

PLANNING COMMITTEE MEETING

Date: Thursday 23 May 2024
Time: 6.00 p.m.
Venue: Town Hall, High Street, Maidstone

Membership:

To be appointed at the Annual Meeting of the Council on 18 May 2024

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

AGENDA

Page No.

1. Apologies for Absence
2. Notification of Substitute Members
3. Notification of Visiting Members
4. Items withdrawn from the Agenda
5. Date of Adjourned Meeting - 30 May 2024
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 18 April 2024 1 - 8
11. Minutes of the meeting to be held on 21 May 2024 - to follow
12. Presentation of Petitions (if any)
13. Deferred Items 9 - 10
14. 23/504000/FULL - Chart View, Chart Hill Road, Chart Sutton, Kent 11 - 23

Issued on Wednesday 15 May 2024

Continued Over/:

Alison Broom

Alison Broom, Chief Executive

15.	23/504443/FULL - Land At Oakland Place, Greenway Forstal, Harrietsham, Kent	24 - 35
16.	21/503412/FULL - Marden Sports Club, Maidstone Road, Marden, Kent	36 - 52
17.	23/503025/FULL - The Vale Nursing Home, 191 Willington Street, Maidstone, Kent	53 - 67
18.	24/500919/FULL - Little Oaks, 68 Oakwood Road, Maidstone, Kent	68 - 73
19.	23/503788/FULL - Plots 6 & 7 Eclipse Park, Sittingbourne Road, North, Maidstone, Kent	74 - 102
20.	23/502873/FULL - Swanton Farm, Bicknor Road, Bicknor, Kent	103 - 119
21.	24/500681/FULL - 78 Glebe Lane, Maidstone, Kent	120 - 129
22.	23/504118/FULL - Hook Farm, Kings Lane, Marden, Kent	130 - 147
23.	Appeals List	148 - 149

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 22 May 2024. 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 THURSDAY 18 APRIL 2024

Present:

Committee Members:	Councillor Spooner (Chairman) and Councillors Cox, English, Garten, Mrs Gooch, Harwood, Jeffery, Kimmance, McKenna, Perry, Riordan, Russell and D Wilkinson
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298. APOLOGIES FOR ABSENCE

There were no apologies for absence.

299. NOTIFICATION OF SUBSTITUTE MEMBERS

Councillor Garten was present as Substitute Member for Councillor Holmes. He entered the meeting after agenda item 4 (Items Withdrawn from the Agenda) (6.05 p.m.).

300. NOTIFICATION OF VISITING MEMBERS

There were no Visiting Members.

301. ITEMS WITHDRAWN FROM THE AGENDA

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

The Head of Development Management sought the Committee's agreement to the withdrawal of application 23/505091/HYBRID (Greensand Place, Heath Road, Linton) from the agenda to allow time for information requested by KCC Highways in relation to the proposed Heath Road highway improvements to be provided and consulted on.

RESOLVED: That agreement be given to the withdrawal of application 23/505091/HYBRID from the agenda.

302. URGENT ITEMS

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

303. DISCLOSURES BY MEMBERS AND OFFICERS

Councillors English and Spooner stated that they were Members of Bearsted Parish Council. However, they had not participated in the Parish Council's

discussions on application 23/505824/FULL (62 Bramley Crescent, Bearsted, Kent) and intended to speak and vote when it was considered.

Councillor English stated that he and Councillor McKenna were involved in the Enforcement Group in relation to the Memorandum of Understanding for Heather House. However, this did not affect their views on application 24/501047/NMAMD (Heather House, Bicknor Road, Maidstone, Kent) and they intended to speak and vote when it was considered.

Councillors Perry and Riordan stated that they were Members of Staplehurst Parish Council. However, they had not participated in the Parish Council's discussions on application 23/503396/FULL (Houndshurst Barn, Grave Lane, Staplehurst, Kent) and intended to speak and vote when it was considered.

In connection with application 23/503396/FULL (Houndshurst Barn, Grave Lane, Staplehurst, Kent), Councillor Perry also stated that he was a member of the Upper Medway Internal Drainage Board and he had visited the site of the proposed development. However, he was not predetermined and intended to speak and vote when the application was discussed.

Councillors Perry and Russell stated that since they had taken part in the Cabinet's decision-making regarding the Heather House and Pavilion Building sites, they would withdraw from the meeting when application 24/501047/NMAMD (Heather House, Bicknor Road, Maidstone, Kent) was discussed.

Councillor Russell disclosed a Disclosable Pecuniary Interest in application 23/505505/FULL (Horlands Farm, Summerhill Road, Marden, Tonbridge, Kent). She stated that her husband was the applicant, and she would withdraw from the meeting when the application was discussed.

304. DISCLOSURES OF LOBBYING

The following disclosures of lobbying were noted:

13.	23/503788/FULL - Plots 6 & 7, Eclipse Park, Sittingbourne Road, North, Maidstone, Kent	Councillors Cox, Harwood, Jeffery, Kimmance and McKenna
16.	23/505091/HYBRID - Greensand Place, Heath Road, Linton, Kent	Withdrawn from the agenda
17.	23/503396/FULL - Houndshurst Barn, Grave Lane, Staplehurst, Kent	Councillors Riordan and Russell
20.	23/505505/FULL - Horlands Farm, Summerhill Road, Marden, Tonbridge, Kent	Councillor Riordan

305. EXEMPT ITEMS

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

306. MINUTES OF THE MEETING HELD ON 21 MARCH 2024 ADJOURNED TO 25 MARCH 2024

RESOLVED: That the Minutes of the meeting held on 21 March 2024 adjourned to 25 March 2024 be approved as a correct record and signed.

307. PRESENTATION OF PETITIONS

There were no petitions.

308. DEFERRED ITEMS

21/503412/FULL - ERECTION OF 8 NO. FULL MASTS AND 4 NO. LOWER MASTS FLOODLIGHTING TO SERVE THE SPORTS PITCHES - MARDEN SPORTS CLUB, MAIDSTONE ROAD, MARDEN, KENT

23/503671/FULL - DEMOLITION OF EXISTING HOUSE AND OUTBUILDING. ERECTION OF 2 NO. DWELLINGS INCLUDING EXTENSION OF EXISTING CROSSOVER AND ASSOCIATED PARKING - MONTROSE, SUTTON ROAD, LANGLEY, MAIDSTONE, KENT

23/504118/FULL - CHANGE OF USE OF 1 HECTARE (2.5 ACRES) OF AGRICULTURAL LAND TO USE AS A DOG WALKING PADDOCK WITH ASSOCIATED 1.8METRE HEIGHT FENCING, GATE, AND PARKING - HOOK FARM, KINGS LANE, MARDEN, KENT

23/504552/FULL - DEMOLITION OF EXISTING BUILDINGS AND STRUCTURES AND ERECTION OF A MIXED-USE DEVELOPMENT COMPRISING 217NO. RESIDENTIAL DWELLINGS AND 1,863.5SQM OF COMMERCIAL FLOORSPACE (COMPRISING FLEXIBLE E USE CLASSES) COMPRISING BLOCK A (6-7 STOREYS), BLOCK B (8-9 STOREYS), BLOCK C & D (7-8 STOREYS), BLOCK E (3 STOREYS), PUBLIC REALM WORKS (SANDLING ROAD FRONTAGE AND PUBLIC PIAZZA), CAR AND CYCLE PARKING, LANDSCAPING, INFRASTRUCTURE (INTERNAL ROADS), EARTHWORKS, AND ANCILLARY WORKS (SUB-STATIONS AND GENERATOR) - FORMER ROYAL MAIL SORTING OFFICE, SANDLING ROAD, MAIDSTONE, KENT

The Head of Development Management advised the Committee that all of the deferred applications were in the process of negotiation but some, including the Marden Sports Club, were at an advanced stage with revised plans received.

309. 23/505824/FULL - RETROSPECTIVE APPLICATION FOR THE REPLACEMENT OF FRONT DORMER WINDOW, ERECTION OF SINGLE STOREY REAR EXTENSION, LOFT CONVERSION WITH HIP TO GABLE, INSERTION OF FRONT ROOF LIGHT, REAR DORMER - 62 BRAMLEY CRESCENT, BEARSTED, KENT

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

In introducing the application, the Planning Officer sought delegated powers to amend the trigger point for condition 3 (Scheme for the Enhancement of Biodiversity on the Site) due to the application being retrospective and to require that the details shall be submitted within three months.

Mr Wallis, an objector, Councillor Ash of Bearsted Parish Council, and Mrs Gausden, the applicant, addressed the meeting.

RESOLVED:

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

The amendment of condition 3 (Scheme for the Enhancement of Biodiversity on the Site) as the application is retrospective and to require the submission of details within three months.

The amendment of condition 2 (Materials) to require the areas shown on the plans as white render to be retained as brickwork.

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

Voting: 12 – For 0 – Against 1 – Abstention

310. 23/504905/FULL - ERECTION OF 1NO. THREE STOREY SELF-STORAGE UNIT, INCLUDING ACCESS, PARKING AND ASSOCIATED WORKS - OAKLEIGH HOUSE, PATTENDEN LANE, MARDEN, KENT

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

Councillor Turner of Marden Parish Council and Mr Marsh, the applicant, addressed the meeting.

RESOLVED:

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

An additional condition requiring the proposed development to achieve a BREEAM very good rating.

The amendment of the landscaping condition set out in the urgent update report to specify additional native tree pits along the site frontage.

2. That the Head of Development Management be given delegated powers to be able to add, settle or amend any necessary planning conditions and/or informatives in line with the matters set out in the recommendation and as resolved by the Planning Committee.
3. That the details to be submitted pursuant to conditions 3 (Materials) and 4 (Elevation Details) are to be agreed in consultation with Ward Members.

Voting: 12 – For 0 – Against 0 – Abstentions

Note: Councillor English left the meeting during the discussion on this application. He returned shortly afterwards, sat in the public gallery, and did not participate further in the discussion or the voting on the proposed development.

311. 23/503396/FULL - CREATION OF SEASONAL WETLAND FEATURES INCLUDING PONDS AND SCRAPES, TO PROVIDE NATURAL FLOOD MANAGEMENT AND HABITATS - HOUNDSHURST BARN, GRAVE LANE, STAPLEHURST, KENT

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

In introducing the application, the Development Management Team Leader advised the Committee that following publication of the agenda, a further representation had been received from a neighbour mainly restating comments that were dealt with in the Officer report. The only additional point related to silt buildup in the existing stream. The existing stream did suffer from silt buildup and one of the benefits of a wetland scheme was to remove silt from the stream.

Mr Gallant addressed the meeting on behalf of the applicant.

RESOLVED:

1. That permission be granted subject to the conditions set out in the report, as amended by the urgent update report, with:

The amendment of condition 7 (Landscape Scheme) to specify that where tree planting is proposed, it should comprise an element of native Black Poplar in a suitable location.

The amendment of condition 10 (External Lighting) to say that no external lighting shall be installed on the site (rather than requesting details).

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

Voting: 13 – For 0 – Against 0 – Abstentions

312. 23/505505/FULL - CHANGE OF USE FROM AGRICULTURAL TO SECURE DOG WALKING EXERCISE FIELD WITH PERMEABLE HARDSTANDING CAR PARK, ERECTION OF NEW AND REPLACEMENT FENCES AND GATES (RETROSPECTIVE) - HORLANDS FARM, SUMMERHILL ROAD, MARDEN, TONBRIDGE, KENT

Having disclosed a Disclosable Pecuniary Interest, Councillor Russell withdrew from the meeting while this application was discussed.

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

Mr Russell, the applicant, addressed the meeting.

RESOLVED:

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

The amendment of condition 12 (Fencing) to require gaps at ground level to enable wildlife to move through the site.

The amendment of condition 4 (Maintenance and Management Plan) to require submission and approval of a grass (sward) cutting regime to achieve variation in grass lengths on different parts of the site to maintain a rural appearance.

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

Voting: 12 – For 0 – Against 0 – Abstentions

313. 23/503788/FULL - ERECTION OF A DRIVE THROUGH COFFEE SHOP AND A FLEXIBLE GENERAL EMPLOYMENT BUILDING (CLASS E(G)), INCLUDING LANDSCAPING, PARKING AND ASSOCIATED WORKS - PLOTS 6 & 7, ECLIPSE PARK, SITTINGBOURNE ROAD, NORTH, MAIDSTONE, KENT

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

Mr Buckwell, agent for the applicant, addressed the meeting.

RESOLVED: That consideration of this application be deferred to enable the Officers to investigate and draw up potential conditions and informatives to address the following issues raised by Members in relation to the drive through coffee shop:

Idling engines

Air quality mitigation measures with input from Environmental Health

Landscaping – Ten-year management plan

EV charging points on site

Littering, including use of automatic number plate recognition technology

Lighting – Sensitive or dimmed when not in use

Informative(s) regarding other relevant legislation

Voting: 10 – For 3 – Against 0 – Abstentions

FURTHER RESOLVED: That the Cabinet Member for Planning, Infrastructure and Economic Development be requested to bring forward a planning policy for dealing with litter from takeaway food and drink packaging, including the use of developing technology.

Voting: 10 – For 3 – Against 0 – Abstentions

314. 24/501047/NMAMD - NON-MATERIAL AMENDMENT TO CONDITION 2 TO REPLACE THE EXTENT OF GLAZING TO THE REAR AND PARTLY TO THE SIDES WITH FIRE RATED CLADDING OF 22/500222/FULL : DEMOLITION OF HEATHER HOUSE COMMUNITY CENTRE AND CONSTRUCTION OF A NEW COMMUNITY CENTRE TO INCLUDE CHANGING ROOMS AND STORAGE RELATED TO THE SPORTS USE OF PARKWOOD RECREATION GROUND AND CHANGE OF USE OF PART OF SITE TO PARKWOOD RECREATION GROUND. DEMOLITION OF THE PAVILION BUILDING AND ERECTION OF 11NO. DWELLINGS ON THE SITE OF THE PAVILION AND

PARTLY ON ADJACENT PARKWOOD RECREATION GROUND. BOTH WITH ASSOCIATED PARKING, VEHICULAR AND PEDESTRIAN ACCESS AND LANDSCAPING - HEATHER HOUSE, BICKNOR ROAD, MAIDSTONE, KENT

Councillor D Wilkinson stated that he sat on the Enforcement Group in relation to the Memorandum of Understanding for Heather House. However, this would not affect the way he voted or prejudice his decision and he intended to speak and vote when this application was discussed.

Having stated that they had taken part in the Cabinet's decision-making regarding the Heather House and Pavilion building sites, Councillors Perry and Russell withdrew from the meeting when this application was discussed.

Councillor Garten stated that when the Heather House and Pavilion building sites were last discussed by the Cabinet, he had not been a Cabinet Member. He intended, therefore, to speak and vote when this application was discussed.

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

RESOLVED: That the Non-Material Amendment be granted.

Voting: 11 – For 0 – Against 0 - Abstentions

315. 23/505768/FULL - ERECTION OF A FIRST-FLOOR SIDE EXTENSION AND ALTERATIONS TO THE ROOF OF EXISTING TWO STOREY REAR EXTENSION - 67 ROBINS CLOSE, LENHAM, KENT

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

RESOLVED:

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

Voting: 13 – For 0 – Against 0 – Abstentions

316. 23/505091/HYBRID - HYBRID PLANNING APPLICATION: (I) FULL PLANNING APPLICATION FOR THE ERECTION OF A 73-UNIT EXTRA CARE HOME (CLASS C2), ERECTION OF A 14-UNIT BLOCK FOR AUTISTIC YOUNG ADULTS, EXTENSIVE TREE PLANTING AND LANDSCAPING, ACCESS, DRAINAGE INFRASTRUCTURE AND ALL OTHER ASSOCIATED AND ANCILLARY WORKS; AND (II) OUTLINE PLANNING APPLICATION FOR ERECTION OF A NEW HOSPICE BUILDING WITH IN-PATIENT AND OUT-PATIENT FACILITIES AND PROVISION OF UP TO 58 NO. 100% AFFORDABLE ELDERLY BUNGALOWS (ALL MATTERS, EXCEPT FOR ACCESS, TO BE RESERVED FOR FUTURE DETERMINATION) - GREENSAND PLACE, HEATH ROAD, LINTON, KENT

See Minute 301 above.

317. 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 Inspector had dismissed the appeal against the Council's decision to refuse application 23/500230/FULL (Erection of a care village comprising of an 87-bed care home and 12 assisted living apartments with doctors' consulting room, car parking, landscaping and associated development – Land at Forsham House, Forsham Lane, Sutton Valence, Kent). The Inspector considered that despite the significant need for beds for care, the landscape impact was too great.

RESOLVED: That the report be noted.

318. DURATION OF MEETING

6.00 p.m. to 8.35 p.m.

MAIDSTONE BOROUGH COUNCIL

PLANNING COMMITTEE

23 MAY 2024

REPORT OF THE HEAD OF DEVELOPMENT MANAGEMENT

DEFERRED ITEMS

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

APPLICATION	DATE DEFERRED
<p><u>23/503671/FULL - DEMOLITION OF EXISTING HOUSE AND OUTBUILDING. ERECTION OF 2 NO. DWELLINGS INCLUDING EXTENSION OF EXISTING CROSSOVER AND ASSOCIATED PARKING - MONTROSE, SUTTON ROAD, LANGLEY, MAIDSTONE, KENT</u></p> <p>Deferred to:</p> <p>Negotiate with the applicant regarding the architectural quality of the development and to retain the landscape character;</p> <p>Seek a condition that retains cordwood from tree felling;</p> <p>Amend condition 5 (biodiversity) to seek a biodiversity net gain of 20%; and</p> <p>Amend condition 6 (ecology) to remove the word 'not' from the first sentence, to read "The development hereby approved shall only proceed (including site clearance), in accordance with the advice in the Preliminary Ecological Appraisal (Arbtech, May 2023)."</p>	<p>14 December 2023</p>
<p><u>23/504552/FULL - DEMOLITION OF EXISTING BUILDINGS AND STRUCTURES AND ERECTION OF A MIXED-USE DEVELOPMENT COMPRISING 217NO. RESIDENTIAL DWELLINGS AND 1,863.5SQM OF COMMERCIAL FLOORSPACE (COMPRISING FLEXIBLE USE CLASSES) COMPRISING BLOCK A (6-7 STOREYS), BLOCK B (8-9 STOREYS), BLOCK C & D (7-8 STOREYS), BLOCK E (3 STOREYS), PUBLIC REALM WORKS (SANDLING ROAD FRONTAGE AND</u></p>	<p>21 March 2024 adjourned to 25 March 2024</p>

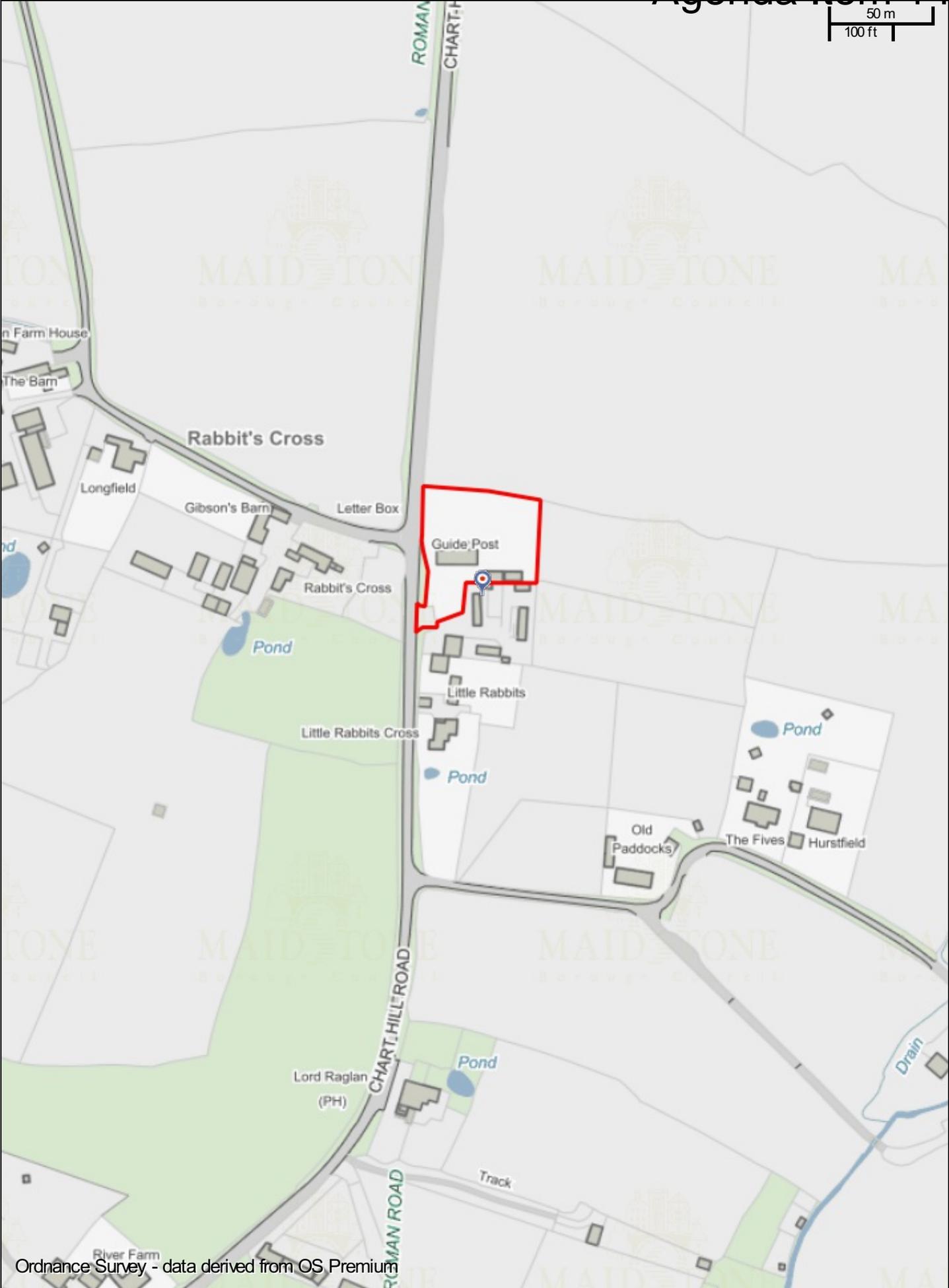
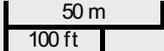
PUBLIC PIAZZA), CAR AND CYCLE PARKING, LANDSCAPING, INFRASTRUCTURE (INTERNAL ROADS), EARTHWORKS, AND ANCILLARY WORKS (SUB-STATIONS AND GENERATOR) - FORMER ROYAL MAIL SORTING OFFICE, SANDLING ROAD, MAIDSTONE, KENT

Deferred to:

Explore the possibility of more contextual massing in the design of buildings;

Explore improving the quality of the open space proposed including more useable spaces; and

Explore locking the applicant into the delivery of 100% affordable housing by way of, for example, a Grampian condition or cascade legal agreement.



Ordnance Survey - data derived from OS Premium

23/504000/FULL Chart View, Chart Hill Road, Chart Sutton, Kent ME17 3EX

Scale: 1:2500

Printed on: 10/5/2024 at 10:28 AM by RebeccaB1



REPORT SUMMARY

REFERENCE NUMBER: 23/504000/FULL		
APPLICATION PROPOSAL: Siting of 3no. additional static caravans for Gypsy and Traveller use, with replacement of original 4 bedroom caravan with 2, two bedroom caravans.		
ADDRESS: Chart View, Chart Hill Road, Chart Sutton, Kent, ME17 3EX		
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: Call in from Chart Sutton Parish Council if officers are minded to grant permission for the reasons below in Section 4		
WARD: Boughton Monchelsea and Chart Sutton	PARISH COUNCIL: Chart Sutton	APPLICANT: Mr R Lee AGENT: Martin Potts Associates
CASE OFFICER: William Fletcher	VALIDATION DATE: 12/09/23	DECISION DUE DATE: 31/05/24
ADVERTISED AS A DEPARTURE: No		

Relevant planning history

07/1403

Change of use of land to residential caravan site and stationing of two static caravans, one touring caravan and extension of existing hard standing. Refused 19.10.2007 for the following reasons:

"The caravans, together with the extensive hardstanding and the erection of close board fencing at the site entrance and along the southern boundary, result in an obtrusive and incongruous development that is detrimental to the character and appearance of the countryside, including the character of the Special Landscape Area and the setting of the nearby Grade II listed building and the general amenity of the area, contrary to policies ENV28 and ENV34 policies EN1, EN5, QL1, QL8, HP9 of the Kent & Medway Structure Plan 2006".*

APP/U2235/A/08/2063378/NWF

Appeal against the refusal of application 07/1403

Appeal allowed and planning permission granted for "Change of use of land to residential caravan site and stationing of two static caravans, one touring caravan and extension of existing hard standing".

13/1913

2No. day rooms.

Approved 17.01.2014

17/506526/FULL

Proposed 2no. static caravans on existing traveller site.

Approved 08.06.2018

18/505924/FULL

Removal of large stable block and replace with 2no single unit mobile homes on existing Gypsy & Traveller site for family members.

Refused 22.01.2019 for the following reasons:

1. *The application site is identified in Policy GT1(3) of the adopted Maidstone Borough Local Plan (2017) as being suitable for a maximum 4 Gypsy and Traveller pitches and this capacity has already been reached. In the absence of detailed information to identify that the additional mobile homes would be occupied by family members falling under the Gypsy status definition,*

or that personal circumstances pertain to warrant permission for Gypsy and Traveller development in the countryside the proposal would be at odds with Policies SS1, SP17, DM1, DM15 and DM30 of Maidstone Local Plan (2017) and the National Planning Policy Framework (2018).

2. The addition of two further mobile homes would result in visual harm to the character and appearance of this part of Chart Hill Road and, moreover, the character, appearance and landscape of the designated Low Weald Landscape of Local Value. As such, the proposal is contrary to the aims and requirements of policies SS1, SP17, DM15 and DM30 of the Maidstone Borough Local Plan (Adopted October 2017) and National Planning Policy Framework (2018).

APP/U2235/W/19/3223455

Appeal against the refusal of application 18/505924/FULL

Appeal allowed and planning permission granted for "Removal of large stable block and replace with 2no single unit mobile homes on existing Gypsy & Traveller site for family members".

19/504491/FULL

Proposed siting of a single additional mobile home, to accommodate family members at existing site. Refused 19.11.2019 for the following reasons:

"The proposed development would result in harm to the character and appearance of the countryside and a designated landscape of local value. This together with the open views of the site from the adjacent Public Right and Way would be contrary to the National Planning Policy Framework, and Policies SP17, DM1, DM15 and DM30 of the Maidstone Borough Local Plan October 2017".

(Officer comment: The refusal decision on 19/504491/FULL was made at a time when the Council considered it could demonstrate a 5 year land supply of gypsy and traveller accommodation. At the current time the Council can demonstrate a supply of 1.2 years and this this situation and current need weighs in favour of the approval of the current application)

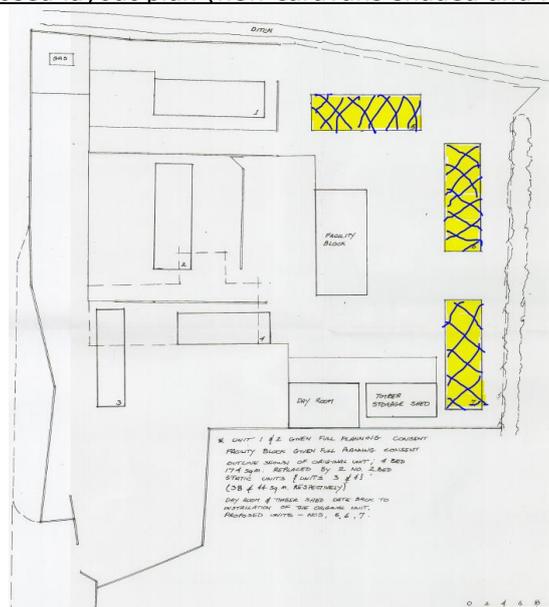
MAIN REPORT

1. DESCRIPTION OF SITE

1.01 In policy terms the application site is in the countryside approximately 2.5km north of Staplehurst. The site is an established Gypsy and Traveller site on the eastern side of Chart Hill Road, to the north of further existing Gypsy and Traveller development. Public footpath KH562 is sited approximately 30m to the east of the site. The site is in the Low Weald Landscape of Local Value.

1.02 Views of the site from Chart Hill Road are restricted by a hedgerow which runs along the eastern side of Chart Hill Road. Views of the site from the north are restricted by an existing close boarded fence. The existing accommodation on the site is shown on the plan below with the three proposed caravans shown with hatching.

Proposed layout plan (new caravans shaded and hatched)



2. PROPOSAL

- 2.01 The application seeks to place 3 mobile homes on site for Gypsy and Traveller use.
- 2.02 The mobile homes would be sited on the eastern portion of the plot approximately 50m east of Chart Hill Road.
- 2.03 As annotated on the submitted plan the application involves the replacement of the original 4 bedroom caravan with 2, two bedroom caravans. The 2, two bedroom caravans are annotated as units 3 and 4.

3. POLICY AND OTHER CONSIDERATIONS

Local Plan Review

The Maidstone Borough Local Plan Review was adopted by the Council on the 20 March 2024. There have been 2 strategic level challenges to adoption. The relevant Maidstone Borough Local Plan Review (March 2024) policies are as follows:

LPRSS1: Maidstone borough spatial strategy
LPRSP9: Development in the countryside
LPRSP10: Housing
LPRSP10(A): Housing mix
LPRSP12: Sustainable transport
LPRSP14: Environment
LPRSP14(A): Natural environment
LPRSP14(C): Climate change
LPRSP15: Principles of good design
LPRTRA2: Assessing transport impacts.
LPRTRA4: Parking
LPRQ&D 1: Sustainable design
LPRQ&D 2: External lighting
LPRQ&D 4: Design principles in the countryside
LPRHOU 8: Gypsy and traveller accommodation
LPRQ&D 6: Technical standards
LPRTRA2: Assessing the transport impacts of development.
PRTRA4: Parking

The National Planning Policy Framework (NPPF) (Dec. 2023):

Section 2 – Achieving sustainable development.
Section 12 – Achieving well designed places.

Supplementary Planning Documents:

Maidstone Landscape Character Assessment 2012 (Updated 2013)
Planning Policy for Traveller Sites' (PPTS) (December 2023)
Maidstone Landscape Character Assessment (amended 2013)
Gypsy & Traveller Appeals: Strategic Planning Briefing Note (April 2023)

4. LOCAL REPRESENTATIONS

Local residents

- 4.01 Six representations received objecting for the following summarised reasons:
- Lack of parking space.
 - Visual harm.
 - Cramped layout.
 - Landscape harm.
 - Noise disturbance.
 - Light pollution.
 - Highways harm.
 - Impact upon trees and hedgerows.
 - Cumulative impact.
 - Heritage harm.
 - Nuisance during construction.
 - Building regulation issues.

- Issues about the site boundary.

Chart Sutton Parish Council

- 4.02 Objection and call in to committee for the following summarised reasons:
- Impact on character and appearance including Low Weald Landscape Character Area.
 - The existing site is not screened by landscaping.
 - Represents over development of the site.
 - Light pollution.
 - Increased noise disturbance and traffic to and from the site.
 - Location of farmhouse at Rabbits Cross (grade II* listed) incorrect.
 - No details provided of foul drainage.

5. APPRAISAL

- 5.01 The key issues for consideration relate to:
- Countryside, highways, flooding, landscape, ecology (Policies LPRSP9 and LPRHOU 8).
 - Heritage.
 - Residential amenity.
 - Need and supply of sites.
 - Gypsy status.

Countryside, highways, flooding, landscape, ecology (Policies LPRSP9, LPRHOU 8).

- 5.02 The starting point for assessment of all applications in the countryside is Local Plan policy LPRSP9. Policy LPRSP9 states that development proposals in the countryside will only be permitted where:
- a) there is no 'significant' harm to local character and appearance, and
 - b) they accord with other Local Plan policies
- 5.03 Where there is a locational need (equestrian, agricultural buildings etc), Local Plan policies permit development in the countryside subject to listed criteria. If development accords with one of these Local Plan policies, this compliance is weighed against the harm caused to character and appearance with the potential that a proposal is found in accordance with policy LPRSP9 overall.
- 5.04 In this case policy LPRHOU 8 (gypsy and traveller accommodation) can allow for gypsy and traveller development in the countryside. Policy LPRHOU 8 states that gypsy and traveller accommodation will be granted in two situations. Firstly "*...where the site is allocated for that use and proposals comply with the site allocation criterion*", and secondly (with reference to consultation comments on allocation) subject to criteria listed in the policy being met. These criteria are considered below.
- a. Caravans to meet the definition of a caravan in the Caravan Sites and Control of Development Act (1960)¹³ and the Caravan Sites Act (1968)
- 5.05 The mobile homes are of a typical style and appearance and the submitted information indicates that the proposed caravans will meet this definition. A planning condition is recommended requiring compliance with the definition.
- b. Local services, in particular school, health, and shopping facilities, are accessible from the site preferably on foot, by cycle or on public transport.
- 5.06 The supporting text to policy LPRHOU 8 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*".
- 5.07 Government guidance set out in the Planning Policy for Traveller Sites (PPTS) places emphasis on the need for increased gypsy and traveller site provision, supporting self-provision (as opposed to local authority provision), and it acknowledges that sites are more likely to be found in rural areas.

5.08 Although the occupants of the site would be largely reliant on private motor vehicles to access local services and facilities, this is not untypical of Gypsy and Traveller sites in rural locations. Although not highly sustainable in respect of location, the site is not so far removed from basic services and public transport opportunities as to justify refusal.

5.09 In addition, it is highlighted that the application site is immediately adjacent to another Gypsy and Traveller site which was found acceptable by a government appointed planning appeal Inspector.

c. The development would not result in significant harm to the landscape and rural character of the area. Impact on these aspects will be assessed with particular regard to i. Local landscape character; ii. Cumulative effect - the landscape impact arising as a result of the development in combination with existing lawful caravans; and iii. Existing landscape features - development is well screened by existing landscape features and there is a reasonable prospect of such features' long-term retention; iv Additional planting should be used to supplement existing landscaping but should not be the sole means of mitigating the impact of the development v Prominent boundary treatments should be screened/softened by existing and/or proposed landscaping.

5.10 The Maidstone Landscape Character Assessment advises that the site is in Linton Park Farmlands Landscape Character Area which is assessed as being of 'Very Good' condition and of 'High' sensitivity with guidelines to 'Conserve'. The application site is also situated within the Low Weald Landscape of Local Value.

5.11 Where Gypsy and Traveller developments are normally permitted, it is based on being screened by existing permanent features such as hedgerows, tree belts, buildings, or land contours, as required by policy LPRHOU 8. Consequently, unless well screened or hidden away in unobtrusive locations, mobile homes are normally considered unacceptable in their visual impact.

5.12 The site is situated immediately to the east of Chart Hill Road. The site benefits from a good level of natural screening in the form of hedgerows, trees, and an existing close boarded fence. Views into the site are mainly through the vehicle access. With the screening and close boarded access gates, the caravans are not visually prominent from Chart Hill Road with the only views of the existing site generally the tops of caravans.

5.13 The site is well screened from long-distance views. Public footpath KH562 is sited approximately 30m to the east of the site with a hedge on the site boundary. The proposal would not appear visually harmful from any other public viewpoints. Conditions are recommended to plant hedgerows along the northern boundary to the front of the close boarded fencing to soften the existing visual impact. It is concluded that with suitable conditions the proposal is acceptable in relation to landscape harm and would be in accordance with Local Plan policy LPRHOU 8.

5.14 The application site is in the Low Weald Landscape of Local Value. Policy LPRSP9 (7) states "*The distinctive landscape character of...the Low Weald...will be conserved and enhanced as [a] landscape...of local value*". The Low Weald covers a significant proportion of the countryside in the rural southern half of the borough. The Low Weald is recognised as having distinctive landscape features: the field patterns, many of medieval character, hedgerows, stands of trees, ponds and streams and buildings of character should be conserved and enhanced where appropriate.

5.15 With the character of the existing site outlined in this report, and the recommended planning conditions (including new landscaping) the current application is found to be acceptable with regards to the Low Weald Landscape of Local Value.

5.16 Policy LPRHOU 8 advises that the cumulative effect on the landscape arising because 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.

5.17 The landscape impact of the proposal has been assessed above and it is concluded that the landscape harm is not grounds for refusal of permission. Were the adjacent caravans removed and the land returned to agricultural fields, the application site would also remain low key when viewed from Chart Hill Road. Additional landscaping is sought through a planning condition. The current submitted proposal for two mobile homes benefit from existing

landscaping and would be a 'low key' development. The proposal is found to be acceptable in relation to cumulative landscape harm.

d. The site can be safely accessed to and from the highway by all vehicles using the site on a regular basis.

5.18 Policy LPRSP15 states that applications must accommodate vehicular movements generated by the proposal on the local highway network and through the site access. LPRQD4 states that proposals must not result in unacceptable traffic levels on nearby roads or unsympathetic changes to the character of rural lanes.

5.19 NPPF guidance 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*" (NPPF para 111).

5.20 There are no highway issues with the existing access and this access is suitable for the extra traffic generated from this application. The vehicle movements resulting from the application can easily be accommodated on the local road network. There is sufficient parking/turning provision on the site. The current application does not result in severe impact on the highway network and the application is in accordance with policy LPRSP15 and the NPPF.

d. The site is not located in an area at risk from flooding (zones 3a and 3b)

5.21 The site lies within Flood Zone 1, consequently flooding is not an issue. A planning condition will be imposed to that surface water runoff is dealt with within the site boundaries.

f. The ecological impact of the development has been assessed through appropriate survey and a scheme for any necessary mitigation and enhancement measures confirmed.

5.22 Policy LPRSP14 directs the planning system to contribute to and enhance the natural and local environment. The application site surface is currently road plantings and shrubland with little ecology value and in this context, it is concluded that there is no requirement for an ecological survey.

5.23 The applicant has stated that the site has been used and managed in association with the existing gypsy and traveller accommodation. The site and adjacent land is not designated land and do not contain important habitats or other biodiversity features. There is no reasonable likelihood of protected or priority species being present on the site or being adversely impacted by this application.

5.24 Planning conditions are recommended to seek on site biodiversity enhancement and for new landscaping especially around the site boundaries. On this basis, the proposal would accord with policies LPRSP14 and LPRHOU 8 of the Maidstone Local Plan Review (2024), and the NPPF (2023). These policies jointly direct the planning system to contribute to and enhance the natural and local environment.

Heritage

5.25 The local planning authority has a statutory duty to have special regard to the desirability of preserving listed buildings and their settings under section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

5.26 Policy LPRSP14(B) relates to the historic environment requiring that, inter-alia, the characteristics of heritage assets are protected, and design is sensitive to heritage assets and their settings. Policy LPRENV 1 also relates to development affecting designated heritage assets and requires applicants to ensure that new development affecting heritage assets conserve, and where possible enhance, the significance of the heritage asset.

5.27 The NPPF states that local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets and putting them to viable uses consistent with their conservation. When considering the impact on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be); and that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.

- 5.28 Rabbits Cross Farmhouse is a grade II* listed building. The closest caravan considered as part of this current application is circa 85 metres to the east of Rabbits Cross Farmhouse. The official listing is as follows:
*"Farmhouse. C15 or early C16, with C17 alterations. Timber framed, with plaster infilling. Plain tile roof. Wealden with two roughly equal-length hall bays, and storeyed end bays. 2 storeys and attic.
Stone plinth to right end bay, brick plinth to rest. Close-studded. Broad, low window-cill to left hall bay. Right and left end bays jettied to front. Arch braces to flying wall-plate and solid-spandrel bracket to central tie-beam end. Steeply-pitched hipped roof. Multiple filleted red and grey brick stack in front slope of roof, to left end of right hall bay, and slender brick stack within right lean-to.
C17 2 1/2-storey close-studded rectangular bay window on chamfered painted stone base to left hall bay, rising through eaves, with flying wall-plate removed in front of it; gable jettied on shaped brackets, with moulded bressumer and with moulded bargeboards and pendant. Leaded 3-light mullioned window to gable. Irregular fenestration of 2 windows; one 8-light mullioned and transomed first-floor window with moulded head and cill to C17 bay, with 2-light mullioned frieze windows to flanking hall walls; and one 2-light paned casement to right end bay.
Blocked window to left end bay, and another to right hall bay. Small 4-light mullioned window to left end bay on ground floor, and 2-light paned casement to right end bay. Ground-floor window of C17 bay similar to first-floor, also with 2-light frieze windows. Boarded door in moulded 4-centred arched architrave with hollow spandrels and with brattished moulding to midrail over, to right end of right hall bay. Brick lean-to to right with applied studding to gable. Short rear lean-to to left. Interior not inspected".*
- 5.29 The caravans currently being considered are separated from Rabbits Cross Farmhouse by existing caravans, Chart Hill Road and boundary hedging on both sides of the road. With the separation distance and intervening site boundaries, it is concluded that the proposal will not have any negative impact on the setting or heritage value of Rabbits Cross Farmhouse.

Residential amenity

- 5.30 Policy LPRSP15 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, or loss of light".
- 5.31 The caravans that from part of this application would maintain acceptable separation distances from existing mobile homes and neighbouring properties. The caravans will avoid any adverse effect in terms of overshadowing, loss of light, outlook, or privacy. This development does not have an adverse impact upon the living conditions of any neighbouring resident, including in terms of general noise and disturbance. In the interests of amenity, A planning condition is recommended in relation to external lighting.
- 5.32 The proposal is acceptable in terms of maintaining the living conditions of neighbouring occupiers and providing adequate amenities for future occupiers of the proposed dwelling. The proposal is in accordance with policy LPRQ&D7 of the Maidstone Local Plan Review (2024).
- 5.33 The Planning Policy for Traveller Sites 2023 (PPTS) advises "When assessing the suitability of sites in rural or semi-rural settings, local planning authorities should ensure that the scale of such sites does not dominate the nearest settled community" (paragraph 14).
- 5.34 The application includes 3 Gypsy and Traveller pitches (3 static homes and 3 touring caravans). The impact of the current application individually or taken cumulatively with the adjacent site is not of a scale that would dominate the nearest settled community of Staplehurst located to the south.

Need and supply of gypsy sites.

- 5.35 The Maidstone Borough Council Gypsy, Traveller, and Travelling Showpeople Accommodation Assessment (GTAA) was published in September 2023. It provides the evidence of the current and future need for gypsy, traveller and travelling showpeople in the borough for the Local Plan Review until 2040.

- 5.36 The assessment drew on desk-based research, stakeholder interviews, and engagement with members of the Travelling Community living on all known sites, yards, and encampments. The interview response rate was 76%, considered to be sufficient as a sample of the total Traveller population across all the accommodation types.
- 5.37 The assessment found that there is a need for a total 340 additional permanent pitches for Gypsy and Traveller households in Maidstone that met the planning definition in the borough between 2023-40. This need is broken down in the phases shown in the following table:

Table 1: Permanent pitch need 2023-40 as outlined in the GTAA.

	2023-28	2028-32	2033-37	2038-40	2023-40
Gypsy and Traveller Pitches	205	48	53	34	340

- 5.38 Based on the initial findings of the GTAA (prior to publication of the final version) there was likely to be a significant need for pitches, the most appropriate course of action was to undertake a separate Gypsy, Traveller and Travelling Showpeople Development Plan Document (DPD) instead of addressing the need through the Local Plan Review.
- 5.39 In the interim the Local Plan Review includes policy LPRSP10(c) Gypsy & Traveller Site Allocations. Policy LPRSP10(c) includes extant allocations carried forward from the MBLP 2017 GT1 policy. The Local Plan Review also includes the development management policy LPRHOU8 for windfall applications.
- 5.40 The DPD will be informed by the outcome of a Pitch Deliverability Assessment (to assess what proportion of the need can be met on existing sites through intensification or expansion). The DPD will also be informed by a targeted Call for Sites exercise to identify potential new sites so the needs of the community can be adequately, and appropriately addressed and appropriate engagement can take place.
- 5.41 The Local Plan Review Call for Sites exercise invited the submission of Gypsy, Traveller and Travelling Showpeople sites, however, only a small number were put forward for inclusion in the plan. Two further, targeted Call for Sites exercises to identify potential new sites were carried out between February and March 2022 and February and March 2023, with the aim of comprehensively addressing the needs of the community appropriately.
- 5.42 Paragraph 10a of the Planning Policy for Traveller Sites' (PPTS) (December 2023) requires Local Plans to identify a supply of 5 years' worth of deliverable sites against the Plan's pitch target. The most recent figures available show that the Council can demonstrate a supply of 1.2 years.
- 5.43 Paragraph 27 of the PPTS states "If a local planning authority cannot demonstrate an up-to-date 5 year supply of deliverable sites, this should be a significant material consideration in any subsequent planning decision when considering applications for the grant of temporary planning permission".

Gypsy Status

- 5.44 A judgement dated 31 October 2022, from the Court of Appeal in Smith v. SoS for Levelling Up, Housing and Communities (CA-2021-00171, 31st October 2022) concerned a planning inspector's reliance on the definition of Gypsies and Travellers in Planning Policy for Traveller Sites. This guidance was introduced by the government in August 2015.
- 5.45 The previous definition before August 2015 had been: "*Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' education or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling show people or circus people travelling together as such*". The new definition post 2015 deleted "or permanently".
- 5.46 The Secretary of State accepted that this indirectly discriminated against elderly and disabled Gypsies and Travellers but argued that the discrimination was justified. The appeal court judgement sets out at paragraph 66... "*the nature of the discrimination before the*

judge was the negative impact on those Gypsies and Travellers who had permanently ceased to travel due to old age or illness, but who lived or wanted to live in a caravan. This discrimination was inextricably linked to their ethnic identity". at paragraph 139 "... the effect of the relevant exclusion was – as the Secretary of State has conceded – discriminatory, and that, on the evidence before the court in these proceedings, there was no proper justification for that discrimination..."

- 5.47 On the evidence available it can be reasonably concluded that the intended occupants of the proposed caravans are of gypsy heritage and are from the travelling community. A condition is recommended to ensure that the site shall not be used as a caravan site by any persons other than Gypsies or Travellers and their family and/or dependants, as defined in Annex 1 of the Planning Policy for Traveller Sites 2023.
- 5.48 A previous award of costs against the Council on a separate unrelated site is also highlighted in relation to gypsy status. At the site known as Pear Paddock, in the decision letter the appeal Inspector set "The Council's second reason for refusal complains that the appellants have not demonstrated that the proposed site occupants are *Gypsies or Travellers*. Yet there is nothing in the relevant policy that requires a personal demonstration of need or ethnic identity. It is not as though any housebuilder is required to tell the LPA who exactly is intended to live in the houses s/he proposes to build; concomitantly, there is no such requirement here". With this background and the common use of planning conditions to restrict occupation of relevant sites to Gypsies or Travellers, the refusal of planning permission on the grounds that Gypsy status has not been proven would be unreasonable.

PUBLIC SECTOR EQUALITY DUTY

- 5.49 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.
- 5.50 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 Public Sector Equality Duty have been met and it is considered that the application proposals would not undermine objectives of the Duty.
- 5.36 Due regard has been had to the Public Sector Equality Duty 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 Public Sector Equality Duty.

6. CONCLUSION

- 6.01 LPRHOU 8 of the Maidstone Local Plan Review (2024), allows for Gypsy and Traveller accommodation in the countryside provided certain criteria are met; and policy LPRSP9 allows for development provided it does not result in harm to the character and appearance of the area. The GTAA published in 2023 outlines a need for 340 pitches in Maidstone and the Council's current position is that it can demonstrate a 1.2 years' worth of deliverable pitches at 1st April 2023.
- 6.02 The proposal has been assessed in relation to its visual and landscape impact, highways impact, sustainability, residential amenity, and flooding / drainage and found to be acceptable. The development is acceptable regarding the relevant provisions of the Development Plan, the NPPF and all other material considerations such as are relevant. For the reasons set out above, it is recommended that permission be granted.

7. 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:
- Inspectorate Letter

- Application for planning permission
- Site Location Plan
- P1026/1 Existing Site Plan
- P1026/2 Proposed Site Plan
- P1026/3 Proposed Floor Plan and Elevations
- Cover Letter
- Local Plan Review
- Heritage Statement

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

- 2) The site shall not be occupied by any persons other than Gypsies and Travellers, defined as 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 or permanently, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.
Reason: The site is in an area where the stationing of caravans/mobile homes is not normally permitted.
- 3) No more than six caravans as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, as amended (of which no more than three shall be a static caravan/mobile home) shall be stationed on the land at any time. The mobile homes shall be positioned on the site as set out on the submitted drawings.
Reason: To safeguard the character and appearance of the countryside.
- 4) If the lawful use of the site ceases, all caravans, structures, equipment, and materials brought onto the land for the purposes hereby permitted including hardstandings and buildings shall be removed within two months from the date of the use ceasing.
Reason: To safeguard the character and appearance of the countryside.
- 5) No vehicle over 3.5 tonnes shall be stationed, parked or stored on the land and no commercial or business 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.
- 6) 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.
- 7) 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 within 6 weeks of the date of the 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:
 - a) A detailed site layout showing how hardstanding and parking areas are the minimum area necessary.
 - b) Details of the permeable construction of hardstanding areas and measures to deal with surface water run off within the site boundaries.
 - c) Details of existing landscaping.
 - d) Details of proposed landscaping (see condition 8).
 - e) Details of measures to enhance biodiversity at the site (see condition 10).
 - f) the means of foul and surface water drainage at the site, along with details regarding the provision of potable water and waste disposal (see condition 11).
 - g) existing external lighting on the boundary of and within the site (see condition 12); 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.

- 8) The landscaping required by condition 7 shall be designed in accordance with the principles of the Council's landscape character guidance (Maidstone Landscape Character Assessment Supplement 2012). The detailed landscaping drawings shall include:
 - a) details of all existing trees, hedgerows and blocks of landscaping on, and immediately adjacent to, the site and indicate whether they are to be retained or removed.
 - b) details of the number, size, species, maturity, spacing and position of proposed trees and landscaping. (Including species, spacing, maturity and quantities) *with new hedging at approximately 45cm spacing with 30cm between rows and consisting of 70% Hawthorn or Blackthorn, 5% Dogwood, 10% Field Maple, 10% Hazel, 2.5% Holly and 2.5% Wayfaring Tree*
 - c) a timetable of implementation of the approved scheme and
 - d) a five [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.

- 9) All approved landscape details shall be completed by the end of the first planting season (October to February) following its approval. Any landscaping which fails to establish or any existing or proposed trees or plants which, within five years from planting are removed, 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.

- 10) The enhancement of biodiversity on the site, required by condition 7 shall include the installation of a minimum of one bat tube on the approved mobile homes and the installation of ready-made bird and bat boxes on the site. The development shall be implemented in accordance with the approved details by the end of a two-month period following approval 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.

- 11) The details of foul and surface water drainage required by condition 7 shall include the size of individual cess pits and/or septic tanks and/or other treatment systems. Information provided should also specify exact locations on site plus any pertinent information as to where each system will discharge to, (since for example further treatment of the discharge will be required if a septic tank discharges to a ditch or watercourse as opposed to sub-soil irrigation).

Reason: In the interests of amenity.

- 12) The details of existing lighting required by condition 7 shall:
 - a) show that the existing lighting is in accordance with the Institute of Lighting Professionals Guidance Notes for the Reduction of Obtrusive Lighting, GN01, dated 2021 (and any subsequent revisions) with reference to environmental zone E1.
 - b) include a layout plan with beam orientation.
 - c) include a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles).
 - d) include an ISO lux plan showing light spill.

Reason: To safeguard residential amenity, wildlife and to protect dark skies and prevent undue light pollution, in accordance with the maintenance of the character and quality of the countryside.

- 13) Any future external lighting installed on the site (whether permanent or temporary) shall be in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority. The submitted details shall:
- a) be in accordance with the Institute of Lighting Professionals Guidance Notes for the Reduction of Obtrusive Lighting, GN01, dated 2021 (and any subsequent revisions) with reference to environmental zone E1.
 - b) include a layout plan with beam orientation.
 - c) a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles).
 - d) an ISO lux plan showing light spill.

The scheme of lighting shall be installed, maintained, and operated thereafter in accordance with the approved scheme.

Reason: To safeguard residential amenity, wildlife and to protect dark skies and prevent undue light pollution, in accordance with the maintenance of the character and quality of the countryside.

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

REPORT SUMMARY

REFERENCE NUMBER: 23/504443/FULL		
APPLICATION PROPOSAL: Stationing of 2no. static caravans for Gypsy and Traveller use.		
ADDRESS: Land at Oakland Place, Greenway Forstal, Harrietsham Kent ME17 1QA		
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: Call in from Harrietsham Parish Council and Cllrs Tom and Janetta Sams if officers are minded to grant permission for the reasons below in Section 4		
WARD: Harrietsham and Lenham	PARISH COUNCIL: Harrietsham	APPLICANT: Ms K Chapman AGENT: Martin Potts Associates
CASE OFFICER: William Fletcher	VALIDATION DATE: 11/10/23	DECISION DUE DATE: 31/05/24
ADVERTISED AS A DEPARTURE: No		

Relevant planning history

Adjacent site (Oakland & 2 Oakland Place)

07/2232 Change of use from agricultural to residential for gypsy family and stationing of one mobile home and one touring caravan refused 07.08.2008 for the following reasons:

1. The proposals would be contrary to Kent and Medway Structure Plan 2006 Policies QL1, HP5, HP9, EN1 and EN5 and Maidstone Borough-Wide Local Plan 2000 Policies ENV28 and ENV34 in that the caravans, hardstandings and associated domestic paraphernalia would be a prominent and visually harmful addition to sporadic development in the North Downs Special Landscape Area.
2. The development proposed is considered to be contrary to Policy EP9 of the Kent and Medway Structure Plan 2006 in that, in the absence of evidence to the contrary, the development is likely to lead to the irreversible loss of a significant portion of agricultural land within the best and most versatile category.

Appeal ref APP/U2235/A/09/2094215/WF

Appeal against the refusal of application 07/2232 allowed and planning permission granted for "Change of use from agricultural to residential for gypsy family and stationing of one mobile home and one touring caravan".

Application site

Enforcement notice ENF/4239 Land at Mount Farm Greenway Forstal alleged breach "Without planning permission the construction of a trackway"

Date served 22.12.2000

Compliance date 09.04.2001.

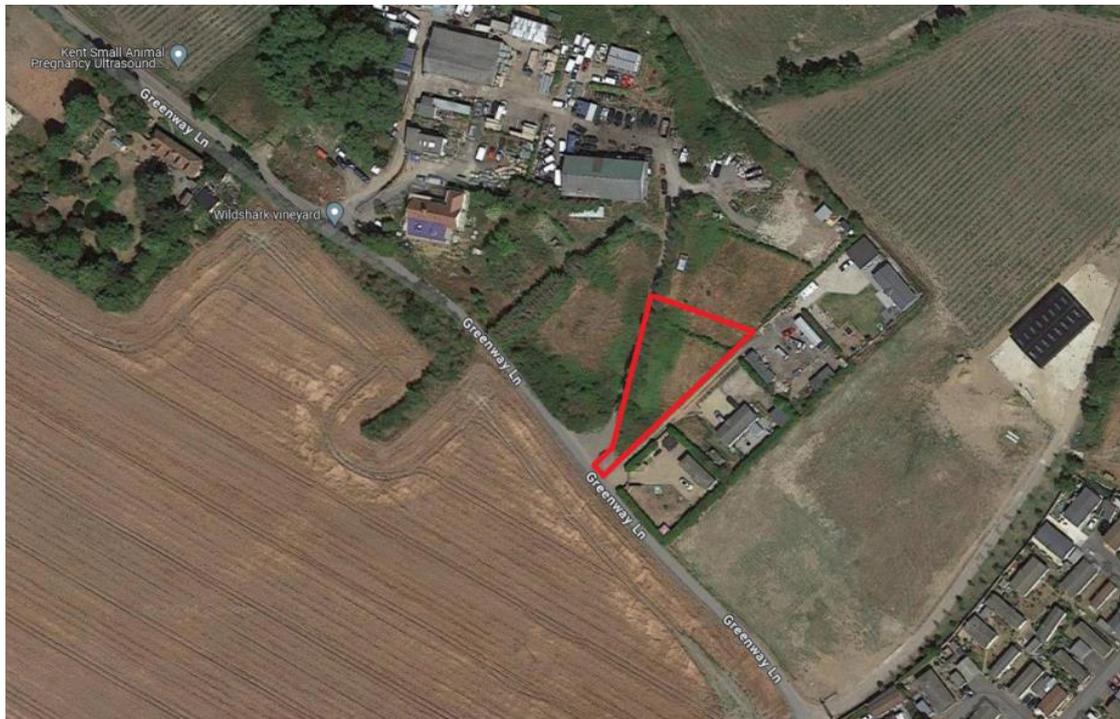
MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 In policy terms the application site is in the countryside. The site is in the Eyhorne Vale Landscape Character Area and is immediately north of the Leeds Castle Parklands Landscape Character Area. (NB: The North Downs Special Landscape Area designation referred to in the planning history was not carried forward to the 2017 Local Plan).

- 1.02 The grass covered site is on the north side of Greenway Lane and is 'triangular' shaped. The A service track to the southeast boundary separates the application site from 4 existing adjacent gypsy and traveller plots located immediately adjacent to the southeast. Approximately 60 metres further to the southeast is the Garden of England holiday caravan park.
- 1.03 Approximately 20m to the northwest of the application site is a breakers yard. A track provided from Greenway Lane along the western boundary of the application site provides access to this breakers yard. On the south side of Greenway Lane is an agricultural field.

Aerial photograph showing site context.



2. PROPOSAL

- 2.01 The application seeks 2 mobile homes for Gypsy and Traveller use.
- 2.02 One unit would be located at the southern end of the site and the other at the northern end. The site would be accessed via the existing access track that runs along the southeast side boundary. This track also provides access to the existing Gypsy and Traveller accommodation immediately to the southeast.
- 2.03 Plans indicate additional landscaping would be planted along the southeast side of the application site.

3. POLICY AND OTHER CONSIDERATIONS

Local Plan Review:

The Maidstone Borough Local Plan Review was adopted by the Council on the 20 March 2024. There have been 2 strategic level challenges to adoption. The relevant Maidstone Borough Local Plan Review (March 2024) policies are as follows:

- LPRSS1: Maidstone borough spatial strategy
- LPRSP9: Development in the countryside
- LPRSP10: Housing
- LPRSP10(A): Housing mix
- LPRSP12: Sustainable transport
- LPRSP14: Environment
- LPRSP14(A): Natural environment

LPRSP14(C): Climate change
LPRSP15: Principles of good design
LPRTRA2: Assessing transport impacts.
LPRTRA4: Parking
LPRQ&D 1: Sustainable design
LPRQ&D 2: External lighting
LPRQ&D 4: Design principles in the countryside
LPRHOU 8: Gypsy and traveller accommodation
LPRQ&D 6: Technical standards
LPRTRA2: Assessing the transport impacts of development.
PRTRA4: Parking

The National Planning Policy Framework (NPPF) (Dec. 2023):

Section 2 – Achieving Sustainable Development
Section 12 – Achieving well Designed Places

Supplementary Planning Documents:

Maidstone Landscape Character Assessment 2012 (Updated 2013)
Planning Policy for Traveller Sites' (PPTS) (December 2023)
Maidstone Landscape Character Assessment (amended 2013)
Gypsy & Traveller Appeals: Strategic Planning Briefing Note (April 2023)

4. LOCAL REPRESENTATIONS

Local residents:

4.01 One representation received objecting for the following summarised reasons:

- Impact on local character and appearance
- Impact on trees
- Impact on setting of the Kent Downs National Landscape (formally known as AONB).
- Impact on the highway network.
- Site is not an authorised Traveller site (Officer comment: The absence of allocation in the Local Plan does not prevent the submission of a planning application as a 'windfall' site).

Harrietsham Parish Council

4.02 Objection and call in to committee for the following summarised reasons:

- Impact on local character and appearance
- Impact on trees
- Impact on setting of the Kent Downs National Landscape.
- Impact on the highway network.

Cllr Tom and Janetta Sams

4.03 Objection and call in to committee for the following summarised reasons:

- Detail provided is minimal.
- The application is retrospective.
- Presence of mobile homes on the adjacent site is not relevant.
- Harm to the character of the setting of the Kent Downs National Landscape.
- Site is not an authorised Traveller site.

5. CONSULTATIONS

KCC Highways

5.01 No objection.

6. APPRAISAL

6.01 The key issues for consideration relate to:

- Countryside, highways, flooding, landscape & ecology (Policies LPRASP9 and LPRHOU 8).
- Need and supply of sites.
- Gypsy status.
- Residential amenity

Countryside, highways, flooding, landscape, ecology(Policies LPRASP9 LPRHOU 8).

- 6.02 The starting point for assessment of all applications in the countryside is Local Plan policy LPRSP9. Policy LPRSP9 states that development proposals in the countryside will only be permitted where:
- a) there is no 'significant' harm to local character and appearance, and
 - b) they accord with other Local Plan policies
- 6.03 Where there is a locational need (equestrian, agricultural buildings etc), Local Plan policies permit development in the countryside subject to listed criteria. If development accords with one of these Local Plan policies, this compliance is weighed against the harm caused to character and appearance with the potential that a proposal is found in accordance with policy LPRASP9 overall.
- 6.04 In this case policy LPRHOU 8 (gypsy and traveller accommodation) can allow for gypsy and traveller development in the countryside. Policy LPRHOU 8 states that gypsy and traveller accommodation will be granted in two situations. Firstly "*...where the site is allocated for that use and proposals comply with the site allocation criterion*", and secondly (with reference to consultation comments on allocation) subject to criteria listed in the policy being met. These criteria are considered below.
- a. Caravans to meet the definition of a caravan in the Caravan Sites and Control of Development Act (1960)¹³ and the Caravan Sites Act (1968)
- 6.05 The submitted information indicates that the proposed caravans will meet this definition. A planning condition is recommended requiring compliance with the definition.
- b. Local services, in particular school, health and shopping facilities, are accessible from the site preferably on foot, by cycle or on public transport.
- 6.06 The supporting text to policy LPRHOU 8 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*".
- 6.07 Government guidance set out in the Planning Policy for Traveller Sites (PPTS) places emphasis on the need for increased gypsy and traveller site provision, supporting self-provision (as opposed to local authority provision), and it acknowledges that sites are more likely to be found in rural areas.
- 6.08 Although the occupants of the site would be largely reliant on private motor vehicles to access local services and facilities, this is not untypical of Gypsy and Traveller sites in rural locations. Although not highly sustainable in respect of location, the site is not so far removed from basic services and public transport opportunities as to justify refusal.
- 6.09 In addition, it is highlighted that the application site is immediately adjacent to a local plan allocated Gypsy and Traveller site. The location has been considered by the Council in the context of their Gypsy and Traveller site needs assessment and allocated in the Local Plan for Gypsy and Traveller development.
- c. The development would not result in significant harm to the landscape and rural character of the area. Impact on these aspects will be assessed with particular regard to i. Local landscape character; ii. Cumulative effect - the landscape impact arising as a result of the development in combination with existing lawful caravans; and iii. Existing landscape features - development is well screened by existing landscape features and there is a reasonable prospect of such features' long-term retention; iv Additional planting should be used to supplement existing landscaping but should not be the sole means of mitigating the impact of the development v Prominent boundary treatments should be screened/softened by existing and/or proposed landscaping.
- 6.10 The Maidstone Landscape Character Assessment advises that the site lies within the Eyhorne Vale Landscape Character Area which is assessed as being of 'Good' condition and of 'High' sensitivity with guidelines to 'Conserve'. The application site is located immediately north of

the Leeds Castle Parklands Landscape Character Area which is assessed as being of 'Moderate' condition and of 'High' sensitivity with guidelines to 'Conserve and Reinforce'.

- 6.11 Where Gypsy and Traveller developments are normally permitted, it is based on being screened by existing permanent features such as hedgerows, tree belts, buildings, or land contours, as required by policy LPRHOU 8 of the adopted Local Plan. Consequently, unless well screened or hidden away in unobtrusive locations, mobile homes are normally considered unacceptable in their visual impact.
- 6.12 The application site is located between existing gypsy and traveller accommodation located to the southeast and a track providing access to a breaker yard to the northwest. The proposal would not appear visually harmful from any public viewpoints.
- 6.13 The site is situated immediately to the north of Greenway Lane, with hedgerows providing a good level of natural screening from the road. The applicant has stated that the application does not involve any works to trees. The application indicates that additional planting would be placed along the southeastern boundary which would further screen the caravans. A planning condition is recommended to seek enhanced additional boundary planting.
- 6.14 It is concluded that the proposal is acceptable in relation to landscape harm and would be in accordance with Local Plan policy LPRHOU 8 as this harm to the landscape and rural character of the area is not significant. In visual amenity terms, the development is in accordance with the relevant policies of the Local Plan and the NPPF.
- 6.15 Policy LPRHOU 8 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.
- 6.16 The landscape impact of the proposal has been assessed above and it is concluded that the landscape harm is not grounds for refusal of permission. Were the adjacent site removed and returned to agricultural fields, the application site would also remain low key when viewed from Greenway Lane. Additional landscaping is sought through a planning condition.
- 6.17 The site layout along with the landscaping proposals are reflective of PPTS 2015 which states sites should be well planned or soft landscaped in such a way as to positively enhance the environment and increase its openness. The current submitted proposal for two mobile homes benefit from existing landscaping and would be a 'low key' development. The proposal is found to be acceptable in relation to cumulative landscape harm.
- 6.18 The application site is in the setting to the Kent Downs National Landscape (formally AONB). The local plan review advises "*Development within the setting will conserve and enhance the landscape and scenic beauty of the Kent Downs ...and should be sensitively located and designed to avoid or minimise adverse impacts on the designated areas*" (LPR Spatial Objectives).
- 6.19 The Kent Downs National Landscape is located 250 metres to the northeast of the application site. The application site is seen in the context of a breaker's yard and existing gypsy and traveller accommodation and is separated from the Kent Downs National Landscape by the Harrietsham to Bearsted railway line and boundary landscaping. In this context the current application is acceptable in relation to the relationship with the Kent Downs National Landscape.
- d. The site can be safely accessed to and from the highway by all vehicles using the site on a regular basis.
- 6.20 Policy LPRSP15 states that applications must accommodate vehicular movements generated by the proposal on the local highway network and through the site access. LPRQD4 states that proposals must not result in unacceptable traffic levels on nearby roads or unsympathetic changes to the character of rural lanes.
- 6.21 There are no highway issues with the existing access and this access is suitable for the extra demand from this application. It is concluded that the vehicle movements resulting from the application can easily be accommodated on the local road network.

- 6.22 NPPF guidance states that "*Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe*" (NPPF para 111). The current application does not meet these tests with no highway safety impact found and no severe impact on the highway network.
- 6.23 The development would use an existing access and this would be acceptable in highway safety terms. There is sufficient parking/turning provision on the site; and the traffic generation as a result of the additional mobile homes would not have a severe impact upon the local road network.
 - d. The site is not located in an area at risk from flooding (zones 3a and 3b)
- 6.24 The site lies within Flood Zone 1, consequently flooding is not an issue. A planning condition will be imposed to that surface water runoff is dealt with within the site boundaries.
 - f. The ecological impact of the development has been assessed through appropriate survey and a scheme for any necessary mitigation and enhancement measures confirmed.
- 6.25 Policy LPRSP14 directs the planning system to contribute to and enhance the natural and local environment. The application site surface is currently road plantings and shrubland with little ecology value and in this context, it is concluded that there is no requirement for an ecological survey.
- 6.26 The applicant has stated that the site has been used and managed in association with the existing gypsy and traveller accommodation located to the southeast. The site or adjacent land is not designated land and do not contain important habitats or other biodiversity features. No reasonable likelihood of protected or priority species being present on the site or being adversely impacted by this application.
- 6.27 Planning conditions are recommended to seek on site biodiversity enhancement and for new landscaping especially around the site boundaries. On this basis, the proposal would accord with policies LPRSP14 and LPRHOU 8 of the Maidstone Local Plan Review (2024), and the NPPF (2023). These policies jointly direct the planning system to contribute to and enhance the natural and local environment.

Need and supply of gypsy sites.

- 6.28 The Maidstone Borough Council Gypsy, Traveller, and Travelling Showpeople Accommodation Assessment (GTAA) was published in September 2023. It provides the evidence of the current and future need for gypsy, traveller and travelling showpeople in the borough for the Local Plan Review until 2040.
- 6.29 The assessment drew on desk-based research, stakeholder interviews, and engagement with members of the Travelling Community living on all known sites, yards, and encampments. The interview response rate was 76%, considered to be sufficient as a sample of the total Traveller population across all the accommodation types.
- 6.30 The assessment found that there is a need for a total 340 additional permanent pitches for Gypsy and Traveller households in Maidstone that met the planning definition in the borough between 2023-40. This need is broken down in the phases shown in the following table:

Table 1: Permanent pitch need 2023-40 as outlined in the GTAA.

	2023-28	2028-32	2033-37	2038-40	2023-40
Gypsy and Traveller Pitches	205	48	53	34	340

- 6.31 Based on the initial findings of the GTAA (prior to publication of the final version) there was likely to be a significant need for pitches, the most appropriate course of action was to undertake a separate Gypsy, Traveller and Travelling Showpeople Development Plan Document (DPD) instead of addressing the need through the Local Plan Review.

- 6.32 In the interim the Local Plan Review includes policy LPRSP10(c) Gypsy & Traveller Site Allocations. Policy LPRSP10(c) includes extant allocations carried forward from the MBLP 2017 GT1 policy. The Local Plan Review also includes the development management policy LPRHOU8 for windfall applications.
- 6.33 The DPD will be informed by the outcome of a Pitch Deliverability Assessment (to assess what proportion of the need can be met on existing sites through intensification or expansion). The DPD will also be informed by a targeted Call for Sites exercise to identify potential new sites so the needs of the community can be adequately, and appropriately addressed and appropriate engagement can take place.
- 6.34 The Local Plan Review Call for Sites exercise invited the submission of Gypsy, Traveller and Travelling Showpeople sites, however, only a small number were put forward for inclusion in the plan. Two further, targeted Call for Sites exercises to identify potential new sites were carried out between February and March 2022 and February and March 2023, with the aim of comprehensively addressing the needs of the community appropriately.
- 6.35 Paragraph 10a of the Planning Policy for Traveller Sites' (PPTS) (December 2023) requires Local Plans to identify a supply of 5 years' worth of deliverable sites against the Plan's pitch target. The most recent figures available show that the Council can demonstrate a supply of 1.2 years.
- 6.36 Paragraph 27 of the PPTS states "If a local planning authority cannot demonstrate an up-to-date 5 year supply of deliverable sites, this should be a significant material consideration in any subsequent planning decision when considering applications for the grant of temporary planning permission".

Gypsy Status

- 6.37 A judgement dated 31 October 2022, from the Court of Appeal in *Smith v. SoS for Levelling Up, Housing and Communities* (CA-2021-00171, 31st October 2022) concerned a planning inspector's reliance on the definition of Gypsies and Travellers in Planning Policy for Traveller Sites. This guidance was introduced by the government in August 2015.
- 6.38 The previous definition before August 2015 had been: "*Persons of nomadic habit of life whatever their race or origin, including such persons who on grounds only of their own or their family's or dependants' education or health needs or old age have ceased to travel temporarily or permanently, but excluding members of an organised group of travelling show people or circus people travelling together as such*". The new definition post 2015 deleted "or permanently".
- 6.39 The Secretary of State accepted that this indirectly discriminated against elderly and disabled Gypsies and Travellers but argued that the discrimination was justified. The appeal court judgement sets out at paragraph 66... "*the nature of the discrimination before the judge was the negative impact on those Gypsies and Travellers who had permanently ceased to travel due to old age or illness, but who lived or wanted to live in a caravan. This discrimination was inextricably linked to their ethnic identity*". at paragraph 139 "... *the effect of the relevant exclusion was – as the Secretary of State has conceded – discriminatory, and that, on the evidence before the court in these proceedings, there was no proper justification for that discrimination...*".
- 6.40 On the evidence available it can be reasonably concluded that the intended occupants of the proposed caravans are of gypsy heritage and are from the travelling community. A condition is recommended to ensure that the site shall not be used as a caravan site by any persons other than Gypsies or Travellers and their family and/or dependants, as defined in Annex 1 of the Planning Policy for Traveller Sites 2023.
- 6.41 A previous award of costs against the Council on a separate unrelated site is also highlighted in relation to gypsy status. At the site known as Pear Paddock, in the decision letter the appeal Inspector set "The Council's second reason for refusal complains that the appellants have not demonstrated that the proposed site occupants are *Gypsies or Travellers*. *Yet there is nothing in the relevant policy that requires a personal demonstration of need or ethnic identity. It is not as though any housebuilder is required to tell the LPA who exactly is intended to live in the houses s/he proposes to build; concomitantly, there is no such requirement here*". With this background and the common use of planning conditions to

restrict occupation of relevant sites to Gypsies or Travellers, the refusal of planning permission on the grounds that Gypsy status has not been proven would be unreasonable.

Residential amenity

- 6.42 Policy LPRSP15 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, or loss of light".
- 6.43 The caravans that form part of this application would maintain acceptable separation distances from existing mobile homes and neighbouring properties. The caravans will avoid any adverse effect in terms of overshadowing, loss of light, outlook, or privacy.
- 6.44 The closest 'immediate neighbours' (house) as highlighted by the Parish Council are separated from the application site by a distance of circa 140 metres to the southeast. This distance includes the adjacent allocated Gypsy and Traveller site which is closer to these neighbours.
- 6.45 The proposal would retain the existing access point and would provide areas of soft landscaping, areas of grassland, new hedging and biodiversity areas including several native fruit trees, as such, there would be sufficient amenity space for the future occupiers.
- 6.46 The proposals are acceptable in terms of maintaining the living conditions of neighbouring occupiers and providing adequate amenities for future occupiers of the proposed dwelling. The proposal is in accordance with policy LPRQ&D7 of the Maidstone Local Plan Review (2024).
- 6.47 The Planning Policy for Traveller Sites 2023 (PPTS) advises "When assessing the suitability of sites in rural or semi-rural settings, local planning authorities should ensure that the scale of such sites does not dominate the nearest settled community" (paragraph 14).
- 6.48 The application includes 2 Gypsy and Traveller pitches (2 static homes and 2 touring caravans). The impact of the current application individually or taken cumulatively with the adjacent site is not of a scale that would dominate the nearest settled community of Harrietsham.

PUBLIC SECTOR EQUALITY DUTY

- 6.49 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.
- 6.50 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 Public Sector Equality Duty have been met and it is considered that the application proposals would not undermine objectives of the Duty.
- 6.51 Due regard has been had to the Public Sector Equality Duty 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 Public Sector Equality Duty.

7. CONCLUSION

- 7.01 LPRHOU 8 of the Maidstone Local Plan Review (2024), allows for Gypsy and Traveller accommodation in the countryside provided certain criteria are met; and policy LPRSP9 allows for development provided it does not result in harm to the character and appearance of the area. The GTAA published in 2023 outlines a need for 340 pitches in Maidstone and the Council's current position is that it can demonstrate a 1.2 years' worth of deliverable pitches at 1st April 2023.
- 7.02 The proposal has been assessed in relation to its visual and landscape impact, highways impact, sustainability, residential amenity, and flooding / drainage 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. For the reasons set out above, it is recommended that permission be granted.

8. RECOMMENDATION – GRANT 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:
 - Application for planning permission
 - Site Location Plan
 - P1029-1 Existing Site Plan
 - P1029-2 Proposed Site Plan
 - P1029-3 Plans and Elevations
 - Cover Letter
 - Inspectorate Letter
 - Design and Access StatementReason: For the avoidance of doubt and in the interests of proper planning.
- 2) The site shall not be occupied by any persons other than Gypsies and Travellers, defined as 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 or permanently, but excluding members of an organised group of travelling showpeople or circus people travelling together as such.
Reason: The site is in an area where the stationing of caravans/mobile homes is not normally permitted.
- 3) No more than four caravans as defined in the Caravan Sites and Control of Development Act 1960 and the Caravan Sites Act 1968, as amended (of which no more than two shall be a static caravan/mobile home) shall be stationed on the land at any time. The mobile homes shall be positioned on the site as set out on the submitted drawings.
Reason: To safeguard the character and appearance of the countryside.
- 4) If the lawful use of the site ceases, all caravans, structures, equipment, and materials brought onto the land for the purposes hereby permitted including hardstandings and buildings shall be removed within two months from the date of the use ceasing.
Reason: To safeguard the character and appearance of the countryside.
- 5) No vehicle over 3.5 tonnes shall be stationed, parked or stored on the land and no commercial or business 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.
- 6) 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.
- 7) 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 within 6 weeks of the date of the 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:
 - a) A detailed site layout showing how hardstanding and parking areas are the minimum area necessary.
 - b) Details of the permeable construction of hardstanding areas and measures to deal with surface water run off within the site boundaries.
 - c) Details of existing landscaping.

- d) Details of proposed landscaping (see condition 8).
 - e) Details of measures to enhance biodiversity at the site (see condition 10).
 - f) the means of foul and surface water drainage at the site, along with details regarding the provision of potable water and waste disposal (see condition 11).
 - g) existing external lighting on the boundary of and within the site (see condition 12); 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.
- 8) The landscaping required by condition 7 shall be designed in accordance with the principles of the Council's landscape character guidance (Maidstone Landscape Character Assessment Supplement 2012). The detailed landscaping drawings shall include:
- a) details of all existing trees, hedgerows and blocks of landscaping on, and immediately adjacent to, the site and indicate whether they are to be retained or removed.
 - b) details of the number, size, species, maturity, spacing and position of proposed trees and landscaping. (Including species, spacing, maturity and quantities) *with new hedging at approximately 45cm spacing with 30cm between rows and consisting of 70% Hawthorn or Blackthorn, 5% Dogwood, 10% Field Maple, 10% Hazel, 2.5% Holly and 2.5% Wayfaring Tree*
 - c) a timetable of implementation of the approved scheme and
 - d) a five [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.
- 9) All approved landscape details shall be completed by the end of the first planting season (October to February) following its approval. Any landscaping which fails to establish or any existing or proposed trees or plants which, within five years from planting are removed, 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.
- 10) The enhancement of biodiversity on the site, required by condition 7 shall include the installation of a minimum of one bat tube on the approved mobile homes and the installation of ready-made bird and bat boxes on the site. The development shall be implemented in accordance with the approved details by the end of a two-month period following approval 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.
- 11) The details of foul and surface water drainage required by condition 7 shall include the size of individual cess pits and/or septic tanks and/or other treatment systems. Information provided should also specify exact locations on site plus any pertinent information as to where each system will discharge to, (since for example further treatment of the discharge will be required if a septic tank discharges to a ditch or watercourse as opposed to sub-soil irrigation).
- Reason: In the interests of amenity.
- 12) The details of existing lighting required by condition 7 shall:
- a) show that the existing lighting is in accordance with the Institute of Lighting Professionals Guidance Notes for the Reduction of Obtrusive Lighting, GN01, dated 2021

(and any subsequent revisions) with reference to environmental zone E1.

- b) include a layout plan with beam orientation.
- c) include a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles).
- d) include an ISO lux plan showing light spill.

Reason: To safeguard residential amenity, wildlife and to protect dark skies and prevent undue light pollution, in accordance with the maintenance of the character and quality of the countryside.

13) Any future external lighting installed on the site (whether permanent or temporary) shall be in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority. The submitted details shall:

- a) be in accordance with the Institute of Lighting Professionals Guidance Notes for the Reduction of Obtrusive Lighting, GN01, dated 2021 (and any subsequent revisions) with reference to environmental zone E1.
- b) include a layout plan with beam orientation.
- c) a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles).
- d) an ISO lux plan showing light spill.

The scheme of lighting shall be installed, maintained, and operated thereafter in accordance with the approved scheme.

Reason: To safeguard residential amenity, wildlife and to protect dark skies and prevent undue light pollution, in accordance with the maintenance of the character and quality of the countryside.

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

Agenda Item 16



Ordnance Survey - data derived from OS Premium

21/503412/FULL Marden Sports Club, Maidstone Road, Marden, Kent TN12 9AG

Scale: 1:2500

Printed on: 10/5/2024 at 10:45 AM by RebeccaB1

REPORT SUMMARY

REFERENCE NO: - 21/503412/FULL		
APPLICATION PROPOSAL: Erection of 8no. full masts and 4no. lower masts floodlighting to serve the sports pitches.		
ADDRESS: Marden Sports Club Maidstone Road Marden Kent TN12 9AG		
RECOMMENDATION: GRANT PLANNING PERMISSION subject to 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: The reasons for referral to committee from Marden Parish Council are detailed in section 4 of Appendix A.		
WARD: Marden And Yalding	PARISH COUNCIL: Marden	APPLICANT: Marden Sports Club AGENT: Kent Planning Consultancy Ltd
CASE OFFICER: William Fletcher	VALIDATION DATE: 12/07/21	DECISION DUE DATE: 31/05/2024
ADVERTISED AS A DEPARTURE: No		

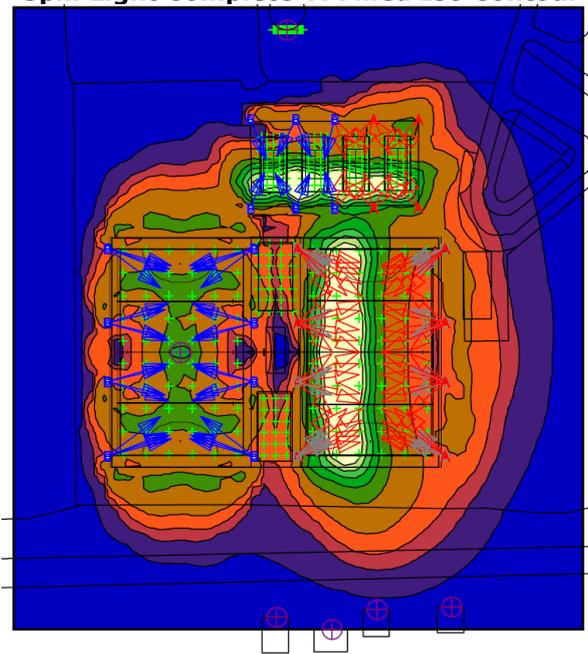
1.0 BACKGROUND

- 1.01 This application was first considered by members at the planning committee meeting in October 2023. The committee report to the meeting in October 2023 is provided as an appendix to this report.
- 1.02 Following the decision to defer a decision the Maidstone Local Plan Review was adopted on the 20 March 2024. There have been 2 strategic level challenges to adoption. The relevant Maidstone Borough Local Plan Review (March 2024) policies are as follows:
 - LPRSP9 – Development in the Countryside
 - LPRSP14 (A) – Natural Environment
 - LPRSP15 – Design
 - LPRQD1 – Sustainable Design
 - LPRQD2 – External Lighting
 - LPRINF2 – Community Facilities
 - LPRQD4 – Design principles in the countryside.
- 1.03 Maidstone Local Plan Review policy LPRQD2 is highlighted which relates to external lighting. The policy states "Proposals for external lighting which meet the following criteria will be permitted:
 - a) It is demonstrated by illuminance contour diagrams that the minimum number, intensity and height and timing of lighting necessary to achieve its locationally appropriate purpose is proposed;
 - b) The design and specification of the lighting would minimise glare and light spillage and would not dazzle or distract drivers or pedestrians using nearby highways;
 - c) The lighting scheme would not be visually detrimental to its immediate or wider setting, particularly intrinsically dark landscapes and would be of appropriate colour temperature for its location and ecological impact;
 - d) The impact on wildlife and biodiversity is minimised through appropriate mitigations;
 - e) Any development affecting protected species follows relevant specific guidance on lighting.

2. APPRAISAL

- 2.01 The committee resolved to defer a decision on the application to seek further information regarding:
- (a) Cumulative impact of existing lighting, lighting for the proposed padel courts and the lighting associated with this application.
 - (b) Seek night-time photographs to see what the existing lighting looks like.
 - (c) Seek details of a landscape scheme.
 - (d) Seek details of the boundary treatments, including the acoustic fencing (height etc.) and bund to assess the visual impact and also to understand the planning status of the bund and fencing.
 - (e) Seek up to date ecological information (including a bat survey) and an assessment of biodiversity net gain.
 - (f) Seek more information about the light spectrum proposed as the red end of the spectrum is less intrusive.
- 2.02 Addressing these points one by one:
- a) Cumulative impact of existing lighting, lighting for the proposed padel courts and the lighting associated with this application.
- 2.03 In terms of the cumulative impact, the Planning Inspector noted "The amended lighting design document (submitted during the appeal) indicates that the light spill from the proposed floodlights would not extend past the railway line and that there would be no effect on the closest dwellings to the south. There are also mature trees to the south of the railway line which provide a visual barrier between these houses and the development site"
- 2.04 The lighting information submitted with 22/501761/FULL (associated with the padel courts) indicates that no impact would occur, as in no light would spill past the railway line.

Spill Light Complete V: Filled Iso Contour



- 2.05 The 'cumulative impact' of both proposals would show the intensity of the light increasing around the courts but it would not increase the intensity beyond the railway line where it could impact the dwellings (at the bottom of the above image). The quantitative data of the light spill submitted with 22/501761/FULL shows the spill would be '0' beyond the railway line.

- b) Seek night-time photographs to see what the existing lighting looks like.
- 2.06 The applicant has submitted nighttime photos of the application site, which will be discussed during the presentation. In terms of the harm and the cumulative impact it needs to be considered that light that can be seen, can be an annoyance, which is why conditions are imposed requiring they be turned off after a certain time. There is a difference between what can be an annoyance and an external light source which is able to illuminate a room from a distance. The photos show that the lighting is not 'illuminating' the surrounding properties as it is focused on the playing pitches.
- c) Seek details of a landscape scheme.
- 2.07 Conditions will be imposed requiring the applicant to submit landscaping conditions. It is not assessed that landscaping is essential to mitigate any harm from the proposal, as the planning inspectorate has noted the existing landscaping around the site is sufficient to mitigate harm from the floodlighting.
- d) Seek details of the boundary treatments, including the acoustic fencing (height etc.) and bund to assess the visual impact and also to understand the planning status of the bund and fencing.
- 2.08 In terms of the boundary treatments, whilst this can be covered by a condition, the applicant has submitted details of the acoustic fencing and the bund, which is an existing grass bund, it is a slight elevation, but it is present.

Photo of 'Bund' with illustrative fence line (dashed red line).



- 2.09 The height of the fence itself does vary due to the 'topography' of the bund as the section drawings submitted indicate. The height of the fence will be 1.1m around the hockey courts (where the bund is taller) and 1.85m where the bund is at its lowest point. Plans indicate the 'construction' of the fence, this is acceptable in visual terms and can be conditioned.
- e) Seek up to date ecological information (including a bat survey) and an assessment of biodiversity net gain.
- 2.10 Several concerns have been raised regarding the developments impact upon biodiversity. Policy SP14A details how the Council is committed to addressing the loss of biodiversity and how development proposals will be expected to appraise the value of the borough's natural environment.
- 2.11 The application site has no specific landscape designation (AONB, LoLV) nor is it subject to any biodiversity protection designations. Following the previous deferral the applicant has

submitted a Preliminary Ecological Assessment. Much of the site consists of hockey and cricket pitches, the latter of which is a large, grassed area. The cricket pitch is heavily managed and unlikely to provide a suitable habitat for any species which the report acknowledges.

- f) Seek more information about the light spectrum proposed as the red end of the spectrum is less intrusive.
- 2.12 Concerns were raised at the previous committee of the lightings impact on bats. The PEA states the following: "The installation of the additional floodlights would not result in any direct or indirect impacts on any bat roosts as there are no trees or structures within the area that would be subject to additional light spill which would provide potential bat roosts".
- 2.13 However, light spill can have a deleterious impact of the foraging and commuting behaviour of bats as most species will avoid lit areas as it increases their risk of predation and/or lighting reduces the number insect on which they feed.
- 2.14 The lighting study indicates that the habitats that might be affected by light spill from the proposed new lighting columns would be: the close-mown grass to the west and north of the tennis courts; the planted hedgerow along the western boundary; and the trees, scrub and planted hedgerow to the south of the site."
- 2.15 However, the PEA notes that these locations are of negligible value for foraging and commuting bats, and as such the impact of any lighting is likely to be very small.
- 2.16 In terms of light spill, KCC Ecology have not raised any issues subject to conditions to ensure the lights are switched off at 22:00. The submitted PEA includes recommendations for ecological enhancements at the site, should permission be forthcoming these recommendations can be conditioned.

PUBLIC SECTOR EQUALITY DUTY

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

3. CONCLUSION

- 3.01 Following the submission of additional documents, the officer recommendation remains unchanged. It is assessed that the development complies with the Local Plan Review Policies relating to external lighting (LPRQD2 – External Lighting), as well as other relevant policies.

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

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2) The development shall be carried out in accordance with the following approved plans and documents:
 - Application for planning permission
 - 0000 Site Location Plan
 - 0010 Existing Site Plan
 - 0020 Existing Site Sections
 - 0201-GA Existing Site Sections
 - 0100 P3 Proposed Site Plan
 - 0200-GA-P1 Proposed Site Sections
 - 0201 P1 Proposed Site Sections
 - a1707-1678 Proposed Foundation Size for Normal Soil Conditions
 - Base Hinged Raise and Lower Mast
 - Christy Lighting Ltd Portfolio

Christy Lighting Masts Ltd Documents
Phase 1 and Phase 2 Full LED Lighting
15m Lighting Mast & Foundation
Covering Letter - Additional Information
Lighting Design Phase 2
Lighting Design Statement
Lighting Specification
Noise Impact Assessment
Spill Impact Assessment
Planning Statement
Planning Support Letter
Acoustic Fence Details
Preliminary Ecological Appraisal

Reason: To clarify the approved plans and to ensure the development is carried out to an acceptable visual standard.

- 3) The proposed floodlights shall not be illuminated except between the hours of 09:00 and 22:00 on any day.
Reason: To prevent light pollution and in the interests of residential amenity.
- 4) The lighting hereby approved shall be installed in accordance with the submitted details and shall be subsequently maintained as such.
Reason: To prevent light pollution and in the interests of residential amenity.
- 5) The development shall not commence until a scheme for the enhancement of biodiversity around the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall consist of the enhancement of biodiversity around the application site by means such as bird boxes, small mammal habitats, and insect habitats. The development shall be implemented in accordance with the approved details prior to the first use of the floodlighting hereby permitted and all features shall be maintained and retained thereafter.
Reason: To protect and enhance the ecology and biodiversity on the site in the future.
- 6) The development shall be carried out in accordance with the recommendations of the submitted Preliminary Ecological Assessment (produced by The Mayhew Consultancy Ltd dated January 2024). All enhancements shall be retained and maintained thereafter.
Reason: To protect and enhance the ecology and biodiversity on the site in the future.
- 7) The development hereby approved shall not commence until, details of all fencing, walling and other boundary treatments have been submitted to and approved in writing by the local planning authority and the development shall be carried out in accordance with the approved details prior to the first use of the floodlighting hereby permitted and maintained thereafter. Specifically, the proposed acoustic fence depicted on drawing 0100 P3 (Proposed Site Plan, received 27 February 2023).
Reason: To ensure a satisfactory appearance to the development and to safeguard the enjoyment of their properties by existing and prospective occupiers.
- 8) The development hereby approved shall not commence above slab level until a landscape scheme designed in accordance with the principles of the Council's Landscape Guidelines (Maidstone Landscape Character Assessment Supplement 2012) has been submitted to and approved in writing by the local planning authority. The scheme shall use predominantly native or near-native species as appropriate and show all existing trees, hedges and blocks of landscaping on, and immediately adjacent to, the site and indicate whether they are to be retained or removed. It shall also provide details of replacement planting to mitigate any loss of amenity and biodiversity value, the location of any habitat piles of cut and rotting wood and include a plant specification, implementation details, a maintenance schedule and a [5] year management plan.
Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development
- 9) Prior to the first use of the floodlighting hereby permitted all planting, seeding and turfing specified in the approved landscape details shall have been completed. All such landscaping shall be carried out during the planting season (October to February). Any seeding or turfing which fails to establish or any trees or plants which, within five years from the first

occupation of a property, commencement of use or adoption of land, are removed, 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

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

REPORT SUMMARY

REFERENCE NO: - 21/503412/FULL		
APPLICATION PROPOSAL: Erection of 8no. full masts and 4no. lower masts floodlighting to serve the sports pitches.		
ADDRESS: Marden Sports Club Maidstone Road Marden Kent TN12 9AG		
RECOMMENDATION: GRANT PLANNING PERMISSION subject to conditions		
SUMMARY OF REASONS FOR RECOMMENDATION: The development is acceptable regarding the relevant provisions of the Development Plan, the NPPF and all other material considerations such as are relevant.		
REASON FOR REFERRAL TO COMMITTEE: The reasons for referral to committee from Marden Parish Council are detailed below within section 4.		
WARD: Marden And Yalding	PARISH/TOWN COUNCIL: Marden	APPLICANT: Marden Sports Club AGENT: Kent Planning Consultancy Ltd
CASE OFFICER: William Fletcher	VALIDATION DATE: 12/07/21	DECISION DUE DATE: 27/10/2023
ADVERTISED AS A DEPARTURE: No		

Relevant planning history

13/0358 Outline application for the provision of new sports club ground (to include cricket pitches, artificial multi-purpose/hockey pitches, tennis courts, cricket nets, floodlights, clubhouse and car parking) including change of use from agriculture, with access to be determined and all other matters reserved for subsequent approval. Amendments to and resubmission of application MA/11/0361. Approved 06.06.2013.

22/501761/FULL Erection of 2no. floodlit padel tennis courts, including erection of canopy over one court. The padel tennis court is situated at the southern end of the wider sports ground and approximately 90m north of the dwellings in Ramsden Way. Within paragraph 7 of the appeal the Inspectorate accepts that the proposed courts would result in additional noise from visitors using the facilities.

Refused 02.09.2022 for the following reason: *"The submitted application fails to demonstrate that the development would not have a harmful amenity impact on neighbouring properties in terms of light intrusion and aural nuisance. As such the development would not be in accordance with policies SP17 and DM1 of the Maidstone Borough Local Plan (2017), policy NE4 of the Marden Neighbourhood Plan (2017) and guidance within the National Planning Policy Framework (2021)".*

Appeal against the refusal of permission under reference 22/501761/FULL Allowed 22.09.2023. In summary the Inspector found the following:

- The amended lighting design document (submitted during the appeal) indicates that the light spill from the proposed floodlights would not extend past the railway line and that there would be no effect on the closest dwellings to the south. There

are also mature trees to the south of the railway line which provide a visual barrier between these houses and the development site.

- The predicted noise levels outlined in the noise impact assessment would be below the existing noise levels at the nearest dwellings. The proposal would not lead to these properties exceeding the internal daytime noise limits or the desired limits for outdoor daytime noise set out in the relevant British Standards for acoustic design. The noise levels would also be within Sport England’s Design Guidelines for Artificial Grass Pitch Acoustics. Given the proposed opening times, the British Standards for night-time noise would not apply. Therefore, the proposal would not cause unacceptable noise impacts to the residents of the neighbouring dwellings.
- The Inspectorate considered that the surrounding vegetation (which neighbouring occupants have included photos of) is sufficient to mitigate any impact from lighting. The inspectorate also concluded that conditions restricting the hours of operation are sufficient to mitigate any harm to biodiversity (as well as neighbouring occupants).

Site location plans: (left - allowed appeal site) (right - current application).



MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 In policy terms the application site is in the countryside, but immediately north of the Marden Rural Service Centre boundary. The application site forms part of Marden Cricket, Hockey, and Tennis Club (MCHTC). The site includes a club house initially approved under outline planning application Ref: 13/0358.
- 1.02 The MCHTC grounds include a cricket pitch on the eastern part of the site, with two artificial multipurpose/hockey pitches on the western part of the site with four tennis courts immediately to the north of the hockey pitches. One of the two existing hockey pitches and two (of the four) tennis courts that are located closest to the cricket pitch benefit from existing floodlighting.

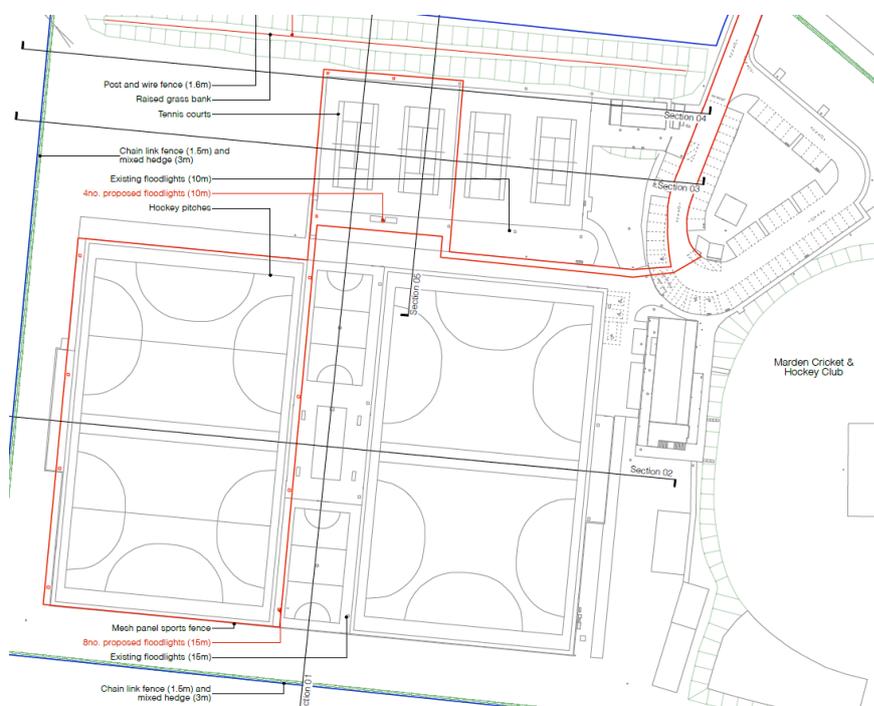
2. PROPOSAL

- 2.01 The current application seeks to provide floodlighting to the single hockey pitch and two tennis courts on the site that do not currently have floodlighting. The proposal is for the installation of 8 no. 15-metre-high flood light masts at the western hockey pitch and 4no. 10 metre high flood light masts to the two westerly tennis courts of the four that currently exist. As well as this a 1m high acoustic fence would be installed along the northern boundary on top of an existing 1m high bund.
- 2.02 The 8 no. lighting columns would be stationed on 600m x 600m raised base sections with foundation bolts, with a cable duct element underneath. The 15 metre steel lighting columns reduce in width as they rise and are made up of 8 sections

assembled to comprise one column/mast, with 11no. lights arranged horizontally at the top.

- 2.03 The 8no. masts would be sited around the western hockey pitch, with one mast in each corner of the pitch and two further masts positioned along the main sides.
- 2.04 The 4no. lighting columns would be stationed on 500m x 500m profiled base sections with foundation bolts and a hinged anchor point, and a smaller cable duct element underneath. The 10-metre-high steel lighting columns, reduce in width as they rise and are made up of 4 sections assembled to comprise one column, with 4no. lights arranged horizontally at the top.
- 2.05 The 4no. masts would serve the north-western tennis courts, including two positioned to the south and two positioned to the north of the courts.
- 2.06 The floodlighting system proposed would seek to match the existing flood lighting already approved and in place on the wider site, which currently serves the other pitches. The below site plan below indicates the exact siting of the proposed lighting.

Proposed site plan



- 2.07 The existing bund/mound is situated approximately 10m north of the tennis courts at the northern end of the application site. The bund is 1m high and stretches the length of the larger hockey pitches depicted above. It is proposed to erect a 1m high acoustic fence on top of the bund to provide aural mitigation from activities taking place on site.

3. POLICY AND OTHER CONSIDERATIONS

Maidstone Borough Local Plan (2011-2031):

SP17 - Countryside

DM 1 – Principles of good design

DM2 – Sustainable design

DM3 – Natural environment

DM8 – External lighting

DM20 - Community facilities
DM30 - Design principles in the countryside

Marden Neighbourhood Plan: BE2, NE3, NE4
The National Planning Policy Framework (NPPF):
National Planning Practice Guidance (NPPG):
Supplementary Planning Documents:
Maidstone Landscape Character Assessment 2012 (Updated 2013)

Application site is located within the Staplehurst Low Weald Landscape Character Area which is assessed as being in 'Good' condition and of 'High' sensitivity with guidelines to 'Conserve'.

Maidstone Local Plan Review (Regulation 22):

The Regulation 22 Local Plan Review (LPR) submission comprises the draft plan for submission (Regulation 19) dated October 2021, the representations and proposed main modifications. It is therefore a material consideration and attracts some weight. The LPR has been through Stage 1 and 2 Hearings and the main modifications the Inspector considers are required to make it sound are out to public consultation, so it is at an advanced stage. However, responses to the consultation need to be considered by the Inspector along with him producing his Final Report so the LPR is considered to attract moderate weight at the current time.

4. LOCAL REPRESENTATIONS

Marden Parish Council 27/03/2023

Objection: (Officer Note Case officer response included below in italics.)

- Additional information supplied relating to lighting and noise does not demonstrate conformity with Marden Neighbourhood Plan Policy BE2 Residential Amenity, NE3 Landscape Integration, NE4 Biodiversity and Habitats. *(Officer Note: No objections have been received to the application from environmental or ecological consultees subject to a condition requiring the lights be turned off by a certain time or when sports pitches are not in use, this can very easily be conditioned and enforced. As detailed above the inspectorate was satisfied with this approach with regards to a similar development on site.*
- The proposal seeks to increase the hours of lighting to 10:00pm *(Officer note: This is incorrect the existing site is already permitted to have floodlighting on until 10pm.)*

Cllr Claudine Russell - Ward Member for Marden and Yalding (Summarised)

- Raises concerns relating to biodiversity and landscape impact of the development.
- Highlights concerns raised by local residents relating to the aural impacts of the development as well as light intrusion into neighbouring properties. Additional detail is requested relating to the proposed fencing the application seeks.

Local residents:

11 representations received from residents objecting to the application for the following (summarised) reasons:

- The impact of the development on biodiversity in the area
- The aural impact of activities taking place on site.
- The impact from additional lighting on neighbouring properties

5. CONSULTATIONS

KCC Ecology

5.01 No Objection:

- Light spill is considered a primary driver of invertebrate decline and given the relatively rural nature of this site it is imperative that the site is not illuminated throughout the entire night.
- Advise that conditions are attached to any granted planning permission which requires the lighting to be switched off before a specific time (previously highlighted as 10pm).

Environmental Health

5.02 No Objection:

- The proposed noise mitigation methods set out in the applicant's noise impact assessment will ensure that neighbour's amenity is maintained.
- The information in the submitted Lighting Design Statement and Spill Impact Assessment, including louvres and baffles intend used to reduce the impact of spill lighting on neighbouring residents is acceptable.
- Comments dependent on a planning condition requiring lighting to be switched off by 2200hrs every day and when sports pitches are not in use.

KCC Public Rights of Way officer

5.03 No objections received this consultee replied with their standing advice.

KCC Highways

5.04 No objections received, this consultee replied with their standing advice, this development proposal does not meet the criteria to warrant involvement from the Local Highway Authority in accordance with the current consultation protocol arrangements.

6. APPRAISAL

The key issues are:

- Location in the countryside
- Visual impact
- Residential amenity
- Highways
- Landscaping
- Biodiversity

Location in the countryside

6.01 The application site is in the countryside and the starting point for assessment of all applications in the countryside is Local Plan Policy SP17. Policy SP17 states that development proposals in the countryside will not be permitted unless:

- a) they will not result in harm to the character and appearance of the area and
- b) they accord with other Local Plan policies.

6.02 In relation to SP17 a) and considering the impact of development on the character and appearance of the countryside the relevant adopted local plan policies are DM1, DM8 and DM30. The impact of the development on local character and appearance is considered against policies DM1 and DM30 in the following section and the impact on amenity considered in relation to policy DM8.

Character and appearance

6.03 Policy DM8 which relates to external lighting states "Proposals for external lighting which meet the following criteria will be permitted:

- i. It is demonstrated that the minimum amount of lighting necessary to achieve its purpose is proposed.
 - ii. The design and specification of the lighting would minimise glare and light spillage and would not dazzle or distract drivers or pedestrians using nearby highways; and
 - iii. The lighting scheme would not be visually detrimental to its immediate or wider setting, particularly intrinsically dark landscapes.
- 6.04 The supporting text to DM8 (para 6.51) states "The council recognises that carefully designed external lighting can enhance the night-time economy and have benefits for security and the viability of recreational facilities". The backdrop to the current application site is a large sporting facility with existing flood lighting. It is concluded that the additional flood lights will not cause landscape or sufficiently greater visual harm over the existing arrangement.
- 6.05 The lighting would be used to light the remaining sports pitches to allow the pitches to be fully utilised into the evening and as such it is assessed that the lighting would be the amount necessary to achieve this and complies with paragraph i. of DM8. Environmental Health consultees are satisfied with the details submitted.
- 6.06 The proposed lighting is designed to minimise glare and light spillage. The lighting columns are not sited adjacent to any highways and would not interfere with pedestrians or drivers. The development complies with paragraph ii of DM8. Environmental Health have accepted.
- 6.07 In terms of the impact on night skies, the applicant has submitted assessments which indicate that the lighting would comply with standards for rural areas. The lights will be switched off at 2200hrs and also switched off when the pitches are not in use. The lighting will be viewed against the backdrop of existing lighting on site. The additional lighting is acceptable in relation to visual harm and the proposal adheres to paragraph iii. of DM8.
- 6.08 In the daytime the lighting columns will appear as slender structures that will not be intrusive and in keeping with the nature of the site and existing floodlighting. It is not assessed that the acoustic fence causes any visual harm to the site, nor would the bund which plans indicate is an existing one.

Residential amenity

- 6.09 Policy DM1 states that development proposals must "Respect the amenities of occupiers of neighbouring properties...by ensuring that development does not result in..., excessive noise, vibration, odour, air pollution, activity or vehicular movements, overlooking or visual intrusion, and that the built form would not result in an unacceptable loss of privacy or light ...".
- 6.10 In terms of neighbouring properties, the closest dwelling is Bumpers Oast which is located approximately 42m to the north of the tennis courts. The tennis courts would be lit by 4 additional flood lights. 6 other dwellings are located further to the north of Bumpers Oast approximately 100m north of the tennis courts.
- 6.11 Dwellings located along Maidstone Road are approximately 200m to the west of the hockey pitches. Properties in Ramsden Way are approximately 120m south of the hockey pitch with a railway line in between the dwellings and the hockey pitch.
- 6.12 The applicant has submitted a noise impact assessment which concluded that an acoustic fence should be provided along the northern part of the site. This fence would be to attenuate any noise to the nearest neighbouring properties. This is

indicated on drawings and a condition is recommended to request full details of any fencing and for the fence to be in place before the new floodlighting is used.

- 6.13 Drawings also indicate the existing bunding, where on average this lies some 1m high above the pitch levels, separating the sports pitches and the boundaries of the nearest properties. A 1m high acoustic fence would be erected on top of the bund, where in combination there would be 2m high noise attenuation.
- 6.14 The applicants supporting statement details that the proposed flood lighting would be operated in accordance with the following:
- Weekdays
- The operating times of the pitches are generally Monday to Thursday – the lights to be turned off by 21.30 for hockey.
 - There are some ad hoc training or games events, which may go on a little later but always finish and lights off by 22.00.
 - Tennis lights are on a timer, which shut off at 22.00 (even if people are still playing).
- Weekends
- The hockey lights are not used after 19.00 (as league requirements do not permit games to start later than 16.30).
- 6.15 The applicant has submitted a light spill assessment in support of the application and Environmental Health are satisfied that the impact from the lighting is acceptable in relation to protecting residential amenity.
- 6.16 The proposal seeks to provide the minimum light necessary with measures to minimise glare and light spillage. The submitted information has been considered by the Council's Environmental Health officer who notes that the submitted information has demonstrated that the lighting would result in a low vertical overspill and backwards light and would fully and uniformly direct the light onto the pitch surfaces. The Council's Environmental Health officer has raised no objection in relation to light generated by the current proposal, subject to a condition restricting the hours of operation.
- 6.17 After considering the submitted information, the proposal was found to be in accordance with policy DM8. With a condition to ensure that the lighting is installed and maintained in line with the approved details, the proposal was found acceptable in relation to the impact on wildlife.
- 6.18 A similar application on site also involving flood lighting has recently been allowed at appeal following the LPAs decision to refuse the application based on amenity harm caused by the flood lighting. The appeal decision letter is appended to this report. As stated by the Inspectorate "*The main issue is the effect of the proposed development on the living conditions of the occupiers of neighbouring dwellings with particular regard to noise and light spill.*"
- 6.19 The paddle tennis court would be sited at the southern end of the wider sports ground and approximately 90m north of the dwellings in Ramsden Way. In paragraph 7 of the appeal letter the Inspectorate accepts that the proposed courts would result in additional noise from visitors using the facilities.
- 6.20 Paragraph 8 of the appeal decision letter assesses the impacts from the additional floodlighting. The Inspector states "*The amended lighting design document indicates that the light spill from the proposed floodlights would not extend past the railway line and that there would be no effect on the closest dwellings to the*

south. There are also mature trees to the south of the railway line which provide a visual barrier between these houses and the development site”.

- 6.21 The Inspectorate considered that the surrounding vegetation is sufficient to mitigate any impact from lighting. The inspectorate also concluded that conditions restricting the hours of operation are sufficient to mitigate any harm to biodiversity (as well as neighbouring occupants).
- 6.22 Sport England’s Planning for Sport Guidance (June 2019) advises that the lighting of outdoor sports facilities can provide extended hours, and this is considered critical to long-term viability of these facilities. The guidance highlights significant recent advances in lighting technology that minimise the impact on local amenity and neighbouring properties.
- 6.23 The application site and the wider site currently provide a sporting facility and the sporting facility has existed on the site for some time. The existing site and indeed the hockey and tennis courts immediately adjacent to the courts that are the subject of this application, have similar existing lighting and are already used in a manner and time as now proposed for the remaining courts.
- 6.24 The cumulative impact of existing and proposed has been considered by the environmental health and no concerns have been raised in relation to aural or light intrusion based on the proposed measures outlined above. This assessment was on the basis that the new lighting (in a similar way to existing lighting) would be switched off at 2200hrs and switched off when the courts were not in use. Activities could take place now later into the evening during the summer months, the lighting would not need to be used for a significant period of time each day.

Highways

- 6.25 The development would cause any direct impact upon the highway network with the lighting relating to existing sports facilities.

Biodiversity

- 6.26 Several concerns have been raised regarding the developments impact upon biodiversity. Policy DM3 states “Where appropriate development proposals will be expected to appraise the value of the boroughs natural environment through the provision of ...An ecological evaluation of the development site...”
- 6.27 The application site has no specific landscape designation (AONB, LoLV) nor is it subject to any biodiversity protection designations.
- 6.28 Much of the site consists of hockey and cricket pitches, the latter of which is a large, grassed area. The cricket pitch is heavily managed and unlikely to provide a suitable habitat for any species. In terms of light spill, KCC Ecology have not raised any issues subject to conditions to ensure the lights are switched off at 2200hrs.

PUBLIC SECTOR EQUALITY DUTY

- 6.29 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 With suitable conditions, the cumulative impact of existing and proposed lighting and the additional activity from the extended use of the courts are not great enough

to justify the refusal of permission on harm to neighbouring amenity. No objections have been received from Environmental Health.

- 7.02 No objections have been received from KCC Ecology subject to the flood lighting being turned off by 2200hrs and when not in use. A planning condition is recommended with this timing restriction.

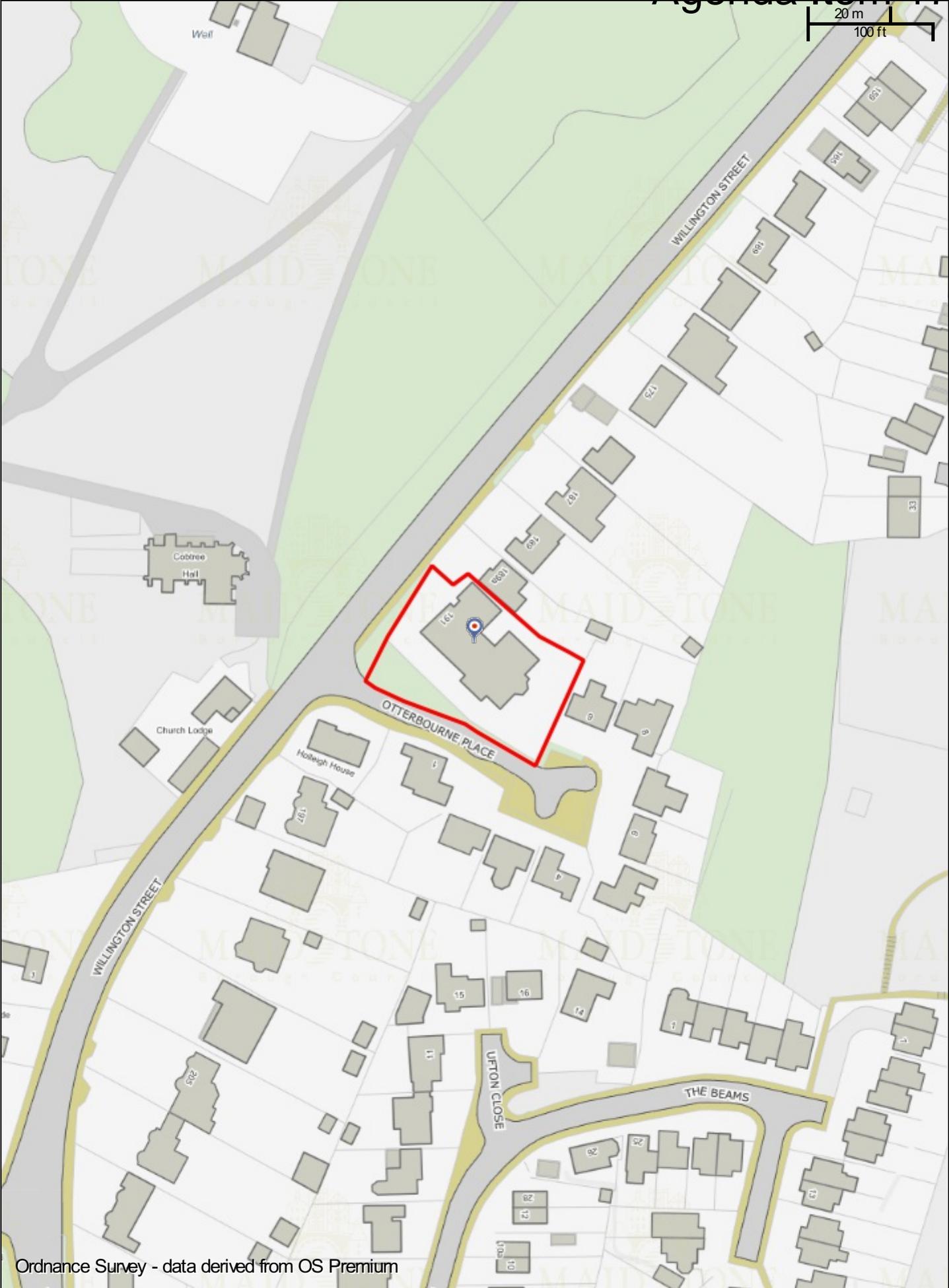
8. RECOMMENDATION GRANT planning permission subject to the following conditions with delegated powers to the Head of Planning and Development to be able to settle or amend any necessary planning conditions in line with the matters set out in the recommendation and as resolved by the Planning Committee.

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission. Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2) The development shall be carried out in accordance with the following approved plans and documents:
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 - Lighting Design Phase 2
 - Lighting Design Statement
 - Lighting Specification
 - Noise Impact Assessment
 - Spill Impact Assessment
 - Planning Statement
 - Planning Support Letter
 Reason: To clarify the approved plans and to ensure the development is carried out to an acceptable visual standard.
- 3) The proposed floodlights shall not be illuminated except between the hours of 09:00 and 22:00 on any day. Reason: To prevent light pollution and in the interests of residential amenity.
- 4) The lighting hereby approved shall be installed in accordance with the submitted details and shall be subsequently maintained as such. Reason: To prevent light pollution and in the interests of residential amenity.
- 5) The development shall not commence until a scheme for the enhancement of biodiversity around the site has been submitted to and approved in writing by the Local Planning Authority. The scheme shall consist of the enhancement of biodiversity by means such as bird boxes, small mammal habitats, and insect habitats The development shall be implemented in accordance with the approved details prior to the first use of the floodlighting hereby permitted and all features

shall be maintained and retained thereafter. Reason: To protect and enhance the ecology and biodiversity on the site in the future.

- 6) The development hereby approved shall not commence until, details of all fencing, walling (including the acoustic fencing and bund) and other boundary treatments have been submitted to and approved in writing by the local planning authority and the development shall be carried out in accordance with the approved details prior to the first use of the floodlighting hereby approved. Reason: To ensure a satisfactory appearance to the development and to safeguard the enjoyment of their properties by existing and prospective occupiers.
- 7) The development hereby approved shall not commence until a landscape scheme designed in accordance with the principles of the Council's Landscape Guidelines (Maidstone Landscape Character Assessment Supplement 2012) has been submitted to and approved in writing by the local planning authority. The scheme shall use predominantly native or near-native species as appropriate and show all existing trees, hedges and blocks of landscaping on, and immediately adjacent to, the site and indicate whether they are to be retained or removed. It shall also provide details of replacement planting to mitigate any loss of amenity and biodiversity value, the location of any habitat piles of cut and rotting wood and include a plant specification, implementation details, a maintenance schedule and a [5] year management plan. Reason: In the interests of landscape, visual impact and amenity of the area and to ensure a satisfactory appearance to the development.
- 8) All planting, seeding and turfing specified in the approved landscape details shall be completed by the end of the first planting season following first use of the approved floodlighting. 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 use of the approved floodlighting, are removed 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.

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



Ordnance Survey - data derived from OS Premium

23/503025/FULL - The Vale Nursing Home, 191 Willington Street, Maidstone, Kent ME15 8ED

Scale: 1:1250

Printed on: 8/3/2024 at 14:54 PM by RebeccaB1



REPORT SUMMARY

REFERENCE NUMBER: 23/503025/FULL		
APPLICATION PROPOSAL: Change of use of existing care home to 11no. residential apartments, including erection of 2no. first floor extensions, an additional rear dormer, alterations to fenestration, and associated parking, landscaping, amenity space and secure bin/cycle storage.		
ADDRESS: The Vale Nursing Home 191 Willington Street Maidstone Kent ME15 8ED		
RECOMMENDATION: GRANT PLANNING PERMISSION subject to conditions		
SUMMARY OF REASONS FOR RECOMMENDATION: The development is acceptable with regards to the relevant provisions of the development plan, the NPPF and all other material considerations such as are relevant.		
REASON FOR REFERRAL TO COMMITTEE: Call in from Cllr Paul Cooper if officers are minded to approve (no reason given).		
WARD: Shepway North	PARISH/TOWN COUNCIL: N/A	APPLICANT: Charing Vale Ltd AGENT: Robinson Escott Planning
CASE OFFICER: Francis Amekor	VALIDATION DATE: 25/07/23	DECISION DUE DATE: 28/05/24
ADVERTISED AS A DEPARTURE: No		

Relevant planning history

19/503036/FULL Demolition of a boundary wall and erection of a post and chain fence. Alterations and enlargements to existing parking area and a new access, with an added 2m hedge surrounding the boundary. Refused 02.09.2019

88/0097 Extension of 21 Bedrooms-dining room-sitting room 2 bathrooms. Refused 25.07.1988

90/1314 Extension of nursing home to provide 16 additional bedrooms and accommodation (amendments to MA/89/0112E) Approved 31.01.1991

86/1393 Change of use from dwelling to residential home for the mentally handicapped Approved 24.11.1986

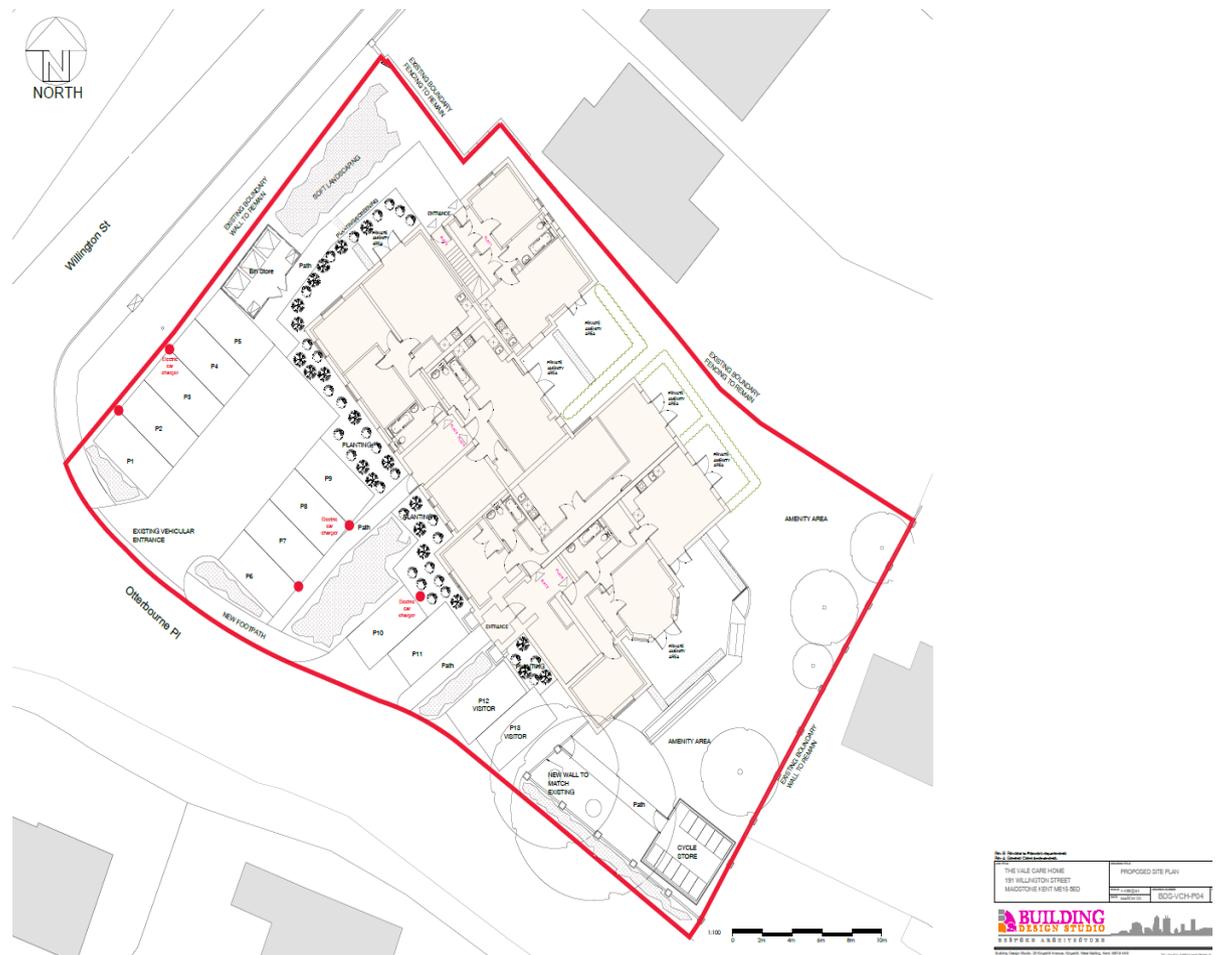
1. DESCRIPTION OF SITE

- 1.01 The application site is in the Maidstone urban area. The site is occupied by a large, detached building on the junction of Willington Street and Otterbourne Place. The current lawful use of the building is a 24-bed residential care home (use class C2 residential institutions).
- 1.02 The building has accommodation on two floors and the loft space. The ground floor provides day space (lounge, dining room & quiet room), kitchen, laundry, offices, bathrooms and 7 bedrooms, the first floor provides 13 bedrooms and the second floor 4 bedrooms.
- 1.03 There are 2-metre-high brick walls to the Otterbourne Place (annotated as front elevation on the submitted plans) and to the side boundary to Willington Street and side boundary adjacent to 9 Otterbourne Place. The rear boundary with 189a Willington Street has a 1-metre-high retaining wall surmounted by 1-metre-high timber fence.
- 1.04 There is an existing small, paved parking area to the front and side of the building. Whilst currently outside the existing brick boundary wall, the application site includes the grass verge in Otterbourne Place and this verge is in the applicant’s ownership.
- 1.05 The character of the surrounding area is largely residential with family sized dwellings. The dwellings in Otterbourne Place have open frontages with well-manicured gardens. Front

boundaries in Willington Street are brick walls and hedges with the ragstone wall defining the boundaries of Mote Park beyond Willington Street.

- 1.06 Ground levels at the site drop in a general south to north direction. Vehicle and pedestrian access to the site is gained via a short drive across the verge from Otterbourne Place.

Proposed site plan



2. PROPOSAL

- 2.01 This application is for the change of use of the existing care home to 11no. residential apartments. The scheme includes first floor extensions over the existing single storey projections on the north elevation, together with an additional rear dormer and alterations to fenestration.
- 2.02 The scheme includes provision of associated parking, landscaping, amenity space and secure bin/cycle storage. It is proposed to demolish sections of the existing boundary wall on the southern boundary to extend the car parking area out onto the grass verge adjacent to Otterbourne Place.
- 2.03 In relation to the internal layout, the ground floor would provide 5 apartments in the form of 2 one-bedroom apartments and 3 two-bedroom apartments. Each apartment at ground floor would have kitchen, living and bathroom facilities. The first floor would provide 5 apartments in the form of 4 one-bedroom apartments and one two bedroom apartments all with kitchen, living room and bathroom facilities. The single apartment in the loft space would have 3 bedrooms, kitchen, living area and a family bathroom.
- 2.04 The proposed bin store would measure 5 metres long and approximately 3 metres wide. It would be positioned between the boundary wall and northwest flank wall and would rise 2.1 metres above ground level. The proposed cycle store is capable of accommodating 11 cycles

is in the southeast corner of the site. It would have a width of 4.5 metres and depth of 4.5 metres, rising 3.5 metres above ground level, with eaves at 2 metres.

- 2.05 The scheme includes provision of 13 off street car parking spaces for future occupiers of the proposed apartments. Access to these parking spaces would be via the existing access form Otterbourne Place.

Proposed elevations



3. POLICY AND OTHER CONSIDERATIONS

Local Plan Review:

The Maidstone Borough Local Plan Review was adopted by the Council on the 20 March 2024. There have been 2 strategic level challenges to adoption. The relevant Maidstone Borough Local Plan Review (March 2024) polices are as follows:

- LPRSS1: Maidstone borough spatial strategy
- LPRSP2: Maidstone urban area
- LPRSP10(A): Housing mix
- LPRSP12: Sustainable transport
- LPRSP14: Environment
- LPRSP14(A): Natural environment
- LPRSP14(C): Climate change
- LPRSP15: Principles of good design
- LPRHou2 - Residential extensions, conversions, annexes, and redevelopment within the built-up area
- LPRTRA2: Assessing transport impacts.
- LPRTRA4: Parking
- LPRQ&D 1: Sustainable design
- LPRQ&D 2: External lighting
- LPRQ&D 4: Design principles in the countryside
- LPRQ&D 6: Technical standards
- Policy LPRQ&D7- Private amenity space standards
- LPRTRA2: Assessing the transport impacts of development.

The National Planning Policy Framework (NPPF) (2023):

- Section 2 – Achieving sustainable development.
- Section 12 – Achieving well designed places.

Supplementary Planning Documents:

- Ministry of Housing, Communities and Local Government: National Design Guide.
- National Planning Policy Guidelines (NPPG).
- Kent and Medway Structure Plan 2006: SPG4 Vehicle Parking Standards

4. **LOCAL REPRESENTATIONS**

Local residents

- 4.01 13 representations received objecting to the application for the following (summarised) reasons:
- Detrimental impact of density on character of the area.
 - Detrimental impact of removing grass verge on local character.
 - South facing elevation misleading as is not showing parked vehicles.
 - Loss of existing on street parking
 - Parking is inadequate and would exacerbate existing parking problems.
 - Overlooking and loss of privacy to neighbouring houses.
 - Proposed use and associated level of activity not consistent with the quiet cul de sac.

- 4.02 Cllr Paul Cooper (prior to May 2024 elections)

Requested the application is determined by the Planning Committee if the case officer is minded to approve. Cllr Cooper did not give any planning reasons for the committee referral.

5. **CONSULTATIONS**

KCC Highways and Transport

No objection

KCC Drainage

No objection

Environment Agency

No objection

MidKent Environmental Protection Team

No objection

Southern Water

No objection

KCC Minerals and waste

No objection

Kent Police

No objection

KCC Economic Development

Additional impact on the delivery of community services and this will require mitigation, either through the direct provision of infrastructure or the payment of an appropriate financial contribution.

MBC Housing and Communities Team

No objection. (on the basis that the applicant's financial viability appraisal has been subject to independent review).

6. **APPRAISAL**

- 6.01 The key issues are:
- Loss of the existing use
 - Spatial strategy
 - Design, appearance, and character
 - Residential use and policy DM9
 - Standard of accommodation
 - Neighbour amenity
 - Parking and highway safety
 - Affordable housing

Loss of the existing use

- 6.02 The Maidstone Local Plan Review (paragraph 9.32) reports that the Strategic Housing Market Assessment 2021 found a need for an additional 1,228 residential care bedspaces in the

borough. In this context the loss of the existing 24 bedspaces as part of the current application needs to be considered.

- 6.03 The applicant has owned and operated care homes since 1998 and currently has 10 care homes in Kent and Medway with 4 of these homes in Maidstone. The size of care homes varies from 24 beds up to 88 beds. These care homes provide residential, dementia, nursing and learning disability care. The applicant has knowledge of operating, adapting, and building care homes including as with the application building, older houses that have been expanded.
- 6.04 In terms of current care needs, the applicant reports:
- a) The application building has a passenger lift and 4 chair lifts. Currently the passenger lift only serves part of the ground floor and part of the 1st floor. 3 ground floor bedrooms are only accessible via the stair-lift. 2 first floor bedrooms are only accessible via the stair-lift due to the extension being on a different level to the main building. The 2nd floor has no passenger lift access and is only accessible via a stair lift.
 - b) A lot of residents referred for care have mobility issues and it is very challenging to accept these residents with a limited number of rooms with step-free access. This situation makes these rooms extremely hard to occupy on a frequent basis.
 - c) The application building currently has double occupancy rooms which are extremely hard to occupy. Since the Covid pandemic Kent County Council has not been placing residents in double occupancy rooms due to infection control risks. As a result, the only people suitable for these rooms are married couples or friends and this is not a regular occurrence.
- 6.05 With existing building layout issues, the applicant has explored the following options to continue the residential care use on the application site.
- a) Demolish and rebuild – the existing building occupies the majority of the site and this option was discounted as the plot size is too small to achieve any increase in floor area. Concluded that this was not a viable option.
 - b) Demolish and rebuild the extension and change layout to main building – would require closure of the home and with current standards and need for larger ensuite bedrooms this extensive work would only provide 15 bedrooms. A care home of 15 bedrooms would be unviable as it would not provide the necessary economies of scale with the same staff levels of a 27 bedroom home. Concluded that this was not a viable option.
- 6.06 The applicant has concluded for the above reasons that the continued provision of a residential care home on the application site is not financially viable. The applicant advises *"Should the development go ahead, Charing Healthcare would work with all our stakeholders to ensure a smooth transition for residents to move into other care homes and would allow ample time for this to happen. Charing Healthcare has 3 other care homes in Maidstone and can assist with relocating residents into our homes. We will also work with the local authority to relocate residents into other homes if other homes are deemed best for the residents"*.

Spatial strategy

- 6.07 LPRSS1 Maidstone Borough Local Plan Review (March 2024) sets out the spatial strategy and the settlement hierarchy for the borough. This strategy directs development to areas of the borough proven to be the most sustainable locations. This assessment included considering access by non-motorised transport including presence of pavements, prospect of linked trips etc.
- 6.08 The hierarchy directs development firstly to the urban area, then the designated rural service centres, to the larger villages then lastly to the smaller villages. The supporting text to LPRSS1 explains that development should be delivered where employment, key services, and facilities are available together with a range of transport choices.
- 6.09 The application site is within a reasonable working distance to the range of facilities including shops, doctor's surgery with good public transport links to Maidstone Town Centre and beyond. The site is in a sustainable location and therefore is considered suitable for the residential apartments proposed subject to complying with other relevant policies in the Local Plan.

- 6.10 The proposal seeking to change of use of existing care home to 11no. residential apartments and associated development would comply with LPRSS1. The central aims of these locational policies are consistent with the core objectives of the NPPF (December 2023).

Design, appearance, and character

- 6.11 Policy LPRSP15 states that proposals should create a high-quality design which responds positively to and where possible enhances the character of the local area. The immediate surrounding area has a residential character typified by varied styles of houses. Policy LPRHou2 requires the scale, height, form, appearance and siting of the proposal to fit unobtrusively with the existing building where retained and the character of the street scene and/or its context. The policy also state that 'the traditional boundary treatment of an area would be retained and, where feasible, reinforced'.
- 6.12 The proposal includes extensions and alterations to the building to facilitate its conversion. A first-floor extension is proposed above a single storey projection to the side building elevation facing 9 Otterbourne Place and a first floor infill extension is proposed to the rear of the elevation fronting Willington Street. These are relatively small additions in relation to the scale of the building. The roof of the extensions would be set down from the ridge of the main roof and the extensions would be of appropriate scale and design.
- 6.13 The proposed third dormer would be appropriately detailed to replicate the design and scale of the existing two dormers in the rear roof slope. The presence of an additional dormer in the roof slope would not result in harm to the character of the building or the local area. The changes to fenestration are in keeping with the appearance of the retained building.
- 6.14 The application includes partial demolition of the existing boundary wall on the south boundary to extend the car parking area out onto the grass verge adjacent the road. Nearby residents have commented that removal of the grass verge would have a detrimental effect on the character of the local area.
- 6.15 Good design includes the provision of active street frontages and the two street frontages are currently blank and dead with 2 metre high brick boundary walls. Whilst the loss of the existing grass verge is regrettable, this negative impact is on balance outweighed by the positive change to provide an open and active frontage in this prominent location. The application drawings indicate that the proposed parking area will include new landscaping and this landscaping will improve the appearance of this area. A planning condition is recommended to require submission and approval of more details of this landscaping.
- 6.16 Policy LPRSP10(A) states "*...Maidstone Borough Council will seek to ensure the delivery of sustainable mixed communities across new housing developments and within existing housing areas throughout the borough*". The proposals would create a strong mixed community advocated by the Local Plan and the NPPF (December 2023). The character of the local area would remain predominately residential dominated by family occupied houses.
- 6.17 In summary, the change of use of the building to residential apartments including the minor extensions proposed would be in keeping with the established character of the local area. The proposals would comply with the requirements set out in policies LPRSP15 and LPRHou2, and all relevant provision of chapter 12 of the NPPF (2023) jointly seeking to ensure all development reflect the character and distinctiveness of the area in which it is situated.

Neighbour amenity

- 6.18 Policy LPRSP15 states that proposals will be permitted where they respect the amenities of occupiers of neighbouring properties. Development should not result in, excessive noise, activity, or vehicular movements, overlooking or visual intrusion. Built form should not result in an unacceptable loss of privacy or light enjoyed by the occupiers of nearby properties.
- 6.19 The application site has residential neighbours, and some have raised objections to the proposals on grounds that it would result in overlooking and loss of privacy to neighbouring houses.
- 6.20 The proposal includes extensions and alterations to the building to facilitate its conversion. A first-floor extension is proposed above a single storey projection to the side elevation facing 9 Otterbourne Place. The existing elevation has windows at ground, first and second

floor levels. The proposed first floor extension with a gable roof will remove one of the existing windows at first floor level and provide a replacement window at second floor level. The extension is separated from the boundary with 9 Otterbourne Place by circa 12 metres with the proposed extension level with the open area to the front of this neighbouring property. A new window to the front elevation overlooks Otterbourne Place.

- 6.21 An additional third dormer is proposed to the rear elevation facing 189a Willington Street. The dormer is in the main roof slope adjacent to the existing two dormers and circa 8 metres from the side boundary with 189a Willington Street. The new dormer is at an oblique angle to the rear elevation of 189a Willington Street. The proposal includes changes to fenestration including new ground floor patio doors. It is concluded that in these circumstances and the presence of existing dormers, the proposed changes are acceptable in relation to the relationship with 189a Willington Street.
- 6.22 An infill extension is proposed at first floor level. The infill extension is to the rear of the building wing that faces Willington Street. The extension will enclose a flat roof area that has the existing building on three sides. This extension is found to be acceptable in relation to neighbour amenity.
- 6.23 Nearby residents raise concerns that the change from a 24-bed residential care home (use class C2) to 11 residential apartments (use class C3) would increase levels of activity which would be harmful to local character. The activity and nature of the proposed 11 residential apartments would be different to the family occupied houses surrounding the application site, however activity would be similar as both are residential uses. There is no evidence to suggest that there would be any significant increase in levels of activity or movements to and from the site that would be detrimental to residential amenity.
- 6.24 It is highlighted that the lawful use of the site is a 24-bed care home. This existing use attracted a significant footfall and the use in the past has caused amenity issues for nearby residents that would be removed by the current proposal.
- 6.25 In summary, whilst the level of activity generated by the proposed use would not necessary reflect that of nearby residential properties, the proposal is acceptable in relation to overlooking and privacy issues and the levels of activity would not compromise the residential character of the local area. The proposal would comply with policy LPRHou 2, LPRSP15 in terms of the respect for the amenities of neighbouring properties including visual intrusion, loss of privacy and light.

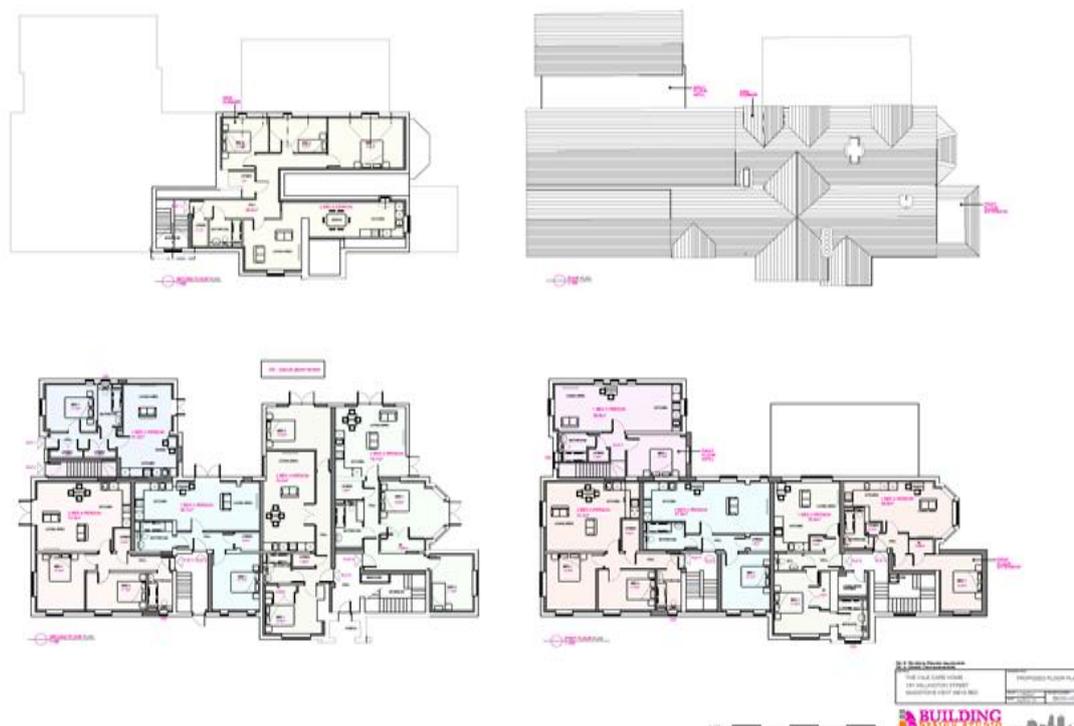
Standard of accommodation

- 6.26 Policy LPRSP15 states 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 advises of the importance of good design, creating well designed accommodation with a high standard of amenity for future residents.
- 6.27 All habitable rooms in the dwelling comply with space standard set out in Policy LPRQ&D6. These standards require that habitable rooms to be of sufficient size for daily activities of future occupiers and served by a window to allow for natural light. The main doors and windows on the elevations look out onto the front and rear gardens of the site and there is adequate daylight, outlook and privacy provided for future occupants.
- 6.28 Policy LPRQ&D7 sets out the amenity space standards that new houses must comply with. The supporting text to the policy states "*For a house or ground floor flat, a garden with direct access is the best solution*" (paragraph 9.132). The policy states "*Where it is not feasible to provide balconies for all flats, a quality private communal space must be provided for occupants to use*".
- 6.29 The submitted plans show patio doors providing direct access from all the five ground floor apartments to external parts of the site. The six upper floor apartments would share a communal space. This arrangement is line with policy LPRQ&D7. A planning condition is recommended seeking further details of the use, subdivision, and design of external amenity areas on the site. It is highlighted that the site is within a reasonable walking distance to Mote Park and the outdoor amenities this offers. Additionally, given the size of some of the

apartments it seems reasonable to assume that future occupants would not comprise of families with children.

- 6.30 The site is located adjacent to a main traffic route. With the previous use of the site as a residential care home, it is found that the proximity to the highway would not have a detrimental impact on residential amenity. The Council's Environmental Protection Team have commented on the application with no reason to object. The apartments are designed such that habitable parts of the units are largely stacked above each other to minimise potential impact between the apartments.

Proposed floor plans



Parking and highway safety

- 6.31 Policy LPRSP15 sets out that new development should provide adequate vehicle and cycle parking to meet adopted council standards. Whilst policy LPRTRA4 encourages good access routes through the site with electric charging points incorporated into the development proposals.
- 6.32 Maximum off street parking standards optimise the density of development in existing sustainable locations well served by public transport. As advised at NPPF [2023] paragraph 109 "Significant development should be focused on locations which are or can be made sustainable, through limiting the need to travel and offering a genuine choice of transport modes".
- 6.33 Off street parking standards for new dwellings are provided in the Kent and Medway Structure Plan 2006: SPG4 Vehicle Parking Standards. These standards require 16 off street spaces and the proposal includes 13 off street car parking spaces. The current 24 bedroom care home that would generate parking demand from visitors, care home and medical staff had 8 off street car parking spaces.
- 6.34 Policy LPRTRA4 advises "The council may depart from established maximum or minimum standards to take account of...local circumstances that may require a ... lower level of parking provision...including as a result of the development site's accessibility to public transport, shops and services...Any departure from the adopted standards will be informed by consultation with the Local Highways Authority".
- 6.35 The application site is in an accessible location in the Maidstone urban area. The Local Highways Authority have been consulted on the application and have raised no objection to the application or the level of off street parking that is provided. The proposal would be

box, bird box, bee hotel and a log pile. The landscaping proposed would provide some net gains for biodiversity. A planning condition is recommended to ensure that these features are provided.

Affordable housing

- 6.42 Policy LPRSP10(B) states *"On major housing development sites...where 10 or more dwellings will be provided, or the site has an area of 0.5 hectares or more, the council will require the delivery of affordable housing...brownfield development in the mid value zone will be expected to deliver an element of on site affordable housing". The supporting text sets out "The Council will only consider reducing planning obligations if fully justified through a financial appraisal..." (paragraph 7.25).*
- 6.43 The current application is supported by a financial viability appraisal. The appraisal concluded that whilst still deliverable the scheme would make a return of 1.49%, which is below the recognised profit level of 20%.
- 6.44 The financial viability appraisal has been independently reviewed. The review found that *'although more viable than presented within the FVA, the scheme does not appear sufficiently viable to support a contribution towards affordable housing. This appears to be as a result of the moderately high BLV for the site, relative to the proposed quantum of development and sales values that can be generated'.*
- 6.45 On this basis, the return to the developer following all costs would be significantly below target return and the development cannot viably provide s106 contributions. It is recommended that in line with policy LPRSP10(B) planning permission be granted without a requirement to provide affordable housing.

PUBLIC SECTOR EQUALITY DUTY

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

Community Infrastructure Levy

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

7. CONCLUSION

- 7.01 In summary, the proposal would create 11 additional residential apartments in a sustainable location and the levels of activity associated with the residential use of the building would not be harmful to the quiet residential character of the local area. The extensions proposed to the building are of appropriate scale and design without harm to visual character or neighbouring amenity. The proposal would not result in overlooking, loss of privacy or loss of light issues with neighbouring properties.

- 7.02 There are no objections in terms of highways impacts. Whilst affordable housing is not provided within the scheme for viability reasons, this would not impose significant harm on the wider interest of local affordable provision as required by policy LPRSP10(B) of the Local Plan Review. With suitable conditions the proposals are acceptable, and it is recommended that planning permission is granted.

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

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission. Reason: In accordance with the provisions of Section 91 of the

Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.

- 2) The development hereby permitted shall be carried out in accordance with the following approved plans and documents:
Application form
BDS-VCH-100 (Site Location Plan)
BDS-VCH-P03 (Existing Elevations)
BDS-VCH-P04 (Proposed Site Plan – Colour)
BDS-VCH-P07 (Proposed Bin and Cycle Stores Floor Plan)
BDS-VCH-P08 (Biodiversity Site Plan)
BDS-VCH-P01 Rev A (Existing Site Plan)
BDS-VCH-P02 Rev A (Existing Floor Plans)
BDS-VCH-P04 Rev B (Proposed Site Plan)
BDS-VCH-P05 Rev B (Proposed Floor Plans)
BDS-VCH-P06 Rev B (Proposed Elevations)
Affordable Housing Statement
Financial Viability Appraisal
Healthcare Viability Report
Renewable Energy Statement
Acoustic Report
Reason: To ensure the quality of the development is maintained and to prevent harm to the visual amenity of the area.
- 3) The development hereby approved shall not commence until a Construction Management Plan for the development has been submitted to and approved in writing by the local planning authority. The Construction Management Plan shall include the following details-
 - (a) Routing of construction and delivery vehicles to / from site
 - (b) Parking and turning areas for construction and delivery vehicles and site Personnel
 - (c) Timing of deliveries
 - (d) Temporary traffic management / signage
 - (e) Measures to control dust.
 - (g) Measures to prevent the discharge of surface water onto the highway.The construction works shall proceed only in accordance with the approved Construction Management Plan.
Reason: In the interests of residential amenity and highway safety.
- 4) No demolition/construction activities shall take place, other than between 0800 to 1800 hours (Monday to Friday) and 0800 to 1300 hours (Saturday) with no working activities on Sunday or Bank Holiday.
Reason: In the interest of the amenities of occupiers of neighbouring properties.
- 5) The materials to be used in the development hereby approved shall be as indicated in the Design and Access Statement. The materials shall be permanently retained thereafter.
Reason: To ensure a satisfactory appearance to the development.
- 6) Prior to first occupation of any of the apartments hereby approved, the on-site ecology enhancement measures shown on drawing BDS-VCH-P08 (Biodiversity Site Plan) (received on 28th June 2023), shall be in place. All features shall be retained and maintained permanently thereafter.
Reason: To enhance ecology and biodiversity on the site.
- 7) At the end of the first planting season (October to February) following first occupation of any of the approved apartments landscaping shall be in place, and this landscaping shall be in accordance with a landscape scheme that has previously been submitted to and approved in writing by the Local Planning Authority. The landscaping shall be designed in accordance with the principles of the Council's landscape character guidance (Maidstone Landscape Character Assessment Supplement 2012). The landscaping shall include:
 - a) details of all existing trees, hedgerows and blocks of landscaping on, and immediately adjacent to, the site and indicate whether they are to be retained or removed.
 - b) Notwithstanding the submitted drawings, maximum provision of soft landscaping and minimum areas of hardstanding in the car parking areas.
 - c) details of the number, size, species, maturity, spacing and position of proposed trees and landscaping. (Including species, spacing, maturity and quantities) *with new hedging at approximately 45cm spacing with 30cm between rows and consisting of 70%*

Hawthorn or Blackthorn, 5% Dogwood, 10% Field Maple, 10% Hazel, 2.5% Holly and 2.5% Wayfaring Tree

- d) a timetable of implementation of the approved scheme and
- e) a five [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.

- 8) Any landscaping which fails to establish or any existing or proposed trees or plants which, within five years from planting are removed, 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.

- 9) Prior to first occupation of any of the apartments hereby approved external amenity space shall be provided for all the apartments including

- a) direct access from the ground floor units
- b) defensible space in front of all ground floor windows and
- c) communal space accessible for the occupiers of the apartments at first and second floor levels

The areas of approved amenity space shall be retained and maintained in accordance with the approved details.

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

- 10) Prior to first occupation of any of the apartments hereby approved a management plan, including management responsibilities and maintenance schedules for the open areas of the application site (excluding private amenity space) shall be submitted to, and approved in writing by, the local planning authority. The approved management plan shall be followed thereafter.

Reason To ensure the appropriate protection of wildlife and design of supporting habitat.

- 11) Prior to first occupation of any of the apartments hereby approved, the bin storage shown on the approved plans shall be in place. These details will be retained and maintained as such thereafter.

Reason: In the interests of amenity.

- 12) Prior to first occupation of any of the apartments hereby approved, a waste collection strategy shall be in place that is in accordance with details that have previously been submitted to and approved by the Local Planning Authority. The waste strategy shall set out arrangements for the collection of waste including the collection location and measures to ensure that bins are returned to the bin storage area. These details will be maintained as such thereafter.

Reason: In the interests of amenity.

- 13) Prior to first occupation of any of the apartments hereby approved, a minimum of three operational electric vehicle charging points for low-emission plug-in vehicles shall be installed on the site and ready for the use by new occupants with the electric vehicle charging points thereafter retained and maintained operational as such for that purpose. The electric vehicle charging points shall be provided to Mode 3 standard (providing up to 7kw) and SMART (enabling Wifi connection).

Reason: To promote to promote sustainable travel choices and the reduction of CO2 emissions through use of low emissions vehicles.

- 14) Prior to first occupation of any of the apartments hereby approved, decentralised and renewable or low-carbon sources of energy will be incorporated into the development hereby approved to provide at least 10% of total annual energy requirements of the development (submitted Energy Report recommends air source heat pumps). The decentralised and renewable or low-carbon sources of energy shall be maintained thereafter. Reason: To ensure an energy efficient form of development.

- 15) Any external lighting installed on the site (whether permanent or temporary) shall be in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority. The details 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 approved details shall be in accordance with bat conservation trust guidelines and the Institute of Lighting Obtrusive Light Limitations for Exterior Lighting Installations for Environmental Zone E1. The scheme of lighting shall be installed, maintained and operated thereafter in accordance with the approved scheme. Reason: In order to prevent undue light pollution and to protect wildlife.
- 16) Prior to the installation of any external windows a scheme to demonstrate that the internal noise levels within the residential units and the external noise levels in external amenity areas will conform to the standard identified by BS 8233 2014, Sound Insulation and Noise Reduction for Buildings - shall be submitted to and approved in writing by the Local Planning Authority. The work specified in the approved scheme shall then be carried out in accordance with the approved details prior to occupation of the any of the relevant apartments hereby approved and retained and maintained as such thereafter.
Reason: In the interests of amenity.
- 17) Prior to first occupation of any of the apartments hereby approved, crime prevention measures shall be in place that are in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority, with the approved measures retained for the lifetime of the development.
Reason: In the interests of amenity.
- 18) Prior to first occupation of any of the apartments hereby approved, the car and cycle parking shown on drawing BDS-VCH-P04 Rev. B (Proposed Site Plan) (received on 23rd July 2023) shall be provided and ready for use, with the car and cycle parking retained and maintained for the lifetime of the development.
Reason: In the interests of amenity and sustainable travel.
- 19) Prior to the first occupation of the apartments hereby approved the parking and turning areas and cycle parking shown on drawing BDS-VCH-P04 Rev. B (Proposed Site Plan) (received on 23rd July 2023) shall be completed and thereafter shall be kept available for such use. No development, whether permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order, with or without modification) or not, shall be carried out on the areas indicated or in such a position as to preclude vehicular access to them.
Reason: Development without adequate parking/turning provision is likely to lead to parking inconvenient to other road users and in the interests of road safety.
- 20) The development hereby approved shall meet the higher level of water efficiency of 110 litres per person, per day as set out under the building regulations Part G2 or any superseding standard. The building shall not be occupied unless this standard has been met and this standard shall be maintained thereafter. Reason: To ensure a sustainable form of development.
- 21) The development hereby approved shall meet the accessible and adaptable dwellings building regulations Part M4(2) standard or any superseding standard. The dwelling shall not be occupied unless this standard has been met and the dwelling shall be thereafter retained as such.
Reason: To ensure the development is in accordance with local and national policy and meets acceptable standards of accessible and adaptable dwellings.

Informatives

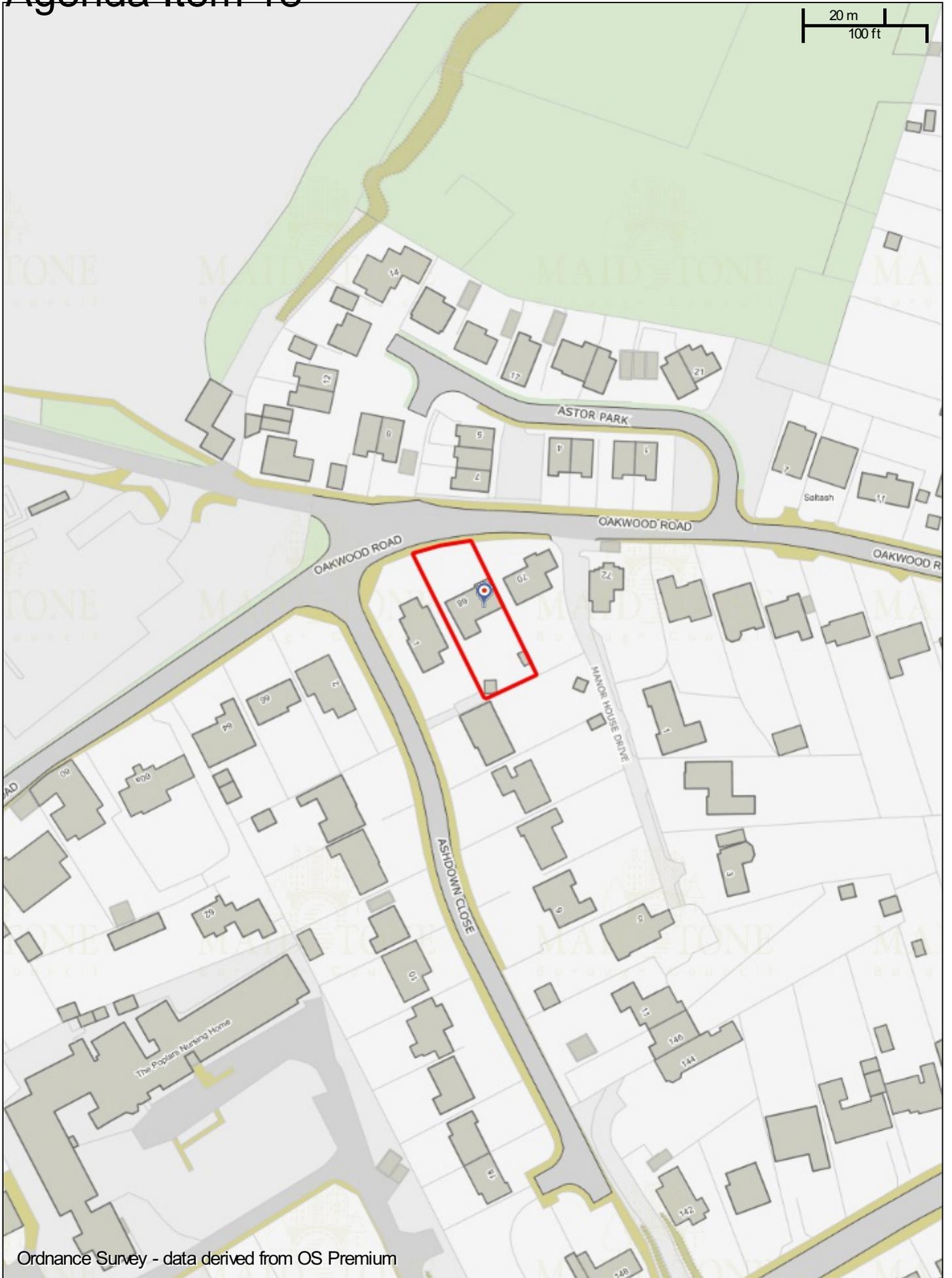
1. The applicant is advised that it is their responsibility to ensure, before the development is commenced, that all necessary highway approvals and consents where required are obtained and that the limits of highway boundary are clearly established in order to avoid any enforcement action being taken by the Highway Authority.
2. The applicant is advised that across the county there are pieces of land next to private homes and gardens that do not look like roads or pavements but are actually part of the road. This is called 'highway land'. Some of this land is owned by The Kent County Council (KCC) whilst some are owned by third party owners. Irrespective of the ownership, this land may have

'highway rights' over the topsoil. Information about how to clarify the highway boundary can be found at <https://www.kent.gov.uk/roads-and-travel/what-we-look-after/highway-land/highway-boundary-enquiries>

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

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 18



Ordnance Survey - data derived from OS Premium

24/500919/FULL Little Oaks, 68 Oakwood Road, Maidstone, Kent ME16 8AL
Scale: 1:1250
Printed on: 10/5/2024 at 10:58 AM by RebeccaB1

REFERENCE NUMBER: 24/500919/FULL		
APPLICATION PROPOSAL: Conversion of garage store to habitable space and erection of a storage shed to front driveway.		
ADDRESS: Little Oaks, 68 Oakwood Road, Maidstone, Kent, ME16 8AL		
RECOMMENDATION: GRANT PLANNING PERMISSION subject to conditions set out in 8.0.		
SUMMARY OF REASONS FOR RECOMMENDATION: The proposed development is acceptable regarding the relevant provisions of the Development Plan, Residential Extensions SPD, the NPPF and all other material considerations such as are relevant.		
REASON FOR REFERRAL TO COMMITTEE: Application submitted by an elected member.		
WARD: Heath	PARISH/TOWN COUNCIL:	APPLICANT: Mr Paul Harper AGENT: John Childs Architectural Design
CASE OFFICER: Gautham Jayakumar	VALIDATION DATE: 18/03/24	DECISION DUE DATE: 30/05/2024
ADVERTISED AS A DEPARTURE: No		

Relevant Planning History

89/0943 : Single storey extension and new chimney (6.5m high) Approved 28.06.1989

81/1377 : Side extension over garage Approved 02.10.1981

81/1061 : Second storey side extension over existing garage Approved 23.07.1981

Pre-application advice

23/501826/PAMEET

Pre-Application On-Site Meeting - Conversion of garage into a reception room, erection of a carport/ shed in front of the house, and new boundary wall.

Closed. 17.05.2023

MAIN REPORT

1. DESCRIPTION OF SITE

1.01 68 Oakwood Road, namely "Little Oaks", is a two-storey detached dwelling located on Oakwood Road within the Maidstone urban boundary. The property is one among three dwellings adjacent to Oakwood Road and in between Ashdown Close and Manor House Drive. The property to the east at no.70 is closest to Oakwood Road with the other two properties tapering away from the road due to the layout of these sites.

1.02 The existing front boundary at the property consists of very low height fencing and an overgrown hedgerow. The dwelling is located on land that slopes slightly downwards from the road level and is setback by a substantial distance from the road.

- 1.03 The application site is not located within a conservation area no other designations are associated with the land. Additionally, it is not a listed building and there are no protected trees within the site.

2. PROPOSAL

- 2.01 The proposal relates to the conversion of existing attached garage store to a habitable space and the erection of a storage shed on the front driveway. The applicant had previously sought out pre-application advice for this proposal under 23/501826/PAMEET.
- 2.02 The existing garage store which would be converted spans a depth of approx. 1.34m, and the proposal seeks to convert this space and remove the partition wall to enlarge the existing office space. This conversion would also include the installation of a side and front facing window and the installation of 2no. rooflights on the mono-pitched roof above.
- 2.03 The second element of the proposal includes the erection of a storage shed which will be located adjacent to the western boundary hedging and just in front of the lounge of this property. The storage shed would replace an existing shrub and be located approx. 1.3m from the front wall of the dwelling. The storage shed would have a length of approx. 3m, width of approx. 1.82m and a height of approx. 2.4m. It would contain a window and a door facing east towards the front drive of Little Oaks and would be constructed using horizontal timber panels with a felt roof.

3. POLICY AND OTHER CONSIDERATIONS

Maidstone Borough Local Plan Review (2021 – 2038) was adopted by the Council on 20th March 2024. There have been two strategic level challenges to adoption :

Policy LPRSP15 – Principles of Good Design

Policy LPRHOU 2 - Residential extensions, conversions, annexes and redevelopment in the built-up area.

The National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Supplementary Planning Documents: Residential Extensions SPD 2009

4. LOCAL REPRESENTATIONS

5 Neighbours were consulted, no comments or objections received.

5. CONSULTATIONS : None

6. APPRAISAL

- 6.01 The key issues are:

- Visual amenity
- Residential amenity
- Other

Visual amenity

- 6.02 The application site is located within the Maidstone Urban Boundary, as such, the acceptability of the proposal needs to be considered in accordance with the criteria set out in the Local Plan Review policies.
- 6.03 Those policies relating to residential extensions allow for 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. Adjoining residents would avoid unacceptable loss of privacy, outlook or light and would avoid unacceptable intrusion from noise or odour; and
 - iv. Sufficient parking would be provided within the curtilage of the dwelling without diminishing the character of the street scene.

- 6.04 The Residential Extensions SPD sets out the following in relation to the visual impact of the proposal:

Garages and outbuildings

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

In order to appear ancillary to the property, fit well within the street scene and prevent a detrimental impact on neighbouring properties, such as excessive overshadowing of a garden or principal window, garages and outbuildings should not generally be located in front of the building line of domestic properties.

The form (including roof pitches) and materials of garages and outbuildings should be in keeping with the existing and surrounding properties.

Appearance: Windows and Doors

The type, proportions, sub-divisions and materials of the new windows and doors are important features in successfully integrating an extension with an existing property and its surrounding context. Integration will be achieved where such features match those of the original house, though alternative solutions which are justified in the design statement may be suitable particularly where the windows on the original house are poorly proportioned.

New windows should usually be arranged to line up vertically and horizontally with those of the original house, to give a sense of balance and proportion.

- 6.05 The proposed garage conversion includes the replacement of the garage door with a three-pane window at the front elevation. This window would be identical in size, style and at the same position as the existing window at the upper floor, as such would be in accordance with the criteria set out in the Residential Extensions SPD as mentioned above.
- 6.06 The garage conversion also includes the installation of a side window and 2.no rooflights at the front elevation. These openings would be minimal additions to the dwelling and not have a significant negative impact on the visual amenity or character of the dwelling.

- 6.07 The proposed storage shed would be located in front of the principal elevation of the dwelling; however, considering the scale, height and positioning of the storage in relation to the adjacency with the main dwelling, it would not be obtrusive or detrimental to the visual amenity of the dwellinghouse.
- 6.08 The proposed materials for the garage conversion would match the existing materials of the main dwelling and the proposed horizontal timber panels for the storage shed would not be out of keeping with the character of the main dwelling or the character of the wider area.
- 6.09 Overall, considering the scale, siting, materials and appearance, the proposed works, would be subservient and congruent with the main dwelling and not have a detrimental impact on the visual amenity or the character of the streetscene.

Residential Amenity

- 6.10 Local Plan policies with regard to amenity impacts states that: *"Adjoining residents would avoid unacceptable loss of privacy, outlook or light and would avoid unacceptable intrusion from noise or odour"*
- 6.11 Re-iterated in design considerations which sets out that respect is to be paid to adjoining neighbouring amenity.
- 6.12 The proposed garage conversion would not increase the existing footprint of the dwelling, as such, not cause any negative impact on the neighbouring residential amenity in terms of loss of light or outlook.
- 6.13 The proposed garage conversion includes the installation of front and side windows where the front window would face the front drive of the application property and the side window would face to the east towards the adjacent property at no.70 Oakwood Road. The existing boundary treatment between no.70 and no.68 consists of approx. 1m high brick fencing, as such the views from the proposed side window would not be screened by the existing boundary treatment; however, the view from the side window would be towards the front drive of no.70 and towards the garage of this property. Therefore, I am satisfied that the proposed side window would not cause significant loss of privacy to the neighbouring property at no.70.
- 6.14 The proposed storage shed would be located in front of the lounge room of the application property approx. 1.3m in front of it and adjacent to the boundary hedging at the western boundary. Considering the height of the proposed storage shed, it would be screened by the existing boundary treatment from the front drive of no.1 Ashdown Close. Furthermore, regardless of the boundary treatment, due to the scale and nature of the proposed storage shed, it would not have a significant detrimental impact on the neighbouring amenity at no.1.
- 6.15 Overall, based on the above assessment, it is my understanding that the proposal would not cause a significant negative impact on the neighbouring residential amenity.

Other

- 6.16 The proposal would not cause the removal of any parking spaces and no additional bedrooms would be created, as such, the proposal would not cause any negative impact in terms of highway safety or parking.
- 6.17 The proposal would cause the removal of a low height shrub which is of very low ecological value, to erect the storage shed. Considering that the additional footprint added from the proposal would be minimal, I do not find it expedient to impose any biodiversity enhancement conditions, if this application were to be permitted.

PUBLIC SECTOR EQUALITY DUTY

- 6.18 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 in the appraisal above, the proposal is considered acceptable in terms of its impact on the visual amenity of the area and character of the existing dwelling. The proposal would not have a significant negative impact on the neighbouring residential amenity in terms of loss of light, loss of outlook, loss of privacy or be unduly overbearing. The proposal would also not have any significant negative impact on highway safety or parking.

- 7.02 Overall, 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 and/or informatives 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.Plans
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing no. 24/1548 Existing and Proposed Ground Floor Plan and Elevations

Drawing no. 24/1549 Existing and Proposed Block Plans

Application Form

All received on 18 Mar 2024

Reason: To clarify which plans have been approved.
- 3) The materials to be used in the construction of the external surfaces of the building(s) hereby permitted shall be as indicated on the approved Application Form;

Reason: To ensure a satisfactory appearance to the development.

INFORMATIVES

- 1) Building regulation
- 2) Party wall/encroachment matters

Agenda Item 19



Ordnance Survey - data derived from OS Premium

REFERENCE NUMBER: 23/503788/FULL		
APPLICATION PROPOSAL: Erection of a drive through coffee shop and a flexible general employment building (class E(g)), including landscaping, parking and associated works.		
ADDRESS: Plots 6 & 7, Eclipse Park, Sittingbourne Road, Maidstone, Kent, ME14 3EN		
RECOMMENDATION: APPROVE PERMISSION		
SUMMARY OF REASONS FOR RECOMMENDATION:		
<ul style="list-style-type: none"> • The proposed uses (employment and retail) are acceptable within the designated Eclipse Park economic development area under Local Plan Review policy LPRSP11(A). • The layout and design of the development is considered to respond positively to the character and appearance of the streetscene and local area including the suitable provision of landscaping and tree planting alongside the street in accordance with design policies within the Local Plan Review. • There would be no harmful impacts upon residential amenity subject to conditions and there are no highways objections. • The proposals are considered to comply with all relevant Development Plan policies and permission is recommended subject to conditions. 		
REASON FOR REFERRAL TO COMMITTEE:		
<p>The recommendation is contrary to the views of Boxley Parish Council and they have requested Planning Committee consideration.</p> <p>Borough Councillor Harwood has requested the application be heard at Planning Committee should officers be minded to approve for the reasons set out in the report.</p>		
WARD: Grove Green and Vinters Park	PARISH COUNCIL: Boxley	APPLICANT: Gallagher Properties Ltd AGENT: DHA Planning
CASE OFFICER: Richard Timms	VALIDATION DATE: 31/08/23	DECISION DUE DATE: 31/05/24
ADVERTISED AS A DEPARTURE: No		

BACKGROUND

1.01 This application was reported to Planning Committee on 18th April and was recommended for approval subject to conditions. The Committee deferred a decision on the application resolving the following:

RESOLVED: That consideration of this application be deferred to enable the Officers to investigate and draw up potential conditions and informatives to address the following issues raised by Members in relation to the drive through coffee shop:

1. *Idling engines*
2. *Air quality mitigation measures with input from Environmental Health*
3. *Landscaping – Ten-year management plan*
4. *EV charging points on site*

5. *Littering, including use of automatic number plate recognition technology*
6. *Lighting – Sensitive or dimmed when not in use*
7. *Informative(s) regarding other relevant legislation*

1.02 The original committee report is attached at the **Appendix** which sets out the relevant planning policies, representations, officer's appraisal and recommendation.

2. APPRAISAL

2.01 Members are advised that planning conditions must satisfy the follows tests and be:

1. *necessary;*
2. *relevant to planning;*
3. *relevant to the development to be permitted;*
4. *enforceable;*
5. *precise; and*
6. *reasonable in all other respects*

2.02 Responses to each matter are set out below:

(1) Idling Engines, (2) Air Quality Mitigation Measures and (4) EV Charging

2.03 Requiring a condition to erect signage that asks those using the drive through facility to switch their engines off whilst stationary is the only way 'idling engines' can be addressed bearing in mind the tests for conditions as follows:

No development above slab level for the coffee shop shall take place until details of signage to be erected within the site and locations, to request that vehicle engines are switched off whilst vehicles are stationary, have been submitted to and approved in writing by the local planning authority. The approved signage shall be erected prior to the use of the coffee shop and thereafter retained.

Reason: To reduce impacts upon air quality.

2.04 For information, the applicant has also outlined that at other similar drive through facilities the maximum queue length recorded throughout a week is 10 vehicles which demonstrates that long queues with idling vehicles are unlikely to occur.

2.05 In terms of air quality, as outlined in the original report at paragraph 6.35, an Air Quality Assessment has been submitted which concludes there would be an insignificant effect on local area quality, with which Environmental Health agree. The development would not affect Maidstone's Air Quality Management Area in Upper Stone Street.

2.06 The applicant has been asked for their response to the deferral reasons and on this matter has stated,

"The submitted Air Quality Assessment proposes a variety of mitigation measures but these are mostly relevant to the construction rather than operational phase of the development. The Assessment also confirmed that the operational impacts of the development are not significant. It discusses mitigation measures which include EV charging points, and tree planting, both of which are included in the scheme.

As noted in the Transport Statement, it is anticipated that the future occupiers of the proposal site would produce their own Travel Plans, which would include the following measures:-

- *Walking and cycling initiatives: information boards, WalkBUDi/BikeBUDi schemes, promotion of local and national initiatives, quality and secure cycle parking and facilities; Cycle2work scheme, etc.;*
- *Public transport initiatives: good public transport information; flexible working; travel card promotion; ticketing incentives, etc.;*
- *Car sharing initiatives: lift fail provisions, use of web-based trip matching, information/promotion on web and site boards, etc.; and*
- *Car parking management.*

In this case, Building Regulations require one parking space to have access to an EV charging point and cable routes installed for a 5th of the total remaining parking spaces.

The Building Regulations requirement is therefore:

- *1 x EV charging point for Costa, plus cable routes for up to 5 other spaces;*
- *1 x EV charging point for the main industrial units, plus cable routes for 7 other spaces.*

The applicant is prepared to offer to exceed the Building Regulations requirement by providing 4 spaces with access to charging points (minimum 7kW, one for each unit) within the general industrial area, which represents 10% of the spaces for Unit 7."

2.07 Electric vehicle charging is dealt with under Part S of the Building Regulations and so conditions relating to this are not necessary or relevant to planning in terms of the tests. However, as (a) the applicant is proposing measures in excess of the Building Regulations and (b) planning committee consider air quality to be a specific issue that needs to be addressed, on balance, it is considered that the measures can be secured by condition in this case.

2.08 Environmental Health have also been asked for any measures they consider could help reduce air quality impacts notwithstanding the low impact. They have advised as follows:

"As the application is for the coffee shop and for the employment building EH has, I think appropriately considered the application as a whole development rather than as two distinct elements. I would also consider it appropriate for any air quality mitigation measures to be implemented for the development as a whole rather than just for the coffee shop. The mitigation measures for the development as a whole include the offer to provide charging points for EV vehicle in excess of that required by building regulations, which I would consider acceptable.

The letter from DHA Planning also details the production of specific travels plans for each occupier of the development including walking and cycling initiatives, public transport initiatives, car sharing initiatives and car parking management. I note that a tree planting scheme is also proposed, where the applicant will need to ensure that the most advantageous trees are planted as some species may have a negative effect. This type of mitigation would be satisfactory.

There is no other coffee shop specific mitigation that I can recommend as by its very nature a drive through facility will be used by car drivers."

2.09 In summary, air quality mitigation measures being EV charging above Building Regulations because they have been proposed by the applicant, and a Travel Plan can be secured as set out in the conditions below.

- ***The development shall not be occupied until the following EV charging facilities relating to it have been provided and made operational:***

(a) For the Coffee Shop:

1no. EV charging point and cable routes for EV charging points for 5 additional spaces (minimum 7kW speed)

(b) For the Employment Buildings:

4no. EV charging points and cable routes for EV charging points for 7 additional spaces (minimum 7kW speed)

The EV charging points shall thereafter be retained.

Reason: To reduce impacts upon air quality.

- ***The development shall not be occupied until a Travel Plan relating to it has been submitted to an approved in writing by the local planning authority, which shall include the following measures:***

(a) Walking and cycling initiatives for staff.

(b) Public transport initiatives for staff including ticketing incentives.

(c) Car sharing initiatives.

The approved Travel Plan shall thereafter be operated for the development it relates to.

Reason: To reduce impacts upon air quality

(5) Littering

2.10 Members questioned whether ANPR technology could be used in relation to litter i.e. ANPR scanners print vehicle number plates on items such as drinks cups.

2.11 In considering the tests for conditions, officers do not consider that such measures are necessary, relevant to planning or reasonable. Littering is obviously against the law and so covered by separate legislation. Whilst a minority of customers may break the law this is down to the specific behaviour of individuals and is beyond the control of the planning system or the applicant.

2.12 Whether one considers the law is a sufficient deterrent or there is adequate policing of littering is also not relevant and planning conditions should not be used to address such wider issues.

2.13 Nor has such technology been required by the Council on any other developments and to require it for this proposal would be unreasonable.

2.14 The applicant has also stated that,

"Costa Coffee do not currently use ANPR technology to print number plates on cups at any of their sites. I understand that this a potential solution which remains largely untested.

...As well as having potential GDPR implications, it could be difficult to demonstrate whether any litter linked to a vehicle has been deliberately dropped, or has fallen off a bin lorry or been removed from a bin by seagulls or foxes, for example. I am not aware of any cases where a local authority has made this a planning requirement, as it would not meet the relevant tests for a reasonable planning condition.

2.15 The applicant is therefore not agreeable to such a condition and officers do not consider it passes the relevant test. Officers advise that such a condition should not be imposed and the provision of refuse bins and a local litter management plan, as recommended under conditions 17 and 20 of the original report, are reasonable and proportionate to the proposed development.

(3) Landscaping and (6) Lighting

2.16 Requiring the landscaping condition 4 to include 10 year management and protection and lighting condition 14 to require dimmed lighting is acceptable and they are amended as follows:

4. *The development of any phase shall be carried out in accordance with the approved landscaping scheme relating to that phase as shown on drawing no. 0665/24/B/1A.*

*No development above slab level for any phase shall take place until a long-term management plan **for at least 10 years** and timetable for implementation of the approved landscaping for that phase has been submitted to and approved in writing by the local planning authority. The landscaping shall be carried out in accordance with the approved details.*

*The approved landscaping shall be retained for at least **10** years following its implementation and shall be managed and retained strictly in accordance with the approved details.*

*Any approved seeding or turfing which fails to establish or any trees or plants which, before a period of **10** years from the completion of the development has expired, die or become so seriously damaged or diseased that their 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. No replacement planting or removal of any planting shall take place without the prior written consent of the local planning authority.*

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

14. *No development above floor slab level for any phase shall take place until details of all external lighting for that phase, which shall be the minimum necessary, **be operated by motion sensors or timers so it is switched off and/or dimmed when not required**, and designed to minimise light pollution, has been submitted to and approved in writing by the local planning authority for that phase. The lighting shall be carried out in accordance with the approved scheme.*

Reason: To ensure a high-quality development.

(7) Informatives

- 2.17 The following informative relating to other legislation relevant to the above issues is recommended:

The applicant/operator of the developments are reminded of their duties under The Environmental Protection Act 1990/Clean Neighbourhoods and Environmental Act 2005 in respect of litter.

3 CONCLUSION

- 3.01 The reasons for deferral are discussed above with amended and additional conditions recommended in response to them, where they pass the relevant test for conditions.
- 3.02 For the reasons set out in the original report the proposals are considered to comply with all relevant Development Plan policies and permission is recommended subject to conditions.

4 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 and/or informatives in line with the matters set out in the recommendation and as resolved by the Planning Committee:

CONDITIONS

Time Limit (Full Permission)

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.

Approved Plans & Compliance

2. The development hereby permitted shall be carried out in accordance with the following drawings:

4104 P001 RevE	(Site Location Plan)
4104 P003 RevE	(Proposed Site Plan)
4104 P101 RevC	(Plot 6 Elevations)
4104 P101 RevD	(Plot 6 Floor Plans)
4104 P103 RevD	(Plot 7 Floor Plans)
4104 P104 RevD	(Plot 7 Elevations)
0665/24/B/1A	(Landscape Planting Plan)

Reason: To clarify which plans have been approved and to ensure a high-quality development.

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

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

4. The development of any phase shall be carried out in accordance with the approved landscaping scheme relating to that phase as shown on drawing no. 0665/24/B/1A.

No development above slab level for any phase shall take place until a long-term management plan for at least 10 years and timetable for implementation of the approved landscaping for that phase has been submitted to and approved in writing by the local planning authority. The landscaping shall be carried out in accordance with the approved details.

The approved landscaping shall be retained for at least 10 years following its implementation and shall be managed and retained strictly in accordance with the approved details.

Any approved seeding or turfing which fails to establish or any trees or plants which, before a period of 10 years from the completion of the development has expired, die or become so seriously damaged or diseased that their 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. No replacement planting or removal of any planting shall take place without the prior written consent of the local planning authority.

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

5. The development shall be carried out in accordance with the approved Arboricultural Method Statement (dated 05/10/22) including the tree protection plan and measures.

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

Pre-commencement

6. No development shall take place in any phase until a detailed sustainable surface water drainage scheme for that phase has been submitted to and approved in writing by the local planning authority. The detailed drainage scheme shall be based upon the Flood Risk Assessment and Drainage Strategy dated 21st August 2023 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 within the curtilage of the site without increase to flood risk on or off-site.

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

- a) That silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.
- b) 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. No development for any phase shall take place until details of the proposed finished floor levels of the buildings, all ground levels of the development, and existing site levels for that phase shown at 0.5m contour intervals have been submitted to and approved in writing by the Local Planning Authority. The development shall be completed strictly in accordance with the approved details.

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

8. No development for any phase shall take place until the following details for that phase have been submitted to and approved in writing by the Local Planning Authority. The development shall be completed strictly in accordance with the approved details.
 - (a) An on-going management regime for works to any overhanging trees to the south of the site.
 - (b) Details of any ground retaining measures as part of constructing parking bays and services within any tree root protection areas.

Reason: In order to protect adjacent existing trees.

Pre-Slab Level

9. No development above slab level for any phase shall take place until details and evidence of the measures necessary to incorporate at least 10% on-site renewable or low carbon energy production measured as a percentage of overall consumption for that phase have been submitted to and approved in writing by the Local Planning Authority. Follow installation of the approved measures they shall thereafter be retained.

Reason: To ensure a sustainable form of development in accordance with policy LPRQ&D1 of the draft Local Plan Review.

10. No development above floor slab level for any phase shall take place until written details and sample of the materials, to be used in the construction of the external surfaces of the buildings for that phase have been submitted to and approved in writing by the local planning authority. The materials shall include the following:

a) Kentish ragstone for buildings and walls approved with ragstone.

The development shall be constructed using the approved materials.

Reason: To ensure a high-quality development.

11. No development above floor slab level shall take place until photographs of at least a 1.5m x 1.5m sample panel of the Kentish ragstone for the buildings and walls (which has been constructed on site) for that phase have been submitted to and approved in writing by the Local Planning Authority including written details of the mortar mix. Such details as approved shall be fully implemented on site and thereafter retained.

Reason: To ensure a high-quality design and finish.

12. No development above floor slab level for any phase shall take place until details of hard surfaces for that phase have been submitted to and approved in writing by the local planning authority. The details shall include block paving for all parking spaces and the development shall be carried out in accordance with the approved details and thereafter retained.

Reason: To ensure a high-quality development.

13. No development above floor slab level for any phase shall take place until details of all fencing, walling and other boundary treatments for that phase, which shall include low ragstone walling as shown on the plans, have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details before the first occupation of the buildings or land to which they relate and retained thereafter.

Reason: To ensure a satisfactory appearance to the development.

14. No development above floor slab level for any phase shall take place until details of all external lighting for that phase, which shall be the minimum necessary, be operated by motion sensors or timers so it is switched off and/or dimmed when not required, and designed to minimise light pollution, has been submitted to and approved in writing by the local planning authority for that phase. The lighting shall be carried out in accordance with the approved scheme.

Reason: To ensure a high-quality development.

15. No development above slab level for any phase shall take place until full details of ecological enhancements and a timetable for their delivery for that phase, have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and thereafter retained and the measures shall include the following:

- a) Inbuilt bird, bat and bee bricks to buildings.
- b) Reptile and amphibian hibernacula/log piles.

Reason: To enhance biodiversity.

16. No development above slab level for any phase shall take place until details of secure cycle parking for that phase have been submitted to and approved in writing by the local planning authority. The approved parking shall be provided before the occupation of the land or buildings to which they relate and shall thereafter be kept available for such use.

Reason: To promote sustainable transport use.

17. No development above floor slab level for the coffee shop shall take place until details of public refuse bins have been submitted to and approved in writing by the local planning authority. The approved details shall be implemented prior to the occupation of the building and thereafter retained.

Reason: In the interests of visual amenity in the local area.

Pre-Occupation

18. No building hereby permitted shall be occupied until the approved access point serving the building has been implemented and the visibility splays shown on drawing nos. H-01 RevP1 and H-02 RevP1 shall be maintained with no obstructions over 0.6 metres above carriageway level within the splays.

Reason: In the interest of highway safety.

19. No occupation/use of the coffee shop shall take place until details of any plant (including ventilation, refrigeration and air conditioning) or ducting system to be used have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. The scheme

shall include an acoustic assessment which demonstrates that the noise generated at the boundary of any noise sensitive property shall not exceed Noise Rating Curve NR35 as defined by BS8233: 2014 Guidance on sound insulation and noise reduction for buildings. The equipment shall be maintained in a condition so that it does not exceed NR35 as described above, whenever it's operating. After installation of the approved plant, no new plant or ducting system shall be used without the prior written consent of the Local Planning Authority

Reason: In the interests of residential amenity.

20. No occupation/use of the coffee shop shall take place until a Litter Management Plan has been submitted to and approved in writing by the local planning authority. The Plan shall include:

- (a) A plan showing litter monitoring and collection areas upon public highway land which shall include Sittingbourne Road from its junction with the Chiltern Hundreds roundabout to its junction with the A249; and the A249 from its junction with the Chiltern Hundreds roundabout to its junction with Bearsted Road/M20 slip road roundabout.
- (b) The frequency of litter inspections and collections both on the site and within the area approved under part (a).

The development shall be carried out in accordance with the approved Plan and it shall operate thereafter.

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

21. Where infiltration is to be used to manage the surface water from the development hereby permitted, it will only be allowed within those parts of the site where information is submitted to demonstrate to the Local Planning Authority's satisfaction that there is no resultant unacceptable risk to controlled waters and/or ground stability. The development shall only then be carried out in accordance with the approved details.

Reason: To protect vulnerable groundwater resources and ensure compliance with the National Planning Policy Framework.

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

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems.

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

If during construction/demolition works evidence of potential contamination is encountered, upon completion of the building works, this condition shall not be discharged until a closure report has been submitted to and approved in writing by the Local Planning Authority if necessary. The closure report shall include details of:

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

Reason: In the interest of human health.

Compliance/Restrictions

24. The employment building hereby approved shall be used for Use Class E(g) only and for no other purpose including any other uses permitted under the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any statutory instrument revoking and re-enacting those Orders with or without modification);

Reason: Other Class E uses may not be suitable at the site.

25. No activity in connection with the use of the drive through coffee shop hereby permitted shall be carried out outside the hours of 5.30am to 11pm and no customer shall be permitted to be on the premises outside of the hours of 6am to 10pm.

Reason: To safeguard the enjoyment of their properties by nearby residential occupiers.

26. No activity in connection with the use of the employment building hereby permitted shall be carried out outside the hours of 5am to 11pm.

Reason: To safeguard the enjoyment of their properties by nearby residential occupiers.

27. No deliveries in connection with the drive through coffee shop or employment building shall be taken at or dispatched from the site outside of the hours of 6am to 10pm.

Reason: To safeguard the enjoyment of their properties by nearby residential occupiers.

28. No open storage of materials, products, goods for sale or waste shall take place on the land.

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

29. The building(s) hereby approved shall achieve a Very Good BREEAM UK New Construction Version 6.1 rating including maximising energy and water efficiencies under the mandatory energy and water credits. A final certificate shall be issued to the Local Planning Authority for approval in writing within 6 months of the first occupation of the building(s) to certify that at a Very Good BREEAM UK New Construction Version 6.1 rating has been achieved.

Reason: To ensure a sustainable form of development in accordance with policy

LPRQ&D1 of the draft Local Plan Review.

30. No development above slab level for the coffee shop shall take place until details of signage to be erected within the site and locations, to request that vehicle engines are switched off whilst vehicles are waiting, have been submitted to and approved in writing by the local planning authority. The approved signage shall be erected prior to the use of the coffee shop and thereafter retained.

Reason: To reduce impacts upon air quality.

31. The development shall not be occupied until the following EV charging facilities relating to it have been provided and made operational:

(a) For the Coffee Shop:

1no. EV charging point and cable routes for EV charging points for 5 additional spaces (minimum 7kW speed).

(b) For the Employment Buildings:

4no. EV charging points and cable routes for EV charging points for 7 additional spaces (minimum 7kW speed).

The EV charging points shall thereafter be retained.

Reason: To reduce impacts upon air quality.

32. The development shall not be occupied until a Travel Plan relating to it has been submitted to an approved in writing by the local planning authority, which shall include the following measures:

(a) Walking and cycling initiatives for staff.

(b) Public transport initiatives for staff including ticketing incentives.

(c) Car sharing initiatives.

The approved Travel Plan shall thereafter be operated for the development it relates to.

Reason: To reduce impacts upon air quality.

Informative:

The applicant/operator of the developments are reminded of their duties under The Environmental Protection Act 1990/Clean Neighbourhoods and Environmental Act 2005 in respect of litter.

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

REFERENCE NUMBER: 23/503788/FULL		
APPLICATION PROPOSAL: Erection of a drive through coffee shop and a flexible general employment building (class E(g)), including landscaping, parking and associated works.		
ADDRESS: Plots 6 & 7, Eclipse Park, Sittingbourne Road, Maidstone, Kent, ME14 3EN		
RECOMMENDATION: APPROVE PERMISSION		
SUMMARY OF REASONS FOR RECOMMENDATION:		
<ul style="list-style-type: none"> • The proposed uses (employment and retail) are acceptable within the designated Eclipse Park economic development area under Local Plan Review policy LPRSP11(A). • The layout and design of the development is considered to respond positively to the character and appearance of the streetscene and local area including the suitable provision of landscaping and tree planting alongside the street in accordance with design policies within the Local Plan 2017 and the Local Plan Review. • There would be no harmful impacts upon residential amenity subject to conditions and there are no highways objections. • The proposals are considered to comply with all relevant Local Plan 2017 and Local Plan Review policies and permission is recommended subject to conditions. 		
REASON FOR REFERRAL TO COMMITTEE:		
<p>The recommendation is contrary to the views of Boxley Parish Council and they have requested Planning Committee consideration.</p> <p>Borough Councillor Harwood has requested the application be heard at Planning Committee should officers be minded to approve for the reason set out in the report.</p>		
WARD: Boxley	PARISH COUNCIL: Boxley	APPLICANT: Gallagher Properties Ltd AGENT: DHA Planning
CASE OFFICER: Richard Timms	VALIDATION DATE: 31/08/23	DECISION DUE DATE: 26/04/24
ADVERTISED AS A DEPARTURE: No		

REPORT SUMMARY

Relevant Planning History

- 23/504061 Erection of a self-storage facility (class B8), with landscaping, parking and associated works - Refused 14/12/23
- 16/507366 Outline application for plots 6, 7 and 8 for B1 office development in relation to extant planning permission MA/13/0389 with all matters reserved for future consideration - Approved 08/09/17
- 01/0249/07 Reserved matters application for siting, design, external appearance, means of access and landscaping pursuant to outline consent MA/01/0249 (for the erection of buildings for employment purposes within class B1 and class B2)

as renewed under MA/05/1871, seeking approval for the erection of a three-storey class B1(a) office building of 2034 square metres, the provision of 63 car parking spaces, landscaping and other external works - Approved 26/06/08

- 13/0389 Application for a new permission to replace an extant planning permission MA/10/0389 in order to extend the time limit for implementation of the outline planning permission for B1 and B2 development to include the renewal of the extant reserved matters approvals for plots 6, 7 & 8 (MA/01/0249/05, MA/01/0249/06 and MA/01/0249/07 respectively) - Approved 22/04/13
- 10/0389 An application for a new planning permission to replace an extant planning permission in order to extend the time limit for implementation of outline permission MA/05/1871 for B1 and B2 development - Approved 04/06/10
- 05/1871 Variation of condition 1 of planning permission MA/01/0249 (outline application for erection of buildings for employment purposes - class B1 and class B2 with access and car parking to extend the time within which the development may commence and for imposition of a revised condition 1 to allow a further period in which to submit details pursuant to the outline planning - Approved 15/11/05

MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 The application relates to a level parcel of land within 'Eclipse Park' on the south side of Sittingbourne Road referred to as Plots 6 and 7. There is a recently constructed care home and the Marks and Spencer car park to the north, and the 'Orida' hotel to the south. It is completely covered in hard surfacing and there is a single storey building towards the east side with parking and access also at this end.
- 1.02 The western boundary is currently defined by a temporary/moveable fence and to the west of this is a similar hard surfaced area referred to as Plot 8 where an application for a self-storage building was refused in December last year. Outside the site alongside the south boundary are a line of mature trees.
- 1.03 The site falls within the defined urban area and an 'Economic Development Area' in both the Local Plan 2017 (LP17) and Local Plan Review (LPR), which is discussed in the assessment below. The boundary of the Kent Downs National Landscape is around 230m to the north on the north side of the M20 motorway and so the site falls within its setting.
- 1.04 Previously outline permission has been granted for office uses at the site with the most recent in 2017 which expired in 2020.

2. PROPOSAL

- 2.01 Permission is sought for two separate developments/uses as follows with the layout plan shown below:
- Plot 6 (Eastern Part) - A single storey coffee shop with a drive through facility that would use the existing access to the east. Parking would be to the south with the building towards the north and an access/circulation road for the drive through.

- Plot 7 (Western Part) – A two storey building for flexible class E(g) uses within four units. The building would be sited along the south spanning the entire width with parking and a new access to the front, north.



3. POLICY AND OTHER CONSIDERATIONS

Maidstone Borough Local Plan 2017: SS1, SP1, SP21, SP21, SP23, ID1, DM1, DM2, DM3, DM6, DM8, DM16, DM21, DM23

Maidstone Borough Local Plan Review 2024: LPRSS1, LPRSP2, LPRSP11, LPRSP11(A), LPRSP12, LPRSP13, LPRSP14, LPRSP14(A), LPRSP15, LPRCD1, LPRTRA1, LPRTRA2, LPRTRA4, LPRINF4, LPRQD1, LPRQD2

The Maidstone Borough Local Plan Review was adopted by the Council on the 20th March 2024. The LPR polices have 'substantial' weight but not 'full' weight until the 6 week Judicial Review period following adoption has expired (ending 1st May 2024).

Kent Waste and Minerals Plan (amended 2020): CSW3, DM7, DM9

The National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Supplementary Planning Documents: Air Quality Guidance (2017); Public Art Guidance (2017).

4. LOCAL REPRESENTATIONS

4.1 **Local Residents:** 13 representations received raising the following (summarised) points:

- Increased traffic and congestion.
- Highway safety.

- Vehicles speed along Sittingbourne Road.
- Lack of parking.
- Lack of street lights.
- Parking restrictions may be needed.
- Improvements to bus services should be provided.
- Pollution for users of the care home garden.
- Seek confirmation of drive through times.
- Already coffee facilities in the vicinity and could affect competition.
- Noise, disturbance and smells to nearby houses.
- Litter.
- Flooding.
- Trees along south boundary should stay for birds.
- Should only be for commercial use and not residential.
- The retail use is not in accordance with the Local Plan.
- Retail use would provide limited employment.
- Potential for increased crime.

4.2 **Boxley Parish Council:** Raise objections and request committee if officers are minded to approve:

"Boxley Parish Council object to this application for the following reasons:

- 1. The drive-through element of this proposed development will add to the traffic joining Bearsted Road at a light-controlled junction already the source of serious congestion at busy times with accompanying air pollution.*
- 2. Takeaways are a known source of much littering and it is not evident how this will be eliminated.*
- 3. No further development should take place in this area until the Bearsted road improvement scheme has been completed".*

4.3 **Borough Cllr Harwood:** Requests the application is considered at committee if minded to approve with the following comments:

"North Ward residents in the Penenden Heath area are keen to understand the planning policy position in relation to the history of this once green site. Further, there is a wish to understand how 'bad neighbour' implications of the proposed uses in terms of the inevitable heavy littering of surrounding areas, traffic generation (and linked air and noise pollution) and net zero impacts are to be addressed.

In design terms, there exist local concerns that the utilitarian nature of the proposals and the limited space for landscaping proposed does not reflect the campus context of the setting or situation in the foreground of the Kent Downs AONB.

Lastly, there is some local upset that the Bramble and other semi-natural vegetation along the application site's western boundary was strimmed to create a 'blank canvas' site - as wildlife was regularly observed using this cover. Indeed, the ecological background provided as a part of this application does not reference the latest Kent Reptile and Amphibian Group records for reptiles on the Eclipse site and environs. The proposed biodiversity mitigation appears to comprise bird and other boxes rather than habitat to provide foraging areas for wildlife.

Lighting and drainage proposed for this urban / rural edge site also requires especial thought if sustainability is to be evidenced."

- 4.4 **'Locate in Kent'**: Support the application to provide commercial space and support local business growth.
- 4.5 **Kent Invicta Chamber of Commerce**: Support the application which will support the Maidstone business community and offer commercial property at junction 7 considered to be one of Maidstone's most effective locations.

5. CONSULTATIONS

(Please note that summaries of consultation responses are set out below. Comments are discussed in more detail in the appraisal section where considered necessary)

- 5.01 **Environment Agency**: No comments to make.
- 5.02 **National Highways**: No objections subject to a condition requiring a construction management plan.
- 5.03 **KCC Highways and Transportation**: No objections subject to conditions re. a construction management plan; EV charging; securing parking/turning areas and the access points.
- 5.04 **KCC Flood and Water Management**: No objections subject to conditions securing surface water drainage.
- 5.05 **KCC Ecological Advice Service**: No objections.
- 5.06 **MBC Landscape**: No objections subject to conditions re. tree works and protection.
- 5.07 **Environmental Health**: No objections subject to conditions re. noise.
- 5.08 **Southern Water**: Advise they can provide foul sewage disposal to service the development.
- 5.09 **Kent Police**: Recommend various measure to reduce crime.

6. APPRAISAL

6.01 The key issues are:

- Policy Context & Assessment
- Retail Use and Sequential Test
- Impact on the Character and Appearance of the Area & Design
- Impact on the Kent Downs National Landscape
- Residential Amenity
- Highways
- Biodiversity
- Other Matters including Drainage and Representations

Policy Context & Assessment

6.02 The site is located with a designated economic area specifically identified for the former B1 use class (now class E(g)) which includes offices, research and development and light industry under Local Plan 2017 (LP17) policy SP22. Criteria 6 states that the redevelopment of premises and the infilling of vacant sites for 'business uses' will be permitted. So whilst this designation is specifically for

B1/E(g) use class, policy SP22 can allow the development of vacant sites for 'business uses'.

- 6.03 The proposed use on Plot 7 is for E(g) within the units which can allow for offices, research and development or light industry and so complies with policy SP22.
- 6.04 The proposed drive through coffee shop on Plot 6 is a retail use and is not in accordance with policy SP21. Under the Local Plan Review (LPR) the site remains within an economic development area and "primarily for office employment use (class E(g))". However, under policy LPRSP11(A) the Eclipse Park designation now allows for any class E uses so has opened out to allow uses such as retail, financial and professional services, indoor sport or recreation, medical or health services, and children's nurseries.
- 6.05 As the LPR is based on more up to date evidence, has been adopted by the Council, and has 'substantial' weight it is considered that the proposed uses for employment and retail are both acceptable.

Retail Use and Sequential Test

- 6.06 The retail element is defined as a 'Main Town Centre Use' under the NPPF which also includes offices. LP17 policy DM16, and LPR policy LPRCD1 and National policy/guidance generally requires a sequential assessment for such proposals that are 'out of centre' as is the case here.
- 6.07 However, paragraph 91 of the NPPF states (my highlight in bold) that,
*"Local planning authorities should apply a sequential test to planning applications for main town centre uses which are neither in an existing centre **nor in accordance with an up-to-date plan.**"*
- 6.08 The adopted LPR allows for office and retail uses at Eclipse Park and as the proposals are in accordance with an up-to-date Local Plan a sequential assessment is not required.
- 6.09 There is no requirement for a retail impact assessment because the coffee shop is below the threshold of 400m².

Impact on the Character and Appearance of the Area & Design

- 6.10 LP17 policy DM1 and LPR policy LPRSP15 require proposals to create 'high quality design' and set out criterion to assess this by. Criteria 2 for both policies requires development to respond positively to, and where possible enhance the character of the area with particular regard being paid to scale, height, materials, detailing, mass, bulk, articulation and site coverage.
- 6.11 The local area features a mix of both uses and building designs/sizes. To the north is a new three storey care home of fairly traditional design with mainly brick facades below a pitched roof with some modern elements like metal work gables. To the northeast is the modern 'Marks and Spencer' store which is mainly two storeys with high quality materials including glass rainscreen cladding and ragstone. To the east is a four storey office building of contemporary appearance with brickwork and glazing known as 'Towergate House'. To the southeast is the 'Next' store which is a four storey building with a mix of brick cladding and glazing.
- 6.12 In terms of the streetscene, a characteristic near the site is the set back of buildings from the main road and landscaping alongside it. 'Towergate House' is set back from the pavement by between 27m to 36m with landscaped areas abutting the

pavement which vary between 2m to 10m in depth. The M&S building comes closer to the roundabout but there are no buildings to the north of the application site where the car park is set back by between 3.5 to 9.5m with landscaping areas and ragstone walling. The care home is set back by around 23m with a landscaped garden area of around 18m in depth to the front and space to the car park of around 4m to 5.5m again with ragstone walling and railings. The roundabout itself is attractively landscaped and contributes positively to this character. The local streetscene is generally attractive with space for landscaping and good quality boundary treatments opposite the site.

Drive Through Coffee Shop

- 6.13 The layout plans have been amended since submission at the request of officers to achieve a greater set back of the building and increased landscaping alongside the road to compliment the local area. This has resulted in the space for landscaping increasing from a mainly 3-4m strip to 5-6m width along the east boundary and a much greater area in the northwest corner up to 15m in depth. The building has also been realigned so it is set further back into the site.
- 6.14 Detailed landscaping plans have been provided which show 12 trees alongside the road, and native hedge/shrub planting. It is considered the layout is acceptable and the increased space for landscaping now means the proposals respond positively to the character of the local area in accordance with the LP17 and LPR.
- 6.15 In terms of the building, this is a standard design for the applicant's drive through shops but this has also been amended to include further ragstone elements to reflect the local vernacular and this material is prominent in the Eclipse Park area. Articulation is provided with projecting elements and through the different materials and whilst it could not be said to be a high quality building, it would be an appropriate design which would not harm the character or appearance of the local area in accordance with the LP17 and LPR.

Employment Development

- 6.16 In terms of the layout, this has also been amended to provide increased landscaping alongside the road from around 3.5m in depth to 5.5m which is acceptable. The building itself is set well back from the road by around 30m.
- 6.17 In terms of the building, this would be relatively large with a footprint of 90m x 26m and height of 9.3m. However, the massing is broken up with a staggered façade to the front with 4m projections on the western units. The front elevations are broken up by a recessed main section with glazing, metal cladding, ragstone columns and an aluminium timber effect cladding 'frame'. The use of sloped roofs also breaks up the mass and provides some interest. The exposed side elevations have been amended at the request of officers to include glazing and ragstone to provide interest. The building is considered to be an appropriate design that would not harm the character or appearance of the local area in accordance with the LP17 and LPR.

Impact upon the Kent Downs National Landscape (KDNL)

- 6.18 In distant views from the KDNL, if the employment building was seen from any vantage points, it would be in the context of surrounding development and as it is not significant in size with its mass broken up, it would not be prominent or cause any harm and nor would it interrupt views towards the KDNL. The drive through building is single storey and would have no impact upon the KDNL and would only be seen in localised views.

Residential Amenity

- 6.19 The nearest dwellings are 74m to the northwest of the employment building and the care home is 65m to the north and at this distance it would have no harmful impacts upon privacy, light or outlook.
- 6.20 In terms of noise and disturbance, the proposed use of the employment buildings is class E(g) (offices, R&D, or light industry) which by their nature are appropriate in a residential area. The drive through facility is not an inherently noisy use in itself apart from amplified speakers for ordering.
- 6.21 A noise assessment has been submitted which considers noise and disturbance would be more from plant/equipment and deliveries/customers coming and going. Conditions could ensure suitable details of plant and equipment.
- 6.22 In terms of comings and goings, the proposed hours of use are 5am to 11pm all week for both uses and seeking 24 hour deliveries. I consider movements (deliveries and customers) as early as 5am and late as 11pm for the drive through and from amplified speakers would result in harm to local amenity and in particular residents of the care home. It is considered hours of use/deliveries of 6am to 10pm for the drive through are appropriate. For the employment uses, comings and goings would be far less frequent in terms of staff so 5am to 11pm is acceptable.
- 6.23 As the coffee shop only heats up food rather than any cooking, smells and odours would not harm residential amenity and I note Environmental Health raise no objections.

Highways

- 6.24 KCC Highways raise no objections to the proposed access points for both sites and following additional information/clarification being submitted, no objections to the traffic impact of the developments. The applicant's evidence demonstrates that around 90% of trips to the drive through facility would be part of an existing (mainly commuter) journey and would not result in a significant number of new trips on the highway network or impact on nearby junctions. The nearest junction being the A249/Eclipse Park signalised junction would remain well within its design capacity. National Highways raise no objections in terms of Junction 7 of the M20.
- 6.25 In terms of parking, 25 spaces are proposed for the coffee shop. Kent County Council Supplementary Planning Guidance Note 4 (SPG4) from 2006, are the standards used by the LPA for non-residential uses and they state that 'hot food takeaways' should be provided with a maximum of 1 space per 8m² for customers and 1 space per 2 staff, and 'restaurants' 1 per 6m² and the same for staff. The floorspace is 167m² so the provision of 25 spaces is around the maximum level required (27 spaces) and KCC Highway raise no objections.
- 6.26 The employment uses would have 38 spaces and the standards state a maximum of 1 space per 25m² for offices and 1 per 35m² for light industry. Taking a middle point equates to 64 spaces. This is a maximum and the site does have public transport access with covered bus stops nearby away on Bearsted Road and cycle parking is also proposed and can be secured by condition. On balance, this provision is considered to be acceptable and no objections are raised by KCC Highways.
- 6.27 Both National Highways and KCC Highways request a construction management plan but this is not considered to be necessary as this is not a development of significant scale.

- 6.28 The proposals are considered to be in accordance with policies SP23, DM21 and DM23 of the LP17 and policies LPRSP12, LPRTRA2 and LPRTRA4 of the LPR.

Biodiversity

- 6.29 An ecological walkover study has been provided and KCC Ecology advise that,

"The submitted information has detailed that the footprint of the proposed development is predominately hard standing with a dense hedgerow adjacent to the southern boundary. We are satisfied that there is no requirement for ecological surveys to be carried out as part of this application. As a result of reviewing satellite photos it appears that this site has been largely bare ground for at least 10 years."

- 6.30 On this basis there would be no harmful impact on protected species.

- 6.31 In terms of biodiversity net gain (BNG) the appellant has not provided a BNG assessment but is not required to do so as the application was submitted in advance of it becoming mandatory and the LPR policy only requires BNG (20%) on residential development. Notwithstanding this, based on there being little vegetation at the site it is considered the proposed landscaping would provide some net gains for biodiversity.

Other Matters including Drainage, Litter, Trees and Representations

Drainage

- 6.32 Surface water drainage would be dealt with through cellular storage tank soakaways with porous paving. KCC Flood and Water Management have reviewed the proposals and raise no objections in principle subject to conditions.

Litter

- 6.33 The drive through facility is likely to create litter but this is not a ground for refusal as it relates to people's behaviour but proportional conditions to require bins on-site and a litter management plan for the nearby area on the public highway will be secured.

Trees

- 6.34 No trees are present on site but there is a group to the south boundary which are proposed to be crown lifted with lateral reduction to facilitate the development. The applicant's report also states a cyclical management regime could be required to ensure future removal pressure is mitigated. Therefore, the Landscape Officer recommends details are provided regarding the maintenance regime which will be secured by condition. A small incursion into the root protection area of these trees would occur due to some of the car parking but the Landscape Officer agrees this would cause negligible harm. Potential ground retaining measures as part of constructing these parking bays and the site's services have not been finalised and so a condition is attached for these details.

- 6.35 Matters raised and not considered in the report include the need for the development and affecting competition, air pollution, lack of streetlights, and crime. The issue of whether there is a need for the development or impacts on competition are not material considerations. An air quality assessment has been submitted which concludes there would be an insignificant effect on local air quality which Environmental Health have reviewed and raise no objections. There are streetlights in the vicinity which residents suggest are not working but these could be repaired,

and this is a matter for the landowner. Any potential crime because of the development is not grounds to refuse permission.

- 6.36 In line with policy LPRQD1 a BREEAM 'Very Good' rating will be secured for the buildings and 10% on-site renewable energy generation.

PUBLIC SECTOR EQUALITY DUTY

- 6.37 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.

Community Infrastructure Levy

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

7. CONCLUSION

- 7.01 The proposed uses (employment and retail) are acceptable within the Eclipse Park economic development area under Local Plan Review policy LPRSP11(A).
- 7.02 The layout and design of the development is considered to respond positively to the character and appearance of the streetscene and local area including the suitable provision of landscaping and tree planting alongside the street.
- 7.03 There would be no harmful impacts upon residential amenity subject to conditions and there are no highways objections.
- 7.04 The proposals are considered to comply with all relevant Local Plan 2017 and Local Plan Review policies and permission is recommended subject to conditions.

EIA Screening

EIA Development	Yes
Comments	<p>Whilst the employment proposal falls within Schedule 2 (10a) of the Regulations and exceeds the applicable threshold of 0.5 hectares, the NPPG acknowledges that only a "very small proportion" of Schedule 2 projects will require an EIA.</p> <p>The site is within 230m of a 'sensitive area' defined under the EIA Regulations being the Kent Downs National Landscape (KDNL), however, the development would not cause any harm to the KDNL or its setting for the reasons set out in the report.</p> <p>The development is not complex in nature or of a scale such that any impacts upon natural resources, waste, pollution, human health, water resources, biodiversity, landscape/visual, heritage, highways, or the environment would be of a magnitude to result in significant environmental effects. Potential impacts are considered to be localised with the scope for mitigation.</p> <p>Therefore the characteristics, scale, or location of the development and</p>

	its potential impacts are not likely to give rise to significant effects on the environment and thus an EIA is not required.
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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 and/or informatives in line with the matters set out in the recommendation and as resolved by the Planning Committee:

CONDITIONS

Time Limit (Full Permission)

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.

Approved Plans & Compliance

2. The development hereby permitted shall be carried out in accordance with the following drawings:

4104 P001 RevE	(Site Location Plan)
4104 P003 RevE	(Proposed Site Plan)
4104 P101 RevC	(Plot 6 Elevations)
4104 P101 RevD	(Plot 6 Floor Plans)
4104 P103 RevD	(Plot 7 Floor Plans)
4104 P104 RevD	(Plot 7 Elevations)
0665/24/B/1A	(Landscape Planting Plan)

Reason: To clarify which plans have been approved and to ensure a high-quality development.

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

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

4. The development of any phase shall be carried out in accordance with the approved landscaping scheme relating to that phase as shown on drawing no. 0665/24/B/1A.

No development above slab level for any phase shall take place until a long-term management plan and timetable for implementation of the approved landscaping for that phase has been submitted to and approved in writing by the local planning authority. The landscaping shall be carried out in accordance with the approved details.

The approved landscaping shall be retained for at least 5 years following its implementation and shall be managed and retained strictly in accordance with the approved details.

Any approved seeding or turfing which fails to establish or any trees or plants which, before a period of 5 years from the completion of the development has expired, die or become so seriously damaged or diseased that their 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. No replacement planting or removal of any planting shall take place without the prior written consent of the local planning authority.

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

5. The development shall be carried out in accordance with the approved Arboricultural Method Statement (dated 05/10/22) including the tree protection plan and measures.

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

Pre-commencement

6. No development shall take place in any phase until a detailed sustainable surface water drainage scheme for that phase has been submitted to (and approved in writing by) the local planning authority. The detailed drainage scheme shall be based upon the Flood Risk Assessment and Drainage Strategy dated 21st August 2023 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 within the curtilage of the site without increase to flood risk on or off-site.

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

- a) That silt and pollutants resulting from the site use can be adequately managed to ensure there is no pollution risk to receiving waters.
- b) 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. No development for any phase shall take place until details of the proposed finished floor levels of the buildings, all ground levels of the development, and existing site levels for that phase shown at 0.5m contour intervals have been submitted to and approved in writing by the Local Planning Authority. The development shall be completed strictly in accordance with the approved details.

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

8. No development for any phase shall take place until the following details for that phase have been submitted to and approved in writing by the Local Planning Authority. The development shall be completed strictly in accordance with the approved details.

- (a) An on-going management regime for works to any overhanging trees to the south of the site.
- (b) Details of any ground retaining measures as part of constructing parking bays and services within any tree root protection areas.

Reason: In order to protect adjacent existing trees.

Pre-Slab Level

9. No development above slab level for any phase shall take place until details and evidence of the measures necessary to incorporate at least 10% on-site renewable or low carbon energy production measured as a percentage of overall consumption for that phase have been submitted to and approved in writing by the Local Planning Authority. Follow installation of the approved measures they shall thereafter be retained.

Reason: To ensure a sustainable form of development in accordance with policy LPRQ&D1 of the draft Local Plan Review.

10. No development above floor slab level for any phase shall take place until written details and sample of the materials, to be used in the construction of the external surfaces of the buildings for that phase have been submitted to and approved in writing by the local planning authority. The materials shall include the following:

- a) Kentish ragstone for buildings and walls approved with ragstone.

The development shall be constructed using the approved materials.

Reason: To ensure a high-quality development.

11. No development above floor slab level shall take place until photographs of at least a 1.5m x 1.5m sample panel of the Kentish ragstone for the buildings and walls (which has been constructed on site) for that phase have been submitted to and approved in writing by the Local Planning Authority including written details of the mortar mix. Such details as approved shall be fully implemented on site and thereafter retained.

Reason: To ensure a high-quality design and finish.

12. No development above floor slab level for any phase shall take place until details of hard surfaces for that phase have been submitted to and approved in writing by the local planning authority. The details shall include block paving for all parking spaces and the development shall be carried out in accordance with the approved details and thereafter retained.

Reason: To ensure a high-quality development.

13. No development above floor slab level for any phase shall take place until details of all fencing, walling and other boundary treatments for that phase, which shall include low ragstone walling as shown on the plans, have been submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with the approved details before the first occupation of the buildings or land to which they relate and retained thereafter.

Reason: To ensure a satisfactory appearance to the development.

14. No development above floor slab level for any phase shall take place until details of all external lighting for that phase, which shall be the minimum necessary and designed to

minimise light pollution, has been submitted to and approved in writing by the local planning authority for that phase. The lighting shall be carried out in accordance with the approved scheme.

Reason: To ensure a high-quality development.

15. No development above slab level for any phase shall take place until full details of ecological enhancements and a timetable for their delivery for that phase, have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details and thereafter retained and the measures shall include the following:

- a) Inbuilt bird, bat and bee bricks to buildings.
- b) Reptile and amphibian hibernacula/log piles.

Reason: To enhance biodiversity.

16. No development above slab level for any phase shall take place until details of secure cycle parking for that phase have been submitted to and approved in writing by the local planning authority. The approved parking shall be provided before the occupation of the land or buildings to which they relate and shall thereafter be kept available for such use.

Reason: To promote sustainable transport use.

17. No development above floor slab level for the coffee shop shall take place until details of public refuse bins have been submitted to and approved in writing by the local planning authority. The approved details shall be implemented prior to the occupation of the building and thereafter retained.

Reason: In the interests of visual amenity in the local area.

Pre-Occupation

18. No building hereby permitted shall be occupied until the approved access point serving the building has been implemented and the visibility splays shown on drawing nos. H-01 RevP1 and H-02 RevP1 shall be maintained with no obstructions over 0.6 metres above carriageway level within the splays.

Reason: In the interest of highway safety.

19. No occupation/use of the coffee shop shall take place until details of any plant (including ventilation, refrigeration and air conditioning) or ducting system to be used have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details. The scheme shall include an acoustic assessment which demonstrates that the noise generated at the boundary of any noise sensitive property shall not exceed Noise Rating Curve NR35 as defined by BS8233: 2014 Guidance on sound insulation and noise reduction for buildings. The equipment shall be maintained in a condition so that it does not exceed NR35 as described above, whenever it's operating. After installation of the approved plant, no new plant or ducting system shall be used without the prior written consent of the Local Planning Authority

Reason: In the interests of residential amenity.

20. No occupation/use of the coffee shop shall take place until a Litter Management Plan has been submitted to and approved in writing by the local planning authority. The Plan shall include:

- (a) A plan showing litter monitoring and collection areas upon public highway land which shall include Sittingbourne Road from its junction with the Chiltern Hundreds roundabout to its junction with the A249; and the A249 from its junction with the Chiltern Hundreds roundabout to its junction with Bearsted Road/M20 slip road roundabout.
- (b) The frequency of litter inspections and collections both on the site and within the area approved under part (a).

The development shall be carried out in accordance with the approved Plan and it shall operate thereafter.

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

21. Where infiltration is to be used to manage the surface water from the development hereby permitted, it will only be allowed within those parts of the site where information is submitted to demonstrate to the Local Planning Authority's satisfaction that there is no resultant unacceptable risk to controlled waters and/or ground stability. The development shall only then be carried out in accordance with the approved details.

Reason: To protect vulnerable groundwater resources and ensure compliance with the National Planning Policy Framework.

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

Reason: To ensure that flood risks from development to the future users of the land and neighbouring land are minimised, together with those risks to controlled waters, property and ecological systems.

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

If during construction/demolition works evidence of potential contamination is encountered, upon completion of the building works, this condition shall not be discharged until a closure report has been submitted to and approved in writing by the Local Planning Authority if necessary. The closure report shall include details of:

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

Reason: In the interest of human health.

Compliance/Restrictions

24. The employment building hereby approved shall be used for Use Class E(g) only and for no other purpose including any other uses permitted under the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) or any statutory instrument revoking and re-enacting those Orders with or without modification);

Reason: Other Class E uses may not be suitable at the site.

25. No activity in connection with the use of the drive through coffee shop hereby permitted shall be carried out outside the hours of 5.30am to 11pm and no customer shall be permitted to be on the premises outside of the hours of 6am to 10pm.

Reason: To safeguard the enjoyment of their properties by nearby residential occupiers.

26. No activity in connection with the use of the employment building hereby permitted shall be carried out outside the hours of 5am to 11pm.

Reason: To safeguard the enjoyment of their properties by nearby residential occupiers.

27. No deliveries in connection with the drive through coffee shop or employment building shall be taken at or despatched from the site outside of the hours of 6am to 10pm.

Reason: To safeguard the enjoyment of their properties by nearby residential occupiers.

28. No open storage of materials, products, goods for sale or waste shall take place on the land.

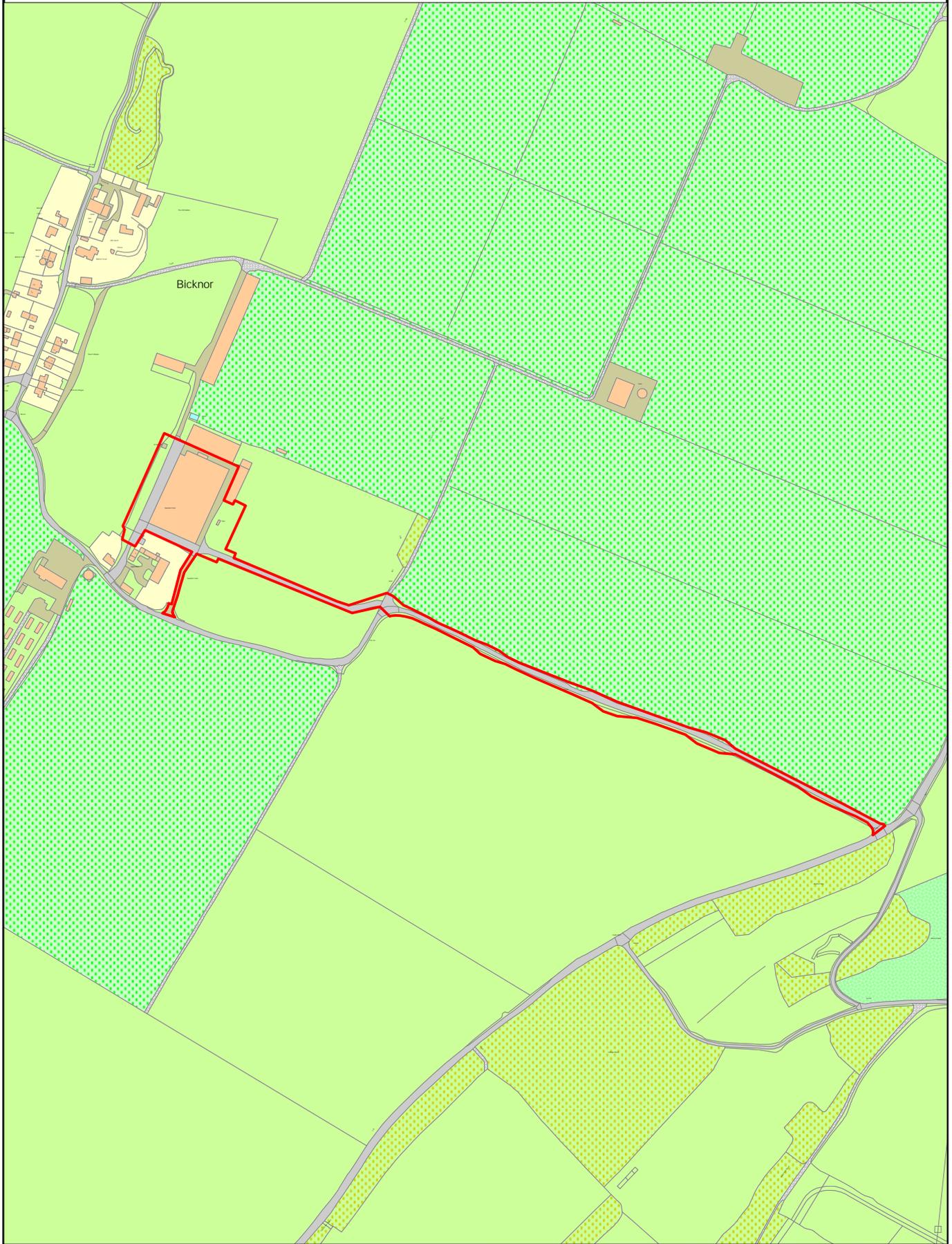
Reason: To safeguard the character and appearance of the surrounding area.

29. The building(s) hereby approved shall achieve a Very Good BREEAM UK New Construction Version 6.1 rating including maximising energy and water efficiencies under the mandatory energy and water credits. A final certificate shall be issued to the Local Planning Authority for approval in writing within 6 months of the first occupation of the building(s) to certify that at a Very Good BREEAM UK New Construction Version 6.1 rating has been achieved.

Reason: To ensure a sustainable form of development in accordance with policy LPRQ&D1 of the draft Local Plan Review.

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

MAIDSTONE BOROUGH COUNCIL



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23/502873/FULL
Swanton Farm, Bicknor Road, Bicknor,
Kent ME9 8AT.

REFERENCE NO - 23/502873/FULL		
APPLICATION PROPOSAL Part Demolition and conversion/change of use of existing cold store to provide 19 individual commercial units for general industrial (Class B2) and storage and distribution (Class B8) use, widening and resurfacing of existing access track, associated new parking areas and landscaping, and 4 waiting/passing bays on Bicknor Road.		
ADDRESS Swanton Farm, Bicknor Road, Bicknor, ME9 8AT		
RECOMMENDATION – APPROVE PERMISSION		
SUMMARY OF REASONS FOR RECOMMENDATION		
<ul style="list-style-type: none"> Local Plan policies allow for the conversion, re-use, and adaptation of rural buildings in the countryside and the proposed conversion works would improve the appearance of the existing building and reduce its impact upon the countryside and Kent Downs National Landscape (KDNL). The proposed landscaping would further reduce the visual impact of the building and result in some enhancement to the landscape. The 4 passing bays and widened access on Bicknor Road would cause some harm to the rural character of the road but this is not considered to be at a significant level. In balancing this harm against the overall landscape benefits from the development it is considered the overall impact on the KDNL is positive. The proposals would result in a low increase in vehicle movements beyond the existing use fallback position and no objections are raised by the Highways Authority. Conditions requiring an acoustic fence, noise management, and limiting hours of use would protect residential amenity. The proposals comply with all relevant Development Plan policies and permission is therefore recommended subject to conditions. 		
REASON FOR REFERRAL TO COMMITTEE		
<ul style="list-style-type: none"> Former Ward Councillor Garten called the application to Planning Committee for the reasons outlined in the report. 		
WARD Harrietsham, Lenham and North Downs	PARISH COUNCIL Bicknor	APPLICANT Mr Peter Burbridge AGENT Prime Building Consultants Ltd
CASE OFFICER: Richard Timms	VALIDATION DATE: 06/07/23	DECISION DUE DATE: 31/05/24
ADVERTISED AS A DEPARTURE: NO		

Relevant Planning History

84/1216 Construction of two steel framed storage buildings – Approved 25/10/84

MAIN REPORT

1.0 DESCRIPTION OF SITE

- 1.01 The application relates to a large former agricultural cold store building that has most recently been used for general storage at Swanton Farm, which is just southeast of the small hamlet of Bicknor. It is accessed off Bicknor Road. There are two farm buildings immediately north and east.
- 1.02 The nearest dwellings are three properties within 'Apple Barn' immediately south and 'Captains Farm' just to the southwest.
- 1.03 The site is within the countryside falling within the Kent Downs National Landscape (KDNL). The Borough boundary with Swale is around 170m east of the building and runs along the north side of Bicknor Road to the east. There is Grade II* listed building (Bicknor Court) around 200m northwest of the building.

2.0 PROPOSAL

2.01 Permission is sought for the following:

- Part demolition and conversion/change of use of existing cold store to provide 19 commercial units for general industrial (Class B2) and storage and distribution (Class B8) uses (3,050m² of floorspace)
- Widening and resurfacing of existing access track and new parking areas.
- Creation of 4 waiting/passing bays on Bicknor Road.

2.02 These proposals will be outlined in more detail in the assessment.

3.0 POLICY AND OTHER CONSIDERATIONS

Maidstone Borough Local Plan Review 2024: LPRSS1, LPRSP9, LPRSP11, LPRSP11(B), LPRSP12, LPRSP14, LPRSP14(A), LPRSP14(B), LPRSP15, LPRHOU1, LPRTRA1, LPRTRA2, LPRTRA4, LPRENV1, LPRQD1, LPRQD2, LPRQD4, LPRQD5
(The Maidstone Borough Local Plan Review (LPR) was adopted by the Council on 20th March 2024. There have been two strategic level challenges to adoption.)

Kent Waste and Minerals Plan (amended 2020): CSW3, DM7, DM9

The National Planning Policy Framework (NPPF)

National Planning Practice Guidance (NPPG)

Kent Downs AONB Management Plan: SD3, SD7, LLC1

Supplementary Planning Documents: Air Quality Guidance (2017)

4.0 LOCAL REPRESENTATIONS

4.01 **Bicknor Parish Council:** No comments received.

4.02 **(Neighbouring) Hollingbourne Parish Council:** Wish to see the application refused and reported to Planning Committee if officers disagree - *"The Hollingbourne Parish Council feels that the planning proposal will lead to increased traffic flows on an inadequate road layout through to the A249 and A20."*

4.03 **(Neighbouring) Bredgar Parish Council (Swale District):** Raise objections for the following (summarised) reasons:

- Application exceeds the scope of farm diversification and amounts to the establishment of an industrial estate, deep in the heart of the AONB.
- Location is unsuitable with no realistic transport alternatives to increasing local traffic levels on unsuitable roads.
- Consider trip estimations to be an underestimate.
- Will increase traffic through the village.
- No plan for limiting light pollution in AONB.
- If permitted uses should be limited to agriculture.

4.04 **Local Residents:** 9 representations received raising the following (summarised) points:

- Wholly inappropriate in the AONB.
- Will change the appearance and characteristics of the area.
- Increased traffic.
- Highway safety.
- Narrow lane is unsuitable for additional traffic.
- HGVs already cause problems on local roads and through Hollingbourne.
- HGVs cause vibration close to a listed building.
- Increased pollution from HGVs.
- Increased noise.
- Light pollution.
- Impact on bats.
- Roadside verges already being damaged.
- Passing bays should be provided whether this application is allowed or not.
- Wrong location.

4.05 **Former Ward Councillor Garten:** Called the application to committee for the following (summarised) reasons:

- Should be tested against AONB designation to conserve and enhance the natural beauty.
- Landscape Character Assessment objectives is to seek to conserve the small scale of the roads and villages and the remote quality of the countryside.
- Agriculture and tourism are welcome in the AONB but a mixed use industrial estate neither serves nor enhances the landscape.
- Environmental Health conditions should be implemented.
- Support Hollingbourne Parish Council's views.

5.0 **CONSULTATIONS**

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

5.01 **Natural England: No objections** and considers the proposed development will not have significant adverse impacts on statutorily protected nature conservation sites.

5.02 **Environment Agency: No objections subject to conditions** re. contaminated land, surface water infiltration, foul drainage, and piling.

5.03 **KCC Highways: No objections subject to conditions** re. maintenance of access and visibility splays, passing bays on Bicknor Road, retention of parking and turning areas, and a construction management plan.

5.04 **Kent Downs National Landscape Unit:** Consider the proposed use and scale of the development is wholly inappropriate in the sensitive location and contrary to relevant policies and the AONB Management Plan. Raise the following summarised points:

- Increased activity and vehicular movements would impact on the tranquillity of the Kent Downs National Landscape.
- Harm to the character of Bicknor Lane from the proposed passing bays and entrance to the site, which would not further the conservation or enhancement of the natural beauty of the Kent Downs National Landscape.
- The proposals would not deliver the overall aims and objectives of the Kent Downs Management Plan.
- Very concerned about the proposed use of white render on the buildings and a more recessive, darker colour should be used, or the use of render should be substituted with a material such as timber weatherboarding which would better reflect the rural location and be more locally distinctive.
- The proposals would not further the purposes of the AONB as required in the strengthened duty under the relevant legislation.

5.05 **KCC Ecology: No objections subject to conditions** and query need for the loss of alder trees.

5.06 **KCC LLFA: No objections subject to conditions** re. fine details of the SUDs scheme.

5.07 **MBC Landscape Officer: No objections** on landscape and arboricultural grounds subject to conditions.

5.08 **Environmental Health: No objections subject to conditions** re. noise, lighting, odour/fumes, foul drainage, contaminated land, and code of construction.

5.09 **Kent Police:** Provide advice re. crime prevention measures.

5.10 **Southern Water:** Make comments on SUDs.

6.0 APPRAISAL

6.01 The key issues are considered to be the following:

- Policy Context & Assessment
- Impact on the Character and Appearance of the Area and the Kent Downs National Landscape
- Highways
- Impact on GII* Listed Building
- Residential Amenity
- Other Matters including Drainage, Ecology and Representations

Policy Context & Assessment

Local Plan Policy & Principle of the Development

6.02 Policy LPRQD5 of the Local Plan Review (LPR) allows for the conversion, re-use and adaptation of rural buildings in the countryside. The reasoning being that if a building

already exists in the countryside, its re-use can be acceptable subject to the criteria. Therefore the proposals are acceptable in principle subject to consideration of the impact on the area including the Kent Downs National Landscape (KDNL); the scope of the conversion works required; impact of the proposed parking and any other ancillary works; and traffic impact.

Kent Downs National Landscape

6.03 The site is within the Kent Downs National Landscape (KDNL) and the NPPF states that great weight should be given to conserving and enhancing landscape and scenic beauty in these areas which have the highest status of protection and that the scale and extent of development within these areas should be limited. Local Plan policy reiterates this.

6.04 The Levelling Up and Regeneration Act has amended and strengthened the previous legal duty in respect of National Landscapes stating:

"In exercising or performing any functions in relation to, or so as to affect, land in an area of outstanding natural beauty, a relevant authority must seek to further the purpose of conserving and enhancing the natural beauty of the area of outstanding natural beauty."

6.05 These requirements need to be considered in assessing the impacts of the proposed development which is carried out below.

6.06 The NPPF also states at paragraph 177 that permission should be refused for 'major development' other than in exceptional circumstances. It states that,

"Whether a proposal is 'major development' is a matter for the decision maker, taking into account its nature, scale and setting, and whether it could have a significant adverse impact on the purposes for which the area has been designated or defined."

6.07 In summary, the proposals are for the re-use and conversion of an existing building involving some reductions to it and new car parking. Because the proposals re-use an existing building it is considered the nature and scale of this proposal is not a 'major development' for the purpose of paragraph 177. The proposals will generate vehicles movements but for the reasons outlined below they would not result in a significant increase above those that could already occur.

Conversion Works & Impact on the Character and Appearance of the Area and Kent Downs National Landscape

6.08 LPR policy states that the existing building should be of a form, bulk, scale and design which takes account of and reinforces landscape character; is of sound construction such that major or complete reconstruction is not required; and the proposed works are sensitive to the building and landscape.

6.09 The existing building site is made up of a series of connected structures of different form, appearance, and size. Together they make up a very large building which detracts from the local area. However, the building obviously exists and the proposed works in my view would result in an improvement at the site as a large unsightly two storey part would be removed on the northwest side of the building and replaced with a single storey element, and central sections would be demolished reducing some of the building's mass and impact.

- 6.10 A letter from a structural engineering company states the buildings are in a fair/good condition and are structurally robust and permanent and so suitable for conversion. The structural and external walls would be retained as would the roof frames and I have no reason to dispute the opinion of the structural engineers. Having viewed the buildings they generally appear capable of conversion/re-use rather than having to be re-constructed, with only a modest replacement single storey section on the west side.
- 6.11 The external conversion works involve replacing the corrugated roof sheeting with grey metal sheeting, new window and door openings including roller shutter doors, and cladding of the external brick walls in timber on all elevations. There are some first floor sections of the existing building which are proposed to be faced with white render but I agree with the National Landscape Unit that a dark colour is more appropriate which can be secured by condition. The current building is largely faced in white painted brickwork and stands out so it is considered the external works to the building would improve its appearance and lessen its impact with a traditional material used in the timber cladding which should be a dark colour, and muted or dark colours for the roof, first floor and doors which can be secured by condition.
- 6.12 In terms of other development, 12 new parking spaces are proposed to the south of the building. This area has been laid with hardcore which does not benefit from planning permission and was formerly an area of scrub/edge of an arable field. The back of the spaces would be in line with the rear of the adjacent building and so would not protrude into the countryside. Landscaping has also been negotiated here to provide a double staggered native hedgerow alongside the parking and a double row of native trees to the south which not only screen the parking but would break/soften views of the existing building from the south where it is currently highly visible.
- 6.13 On the west side of the building a further 13 new parking spaces are proposed but these are well screened by existing trees here. No dig methods of construction are proposed for some of these spaces to ensure no harm to the existing trees which can be secured by condition. Some parking would be provided under cover of the existing building to the north which would have a minimal impact.
- 6.14 The existing access track would be resurfaced in tarmac and widened slightly to 5m, and where it meets Bicknor Road the bell mouth would be widened on the south side with the removal of some trees. Whilst the access track already exists, its impact is fairly limited and it is rural in appearance. The proposals would urbanise the access and so a double staggered native hedgerow either side for the length of the road has been negotiated and tree and shrub planting behind the widened splay to mitigate the impact. With this secured by condition, I consider the impact would not be harmful.
- 6.15 The 4 passing bays on Bicknor Road would be on its south side and the applicant has provided evidence that they own the land required for these passing bays. Two of the locations already have an informal 'bay' and one of these would be properly surfaced with the other increased in size. The two others would be new passing bays. Three of the bays would require the removal of sections of the existing shelter belt trees and a replacement hedge is proposed behind the new passing bays.
- 6.16 The passing bays would result in an urbanising impact upon the rural lane. However, it is noted the Council accepted the impact of 4 slightly larger passing bays under application 18/501312/FULL in relation to a new cold store building to the south of the application site that was submitted by a different applicant. The requirement for them was removed under an approved section 73 application as they could not be

delivered by the applicant (who did not own the land) but the impact had been accepted. Therefore it would be inconsistent to now find these passing bays unacceptable in terms of their visual impact. However, they would still cause some harm to the character of the lane but I do not consider it is at a 'significant' level, which is the bar set in the LPR in terms of impact on the countryside under policy LPRSP9.

- 6.17 There is a former concrete access road to the south of the building which is no longer in use. It is proposed to remove the concrete and landscape this area including with new trees which will provide a small improvement to the landscape.
- 6.18 The passing bays on Bicknor Road would cause some harm to the rural character of the lane as would the widened access into the site but this is not considered to be at a significant level. The changes to the building in reducing its massing, cladding it in better quality materials and darker/muted colours would reduce its impact on the landscape, and the proposed landscaping to the south would also reduce its visual presence and result in some enhancement to the landscape. In balancing the harm against the landscape benefits from the development it is considered the overall impact on the KDNL is positive. So whilst giving great weight to the harmful impacts from the highway works on Bicknor Road, the proposals overall are considered to further the purpose of conserving and enhancing the natural beauty of the KDNL. This is in accordance with principles SD3 and LLC1 of the KDNL Management Plan.

Highways

Access

- 6.19 There are two existing access points which will both be closed off and landscaped and the only access would be via the track that will be upgraded to the south to Bicknor Road. KCC Highways have no objections to this proposed access and they also consider the swept paths for vehicles within the site are acceptable.

Traffic Impacts

- 6.20 The applicant has submitted a Transport Statement which includes a comparison of the vehicle trips that could occur at the site against the proposed uses. It outlines the existing lawful use of the building is for B8 storage and distribution. Whilst there is no lawful development certificate in place, the applicant has provided six letters from businesses stating they have used the building for storage purposes for between 4 and 12 years. There is no evidence to dispute this so on balance the fallback position of the building being in B8 use is accepted.
- 6.21 Taking into account the traffic from existing uses is generally an accepted position under planning applications. Despite the buildings not currently being in use and the roof coverings having been removed in places, they were used up until last autumn, and the building has not been 'abandoned' for planning purposes. It is also noted the Highways Authority (KCC) raise no objections to this approach.
- 6.22 The applicant compared the traffic that could flow from the existing B8 use using the 'TRICS Database' with the predicted traffic from the proposed development resulting in a net impact.
- 6.23 The predicted total 2 way vehicle trips from the existing uses in the AM peak are 20 and in the PM are 19. The predicted total 2 way vehicle trips for the proposed development in the AM peak are 27 and in the PM are 25. The net impact is therefore

an increase of 7 trips in the AM peak and 6 trips in the PM peak. Across the whole day there would be an increase of 48 two way trips.

- 6.24 In comparison to the existing use the proposals would therefore have a negligible impact during the peaks and would not result in any traffic capacity issues. KCC Highways accept this position and raise no objections.
- 6.25 As pointed out by the National Landscapes Unit, the tranquillity of the KDNL is one of its special qualities. As the increase in vehicle movements beyond what could potentially occur at the site is not significant, it is considered the proposals would not have a significant or harmful impact on the tranquillity of the KDNL in accordance with principle SD7 of the KDNL Management Plan.

Passing Bays

- 6.26 KCC Highways are satisfied with the passing bays in terms of highway safety and visibility provided between them.

Parking

- 6.27 45 spaces for cars are proposed and 12 spaces for goods vehicles. KCC Supplementary Planning Guidance Note 4 (SPG4) from 2006 are the parking standards used by the LPA for non-residential uses and require a maximum of 39 car spaces and 12 spaces for good vehicles taking a middle point between the B2 and B8 uses. Whilst there are 6 more car spaces than the standards this is not grounds to refuse permission and KCC Highways raise no objections. Cycle parking for 4 bikes is proposed outside of buildings and other cycle storage internal to buildings, which is acceptable and can be secured by condition.

Impact on GII* Listed Building

- 6.28 Due to the distance (around 200m) and intervening vegetation the proposals would have no impact upon the setting of Grade II* listed Bicknor Court to the northwest.

Residential Amenity

- 6.29 The proposals are for B2 and B8 uses. B2 uses are 'general industrial' and have the potential to create noise and disturbance including from vehicle movements around the site such a forklifts and there are dwellings just to the south of the site. The applicant has therefore submitted a noise assessment in accordance with BS:4142 (Method for Rating and Assessing Industrial and Commercial Sound), which concludes that noise from within the units would not be harmful, and subject to a 2.6m acoustic fence being provided along the south boundary, the impacts from noise around the site would be acceptable within the nearby gardens or dwellings. A noise management plan is also recommended relating to general noise around the site, switching engines off, and roller shutter doors being closed when not in use etc. Environmental Health have reviewed the assessment and raise no objections subject to conditions. I also consider it is appropriate to limit hours of use due to the proximity of nearby residential properties.
- 6.30 External plant or equipment can be controlled by condition to ensure no harmful impacts from noise and there is the potential for smells and odours from B2 uses and so conditions are required for details of any extraction systems.

Other Matters including Drainage, Ecology and Representations

Drainage

- 6.31 Surface water would be discharged via new soakaways. KCC LLFA raise no objections to these proposals subject to conditions to secure the detailed design and as the soakaways may need to be deeper than normal due to the underlying geology.

Ecology

- 6.32 Assessments and surveys submitted confirm that foraging/commuting pipistrelle bats are present and that the site has potential to support dormouse and reptiles. The surveys conclude that it is unlikely that bats are currently roosting within the site or GCN are present. As the site is largely hard standing KCC Ecology are satisfied any impact on reptiles and dormouse can be avoided through a precautionary mitigation approach re. any vegetation removal. In terms of bats, conditions can control lighting to ensure it minimises light spill and impacts upon them which is also necessary to limit the impact on the KDNL. KCC Ecology have raised the potential impact on foraging bats through the removal of trees for the passing bays but with replacement hedge planting being secured I do not consider this would be unacceptable.
- 6.33 In terms of biodiversity net gain (BNG) the appellant has not provided a BNG assessment because the application was submitted in advance of it becoming mandatory and the LPR policy only requires BNG (20%) on residential development and not commercial. As the only additional development are the parking areas and passing bays, the proposed landscaping in the form of trees, wildflower meadow, and native hedges would provide net gains for biodiversity. Integral nesting features and hibernacula can also be secured by condition as enhancements.

Representations

- 6.34 Representations received and not considered under the sections above include sustainability of the location; air pollution; and HGV impact on local roads. The proposals are not in a sustainable location but as an exception Local Plan policies allow for the conversion/re-use of buildings because they already exist and do not qualify this in terms of their location or access to public transport. As the proposals will not significantly increase traffic there would not be any significant impacts on air quality nor is there an air quality management area nearby that would be affected. In terms of HGV's the Highways Authority has raised no objections.

Public Sector Equality Duty

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

Community Infrastructure Levy

- 6.36 The proposed development is not CIL liable.

7.0 CONCLUSION

- 7.01 Local Plan policies allow for the conversion, re-use and adaptation of rural buildings in the countryside. The building is capable of conversion and the proposed works would improve its appearance and reduce its impact upon the countryside and Kent

Downs National Landscape (KDNL), and the proposed landscaping would further reduce its visual presence and result in some enhancement to the landscape in accordance with Local Plan countryside policies and the KDNL Management Plan.

- 7.02 The 4 passing bays and widened access on Bicknor Road would cause some harm to the rural character of the lane but this is not considered to be at a significant level. In balancing this harm against the landscape benefits from the development referred to above, it is considered the overall impact on the KDNL is positive. So whilst giving great weight to the harmful impacts from the highway works on Bicknor Road, the proposals overall are considered to further the purpose of conserving and enhancing the natural beauty of the KDNL.
- 7.03 The proposals would result in a low increase in vehicle movements beyond the fallback position and no objections are raised by the Highways Authority. Conditions requiring an acoustic fence, noise management, and limiting hours of use would protect residential amenity.
- 7.04 The proposals comply with all relevant Development Plan policies and permission is therefore recommended subject to the following conditions.

EIA Development	Yes
Comments	<p>Whilst the proposal falls within Schedule 2 (10a) of the Regulations and exceeds the applicable threshold of 0.5 hectares, the NPPG acknowledges that only a "very small proportion" of Schedule 2 projects will require an EIA.</p> <p>The site is within a 'sensitive area' defined under the EIA Regulations being the Kent Downs National Landscape, however, the development would not have significant environmental impacts upon it for the reasons set out in the report.</p> <p>The development is not complex in nature or of a scale such that any impacts upon natural resources, waste, pollution, human health, water resources, biodiversity, landscape/visual, heritage, highways, or the environment would be of a magnitude to result in significant environmental effects. Potential impacts are considered to be localised with the scope for mitigation.</p> <p>Therefore the characteristics, scale, or location of the development and its potential impacts are not likely to give rise to significant effects on the environment and thus an EIA is not required.</p>

8.0 RECOMMENDATION

GRANT PLANNING PERMISSION subject to the following conditions with delegated authority to the Head of Development Management to be able to settle or amend any necessary planning conditions and/or informatives in line with the matters set out in the recommendation and as resolved by the Planning Committee:

Time Limit

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.

Approved Plans & Compliance

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

9000 Rev11 (Site Location Plan)
9000.4 Rev10 (Proposed Block Plan)
9003 Rev 07 (Proposed Ground Floor)
9004 Rev5 (Proposed First Floor Plan)
9008 Rev 06 (Proposed Elevations)
9009 Rev 06 (Proposed Elevations)
P22148 002 (Proposed Site Access Arrangement)
9000.1 Rev11 (Waiting Bays)
9000.2 Rev11 (Waiting Bays 1)
9000.5 Rev11 (Waiting Bays 2)

Reason: For the purposes of clarity and to ensure a satisfactory appearance to the development.

3. The development shall be carried out in accordance with the mitigation measures set out at Section 4 of the Biodiversity Mitigation and Enhancement Strategy (December 2023).

Reason: To protect biodiversity.

4. The development shall be carried out in accordance with the Arboricultural Report and Method Statement (May 2023) including the tree protection measures and no-dig construction and in accordance with the Tree Protection Plan (May 2023).

Reason: To protect retained trees.

Pre-Commencement

5. No development shall take place 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:

- a) 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.
- b) A site investigation, based on (a) to provide information for a detailed assessment of the risk to all receptors that may be affected, including those off site.
- c) A remediation method statement (RMS) based on the site investigation results and the detailed risk assessment (b). 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.

- d) A Closure Report is submitted upon completion of the works. The closure report shall include full verification details as set out in (c). 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.

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

Reason: In the interests of human health.

6. No development (except for demolition/site clearance) shall begin 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 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 within the curtilage of the site without increase to flood risk on or off-site. The drainage scheme shall also demonstrate (with reference to published guidance):

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

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

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

7. No development shall take place until written details and samples of the materials to be used in the construction of the external surfaces of the buildings hereby permitted have been submitted to and approved in writing by the local planning authority and the details shall include the following:
- a) Dark stained timber boarding.
b) Dark or muted coloured render.
c) Dark or muted coloured roof sheeting.

The development shall be constructed using the approved materials.

Reason: To ensure a satisfactory appearance to the development.

8. No development shall take place until written details and images of all surface materials have been submitted to and approved in writing by the local planning authority. The development shall be constructed using the approved materials.

Reason: To ensure a satisfactory appearance to the development.

Pre-Occupation

9. The development shall not be occupied until a landscaping scheme has been submitted to and approved in writing by the Local Planning Authority. The landscaping scheme shall include:
- a) A scheme designed in accordance with the principles of the Council's landscape character guidance (Maidstone Landscape Character Assessment Supplement 2012).
 - b) Details of the number, size, species, maturity, spacing and position of existing/proposed native trees and landscaping.
 - c) A ten 10 year landscape management plan.
 - d) A scheme following the landscaping proposals shown on drawing no. 9000.4 Rev10 to include:
 - i) Double staggered native hedging along the east side of the eastern parking area;
 - ii) Double staggered native hedging along both sides of the access road into the site;
 - iii) Native tree and shrub planting on the south side of the access;
 - iv) Native tree and shrub planting on and along the accesses/roads that are to be closed off;
 - v) Native shrub and tree planting within the site; and
 - vi) Native tree/hedge planting along the rear of the passing bays on Bicknor Road.

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

10. All landscaping specified in the approved landscape details shall be carried out in the first planting season (1st October to the end of February) following the first occupation/use of the buildings or in accordance with a timetable previously agreed with the Local Planning Authority. The approved landscaping shall be retained for at least 10 years following its implementation and shall be managed and retained strictly in accordance with the approved specification/management plan, and any approved or retained seeding or turfing which fails to establish or any trees or plants which, before a period of 10 years from the completion of the development has expired, die or become so seriously damaged or diseased that their 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. No replacement planting or removal of any planting shall take place without the prior written consent of the local planning authority.

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

11. The development shall not be occupied details of the following biodiversity enhancements and their implementation have been submitted to and approved in writing by the local planning authority:
- a) Bat, bird and dormouse boxes
 - b) Reptile hibernacula

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

Reason: In the interests of biodiversity enhancement.

12. The development shall not be occupied until a Verification Report, pertaining to the surface water drainage system and prepared by a suitably competent person, has been submitted to and approved in writing by the Local Planning Authority. The Report shall demonstrate that the drainage system constructed is consistent with that which was approved. The Report shall contain information and evidence (including photographs) of details and locations of inlets, outlets and control structures; landscape plans; full as built drawings; information pertinent to the installation of those items identified on the critical drainage assets drawing; and the submission of an operation and maintenance manual for the sustainable drainage scheme as constructed.

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

13. The development shall not be occupied until details and specification of the 2.6m high acoustic barrier/fence and its precise location in line with the Noise Impact Assessment (October 2023) have been submitted to and approved in writing the by the local planning authority. The approved fence shall be installed prior to the occupation/use of any buildings and thereafter retained.

Reason: To protect the amenity of nearby residential properties.

14. The development shall not be occupied until a noise management plan has been submitted to and approved in writing by the local planning authority. The plan shall include but not be limited to the control of noise from plant and machinery, noise from internal and external activities, and cover the matters outlined at section 5.1 of the Noise Impact Assessment (October 2023). The plan should include procedures for response to complaints from residents or the local authority. It should include a review mechanism in response to justified complaints. The development shall be operated in accordance with the approved plan.

Reason: In the interests of residential amenity.

15. The development shall not be occupied until the passing bays on Bicknor Road as shown on drawing nos. 9000.1 Rev11, 9000.2 Rev11, and 9000.5 Rev11, or as otherwise agreed with the Highways Authority, have been provided in full.

Reason: In the interest of highway safety.

16. The development shall not be occupied until the access as shown on drawing no. P22148 002 (Proposed Site Access Arrangement) has been provided and thereafter retained.

Reason: In the interest of highway safety.

17. The development shall not be occupied until the two existing access points to the west of the building have been closed off as shown on drawing no. 9000.4 Rev10.

Reason: In the interests of road safety.

18. The development shall not be occupied until details of all external lighting has been submitted to and approved in writing by the local planning authority which shall include the following:
- a) Designed following best practice guidance within Bat Conservation Trust/Institute of Lighting Professional's 'Guidance Note 08/23 Bats and Artificial Lighting at Night'1.
 - b) Downward facing.
 - c) On motion sensors or timers so switched off when not required.

The lighting shall be carried out in accordance with the approved scheme.

Reason: In order to limit the impact of lighting on the local area and upon protected species.

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

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

20. The development shall not be occupied until detail of external and internal cycle parking have been submitted to and approved in writing by the local planning authority. The approved parking shall be available prior to the occupation of the development and thereafter retained.

Reason: To promote alternative travel options.

21. The development shall not be occupied until details of all plant and equipment, with an acoustic assessment of their impact and any necessary mitigation, have been submitted to and approved in writing by the local planning authority. The rating level of noise emitted from any proposed plant and equipment to be installed on the site (determined using the guidance of the current version of BS:4142 for rating and assessing industrial and commercial sound) shall be low as reasonably possible. In general, this is expected to be 5dB below the existing measured background noise level LA90, T. In exceptional circumstances, such as areas with a very low background or where assessment penalties total above 5dB the applicants consultant should contact the Environmental Protection Team to agree a site-specific target level. The equipment shall be maintained in a condition so that it complies with the levels and mitigation measures specified in the approved acoustic report, whenever it is operating. After installation of the approved plant no new plant shall be used without the written consent of the local planning authority.

Reason: In the interested of residential amenity.

22. The development shall not be occupied until details of all measures to be taken to deal with the emission of dust, odours or vapours arising from the site have been submitted to and approved in writing by the Local Planning Authority. Any equipment, plant or process provided or undertaken in pursuance if this condition shall be installed prior to the first use of the premises and shall be operated and retained in compliance with the approved scheme.

Reason: In the interested of residential amenity.

Restrictions

23. The buildings shall be used for B2 or B8 uses only and for no other purpose (including any other use permitted under the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any statutory instrument revoking and re-enacting those Orders with or without modification);

Reason: To meet the terms of the permission and other uses may not be acceptable at the site.

24. No open storage outside of buildings of any materials or products shall take place on the land.

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

25. No activity in connection with the uses hereby permitted including any deliveries shall be carried out outside the hours of 7am and 10pm and not at any time on Sundays, Bank or Public Holidays.

Reason: To safeguard the enjoyment of their properties by adjoining residential occupiers.

26. No infiltration of surface water drainage into the ground is permitted unless approved under the surface water drainage scheme for the development.

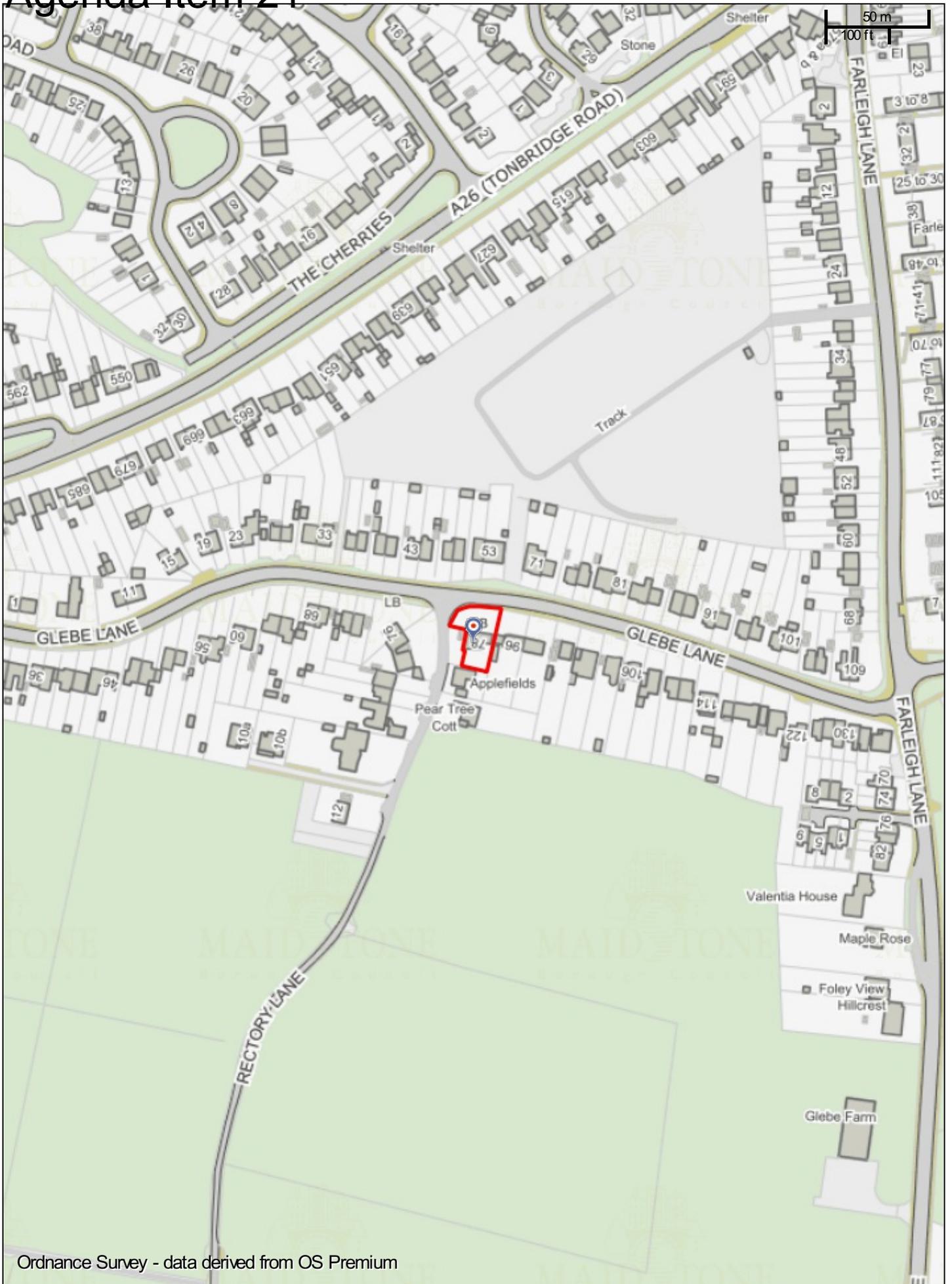
Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants.

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

Reason: To ensure that the development does not contribute to, or is not put at unacceptable risk from, or adversely affected by, unacceptable levels of water pollution caused by mobilised contaminants.

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 21



Ordnance Survey - data derived from OS Premium

24/500681/FULL 78 Glebe Lane, Maidstone, Kent ME16 9BA

Scale: 1:2500

Printed on: 10/5/2024 at 11:25 AM by RebeccaB1

REPORT SUMMARY

REFERENCE NUMBER: 24/500681/FULL		
APPLICATION PROPOSAL: Demolition of garage and side extension, creation of front canopy and external alterations. Erection of 1no. detached dwelling, including access, parking and landscaping.		
ADDRESS: 78 Glebe Lane Maidstone Kent ME16 9BA		
RECOMMENDATION: GRANT PLANNING PERMISSION subject to planning conditions in Section 8 of this report.		
SUMMARY OF REASONS FOR RECOMMENDATION: The proposed dwelling would not result in harm to the character and appearance of the street scene or the wider area. The proposal would not impact residential neighbouring amenity, nor would it impact parking at the site or the wider highway network. The proposal is found to be acceptable and in accordance with the Maidstone Borough Local Plan Review 2024 and the NPPF 2023.		
REASON FOR REFERRAL TO COMMITTEE: The application has been called by Cllr Paul Harper for the following reasons: <ul style="list-style-type: none"> • Inappropriate and over development, • Environmental sustainability, • Impact on street scene, • Level of concern in Glebe Lane from residents. 		
WARD: Fant	PARISH/TOWN COUNCIL: N/A	APPLICANT: Mr Danny O'Loughlin AGENT: WS Planning & Architecture
CASE OFFICER: Chloe Berkhauser-Smith	VALIDATION DATE: 22/02/24	DECISION DUE DATE: 31/05/24
ADVERTISED AS A DEPARTURE: No		

Relevant planning history

22/502583/FULL: Change of use of commercial unit to habitable space associated with existing residential dwelling, and erection of a detached three bedroom dwelling. Demolition of existing detached garage.
Approved 25.07.2022

22/505353/SUB: Submission of details to discharge conditions 3 (Materials), 4 (Landscape scheme), 7 (Biodiversity scheme), 8 (Boundary treatments), 9 (Refuse bins), 10 (Energy requirements) of planning application 22/502583/FULL.
Approved 08.05.2024

MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 The application site is in the urban area. The site is on the corner of Glebe Lane and Rectory Lane and currently occupied by a two-storey detached building with a commercial use at ground floor and residential accommodation at first floor. The large hardstanding parking area to the front of the building is surrounded by a dwarf brick wall with vehicle access from Rectory Lane. The site includes single storey garages to the east (adjacent to 96 Glebe Lane) and to the west (Rectory Lane) of the main building.
- 1.02 The extant permission granted under reference 22/502583/FULL is for the change of use of the ground floor of the existing building to residential. The permission also includes the demolition of the detached garage on the Rectory Lane (west) side of the existing building and erection of a second detached dwelling.

- 1.03 Beyond the application site, the area is residential in character with detached and semi-detached, predominantly two-storey dwellings, situated on rectangular shaped plots with long gardens to the rear and parking provision to the front. The urban area boundary runs to the rear of the application property and properties on the south side of Glebe Lane

2. PROPOSAL

- 2.01 The application seeks the demolition of the attached garage to the east (adjacent to 96 Glebe Lane) of the existing dwelling and the existing side extension. The application includes provision of a detached dwelling, including access, parking, and landscaping.
- 2.02 The proposed dwelling would be two-storey in height with a hipped roof, and a two-storey front gable projection on the right-hand side of the building. The building would have an eaves height of approximately 5.7m and a ridge height of 7.9m. The front gable projection would be set down, with a ridge height of approximately 6.7m. The proposed dwelling would have a width of approximately 5.6m and depth of 9.7m.



Proposed Street Scene

3. POLICY AND OTHER CONSIDERATIONS

Maidstone Borough Local Plan Review 2024

The Maidstone Borough Local Plan Review was adopted by the Council on the 20 March 2024. There have been 2 strategic level challenges to adoption. The relevant Maidstone Borough Local Plan Review (March 2024) policies are as follows:

- LPRSS1 – Maidstone borough spatial strategy
- LPRSP2 – Maidstone urban area
- LPRSP10(A) – Housing mix
- LPRSP11 – Economic development
- LPRSP12 – Sustainable transport
- LPRSP14(A) – Natural environment
- LPRSP15 – Principles of good design
- LPRHOU2 – Residential extensions, conversions, annexes and redevelopment within the built-up area
- LPRTRA2 – Assessing the transport impact of development.
- LPRTRA4 – Parking
- LPRQD1 – Sustainable design
- LPRQD6 – Technical standards
- LPRQD7 – Private open space standards

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

4. LOCAL REPRESENTATIONS

Local residents

- 4.01 6 representations received objecting to the application for the following (summarised) reasons:

- Parking and highway concerns
- Overdevelopment
- Design and visual appearance
- Out of character
- Cramped appearance
- Overshadowing
- Loss of privacy
- Increase in noise.
- Bin storage
- Problems arising from the construction period.
- Loss of view

Councillor Harper

- 4.02 Committee call in on the following grounds:
- Inappropriate and over development,
 - Environmental Sustainability,
 - Impact on street scene,
 - Level of concern in Glebe Lane from residents.

5. CONSULTATIONS

(Please note that summaries of consultation responses are set out below. Comments are discussed in more detail in the appraisal section where considered necessary)

MBC Environmental Health

- 5.01 No objection subject to informatives.

KCC Highways

- 5.02 No objection - does not meet the criteria to warrant involvement from the Highway Authority.

KCC Archaeologist

- 5.03 No comment.

6. APPRAISAL

- 6.01 The key issues are:
- Sustainability of location
 - Character, appearance and neighbour amenity policy LPRHOU2
 - Standard of accommodation
 - Parking/highways
 - Other matters

Sustainability of location

- 6.02 The site is located within the designated Maidstone urban area. Local Plan policy LPRSS1 (Maidstone Borough spatial strategy) states that the main focus for new development in the borough will be Maidstone's urban area (as the largest and most sustainable location). Policy LPRSS1 states 'Best use will be made of available sites within the urban area'.
- 6.03 Policy LPRSP12 (sustainable transport) encourages development which would have a positive impact in terms of sustainable travel. The proposal site is in a sustainable location, where future occupiers will be able to meet daily needs without use of a private car. The location is therefore generally suitable for new residential accommodation subject to the consideration of other adopted planning policies.

Character, appearance, and neighbour amenity policy LPRHOU2

- 6.04 Policy LPRHOU2 (Residential extensions, conversions, annexes, and redevelopment within the built-up area) permits development which meet a number of criteria, and these are considered below:

LPRHOU2 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.

- 6.05 Policy LPRSP15 (Principles of good design) outlines the importance of high-quality design for any proposal. This includes considering the scale, height, materials, detailing, mass, bulk, articulation, and site coverage. The character of the area is formed of semi-detached and detached, two-storey dwellings. The proposed detached, two-storey dwelling is in keeping with the pattern of development in the area.
- 6.06 The design of the proposed dwelling would be in keeping with the character of the street scene. The existing dwellings along Glebe Lane vary in design, however predominantly they feature pitched or hipped roofs with a few featuring two-storey front facing gable ends. The design of the proposed dwelling would feature a hipped roof with a two-storey front facing gable end which is in keeping with the character of the area. The scale, height, form and appearance of the proposal would fit unobtrusively with the character of the street scene and its context.
- 6.07 Comments have been received raising concerns about overdevelopment of the site and a cramped appearance. Whilst the width of the proposed dwelling would be slightly smaller than the existing property (approximate width of 6.2m), the proposed dwelling would have an approximate width of 5.6m which is the same width as the previously approved dwelling (reference 22/502583), therefore creating a symmetry between the dwellings.
- 6.08 Furthermore, there would be a similar distance between the dwellings on the site of approximately 2m, with a larger distance of approximately 5.4m between the proposed dwelling and No.96 Glebe Lane at first floor level. Whilst not directly relevant, the Residential Extensions SPD 2009 sets out at paragraph 4.17 that as a guide, a minimum of 3m between each property is normally desirable. The gap between the proposed dwelling and No.96 would exceed this guidance.
- 6.09 Overall, the proposal would follow the local pattern of development. The design of the proposed dwelling would be in keeping with the character and appearance of the street scene. The proposed dwelling would match the width of the existing permitted dwelling (reference 22/502583) and there is sufficient space between the dwellings to ensure the proposal does not appear cramped. The proposal would be visually acceptable and would not result in harm to the character and appearance of the street scene or the wider area.
- 6.10 Paragraph 135 of the NPPF sets out that planning policies, and decisions should ensure that developments are sympathetic to local character and history, including the surrounding built environment. In this instance, grey windows and cladding and the use of zinc is not a material which is commonly used along Glebe Lane, however considering these a minor material details and considering the design of the proposed dwelling would be in keeping with design of other dwellings in the area, the development would not appear as a discordant addition in the street scene.
- LPRHOU2 ii. The traditional boundary treatment of an area would be retained and, where feasible, reinforced.
- 6.11 The existing boundary treatment consists of close boarded fencing to the rear and eastern boundary. It is proposed that existing fencing will be retained and a new close boarded fence is proposed along the western boundary to divide the rear amenity area of the proposed dwelling and the host dwelling. The front boundary treatment consist of a low brick wall would be retained.
- LPRHOU2 iii. Adjoining residents would avoid unacceptable loss of privacy, outlook or light and would avoid unacceptable intrusion from noise or odour.
- 6.12 Local Plan policy LPRSP15 states that proposals will be permitted which create high quality design and where they respect the amenities of occupiers of neighbouring properties. Development should not result in, excessive noise, vibration, odour, air pollution, activity or vehicular movements, overlooking or visual intrusion. Built form should not result in an unacceptable loss of privacy or light enjoyed by the occupiers of nearby properties.
- 6.13 The closest neighbouring properties are 96 Glebe Lane (approximately 4.4m east of the boundary), and Applefields, Rectory Lane (approximately 0.8m south from the boundary and a further 8.9m from the proposed dwelling).

Daylight/sunlight

- 6.14 Given the orientation of the site, the proposal would not impact Applefields in terms of overshadowing or a loss of light. In regard to No.96, there is an existing single storey garage that runs along the boundary in the curtilage of No.96 and No.96 is approximately 4.4m from the proposed dwelling. Considering this and the orientation of the site, the proposal would not impact the residential amenity of No.96 in terms of a loss of light or overshadowing.

Privacy/overlooking

- 6.15 The proposal would incorporate a ground floor window on the east side elevation that would serve the living room which would look towards No.96. However, given the window is situated at ground level and there is an existing boundary treatment consisting of the neighbours external wall, the proposed window would not result in a loss of privacy or overlooking towards No.96.
- 6.16 There is another window proposed on the west side elevation that would be located at first floor level, however this window would serve a hallway which is not a habitable space. The window would look onto the blank flank wall of the host property and therefore would not result in any overlooking or loss of privacy.
- 6.17 There are two first floor windows situated on the rear elevation that would look onto the rear amenity space of Applefields. One of these windows would serve the bathroom which is not a habitable room which therefore would not impact residential amenity, additionally a condition will be added requiring the window to be obscure glazed and non-opening below 1.7m from finish floor level.
- 6.18 The other window would serve a bedroom which is a habitable space. The Council seeks a minimum separation distance of 20m between directly opposing first floor habitable windows. This standard is achieved as the north flank of Applefields is a blank wall, with no windows. Furthermore, there are existing first floor habitable windows on the rear elevation of the existing property, whilst these views would be at an angle, they would offer similar views to the proposed window.
- 6.19 The distance from the proposed bedroom window to the rear amenity area of Applefields would be approximately 8.9m. This distance and the existing windows is considered acceptable in relation to overlooking and privacy.

Noise/Activity

- 6.20 Concerns have been raised regarding increase in noise as a result of the development. The proposal is for a new residential dwelling that is situated within a residential area. I do not consider the proposal to impact residential amenity due to increase noise or activity as the residential use of the site is already established and the site is situated within a residential area. Furthermore, Environmental Health have been consulted on the application and raised no objection to the application in terms of noise, lighting and air quality.
- 6.21 Overall, the proposal would not result in harm to the residential amenity of neighbouring properties in terms of a loss of light or overshadowing, a loss of privacy or overlooking or in regard to an increase in noise or activity.

LPRHOU2 iv. Sufficient parking would be provided within the curtilage of the dwelling without diminishing the character of the street scene.

- 6.22 The frontage of the application site is currently all hardstanding providing an informal parking area. The current application includes the provision of 6 formal car parking spaces (2 each for existing, previously approved and currently proposed dwellings). In addition to the formal car parking the proposal includes the introduction of landscaping. This landscaping represents an improvement to the building setting. A condition is recommended seeking as much landscaping as possible to the front of the building.

Standard of accommodation

- 6.23 Local Plan policy LPRSP15 and paragraph 135 of the NPPF states that proposals will be permitted where they create high quality design and provide adequate residential amenities for future occupiers of new development. Adequate residential amenities for future occupiers should be achieved by ensuring that development is not exposed to excessive noise,

vibration, odour, air pollution, activity or vehicular movements, overlooking or visual intrusion.

- 6.24 LPRQ&D6 (technical standards) sets out that proposed development will be expected to meet the new technical standards. For a 3-bedroom, 2-storey dwelling, the minimum national space standard is 84m². The proposed dwelling would have an approximate internal area of 90m², which therefore meets the minimum requirement.
- 6.25 LPRQ&D7 (private amenity space standards) requires all new dwellings to have a private amenity space that is located adjacent to the dwelling, has an external private access and for houses, the rear garden is at least equal to the ground floor footprint and not triangular in shape. The dwelling would have a suitable rear amenity area that meets this criteria.
- 6.26 Overall, the proposed dwelling would meet the minimum space standards and it would have a suitable rear amenity area. I am therefore satisfied that the proposed dwelling would not result in harm to the residential amenity of future occupiers.

Parking/highways

- 6.27 Local Plan policy LPRSP15 states that proposals which create high quality design will be permitted, where they safely accommodate the vehicular and pedestrian movement generated by the proposal on the local highway network and through the site access. Local Plan policy LPRTRA2 seeks to ensure that the vehicle trips generated by a use can be adequately accommodated on the road network.
- 6.28 The Kent and Medway Structure Plan 2006 sets out that a 3-bedroom dwelling should have a maximum of 2 spaces per unit. The proposal would incorporate 2 independently accessible parking spaces for the proposed dwelling, the proposal therefore would not detrimentally impact parking at the site or the wider highway network.
- 6.29 Furthermore, KCC Highways were consulted on the application, and they did not raise any objections.

Other matters

- 6.30 Local Plan policy LPRSP14(A) states: *"To enable Maidstone borough to retain a high quality of living and to be able to respond to the effects of climate change, developers will ensure that new development protects and enhances the natural environment ...where appropriate development proposals will be expected to appraise the value of the borough's natural environment through the provision of...an ecological evaluation of development sites...to take full account of the biodiversity present, including the potential for the retention and provision of native plant species"*.
- 6.31 The development will need to demonstrate that it provides biodiversity enhancements and, this could be achieved by placing bird boxes, bat boxes, bug hotels, log piles, wildflower planting and hedgehog corridors around the site, and incorporating bat and bee bricks into the building itself, and this can be requested by way of condition if permission is granted.
- 6.32 Concerns have been raised regarding bin storage. A condition will be added requiring details to be submitted in regard to refuse and cycle storage, that will be required to be in place before the first occupation of the dwelling.

PUBLIC SECTOR EQUALITY DUTY

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

Community Infrastructure Levy

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

7. CONCLUSION

- 7.01 The site is located within the defined boundary of the Maidstone Urban area and Local Plan policy LPRSS1 (Maidstone Borough spatial strategy) states that the main focus for new development in the borough will be Maidstone's urban area (as the largest and most sustainable location). The site is located in a sustainable location, where future occupiers will be able to meet daily needs without use of a private car. The proposal is therefore in accordance with Local Plan policies LPRSS1 and LPRTRA4.
- 7.02 Due to the design, scale, height and form of the proposed dwelling, the proposal would fit unobtrusively with the character of the street scene and its context. The proposal would not result in harm to the character and appearance of the street scene or the character and appearance of the wider area. The proposal is therefore in accordance with Local Plan policies LPRSP15 and LPRHOU2.
- 7.03 The proposal would not result in harm to the residential amenity of neighbouring properties in terms of a loss of light or overshadowing, a loss of privacy or overlooking or due to increase noise or activity, in accordance with LPRSP15 and LPRHOU2.
- 7.04 The proposed dwelling would meet the minimum national space standards and the proposal would provide a suitable rear amenity area in accordance with Local Plan policies LPRQD6 and LRPQD7.
- 7.05 The proposal would provide sufficient parking provision on site and would not detrimentally impact parking or the wider highway network.
- 7.06 The proposal is therefore found to be acceptable and in accordance with the Maidstone Borough Local Plan Review 2024, and the NPPF 2023. As such it is recommended that permission be granted.

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

- 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
Reason: In accordance with the provisions of Section 91 of the Town and Country Planning Act 1990 as amended by Section 51 of the Planning and Compulsory Purchase Act 2004.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
Application Form – Received 22/02/2024
Proposed Site Block Plan – Drawing No. 10 J004652-DD-09-A – Received 16/02/2024
Proposed Site Plan – Drawing No. 11 J004652-DD-10-B – Received 16/02/2024
Proposed Ground Floor Plan – Drawing No. 12 J004652-DD-14 – Received 16/02/2024
Proposed First Floor Plan – Drawing No. 13 J004652-DD-15 – Received 16/02/2024
Proposed Roof Plan – Drawing No. 14 J004652-DD – Received 16/02/2024
Existing and Proposed Street Scenes – Drawing No. 18 J004652-DD-20 – Received 16/02/2024
Proposed Elevations – Drawing No. 15 J004652-DD-17A – Received 22/02/2024
Proposed Elevations – Drawing No. 16 J004652-DD-18-A – Received 22/02/2024
Proposed Elevations New Dwelling – Drawing No. 17 J004652-DD-19 – Received 22/02/2024
Reason: To clarify which plans have been approved.
- 3) The materials to be used in the development hereby approved shall be as indicated on the approved plans and application form.
Reason: To ensure a satisfactory appearance to the development
- 4) The development hereby approved shall not commence above slab level until details of a scheme for the enhancement of biodiversity on the site have been submitted to and approved in writing by the Local Planning Authority. The scheme shall consist of the enhancement of biodiversity through integrated methods into the design and appearance of the dwelling 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 the extension/s and all features shall be maintained thereafter.

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

- 5) At the end of the first planting season (October to February) following first occupation of the approved dwelling landscaping shall be in place, and this landscaping shall be in accordance with a landscape scheme that has previously been submitted to and approved in writing by the Local Planning Authority. The landscaping shall be designed in accordance with the principles of the Council's landscape character guidance (Maidstone Landscape Character Assessment Supplement 2012). The landscaping shall include:
- details of all existing trees, hedgerows and blocks of landscaping on, and immediately adjacent to, the site and indicate whether they are to be retained or removed.
 - Notwithstanding the submitted drawings, maximum provision of soft landscaping and minimum areas of hardstanding in the car parking area.
 - details of the number, size, species, maturity, spacing and position of proposed trees and landscaping. (Including species, spacing, maturity and quantities) *with new hedging at approximately 45cm spacing with 30cm between rows and consisting of 70% Hawthorn or Blackthorn, 5% Dogwood, 10% Field Maple, 10% Hazel, 2.5% Holly and 2.5% Wayfaring Tree*
 - a timetable of implementation of the approved scheme and
 - a five [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.

- 6) Any landscaping which fails to establish or any existing or proposed trees or plants which, within five years from planting are removed, 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) Before the dwelling hereby permitted is first used, the proposed window on the first floor, south elevation, serving the bathroom 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.

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

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

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

- 9) The development shall not commence above slab level until details of how decentralised and renewable or low-carbon sources of energy will be incorporated into the development hereby approved to provide at least 10% of total annual energy requirements of the development, have been submitted to and approved in writing by the local planning authority. The approved details shall be installed prior to first occupation of the approved dwelling and maintained thereafter. Reason: To ensure an energy efficient form of development.

- 10) Any external lighting installed on the site (whether permanent or temporary) shall be in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority. The details 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 approved details shall be in accordance with bat conservation trust guidelines and the Institute of Lighting Obtrusive Light Limitations for Exterior Lighting Installations for Environmental Zone E1. The scheme of lighting shall be installed, maintained and operated thereafter in accordance with the approved scheme. Reason: In order to prevent undue light pollution and to protect wildlife.

- 11) The development hereby approved shall meet the higher level of water efficiency of 110 litres per person, per day as set out under the building regulations Part G2 or any superseding standard. The building shall not be occupied unless this standard has been met and this standard shall be maintained thereafter. Reason: To ensure a sustainable form of development.
- 12) The development hereby approved shall meet the accessible and adaptable dwellings building regulations Part M4(2) standard or any superseding standard. The dwelling shall not be occupied unless this standard has been met and the dwelling shall be thereafter retained as such.
Reason: To ensure the development is in accordance with local and national policy and meets acceptable standards of accessible and adaptable dwellings.
- 13) The development shall not commence above slab level until, details of all fencing, walling and other boundary treatments have been submitted to and approved in writing by the Local Planning Authority (to include gaps at ground level in the boundaries to allow the passage of wildlife) and the development shall be carried out in accordance with the approved details before the first occupation of the approved building and maintained as such thereafter.
Reason: To ensure a satisfactory appearance to the development and to safeguard the enjoyment of their properties by existing and prospective occupiers and for the passage of wildlife.
- 14) 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.

INFORMATIVES

- 1) Asbestos
- 2) External lighting
- 3) Construction

Agenda Item 22



Ordnance Survey - data derived from OS Premium

REPORT SUMMARY

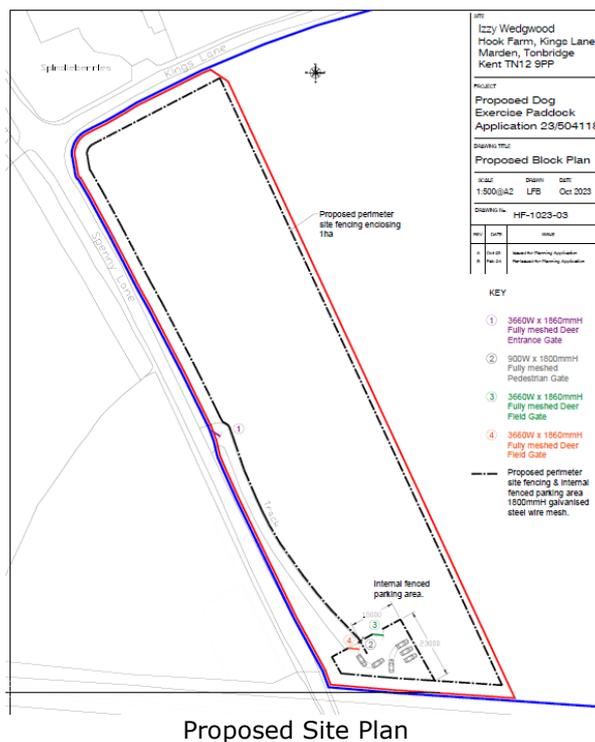
REFERENCE NUMBER: 23/504118/FULL		
APPLICATION PROPOSAL: Change of use of 1 hectare (2.5 acres) of agricultural land to use as a dog walking paddock with associated 1.8metre height fencing, gate, and parking.		
ADDRESS: Hook Farm Kings Lane Marden Kent TN12 9PP		
RECOMMENDATION: GRANT PLANNING PERMISSION subject to planning conditions in Section 5 of this report.		
SUMMARY OF REASONS FOR RECOMMENDATION: <ul style="list-style-type: none"> • Minimal level of harm to the character and appearance of this rural area. • Acceptable in relation to neighbour amenity and access and parking arrangements. • Whilst a departure from the Local Plan, material considerations indicate that planning permission should be approved. 		
REASON FOR REFERRAL TO COMMITTEE: The application is a departure from the development plan.		
WARD: Marden And Yalding	PARISH COUNCIL: Collier Street	APPLICANT: Wood & Wedgwood AGENT: BTF Partnership
CASE OFFICER: Chloe Berkhauser-Smith	VALIDATION DATE: 02/10/23	DECISION DUE DATE: 31/05/24
ADVERTISED AS A DEPARTURE: Yes		

1. BACKGROUND

- 1.01 This application was first considered by members at the Planning Committee Meeting held on 22nd February 2024. The Committee report to this meeting is provided as an appendix to this report.
- 1.02 The Committee resolved to defer a decision on the application for the following reasons:
- a) Seek an ecological survey particularly in relation to the impact of intensive dog activity on the grassland and wildlife (nutrient enrichment issues, dog waste, disturbance and smell etc.).
 - b) Seek a mixed native hedge along the fence across the field to soften the impact visually and on wildlife.
 - c) Seek information about how the grassland and hedgerows will be maintained and further details of access, egress and the turning head, and safeguards in terms of potential conflict between dogs and the access track.

2. PROPOSAL

- 2.01 This application seeks the change of use of 1 hectare (2.5 acres) of agricultural land to use as a dog walking paddock with associated 1.8metre high fencing, gate, and parking.
- 2.02 The proposed 1.8 metre high fencing would be situated around the perimeter of the site and constructed of galvanised steel wire mesh. The posts would be round timber stakes, 2.5m in height and 0.75m in diameter, placed approximately 10m apart. There would be straining posts every 400m and on every corner which are proposed to be 2.8m in height and 1.25m in diameter.
- 2.03 There would be 3 fully mesh deer gates, one located at the entrance along Spenny Lane, one taken from the access track into the parking area and one from the parking area into the dog walking area. There would also be one fully mesh pedestrian gate from the parking area into the dog walking area.



Proposed Site Plan

3. APPRAISAL

3.01 This report seeks to address the following three points as set out in the Committee minutes from the meeting on 22nd February 2024:

- a) Seek an ecological survey particularly in relation to the impact of intensive dog activity on the grassland and wildlife (nutrient enrichment issues, dog waste, disturbance and smell etc.).
- b) Seek a mixed native hedge along the fence across the field to soften the impact visually and on wildlife.
- c) Seek information about how the grassland and hedgerows will be maintained and further details of access, egress and the turning head, and safeguards in terms of potential conflict between dogs and the access track.

3.02 These three points in the minutes are considered in turn below:

- a) Seek an ecological survey particularly in relation to the impact of intensive dog activity on the grassland and wildlife (nutrient enrichment issues, dog waste, disturbance and smell etc.).

3.03 The applicant has now submitted an ecology assessment which includes a study carried out by Pieter de Frenne of Ghent University in Belgium looking into the impact of dog waste on nature reserves.

3.04 The study found that "each year dog faeces and urine add an average of 11kg of nitrogen and 5kg of phosphorus per hectare..." The study then went on to explore the impacts of dogs on leashes and owners removing faeces. It found that when dogs were kept on leashes there were concentrated areas around paths and it found that where owners picked up their dog's faeces, "this reduced fertilisation levels by 56% for nitrogen and 97% for phosphorus..."

3.05 Within the dog walking area, the dogs would be able to roam freely and therefore this would not lead to any concentrated areas. The applicant has confirmed within the statement that all faeces will be removed on a daily basis. Additionally, the statement confirms that the grass will be maintained to ensure owners are able to see and bag faeces. Furthermore condition 5 seeks details of the procedures for the disposal of waste from the site.

- b) Seek a mixed native hedge along the fence across the field to soften the impact visually and on wildlife.

- 3.06 The wording of condition (11) has been amended to include the requirement of a new hedgerow along the eastern fence line to soften the visual impact of the proposed fence and enhance biodiversity. The condition now states:
"At the end of the first planting season (October to February) following the commencement of the approved use, landscaping shall be in place that is in accordance with landscape details that shall have previously been submitted to and approved in writing by the Local Planning Authority. The landscape details shall
(a) be designed in accordance with the principles of the Council's landscape character guidance (Maidstone Landscape Character Assessment Supplement 2012) <https://tinyurl.com/4a7uhhz5>
(b) show all existing trees, hedges, and blocks of landscaping on, and immediately adjacent to, the site.
(c) provide details of new on-site planting along the eastern fence line boundary in a planting specification (location, species, spacing, quantity, maturity) and including the gapping up and strengthening of the existing hedgerow consisting of double staggered hedgerow with approximately 45cm spacing with 30cm between rows and consisting of 70% Hawthorn or Blackthorn, 5% Dogwood, 10% Field Maple, 10% Hazel, 2.5% Holly and 2.5% Wayfaring Tree.
(d) provide landscape implementation details and timetable.
(e) provide a [5] year landscape management plan.
Reason: In the interests of landscape, visual impact, and amenity of the area and to ensure a satisfactory appearance to the development."
- c) Seek information about how the grassland and hedgerows will be maintained and further details of access, egress and the turning head, and safeguards in terms of potential conflict between dogs and the access track.
- 3.07 Within the submitted ecology assessment the applicant states:
- *The dog paddock will be managed positively for nature and the intended usage. The grass will still need to be mown; owners need to be able to see and bag faeces and very long grasses which go to seed can irritate dogs' eyes, nose and paws.*
 - *Grass will need to be verdant and healthy, both for the enjoyment of dogs and their owners and for wildlife biodiversity. It will be managed to be both beneficial for wildlife and for users of the facility.*
- 3.08 In terms of the hedgerow maintenance, the statement sets out that the applicant intends to allow the hedgerows to grow to mask the fencing. The hedgerows would be managed to stewardship standards and are consistent with good farming practice.
- 3.09 Furthermore, condition 5 requires a maintenance and management plan which shall incorporate a schedule of maintenance which is required to be submitted and approved prior to the commencement of the use.
- 3.10 In regard to details in terms of access, egress and the turning head, and safeguards in terms of potential conflict between dogs and the access track. The submitted block plan has been amended to show turning space within parking area which ensures people are able to leave the site in a forward-facing gear.
- 3.11 The block plan has also been amended to move the western fence line further into the field to exclude the car track to ensure there is no potential conflict between dogs and the access track. This ensures that no vehicles would be within the dog walking area.

PUBLIC SECTOR EQUALITY DUTY

- 3.12 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.

4. CONCLUSION

- 4.01 The proposal is found to be acceptable in relation to the minimal level of harm that will be caused to the character and appearance of this rural area. The proposal is acceptable in relation to neighbour amenity and the access and parking arrangements are all acceptable. A planning condition will require a further application for the display of any advertisements or signs.

- 4.02 It is concluded that whilst the application is not in accordance with the development plan (a departure) these material considerations that have been outlined and the minimal level of harm indicate that planning permission should be approved.

5. 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 and/or informatives 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:
Application Form – Received 08/09/2023
Planning Statement – Received 08/09/2023
Fence Specifications - Proposed Dimensions Highlighted – Received 26/08/2023
Site Location Plan – Drawing No. HF-1023-01 – Received 02/10/2023
Proposed Block Plan – Drawing No. HF-1023-03 – Received 12/04/2024
Proposed Fence and Gate Elevations – Drawing No. HF-1023-04 – Received 02/10/2023
Ecology Assessment – Received 12/04/2024
Reason: To clarify which plans have been approved
- 3) Any external lighting installed on the site (whether permanent or temporary) shall be in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority. The submitted details shall: a) be in accordance with the Institute of Lighting Professionals Guidance Notes for the Reduction of Obtrusive Light, GN01, dated 2011 (and any subsequent revisions) (Environmental Zone E1), and b) follow the recommendations within the Bat Conservation Trust's 'Guidance Note 8 Bats and Artificial Lighting'.
c) include a layout plan with beam orientation and a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles) and an ISO lux plan showing light spill.
The development shall thereafter be carried out in accordance with the subsequently approved details and maintained as such thereafter.
Reason: To safeguard the character and appearance of the countryside, protected species and in the interests of residential amenity.
- 4) No activity in connection with the use hereby permitted shall take place outside the hours of 8am and 6pm and within these 10 hours, no activity in connection with the use hereby permitted shall take place outside of daylight hours.
Reason: To safeguard the enjoyment of their properties by adjoining residential occupiers and to protect the rural character of the locality.
- 5) Prior to commencement of the approved use, a maintenance and management plan shall be submitted to and approved in writing by the local planning authority. It shall include details of the following:
 - The booking system for use of the dog walking area
 - How access will be restricted to only those with a booking.
 - The booking time intervals / slots including the length of time between them for each session throughout the year.
 - Details of procedures for the disposal of waste
 - Policies on the supervision of dogs on site
 - Site notices to be secured on site advising of steps to be taken in case of the escape of a dog.
 - Schedule of maintenance
 - a grass (sward) cutting regime to achieve variation in grass lengths on different parts of the site to maintain a rural appearance.The site shall only operate in accordance with the approved plan thereafter.
Reason: To protect neighbouring amenity and highway safety.

- 6) Notwithstanding the provision of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 no advertisements or signage shall be displayed at the site without the consent of the local planning authority.
Reason: To safeguard the character and appearance of the surrounding area.
- 7) Prior to commencement of the approved use, the approved parking areas shall be provided, kept available for such use, and permanently retained.
Reason: To ensure that adequate off street car parking space is provided.
- 8) The use shall only accommodate a maximum of 10 dogs at any one time and the land shall be used for as a dog care facility only and for no other purpose (including any other purpose in Classes E of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or permitted under the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any statutory instrument revoking and re-enacting those Orders with or without modification).
Reason: Unrestricted use of the land could potentially cause harm to the character, appearance and functioning of the surrounding area and/or the enjoyment of their properties by adjoining residential occupiers.
- 9) Prior to the commencement of the approved use, a noise management plan covering the operation shall be submitted to and approved in writing by the local planning authority. The plan shall include but not be limited to the hours of operation and measures to minimise potential noise nuisance. The plan should include procedures for responding to complaints from residents or the local authority. The noise management plan should include a review mechanism in response to justified complaints. The use shall only be carried out in accordance with the approved details.
Reason: To protect residential amenity.
- 10) The fencing hereby approved shall be as shown in the approved Proposed Fence and Gate Elevations – Drawing No. HF-1023-04, with 30cm by 30cm gaps added at ground level to allow the passage of wildlife. The fencing shall be retained as such.
Reason: To ensure a satisfactory appearance to the development.
- 11) At the end of the first planting season (October to February) following the commencement of the approved use, landscaping shall be in place that is in accordance with landscape details that shall have previously been submitted to and approved in writing by the Local Planning Authority. The landscape details shall
 - (a) be designed in accordance with the principles of the Council's landscape character guidance (Maidstone Landscape Character Assessment Supplement 2012) <https://tinyurl.com/4a7uhhz5>
 - (b) show all existing trees, hedges, and blocks of landscaping on, and immediately adjacent to, the site.
 - (c) provide details of new on-site planting along the eastern fence line boundary in a planting specification (location, species, spacing, quantity, maturity) and including the gapping up and strengthening of the existing hedgerow consisting of double staggered hedgerow with approximately 45cm spacing with 30cm between rows and consisting of 70% Hawthorn or Blackthorn, 5% Dogwood, 10% Field Maple, 10% Hazel, 2.5% Holly and 2.5% Wayfaring Tree.
 - (d) provide landscape implementation details and timetable.
 - (e) provide a [5] year landscape management plan.Reason: In the interests of landscape, visual impact, and amenity of the area and to ensure a satisfactory appearance to the development
- 12) Any of the approved landscaping which fails to establish or any trees or plants which, within five years from the commencement of the approved use are removed, 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

INFORMATIVES

- 1) The applicant is advised to contact the Upper Medway Internal Drainage Board (planning@medwayidb.co.uk, 01622 934500) to find out if separate consent is required under separate legislation.
- 2) The applicant is advised to consult Designing out Crime Officers to address Crime Prevention Through Environmental Design and incorporate Secured by Design as appropriate.

REPORT SUMMARY

REFERENCE NUMBER: 23/504118/FULL		
APPLICATION PROPOSAL: Change of use of 1 hectare (2.5 acres) of agricultural land to use as a dog walking paddock with associated 1.8metre height fencing, gates, and parking.		
ADDRESS: Hook Farm Kings Lane Marden Kent TN12 9PP		
RECOMMENDATION: GRANT PLANNING PERMISSION subject to planning conditions in Section 8 of this report.		
SUMMARY OF REASONS FOR RECOMMENDATION: <ul style="list-style-type: none"> • Minimal level of harm to the character and appearance of this rural area. • Acceptable in relation to neighbour amenity and access and parking arrangements. • Whilst a departure from the Local Plan, material considerations indicate that planning permission should be approved. 		
REASON FOR REFERRAL TO COMMITTEE: The application is a departure from the development plan.		
WARD: Marden And Yalding	PARISH COUNCIL: Collier Street	APPLICANT: Wood & Wedgwood AGENT: BTF Partnership
CASE OFFICER: Chloe Berkhauer-Smith	VALIDATION DATE: 02/10/23	DECISION DUE DATE: 23/02/24
ADVERTISED AS A DEPARTURE: Yes		

Relevant planning history

No relevant planning history.

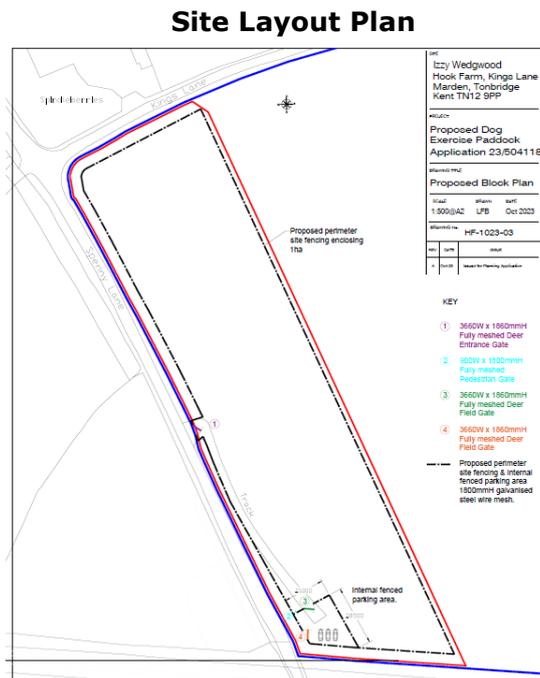
MAIN REPORT

1. DESCRIPTION OF SITE

- 1.01 The application site is rectangular covering approximately 1.1 hectares of agricultural land located within the countryside as defined by the Local Plan. The site lies approximately 2.7km west of the Marden settlement boundary. The site has no special landscape designation.
- 1.02 The site has an existing vehicular access to Spenny Lane in the centre of the western boundary. There is an existing internal track leading to the south-west corner of the site that is proposed to be a parking area. The rest of the site is open land.
- 1.03 Kings Lane is to the north and Spenny Lane to the west with boundary treatments consisting of hedgerows. A short boundary hedgerow separates the site from the railway track to the south.
- 1.04 The wider area is characterised by open countryside with varying field patterns and sporadic built development. To the north there is an existing large polytunnel development.

2. PROPOSAL

2.01 This application seeks the change of use of 1 hectare (2.5 acres) of agricultural land to use as a dog walking paddock with associated 1.8metre high fencing, gate, and parking.



2.02 The proposed 1.8 metre high fencing would be situated around the perimeter of the site and constructed of galvanised steel wire mesh. The posts would be round timber stakes, 2.5m in height and 0.75m in diameter, placed approximately 10m apart. There would be straining posts every 400m and on every corner which are proposed to be 2.8m in height and 1.25m in diameter.

2.03 There would be 3 fully mesh deer gates, one located at the entrance along Spenny Lane, and two field gates adjacent to the proposed parking area.

2.04 The applicant states:

- *The field will be available for pre-booked sessions (typically 1 hour long) during daylight hours 8am – 6pm with variation to these hours during winter months.*
- *The facility will generally be single occupancy for up to 4 dogs (more than 4 dogs would require prior permission).*
- *As an upper limit 10 dogs may use the site to enable group training and lessons, however this would be infrequent.*
- *The proposed Acuity Scheduling booking system would 55-minute sessions to start on the hour. The final 5 minutes of the booking slot is to provide enough time for you to retrieve your dog, to put them on lead and to return to your vehicle and vacate the car park prior to the next appointment. Dogs must be back in the car to allow for the next dog to enter at their allotted time.*

3. POLICY AND OTHER CONSIDERATIONS

- Maidstone Borough Local Plan 2017
- SS1: Maidstone Borough spatial strategy
- SP17: Countryside
- SP21: Economic development
- DM1: Principles of good design
- DM3: Natural environment
- DM23: Parking standards
- DM30: Design principles in the countryside

Emerging Draft Policy: Maidstone Draft Local Plan:

The Regulation 22 Local Plan Review (LPR) submission comprises the draft plan for submission (Regulation 19) dated October 2023, the representations and proposed main modifications. It is therefore a material consideration and attracts some weight. The LPR has been through Stage 1 and 2 Hearings and the main modifications the Inspector considers are required to make it sound are out to public consultation, so it is at an advanced stage. However, responses to the consultation need to be considered by the Inspector along with him producing his Final Report so the LPR is considered to attract moderate weight at the current time. The relevant policies in the Maidstone Draft Local Plan are as follows:

LPRSP9 Development in the Countryside
 LPRSP11 - Economic development
 LPRSP12 - Sustainable transport
 LPRSP14 - Environment
 LPRSP14(A) - Natural environment
 LPRSP15 - Principles of good design
 LPRTRA2 - Assessing transport impacts
 LPRTRA4 - Parking
 LPRQ&D 4 Design principles in the countryside

The National Planning Policy Framework (NPPF):

Maidstone Landscape Character Assessment 2012 (Updated 2013)

4. LOCAL REPRESENTATIONS**Local residents:**

- 4.01 8 representations received objecting to the application for the following (summarised) reasons:
- Visual impact of the proposed fence
 - Location
 - Noise
 - Increase in traffic.
 - Parking concerns
 - No local need for the facility
 - Wildlife impact
- 4.02 9 representations received in support of the application for the following (summarised) reasons:
- Ideal location
 - Improving local amenities by providing a safe and secure environment
 - Local need

Collier Street Parish Council

- 4.03 Wish to see the application refused but do not request the application is reported to the Planning Committee (NB: reported as a departure from the plan)
- Highways
 - Location or entrance and exit
 - Visual impact of the proposed fencing

5. CONSULTATIONS

(Please note that summaries of consultation responses are set out below. Comments are discussed in more detail in the appraisal section where considered necessary)

Environment Agency

5.01 No objection

Environmental Health

5.02 No objection subject to a condition requiring noise management of plant.

Kent Police

5.03 No objection

KCC Highways

5.04 Does not meet the criteria to warrant involvement from the highway authority.

KCC Flood and Water Management

5.05 No objection

Southern Water

5.06 No objection

Upper Medway Internal Drainage Board

5.07 No objection

6. APPRAISAL

6.01 The relevant material considerations in this case include assessing the impact of the proposal in the following areas:

- Countryside location and policy SP17.
- Character and appearance
- Residential amenity
- Site location, access, parking and highways
- Rural economy
- Other matters

Countryside location and policy SP17.

6.02 The starting point for assessment of all applications in the countryside is Local Plan Policy SP17. Policy SP17 states that development proposals in the countryside will only be permitted where:

- a) there is no harm to local character and appearance, and
- b) they accord with other Local Plan policies

6.03 Policy SP17 does not specify an acceptable level of harm and all proposals in the countryside are likely to result in some harm to local character and appearance. In this context all development outside the designated settlements does not accord with this part of SP17.

6.04 Other Local Plan policies permit development in the countryside in certain circumstances and subject to listed criteria. If development accords with one of these other Local Plan policies, this compliance is weighed against the harm caused to character and appearance with a proposal assessed against policy SP17 overall.

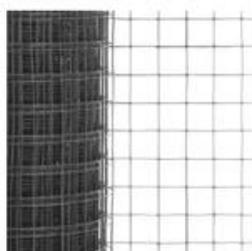
- 6.05 The application does not involve the conversion of agricultural land to domestic garden so DM33 is not relevant. The application does not involve the expansion of an existing business on the application site so policy DM37 is not relevant.
- 6.06 The proposal will result in harm to the character and appearance of the countryside and there are no Local Plan policies that support the application. The recommendation to grant planning permission would as a result be a departure from the adopted Local Plan.
- 6.07 The National Planning Policy Framework (NPPF) highlights that the planning system is plan-led. The NPPF reiterates The Town and Country Planning Act 1990 and The Planning and Compulsory Purchase Act 2004, which require by law that planning applications “must be determined in accordance with the development plan, unless material considerations indicate otherwise”.
- 6.08 The following assessment considers the material considerations that are present that justify permission being granted contrary to the Local Plan.

Character and appearance

- 6.09 Policies SP17 and SP21 state that development in the countryside should not result in harm to the character and appearance of the area. DM30 requires new development to be located adjacent to existing buildings or unobtrusively located and well screened with appropriate vegetation. It also states that account should be taken of the Maidstone Borough Landscape Character Guidelines SPD.
- 6.10 In the council’s published Landscape Character Assessment, the application site is just within the boundary of the Laddingford Low Weald which is part of the wider Lower Weald Landscape. The key characteristics of this area are:
- Low lying landform
 - Intricate network of ditches, ponds and reservoirs
 - Small and mostly broadleaf woodland blocks
 - Orchards, hops and pasture surround settlements
 - More expansive arable land within surrounding landscape
 - Much linear settlement with clusters of development at road junctions
- 6.11 The summary of actions within this area are as follows:
- Consider the generic guidelines for the Low Weald which include conserving the intimate small scale Medieval field pattern, and species rich hedgerow boundaries.
 - Conserve the network of ponds and improve habitat connectivity with native vegetation corridors
 - Reinstate traditional hedgerow boundaries and gap up existing hedgerows where they are in poor condition
 - Conserve and where possible extend native woodland blocks
 - Soften the visual impact of large agricultural barns and silos with native planting
- 6.12 The application seeks to largely maintain the open character of the site, although a new boundary will be created to the east through the proposed division of the existing large open field. Whilst the proposal seeks to divide the field, the proposed dog walking area would be contained to one end of the field (closest to Spenny Lane), and this would minimise visual impact.
- 6.13 Galvanised steel wire mesh fencing (with timber posts) is proposed around the perimeter of the site which would be 1.8m tall. The open, mesh design ensures that the proposed fencing would not be visually intrusive or visually prominent.

6.14 A hedgerow is to the north (Kings Lane) and west (Spenny Lane) boundaries as shown in the site photos below. The existing hedgerow would therefore partially screen the proposed fencing from Spenny Lane (to the west) and Kings Lane (to the north). The south-west corner of the site is further screened from the road due to the ground level difference, with the Spenny Lane carriageway increasing in height to pass over the railway track.

6.15 The site has an existing access from Spenny Lane located in the centre of the western boundary. This access would be retained, and an existing track would be used which leads to an existing area of hardstanding located in the south-west corner of the site that would be used for parking provision. There would be no visual impact in this regard and the parking area would be further screened due to the ground level difference between the site and Spenny Lane. A planning condition is recommended seeking details of landscaping to gap up and strengthen existing hedgerow boundaries.



AT A GLANCE

Technical Specification	
Material & Finish	Galvanised Steel
Construction	Square Apertures
Colour	Silver/Grey
Height	90cm (3ft) - 1.8m (6ft)
Length	6m (20ft) - 30m (98ft)
Wire Diameter	23g (0.6mm) - 14g (2mm)
Manufactured In	Far East



Proposed fence material specification and indicative fence image

6.16 The change of use of the land to allow for dog walking would not significantly alter the appearance of the existing agricultural field, which is already grassland. Subject to the retention of the existing hedgerows, the proposal would sit acceptably within the rural landscape and therefore accord with Local Plan Policies SP17 and DM30.



West boundary (Spenny Lane)



North boundary (Kings Lane)

Residential amenity

- 6.17 The site is an existing agricultural field, the closest neighbour to the application site is Spindleberries, Kings Lane. Spindleberries is approximately 37m away from the edge of the proposed site. Given this distance, I am satisfied that there would be no resulting loss of privacy or overlooking.
- 6.18 The parking area would be set away from the closest residential dwelling by approximately 83m. This is sufficient distance to ensure that the movements to and from the site would not have a detrimental impact. This is considered against the existing agricultural use of the site and the potential movements that this could generate.
- 6.19 The application has also proposed the following:
- Hours of use – the proposal would only be used during daylight hours and between the hours of 8am and 6pm at a maximum.
 - The proposal does not include any lighting which prevents light spill and disturbance to the neighbouring residential properties.
 - The proposed use would be low intensity with a maximum of 10 dogs at any one time which would be controlled by an online booking system.
- 6.20 To ensure that the field is not used to an excessive degree, it would be appropriate to require further detail of its operation so that the number of dogs using it at any one time can be controlled and to control the booking mechanism / crossover of customers, and the number / length of session that would take place each day. Provided these measures are understood and managed, the site could be used acceptably without detriment to neighbouring amenity.
- 6.21 Neighbouring concerns regarding the impact of the use have been considered, however the impact of 10 dogs must be considered against the impact of the activities that could lawfully be undertaken on the site, including as agricultural land. Based on the details listed above, which can be controlled by condition, the proposal would not cause an unacceptable impact on local residential amenity.

Site location, access, parking and highways

- 6.22 The NPPF states that planning decisions "...should recognise that sites to meet local business...needs in rural areas may have to be found adjacent to or beyond existing settlements, and in locations that are not well served by public transport. In these circumstances it will be important to ensure that development does not have an unacceptable impact on local roads..."
- 6.23 Whilst outside the settlement, the site is a 9 minute drive from Marden. In addition, due to the nature of the use it would be difficult to find a site in a settlement with the benefit of the large area of open space for dog exercising that this site offers.
- 6.24 There is an existing access located in the centre of the western boundary that would be retained. The proposed 1.8m mesh deer entrance gate would replace an existing 5-bar gate which is set back from the road and allows a car to pull off the road to open the gate. Furthermore, the access has good visibility onto Spenny Lane. It is therefore concluded that the proposed access would be of an adequate design to accommodate the proposed use.
- 6.25 The application includes a parking area (3 cars) and turning area in the south-west corner of the site. The applicant has stated that the parking area would make use of an existing area of hardstanding and the parking area will use the existing site entrance from Spenny Lane and the existing internal access track that runs alongside the western boundary. The proposed parking area would allow users of

the facility to park off the road and would enable vehicles to leave the site in a forward gear.

- 6.26 As discussed above, the use of the site would be low intensity and controlled via a booking system which would limit the number of visitors to the site at any given point. Sufficient parking is provided for the limited number of visitors. Further details of the booking system and the turnover of customers will be required by condition to ensure there is sufficient time between one group leaving and another arriving and to ensure there is no overspill onto the highway.
- 6.27 The existing site access can accommodate the traffic generated by the proposed use and with adequate sightlines the use of the access will not harm highway safety. The parking area and access to it are adequate for the nature of the proposed use.
- 6.28 The NPPF states "Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe (Paragraph 115 NPPF 2023)". It is concluded that the impact of the application on highway safety will be acceptable and the impact on the road network will not be 'severe'. The impact of the proposal is found to be acceptable.

Rural economy

- 6.29 Guidance in the National Planning Policy Framework is a material planning consideration. Under the heading "Supporting a prosperous rural economy" the NPPF states planning decisions "...should enable the sustainable growth and expansion of all types of business in rural areas...through conversion of existing buildings".
- 6.30 Although not directly relevant, Local Plan policies SP21 and DM37 (no existing business) are generally supportive of proposals for economic development in the countryside. With the nature of the use and the space required for dogs to be exercised, it would be difficult to find a suitable site for this use in a settlement.

7. CONCLUSION

- 7.01 The National Planning Policy Framework (NPPF) reiterates The Town and Country Planning Act 1990 and The Planning and Compulsory Purchase Act 2004, which requires by law that planning applications "must be determined in accordance with the development plan, unless material considerations indicate otherwise".
- 7.02 The proposal will result in harm to the character and appearance of the countryside contrary to policy SP17 and there are no Local Plan policies that directly support dog exercise uses. In this context as the application is not in accordance with the adopted Local Plan, it needs to be determined as to whether there are other material considerations that justify granting planning permission.
- 7.03 The proposal is found to be acceptable in relation to the minimal level of harm that will be caused to the character and appearance of this rural area. The proposal is acceptable in relation to neighbour amenity and the access and parking arrangements are all acceptable. A planning condition will require a further application for the display of any advertisements or signs.
- 7.04 It is concluded that whilst the application is not in accordance with the development plan (a departure) these material considerations that have been outlined and the minimal level of harm indicate that planning permission should be approved.

PUBLIC SECTOR EQUALITY DUTY

- 7.05 Due regard has been had to the Public Sector Equality Duty, as set out in Section 149 of the Equality Act 2010. The application proposal does not undermine the objectives of the Duty.

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 and/or informatives 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:
Application Form – Received 08/09/2023
Planning Statement – Received 08/09/2023
Fence Specifications - Proposed Dimensions Highlighted – Received 26/08/2023
Site Location Plan – Drawing No. HF-1023-01 – Received 02/10/2023
Proposed Block Plan – Drawing No. HF-1023-03 – Received 02/10/2023
Proposed Fence and Gate Elevations – Drawing No. HF-1023-04 – Received 02/10/2023
Reason: To clarify which plans have been approved
- 3) Any external lighting installed on the site (whether permanent or temporary) shall be in accordance with details that have previously been submitted to and approved in writing by the Local Planning Authority. The submitted details shall:
 - a) be in accordance with the Institute of Lighting Professionals Guidance Notes for the Reduction of Obtrusive Light, GN01, dated 2011 (and any subsequent revisions) (Environmental Zone E1), and
 - b) follow the recommendations within the Bat Conservation Trust's 'Guidance Note 8 Bats and Artificial Lighting'.
 - c) include a layout plan with beam orientation and a schedule of light equipment proposed (luminaire type; mounting height; aiming angles and luminaire profiles) and an ISO lux plan showing light spill.
 The development shall thereafter be carried out in accordance with the subsequently approved details and maintained as such thereafter.
Reason: To safeguard the character and appearance of the countryside, protected species and in the interests of residential amenity.
- 4) No activity in connection with the use hereby permitted shall take place outside the hours of 8am and 6pm and within these 10 hours, no activity in connection with the use hereby permitted shall take place outside of daylight hours.
Reason: To safeguard the enjoyment of their properties by adjoining residential occupiers and to protect the rural character of the locality.
- 5) Prior to commencement of the approved use, a maintenance and management plan shall be submitted to and approved in writing by the local planning authority. It shall include details of the following:
 - The booking system for use of the dog walking area
 - How access will be restricted to only those with a booking.
 - The booking time intervals / slots including the length of time between them for each session throughout the year.
 - Details of procedures for the disposal of waste

- Policies on the supervision of dogs on site
- Site notices to be secured on site advising of steps to be taken in case of the escape of a dog.
- Schedule of maintenance

The site shall only operate in accordance with the approved plan thereafter.

Reason: To protect neighbouring amenity and highway safety.

- 6) Notwithstanding the provision of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 no advertisements or signage shall be displayed at the site without the consent of the local planning authority.
Reason: To safeguard the character and appearance of the surrounding area.
- 7) Prior to commencement of the approved use, the approved parking areas shall be provided, kept available for such use, and permanently retained.
Reason: To ensure that adequate off street car parking space is provided.
- 8) The use shall only accommodate a maximum of 10 dogs at any one time and the land shall be used for as a dog care facility only and for no other purpose (including any other purpose in Classes E of the Schedule to the Town and Country Planning (Use Classes) Order 1987 or permitted under the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 or any statutory instrument revoking and re-enacting those Orders with or without modification).
Reason: Unrestricted use of the land could potentially cause harm to the character, appearance and functioning of the surrounding area and/or the enjoyment of their properties by adjoining residential occupiers.
- 9) Prior to the commencement of the approved use, a noise management plan covering the operation shall be submitted to and approved in writing by the local planning authority. The plan shall include but not be limited to the hours of operation and measures to minimise potential noise nuisance. The plan should include procedures for responding to complaints from residents or the local authority. The noise management plan should include a review mechanism in response to justified complaints. The use shall only be carried out in accordance with the approved details.
Reason: To protect residential amenity.
- 10) The fencing hereby approved shall be as shown in the approved Proposed Fence and Gate Elevations – Drawing No. HF-1023-04, and retained as such.
Reason: To ensure a satisfactory appearance to the development.
- 11) At the end of the first planting season (October to February) following the commencement of the approved use, landscaping shall be in place that is in accordance with landscape details that shall have previously been submitted to and approved in writing by the Local Planning Authority. The landscape details shall
- (a) be designed in accordance with the principles of the Council's landscape character guidance (Maidstone Landscape Character Assessment Supplement 2012) <https://tinyurl.com/4a7uhhz5>
 - (b) show all existing trees, hedges, and blocks of landscaping on, and immediately adjacent to, the site.
 - (c) provide details of new on-site planting in a planting specification (location, species, spacing, quantity, maturity) and including the gapping up and strengthening of the existing hedgerow consisting of *double staggered hedgerow with approximately 45cm spacing with 30cm between rows and consisting of 70% Hawthorn or Blackthorn, 5% Dogwood, 10% Field Maple, 10% Hazel, 2.5% Holly and 2.5% Wayfaring Tree.*
 - (d) provide landscape implementation details and timetable.
 - (e) provide a [5] year landscape management plan.

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

- 12) Any of the approved landscaping which fails to establish or any trees or plants which, within five years from the commencement of the approved use are removed, 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.

INFORMATIVES

- 1) The applicant is advised to contact the Upper Medway Internal Drainage Board (planning@medwayidb.co.uk, 01622 934500) to find out if separate consent is required under separate legislation.
- 2) The applicant is advised to consult Designing out Crime Officers to address Crime Prevention Through Environmental Design and incorporate Secured by Design as appropriate.

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 23

THE MAIDSTONE BOROUGH COUNCIL **PLANNING COMMITTEE – 23RD MAY 2024**

APPEAL DECISIONS:

1. 22/504241/FULL

Section 73 application for variation of condition 3 (change from timber cladding to composite wood) and condition 21 (ecological enhancements moved from caravans to the wider site) pursuant to 19/500271/FULL for the change of use of land for the stationing of 18 holiday caravans with associated works including laying of hard standing and bin store.

APPEAL: DISMISSED

Oakhurst
Stilebridge Lane
Marden
Kent
TN12 9BA

(Committee)

2. 22/504936/FULL

Erection of day room and pool house for ancillary use to the existing Gypsy/Traveller site.

APPEAL: DISMISSED

1 Chart View
Chart Hill Road
Chart Sutton
Maidstone
Kent
ME17 3EX

(Delegated)

3. 23/500715/FULL

Retrospective application for the installation of a security roller shutter.

APPEAL: DISMISSED

58 Lower Stone Street
Maidstone

Kent
ME15 6NA

(Delegated)

4. 23/500716/LBC

Listed Building Consent for external alternations for the installation of a security roller shutter (completed).

APPEAL: DISMISSED

58 Lower Stone Street
Maidstone
Kent
ME15 6NA

(Delegated)

5. 21/500830/CRVNP1

Appeal against Enforcement Notice - Without planning permission, the material change of use of Land to a mixed use including the stationing of two mobile homes and touring caravans for residential use, the raising of land levels involving the creation of hardstanding areas and the installation of cesspits.

APPEAL: ALLOWED

Land East of Water Lane
Headcorn
Kent
TN27 9JL

6. 23/503301/FULL

Loft conversion to roundel including the addition of a staircase and rooflights.

APPEAL: DISMISSED

Burnea Oast
Lower Road
West Farleigh
Kent
ME15 0PF

(Delegated)
