

PLANNING COMMITTEE MEETING

Date: Thursday 26 August 2021
Time: 6.00 p.m.
Venue: Town Hall, High Street, Maidstone

Membership:

Councillors Brindle, Coates, Cox, English, Eves, Forecast, Harwood, Holmes, Kimmance, Munford, Perry (Vice-Chairman), Spooner (Chairman) and Young

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

AGENDA

Page No.

1. Apologies for Absence
2. Notification of Substitute Members
3. Notification of Visiting Members
4. Items withdrawn from the Agenda
5. Any business the Chairman regards as urgent including the urgent update report as it relates to matters to be considered at the meeting
6. Disclosures by Members and Officers
7. Disclosures of lobbying
8. To consider whether any items should be taken in private because of the possible disclosure of exempt information.
9. Minutes of the meeting held on 22 July 2021 1 - 6
10. Presentation of Petitions (if any)
11. Deferred Items 7 - 8
12. 19/504910/OUT - Former Syngenta Works, Hampstead Lane, Yalding, Kent 9 - 71
13. 21/502269/FULL - Timberden, Boxley Road, Maidstone, Kent 72 - 82

Issued on Wednesday 18 August 2021

Continued Over/:

Alison Broom

Alison Broom, Chief Executive

- | | |
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| 14. 21/501982/FULL - Whiteacres, Marden Road, Staplehurst,
Tonbridge, Kent | 83 - 95 |
| 15. 21/503223/FULL - The Oaklands, Lenham Road, Headcorn,
Ashford, Kent | 96 - 116 |
| 16. Appeal Decisions | 117 |

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 in person or by remote means, please call 01622 602899 or email committee@maidstone.gov.uk by 4 p.m. on Wednesday 25 August 2021. You will need to tell us which agenda item you wish to speak on. Please note that slots will be allocated for each application on a first come, first served basis.

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

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MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON 22 JULY 2021

Present: Councillor Spooner (Chairman) and
Councillors Brindle, Coates, Cox, English, Eves,
Forecast, Harwood, Kimmance, Munford, Perry,
Round and Young

Also Present: Councillor Parfitt-Reid

74. APOLOGIES FOR ABSENCE

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

75. NOTIFICATION OF SUBSTITUTE MEMBERS

It was noted that Councillor Round was substituting for Councillor Holmes.

76. NOTIFICATION OF VISITING MEMBERS

Councillor Parfitt-Reid had given notice of her wish to speak on the report of the Head of Planning and Development relating to application 20/505710/FULL (15 Amsbury Road, Coxheath, Maidstone, Kent), and attended the meeting remotely.

77. ITEMS WITHDRAWN FROM THE AGENDA

There were none.

78. URGENT ITEMS

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

79. DISCLOSURES BY MEMBERS AND OFFICERS

Councillor Munford said that he was the Chairman of Boughton Monchelsea Parish Council. However, he had not participated in the Parish Council's discussions relating to application 21/500322/FULL (Robins Rest, Park Lane, Boughton Monchelsea, Kent), and intended to speak and vote when it was considered.

Note: Councillor Cox entered the meeting at the start of this item (6.05 p.m.) and had no disclosures.

80. DISCLOSURES OF LOBBYING

The following disclosures of lobbying were noted:

Item 12.	21/500322/FULL - Robins Rest, Park Lane, Boughton Monchelsea, Kent	Councillors Cox, English, Kimmance and Munford
Item 13.	20/505710/FULL - 15 Amsbury Road, Coxheath, Maidstone, Kent	Councillors Brindle, Cox, English, Kimmance, Spooner and Young
Item 14.	20/506064/FULL - Culls Farm, Dean Street, East Farleigh, Kent	No lobbying
Item 15.	20/505611/SUB - Dickens Gate, Marden Road, Staplehurst, Tonbridge, Kent	Councillors English and Perry
Item 16.	21/502008/FULL - Lockmeadow Leisure Complex, Barker Road, Maidstone, Kent	Councillors English and Perry

81. EXEMPT ITEMS

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

82. MINUTES OF THE MEETING HELD ON 24 JUNE 2021 ADJOURNED TO 1 JULY 2021

RESOLVED: That the Minutes of the meeting held on 24 June 2021 adjourned to 1 July 2021 be approved as a correct record and signed.

83. PRESENTATION OF PETITIONS

There were no petitions.

84. DEFERRED ITEM

20/504386/FULL - CHANGE OF USE OF THE LAND FOR THE SITING OF 3 NO. STATIC CARAVANS AND 3 NO. TOURING CARAVANS FOR GYPSY/TRAVELLER OCCUPATION (REVISED SCHEME TO 18/506342/FULL)- THE ORCHARD PLACE, BENOVER ROAD, YALDING, KENT

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

85. REVISED NATIONAL PLANNING POLICY FRAMEWORK

The Development Manager provided an update on recent changes to the National Planning Policy Framework (NPPF) in so far as they could impinge on applications to be determined at the meeting. It was noted that the changes included greater control over Article 4 Directions, the promotion of sustainable patterns of development, enhanced measures to improve design quality, an expectation that all new streets should be tree-lined and quicker decision making for critical infrastructure.

The Development Manager undertook to circulate a link to the revised version of the NPPF to Members.

Note: Councillor Harwood entered the meeting during this update (6.15 p.m.). He said that he had no disclosures of interest or of lobbying.

86. 21/500322/FULL - PART RETROSPECTIVE APPLICATION FOR A MATERIAL CHANGE OF USE OF LAND TO MIXED USE FOR A SINGLE PITCH GYPSY SITE AND KEEPING OF HORSES, WITH ASSOCIATED DEVELOPMENT INCLUDING STATIONING OF 1 NO. MOBILE HOME, 2 NO. TOURERS, ERECTION OF A UTILITY BLOCK, SHED, HARD STANDING, SEPTIC TANK AND A STABLE SHELTER - ROBINS REST, PARK LANE, BOUGHTON MONCHELSEA, KENT

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

In presenting the application, the Development Manager advised the Committee that the description of the application proposal should be amended to refer to the keeping of *horses*.

Councillor Smith of Boughton Monchelsea Parish Council addressed the meeting remotely.

RESOLVED:

1. That subject to the application being advertised as it affects a public right of way and no material planning issues being raised, the Head of Planning and Development be given delegated powers to grant permission subject to the conditions and informatives set out in the report, as amended by the urgent update report, and the additional condition set out in the urgent update report with:

The further amendment of original condition 3 (Site Development Scheme) to refer to a landscape master plan in paragraph i) a);

An additional informative detailing where structural landscaping should be positioned as the north-south long-distance views are important; this could include natural regeneration of non-grazed land; and

An additional condition requiring that there shall be no storage/stationing of trailers, vehicles, domestic or commercial paraphernalia outside the residential area shown on the approved plan.

2. That the Head of Planning and Development be given delegated powers to finalise the wording of the additional and amended conditions and the additional informative and to amend any other conditions as a consequence.
3. That the details to be submitted pursuant to original condition 3 (Site Development Scheme) paragraphs i) a) (Boundary Treatments and Landscape Master Plan); i) d) (External Lighting); and i) g) (Enhancement of Biodiversity) are to be agreed in consultation with Councillors Harwood and Munford and the Parish Council.

Voting: 11 – For 0 – Against 1 – Abstention

Note: Councillor Forecast entered the meeting during consideration of this application (6.25 p.m.). He sat in the public gallery and did not participate in the discussion or the voting.

87. 20/505710/FULL - ERECTION OF 1 NO. FOUR BEDROOM CHALET BUNGALOW WITH INTEGRAL GARAGE AND ASSOCIATED PARKING (RE-SUBMISSION OF 20/503671/FULL) - 15 AMSBURY ROAD, COXHEATH, MAIDSTONE, KENT

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

Mr Gordon, the applicant, addressed the meeting in person.

Councillor Parfitt-Reid (Visiting Member) addressed the meeting remotely.

RESOLVED: That permission be granted subject to the conditions and informatives set out in the report as amended by the urgent update report.

Voting: 13 – For 0 – Against 0 – Abstentions

Note: Councillor Forecast joined the meeting prior to consideration of this application (7.05 p.m.). He said that he had no disclosures of interest or of lobbying.

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

In presenting the application, the Principal Planning Officer advised the Committee that, since publication of the agenda, one further representation had been received in support of the proposals.

Councillor Sharp of Staplehurst Parish Council addressed the meeting in person.

Ms Dunn addressed the meeting remotely on behalf of the applicant.

RESOLVED: That consideration of this application be deferred:

- (1) To ask the applicant to provide further information to clarify:
 - (a) The foul drainage flows from the site; and
 - (b) The volume of capacity being provided (by the holding tank) and how it will be maintained to ensure that it retains such capacity.
- (2) For the additional information to be reviewed by an independent expert drainage consultant.

This is to satisfy the Committee that the volume of flows will be accommodated by the proposed works.

Voting: 11 – For 0 – Against 2 – Abstentions

89. 20/506064/FULL - DEMOLITION OF EXISTING VEHICLE WORKSHOPS AND ERECTION OF 10 NO. DWELLINGS AND 1 NO. COMMERCIAL OFFICE BUILDING WITH ASSOCIATED ACCESS ROADS, PARKING, LANDSCAPING, DRAINAGE AND UTILISING EXISTING ACCESS - CULLS FARM, DEAN STREET, EAST FARLEIGH, 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

90. 21/502008/FULL - TO EXTEND EXISTING TERRACE AND PROPOSED NEW DOORS ON THE SOUTH EAST SIDE OF LOCKMEADOW COMPLEX - LOCKMEADOW LEISURE COMPLEX, BARKER ROAD, MAIDSTONE, KENT

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

The Chairman advised the Committee that both he and the Vice-Chairman had received an email from Councillor Harper, a Ward Member, in support of the scheme.

It was established during the discussion that Councillor Coates had pre-determined the application. Councillor Coates did not participate further in the discussion or the voting.

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

Voting: 12 – For 0 – Against 0 – Abstentions

91. 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.

Members were disappointed by the decision of the Planning Inspector to allow the appeal against the Committee's decision to refuse application 20/500269/FULL (Erection of 1 no. 4 bedroom detached dwelling with associated amenity (Re-submission of 19/503872/FULL) – Land South of South Cottage, High Street, Staplehurst, Kent).

The Development Manager advised the Committee that:

- Reference was made in the decision notice to the Council being unable to demonstrate a 5-year supply of deliverable housing sites. This was not correct, and the Officers would be writing to the Planning Inspectorate drawing attention to the error.
- The Inspector had allowed the appeal and granted planning permission subject to conditions. The Council would be able to exert influence on the proposed development during the assessment of the condition submissions.
- He would arrange for a copy of the decision notice to be circulated to all Members and Substitute Members of the Committee.

RESOLVED: That the report be noted.

92. DURATION OF MEETING

6.00 p.m. to 8.45 p.m.

MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

26 AUGUST 2021

REPORT OF THE HEAD OF PLANNING AND DEVELOPMENT

DEFERRED ITEMS

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

APPLICATION	DATE DEFERRED
<p><u>20/504386/FULL - CHANGE OF USE OF THE LAND FOR THE SITING OF 3 NO. STATIC CARAVANS AND 3 NO. TOURING CARAVANS FOR GYPSY/TRAVELLER OCCUPATION (REVISED SCHEME TO 18/506342/FULL) - THE ORCHARD PLACE, BENOVER ROAD, YALDING, KENT</u></p> <p>Deferred to:</p> <ul style="list-style-type: none"> Negotiate a reconfiguration of the site layout to achieve better landscaping of the pond/woodland area to enable ecological and flood amelioration; and Seek the advice of the Environment Agency specifically relating to this site. <p><u>Note:</u> The Development Manager confirmed that when the application is reported back to the Committee the additional conditions recommended by the Officers and the suggestions made by Members during the discussion regarding (1) the provision of (a) bin and cycle storage and (b) bug hotels and bat tubes in the eaves of the wooden buildings and (2) the exclusion of Sycamore trees from the landscaping scheme and the use of non-plastic guards for trees and hedgerows will be included.</p>	17 December 2020
<p><u>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</u></p> <p>Deferred:</p>	22 July 2021

- | | |
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| <p>(1) To ask the applicant to provide further information to clarify:</p> <ul style="list-style-type: none">(a) The foul drainage flows from the site; and(b) The volume of capacity being provided (by the holding tank) and how it will be maintained to ensure that it retains such capacity. <p>(2) For the additional information to be reviewed by an independent expert drainage consultant.</p> | |
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This is to satisfy the Committee that the volume of flows will be accommodated by the proposed works.



19/504910/OUT - Former Syngenta Works, Hampstead Lane, Yalding, Kent

Scale: 1:5000

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REFERENCE NO - 19/504910/OUT

APPLICATION PROPOSAL

Outline application for the redevelopment of the former Syngenta works site to provide a new business park of up to 46,447 sqm (500,000 sq.ft.) of B1(c), B2 and B8 accommodation with associated access, parking and infrastructure works. (Access only being sought).

ADDRESS Former Syngenta Works, Hampstead Lane, Yalding, Kent

RECOMMENDATION – APPROVE WITH CONDITIONS

SUMMARY OF REASONS FOR RECOMMENDATION

- The site is allocated for redevelopment which includes employment (B use classes) under policy RMX1(4) in the Local Plan subject to a number of criteria.
- The application proposes B use classes and the proposals overwhelmingly comply with policy RMX1(4) apart from criterion 4 but this conflict does not render the development unacceptable.
- There would be a low level of harm to the landscape and so a minor conflict with policy SP17 of the Local Plan but this would be localised and the impact suitably reduced through landscaping. Importantly, the site allocation in principle allows for employment development across the site which would inevitably have some impact and thus conflict with policy SP17. The low level of harm to the landscape is acceptable based on the site being allocated for development and when balanced against the economic benefits through new jobs associated with the development.
- Part of the site falls outside the area allocated for development and upon land defined as an 'ecological mitigation area' under the Local Plan Proposals Map. Development in this area would not result in any significant landscape or visual impacts above the allocated part of the site, and there would still be the amount of land required under the site policy (13ha) to the south that would be used for ecological mitigation and enhancement.
- The application complies with all other relevant Development Plan policies.
- No objections have been raised by any consultees subject to conditions/mitigation. The proposals pass both the Sequential and Exception Flood Risk Tests and matters of flood risk and contamination are acceptable subject to mitigation which is secured by conditions.
- Permission is therefore recommended subject to conditions and a legal agreement.

REASON FOR REFERRAL TO COMMITTEE

Planning Committee resolved to grant permission for the proposed development at its meeting on 25th March 2021 but the applicant has submitted material information relating to the Sequential Flood Risk Test and so the application must be reported back to Planning Committee for a decision.

Councillor Burton originally requested the application be considered by Planning Committee for the reasons set out in the original committee report.

WARD Marden and Yalding	PARISH COUNCIL Yalding	APPLICANT Mr Nick Young (Yalding Enterprise Ltd) AGENT DHA Planning	
DECISION DUE DATE: 23/04/21	PUBLICITY EXPIRY DATE: 26/01/21	SITE VISIT DATE: 02/04/20	
PLANNING HISTORY			
Numerous planning applications dating from the 1960's relating to the former use of the site for the formulation of agrochemicals, and applications associated with the decontamination and remediation of the site after 2003.			
19/504783	Renovations and upgrade of the former Syngenta Office building to provide additional floor space, refurbished flexible office and ancillary accommodation with associated access and parking.	APPROVED	31/03/20
07/1148	Outline application for a mixed-use redevelopment comprising: Employment development B1/B8 use (up to a maximum 29,265 sqm.); Residential Development (up to a maximum 350 dwellings); small retail convenience store; recreation area for formal sports activities (to the north of Hampstead Lane); additional area of informal open space; dedicated area for nature conservation; minor re-grading of an adjoining field (to the west) to alleviate wider flooding concerns. With access to be decided at this stage and all other matters reserved for future consideration.	WITHDRAWN	25/04/08
06/1397	A consultation with Maidstone Borough Council by Kent County Council for remediation of the decommissioned Syngenta Works leaving the site contoured for future development (future development not part of application).	NO OBJECTIONS (KCC GRANTED CONSENT 15/12/06)	11/10/06
99/1355	Hazardous Substances Consent for the storage of pesticide raw materials, blending/mixing of raw materials to produce bulk agrochemical formulations, bottling and packing of formulations, and storage and distribution of finished goods.	DEEMED CONSENT VALID	06/09/99

1.0 BACKGROUND

1.01 Planning Committee resolved to grant permission for the proposed development at its meeting on 25th March 2021. Following the meeting a representation was received that considered a 'Sequential Test' (ST) relating to flood risk should have been carried out for the application. Officers carefully considered this representation and concluded that a ST was required. The applicant has submitted this and full re-consultation/notification has been carried out. The ST will be explained in more detail below but this is a material consideration and so the application must be reported back to Planning Committee for a decision.

1.02 Planning Committee previously resolved to grant permission and so the focus for consideration in this additional report is the ST, as all other matters were considered in the original committee report and urgent update (attached at **Appendix A**) and by Members.

2.0 POLICY AND OTHER CONSIDERATIONS

- Maidstone Borough Local Plan (2011-2031): SS1, SP11, SP16, SP18, SP21, SP23, RMX1, RMX1(4), DM1, DM2, DM3, DM4, DM5, DM6, DM8, DM21, DM23
- Kent Waste and Minerals Plan 2020
- National Planning Policy Framework (NPPF July 2021)
- Planning Practice Guidance (PPG)
- MBC Air Quality Guidance

3.0 LOCAL REPRESENTATIONS (on the Sequential Test information)

3.01 **Yalding Parish Council:** *"Yalding Parish Council has no further comments to make regarding this application other than to see the planning permission already granted fulfilled."*

3.02 **(Neighbouring) Nettlestead Parish Council:** Have re-sent a letter from March 2021 that relates to highways issues and general flood risk.

3.03 **Local Residents:** 2 representations received raising the following (summarised) points:

- Lack of 'Exception Test' from applicant.
- A reasonable number of smaller split up sites should form part of the search for alternative sites and not just a site capable of accommodating the same amount of development.
- Adjoining Boroughs (TMBC and TWBC) should form part of the search for alternative sites not just MBC which is contrary to government guidance.

3.04 Representations have been received from a Solicitors believed to be on behalf a local resident which considers there is a more suitable alternative comparable employment site available for B2/B8 uses outside flood zone 3 at 'Kingstanding Business Park, Longfield Road, Tunbridge Wells'. They consider that the area of search should not be confined to Maidstone Borough and this renders the sequential test at best incomplete and possibly invalid.

4.0 CONSULTATIONS (on the Sequential Test information)

(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)

4.01 Environment Agency: *"We have reviewed the Flood Risk Sequential Assessment dated June 2021 ref TS/13297, undertaken by DHA. We noticed the information available relates with details of the sequential test in regards to alternative sites. We cannot advice on this matter, as is for the local authority to consider. Therefore, we have no more comments to make."*

5.0 APPRAISAL

Sequential Test

5.01 Relevant extracts relating to the ST for flood risk from the NPPF at paragraphs 161 and 162 state that,

"All plans should apply a sequential, risk-based approach to the location of development - taking into account all sources of flood risk and the current and future impacts of climate change - so as to avoid, where possible, flood risk to people and property. They should do this, and manage any residual risk, by:

a) applying the sequential test and then, if necessary, the exception test as set out below....

.....The aim of the sequential test is to steer new development to areas with the lowest risk of flooding from any source. Development should not be allocated or permitted if there are reasonably available sites appropriate for the proposed development in areas with a lower risk of flooding."

5.02 The ST is basically an exercise to assess whether there are alternative available sites in areas at lower risk of flooding that could accommodate the development. The site falls within Flood Zone 3 and so sites within Flood Zones 1 and 2 would be sequentially preferable.

5.03 The Government's National Planning Practice Guidance (NPPG) expands on the NPPF and states that, *"the Sequential Test does not need to be applied for individual developments on sites which have been allocated in development plans through the Sequential Test."*

5.04 The application site is allocated for development and under the previous committee report the view was taken that through the allocation of site and the Local Plan examination process, the ST had been carried out. Upon further investigation, this was not the case and so it must be carried out under this planning application.

5.05 The NPPG then provides advice on applying the ST advising that the area of search, *"for individual planning applications where there has been no sequential testing of the allocations in the development plan, or where the*

use of the site being proposed is not in accordance with the development plan, the area to apply the Sequential Test across will be defined by local circumstances relating to the catchment area for the type of development proposed." It advises that a pragmatic approach should be taken on the availability of alternative sites.

5.06 The applicant has carried out a ST and investigated whether there are any other reasonably available sites within Maidstone Borough. It is agreed that the Borough is an appropriate area of search because of the scale of the development. The NPPG advises that, "*For nationally or regionally important infrastructure the area of search to which the Sequential Test could be applied will be wider than the local planning authority boundary.*" The development is not of national or regional importance and provides a level of employment floorspace on a 'local' scale and so the Borough is considered to be an appropriate and reasonable area of search. For example, the Borough's gross employment land requirement under the Local Plan is for 110,031m² of floorspace and this application proposes 46,447m².

5.07 Representations do not consider the area of search should be confined to Maidstone Borough, one having identified a large employment site with outline permission, and within a draft employment allocation in Tunbridge Wells' emerging Local Plan. This is around 10km away, and reference has been made to sales details on the 'Rightmove' website. For the reasons outlined above, the area of search within Maidstone Borough is considered to be appropriate.

5.08 The applicant has assessed the following in the Borough:

- Sites of similar size i.e. circa 14ha and therefore capable accommodating circa 46,447m² of floor space.
- Other brownfield sites.
- Greenfield sites within defined settlement boundaries only.
- Sites located in flood zones 1 or 2.

5.09 This search includes allocated employment sites in the Local Plan and draft allocations in the Local Plan Review (LPR); greenfield sites within settlement confines (as greenfield sites outside settlement would not obtain planning permission); and other available brownfield sites (sites submitted as part of the most recent call for sites exercise for the LPR).

Employment and Mixed-Use Allocations in the Local Plan 2017

5.10 The applicant's view is that employment allocations EMP1(1-3) in the Local Plan are too small as they are 5,500m², 6,800m² and 14,500m² (total 26,800m²). Even if these sites were combined they would still only provide for just over half the proposed development and so for this reason it is agreed that they are not reasonable alternatives.

5.11 The applicant outlines that EMP1(4) (Woodcut Farm) has consent and considers it is required to accommodate employment needs in the Borough, in addition to the floorspace delivered as part of the Syngenta site. The view

being that the use of one allocated site to replace another is therefore not a viable alternative.

5.12 The Woodcut Farm allocation is for up to 49,000m² of mixed employment floorspace of which 10,000m² must be for offices (B1a & b). However, planning permission has been granted for 45,295m² leaving 35,295m² for B1c/B2/B8 uses, which would be 11,152m² below the proposed development. So, the Woodcut Farm site could accommodate three quarters of the proposed development on a sequentially preferable site.

5.13 Contrary to the applicants view, the Syngenta site is not specifically required to meet employment needs in the Local Plan as the 'industrial' and 'warehousing' employment requirements would be met on the allocated employment sites but it can obviously still provide for employment provision and the associated economic benefits. It was originally put forward to include housing but this was removed by the Local Plan Inspector and in his Report (July 2017) at paragraphs 326 and 327 he states,

"The deletion of a housing allocation is necessary for reasons of flood risk... ..The site nevertheless remains unsightly and it detracts from its surroundings. It would be desirable to find an alternative use for it if the flood risk issues can be overcome using a less sensitive form of development."

5.14 The site was allocated, as stated at paragraph 4.200 of the Local Plan, as it will have important sustainability benefits and the Local Plan outlines that the Council will support its redevelopment in the site policy, which is in large part because it is a significant unsightly brownfield site as per the Inspectors report.

5.15 The Woodcut Farm allocation could not accommodate the entire development proposal and so in terms of paragraph 162 of the NPPF, the Woodcut Farm site is not "appropriate" for the proposed Syngenta development of up to 46,447 m² (a combination of use class E(g)(iii)) and/or B2 and B8 floorspace up to 46,447m² in total). However, even if the Woodcut Farm site was large enough to accommodate the floorspace for the uses proposed by the Syngenta development and was therefore a sequentially preferable site in terms of flooding, this would be outweighed by a number of factors. The sustainability benefits (see paragraph 5.26 below) and reasons for allocating the Syngenta site would not be realised. The regeneration of the site is only likely to be achieved through the employment uses proposed as, whilst the site is identified for other uses (leisure, commuter car parking, and open space), these uses on their own would be highly unlikely to be viable to achieve redevelopment of the site. Furthermore, the current proposal would achieve the redevelopment of what the Local Plan Inspector considered was an unsightly site that detracts from its surroundings.

5.16 It is considered that the site-specific benefits of regenerating a large unsightly allocated brownfield site, are a sufficient reason to permit the proposed development, notwithstanding the Woodcut Farm allocation.

5.17 It is considered that the other mixed-use allocations in the Local Plan RMX1(1, 2, 3, 5 and 6) are not reasonable alternatives as they are allocated

for either retail uses, offices, residential, leisure, or a 'medical campus' and so not the type of development proposed.

Draft Allocations in the Emerging Local Plan Review

5.18 In terms of the emerging LPR this includes 3 new draft employment allocations in addition to Woodcut Farm (which has been discussed above) and the application site. Two of these (Ashford Road, Lenham and Dickley Court, Lenham) are proposed for 3,108m² and 188m² and are insufficient in size to accommodate the development. The other (Land Between Maidstone Road and Whetsted Road, Paddock Wood) would be large enough to accommodate a similar size development (circa 13ha) but is a greenfield site and moreover is also located in Flood Zone 3 so is not sequentially preferable.

5.19 New mixed-use draft allocations are not solely for employment by their nature (employment, retail, and residential) and are insufficient in size so are not reasonable alternatives.

Other Sites (Greenfield sites within settlements and sites submitted as part of the most recent 'call for sites' exercise for the LPR)

5.20 Greenfield sites within settlements consists of public parks/open space, play spaces, nature reserves, ancient woodland, or are too small so do not provide reasonable alternatives.

5.21 For completeness, the applicant has also assessed similar sized, brownfield sites within flood zones 1 and 2 put forward under the most recent 'call for sites' exercise and judged as being potentially suitable by the Council. Of these only two sites are of a suitable size being 'Land Between Maidstone Road and Whetsted Road, Paddock Wood' which has been assessed above and 'Ringles Nursery, Headcorn'. 'Ringles Nursery' is a mix of brownfield and greenfield land with a large reservoir and 2.4ha falling in flood zone 3. The brownfield part of the site is circa 5.5ha so would not be large enough and bearing in mind the flood risk area, reservoir, and the fact that it has not been taken forward in the emerging LPR, it is not considered to be a reasonable alternative.

5.22 In conclusion, it is considered that the applicant has carried out a thorough search of sites within a suitable catchment area and that this has not revealed any appropriate alternative sequentially preferable sites for the Syngenta proposal. For these reasons, the proposals pass the ST in accordance with the Local Plan, NPPF, and NPPG.

Exception Test

5.23 National guidance outlines that the Exception Test (ET) is not necessary for employment development in flood zone 3a, however, paragraph 4.217 of the Local Plan refers to it being applied for the Syngenta site. Therefore, for completeness this will be carried out.

5.24 The ET has two parts that require development to demonstrate that:

(a) *the development would provide wider sustainability benefits to the community that outweigh the flood risk; and*

(b) *the development will be safe for its lifetime taking account of the vulnerability of its users, without increasing flood risk elsewhere, and, where possible, will reduce flood risk overall*

5.25 As outlined under the original committee report it is considered that the development and future occupants will be safe in times of flood and conditions secure finished floor levels, the flood conveyance channel, floodable voids, and flood evacuation plans to ensure this. In addition, there would be no increase in flood risk off site. The Environment Agency are also raising no objections in terms of any flood risk.

5.26 In terms of 'sustainability benefits' the three overarching objectives to sustainable development within the NPPF are environmental, economic and social objectives. The site is allocated, the Local Plan supports its redevelopment, and is a longstanding brownfield site regarded as unsightly by the Local Plan Inspector. Paragraph 4.200 of the Local Plan states that securing its reuse will have important sustainability benefits. Therefore, redevelopment of the site would provide environmental benefits through regenerating an unsightly brownfield site and there would also be benefits from new landscaping and biodiversity enhancements as outlined in the original committee report. In terms of economic benefits, clearly the proposals would provide a significant number of jobs to support the economy through the provision of around 46,000m² of floorspace. Improvements to Yalding train station would also be secured to promote more sustainable public transport use (total cost of £55,600), which is a social objective. Overall, it is considered the redevelopment of this allocated site would provide wider sustainability benefits that would outweigh any flood risk matters. Notwithstanding this, there are not any unacceptable flood risks associated with the development for the reasons outlined above.

5.27 For these reasons, the Exception Test is passed.

Other Matters

5.28 The original report states that the site is allocated for employment (B use classes) under policy RMX1(4) in the Local Plan subject to criterion. For clarity, the site is allocated for 'redevelopment' which includes employment uses rather than being solely allocated for employment. However, this does not affect any of the assessments carried out or conclusions reached.

5.29 In relation to flood risk and determining planning applications, paragraph 167 of the latest NPPF (previously 163) has added (see in bold) that development should only be allowed in areas at risk of flooding if it can be demonstrated that it is "*appropriately flood resistant and resilient **such that, in the event of a flood, it could be quickly brought back into use without significant refurbishment.***" This matter is assessed in paragraph 6.48 of the original report where it is outlined that the finished floor levels of buildings would be set 450mm above the modelled flood level and the forecourt areas and roads adjacent to the buildings would set 100mm above which will be secured by condition. Floodable voids beneath buildings are also

proposed and secured by condition. This ensures that refurbishment to any buildings will not be required, and even if some was required, it would not be significant. All other requirements of paragraph 167 have been demonstrated and would be secured through conditions and reserved matters applications.

5.30 In relation to biodiversity and determining planning applications, paragraph 180(d) of the latest NPPF (previously 175) has added (see in bold) that, "*opportunities to improve biodiversity in and around developments **should be integrated as part of their design**, especially where this can secure measurable net gains for biodiversity **or enhance public access to nature where this is appropriate.**"* Previously, it used the term 'encouraged' rather than 'integrated'. As outlined at paragraphs 6.68 to 6.73 of the original report, the flood conveyance channel through the centre of the development will provide enhancement with replacement/compensatory habitats for use by GCN and reptiles, and there would also be new tree planting and landscaping around the boundaries of the site. The conveyance channel would be landscaped and with buffer habitats including new wetland areas, ponds, and grassland habitats. This is in addition to the 13ha of retained and enhanced nature conservation area to the south which has public access from the PROW. This will ensure biodiversity improvements integrated into the layout of the development and around the development.

5.31 No other changes to the NPPF affect the original report and recommendation and for clarity paragraph numbers 108 and 109 are now 110 and 111 of the new NPPF (see paragraph 6.28 of original report).

5.32 The previous committee resolution required that the contribution of £14,344 recommended to go towards capacity improvements at the Watlington crossroads instead be put towards access improvements at Yalding Railway Station, including investigation of use for disabled access improvements, and if this was not feasible, used for other improvements to the station.

5.33 Discussions were subsequently carried out with 'Southeastern' who advised that the £14,000 would not be enough to deliver step free access to platform 2. The remaining improvements identified by 'Southeastern' are lighting in the car park (£12k); CCTV for the whole station (£20.1k); lines repainted and accessible bays in the car park (£3k); and cycle storage resurfacing (£1k). In terms of improving accessibility, it is considered that lighting; repainting of lines and accessible parking bays; and cycle storage resurfacing are most appropriate which would be a total of £16,000 which the applicant is agreeable to. The heads of terms are amended to reflect this and to include the requirement for a 'Development/Delivery Group' as agreed by Committee. All other conditions remain as the previous resolution and urgent update.

6.0 CONCLUSION

6.01 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, planning applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise.

- 6.02 The site is allocated for redevelopment which includes employment (B use classes) under policy RMX1(4) in the Local Plan subject to criterion. The application proposes outline permission for B use classes and the proposals comply with the policy apart from criterion 4 but this conflict is not considered grounds to refuse permission.
- 6.03 There would be a low level of harm to the landscape and so a minor conflict with policy SP17 of the Local Plan but this would be localised and the impact suitably reduced through the landscape buffers. Importantly, the site allocation in principle allows for employment development across the site which would inevitably have some impact and thus conflict with policy SP17. The low level of harm to the landscape is acceptable based on the site being allocated for development and when balanced against the economic benefits through new jobs associated with the development.
- 6.04 Part of the site falls outside the area allocated for development and upon land defined as an 'ecological mitigation area' under the Local Plan Proposals Map. Development in this area would not result in any significant landscape or visual impacts above the allocated part of the site, and there would still be the amount of land required under the site policy (13ha) to the south that would be used for ecological mitigation and enhancement.
- 6.05 No objections have been raised by any consultees subject to conditions/mitigation. The proposals pass both the Sequential and Exception Flood Risk Tests and matters of flood risk and contamination are acceptable subject to mitigation which is secured by conditions.
- 6.06 All representations received on the application have been fully considered in reaching this recommendation.
- 6.07 It is concluded that the development is acceptable and overwhelmingly complies with policy RMX1(4) and all other relevant Development Plan policies. The minor conflict with policy SP17 and development beyond the site allocation is acceptable, and so permission is recommended subject to the legal agreement and conditions as set out below.
- 6.08 In the view of officers considering the above conclusions on the matter of the ST, despite the third-party representations, there is no material reason for the Council to come to a different conclusion to that reached in March 2021 on the wider relevant planning considerations.

7.0 RECOMMENDATION

Subject to:

The conditions set out below, and the prior completion of a legal agreement to secure the heads of terms set out below, the Head of Planning and Development **BE DELEGATED POWERS TO GRANT PLANNING PERMISSION** (and to be able to settle or amend any necessary Heads of Terms and planning conditions in line with the matters set out in the recommendation and as resolved by the Planning Committee).

Heads of Terms

1. £17,000 to be used towards a new shelter and seat on Platform 1 at Yalding Train Station.
2. £13,500 to be used towards a new shelter on Platform 2 at Yalding Train Station.
3. £9,100 to be used towards an LED lighting upgrade at Yalding Train Station.
4. £12,000 to be used towards new lighting in the car park at Yalding Strain Station.
5. £3,000 to be used towards repainting of lines and accessible bays in the car park at Yalding Strain Station.
6. £1,000 to be used towards resurfacing of the cycle storage area at Yalding Strain Station.
7. £2,500 Section 106 monitoring fee.
8. Requirement for the establishment of a Development/Delivery Group to discuss the reserved matters applications in order to deliver an exemplar scheme. The membership of the Group is to include the Chairman, Vice-Chairman and Political Group Spokespersons of the Planning Committee, Ward Members and representatives of Nettlestead and Yalding Parish Councils. Issues for the Group to focus on include transport issues in relation to access to and egress from the site in terms of staff and freight; design issues; landscaping and biodiversity; and flood attenuation/mitigation.
9. £3,300 to be used towards the setting up and running of the Development/Delivery Group.

Conditions

Time Limit

1. No phase of the development hereby approved shall commence until approval of the following reserved matters has been obtained in writing from the local planning authority for that phase:
 - a) Scale
 - b) Layout
 - c) Appearance
 - d) Landscaping

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

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

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

Access

2. The access points hereby permitted shall be carried out in accordance with drawing no. C11101 RevG including installation of the height barriers which shall be retained thereafter, and the visibility splays kept free of obstruction above a height of 1 metre. The eastern access shall only be used as an entrance to the site and the western access shall only be used as an exit except in times of emergency.

Reason: In the interests of highway safety.

Parameters/Compliance

3. The layout details submitted pursuant to condition 1 shall show no built form upon the areas defined as 'proposed new and enhancement planting zones', 'existing tree buffers', 'ecology zone', and 'conveyance route' as shown on the approved Constraints Plan (Drawing No.4092/SK04b).

Reason: To ensure the development accords with the site allocation policy, protects and enhances biodiversity, and provides a high-quality design.

4. The details of appearance submitted pursuant to condition 1 shall include:
 - a) Non-reflective materials and sensitive colouring.
 - b) Active frontages on prominent buildings.
 - c) The use of materials and articulation to break up the massing of buildings.
 - d) The use of vernacular materials including ragstone on either buildings or in boundary treatments.
 - e) High quality surfacing materials.

Reason: To ensure a high-quality appearance to the development.

5. The layout and appearance details submitted pursuant to condition 1 shall be designed to minimise the impact of any noise to nearby residential properties and shall demonstrate how they achieve that.

Reason: In the interest of residential amenity.

6. The landscape details submitted pursuant to condition 1 shall provide the following:
 - New native tree and shrub planting within the 'proposed new and enhancement planting zones', and 'existing tree buffers' around the boundaries of the site as shown on the approved Constraints Plan (Drawing No.4092/SK04b).
 - Native tree and shrub planting within the development areas to soften buildings and parking areas.

Reason: To ensure the development accords with the site allocation policy and to provide an appropriate setting.

7. The details submitted pursuant to condition 1 shall be carried out in accordance with the approved Flood Risk Assessment (FRA) by JBA Consulting, (Final Report dated September 2019 including the Model report dated August 2019) and include the following mitigation measures:
- a) Finished floor levels of any commercial buildings shall be set no lower than 13.70mAOD.
 - b) Provision of the flood conveyance channel including details and final levels.
 - c) Floodable voids beneath buildings.

Reason: To reduce the risk of flooding to the proposed development and off-site.

Pre-Commencement

8. No development shall take place until a detailed ecological mitigation and enhancement strategy for the 13ha of land to the south of the site has been submitted to and approved in writing by the Local Planning Authority which shall include the following:
- a) Updated phase 1 survey.
 - b) Updated specific species surveys (if the current surveys are no longer valid).
 - c) Overview of mitigation to be implemented.
 - d) Detailed methodology to implement mitigation.
 - e) Maps identifying the receptor site and areas for the creation of new ponds designed specifically for GCN and reptiles.
 - f) Details for the creation and enhancement of wildlife corridors and hibernacula.
 - g) Details of interim management required until the site-wide management plan is implemented.
 - h) Details of on-going monitoring.
 - i) Timings of proposed works commensurate with any construction works.
 - j) Details of long-term management.

The strategy must be implemented as approved.

Reason: In the interest of biodiversity protection and enhancement.

9. No development shall take place until a Construction Management Plan and Code of Construction Practice has been submitted to and approved in writing by the local planning authority. The approved details shall be fully implemented. The construction of the development shall then be carried out in accordance with the approved Code of Construction Practice and BS5228 Noise Vibration and Control on Construction and Open Sites and the Control of dust from construction sites (BRE DTi Feb 2003) unless previously agreed in writing by the Local Planning Authority.

The code shall include:

- a) An indicative programme for carrying out the works.

- b) Measures to minimise the production of dust on the site(s).
- c) Measures to minimise the noise (including vibration) generated by the construction process.
- d) Measures to minimise light intrusion from the site(s).
- e) Management of traffic visiting the site(s) including temporary parking or holding areas.
- f) Provision of off-road parking for all site operatives.

Reason: In view of the scale of the development and in the interests of highway safety and local amenity.

10. No development, except for site preparation works, shall take place until a phasing plan for the whole site (development and landscaping) has been submitted to the Local Planning Authority and agreed in writing. The approved phasing plan shall be followed unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure a suitable development of the site.

11. No development, except for site preparation works, shall take place until a monitoring and maintenance plan in respect of groundwater and the PRB gate sampling points, including a timetable of monitoring and submission of reports has been submitted to and approved in writing by the Local Planning Authority. Reports as specified in the approved plan, including details of any necessary contingency action arising from the monitoring, shall be submitted to, and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details.

Reason: To ensure that the site does not pose any further risk to human health or the water environment by managing any on-going contamination issues and completing all necessary long-term remediation measures. This is in line with paragraph 174 of the NPPF.

12. No development shall take place on any phase of development, except for site preparation works, until details of the proposed slab levels of the buildings and roads together with the existing site levels relating to that phase have been submitted to and approved in writing by the Local Planning Authority, and the development shall be completed strictly in accordance with the approved levels.

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

13. No development shall take place on any phase of development, except for site preparation works, until a detailed sustainable surface water drainage scheme site has been submitted to and approved in writing by the local planning authority for that phase. The detailed drainage scheme shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100-year storm) can be accommodated and disposed of without increase to flood risk on or off-site.

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

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

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

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

14. No development shall take place on any phase of development, except for site preparation works, until a strategy to deal with the potential risks associated with any contamination of the site has been submitted to, and approved in writing by, the Local Planning Authority for that phase. This strategy will include the following components:
 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 and potentially unacceptable risks arising from contamination at the site.
 2. A site investigation scheme, 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. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The scheme shall be implemented as approved and any changes to these components require the written consent of the LPA.

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 in line with paragraph 174 of the National Planning Policy Framework (NPPF).

Pre-Slab Level

15. No development above slab level of any phase shall take place until a scheme of noise mitigation measures specifically in relation to delivery, loading and unloading has been submitted to and approved by the local planning authority for that phase. The scheme shall be designed to mitigate against the potential impact specified by a realistic assessment. The scheme shall include a noise management plan which shall include but not be limited to the following:
- a) Delivery locations.
 - b) Measures to prevent vehicle idling.
 - c) Measures to minimise the use of reversing beepers.
 - d) Measures relating to the lowering of lorry tail lift flaps.
 - e) The use of plastic or rubber wheels for trolleys.
 - f) Measures to control the behaviour of operatives on site.
 - g) Complaint contact and recording details.
 - h) A review period for the noise mitigation and management measures.

The acoustic assessment approved in the outline planning application shall be revisited as the detailed application progresses to ensure that it remains valid and mitigation is incorporated into the design of the facility. Once approved the mitigation scheme shall be retained and maintained to the satisfaction of the local planning authority.

Reason: In the interest of residential amenity.

16. No development above slab level of any phase shall take place until specific air quality mitigation measures, which shall include the type and location of electric vehicle charging infrastructure within parking areas, lorry trailer plug-ins, and cycle parking, have been submitted to and approved in writing by the local planning authority for that phase. The development shall be carried out in accordance with the approved details.

Reason: In the interests of limiting impacts upon air quality.

17. Within 3 months of the completion of the flood conveyance channel, a habitat creation plan for the 'ecology zone' as shown on the approved Constraints Plan (Drawing No.4092/SK04b) shall be submitted to and approved in writing by the Local Planning Authority, which shall include the following:
- a) Map showing the habitats to be created.
 - b) Methodology to create and establish the habitats.
 - c) Timetable to create the habitats.
 - d) Details of who will be carrying out the works.
 - e) Details of how the habitats will be protected during construction.

The habitat creation plan must be implemented as approved.

Reason: In the interest of biodiversity enhancement.

18. Within 3 months of the completion of the flood conveyance channel, a long-term site-wide management plan for both the 'ecology zone' and for the 13ha

of land to the south of the site shall be submitted to and approved in writing by the Local Planning Authority, which shall include the following:

- a) Map showing area to be managed.
- b) Overview of management to be implemented including aims and objectives.
- c) Detailed management timetable to meet the aims and objectives.
- d) Monitoring & review programme.
- e) Details of who will be implementing management.

The habitat creation plan must be implemented as approved.

Reason: In the interest of biodiversity protection and enhancement.

Pre-Occupation

19. The development shall not be occupied until a final 'Delivery & Route Management Strategy' with the aims of deterring and reducing the potential for any large HGV movements through Yalding village centre and to manage long vehicles exiting the site in the interest of safety at the nearby level crossing has been submitted to and approved in writing by the Local Planning Authority in consultation with the Highways Authority and Network Rail. It shall include details of the following:

- a) A review of the 'black lorry' industrial estate signs on the A228 (to encourage vehicles to use the Maidstone Road), the B2162 (to keep heavy goods vehicles on the A21/A228), and Hunton Road/Pattenden Lane (to keep vehicles on the A229), to ensure that any large HGV movements through Yalding village centre are reduced/deterred and appropriate routes are signposted including any proposed changes to the signs.
- b) Appropriate 'no HGV access' signs to the south and east of Yalding village centre to ensure that any large HGV movements through Yalding village centre are reduced/deterred and appropriate routes are signposted.
- c) Site Access Signage - to direct all heavy goods vehicles westbound onto the Maidstone Road.
- d) Site Access Signage – clearly stating 'no right turn for HGV's' exiting the site.
- e) Measures to manage long vehicles exiting the site in the interest of safety at the nearby level crossing.

Reason: In the interests of highway safety and congestion.

20. The development shall not be occupied until a final site-wide 'Delivery Management Strategy' with the aim of minimising any noise and disturbance during night-time hours has been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of minimising any impacts of noise to nearby residential properties.

21. The development shall not be occupied until the following off-site highways works have been provided in full:
- a) Capacity improvements to the Maidstone Road/Hampstead Lane junction as shown on drawing no. 14949-H-01 RevP3.
 - b) The tactile paved crossing points as shown on drawing no. C11101 RevG.
 - c) Box junction markings at the level crossing.

Reason: In the interest of pedestrian and highway safety and mitigating traffic impacts.

22. The development shall not be occupied until site-wide Travel Plan for the development which follows the principles of the Framework Travel Plan has been submitted to and approved in writing by the local planning authority. The Travel Plan shall include objectives and modal-split targets, a programme of implementation and provision for monitoring, review and improvement. Thereafter, the Travel Plan shall be put into action and adhered to throughout the life of the development, or that of the Travel Plan itself, whichever is the shorter.

Reason: To promote sustainable transport use.

23. The development shall not be occupied until the extant hazardous substances consent at the application site has been formally revoked.

Reason: In the interests of protecting human health.

24. No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report pertaining to the surface water drainage system, carried out by a suitably qualified professional, has been submitted to the Local Planning Authority which demonstrates the suitable modelled operation of the drainage system such that flood risk is appropriately managed, as approved by the Lead Local Flood Authority. The Report shall contain information and evidence (including photographs) of earthworks; details and locations of inlets, outlets and control structures; extent of planting; details of materials utilised in construction including subsoil, topsoil, aggregate and membrane liners; full as built drawings; topographical survey of 'as constructed' features; and an operation and maintenance manual for the sustainable drainage scheme as constructed.

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

25. No phase of the development shall be occupied until a verification report demonstrating the completion of works set out in the approved contamination remediation strategy and the effectiveness of the remediation for that phase has been submitted to and approved in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason: To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 174 of the NPPF.

26. No building on any phase of the development hereby permitted shall be occupied until details of any plant (including ventilation, refrigeration and air conditioning) or ducting system to be used have been submitted to and approved in writing by the Local Planning Authority for that phase. The development shall be carried out in accordance with the approved details. After installation of the approved plant, no new plant or ducting system shall be used without the prior written consent of the Local Planning Authority.

Reason: In the interests of residential amenity

27. No building on any phase of the development hereby permitted shall be occupied until details of measures to deal with the emission of dust, odours or vapours arising from the building/use has been submitted to and approved in writing by the Local Planning Authority for that phase. Any equipment, plant or process provided or undertaken in pursuance of this condition shall be installed prior to the first use of the premises and shall be operated and retained in compliance with the approved scheme.

Reason: In the interests of residential amenity

28. No phase of development shall be occupied until a detailed lighting plan has been submitted to and approved in writing for that phase, which shall demonstrate it has been designed to minimise impact on biodiversity and is meeting the lighting principles set out in the Technical Briefing Note; Aspect Ecology; November 2019. The lighting plan must be implemented as approved.

Reason: In the interest of biodiversity protection.

29. No phase of the development involving operational buildings/uses shall be occupied until details of flood evacuation plans have been submitted to and approved in writing for that phase. The development shall be carried out in accordance with the approved details.

Reason: In the interests of safety.

Restrictions

30. If, during development of any phase, contamination not previously identified is found to be present at the site then no further development of that phase

(unless otherwise agreed in writing with the Local Planning Authority) 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 Local Planning Authority. 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 NPPF.

31. No new infiltration of surface water drainage into the ground is permitted other than with the written consent of the Local Planning Authority in consultation with the Environment Agency. The development shall be carried out in accordance with the approved details.

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 caused by mobilised contaminants in line with paragraph 174 of the NPPF.

32. Foundation designs using deep penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority in consultation with the Environment Agency, which may be given for those parts of the site where it has been demonstrated by a foundation risk assessment that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

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 caused by mobilised contaminants in line with paragraph 174 of the NPPF.

33. No lighting should be used within the flood conveyance/open space corridor or vegetated boundary buffers, which shall form light exclusion zones or 'dark corridors' to allow nocturnal/crepuscular fauna to move around the site.

Reason: In the interests of biodiversity protection.

34. The details submitted pursuant to condition 1 shall not exceed the following floorspace limits:

B1(c)/Class E(g)(iii) or B2 – no more than 19,943m² combined
B8 uses – 26,504m²

Reason: To comply with the floorspace amounts assessed under the application.

35. All buildings shall achieve a Very Good BREEAM UK New Construction 2014 rating. A final certificate shall be issued to the Local Planning Authority for written approval to certify that at a Very Good BREEAM UK New Construction 2014 rating has been achieved within 6 months of the first occupation of any building.

Reason: To ensure a sustainable and energy efficient form of development.

36. Any buildings and associated land shall only be used for B1(c)/Class E(g)(iii), B2 or B8 uses and for no other purpose (including any other purpose under Class E of the Town and Country Planning (Use Classes) Order 1987 (as amended) or permitted under the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended)) or any statutory instrument revoking and re-enacting those Orders with or without modification;

Reason: To comply with the floorspace types assessed under the application and as other Class E uses may not be suitable at the site.

37. The development hereby permitted shall be carried out in accordance with drawing no. C11101 RevG (Site Entrance) and 4092/P100 (Site Location Plan).

Reason: For the purposes of clarity.

38. For the purposes of the above conditions, 'Site Preparation Works' means the following:

Demolition – Which means removal of Headwalls, Bunds, Culverts, Substation, Water Channels and the Eastern Fire Lagoon Structure.

Site Clearance – Which means removal of vegetation excluding that within the 'proposed new and enhancement planting zones', and 'existing tree buffers' around the boundaries of the site as shown on the approved Constraints Plan (Drawing No.4092/SK04b).

Formation of Haul Roads – Which means the laying of mats to run lorries and construction traffic over.

Safety Works – Which means the erection or enhancement of security fencing, hoarding, CCTV poles and any other HSE matters.

Reason: For the purposes of clarity

REFERENCE NO - 19/504910/OUT		
APPLICATION PROPOSAL Outline application for the redevelopment of the former Syngenta works site to provide a new business park of up to 46,447 sqm (500,000 sq.ft.) of B1(c), B2 and B8 accommodation with associated access, parking and infrastructure works. (Access only being sought).		
ADDRESS Former Syngenta Works, Hampstead Lane, Yalding, Kent		
RECOMMENDATION – APPROVE WITH CONDITIONS		
SUMMARY OF REASONS FOR RECOMMENDATION		
<ul style="list-style-type: none"> • The site is allocated for employment (B use classes) under policy RMX1(4) in the Local Plan subject to criterion. • The application proposes B use classes and the proposals overwhelmingly comply with policy RMX1(4) apart from criterion 4 but this conflict does not render the development unacceptable. • There would be a low level of harm to the landscape and so a minor conflict with policy SP17 of the Local Plan but this would be localised and the impact suitably reduced through landscaping. Importantly, the site allocation in principle allows for employment development across the site which would inevitably have some impact and thus conflict with policy SP17. The low level of harm to the landscape is acceptable based on the site being allocated for development and when balanced against the economic benefits through new jobs associated with the development. • Part of the site falls outside the area allocated for development and upon land defined as an 'ecological mitigation area' under the Local Plan Proposals Map. Development in this area would not result in any significant landscape or visual impacts above the allocated part of the site, and there would still be the amount of land required under the site policy (13ha) to the south that would be used for ecological mitigation and enhancement. • The application complies with all other relevant Development Plan policies. • No objections have been raised by any consultees and matters of flood risk and contamination are acceptable subject to mitigation which is secured by conditions. • Permission is therefore recommended subject to conditions and a legal agreement. 		
REASON FOR REFERRAL TO COMMITTEE Councillor Burton has requested the application be considered by Planning Committee for the reasons set out below.		
WARD Marden and Yalding	PARISH COUNCIL Yalding	APPLICANT Mr Nick Young (Yalding Enterprise Ltd) AGENT DHA Planning

DECISION DUE DATE: 23/04/21	PUBLICITY EXPIRY DATE: 26/01/21	SITE VISIT DATE: 02/04/20	
PLANNING HISTORY			
Numerous planning applications dating from the 1960's relating to the former use of the site for the formulation of agrochemicals, and applications associated with the decontamination and remediation of the site after 2003.			
19/504783	Renovations and upgrade of the former Syngenta Office building to provide additional floor space, refurbished flexible office and ancillary accommodation with associated access and parking.	APPROVED	31/03/20
07/1148	Outline application for a mixed-use redevelopment comprising: Employment development B1/B8 use (up to a maximum 29,265 sqm.); Residential Development (up to a maximum 350 dwellings); small retail convenience store; recreation area for formal sports activities (to the north of Hampstead Lane); additional area of informal open space; dedicated area for nature conservation; minor re-grading of an adjoining field (to the west) to alleviate wider flooding concerns. With access to be decided at this stage and all other matters reserved for future consideration.	WITHDRAWN	25/04/08
06/1397	A consultation with Maidstone Borough Council by Kent County Council for remediation of the decommissioned Syngenta Works leaving the site contoured for future development (future development not part of application)	NO OBJECTIONS (KCC GRANTED CONSENT 15/12/06)	11/10/06
99/1355	Hazardous Substances Consent for the storage of pesticide raw materials, blending/mixing of raw materials to produce bulk agrochemical formulations, bottling and packing of formulations, and storage and distribution of finished goods.	DEEMED CONSENT VALID	06/09/99

1.0 DESCRIPTION OF SITE

1.01 The application site has an area of approximately 15.1ha, is to the south and west of Hampstead Lane, and just under a kilometre west of Yalding village. It is bounded on the east side by existing trees and a canalised section of the

River Medway; the south boundary is made up of a belt of trees with a number of residential properties beyond to the southeast and the 'Hale Street Ponds and Pasture' Local Wildlife Site (part of which falls within the applicant's ownership); vegetation and a railway line runs along the west boundary; and to the northwest and north are residential properties and Yalding train station. There are two Grade II listed buildings, one to the northwest and one to the southeast which will be discussed in the assessment below. The site falls within Flood Zone 3. Twyford Bridge to the southeast on Hampstead Lane is a Scheduled Ancient Monument.

- 1.02 The site makes up part of the former 'Syngenta Works' site which comprised of major plant and buildings used for the formulation, mixing and packing of agrochemicals. The site included a mixture of storage, manufacturing, office and laboratory uses. In 2003 the works were closed and most of the decommissioning work on the pesticide manufacturing, warehousing and laboratory facilities had taken place. This included the removal of hazardous raw materials and finished products, and the decontamination of the easily accessible plant, machinery, buildings and structures. Between 2003 and 2005 the site required further investigations, decontamination of structures and demolition of buildings in order to understand the extent of the contamination affecting the site. These works informed the design, strategy and execution of the remediation strategy for the site, which was approved in 2006 under the Kent County Council waste consent for remediation of the site to leave it in a state suitable for future development. The primary remediation works were completed in 2008 with appropriate completion certificates issued by Maidstone Council & Kent County Council. Monitoring of the secondary remediation works remained ongoing, and it is not until recently that the site could be considered suitable for redevelopment.
- 1.03 The application site is clear of all buildings associated with the former use apart from an office building in the northwest corner which is not within the application site and an electrical substation near the north boundary. There are two existing access roads off Hampstead Lane and a mix of hardstanding and loose stone at the north end by the entrance and office building. The site is relatively flat with levels falling gently towards the northern boundary with Hampstead Lane and there is very little vegetation. The site is considered to be 'previously developed land' for planning purposes on the basis that the site was occupied by significant buildings and infrastructure until relatively recently and some buildings remain on site as do the access points and hardstanding. The site has also been in a state of decontamination and remediation which is ongoing. On this basis the site is considered to be brownfield land.
- 1.04 The site is referred to as a brownfield site and allocated for either employment (B use classes) or leisure use under policy RMX1(4) in the Local Plan subject to criterion. Part of the application site in the southeast corner is outside the allocation and falls within an area defined as an 'ecological mitigation area' under the Local Plan Proposals Map which extends to the south and this will be discussed in more detail in the assessment below.
- 1.05 Permission was granted in March 2020 for external works to the office building outside the site in the northwest corner and a new car park.

2.0 PROPOSAL

2.01 This application seeks outline permission for a combination of B1(c) (light industry) (now use class E(g)(iii)) and/or B2 (general industry), and B8 (storage and distribution) floorspace up to 46,447m² in total, with two access points access off Hampstead land in a similar location as those existing at the north end of the site. The proposal is for the site to able to run 24 hours a day, 7 days a week and the floorspace proposed is broken down as follows:

B1(c) or B2 Use (or a combination of both)	Up to 21,655m ²
B8 Use	Up to 24,792m ²
Total	46,447m ²

2.02 All other matters such as the location and layout of the internal roads and buildings, their design and heights, and landscaping would be determined under a future reserved matters application(s). However, parameters/limits on some of these aspects may need to be set by conditions at the outline stage and these are discussed in the assessment.

2.03 As such, the local planning authority is being asked to consider whether the principle of this amount and type of employment floorspace with accesses off Hampstead Road is acceptable at this stage.

2.04 The applicant has provided numerous assessments to support the proposals to demonstrate how the site can suitably accommodate the development and accord with policy RMX1(4).

2.05 The application was submitted in September 2019. Following this the applicant responded to consultee and third-party responses into spring 2020. The application had originally used the previous use and floorspace of the Syngenta site as it was in 2003 as the baseline for comparing the transport impacts but was advised by the LPA in summer 2020 that this was not possible because the site has been cleared of buildings and not been in use for a considerable time. This has been the main reason for the delay in determining this application. Since summer 2020, the applicant has prepared new transport evidence to support the application and re-consultation was carried out in January 2021.

3.0 POLICY AND OTHER CONSIDERATIONS

- Maidstone Borough Local Plan (2011-2031): SS1, SP11, SP16, SP18, SP21, SP23, RMX1, RMX1(4), DM1, DM2, DM3, DM4, DM5, DM6, DM8, DM21, DM23
- Kent Waste and Minerals Plan 2016
- National Planning Policy Framework (NPPF)
- Planning Practice Guidance (PPG)
- MBC Air Quality Guidance

4.0 LOCAL REPRESENTATIONS

4.01 Yalding Parish Council: Make the following (summarised) comments:

- The main entrance should be constructed to prevent HGVs traffic through the village as per the drawings. The smaller entrance and leading to it should have height restriction barriers.
- Signs should be erected on the M20 before J6 northbound and J4 southbound advising of the lorry route to Yalding Enterprise Park from J4.
- Advance notice of 7.5 ton weight restriction through Yalding should be signposted at the junction of the A229 and Old Tovil Road.
- Would like to see the contingency plan for traffic at times of the level crossing being closed due to fault or maintenance.
- Development should provide financial support to extend the bus service from the village to the site/Yalding station.
- A layby/pull over and turning circle should be provided in order for buses to pick-up/drop off at the site.
- Disabled access and CCTV should be considered at Yalding Station to encourage use of the rail service.
- Agree with conditions recommended by the Environment Agency.
- If 24 hour working is agreed wish to see a condition with early closure on Saturday and no working on Sundays or bank holidays.
- Deliveries should only take place between the hours of 0800 and 1800 Monday to Friday and 0800 and 1300 on Saturdays. No deliveries on Sundays or bank holidays.
- Landscaping of indigenous species should be implemented early on and existing tree buffers need to be enhanced and screening introduced between the site and 'Yalding Fen' to the south.
- External lighting should be directed into the site with as little as possible escape outside of the boundary.
- Noise pollution must be kept to a minimum with the introduction of a noise awareness scheme for all employees.
- Agree with conditions recommended by KCC Ecology.
- The natural habitat directly to the south of the development known locally as 'Yalding Fen' should be preserved and would wish to see a condition to protect and preserve this area.
- Is there room for a footway/cycle way with regard to the proposed introduction of the right turn into Hampstead Lane.

4.02 (Neighbouring) Nettlestead Parish Council: Raises objections for the following (summarised) reasons:

- No pavements down Hampstead Lane or Station Road – the nearest bus stop is on the B2015 Maidstone Road, and it will not be safe to expect potential employees to walk from the B2015 to the new site.
- There are no alternative routes for pedestrian access to the site as the footpaths linking the B2015 to the site are unsuitable.

- Traffic generation – there will be many more cars/HGVs on Hampstead Lane/Station Road.
- Lack of evidence of previous traffic movements.
- Hampstead Lane is not suitable for heavy HGV traffic and Station Road is not a suitable alternative.
- Junction between Hampstead Lane and the B2015 will need to be improved significantly.
- Flood Zone 3 – Hampstead Lane floods regularly and the road is often closed and there is no suitable diversion for HGV's. Additionally vehicle use when the road is partially flooded will push the flood waters onto the properties in Hampstead Lane.
- Will exacerbate flooding.
- Hampstead Lane is in the Green Belt.
- Lack of CIL Levy proposed with the application.
- Excavations below the existing decontamination levels with result in a spread of contamination to Blumer Lock and other properties in Nettlestead and possibly into the River Medway – this will cause damage to the wildlife.
- The Kenward Pumping Station takes water from the River Medway to Bewl water where it is used as drinking water – this could become contaminated.
- Dust pollution during construction.
- Light Pollution.

4.03 Local Residents: 70 representations received raising the following (summarised) points:

- Increased traffic and congestion.
- Highway safety from increased HGVs using roads.
- Hampstead land is too narrow to allow two HGVs to pass one another and be safe for all users.
- Train crossing gates will cause problems for HGVs when closed.
- Station Road is too narrow for HGVs.
- Link road from the A228 should be provided.
- Travel Plan is flawed.
- No evidence that the former site operated 24/7.
- Lack of evidence of previous traffic movements and baseline.
- Hypothetical calculations for 'baseline' traffic.
- The site has been 'abandoned' and so the previous use cannot be used as a baseline for assessment.
- Ex-workers have confirmed that the previous site did not operate 24/7 and movements were around 80 per day.
- Traffic movements would be far more than previous use.
- Traffic survey is flawed.
- Unsustainable site.
- Parsonage Lane must not be used for access.

- Disagree with KCC Highways advice.
- Existing bus services are poor.
- Will aggravate flood risk.
- Increased flood risk to Bulmer Lock properties.
- General flood risk.
- The flood conveyance could aggravate contamination.
- Roads are frequently closed due to flooding limiting access to the site.
- Development will increase existing pollution risk to water quality in the River Medway.
- Air quality impacts.
- Noise, smell and disturbance.
- Light pollution to nearby properties.
- Noise assessment is flawed.
- Impact upon Great Crested Newts.
- Split of uses is unclear.
- Hours should be restricted.
- Use of land to the south would result in a loss of privacy.
- Numerous gaps and inaccuracies.
- Question viability of development in view of work changes under the coronavirus pandemic.
- Residents are not given the same amount of time as the applicant to respond to matters or given the opportunity to meet with the LPA.
- Some views in support of the application are made by a person with a vested interest and do not live near to the site.
- Network Rail have not been given enough time to respond.
- Support for the development as it would bring jobs; significant economic and social benefits; improve the appearance of the site; provide bus turning; and improve biodiversity.
- Residual contamination is normal on brownfield sites and can be dealt with by conditions.
- Safety record on Hampstead Lane is very good.
- Site operated for a significant time without traffic issues so it can again.
- Been waiting for this site to come forward for far too long.
- Site is allocated in the Local Plan.

4.04 Representations have been received from a Solicitors on behalf a local resident raising matters relating to the baseline/fall-back position, pollution risk to land and water, surface water drainage, flood risk, and transport impacts. In summary it considers that there is no baseline/fall-back position for the development, the issues listed have not been properly resolved or the development is not acceptable in relation to those matters, and disagreement with statutory consultees advice. It is accompanied by assessments from geological/geotechnical/hydrogeological/hydrological and transport consultants.

4.05 **Councillor Burton:** Has requested that Planning Committee consider the application due to concerns regarding working hours and highways issues.

4.06 **Tunbridge Wells BC: No objections.**

5.0 CONSULTATIONS

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

5.01 **Natural England: No objections.**

5.02 **Environment Agency: No objections** subject to conditions.

5.03 **KCC Highways: No objections** subject to conditions and a financial contribution of £14,344 towards the Watlington Crossroads junction improvement.

5.04 **KCC SUDs: No objections** subject to conditions.

5.05 **KCC Ecology: No objections** subject to conditions.

5.06 **MBC Conservation Officer: No objections.**

5.07 **MBC Environmental Health: No objections** subject to conditions.

5.08 **MBC Landscape Officer: No objections.**

5.09 **Southern Water:** Advises that upgrades to the sewer network will be required and request a condition.

5.10 **Health & Safety Executive: No objections** subject to condition.

5.11 **Network Rail: No objections** subject to condition.

6.0 APPRAISAL

6.01 Section 38(6) of the Planning and Compulsory Purchase Act 2004 states that,

"If regard is to be had to the development plan for the purpose of any determination to be made under the planning Acts the determination must be made in accordance with the plan unless material considerations indicate otherwise."

6.02 The Local Plan allocates the site for potential suitable uses including employment use under policy RMX1(4) subject to 10 criterion covering matters relating to design and layout, access, ecology, drainage, contamination, highways and transportation, and minerals. The policy states that, *"The council will support the redevelopment of the brownfield former Syngenta Works site, provided that a comprehensive scheme of flood*

mitigation which addresses the identified flood risk will be delivered in association with the development."

6.03 This is an outline application for employment use so the principle of developing the site for such use is accepted under Local Plan policy RMX1(4). It needs to be assessed as to whether the proposals comply/can comply with the policy criterion and any other relevant Development Plan policies, and that any outward impacts of the development are acceptable, or can be suitably mitigated.

6.04 As stated above, a small proportion of the application site falls outside the allocation and upon land defined as an 'ecological mitigation area' under the Local Plan Proposals Map.

6.05 Therefore the key issues for the application, which are centred round site allocation policy RMX1(4) are as follows:

- Design & Layout
- Landscape and Visual Impact
- Highways Impacts and Connectivity
- Flood Risk & Surface Water Drainage
- Contamination
- Noise & Disturbance
- Ecology
- Other matters including Air Quality, Heritage, Residential Amenity, Minerals, Hazardous Substances Consent, and EIA

Design & Layout

6.06 Policy RMX1(4) requires:

- 2. The significant landscape belt which lies to the south of the development area is retained and enhanced to provide a clear boundary to the developed parts of the site, to act as a buffer to the Local Wildlife Site and to screen views of development from the attractive countryside to the south and from the properties in Parsonage Farm Road.**
- 3. The retention and enhancement of the landscape belts along the western boundary of the site, on both sides of the railway line, and along the eastern boundary adjacent to the canalised section of the river, to screen and soften the appearance of the development.**

6.07 This is an outline application with the layout of the site, design/height of buildings, and landscaping not being determined at this stage. However, the applicant has submitted an illustrative Site Plan and a 'Constraints Plan' which shows potential development areas with retained and proposed landscaping areas. This demonstrates that the significant landscape belt to the south of the site is retained and a landscape buffer ranging between approximately 10-14m can be provided. It is considered that such a buffer is

appropriate to comply with the site policy, and in addition to the tree belt to the south of the site, would ensure any development is suitably screened/softened from the south. It is therefore appropriate to secure this buffer with reference to the Constraints Plan via a planning condition to set a parameter on any outline consent and guide any layout/landscaping details.

- 6.08 On the western boundary the Constraints Plan shows retention of the landscape belt with new planting to fill gaps with a buffer ranging between 7-9m. Whilst the applicant does own land on the west side of the railway line, which is outside the site, the existing vegetation on either side of the railway line together with the proposed buffer serves to sufficiently screen/soften the development so no additional planting is necessary. Again, a condition can secure this.
- 6.09 On the eastern boundary the Constraints Plan shows retention of the landscape belt with new planting to fill gaps with a buffer ranging between 12-15m which can be secured by condition.
- 6.10 More generally the illustrative site plan shows how the site could be developed. This demonstrates that sufficient landscaping can be provided around the boundaries of the site as discussed above, together with a large corridor of green space through the centre of the site. This corridor would provide flood conveyance and ecological benefits and will be discussed below. It is therefore considered that up to 46,447m² of employment floorspace could be provided at the site whilst still ensuring an acceptable environment and setting to the development. The precise details of the layout of buildings, roads, parking areas, and landscaping would be considered at the reserved matters stage.
- 6.11 The proposals can therefore be suitably accommodated at the site and the outline application complies or can comply with the site allocation requirements. This is in accordance with policy RMX1(4).
- 6.12 The design and appearance of buildings or materials are not being considered but it is considered appropriate to set some parameters to provide a high-quality development. This includes using sensitive colours; active frontages on prominent buildings (for example near the site entrance and on the main spine road); the use of materials and articulation to break up the massing of buildings; the use of ragstone in either buildings or boundary treatments; and high-quality surface materials.

Landscape and Visual Impact

- 6.13 The site will be predominantly covered by new commercial buildings but as outlined above landscape buffers can be provided that would screen or soften the development. Whilst precise building heights would be considered at the reserved matters stage the applicant has indicated that the maximum ridge heights for the warehouse buildings would be around 14m which is fairly typical for modern business needs. Other buildings would be expected to be lower. The buildings would have to be raised around 2-2.5 metres above the site levels for flood resilience reasons which will be discussed in detail below.

So the tallest buildings are likely to be around 16-16.5m above existing ground levels.

6.14 The applicant has carried out a Landscape and Visual Appraisal which considers the Council's Landscape Character Assessment (2013) (LCA) and Landscape Capacity Study (2015) (LCS). Referring to the area the site falls in (Nettlestead Green Farmlands), the Council's LCA considers the condition of the landscape is incoherent, where the few traditional elements are fragmented by much recent infill development and other visual detractors. It refers in particular to the application site as very extensive where all attributes of the physical landscape have been removed which has obviously been through its necessary clearance and decontamination. The LCS concludes that, "*Nettlestead Green Farmlands is assessed as low overall landscape sensitivity and is tolerant of change.*"

6.15 The applicant's appraisal has carried out a more localised assessment of the site and states as follows:

"The site is formed by a previously developed brownfield site which is enclosed on its boundaries by fencing and a mixture of established native hedgerows and mature trees creating a degree of visual and physical separation from the adjacent Public Rights of Way, residential dwellings and transport corridors. It is noted that some gaps are present within the existing vegetation associated the site's boundaries which allows for some glimpsed/partial views over the site. Overall, the combination of the previously developed nature, the boundary features and existing residential/commercial development within the immediate landscape provide an urbanising influence which results in the Site having a peri-urban character."

6.16 It is considered that this is an accurate appraisal of the site and I agree with the assessment that the previously developed and brownfield nature of the site offers little in the way of landscape value. There is development within the vicinity of the site, a railway line adjacent, and the site is brownfield land with a semi-urban appearance. The wider landscape is not sensitive to change and on this basis it is considered that the introduction of development of the site would not cause harm to the value of the wider landscape.

6.17 In terms of the visual impact, this would localised being visible from Hampstead Lane to the north and through gaps in trees from the east, and some broken views by trees and vegetation from the PROW to the south and west. There are no prominent medium or long-distance views of the site.

6.18 With the landscape and visual impact taken together, it is considered that there would be a low level of harm but this would be very much localised. A low level of harm represents some conflict with policy SP17 of the Local Plan, however, the site is a brownfield site where importantly the site allocation in principle allows for employment development which would inevitably have some impact and thus conflict with policy SP17.

6.19 I consider the retention and strengthening of the landscape buffers around the edges of the site as outlined in the 'Design & Layout' section above would

serve to soften/screen the development and reduce the landscape impact of the development even further.

- 6.20 As outlined above, a small proportion of the application site falls outside the allocation and upon land defined as an 'ecological mitigation area' under the Local Plan Proposals Map. This area is generally well contained in the southeast corner and development of this area would not result in any significant landscape or visual impacts above the rest of the site.

Highways Impacts & Connectivity

- 6.21 Policy RMX1(4) states:

8. Development will contribute, as proven necessary through a Transport Assessment, to requisite improvements to the highway network.

Access

- 6.22 Two access points are proposed off Hampstead land in a similar location as the existing access points. The east access would be 'in only' and the west access being 'out only'. The entrance would have a moveable height barrier so large HGVs can only access from the west and not from Yalding village, and the exit would have a height barrier and be engineered to prevent large HGVs turning right and exiting towards the village. This is considered appropriate as the narrow roads/bridges to the east mean that it would be problematic for large HGVs accessing the site from this direction. The applicant cannot control individual lorry drivers to the site but this is a reasonable measure to deter this. The applicant has submitted a framework 'Delivery Route Management Plan' which includes measures to reduce/deter any large HGVs movements through the village which is another reasonable measure and is proposing a review of the 'black lorry' industrial estate signs on the A228, B2162, and Hunton Road/Pattenden Lane to ensure appropriate routes are signposted and 'no HGV access' signs near Yalding village. These measures are reasonable and necessary and can be secured by condition.

- 6.23 The applicant has submitted an independent safety audit of the access arrangements and all issues raised by the auditor have been overcome to the satisfaction of KCC Highways. The access arrangements are therefore safe, and no objections have been raised. Conditions will be required to secure the access points and the entry/exit arrangements.

Traffic Impact

- 6.24 The applicant has assessed the traffic impact based on it being a 'nil use' site. Trip generation forecasts from the 'TRICs database' (which is the accepted method of calculating traffic movements), have been agreed with KCC Highways as have the location of the junction assessments.

Maidstone Road/Hampstead Lane Junction

- 6.25 The applicant's Transport Assessment (TA) capacity assessments indicate that this junction to the west of the site will operate well within capacity

during the AM peak in 2025. In the PM peak it will still be within theoretical capacity at 99% but queues would increase on Maidstone Road from the south as right turning vehicles into Hampstead Lane would block through movements. The applicant considers that because this junction is important to the operations of the site (it being the sole route for HGVs routing to and from the site), mitigation is appropriate and has proposed a junction improvement introducing a right turn lane on Maidstone Road. This has been subject to an independent safety audit with all raised issues addressed. KCC Highways consider that the junction improvement would adequately mitigate the development and is necessary and raise no objection in terms of safety. There is no set point at which mitigation of a junction is necessary but based on the impact taking one arm of the junction just under capacity (99%); this arm being the main access for HGVs to the site; and KCC highways advice, the mitigation is considered to be necessary, directly relevant to the development, and reasonable and so a condition securing the improvement will be attached. It is also noted that the Council's Infrastructure Development Plan 2020 identifies improvements at the Maidstone Road/Hampstead Lane junction as necessary to support the site allocation.

Lees Road/Benover Road/High Street Junction in Yalding Village

- 6.26 For this junction in the village, the TA shows that it currently operates over capacity (115%) on the High Street arm (Yalding Bridge) in the AM peak with queues of up to 41 vehicles. In 2025 this would increase to 61 vehicles (125%) even without the development and with the development would increase to 95 or 135% capacity. There is little if any scope for improvements at this junction it being bounded tightly by private properties, listed buildings, within a Conservation Area, and close to a Scheduled Monument (Yalding Bridge).
- 6.27 KCC Highways are not raising objections to the traffic impact at this junction which is in part based on mitigation being provided at the Watringbury crossroads signalised junction. They consider that queues on the High Street arm would be expected to be reduced following implementation of their planned improvement scheme at Watringbury crossroads as the route via the B2015 will become more attractive due to reduced journey times.

Watringbury Crossroads

- 6.28 The assessment of the Watringbury crossroads shows that it currently operates over capacity (max 109.5%) on all but one arm and that this will remain the case in 2025 (max 118.8%). The development will create a further impact in 2025 with the queue on the eastern Tonbridge Road arm increasing from 55 vehicles to 64 vehicles in the AM peak and the development projected to increase the overall delay at the junction by 21.8 seconds in the AM peak and 23.4 seconds in the PM peak. The impact of the development itself is not substantial but it does worsen the impact at a junction already over capacity. Whilst I do not consider the additional traffic will result in an unacceptable impact upon highway safety or residual cumulative impacts on the road network that could be regarded as 'severe' (in the context of paragraphs 108 and 109 of the NPPF), above the predicated situation without the development, the junction's capacity would still be at a

level that warrants a contribution towards mitigation. KCC Highways consider that mitigation is required as a direct result of increased traffic at the junction but as stated above, also in part to ensure this route is more attractive so it could mitigate some traffic impact at the High Street junction in Yalding.

6.29 KCC Highways have developed an improvement scheme for the junction which includes: a dedicated left turning lane on the B2015, Bow Lane arm; additional left and ahead lane on the A26, Tonbridge Road Arm; and a dedicated light and right turning lane in the centre of the crossroads to prevent turning traffic blocking through traffic. This scheme has reached the detailed design stage and is ready for implementation, subject to the funding being secured with the anticipated cost being approximately £326,000.

6.30 On this basis, mitigation in the form of a s106 financial contribution is appropriate (as the development is not CIL liable) but this must be proportionate to the impact of the development. The applicant suggested a contribution based on the forecasted traffic increase at the junction from the development as a percentage of the overall traffic at the junction (1.3% in the AM peak, and 1% in the PM), which is considered to be an appropriate approach.

6.31 KCC Highways are satisfied with this approach but consider the predicted vehicle movements routing via Yalding village on the High Street should also be taken into account as these would be expected to use the crossroads as a more attractive route. It may not be the case that all vehicles would not route via Yalding but the A26 would become a more attractive route and so this is not an unreasonable approach. This would mean a potential increased traffic impact of 4.4% in the AM peak and 4.1% in the PM at the crossroads. This percentage impacts translates into a contribution of £14,344 (4.4% of total cost) which is proportionate and directly related to the impact of the development in accordance with the legal tests. It is not considered necessary or reasonable to apply a pre-occupation condition for the junction improvement as whilst it would serve to mitigate the impact of the development, the improvement scheme is being proposed by KCC mainly to mitigate the existing situation at the junction, and the impact without the wider junction works would not be unsafe or 'severe' to warrant refusal of the application without it. It will also be subject to alternative sources of funding and so it would not be reasonable for the occupation of the development to be held back until the full funding is secured. KCC Highways have not requested a pre-occupation condition.

6.32 All other local junctions (Hampstead Lane/Station Road; Station Road/Maidstone Road; Seven Mile Lane/Maidstone Road/Boyle Way/Hale Street Roundabout; and Twyford Bridge) would be within capacity and do not require any mitigation.

Highway Safety on Hampstead Lane

6.33 Some representations have referred to large HGVs getting stuck on Hampstead Lane due to the width of the road in places and safety issues at the level crossing. As KCC Highways comment, Hampstead Lane ranges in width from 7m at the development frontage to as narrow as 5.2m. In

addition, parts of the road have limited forward visibility, particularly within the proximity of the road's S bend. Widening is not possible at the S bend due to the lack of highways owned land. KCC Highways has assessed this matter and state, *"in the absence of widening, there is the potential for increased incidences of hazardous conflicts between two opposing HGV's on the S-bend. In view of the good personal injury record KCC Highways do not consider that a highway safety-based objection relating to this short section of Hampstead Lane would be sustainable in this instance."* On this basis, this is not considered grounds for objection.

6.34 In terms of the level crossing where vehicles obviously have to stop, KCC Highways have not raised any issues with safety. Network Rail have been consulted and have raised no objections subject to securing the proposed 'Delivery & Route Management Plan' which will include measures to manage the egress of long vehicles at the site including signage to ensure they do not pose a safety risk at the crossing, and a new yellow box junction painted across the level crossing. These measures will be secured by condition.

6.35 Overall KCC Highways are raising no objections to the traffic impact or safety of the proposals subject to conditions and a financial contribution, and I agree with this conclusion. It will be necessary to limit the floorspace by condition as this is what has been assessed under the application. For these reasons it is considered that the proposals are in accordance with policy DM21 of the Local Plan.

Public Transport

6.36 The site is on the doorstep of Yalding train station and new pavements and crossing points are proposed to provide safe access. Potential improvements to the station and costs have been investigated with 'Southeastern' to encourage use by future employees and the following improvements would be secured under a s106 agreement:

- New shelter and seat on Platform 1 - £17,000
- New shelter on Platform 2 - £13,500
- LED lighting upgrade on station - £9,100

6.37 These measures would directly encourage use of the station by future employees and visitors to the site and the costs have been justified. On this basis they would promote public transport use for this major development in accordance with policy SP23 of the Local Plan and are necessary, directly related to the development and reasonable. This is in accordance with the legal tests for planning obligations.

6.38 Buses do not run past the site but in view of the excellent location of the train station which offers more frequent services to a greater range of destinations, a bus service is not considered to be necessary here. The applicant has designed the site access to provide a combined HGV/bus stop waiting area which would provide the site with the capability of being directly served by bus services should they run to the site in the future. A Framework Travel Plan has also been submitted to promote the use of sustainable transport to employees and visitors and reduce the number of single

occupancy trips made to and from the site. This is in accordance with policy DM21 and can be secured by condition.

Connectivity

6.39 Policy RMX1(4) states:

4. Development should secure public rights of way improvements, including providing an alternative to the 'at grade' pedestrian footpath crossing the railway.

6.40 At the moment pedestrians crossing the railway to the west of the site by Yalding Station have marked walkways either side of the road. It is unclear what this criterion is seeking, and I would assume that the alternative to 'at grade' crossings would be some form of bridge. This is not considered reasonable or necessary because future employees of the development would not need access to the west of the crossing as there are no services or amenities in this direction and no pavements. Nor is there any need to provide a better link from the west as there are only a small number of properties. Network Rail have also not requested any changes to the crossing. On this basis, any changes to the crossing are not considered reasonable or necessary.

6.41 Kent Highways have raised the issue of connectivity to Yalding village and how this is not continuous or surfaced to provide pedestrian and cycle access. There are roadside pavements with some breaks and a public right of way across a field from the village which stops at Twyford Bridge. This historic bridge is only wide enough for one lane of traffic and so is signalled and does not have dedicated pavements. It is also a 'Scheduled Monument' so it is not possible or appropriate to alter the bridge to provide dedicated pavements but there are passing places where pedestrians can wait. Once over the bridge there are pavements alongside Hampstead Lane all the way to the site access. I consider some employees may want to access the shop in the village and if employees live in the village they would want to walk or cycle to the site but this is likely to be low numbers of people. Whilst the current pavement/path route is not continuous, it is not possible to overcome this and is not so bad to deter pedestrian or cyclists, nor is it unsafe.

6.42 There is a public footpath (KM186) to the south of the site which could be used as a link to access the south part of the site although this is not proposed. The majority of this runs over a hard surfaced lane but there is a section which is not surfaced and is relatively narrow with two stiles. It is considered that formalising/improving this path would urbanise an otherwise rural character and any benefits would not outweigh this impact. Pavements along Hampstead Lane provide sufficient access to the site and the route could still potentially be used in summer months if the site owners wished.

6.43 For the above reasons, the conflict with criterion 4 in not providing an upgraded railway line crossing or public right of way improvements are not considered objectionable or grounds to refuse the application.

Flood Risk & Surface Water Drainage

6.44 Policy RMX1(4) requires:

6. Measures are secured to ensure adequate site drainage, including through the implementation of sustainable drainage measures.

9. A connection is provided to the local sewerage system at the nearest point of adequate capacity, in collaboration with the service provider.

6.45 The site falls within high-risk Flood Zone 3 and the site and local area is prone to significant flooding. The site is allocated for development in the Local Plan and commercial development is classed as a 'less vulnerable' development under national guidance and can be allowed in Flood Zone 3. The principle of the development is therefore acceptable, and the applicant must demonstrate the development will be safe from flooding without increasing flood risk elsewhere.

6.46 The applicant has submitted a Flood Risk Assessment (FRA) which seeks to demonstrate how flood risk to the development and to others will be managed now and in the future. Flood risk modelling has been carried out including allowances for climate change. The applicant has also held extensive pre-application discussions with the Environment Agency on flood risk.

6.47 The FRA compares the impact of the development against the land levels as they were in 2005. This is acceptable because these levels, albeit in a different contoured land-form, are permitted under the 2006 KCC waste consent, which was implemented at the site to carry out decontamination and remediation. The remediation document under that application states that following the completion of the remediation work the surface levels of the site will in general be returned to their original levels. This is understandable so as not to materially affect flood risk. The applicant has stated that levels currently on site are lower than those approved but material has been and is continuing to be brought on site. As there is an extant permission for the previous levels/volumes, implementation of which has been carried out and can continue, that is a realistic fallback development (should this current application fail) and consequently a comparison is acceptable.

Flood Risk On-Site

6.48 As outlined earlier in the report the buildings are proposed to be raised above existing ground levels as would the forecourt areas and access roads, and voids would be used beneath buildings to allow for flood conveyance. Finished floor levels of buildings would be set 450mm above the modelled flood level and the forecourt areas and roads adjacent to the buildings would set 100mm above and this can be secured by condition. The roads in the centre of the site would be lower and would experience flooding in the worst-case scenario but safe refuge areas would remain around the raised building areas in the unlikely event that the site is not evacuated in time. The site owners would sign up to the Environment Agency's flood alert and make these services

known to site occupants and a Flood Evacuation Plan would be developed for the site.

Flood Risk Off-Site

- 6.49 The applicant is proposing a 'flood conveyance channel' which is an integral part of the development and will slope from south to north to enable flood water to flow in a controlled manner through the centre of the site. This would be via a large channel which would serve to direct flood water away from the operational areas of the site (forecourts, roads and commercial units). A basin would also be incorporated into the layout of the site at the downstream (northern) end of the flood conveyance channel, making use of the existing depression here. There are culverts beneath Hampstead Lane which are currently blocked and chambers which connect to the former mill race under Hampstead Lane which are currently sealed. These would be re-opened to allow for the flow of flood water.
- 6.50 The FRA demonstrates that in the worst-case scenario, and taking into account climate change, there would be less than a 2mm change in flood levels as a result of the development beyond the previous levels (permitted under the waste consent) and so I agree with the FRA that flooding does not increase materially because of the development or result in unsafe conditions.
- 6.51 Since the site was cleared new houses have been built to the north at 'Blumer Lock'. The finished floor levels of these properties as approved under the planning application (13.36 AOD) would remain above the predicted worst-case flood levels (13.22 AOD) and so there would not be any increased flood risk to those properties. In more frequent lower impact flood events, the FRA demonstrates that the development would have a positive impact on flood risk in the area when compared to waste consent levels mainly due to the flood conveyance channel through the site and voids beneath buildings which allow better flows than the previous development.
- 6.52 The Environment Agency have been consulted on the application, have assessed the FRA and are not raising any objections subject to conditions. They comment as follows:
- "We are satisfied with the flood conveyance channel being included with this application which has benefits for the wider community and reduces flood risk to the area.*
- We are pleased to see the use of voids under the commercial units, and the reinstatement of the five culverts and two chambers which will aid the flood water flow through the site during a flood event."*
- 6.53 They request conditions that require the development to be carried out in accordance with the FRA and with finished floor levels secured. On this basis it is considered the development is acceptable from a flood risk perspective subject to conditions and this is in accordance with site policy RMX1(4) and policy DM1 of the Local Plan, the NPPF and national advice.

Surface Water

- 6.54 The surface water drainage has been assessed based on the greenfield nature of the site and not on its previously developed state. It is proposed to have infiltration through permeable hard surfaces and use the flood conveyance channel through the middle of the site. If the underlying strata is not suitable for infiltration, then attenuation tanks on-site with controlled outflow rates to the flood conveyance channel and beyond would be used. KCC LLFA have no objections to the principles to deal with surface water and should testing show that infiltration is not workable they accept proposals for controlled outflow subject to conditions requiring the fine detail. This is in accordance with site policy RMX1(4).
- 6.55 Third-party representations from consultants instructed by a local resident relating to flood risk and surface water have been sent to both the Environment Agency and KCC LLFA. They have fully considered the representations and confirmed these have not changed their positions in relation to flood risk and surface water drainage being no objections subject to conditions.

Foul Drainage

- 6.56 Southern Water have confirmed that some improvements to the existing public sewer network will be required. This would be funded and provided under their separate legislation and timely provision is the responsibility of Southern Water.

Contamination

- 6.57 Policy RMX1(4) requires:

7. Demonstration that contamination of the site resulting from its previous use has been remediated to the satisfaction of the local authority and the Environment Agency.

- 6.58 As outlined above, extensive decontamination and remediation has been carried out at the site since 2003 and as approved under the KCC waste consent from 2006. Remediation works started in 2006 and were completed in 2008 and were designed to allow for potential commercial development. In summary, this involved excavation of the top layers of the site with deeper excavations in specific areas or where necessary to achieve acceptable conditions; assessment of the excavated materials with either thermal treatment so it could remain on site or removed off-site where not; and then backfilling with either treated materials, validated material or crushed concrete produced from the demolition works. A permeable reactive barrier was also installed at the north end of the site to collect and treat any residual contamination within groundwater. Monitoring has occurred since 2008 through sampling of adjacent waterways by the site owners and the Environment Agency. This continues and has not revealed any pollution that the Environment Agency are concerned with.

- 6.59 The applicant's contaminated land assessment recommends that the existing permeable reactive barrier be retained with continued monitoring, the use of shallow foundation designs and precluding the use of piling (unless further ground investigation is carried out and a method of installation used that minimises risk is agreed) and adopt surface water drainage to infiltrate over a wide area.
- 6.60 Environmental Health have reviewed the report and confirm the remediation was completed to a commercial end use standard in respect of human health and both the Environment Agency and Maidstone Borough Council were satisfied that it had been concluded. The most sensitive receptor at that time and while the site was vacant were controlled waters and the Environment Agency were satisfied with the remediation and the ongoing monitoring of the permeable barrier (that is to be left in situ and refreshed post development). In terms of human health, Environmental Health advise that the type of development proposed presents a relatively low risk in that the majority of it will be hardstanding thus providing a barrier. They state that care will need to be taken so groundworks do not cause mobilisation of contaminants or exposure of any receptors and this will need to be controlled by condition and verified when the development is completed. No objections are raised subject to conditions.
- 6.61 The Environment Agency considers that the previous use of the site presents a medium risk of residual contamination that could be mobilised during construction to pollute controlled waters. Controlled waters are sensitive in this location because the proposed development site is located upon a secondary aquifer adjacent to surface waters and near to watercourses. They state the reports submitted in support of the application provides them with confidence that it will be possible to suitably manage the risk posed to controlled waters by this development. Further detailed information is requested before development is undertaken and so conditions are recommended. They conclude that the proposed development will be acceptable subject to conditions which would cover the matters raised by Environmental Health.
- 6.62 Some representations have questioned whether the flood conveyance channel could aggravate contamination in the ground. The applicant has responded to this outlining that the site has been entirely remediated in some cases to depths in excess of 6m and because of the extensive remediation that was undertaken the applicant does not expect any incidence whereby the conveyance route is likely to encounter or mobilise any contaminants within the soil. The applicant also considers that notwithstanding this, the permeable barrier would intercept any potential contamination. The Environment Agency have reviewed the representations relating to this issue and advise that, *"providing barriers and gates are maintained until agreed otherwise we have no objection to development.... we would reiterate any systems put in on the development site would not be agreed if they were to increase contamination mobilisation."* They maintain no objection to the proposals and Environmental Health have not raised this as an issue.
- 6.63 Third-party representations from consultants instructed by a local resident relating to pollution/contamination have been sent to the Environment

Agency. They have fully considered the representations and confirmed these have not changed their position in relation to pollution/contamination being no objections subject to conditions.

6.64 For the above reasons and subject to the conditions required by the Environment Agency, the proposals would not pose a risk to human health or pollution of the environment in accordance with the site policy and policy DM3 of the Local Plan.

Noise & Disturbance

6.65 The proposed B2 and B8 uses have the potential to generate noise and disturbance through processes operating from the units themselves but the main impact is likely to be through noise and disturbance from vehicles and activity around the site outside normal working hours. The applicant is seeking permission to operate the site 24/7 and there are houses close to the site to the northwest, north, east, and southeast that could be impacted by the development.

6.66 The applicant has submitted a noise assessment and additional information/clarification has been provided on the back of requests from the Environmental Health section. The noise assessment shows that during daytime hours (defined as 7am to 11pm) any noise or disturbance from traffic, lorry reversing alarms, running engines etc. would have a low impact and levels are unlikely to be above the background noise levels. Overnight (11pm to 7am) the assessment concludes that for most residential properties there would be a low impact but for residential properties to the east (houses and the 'Little Venice' site) noise levels would be slightly above background noise levels and so noise would be perceptible. Mitigation of this impact and of general noise and disturbance from the site is therefore proposed including a 'Delivery Management Strategy'. As this is an outline application the exact details of the site layout are unknown but measures including the following have been put forward:

Design Measures

- Appropriate layout of unloading bays, HGV access routes and service yards such that the building units they serve acoustically screen them as far as reasonably possible from surrounding noise sensitive receptors. Where necessary, use of acoustic barriers as part of boundary treatment would be utilised to reduce impacts further;
- Position units which are to be more extensively used, more centrally within the site away from noise sensitive receptors;
- Units will have dock level access and internal loading where appropriate to reduce noise impacts associated with unloading;
- HGVs will be directed to use alternative routes away from Yalding specifically towards Maidstone Road/A228;
- Estate lorry parking to be provided within the development away from receptors to reduce indiscriminate parking/idling outside.

Operational Measures

- Deliveries outside of the main gate opening hours of 07:00 - 19:00 will require scheduling and coordinating with the gate house security in order for the gates to be opened in advance and thereby minimising noise impacts associated with engine idling, braking and acceleration;
- Once stationary, engines of delivery vehicles will be turned off;
- Use of reversing beepers should be minimised where possible through minimising reversing;
- Drop heights should be reduced to their lowest practicable levels;
- Lorry tail lift flaps should be carefully lowered;
- Plastic (ideally rubber) wheels should be used on trolleys; and
- All staff (including delivery drivers) will be made aware of the necessity to keep noise to a minimum and enforced through the Developer and Estate Management Company.

6.67 Following clarification of some matters with the applicant, Environmental Health are satisfied with the noise assessment and agree with its conclusions. They are satisfied that the development could be permitted on a 24/7 basis subject to conditions that secure the mitigation measures outlined in the assessment and that it is incorporated into the design of the development. Measures to deal with any odour or fumes can also be required by condition to mitigate any potential impact from any processes operating at the site. On this basis, I do not consider the proposed uses at the site would result in unacceptable living conditions to any nearby residential properties subject to mitigation. This is in accordance with policy DM1 of the Local Plan.

Ecology

6.68 Policy RMX1(4) requires:

- 1. Within the site boundary, an area of land to the south (13ha) is to be retained as a nature conservation area.**
- 5. The site lies adjacent to the Hale Ponds and Pastures Local Wildlife Site. A survey which assesses the site's ecological potential must be submitted. Development proposals must provide for the delivery of appropriate habitat creation and enhancement measures in response to the survey findings including the creation and enhancement of wildlife corridors, and, if required, mitigation measures.**

6.69 As outlined above, part of site (approximately 2ha) proposed for development falls upon the land defined as an 'ecological mitigation area' under the Local Plan Proposals Map. However, there would still be approximately 13ha of land to the south in the applicant's ownership, part of which falls within the 'Hale Ponds and Pastures Local Wildlife Site', that is proposed to be enhanced and used as a receptor site to support reptiles and Great Crested Newts (GCN). So, the 13ha area to the south required under criterion 1 would be retained and enhanced in the interests of biodiversity and this will be secured by condition.

- 6.70 The site and surrounding areas contain a number of standing water bodies and habitats that support GCN and reptiles. Detailed survey work was carried out for these species in 2019. The previously cleared areas forming much of the development site area remain largely devoid of vegetation and for this reason the survey report considers these areas are unlikely to represent significant foraging habitats for GCN. The survey has confirmed the presence of small numbers of GCN in three ponds with breeding activity and a low/medium population. The development would result in the loss of one of these ponds (which is man-made) in the southwest corner of the site and some suitable terrestrial habitat. In terms of reptiles, common lizards (low population), grass snakes (low population), and slow worms (good population) are present at the site and would be impacted by the development. Mitigation is therefore proposed through using the 13ha of land to the south which would provide a receptor area and be enhanced through the creation of new ponds designed specifically for GCN and reptiles. There is nothing to suggest that a licence, if needed, would not be granted to translocate any protected species. Within the site and in addition to the 13ha to the south, enhancement would be provided through replacement/compensatory habitats for use by GCN and reptiles within the proposed central flood conveyance channel which would be landscaped and include buffer habitats including new wetland areas, ponds, and grassland habitats.
- 6.71 KCC Ecology are satisfied with this approach and recommended conditions requiring a detailed mitigation strategy; timetable for the creation of on-site habitat; and a detailed management plan. The site is adjacent to the Local Wildlife Site to the south which is likely to be used by badgers and foraging bats. As such the applicant has acknowledged that a sensitive lighting strategy is necessary, and this can be guided by a condition as recommended by KCC Ecology.
- 6.72 On the basis that the vast majority of the site currently has relatively low ecological value, as much of it is relatively barren from the remediation works, the new habitat creation on-site and the enhancements measures off-site would provide proportionate enhancements and net gains for biodiversity in accordance with the NPPF.
- 6.73 For the above reasons the proposals would be acceptable in terms of their impact upon biodiversity subject to mitigation and enhancements, and they would ensure that 13ha of land to south would continue its role as a local wildlife site with appropriate enhancements in accordance with the site policy and policy DM3 of the Local Plan.

Other Matters

Air Quality

- 6.74 The site is not within an AQMA with the closest being the Wateringbury crossroads within Tonbridge and Malling Borough around 2.3km north of the site. There are residential properties nearby and receptors on the roads leading to the site have been assessed. An air quality assessment has been

provided which concludes that the air quality impacts from traffic are not considered to be significant as there are no predicted exceedances of the relevant air quality objectives at any nearby receptors, and any impacts upon the Waterbury crossroads would be negligible. Any impacts from construction are considered to be low.

- 6.75 Mitigation of air quality impacts is proposed in the form of electric vehicles charging infrastructure within parking areas, lorry trailer plug-ins and cycle parking. This is considered a proportionate response based on the limited impact the development would cause and can be secured by condition. I consider a construction management plan is appropriate in this case due to the length of time the development could be under construction and the proximity of some residential properties. Environmental Health have reviewed the assessment and raise no objections.

Sustainable Design

- 6.76 In line with policy DM2 of the Local Plan a BREEAM Very Good standard will be required for the development and this can be secured by condition to guide the reserved matters.

Heritage

- 6.77 There are Grade II listed buildings to the northwest (Station House and Hawthorne Cottage) and southeast (Parsonage Farmhouse). Station House is approximately 20m from the site boundary and separated by the railway line. Due to the existing intervening vegetation and that proposed it would not be clearly seen in the context of the proposed development so its setting would not be harmed. Hawthorne Cottage is further away (around 110m) and for the same reasons its setting would not be harmed. Parsonage Farmhouse is around 65m away and separated by existing trees and those proposed and so would not be clearly seen in the context of the proposed development and its setting would not be harmed. Other listed buildings are further away and would not be affected by the proposals.

- 6.78 The Yalding Conservation Area is around 280m to the southeast and at this distance and with the intervening vegetation, the proposal would not harm its setting.

Minerals

- 6.79 Policy RMX1(4) states:

10. The site falls within the Minerals Safeguarding Areas as shown on the policies map and therefore development proposal will be required to undertake a minerals assessment to assess the viability and practicability of prior extraction of the minerals resource.

- 6.80 Very limited parts of the site in the southwest corner and north end fall within safeguarding areas for 'sub-alluvial river terrace deposits' under the Kent Minerals and Waste Local Plan (KMWLP). To avoid sterilisation of minerals, policy DM7 of the KMWLP states that permission will only be granted for

development where certain exceptions are met. Notwithstanding that the areas are very limited, in view of the complex remediation process that has occurred at the site and the measures still in place, and the proximity of residential properties, it is considered that extraction of any minerals is not appropriate or practicable. The site is also allocated in the Local Plan for development. It is therefore considered that criterion 2 of policy DM7 is satisfied.

Residential Amenity

6.81 Issues of noise and disturbance have been assessed in detail earlier in the report. In terms of impacts upon privacy, outlook or light, the nearest houses are 36m to the northwest with proposed landscaping and the railway line between, 42m to the north with Hampstead Lane between, 41m to the northeast with proposed landscaping, the canal, and Hampstead Lane between, and 40m to the southwest with proposed and existing landscaping between. Based on this, development at the site would be a sufficient distance from any nearby residential properties such that no unacceptable impacts upon privacy, outlook or light would occur.

Environmental Impact Assessment

6.82 The proposals are 'Schedule 2 development' under the EIA Regulations 2017 and above the 0.5ha threshold for 'industrial estate development projects' and so require 'screening' under the Regulations.

6.83 In screening this development, the scheme is for B1(c), B2 and B8 uses rather than any complex form of development, and it is not considered that the characteristics or size of the development are such that significant impacts on the environment are likely to arise from these uses or development. The only other existing or approved developments which are relevant to consider for potentially cumulative impacts for the purposes of Schedule 3(1)(b) of the Regulations are the former Syngenta office building development adjacent to the application site which was approved last year and the 16 dwellings opposite the site at Blumer Lock which were granted permission between 2016-2018 and have been completed in the last 2 years. The development would not have any significant impacts on the environment, whether taken by itself or cumulatively, in terms of natural resources, land, soil, water, biodiversity, or the natural environment, nor would it result in any significant production of waste or pollution or create any risk of any major accidents. Through the submissions and consultee responses any risks to human health from contamination can be effectively mitigated. The location of the site is not in or within the setting of any 'sensitive areas' as defined under the Regulations or is so sensitive in its own right to require an EIA. These conclusions are also borne out through the assessments that have been carried out and the responses from consultees where no objections are raised subject to conditions. The impacts of the development taken alone or cumulatively would essentially be at a 'local' level and not of scale likely to have any significant impacts upon the environment. This includes the impacts generated by traffic. Having regard to EIA Regulations, in particular Schedule 3, and to the NPPF/NPPG, it is not considered that the development would be

likely to lead to significant environmental effects of a nature that require an EIA.

Hazardous Substances Consent

- 6.84 The site benefits from a deemed Hazardous Substances Consent (HSC) for the storage of pesticide raw materials, blending/mixing of raw materials to produce bulk agrochemical formulations, bottling and packing of formulations, and storage and distribution of finished goods. This was consented in 1999 and runs with the land so remains in place and in theory could be used once the site is developed. The HSE advise that for safety reasons a suitably worded condition should be included to prevent the development from being occupied until the HSC has been formally revoked.
- 6.85 The LPA has the power to revoke a HSC (under its hazardous substance function) where it is expedient to do so and in certain circumstances including where none of the hazardous substances have been present at the site for at least 5 years, which is the case here. In view of the advice from HSE relating to this planning application and as there have been no hazardous substances at the site for some time, I see no reason why the LPA (under its hazardous substance function) would not make a revocation order. This must be confirmed by the SoS and would be carried out under a separate process and the relevant procedures.
- 6.86 For the purposes of deciding this application, I consider the suggested condition by the HSE is appropriate in that the HSC was a 'deemed consent' (similar to a lawful use), where the relationship with nearby uses could not be assessed. New houses have also been built opposite the site since then and so I consider a condition which prevents any occupation until the HSC is revoked by the LPA is necessary. Although this is not within the control of the applicant, there is a reasonable expectation the LPA will apply to revoke the HSC and that this would be successful, and so this is also reasonable.

Representations

- 6.87 Representations on the application concerning material planning considerations relate to matters in the assessment above and so have been fully considered. Consultation/notification in line with legal requirements and the Council's procedures has been carried out.

Conditions

- 6.88 The list of conditions includes a definition of 'Site Preparation Works' to allow some works (limited demolition, vegetation clearance, safety measures) to take place in advance of discharging some pre-commencement conditions. These works do not need to be held back prior to the discharge of these conditions and are also arguably not part of the proposed development itself but this provides clarity that they can take place.

7.0 CONCLUSION

- 7.01 In accordance with Section 38(6) of the Planning and Compulsory Purchase Act 2004, planning applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise.
- 7.02 The site is allocated for employment (B use classes) under policy RMX1(4) in the Local Plan subject to criterion. The application proposes outline permission for B use classes and the proposals comply with the policy apart from criterion 4 but this conflict is not considered grounds to refuse permission.
- 7.03 There would be a low level of harm to the landscape and so a minor conflict with policy SP17 of the Local Plan but this would be localised and the impact suitably reduced through the landscape buffers. Importantly, the site allocation in principle allows for employment development across the site which would inevitably have some impact and thus conflict with policy SP17. The low level of harm to the landscape is acceptable based on the site being allocated for development and when balanced against the economic benefits through new jobs associated with the development.
- 7.04 Part of the site falls outside the area allocated for development and upon land defined as an 'ecological mitigation area' under the Local Plan Proposals Map. Development in this area would not result in any significant landscape or visual impacts above the allocated part of the site, and there would still be the amount of land required under the site policy (13ha) to the south that would be used for ecological mitigation and enhancement.
- 7.05 No objections have been raised by any consultees subject to conditions/mitigation and matters of flood risk and contamination are acceptable subject to mitigation which is secured by conditions.
- 7.06 All representations received on the application have been fully considered in reaching this recommendation.
- 7.07 It is concluded that the development is acceptable and overwhelmingly complies with policy RMX1(4) and all other relevant Development Plan policies. The minor conflict with policy SP17 and development beyond the site allocation is acceptable, and so permission is recommended subject to the legal agreement and conditions as set out below.

9.0 RECOMMENDATION

Subject to:

The conditions set out below, and the prior completion of a legal agreement to secure the heads of terms set out below, the Head of Planning and Development **BE DELEGATED POWERS TO GRANT PLANNING PERMISSION** (and to be able to settle or amend any necessary Heads of Terms and planning conditions in line with the matters set out in the recommendation and as resolved by the Planning Committee).

Heads of Terms

1. £14,344 to be used towards capacity improvements at the A26/B2015 Wateringbury crossroads junction to mitigate the impact of the development.
2. £17,000 to be used towards a new shelter and seat on Platform 1 at Yalding Train Station.
3. £13,500 to be used towards a new shelter on Platform 2 at Yalding Train Station.
4. £9,100 to be used towards an LED lighting upgrade at Yalding Train Station.
5. £2,500 Section 106 monitoring fee.

Conditions

Time Limit

1. No phase of the development hereby approved shall commence until approval of the following reserved matters has been obtained in writing from the local planning authority for that phase:

a) Scale b) Layout c) Appearance d) Landscaping

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

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

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

Access

2. The access points hereby permitted shall be carried out in accordance with drawing no. C11101 RevG including installation of the height barriers which shall be retained thereafter, and the visibility splays kept free of obstruction above a height of 1 metre. The eastern access shall only be used as an entrance to the site and the western access shall only be used as an exit except in times of emergency.

Reason: In the interests of highway safety.

Parameters/Compliance

3. The layout details submitted pursuant to condition 1 shall show no built form upon the areas defined as 'proposed new and enhancement planting zones',

'existing tree buffers', 'ecology zone', and 'conveyance route' as shown on the approved Constraints Plan (Drawing No.4092/SK04b).

Reason: To ensure the development accords with the site allocation policy, protects and enhances biodiversity, and provides a high-quality design.

4. The details of appearance submitted pursuant to condition 1 shall include:
- a) Non-reflective materials and sensitive colouring.
 - b) Active frontages on prominent buildings.
 - c) The use of materials and articulation to break up the massing of buildings.
 - d) The use of vernacular materials including ragstone on either buildings or in boundary treatments.
 - e) High quality surfacing materials.

Reason: To ensure a high-quality appearance to the development.

5. The layout and appearance details submitted pursuant to condition 1 shall be designed to minimise the impact of any noise to nearby residential properties and shall demonstrate how they achieve that.

Reason: In the interest of residential amenity.

6. The landscape details submitted pursuant to condition 1 shall provide the following:

- New native tree and shrub planting within the 'proposed new and enhancement planting zones', and 'existing tree buffers' around the boundaries of the site as shown on the approved Constraints Plan (Drawing No.4092/SK04b).
- Native tree and shrub planting within the development areas to soften buildings and parking areas.

Reason: To ensure the development accords with the site allocation policy and to provide an appropriate setting.

7. The details submitted pursuant to condition 1 shall be carried out in accordance with the approved Flood Risk Assessment (FRA) by JBA Consulting, (Final Report dated September 2019 including the Model report dated August 2019) and include the following mitigation measures:

- a) Finished floor levels of any commercial buildings shall be set no lower than 13.70mAOD.
- b) Provision of the flood conveyance channel including details and final levels.
- c) Floodable voids beneath buildings.

Reason: To reduce the risk of flooding to the proposed development and off-site.

Pre-Commencement

8. No development shall take place until a detailed ecological mitigation and enhancement strategy for the 13ha of land to the south of the site has been submitted to and approved in writing by the Local Planning Authority which shall include the following:
- a) Updated phase 1 survey.
 - b) Updated specific species surveys (if the current surveys are no longer valid).
 - c) Overview of mitigation to be implemented.
 - d) Detailed methodology to implement mitigation.
 - e) Maps identifying the receptor site and areas for the creation of new ponds designed specifically for GCN and reptiles.
 - f) Details for the creation and enhancement of wildlife corridors and hibernacula.
 - g) Details of interim management required until the site-wide management plan is implemented.
 - h) Details of on-going monitoring.
 - i) Timings of proposed works commensurate with any construction works.
 - j) Details of long-term management.

The strategy must be implemented as approved.

Reason: In the interest of biodiversity protection and enhancement.

9. No development shall take place until a Construction Management Plan and Code of Construction Practice has been submitted to and approved in writing by the local planning authority. The approved details shall be fully implemented. The construction of the development shall then be carried out in accordance with the approved Code of Construction Practice and BS5228 Noise Vibration and Control on Construction and Open Sites and the Control of dust from construction sites (BRE DTi Feb 2003) unless previously agreed in writing by the Local Planning Authority.

The code shall include:

- a) An indicative programme for carrying out the works.
- b) Measures to minimise the production of dust on the site(s).
- c) Measures to minimise the noise (including vibration) generated by the construction process.
- d) Measures to minimise light intrusion from the site(s).
- e) Management of traffic visiting the site(s) including temporary parking or holding areas.
- f) Provision of off-road parking for all site operatives.

Reason: In view of the scale of the development and in the interests of highway safety and local amenity.

10. No development, except for site preparation works, shall take place until a phasing plan for the whole site (development and landscaping) has been submitted to the Local Planning Authority and agreed in writing. The

approved phasing plan shall be followed unless otherwise agreed in writing with the Local Planning Authority.

Reason: To ensure a suitable development of the site.

11. No development, except for site preparation works, shall take place until a monitoring and maintenance plan in respect of groundwater and the PRB gate sampling points, including a timetable of monitoring and submission of reports has been submitted to and approved in writing by the Local Planning Authority. Reports as specified in the approved plan, including details of any necessary contingency action arising from the monitoring, shall be submitted to, and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details.

Reason: To ensure that the site does not pose any further risk to human health or the water environment by managing any on-going contamination issues and completing all necessary long-term remediation measures. This is in line with paragraph 170 of the NPPF.

12. No development shall take place on any phase of development, except for site preparation works, until details of the proposed slab levels of the buildings and roads together with the existing site levels relating to that phase have been submitted to and approved in writing by the Local Planning Authority, and the development shall be completed strictly in accordance with the approved levels.

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

13. No development shall take place on any phase of development, except for site preparation works, until a detailed sustainable surface water drainage scheme site has been submitted to and approved in writing by the local planning authority for that phase. The detailed drainage scheme shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100-year storm) can be accommodated and disposed of without increase to flood risk on or off-site.

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

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

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

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

14. No development shall take place on any phase of development, except for site preparation works, until a strategy to deal with the potential risks associated with any contamination of the site has been submitted to, and approved in writing by, the Local Planning Authority for that phase. This strategy will include the following components:
 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 and potentially unacceptable risks arising from contamination at the site.
 2. A site investigation scheme, 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. The results of the site investigation and the detailed risk assessment referred to in (2) and, based on these, an options appraisal and remediation strategy giving full details of the remediation measures required and how they are to be undertaken.
 4. A verification plan providing details of the data that will be collected in order to demonstrate that the works set out in the remediation strategy in (3) are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

The scheme shall be implemented as approved and any changes to these components require the written consent of the LPA.

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 in line with paragraph 170 of the National Planning Policy Framework (NPPF).

Pre-Slab Level

15. No development above slab level of any phase shall take place until a scheme of noise mitigation measures specifically in relation to delivery, loading and unloading has been submitted to and approved by the local planning authority for that phase. The scheme shall be designed to mitigate against the potential impact specified by a realistic assessment. The scheme shall include a noise management plan which shall include but not be limited to the following:

- a) Delivery locations.
- b) Measures to prevent vehicle idling.
- c) Measures to minimise the use of reversing beepers.
- d) Measures relating to the lowering of lorry tail lift flaps.
- e) The use of plastic or rubber wheels for trolleys.
- f) Measures to control the behaviour of operatives on site.
- g) Complaint contact and recording details.
- h) A review period for the noise mitigation and management measures.

The acoustic assessment approved in the outline planning application shall be revisited as the detailed application progresses to ensure that it remains valid and mitigation is incorporated into the design of the facility. Once approved the mitigation scheme shall be retained and maintained to the satisfaction of the local planning authority.

Reason: In the interest of residential amenity.

16. No development above slab level of any phase shall take place until specific air quality mitigation measures, which shall include the type and location of electric vehicle charging infrastructure within parking areas, lorry trailer plug-ins, and cycle parking, have been submitted to and approved in writing by the local planning authority for that phase. The development shall be carried out in accordance with the approved details.

Reason: In the interests of limiting impacts upon air quality.

17. Within 3 months of the completion of the flood conveyance channel, a habitat creation plan for the 'ecology zone' as shown on the approved Constraints Plan (Drawing No.4092/SK04b) shall be submitted to and approved in writing by the Local Planning Authority, which shall include the following:
 - a) Map showing the habitats to be created.
 - b) Methodology to create and establish the habitats.
 - c) Timetable to create the habitats.
 - d) Details of who will be carrying out the works.
 - e) Details of how the habitats will be protected during construction.

The habitat creation plan must be implemented as approved.

Reason: In the interest of biodiversity enhancement.

18. Within 3 months of the completion of the flood conveyance channel, a long-term site-wide management plan for both the 'ecology zone' and for the 13ha of land to the south of the site shall be submitted to and approved in writing by the Local Planning Authority, which shall include the following:
 - a) Map showing area to be managed.
 - b) Overview of management to be implemented including aims and objectives.
 - c) Detailed management timetable to meet the aims and objectives.
 - d) Monitoring & review programme.

- e) Details of who will be implementing management.

The habitat creation plan must be implemented as approved.

Reason: In the interest of biodiversity protection and enhancement.

Pre-Occupation

- 19. The development shall not be occupied until a final 'Delivery & Route Management Strategy' with the aims of deterring and reducing the potential for any large HGV movements through Yalding village centre and to manage long vehicles exiting the site in the interest of safety at the nearby level crossing has been submitted to and approved in writing by the Local Planning Authority in consultation with the Highways Authority and Network Rail. It shall include details of the following:

- a) A review of the 'black lorry' industrial estate signs on the A228 (to encourage vehicles to use the Maidstone Road), the B2162 (to keep heavy goods vehicles on the A21/A228), and Hunton Road/Pattenden Lane (to keep vehicles on the A229), to ensure that any large HGV movements through Yalding village centre are reduced/deterred and appropriate routes are signposted including any proposed changes to the signs.
- b) Appropriate 'no HGV access' signs to the south and east of Yalding village centre to ensure that any large HGV movements through Yalding village centre are reduced/deterred and appropriate routes are signposted.
- c) Site Access Signage - to direct all heavy goods vehicles westbound onto the Maidstone Road.
- d) Site Access Signage – clearly stating 'no right turn for HGV's' exiting the site.
- e) Measures to manage long vehicles exiting the site in the interest of safety at the nearby level crossing.

Reason: In the interests of highway safety and congestion.

- 20. The development shall not be occupied until a final site-wide 'Delivery Management Strategy' with the aim of minimising any noise and disturbance during night-time hours has been submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of minimising any impacts of noise to nearby residential properties.

- 21. The development shall not be occupied until the following off-site highways works have been provided in full:

- a) Capacity improvements to the Maidstone Road/Hampstead Lane junction as shown on drawing no. 14949-H-01 RevP3.

- b) The tactile paved crossing points as shown on drawing no. C11101 RevG.
- c) Box junction markings at the level crossing.

Reason: In the interest of pedestrian and highway safety and mitigating traffic impacts.

22. The development shall not be occupied until site-wide Travel Plan for the development which follows the principles of the Framework Travel Plan has been submitted to and approved in writing by the local planning authority. The Travel Plan shall include objectives and modal-split targets, a programme of implementation and provision for monitoring, review and improvement. Thereafter, the Travel Plan shall be put into action and adhered to throughout the life of the development, or that of the Travel Plan itself, whichever is the shorter.

Reason: To promote sustainable transport use.

23. The development shall not be occupied until the extant hazardous substances consent at the application site has been formally revoked.

Reason: In the interests of protecting human health.

24. No building on any phase (or within an agreed implementation schedule) of the development hereby permitted shall be occupied until a Verification Report pertaining to the surface water drainage system, carried out by a suitably qualified professional, has been submitted to the Local Planning Authority which demonstrates the suitable modelled operation of the drainage system such that flood risk is appropriately managed, as approved by the Lead Local Flood Authority. The Report shall contain information and evidence (including photographs) of earthworks; details and locations of inlets, outlets and control structures; extent of planting; details of materials utilised in construction including subsoil, topsoil, aggregate and membrane liners; full as built drawings; topographical survey of 'as constructed' features; and an operation and maintenance manual for the sustainable drainage scheme as constructed.

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

25. No phase of the development shall be occupied until a verification report demonstrating the completion of works set out in the approved contamination remediation strategy and the effectiveness of the remediation for that phase has been submitted to and approved in writing, by the Local Planning Authority. The report shall include results of sampling and monitoring carried out in accordance with the approved verification plan to demonstrate that the site remediation criteria have been met.

Reason: To ensure that the site does not pose any further risk to human health or the water environment by demonstrating that the requirements of the approved verification plan have been met and that remediation of the site is complete. This is in line with paragraph 170 of the NPPF.

26. No building on any phase of the development hereby permitted shall be occupied until details of any plant (including ventilation, refrigeration and air conditioning) or ducting system to be used have been submitted to and approved in writing by the Local Planning Authority for that phase. The development shall be carried out in accordance with the approved details. After installation of the approved plant, no new plant or ducting system shall be used without the prior written consent of the Local Planning Authority.

Reason: In the interests of residential amenity

27. No building on any phase of the development hereby permitted shall be occupied until details of measures to deal with the emission of dust, odours or vapours arising from the building/use has been submitted to and approved in writing by the Local Planning Authority for that phase. Any equipment, plant or process provided or undertaken in pursuance of this condition shall be installed prior to the first use of the premises and shall be operated and retained in compliance with the approved scheme.

Reason: In the interests of residential amenity

28. No phase of development shall be occupied until a detailed lighting plan has been submitted to and approved in writing for that phase, which shall demonstrate it has been designed to minimise impact on biodiversity and is meeting the lighting principles set out in the Technical Briefing Note; Aspect Ecology; November 2019. The lighting plan must be implemented as approved.

Reason: In the interest of biodiversity protection.

29. No phase of the development involving operational buildings/uses shall be occupied until details of flood evacuation plans have been submitted to and approved in writing for that phase. The development shall be carried out in accordance with the approved details.

Reason: In the interests of safety.

Restrictions

30. If, during development of any phase, contamination not previously identified is found to be present at the site then no further development of that phase (unless otherwise agreed in writing with the Local Planning Authority) 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 Local Planning Authority. 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 170 of the NPPF.

31. No new infiltration of surface water drainage into the ground is permitted other than with the written consent of the Local Planning Authority in consultation with the Environment Agency. The development shall be carried out in accordance with the approved details.

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 caused by mobilised contaminants in line with paragraph 170 of the NPPF.

32. Foundation designs using deep penetrative methods shall not be permitted other than with the express written consent of the Local Planning Authority in consultation with the Environment Agency, which may be given for those parts of the site where it has been demonstrated by a foundation risk assessment that there is no resultant unacceptable risk to groundwater. The development shall be carried out in accordance with the approved details.

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 caused by mobilised contaminants in line with paragraph 170 of the NPPF.

33. No lighting should be used within the flood conveyance/open space corridor or vegetated boundary buffers, which shall form light exclusion zones or 'dark corridors' to allow nocturnal/crepuscular fauna to move around the site.

Reason: In the interests of biodiversity protection.

34. The details submitted pursuant to condition 1 shall not exceed the following floorspace limits:

B1(c)/Class E(g)(iii) or B2 – no more than 21,655m² combined
B8 uses – 24,792m²

Reason: To comply with the floorspace amounts assessed under the application.

35. All buildings shall achieve a Very Good BREEAM UK New Construction 2014 rating. A final certificate shall be issued to the Local Planning Authority for written approval to certify that at a Very Good BREEAM UK New Construction 2014 rating has been achieved within 6 months of the first occupation of any building.

Reason: To ensure a sustainable and energy efficient form of development.

36. Any buildings and associated land shall only be used for B1(c)/Class E(g)(iii), B2 or B8 uses and for no other purpose (including any other purpose under

Class E of the Town and Country Planning (Use Classes) Order 1987 (as amended) or permitted under the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (as amended)) or any statutory instrument revoking and re-enacting those Orders with or without modification;

Reason: To comply with the floorspace types assessed under the application and as other Class E uses may not be suitable at the site.

37. The development hereby permitted shall be carried out in accordance with drawing no. C11101 RevG (Site Entrance) and 4092/P100 (Site Location Plan).

Reason: For the purposes of clarity.

38. For the purposes of the above conditions, 'Site Preparation Works' means the following:

Demolition – Which means removal of Headwalls, Bunds, Culverts, Substation, Water Channels and the Eastern Fire Lagoon Structure.

Site Clearance – Which means removal of vegetation excluding that within the 'proposed new and enhancement planting zones', and 'existing tree buffers' around the boundaries of the site as shown on the approved Constraints Plan (Drawing No.4092/SK04b).

Formation of Haul Roads – Which means the laying of mats to run lorries and construction traffic over.

Safety Works – Which means the erection or enhancement of security fencing, hoarding, CCTV poles and any other HSE matters.

Reason: For the purposes of clarity

19/504910

Further Parish Council Representations

Nettlestead Parish Council objects and make the following (summarised) points:

- Primary concern is highway use within our Parish.
- Committee must consider whether Hampstead Lane provides an adequate and safe access route.
- Hampstead Lane is subject to frequent flooding and closure and between October 2019 and January 2021 it was recorded closed for no fewer than 30 days. The Climate Change Risk and Impact Assessment for Kent and Medway estimate that winter rainfall will increase by up to 30% by 2080 which will lead to more frequent flooding.
- The only alternative route is Station Road, which is not suitable for HGVs.
- The S bend to the west of the junction with Station Road is too narrow to allow two HGVs to pass one another.
- The junction between Hampstead Lane and the B2015 is unsuitable for the increased traffic flows. We do not believe the proposed improvements will go far enough to ensure road safety.
- Hampstead Lane and Station Road are too narrow to allow pedestrians to walk safely to the nearest bus route (which runs along the B2015 Maidstone Road). Neither road has a footpath, and they are both too narrow to allow one to be constructed.

Teston Parish Council objects and make the following (summarised) points:

- Recent visual improvements to Watringbury Crossroads would be adversely affected by the proposed works and in our view, they would do little to improve congestion.
- Key problem is the amount of development on Hermitage Lane.
- Lack of consultation about possible re-design of crossroads.
- If Planning Committee approve the application, it should not be dependent on a re-design of the crossroads.
- Conditions should control routes traffic to and from the site are required to follow.

Watringbury Parish Council (Tonbridge & Malling) objects and make the following (summarised) points:

- Concern that MBC is considering granting permission on the basis of requiring highway changes in the centre of the village.
- Proposals to alter the crossroads in 2018 and 2019 were subject of consultation and we hope that the Highway Authorities did not deliberately withhold the current proposals from discussions with the Parish at the time. It was by no means a foregone conclusion that the 'improvements' would be welcomed or approved by our residents.

- This seems to force the changes on the village for the benefit of a development with residents being able to consider their cost and benefits.
- The wish of an LPA to grant consent for a development which, without payment by the applicant for a contentious consequence affecting the lives of people some considerable distance from the Borough in which the decision was made, would not be capable of approval, is very concerning indeed.
- We ask that this application is refused.
- There should be involvement and consultation with the Parish Council as to alternatives and improvement before further potential harm to the lives, health and amenity of our residents, without them being able to contribute to any debate.

East Malling and Larkfield Parish Council make the following (summarised) points:

- We would be concerned about any alterations to Watringbury crossroads that would encourage traffic to use the unsuitable route linking A26 to the A20 through East Malling.
- Concerned about changes to this junction such as the old black and white finger post being removed or "lost" when any works are carried out.
- It seems wrong that this should be contemplated without any consultation as I understand it with Watringbury Parish Council or indeed this council just because we happen to be outside Maidstone.

Yalding Parish Council make the following (summarised) points in response to Watringbury and Teston Parish Council:

- Surprised to read the comments regarding the association between planning application 19/504910/OUT and proposed improvements to the A26 Watringbury junction.
- The proposed improvements to the junction were the subject of a consultation in December 2018 and these improvements have nothing whatsoever to do with the planning application which was submitted to MBC towards the end of 2019.
- In it's final responses to MBC, KCC suggested that there may be an increase in traffic movements through the junction as a result of the development in Yalding and asked for a monetary contribution from the applicant towards the cost of the scheme.
- However, the scheme was not drawn up to support the planning application and, should the planning application be refused, the proposed improvements to the junction will remain on the table but with less funding available.

Further Local Resident's Representations

2 representations received raising the following (summarised) points:

- We object most strongly to the planning clause in this application relating to work to Watringbury Crossroads.
- Contrary to the KCC statement this scheme does not have the backing of the Watringbury Parish Council or our T & M Borough Councillor.
- The KCC suggested scheme, which was rejected in 2019, has very little resident support.

- Since Bow Road has a weight restriction to prevent heavy vehicles using it traffic from this development should be directed to use Seven Mile Lane.
- The scheme will totally destroy the historic and recently upgraded (partly with a Lottery Grant) green centre of our village.
- The filter lanes are very short and therefore entry is likely to be blocked by traffic waiting to go straight ahead.
- There will be very little gain from the proposals and very little effect on traffic flow.
- Information has been uploaded without opportunity to comment.

Officer Comment

Additional information is regularly uploaded to the Council's website during the consideration of a planning application and in this case the information referred to was clarification from the applicant. Discretionary formal consultation/notification is only carried out on amended/additional information of a nature or scale that warrants it. The information referred to did not warrant formal notification.

In terms of the Wateringbury Crossroads, the recommendation would simply secure money towards the improvement scheme currently being developed by KCC. This is all the Council or the applicant can do and the responsibility for securing full funding, public consultation, and implementation lies with KCC as the Highways Authority. If KCC could not fully fund or decided not to implement the scheme, the applicant would receive their money back.

As outlined in the committee report, officers do consider a contribution is appropriate but as the improvement scheme is mainly to mitigate the existing situation at the junction (it has been in development prior to this planning application being submitted), and the impact of the development without the scheme would not be unsafe or 'severe', if the scheme was not implemented by KCC, this would not render the development as being unacceptable. Paragraphs 6.28 to 6.31 explain this in more detail.

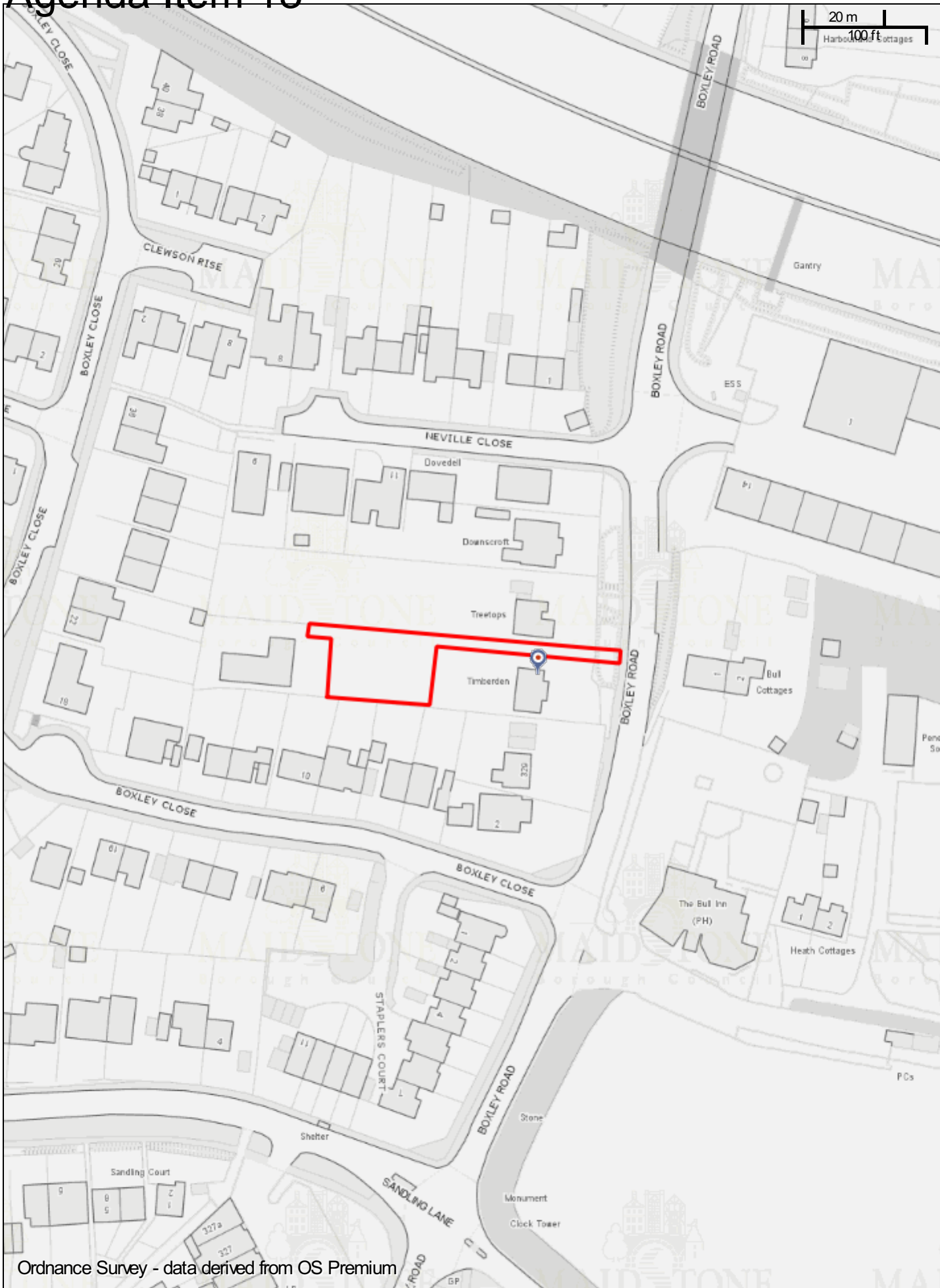
KCC have clarified that,

"The scheme is drawn up and costed and it was previously reported to the TMBC JTB for information only. The officer recommendation within the report was to not pursue the improvements further as they would cost significantly more than the available funding. Consequently, the available funding was reallocated and has not progressed any further since this point.

Should KCC be in a position that all the funding is secured then further consultation would be required before any improvement scheme could be physically implemented. This consultation would include public and Member consultation. Any feedback received from the consultation would be considered and then the final option/options presented to the Tonbridge & Malling Joint Transport Board for a decision on the final form of the junction improvement that is to be implemented. The improvement scheme referenced in our consultation responses could conceivably form one of a number of different options at the junction."

All other issues relate to matters that have already been raised and are fully considered in the committee report.

Agenda Item 13



Ordnance Survey - data derived from OS Premium

21/502269/FULL - Timberden Boxley Road Maidstone Kent ME14 2DT

Scale: 1:1250

Printed on: 18/8/2021 at 9:55 AM by StevieH

REFERENCE NO - 21/502269/FULL		
APPLICATION PROPOSAL Erection of 1no. single storey, three bedroom dwelling with associated access, amenity area, parking and cycle store.		
ADDRESS Timberden Boxley Road, Maidstone, Kent, ME14 2DT		
RECOMMENDATION GRANT PLANNING PERMISSION subject to planning conditions		
SUMMARY OF REASONS FOR RECOMMENDATION The proposal is acceptable in relation to the potential visual impact on Boxley Road, (as well as the access road), the development would have no significant visual impact, or cause any loss of amenity to neighbouring properties, nor would any detrimental highways impact occur. The development is in keeping with local and national planning policies, and approval is recommended subject to planning conditions.		
REASON FOR REFERRAL TO COMMITTEE Concerns have been raised regarding the impact upon the character and appearance of the area, potential impacts upon protected trees, landscape, residential amenity and highway safety.		
WARD North Ward	PARISH/TOWN COUNCIL N/A	APPLICANT Mr S Roche AGENT Mr J Collins
TARGET DECISION DATE 03/09/2021 (EOT)		PUBLICITY EXPIRY DATE 07/07/2021

Relevant Planning History

- 0.1 The current application site forms the middle grassed section of the original garden of the retained residential property called Timberden. The retained residential property called Timberden is at the eastern end of the original plot and fronting Boxley Road.
- 0.2 The planning history provided below relates to the rear (western) part of the site that is occupied by the building approved under 15/502680/FULL. This building was converted to a one-bedroom dwelling under 20/505837/FULL.
- 0.3 15/502680/FULL- Retrospective planning permission for the construction of ancillary domestic outbuilding to provide a garage, home office and gym. Permitted 04 September 2015
- 0.4 19/503681/FULL- Section 73: Minor material amendment to condition 1 and variation of condition 2 to application 15/502680/FULL for the construction of ancillary domestic outbuilding to provide a garage, home office and gym - with amendment to the timber framed extension for wood storage and changes to the interior layout to facilitate the structures use as a self contained annexe. Permitted 18 October 2019

- 0.5 20/505837/FULL- Change of use of a self-contained annexe to a one-bedroom dwelling with unrestricted residential use, with associated amenity area and parking. Permitted 05 February 2021.

1 DESCRIPTION OF SITE

- 1.01 The application site forms part of the rear garden of the residential property called Timberden that is located on the western side of Boxley Road. The original Timberden plot had a length of approximately 100m. This land now includes the detached one-bedroom dwelling at the western end of the site that was originally an annexe. An access road runs almost the entire length of the northern boundary, with this road providing access to the separate dwelling at the rear (western) end of the site.
- 1.02 As detailed above, three planning applications have previously been submitted that relate to land at the western end of the original Timberden Plot. These applications firstly sought permission to build an incidental outbuilding then, secondly to convert the approved building to a residential annexe and finally convert it to an independent dwelling. The site as it exists now is the first image below, with the second image showing the site if the current application is approved.

Image 1: Current layout at the top, with proposed at the bottom.



2. PROPOSAL

- 2.01 The current application seeks planning permission to erect one single storey three-bedroom dwelling with associated access, amenity area, parking and cycle store. This property will be on land between the original Timberden property to the east and the dwelling (20/505837/FULL) to the east.
- 2.02 Should planning permission be forthcoming, there would be three dwellings located on the original 'Timberden' plot.

3. POLICY AND OTHER CONSIDERATIONS

Maidstone Borough Local Plan 2017:
SS1 – Maidstone borough spatial strategy
SP1 – Maidstone urban area
DM1 – Principles of good design
DM11 – Residential garden land

The National Planning Policy Framework (NPPF 2021):
Section 12 – Achieving well-designed places

4. LOCAL REPRESENTATIONS

Local Residents:

- 4.1 In addition to the site notice, 10 neighbouring properties were consulted regarding the proposed development.
- 4.2 Two representations were received. One in objection and one neutral. Both raise concerns regarding impacts upon the character and appearance of the area, and loss of privacy.
- 4.3 There are concerns about the impact of the development on trees, specifically, the Sycamore that is proposed to be removed. Concerns are raised regarding the retaining wall and damage to property.

5. CONSULTATIONS

Councillor Ian Chittenden.

- 5.01 Objection: The previous backland development on this site involved a considerable amount of time by MBC officers and local councillors dealing with numerous justifiable complaints including:
- Lack of support to excavated areas resulting in collapses and movement to adjacent gardens.
 - Substantial changes to the size of the building after planning permission had been given for a smaller one.
 - Excavating above and through area of roots to adjacent TPO tree.
 - There is still concerns as to whether the building is now being used for accommodation without permissions, and whether the terms of the planning conditions have been fully met including the provision of Bat boxes.
 - With regard to this current application, this is clearly backland development resulting in Urban Cramming within one narrow garden plot.

- There is particular concern in relation to the increased number of vehicles exiting onto Boxley Road. It is already dangerous because of the lack of adequate visibility splay created by the existing tall retaining wall and would suggest that with additional dwellings, an adequate visibility splay needs to be provided for safety reasons.
- There is concern relating to the construction period and would ask that we ensure a Construction Management Plan is provided to include the following:
 - The means of providing a safe access to and from the site for construction vehicles, especially larger vehicles which will not be able to turn around on the site and the problem of limited visibility on exit.
 - Clear statement as to how excavations adjacent to boundaries of other properties are to be retained safely during construction.
 - Statement on working hours as this was a major problem previously with much of the work being carried out over weekends.

6. APPRAISAL

Main issues

6.01 The key issues for consideration relate to:

- Principle
- Character and appearance
- Amenity issues
- Highways
- Biodiversity

Principle

6.02 The proposal site is located within the Maidstone urban area. Policies SS1 and SP1 state that the Local Planning Authority will focus new development principally within the Maidstone urban area.

6.03 Within the urban area and outside the town centre boundary, identified in policy SP4, policies aim to maintain a good place to live and work. This will be achieved by development and redevelopment or infilling of urban sites in a way that contributes positively to the locality's distinctive character.

6.04 Development will not be permitted unless it accords with other policies in the Plan. Policies seek to ensure new development does not result in unacceptable harm to the character and appearance of the area; that the amenity of existing and future residents is respected; and highway safety has been considered.

6.05 The application site is a suitable location for a new dwelling, and as such a positive determination will be subject to the above design and amenity considerations.

Character and appearance

6.06 Policy DM1 details 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. DM11 continues stating that "The higher density resulting from the development must not result in significant harm to the character and appearance of the area".

6.07 The proposed dwelling is a single storey bungalow, with a hipped roof form. The bungalow is 5.4m in height with a maximum breadth of 13.5m and a depth of 8.3m.

proposed dwelling is situated on a plot approximately 330m² in size (not including the access road) and the dwelling 110m².

- 6.13 When originally considering the principle of a building at the rear eastern end of the original Timberden curtilage, the Council were considering a retrospective planning application for an ancillary domestic outbuilding to provide a garage, home office and gym (15/502680/FULL). The ancillary domestic outbuilding was then converted to provide a residential dwelling.
- 6.14 Whilst there was this long route to providing a house, it is likely that a dwelling would have been approved if this had been specified in the original application. This is because the plot size fits with others in the locality and there are no other issues such as neighbour amenity concerns. It is also highlighted that there are generous permitted development allowances that would have allowed a sizable outbuilding in this location without the need for planning permission.
- 6.15 The proposed dwelling would not be visible from the street and as detailed above another dwelling to the rear of Timberden has recently been allowed based on its lack of harm on the character and appearance of the area.
- 6.16 No harmful impact has been found from this development in terms of design and impact upon the character and appearance of the area, and as such the development is in keeping with local and national planning policies.

Amenity

- 6.17 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, nor should occupants be impacted upon by vehicle movements. Policy DM11 continues this theme stating that development must not result in significant loss of privacy, light or outlook for adjoining properties.
- 6.18 In terms of the impact of the existing dwelling at the rear of 'Timberden' it was previously assessed that the additional living accommodation in the rear garden would not have a detrimental impact on neighbouring amenity with the closest neighbouring properties 17.8m to the south of the building. The use of the annex would not generate any further prospect of anti-social activity that would occur within the permitted structure which contains a games room, an office and a garage. The proposed annex would not have had such an unreasonable impact upon the amenities of neighbouring properties that a refusal on these grounds would have been warranted.
- 6.19 The proposed dwelling in this instance is a single storey bungalow. Dwellings to the south within Boxley Close are at least 20 metres away. Timberden to the east is also 20 metres away and the dwelling permitted under 20/505837/FULL to the west is also 20 metres away. 'Treetops' is located diagonally 23 metres to the north east. When considering boundary treatments, which in this case include hedgerows and fencing a significantly harmful amenity impact would not occur.
- 6.20 The applicant has submitted drawings indicating the position of the proposed dwelling in relation to neighbours. These clearly show that views of the dwellings within Boxley Road would not be possible due to its siting and boundary treatment. The proposed dwelling is a bungalow and typically there is less potential for overlooking and loss of

privacy from ground floor windows due to screening provided by boundary treatments and trees etc.

- 6.21 Were the applicant to build dormer windows in the roof of the proposed dwelling with clear glazing, a harmful loss of privacy could occur to neighbours. As such should permission be forthcoming a condition is recommended restricting the dwellings permitted development rights.
- 6.22 One neighbour concern is that a separate dwelling would result in an increase in vehicle movements to and from the site. The impact assessed as part of the current application must be based on an additional single dwelling using the access road. It is not felt that this impact from one additional family would be sufficient to justify the refusal of permission.
- 6.23 Concerns have been raised regarding the means of access for construction vehicles, excavation works and hours of work on site. With the site location in a cluster of residential properties, a planning condition requiring details of a construction management plan to be submitted is recommended. COVID 'flexible' construction working hours are still in effect until the end of September 2021, conditions restricting working hours would not be appropriate.

Highways

- 6.24 Policy DM1 states that applications must ensure that development does not result in, amongst other things excessive activity or vehicle movements.
- 6.25 With the small-scale nature of the submitted proposal, the vehicle movements from the application site would be easily accommodated on the local road network. Plans submitted indicate the dwelling would have two parking spaces and would use the existing access. The current proposal does not raise any highway safety issues. No objections to the development have been raised by the local highway authority.

Ecology and Biodiversity

- 6.26 The National Planning Policy Framework encourages a net biodiversity gain to be sought in all planning applications. Biodiversity net gain delivers measurable improvements for biodiversity by creating or enhancing habitats in association with development.
- 6.27 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.
- 6.28 The area of the site the dwelling would be built on is the rear garden of the original dwelling and as such its biodiversity value could be assessed as being low. Concerns have been raised regarding the removal of the Sycamore tree, to facilitate the development. Whilst Sycamores are considered to be an invasive species and are generally not desirable, it is proposed to plant a Rowan tree as mitigation closer to the original dwelling on site. Rowan trees are referenced within the Maidstone Landscape Character Supplement.
- 6.29 Representations have been made regarding the developments impact upon trees that are subject to Tree Preservation Orders. The closest of these trees is at least 20m to the west of the proposed dwelling. Due to the distance involved, the development

would not harmfully impact upon these trees, nor would the development result in pressure to remove the trees.

- 6.30 Should permission be forthcoming, conditions will be imposed requiring the applicant to submit a landscaping scheme detailing the size and species of new and replacement planting. A condition is recommended to ensure that biodiversity enhancements are provided as part of the development.

Human Rights and Equality

- 6.31 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.

- 6.32 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.

CIL

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

Conclusion

- 6.34 The proposal is acceptable in relation to the potential visual impact on Boxley Road, (as well as the access road). The development would have no significant visual impact, or cause any loss of amenity to neighbouring properties, nor would any detrimental highways impact occur. The development is in keeping with local and national planning policies, and approval is recommended subject to planning conditions.

7. RECOMMENDATION

Grant Permission subject to the following conditions:

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

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

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

Application for planning permission

1893-004 Site Location Plan

1893-402B Existing Block Plan

1893-400F Existing and Proposed Block Plans

1893-401G Proposed Plans

Material Specification Schedule

Planning Statement

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

- 3) The development hereby approved shall not commence above ground level until details (manufacturer name, product name, and photographs) of the external facing materials to be used for the building hereby permitted have been submitted to and approved in writing by the local planning authority and the development shall be constructed using the approved materials and maintained as such thereafter.
Reason: To ensure a satisfactory appearance to the development.
- 4) 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 building 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.
- 5) The development hereby approved shall not commence above slab level until a hard and soft landscape scheme designed in accordance with the principles of the Council's landscape character guidance has been submitted to and approved in writing by the local planning authority. The scheme shall show all existing trees, hedges and blocks of landscaping on, and immediately adjacent to, the site and indicate whether they are to be retained or removed, provide details of on-site replacement planting to mitigate any loss of amenity and biodiversity value [together with the location of any habitat piles] and include a planting specification, implementation details and a [5] year management plan. Only non-plastic guards shall be used for the new trees and hedgerows, and no Sycamore trees shall be planted.
Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development.
- 6) 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 first occupation of the dwelling hereby approved. 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
- 7) Upon completion, no further development, whether permitted by Classes A, B, C or D of Part 1 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any order revoking and re-enacting that Order) or not, shall be carried out.
Reason: In the interests of the amenities of the area.
- 8) The dwelling hereby approved shall not be occupied until a minimum of one electric vehicle charging point has been installed on the site for the use of future occupiers with the charging point thereafter retained for that purpose.

Reason: To promote sustainable travel choices and the reduction of CO2 emissions through the use of low emissions vehicles in accordance with the NPPF.

- 9) The development hereby approved shall not commence above slab level until details for a scheme for the enhancement of biodiversity on the site shall have been submitted to and approved in writing by the Local Planning Authority. The scheme shall consist of the enhancement of biodiversity through integrated methods into the building structure by means such as swift bricks, bat tube or bricks and details of the proposed pond and bird boxes on other parts of the site. The development shall be implemented in accordance with the approved details prior to first occupation of the approved building and all features shall be maintained thereafter.

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

- 10) The development hereby approved shall not commence until a construction management plan (including details of on-site facilities for the loading, unloading and turning of construction vehicles) have been submitted to and approved in writing by the Local Planning Authority. These facilities shall be provided as approved prior to the commencement of groundworks and shall be retained for the duration of the build works on site.

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

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

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

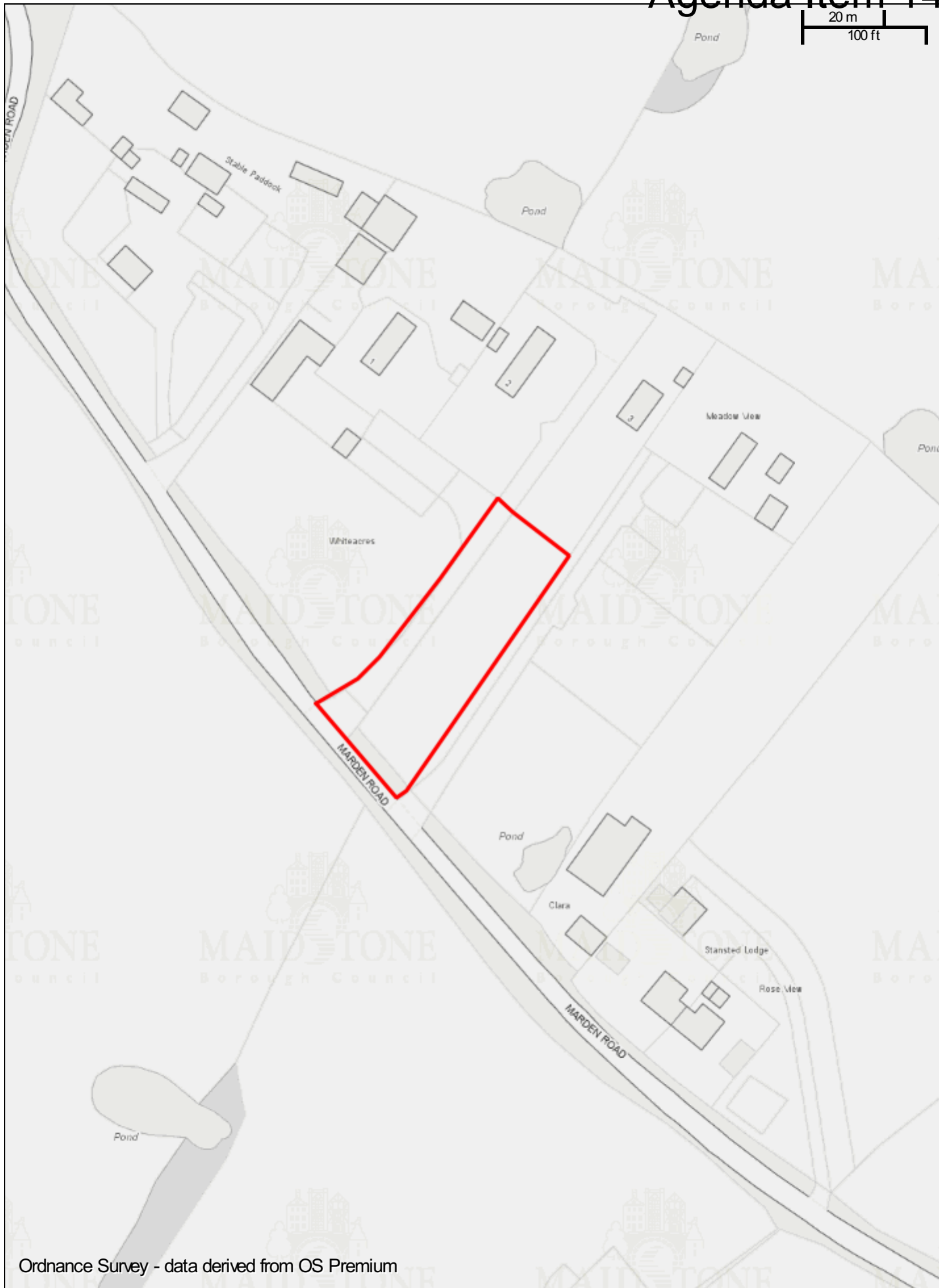
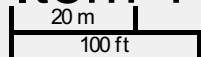
- 12) Prior to the first occupation of the dwelling hereby approved, facilities for (a) the storage and screening of refuse bins, and (b) the collection of refuse bins, and (c) secure bicycle storage shall be in place that are in accordance with details that have previously been submitted to and approved by the Local Planning Authority. These details will be maintained as such thereafter.

Reason: In the interests of amenity, to promote sustainable travel choices and the reduction of CO2 emissions.

- 13) Any external lighting installed on the site (whether permanent or temporary) shall be in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority. The submitted details shall be in accordance with the Institute of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Lighting, GN01, dated 2011 (and any subsequent revisions), and shall include a layout plan with beam orientation and a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles) and an ISO lux plan showing light spill. The development shall thereafter be carried out in accordance with the subsequently approved details and maintained as such thereafter.

Reason: To safeguard the character and appearance of the countryside and in the interests of residential amenity.

Case officer: William Fletcher



Ordnance Survey - data derived from OS Premium

REFERENCE NO - 21/501982/FULL		
APPLICATION PROPOSAL Change of use of land for the siting of 2no. additional static mobile homes for occupancy by Gypsy family, including access, parking, landscaping and associated works.		
ADDRESS Whiteacres, Marden Road, Staplehurst, Tonbridge, Kent, TN12 0JG		
RECOMMENDATION GRANT PLANNING PERMISSION subject to planning conditions		
SUMMARY OF REASONS FOR RECOMMENDATION The proposal is acceptable in relation to the potential impact on Marden Road in relation to visual harm. The development would not have a harmful impact upon the landscape residential amenity nor would it harmfully impact upon highway safety.		
REASON FOR REFERRAL TO COMMITTEE Staplehurst Parish Council considers that the site is not allocated for additional pitches in the MBC Local Plan and the development is not in accordance with policy DM15 with the site located in an unsustainable location where future residents will be entirely reliant on private vehicles. The development would cause harm to the landscape and the character of the area, it is not in accordance with policy SP17 of the MBC Local Plan or PW2 of the Staplehurst Neighbourhood Plan. No details of how foul drainage will be managed have been submitted.		
WARD Staplehurst	PARISH/TOWN COUNCIL Staplehurst	APPLICANT Mr B Warren AGENT Mr J Collins DHA Planning
TARGET DECISION DATE 09/09/2021 (Revised)		PUBLICITY EXPIRY DATE 10/06/2021

Relevant Planning History

- 0.1 88/0799 - Siting of one residential caravan. Permitted
- 0.2 91/1183 - Stationing of an additional mobile home. Permitted
- 0.3 10/0226 - Change of use of land to allow the relocation of one existing mobile home for residential use with associated works including hardstanding and fencing. Permitted 29 June 2010.
- 0.4 11/1118 - Change of use of land for the stationing of an additional 4 mobile homes for a gypsy family. Permitted 21 September 2011.
- 0.5 13/0866 - Retrospective application for new access, driveway and gates Permitted 05 September 2013.

- 0.6 17/502732/FULL - The placement of one No. additional static mobile home and touring pitch alongside associated parking. Permitted 17 August 2017.
- 0.7 18/501811/FULL – Application for the confirmation of the location of four static mobile homes and touring caravans on a pitch for a gypsy family alongside associated parking (Resubmission of 17/502732/FULL). Permitted 06 August 2018.
- 0.8 19/501105/FULL - Siting of two additional mobile units, with associated access and landscaping works. Permitted at committee 16 September 2019. (Not implemented)
- 0.9 20/505296/FULL - Creation of new access and hardstanding. Refused 02 March 2021. Refused due to visual harm (loss of vegetation) and highway safety.

Figure 1: Site layout approved under 19/501105/FULL (Left). Current layout right taken from 18/501811/FULL.



1 DESCRIPTION OF SITE

- 1.1 The application site is located in the countryside on the north eastern side of Marden Road. The site is screened from the roadside by a dense hedgerow with tree cover.
- 1.2 The site is 0.5 miles from the Staplehurst settlement boundary and 0.9 miles from Station Road in the centre of Staplehurst. The existing site is situated approximately 65m behind the hedgerow that fronts Marden Road.
- 1.3 The application site relates to an extension of an existing Gypsy and Traveller site that already accommodates 5 caravans. Whiteacres is bordered by other Gypsy and Traveller accommodation to the north west (Stable Paddock) and to the north east (Meadow View). Currently the application site is a grass field.
- 1.4 The current application site forms part of the land that was included within the application site boundary for the planning permission under reference 17/502732/FULL and 18/501811/FULL.

- 1.5 A private access road from Marden Road currently provides access to the five existing caravans at Whiteacres, with a post and rail timber fence along the road edge. The two proposed caravans would use the same access with the caravans located in a line, set back 7.5m to the south east of the private road.

2. Proposal

- 2.1 As detailed above, the application site is currently a grassed area on part of the existing wider gypsy and traveller site adjacent to the existing static mobile homes. It is highlighted that the current site is proposed and is not retrospective. Whilst the land has permission for Gypsy and Traveller accommodation restrictive conditions imposed upon 18/501811/FULL prevent additional caravans being added without the benefit of permission.
- 2.2 As such, should the current planning permission for two caravans be forthcoming, there would be the existing 4 mobile homes confirmed under application 18/501811/FULL, then the possibility of an additional 2 mobile homes which have been permitted but not implemented under 19/501105/FULL as well as the original mobile home on site permitted under 91/1183.
- 2.3 In the event that the current application is approved, and implemented, and the 2019 permission also being implemented (2 mobile homes), there would be a total of 9 mobile homes on the Whiteacres plot using the existing access from Marden Road.
- 2.4 The proposed caravans would be occupied by siblings of the occupants of the existing site. The two caravans permitted under 19/501105/FULL are for occupation by the applicants' children.

3. POLICY AND OTHER CONSIDERATIONS

Maidstone Borough Local Plan (2017):

DM1 – Principles of good design

DM3 – Natural environment

DM15 – Gypsy, Traveller and Travelling Showpeople accommodation

DM30 – Design principles in the countryside

Staplehurst Neighbourhood Plan (2016):

Policy PW2

National Planning Policy Framework (NPPF) (2021):

Section 12 – Achieving well-designed places

Supplementary Planning Guidance:

Planning Policy for Traveller Sites' (PPTS)

Maidstone Landscape Character Assessment (amended 2013)

4. LOCAL REPRESENTATIONS

Local Residents:

6 neighbouring properties were consulted regarding the proposed development. No representations were received.

5. CONSULTATIONS

Staplehurst Parish Council (Summarised)

- 5.01 Objection: Councillors recommend that the application be refused and referred to MBC Planning Committee if the Planning Officer is minded to approve the application for the reasons listed below.
- The site is not an allocated Gypsy and Traveller Site within the Borough Local Plan.
 - The application site is located within an unsustainable location where future occupants would be reliant on private vehicles.
 - The development would have a harmful impact on the character and appearance of the wider landscape and the immediate area.
 - The development is not in keeping with similar development in the area in terms of its set back from the road.
 - It is not determined how foul water will be discharged.

6. APPRAISAL Main Issues

- 6.01 The key issues for consideration relate to:
- Need for Gypsy and Traveller Pitches
 - Supply of Gypsy Sites
 - Gypsy Status
 - Design and landscape impact
 - Cumulative impact
 - Amenity Impact
 - Highways
 - 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.

Figure 2: 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 was completed prior to the refinement to the definition of Gypsies and Travellers contained in the revised Planning Policy for Traveller Sites' (PPTS) published in August 2015. The GTAA is the best evidence of need at this point, forming as it does part of the evidence base to the Local Plan. It is considered to be a reasonable and

sound assessment of future pitch needs, albeit that actual need may prove to be somewhat lower as a result of the definition change. The current GTAA provides the best evidence of need but each decision must be taken on evidence available at the time of a decision made.

- 6.05 The target of 187 additional pitches is included in Policy SS1 of the Adopted Maidstone Borough Local Plan (Adopted October 2017).

Supply of Gypsy sites

- 6.06 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.

- 6.07 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 31st March 2021.

Supply of Gypsy and Traveller Pitches Oct 2011 to 31 March 2021

Type of consents	No. pitches
Permanent consent	214
Permanent consent + personal condition	32
Consent with temporary condition	4
Consent with temporary + personal conditions	39

- 6.08 A total of 246 pitches have been granted permanent consent since October 2011 (214+32). These 246 pitches exceed the Local Plan's 187 pitch target. The Council's current position is that it can demonstrate a 6.1 year supply of Gypsy and Traveller sites at the base date of 1st April 2021.

- 6.09 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*".

- 6.10 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

- 6.11 The planning definition of 'Gypsies and 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*".

- 6.12 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.
- 6.13 The agent acting on behalf of the applicant has submitted a statement detailing the applicant's personal circumstances.
- 6.14 It has previously been established that the occupants of the current caravans on the Whiteacres site meet the Gypsy and Traveller definition. The family work with horses and travel for business attending and assisting with the horses at events as well as many gypsy fairs such as Appleby and Stow over the years and continue to do so. The Warren family have a long association with the local area.
- 6.15 As to the occupiers of the two proposed units; one caravan is for a brother and his wife (caravan 1) and the other (caravan 2) a sister of the occupiers of the existing site Mr and Mrs Warren.
- 6.16 In terms of caravan 1, Mr Warren's brother has travelled extensively in recent years related to his work as a building contractor. He has very much enjoyed a travelling lifestyle for a long period of time but the deteriorating health of his wife and the current Covid crisis has meant that practically all of the locations where he would historically "pull-on" are no longer available and so he is no longer able to travel.
- 6.17 The brother's wife has a severe health condition and this combined with the deteriorating health of Mr Warren (the Applicant) as well as Mr Warren's mother means that he has made the decision to have a base so that he can provide some assistance to the extended family, while also continuing to travel for work.
- 6.18 In terms of caravan 2, Mr Warren's sister is trained in catering and has historically travelled to provide catering services in various locations for various events. As with her brother, the current Covid19 situation and the deteriorating health of a number of members of the family means that she wants to have a base from which to work whilst also continuing to travel. The sister has also separated from her husband and now requires a new base.
- 6.19 As also stated "in previous applications, the status of the family on the site has never been doubted, and at the time of all of the historic applications, Members and Officers accepted the gypsy status of the family." The planning statement also notes "The intended occupiers intend to continue to travel for work but require a base from which to do so for the foreseeable future due to the current Covid Crisis and changed personal circumstances. In addition, they are likely to be required to increasingly assist other family members due to their deteriorating health. However they fully intend to continue travelling for work in building and catering, shows and events."
- 6.20 Based on the documents submitted in support of the application it is accepted that the applicants meet the planning definition of a Gypsy and Traveller as set out in the PPTS.

Design, landscape and visual impact

- 6.21 Policy SP17 states that development proposals in the countryside will not be permitted unless they accord with other policies in this plan and they will not result in harm to the character and appearance of the area.
- 6.22 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 Whilst accepting that such development can be located in the countryside, policy DM15 states that Gypsy and Traveller development must not result in harm to local landscape character and that development should be well screened by existing landscape features.
- 6.24 The application site is located within the Staplehurst Low Weald landscape character area. In terms of elements of this landscape that are relevant to this application the Landscape Character Assessment notes that "Winding roads with wide verges bounded by ditches and mixed native hedgerows." The Assessment concludes that this landscape is in good condition, is of high sensitivity and that it should be conserved.
- 6.25 The application site is located in the countryside and in an area with a mix of traveller sites and the settled community.
- 6.26 Policy DM15 (c) advises that Gypsy and Traveller development should be well screened by existing landscape features. When viewed from the roadside the mobile homes in the area surrounding the application site are visually contained behind the hedgerow located along Marden Road.
- 6.27 Potential views of the application site would be most likely from adjacent gypsy and traveller sites and at the existing Marden Road site entrance to the plot. This site is currently contained behind the existing front boundary landscaping, which could be further enhanced via conditions. It is recommended that a planning condition, in a similar fashion to the opposite side of the junction, seeks landscaping along the edge of the access road at the front of the site to screen views of the application site from the road. The current application involves an area of land immediately adjacent to the existing access road to nearby caravans. With the existing and recommended enhanced landscaping the proposal would not have a harmful landscape impact or a harmful impact upon the character of the area. The application site is not visible from any wider viewpoints and is part of a well-established site.
- 6.28 The mobile homes themselves are single storey buildings with shallow gable ended roof forms. The proposed buildings are each 19.8m in length, 6.7m in breadth and 3.9m in height and will be clad in 'painted rendered boarding' with roof 'steel profile in tile'. In the specific context of other surrounding Gypsy development, the appearance of the mobiles would not appear incongruous in terms of scale and design.
- 6.29 Policy PW2 of the Staplehurst Local Plan states "Proposals for new development in the countryside beyond the extended village envelope will be assessed in terms of the potential impact of the development upon the visual setting and landscape features of the site and its surroundings, the potential impact upon the biodiversity of the area and other relevant planning considerations, such as the impact of traffic and noise. Proposals which fail to demonstrate these impacts can be satisfactorily addressed will not be supported."

- 6.30 This is a well screened, contained application site that will have limited impact upon the immediate area and the wider countryside.

Cumulative impact

- 6.31 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.
- 6.32 The information in the preceding parts of this report, including the planning history section, have set out the planning history of adjacent land. These plots are relatively self-contained, and have been granted permanent permissions.
- 6.33 The current proposal for two additional mobiles, using the same site access as the existing neighbouring plots, will not result in significant cumulative landscape harm sufficient to warrant a refusal on cumulative harm.

Amenity

- 6.34 Policy DM1 states that proposals must respect the amenity of neighbouring properties. Development must not result in overlooking, visual intrusion, loss of privacy or light that is enjoyed by nearby properties.
- 6.35 In terms of the impact upon the amenity of other Gypsy and Traveller accommodation, the closest caravan is located 8m to the north east of the most northern proposed mobile. As site photos show, views into the rest of the Whiteacres plot are restricted by the boundary fence. The proposed mobiles are single storey buildings and as such when taking the boundary fence into consideration, no harmful amenity impact would occur.
- 6.36 Due to the separation distance (25m) the plots located opposite the application site would not be impacted upon by the proposed development.
- 6.37 In terms of the impact upon the settled community, this can be assessed as low, there are no permanent dwellings in the immediate vicinity of the application site.

Highways

- 6.38 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.
- 6.39 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 Marden Road including in terms of driver 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.
- 6.40 No objections to the development have been raised by the local highway authority.

Ecology

- 6.41 The National Planning Policy Framework encourages a net biodiversity gain to be achieved from all new development. . Biodiversity net gain delivers measurable improvements for biodiversity by creating or enhancing habitats in association with development.
- 6.42 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.
- 6.43 The existing site is a grass covered area and as such its biodiversity value could be assessed as being low. Should permission be forthcoming conditions are recommended requiring the applicant to place biodiversity enhancements around the site, and to improve biodiversity habitats on the site.

Domination and pressure on local infrastructure

- 6.32 The Planning Policy for Traveller Sites, paragraph 25 states "Local Planning authorities should ensure that sites in rural areas respect the scale of, and do not dominate, the nearest settled community, and avoid placing undue pressure on local infrastructure".
- 6.33 The addition of two mobile homes will not dominate the nearest settled community or place undue pressure on local infrastructure. Children from the site currently attend the local primary school. I cannot see any grounds to conclude that the current proposals would place undue pressure on local infrastructure.

Sustainability

- 6.44 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*".
- 6.45 The site is approximately 0.7 miles west of Staplehurst where there is access to a comprehensive range of services, amenities and facilities.
- 6.46 To access services within Staplehurst 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.

Human Rights and Equality

- 6.47 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.
- 6.48 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.

Conclusion

- 6.49 The proposal is acceptable in relation to the potential impact on Marden Road, (as well as the access road), the development would have no significant visual impact, or cause

any loss of amenity to neighbouring properties nor would any detrimental highways impact occur.

- 6.50 The development and its cumulative impact would not have a harmful impact upon the character and appearance of the wider countryside, nor would the additional mobile homes and occupants living on site 'overwhelm' the nearest established settlement.
- 6.51 Landscaping is proposed along the southern and northern boundaries of the wider site, should permission be forthcoming this will also be conditioned. Subject to conditions the development is in keeping with policies within the Staplehurst neighbourhood plan.
- 6.52 The proposal is acceptable with regard to the relevant provisions of the Development Plan, the NPPF and all other material considerations. A recommendation of approval of the application is therefore made on this basis.

7. RECOMMENDATION

Grant 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;
- 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 two mobile homes and 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 (DHA/150005 – Proposed Site Plan) hereby approved; Reason: To safeguard the visual amenity, character and appearance of this countryside location.
- 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) Prior to first occupation of the caravans hereby approved landscaping shall be in place on the site that is in accordance with a landscape scheme that has previously been submitted to and approved in writing by the local planning authority. The landscape scheme shall be designed in accordance with the principles of the Council's landscape character guidance. The scheme shall show all existing trees, hedges and blocks of landscaping on, and immediately adjacent to, the site and indicate whether they are to be retained or removed and shall include a landscape

- buffer across the front boundary and include a planting specification, a programme of implementation and a [5] year management plan. Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development.
- 6) Any trees or plants within the approved landscape scheme, which, within a period of 10 years from the completion of the development die, are removed, or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species. Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development. The reason for the longer 10 year period is to balance the intensification of use of the site by strengthening landscaping particularly adjacent to the access track where visibility from the public highway is greatest.
- 7) 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; Reason: In the interest of amenity.
- 8) 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.
- 9) No bonfires or incineration of rubbish or organic material or vegetation shall take place on the site; Reason: To safeguard residential and local amenity generally.
- 10) Sewage and foul water disposal facilities shall be in place prior to the first occupation of the caravans hereby approved, with the facilities in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority with the facilities maintained as such hereafter. Reason: To ensure adequate sewage disposal arrangements.
- 11) The development hereby permitted shall be carried out in accordance with the following approved plans and information:
Application for Planning Permission
DHA/15005/01 Site Location Plan
DHA/15005/02A Proposed Block Plan
DHA/15005/04 Landscaping Plan
DHA/15005/05 Existing Block Plan
DHA/15005/05 Proposed Caravan Plans
Planning Statement
Reason: To clarify which plans have been approved.

Informatives:

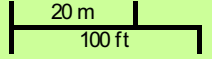
- (1) It is the responsibility of the applicant to ensure, before the development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.

Across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have 'highway rights' over the topsoil. Information about how to clarify the highway boundary can be found at <https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highwayboundary-enquiries> (<https://bit.ly/2kogNkI>)

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

Case officer: William Fletcher

Agenda Item 15



21/503223/FULL - Oaklands, Lenham Road, Headcorn, Kent,
TN27 9LE Scale: 1:1250

Printed on: 18/08/2021 by Stevie H



REFERENCE NO 21/503223/FULL		
APPLICATION PROPOSAL Retrospective application for siting of 1no. additional mobile home and 1no. additional tourer (resubmission of 20/502133/FULL).		
ADDRESS Oaklands (previously known as 1 Martins Gardens) Lenham Road Headcorn Ashford Kent TN27 9LE		
RECOMMENDATION - GRANT PLANNING PERMISSION subject to planning conditions		
SUMMARY OF REASONS FOR RECOMMENDATION		
<p>a) Members considered an identical planning application in November 2020 which was refused permission on the single issue of the visual impact of the individual separate entrance on to Lenham Road. After considering new evidence it is the officer view that, on the balance of probability the second entrance has been in place for more than 4 years and as a result is immune from planning enforcement action.</p> <p>b) The site is an established Gypsy and Traveller plot within Martins Gardens which comprises a row of six such plots – both authorised and unauthorised. The plot is at the south-western end of the six plots.</p> <p>c) The current application for one additional mobile home and one touring caravan represents the same number of caravans as was previously approved in 2019. In the context of the existing and proposed Gypsy and Traveller development in Martins Gardens, the additional mobile home and touring caravan proposed in this application, together with the removal of existing caravans in the rear part of the site and implementation of a scheme of native species tree and hedgerow planting to provide a landscape buffer, will not have a significant and unacceptable harmful visual and landscape impact in the locality.</p> <p>d) The current plot extends significantly into the designated area of Ancient Woodland to the rear of the plot. The proposed reduction in the depth of the current plot will allow the rear part of the existing site which forms part of the area designated as Ancient Woodland to be landscaped with native species tree and hedgerow planting which will provide some mitigation for the harm which has taken place. Full details and implementation of the landscaping/planting scheme can be secured by planning condition.</p> <p>e) The native species planting proposed will enhance ecology/biodiversity at the site and further ecological mitigation and/or enhancements can be secured by planning condition in accordance with Government guidance in the NPPF (para. 175).</p> <p>f) The proposed additional mobile home is to accommodate a family member of the established occupiers of the Martins Gardens site. A condition is recommended on any grant of planning permission to ensure that the additional mobile home is not occupied by any persons other than gypsies and travellers as defined in Planning Policy for Travellers Sites, August 2015.</p>		
REASON FOR ORIGINAL REFERRAL TO COMMITTEE Ulcombe Parish Council have requested that the planning application is considered by the Planning Committee if officers are minded to recommend approval, for the reasons at paragraph 5.01.		
WARD Headcorn	PARISH/TOWN Ulcombe	COUNCIL APPLICANT Mr James Cash AGENT L Jennings
TARGET DECISION DATE 27/08/2021		PUBLICITY EXPIRY DATE 29/07/2021

Relevant Planning History

- **Plot 1: History for current application site Oaklands (previously known as 1 Martins Gardens) (most recent decision first).**
- 0.1 20/502133/FULL Siting of 1no. additional mobile home and 1no. additional tourer (Retrospective). Refused 04.12.2020 (committee decision 26.11.2020) for the following reasons *"The separate access constructed onto Lenham Road, with the associated gate and paraphernalia, is visually incongruous, intrusive in the landscape and has a harmful impact on the rural character of the road and visual amenity contrary to policies SP17, DM15 and DM30 of the Maidstone Borough Local Plan 2017"*.
- 0.2 18/506270/FULL Application for one additional mobile home and one additional tourer. (Resubmission of 18/502176/FULL) (Part retrospective) approved 12.08.2019 (committee decision)
- 0.3 18/502176/FULL Proposed siting of 3 additional mobile homes and 3 touring caravans at 1 Martins Gardens. Refused 12.10.2018 for the following reasons:
- 1) *'In the absence of sufficient information pertaining to Gypsy and Traveller status there is no justification for allowing this development, given the adverse visual harm it would have on the character, appearance and landscape of the countryside hereabouts that falls within a Landscape of Local Value and is of high overall landscape sensitivity that is sensitive to change. The proposed development would represent inappropriate development in the countryside for which no justification has been demonstrated. The proposal is therefore contrary to policies SS1, SP17, DM1, DM15 and DM30 of Maidstone Local Plan (2017); the Maidstone Landscape Character Assessment & Supplement (2012); the Maidstone Landscape Capacity Study: Sensitivity Assessment (2015); and the National Planning Policy Framework (2018)'.*
 - 2) *'The access constructed to Lenham Road and the associated gates, brick piers and timber boarded front boundary fencing is visually incongruous and intrusive in the roadside views and is harmful to the rural character of the road and the visual amenity along the road generally, contrary to the aims and requirements of policies SS1, SP17, DM1, DM15 and DM30 of the Maidstone Borough Local Plan (Adopted October 2017) and Government guidance in the NPPF (2018)'.*
 - 3) *'The intensification of the use of the site for the stationing of mobile homes has resulted in the significant encroachment of the use into a designated area of Ancient Woodland and the significant loss of trees and soils from the area of Ancient Woodland and trees and hedgerows from the frontage to Lenham Road and the front part of the south-western side boundary to the detriment of the visual amenity and landscape of the open countryside location which forms part of Low Weald Landscape of Local Value and the ecological and wildlife interests of the site, contrary to policy DM3 of the Maidstone Borough Local Plan (Adopted 2017) and Government guidance in the NPPF (2018)'.*
- 0.4 MA/11/1122 An application to discharge conditions relating to ENF/10155 appeal decisions (A) APP/U2235/C/08/2090071 conditions 2 & 3; & (B) APP/U2235/C/08/2090073 conditions 3 & 4 – being details of Site Management Plan. Approved 23.12.11.
- 0.5 MA/09/1722 An application to discharge conditions relating to ENF/10155 appeal decisions (A) APP/U2235/C/08/2090071 conditions 2 & 3; & (B) APP/U2235/C/08/2090073 conditions 3 & 4 – being details of Site Management Plan. Split decision (Part refused/part approved) 24.12.09.

0.6 ENF/10155 (Enforcement notice A) Appeal allowed and enforcement notice quashed 24.07.09. The allowed appeal granted permission for the change of use of the land from a mixed use of woodland and nil use to stationing and residential occupation of caravans, the parking and storage of motor vehicles, the erection of fencing on the site and a new entrance gate at the access onto Lenham Road and the placing on the land of domestic and other paraphernalia all ancillary to the residential occupation of caravans on the land.

0.7 ENF/10155 (Enforcement notice B) Appeal allowed and enforcement notice quashed 24.07.09. The allowed appeal granted permission for operational development comprising the construction of hardsurfacing and engineering operations comprising the infilling of a pond.

- **Recent planning history on adjacent plots**

Plot 1 'Oaklands' is the subject of this report

0.8 The planning history for the application site is provided above.

Plot 2

0.9 1A Martins Gardens - No recent planning applications (Medical reasons have been given)

Plot 3

0.10 1B Martins Gardens - 20/502134/full - Siting of 1no. mobile home, 1no. tourer and erection of a dayroom (Retrospective). Approved 09.10.2020 (following committee decision 24.09.2020)

0.11 20/505250/SUB Submission of Details to Discharge Condition 4(i) - Site development scheme, (ii) - Scheme approved by local planning authority, (iii) - If appeal in pursuance of (ii) Approved by Secretary of state, (iv) Approved landscape scheme timetable and Condition 5 - Schedule of maintenance subject to 20/502134/FULL. Approved 30.03.2021

Plot 4

0.12 2 Martins Gardens 20/502135/FULL Siting of 2 mobile homes and 2 tourers (Retrospective). Approved 09.10.2020 (following committee decision 24.09.2020).

0.13 20/505251/SUB Submission of Details to Discharge Condition 4 (Site Development Scheme) and Condition 5 (Schedule of Maintenance) Subject to 20/502135/FULL Approved 30.03.2021

Plot 5

0.14 3 Martins Gardens/5 Martins Gardens - No recent planning applications (Medical reasons have been given)

Plot 6

0.15 4 Martins Gardens/6 Martins Gardens - 20/502136/Full - Siting of 1no. additional mobile home (Retrospective). Approved 09.10.2020 (following committee decision 24.09.2020).

0.16 Submission of Details to Discharge Condition 4(i) - Site development scheme, (ii) Scheme approved by local authority, (iii) If appeal is made (ii) scheme approved by the secretary of state, (iv) Landscape scheme timetable and Condition 5 - schedule of maintenance subject to 20/502136/FULL. Approved 30.03.2021

MAIN REPORT

1. SITE DESCRIPTION

- 1.01 The application site is located off the north-western side of Lenham Road and comprises the south-western most plot of a row of Gypsy sites running north-eastwards from the site along Lenham Road. Unlike the five neighbouring plots to the north-east which are accessed from a shared accessway off Lenham Road, the application plot has a road frontage and separate access to Lenham Road. The boundaries of the site are enclosed by timber fencing circa 2 metres in height. The plot access and entrance on to Lenham Road consists of brick piers that are circa 2 metres in height with splayed brick walls either side and timber gates.
- 1.02 Beyond the rear (north-western) part of the site is a group of trees and a pond, there is a line of trees along the south-western side boundary. Beyond the trees and pond to the rear of the site and along the south-western boundary are open fields.
- 1.03 A public footpath (KH335) runs north-westwards from Lenham Road adjacent to the north-eastern boundary of the plot at the north-eastern end of the row of six plots. To the rear of the plots at the south-western end of the row of Gypsy sites, including the rear of the current application plot, is an area designated as Ancient Woodland on the Policies Map to the Maidstone Borough Local Plan (Adopted October 2017). The rear part of the current application plot extends into the designated area of Ancient Woodland.
- 1.04 The site is less than 2km from the edge of Headcorn village (to the south-west of the site) and for the purposes of the Local Plan, the site is within the open countryside and within the Low Weald Landscape of Local Value as defined on the Policies Map to the Maidstone Borough Local Plan. The site is also within a KCC Minerals Safeguarding Area.
- 1.05 The 6 plots that make up Martins Gardens are within the parish of Ulcombe. The parish boundary with Headcorn, wraps around the 6 plots running along Lenham Road to the south east and the side boundary of The Oaklands to the south west.
- 1.06 The plot referred to in the current application as Oaklands /1 Martins Gardens benefited from planning permission granted by committee in August 2019 (18/506270/FULL) for one additional mobile home and one additional tourer. This decision was preceded by an allowed appeal in July 2009 under ENF/10155 (Enforcement notice A). The allowed appeal permitted the stationing of 1 static caravan, 1 touring caravan and 1 utility room.

2. PROPOSAL

- 2.01 There are currently two vehicular access points from Lenham Road, the first access serves the current application site at Oaklands/1 Martins Gardens, with the second access serving the other 5 plots. The current application seeks the retention of the existing access arrangements and the two existing access points. The applicant has advised that the second entrance is required to enable mobile homes to be transported for off site servicing. This is due to the tight bend on the internal access road. The vehicle carrying the mobile homes enters Oaklands from the internal access road before egress onto Lenham Road through the second entrance.
- 2.02 The current application seeks planning permission for same number of caravans as previously approved (one additional mobile home and one additional touring caravan). The submitted plan shows the additional mobile home and tourer on a slightly different location on the site. A 5 metre wide native species landscaped buffer zone is shown between the caravans and the ancient woodland.

- 2.03 The Planning Statement submitted in support of the application states that the mobile home will be occupied by the applicant's eldest son and his girlfriend who have a small child and now need a stable base.
- 2.04 The Planning Statement further states that although the family member has been travelling and using the roadside to stop in, he now needs a stable base to bring up his child and enable the child to get an education.
- 2.05 The Planning Statement states that travelling gypsies are not accepted in schools as they don't have addresses and without a permanent base for the applicant's family member's girlfriend and child, the child will not be able to be registered anywhere.
- 2.06 The plan below shows the caravans to be removed, retained and the positions of a proposed mobile home and tourer as part of the current application. The previously approved proposal for this site included on the front half of the site, 1 retained mobile, 1 retained utility block and an additional mobile and an additional tourer. The current proposal includes the same number and type of development with the proposed mobile (replacing a mobile removed from the back of the site) and tourer in slightly different locations.

Figure 1: Current application - caravans to be removed, retained caravans and replacement/proposed caravans.



- | | |
|----------------------------|------------------------------|
| 1. Removed existing mobile | 4. Retained existing utility |
| 2. Removed existing mobile | 5. Retained existing mobile |
| 3. Removed existing mobile | 6. Proposed tourer |
| | 7. Proposed mobile |

- 2.07 A planning condition attached to the earlier planning permission (18/506273/FULL) was drafted so that the approval would lapse if a number of details were not submitted to the Council by the applicant within the 3 months following the decision.
- 2.08 The applicant has explained that to the best of their knowledge the required details were submitted within the required time limit, however due to a number of issues including several family bereavements the submission was not chased up. The Council has no record of these details being received and the current planning application is submitted on the basis that the earlier planning permission (18/506273/FULL) is now incapable of implementation. Whilst this earlier permission cannot be implemented, the committee decision from August 2019 remains a strong material consideration in the assessment of this current planning application.
- 2.09 A similar condition (condition 4) to that referred to above is recommended to be attached to this resubmitted application with a reduced compliance time period of 6 weeks (previously 12 weeks). Whilst 6 weeks would normally be considered an unreasonably short time period for the submission of details, in this case the applicant is already fully aware of the condition requirements and has stated that a submission was previously prepared.
- 2.10 The condition requires additional detail on the, means of enclosure, extent of hardstanding and parking; the means of foul and surface water drainage of the site; proposed and existing external lighting on the boundary of and within the site; new tree and hedgerow planting for the formation of a 5 metre wide landscape buffer zone including details of species, plant sizes and proposed numbers and densities; measures to enhance biodiversity at the site; and a timetable for implementation of these details.
- 2.11 At the end of last year members approved permission for the adjacent plots 3, 4 and 6. These permissions were subject to the same type of condition that is described here. As set out earlier in the planning history section of this report (paragraphs 0.11, 0.13 and 0.16) the applicant has subsequently sent in details in relation to these conditions on neighbouring plots and these details have been approved. The implementation of the approved details has been delayed due to Covid restrictions.

3. POLICY AND OTHER CONSIDERATIONS

- a) Maidstone Borough Local Plan 2017: Policies SS1, SP17, GT1, DM1, DM3, DM8, DM15, DM30
- b) National Planning Policy Framework (NPPF 2021)
- c) National Planning Practice Guidance (NPPG)
- d) Planning Policy for Traveller Sites (PPTS) (2015)
- e) Landscape Capacity Study: Sensitivity Assessment (2015)
- f) Landscape Character Assessment (2012 – amended 2013)
- g) Landscape Character Assessment Supplement (2012)
- h) KCC Minerals Plan
- i) Gypsy and Traveller and Travelling Showpeople Accommodation Assessment January 2012
- j) Gypsy and Traveller and Travelling Showpeople Topic Paper (2016)
- k) Draft Headcorn Neighbourhood Plan (see note below)
NB: The Final Examiner's Report on the Headcorn Neighbourhood Plan was published on 19 March 2017. In his report the examiner set out a number of failings that were found with the submitted neighbourhood plan. As a result of his conclusions the examiner recommended, in accordance with legislation that the neighbourhood plan should not proceed to a local referendum. The neighbourhood plan has since been withdrawn.

4. LOCAL REPRESENTATIONS

Local Residents

4.01 No response from local residents.

5. CONSULTATIONS

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

Ulcombe Parish Council

5.01 Objection. Making the following comments:

- Other planning applications, in which the MBC planning officers have stated that the character of the land had been irrevocably damaged by the work carried out by the applicant at this site are highlighted.
- The harm to the area of local landscape value (Ulcombe Farmlands), pattern of small fields and hedgerows, ancient woodland, and Great Crested Newt habitat is highlighted. The destruction of mature trees, compaction of soil, and alteration of the water table due to large areas of tarmacadam are also mentioned.
- The failure of the applicant to comply with the site delivery scheme condition in relation to application 18/506270/full (and the six related applications are highlighted)
- The Parish Council now understand that the second entrance cannot be enforced, because of the time that has elapsed. The question over planning at the Martins Gardens site has been around since 2009. Comments regarding the destruction of the ancient woodland and habitats have been on the portal as far back as 2015. The removal of the incongruous and intrusive brick entrance has been demanded as far back as 2015 (18/502176/FULL)
- Despite the agent's assertion that evidence regarding the status of the applicant is widely known by the planning department, it does not appear on any of the many applications over the past 11 years.
- When enforcement might have taken place, it has not happened. We would urge the officer to look back over the evidence on this site and refuse planning permission.

Headcorn Parish Council (Neighbouring Parish Council)

5.02 Objection, making the following comments:

- The committee expressed complete dismay that we are faced with further retrospective applications for the above sites. Very similar applications were considered and approved by MBC in August 2019.
- Despite requests, no enforcement action was taken in relation to the site delivery planning condition that was attached to earlier approvals.
- The gypsy/traveller status of the applicant
- Gypsy and Traveler housing need verses supply.
- Development in the Open Countryside and paragraph 25 of the PPTS which states that Local Authorities should strictly limit Traveler site development in open countryside.
- Particular attention drawn to the fact that the area concerned was once 80% ancient woodland and ponds and due regard must be paid to reinstating what has been lost
- Poor social cohesion with the villages settled community with many feeling unable to comment on the situation for fear of reprisals.
- Contrary to SS1, SP17, DM1, DM15, and DM30.
- The Committee wish to see these applications refused and referral to planning committee is required.

Kent Highways

- 5.03 No objection. Recommend informative about highways approvals.

KCC Minerals and Waste Planning Policy Team

- 5.04 No objection.
- 5.05 The site is not within 250 metres of any safeguarded mineral or waste facility, and thus would not have to be considered against the safeguarding exemption provisions of Policy DM 8: Safeguarding Minerals Management, Transportation, Production and Waste Management Facilities of the adopted Kent Minerals and Waste Local Plan 3013-30.
- 5.06 With regard to land-won minerals safeguarding matters it is the case that the area of the application site is entirely coincident with a safeguarded mineral deposit, that being the Paludina Limestone (a marble that is used as a specialist building stone). The application benefits from exemption criterion (6) of Policy DM 7: Safeguarding Mineral Resources and as result a Minerals Assessment is not required.

6. APPRAISAL

Main issues

Separate site access from Lenham Road.

- 6.01 At the committee meeting on the 24 September 2020 (adjourned till the 1 October 2020) members, considered a report for this retrospective application for the siting of 1 additional mobile home and 1 additional tourer on the application site. The consideration of the application was deferred for the following reasons: *"That consideration of this application be deferred to enable the Officers to investigate the status of the separate access from the application site onto Lenham Road (i.e. is it lawful and immune from enforcement action)"*.
- 6.02 A decision was made at the committee meeting on the 26 November 2020 to refuse planning permission for the following individual reasons: *"The separate access constructed onto Lenham Road, with the associated gate and paraphernalia, is visually incongruous, intrusive in the landscape and has a harmful impact on the rural character of the road and visual amenity contrary to policies SP17, DM15 and DM30 of the Maidstone Borough Local Plan 2017"*.
- 6.03 It is highlighted that in the absence of other reasons for refusal, other matters relating to the application were considered acceptable in November 2020. There has been no material change in circumstances since November 2020 that would justify taking a different position with the current application.
- 6.04 Following the decision to refuse planning permission in November 2020, new evidence has come to light that supports the following statement made by the agent: *"...The entrance has been in situ and used for over 4 years, so it is my view that it is now immune from enforcement. I understand that there are no other issues with the current application so I do feel that it would be unjust to refuse it based on the opposition to the entrance. Therefore, my client would ask that the application is determined as it stands. Should it be refused then the appeal process will be followed"*. The agent at this stage has chosen to resubmit the planning application for the Council to consider, rather than appeal against the refusal of permission.

- 6.05 To be immune from planning enforcement action, the entrance would need to have been present for a continuous period of more than 4 years and the relevant test in these circumstances would be on the 'balance of probability'. With reference to the date of the earlier committee meeting (26 November 2020), the entrance would therefore have to have been constructed before the 26 November 2016 to be immune from planning enforcement action.
- 6.06 The following evidence is now available, with information at a) and b) not available at the time that the application was considered in November 2020:
- a) Prior to the immunity date of the 26 November 2016, application 15/501511/FULL includes comments from a neighbour dated June 2015 that refer to the "recently added" second site entrance.
 - b) Prior to the immunity date of the 26 November 2016, a site photograph was taken in December 2015 by a Kent Messenger photographer. This photo (see below as Figure 2) shows the second entrance in place at that time.
 - c) Entrance present in Google Earth image 05.05.2018 (see below Figure 3)

Figure 2: Site photograph, December 2015 (Kent Messenger).



Figure 3: Aerial photographs (Google Earth) of the application site from 20 April 2015 and 5 May 2018.

Oaklands 20.04.2015

Oaklands 05.05.2018



- 6.07 No evidence has been found that contradicts the statement made by the planning agent in relation to the presence of the entrance for more than 4 years. After assessment of the available evidence in support of the agent’s position, it is concluded that the second entrance on the balance of probability has been present for more than 4 years and is therefore immune from enforcement action. Based on this evidence the Council have withdrawn the Enforcement Notice that has served in relation to the access.
- 6.08 With the earlier decision in November 2020 to refuse planning permission on the single ground of the visual impact of the entrance and no material change in other circumstances it should not be necessary to reconsider all of the other aspects of the application. Notwithstanding this, for completeness this assessment is provided below.
- 6.09 The other key issues for consideration relate to the following and these issues are considered in turn below:
- Need for Gypsy sites
 - Supply of Gypsy sites
 - Gypsy Status
 - Personal circumstances
 - Visual and landscape impact
 - Cumulative impacts
 - Design
 - Siting sustainability
 - Residential amenity
 - Parking and highway safety
 - Area of Ancient Woodland and ecological interests
 - Human Rights and Equality

Need for Gypsy sites

- 6.10 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.
- 6.11 Maidstone Borough Council, in partnership with Sevenoaks District Council commissioned Salford University Housing Unit to carry out a Gypsy and Traveller and Travelling Showpeople Accommodation Assessment (GTAA) dated January 2012. The GTAA concluded the following need for pitches over the remaining Local Plan period:

Figure 4: 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

- 6.12 The GTAA was completed prior to the refinement to the definition of Gypsies and Travellers contained in the revised PPTS published in August 2015. The GTAA is the best evidence of need at this point, forming as it does part of the evidence base to the Local Plan. It is considered to be a reasonable and sound assessment of future pitch needs, albeit that actual needs may prove to be somewhat lower as a result of the definition change. The current GTAA provides the best evidence of

need but each decision must be taken on evidence available at the time of a decision made.

- 6.13 The target of 187 additional pitches is included in Policy SS1 of the Adopted Maidstone Borough Local Plan (Adopted October 2017).

Supply of Gypsy sites

- 6.14 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.
- 6.15 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 31st March 2021.

Figure 5: Gypsy and Traveller pitch supply Oct 2011 to 31 March 2021

Type of consents	No. pitches
Permanent consent	214
Permanent consent + personal condition	32
Consent with temporary condition	4
Consent with temporary + personal conditions	39

- 6.16 A total of 246 pitches have been granted permanent consent since October 2011 (214+32). These 246 pitches exceed the Local Plan's 187 pitch target. The Council's current position is that it can demonstrate a 6.1 year supply of Gypsy and Traveller sites at the base date of 1st April 2021.
- 6.17 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"*.
- 6.18 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

- 6.19 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 showpeople or circus people travelling together as such"*.
- 6.20 As noted above, the definition 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, 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.

- 6.21 The Planning Statement submitted in support of the application states that the additional mobile home will be occupied by a member of the applicant's close family and their partner who have one young child and who need a stable base.
- 6.22 The Planning Statement states the occupant of the caravan who is a member of the applicant's close family has always led a nomadic life and has travelled with the applicant across the country for work in landscaping and horse dealing. The Planning Statement further comments that they always attend the horse fayres at Appleby, Cotswolds, Kent and Stow on the Wold (Gloucestershire) where they also seek work and deal in horses. The occupier of the caravan has no intention of giving up this life but needs his child to be settled.
- 6.23 The plot forms part of an established Gypsy and Traveller site at Martins Gardens and the proposed mobile home is to accommodate a family member of the established occupiers of the site, the partner and a young child. A condition is recommended on any grant of planning permission to ensure that the proposed mobile home is not occupied by any persons other than gypsies and travellers as defined in Planning Policy for Travellers Sites, August 2015 (or any subsequent definition that superseded that document).
- 6.24 The gypsy status of the occupiers of the caravan were accepted as part of the assessment of the earlier application and there has been no change in circumstances. Personal details provided in this report have been anonymised in line with guidance from the Council's Data Protection Officer.

Personal circumstances

- 6.25 The current application is submitted to provide a settled base for the applicant's oldest son and his girlfriend who now have one young child and who need a stable base to enable the child to be enrolled in main stream school in the future. The personal circumstances are considered to outweigh the limited visual and landscape impact in the countryside location resulting from the development.

Visual and landscape impact

- 6.26 The site lies in the open countryside to the north-east of the Headcorn village settlement. The open countryside location forms part of the Low Weald Landscape of Local Value as defined on the policies map to the adopted Local Plan. Policies SS1 and SP17 of the Local Plan seek to conserve or enhance areas of local landscape value.
- 6.27 A public footpath (KH335) runs north-westwards from Lenham Road adjacent to the north-eastern boundary of the plot at the north-eastern end of the row of six sites and an open field adjoins to the rear (north-west). To the rear of the plots at the south-western end of the row of Gypsy sites is an area designated as Ancient Woodland on the Policies Map to the Maidstone Borough Local Plan (Adopted October 2017).
- 6.28 Policies SP17 and DM30 of the Local Plan require that landscape protection should be given significant weight in considering development in the Low Weald Landscape of Local Value. In accordance with the Maidstone Landscape Character Assessments, the Low Weald generic guidelines seek to "...conserve the largely undeveloped landscape with its scattered development pattern and isolated farmsteads"; and more specifically, Landscape Area 43 (Headcorn Pasturelands) is an area being of *high* overall landscape sensitivity and is *sensitive to change*.
- 6.29 The plot, in this case, benefits from the planning permission granted on appeal on 24.07.09 under ENF/10155 (Enforcement notice A) (See history above) for the stationing of 1 static caravan, 1 touring caravan and a utility room. The site is predominantly hardsurfaced and enclosed by close boarded fencing. The site is seen in the context of the neighbouring Gypsy and Traveller plots in Martins

Gardens to the north-east and south-west. Some of the development on these plots is currently unauthorised.

- 6.30 It is generally accepted that residential caravans/mobile homes comprise visually intrusive development out of character in the countryside. Consequently, unless well screened or discreetly located in unobtrusive locations, they are normally considered unacceptable due to their visual impact. Consequently, where they are permitted this is normally on the basis of being screened by existing permanent features such as hedgerows, tree belts, buildings or land contours, as required by policy DM15 of the adopted Local Plan.
- 6.31 The originally permitted plot extends significantly back (north-westwards) from Lenham Road, extending into the area of land designated as Ancient Woodland on the Policies Map to the adopted Local Plan. This resulted in a significant loss of trees and ponds from the woodland area. The applicant in the Planning Statement have said "Any trees that have been lost or fallen has been due to natural deterioration and have not been removed by the applicant for him to live on the site" The applicant also points out that none of the trees in question were the subject of a Tree Preservation Order.
- 6.32 The site forms part of the Low Weald Landscape of Local Value as defined on the policies map to the adopted Local Plan and it is considered that the entrance and timber fence results in harm to the visual amenities, landscape and rural character of the area. Notwithstanding this identified harm, the benefits from the current proposal with the removal of the caravans on the northern part of the site and the introduction of a 5m wide native species landscaped buffer zone between the caravans and the ancient woodland outweigh this identified negative visual harm. The proposal does not conflict with policies SP17, DM15 and DM30 of the adopted Local Plan.
- 6.33 There are currently two vehicular access points from Lenham Road, the first access serves the current application site at Oaklands/1 Martins Gardens, with the second access serving the other 5 plots. The current application seeks the retention of the existing access arrangements and the two existing access points on to Lenham Road (albeit only one relates to the current application site being considered with the second used to access the other five adjacent plots). The applicant states that the caravans on all 6 plots need to exit through the Oaklands/1 Martins Gardens entrance when leaving the site to be serviced.
- 6.34 Apart from the access, the remaining boundary of the application site fronting Lenham Road is defined by a timber boarded fence set behind what remains of the former more extensive trees and hedgerows to the road frontage. It appears that the fence was installed at the same time as the new entrance and the Council's records also show that this timber boarded fence is likely to be immune from planning enforcement action.
- 6.35 It is accepted that the additional entrance has a visual impact on Lenham Road. As well as the lawfulness of the entrance, this negative visual impact needs to be considered against other factors such as the existing local character and the positive impacts from the proposal (as set out in the conclusion to this report).
- 6.36 It is considered that visual impact of the second entrance is reduced in the context of a number of other existing nearby residential entrances on both sides of Lenham Road.
- 6.37 As shown below Oaklands is the plot within Martins Gardens with the biggest encroachment into designated ancient woodland. As a result of this current situation, the proposals for Oaklands with the removal/relocation of caravans from

the rear part of the site offers the greatest benefit in terms of the area of land being rewilded.

Cumulative impacts

- 6.38 Guidance set out in the PPTS states that Local Planning Authorities should strictly limit new traveller development in the countryside but also states that where sites are in rural areas they should not dominate the nearest settled community and/or place undue pressure on local infrastructure.
- 6.39 Adopted Local Plan policy DM15 states, amongst other criteria to be met in Gypsy and Traveller development, that permission will be granted if a site would not significantly harm the landscape and rural character of an area due to cumulative effect.
- 6.40 There are various gypsy and traveller sites in the vicinity of the current application plot – both authorised and unauthorised, including the five neighbouring plots in Martins Gardens to the north-east of the current application plot. The collective presence of these mobile home sites, together with the development on the current application plot and in Martins Gardens generally, is considered to erode the visual amenity and rural character of the area, particularly when viewed from Lenham Road in the case of the plots at the south-western end of Martins Gardens. Plots at the north-eastern end of Martins Gardens are viewed from the public footpath running north-west from Lenham Road adjacent to the plot at the north-eastern end of the row of six gypsy sites.
- 6.41 In the context of the existing mobile home development in Martins Gardens generally, an additional mobile home and touring caravan on the current application plot is not likely to result in any significant additional cumulative effect in terms of its impact on the countryside and landscape. There will be some increased cumulative effect as a result of the combined effect of other current mobile home applications for the neighbouring Gypsy and Traveller plots in Martins Gardens but with the implementation of the landscape buffer and removal of caravans any additional impact will be mitigated. The combined cumulative effect in terms of impact on the countryside and landscape would not be in conflict with this aim of Local Plan Policy DM15. The visual impact of the proposed caravans was considered by officers and members in the assessment of the earlier planning application and found to be acceptable.

Design

- 6.42 The assessment below is structured around the categories used to assess proposals in design and access statements which are 'Use', 'Amount', 'Layout', 'Scale', 'Landscaping' and 'Appearance'.

Use

- 6.43 The use of the site and the status of the occupants of the caravans is considered earlier in this statement.

Amount

- 6.44 The current retrospective application involves the siting of 1 additional mobile and 1 additional tourer. The development description is identical to the earlier approval under application 18/506270/FULL and the amount of development is acceptable for this plot.

Layout

- 6.45 The proposed site layout is comparable to the layout previously considered acceptable by officers and members in the assessment of the earlier planning application.

- 6.46 The layout is considered acceptable in terms of the relationship between dwellings, internal circulation space and amenity.

Scale

- 6.47 Whilst slightly raised off the ground, the proposed caravans are single storey. The width can be seen in the plans provided earlier in this statement and in the photograph below. As set out earlier in this report, the scale of the caravan is considered acceptable for the site, especially with the screening that is currently available.

Figure 6: Photograph from the front boundary.



Landscaping

- 6.48 The applicant has submitted written information on landscaping in the Planning Statement referring to the potential provision of Hawthorn, Field Maple, Plum Cherry, Hazel, Blackthorn, Crab Apple, Privet, Dogwood, Rowan, Holly and Spindle. A planning condition is recommended seeking further details of landscaping and a timetable for the implementation of the agreed details.

Appearance

- 6.49 The appearance of the caravan can be seen in the photograph below. With the single storey height and the screening from public views the appearance of the buildings is acceptable and it is not considered reasonable to request alternative external facing materials. If thought necessary by members the painting of the caravan a darker colour could be considered and included as part of a planning condition.

Siting sustainability

- 6.50 Gypsy and traveller sites will almost inevitably be located in countryside locations, and in this case the site is less than 2km from the edge of Headcorn village (to the south-west of the site) with its local services, amenities and public transport links.
- 6.51 Whilst located within part of the open countryside where residents would be reliant on the use of a car, the site is not so far removed from basic services and public transport links as to warrant a refusal of planning permission on grounds of being unsustainable, particularly given the nature of the development and development in the vicinity generally.

Residential amenity

- 6.52 The site is adjoined to the north-east by neighbouring gypsy and traveller sites in Martins Gardens (Plots 1A, 1B, 2, 3 and 4 Martins Gardens). The application site and the neighbouring gypsy and traveller sites in Martins Gardens are not adjoined by residential properties and the closest neighbouring properties are on the opposite side of Lenham Road.
- 6.53 Given the nature of the neighbouring development and the separation between the gypsy and traveller development in Martins Gardens and the closest neighbouring residential properties on the opposite side of Lenham Road, it is not considered that the use of the current application plot for the stationing of one additional mobile home and one additional touring caravan (two mobile homes and two touring caravans in total) results in any unacceptable unneighbourly impact.
- 6.54 Given the scale of development on the plot, vehicular and pedestrian movements to and from the site via the proposed new access to the plot off the existing shared accessway serving the five neighbouring plots in Martins Gardens to the north-east are not likely to significantly impact on neighbouring property on the opposite side of Lenham Road. No overriding residential amenity issues are considered to be raised in the application.

Parking and highway safety

- 6.55 The current application seeks to retain the existing access arrangements with a separate access provided from the application site on to Lenham Road. This access is considered acceptable in relation to highway safety.
- 6.56 Adequate hard surface space is available within the plot for the parking of vehicles associated with the proposed mobile home use of the site and for vehicle manoeuvring enabling vehicles to enter and leave the site in a forward gear.
- 6.57 The level of additional vehicle movements to and from the site resulting from the additional mobile home and additional touring caravan on the plot is not likely to be so significant as to raise any overriding highway safety issues.
- 6.58 The impact of the development on the local highway network including access and parking arrangements have been considered by KCC as the Local Highways Authority. KCC Highways raise no objection to the planning application.

Area of Ancient Woodland and ecological interests

- 6.59 The land to the rear of the plots at the south-western end of the row of Gypsy and Traveller sites in Martins Gardens, including the rear half of the current plot at The Oaklands, is designated as Ancient Woodland.
- 6.60 The current application involves the removal of three caravans shown as being located in ancient woodland and the depth of the current mobile home plot reduced by around a half with a 5m wide native species landscaped buffer zone planted across the middle of the existing lot to mark the extent of the ancient woodland and to separate the retained and currently proposed caravans from the ancient woodland.
- 6.61 Whilst the proposed reduced depth of the current mobile home plot still encroaches into the 15m buffer zone normally required between the proposed development and the Ancient Woodland, this was the case with the approval considered acceptable by members and officers in terms of the applications considered in 2019. The imposition of the 15 metre buffer would in addition leave little to no developable area on the site.

- 6.62 It is considered that the landscaped 5 metre wide buffer with native species tree and hedgerow planting will provide some mitigation for the harm which has taken place.
- 6.63 The plot is predominantly hardsurfaced and enclosed by close boarded fencing. The stationing of an additional mobile home and a touring caravan on the plot has limited potential to impact on any ecological interests at the site. Any impact on ecological interests at the plot would have already taken place.
- 6.64 Records show that Great Crested Newts have previously been recorded within this area and there is no reason to suggest that they are not still present within the surrounding area. However, as the quality of habitat has significantly declined, there has been a reduction in foraging and commuting habitat for terrestrial species such as (but not necessarily limited to) the Great Crested Newt to and from surrounding habitats. As such, the loss and deterioration of habitat as a result of the Gypsy and Traveller use of the plots in Martins Gardens which has taken place would be considered to have a negative impact on the wildlife and ecological interests of the site and immediate surroundings.

Figure 7: Relationship of the application site to designated Ancient Woodland (Ancient Woodland shown as green hatching)



- 6.65 The implementation of a scheme of native species tree and hedgerow planting to provide a landscaped buffer will enhance the ecological/biodiversity interests at the site. As such, a grant of planning permission for the additional mobile home and touring caravan on the current application plot, together with native species landscaping/planting to be secured by planning condition, would enable ecological mitigation and/or enhancements to be secured by condition in accordance with Government guidance in the NPPF.

Human Rights and Equality

- 6.43 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. Furthermore, the courts have held that the best interest of the children shall be a primary consideration in all decisions concerning children including planning decisions. 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.
- 6.44 Apart from the desire to provide additional mobile home accommodation for a family member of the established occupiers of the site, the partner and a young child, no other health, education or personal circumstances have been presented as part of the application in order to justify the siting of the additional mobile home on the land in the open countryside location. The needs of the existing family members, including children, in this instance, are considered to outweigh the limited visual harm to the countryside landscape.

7. CONCLUSION

- 7.01 The additional evidence now available shows that on the balance of probability the second entrance has been present for more than 4 years and is therefore immune from planning enforcement action.
- 7.02 The plot, the subject of this application, benefits from the planning permission granted on appeal 24.07.09 under ENF/10155 (Enforcement notice A) for the stationing of 1 static caravan, 1 touring caravan and a utility room. A previous recent application (18/506273/FULL) for one additional mobile home and one tourer was approved by members with the decision issued on the 12.08.2019. The current application involves the same number of caravans in a revised layout.
- 7.03 The site is an established Gypsy and Traveller plot within Martins Gardens which comprises a row of six such plots – both authorised and unauthorised. The plot is at the south-western end of the six plots.
- 7.04 The current application for one additional mobile home and one touring caravan represents the same number of caravans as was previously approved in 2019. In the context of the existing and proposed Gypsy and Traveller development in Martins Gardens, the additional mobile home and touring caravan proposed in this application, together with the removal of existing caravans in the rear part of the site and implementation of a scheme of native species tree and hedgerow planting to provide a landscape buffer, will not have a significant and unacceptable harmful visual and landscape impact in the locality.
- 7.05 The current plot extends significantly into the designated area of Ancient Woodland to the rear of the plot. The proposed reduction in the depth of the current plot will allow the rear part of the existing site which forms part of the area designated as Ancient Woodland to be landscaped with native species tree and hedgerow planting which will provide some mitigation for the harm which has taken place. Full details and implementation of the landscaping/planting scheme can be secured by planning condition.
- 7.06 The native species planting proposed will enhance ecology/biodiversity at the site and further ecological mitigation and/or enhancements can be secured by planning condition in accordance with Government guidance in the NPPF (para. 175).

- 7.07 The proposed additional mobile home is to accommodate a family member of the established occupiers of the Martins Gardens site. A condition is recommended on any grant of planning permission to ensure that the additional mobile home is not occupied by any persons other than gypsies and travellers as defined in Planning Policy for Travellers Sites, August 2015.

8. RECOMMENDATION

GRANT planning permission subject to the following conditions:

- 1) The additional 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.
- 2) No more than four caravans, 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, of which no more than two shall be static caravans or mobile homes, and no further caravans shall be placed at any time anywhere within the site. The two static caravans or mobile homes shall be stationed on the site only in the positions shown on the plan (Proposed Block Plan) 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.
- 3) 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.
- 4) 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:
the external appearance of the mobile home means of enclosure, extent of hardstanding and parking; the means of foul and surface water drainage of the site; proposed and existing external lighting on the boundary of and within the site; new tree and hedgerow planting for the formation of a 5m wide landscape buffer zone to the repositioned north-western boundary of the plot including details of species (should not include the planting of Sycamore trees), plant sizes and proposed numbers and densities and then outside this area to the north the type 1 surface material to be removed with the land left to regenerate naturally; details of the measures to enhance biodiversity at the site; include the re-instatement of a pond within the land to the north of the site and, 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.

- (5) At the same time as the Site Development Scheme required by condition 4 above is submitted to the Local Planning Authority there shall be submitted a schedule of maintenance for the proposed planting within the 5m wide landscape buffer zone for a period of 5 years, the 5 years beginning on the date of the completion of the implementation of the planting as required by that condition. The schedule shall make provision for the replacement, in the same position, of any tree, hedge or shrub that is removed, uprooted or destroyed or dies within 5 years of planting or, in the opinion of the Local Planning Authority, becomes seriously damaged or defective, with another of the same species and size as that originally planted. The maintenance shall be carried out in accordance with the approved schedule.

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.

- 5) No external lighting shall be put in place or operated on the site at any time other than that which has been previously submitted to and approved in writing by the Local Planning Authority.

Reason: In order to safeguard the night-time rural environment, the ecological interests of the site, and residential and local amenity generally.

- 6) 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 which forms part of the designated Low Weald Landscape of Local Value.

- 7) 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.

- 8) The development hereby permitted shall be carried out in accordance with the following approved plans and information: Site Location Plan, Proposed Block Plan and Planning Statement

Reason: To clarify which plans have been approved.

Case Officer: Tony Ryan

THE MAIDSTONE BOROUGH COUNCIL
PLANNING COMMITTEE – 26th August 2021

APPEAL DECISIONS:

1. **20/502907/FULL** **Demolition of dilapidated storage barn and replacement with new gym/games room/home office outbuilding and detached garage.**

APPEAL: Allowed, permission granted subject to conditions.

Seaview Farm
South Street Road
Stockbury
ME9 7QS

(Delegated)
