

PLANNING COMMITTEE MEETING

Date: Thursday 20 October 2022
Time: 6.00 p.m.
Venue: Town Hall, High Street, Maidstone

Membership:

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

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

AMENDED AGENDA

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1. Apologies for Absence
2. Notification of Substitute Members
3. Notification of Visiting Members
4. Items withdrawn from the Agenda
5. Date of Adjourned Meeting - 27 October 2022
6. Any business the Chairman regards as urgent including the urgent update report as it relates to matters to be considered at the meeting
7. Disclosures by Members and Officers
8. Disclosures of lobbying
9. To consider whether any items should be taken in private because of the possible disclosure of exempt information.
10. Minutes of the meeting held on 22 September 2022 1 - 8
11. Presentation of Petitions (if any)
12. 22/501957/FULL - Swanton Farm, Bicknor Road, Bicknor, Kent 9 - 17
13. 22/501335/FULL - Land North of Little Cheveney Farm, Shephurst Lane, Marden, Kent 18 - 33

Issued on Wednesday 19 October 2022

Continued Over/:

Alison Broom

Alison Broom, Chief Executive

14.	22/503499/FULL - 12 Wents Wood, Weaving, Kent	34 - 43
15.	22/502608/FULL - Kings Oak Farm, Crumps Lane, Ulcombe, Kent	44 - 53
16.	22/500597/FULL - Land At South East Coast Ambulance Service, Heath Road, Coxheath, Maidstone, Kent	54 - 75
17.	22/502452/FULL - Anacapri, Weaving Street, Weaving, Kent	76 - 85
18.	22/503380/FULL - 15 Lyngs Close, Yalding, Maidstone, Kent	86 - 93
19.	22/501909/FULL - 3 Quarter Paddocks, Bletchenden Road, Headcorn, Ashford, Kent	94 - 110
20.	22/501405/FULL - Springwood Road Nurses Accommodation, Springwood Road, Barming, Kent	111 - 125
21.	Appeal Decisions	126

PLEASE NOTE

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

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

For full details of all papers relevant to the reports on the agenda, please refer to the public access pages on the Maidstone Borough Council website. Background documents are available for inspection; please follow this link: <https://pa.midkent.gov.uk/online-applications/>

PUBLIC SPEAKING AND ALTERNATIVE FORMATS

In order to speak at the meeting, please call 01622 602899 or email committee@maidstone.gov.uk by 4 p.m. on Wednesday 19 October 2022. You will need to tell us which agenda item you wish to speak on. Please note that slots will be allocated for each application on a first come, first served basis.

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

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MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

MINUTES OF THE MEETING HELD ON 22 SEPTEMBER 2022

Present:

Committee Members:	Councillor Spooner (Chairman) and Councillors Brindle, Coates, Cooper, Cox, English, Kimmance, McKenna, Munford, Perry, Russell and Young
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90. APOLOGIES FOR ABSENCE

It was noted that apologies for absence had been received from Councillors Harwood, Holmes, Trzebinski and D Wilkinson.

91. NOTIFICATION OF SUBSTITUTE MEMBERS

The following Substitute Members were noted:

Councillor Coates for Councillor D Wilkinson
Councillor Cooper for Councillor Trzebinski
Councillor Russell for Councillor Holmes

92. NOTIFICATION OF VISITING MEMBERS

There were no Visiting Members.

93. ITEMS WITHDRAWN FROM THE AGENDA

22/502529/TPOA – HOLTYE COTTAGE, HEADCORN ROAD, STAPLEHURST, KENT

The Landscape Team Leader sought the Committee's agreement to the withdrawal of application 22/502529/TPOA (Holtye Cottage, Headcorn Road, Staplehurst, Kent) from the agenda as there were several issues within the report that required further consideration, including the likelihood of a compensation claim arising if the application was to be refused.

RESOLVED: That agreement be given to the withdrawal of application 22/502529/TPOA from the agenda.

94. URGENT ITEMS

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

95. DISCLOSURES BY MEMBERS AND OFFICERS

Councillor Munford said that, with regard to the report of the Head of Development Management relating to application 22/502627/FULL (Boughton

Service Station, Heath Road, Boughton Monchelsea, Kent) he was the Chairman of Boughton Monchelsea Parish Council. However, he had not participated in the Parish Council's discussions on the application and intended to speak and vote when it was considered.

Councillor Perry said that, with regard to the reports of the Head of Development Management relating to applications 22/501684/FULL (3 The Parade, Staplehurst, Tonbridge, Kent) and 22/502529/TPOA (Holtye Cottage, Headcorn Road, Staplehurst, Kent), he was the Vice-Chairman of Staplehurst Parish Council. However, he had not participated in the Parish Council's discussions on the applications and intended to speak and vote when they were considered.

Councillor Spooner said that, with regard to the report of the Head of Development Management relating to application 22/501994/TPOA (Land Rear of 8 Gault Close, Bearsted, Maidstone, Kent), he was a Member of Bearsted Parish Council. However, he had not participated in the Parish Council's discussions on the application and intended to speak and vote when it was considered.

96. DISCLOSURES OF LOBBYING

The following disclosures of lobbying were noted:

12.	22/502627/FULL – Boughton Service Station, Heath Road, Boughton Monchelsea, Kent	Councillors Brindle, Coates, Cox, English, Kimmance, McKenna, Munford, Perry and Young
13.	22/501055/FULL – Orchard View Garage, Benover Road, Yalding, Maidstone, Kent	Councillors English, Kimmance and Spooner
14.	21/503150/FULL – The Old Forge, Chartway Street, East Sutton, Maidstone, Kent	Councillors Cox, English, Kimmance, McKenna, Perry and Spooner
15.	22/501684/FULL – 3 The Parade, Staplehurst, Tonbridge, Kent	Councillors Brindle and Perry
16.	22/502266/FULL – 21 Station Road, Headcorn, Kent	Councillors Cooper, Munford, Perry, Russell and Spooner
24.	22/502529/TPOA – Holtye Cottage, Headcorn Road, Staplehurst, Kent (withdrawn from the agenda)	Councillor Perry

97. EXEMPT ITEMS

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

98. MINUTES OF THE MEETING HELD ON 25 AUGUST 2022

RESOLVED: That the Minutes of the meeting held on 25 August 2022 be approved as a correct record and signed.

99. PRESENTATION OF PETITIONS

There were no petitions.

100. 21/503150/FULL - DEMOLITION OF EXISTING BUILDINGS AND ERECTION OF 3 NO. HOUSES WITH ASSOCIATED AMENITY SPACE, LANDSCAPING AND ACCESS - THE OLD FORGE, CHARTWAY STREET, EAST SUTTON, MAIDSTONE, KENT

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

During the introduction of and discussion on the application, the Officers advised the Committee that if Members were minded to approve the application, they wished to amend the recommendation set out in section 4 of the report to give delegated powers to the Head of Development Management to be able to *change, add, settle* or amend any necessary planning conditions in line with the matters set out in the recommendation and as resolved by the Planning Committee and gain agreement from the applicant for pre-commencement conditions. This would enable the Officers to strengthen conditions to ensure that measures promised by the applicant are provided and issues such as noise mitigation, obscure glazing, highway matters, trees and ecology are satisfactorily addressed.

Mrs Evans, an objector, Councillor Ireland of East Sutton Parish Council and Mr Hawkins, agent for the applicant, addressed the meeting in person.

RESOLVED: That permission be granted subject to the conditions and informatives set out in the report with delegated powers given to the Head of Development Management to be able to change, add, settle, or amend any necessary planning conditions in line with the matters set out in the recommendation and as resolved by the Planning Committee and gain agreement from the applicant for pre-commencement conditions. This should include a condition to address ecological matters (the provision of up-to-date information to assess the impact if any on protected species and a scheme for the enhancement of biodiversity).

Voting: 12 – For 0 – Against 0 – Abstentions

101. 22/502627/FULL - RETENTION OF EXISTING HAND CAR WASH FACILITY AND OFFICE/CUSTOMER WAITING ROOM, AND PROPOSED ALTERATIONS INCLUDING INSTALLATION OF ACOUSTIC ENCLOSURE AND PROVISION OF A NEW CUSTOMER PARKING AREA (PART RETROSPECTIVE) - BOUGHTON SERVICE STATION, HEATH ROAD, BOUGHTON MONCHELSEA, KENT

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

Dr Staples, an objector, addressed the meeting in person.

Ms Windless addressed the meeting remotely on behalf of Boughton Monchelsea Parish Council.

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

Contrary to the recommendation of the Head of Development Management, the Committee agreed to refuse permission. In making this decision, the Committee considered that:

The proposal by reason of the design and appearance of the acoustic structure and the necessary external lighting will have an adverse impact upon the historic fabric of the adjacent Cock Street conservation area and countryside. The public benefits of the proposal do not outweigh the harm caused to the countryside and the adjacent conservation area. As such, the development is not in accordance with policies LRE1 and LRE2 of the Boughton Monchelsea Neighbourhood Plan (2021), or policies SP17, DM1 and DM8 of the Maidstone Borough Local Plan (2017), or the provisions of the NPPF (2021).

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

Voting: 12 – For 0 – Against 0 – Abstentions

102. 22/501055/FULL - (RETROSPECTIVE) DEMOLITION OF EXISTING WORKSHOP, ERECTION OF SINGLE STOREY SIDE EXTENSION FOR USES FALLING WITHIN CLASS E: (A) DISPLAY OR RETAIL SALE OF GOODS, OTHER THAN HOT FOOD, PRINCIPALLY TO VISITING MEMBERS OF THE PUBLIC, OR (B) SALE OF FOOD AND DRINK PRINCIPALLY TO VISITING MEMBERS OF THE PUBLIC WHERE CONSUMPTION OF HOT FOOD AND DRINK IS MOSTLY UNDERTAKEN ON THE PREMISES, OR (C) PROVISION OF THE FOLLOWING KINDS OF SERVICES PRINCIPALLY TO VISITING MEMBERS OF THE PUBLIC - (I) FINANCIAL SERVICES, (II) PROFESSIONAL SERVICES (OTHER THAN HEALTH OR MEDICAL SERVICES), (III) ANY OTHER SERVICES WHICH IT IS APPROPRIATE TO PROVIDE IN A COMMERCIAL, BUSINESS OR SERVICE LOCALITY, OR G (I) AN OFFICE TO CARRY OUT ANY OPERATIONAL OR ADMINISTRATIVE FUNCTIONS - ORCHARD VIEW GARAGE, BENOVER ROAD, YALDING, MAIDSTONE, KENT

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

Councillor Brown addressed the meeting remotely on behalf of Yalding Parish Council.

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

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

Voting: 12 – For 0 – Against 0 – Abstentions

103. 22/501684/FULL - CHANGE OF USE FROM A SHOP (CLASS E) TO A HOT FOOD TAKEAWAY (SUI GENERIS) AND INSTALLATION OF A FLUE - 3 THE PARADE, STAPLEHURST, TONBRIDGE, KENT

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

Mr Talwar, the applicant, addressed the meeting.

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

Voting: 11 – For 0 – Against 1 - Abstention

104. 22/502266/FULL - ERECTION OF 1 NO. THREE-BED DETACHED DWELLING WITH DEDICATED OFF-STREET PARKING AND ASSOCIATED HARD AND SOFT LANDSCAPING; UTILISING EXISTING HIGHWAYS ACCESS AND INCLUDING ALTERATIONS TO DROP KERB AND NEW ACCESS DRIVEWAY (RE-SUBMISSION OF 21/506844/FULL) - 21 STATION ROAD, HEADCORN, KENT

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

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

Voting: 12 – For 0 – Against 0 – Abstentions

105. 22/502321/FULL - CHANGE OF USE OF LAND FOR THE STATIONING OF 1 NO. MOBILE HOME AND 2 NO. TOURING CARAVANS FOR RESIDENTIAL USE AND FOR THE KEEPING OF HORSES, WITH ASSOCIATED OPERATIONAL DEVELOPMENT INCLUDING HARD STANDING, PACKAGE TREATMENT PLANT, FENCING AND UTILITY BUILDING (PART RETROSPECTIVE) - LAND ADJOINING GREENGATES, LENHAM ROAD, HEADCORN, ASHFORD, KENT

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

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

Voting: 12 – For 0 – Against 0 – Abstentions

106. 21/506257/FULL - MATERIAL CHANGE OF USE OF LAND FOR THE STATIONING OF CARAVANS FOR RESIDENTIAL OCCUPATION WITH ASSOCIATED OPERATIONAL DEVELOPMENT INCLUDING HARD STANDING, PACKAGE TREATMENT PLANT, UTILITY SHED, SHED AND DOG RUN (RETROSPECTIVE) - 1 LONG LANE, LENHAM ROAD, HEADCORN, KENT

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

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

Voting: 12 – For 0 – Against 0 – Abstentions

107. 22/502032/FULL - ERECTION OF SINGLE STOREY SIDE AND REAR EXTENSION. ERECTION OF SINGLE STOREY REAR EXTENSION TO GARAGE TO CREATE UTILITY STORE. CONVERSION OF LOFT INTO HABITABLE SPACE WITH INSERTION OF REAR DORMER AND FRONT ROOFLIGHTS AND INTERNAL ALTERATIONS. RELOCATION OF EXISTING SOLAR PANELS TO FLAT ROOF OF REAR DORMER (RE-SUBMISSION OF 22/500698/FULL) - 2 READER DRIVE, MARDEN, KENT

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

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

Voting: 12 – For 0 – Against 0 – Abstentions

108. 22/501994/TPOA - TPO APPLICATION TO CROWN THIN TWO MATURE MULTI-STEMMED ALDERS BY 15% AND REDUCE CROWNS FROM PROPERTY BOUNDARY - LAND REAR OF 8 GAULT CLOSE, BEARSTED, MAIDSTONE, KENT

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

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

Voting: 12 – For 0 – Against 0 – Abstentions

109. 22/501366/TPOA - TPO NOTIFICATION FOR WORKS TO T1 MATURE PRUNUS - LIFT COMPLETE CROWN, CLEAN OUT CROWN, REDUCE CROWN FROM PROPERTY, THIN BY 15% AND REMOVE DECAYED LIMB - ST ANDREW'S PARK, TARRAGON ROAD, MAIDSTONE, KENT

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

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

Voting: 12 – For 0 – Against 0 – Abstentions

110. 22/502102/TPOA - TREE PRESERVATION ORDER APPLICATION: T1 SYCAMORE, INSTALL COBRA SYSTEM AND THIN BY 30%. T2 SYCAMORE, INSTALL COBRA SYSTEM AND THIN BY 15%. T3 TWIN-STEMMED SYCAMORE, THIN BY 15%. T4 SYCAMORE, THIN BY 15%. T5 SYCAMORE, THIN BY 15%. T6 SYCAMORE, THIN BY 15%. T7 SYCAMORE, THIN BY 15% AND INSTALL COBRA SYSTEM. T8 SYCAMORE, THIN BY 15%. T9 SYCAMORE, PRUNE OVERHANG (FROM 4M TO 2M). T10 SYCAMORE, THIN BY 15%. T11 HAWTHORN, REDUCE OVERHANG (3M TO 1.5M). WORKS ARE TO REDUCE TREES FROM PRIVATE PROPERTY BOUNDARY AND SECURE WEAK FORKS IN THE TREES - LAND ADJACENT 9 FIELDFARE DRIVE, MAIDSTONE, KENT

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

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

Voting: 12 – For 0 – Against 0 – Abstentions

111. 22/502529/TPOA - TPO APPLICATION TO REDUCE ONE OAK TO 9.0M IN HEIGHT AND REDUCE LATERAL BRANCH SYSTEM BY 1.0M TO 1.5M BALANCING THE CROWN. REMOVE RE-GROWTH TRIENNIALLY; REMOVE ONE OAK (FELL) TO NEAR GROUND LEVEL. OWNER TO PHYSICALLY REMOVE ANY REGROWTH (NO CHEMICAL TREATMENT DUE TO TRANSLOCATION RISK) - HOLTYE COTTAGE, HEADCORN ROAD, STAPLEHURST, KENT

See Minute 93 above.

112. 22/500544/TPOA - TPO APPLICATION FOR GROUP OF 8 X (G1) TILIA - REMOVE EPICORMIC GROWTH, THINNING CROWNS - THE TRINITY FOYER, 20 CHURCH STREET, MAIDSTONE, KENT

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

RESOLVED: That permission be granted subject to the condition and informatives set out in the report and the additional informative set out in the urgent update report.

Voting: 12 – For 0 – Against 0 – Abstentions

113. 22/501310/TPOA - TPO APPLICATION TO CARRY OUT TREE WORKS AS PER TREE LOCATION PLAN (AND LIST OF WORKS RECEIVED 12/04/22) - ASHURST ROAD OPEN SPACE, ASHURST ROAD, MAIDSTONE, KENT

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

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

Voting: 12 – For 0 – Against 0 – Abstentions

114. 22/502567/TPOA - TPO APPLICATION TO: T1 SYCAMORE, FELL TO 2FT ABOVE GROUND (MULTIPLE FRACTURES) FOR SAFETY. G1 SYCAMORES, LIFT TO 5M ABOVE GROUND LEVEL (PARK SIDE) TO ALLOW SPACE. T2 SYCAMORE, LIFT TO 3.5M ABOVE GROUND AND THIN BY 15% PLUS DEADWOOD, TO ALLOW SPACE AND FOR MAINTENANCE PURPOSES. G2 CHERRIES, LIFT TO 3M ABOVE GROUND AND THIN BY 15% TO ALLOW SPACE AND FOR MAINTENANCE PURPOSES - OPEN SPACE AT ST FRANCIS CLOSE, PENENDEN HEATH, KENT

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

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

Voting: 12 – For 0 – Against 0 – Abstentions

Following consideration of this application, it was suggested and agreed that the Parks Team be requested to ensure that arisings from tree works are cleared away appropriately.

115. 22/503610/TPOA - TPO APPLICATION TO TRIM SMALL BRANCHES/FOLIAGE AT BOTTOM OF ONE THUJA TO 2M TO ALLOW HEAD ROOM; TRIM SMALL BRANCHES/FOLIAGE AT BOTTOM OF ONE THUJA TO 2M TO ALLOW HEAD ROOM; TRIM SOUTH SIDE OF TREE TO 1M AWAY FROM HOUSE; TRIM SMALL BRANCHES/FOLIAGE AT BOTTOM OF TREE TO ALLOW 30 CM CLEARANCE ABOVE SHED ROOF - 82 BUCKLAND ROAD, MAIDSTONE, KENT

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

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

Voting: 12 – For 0 – Against 0 – Abstentions

116. APPEAL DECISIONS

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

The Head of Development Management advised the Committee that the decisions to allow the appeals against the Council's decisions to refuse applications 21/503543/FULL and 21/505816/OUT were concerning as they related to development in the open countryside. Legal opinions had been sought on these decisions and the advice was that the Council should not proceed with judicial reviews, but, in future, Members and Officers should be very clear on the harm to the countryside in determining applications.

It was suggested that this should be covered in future training sessions.

RESOLVED: That the report be noted.

117. DURATION OF MEETING

6.00 p.m. to 8.35 p.m.



Ordnance Survey - data derived from OS Premium



22/501957/FULL Swanton Farm, Bicknor Road, Bicknor, Kent, ME9 8XJ

Scale: 1:2500

Printed on: 7/10/2022 at 9:51 AM by JoannaW



REFERENCE NO - 22/501957/FULL		
APPLICATION PROPOSAL Section 73 - Application for Removal of condition 14 pursuant to application 18/501312/FULL to omit passing bays to Bicknor Road (Cold store, irrigation lagoon and associated engineering, access and landscaping)		
ADDRESS Swanton Farm Bicknor Road Bicknor Kent ME9 8XJ		
RECOMMENDATION Delegated authority to grant subject to completion of a s106 agreement		
SUMMARY OF REASONS FOR RECOMMENDATION In order to secure off-site passing bays, required under the 2018 permission, KCC would require a s278 agreement that involves works beyond the limits of the highway. The applicants have not been able to secure the agreement of either of the two third parties who own land either side of Bicknor Road. Condition 14 was drafted to prevent use of the building until the offsite highway works had been completed. Government guidance is that this form of condition should not be imposed where there are no prospects of the action being performed within the time-limit imposed by the permission. KCC have indicated that they support the removal of the condition and that the condition is not necessary in terms of highway safety/congestion. The condition is no longer considered to be reasonable or necessary and should be removed. Other conditions from the original planning permission will need updating as appropriate. The original unilateral undertaking will need to be carried through as a s106 agreement.		
REASON FOR REFERRAL TO COMMITTEE Called in by Cllr Garten regarding highway safety and congestion		
WARD North Downs	PARISH/TOWN COUNCIL Bicknor	APPLICANT Mr R Goatham AGENT Bloomfields
CASE OFFICER: Marion Geary	VALIDATION DATE: 26.05.2022	DECISION DUE DATE: 31.10.2022
ADVERTISED AS A DEPARTURE: NO		

Relevant Planning History

18/501312/FULL

Provision of a cold store, concrete hardstanding, irrigation lagoon and associated engineering operations (including land raising/earthworks) and the upgrading of an existing track and access with structural landscape enhancement and screening
Approved 20.12.2018

19/501533/SUB

Submission of details pursuant to Condition 6 - Surface water drainage scheme, Condition 7 - Operation & maintenance manual, Condition 8 - Infiltration details, Condition 9 - Material colours, Condition 10 - Hard landscaping works, Condition 13 - Fencing & boundary treatments, Condition 17 - Construction management plan, Condition 21 - Plant or ducting details and Condition 22 - Landscape & ecological management plan of planning permission 18/501312/FULL (Cold Store)
Approved 21.06.2019

21/501826/SUB

Submission of Details to Discharge Condition 5 (External Lighting) Subject to 19/503751/FULL (Use of land for caravan storage when caravans not being used for seasonal agricultural workers accommodation, conversion of barn to provide amenity block for seasonal agricultural workers, provision of waste water treatment plant)
Approved 25.05.2021

MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 The site was the storage yard of an orchard on which has been built a large cold store (Controlled Atmosphere Store- CAS) for top fruit with associated works and the upgrading of an existing track and access.
- 1.02 The road access to the site is via Bicknor Road which is a single carriageway lane that has junction with Swanton Street (B2163) to the east which is inside a bend.
- 1.03 Bicknor Road between the gate to the CAS and Swanton Street has a sharp bend and the stretch to Swanton Street has 4 informal gravelled waiting bays, 2 on the south side and 2 that span both verges, also abutting land belonging to third parties.

2. PROPOSAL

- 2.01 The planning permission for the CAS was subject to a condition 14 as follows:

No use of the development hereby permitted shall take place until the off-site highways improvements have been completed in the form of passing bays to Bicknor Road under a s278 agreement with the Local Highway Authority.

Reason: To ensure appropriate highway conditions are maintained within the locality.

- 2.02 The applicant states that they have not been able to secure a s278 Agreement with KCC who advised them to request the condition be removed from the planning permission.
- 2.03 The applicant proposes that the condition be removed because they claim that it is not achievable and does not meet the tests of a planning condition.
- 2.04 The agent advises that the CAS is complete but not yet in use in terms of the fruit crop being collected by HGVs.

3. POLICY AND OTHER CONSIDERATIONS

Maidstone Borough Local Plan 2017 SS1, SP1, RMX1(1), DM1, DM23

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Maidstone Borough Council – Local Plan Review Regulation 22 Submission

- The Regulation 22 submission comprises the draft plan for submission (Regulation 19) dated October 2021, the representations and proposed main modifications. It is a material consideration and some weight must be attached to the document because of the stage it has reached. This weight is limited, as it has yet to be the subject of a completed Examination in public.

4. LOCAL REPRESENTATIONS

Local Residents:

- 4.01 10 representations from local residents raising the following (summarised) issues
- There is sufficient space to accommodate passing bays.
 - The third party landowner has no obligation to surrender land
 - Highway Authority should exercise its compulsory purchase powers
 - Applicant needs to lay tarmac and commit to maintain the off road areas
 - The lorry drivers consistently ignore the bays
 - The lane is on a diversion route for A249 roadworks
 - More HGVs will access due to the CAS
 - Dangerous HGVs manoeuvres
 - Vehicle damage, personal injury and fatality
 - Farm workers walkers, cyclists and horse riders use the road
 - Access to gates is too short
 - Construction work has proceeded- attempt at cost saving
 - Applicants have purchased land which has existing double gates off the main Bredgar/Hollingbourne Road which is a safer alternative route into the site

Issues in terms of the behaviour of lorry drivers are not material planning considerations and therefore cannot be taken into account in the determination of this application. The other matters raised by neighbours and other objectors are discussed in the detailed assessment below.

5. CONSULTATIONS

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

KCC (Highways and Transportation)

- 5.01 KCC Highways did not object to the parent application, because otherwise the produce would have to be transported off site straight away in smaller loads.
- 5.02 Bicknor Road contains existing informal passing places which the applicant offered to formalise via a S278 agreement. There have been discussions regarding the detailed design and delivery of the required works which require third party land for a technically acceptable construction as the existing hedgerows adjacent to Bicknor Road would require removal and replanting back.
- 5.03 The relevant landowner is not willing to provide the required land to deliver the identified highway improvements. KCC Highways consider that an alternative (eg financial contribution) would place an unacceptable level of risk upon KCC in delivering the works.
- 5.04 The identified highway improvements would better enable the traffic movements to be accommodated, but due to the requirement for third party land, they are not deliverable. Non-delivery of the required works would not provide sustainable grounds for objection.

6. APPRAISAL

Tests for Conditions

- 6.01 The tests for conditions to be legally/policy compliant are:
- Necessary
 - Relevant to the development
 - Relevant to planning
 - Precise
 - Reasonable
 - Enforceable
- 6.02 In seeking to remove the condition, the agent has claimed that condition 14 fails all of the above tests.
- 6.03 It is considered that the condition is relevant to planning and to the development as it relates to offsite highway works to accommodate HGV traffic flows from the grant of a planning permission for a large new agricultural building.
- 6.04 It is also considered that the condition is precise- the applicant and KCC have spent 3 years negotiating to secure s278 works for passing bays to Bicknor Road so it is disingenuous of the applicants to claim they are unclear as to what the condition required.
- 6.05 The condition as drafted was enforceable as it is Grampian style: the lack of the s278 agreement for passing bays means that enforcement action could be taken over the use of the building without the condition having been met.
- 6.06 However, at the time of the planning permission being granted, it was incorrectly accepted that the works were reasonable as they were offered by the applicant and supported by KCC and the view of the Planning Committee was that the works were necessary in the interests of ensuring appropriate highway conditions. In hindsight, there should have been an assessment of whether this could be delivered.
- 6.07 These latter two issues of reasonableness and necessity need to be re-assessed in considering this s73 application in the light of the subsequent approach of KCC in the s278 discussion and the inaccurate land ownership information provided at the time by the applicant, detailed below.

Highway Safety

- 6.08 KCC Highways and Transportation supported the development of the new CAS, advising that the application would not have a material impact upon the safety and operation of the adjoining highway network and that there was no unacceptable impact on highway safety, nor were the residual cumulative impacts on the road network severe. This conclusion arose from the CAS allowing for the crop to be removed in fully loaded HGVs rather than in more numerous underloaded HGVs and that the movements would be spread over a greater period of time.
- 6.09 KCC accepted the TA for the parent planning permission which estimated 70 two-way heavy goods vehicles (HGV) movements per month. Based upon each chamber having a capacity of 858 bins and each HGV having a capacity of 75 bins, this equates to an average of 2.2 movements per day when divided across a 30 day month.
- 6.10 When the planning application for the new CAS was submitted, no passing bays to Bicknor Road were proposed because the traffic assessment by KCC was that the proposal would not increase traffic numbers. This was on the basis that the top fruit

crop from the orchards would always need to be taken off site and the CAS lengthened the period of time over which that would need to take place.

- 6.11 However, in response to local concerns, the applicant offered as a “gesture of good will” to improve 4 passing places that informally existed. They submitted a land ownership plan which showed they controlled all land south of Bicknor Road. The offer comprised works to be secured by an appropriately worded condition via a S278 off site highways legal agreement.
- 6.12 The application was approved at the 29 November 2018 Planning Committee with the condition drafted as suggested by KCC.
- 6.13 In early 2019, Section 278 drawings were submitted to KCC for technical approval of 4 passing bay locations (within the Highway Boundary) involving the formalisation/surfacing of the existing passing places.
- 6.14 Due to land ownership and tree issues, the project was amended to comprise two passing bays with the caveat from KCC that the works must be within the Applicant’s or Highway land.
- 6.15 KCC required that the widening of the carriageway into the adjacent verge would need a full depth of construction, damaging tree roots of the Poplar windbreak necessitating KCC to ask for its and planting a replacement windbreak behind, at least 2m from the new edge of the proposed passing bay. Hence, the engineering and new tree planting required much more landtake that could not avoid extending beyond public highway.
- 6.16 The applicants then became aware that they did not actually own the land needed for the works beyond the highway as a strip of land on the south side of Bicknor Road was owned by a third party landowner who was approached but declined to discuss giving permission.
- 6.17 The applicants then approached the owners of farmland to the north who also declined to discuss giving permission.
- 6.18 KCC’s position is stated above.
- 6.19 In terms of the comments made by objectors, it should be noted that the passing bay condition can only relate to the new CAS and thus the HGVs arising from that. It is not appropriate for the planning condition to seek to rectify pre-existing difficulties with passing vehicles on a country lane, especially where the transportation of fruit crops from field to storage is an expected activity.

PUBLIC SECTOR EQUALITY DUTY

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

7. CONCLUSION

- 7.01 KCC’s approach to the s278 agreement has become incompatible with the original goodwill offer of the applicant which was that the passing bays would be improved within the limits of the highway and would only involve adding surfacing.
- 7.02 The applicants state they have not been able to secure the agreement to enter into negotiations of either the 2 third parties who own land either side of Bicknor Road
- 7.03 KCC support the removal of the condition and thus the condition is not necessary in terms of highway safety/congestion.

- 7.04 Condition 14 was drafted to prevent use of the building until the offsite highway works had been completed. Government guidance is that this form of condition should not be imposed where there are no prospects of the action being performed within the time-limit imposed by the permission. On this basis, condition 14 is no longer considered to be reasonable or necessary and should be removed.
- 7.05 Other conditions from the original planning permission will need updating as appropriate. The original unilateral undertaking will need to be carried through as a new s106 legal agreement.

8. RECOMMENDATION

GRANT planning permission subject to the following conditions and the prior completion of a legal agreement to secure the heads of terms set out below with delegated authority to the Head of Development Management to be able to settle or amend any necessary planning conditions in line with the matters set out in the recommendation and as resolved by the Planning Committee with a Monitoring fee of £1,020.

- Traffic routing

And the following conditions:

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

P1790/02 Proposed Access Arrangement; HLA-283-101 Section X-X; hla 283 02 Rabbit Guard Spec, ACG&S-SF-250 Rev D Block Plans 1 of 2; ACG&S-SF-250 Rev D Block Plan 2 of 2; ACG&S-SF-251 Rev F Floor Plan; ACG&S-SF-252 Rev E Proposed Elevations & Section; ACG&S-SF-253 Rev F Proposed Levels Plan; ACG&S-SF-253a Existing Levels Plan; ACG&S-SF-254 Rev C Levels Elevation; ACG&S-SF-261 Rev C Proposed Entrance; ACG&S-SF-262 Roof Plan; ACG&S-SF-292 Rev B Proposed Site Levels Plan & Elevations; ACG&S-SF-293 Rev B App 5-Prop Site Levels Elevations; ACG&S-SF-294 Rev B Mitigation /Enhancement Plan; ACG&S-SF-300 Rev B Illustrative Sections of Landscape; ACG&S-SF-301 Plan Indicating Routing; 01 Site Layout; 02 Pond Sections;

Reason: To clarify which plans have been approved.
- 2) The building hereby permitted shall be used only for the storage of fruit that has been grown within Swanton Farm and/or Gibbens Farm (shown on drawings 01.002.1769.01SF and 01.002.1769.02GF) unless otherwise agreed in writing by the Local Planning Authority and it shall not be used for any other purpose.
Reason: The building in the AONB is justified only by the operational needs of Swanton Farm and Gibbens Farm.
- 3) No open storage of plant, materials, products, goods for sale or hire or waste shall take place on the land outside of the building.
Reason: To safeguard the character and appearance of the surrounding area.
- 4) No external lighting shall be installed on the site except in accordance with details approved under 21/501826/SUB. The lighting shall be retained as approved and controlled to be motion sensitive outside of normal working hours and not to remain on all night.
Reason: In the interests of avoidance of light pollution.

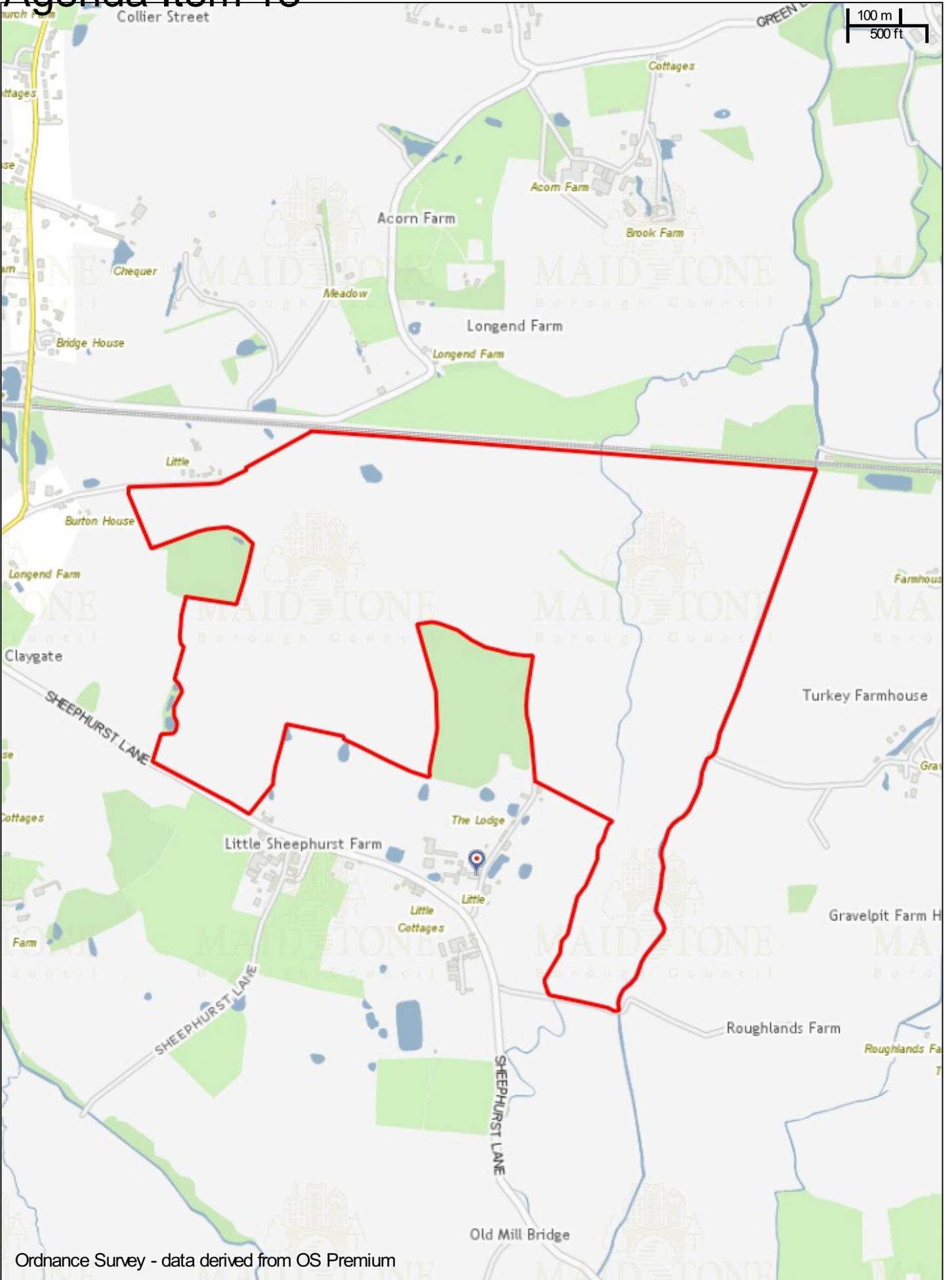
- 5) Sustainable surface water drainage shall accord with the details approved under 19/501533/SUB.
Reason: To ensure the development is served by satisfactory arrangements for the disposal of surface water and to ensure that the development does not exacerbate the risk of on/off site flooding.
- 6) The operation and maintenance of the sustainable drainage scheme shall accord with the details approved under 19/501533/SUB.
Reason: To ensure that any measures to mitigate flood risk and protect water quality on/off the site are fully implemented and maintained (both during and after construction), as per the requirements of the NPPF and its associated Non-Statutory Technical Standards.
- 7) The wall, doors and roof materials shall accord with the details approved under 19/501533/SUB.
Reason: To ensure a satisfactory appearance to the development in the Area of Outstanding Natural Beauty.
- 8) The hard landscape works shall accord with the details approved under 19/501533/SUB and be carried out in accordance with the approved details before the first occupation of the building.
Reason: To ensure a satisfactory appearance to the development.
- 9) The approved details of the parking/turning areas shall be completed before the first use of the land or buildings hereby permitted and shall thereafter be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order, with or without modification) or not, shall be carried out on the areas indicated or in such a position as to preclude vehicular access thereto.
Reason: In the interests of highway safety and to ensure efficient internal movements within the site
- 10) All HGVs shall use the access detailed in drawing P1790/02 which shall be completed in accordance with the details hereby approved before first use of the building hereby permitted. The approved sight lines shall thereafter be kept free of all obstruction to visibility above 1.0m high.
Reason: In the interests of amenity and highway safety.
- 11) All fencing and boundary treatments (including acoustic barriers) and ongoing maintenance shall accord with the details approved under 19/501533/SUB, installed prior to first use of the building and retained thereafter.
Reason: To protect the amenity of adjoining occupiers and ensure a good standard of design is achieved.
- 12) The building hereby approved shall not be used until all land engineering to visually screen the building has been carried out strictly in accordance with the drawings ACG&S-SF-260 rev E; ACG&S-SF-292 rev B; ACG&S-SF-293 rev A; ACG&S-SF-294 rev B.
Reason: In order to secure a satisfactory form of development having regard to the topography of the site
- 13) No HGVs shall enter or leave the site during the hours of 1800hrs and 0800hrs.
Reason: In the interests of local amenity.

- 14) The landscaping shall be as approved under 19/501533/SUB in drawings HLA 283 PS 001 rev C 04-12-18 and HLA 259 101. All planting, seeding or turfing comprised in the approved scheme shall be carried out in the first planting and seeding season following completion of the development (or such other period as may be agreed by the Local Planning Authority) and any trees or plants 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, unless the Local Planning Authority gives written consent to any variation.
Reason: To ensure that the proposed development is satisfactorily integrated with its immediate surroundings and provides landscape screening and ecological enhancement.
- 15) The landscaping details shall be carried out during the first planting season following first occupation of the building. Any seeding or turfing which fails to establish or any trees or plants which, within 10 years from the commencement of use, die or become so seriously damaged or diseased that their long-term amenity value has been adversely affected shall be replaced in the next planting season with plants of the same species and size as detailed in the approved landscape scheme unless the local planning authority gives written consent to any variation.
Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development.
- 16) Prior to the first use of the premises, all mitigation measures in the noise report approved under 18/501312/FULL shall be implemented in full and retained thereafter including a 3m high by 3m wide barrier extending south from the southwest corner of the cold store and a 2m high barrier in front of the accommodation units.
Reason: To protect the amenities of the neighbouring caravan occupants.
- 17) Plant (including ventilation, refrigeration and air conditioning) or ducting systems shall accord with the details approved under 19/501533/SUB.
Reason: To protect the amenities of the area
- 18) A landscape and ecological management plan (LEMP) shall be implemented in accordance with the details approved under 19/501533/SUB.
Reason: To safeguard and improve natural habitats and features within the site.

Informatives

- 1) It is understood that the reservoir will be used for drainage, however if filled from a groundwater source then you may need an abstraction licence. If the proposal involves the retention of more than 25,000 m³ of water above normal ground level and will require registration with the relevant Local Authority under the Reservoirs Act 1975, and an impoundment licence from us under Section 25 of the Water Resources Act 1991. Further information can be found on <https://www.gov.uk/guidance/reservoirs-owner-and-operator-requirements>.
- 2) You are advised to implement a suitable scheme of directional signage to ensure that the traffic associated with the new building follows suitable routes.
- 3) You are advised that any HGV refrigeration units should switch to plug in refrigeration when on the site.

Agenda Item 13



Ordnance Survey - data derived from OS Premium

22/501335/FULL Land North Of Little Cheveney Farm, Sheephurst Lane, Marden, Kent
Scale: 1:10000
Printed on: 7/10/2022 at 9:40 AM by JoannaW

REPORT SUMMARY

REFERENCE NO: - 22/501335/FULL		
APPLICATION PROPOSAL: Installation of a renewable energy led generating station comprising of ground-mounted PV solar arrays, associated electricity generation infrastructure and other ancillary equipment comprising of storage containers, access tracks, fencing, gates and CCTV together with the creation of woodland and biodiversity enhancements.		
ADDRESS: Land North Of Little Cheveney Farm Sheephurst Lane Marden Kent		
RECOMMENDATION: Application Refused		
SUMMARY OF REASONS FOR RECOMMENDATION: The application site is 43% arable land of grades 2 and 3a and so the development of this area of Best and Most Versatile farmland for a solar farm is not acceptable in principle. The harm to the intrinsic character and appearance of the open countryside is substantial, both in significance and scale, and would not be adequately mitigated by landscaping proposals which would take a long time to mature and would not integrate the development into its setting. The development will create areas of stored topsoil that are likely to be visually harmful and out of character natural landscape character. There would be some harm to the setting of listed buildings, being "less than substantial". There is risk to the movement of badgers and loss of skylark habitat. The Ancient Woodland buffer would suffer unnecessary pedestrian pressure. The creation of a permissive footpath within 8m of the Lesser Teise would detrimentally impact on ecology and physical habitats. When assessed against the Government's Energy and Planning policies and the MBLP, the overall adverse impacts of this proposal on this site are significant and not demonstrably outweighed by the benefits of the proposal.		
REASON FOR REFERRAL TO COMMITTEE: The application is a departure from the Local Plan. Called in by Collier Street PC		
WARD: Marden And Yalding	PARISH/TOWN COUNCIL: Collier Street	APPLICANT: Statkraft UK Ltd AGENT: Origin Power Services Limited
CASE OFFICER: Marion Geary	VALIDATION DATE: 01/06/22	DECISION DUE DATE: 31/10/22
ADVERTISED AS A DEPARTURE: YES		

Relevant Planning History

21/503277/ENVSCR

Screening Opinion: The proposed development is for a solar energy farm with a site area of approximately 78 hectares which would generate and store up to 60 megawatt (MW) of renewable energy to be exported to the Grid.

EIA Not Required 05.07.2021

MAIN REPORT

1. DESCRIPTION OF SITE

1.01 The application site is 74.5ha (184 acres) of arable farmland and lies south of the railway line and north of Sheephurst Lane. It is in the open countryside, some 850m west from the boundary of Marden and 750m east of Claygate.

- 1.02 The site is approx. 6km south from the elevated Greensand Ridge and 2-4km north of the High Weald AONB.
- 1.03 The Lesser Teise flows along the eastern boundary of the site. There are several ponds within the site or on the boundary. Two principal drainage ditches run south to north. The vast majority of the site lies in Flood Zone 3. The site slopes down from Sheephurst Lane to the NW of the site near Longends Lane.
- 1.04 There are several residential properties adjacent or close to the boundaries. An Area of Archaeological Potential covers the site and there are 9 Listed buildings in the vicinity.
- 1.05 2 PROW cross the site: KM244 in the SE corner and KM248 along the northern boundary. In the vicinity are 3 further PROWs: KM246, KM254, KM257.
- 1.06 There is an area of Ancient Woodland to the west of the site that would be wrapped around on 3 sides by the application site. An area of woodland lies centrally and there are grassland field margins of 2-6m wide and the fields are bounded by hedgerows and hedgerows with trees.

2. PROPOSAL

- 2.01 The application has been revised since originally submitted to omit an on-site battery energy storage compound (due to current poor economics) and some solar arrays have been removed from the area nearest to the northeast of Little Cheveney Farm and relocated elsewhere on the site.
- 2.02 The proposed solar PV farm would generate up to 49.9 MW and is intended to be decommissioned after 37 years. It will connect to a 132kV high Voltage power line through the site.
- 2.03 The PV panels would be supported by racks 4.79m in depth. Each array in rows set 2.9m apart would have a maximum height of 3m. The longest rows would be 260m long.
- 2.04 15 Transformation/Power Stations (comprising modified shipping containers) of 6m by 2.44m and 3.4m high would be distributed around the site.
- 2.05 Several ancillary structures are:
 - A High Voltage (HV) Compound of 940.5sqm and 7m high (UKPN and solar generation infrastructure).
 - Switchgear Station: 80sqm and 3.4m high surrounded by a 2.4m steel mesh fence.
 - Monitoring cabin 28sqm and 5m high
- 2.06 There would be a 2.4m tall perimeter steel mesh fencing (erected outside the 10m set-off from the railway lane).
- 2.07 There would be vehicle access tracks and a temporary construction compound. CCTV would comprise of 30 x 5m high poles with 2 CCTV cameras each. No lighting is proposed long term (only during construction).
- 2.08 The PV array, access tracks and ancillary structures would cover approximately 29% of the total site area.
- 2.09 Part of footpath KM248/2 would be diverted at the NE corner. The application includes 2 new permissive footpaths running along the eastern and western sides, the one on the eastern side runs along the bank of the Lesser Teise.
- 2.10 Vehicular access would be through an existing field access off Sheephurst Lane to be widened to 6m with double gates 2.4m high and 4m wide. Topsoil would need to be stripped from the access tracks and stored in bunds pending restoration. The location, size and form of the bunds has not been detailed.

- 2.11 Surface water drainage would include a swale gradually discharging to an existing field drainage ditch.
- 2.12 The land would be sown with grass seed for seasonal sheep grazing. The land on the site perimeter would mostly be planted with wildflower grassland and mixed native hedging. A native buffer is proposed between the edge of the Ancient Woodland and the edge of the site, intended to function as habitat corridors from the AW to the surrounding countryside.
- 2.13 The applicant states that they will provide additional woodland planting on the land adjacent to the southeast corner of the site, outside of the site boundary.
- 2.14 There would be no permanent staff based at the site once operational, but occasional maintenance/security attendance.

3. POLICY AND OTHER CONSIDERATIONS

Maidstone Borough Local Plan (2011-2031):
Neighbourhood Plan: Marden
Kent Waste and Minerals Plan (amended 2020):
The National Planning Policy Framework (NPPF):
National Planning Practice Guidance (NPPG): Planning for Renewable and Low Carbon Energy, issued in 2014 and partially amended 2015.
Supplementary Planning Documents:
Maidstone Borough Council Planning Policy Advice Note: Medium Scale (>50kW) Solar PV Arrays (2014)

Other relevant documents: The Maidstone Landscape Character Assessment (2012) (amended 2013), Landscape Capacity Study (2015)

The Regulation 22 Local Plan Review submission comprises the draft plan for submission (Regulation 19) dated October 2021, the representations and proposed main modifications. It is a material consideration and some weight must be attached because of the stage it has reached. This weight is limited, as it is currently the subject of an Examination in public

Renewable Energy National policy guidance:

- The National Policy Statement for Energy (EN-1) (2011)
- The National Policy Statement for Renewable Energy Infrastructure (EN-3) (2011)
- The UK Renewable Energy Roadmap (2011) and subsequent updates in 2012 and 2013
- The UK Solar PV Strategy Part 1 (2013) and Part 2 (2014)
- Clean Growth Strategy (2017)
- UK 25 Year Environment Plan (2018)
- Climate Change Act 2008 (2050 Target Amendment) Order 2019

NB: The Government issued revised drafts of EN-1 and EN-3 in September 2021, which are not formal material planning considerations. The draft EN-3 states that large-scale solar **over** 50MW (Nationally Significant Infrastructure Projects) would be a core part of low-cost decarbonisation of the energy sector. Targets for solar energy infrastructure are not specifically included within revised (draft) EN-3 to avoid being overly prescriptive.

4. LOCAL REPRESENTATIONS

Local Residents:

1 support:

- renewable energy
- improves biodiversity

58 objections originally submitted raising the following (summarised) main issues

- site selection dictated by power lines to save money
- excessive size, same size as Marden village
- harms landscape, cumulative impact
- harms outlook and privacy
- harms heritage
- loss of productive farmland
- loss of footpaths and fenced footpaths will be unpleasant
- harm to wildlife and Ancient Woodland
- should be on brownfield land, old landfill sites or roofs of buildings
- offshore wind, tidal, geothermal and nuclear are more efficient
- flooding
- pollution to water
- harm to human health
- noise and vibration
- construction traffic
- reduces property value
- inaccuracies in the Glint and Glare report and potentially in the LVIA

A further 12 objections were submitted to the revised proposals raising the issues above, plus:

- ecological woodland planting and pond restoration is not within red line boundary'
- proposed perimeter planting and fencing directly on the physical boundary with 3 neighbouring properties
- inadequate AW buffer
- local authority boundaries should not limit the search for alternative sites
- incorrect definition of brownfield land
- 37 years is not temporary

Issues such reduction in property value and the business model of the applicant are not material planning considerations.

Marden Walking Group: no objection, provided that the existing and rerouted PROW of adequate width and low fencing. The proposed Permissive Paths will allow more circular walking routes

Weald of Kent Protection Society objection: loss of productive agricultural land; Harms character of area; visible long term during winter months; glint and glare; noise; inadequate sequential test; the Government prefers offshore wind and nuclear rather than solar farms.

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)

Collier Street PC

5.01

- loss of valuable agricultural land from productive food production.
- several roads have a weight limit and are not suitable for construction traffic
- need control over numbers and hours re construction vehicles
- cumulative impact with Bockingfold proposed solar farm.
- harm to wildlife
- Flood Risk Assessment inadequate

Marden PC

5.02 No objections but construction traffic should not be via the village centre.

Environment Agency

5.03 Objection: Significant risk to Lesser Teise by increasing disturbance, risk of plastic waste entering the watercourse and the modification of naturally occurring riparian habitats and species.

5.04 Satisfied that finished slab level is 300mm above the design flood level. Condition protecting kingfishers is needed.

Natural England

5.05 No objection but notes the proposed site is close to the High Weald AONB.

KCC Biodiversity

5.06 No objections: With the exception of skylark, the ecological mitigation is acceptable. Skylark plots within the surrounding area would be needed as mitigation. The BNG proposed is over 20% for habitats and linear features. Any fencing must enable movement of species (including badgers) through the site. Habitats need to be managed to benefit reptiles.

KCC Highways

5.07 Comments on revised information: No objection subject to the proposed construction route being amended as requested by Marden PC and planning conditions on construction traffic management and the access.

KCC Flood and Water Management

5.08 No objections but require condition for an updated Surface Water Drainage Strategy.

Upper Medway IDB

5.09 No objections but the applicant should obtain consent from IDB before gaining planning permission.

Network Rail

5.10 Applicant should contact Asset Protection and Optimisation team re the operational railway.

KCC Minerals and Waste Planning

5.11 Replied with "No comment"

KCC West Kent PROW

5.12 Public Rights of Way KM248 and KM244 both run through the application site. Diverting KM248 under Town and Country Planning Act and adding 2 permissive paths is acceptable but no work can take place until the path has been diverted.

Historic England

5.13 Replied with "No comment"

Southern Water

5.14 No objections

Kent Police

5.15 No objections but suggestions to minimise risk of crime.

High Weald AONB Unit

5.16 Replied with "No comment"

CPRE

5.17 Objection:

- Industrialisation of rural landscape
- Fences/buildings too high
- Whole site not screened from a distance.
- Most easterly section unscreened and will impact on setting of Little Sheephurst Farm.
- Glint and Glare Study excludes Sheephurst Lane.
- PRow amenity value harmed.
- Risk of increased flooding
- Site better suited to growing an energy crop.
- Land is mostly best and most versatile agricultural land.
- PV panels should be sited on buildings such as industrial parks

Environmental Protection

5.18 Objection: several inadequacies in the noise assessment.

5.19 Subsequent Comments: Recommend refusal unless further satisfactory noise data is submitted.

MBC Landscape Officer

5.20 The east part of the site is located in the Teise Valley (as defined in the Maidstone Landscape Character Assessment) and the western portion in the Laddingford Low Weald. There is a designated Ancient and Semi Natural Woodland area situated adjacent to the western boundary and many significant trees and potentially 'important' hedgerows within the site. Overall, visual sensitivity is assessed as moderate while the overall landscape character sensitivity is high/moderate.

5.21 Key features include the flat, low lying topography, the rivers and ditches, the large open field pattern and the undeveloped character. The backdrop of the Greensand Ridge is an important element in many views. New development should respect the local vernacular in scale, density and materials.

5.22 No arboricultural report but consideration has been given to retention of all existing trees and the need for root protection areas of trees (RPAs). Reference to veteran trees although none appear to have been identified. An appropriate buffer area must be achieved around the ancient woodland.

5.23 The submitted Landscape and Visual Impact Assessment appears to be in general accordance with GLVIA3. A solar farm is temporary and reversible but 37 years is a long duration and any landscape screening will take at least 10 years to be effective. The decommissioning statement will form a very important component of the application.

- 5.24 The proposed topsoil stockpile bunds need to be sited to avoid tree RPAs and areas proposed for new planting and if bunds are proposed to be a long term feature on the site they need to be clearly marked on the mitigation, landscape and ecology enhancements plan. They are not characteristic of the local landscape and, if possible, should not form permanent features.
- 5.25 Soft landscaping - need information on new hedgerow lining the edge of the site and proposed gapping up. Species to be consistent with the Maidstone Landscape Guidelines.

MBC Conservation Officer

- 5.26 Objection: Setting is defined in NPPF as: *'the surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset, may affect the ability to appreciate that significance or may be neutral'* .
- 5.27 There will be some intervisibility between some of the listed buildings and the proposed site. There are limited views of some of the listed buildings from the site, however, due to the low level of the solar panels they are unlikely to harm the views to and from the heritage assets. Views are only one part of setting, the rural character of the landscape has remained undeveloped and this allows for a better appreciation of the listed buildings.
- 5.28 Little Long End- The construction of a considerable number of solar panels, even with the trees, will reduce the rural setting of the site.
- 5.29 Little Cheveney Farm- the short distance views from the site in particular the roundels and cowl are important and will result in some minor harm to the setting of the listed building.
- 5.30 Little Long End and Little Cheveney Farm would have erosion of and diminished rural setting, at least initially. The harm would be minor and at the at the lower end of less than substantial.

6. APPRAISAL

The key issues are:

- Renewable Energy
- Agricultural Land Classification
- Landscape Character and Visual Impact
- Heritage Assets
- Biodiversity
- Residential Amenity
- Highways
- Flood Risk and Drainage

Renewable Energy

- 6.01 Relevant national energy policies on Renewable Energy commit to increase renewable energy in the UK with a focus on domestic and commercial roof space and on previously developed land: larger-scale field based solar farms to be sensitively located.
- 6.02 A Ministerial Statement dated March 2015 stated that planning policy includes strong protection for the natural and historic environments and consideration of the economic and other benefits of the best and most versatile agricultural land:

meeting UK energy goals should not include the unnecessary use of high-quality agricultural land.

- 6.03 The NPPF supports generation of renewable energy and says LPAs should approve the application if its impacts are (or can be made) acceptable. It encourages sustainable development but LPAs should take local circumstances into account, such as the requirement to reflect the character of each area.
- 6.04 Government Planning Practice Guidance recognises that *"large-scale solar farms can have a negative impact on the rural environment, particularly in undulating landscapes. However, the visual impact of a well-planned and well-screened solar farm can be properly addressed within the landscape if planned sensitively"*. Large scale ground mounted solar PV farms should make effective use of previously developed land and non-agricultural land - poorer quality land should be used in preference to land of a higher quality. There should be consideration of the proposal's visual impact; the effect of glint and glare; heritage assets including the impact on views important to their setting; mitigation of landscape and visual impacts by screening with native hedges.
- 6.05 The Council's Supplementary Planning Policy Advice note on Solar PV arrays up to 50kw is consistent with national policy that ground mounted solar PV should utilise previously developed land, contaminated land, industrial land or brownfield sites.
- 6.06 Policy SP17 of the MBLP states that development in the countryside should not harm its character or appearance and that acceptable development types do not include renewable energy projects.
- 6.07 Policy DM24 of the MBLP provides general support for renewable energy development, subject to acceptable impacts on landscape and visual appearance; heritage assets and settings; residential amenity; the local transport network, and ecology and biodiversity.
- 6.08 Whilst National Policy states that LPA's should recognise the benefits of reducing greenhouse gas emissions, at both Government and Borough levels, the weight that may be applied to such benefits does not automatically override other considerations such as the wider economic value of high quality agricultural land and visual impacts, which must be adequately mitigated.
- 6.09 In terms of the sustainable development benefits, the development does provide job opportunities during its construction phase, though many fewer in the operational phase and the solar PV farm would provide renewable energy for the UK into the future. However, this must be balanced against potential environmental and other impacts discussed further below.

Agricultural Land Classification

- 6.10 Planning policy directs solar farms away from land classed the Best and Most Versatile (BMV) agricultural land, even though they are temporary and reversible. Some 47% the site comprises land falling within Grades 2 and 3a with 53% falling in Grade 3b. Thus, a very large proportion of the site is the 'higher quality' farmland that planning policy protects.
- 6.11 The land under and between panels could be grazed by sheep thereby continuing agricultural use of the land but causing the loss of full productive capacity of BMV land for a considerable period of time.
- 6.12 The applicant is required to demonstrate that the use of agricultural land is necessary and to avoid the loss of higher grade land. The applicant has restricted the search to the Borough of Maidstone and close to a HV power line and concludes that within the chosen study area, there are no potential alternative sites of poorer agricultural land quality that is subject to fewer environmental constraints. They also argue that the site would remain in agricultural use and that biodiversity improvements would be delivered.

- 6.13 This argument is not accepted. It is long-standing Government policy that BMV land should be avoided for this form of development. In terms of other examples, the Solar PV farm at Swale (Cleve Park), the solar Farm at Widehurst Farm, Paddock Wood Solar Farm in TWBC district and the current planning application at Bockingfold Farm range from 80%-100% Grade 3b land. Thus, the application site at Sheephurst Lane performs very poorly in comparison with these examples.
- 6.14 It is not the case that a Solar PV farm must lie near a HV Power line. They can connect via a substation or by dedicated transmission line, although that does entail extra costs.
- 6.15 Whilst MBC does not specifically allocate land or identify suitable areas for such development, it provides criteria-based guidance in both policy and SPG. Government policy does not say that every district must provide solar PV farms and policy does very explicitly require avoidance of the BMV agricultural land, even if still farmed to a lower type of production. The applicant has not justified breaching this clear policy requirement because of its own business decision to restrict its search to the Borough of Maidstone (which typically has good quality agricultural land) and close to a HV power line.

Landscape Character and Visual Impact

- 6.16 The NPPF states that the planning system should contribute to and enhance the natural and local environment and that the intrinsic character and beauty of the countryside should be recognised. Both national and local policy relating to solar PV arrays identify that these impacts will be material considerations of significant weight.
- 6.17 The site lies in the MBC Landscape Character Areas of *Teise and Upper Medway Valleys* and the Borough Wide Character area of *Laddingford Low Weald and Teise Valley*. *Laddingford Low Weald* is described as having a moderate condition and sensitivity and *Teise Valley* is described as having a good condition and high sensitivity. It is accepted that a key characteristic of both character areas is large open arable fields and pasture.
- 6.18 The Maidstone Landscape Capacity Study: Sensitivity Assessment (2015) suggests that new development should conserve the largely undeveloped landscape with its scattered development pattern and isolated farmsteads and consider views towards any proposals across the Low Weald from the elevated Greensand Ridge, and the High Weald which rises to the southwest. It says that extensive, large scale or visually intrusive development would be inappropriate Laddingford Low Weald and that in the Teise Valley, pressure for development to spread onto the visually sensitive valley floor, notably at Marden, should be resisted to maintain the open character of the floodplain.
- 6.19 The site slopes 1.75m overall with the highest land being near Sheephurst on the southern part of the site and is otherwise relatively flat with slight undulations and is generally open surrounded by trees which form a significant feature in the local landscape.
- 6.20 The applicant has submitted a Landscape and Visual Impact Assessment which concludes that whilst the main access would allow glimpsed views into the site, the raised railway line screens views from the north and due to intervening vegetation, there are limited views from the east. It concludes that views of the solar farm will be possible from upstairs windows of some neighbouring dwellings and there may be occasional views from ground floor windows where there are gaps in garden and boundary vegetation.
- 6.21 In terms of cumulative impact, there has been planning permission granted for a switching station off the southern side of Sheephurst Lane and a planning application has been submitted at Bockingfold in TW district approximately 750m to the southwest of the application site. However, due to the distance between the sites and the inability to view the sites together from a fixed vantage point, there would be no cumulative visual impact on the rural locality.

- 6.22 It is considered that there will be very significant views into the site from PROW KM244 which crosses through the site in the SE corner as there will be minimal screening at that point. The view currently looks north with the Greensand Ridge in the background. This view would be obliterated in the short term by the PV arrays and in the longer term by the landscape screening. The perimeter security fence and PV panels would be within a few metres of that PROW.
- 6.23 Views from KM244 nearer Turkey Farmhouse would be affected before the mitigating planting matures in approx. 10 years.
- 6.24 Significant views into the site would occur from KM248 which would run alongside the arrays for a distance of 750m. This path does currently run along the base of the embankment to the railway and a second line of security fencing alongside it for this distance would make it much less pleasant to use and the existing long open views across arable fields would be interrupted by the PV arrays in the short term and curtailed by the screen hedging in the medium to long term.
- 6.25 The new permissive paths proposed would allow more public access and link the PROW network but would have poor outlook as long sections of both would lie between 2.4m high security fencing and the site boundaries.
- 6.26 There will be industrialising visual impact of new gates which will be high and wide and set back behind a large bellmouth compared to the farm gate in existence. There will be visual impact via the second farm gate access which will take some time to be screened and from which will be visible the PV arrays and the industrialising HV compound.
- 6.27 There will also be a likely visual impact from the bunds needed for stored topsoil-these are mentioned in the application but are not detailed and not assessed in the LVIA.
- 6.28 8 Sheephurst Cottages would have views towards the solar arrays and HV compound from upstairs windows. Willow Cottage and Willow Barn would be able to see the PV arrays as will converted dwellings around Little Cheveney Farm complex and Great Sheephurst Farm. Dwellings to the northwest of the site on Burtons Lane (60m from site boundary and 165m from the solar arrays), would have upstairs views as would Turkey Farmhouse to the NE.
- 6.29 The applicant proposes mitigation planting. However, much of the landscape strategy shows additional ecological woodland planting and heavy standard trees **outside** the red line of the application site which means there is no way of securing them by planning condition. The applicant has not offered a legal agreement that secures this off-site planting.
- 6.30 The landscape scheme proposes the introduction of new planting of hedgerows to 'hide' the substantial array of solar panels, but which would also restrict public views across the currently open topography. These wide-open vistas currently give the local countryside its intrinsic character and qualities. The locality is being artificially altered over a long period in the attempt to hide the solar panels. The screening would provide mitigation towards full effectiveness in a ten-year period as the trees, shrubs and hedgerows mature which is a relatively long time for the impact to be experienced by users of the PROW network. It is considered that the proposed species mix within the hedgerows would not provide screening from the outset of the development nor all year round due to the lack of evergreen species.
- 6.31 In any event, it is considered that screening development from view does not negate harm to the intrinsic qualities of the countryside or make otherwise harmful development acceptable. The proposed solar PV development would introduce a considerable impact on the existing open countryside to its substantial detriment.
- 6.32 From greater distances, it is accepted that the site would not be visible from the Crook Road viewpoint in the High Weald AONB. The AONB unit have been consulted but chose not to comment. There is inter-visibility between the site and the Greensand Ridge south of Coxheath and whilst there are polytunnels and some

large scale horticultural/fruit packing buildings in the foreground, the solar farm would add to the industrialisation of the vista.

- 6.33 It is accepted that the proposed planting would screen from several vantage points over the medium to long term. However, views from upper floor neighbouring residential windows of the site would not be likely to benefit significantly from planting given the vast scale of the PV arrays and the height of the fencing and the various structures that would be required to support the development.
- 6.34 Whilst harm would lessen over time as the mitigation planting matures, that creates other harm such as curtailment of open vistas characteristic of the locality. The development would be locally significant in scale and would change the character of the site, which carries with it an intrinsic quality as open, greenfield land.
- 6.35 This impact was referred to negatively by the Inspector who in dismissing the Appeal for a much smaller solar farm at Pagehurst Farm, also in the Low Weald, said *"high hedges to 'hide' the substantial 20 hectare array of solar panels and to restrict public views across the currently vast and open topography. These wide open vistas currently give the local landscape its particular intrinsic character and qualities. The result would be to fundamentally alter the landscape in a contrived way to seek to accommodate the solar panels."*

Heritage Assets

- 6.36 Sections 66(1) and 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 requires that decision makers pay special regard to the desirability of preserving heritage assets potentially affected by the scheme or their settings or any features of special architectural or historic interest that they may possess.
- 6.37 The NPPF references the desirability of sustaining and enhancing the significance of heritage assets and that new development should make a positive contribution to local character and distinctiveness.
- 6.38 The NPPF sets out that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Significance can be harmed or lost through development within its setting. As heritage assets are irreplaceable, any harm or loss should require clear and convincing justification. Where a proposed development will lead to "less than substantial harm" to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
- 6.39 The desk-based Heritage Assessment (HA) states that most of designated heritage assets lie close to the southeast and are residential properties with screening to their gardens. There are 33 Listed Buildings within the 1km study area.
- 6.40 The HA concludes no harm on the settings of Grade II Listed Buildings of Little Long End, Longends Farmhouse, Turkey Farmhouse, Great Sheephurst Oasthouse. Most of these conclusions are accepted due to distance/and or topography or screening except for the Listed building of Little Long End to which there will be harm to its setting from the industrialisation of its arable context.
- 6.41 The HA also concludes no harm to the cluster of Grade II listed buildings at Little Cheveney Farm as it focuses on public vistas. This conclusion is not accepted. The original application showed PV arrays enveloping the complex at distances of only 125m to the fence and 140m to the arrays. This distance has increased to 175m and 180m respectively in the revised scheme but the application still harms the visual, functional and historic connection to the heritage assets at Little Cheveney Farm.
- 6.42 Occasional views from and to all these listed buildings across the application site would be possible resulting in some harm to their setting. The harm to the significance of the heritage assets would be "less than substantial" but nevertheless weighs against the proposal in the overall balance. The public benefits of a renewable energy scheme are accepted but could be obtained by sites that are less constrained by the proximity of so many Grade II listed buildings.

- 6.43 The site is an Area of Archaeological Potential and archaeological investigations can be secured through an appropriately worded condition. The HA conclusion of no harm to archaeological assets is accepted.

Biodiversity

- 6.44 The NPPF states that local planning authorities should aim to conserve and enhance biodiversity.
- 6.45 Natural England has not objected to the application subject to a condition on kingfishers.
- 6.46 KCC is concerned at the impact on habitat for badgers and skylarks although says that the latter could be mitigated by advance creation of skylark plots within the surrounding area.
- 6.47 Ancient Woodland is not directly impacted but the perimeter fence will be erected 15m at its closest point with the gap becoming a new permissive footpath. This is considered to unnecessarily add pedestrian pressure to AW within its buffer thus giving risk of habitat being harmed by trampling, contrary to the national Planning Practice Guidance.
- 6.48 The EA has concerns that creation of a public footpath is proposed within 8m of the Lesser Teise and objects to harmful impacts on ecology and physical habitats.

Residential Amenity

- 6.49 The NPPF sets out to secure a good standard of amenity for all existing and future occupants of land and buildings. Planning decisions should avoid noise significantly adversely impacting on health and quality of life.
- 6.50 The applicant's Glint and Glare Report sets out that the middle of the solar panel has been used as the assessed height in metres above ground level (agl) as it represents the smallest possible variation in height from the bottom and top of the solar panels. The applicant states that the small variation in panel height will not change the conclusions of the report because of a marginal impact on the modelling results. Efficient PV modules are designed not to reflect sunlight: the glass used in solar PV systems reflects approximately 2% of the light and sunlight will be reflected upwards, not in the direction of any observers at ground level. This is accepted.
- 6.51 Network Rail expresses no concerns with the glint and glare aspects of the development and similarly, KCC does not raise highway safety issues from and glint and glare on roads near the site.
- 6.52 The applicant has set out that the HV compound would potentially create noise but concludes no noise mitigation measures are required.
- 6.53 However, the Council's Environmental Protection Officer is not satisfied with the study and advises that the noise assessment should be widened and BS4142 assessments done for all locations. They advise that the methodology used is not appropriate for this type of noise as this is for non-tonal steady traffic type noise which this is not.
- 6.54 Noise from the construction works is a consequence of development but short-term impacts could be managed under Environmental Protection legislation.
- 6.55 It is considered that the noise study has not been correctly carried out so there is a potential breach of policy DM1 in terms of residential amenity.

Highways

- 6.56 The existing field access from Shephurst Lane would be widened to 6m and gated with acceptable visibility splays.

- 6.57 The Transport Statement sets out there is no operational traffic. Construction related traffic will be coming from the north and the applicants now concur that KCC now agree that the route suggested by Marden PC has overall safety benefits.
- 6.58 A variety of HGVs would access the site for construction, resulting in an average of 26 two-way movements per day over the 5.5-day week for approx. 24 weeks. Most will be articulated lorries of up to 40 tonnes and a mobile crane will be required for at least 12 weeks. The applicant has agreed that HGVs could be managed to avoid peak hours.
- 6.59 There would be up to 80-100 construction workers at peak times. It is envisaged that the non-local workforce would stay locally, would travel to and from the site by private bus or shared hire cars.
- 6.60 The construction traffic would inevitably be very disruptive to those living in the area for a period of approx. 6 months but operationally, the solar PV farm would not have any highways impact. The scheme could not be refused on highway grounds from construction traffic in my view as that is separate to the land use considerations of the development and would fail the NPPF test that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Flood Risk and Drainage

- 6.61 The site includes significant areas of Flood Zones 2 and 3. The NPPF states that areas at highest risk of flooding should be avoided for development, but where necessary, it should be safe without increasing flood risk elsewhere.
- 6.62 The Stage 1 Flood Risk Assessment Report concludes that a solar farm should be considered as 'Essential Infrastructure' with the compound and the substation ideally located within the lower flood risk areas. The layout for the scheme responded to the FRA's recommendations by locating the compound on higher land in the SW i.e., nearer Sheephurst Lane.
- 6.63 Notwithstanding that the FRA reflects a layout before the HV compound was proposed in an area of lesser flood risk, the Environment Agency has offered no objection in principle provided the finished slab level of essential infrastructure is set at 17.5mAOD which is 300mm above the design flood level. This can be achieved. The PV panels will be above the flood level.
- 6.64 There are no proposals to alter watercourses or banks. On this basis, there are no flood risk or drainage concerns.

Other Matters

- 6.65 Although local residents consider that the diversion of footpath would be more susceptible to flooding, the PROW officer has no objections and considers the 2 new permissive footpaths to be beneficial in terms of accessibility and linked routes.

PUBLIC SECTOR EQUALITY DUTY

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

7. CONCLUSION

- 7.01 Renewable energy reduces the emission of greenhouse gases and there is farm diversification, improved biodiversity and short-term local economic benefit from the construction.
- 7.02 The site is not previously developed land and is 43% arable land of grades 2 and 3a and so the development breaches with National Energy and Planning policies

and policy DM24 of the MBLP. The applicant has not demonstrated that alternative sites of a lower agricultural quality could not be found.

- 7.03 The development is alien to the established character of the local countryside. By virtue of the scale of the development, the layout and distribution of arrays and the inadequacy of proposed mitigation, the harm to the intrinsic character and appearance of the open countryside is substantial, both in significance and scale, and would not be mitigated by the landscaping proposals.
- 7.04 The development will create bunds of stored topsoil. Whilst the applicant has failed to provide details, they would be visually harmful. The proposal in this regard is therefore contrary to the NPPF and to Policies SP17, DM1, DM24 and DM30 of the MBLP.
- 7.05 There would also be some harm to the setting of listed buildings, notwithstanding this harm would be "less than substantial" in nature, contrary to the NPPF and policy DM4 of the MBLP. Whilst there are public benefits to be weighed against that degree of harm, it is not evidence that these benefits could not be achieved from more appropriate sites.
- 7.06 In terms of biodiversity, there is risk to the movement of badgers and loss of skylark habitat and Ancient Woodland buffer would suffer unnecessary pedestrian pressure. The EA is concerned that creation of a permissive footpath within 8m of the Lesser Teise would detrimentally impact on ecology and physical habitats. This means the development is contrary to the NPPF and policies DM3 and DM24 of the MBLP.
- 7.07 When assessed against the Government's Energy and Planning policies and the MBLP, the overall adverse impacts of this proposal on this site and surrounding areas cannot be adequately mitigated, are significant and not demonstrably outweighed by the benefits of the proposal. I therefore recommend that planning permission be refused.

8. RECOMMENDATION

REFUSE planning permission for the following reason(s):

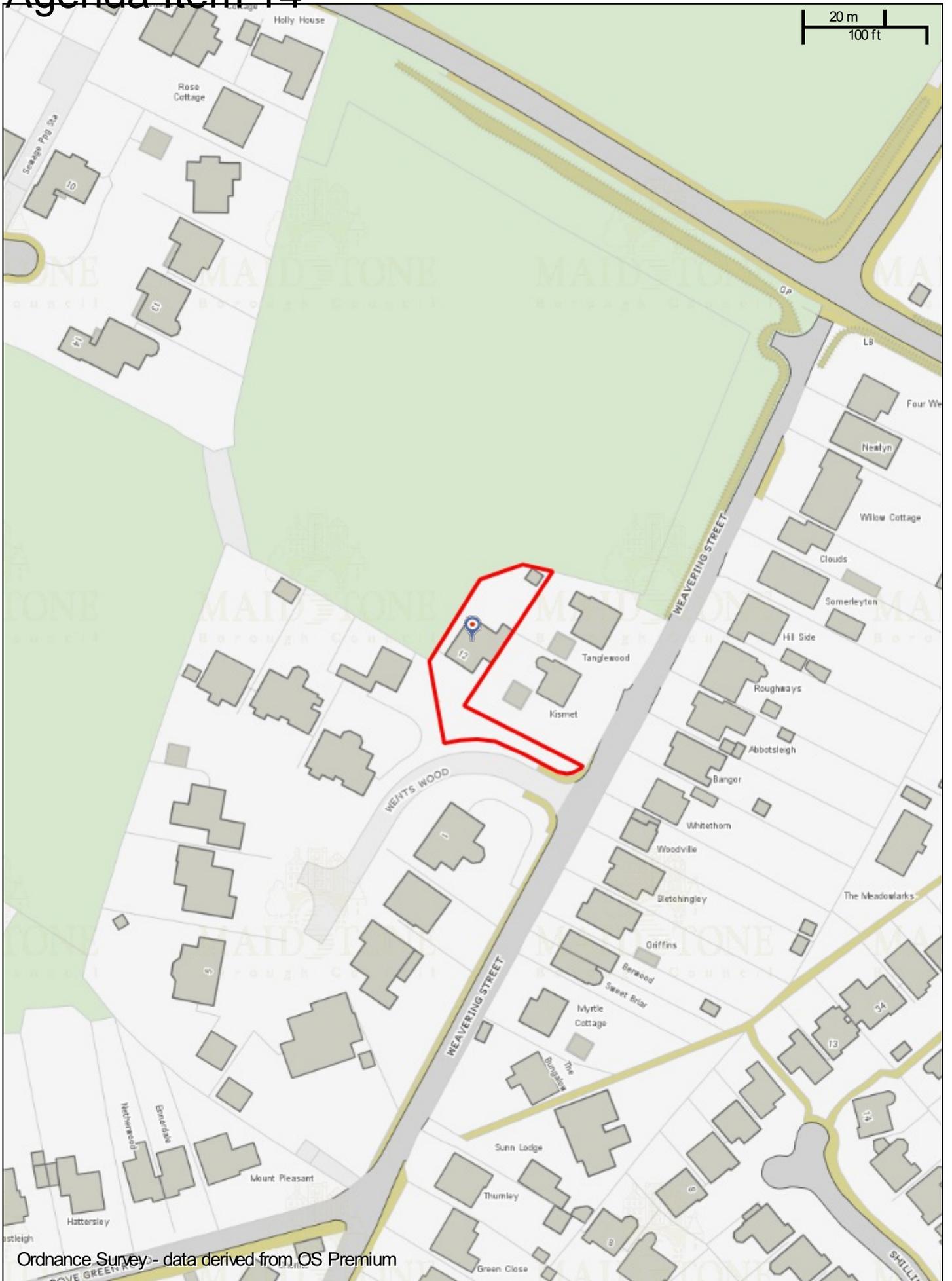
- 1) The site includes a significant proportion of the best and most versatile agricultural land which has economic and other benefits that NPPF requires to be recognised. The proposal is also contrary to National Energy policies and Planning Practice Guidance and policy DM24 of the Maidstone Borough Local Plan 2017 which direct solar farms towards lower grade agricultural land. The proposed use of the best and most versatile agricultural land has not been adequately demonstrated to be necessary.
- 2) By virtue of its scale and character, the proposed development would cause significant harm to the character and appearance of the countryside and does not adequately mitigate these impacts, contrary to the aims and objectives of the National Planning Policy Framework and policies SP17, DM1, DM24 and DM30 of the Maidstone Borough Local Plan 2017.
- 3) The proposed development, by virtue of its scale, proximity and character results in less than substantial harm to the settings of Heritage Assets being Grade II listed buildings of Little Long End and Little Cheveney Farm as views from and to listed buildings close to the site would be possible. The harm to the significance of the heritage assets would be less than substantial. The application is therefore contrary to policies DM4 and DM24 of the Maidstone Borough Local Plan 2017 and the NPPF.
- 4) The proposal would cause harm to biodiversity by detrimentally impacting on ecology and physical habitats including badger and skylark habitat and potential

harm from new permissive footpaths to Ancient Woodland and the Lesser Teise and is thereby contrary to the NPPF and policies DM3 and DM24 of the Maidstone Borough Local Plan 2017.

- 5) The noise assessment does not include BS4142 assessments for all locations and therefore the applicant has failed to demonstrate that there will be no harm to residential amenity, contrary to policies DM1 and DM24 of the Maidstone Borough Local Plan 2017.

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

Agenda Item 14



Ordnance Survey - data derived from OS Premium

22/503499/FULL 12 Wents Wood, Weaving, Kent, ME14 5BL

Scale: 1:1250

Printed on: 7/10/2022 at 9:06 AM by JoannaW

REPORT SUMMARY

REFERENCE NO: - 22/503499/FULL		
APPLICATION PROPOSAL: Conversion of garage with raised roof and 1no. roof light. Loft conversion with front and rear dormers and 2no. roof lights (resubmission of 22/502134/FULL).		
ADDRESS: 12 Wents Wood Weaving Kent ME14 5BL		
RECOMMENDATION: GRANT - subject to the planning conditions set out in Section 8.0 of the report		
SUMMARY OF REASONS FOR RECOMMENDATION: For the reasons set out in this report, it is considered that the proposed conversion of the garage with a raised roof and 1no. roof light, loft conversion with front and rear dormers and 2no. roof lights would be acceptable and would not cause significant visual harm, harm to neighbouring amenity nor would it be unacceptable in terms of any other material planning considerations. The proposed developments are considered to be in accordance with current policy and guidance.		
REASON FOR REFERRAL TO COMMITTEE: The recommendation is contrary to the views of Boxley Parish Council who have requested the application be presented to the Planning Committee.		
WARD: Boxley	PARISH/TOWN COUNCIL: Boxley	APPLICANT: Mr and Mrs Nigel Whitlock AGENT: Mr Paul Fowler
CASE OFFICER: Chloe Berkhauser-Smith	VALIDATION DATE: 15/07/22	DECISION DUE DATE: 27/10/22
ADVERTISED AS A DEPARTURE: NO		

Relevant Planning History

22/502134/FULL

Conversion of garage with raised roof and 1no. roof light. Loft conversion with front and rear dormers and 2no. roof lights. Erection of a detached garage.
Refused 06.07.2022

14/500773/FULL

Erection of single storey rear extension
Approved 08.09.2014

93/1668

Erection of twelve 4/5-bedroom detached houses garages and estate road as validated and amended by drawing nos. 747/465/D 747/466/J P93/41 and external finishes schedule 747/487/B received 08.12.93. .
Approved 21.02.1994

MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 The application site relates to a two-storey, detached dwelling. The existing materials of the dwelling comprise of brick for the external walls, plain tiles for the roof and white uPVC for the windows and doors.
- 1.02 The site is accessed by a shared driveway from Wents Wood and is situated higher than the street. The driveway leads to a large parking and turning area and the property is situated to the north-east. The dwelling sits at the highest part of the plot and there is a stepped garden at the rear of the property. The boundary treatment for the boundary shared with Tanglewood and Kismet consists of tall hedging, all other boundary treatment consists of close-boarded fencing.

- 1.03 The site is not within a conservation area or an area of outstanding natural beauty, although it is within the 500m buffer of a local wildlife site. The site is also located adjacent to a TPO.

2. PROPOSAL

- 2.01 The proposal is for the conversion of the garage with a raised roof and 1no. roof light. Loft conversion with front and rear dormers and 2no. roof lights.

Garage Conversion

- 2.02 The proposed garage conversion would incorporate altering the internal garage space to form an extension to the existing kitchen and utility room. The existing garage has an eaves height of approximately 2.7m at the front and 3.3m at the rear and it has a ridge height of approximately 5.1m. The proposed garage conversion includes altering the roof, the proposed roof therefore would have an eaves height of approximately 3.4m at the front and 4m at the rear. It would have a maximum height of approximately 5.3m. Additionally, the proposed garage conversion includes replacing the existing front garage door with a window, replacing the rear door with a window, adding a roof light to the front elevation and adding a secondary window to the kitchen on the south-east side elevation.

Loft Conversion

- 2.03 The proposed loft conversion will allow space in loft to form a bedroom, ensuite and dressing room.
- 2.04 The proposed front dormer would have an approximate width of 2.4m and depth of 2.3m. It would have a hipped roof with an eaves height of approximately 1.8m and a ridge height of 2.8m. There would be one window on the front elevation of the dormer which would serve the hallway.
- 2.05 The proposed rear dormer would have an approximate width of 5.7m and depth of 1.8m. It would have a hipped roof with an eaves height of approximately 1.4m and a ridge height of 1.9m. There would be two windows on the rear dormer, one serving the ensuite and the other serving the bedroom.
- 2.06 The proposed loft conversion also includes adding two roof lights to the front elevation. The proposed roof lights would be approximately 1.6m from the internal floor level.

3. POLICY AND OTHER CONSIDERATIONS

Maidstone Borough Local Plan 2017 – Policies DM1, DM9 and DM23

Emerging Policies:

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

Policy LPRSP15 – Principles of Good Design

LPRHou 2 – Residential extensions, conversions, annexes and redevelopment in the built-up areas

Policy LPRTRA4 - Parking Matters

Supplementary Planning Documents – Maidstone Local Development Framework:
Residential Extensions SPD,

National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

4. LOCAL REPRESENTATIONS

4.01 5 representations received from local residents raising the following (summarised) issues

- Loss of privacy and overlooking
- Overshadowing
- Out of keeping with the character of the area
- Overdevelopment along the boundary
- Cause harm to the streetscene

4.02 Issues relating to loss of view, loss of property value and issues arising from the construction period are not material planning considerations and therefore cannot be taken into account in the determination of this application. The other matters raised by neighbours and other objectors are discussed in the detailed assessment below.

5. CONSULTATIONS

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

Boxley Parish Council

5.01 The proposal, by virtue of its scale, location and design would result in a visually dominant and incongruous development that would impact the character of the host dwelling and the character and appearance of the streetscene contrary to the NPPF 2021 and MBC Local Plan Policies DM1 and DM9 and the Residential Extensions Supplementary Planning Document.

It would be over development of the site.

Policy DM1 of the Local Plan requires proposals to: Respect the amenities of occupiers of neighbouring properties and uses and provide adequate residential amenities for future occupiers of the development by ensuring that development does not result in, or is exposed to, excessive noise, vibration, odour, air pollution, activity or vehicular movements, overlooking or visual intrusion, and that the built form would not result in an unacceptable loss of privacy or light enjoyed by the occupiers of nearby properties.

The height extension on the garage will create overshadowing of the neighbouring garden. One of the dormer windows to the roof extension will cause a loss of privacy to their neighbours garden and bedrooms.

Cllr Robert Hinder

5.02 The proposed extensions by reason of their designs, positions and layout would result in an unsympathetically, incongruous, and poorly related additions to the dwelling and harm the visual amenity of the street scene and character of the host dwelling contrary to NPPF 2021, Policies DM1 and DM9 of the Maidstone Borough Local Plan 2017 and the Residential Extensions SPD. It would create effectively a 3 storey dwelling surrounded by 2 storey dwellings and be totally out of keeping with the streetscene. The height extension on the garage would create overshadowing in particular within the garden of its neighbour Kismet. There would be a loss of privacy to the residents of Tanglewood from one of the dormer extension windows of the roof extension this being classed as a habitable room. The loss of privacy would be in the garden and the bedrooms. I am led to believe that all neighbours object to this proposal which should be taken into account regarding reaching a decision. Policy DM1 clearly states that the amenities of neighbouring properties and occupiers must be protected which this proposal clearly breaches. The scale,

height, form and appearance and siting of the proposal would not fit unobtrusively with the character of the street scene and / or its context.

6. APPRAISAL

Main Issues

6.01 The key issues for consideration relate to:

- Site background/Principles of development/Policy Context
- Visual amenity
- Residential amenity
- Parking/Highway safety
- Other matters

Site Background/Principles of development/Policy Context

6.02 The existing dwelling was built under the permission 93/1668. It has been previously extended to the rear by a single storey extension. This application follows a recent refusal for a similar scheme under application 22/502134/FULL for the *Conversion of garage with raised roof and 1no. roof light. Loft conversion with front and rear dormers and 2no. roof lights. Erection of a detached garage.* This was refused on the following ground :

The proposed detached garage by virtue of its siting and size, significantly forward of the existing dwelling, would appear as an incongruous addition within the site and would have a detrimental impact to the streetscene and the character of the area. Therefore, it is considered that the proposal does not comply with Policies DM1 and DM9 of the Adopted Maidstone Borough Plan Oct 2017 and the Councils Residential Extensions guidelines, and that there are no overriding material considerations to justify approval that outweigh the harm identified above.

This application seeks to overcome the previous refusal by removing the detached garage from the scheme.

6.03 The application site is located within the urban settlement boundary, east of the town centre. Policy DM9 of the Local Plan allows for residential extensions provided that:

- i. The scale height, form, appearance and siting of the proposal would fit unobtrusively with the existing building where retained and the character of the street scene and/or its context.
- ii. The traditional boundary treatment of an area would be retained and, where feasible, reinforced;
- iii. The privacy, daylight, sunlight and maintenance of a pleasant outlook of adjoining residents would be safeguarded; and
- iv. Sufficient parking would be provided within the curtilage of the dwelling without diminishing the character of the street scene.

6.04 Policy DM1 (ii) in terms of design refers to developments responding positively to the character of the area, with regard being paid to scale, height materials, detailing, mass, bulk, articulation and site coverage. DM1 (iv) re-iterates consideration to be paid to adjoining neighbouring amenity.

6.05 The Residential Extensions SPD in relation to this proposal sets out the following:

4.30 *Increasing the roof height of a dwelling by altering the eaves height or the pitch of the roof can have a detrimental impact on the dwelling and street scene and should be avoided.*

4.32 *New dormers will not normally be allowed to front elevations in streets where there are none already. Roof lights, particularly on the front elevation, are a preferable alternative to the use of dormers or roof extensions. The number and size of roof windows should not visually dominate the roof plane. Roof windows need not be large, as more sunlight and daylight reaches a sloping roof than a wall. Roof windows should be designed and installed to have a minimum projection from the roof plane. The glazing of the traditional roof light is flush with the roof covering, and all roof window ranges now include a 'conservation style' roof light which meets this requirement.*

4.33 *Loft extensions are preferred on the back elevation in order to preserve the character of the street.*

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

4.35 *Large dormers/roof extensions requiring planning permission, which are disproportionate to the house, will not be allowed.*

- 6.06 The application site is situated in a sustainable location within the urban settlement boundary and as such, the principle of development in this location is considered acceptable subject to the material planning considerations discussed below.

Visual Amenity

- 6.07 The application site is situated higher than the street Wents Wood and is set back by approximately 18.5m from the street. There are a few existing mature trees and hedging which do provide some screening of the property along the street, however the property is mainly visible.
- 6.08 The proposed rear dormer would not be visible from the street scene, and it is therefore considered that this would not impact the streetscene. Considering the design of the proposed rear dormer, whereby it is significantly set back from the eaves height and considering the proposed hipped roof which is in keeping with the existing roof of the main dwelling, it is considered that it would not have a detrimental impact upon the character and appearance of the host dwelling.
- 6.09 The proposed roof lights, alterations to the existing garage roof height and the replacement garage door with a window all would be visible from the street. Although, it is considered that due to the nature and scale of the proposed increase in roof height, replacement garage door with a window and proposed roof lights, I am satisfied that they would not have a detrimental impact upon the character and appearance of the streetscene or the character of the host dwelling.
- 6.10 The proposed front dormer would be visible from the streetscene, although taking into considering the scale and design of the proposed front dormer, whereby it is set back from the eaves and the pitch of the proposed hipped roof dormer would match the pitch of the existing barn hip of the main dwelling, also considering that the dormer would follow the vertical line of the windows below it is considered that the proposed dormer would not have a detrimental impact upon the character appearance of the hostdwelling or the character of the wider area. It is noted that the proposed dormer does not have a set back from the main ridge line, although as it does not exceed the height of the main ridgeline, there would be insufficient grounds to refuse the application on this basis.
- 6.11 Comments have been raised over concerns that the proposal is out of keeping with the character of the streetscene and the character of the area. The streetscene along Wents Wood is made up of a variety of house styles, with No.12 being the only property along the street of this style. Therefore, considering this, and considering

the design and scale of the proposed front dormer, and the modest nature of the proposed alteration to the garage roof and replacement garage door, there are not considered to be sufficient grounds for refusal on this basis.

- 6.12 Overall, the proposed developments are of an acceptable design and appearance which would appear subservient to the existing dwelling and would not harm visual amenity of the streetscene or the character of the surrounding area, nor would it harm the site itself.

Residential Amenity

- 6.13 Representation has been received from five of the seven neighbouring properties. (Tanglewood Weaving Street, Kismet Weaving Street, 10 Wents Wood, 1 Wents Wood, 11 Wents Wood). It is those properties that would most likely be impacted by the proposal. The other neighbouring properties are considered to be a significant distance away to be unaffected by the proposal.

- 6.14 *Kismet, Weaving Street*

Kismet, Weaving Street is the neighbouring property located to the south-east of the application site. The existing garage is built up against the boundary with Kismet and there is tall hedging dividing the two sites. The proposed alteration to the garage roof, increasing the height of the pitch is not considered to have detrimental impact upon the residential amenity of Kismet due to the small alteration in the height and the orientation of the site. Additionally, any overshadowing that could occur from the proposed increase in height would only impact the garden area of Kismet which is not considered a habitable space. Given the positioning the application site and Kismet, the proposed rear dormer windows would not result in loss of privacy or overlooking towards Kismet. The proposed secondary window to the kitchen on the south-east side elevation would create views towards Kismet, however this would be at ground floor, within the existing side elevation of the dwellinghouse, such that planning permission would not be required for this additional window and it would be unreasonable to impose a condition to secure it being obscure glazed. That said the level of harm from potential overlooking is considered would be minimal due to its position and existing boundary treatment.

- 6.15 *Tanglewood, Weaving Street*

Tanglewood, Weaving Street is the neighbouring property located to the north-east of the application site. The garden area of the application property adjoins the boundary with Tanglewood and there is tall hedging dividing the two sites. The proposed increase in the garage roof height would not impact the residential amenity of Tanglewood due to the location of the garage. The proposed rear dormer windows would be orientated rearwards across the rear garden of the application site, Tanglewood is orientated at an angle to this and therefore there are not any direct window to window views and any views across the rear garden would be oblique, with views already possible from first floor windows. Rear facing dormers are not uncommon within built up areas and it is not considered any views from the dormer would result in significant harm. Considering this, I am therefore satisfied that the proposal would not impact upon the residential amenity of Tanglewood by causing a loss of light or overshadowing or a loss of privacy or overlooking.

- 6.16 *No.11 Wents Wood*

No.11 Wents Wood is the neighbouring property to the south-west of the application site. No.11 is approximately 8.9m from the application property. It is considered that due to the nature of the proposal and the distance of the proposal to No.11 it would not result in a loss of light or overshadowing. Concerns were raised from the resident of No.11 over a loss of privacy from the proposed front roof lights and dormer window, however, ~~40~~ considering the proposed roof lights are approximately 1.6m from finish floor level, and considering the proposed dormer

window would serve the stairwell which is not considered a habitable space, additionally, taking into consideration the location of the application property and the location of No.11, I am satisfied that the proposed windows would not result in a loss of privacy or overlooking towards No.11.

6.17 *No.10 Wents Wood*

No.10 Wents Wood is the neighbouring property located to the south-west of the application site and it is approximately 29.9m from the application property. Considering this, I am satisfied that the proposal would not result in a loss of light or overshadowing. Concerns were raised regarding a loss of privacy and overlooking resulting from the proposed front dormer and roof lights. The proposed front dormer would serve the stairwell and is therefore not considered a habitable space. The proposed roof lights are approximately 1.6m from finish floor level, therefore considering this and the distance from the application site to No.10, I am satisfied that the proposal would not adversely affect the residential amenity of No.10 by causing a loss of privacy or overlooking.

6.18 *No.1 Wents Wood*

No.1 Wents Wood is the neighbouring property to the south of the application site. There is a significant distance from the application property to No.1 (approx. 33.6m) and therefore I am satisfied that the proposal would not result in a loss of light or overshadowing. Concerns have also been raised regarding a loss of privacy and overlooking towards No.1, although considering the distance between the application property and No.1, the fact that the proposed roof lights are approximately 1.6m above finish floor level and that the proposed front dormer window would serve the stairwell which is not considered a habitable space, it is considered that the proposal would not result in a loss of privacy or overlooking towards No.1.

6.19 *Overall*

The proposals would not result in significant harm to neighbouring residential amenity that would warrant a refusal.

Parking/Highway Safety

- 6.20 The existing parking provisions at the site would remain. The proposal does include adding an additional bedroom to the property and converting the garage space, however the site has a large driveway which could fit up to 3 cars. This is considered sufficient according to Appendix B. Residential parking standards (policy Dm23) and therefore I am satisfied that the proposal would not impact upon parking at the site or highway safety.

Other matters

- 6.21 Biodiversity/Ecological Enhancement: Due to the nature and relative scale of the development and the existing residential use of the site, it is not considered that any ecological surveys were required.

Policy DM1 of the Local Plan sets out, at point viii, that proposals should '*protect and enhance any on-site biodiversity and geodiversity features where appropriate, or provide mitigation.*' This is in line with the NPPF and advice in the Residential Extensions SPD. Consequently, it is considered that a condition should be attached requiring some form of biodiversity enhancement measures are provided integral to the proposed extensions and within the curtilage of the dwellinghouse.

- 6.22 Renewables and energy/water efficiency: The NPPF, Local Plan and residential extensions SPD all seek to promote the use of renewables and energy/water efficient buildings. The proposals by their nature are extensions to an existing dwelling such that it would be unreasonable to seek to secure such measures which do not accord with the scale of the development. Energy efficiency can be secured through measures such construction, or renewables or water efficient for use of

measures such as water butts, as such to secure such measure a condition is considered reasonable to ensure that the development incorporates appropriate measures.

PUBLIC SECTOR EQUALITY DUTY

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

7. CONCLUSION

- 7.01 For the reasons set out above, it is considered that the proposed garage conversion including one roof light to the front elevation and raising the existing roof, loft conversion, including front and rear dormer windows and two roof lights to the front elevation would be acceptable and would not cause significant visual harm, harm to neighbouring amenity nor would it be unacceptable in terms of any other material planning considerations. The proposed developments are considered to be in accordance with current policy and guidance.

8. RECOMMENDATION

GRANT planning permission subject to the following conditions

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

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 materials to be used in the construction of the external surfaces of the extensions hereby permitted shall match those used in the existing building;

Reason: To ensure a satisfactory appearance to the development

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

Site Location plan – Received 15/07/2022

Existing, Proposed West Elevations and Existing Floor Plans – Drawing No. 14/531/03 – Received 15/07/2022

Existing, Proposed Floor Plans and Elevations – Drawing No. 14/531/04 Rev B – Received 15/07/2022

Reason: To clarify which plans have been approved.

- 4) No part of the development hereby approved shall commence above slab level until details of a scheme for the enhancement of biodiversity on the site have been submitted to and approved in writing by the Local Planning Authority. The scheme shall consist of the enhancement of biodiversity through at least one integrated method into the design and appearance of the extension/outbuilding by means such as swift bricks, bat tubes or bee bricks, and through the provision within the site curtilage such as bird boxes, bat boxes, bug hotels, log piles, wildflower planting and hedgehog corridors. The development shall be implemented in accordance

with the approved details prior to first use of any part of the development hereby approved and all features shall be maintained thereafter.

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

- 5) The development shall not commence above slab level until details of how the proposal hereby approved shall be constructed to secure the optimum energy and water efficiency of the extension/building have been submitted to and approved in writing by the local planning authority. The approved details shall be installed prior to first occupation and maintained thereafter; The details shall demonstrate that consideration has been given to incorporating small scale renewable energy generation options have been considered first and shall only be discounted for reasons of amenity, sensitivity of the environment or economies of scale, installing new energy efficient products, such as insulation, energy efficient boilers, low energy lighting shall be considered as a secondary option if the use of renewables has been demonstrated to not be appropriate.

Reason: To ensure an energy efficient form of development.

Case Officer: Chloe Berkhauser-Smith

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

Agenda Item 15



Ordnance Survey - data derived from OS Premium



22/502608/FULL Kings Oak Farm, Crumps Lane, Ulcombe, Kent

Scale: 1:1250

Printed on: 1/8/2022 at 15:57 PM by JoannaW



REFERENCE NO: 22/502608/FULL		
APPLICATION PROPOSAL: Permanent retention of agricultural dwelling (previously given temporary permission under 19/505341/FULL).		
ADDRESS: Kings Oak Farm, Crumps Lane, Ulcombe, Kent, ME17 1EU		
RECOMMENDATION: GRANT PLANNING PERMISSION subject to planning conditions		
SUMMARY OF REASONS FOR RECOMMENDATION: The development is acceptable with regard to the relevant provisions of the Development Plan, the NPPF and all other material considerations such as are relevant.		
REASON FOR REFERRAL TO COMMITTEE: Ulcombe Parish Council has requested application is considered by Planning Committee if officers are minded to approve application. This request is made for reasons outlined in the consultation section below.		
WARD: Headcorn	PARISH: Ulcombe	APPLICANT Mr & Mrs N Coles AGENT Coles Group
OFFICER: Kate Altieri	VALIDATION DATE: 25.05.22	DECISION DATE: 24.10.22
ADVERTISED AS A DEPARTURE: NO		

RELEVANT PLANNING HISTORY

- 22/502156 – Submission of details to condition 6 (landscaping) for 19/505341 - Approved
- 21/504529 – Details pursuant to conditions: 2 (materials); 6 (landscaping); 8 (foul sewage treatment) for 19/505341 – Split (2 & 8 approved and 6 refused)
- 21/501538 – Extension of barn to create visitors centre - Refused
- **19/505341 – Erection of temporary agricultural dwelling – Approved**
- 18/505808 – Creation of 2 ponds – Approved
- **18/505386 – Erection of temporary agricultural dwelling - Approved**
- 18/502292 – Erection of temporary agricultural dwelling - Withdrawn
- 18/501616 - Stationing of 5 static mobile home holiday lets - Refused
- 18/501611 - Prior Notification for agricultural barn – Prior approval not required
- MA/13/1421 – Prior Notification for agricultural building – Prior approval granted

1.0 DESCRIPTION OF SITE

- 1.01 The application site is located on the southern side of Crump’s Lane, some 700m to the east of the junction with Headcorn Road; and for the purposes of the Local Plan it falls within the countryside and the Low Weald Landscape of Local Value. The site is within Flood Zone 1.
- 1.02 Kings Oak Farm is a 21ha site that is additional land for the applicant who also owns Roundoak Farm that is located in Heniker Lane, Sutton Valence. The application site is where rare breed folds of cattle are bred/kept (such as Highland cattle; White Parks; Sussex cattle; Vaynol cattle and Irish Moiled); and the cattle are commercially sold to ensure the survival of the breed whilst also educating the public on the different breeds.
- 1.03 On the eastern part of Kings Oak Farm (outside the application site), the applicant has obtained a caravan site licence that allows for up to five touring caravans for holiday purposes on the site, without the need for planning permission.

2.0 PROPOSAL

- 2.01 For background information, a temporary agricultural dwelling was permitted under 18/505386. Subsequent to this, 19/505341 permitted a revised scheme for the temporary agricultural dwelling on 23rd December 2019. It was concluded that the need for this accommodation, for a temporary period of 3 years, was justified, in order to allow the existing business to continue at

full capacity and for the welfare and security of the animals. A 3 year temporary period is considered a reasonable time to continue the effective running (and expansion) of a rural business, and after this time the local planning authority can review the development and consider if there is still justification for such accommodation here (in accordance with Part 3 of Local Plan policy DM34).

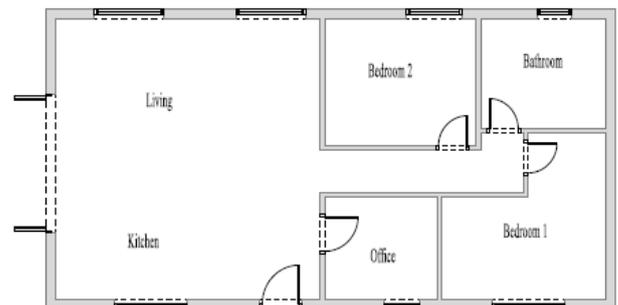
2.02 Condition 3 of 19/505341 states:

The dwelling hereby permitted shall be removed and the land upon which it is sited restored to its former condition within three years of the date of this decision; the use hereby permitted shall cease and all caravans, buildings, structures, materials and equipment brought on to the land, and all works undertaken to it in connection with the use, shall be removed and the land shall be restored to its condition before the development took place.

Reason: To enable LPA to review special circumstances under which this permission is granted.

2.03 Three years from the date of the decision for 19/505341 is 23rd December 2022 and so the development on the site is not in breach of this condition. Please also note that the conditions attached to 19/505341 that require the submission of details for approval, have been submitted and approved by the local planning authority (see planning history above).

2.04 This application now seeks for the permanent retention of agricultural dwelling on the site that continues to utilise the site's existing access onto Crumps Lane. The existing dwelling, with its pitched roof, stands some 4.1m in height with an eaves height of some 2.7m. In terms of footprint, the building measures some 12.8m by 6.5m (83m²). The roof is a standing seam single ply rubber roof (grey in colour); and the external elevations are of timer featheredged boarding, with a brick plinth (see below).



3.0 POLICY AND OTHER CONSIDERATIONS

- Local Plan (2017): SS1, SP17, DM1, DM2, DM3, DM8, DM23, DM30, DM34
- National Planning Policy Framework (2021)
- National Planning Practice Guidance
- Maidstone Landscape Character Assessment (2013)
- Maidstone Landscape Capacity Study: Sensitivity Assessment (2015)
- Regulation 22 Local Plan

Local Plan

3.01 The proposal is subject to the normal constraints of development in the countryside and it should not be permitted unless it accords with other policies in the Local Plan and (inter alia): does not result in harm to the character and appearance of the area; respects the amenity local residents; is acceptable in highway safety terms; it protects and enhances any on-site biodiversity features where appropriate or provides sufficient mitigation measures; and it is acceptable in flood risk terms. Local Plan policy also states that the distinctive landscape character of the Low Weald Landscape of Local Value will be conserved and enhanced.

3.02 As an exception to the general theme of restraint, policy DM34 of the Local Plan recognises that residential development in the countryside may be justified when there is an essential need for a rural worker to live permanently at their place of work. The applicant has already benefited from temporary accommodation on the site and so Part 3 of policy DM34 is of most relevance (discussed further below).

Council's Landscape Character Assessment and Capacity Study

- 3.03 The Maidstone Landscape Character Assessment identifies the application site as falling within Ulcombe Mixed Farmlands Landscape Character Area (Area 42); and the landscape guidelines for this area are to 'CONSERVE'. Within the Council's Landscape Capacity Study, the overall landscape sensitivity is 'HIGH' and is 'sensitive to change'.

NPPF (2021)

- 3.04 The NPPF is clear that good design is a key aspect of sustainable development; and that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. Paragraph 170 of the NPPF also states that planning decisions should contribute to and enhance the natural and local environment by recognising the intrinsic character and beauty of the countryside. Paragraph 80 of the NPPF also states (of most relevance):

Planning....decisions should avoid development of isolated homes in countryside unless one or more of the following circumstances apply:

a) there is essential need for a rural worker, including those taking majority control of a farm business, to live permanently at or near their place of work in the countryside.

Regulation 22 Local Plan

- 3.05 The emerging Local Plan is a material consideration, and some weight must be attached to the document because of the stage it has reached. This weight is limited, as it has yet to be the subject of a complete examination in public.

4.0 LOCAL REPRESENTATIONS

- 4.01 **Local residents:** 3 representations received raising concerns over: Site being overdeveloped; harmful impact on character and appearance of countryside; unjustified development; heritage impact; keeping bulls is dangerous; impact of external lighting; highway safety; ecology impact; and will set precedent for other similar development in area.

5.0 CONSULTATIONS

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

- 5.01 **Ulcombe Parish Council:** Wish to see application refused and reported to Planning Committee if officers are minded to recommend approval. Their comments are summarised as follows:

- *Previous decision concluded that mobile home shall be removed and land upon which it is sited restored to its former condition within 3yrs of date of decision. Decision to demolish within 3 years is clear cut with no caveats, and we fully support it. Previous delegated report raised issues that could support 18/505386, but these points did not affect ultimate decision by MBC to remove dwelling in 3yrs.*
- *Current building is more like large bungalow than mobile home and we object to any attempt to blight this very beautiful rural area of Ulcombe with permanent development.*
- *Proposal will impact upon amenity of local residents; and concerned about talk of looking after bulls as this appears highly dangerous given holiday caravan pitches in same field.*
- *There is no essential need for someone to permanently live on site. Applicant's main farm is around a 5min drive away; and comments made by neighbouring cattle/livestock farmers on 18/502292 state there is no need for a livestock worker to be present all year round here. Breed of cattle at Kings Oak Farm is extremely hardy and can calve very successfully with little or no attention.*
- *There is local accommodation available. Present building is much larger than justified – negating DM34.*
- *No evidence having someone sleeping on site is better than sleeping in alternative accommodation nearby. Applicant has more than one farm, and main financial hub is in East Sutton (Roundoak). Whatever split of finances, paramount role of MBC is to uphold its Local Plan policies.*
- *Temporary building in breach of conditions: 6 (landscaping) and 10 (external lighting) of 19/505341. External lighting problem and harmful to wildlife habitats in area which is intrinsically dark landscape and is also a loss of amenity for neighbours.*
- *Site unsustainable and Crumps Lane is single track in many places - unsuitable for increased traffic.*

- 5.02 **Rural Planning Advisor:** Accepts there is a functional need to have a full-time worker on the site to support the existing business; and that financial details indicate business is reasonably successful and will continue to rise over forthcoming years (see main report).

6.0 APPRAISAL

Main issues

- 6.01 Subject to certain criteria, there is local and national policy support for permanent agricultural dwellings in isolated and unsustainable locations. This Local Plan criteria will now be assessed followed by further considerations of other material planning matters.

Justification for permanent agricultural dwelling

- 6.02 This assessment will be carried out using the requirements of Part 3 of Local Plan policy DM34. This policy seeks to permit permanent agricultural dwellings in the countryside, in support of existing agricultural activities on well-established units, provided the following criteria is met:

There is clearly established existing functional need for dwelling; and need relates to full time worker or one primarily employed in agriculture (not part time)

- 6.03 There is an extant planning permission for this temporary agricultural dwelling (19/505341), granted in part on the basis that the functional need for the dwelling was accepted (as confirmed by the Council's Agricultural Advisor under 18/505386).

- 6.04 In summary, the Agricultural Advisor commented (under 18/505386) as follows:

Site was provided with a barn (MA/13/1421), for storage of hay and other feed, for sheep and cattle; and 18/501611 permitted another barn for storage of hay, farm machinery, and implements.

Over next 3yrs it is anticipated that Highland herd on site will be increased to some 30 cows, with a concomitant increase in progeny of various ages, and the White Park herd to 20 cows plus progeny. Submitted business plan shows expected income from sales of whole steers, butchered beef, and some live pedigree sales. Plan also indicates a similar breakdown of lamb meat/live sales for various rare breed and cross-breed sheep, with total number of sheep sold amounting to about 280 by third year. A small amount of income is also predicted from keeping hens for sale of eggs, and also from "glamping" and camping, which has been a successful diversification at Round Oak Farm. Given above, I consider on balance that level, and nature, of livestock to be based at farm, and associated activities, will essentially warrant on-site attendance of full-time worker, for proper functioning of business in terms of management of animals, and associated security issues.

- 6.05 To clarify, when consulted on 19/505341, the Agricultural Advisor confirmed that given the minor variation to the earlier consent, there was no further 'agricultural need' advice required.

- 6.06 The current submission now sets out the following (in summary):

Site is currently home to 4 bulls, 1 bull calf, 78 cows, 32 heifers, 12 steers, and 2 Highlands under 1yr. This gives current total of 129 animals. Business plan presented for 18/505386 gave anticipated projected livestock figure of 153. Whilst current figure is below that anticipated, it still shows growth over a period that has had to deal with Covid. Additional attention has had to be given to new extremely rare breeds introduced which has slowed down number growth but as these become more established it is expected to increase. Necessity for a worker to be on site 24/7 is paramount for welfare of animals; security of site; and overall surveillance.

- 6.07 For the purposes of this application, further advice was sought from a rural planning consultant, who in summary has commented as follows (in summary):

Whilst this is not a particularly sizeable livestock enterprise, there has obviously been considerable investment since 2012 into business and cattle numbers have risen to around 129 head. Although this is a little below initial predicted levels, I appreciate explanation given in business plan regarding effects of Covid Pandemic and introduction of other rare breeds etc. Whilst I would hope numbers rise at least to 153, I can accept a functional need to be on site to attend to range of husbandry, supervisory and security matters. In terms of a full time entity, again it just about 'gets over the line' and with additional cattle numbers, this would be further enforced.

- 6.08 It is evident that the circumstances of the site and business have not significantly changed from the previous approval for the temporary accommodation; and specialist advice received under 18/505386, 19/505341, and this current planning application accepts that there is a functional need to have a dwelling and a full-time worker on the site to support the existing business. There is no other evidence to counter these views and it is considered unreasonable to go against this advice.

Unit and agricultural activity have been established for at least 3yrs, have been profitable for at least one, are currently financially sound, and have clear prospect of remaining so

- 6.09 Kings Oak Farm and the associated agricultural business has been established for more than three years, and accounts submitted for the financial years 2020 and 2021 show profit and financial soundness. The financial accounts for the year ending 2022 were not ready at the time of writing this report, but there is no evidence to suggest that the business will not continue to be financially sound.

- 6.10 It must also be acknowledged that this application is unusual in that it seeks to retain the existing building on the site as opposed to removing a temporary unit and then having to afford building a new dwelling.

Functional need could not be fulfilled by another dwelling on unit, or any other existing accommodation in area which is suitable and available for occupation by worker(s)

- 6.11 There is no other dwelling on the site that could be occupied by an agricultural worker; and because of the already accepted need for them to be on site, assessing other potential accommodation in the area is not necessary. Furthermore, the insistence of converting one of the existing buildings on the site to a dwelling is not reasonable, given the accepted agricultural need for these buildings; and this approach could also result in further applications for new agricultural buildings and thereby introducing even more development on the site.

Dwelling is no larger in size than is justified by needs of enterprise or more expensive to construct than income of the enterprise can sustain

- 6.12 This application is unusual in that it seeks to retain the existing building on the site as opposed to removing a temporary unit and then erecting a new dwelling; and the justification for this size of dwelling has already been accepted under 19/505341.

- 6.13 Notwithstanding this, financial accounts for years ending 2020, 2021 and 2022 have been submitted as part of this current application, and these accounts do show a net profit for each year. A rural planning consultant has considered this financial information and has made the following comments (in summary):

Finance levels have not reached those previously predicted. Initial years profit was healthy but this fell significantly in 2021 but recovered somewhat in 2022. This may be because of lack of sales as predicted or general prevailing economic conditions, or as suggested in business plan, more so the effects of Covid. Meat sales continued to expand but perhaps business was affected in other ways. Whilst I believe there is scope to increase livestock numbers and perhaps broaden enterprises, I consider levels indicate that business is reasonably successful and will hopefully continue to rise over forthcoming years. This is based on fact accommodation is relatively modest (some 83m²) and if this had been larger, I think my view would be different. I think this has been considered sensibly in line with scale/nature of business.

- 6.14 With this up to date specialist advice considered, it would be unreasonable to now object to the development on the grounds that the dwelling's size is unjustified and that it was more expensive to construct than the income of the business could sustain.

Summary

- 6.15 With all of the above taken into account, it is considered that the development would meet the requirements of Part 3 of Local Plan policy DM34.

Visual impact

- 6.16 It is considered that the submission has justified the permanent retention of the dwelling, in accordance with Local Plan policy DM34. The assessment shall now turn to the impact of the dwelling upon the character and appearance of the area.
- 6.17 This proposal is to retain the existing and appropriately simply designed dwelling on site, and it is noted that the visual impact of this building has already been accepted under 19/505341. This said, the roof covering is not plain concrete roof tiling (as approved under 21/504529), but is instead a standing seam single ply rubber roof. This alteration is not considered to be objectionable in visual amenity terms, given the relatively modest scale of the building. Furthermore, the building would be set back more than 40m from Crumps Lane and largely screened from public view given the existing landscaping and boundary treatments, and the additional landscaping already approved under 22/502156 (and as also shown on the current submitted plans). The existing agricultural buildings also provide some screening of the dwelling; and with the dwelling being grouped with these buildings, it helps to contain built form on the site. There would be glimpses of the agricultural dwelling along Crumps Lane (at short range), but it remains that these views would be seen with the existing buildings and the dwelling would not appear significantly visually harmful within its countryside setting. A condition will also be imposed requiring the building's weatherboarding to be dark stained to ensure a satisfactory appearance to the development; and in the interests of amenity, external lighting can be controlled by way of condition. In summary, permanently retaining the dwelling would cause some harm to the countryside that falls within the Low Weald Landscape of Local Value, in that it would introduce a permanent domestic building within the landscape, along with its associated paraphernalia.
- 6.18 However, Local Plan policy SP17 is in two parts when it states: *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.* Relevant to this application, it has been demonstrated that the development would accord with Local Plan policy DM34. Turning to the second part of policy SP17, whilst it is accepted that some harm would be caused to the countryside that falls within the Low Weald Landscape of Local Value, this harm is considered to be limited and would be outweighed by the benefit of providing an agricultural dwelling in this location, for which there is an established functional need.

Other considerations

- 6.19 In accordance with Part 4 of Local Plan policy DM34, occupation of the dwelling will be limited to persons solely or mainly working, or last working, in agriculture, or a widow/widower of such a person, and to any resident dependents. Permitted development rights for future development on the site will also be removed, in order to safeguard the character and appearance of the countryside hereabouts that falls within the Low Weald Landscape of Local Value; and to ensure the dwelling remains commensurate with its functionality and viability as an agricultural dwelling.
- 6.20 It is accepted that there is unlikely to be any protected species on the site and as such no further details are required in this respects, prior to the determination of this application. Notwithstanding this, one of the principles of the NPPF (para 180) is that: *Opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.* On this basis, whilst enhancements integrated into the fabric of the building would now be difficult, it is still considered reasonable to impose a condition requesting other forms of ecological enhancements to be incorporated into the development.
- 6.21 The proposal, given its nature, scale, and separation distance from any other residential property, would not have an adverse impact upon the amenity of any local resident when trying to enjoy their own property.

- 6.22 The development will continue to make use of the existing vehicle access and it remains the view that it will not harmfully intensify the use of this access. There is also ample parking/turning provision on the site. It is also noted that the Highways Authority have previously raised no objection to a dwelling here under 19/505341 18/505386. On this basis, no objection is raised to the development in highway safety terms.
- 6.23 It is noted that the Environmental Protection Team, under 19/505341, raised no objection to a dwelling here in terms of noise, air quality and contamination. Furthermore, the Environmental Protection Team has previously raised no objection to the method of foul sewage disposal on the site (as submitted under 21/504529), which is a Marsh Ensign Treatment Plant. On this basis, it is considered that the development would have adequate sewage disposal arrangements. No objections are raised to the proposal in flood risk terms and surface water disposal is via an existing watercourse. No further details are required in these respects.
- 6.24 In accordance with Local Plan policy and in the interests of sustainability and to ensure an energy efficient form of development, suitable conditions are also recommended for the provision of an operational electric vehicle charging point for low-emission plug-in vehicles; and for details of renewable energies to be incorporated into the development.
- 6.25 The development is more than 200m from any listed building. Given this distance, the development would not cause any harm to the significance or setting of any heritage asset. There are no arboricultural objections to the development.
- 6.26 The representations made by Ulcombe Parish Council and the local residents have been considered in the assessment of this application. It should be added here that every planning application is considered on its own merits and does not usually set a precedent for future development in the locality; and any potential issues surrounding the keeping of bulls on the site is not a material planning consideration. Furthermore, planning enforcement issues are not a material consideration in the determination of this application, and complaints should be directed to the Council's Planning Enforcement Team for investigation.
- 6.27 Due regard has been had to the Public Sector Equality Duty, as set out in Section 149 of the Equality Act 2010. It is considered that the development would not undermine the objectives of this Duty.

7.0 CONCLUSION

7.01 For the reasons set out above, the development is acceptable with regard to the relevant provisions of the Development Plan, the NPPF and all other material considerations such as are relevant. On this basis, a recommendation of approval is made on this basis.

8.0 **RECOMMENDATION** - GRANT planning permission subject to the following conditions:

1. The development hereby permitted shall cease and all buildings, structures, hard surfacing, fencing, equipment and all other materials brought onto the land for the purposes of the development shall be removed within 28 days of the date of failure to meet any one of the requirements set out in (i) to (vi) below:

(a) Within 3 months of the date of this decision a scheme, hereafter referred to as the Site Development Scheme, shall have been submitted for the written approval of the local planning authority. The Site Development Scheme shall include:

(i) The external materials of the building hereby approved, as shown on drawing ref: 22/0922 'Plans and elevations', shall be maintained as such thereafter, except for the timber weatherboarding that shall be painted/stained a dark brown or black colour. Written details of this finish shall be provided, along with details of when the whole building will be painted/stained. The development shall be carried out in accordance with the approved details and shall be maintained as such thereafter.

(ii) Details of all fencing, walling and other hard boundary treatments. The development shall

be carried out in accordance with the approved details and shall be maintained as such thereafter.

- (iii) Details of what land is to be used as garden area for the dwelling hereby approved.
- (iv) Details of how decentralised and renewable or low-carbon sources of energy will be incorporated into the development and when this will be installed and operational. The approved details shall be maintained as such thereafter.
- (v) Details of ecological enhancements to be incorporated into the development and when these enhancements will be installed. The approved details shall be maintained as such thereafter.
- (vi) a timetable for implementation of the Site Development Scheme.

(b) If within 11 months of the date of this decision the local planning authority refuse to approve the Site Development 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.

(c) If an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted Site Development Scheme shall have been approved by the Secretary of State.

(d) The approved Site Development Scheme shall have been carried out and completed in accordance with the approved timetable.

Upon implementation of the approved Site Development Scheme specified in this condition, that Scheme shall thereafter be maintained/retained. In the event of a legal challenge to this decision, or to a decision made pursuant to the procedure set out in this condition, the operation of the time limits specified in this condition will be suspended until that legal challenge has been finally determined.

Reason: To prevent inappropriate development and safeguard the amenity, character and appearance of the countryside that falls within the Low Weald Landscape of Local Value; and in the interests of residential amenity; for ecological enhancement/biodiversity gain; and to ensure an energy efficient form of development.

2. The development hereby approved shall be carried out in accordance with the landscaping scheme approved under 22/502156 and all new planting shall be carried out within the first planting and seeding season following the date of this decision notice. Any planting which fails to establish or any trees or plants which, within five years from the date of this permission hereby approved, 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: To safeguard the character and appearance of the countryside hereabouts that falls within the Low Weald Landscape of Local Value; and to enhance ecology and biodiversity on the site in line with the requirements to achieve a net biodiversity gain from all development.

3. The occupation of the dwelling hereby approved shall be limited to persons solely or mainly working, or last working, in the locality in agriculture (as defined in Section 336(1) of the Town and Country Planning Act 1990) or forestry, or a widow or widower of such a person, and to any resident dependents.

Reason: The site is in an area where new residential development is not normally permitted unless essentially required for the proper functioning of the enterprise concerned.

4. The development hereby approved shall provide one operational electric vehicle charging point for low-emission plug-in vehicles and this charging point shall be installed and operational within 3 months from the date of this decision notice and shall be maintained as such thereafter.

Reason: To promote reduction of CO2 emissions through use of low emissions vehicles.

5. The development hereby permitted shall be carried out in accordance with the foul sewage disposal details, as approved under 21/504529. The foul sewage disposal details shall be fully implemented within one month from the date of this decision and shall be maintained as such thereafter.

Reason: To ensure adequate sewage disposal arrangements.

6. No external lighting, whether temporary or permanent, shall be placed or erected within the site unless details are submitted to and approved in writing by the local planning authority. Any details to be submitted shall be in accordance with the Institute of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Lighting, GN01, dated 2005 (and any subsequent revisions), and shall include a layout plan with beam orientation and a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles) and an ISO lux plan showing light spill. The development shall thereafter be carried out in accordance with the subsequently approved details and maintained as such thereafter.

Reason: In the interest of amenity.

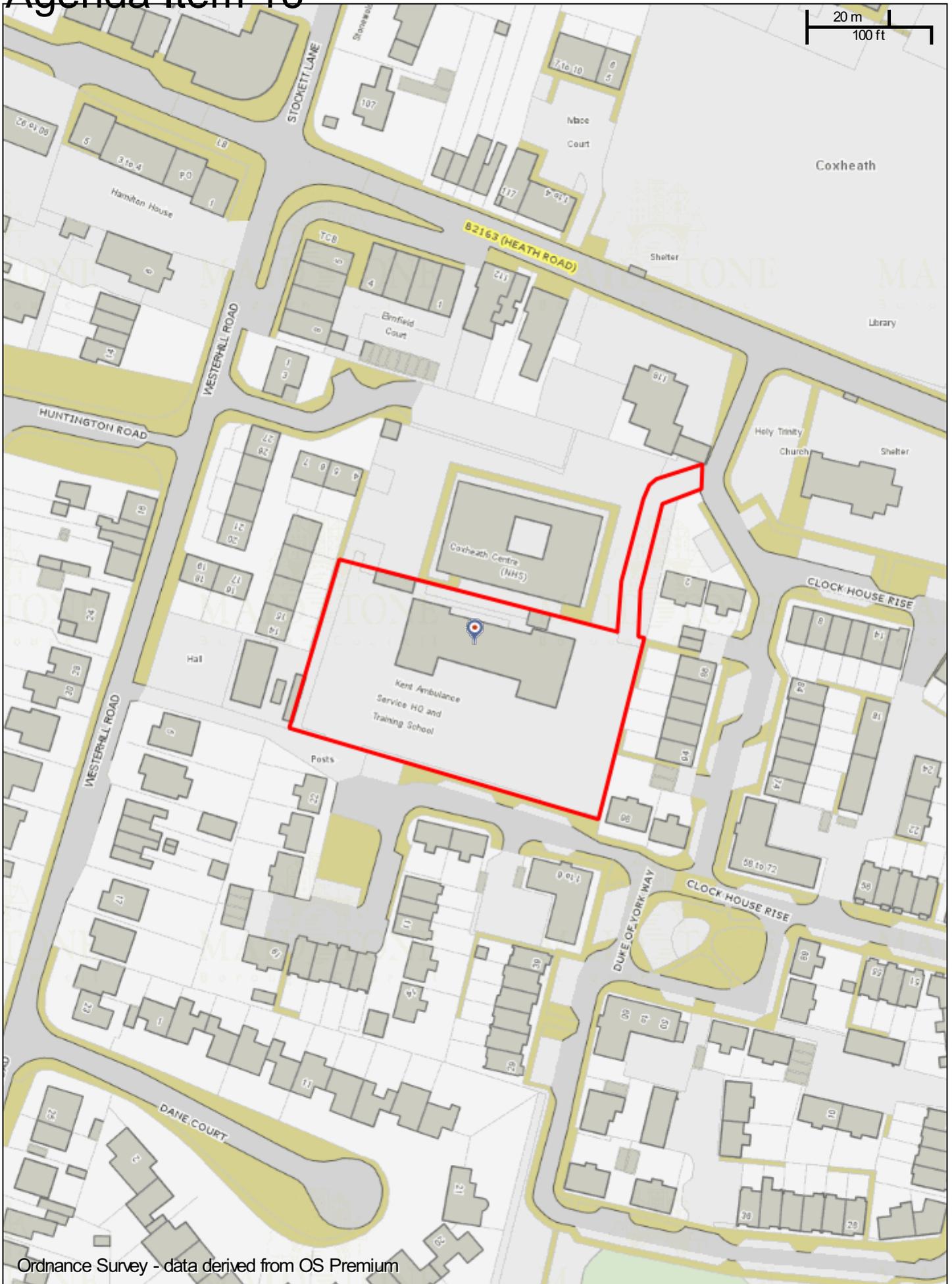
7. Notwithstanding the details required under condition 1 of this permission and the provisions of the Town and Country Planning General Permitted Development (Amendment) (England) Order 2015 (or any order revoking and reenacting that order with or without modification), no development within Schedule 2, Part 1 Classes A, AA, B, C, D and E; and Schedule 2, Part 2, Class A to that Order shall be carried out.

Reason: To safeguard the character and appearance of the countryside hereabouts that falls within the Low Weald Landscape of Local Value; and to ensure the dwelling remains commensurate with its functionality and viability as an agricultural dwelling.

8. The development hereby permitted shall be carried out in accordance with the following approved plans/documents: 22/0920; 22/0922; 19/0925; and CAS/2022/143; and Cantia Arb Services soft landscaping proposals report.

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

Agenda Item 16



Ordnance Survey - data derived from OS Premium

22/500597/FULL Land at South East Coast Ambulance Service, Heath Road, Coxheath, Maidstone, Kent, ME17 4BG

Scale: 1:1250

Printed on: 11/7/2022 at 10:28 AM by JoannaW

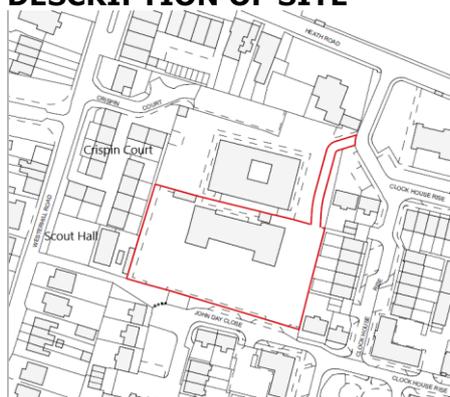
REPORT SUMMARY

REFERENCE NO: 22/500597/FULL		
APPLICATION PROPOSAL: Erection of 9(no) residential units with associated landscaping, ecological enhancements and parking in existing office parking area.		
ADDRESS: Land at South-East Coast Ambulance Service, Heath Road, Coxheath, ME17 4BG		
RECOMMENDATION: GRANT PLANNING PERMISSION subject to planning conditions		
SUMMARY OF REASONS FOR RECOMMENDATION: The development is acceptable with regard to the relevant provisions of the Development Plan, the NPPF and all other material considerations such as are relevant.		
REASON FOR REFERRAL TO COMMITTEE: Councillor Parfitt-Reid has requested application is considered by Planning Committee if Officers are minded to approve application. This request is made for the reasons outlined in the consultation section below.		
WARD: Coxheath & Hunton Ward	PARISH: Coxheath	AGENT: Savills
CASE OFFICER: Kate Altieri	VALIDATION DATE: 16.02.22	DECISION DUE DATE: 28.10.22
ADVERTISED AS A DEPARTURE: NO		

RELEVANT PLANNING HISTORY

- 21/505166 – Pre-app: 9 dwellings – Officer view: LPA could support proposal subject to suggested amendments/comments and full assessment of any future application.
- 20/502405 – Pre-app: 12 new dwellings – Officer view: Subject to suggested changes and details being of high quality, LPA is likely to support redevelopment of site.

1.0 DESCRIPTION OF SITE



- 1.01 The application site (some 0.38ha in area), relates to the southern half of the current South East Coast Ambulance Service (SECAS) campus, and it includes an existing building (to be retained) and associated car parking that largely covers the site. The existing building is 3-storey in height with 2-storey wings either side, and it is considered to be a non-designated heritage asset given its association with the work house and infirmary that has long since been demolished. Vehicle access to and from the site is found to the north-east of the site from Clockhouse Rise, which is shared by Coxheath Community Clinic to the north of the site; and the site is mostly enclosed by 2m high close boarded fencing. It is understood that SECAS will be vacating the site in June 2023.
- 1.02 In general terms the application site is bounded by residential development on its eastern, southern and western boundaries. Properties on Clockhouse Rise back onto the site’s eastern boundary; John Day Close runs along the site’s southern boundary, with properties facing the site (on the southern side of the road); and there are flats in Crispin Court that back onto the site’s western boundary. There is also a single storey scouts hall adjacent to the south-western corner of the application site; and pedestrian access from John Day Close through to Westerhill Road (to the west of the site). Holy Trinity Church, to the north-east of the application site is Grade II listed. For the purposes of the Local Plan, the site is within the defined larger village of Coxheath. The site is also within Flood Zone 1.

2.0 PROPOSAL

2.01 The proposal is described as: *Erection of 9 residential units with associated landscaping, ecological enhancements and parking in existing office parking area.*

2.02 The proposed layout shows three terraces with three (3/4-bed) properties in each. Two of the terraces would run in a general north/south direction, with the other terrace being perpendicular to these properties, (located in the south-eastern corner of the site). Each property would benefit from private garden space and roof terraces; and bicycle (3 bikes per unit) and refuse storage would be found in the rear gardens. The proposed layout also shows communal areas of open space in the north-western and south-eastern corners of the site (some 230m² and 85m² in area respectively). The proposal also shows separate covered bicycle and refuse storage for the office building (located close to northern boundary of site).

2.03 In terms of external materials, the submission stipulates the following (in summary):

- Elevations: Red brick with tumbled finish and brickwork parapets
- Roofs: Standing seam zinc roofing (Grey black in colour)
- Fenestration: PPC aluminium surrounds
- Recessed rainwater pipes: PPC aluminium (grey black in colour)
- Gutters: To be hidden
- Garden walls: Red brick with tumbled finish
- Shared surface: To be textured stone setts and parking areas would be of concrete 'pig slats'

2.04 The proposal shows 16 unallocated parking spaces for the nine dwellings; and the retained parking for the office building (21 spaces) is allocated to the north of the proposed housing scheme.

2.05 This report will make reference to blocks A, B and C. For reference, the drawing below identifies where these blocks are:



3.0 POLICY AND OTHER CONSIDERATIONS

- Local Plan (2017): SS1, SP11, SP13, SP18, SP19, DM1, DM2, DM4, DM5, DM6, DM8, DM12, DM21, DM23
- National Planning Policy Framework (2021)
- National Planning Practice Guidance
- Landscape Character Assessment (2013) & Supplement (2012)
- Landscape Capacity Study: Sensitivity Assessment (2015)
- Building for Life 12 (2018)
- MHCLG National Design Guide (2021)
- Regulation 22 of emerging Local Plan
- KCC SPG4: Kent Vehicle Parking Standards document (2006)

Local Plan

- 3.01 Minor residential development can be supported in such a location, provided the development is of a high quality design and (inter alia): it positively responds to, and where possible enhances, the local and natural character of the area; it respects the amenity of local residents; it is safe in highway safety, heritage and flood risk terms; it provides adequate onsite vehicle parking; and it protects and enhances any on-site biodiversity features where appropriate or provides sufficient mitigation measures.

NPPF

- 3.02 The NPPF (July 2021) is also clear that good design is a key aspect of sustainable development; and section 12 of the NPPF refers to achieving well-designed places. Section 16 of the NPPF relates to conserving and enhancing the historic environment.

Maidstone Landscape Character Assessment and Capacity Study

- 3.03 The Maidstone Landscape Character Assessment identifies the application site as falling within the Greensand Orchards and Mixed Farmlands (Coxheath Plateau) Landscape Character Area (area 28-3). The landscape guidelines for this area are to 'IMPROVE & REINFORCE'. Within the Council's *Landscape Capacity Study: Sensitivity Assessment (Jan 2015)*, the overall landscape sensitivity of the Greensand Orchards and Mixed Farmlands (Coxheath Plateau) Landscape Character Area is 'MODERATE' and therefore has scope for change with certain constraints.

Regulation 22 Local Plan

- 3.04 This is a material consideration, but limited weight is attached to the document because of the stage it has reached, having not yet been the subject of a public examination. This said, the proposal site is a draft allocation site within the emerging Plan for approximately ten dwellings (policy ref: LPRSA364); and Coxheath village is also shown to be a Rural Service Centre.

4.0 LOCAL REPRESENTATIONS

- 4.01 **Local Residents:** 4 representations received raising following (summarised) concerns over: Highway safety/parking provision; inadequate facilities/services in Coxheath; residential amenity (inc. loss of privacy and light; being overbearing development; and noise); impacts during construction (including noise, dust, and parking); proposed garden area will attract anti-social behaviour; and inadequate ecology/landscape enhancements.

5.0 CONSULTATIONS

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

- 5.01 **Cllr Parfitt-Reid:** Wishes to see application called to Planning Committee because of the size and density of the site; it is poor design; and access is through existing car park.
- 5.02 **Coxheath Parish Council:** Concur with Cllr Parfitt-Reid, raising concerns regarding size and density of site; issue of poor design; and concerned access is through existing car park.
- 5.03 **KCC Highways:** Raise no objection to proposal (see main report).
- 5.04 **MBC Landscape Officer:** Raises no objection in landscaping terms (see main report).
- 5.05 **Environmental Protection Team:** Raise no objection (see main report).
- 5.06 **Conservation Officer:** Raises no objection on heritage grounds (see main report).
- 5.07 **KCC Archaeology:** Raises no objection on archaeology terms (see main report).

6.0 APPRAISAL

6.01 The key issues are:

- Impact upon character and appearance of area;
- Heritage/archaeology matters;
- Transport, highways, access and parking;
- Residential amenity;
- Biodiversity/ecology matters;
- Environmental health matters; and
- Other matters.

Impact upon character and appearance of area

Introduction

6.02 The application site is brownfield land and is currently occupied by a large (2/3 storey) building (set close to the northern boundary), and a large car parking area. The site is some 0.38ha in area and of little landscape value, but it does provide a sense of space in what is quite a densely populated area. Please note that the existing building on the site (to be retained) is considered to be a NDHA and that heritage impacts will be dealt with separately, further on in the report.

6.03 The proposal would introduce nine dwellings (each with their own garden) that would have three levels of accommodation, with the top level within the pitched roof form. The dwellings would be laid out in three terraces located along the southern boundary. Blocks A and B would face each other with parking and access in between; and block C would be sited perpendicular to blocks A and B, located in the south-eastern corner of the site.

Layout

6.04 The surrounding area is a mix of differently sized residential plots; development in the locality is varied, with cul-de-sacs and through-roads and detached, semi-detached, terraced housing and maisonettes; and there are commercial plots/buildings of various sizes. The introduction of the proposed terraced housing with the plot sizes shown, in this location, is not considered to harmfully go against this existing pattern and grain of development in the area. For reference, the application site is some 0.38ha in area and this would equate to less than 24 dwellings per hectare in terms of density. The Avante development that surrounds the eastern and southern boundaries of the site equates to almost 39 dwellings per hectare.

6.05 The proposal would also provide communal areas of open space in the north-western and south-eastern corners of the site; and the gardens for blocks A and C would take the associated buildings away from the western and southern boundaries respectively. Furthermore, boundary hedgerows are shown along the eastern, southern and western boundaries; blocks A and B are pulled away from the site's southern boundary; there is reasonable distances between the three terraces; and there is acceptable separation between the new dwellings and the existing office building that is to be retained. It is also evident that the proposal would reduce the level of hardstanding on the site and in part improve the quality of the hardsurfacing, through the introduction of textured stone setts with concrete 'pig slat' parking areas. With this all considered, the view is taken that the proposed layout would not represent overdevelopment of the site and the loss of some of the openness of the site is not thought to be objectionable.

Scale

6.06 Given the topography of the site, the heights of the new dwellings would vary, but in general terms the properties would stand between 10m and 10.7m in height (from ground level to ridge level), with the third floor living accommodation within the pitched roof. Each unit would have a footprint of some 40m²; and the gardens would measure between 8m and 10m in length.

6.07 The new dwellings would be taller than surrounding dwellings. However, the new scheme would be seen against the back drop of the taller retained office building on the site, that stands some 13.5m in height at its tallest point; and the design of the neighbouring Avante scheme includes projecting elements from the roof that gives some impression of 3-storey elements (see below).



6.08 Furthermore, as can be seen from the plan extracts below, there is a variety of building heights in the locality, and the eaves heights of the proposal would largely sit below the height of the existing surrounding houses, ensuring that the bulk of the new buildings would be read in the context of surrounding development.



6.09 Please also note that the proposed dwellings would be set back some 90m from Heath Road (to the north), by more than 20m from Clockhouse Rise (to the east) and by some 40m from Westerhill Road (to the west of the site). These separation distances would help reduce the prominence of the scheme; and views of the development from these public vantage points would be broken up by existing development. Views of the scheme from the immediate south of the site (from John Day Close) would be broken up though appropriate boundary treatments and landscaping; and to reiterate again, the scheme would have the backdrop of the large office building to be retained on the site. With everything considered, it is believed that the general scale of the proposal would not appear unacceptably out of keeping with that of existing surrounding development.

Appearance

6.10 The development surrounding the site is of mixed design and appearance. The modern Avante development mostly surrounds the eastern and southern boundaries and is a predominantly red brick and white rendered development; to the north is the single storey and flat roofed medical centre, a building with pale brick and timber weatherboarding; and to the west is Crispin Court, a 2-storey group of brick built (largely yellow stock) maisonettes with pitched roofs, and the non-descript and modest Scout hut building. Other properties along Heath Road, to the north of the site and Westerhill Road (to the west), also vary in age, design and appearance.

6.11 The three proposed terraces are of similar design and appearance, taking on a geometric, clean and modern design that nods to the agricultural past of Kent through its use of steep pitched roofs that resemble the pitch of an oast's roundel; and the use of standing seam dark zinc roofs hinting towards the appearance of black timber barns. The vertical emphasis of the buildings is accentuated by the recessed rainwater pipes and the height of the windows on the upper floors; and the brick roof parapets provide a simple yet attractive finish. The elevations are also considered to be well articulated, given the level and proportions of the fenestration detail, including the use of metal Juliet balconies and oriel windows; and given the use of red tumbled bricks (with deep struck mortar) to create a distressed and textured look. The erection of tumbled brick garden walls and aluminium framed openings provides further quality to the scheme.

6.12 To further ensure the quality of the development, conditions are recommended for the submission of details relating to external finishes; and boundary treatments. In addition to this, conditions are recommended to control external lighting and to remove permitted development rights for extensions to the properties, outbuildings, and future boundary treatments; and to secure the shown finished floor levels.

Access

6.13 In terms of access, the submission confirms that it is not possible to gain vehicle access in and out of the site from John Day Close. This is because, except for a currently gated opening onto an access road that runs through to Westerhill Road, there is a strip of planting on the outside of the site (not in the ownership of the applicant). Furthermore, the existing access gate is in such a position that the tight turning angle for vehicles would be unfeasible; and vehicle access here is also likely to result in conflict as it would see cars using what is currently a pedestrian access for residents. Notwithstanding this, the submission does show the provision of a ramped pedestrian access connecting the application site with the Avante development to the south and the existing vehicle access to the north would serve the scheme. This arrangement is still considered to provide connectivity/permeability with surrounding development, rather than creating an inward-looking development, and it can be secured by way of condition.

Landscaping

6.14 Indicative landscaping details have been submitted as part of this application, extracts of which can be found at Appendix A. Each property would have a rear garden and a planting area to the front; the parking areas would be interspersed with softly landscaped areas and tree planting; there would be communal areas of open space/planting in the north-western and south-eastern corners of the site (some 230m² and 85m² in area respectively); and native

hedgerows will be planted around the outer boundaries of the site. Furthermore, the bicycle and refuse stores associated to the office building would have green roofs; and parking spaces would be of 'pig slats' with planting in between, with stone setts laid for the shared surfaces and pathways.

6.15 The Council's Landscape Officer has reviewed the landscaping details, and has commented: *The proposed plans are largely in accordance with the Landscape Character Assessment suggested planting; and the scheme is of good quality with enough sensitivity to the local vernacular whilst adding ornamental interest nearer the dwellings.*

6.16 This said, the Landscape Officer also comments as follows:

- *Details do not show locations of herbaceous perennials and shrubs i.e. location in planting border.*
- *Prunus spinosa has been specified in boundary hedgerows, which suckers vigorously. Due to proximity to parking spaces and access points it is worth looking at replacing with suitable alternative.*
- *There are some native species comprised in planting near dwellings and pedestrian access points, but planting species location in borders are not shown.*
- *No details of planting mix details for green roofs on bicycle & refuse stores associated to office building.*
- *No details of planting in between ('pig-slats') parking areas; and no details of stone setts for shared surfaces and pathways.*
- *No details of landscape scheme's long-term management plan*

6.17 In short, the Council's Landscape Officer is satisfied with the overall quality of the submitted landscaping scheme; and given the omission of some details, a suitable condition will be imposed to safeguard character and appearance of the proposed development.

Summary

6.18 In summary, it is considered that the proposal would be of high quality and it would positively integrate with surrounding development. On this basis, the proposal would not cause unacceptable adverse harm to the character and appearance of the area hereabouts.

Heritage/archaeology matters

6.19 It is understood that the office building within the application site is of local heritage interest and was a health workers house or former Nurses' Home for Linton Hospital which in turn was formerly part of 19th century Maidstone Union Workhouse. The building is found on Historic England's Historic Environment Records (HER) and is considered to be a non-designated heritage asset (NDHA). The KCC Archaeological Officer also suggests that the upstanding Nurses Home is of significance, being one of two surviving visible elements of the workhouse and hospital complex; and it reflects development arising from civil needs of WWI and WWII for this area of Kent.

6.20 Paragraph 203 of the NPPF states: *The effect of an application on the significance of a NDHA should be taken into account in determining the application. In weighing applications that directly or indirectly affect NDHAs, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.*

6.21 The Council's Conservation Officer has considered the proposal and has commented as follows:

The office building is from the 1930's and is very utilitarian and has been substantially altered since its original construction. It is a NDHA because of its association with the workhouse and infirmary long since demolished. It has no heritage features in itself. However it is recorded in the HER as a NDHA so must be treated so as the only surviving above ground structure of the former complex of buildings. It is being retained and it would be wise to ask, as a condition, for a schedule of proposed works to this building, if any, under this application.

The design of the proposed houses is well considered and sophisticated and will improve quality of local environment in my view. The approach along Clock House Rise is well planned and will produce a strong streetscape and a good experience as development is approached. Due to the layout of Clock House Rise, the proposal will not impact harmfully on setting of Holy Trinity church but will bring an improvement to environment close to this historic asset. I have no objection to proposal.

6.22 The NDHA building is to be retained and no works are proposed to this building. On this basis, it would be unreasonable and unnecessary to seek a schedule of works to this building. Furthermore, the Conservation Officer views the scheme as well considered and an improvement to the quality of the local environment; and it is noted that the NDHA is closely surrounded by modern development and car parking. On this basis, it is considered that the proposal would cause (at the lower end) less than substantial harm to the significance of the building; and the public benefits of securing quality housing stock within a sustainable location would outweigh this modest harm.

6.23 The Holy Trinity Church, to the east of the site is Grade II listed, would be more than 40m to the north-east of the proposal site, with existing modern development in between. On this basis and in accordance with the heritage guidance within the NPPF, it is considered that the proposal would cause no harm to the significance and setting of this heritage asset. It is also noted that the Council's Conservation Officer has raised no objection in this respect.

6.24 In terms of archaeology, the site does not fall within an area of archaeological potential. Notwithstanding this, the KCC Archaeological Officer has commented as follows:

Site lies in area of multi-period potential associated with use of prehistoric and historic routeway across heathland. There is evidence of prehistoric activity, especially associated with Boughton Iron Age Camp Scheduled Monument, and with Post Medieval travel. 1st Ed OS map indicates site is located in small 19th century hamlet which may have Post Medieval or earlier origins.....and former Nurses Home and Holy Trinity church are only surviving upstanding remains of workhouse and hospital, and are both part of group of historically and archaeologically significant complex constructed for specific medical and health functions in 19th century and early 20th century.

6.25 The KCC Archaeological Officer has recommended a pre-commencement condition seeking details of archaeological field evaluation works. To ensure features of archaeological interest are properly examined, recorded, reported and disseminated, this condition is considered reasonable and shall be duly imposed.

6.26 The KCC Archaeological Officer has also recommended a pre-commencement condition seeking details of a phased programme of archaeological building recording and archaeological field evaluation works. This condition relates the existing office building that is to be retained as part of this proposal. The proposal does not include any works to this building and the recommended condition is therefore considered unreasonable and unnecessary to make the submission acceptable in planning terms.

Transport, highways, access and parking

6.27 The submission is accompanied by the following:

- Transport Statement (by Mayer Brown: Feb 2022);
- Technical Note (by Mayer Brown: Received June 2022);
- Further Mayer Brown letter (received 1st July 2022);
- E-mail from Mayer Brown with results of 24hr traffic survey (dated: 3rd August 2022); and
- E-mail from Mayer Brown with ATC radar survey (capturing traffic speeds along Clockhouse (dated: 9th Sept 2022).

6.28 The Highways Authority have reviewed the submission and have raised no objection to the proposal in highway safety terms. Their comments are summarised as follows:

Access

6.29 Vehicular: Access to the development is proposed via the existing access onto Clockhouse Rise. This access currently serves the existing office (to be retained) and medical centre. As highlighted within the applicant's Transport Statement (TS), the access benefits from sufficient width to allow the 2-way flow of traffic. In this respect, the access is considered acceptable to KCC Highways.

- 6.30 Whilst the access connects onto a residential street that is conducive to lower vehicle speeds given the presence of contrasting surface treatments, narrowings and a varying horizontal alignment, details of the visibility characteristics from the access at not provided. Given how the development is anticipated to lead to an intensification in the accesses use these are required.
- 6.31 In terms of the access connecting onto a residential street, the submission confirms that visibility sight lines of 2.4m by 5.6m to the right, and 2.4m by 12m to the left, are proposed. A speed survey was undertaken by the applicant (taken over a 7-day period between 26th of July and 2nd Aug 2022). Importantly, the results of the speed survey confirm that the observed speeds are commensurate with the visibility sight lines proposed. Given that visibility sight lines complaint with observed speeds can be achieved, KCC consider the use of the existing access to serve the development is acceptable.
- 6.32 Pedestrian: There are no amendments to the existing pedestrian access arrangements for the site; and the proposal would enable pedestrian access via internal footways and shared service areas that the site currently benefits from. KCC Highways consider this to be commensurate with the scale of the development.
- 6.33 It is also noted that KCC have raised no specific highway safety objection to the proposal making use of the existing access through the adjacent medical site, as opposed from John Day Close.

Sustainability

- 6.34 The TS identifies that a range of local facilities can be accessed via the existing pedestrian infrastructure surrounding the site, including places of worship, local shops and schools; and that these facilities would, to some degree, cater for residents' day to day needs. KCC Highways also comment that there are limited opportunities for cycling and that sustainable transport would have a limited role in meeting development's travel demands.
- 6.35 In response to this, Coxheath is a larger village, as defined in the Local Plan, and policy SS1 allows for limited housing development consistent with the scale and role of the villages. Furthermore, policy SP11 allows for minor infilling development in larger villages that is of a size appropriate to the role, character and scape of the larger village. It is also noted that Coxheath is shown to be as a Rural Service Centre within the Council's emerging Local plan (albeit this carries little weight at this time). On this basis, the proposal site is not considered to be unsustainable in terms of its location and its access to basic amenities and services.

Car parking, trip generation and traffic impact

- 6.36 37 car parking spaces are proposed for the development, with 16 car parking spaces allocated for the residential element and the remaining 21 spaces allocated to the existing office. The existing car park has capacity of 88 car parking spaces and consequently, as a result of development, 67 car spaces will be lost (76% reduction in capacity).
- 6.37 In terms of Local Plan parking standards (policy DM23), these are minimum standards with 18 independently accessible spaces required for nine dwellings of this size, and 0.2 visitor spaces per dwelling (1.8 spaces). The proposed residential development would fall short of these standards by 4 spaces. The KCC SPG4: Kent Vehicle Parking Standards document, sets out that 48 car parking spaces should be provided for the retained office building (of some 1210m² floor area).
- 6.38 Through separate discussions, the agent and the Highways Authority agreed that to provide a robust way of assessing the likely highway impacts of the proposal, traffic surveys would be undertaken of the existing car park, to determine the amount of traffic that the existing office facility generates.

- 6.39 The survey was completed on 26th July 2022, and as this is a non-neutral period (when traffic levels are generally not considered to be 'typical' owing to the summer holiday period), KCC consider it reasonable to assume that the survey may underestimate the amount of traffic that is typically generated. Notwithstanding this, KCC have accepted the results.
- 6.40 In order to estimate how much traffic the residential proposal may generate, the applicant has used comparable sites from the TRICS database. The applicant anticipates that because of the proposal, the site could generate an additional 39 more traffic movements (both office and proposed residential uses), 28 of which would be departures, when compared to the site's existing lawful use.
- 6.41 Using the agreed trip generation forecasts, KCC have also undertaken their own parking accumulation exercise to determine the extent of any overflow parking on the public highway. Based on a shown provision of 21 car parking spaces for the office element of the development, demand for up to 21 additional vehicles would be displaced onto the public highway.
- 6.42 Whilst KCC remain mindful of how any displaced parking may add to any existing parking pressures, as many of the dwellings on nearby streets already benefit from their own dedicated off-road parking facilities, in addition to the non-competing nature of the proposed use, a parking-based objection is not considered reasonable in this instance. Furthermore, the presence of existing on-street parking controls such as double yellow lines, including those on Heath Road near to the site, enable KCC to conclude the probability of parking that could be hazardous to the safe or free flow of traffic is low. As such, a safety-based objection is not considered sustainable by the Highways Authority.
- 6.43 Please note that although the applicant has undertaken a traffic survey of the existing car park to demonstrate the likely difference in traffic movements because of the proposal, this information has not been used to revise their parking accumulation assessment. The existing use as a SECAS call-centre is considered to generate more traffic movements than a more typical office use. Consequently the level of displaced parking, if SECAS were to remain onsite and the existing car parking was reduced as proposed, is unknown. On this basis, it is considered reasonable and necessary to impose a condition that the dwellings shall not be occupied until the existing SECAS operations have ceased on the site, to avoid any unassessed impacts occurring on the public highway. The applicant has agreed to the imposition of such a condition. To be clear, the impact of another business occupying the retained building has been assessed via the applicant's transport evidence. A situation where the car park is reduced to make way for the proposed dwellings and SECAS retain their call centre operations on site in the existing office building has not.

Bicycle parking

- 6.44 The submission shows each dwelling to have secure bicycle parking in the garden area (3 spaces), as well as a communal cycle storage area for the office element of the development (11 spaces). This would be policy compliant and KCC consider this approach to be acceptable. The shown bicycle provision will be secured by way of appropriate conditions.

Turning and servicing

- 6.45 A swept path analysis for a 9.22m long refuse vehicle has been provided and it demonstrates that such sized vehicles can enter the site, manoeuvre and egress onto the public highway in a forward motion. This length is commensurate with refuse vehicles used by Maidstone Council and KCC find this acceptable.

PIC data

- 6.46 PIC data has been provided. This analysis confirms that in the assessment area, seven collisions were recorded, one of which was serious in severity. A significant proportion of these collisions involved a right turning vehicle colliding with an oncoming vehicle. Of the seven recorded PIC's, one occurred at the Clockhouse Rise junction with the B2163, although none occurred at the site access junction with Clockhouse Rise. The Highways Authority have not raised a specific objection on this matter.

Residential amenity

Local residents

- 6.47 The proposal is well separated from the properties in John Day Close, to the south of the site; and the separation distance of block C from the eastern boundary of the site would be some 5m. These distances, together with the orientation of the proposed dwellings, would ensure the amenity of the occupants in Clockhouse Rise are protected, in terms of light, outlook and not being overbearing. Furthermore, the upper floor flank openings at the eastern end of block C would be conditioned to be obscure glazed and fixed shut to safeguard the privacy of the occupants of 98 Clockhouse Rise.
- 6.48 Block A would be far enough away from the properties in Crispin Court, and at such an angle, as to not cause unacceptable harm to the living conditions of the occupants of these properties. Furthermore, the proposal would see the reduction of car parking spaces along the shared boundary of the proposal site and Crispin Court, which is considered to improve these neighbours living conditions.
- 6.49 In summary, it is considered that the proposal would not have an adverse impact upon the amenity of any local resident, when trying to enjoy their own property, in terms of privacy, light and outlook, nor in terms of being overbearing development.
- 6.50 Furthermore, when compared to the existing use and layout of the site, the comings and goings of people and vehicles associated with the proposal would not adversely harm the amenity of any neighbour in terms of general noise and disturbance. The proposed communal gardens are also not considered to be objectionable in residential amenity terms.
- 6.51 There is a scout hall immediately backing onto the rear gardens of block A (western boundary); and the building immediately to the north of the site is in office use, and so there are no residential amenity issues in these terms.

Future occupants

- 6.52 The separation distance between block A and block B would be approximately 21m and as such, there would be no residential amenity conflict between the two blocks.
- 6.53 Block B is centrally located within the plot, with block C sited perpendicular to it (to the east). The separation distance between the blocks is some 10m and whilst there would be some overlooking from block B into the gardens of block C, this is not considered to be unacceptable in residential amenity terms and there is an element of 'buyer-beware'.
- 6.54 The first floor western flank window in block C serving a bedroom is secondary and would be conditioned to be obscure glazed and fixed shut (except for a fanlight), to respect the privacy of those in block B. Furthermore, the second floor bedroom that has access on to an outdoor terrace in the western flank of block C will not overlook the gardens to block B given that the parapet wall (standing 1.8m in height) will be continued across this terrace area. Each dwelling would benefit from terraces on the upper floors, as well as adjacent garden space that is mostly equal or more than the ground floor footprint of the associated dwelling. Each garden would also benefit from an external access to it.
- 6.55 It is also considered that future occupants of the site, when trying to enjoy their own property, would not be adversely impacted upon by any existing surrounding property (including the retained office building to the north of the site), in terms of privacy, light, outlook, and general noise and disturbance. Again, there is also the element of buyer-beware.

Summary

- 6.56 With all of the above considered, there is no objection to the proposal in residential amenity terms and the proposal is considered to be compliant with Local Plan policy DM1 in this respect.

Biodiversity/ecology matters

- 6.57 The submission is accompanied by a Preliminary Ecological Appraisal (PEA). On review of the report, it is accepted that the site is a habitat of low ecological value, as it is largely of hardstanding and boundary planting that is predominantly of non-native ornamental species; that there is no perceived risk of impacts to protected species; and that no further ecology work is considered necessary prior to the determination of this planning application.
- 6.58 Notwithstanding this, one of the principles of the revised NPPF (para 180) is that: *Opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.* It is also important to demonstrate a net biodiversity gain, and the submitted PEA confirms this to be the case. On this basis, suitable conditions are recommended to ensure the development incorporates ecological enhancements. Such enhancements shall include integrated methods into the design and fabric of each dwelling hereby approved, such as swift bricks, bat tubes/bricks and bee bricks. Furthermore, other enhancements will be made across the site, including native landscaping and the creation of a biodiversity garden.

Other matters

- 6.59 The submitted Design and Access Statement confirms that electric vehicle charging points will be distributed across the site (for use by both residential and office users), with a plan within this statement showing the total provision of 14 such charging points. Furthermore, the submission shows the office bicycle store and office refuse store to have green roofs, with the bicycle store also having solar panels to generate energy for office; and it shows each new dwelling to have solar panels in the roof. In accordance with Local Plan policy and in the interests of sustainability, to ensure an energy efficient form of development and air quality, suitable conditions are also recommended for the provision of sixteen operational electric vehicle charging points for low-emission plug-in vehicles (as shown on the submitted plans); and for details of renewable energies to be incorporated into the development.
- 6.60 The Environmental Protection Team has reviewed the application and has raised no objection to it in terms of air quality; and contamination. This is subject to a contamination condition and given that the proposal is for a more sensitive end use, the imposition of this condition is considered reasonable in the interests of public health. Furthermore, the submission is accompanied by a Noise Assessment and a further Noise Technical Note. On review of this information, the Environmental Protection Team has confirmed that the internal sound levels for the dwellings would be acceptable provided the recommendations of the combined acoustic reports are implemented. This can be secured by way of appropriate condition and is considered reasonable to safeguard the amenity of future occupants of the proposal.
- 6.61 An Outline Drainage Strategy has been submitted as part of this application. In short, this report confirms that both foul waste and surface water for the proposal will be disposed of via mains sewer; and also that a Sustainable Drainage System can be implemented on the site in order to reduce the rate of surface water run-off and to manage flood risk on and off site. Whilst no further details regarding this are required at this stage, an appropriate condition is recommended to secure the detailed design of the drainage strategy/SuDS prior to the commencement of the development.
- 6.62 There are two pre-commencement conditions recommended (relating to archaeology and contamination), and the agent has confirmed their acceptance of these conditions.
- 6.63 Due regard has also been had to the Public Sector Equality Duty, as set out in Section 149 of the Equality Act 2010; and it is considered that the development would not undermine the objectives of the Duty.

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

7.0 CONCLUSION

7.01 For the reasons set out above, the application is considered to be acceptable with regard to the relevant provisions of the Development Plan, the NPPF and all other material considerations such as are relevant. A recommendation of approval is therefore made on this basis.

8.0 RECOMMENDATION

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

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

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

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

- Received 1st July (Appendix A to Mayer Brown letter) MBSK220623-01 Rev P1.
- Received 1st Aug 2022: 0202 Rev P2; 0203 Rev P2; 0270 Rev P2; 0300 Rev P2; and 0470 Rev P2.
- Received 11th Feb 2022: 001 Rev P1; 0010 Rev P1; 0015 Rev P1; 0020 Rev P1; 0021 Rev P1; 0022 Rev P1; 0023 Rev P1; 0025 Rev P1; 0030 Rev P1; 0040 Rev P1; 0200 Rev P1; 0201 Rev P1; 0205 Rev P1; 0220 Rev P1; 0250 Rev P1; 0260 Rev P1; 0350 Rev P1; 0360 Rev P1; 0370 Rev P1; 0450 Rev P1; and 0460 Rev P1.
- Received 29th Sept 2022: 1050-X-0490-GA-Rev P3; and 1050-X-0491-GA-Rev P3.
- Received 7th Oct 2022: LN00701 Rev P02 and Landscape Plan document (by 'outerspace' and dated: 7th Oct 2022).

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

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

- (i) archaeological field evaluation works in accordance with a specification and written timetable which has been submitted to and approved by the Local Planning Authority; and
- (ii) further archaeological investigation, recording and reporting, determined by the results of the evaluation, in accordance with a specification and timetable which has been submitted to and approved by the Local Planning Authority;
- (iii) programme of post excavation assessment and publication.

Reason: These details are required prior to the commencement of the development to ensure features of archaeological interest are properly examined, recorded, reported and disseminated.

4. The development hereby permitted shall not be commenced until the following components of a scheme to deal with the risks associated with contamination of the site shall have been submitted to and approved, in writing, by the local planning authority:
- (1) A preliminary risk assessment which has identified:
 - all previous uses
 - potential contaminants associated with those uses
 - a conceptual model of the site indicating sources, pathways and receptors
 - potentially unacceptable risks arising from contamination at the site.
 - (2) A site investigation, based on (1) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
 - (3) A remediation method statement (RMS) based on the site investigation results and the detailed risk assessment (2). This should give full details of the remediation measures required and how they are to be undertaken. The RMS should also include a verification plan to detail the data that will be collected in order to demonstrate that the works set out in the RMS are complete and identifying any requirements for longer-term monitoring of pollutant linkages, maintenance and arrangements for contingency action.

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

Reason: These details are required prior to the commencement of the development in the interests of public health.

5. Prior to the first occupation of the development hereby approved, on completion of the works a Closure Report shall be submitted and approved by the local planning authority. The closure report shall include full verification details as set out in the remediation method statement, and this should include details of any post remediation sampling and analysis, together with documentation certifying quantities and source/destination of any material brought onto or taken from the site. Any material brought onto the site shall be certified clean.

Reason: In the interests of public health.

6. The development hereby approved shall not commence, except for the removal of existing hardstanding on site and no other ground works, until a detailed sustainable surface water drainage scheme for the site has been submitted to and approved in writing by the local planning authority. The detailed drainage scheme shall be based upon the submitted Outline Drainage Strategy Report (Feb 2022: Ref-147091-FAH-ZZ-XX-RP-C-0001), and shall demonstrate that the surface water generated by this development (for all rainfall durations and intensities up to and including the climate change adjusted critical 100 year storm) can be accommodated and disposed of without increase to flood risk on or off-site. The drainage scheme shall also demonstrate (with reference to published guidance):
- (i) that silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.
 - (ii) 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.

7. In accordance with the submitted plans and prior to the commencement of development above damp-proof course level, written details of the materials to be used in the construction of the external surfaces of the buildings hereby approved, shall be submitted to and approved in writing by the local planning authority. These details shall be:

- (i) A sample panel of the tumbled finish red brick and mortar;
- (ii) Standing seam zinc roofing (Grey black in colour); and
- (iii) PPC lined aluminium framed windows.

The development shall be constructed using the approved materials and shall be maintained as such thereafter.

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

8. Prior to the commencement of development above damp-proof course level, details of all fencing, walling and other boundary treatments, shall be submitted to and approved in writing by the local planning authority. These details shall include:

- (i) Tumbled finish red brick walling to the northern boundary of the gardens for blocks A and B, to match the elevations of the new dwellings on the site.

The development shall be carried out in accordance with the approved details and shall be maintained as such thereafter.

Reason: To safeguard the character and appearance of the area; and to safeguard the enjoyment of their properties by existing and prospective occupiers.

9. Prior to the commencement of development above damp-proof course level, and in accordance with submitted drawing reference: LN00701 Rev P02 and Landscape Plan document (by 'outerspace' and dated: 7th Oct 2022), details of a scheme of hard and soft landscaping, using indigenous species, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with a programme for the approved scheme's implementation and long-term management, shall be submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall be designed using the principle's established in the Council's adopted Landscape Character Assessment (2012) and shall show:

- (i) Location, species, number and size of all new trees, perennials and shrubs to be planted within site;
- (ii) Provision of new 100% mixed native species hedgerow planting along eastern, southern and western boundaries of site (to exclude prunus spinosa);
- (iii) Provision of 100% native species tree planting (minimum of Select Standard size);
- (iv) Details of native species planting along the approaches to the front doors of the dwellings, alongside the pedestrian access routes;
- (v) Details of 100% native species planting for biodiversity garden in south-eastern corner of site (to include wildflower areas);
- (vi) Details of native species planting for communal garden in north-western corner of site;
- (vii) Planting mix details for the green roofs on the bicycle and refuse stores associated to the office building;
- (viii) Provision of 'Pig slats' for all vehicle parking areas, as shown in submitted Design and Access Statement, and details of the planting to be used for these parking areas; and
- (ix) Details of the stone setts for the shared surfaces and pathways within the site.

Only non-plastic guards shall be used for the new trees and hedgerows and no Sycamore trees shall be planted. The implementation and long term management plan shall include long term design objectives, management responsibilities and maintenance schedules for all landscape areas, other than small, privately owned domestic gardens. The landscaping of the site and its management thereafter shall be carried out in accordance with the approved details.

Reason: To safeguard the character and appearance of the area; and in the interests of biodiversity net gain.

10. The approved landscaping associated with the individual dwellings shall be in place at the end of the first planting and seeding season following completion of the relevant individual dwelling. Any other communal, shared or street landscaping shall be in place at the end of the first planting and seeding season following completion of the final unit. Any trees or plants, which, within a period of 5 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: To safeguard the character and appearance of the area; and in the interests of biodiversity net gain.

11. Prior to the commencement of the development above damp-proof course level, details of ecological enhancements integrated into the design and fabric of each dwelling hereby approved, such as swift bricks, bat tubes/bricks and bee bricks, shall be submitted to and approved in writing by the local planning authority. The development shall be implemented in accordance with the approved details prior to the first occupation of each relevant dwelling and all features shall be maintained as such thereafter.

Reason: To enhance biodiversity on the site and to achieve a net biodiversity gain.

12. Prior to the commencement of the development above damp-proof course level, details of ecological enhancements and their delivery shall be submitted to and approved in writing by the local planning authority, and the details shall include the following:

- (i) integrated enhancements into the design and fabric of each dwelling, such as swift bricks, bat tubes/bricks and bee bricks;
- (ii) Measures to allow hedgehogs to move through the development;
- (iii) Log piles; and
- (iv) Integrated insect bricks into planters sited in 'biodiversity garden' (south-east corner of site).

The development shall be implemented in accordance with the approved details prior to the first occupation of the site and shall be maintained as such thereafter.

Reason: To enhance biodiversity on the site and to achieve a net biodiversity gain.

13. Prior to the commencement of the development above damp-proof course level, details of how decentralised and renewable or low-carbon sources of energy will be incorporated into the dwellings hereby permitted shall be submitted to and approved in writing by the local planning authority. The approved details shall be installed and operational prior to the first occupation of the relevant dwelling and shall be maintained as such thereafter.

Reason: To ensure an energy efficient form of development.

14. Prior to the first occupation of the development hereby approved, the site entrance visibility splays (as shown on submitted drawing refs: MBSK220623-01 Rev P1), shall be provided with no obstructions over 1.05 metres above carriageway level within the splays, and this shall be maintained as such thereafter.

Reason: In the interests of highway safety.

15. Prior to the first occupation of the eastern-most property in block C hereby approved (as shown on the submitted drawings), the first floor and second floor windows in the eastern flank of this property shall be obscure glazed to not less than the equivalent of Pilkington Glass Privacy Level 3, and these windows shall be incapable of being opened except for a high level fanlight opening of at least 1.7m above inside floor level and shall subsequently be maintained as such thereafter.

Reason: In the interests of residential amenity.

16. Prior to the first occupation of the western-most property in block C hereby approved (as shown on the submitted drawings), the first floor window in the western flank of this property shall be obscure glazed to not less than the equivalent of Pilkington Glass Privacy Level 3, and this window shall be incapable of being opened except for a high level fanlight opening of at least 1.7m above inside floor level and shall subsequently be maintained as such thereafter.

Reason: In the interests of residential amenity.

17. The solar panels on the new bicycle storage for the office building, as shown on the submitted plans, shall be installed and operational prior to first occupation of any dwelling hereby approved and shall be maintained as such thereafter.

Reason: To ensure an energy efficient form of development.

18. The recommendations set out in the submitted Noise Assessment (Mayer Brown: Feb 2022) and the Technical Note (Mayer Brown: 17th May 2022) shall be fully implemented prior to the occupation of each relevant dwelling hereby approved and shall be maintained as such thereafter.

Reason: In the interests of residential amenity.

19. No external lighting shall be installed until a detailed scheme of lighting has been submitted to, and approved in writing by the Local Planning Authority prior to the commencement of the development. This scheme shall take note of and refer to the Institute of Lighting Engineers Guidance Notes for the Reduction of Obtrusive Lighting, GN01, dated 2005 (and any subsequent revisions) and shall include a layout plan with beam orientation and a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles) and an ISO lux plan showing light spill. The scheme of lighting shall be installed, maintained and operated in accordance with the approved scheme unless the Local Planning Authority gives its written consent to any variation.

Reason: In the interests of residential amenity.

20. The vehicle parking spaces within the application site, as shown on the submitted plans, shall be provided prior to occupation of any dwelling hereby approved and shall be permanently retained for parking thereafter and not used for any other purpose.

Reason: In the interest of highway safety and parking provision.

21. The development hereby approved shall provide a minimum of 14 operational electric vehicle charging points for low-emission plug-in vehicles, of which nine of these charging points shall be installed for the allocated residential car parking spaces. All 14 charging points shall be installed and operational, prior to the first occupation of any dwelling hereby approved and shall be maintained as such thereafter.

Reason: To promote reduction of CO₂ emissions through use of low emissions vehicles.

22. The communal bicycle parking spaces for the retained office building (a minimum of 11 spaces), as shown on the submitted plans, shall be provided and useable prior to the first occupation of any approved dwelling and shall then be permanently retained as such thereafter.

Reason: In the interest of sustainability.

23. The bicycle parking spaces (3 spaces for each dwelling), as shown on the submitted plans, shall be provided and useable prior to the occupation of the relevant dwelling they are associated with and shall then be permanently retained as such thereafter.

Reason: In the interest of sustainability.

24. The development hereby permitted shall be carried out in accordance with the slab levels/finished floor levels as shown on the submitted plans.

Reason: In order to secure a satisfactory form of development having regard to the topography of the site.

25. The dwellings hereby approved shall not be occupied until the current South East Coast Ambulance Service (SECAS) operations on the site have ceased and the building has been vacated by SECAS.

Reason: To avoid any unassessed impacts occurring on the public highway.

26. Prior to the first occupation of any dwelling hereby approved, the public pedestrian access from the southern boundary of the site and as shown on submitted drawing references: 0220 Rev P1 and 0450 Rev P1 (and as confirmed in an e-mail from the agent received 11th August 2022), shall be provided and freely useable, and shall be maintained as such thereafter.

Reason: In the interests of permeability.

27. Notwithstanding the provisions of the Town and Country Planning General Permitted Development (Amendment) (England) Order 2015 (or any order revoking and re-enacting that order with or without modification), and except for what is shown on the approved plans and the details to be approved pursuant to condition 3 of this decision, no development within Schedule 2, Part 1 Classes A, AA, B, D, and E; and Schedule 2, Part 2, Class A, shall be carried out.

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

Informatives:

1. The proposed development is CIL liable. The Council adopted a Community Infrastructure Levy on 25th October 2017 and began charging on all CIL liable applications approved on and from 1st October 2018. The actual amount of CIL can only be confirmed once all the relevant forms have been submitted and relevant details have been assessed and approved. Any relief claimed will be assessed at the time planning permission is granted or shortly after.
2. It is the responsibility of applicant to ensure, before development hereby approved is commenced, that all necessary highway approvals and consents where required are obtained and the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by Highway Authority. Guidance for applicants, including information about how to clarify the highway boundary and links to application forms for vehicular crossings and other highway matters, may be found on Kent County Council's website: <https://www.kent.gov.uk/roads-and-travel/highway-permits-and-licences/highways-permissionsand-technical-guidance>. Alternatively, KCC Highways and Transportation may be contacted by telephone: 03000 418181



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KEY

- Extra Heavy Standard 18-20m**
Acer campestre
Alnus glutinosa
Fagus sylvatica
Prunus avium
Sorbus aria
Sorbus aucuparia
- Extra Heavy Standard 14-16m**
Acer campestre
Carpinus betulus
Prunus avium
Sorbus aria
Sorbus aucuparia
- Small multi-stem tree**
 8-9.5m height
Corylus avellana
Salix caprea

- Climbing Plants with cable system**
 60-80m height 2L pot
 Caned; several shoots; 3brks
Lonicera periclymenum
Pyracantha coccinea 'Red Column'
Trachelospermum jasminoides
Wisteria sinensis 'Alba'
- Proposed Native Hedgerow**
 40-60m height 3L pot
 Double staggered row, at 45cm spacings, with a gap of 30cm between the rows
Acer campestre
Corylus avellana
Crataegus monogyna
Rosa canina
Prunus spinosa
- Existing Hedgerow**
- Sunny Mix A - Perennial density 8m², Shrub density 4m², Bulb density 20m²**
Alchemilla mollis
Allium sphaerocephalon
Asplenium scolopendrium
Carex divisa ssp divisa
Carex pendula
Echinacea pallida
Lavandula angustifolia
Persicaria bistorta 'Superba'
Sambucus nigra
Tulipa sylvestris
Vinca minor
- Sunny Mix B - Perennial density 8m², Shrub density 4m², Bulb density 20m²**
Ajuga reptans
Allium otfatumense
Carex pendula
Epimedium x versicolor 'Sulphureum'
Euphorbia characias wulfenii
Hebe 'Sapphire'
Hemerocallis iliosphodelus
Heuchera villosa
Liriope muscari 'Monroe White'
Luzula nivea
Molinia caerulea
Sambucus nigra
Tulipa sylvestris
- Shady Mix A - Perennial density 8m², Shrub density 4m², Bulb density 20m²**
Carex divisa ssp divisa
Brunnera macrophylla
Galanthus nivalis
Tiarrella corallifolia
- Shady Mix B - Perennial density 8m², Shrub density 4m², Bulb density 20m²**
Ajuga reptans
Astilbe chinensis
Astrantia roma
Brunnera macrophylla
Carex pendula
Dryopteris affinis
Epimedium x versicolor 'Sulphureum'
Euphorbia characias wulfenii
Galanthus nivalis
Heuchera villosa
Liriope muscari 'Monroe White'
Luzula nivea
Sambucus nigra
Scilla siberica
Tiarrella corallifolia
Polypodium vulgare
Viburnum opulus

- Front Garden Mix A - Perennial density 8m², Shrub density 4m², Bulb density 20m²**
Alchemilla mollis
Allium sphaerocephalon
Ajuga reptans
Carex divisa ssp divisa
Epimedium x versicolor 'Sulphureum'
Hebe 'Sapphire'
Lavandula angustifolia 'Hidcote'
Liriope muscari 'Monroe White'
Sambucus nigra
Tulipa sylvestris
Verbena bonariensis
- Front Garden Mix B - Perennial density 8m², Shrub density 4m², Bulb density 20m²**
Alchemilla mollis
Allium otfatumense
Epimedium x versicolor 'Sulphureum'
Euphorbia characias wulfenii
Hebe 'Sapphire'
Heuchera villosa
Liriope muscari 'Monroe White'
Luzula nivea
Persicaria bistorta 'Superba'
Rosa canina
Tulipa sylvestris

- Lawn**
- Wildflower + Grass Mix**
Emorsgate Mix EH1



Drawing Information
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 Please note:
 Figured dimensions take precedence over scale. Do Not Scale from Drawings.
 Outerspace to be informed of discrepancies prior to commencement of works.
 All dimensions to be checked on site.

Revisions:
 (See red clouds and notes for additional explanation of change)

Rev.	Description	Rev.	Chg.	Date
PC1	Siteplan Pkg	01	RB	06.10.2022
PC2	Update with comments	02	RB	07.10.2022

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Client City and Suburban Homes	Project No. LN00701
Project Cosheth Ambulance Centre	Design L-400
Drawing Title SOFTWARES PLAN	Drawn PLANNING
Date 06.10.2022	Scale 1:150@ A1
Rev PC2	Drawn by BK
	Chk by RB



Acer campestre (n)
Public space
Single stem



Alnus glutinosa (n)
Communal lawn
Single stem



Carpinus betulus (n)
Public spaces + ecology garden
Single stem



Corylus avellana (n)
Public spaces + ecology garden
Multi-stem



Fagus sylvatica (n)
Communal lawn
Single stem



Prunus avium (n)
Front gardens + ecology garden
Single stem



Salix caprea (n)
Public spaces + ecology garden
Multi-stem



Sorbus aria
Front gardens
Single stem



Sorbus aucuparia (n)
Front gardens
Single stem



Agenda Item 17



Ordnance Survey - data derived from OS Premium

22/502452/FULL Anacapi, Weaving Street, Weaving, Kent, ME14 5JH
Scale: 1:1250
Printed on: 7/10/2022 at 9:03 AM by JoannaW

REPORT SUMMARY

REFERENCE NO: - 22/502452/FULL		
APPLICATION PROPOSAL: Demolition of existing conservatory, garage/store and shed and erection of a detached four bed dwelling with rear pergola and associated access and parking (Revised scheme to 21/506599/FULL).		
ADDRESS: Anacapri Weaving Street Weaving Kent ME14 5JH		
RECOMMENDATION: GRANT PLANNING PERMISSION subject to planning conditions		
SUMMARY OF REASONS FOR RECOMMENDATION: The development would not have a harmful impact upon the character and appearance of the local area, nor would it harmfully impact upon the amenity of future occupants or neighbouring properties, nor would it impact upon parking in the area or the wider highway network. The proposal is in accordance with local and national planning policies and is recommended for approval subject to conditions.		
REASON FOR REFERRAL TO COMMITTEE: Call in from Parish Council if officers are minded to approved for the reasons set out in section 4 of this report.		
WARD: Boxley	PARISH/TOWN COUNCIL: Boxley	APPLICANT: Ms. Cathy Mildenhall
CASE OFFICER: William Fletcher	VALIDATION DATE: 26/05/22	DECISION DUE DATE: 28/10/22
ADVERTISED AS A DEPARTURE: No		

Relevant Planning History

20/501211/FULL

Demolition of the conservatory and garage/store. Erection of a two storey/single storey rear extension and a front porch extension.
Approved 14.05.2020

21/506599/FULL

Demolition of conservatory, garage store and shed. Erection of 1no. dwelling with solar panels, rear pergola, associated access, parking and landscaping.
Approved 21.03.2022

MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 Weaving street is a suburban neighbourhood within the Maidstone urban area. The existing dwelling on the application site is a detached two storey dwelling, with a rendered first floor exterior and a front facing gable ended roof.
- 1.02 In terms of 'built form' and design the property called Anacapri is one of a pair of detached properties (other dwelling known as Jonqiul), however it is highlighted that the two properties are different in terms of facing materials and window design. The character of the surrounding area is detached houses with significant variety in terms of design, appearance and facing materials.

2. PROPOSAL

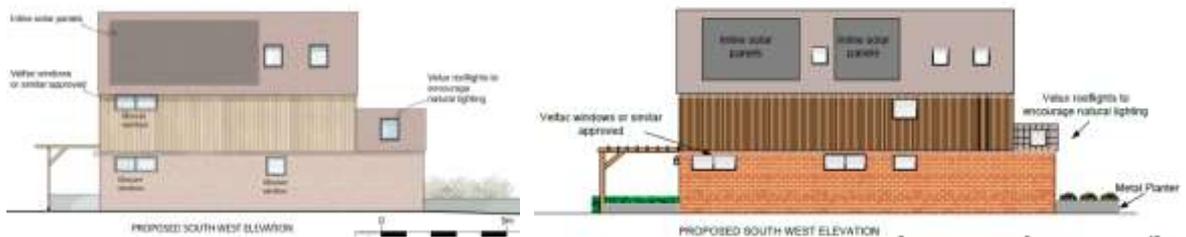
- 2.01 The application seeks to subdivide the Anacapi plot and erect a two-storey dwelling on land to the side (southeast) of the existing dwelling.
- 2.02 The proposed dwelling would be of a similar 'form' to the existing dwelling. The simplest way to describe the building would be a 'contemporary' version of the existing dwelling with red stock brick finished the ground floor exterior and vertical timber cladding around the first floor.

Image 1: Proposed street elevation (no change from 21/506599/FULL)



- 2.03 The application follows a previously approved application (21/506599/FULL) which sought a similar scheme. The current proposal seeks to increase the total depth of the dwelling by 1.7m as depicted below. The two-storey section of the dwelling increases from 10.2m to 13m, otherwise the design/materials remain unchanged.

Image 2: Proposed South West Elevation (facing The Palms)



3. POLICY AND OTHER CONSIDERATIONS

Maidstone Borough Local Plan (2017):

SS1- Maidstone borough spatial strategy

SP1 – Maidstone urban area

SP19 – Housing mix

DM1 – Principles of good design

DM3 – Natural environment

DM9 – Residential extensions, conversions and redevelopment within the built-up area

DM11 – Residential garden land

DM12 – Density of housing development

DM23 – Parking standards (Appendix B)

The National Planning Policy Framework (NPPF):

Section 12 – Achieving well-designed places

Maidstone Borough Council – Local Plan Review, draft plan for submission (Regulation 22) dated October 2021. - The Regulation 22 draft is a material consideration however weight is currently limited, as it is the subject of an examination in public that commenced on the 6 September 2022 (hearings currently adjourned until 7.11.2022). The relevant policies in the draft plan are as follows:

The following policies would be relevant to this application:

LPRSS1 - Maidstone Borough Spatial Strategy

LPRSP2 - Maidstone Urban Area

LPRSP10 - Housing

LPRSP10(A) – Housing
LPRSP14A: Natural environment
LPRSP14(C): Climate change
LPRSP15 – Principles of Good Design
LPRHOU4 - Residential Garden Land
LPRHOU5 – Density of Residential Development
LPRTRA4 – Parking
LPRQ&D 2: External lighting
LPRQ&D 6: Technical standards
LPRQ&D 7: Private amenity space standards

4. LOCAL REPRESENTATIONS

Local Residents:

- 4.01 2 representations received from local residents objecting to the proposal on the following (summarised) grounds:
- The development would cause harmful overshadowing.
 - The development would have a harmful impact upon the character and appearance of the area
 - Aural amenity

Boxley Parish Council

- 4.02 Objection for the following reasons, with committee call in if officers are minded to approve:
- Visual appearance
 - Loss of trees and other landscape features
 - Impact of the proximity to historic bridleway and wildlife
 - Overdevelopment of the site

5. CONSULTATIONS

KCC Highways

- 5.01 No objections received this consultee replied with their standing advice.

KCC Public Rights of Way Officer

- 5.02 No objections "Public Rights of Way KH1 footpath runs along the southern side of the site and should not affect the application".

6. APPRAISAL

The key issues are:

- Site location
- Visual impact
- Residential amenity
- Neighbouring amenity
- Parking and highways
- Arboriculture and biodiversity

Site Location

- 6.01 Policy SS1 of the Maidstone Borough Local Plan (October 2017) details how the Local Planning Authority will focus new development principally within the Maidstone urban area. Policy SP1 states: "As the largest and most sustainable location, Maidstone urban area, ... will be the focus for new development.
- 6.02 Within the urban area and outside of the town centre boundary identified in policy SP4, Maidstone will continue to be a good place to live and work. This will be achieved by...the development and redevelopment or infilling of urban sites in a way that contributes positively to the locality's distinctive character appropriate". Policy seeks to ensure that the amenity of existing and future residents is respected; and highway safety has been considered. Policy DM11 specifically relates to residential garden land in the defined urban area.

- 6.03 With the location of the application site a relatively small distance from the town centre boundary and within the urban area policy SP1 supports the principle of a residential development on the site. As such whilst there is policy support for a dwelling in this location, it must still reflect the character and appearance of the local area.

Visual impact

- 6.04 Policies DM1 and DM9 both require development to enhance, the local, natural or historic character of the area with particular regard paid to scale, height and design. Policy DM11 continues this theme stating that the higher density resulting from the development must not result in significant harm to the character and appearance of the area.
- 6.05 In terms of the character of this section of Weaving Street, dwellings are predominantly two storey detached buildings of varied design, appearance and size with a mixture of plot sizes.
- 6.06 Anacabri which would be the dwelling immediately north of the proposed dwelling is a detached two storey building, with a rendered first floor exterior and a front facing gable end roof. With the variety of local facing materials and building shapes and sizes, the character of the local area is its variety. There are different window designs and colours, different coloured gable facias, dwellings with yellow stock bricks, pebble dash and mock Tudor detailing are all present. The form of dwellings also varies significantly. Hanging tiles and a ragstone building are also present further north of the application site.
- 6.07 The proposed building although of 'contemporary' appearance has been designed with a pitched roof and is of a scale that matches neighbouring properties with similar roof eaves and ridge heights. The proposed facing materials of red stock bricks (New Meadow House) and external cladding (Willow Ridge) are present on other buildings in the local area.
- 6.08 The property called Jonquil to the north of the application site is much longer than the typical plots, extending to Provender Way. The application site is part of the plot of Anacabri which is wider than the typical plots in the area located at the end of the row of detached dwellings. Following the subdivision, the application site would be 7.6m in width, this plot width is comparable to others in the locality. It is assessed that the site is large enough to accommodate the proposed dwelling including access long the side of the building to the rear garden.
- 6.09 As detailed above, representations have been received in objection from residents as well as the Parish on the basis that the development would have a harmful impact upon the character and appearance of the area. The above report has assessed the visual impact. The development would be seen in context with the existing dwellings which do not have a uniform appearance. The development would not have harmful impact upon the character and appearance of the area.

Residential Amenity

- 6.10 Policies DM1, DM9 and DM11 all detail how development must respect the amenities of occupiers of neighbouring properties and uses and provide residential amenities for future occupiers of the development by ensuring that development does not result in, or is exposed to, excessive noise, activity, visual intrusion, and that development should not result in overshadowing or loss of privacy.
- 6.11 With regards to the amenity of future occupiers. Following the subdivision the dwelling would have an appropriate private amenity area for future occupants. The floor space is in excess of the national space standard guidelines. The proposed living areas are spacious and well lit, and the development would provide a good standard of amenity for future occupants.

Neighbouring Amenity

- 6.12 In terms of neighbouring properties, The Palms is located 12.5m to the southwest of the proposed dwelling. Anacapri itself is located 2m to the north and Maple Leas the dwelling opposite the application site 30m to the southeast.

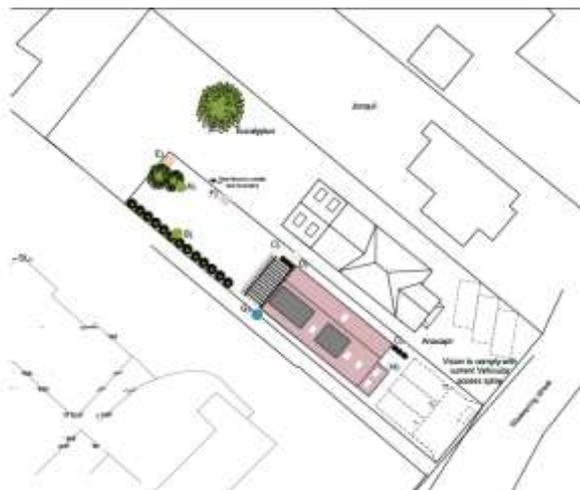
Daylight and sunlight

- 6.13 Due to the separation distance between the new dwelling and The Palms and Maple Leas no harmful overshadowing would occur.
- 6.14 The new dwelling would be to the southeast of Anacapri and there is an existing first floor window to the side of Anacapri. The existing floorplans submitted with application 20/501211/FULL show that this side window serves non habitable space (staircase).
- 6.15 The proposed plans submitted with 20/501211/FULL (extant until 14.05.2020) show two windows on the side elevation serving a bathroom and a corridor. Habitable first floor rooms are provided with windows to the front and rear elevations. The side elevation windows are non-habitable and would still receive sunlight and daylight over the new dwelling, the impact on these windows is considered acceptable.
- 6.16 The new dwelling does not extend past the rear elevation of Anacapri and as a result any impact on the garden of this property would be minimal.

Privacy and overlooking

- 6.17 The majority of the first floor windows of the proposed dwelling face to the front and rear with no privacy or overlooking issues. There is one first floor window on the side elevation of the new dwelling, with this window serving a bedroom. To ensure that there is no overlooking or loss of privacy from this window, a planning condition is recommended stating that this window be obscured glazed and fixed shut below 1.7 metres from internal floor level.

Image 3: Proposed block plan



- 6.18 The disturbance caused during the construction of the development has been raised in consultation responses. As this disturbance is short term it is not grounds to refuse planning permission. A planning condition is recommended seeking the submission and approval of a construction management plan that will seek to minimise disruption that is caused.

Parking and Highways

- 6.19 Plans indicate that there would be a parking area to the front of the dwelling that would easily be able to accommodate vehicles associated with the dwelling. Plans indicate an electric vehicle charging point, should permission be forthcoming conditions will be imposed to ensure this is provided.

location of residential development and the principle of a new dwelling in this location is acceptable.

- 7.02 When considering the variety of plot sizes, form of dwellings and materials used in the area. It is concluded that the proposed dwelling is in keeping with the character and appearance of the area.
- 7.03 The dwelling has an appropriate amount of amenity space and is in accordance with national space standards and rooms will have adequate daylight and sunlight. The dwelling will provide a good standard of accommodation for future occupants. With suitable planning conditions, the proposal is acceptable in relation to the impact on the amenities of adjacent residential occupiers.
- 7.04 The proposed dwelling has an appropriate level of parking provision, the development would not have a harmful impact upon parking in the area or the wider highway network. Conditions will be imposed securing the proposed landscaping and biodiversity enhancements. The development would not have a harmful impact upon Public Right of Way KH1.

8. RECOMMENDATION
GRANT PLANNING PERMISSION subject to the following conditions

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission;
Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2) The development shall be carried out in accordance with the following approved plans and documents:
Application for planning permission
Flood Map
Existing Block Plan
Existing Shed, Proposed Fencing and Hedgehog House
Existing Site Location Plan
Existing Street Scene
Proposed Bird Box and Electric Car Charger
Proposed Block Plan
Proposed Site Location Plan
Proposed Street Scene
Reason: To ensure a satisfactory visual appearance and to safeguard the amenity of the area.
- 3) The materials to be used in the development hereby approved shall be as indicated on the approved plans.
Reason: To ensure a satisfactory appearance to the development
- 4) No development shall take place until a Construction Management Plan for the site has been submitted to and approved in writing by the local planning authority. The Construction Management Plan shall include the following details-
(a) Routing of construction and delivery vehicles to / from site
(b) Parking and turning areas for construction and delivery vehicles and site personnel
(c) Timing of deliveries
(d) Provision of wheel washing facilities
(e) Temporary traffic management / signage
(f) Measures to control dust and potential use of asbestos in the existing building.
The construction works shall proceed only in accordance with the approved Construction Management Plan.
Reason: In the interests of residential amenity and highway safety.

- 5) Before the development hereby permitted is first occupied, the proposed bedroom window in the first floor side elevation of the dwelling shall be obscure glazed to not less than the equivalent of Pilkington Glass Privacy Level 3 and shall subsequently be maintained as such.
Reason: To prevent overlooking of adjoining properties and to safeguard the privacy of neighbouring occupiers.
- 6) Upon completion, no further development, whether permitted by Classes A, B, C, D or E 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.
- 7) 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 (Maidstone Landscape Character Assessment Supplement 2012) has been submitted to and approved in writing by the local planning authority. The scheme shall
- show all existing trees, hedges and blocks of landscaping on, and immediately adjacent to, the site and indicate whether they are to be retained or removed,
 - include a planting specification, implementation details and a [5] year landscape management plan (Only non-plastic guards shall be used for the new trees and hedgerows, and no Sycamore trees shall be planted).
 - provide details of on-site replacement planting to mitigate any loss of amenity and biodiversity value [together with the location of any habitat piles] 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.
- 8) All planting, seeding and turfing specified in the approved landscape details shall have been completed prior to first occupation of the approved development. All such landscaping shall be carried out during the planting season (October to February). Any seeding or turfing which fails to establish or any trees or plants which, within five years from the first occupation of a property, become so seriously damaged or diseased that their long term amenity value has been adversely affected shall be replaced in the next planting season with plants of the same species and size as detailed in the approved landscape scheme unless the local planning authority gives written consent to any variation.
Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development
- 9) Prior to the first occupation of the approved dwelling, a minimum of one operational electric vehicle charging point for low-emission plug-in vehicles shall be installed and ready for the use of the new occupant with the electric vehicle charging point thereafter retained and maintained operational as such for that purpose.
Reason: To promote to promote sustainable travel choices and the reduction of CO2 emissions through use of low emissions vehicles.
- 10) 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 include the enhancement of biodiversity through integrated methods into the design and appearance of the structure of the new dwelling by means such as swift bricks, bat tube or bricks. The development shall be implemented in accordance with the approved details and all features shall be maintained thereafter.
Reason: To protect and enhance the ecology and biodiversity on the site in the future.
- 11) All cut timber/wood between 15cm and 60cm in diameter, together with any senescent and rotting wood, should be retained and stacked safely on site for the

colonisation of saproxylic organisms, except where an alternative proposal has been submitted to and approved in writing by the local planning authority.
Reason: In the interests of ecological enhancement and biodiversity net gain.

- 12) The development hereby approved shall not commence above slab level until, details of all fencing, walling and other boundary treatments have been submitted to and approved in writing by the local planning authority, Details shall specifically indicate that the fencing has hedgehog corridors installed to allow the travel of wildlife through the garden. The development shall be carried out in accordance with the approved details before the first occupation of the building(s) or land and maintained thereafter;

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

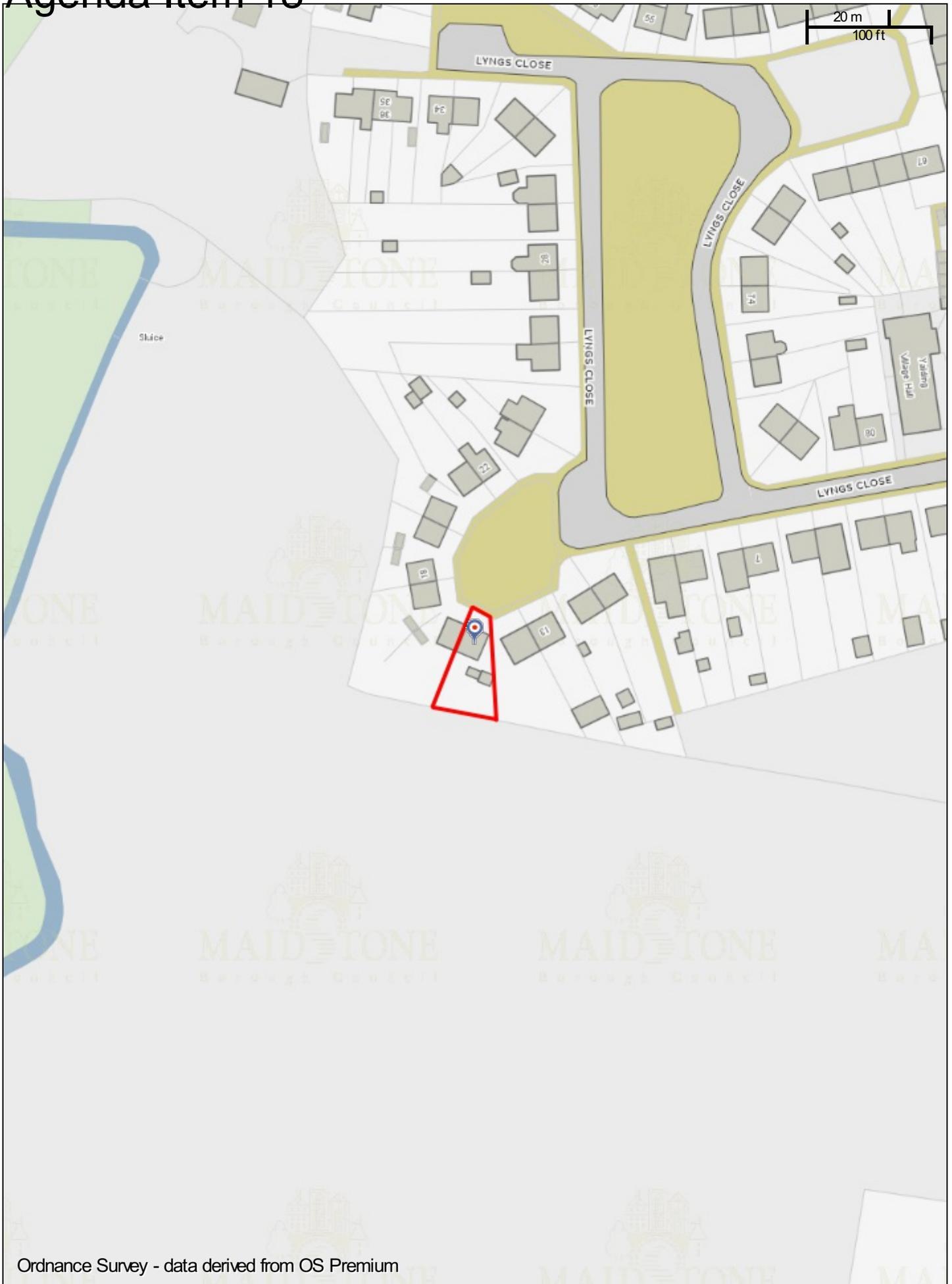
- 13) Prior to the first occupation of the dwelling hereby approved, facilities for (a) the storage and screening of refuse bins, and (b) the collection of refuse bins, and (c) secure bicycle storage shall be in place that are in accordance with details that shall have previously been submitted to and 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.

INFORMATIVES

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

Agenda Item 18



Ordnance Survey - data derived from OS Premium

REPORT SUMMARY

REFERENCE NO: - 22/503380/FULL		
APPLICATION PROPOSAL: Retrospective application for erection of a single-storey rear extension.		
ADDRESS: 15 Lyngs Close, Yalding, Maidstone, Kent, ME18 6JS		
RECOMMENDATION: GRANT subject to the planning conditions set out in Section 8.0 of the report.		
SUMMARY OF REASONS FOR RECOMMENDATION: For the reasons set out below it is considered that the proposed development would be acceptable and would not cause significant visual harm, harm to neighbouring amenity or highway safety nor be unacceptable in terms of any other material planning considerations such that the proposed development is considered to be in accordance with current development plan policy and planning guidance.		
REASON FOR REFERRAL TO COMMITTEE: The application has been called in by Yalding Parish Council by reason of the recommendation being contrary to their comments (see report below for reasons).		
WARD: Marden And Yalding	PARISH/TOWN COUNCIL: Yalding	APPLICANT: Mr Paul Kitson AGENT: Prime Folio
CASE OFFICER: Angela Welsford	VALIDATION DATE: 13/07/22	DECISION DUE DATE: 07/09/22
ADVERTISED AS A DEPARTURE: NO		

Relevant Planning History

22/502501/PNEXT

Prior notification for a proposed single storey rear extension which: A) Extends by 4.30 metres beyond the rear wall of the original dwelling. B) Has a maximum height of 3.60 metres from the natural ground level. C) Has a height of 2.40 metres at the eaves from the natural ground level.

Refused 29.06.2022

The above application was refused because it was the wrong type of application - the development had already been built, so the prior notification process could not be used.

MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 The application site is located in a residential road within Yalding village settlement boundary and falls within a high risk flood zone (Environment Agency Flood Zone 3).
- 1.02 It contains the left-hand one of a semi-detached pair of two-storey dwellings and an associated single-storey detached domestic outbuilding.

2. PROPOSAL

- 2.01 Retrospective planning permission is sought for the erection of a single-storey rear extension.
- 2.02 This takes the form of a conservatory, with a fully-glazed roof and predominantly glazed elevations on dwarf brick walls (approximately 750mm high). It protrudes 4.3m from the original rear wall of the dwelling, and stands approximately 2.4m to the eaves and 3.1m to the ridge (excluding the finial).

- 2.03 The conservatory is stepped in approximately 650mm from the common boundary line with the attached dwelling (16 Lyngs Close), and protrudes slightly beyond the line of the non-attached side wall of the host dwelling (300mm).

3. POLICY AND OTHER CONSIDERATIONS

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

Emerging Policies:

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

Policy LPRSP15 – Principles of Good Design

LPRHou 2 – Residential extensions, conversions, annexes and redevelopment in the built-up areas

Policy LPRTRA4 - Parking Matters

The National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

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

4. LOCAL REPRESENTATIONS

Local Residents: 2 representations received from the attached dwelling (16 Lyngs Close). These 2 representations raise the following (summarised) issues:

- Imposing;
- Overlooking;
- Eyesore;
- Out of scale with the property;
- Light pollution;
- Built over external drain cover.

Any potential access issues relating to the external drain are not material planning considerations, so cannot be taken into consideration in determination of the application.

5. CONSULTATIONS

Yalding Parish Council

5.01 Initial comments:

“Yalding Parish Council objects to this planning application. Councillors question whether this is an extension or a conservatory. The application by virtue of its scale and design would appear as an incongruous addition to the original dwelling and will be overbearing to the neighbouring properties due to its visual dominance contrary to DM9 of the Adopted Maidstone Local Plan. There are no overriding material considerations to justify approval that outweigh the harm identified. Should the planning officer be of a mind to approve Councillors ask that it be called into the MBC planning committee.”

5.02 Additional comments:

"The Parish Councils concerns are the fact that the conservatory by its design and location completely overlooks No 16 Lyngs Close. Indeed the residents of number 15 are able to not only look into the garden of No 16 but directly into their living room window and rear door. It is an issue of the residents of no 16 losing their privacy. Councillors consider that the conservatory by virtue of its continual use does indeed have a more harmful impact in terms of overlooking.

Other conservatories in the area that would have created a similar issue to their neighbours have been designed so that there is a wall on the adjoining side or obscured glass such that this problem doesn't arise.

Yalding Parish Council are prepared to withdraw their call-in if a condition is given that will restore the privacy of number 16 Lyngs Close."

6. APPRAISAL

The key issues for consideration relate to:

- Visual impact
- Residential Amenity
- Flooding

Policy Context/Principle of Development

- 6.01 Policy DM1 (Principles of good design) outlines the importance of high-quality design for any proposal. Amongst other things, well-designed proposals respond positively to their context in visual terms, respect the amenities of neighbouring occupiers, and, in the case of small-scale householder extensions in areas at risk from flooding, mitigate any potential impacts through integrated design solutions.
- 6.02 Policy DM9 (Residential extensions, conversions and redevelopment within the built up area) sets out the criteria for determining applications at residential properties within built up areas. It states that proposal should be permitted if:
- "The scale, height, form, appearance and siting of the proposal would fit unobtrusively with the existing building where retained and the character of the street scene and/or its context;*
 - The traditional boundary treatment of an area would be retained and, where feasible, reinforced;*
 - The privacy, daylight, sunlight and maintenance of a pleasant outlook of adjoining residents would be safeguarded; and*
 - Sufficient parking would be provided within the curtilage of the dwelling without diminishing the character of the street scene."*
- 6.03 The Residential Extensions SPD provides further design guidance relevant to the application proposal, which includes:
- *Whilst usually having least impact on the street scene, for reasons of potential impact on a neighbour's outlook or amenity space and the potential loss of light or privacy, the size of an extension at the back of a property needs careful consideration (paragraph 4.8).*
 - *The acceptable depth and height of a rear extension will be determined by the ground levels, distance from the boundaries and also the size of the neighbouring garden/amenity space. Amenity considerations set out elsewhere in the document are important factors in determining the appropriateness of the depth of any rear extension. For example, distance to neighbouring windows is important especially when there is just one window lighting a habitable room and/or kitchen and a BRE light assessment test should be carried out to ensure impacts on daylight to adjoining properties are acceptable (paragraph 4.9).*

- *To protect against overlooking, the side wall facing a neighbour should not normally contain a window unless it maintained privacy by, for example, containing obscure glazing or being non-opening (paragraph 4.13).*
- *In the case of semi-detached or terraced houses, rear extensions should not normally exceed 3 metres in depth from the rear of the property, and, in the case of single storey development, 3 metres to eaves height and an overall height of 4 metres (paragraph 4.14).*

6.04 The application site is situated in a sustainable location within the Yalding Larger Village Settlement Boundary and as such, the principle of development in this location is considered acceptable subject to the material planning considerations discussed below.

Visual Impact

6.05 The conservatory extension is considered to be of acceptable scale and appropriate design for this type of development. It appears clearly subordinate to the two-storey host dwelling due to its single-storey height, its lightweight construction and its position to the rear. The materials used are visually acceptable – the white PVCu of the frame matches the windows on the rear elevation of the house. It is not considered that it appears as an incongruous addition.

6.06 Although the conservatory extension protrudes beyond the side wall of the host dwelling, the degree of protrusion (approximately 300mm) is not enough to make this readily noticeable in public views from Lyngs Close. The flank wall of the conservatory is visible obliquely from the front street because of the degree of separation between this house and 14 Lyngs Close, the slanting boundary line and the angled juxtaposition of the two houses, but it does not appear obtrusive, out of keeping or visually harmful. It would not overwhelm the form or visual appearance of the host dwelling.

6.07 For the reasons explained in paragraph 6.06, the development has not had a material impact on the character or appearance of the street-scene and does not result in visual harm.

Residential Amenity

6.08 At 4.3m deep, the conservatory extension exceeds the 3m depth suggested in paragraph 4.14 of the Council's adopted Residential Extensions SPD as being normally appropriate for single-storey rear extensions to semi-detached properties. However, paragraph 4.9 does explain that the acceptable depth of a rear extension will depend on a number of factors and so recommends that the 45° BRE light assessment test described elsewhere in the SPD is carried out to ensure impacts on daylight to adjoining properties are acceptable.

6.09 The 45° BRE loss of light test described in the SPD has been carried out and the conservatory passes in relation to the adjacent habitable room window at 16 Lyngs Close. (It fails the plan test, but passes the elevation test and the BRE guidance clearly states that both tests should be failed for the impact on light to be judged significant.) Furthermore, the test is intended to indicate the likely impact arising from an extension with an opaque roof and walls, whereas the conservatory has a glazed roof and walls, so does not materially inhibit the passage of light. I also note that the windows on the rear elevation of this pair of dwellings face almost directly southwards. Taking all of these points into account, it is not considered that the extension has a significantly detrimental on the levels of daylight or sunlight enjoyed by the occupiers of 16 Lyngs Close, notwithstanding its 4.3m depth.

6.10 In terms of outlook, again it is considered the lightweight, glazed type of construction of the conservatory extension to mitigate against its depth, as does the approximately 650mm degree of set in from the common boundary line. Clearly it is visible from the rear-facing living room window at 16 Lyngs Close and from the garden area of that property, but that does not necessarily mean that it is significantly overpowering in its presence – in planning, loss of/impact on a view

and loss of/impact on outlook are two different things and whilst the impact on outlook is a material consideration, the impact on a view is not. Due to its glazed roof/wall design, together with its relatively low height/shallow roof pitch and the step-in off of the common boundary, the conservatory could not be judged significantly overbearing or harmful to the outlook of occupiers of the attached property sufficient to justify a refusal of planning permission that could be sustained at appeal.

- 6.11 Turning to privacy, it is agreed with the objector and the Parish Council that it is possible to look across the rear garden area of 16 Lyngs Close from within the conservatory, due to the clear glazing along the side elevation facing the common boundary. It is pointed out in the objection that the floor level within the conservatory is raised above ground level (275mm). However, due to the low height of the existing boundary fence (approximately 1.2m), such views are already possible in any case from within the garden of the application property and, it is understood, were previously possible from the patio area where the conservatory now stands, prior to its construction. As such, it is not considered that the conservatory can be judged to have a materially more harmful impact in terms of overlooking such that a refusal of planning permission is justified and could be sustained at appeal, notwithstanding its raised floor level.
- 6.12 Concern has also been raised regarding overlooking from the conservatory into the rear-facing living room window of 16 Lyngs Close. In this regard, again it is not considered that a refusal on this basis is justified, for the reason explained in paragraph 6.11. Passive overlooking is further reduced from the level that might be experienced in the garden by the size of the window aperture and the angle of view from within the conservatory – its flank wall is at right angles to the window face and situated approaching 2m to the side of the nearest edge of the window.
- 6.13 Moreover, the applicant's fall-back position needs to be taken into account as a material consideration here – the dwelling was built in the early 1950s and has its permitted development rights intact, thus a fully-clear-glazed conservatory can be erected here anyway without the need for planning permission (albeit of reduced footprint, but potentially taller and closer to the boundary). An extra 1.3m degree of projection (at the end furthest from the neighbour's window) does not make a material difference to the impact in terms of overlooking, such that the conservatory subject of this application could be judged significantly more harmful. Taking both this and the points set out in the preceding two paragraphs into account, a condition requiring the side elevation of the conservatory to be either of solid construction or obscure-glazed would not meet the test of reasonableness.
- 6.14 If desired, the neighbour could erect a 2m high solid boundary fence as permitted development to obstruct views, but for the reasons mentioned in the preceding paragraph, I do not consider a planning condition requiring the applicant to provide this to be either reasonable or necessary.
- 6.15 The matter of light pollution from lighting installed in the conservatory has also been raised by the attached neighbour. Again, though, taking account of the fall-back position, whereby a permitted development fully-glazed conservatory (of reduced footprint) could be erected here, and could have lighting installed in it, resulting in an impact not materially different to that arising from the development subject of this application, this would not be a sustainable ground of refusal.
- 6.16 To sum up in terms of residential amenity, it is not considered that the development has a significantly detrimental impact on the levels of daylight, sunlight, privacy or outlook enjoyed by occupiers of 16 Lyngs Close, or in terms of light pollution, sufficient to justify a refusal of planning permission that could be sustained at appeal. No other neighbouring dwellings are in such a position as to be significantly detrimentally impacted in any of these respects.

Flooding

- 6.17 The site is located in a high-risk flood zone, but small-scale extensions to existing dwellings are one of the types of development that can be permissible in such

areas. In this case, flood mitigation measures have been incorporated into the construction – the floor level has been raised 275mm above ground level, to be consistent with the existing floor level in the dwelling, and the electricity sockets have been raised to a height of 340mm above the conservatory floor level. In the context of the extent of the wider flood plain area, an addition of this scale is not considered to result in an increased degree of run-off such that flood water storage capacity would be detrimentally impacted. The development is therefore considered acceptable in terms of flooding.

Other Matters

- 6.18 Parking/Highway Safety: The development has not impacted parking provision or highway safety.
- 6.19 Biodiversity/Ecological Enhancement: Due to the nature and relative scale of the development and the existing residential use of the site, it is not considered that any ecological surveys were required.

Policy DM1 of the Local Plan sets out, at point viii, that proposals should '*protect and enhance any on-site biodiversity and geodiversity features where appropriate, or provide mitigation.*' This is in line with the NPPF and advice in the Residential Extensions SPD. Consequently, it is considered that a condition should be attached requiring some form of biodiversity enhancement measures are provided within the curtilage.

- 6.20 Renewables: The NPPF, Local Plan and Residential Extensions SPD all seek to promote the use of renewables and energy efficient buildings, however, in this particular case, due to the nature of the development – its small scale and its materials/construction type (i.e. glazed, shallow-pitched roof) – In this case such a condition would not be appropriate. Nevertheless, it is noted that the design and materials of the conservatory do permit an element of solar gain, which is in the spirit of this aim.

PUBLIC SECTOR EQUALITY DUTY

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

7. CONCLUSION

- 7.01 For the reasons set out above it is considered that the development is acceptable and does not cause significant visual harm, harm to neighbouring amenity or flooding impacts nor is it unacceptable in terms of any other material planning considerations. Consequently the development is considered to be in accordance with current Development Plan Policy and planning guidance. As the application is retrospective, no time limit condition is necessary, however, as explained above, an ecological enhancements condition is appropriate. Subject to such a condition, therefore, approval is recommended

8. RECOMMENDATION

GRANT planning permission subject to the following conditions

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

CONDITIONS:

- 1) Within one month of the date of this permission, details of a scheme for the enhancement of biodiversity on the site shall be submitted to the Local Planning Authority for its approval in writing. The scheme shall consist of the enhancement of biodiversity through provision within the site curtilage such as bird boxes, bat

boxes, bug hotels, log piles, hedgehog houses, wildflower/native planting and hedgehog corridors. The biodiversity enhancements shall be provided in accordance with the approved details within one month of the Local Planning Authority giving its written approval to the same and all features shall be maintained thereafter;

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

INFORMATIVES

- 1) You are advised that there is a separate application process to discharge planning conditions which require written approval of details. You can apply online at, or download forms from, www.planningportal.co.uk (search for 'discharge of conditions').
- 2) Details pursuant to Condition 1 should show, on a scaled drawing, the type and number of the proposed ecological enhancements as well as their intended positions, including, where appropriate, the height above ground level to demonstrate that this would be appropriate for the species for which it is intended. Any bird boxes should face north or east and bat boxes should face south. Where planting is proposed, please also supply details of the number of plants of each species as well as the intended size on planting (eg: pot size in litres). Some helpful advice may be found at:

<https://www.rhs.org.uk/science/conservation-biodiversity/wildlife/plants-for-pollinators>

<https://www.rspb.org.uk/birds-and-wildlife/advice/how-you-can-help-birds/>

<https://www.bats.org.uk/our-work/buildings-planning-and-development/bat-boxes>

<https://www.wildlifetrusts.org/actions/how-build-hedgehog-home>

<https://www.woodlandtrust.org.uk/blog/2019/09/how-to-build-a-bug-hotel/>

Case Officer: Angela Welsford

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

Agenda Item 19



Ordnance Survey - data derived from OS Premium



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

Scale: 1:1250

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



REPORT SUMMARY

REFERENCE NO: - 22/501909/FULL		
APPLICATION PROPOSAL: Retrospective application for stationing of 2 no. static caravans on an existing gypsy site.		
ADDRESS: 3 Quarter Paddocks, Bletchenden Road, Headcorn, Ashford, TN27 9JB		
RECOMMENDATION: GRANT PLANNING PERMISSION subject to planning conditions		
SUMMARY OF REASONS FOR RECOMMENDATION FOR APPROVAL: The proposal has been assessed in relation to harm to the character and appearance of the countryside and flood risk and found to be acceptable. The development is acceptable with regard to the relevant provisions of the Development Plan, the NPPF and all other material considerations such as are relevant. A recommendation of permanent approval is therefore made on this basis, subject to the suggested conditions.		
REASON FOR REFERRAL TO COMMITTEE: Call in from Headcorn Parish Council for the reasons set out below in Section 4 of this report.		
WARD: Headcorn	PARISH: Headcorn	APPLICANT Mr George Arber AGENT: Target Carbon Management
CASE OFFICER: Tony Ryan	VALIDATION DATE: 27/05/2022	DECISION DUE DATE: 28/10/2022
ADVERTISED AS A DEPARTURE: No		

Relevant planning history

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

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

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

On reason for refusal 1: Gypsy status

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

On reason for refusal 2: Landscape impact – screening

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

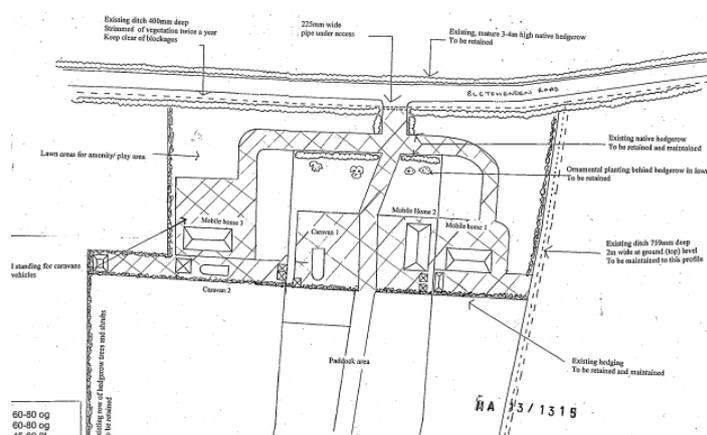
The appeal inspector sets out that whilst the proposal would result in landscape harm this harm is outweighed by the need for the caravans and the needs of the children on the site.

On reason for refusal 4: Flooding

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

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

Proposed site layout application 13/1315:



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

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

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

1.0 DESCRIPTION OF SITE

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

Aerial photograph



2.0 PROPOSAL

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

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

3.0 POLICY AND OTHER CONSIDERATIONS

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

Supplementary Planning Guidance:

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

LPRSP10: Housing

LPRSP10(A): Housing mix

LPRSP12: Sustainable transport

LPRSP14: The environment

LPRSS1: Maidstone borough spatial strategy

LPRSP9: Development in the countryside

LPRSP14A: Natural environment

LPRSP14(C): Climate change

LPRSP15: Principles of good design

LPRHOU 8: Gypsy and traveller accommodation

LPRTRA2: Assessing the transport impacts of development

PRTRA4: Parking

LPRQ&D 1 Sustainable design

LPRQ&D 2: External lighting

LPRQ&D 6: Technical standards

Supplementary Planning Guidance:

Planning Policy for Traveller Sites' (PPTS)

Maidstone Landscape Character Assessment (amended 2013)

4.0 LOCAL REPRESENTATIONS

4.01 No response to neighbour consultation.

Headcorn Parish Council

4.02 Objection and recommend refusal on the following grounds:

- Absence of evidential proof for Traveller status.
- Poor social cohesion with the settled community.

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

5. CONSULTATIONS

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

KCC Highways

5.01 No objections

Environmental Health

5.02 No objection subject to conditions.

Headcorn Aerodrome

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

KCC Local Lead Flood Authority

5.04 No objection as this is not 'major' development

Environment Agency

5.05 Objection on the following grounds

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

6. APPRAISAL

6.01 The key issues are:

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

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 (NB: due to the age of this document it has very limited weight as a material planning consideration).

Need for Gypsy and Traveller Pitches Oct 2011 to March 2031

Period	No of pitches
Oct 2011 – March 2016	105
April 2016 – March 2021	25
April 2021 – March 2026	27
April 2026 – March 2031	30
Total Oct 2011 to March 2031	187

- 6.04 The GTAA is the only complete assessment of need that is currently available forming part of the evidence base to the Local Plan. The GTAA when it was carried out provided a reasonable and sound assessment of future pitch needs. Notwithstanding this, each decision must be taken on evidence available at the time of the decision and the GTAA is now 11 years old.
- 6.05 The local plan review (Regulation 22) examination in public commenced on the 6 September 2022 (hearings currently adjourned). Whilst this document is a material planning consideration, at this time it is not apportioned much weight.
- 6.06 The Council’s Regulation 22 Local Plan seeks to meet the future identified need for Gypsy and Traveller accommodation. A separate Gypsy, Traveller and Travelling Showpeople DPD will also be produced to manage the emerging need for the period until 2037. A call for sites exercise ran from 1 February 2022 to 31 March 2022 as part of the process. The Gypsy, Traveller and Travelling Showpeople DPD is at its early stages and is not due to be completed until 2024.
- 6.07 In contrast to the full assessment in the 2012 GTAA, (and whilst it is highlighted that nothing has to date been published), the work completed so far on an up to date assessment has indicated a significant emerging need for Gypsy and Traveller accommodation in the borough. This need is significantly greater than the need set out in the 2012 GTAA of 187 pitches.

Supply of Gypsy Sites

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

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

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

- 6.10 A total of 279 pitches have been granted permanent consent since October 2011. These 279 pitches exceed the Local Plan's 187 pitch target. The Council's current position (based only on the data in the 11 year old GTAA) is that it can demonstrate a 6.2 year supply of Gypsy and Traveller sites at the base date of 1 April 2021.
- 6.11 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".
- 6.12 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 (based on the 2012 assessment), the PPTS direction to positively consider the granting of temporary consent does not apply.

Gypsy status and personal circumstances

- 6.13 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".
- 6.14 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.
- 6.15 The agent acting on behalf of the applicant has submitted a statement detailing the applicant's personal circumstances. The applicant is seeking permission for two additional mobile homes on a site he owns for his daughters and grandchildren. The two additional mobile homes are necessary to allow the applicant, his wife and children can support and provide care to their grandchildren and one disabled grandchild.
- 6.16 There is one existing mobile home occupied by the applicant, located to the north of the site and the additional two caravans are located to the south. The two additional caravans are surrounded by other static caravans. There is sufficient information submitted with the application to show that the occupants of the caravans will be of gypsy and traveller heritage. In order to ensure that occupation

of the caravans is retained for gypsy and travellers a planning condition is recommended.

Landscape and visual impact

- 6.17 The adopted Maidstone Local Plan (2017) identifies the site as falling in the countryside outside any designated settlement boundary. Local Plan Policy SP17 states that development proposals in the countryside will not be permitted unless:
- a) they will not result in harm to the character and appearance of the area and
 - b) they accord with other LP policies.
- 6.18 With any development there is a degree of harm to the character and appearance of the countryside and as a result the application is contrary to policy SP17 (a). Whilst there will be a degree of visual harm, and in terms of SP17 (a), as an exception to the normal constraint of development, adopted Local Plan policy DM15 permits development in the countryside in certain circumstances. This includes allowing gypsy and traveller development that does not result in significant harm to the landscape and rural character of the area.
- 6.19 The site is in the Low Weald Landscape of Local Value (at the time of the original permission site was in a Special Landscape Area) and within the Waterman Quarter Low Weald Landscape Character Area (Area 47) within the Council's Landscape Character Assessment. Main characteristics are Low lying gently undulating clay landscape of the Low Weald with many ponds and watercourses; Small to medium sized fields but predominantly pasture, with some arable cultivation and occasional orchards; thick native hedgerows create an intimate atmosphere and the landscape guidelines for this area are to 'Conserve' and 'Reinforce'.
- 6.20 The majority of the application site at 3 Quarter Paddocks is an existing lawful gypsy site. The other Quarter Paddocks sites located to the east and west also provide existing lawful gypsy accommodation. The current application considers the modest extension of the existing lawful gypsy site, and the new mobile homes would be sited on land that is already domestic in character.
- 6.21 The development does not encroach further south back from Bletchenden Road than neighbouring development. In the decision letter dated 3 August 2009 allowing the appeal the inspector also notes the plant nursery located to the east that included a mobile home that was approved in 2008.
- 6.22 The new mobile homes and modest area of hardstanding are well contained within the site and very much read in the context of the existing development at Quarter Paddocks. The caravans are not visually dominant from Clapper Lane. Furthermore, the mobile home is of a typical style and appearance; it appears to fall within the definition of a caravan (Section 29 of the Caravan Sites and Control of Development Act 1960).
- 6.23 There is other sporadic development in the area and with the enclosure from existing neighbouring gypsy and traveller development the caravans do not appear visually dominant on the landscape. Public views of the proposal would largely be limited to those immediately through the site's access and glimpses through the roadside planting. On this basis, it is considered that the proposal would only be visible from short range vantage points, and there is also the opportunity to plant additional (native) planting, to help supplement existing landscaping in and around the site. To further safeguard the amenity of the surrounding landscape, external lighting can be restricted by way of an appropriate condition.
- 6.24 With everything taken into account, including the retention of existing landscaping and the potential for further planting, it is considered that the proposal would cause

harm to the character and appearance of the countryside hereabouts, but that in landscape terms (as outlined above) it would be in accordance with Local Plan policy DM15 as this harm to the landscape and rural character of the area is not considered to be significant.

Appearance of one of the static caravans



Cumulative impact

- 6.25 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.
- 6.26 The information in the preceding parts of this report, including the planning history section, have set out the planning history of adjacent sites. In terms of cumulative impact, the landscape impact of the proposal has been assessed above and it is concluded that the landscape harm that occurs as a result of the development is not grounds for refusal of permission.
- 6.27 Were the surrounding sites removed and returned to agricultural fields, the application site would also remain low key. Additional landscaping will be sought through a planning condition. The current submitted proposal which benefit from existing landscaping would also be a 'low key' development and will not result in significant cumulative landscape harm that is sufficient to warrant a refusal on cumulative harm.

Residential amenity – neighbours

- 6.28 Policy DM1 states that proposals will be permitted where they "respect the amenities of occupiers of neighbouring properties...by ensuring that development is not exposed to, excessive noise, activity, overlooking or visual intrusion, and that the built form would not result in an unacceptable loss of privacy or light enjoyed by the occupiers of nearby properties".
- 6.29 In terms of the impact upon the amenity of other Gypsy and Traveller accommodation, it has been found that the caravans being considered are either

separated by a sufficient distance or screened by boundary treatment. In terms of the impact upon the settled community, there are no permanent dwellings in the immediate vicinity of the application site, no harmful impact would occur to the settled community.

Highways

- 6.30 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.
- 6.31 With the small-scale nature of the submitted application, the vehicle movements from the application site are easily accommodated on the local road network. The current application does not raise any highway safety issues in relation to the use of the existing access on to Bletchenden Road including in terms of driver sightlines. A refusal would not be warranted in relation to the individual impact from the additional caravans or in terms of the cumulative impact from other local development.

Ecology

- 6.32 The National Planning Policy Framework encourages net gains for biodiversity to be sought through decisions. Biodiversity net gain delivers measurable improvements for biodiversity by creating or enhancing habitats in association with development.
- 6.33 On this basis a planning condition is recommended requiring the applicant to submit details of biodiversity enhancement to achieve a net biodiversity gain on the application site. This could be in the form of retro fitted bird boxes bat boxes, and where relevant bee bricks.

Domination and pressure on local infrastructure

- 6.34 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".
- 6.35 The modest nature of the current application will ensure that it not dominate the nearest settled community or place undue pressure on local infrastructure. I cannot see any grounds to conclude that the current proposals would place undue pressure on local infrastructure.

Sustainability

- 6.36 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".
- 6.37 The site is approximately 0.7 miles to the south of Headcorn Railway Station in a direct line. where there is access to a comprehensive range of services, amenities and facilities.

- 6.38 To access services within Headcorn it is accepted that occupants of the site will be reliant on private vehicles. This arrangement is the same as the existing sites in the vicinity and at other gypsy and traveller sites throughout the borough.

Flood risk

- 6.39 As set out in the planning history section of this report, the potential risk from flooding was one of a number of reasons for the Council's refusal of planning application 03/2366.

- 6.40 On the Inspectors appeal decision letter dated 3 August 2009 the appeal inspector sets out "*...after the Council's decision and just before the first inquiry, the Environment Agency indicated that their objection had been addressed by evidence on flood risk. This objection was withdrawn subject to the imposition of a condition. This reason for refusal is no longer contested*".

- 6.41 Notwithstanding this earlier position reported by the government appointed appeal inspector, the Environment Agency have raised objections to the current planning application. Where flood risk is a consideration NPPG sets out a four point process of assessment as 'Avoid', 'Control', 'Mitigate' and 'Manage residual risk'. The three grounds of objection from Environment Agency (a, b and c) are considered in turn below with reference to these four points of 'Avoid', 'Control', 'Mitigate' and 'Manage residual risk'.

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

- 6.42 *Avoid* - The NPPG advises "*In decision-making, where necessary, planning authorities also apply the sequential test and, if needed, the exception test, to ensure that flood risk is minimised and appropriately addressed*". The guidance sets out a pragmatic approach to accommodate extensions to existing uses where it may be impractical to move to an alternative location.

- 6.43 The recent work on the need for gypsy and traveller accommodation has indicated that there is a likely to be a strong need for this type of accommodation in the borough. This need is a material planning consideration and appeal inspectors on sites outside the borough have judged that this need can outweigh issues such as flooding.

- 6.44 Planning permission for gypsy and traveller accommodation was approved under the allowed appeal (application 03/2366) and the gypsy and traveller accommodation on the application site and neighbouring sites is now established. The current application involves additional accommodation for the family of the existing occupants as an extension to the current site.

- 6.45 In the context of the existing occupation of the site and the indication of significant need it is concluded that the sequential test is not necessary in this case. In relation to the exception test, the safety of occupants, and measures to ensure that that there is no increase in flooding elsewhere are discussed below.

- 6.46 *Control* - There are no opportunities to improve flood defences as part of the current application.

b) Proposed finished floor levels suggested within the Flood Risk Management Plan dated 21 July 2022 from Target Carbon Management remain unacceptable due to the flood risk in the area.

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

PUBLIC SECTOR EQUALITY DUTY

- 6.54 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.

- 6.55 Race is one of the protected characteristics under the Equality Act and ethnic origin is one of the things relating to race. Romany Gypsies and Irish Travellers are protected against race discrimination because they are ethnic groups under the Equality Act. This application has been considered with regard to the protected characteristics of the applicant and the gypsies and travellers who occupy the caravans. I am satisfied that the requirements of the PSED have been met and it is considered that the application proposals would not undermine objectives of the Duty.
- 6.56 Due regard has been had to the Public Sector Equality Duty (PSED) contained in the Equality Act 2010. The ethnic origins of the applicant and his family and their traditional way of life are to be accorded weight under the PSED.

7.0 CONCLUSION

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

8.0 RECOMMENDATION

GRANT planning permission subject to the following conditions

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

- 1) The development hereby permitted shall be carried out in accordance with the following approved plans: 2155 P_102 Rev B, Proposed Plans and Elevations, 2155

P_102 Rev A Proposed Site Plan, Design and Access Statement, Flood Risk Assessment (dated 23 May 2022), 2155 P_100 Rev B Site Location Plan, Flood Risk Management Plan (dated 21st July 2022). Reason: For the avoidance of doubt and in the interests of proper planning.

- 2) The site shall not be used as a caravan site by any persons other than Gypsies or Travellers, as defined in Annex 1 of the Planning Policy for Traveller Sites 2015 (or any subsequent definition that supersedes that document). Reason: The site is in an area where the stationing of caravans/mobile homes is not normally permitted.
- 3) No more than 3 static caravans, as defined by the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968 and 3 tourers, shall be stationed on the land at any one time. The static homes shall be positioned on the site as set out on the submitted drawing 2155 P_102B and the touring caravans shall only be used for the purposes ancillary to the residential use of the static caravans hereby approved. Reason: To safeguard the character and appearance of the countryside.
- 4) If the lawful use of the site ceases, all caravans, structures, equipment and materials bought onto the land for the purposes hereby permitted including hardstandings and buildings shall be removed within two months from the date of the use ceasing. Reason: To safeguard the character and appearance of the countryside.
- 5) No vehicles over 3.5 tonnes shall be stationed, stored or parked on the site at any time. Reason: To safeguard the character and appearance of the countryside.
- 6) No commercial activities shall take place on the land, including the storage of materials. Reason: To prevent inappropriate development; to safeguard the character and appearance of the countryside; and in the interests of residential amenity.
- 7) Prior to the first occupation of the dwelling hereby approved, a minimum of one operational electric vehicle charging point for low-emission plug-in vehicles shall be installed and ready for the use of the new occupant with the electric vehicle charging point thereafter retained and maintained operational as such for that purpose. Reason: To promote sustainable travel choices and the reduction of CO2 emissions through use of low emissions vehicles.
- 8) Notwithstanding the provisions of Schedule 2 Part 4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no temporary buildings or structures shall be stationed on the land other than those expressly authorised by this permission (as shown on the approved plans). Reason: To prevent inappropriate development and safeguard the amenity, character and appearance of the countryside; and in the interests of residential amenity.
- 9) The use hereby permitted shall cease and all caravans, structures, equipment, and materials brought onto the land for the purposes of such use shall be removed and the land restored to its condition before the development took place within 6 weeks of the date of failure to meet any one of the requirements set out in (i) to (iv) below:
 - i) Within 6 weeks of the date of this decision a Site Development Scheme, hereafter referred to as the 'Scheme', shall have been submitted for the written approval of the Local Planning Authority. The Scheme shall include details of:
 - a) means of enclosure,
 - b) extent of existing hardstanding and parking.

- c) the means of foul and surface water drainage at the site.
- d) existing external lighting on the boundary of and within the site.
- e) details of existing landscaping and details of soft landscape enhancements
- f) confirmation that all existing caravans on the site are 0.5 metres above the AOD survey figures.
- g) details of the measures to enhance biodiversity at the site; and,
- h) a timetable for implementation of the scheme including a) to g) with all details implemented in accordance with the agreed timetable and all details retained for the lifetime of the development.

- ii) Within 11 months of the date of this decision the Scheme shall have been approved by the Local Planning Authority or, if the Local Planning Authority refuse to approve the Scheme or fail to give a decision within the prescribed period, an appeal shall have been made to, and accepted as validly made by, the Secretary of State.
- iii) If an appeal is made in pursuance of (ii) above, that appeal shall have been finally determined and the submitted Scheme shall have been approved by the Secretary of State.
- iv) The approved Scheme shall have been carried out and completed in accordance with the approved timetable and thereafter maintained and retained as approved.

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

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

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

- 11) All planting, seeding and turfing specified in the approved landscape details shall be completed by the end of the first planting season (October to February) following its approval. Any seeding or turfing which fails to establish or any existing or proposed trees or plants which, within five years from planting die or become so seriously damaged or diseased that their long term amenity value has been adversely affected shall be replaced in the next planting season with plants of the same species and size as detailed in the approved landscape scheme. Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development.
- 12) No additional external lighting shall be installed unless full details of any such lighting have first been submitted to, and approved in writing by, the local planning authority. The approved details shall be in accordance with the Institute of Lighting Obtrusive Light Limitations for Exterior Lighting Installations for Environmental Zone E1. The development shall thereafter be carried out in accordance with the approved details and retained as such thereafter Reason: In order to protect dark skies and prevent undue light pollution, in accordance with the maintenance of the character and quality of the countryside.
- 13) The enhancement of biodiversity on the site, required by condition 9 shall include the installation of a minimum of one bat tube on the approved mobile home; the

provision of gaps in the approved fencing to allow the free movements of wildlife; and the installation of ready-made bird and bat boxes on the site. The development shall be implemented in accordance with the approved details prior to the first occupation of the mobile home hereby approved and all these features shall be maintained as such thereafter. Reason: To enhance ecology and biodiversity on the site in line with the requirement to achieve a net biodiversity gain from all development.

- 14) The approved Flood Risk Management Plan shall be fully implemented within 4 weeks of this approval with all households on the site signed up to the Environment Agency Flood warning service. Reason: In the interests of amenity.
- 15) The new caravans shall be at a height 0.5 metres above the AOD survey figures prior to first occupation and existing caravans shall be at a height 0.5 metres above the AOD survey figures within one month of the date of this permission. All caravans shall be maintained permanently at his height. Reason: In the interests of amenity.
- 16) All hardstanding areas shall be of permeable construction as indicated on drawing P_102B. Reason: In the interests of amenity.
- 17) The Flood Risk Management Plan (dated 21 July 2022) shall be implemented in full prior to the first occupation of the additional caravans (including all site residents registering with the environmental agency flood warning service) and shall be maintained for the lifetime of the development. Reason: In the interests of amenity.



Ordnance Survey - data derived from OS Premium

22/501405/FULL Springwood Road Nurses Accommodation, Springwood Road, Barming, Kent

Scale: 1:1250

Printed on: 12/9/2022 at 14:07 PM by JoannaW



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REPORT SUMMARY

REFERENCE NO: - 22/501405/FULL		
APPLICATION PROPOSAL: Change of use from 4 blocks of residential nurses accommodation to 3 blocks comprising of 18 five bedroom House in Multiple Occupation units and 1 block comprising of 8 three bedroom residential units.		
ADDRESS: Springwood Road Nurses Accommodation, Springwood Road, Barming, ME16 9NX		
RECOMMENDATION: GRANT PLANNING PERMISSION subject to planning conditions		
SUMMARY OF REASONS FOR RECOMMENDATION FOR APPROVAL: <ul style="list-style-type: none"> • The site is located where the principle of development is supported by the Local Plan. • The development proposes the redevelopment of previously developed land, improving the existing mix of residential accommodation. • The proposal is of an appropriate design, scale, and layout with no parking or transport issues. • The proposal includes the provision of private external amenity space for future residents 		
REASON FOR REFERRAL TO COMMITTEE: Call in from Cllr Peter Homes due to concerns over the private HMO aspect of the proposal.		
WARD: Heath	PARISH: N/A	APPLICANT Jedi Developments Ltd AGENT: DHA Planning Ltd
CASE OFFICER: Tony Ryan	VALIDATION DATE: 14/04/22	DECISION DUE DATE: 28/10/2222
ADVERTISED AS A DEPARTURE: No		

Relevant planning history

- 19/503871/FULL – Demolition of existing development and erection of two staff accommodation blocks, comprising 160 units, together with associated parking, drainage and landscaping. Granted 14 October 2019.

This permission has been implemented and relates to the site immediately to the north of the current application site.

- 15/502970/OUT – Outline application for the redevelopment of the site and the provision of 57 mixed dwelling types for private/affordable residential units with all matters reserved. Granted 28 September 2018

This planning permission (15/502970/OUT) relates to both the land that is the subject of the current planning application (0.95ha) and in addition the land to the

north of the current application site (19/503871/FULL as shown above 0.54ha.). This outline permission has not been implemented.

1.0 DESCRIPTION OF SITE

- 1.01 The site is within the Maidstone Urban Area and in an existing suburban area that is east of Hermitage Lane. The surrounding residential area is typically made up of two storey terraced and semi-detached dwellings arranged in cul de sacs.
- 1.02 The site is located at the corner of Oakapple Road (north east) and Springwood Road (south east) with Springwood Close to the south west. The former Oakwood Cemetery is to the north west. The cemetery is now a public open space and includes a chapel building close to the northwest boundary of the application site.
- 1.03 The current application site originally formed part of a larger site that consisted of six residential blocks. The six blocks were originally occupied on a room by room basis providing NHS accommodation for nurses employed at Maidstone Hospital
- 1.04 The six blocks were as follows (with size and capacity given in brackets):
Rowan House [3 storeys and 24 occupiers],
Birch House [2 storeys and 30 occupiers],
Hawthorn House [2 storeys and 30 occupiers],
Chestnut House [2 storeys and 30 occupiers],
Almond House [3 storeys 18 occupiers] and
Willow House [3 storeys 12 occupiers].
- 1.05 Application reference 19/503871/FULL approved the demolition of the two most northern blocks on the larger site, Almond House and Willow House (total of 30 occupiers). In place of the two demolished blocks application 19/503871/FULL approved the construction of two new three storey buildings providing 160 rooms for nursing staff. These blocks were completed at the start of June 2022.
- 1.06 The current application site involves the retention and reuse of the four remaining blocks which are Rowan House, Birch House, Hawthorn House, Chestnut House from the original six blocks on the larger site.

2.0 PROPOSAL

- 2.01 The layout of the buildings and the changes to tenure of the four buildings are set out as follows:
 - Rowan House (3 storey)
The application seeks the change of use of this block from 8 HMOs (originally occupied by staff employed at Maidstone Hospital) to 8 'open market' three bedroom family flats. The office and communal laundry on the ground floor will be retained. Three of these clusters are located on each floor of this 2-storey building so 30 rooms in total.
 - Birch House (2 storey)
This retained accommodation is laid out in self-contained HMO clusters of 5 bedrooms. Each of these clusters has a shared kitchen, bathroom, lounge, toilet and two storage cupboards. Three of these clusters are located on each floor of this 2-storey building, so 30 rooms in total.

The tenure in this block will change from NHS, HMO accommodation to 'open market' HMO accommodation. There is no change to internal layout and no net

change in the quantity of accommodation. There does not appear to be any planning condition restricting occupation of this block to nurses.

- Hawthorn House (2 storey)

This retained accommodation is laid out in self-contained HMO clusters of 5 bedrooms. Each of these clusters has a shared kitchen, bathroom, lounge, toilet and two storage cupboards. Three of these clusters are located on each floor of this 2-storey building, so 30 rooms in total.

The tenure in this block will change from NHS, HMO accommodation to 'open market' HMO accommodation. There is no change to internal layout and no net change in the quantity of accommodation. There does not appear to be any planning condition restricting occupation of this block to nurses.

- Chestnut House (2 storey)

This retained accommodation is laid out in self-contained HMO clusters of 5 bedrooms. Each of these clusters has a shared kitchen, bathroom, lounge, toilet and two storage cupboards. Three of these clusters are located on each floor of this 2-storey building, so 30 rooms in total.

The tenure in this block will change from NHS, HMO accommodation to 'open market' HMO accommodation. There is no change to internal layout and no net change in the quantity of accommodation. There does not appear to be any planning condition restricting occupation of this block to nurses.

3.0 POLICY AND OTHER CONSIDERATIONS

- Maidstone Borough Local Plan policies SS1, SP1, SP19, SP20, DM1, DM3, DM6, DM8, DM9, DM11, DM21, DM23.
- Supplementary Planning Guidance: Affordable housing
- The National Planning Policy Framework (NPPF)
- National Planning Practice Guidance (NPPG)
- Maidstone Borough Council – Local Plan Review, draft plan for submission (Regulation 22) dated October 2021. - The Regulation 22 draft is a material consideration however weight is currently limited, as it is the subject of an examination in public that commenced on the 6 September 2022 (hearings currently adjourned). The relevant policies in the draft plan are as follows:

LPRSP10:Housing

LPRSP10(A):Housing mix

LPRSP12:Sustainable transport

LPRSP14:The environment

LPRSS1:Maidstone borough spatial strategy

LPRSP9:Development in the countryside

LPRSP14A:Natural environment

LPRSP14(C):Climate change

LPRSP15:Principles of good design

LPRTA2:Assessing the transport impacts of development

PRTRA4:Parking

LPRQ&D 1:Sustainable design

LPRQ&D 2:External lighting

LPRQ&D 6:Technical standards

4.0 LOCAL REPRESENTATIONS

4.01 One response has been received objecting to the application for the following reasons:

- Whilst there are good transport links residents will still have cars
- The use of the grassed areas should be considered for parking.

Cllr Peter Homes

4.02 The application is called in for committee determination due to concerns over the private HMO aspect of the proposal.

Cllr Paul Harper

Following the call in from Cllr Homes, fully support the need for this to go to committee as this seems a strange place for HMO except as accommodation in conjunction with the hospital.

5.0 CONSULTATIONS

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

KCC Highways

5.01 No objections, recommend standard infomatives.

MBC HMO Licencing Team

No objection, the room sizes and the number of rooms sharing a set of facilities are acceptable. The laundry area and the onsite management office are also highlighted as positives.

Kent Police

5.02 No objection. Whilst no external changes are proposed, the applicant is advised to review general security arrangements, including access control, alarms, CCTV coverage and lighting, door sets, windows and mail delivery.

KCC Local Lead Flood Authority.

5.03 No objection as proposal considered low risk.

MBC Environmental Health

5.04 No objection subject to conditions on bin screening and EV charging.

KCC Minerals Team

5.05 No objection

6.0 APPRAISAL

6.01 The key issues are:

- Site location
- Proposed residential accommodation
- Residential amenity – neighbours
- Access, parking, and servicing
- Trees and landscaping and biodiversity.

Site location

6.02 The application site is in a sustainable location in the designated Maidstone Urban Area.

Standard of proposed residential accommodation

- 6.03 Local Plan policy DM1 advises that proposals will be permitted where they "...provide adequate residential amenities for future occupiers of the development...". The policy seeks to ensure that occupiers are not "...exposed to, excessive noise..., overlooking or visual intrusion...". The NPPF (para 130) advises of the importance of good design, creating well designed accommodation with a high standard of amenity for future residents.
- 6.04 The Council do not currently have any adopted minimum internal space standards. The national space standards are included as part of the Local Plan Review (policy LPRQ&D 6). The Council do not currently have any policy on private residential amenity space, however policy LPRQ&D 7 of the Local Plan Review states that external amenity space should be located adjacent to the dwelling, external access should be provided and where balconies are not possible, quality private communal space must be provided.
- 6.05 Houses in Multiple Occupation (HMO's) aid the provision of accommodation for smaller households and contribute towards achieving a mix and choice of homes. # HMO developments need also to provide attractive, high quality places to live that respond positively to the local area. The applicant has stated that the HMO accommodation meets the size standards in the 'The Licensing of Houses in Multiple Occupation Mandatory Conditions of Licences) (England) Regulations 2018'. An assessment of the three blocks retaining HMO accommodation against the minimum floorspace standards is provided below.
- 6.06 In accordance with Local Plan policy DM9 (albeit this policy relates to the conversion of houses), the current application with the provision of family accommodation will provide a less intensive than the current lawful use.

Rowan House (3 storey)

- 6.07 The current proposal involves the use of the existing residential accommodation in Rowan House (8 self-contained HMO clusters of 3 bedrooms, shared kitchen, bathroom, lounge, toilet and storage cupboard) as 8, three bedroom flats. There are no internal changes proposed.
- Internal layout
- 6.08 The gross internal area for each of the 8, three bedroom flats is 78m². This floor area is 4m² above the minimum floor area of 74m² for a three bedroom 4 person flat set out in the national internal space standards (and whilst the subject of the examination in public Local Plan Review policy LPRQ&D 6).
- 6.09 The three bedroom units will provide an adequate standard of amenity including in terms of natural light, privacy, outlook and access arrangements. The accommodation is also supported by a ground floor laundry room.
- External amenity space
- 6.10 With the retained ground floor ground floor laundry room and office, there are 2, three bedroom flats proposed on the ground floor of Rowan House.
- 6.11 These two ground floor flats will be provided with direct access to private external space enclosed by new hedges. (Flat 1 area of 323 m² and Flat 2 301 m²). The accommodation at first and second floors will have shared private external space of 215 m². The amenity of ground floor occupiers adjacent to the shared external space will be protected by new low hedging outside windows.

Comparison: minimum standards and accommodation in Birch House

BIRCH HOUSE AREA COMPARISON					
	Room	Area	HMO Area	Difference	Notes
FLAT 01	Kitchen	14.3	7	7.3	1-5 Persons
	Living Room	18.4	11.5	6.9	1-5 Persons
	Room 01	13.9	9	4.9	1 person
	Room 02	10.3	9	1.3	1 person
	Room 03	10.4	9	1.4	1 person
	Room 04	10.6	9	1.6	1 person
FLAT 02	Kitchen	13.8	7	6.8	1-5 Persons
	Living Room	18.4	11.5	6.9	1-5 Persons
	Room 01	13.9	9	4.9	1 person
	Room 02	10.3	9	1.3	1 person
	Room 03	10.4	9	1.4	1 person
	Room 04	10.6	9	1.6	1 person
FLAT 03	Kitchen	13.8	7	6.8	1-5 Persons
	Living Room	18.4	11.5	6.9	1-5 Persons
	Room 01	13.9	9	4.9	1 person
	Room 02	10.3	9	1.3	1 person
	Room 03	10.4	9	1.4	1 person
	Room 04	10.4	9	1.4	1 person
FLAT 04	Kitchen	13.8	7	6.8	1-5 Persons
	Living Room	18.4	11.5	6.9	1-5 Persons
	Room 01	13.9	9	4.9	1 person
	Room 02	10.3	9	1.3	1 person
	Room 03	10.4	9	1.4	1 person
	Room 04	10.6	9	1.6	1 person
FLAT 05	Kitchen	13.8	7	6.8	1-5 Persons
	Living Room	18.4	11.5	6.9	1-5 Persons
	Room 01	13.9	9	4.9	1 person
	Room 02	10.3	9	1.3	1 person
	Room 03	10.4	9	1.4	1 person
	Room 04	10.6	9	1.6	1 person
FLAT 06	Kitchen	13.8	7	6.8	1-5 Persons
	Living Room	18.4	11.5	6.9	1-5 Persons
	Room 01	13.9	9	4.9	1 person
	Room 02	10.3	9	1.3	1 person
	Room 03	10.4	9	1.4	1 person
	Room 04	10.4	9	1.4	1 person

Birch House (2 storey)

- 6.12 The retained HMO accommodation in this building is laid out in self-contained HMO clusters of 5 bedrooms. Each of these clusters has a shared kitchen, bathroom, lounge, toilet and two storage cupboards.
- 6.13 Three of these clusters are located on each floor of this 2-storey building so 6 clusters in Birch House providing 30 rooms in total. The tenure in this block will change from NHS, HMO accommodation to 'open market' HMO accommodation.
- Internal layout
- 6.14 The table above provides a comparison between minimum HMO floorspace standards ('The Licensing of Houses in Multiple Occupation Mandatory Conditions of Licences) (England) Regulations 2018') and the accommodation that is retained on site. The table showing that in all cases the accommodation is above minimum HMO standards from between 1.3 m² to 7.3 m².

Comparison: minimum standards for accommodation in Hawthorn and Chestnut

HAWTHORN HOUSE AREA COMPARISON						CHESTNUT HOUSE AREA COMPARISON					
	Room	Area	HMO Area	Difference	Notes		Room	Area	HMO Area	Difference	Notes
FLAT 01	Kitchen	10.9	7	3.9	1-5 Persons	FLAT 01	Kitchen	13.9	7	6.9	1-5 Persons
	Living Room	14.1	11.5	2.6	1-5 Persons		Living Room	17.6	11.5	6.1	1-5 Persons
	Room 01	13.9	9	4.9	1 person		Room 01	13.9	9	4.9	1 person
	Room 02	10.3	9	1.3	1 person		Room 02	10.4	9	1.4	1 person
	Room 03	10.4	9	1.4	1 person		Room 03	10.4	9	1.4	1 person
	Room 04	10.6	9	1.6	1 person		Room 04	10.5	9	1.5	1 person
FLAT 02	Room 05	10.5	9	1.5	1 person	Room 05	10.5	9	1.5	1 person	
	Kitchen	10.9	7	3.9	1-5 Persons	FLAT 02	Kitchen	13.8	7	6.8	1-5 Persons
	Living Room	13.9	11.5	2.4	1-5 Persons		Living Room	17.6	11.5	6.1	1-5 Persons
	Room 01	13.9	9	4.9	1 person		Room 01	13.9	9	4.9	1 person
	Room 02	10.3	9	1.3	1 person		Room 02	10.4	9	1.4	1 person
	Room 03	10.4	9	1.4	1 person		Room 03	10.4	9	1.4	1 person
Room 04	10.5	9	1.5	1 person	Room 04		10.5	9	1.5	1 person	
FLAT 03	Room 05	10.5	9	1.5	1 person	Room 05	10.5	9	1.5	1 person	
	Kitchen	10.9	7	3.9	1-5 Persons	FLAT 03	Kitchen	13.8	7	6.8	1-5 Persons
	Living Room	13.9	11.5	2.4	1-5 Persons		Living Room	17.6	11.5	6.1	1-5 Persons
	Room 01	13.9	9	4.9	1 person		Room 01	13.9	9	4.9	1 person
	Room 02	10.4	9	1.4	1 person		Room 02	10.3	9	1.3	1 person
	Room 03	10.4	9	1.4	1 person		Room 03	10.4	9	1.4	1 person
Room 04	10.4	9	1.4	1 person	Room 04		10.5	9	1.5	1 person	
FLAT 04	Room 05	10.5	9	1.5	1 person	Room 05	0.5	9	-8.5	1 person	
	Kitchen	10.9	7	3.9	1-5 Persons	FLAT 04	Kitchen	13.9	7	6.9	1-5 Persons
	Living Room	14.1	11.5	2.6	1-5 Persons		Living Room	17.6	11.5	6.1	1-5 Persons
	Room 01	13.9	9	4.9	1 person		Room 01	13.9	9	4.9	1 person
	Room 02	10.3	9	1.3	1 person		Room 02	10.4	9	1.4	1 person
	Room 03	10.4	9	1.4	1 person		Room 03	10.4	9	1.4	1 person
Room 04	10.6	9	1.6	1 person	Room 04		10.5	9	1.5	1 person	
FLAT 05	Room 05	10.5	9	1.5	1 person	Room 05	10.5	9	1.5	1 person	
	Kitchen	10.9	7	3.9	1-5 Persons	FLAT 05	Kitchen	13.8	7	6.8	1-5 Persons
	Living Room	13.9	11.5	2.4	1-5 Persons		Living Room	17.6	11.5	6.1	1-5 Persons
	Room 01	13.9	9	4.9	1 person		Room 01	13.9	9	4.9	1 person
	Room 02	10.3	9	1.3	1 person		Room 02	10.4	9	1.4	1 person
	Room 03	10.4	9	1.4	1 person		Room 03	10.4	9	1.4	1 person
Room 04	10.5	9	1.5	1 person	Room 04		10.5	9	1.5	1 person	
FLAT 06	Room 05	10.5	9	1.5	1 person	Room 05	10.5	9	1.5	1 person	
	Kitchen	10.9	7	3.9	1-5 Persons	FLAT 06	Kitchen	13.8	7	6.8	1-5 Persons
	Living Room	13.9	11.5	2.4	1-5 Persons		Living Room	17.6	11.5	6.1	1-5 Persons
	Room 01	13.9	9	4.9	1 person		Room 01	13.9	9	4.9	1 person
	Room 02	10.4	9	1.4	1 person		Room 02	10.3	9	1.3	1 person
	Room 03	10.4	9	1.4	1 person		Room 03	10.4	9	1.4	1 person
Room 04	10.4	9	1.4	1 person	Room 04		10.5	9	1.5	1 person	
Room 05	10.5	9	1.5	1 person	Room 05	0.5	9	-8.5	1 person		

(NB: the floorspace for Chestnut House Flat 3: Room 5 and Flat 6: Room 5 is 10.5 m² and not 0.5 m² as given by the agent in the above table)

Residential amenity – neighbours

Chestnut House (2 storey)

6.20 The retained HMO accommodation is laid out in self-contained HMO clusters of 5 bedrooms. Each of these clusters has a shared kitchen, bathroom, lounge, toilet and two storage cupboards. Three of these clusters are located on each floor of this 2-storey building so 30 rooms in total. The tenure in this block will change from NHS, HMO accommodation to 'open market' HMO accommodation.

- Internal layout

6.21 The table below provides a comparison between minimum HMO floorspace standards and the accommodation that is provided. The table shows that in all cases the accommodation is above minimum standards from between 1.3 m² and 6.9 m². (NB: the floorspace for Chestnut House Flat 3: Room 5 and Flat 6: Room 5 is 10.5 m² and not 0.5 m² as given by the agent in the table above)

- External amenity space

6.22 The occupiers of the 3 ground floor clusters will have direct access to external enclosed private amenity space (280m², 180m² and 249m²). The accommodation at first and second floors will have shared private external space of 455m². The

amenity of ground floor occupiers adjacent to the shared external space will be protected by new low hedging outside windows

Summary

- 6.23 In summary, the proposal does not involve any internal changes to the 4 existing and retained residential buildings on the application site.
- 6.24 Only two tenure changes are proposed. Firstly, the HMO accommodation is to be made available on the open market in three of the four blocks (with no restriction on the original approval it appears that this change would not require planning permission).
- 6.25 Secondly, the accommodation in the fourth block (Rowan) is to be used as three bedroom flats. The change in the tenure on this site is in accordance with Local Plan policy SP19 which seeks a sustainable range of house types, types and tenures to meet need.
- 6.26 The proposed accommodation has been assessed against and found to be in compliance with adopted Local Plan policies DM1 and DM9, the NPPF (para 130) and whilst not adopted with Local Plan review policies LP and RQ&D 6 LPRQ&D 7.
- 6.27 The proposal will provide a good standard of accommodation and amenity with the changes made to the site improving the standard of the retained accommodation with enclosed private external space for all future occupiers. The HMO accommodation was additionally found to be in excess of the standards set out in 'The Licensing of Houses in Multiple Occupation Mandatory Conditions of Licences) (England) Regulations 2018'.
- 6.28 The proposed external changes will not harm the appearance of the building or the character and amenity of the surrounding area and will provide a less intensive use than the current lawful use.
- 6.29 Policy DM1 states that proposals will be permitted where they "respect the amenities of occupiers of neighbouring properties...by ensuring that development is not exposed to, excessive noise, activity, overlooking or visual intrusion, and that the built form would not result in an unacceptable loss of privacy or light enjoyed by the occupiers of nearby properties".
- 6.30 The nearest neighbours to the site are to the south east on the opposite side of Springwood Road and to the south west on the opposite side of Springwood Close. The proposal does not involve new residential buildings or new windows change and the change in tenure is acceptable in terms of the impact on neighbour amenity, including privacy, overlooking, noise and disturbance.
- 6.31 The ground floor of Rowan House includes a management office. Whilst there have been no noise and disturbance related objections from neighbouring residents, a planning condition is recommended to seek the submission of plan for the 'future' management of the accommodation. This management plan would cover a range of matters from the future maintenance and upkeep of the site, through to a complaints procedure and a named contact.

Access, parking, and servicing

- 6.32 Adopted policies seek to ensure that new development does not harm highway safety and that there is adequate site access, servicing arrangements, off street car parking, cycle parking and electric vehicle charging. Local Plan policy DM1 sets out that new development should provide adequate vehicular and cycle parking,

and policy DM23 encourages good access routes through the site with electric charging points incorporated into proposals.

- 6.33 The site is within a sustainable location in the Maidstone Urban Area. The site is well located in terms of access to public transport. Local bus stops are within 250m, providing access to regular bus services serving a number of destinations. The closest railway station is Barming which is approximately 1.8km away. The site is within easy walking distance of a range of everyday services and facilities
- 6.34 The assessment of traffic impact is based on the existing lawful site use operating at full capacity. The lawful use of the application site is HMO accommodation for 114 adult occupiers (1 block of 24 and 3 blocks of 30 rooms).
- 6.35 The current proposal introducing family accommodation would reduce the percentage of adult occupation on the site. With the reduction in adult occupation the potential impact on car parking demand and traffic generation will also fall as every bedroom in the proposed 3 bedroom flats will not be occupied by an adult and not all of the rooms in the flats will continue to be occupied as a bedroom.
- 6.36 There are 21 existing off street car parking spaces on the site and these will be retained and a further two spaces are proposed as part of the current application. A planning condition is recommended to seek the submission of a car parking management plan that will cover the allocation of the car parking spaces. A further planning condition is recommended seeking the provision of 4 electric charging points (one charging point for every 5 spaces).
- 6.37 The existing access arrangements to the site from Springwood Road will not be altered as part of the current application. These access arrangements are considered acceptable. A planning condition is also recommended seeking further details of cycle storage for future occupants, in addition to bin storage and bin collection arrangements on the site.
- 6.38 NPPF paragraph 111 states "*Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe*". It is found that there would not be any severe impact on the highway or local parking demand as a result of this proposal.
- 6.39 KCC Highways has been consulted and have *no objection to the development or the parking arrangements. KCC highways note "Springwood Road is a non through road residential street that serves a limited number of dwellings. The status of Springwood Road as a non through road significantly limits the extent to which any overspill parking could result in any unacceptable impacts in highway safety or capacity terms"*.
- 6.40 KCC Highways go on to say "*...whilst KCC Highways acknowledge that it does not benefit from the presence of any existing parking restrictions, many of the existing properties benefit from their own dedicated off-street parking provision*". "*KCC Highways consider the contention that the decision to own a car is not solely dependent upon a person's occupation to be reasonable, as residents travel for a range of reasons including leisure and recreational purpose, and not just to access employment*".

Trees, landscaping, biodiversity and energy efficiency

- 6.41 Policy DM1 sets out that proposed development should respond to the location of the site and sensitively incorporate natural features such as trees, hedges worthy of retention within the site.
- 6.42 The NPPF (para 174) states that planning decisions should contribute to and enhance the natural and local environment providing net gains for biodiversity, and (para 180) opportunities to improve biodiversity in and around developments should be integrated as part of their design.
- 6.43 The open areas of the site provide access paths and hardstanding within large managed grassed areas that provide the setting of the buildings and the outlook for occupiers but with limited wildlife habitat. A planning condition is recommended seeking biodiversity enhancements as part of the development.
- 6.44 There is sufficient space on the site to accommodate landscaping and structural tree planting to soften the appearance of the development and improve amenity for ground floor occupiers. A planning condition is recommended seeking details of landscaping, such as new hedge planting.
- 6.45 Policy DM2 of the Local Plan states that all new home swill be expected to meet the strengthened on site energy performance standards of building regulations in Part L. Whilst not currently adopted LPRP14(C) of the Local Plan Review states that the Council supports the provision of renewable energy infrastructure within new development.
- 6.46 The applicant has stated that it is not feasible to provide on site renewable energy generation due to the nature of the accommodation. The applicant has stated (letter dated 23.09.2022) that whilst Part L of the Building Regulations is not generally applicable (as no extensions are proposed only applicable to the new patio doors) the following energy efficiency measures are proposed:
1. LED lighting to be provided throughout the buildings including externally.
 2. 400mm loft insulation to be installed inside all roofs.
 3. Individual thermostatic controls to the buildings heating to be installed.
 4. The provision of all electric 'A' rated appliances / white goods to the units.
 5. The fitting of flow restrictors on all showers & taps to limit the use of hot water and thus the energy required for its generation.
 6. Water harvesting (water butt), recycling rain water for external maintenance.
 7. 4 x EV charging points.
- 6.47 The development providing this range of measures is in accordance with DM2 and the general policy aims of improving energy efficiency and tackling climate change.

Other issues

- 6.48 The Council's Affordable and Local Needs Housing Supplementary Planning Document (para 12.2) confirms that the affordable housing requirements of Policy SP20 only apply to development within planning use class C3 (single family dwellings).
- 6.49 The HMO accommodation is Sui Generis and not within planning use class C3. The proposed includes provision of 8 three bedroom flats, this provision is under the NPPF threshold for affordable housing which is 10 or more dwellings.

Public Sector Equality Duty

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

7 CONCLUSION

- 7.01 The site is located in a sustainable location where the principle of development is supported by the Local Plan and the NPPF. The development proposes the reuse of a sustainably located site in the urban area improving the mix of accommodation on the site. The proposal is of an appropriate design, scale, and layout. Additional landscaping can be secured by way of condition.

8 RECOMMENDATION

GRANT planning permission subject to the following conditions

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

- 1) Commencement: The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2) Plans: The development hereby approved shall be carried out in accordance with the following approved plans and documents:
 - Site Plan Existing drawing 21.208-01
 - Rowan House existing 21.208-10
 - Birch House existing 21.208-11
 - Chestnut House existing 21.208-12
 - Hawthorn House existing 21.208-13

 - Site Plan Proposed drawing 21.208-001 T5 (received 06.10.2022)
 - Rowan House proposed Floor Plans 21.208-200 P2 (received 06.10.2022)
 - Birch House proposed Floor Plans 21.208-201 P2 (received 06.10.2022)
 - Chestnut House proposed Floor Plans 21.208-202 P2 (received 06.10.2022)
 - Hawthorn House proposed Floor Plans 21.208-203 P2 (received 06.10.2022)
 - Rowan House proposed Elevations 21.208-300 (received 06.10.2022)
 - Birch House proposed Elevations 21.208-301 (received 06.10.2022)
 - Chestnut House proposed Elevations 21.208-302 (received 06.10.2022)
 - Hawthorn House proposed Elevations 21.208-303 (received 06.10.2022)
 - Rowan House Area Comparison
 - Birch House Area Comparison
 - Chestnut House Area Comparison
 - Hawthorn House Area Comparison
 - Vehicle Swept Path Analysis 11.4 Refuse 16675-T-01-P1

 - DHA Letter dated 23.09.2022
 - DHA Covering letter and Design and Access StatementReason: For the avoidance of doubt and in the interests of proper planning.
- 3) Biodiversity: Prior to first occupation of the development hereby approved details of a scheme for the enhancement of biodiversity on the site shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall consist

of the enhancement of biodiversity through means such as swift bricks, bat tubes or bee bricks, and through provision within the site curtilage such as bird boxes, bat boxes, bug hotels, log piles, wildflower planting and hedgehog corridors. The development shall be implemented in accordance with the approved details prior to first occupation of the development hereby approved and all features shall be maintained thereafter. Reason: To enhance the ecology and biodiversity on the site.

- 4) Energy Efficiency: Prior to first occupation of the development hereby approved the energy efficiency measures set out in the DHA letter dated 23 September 2022 shall be in place and all features shall be maintained thereafter. Reason: To ensure an energy efficient form of development.
- 5) Landscaping details: Prior to first occupation of the development hereby approved a soft landscaping scheme (designed using the principle's established in the Council's adopted Landscape Character Assessment 2012) shall be submitted to and approved in writing by the local planning authority. The soft landscaping scheme shall include the following:
 - a) Indications of all existing hedgerows on the land, and confirmation of those to be retained,
 - b) A planting schedule using indigenous species (including location, planting species, spacing, maturity and size). Only non-plastic guards shall be used for the new trees and hedgerows.
 - c) A programme for the approved scheme's implementation and long term management, including long term design objectives, management responsibilities and a maintenance schedule for the landscaped areas.Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development
- 6) Landscaping implementation: All planting, seeding and turfing specified in the approved landscape scheme shall be completed by the end of the first planting season (October to February) following first occupation of the dwelling hereby approved. The approved long term management details shall be carried out with the approved details and any seeding or turfing which fails to establish or any trees or plants which, within five years from the first occupation of a property, die or become so seriously damaged or diseased that their long term amenity value has been adversely affected shall be replaced in the next planting season with plants of the same species and size as detailed in the approved landscape scheme. Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development
- 7) Boundary treatment: Prior to first occupation of the development hereby approved details of all boundary treatments shall be submitted to and approved in writing by the Local Planning Authority (to include gaps at ground level in the boundaries to allow the passage of wildlife) and the development shall be carried out in accordance with the approved details before the first occupation of the buildings and maintained as such thereafter. Reason: To ensure a satisfactory appearance to the development and to safeguard the enjoyment of their properties by existing and prospective occupiers and for the passage of wildlife.
- 8) Provision of garden areas Prior to first occupation of the development hereby approved the hedging shown on drawing 21.202-001 T5 shall be provided (including hedging to protect the ground floor windows) and shall be maintained for the lifetime of the development. Reason: In the interests of landscape and amenity.

- 9) EV charging: Prior to first occupation of the development hereby approved a minimum of four operational electric vehicle charging points for low-emission plug-in vehicles shall be installed and ready for the use of the new occupant with the electric vehicle charging point thereafter retained and maintained operational as such for that purpose. Reason: To promote to promote sustainable travel choices and the reduction of CO2 emissions through use of low emissions vehicles.
- 10) Bin and cycle storage: Prior to the first occupation of the dwelling hereby approved, facilities for
 - (a) the storage and screening of refuse bins,
 - (b) the collection of refuse bins, and
 - (c) secure bicycle storageshall be in place that are in accordance with details that have previously been submitted to and approved by the Local Planning Authority. These details will be maintained as such thereafter. Reason: To ensure a satisfactory appearance to the development
- 11) Parking, turning and access: Prior to the first occupation of the dwelling hereby approved the approved parking, turning and access details shall be completed and shall thereafter be retained. No development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order, with or without modification) or not, shall be carried out on the areas indicated or in such a position as to preclude their operation. Reason: Development without adequate parking, turning and access provision is likely to lead to parking inconvenient to other road users and in the interests of road safety.
- 12) External lighting: Any external lighting installed on the site (whether permanent or temporary) shall be in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority. These details shall include, inter alia, measures to shield and direct light from the light sources so as to prevent light pollution and illuminance contour plots covering sensitive neighbouring receptors. The development shall thereafter be carried out in accordance with the subsequently approved details and maintained as such thereafter. Reason: In the interests of amenity.
- 13) Removal of permitted development: Notwithstanding the provisions of the Town and Country Planning General Permitted Development (Amendment) (England) Order 2015 (or any order revoking and re-enacting that order with or without modification), no development within Schedule 2, Part 1, Classes A, B, C, D, E and F; and Schedule 2, Part 2, Class A, to that Order shall be carried out. Reason: To ensure a satisfactory appearance to the development.
- 14) Site Management Plan: Prior to the first occupation of the dwelling hereby approved a site management plan shall be submitted to and approved in writing by the local planning authority. The plan should include arrangements for the upkeep and maintenance of the open areas of the site and details of a complaints procedure and management contact. Reason: In the interests of amenity.
- 15) Car Parking Management Plan Prior to the first occupation of the dwelling hereby approved a car parking management plan shall be submitted to and approved in writing by the local planning authority. The plan should include arrangements for the management of the car parking area, the electric vehicle charging points and the allocation of spaces. Reason: In the interests of amenity and highway safety.

THE MAIDSTONE BOROUGH COUNCIL
PLANNING COMMITTEE – 20th OCTOBER 2022

APPEAL DECISIONS:

1. **21/502548/FULL** **Erection of a restoration garage and creation of new vehicle access**

APPEAL: DISMISSED

Field Adjacent To Dancing Green
Lenham Road
Headcorn
Kent
TN27 9LG

(Delegated)

2. **21/503108/FULL** **Erection of a detached two bedroom dwelling, with associated access and parking (resubmission of 20/505805/FULL).**

APPEAL: ALLOWED

16 Hatherall Road
Maidstone
Kent
ME14 5HE

(Delegated)

3. **20/505745/LBC** **Listed Building consent for the demolition of a curtilage listed building at Bicknor Farm to allow for a new residential development granted under planning application 20/500713/FULL**

APPEAL: ALLOWED

Bicknor Farm
Sutton Road
Langley
Maidstone
Kent
ME17 3NG

(Committee)