Council, so it is unlikely that such a compensation claim would arise as a result of a refusal of this application, but the Council could be liable to claims for damage or injury as a result of tree failure if identified hazards are not addressed. Not applicable if approved.

5.0 LOCAL REPRESENTATIONS

- 5.01 A site notice was displayed on the 20th July 2022 and expired on 10th August 2022.
5.02 No representations received at the time of writing this report.

6.0 CONSULTATIONS

- 6.01 No consultation responses received at the time of writing this report.

7.0 BACKGROUND PAPERS AND PLANS

- 7.01 Application form, plan and proposal clarification submitted.

8.0 APPRAISAL

- 8.01 T1 on application form (T20 in TPO).

Contribution to public visual amenity:
Limited – visible only with difficulty or only small part of crown visible

Condition:
Poor – obvious decline/ health and/or structural integrity significantly impaired

Useful life expectancy:
Short – safe useful life expectancy of less than 10 years

Comments: The proposal is to remove T1 – Sycamore retaining the stump at approximately 2ft from ground level. The works are due to multiple cracks and fractures in the trees main branch structure.

8.02 T2 on application form (T19 in TPO).

Contribution to public visual amenity:
Reasonable – limited views only/partially blocked by other features

Condition:
Fair – showing minor signs of deterioration and/or defects

Useful life expectancy:
Long - with an estimated remaining life expectancy of at least 20 Years

Comments: The proposal is to crown lift the canopy to approximately 3.5 metres from ground level and thin the crown by 15%. The purpose of these works is to provide better head room when carrying out ground maintenance tasks and to promote less wind drag through the canopy. This will help elevate any tight unions or forks.

8.03 G1 on application form (G8 in TPO).

Contribution to public visual amenity:
Poor – not visible to the public

Condition:
Fair – showing minor signs of deterioration and/or defects

Useful life expectancy:
Medium - estimated remaining life expectancy of at least 10 years

Comments: The proposal is to crown lift the Northeast side of the canopies to approximately 5 metres from ground level to provide better head room when carrying out ground maintenance tasks.

8.04 G2 on application form

The Cherries are not protected under the TPO and therefore the proposed works do not require permission.

9.0 CONCLUSION

9.01 The proposed works are considered necessary and appropriate arboricultural management and are therefore acceptable.

10.0 RECOMMENDATION – GRANT Subject to the following conditions:

CONDITIONS to include

(1) All works hereby permitted shall be carried out in accordance with the provisions of the current edition of BS 3998 by a competent person;

Reason: To ensure the work complies with good arboricultural practice to safeguard the longevity, amenity and nature conservation value of the tree/s and its/their contribution to the character and appearance of the local area

INFORMATIVES

(1) Works to trees could result in disturbance to wild animals, plants and important wildlife sites protected by law. Therefore, the works hereby permitted should be carried out in a manner and at such times to avoid disturbance. Further advice can be sought from Natural England and/or Kent Wildlife Trust.

(2) All cut timber/wood between 30cm and 100cm in diameter, together with any senescent and rotting wood, should be retained and stacked safely on site for the colonisation of saproxylic organisms, except where an alternative proposal has been submitted to and approved in writing by the local planning authority.

(3) The proposed work to the Cherries, G2, (crown lifting to 3 metres from ground level and a 15% crown thin) do not require permission as they are not within any part of the TPO.

Case Officer: Phil Gower

NB For full details of all papers submitted with this application please refer to the relevant Public Access pages on the council's website.
The conditions set out in the report may be subject to such reasonable change as is necessary to ensure accuracy and enforceability.

Agenda Item 28

THE MAIDSTONE BOROUGH COUNCIL **PLANNING COMMITTEE – 22nd September 2022**

APPEAL DECISIONS:

- 1. 19/502352/FULL** Retention of a dayroom, retention of re-sited mobile home, and the demolition of utility block.

APPEAL: DISMISSED

The Mellows
Marley Road
Harrietsham
Maidstone
Kent
ME17 1BS

(Delegated)

- 2. 21/502103/OUT** Outline Application with access matter sought for erection of 3 No. self build residential dwellings with associated landscaping, drainage and earthworks and creation of new access from Beresford Hill/Church Lane. (Matters of appearance, landscaping, layout and scale are reserved for future considerations.)

APPEAL: DISMISSED

Land North Of Green Lane And East Of Church Street
Boughton Monchelsea
Kent

(Delegated)

- 3. 21/503543/FULL** Demolition of existing annexe. Erection of a 1no. dwelling with associated garden, parking, landscaping and environmental enhancements.

APPEAL: ALLOWED

Paradi
Dickley Lane
Lenham
Maidstone
Kent
ME17 2DD

(Delegated)

4. 21/505816/OUT

Outline application for the retention of existing dwelling and erection of 4no. dwellings (Access being sought). Resubmission of 21/501777/OUT

APPEAL: ALLOWED

The Rectory
Church Road
Harrietsham
Maidstone
Kent
ME17 1AP

(Delegated)

5. 19/500330/BOC

Sub-division of site with unauthorised occupants.

APPEAL: NOTICE QUASHED

Chestfields
Marley Road
Harrietsham
Kent
ME17 1BS
